

**NATIONAL ENERGY BOARD  
OFFICE NATIONAL DE L'ÉNERGIE**



**Hearing Order OH-001-2014  
Ordonnance d'audience OH-001-2014**

**Trans Mountain Pipeline ULC  
Trans Mountain Expansion Project**

**Trans Mountain Pipeline ULC  
Projet d'agrandissement du réseau de Trans Mountain**

**VOLUME 22**

**Hearing held at  
L'audience tenue à**

**Victoria Conference Centre  
720 Douglas Street  
Victoria, British Columbia**

**November 27, 2014  
Le 27 novembre 2014**

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**HEARING ORDER/ORDONNANCE D'AUDIENCE**  
**OH-001-2014**

**IN THE MATTER OF Trans Mountain Pipeline ULC**  
**Application for the Trans Mountain Expansion Project**

**HEARING LOCATION/LIEU DE L'AUDIENCE**

Hearing held in Victoria (British Columbia), Thursday, November 27, 2014  
Audience tenue à Victoria (Colombie-Britannique), jeudi, le 27 novembre 2014

**BOARD PANEL/COMITÉ D'AUDIENCE DE L'OFFICE**

D. Hamilton	Chairman/Président
P. Davies	Member/Membre
A. Scott	Member/Membre

## **ORAL PRESENTATIONS/REPRÉSENTATIONS ORALES**

### **Tseycum First Nation**

Chief Arliss Daniels

Elder Bill Jones

Ms. Roxy-Merl Jones

Mr. Bruce Carlson

Mr. Carlson Charlie, Sr.

Councillor Jeff Jones

Ms. Helen Jones

Elder Marvin McClurg

Ms. Rosanne Kyle (counsel)

Ms. Megan McConnell (counsel)

### **Horse Lake First Nation**

Mr. Casey Horseman

Mr. Timothy Bayly (counsel)

## ERRATA

(i)

### Tuesday, November 25, 2014 - Volume 20

Should read:

*Throughout Volume 20 concerning the oral presentation of Stz'uminus First Nation:*

Mr. Willie Seymour

Kwul'lhít'stun

Paragraph No.:

Should read:

9898, 9903, 9906, 9907, 9920, 9921,  
9928, 9949, 9950, 9951, 9992 and 10145:  
Kwul'lh'uts'tun

Kwul'lhít'stun

9909, 9910, 9929 and 9951:  
...Hulq'umi'num...

...Hul'qumi'num...

9927 and 10137:  
...hwichka...

...hych'ka...

9932:  
...Valdise...

...Valdes...

### Wednesday, November 26, 2014 - Volume 21

Should read:

ORAL PRESENTATIONS/REPRÉSENTATIONS ORALES

Tseycum First Nation

Ms. Kristen Bills (counsel)

Ms. Kristen Bill (Band Administrator)

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**Opening remarks  
Chairman**

--- Upon commencing at 9:03 a.m./L'audience débute à 9h03

10654.           **THE CHAIRMAN:** Good morning. I acknowledge that this hearing is being held on the land of the Coast Salish people.

10655.           Chief Daniels, I understand that you would like to open with a prayer.

(Opening prayer)

10656.           **THE CHAIRMAN:** We thank you, and acknowledge Leona for the prayer this morning.

10657.           Welcome to the oral traditional evidence phase of the National Energy Board's hearing regarding Trans Mountain's Expansion Project.

10658.           My name is David Hamilton; I am the Chair of the Panel, and with me is Alison Scott on my left; and Phil Davies on my right. We want welcome you today here and also everyone who is in the hearing room that have journeyed with you today to be here, and also those who are listening to us through our Webcast.

10659.           We will sit until noon today and we will take breaks as appropriate. If you feel the need for a break, please feel free to ask and we'll accommodate, on both sides, for breaks as necessary.

10660.           The Board understands that the Pacheedaht have had an oral tradition for sharing knowledge for generation to generation, and this information cannot always be adequately shared in writing. The Board recommends that those providing oral traditional evidence focus on their community's interests and rights.

10661.           Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. If you wish to share any concerns about the impacts the proposed project may have on you and your community, and how any impacts can be eliminated or reduced, that would be also helpful to us.

10662.           This is the type of information we're here to listen to, and we will use this information we gather today, along with all the other available information, in considering the possible effects of the proposed project.

10663.           We appreciate that you have chosen to be here today, and before

**Opening remarks  
Chairman**

providing your oral traditional evidence, presenters will be asked to swear or affirm that the information they are presenting is accurate and truthful, to the best of your knowledge and belief.

10664.           With that, I believe we're ready to get underway. And before I call on you, the Pacheedaht, to present their oral traditional evidence, I -- perhaps I'd like the representatives of the Proponent, Trans Mountain, to introduce themselves.

10665.           **MS. OLENIUK:** Thank you sir. Good morning to the Board and good morning to the representatives from Pacheedaht First Nation.

10666.           My name is Terri-Lee Oleniuk, and I'm counsel to Trans Mountain, along with my colleague to my left, Heather Weberg; to my right is Annie Korver, and she's a member of Trans Mountain's Aboriginal Engagement Team.

10667.           Good morning.

10668.           **THE CHAIRMAN:** Perhaps, Ms. Kyle, would we affirm and swear the representatives first before we begin; would that be appropriate?

10669.           **MS. KYLE:** Yes, Mr. Chairman, that would be acceptable, and we would like to also say good morning to the Panel and to Trans Mountain's representatives. We're very pleased to be here today.

10670.           **THE CHAIRMAN:** Thank you.

10671.           Ms. Butler.

**CARLSON CHARLIE, SR.: Affirmed**

**ROXY-MERL JONES: Affirmed**

**MARVIN McCLURG: Affirmed**

**ARLISS DANIELS: Affirmed**

**BILL JONES: Sworn**

**JEFF JONES: Affirmed**

**HELEN JONES: Affirmed**

**BRUCE CARLSON: Sworn**

10672.           **THE CHAIRMAN:** Chief Daniels, Ms. Kyle, whoever, we're ready to proceed however way you wish to present.

**Pacheedaht First Nation - Oral presentation**  
**Introduction by Chief Arliss Daniels**

10673. Thank you.
10674. **MS. KYLE:** Thank you, Mr. Chairman.
10675. I will turn it over to Chief Daniels. We do have a PowerPoint presentation that we'll bring up, and Chief Daniels will introduce the Panel.
10676. **CHIEF ARLISS DANIELS:** Good morning.
10677. I would like to thank the Songhees Nation and the Coast Salish Nations for letting Pacheedaht stand upon their traditional territory for this important presentation we have today. I'd also like to thank the National Energy Board for hearing our concerns in regards to this expansion. I'd also like to thank Leona for doing the beautiful prayer this morning; thank you.
10678. My name is Arliss Daniels; I am the Chief of Pacheedaht. Pacheedaht means "People of the Seafoam". We are the most southern Nuu-chah-nulth Nation along the west coast of Vancouver Island. Our community is located 120 kilometres along the west coast of Vancouver Island south of -- or west of Victoria here. Our traditional territory land base is 1,629 square kilometres and to include the water base, it's 2,319 square kilometres, of that 129 kilometres is shoreline.
10679. Today we are here to present to the National Energy Board the opposition to the Trans Mountain Expansion and proposed Kinder Morgan increased tanker traffic which passes through our traditional territory. This increase would impact our economic opportunities, such as our campsites and our forestry opportunities which we heavily rely upon. Our community members will explain the importance in regards to our waterways and the tanker traffic effects upon our Aboriginal rights to fish and harvest seafood.
10680. They'll explain the history, the connection and the connections to our sister tribe across the waterways who is the Makah tribe in Neah Bay, Washington and our connection to other coastal nations, as well as the social, economic, and political disconnections if we had an oil spill.
10681. Also, we'll hear the -- firsthand the involvement of passing on the traditional knowledge to our very young children, and how important generational teachings are to our people.

**Pacheedaht First Nation - Oral presentation**  
**Introduction by Chief Arliss Daniels**

10682. We also have an experienced oil technician participant here who had participated in a Kinder Morgan oil spill. They'll describe their experience of how dangerous our waterways are as they are so unforgivable, and a description of our natural beauty and the life -- the lives -- sorry; and the natural beauty we live upon.
10683. They'll give a description from the harvesters and our traditional harvesting sites that we utilize today, just as our ancestors have.
10684. In Pacheedaht we take pride in what we have in our front yards. The ocean is our market. We have a spiritual connection to each and every site. We are here to protect and oppose any industry who could jeopardize our Aboriginal right to fish and hunt.
10685. Here we have our Elder, Bill Jones speaking to Pacheedaht history. We have Roxy Jones speaking to the community connections and how our harvesting brings our community together.
10686. We have Bruce Carlson down here as our active fisherman and hunter, mainly speaking to Swiftsure Banks, as we call it; Pacheedaht Banks. We have Carlson Charlie, Sr. speaking to his experience as an oil spill technician, and Pacheedaht history; as well as Jeff Jones, who is our fisheries technician and a very active harvester today.
10687. We have Helen Jones, who is the fishery and wildlife manager, and a harvester as well. And we have Marvin McClurg here, who is our Treaty negotiator, and he speaks of our economic developments today.
10688. Pacheedaht is surrounded by huge developments, such as proposed mines which could claim approximately 80 percent of our land base should it be approved. We're facing businesses -- business invasions and pollutions and now we're facing another huge industry, which is Kinder Morgan.
10689. As a Chief, I'm here to stand and protect our past, our present, and our future of Pacheedaht. We've been fighting governments and industry to keep our Aboriginal rights at the forefront to preserve what we have left.
10690. We are currently highly involved in the signing of our Treaty. We're at Level 4 and moving in a good direction for the possible signing of an AIP. It's

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- taken us 17 years to get here.
10691.            This project infringes on our negotiations and puts our entire land selection at risk.
10692.            I have some slides here to explain our geographical location to put our nation into perspective.
10693.            So this is our traditional map. Our community is right there. Sorry for the shaking, but I'm a little bit nervous. Right there. This huge land base is our traditional territory, which I have mentioned the map size.
10694.            This is the territory that we are fighting to protect. Our Pacheedaht history is, and our identity comes from, our land and our water.
10695.            Next slide, please.
10696.            As you can see, we are right at the line of an open ocean. The waterways here are very dangerous, very rough, swells are very high, and you can see where the tanker traffic exits into the open ocean, which endangers our territory, our rights, our fish, our way of life.
10697.            And when we talk about the -- our Swiftsure Banks, like our dinner plate, it's right there; that's Swiftsure Banks. That's where we gather our food along the shoreline here. This is what we are trying to protect. Please take that into consideration when you are making recommendations.
10698.            Next slide, please.
10699.            This picture is what we see when we're out fishing on Swiftsure Banks -- Pacheedaht Banks. This is on a good day because in the picture, you can see there is no swells. The swells can be as high as 10 feet -- 10-foot swells.
10700.            It's very dangerous. The tankers have no brakes. There's no way that a tanker could stop, and there's no way that we could move out of the way fast enough. The fog is out there. Even on a good day, very dangerous. We could hear the tankers, but we can't see them.
10701.            Next slide, please.

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10702.           **THE CHAIRMAN:** Chief Daniels, I -- and, Ms. Kyle, perhaps I should have asked about questions just because I'd hate to go past something and if I -- you know, I'd like to understand everything so I didn't want to break the flow. How would you like to handle that?

10703.           **MS. KYLE:** Sorry; thank you, Chair.

10704.           Pacheedaht's preference is to have questions in writing following the hearing.

10705.           **CHIEF ARLISS DANIELS:** So that's an introduction of our panel here today, and I would like to pass it over to our Elder Bill Jones.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR ELDER BILL JONES:**

10706.           **ELDER BILL JONES:** Yes, my name is Bill -- Bill Jones. I'm Pacheedaht.

10707.           I would like to draw up a map that includes the Olympic Peninsula. On the west coast of the Olympic Peninsula is a place called La Push, Washington, and our first-known ancestor was from there. He left La Push, Washington, went around Cape Flattery down to Clallam Bay, Washington. From there, he moved to Klahoose at the mouth of Nitinat Lake on the west coast here, up from Pacheedaht.

10708.           From there, the plagues hit and everyone died except our forefather's family. There were some 14 survivors of this family and they went south trying to get to Victoria, and they stopped in Port Renfrew. Now, the plagues decimated pretty well all the Port Renfrew people and so they asked if we can come and rest there. They said, "No, you'll bring the plague back."

10709.           So they started off and continued to Victoria and they got around the point there, the south point, and Grandpa said, "We spied five canoes at the mouth of this creek." They paddled up excitedly and happily saying, "Oh, we found some people." And when they got there, they found they were all dead. Five large transport canoes of our people had died from that plague.

10710.           So they were disheartened and the tide had changed which we used to

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help augment our travel. So they paddled back to Port Renfrew and said, "Can we stay here?" And the Peters family, the Chief said -- the eldest, Jasper, said, "No, you stay on the other side of the bridge."

10711.            Now, that was the origin of our sort of settlement in Port Renfrew, which I think is a picture that only perhaps a professional demographer or something can describe our citizenship and belonging system.
10712.            However, our tradition is that we have a general people's identity and we are the most southerly of the Ohiaht People, as we used to call ourselves, and it simply meant "us", we're the Pacheenaht in the San Juan Harbour. We go all the way to Cayuga, which is in the northern -- northwest coast of Vancouver Island, and we cover about maybe 30 or so different villages with different dialects.
10713.            Our dialect included down to La Push -- down to, yes, La Push, Washington, Makah, Clallam Bay, Pacheedaht, all the way up to Cayuga was the West Coast Indian people.
10714.            Now, our tribal identity group was essentially between the La Push, Makah, which is Neah Bay, Clallam Bay, Pacheedaht, all the way up to Nitinat was sort of our political identity group of which was more familial than a political union.
10715.            We settled -- we didn't quite settle in Port Renfrew. What happened was the missionaries came along and forced all of my forefather's family into the boarding schools. And my grandfather told me once, he said, "The most devastating part of White man coming wasn't -- was mostly the disease." He said all the -- at that time in their -- his age in the family, he was getting his final training of how to be a good person in this land and how to live in our traditional territory. From about 12 to 14 was when you're sort of in your finishing school or your graduate studies of being a person independent and a part of your community.
10716.            And so the disease wiped that out, and we lost contact with our final skills of survival on the coast. And then as you probably know about that time, when disease decimated our people and then we were put into the boarding school and that's when the Colonialists and Imperialists went to work and started logging and fishing and mining.

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10717.           And that, to me, is sort of a difference between my people and the Colonial powers; is the fact that Colonialists and Imperialists seemed to look upon land as a commodity, whereas my people, our land, ocean and sky and rivers are not a commodity but a part of the All. And this All is all we are. We are the people sent to the West Coast, the Pacheenaht to experience this time when we can actually develop in our spiritual journey.
10718.           Our life on earth wasn't very long, maybe 25 or 30; if you made 50, you were a respected Elder. Now, I think that was much the same in pretty well most of Western world, where if you made 35, you're doing pretty good.
10719.           And so our history in survival wasn't much different than perhaps Europeans, except I feel that European society was changed because of the Industrial Revolution and the onset of Imperial usage of our Mother Earth. And that has never stopped.
10720.           And now, the Imperial system has been turned over to a corporate system, in my estimation in the fact that they are the Imperialists now and they are the ones that are forcefully driving our economies, inasmuch that they feel that we are needed, they are needed. And of course, they all are. We are all dependent upon oil now.
10721.           Now, it becomes a part of conflict when our economies start interfering with our beings and our values and our spiritual needs. This is my message to the Board, is that we have to deal with this and look upon our Mother Earth and our ocean given to us by the Great Spirit; that we look upon it as our mission to be good custodian care people that our Mother Earth has given us.
10722.           And it's to this end that I ask the National Energy Board to take into heart, let your mind go to your heart, let your heart go to your mind and you will be one with the All and you will then know that you must take care of Mother Earth, which is part our ocean, our sky and our rivers.
10723.           I think I can close with that, and thank you.
10724.           **MS KYLE:** If I may ---
10725.           **ELDER BILL JONES:** Oh, well, I can --- I do apologize. I'm -- it's sort of like trying to write a file, I think, or -- that's my only experience I can describe, and I forgot something.



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10726. I took a trip on a cruise liner, seven-day trip, an economic trip. I call it an "El Cheapo" trip. And we got to the end of the journey, Juno, and I decided to walk through the village and see what this place was like. And I got to the other end of the village from the wharfs to a boat ramp and there was what we call a herring punt there. It's a square boat that is used for fishing.
10727. And three kids were -- young people were leaning against it and I think I said to open conversation -- I think I said, "You waiting for the tide or something?" And they said -- the girl said to me, "No. We're waiting for the welfare office to give us their answer to whether they will give us some money to get back home."
10728. And I said, "Well, what happened?" And she said, "We got gobbled." And I said, "What's that?"
10729. And she said, "Well, when the Exxon Valdez hit the reef in Prince -- hit Prince William Sound" -- and to me, that was some 20 or 22 years ago. And the oil would tumble along the bottom and pick up debris that made a container for this parts of oil, and it was just buoyed enough to float to and fro in the tide.
10730. And every now and then, it would hit the bottom again and burst like a balloon and it was this that the girl called "being gobbled". And I was stupefied by that. I couldn't understand that, and these were just kids. The girl was blonde and she picked up her white boots and she said, "There. That's it." And it was stained and covered with oil.
10731. And I got dizzy and I came to in front of -- on top of the deck in that huge ship I was on, and I staggered against the glass railing and put my arm up to hold myself up. And the only thing I could say was, "I should have gave them some money."
10732. Those kids were destitute. Their livelihood was damaged. Their whole identity was destroyed. They were prisoners of a devastating oil spill that is still going on to this day.
10733. So that rendered my heart to know that, inasmuch as this is not supposed to be an emotional and heart-wrenching statement I have to make, but that is a statement of fact that happened to them three kids. And to this end, I feel that we must look after their resources, look after the places where they make a

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living, the ocean.

10734.           And I close with that before I start wandering into other hurtful things that -- and I close with that. Thank you.

10735.           **MS. KYLE:** Mr. Chairman, if we could go back to the slide presentation, Elder Jones does have some photos that he wanted to describe for the Panel.

10736.           **ELDER BILL JONES:** Well, how do you teach the kids? I think we do the best we can and the only best we can, I think, is to live our life the best we can and they will do better than you did. That's the way it happened on my reservation. We all did the best we can and now we've got a thriving bunch of young women and men.

10737.           And that knowledge was passed to our young people that they be care people of our mother and trade wholly and without self into the giving to each other. And then the next slide, I guess, it might be better.

10738.           My experience with the whales was mostly with bones. In my boyhood on our beach, at the Pacheedaht First Nation, is a nice sandy beach. We used to harvest our whales there and the bones would sink into the sand. And in the forties and thereabouts, we would play on the beach and then the next day we'd come up and there'd be whale ribs sticking up.

10739.           And I said, "What's that?" You know, I think it was to Dad or somebody and they said, "We hunt whales." So that was welded into my thoughts like all people have thoughts welded into them.

10740.           And the next, well, here is another heart-rendering. Her baskets are empty. Her creations are all hers taken from our great mother. And she has filled her baskets and given it all away.

10741.           Now, her pensive look is showing us that we must do what our great mother says, bring the bones to the river. Respect our Great Spirit by returning what we can. And I think we are not doing that in this day and age.

10742.           Next, that's my grandpa. I think I can ask Marvin, can ---

10743.           **ELDER MARVIN McCLURG:** That was when they opened the first

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road going to Sooke so that -- that's a bus stop. So he put our emblems up above on the carving on the top up there. I -- are they lightning snakes or -- these are what they are?

10744.                Sea serpents, like eels. That's -- that was his -- you know, it was him when he had that up there. So that was -- I don't know what year, but it was quite a while back.

10745.                And I think he had a couple of masks. I don't see them now, but I got a picture at home that shows a couple of masks, headdress, headdresses that belonged to them.

10746.                **ELDER BILL JONES:** And I guess the next, please. Now, here is -- in Port Renfrew, is a canoe, of course. And with the masthead built into it, you can see that is a Chief's family canoe. Only Chiefs and the elite of villages were allowed to make the prow on the boat, or the masthead, and that showed status.

10747.                And the next, please. This, again, I can ask Marvin to comment on it.

10748.                **ELDER MARVIN McCLURG:** That is Queesto up on the far right there and Stella, I think, and them in the middle. I remember when I was -- in fact, I was there when I was about five or six years old when this was done.

10749.                But anyway, Queesto, I think he was in our language called paatick (ph), which means very smart and can do anything, you know. So he steamed his own lumber. He made a steam box, you know, about from here to that -- over there and then he had a steam fire and boiled water and steamed the deal and made it so it would make the boat.

10750.                So he was pretty good. I really liked him. I stayed with him when I was small. That might be me there way on the right on the bottom. I don't know. He looks pretty handsome.

--- (Laughter/Rires)

10751.                **ELDER MARVIN McCLURG:** But anyway, he was our Chief and he -- I think, isn't that Ken up in the front? Right there. Or is that Stan?

10752.                **UNIDENTIFIED SPEAKER:** Looks like Ken.

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10753.           **ELDER MARVIN McCLURG:** I think it's Ken, anyway. And this had to be back in the 40-something, '57?
10754.           So he was quite the -- and he lived to be over 100 and something. He was quite old. And -- but he was what -- if you want something done, he could do it. You know, it didn't make no difference if it was welding something or melting some -- carving something, make a canoe. In other words, anything that popped up, he was self-sufficient in producing it and building the house and everything else that they had.
10755.           Back in them days, we had -- I think when I was small living there that the government would give you 150 bucks or something and that's what you used to build your house. And it could be done, you know, back then.
10756.           So he's quite the old gentleman. I really respected him and wanted to model myself after him, really, you know. So I fixed anything. If I can't fix it, I figure it can't be done. You know, weld, carve, saw, whatever, you do it, you know.
10757.           That's all I can say.
10758.           **ELDER BILL JONES:** Yeah. And I think that's a good indication of our personal independence. Men and women used what our Great Mother provided and drove our economy and our society with what our Great Spirit provides.
10759.           Next, please.
10760.           Now, this is a confusing abundance of a catch, and I think Jeff told me it's halibut. Well, that is at the heart now of our discussions, I think. However, I'll just leave it to the younger people.
10761.           Next, please.
10762.           The risk to our territories. Well, the imperial colonialist -- colonial economies took the ocean -- took pretty well all the fish out of the ocean, filled up the river with debris, scalped the mountains, and blew up the innards of our Mother Earth. And I think that it's time now to assert that we must be more caring.

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**Presentation by Ms. Roxy-Merl Jones**

10763. Now the corporate world is driving our government and even perhaps our regulators to run it their way. And it may have worked up to a point in the recent past, but now I think we have to simmer down and not pollute and decimate our earth any more for our children's sake.

10764. Next, yeah, please.

10765. So I think I have to pass the feather, as we used to say, to Roxy via our Chief here.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. ROXY-MERL JONES:**

10766. **MS. ROXY-MERL JONES:** Hello. Good morning, everyone.

10767. I'd like to first start off with acknowledging the traditional territory of the Songhees Nation, the Coast Salish people and land which we are on today. I'd like to thank them for allowing us to be here.

10768. All right. So my name is Roxy-Merl Nora Jones, and I am a member of the Pacheedaht First Nation. I'm 30 years old and I'm currently a -- I'm currently enrolled as a full-time student at the University of Victoria in the Indigenous Communities and Counselling Program. It's a Master's program. I'm a mother of four children.

10769. I'm going to take some time here because it seems a little overwhelming to try to cram in a lot of like information so condensed in such a short amount of time.

10770. So I am the granddaughter of the late Wesley Jones, who is also a member of the Pacheedaht First Nation, and a granddaughter -- the granddaughter from the late Maggie Peters, who is from T'sshot, which is located up in Port Alberni. I am the oldest daughter of the late Teresa Jones.

10771. The late Arnold Jones and Bob Jones, and my dad, Reginald Gurak, taught me how to fish when I was younger.

10772. I started setting net on my own when I was 17. I still practise my traditional right to fish today. I have all of the tools that are needed to set my net

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along the San Juan and Gordon River, along the shores of the Pacheedaht First Nation.

10773. I recently bought a boat which is parked on my reservation of the Pacheedaht First Nation, and I'm currently establishing the equipment needed to go fishing when the water's much safer for us to go out.
10774. I bought a gillnet off a commercial fisherman off the internet, and I mended it to a desirable length for the river. I'm still young yet and I have a lot to learn.
10775. We do have help in community. We have a community of fisherman from the Pacheedaht, so any time I need any information, there's a wealth of information there and knowledgeable people who I ask.
10776. So Jeff and Helen are working on the fisheries team in the Department of the Pacheedaht First Nation. So any time I need any information or have any questions, I can ask them.
10777. So I could share a few stories about my experience fishing along the San Juan and Gordon River. Most recently -- well, My Uncle Arnold, who had taught me how to fish, just recently passed away. And the last time that I had the opportunity to be with him in community, I was so excited to see him. And I had all of my gear ready, and I saw him walking down the road and I yelled at my partner, "Stop the truck. There's my Uncle Arnold."
10778. So I ran out and I grabbed him, and I was like, "I don't necessarily want to hear what you're doing. You're coming with me. I have my net. Let's go."
10779. And he hung out with us that whole day, and I was really just like trying to get more information out of him around where do I set; what should I do?
10780. He told me -- and I remember watching him and Bob Jones fish on the Gordon River, which is at the mouth of the beach access that goes up alongside on the right of our traditional territory on our Reserve.
10781. So I remember watching them when I was younger, and I used to go up and check on them and see how they were doing. And I remember my uncles

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- telling me, "Those damn dogfish." They were frustrated and whatnot, but they were still having a good time. They would sit around the fire and socialize for -- all night.
10782. Anyways, it wasn't until just recently that I under -- truly understood what they meant when they said "those dogfish" 'cause I thought they were referring to salmon. But there's this shark-looking kind of fish that is quite a nuisance when they get entangled in your net.
10783. So I was about six, seven months pregnant on the side of the river with my partner and my kids, and we set that net where Arnold Jones told us to and where they've been fishing for many, many years; my grandfather as well, Wesley Jones.
10784. Within the first two hours, we got eight Coho. Then something happened. It was like right after that two hours and those eight fish were caught, it was non-stop dogfish. And then, all of a sudden, it dawned on me, I'm like this is what they were talking about.
10785. So they kept on getting entangled in our net. And we take a lot of pride in our gear. And we spent more time dismantling and untangling the live species that were caught in our net and taking extra care so we weren't damaging any of our resources. Even though the dogfish has no purpose on our table, we still care for them.
10786. And it took a long time. It's really frustrating, actually, to pull your net up and spend about three hours untangling these fish that come in the net. So extra care is taken, regardless of what species.
10787. It all has significant purpose. And even the crab, you know, the crab were so small and they were females, and we acknowledge the process and the importance. So we took a lot of time.
10788. Anyways, that's my story around the Gordon River.
10789. Also, when I was 17 -- and I will continuously do this, I go back to my home community to fish -- we set up camp along the San Juan River, and there are several spots that we fish up there. We set our net alongside the river and spend throughout, like, the entire weekend and overnight.

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10790.           And we set up camp down there when I was younger, and I'm only 30, so I was about 17, 18. And we had tarps up and lights and, you know, just like to accommodate to our being there, to make it more comfortable.
10791.           One night, we set net and I fell asleep. And it was about just before daylight that I woke up because I heard fish hitting our net. And I was the only one who woke up.
10792.           And the tide was really low. And when I woke up, there was a family of wolves on the other side of the river. And it was the first time in my life that I've ever seen wolves. And they had two little pups with them, and they were drinking the water.
10793.           So I was able to witness that, and the experience was just breathtaking. And I'll never forget that.
10794.           So today, we teach our children the significance of practising our traditional right alongside our waters.
10795.           My grandfather was a smelt -- used to go smelting all the time. Just recently, over last summer, I picked up my own smelt net. And I didn't necessarily go in the water. It was the children, the younger men. Like they're probably, like Bill was saying, around age -- that age where there's -- we're supposed to be teaching them how to practise our fishing and whatnot where they have more of a hands-on approach.
10796.           So it was a lot of the young, 11- to 14-year-old boys, in our community were helping set the smelt net. And when we do that, it brings our community together.
10797.           So there's several households on the community who have youth that are really interested and love to participate with hands-on fishing and learning our traditional knowledge.
10798.           I have some experience with going on the Swiftsure Pacheedaht banks. The last time we went out, we got 1,100 pounds of halibut and yellow eye and ling cod. That's 1,100 pounds in one day.
10799.           And we have a process to go through when we -- to grant access into a closed area of fishing which is specifically for First Nations people. It's closed off



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to any commercial or sports fishery or anything. Like, there's a process we have to go through to get there.

10800.            So I have a concern around those tankers being in our closed area on the Swiftsure banks because it will impact our shoreline and it will impact the amount of fish that are going up the river to spawn.
10801.            As a woman from the Pacheedaht First Nation, a young girl -- as a young girl, I was taught how to can and preserve my food fish. Norah Simpson, who's Marvin McClurg's wife, taught me, Donna Jones, and Norah Baker.
10802.            So it's a practice that we have in community as women to teach the young ones how to preserve and can and to process the fish, and in a particular way. It's a part of who we are, and it's a part of -- a really significant component of being First Nations of Nuuchah-nulth.
10803.            And sharing knowledge, three days -- I took all of my freezer fish and I knew that it needed to be processed. So I spent three days in volunteering my time to facilitate a workshop within the Cowichan territory.
10804.            So I emptied out all of our freezer fish -- like I emptied out the freezer and I took all of our gear up to the Cowichan territory and I facilitated a group with about six men who came from a variety of backgrounds. All were students at the University of Victoria and all who, for the most part to say, never experienced having hands-on cultural teachings around preserving salmon. So we spent three days on the Cowichan territory smoking and jarring.
10805.            This here is -- kind of represents what I do at home and in community. I still have a -- I have a freezer full of fish right now from the Pacheedaht that I need to jar, so I anticipate going back to my home community to teach the younger generation, like I said, probably from 11 to 14, on how to process.
10806.            So being Pacheedaht, my concerns that are if our natural resources are jeopardized in any manner, it is what would serve as what I consider a form of cultural genocide which will impact people's mental health and well-being.
10807.            When I say genocide is when our natural resources are attacked, are under any scrutiny from Kinder Morgan, it takes away from who we are. And if I don't have what I believe to be a part of me and my inherent right in my community, it will take its toll on everyone's mental, emotional, spiritual and

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- physical well-being.
10808.           This is what maintains balance in our community. This is what brings us together, and this is who we are. We are People of the Seafoam.
10809.           I have a responsibility as a woman in the community to teach the younger generation how to take care of themselves by incorporating this into their lives.
10810.           It will be a form of genocide because our natural resources will be blanketed with garbage and the impact on my people will be devastation. The death and mortality rate will increase. Substance abuse will be more of an issue than ever before, and my fear is the suicide rates will increase.
10811.           I ask Kinder Morgan to reconsider damaging who we are. Thank you.
10812.           So this picture here is strong leaders, strong, solid community. This picture was taken when we did a naming ceremony in the community, and I believe that's Ernie Chester from the Ditidaht First Nation. And there's solidarity around relations and treaty, so whenever there's ceremony happening or if we're in need, they are there to support us in community. They are representation of strong leadership.
10813.           Next slide, please.
10814.           This is a picture of me and my family on fish day. It's not uncommon for us to be -- after we take care of what's -- processing our fish, it's not uncommon for us to go around and help other community members process their fish if we see they need some help.
10815.           You can't really see, but in the background on the left is Jeff and Helen delivering household to household.
10816.           Next slide, please.
10817.           Setting our nets alongside the San Juan River brings community together, and it's something that we do as a ritual every chance we can. So not only do we set net personally, we set net -- like personally, I mean as a family unit. We set as a community.

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10818.           And Thanksgiving fishery is probably the best day out of the year for us. So instead of eating turkey dinner, we're out there on the shore of our river harvesting the salmon that go up to spawn.
10819.           Next slide, please.
10820.           Creating memories. This is another picture from the Thanksgiving fishery. I think Brandon is 13. Alysha just graduated. I'm not sure; that might be Jeff. I think that's Jeff. He's a part of our community. He really -- he's really helpful in that way in making sure that we all have resources throughout the year. And I think that's Ivan. That would be Alysha's little brother back there.
10821.           So those are good memories, and it starts from a very young age and it's a part of who we are.
10822.           Next slide, please.
10823.           Those are smelts. And that's what I just recently started practising on my own and sharing knowledge with the children and youth from community. Back in the day, I was told that there was a bountiful, like full -- a mass amount of smelts, that like they would just come in with the waves along the shoreline and just -- you could see them dancing around, which is not today. Today, there's -- on a good day, you can get two buckets full.
10824.           Next slide, please.
10825.           So this is a picture of Ann Jones. She's a community member of the Pacheedaht First Nation. This is a picture of her harvesting at Swiftsure Banks -- Pacheedaht Banks. And it's not uncommon for our families to go out there together as a group and they'll fish all day until they have every -- enough to feed their family. And when they come back, everyone gathers together to help them process.
10826.           Next slide, please.
10827.           So practising the preservation and those techniques. Like I said, it's something that we learn when we're young and it's something that we take a lot of pride in because it takes a -- it's a lot of work.
10828.           Okay, thank you. Next slide.

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10829.           So like I said, I -- because I'm a full-time student, I live in Langford. I don't have access to a smokehouse, but everybody on the Pacheedaht Reservation does.
10830.           For myself, I have alternative resources in place. Like I have Big Chief Smokers in my backyard and I have to use electric smokers when I'm not able to go back home. But when I am able to go back home, there's people more than willing to allow us to use their smokehouse.
10831.           There's a -- this is what I'm able to do at home with the electric smoker and I'll be up until, like, 4:00 in the morning doing this. Thank you.
10832.           Next slide, please.
10833.           This is a picture of my youngest boy. His name is Jake; he's 11 months old, and he's standing beside the smoked fish that we have to do in town, so thank you so much.
10834.           Like I was saying, the roles and responsibilities way heavily on women in the community. A lot of direction and guidance is important and we have that leadership in -- from our Nation, to give us direction when needed, and it's just to carry on those traditions and make sure that our younger generation are taken care of in a good way.
10835.           And our natural resources is pretty much the motivating factor there, to ensure that they have those -- the seafood needed.
10836.           Next slide, please.
10837.           This is a picture here of my mother's brother, Marvin Jones. That's my daughter, Kayla, that's my nephew, Kyler, and my son, Richard.
10838.           They're really young and this is -- this is not uncommon for them, so -- see them just gathering around the fire and witnessing. That fish was caught the same day.
10839.           Thank you.

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10840.           **MS. KYLE:** Mr. Chairman, I think some of the panellists would like a break at this point, if that is fine with the Panel?

10841.           **THE CHAIRMAN:** Yes, it's very fine with the Panel. So we'll come back at 10:30?

--- Upon recessing at 10:17 a.m./L'audience est suspendue à 10h16

--- Upon resuming at 10:32 a.m./L'audience est reprise à 10h32

**ARLISS DANIELS: Resumed**

**BILL JONES: Resumed**

**ROXY-MERL JONES: Resumed**

**BRUCE CARLSON: Resumed**

**CARLSON CHARLIE, SR.: Resumed**

**JEFF JONES: Resumed**

**HELEN JONES: Resumed**

**MARVIN McCLURG: Resumed**

10842.           **THE CHAIRMAN:** Thank you. I appreciate the back -- the break, sorry. Are we ready to proceed? I understand Trans Mountain have a preliminary matter they wish to raise. So Ms. Oleniuk?

10843.           **MS. OLENIUK:** Thank you, Mr. Chair. Yes, just a quick matter that we wanted to raise with the Board.

10844.           I understand from the introductions this morning that there's an individual and I didn't -- I don't think I caught her name, who's an experienced oil technician who is going to be providing the Board with some information regarding the effects of oil spills, and it didn't sound to me like it was Aboriginal oral traditional evidence.

10845.           I just wanted to raise this with the Board and perhaps leave it with the Board to determine if this was the appropriate time for that sort of evidence to be provided.

10846.           **THE CHAIRMAN:** Ms. Kyle, on behalf of Pacheedaht?

10847.           Thank you.

10848.           **MS. KYLE:** Just to clarify for the Panel. Chief Daniels was referring

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to Carlson Charlie, who is a member of Pacheedaht, who worked on the Kinder Morgan oil spill in Burnaby.

10849.               And so he did want to share his experience there as a member of Pacheedaht who has concerns about similar incidents happening in his territory.

10850.               **THE CHAIRMAN:** Ms. Oleniuk?

10851.               **MS. OLENIUK:** Thanks for that clarification. I suppose, sir, perhaps we'll just wait and hear -- and hear the evidence.

10852.               **THE CHAIRMAN:** Thank you. With that then we're ready to continue.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. BRUCE CARLSON:**

10853.               **MR. BRUCE CARLSON:** Hello, my name is Bruce, from Pacheedaht.

10854.               I've been hunting and fishing since I was a little kid. I was raised in an environment where there was lots of elk and it was a part of our food for all my life.

10855.               Growing up, we never had to go to the store and buy meat. We just -- we all shared, you know, the meat and everybody had a job cleaning it, processing it and such. So when I was asked to do the harvesting for the elk in Pacheedaht, I had a lot of experience with it so I brought my -- I have an 11-year-old daughter; her name is Jayda.

10856.               And when I would shoot the elk, I'd bring her over there to show her how to get the elk and skin it and quarter it.

10857.               And she was -- she started learning when she was five years old and she'd reach in and grab, you know, the guts and I'd cut the stomach lining out and she'd help me pull it all out and help like that.

10858.               But it's -- it was something that we were able to share and, you know, enjoy, and she learned for later on in life.

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10859.           The fishing out at Swiftsure is something me and my daughter love to share and just harvesting out in the ocean. I bring her out as much as I can. We would go out and she really enjoys seeing all the wildlife that are out there on the way to Swiftsure. We have -- we see a lot of whales and the birds, the sea lions.
10860.           Last year we seen a pelican, and that's kind of interesting. I mean, through the years of my fishing, I've caught pretty much everything in the river, in the ocean and such.
10861.           And a lot of times I'd have to go to Fisheries to find out what I'd caught because I didn't know what it was, but I just -- I really enjoy fishing.
10862.           And there's -- it drives me crazy sometimes in the winter because you can't fish out there; right? So I find other places to fish and I go up to our lakes and catch trout and it kind of keeps me mellow until it's time to go back out on the ocean to fish.
10863.           So the importance of Swiftsure; I go out there and I harvest every year as much as possible. I go out on a charter boat because it's just -- it's a lot safer and the charter boats are out there every day so they're aware of all the dangers and they're prepared, and they have all the technology and they can see on the radar and everything how -- you know, they know how to deal with it if a ship is there.
10864.           And it's really foggy out there most of the time in the mornings, so you don't actually see a ship until it's almost on top of you. You can hear them about a mile away, I believe it is, and they -- he watches the radar and we go over and if we're anchored we have to go sit by the ropes where it's tied and we have to be fairly fast and on time, one anchor and then it slides to the rear of the boat and then you drop your buoy and try to pull anchor, or at least be able to move out of the way.
10865.           I learned this the hard way. I wasn't fast enough and the boat started to list because the currents out at Swiftsure are unbelievably strong and you -- our boat was starting to tilt and I had to cut the anchor line. And it cost the charter boat guy probably 500 bucks because he had to buy line, anchor, and it's pretty expensive and I guess that's why they charge you so much to go out fishing. But now I've learned and I go out -- I go out so much that I work sometimes as a deckhand on the charter boats.

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10866.           The process for getting the protocol for this; and I go to my uncle and my aunt here, Jeff and Helen, and I ask them for a flag. I tell them I want to go out to Swiftsure to go fishing for halibut and I get the okay and then they -- I guess they tell somebody and we have to raise this flag up on our charter boat when we go, that way there the Department of Fisheries doesn't arrest you for being in a closed area. And I guess it's a pretty big fine if you're caught in there without the flag.
10867.           One thing that bothered me was the changes to the fishing lanes because I remember when we didn't have to worry about it, really. The boats wouldn't go into the closed area, they would go around it. And now they go right through the centre of our closed area.
10868.           The reason -- I think the biggest part about being able to go out hunting and fishing is to teach my daughter; you know, the joy she gets out of learning and being a part of it. I mean, it gives her a sense of accomplishment when we get an elk or we have, you know, large amounts of fish or -- and just the unity in being with family when you're fishing in the rivers, and it's all a part of being Pacheedaht, and I would just hate to see it all disappear.
10869.           I don't know -- I've been able to show my daughter and other band members a lot about cutting fish. I do it all summer, so it's something that, you know, you get pretty good at it after. I've been doing it for a lot of years and so now my daughter's 11 now. So she's at the age now where she's learning. She can fillet and everything and she can take pride in it. It's nice to see.
10870.           This is the elk. This is across the river, right down from my house. It's one of my favourite places to go to hunt. It's really accessible, and it's amazing just to watch them in their environment and you actually respect the animal after a while of watching it and you know, seeing how they -- when I cut the bellies open to see what they eat, it's all just grass, but they taste good.
10871.           Next.
10872.           This is the same field, just a different view of it. And as you can see, they're plentiful. And when we harvest them, I show my daughter all the steps to using all the parts of the elk. When we skin it, we take the hides and I have different methods of getting the hair off. Tying them down with rocks in the water seems to work really good, and then when you take them out, we use rock salt and we cure them. Then we build racks, stretch them.



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10873.           And me and my daughter have made drums together and hand drums, and her mother's taught her songs. So it's kind of neat to share that, you know, with your child and then you can show them from just from shooting an animal to making something of it and then she -- I drew a design on the drum and she would paint it. And, I mean, the sense of accomplishment, you can see it in her face, and it's pretty neat.

10874.           Next.

10875.           This is kind of typical of Swiftsure. It's awesome. That's Marvin and his son and Jeff holding halibut, and they're -- it's just such a joy out there. And it's -- catching the fish is fun. The work really doesn't start until you get home and unload them and then you've got to clean them all, so -- but that's enjoyable too.

10876.           Next.

10877.           More pictures of halibut, really nice halibut, yeah.

10878.           Next.

10879.           I see a lot of these killer whales out at Swiftsure banks. I remember once we went out there, we ran into J-Pod and I quit counting after 21 killer whales and it was just -- they were everywhere and feeding on -- Swiftsure Banks is so vibrant with krill. I mean, three-quarters or like half of your screen, your fish finder screen is all red, and that's that krill and food, the salmon and, I mean, all the fish out there eating on it. And this doesn't seem right to put it all in jeopardy and it affects everybody. I mean, I'm sure you guys like halibut and salmon.

10880.           Next.

10881.           This is my Aunt Jenny and me and Sammy in Curtis. We were all -- I was just over there helping them cut fish for -- there's a smokehouse there in the back, and it was all a joy, I mean, just to be there, talking with, you know, everybody. It's always a fun gathering and you get things accomplished. The end product, I mean, everybody's freezers are full, and who doesn't like smoked salmon?

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**Presentation by Mr. Carlson Charlie, Sr.**

10882.           **MS. KYLE:** So I'll turn it over now to Carlson Charlie, Sr.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR.  
CARLSON CHARLIE, SR.:**

10883.           **MR. CARLSON CHARLIE, SR.:** Good morning, folks. My name is Carlson Charlie, Sr. and I am a member of the Pacheedaht First Nation. I spent most of the last 45 years up in Pacheedaht Nation. I am originally from Ahousaht located on Flores Island, just up from Tofino, accessible by boat or plane.

10884.           I was brought up by my grandparents. My maternal mother was taken to residential school. I feel fortunate having been raised by my grandparents. With them, I learned a lot about how to live off the land and, you know, hunting and fishing.

10885.           Back then, fish and deer and everything were plentiful. You had a choice of what kind of game you wanted to bring home, nothing too big or nothing too small. Our smokehouse was always full in the summertime with salmon, Sockeye; wintertime, full of herring and even seal.

10886.           Today, I still smoke fish and can fruit for the winter. It's something I've learned as a young fellow up in Ahousaht and I still carry that tradition with me in Port Renfrew.

10887.           Just about 45 years ago, when I first visited Port Renfrew, that's when my learning -- from Port Renfrew. It's where I started learning about Port Renfrew. My best friend I grew up with, his name is Roy Jack; in reality he should be the one here talking with you guys because all the knowledge I retain, it was from him, and I get on through the through the Pacheedaht Nation.

10888.           My role in Pacheedaht, as I am the water technician, I take care of the water system in Port Renfrew, make sure the water stay potable, and fixing the leaks if anybody has got a leak. It's just something I've been going to school for the least three years to get the proper credentials to do.

10889.           When I was young, we did a lot of fishing and hunting throughout Port Renfrew. Occasionally, as a young fellow instructed by our grandmother Edith Jack, Butch and I would just go and harvest seafood and bring it across to Neah Bay to share with the Elders. We didn't get nothing back but it was just

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something we were taught as young fellows.

10890. Growing up in Port Renfrew, I had a few different jobs. One of my first jobs was working in the forest industry. I did about 32 years working in the forest industry. I can honestly say that logging in the surrounding forest was kind of devastating to the rivers. A lot of erosion, I believe, had some impact on them. All the fish that go up the rivers and changed the courses of the river's original flow.
10891. I used to hang out with two fellows from Port Renfrew: Butch, you know Roy Jack, and Willard Pat. We used to -- the three of us did a lot of fishing and harvesting seafood because we would keep one guy on the boat and the two would jump off the rock and do the harvesting.
10892. As a young fellow, I'm talking about 30, 35 years ago, we used to drift down the river up from San Juan bridge, and you'll see the slides later. But drifting down the river, you had a choice of which course you wanted to take, and the logging has devastated the rivers. You can't float down the river and go the same routes anymore because of log jams and erosions of the rivers.
10893. The other job I had working Pacheedaht Nation was for seven seasons I worked on the West Coast Trail, I was a guardian on the West Coast Trail; guardian, just make sure people are okay. And we had radios; if someone was hurt we'd call for help.
10894. But on the West Coast Trail, it's 75 kilometres long, people from all over the world come and walk that trail, all walks of life. It was my job to make sure that the West Coast Trail was brushed and the trees that fell that winter before were taken off and cleared to keep the trail safe.
10895. Today, I've got a son that works on the trail and he's doing the same thing I did years back.
10896. The West Coast Trail is a beautiful, beautiful trail. On the trail, you see an abundance of wildlife, just, you know, from bears, wolves. There's cougars, eagles, and yet along the beach side you'll see the seals, the whales, the sea lions. You see all kinds of things out there. And on the beach access roads, there are places on there where there's a lot of seafood, and you can harvest them. Well, you'll see them later on the slides. That's abundant of seafood anyway.

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10897. I've had - as a guardian on the trail, I used to wonder off the beaten path and do some exploring. I found a lot of caves that I used to walk in. I needed to wade through water just 30 or 40 centimetres deep and then beautiful spots that I don't think anybody ever seen them. But I've walked over this path 100 times. One summer, the logs were cleared and this cave -- I thought it was a little cave. I walked in about 50 metres and it opened up to a big cavern, and the water I was wading through had a lot of crayfish and little fry, and it was flowing underneath. But that was, you know, just awesome sights walking the trail.
10898. And all along the West Coast Trail between Port Renfrew and Nitinat, I've been in a few of the caves. I mean, there's caves there that you can literally take your boat in and turn around in, and there's underwater caves. But there's a few caves that do house seals and it's a lot of sight to see. If you go in there when the pups are born, you can whistle in the cave and like little dogs, they'll come out and see what's all the noise. And there's places where whales go and rub their bellies on the rocks, and you look through the rocks, you can see their eyeballs, just big eyeballs looking back at you.
10899. I mean, it's things that I take for granted that people would like to go see.
10900. Another job I had was after the West Coast Trail was I did work for that oil spill in Burrard Inlet. That was middle of July; it was hot. But we used to put on two suits, two pairs of gloves, a hood, you know the suits with hoods. The only thing that was showing was our eyes but we had goggles on. Like, I couldn't tell who was working next to me unless it was somebody that was talking and I knew their voice.
10901. But I worked along a bunch of people. We had these pompoms. We used to go down and we used to with the tide, go down at low tide and just literally there'd be these pompoms, just pack all the rocks and pick up the oil. And I've done that for about, I don't know, seven, eight weeks.
10902. That is a job I don't forget because no matter how you try to protect yourself from that oil you always did get oil slick on you. There's the oil slick I had worked with in Burrard Inlet.
10903. Swiftsure. I want to talk about Swiftsure. I go out fishing in Swiftsure once a year, maybe sometimes twice. We -- it's a beautiful place to fish and there's nothing more exhilarating than latching onto a halibut and bringing it in.

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You're fighting with that fish. A lot of times you'll get him close to the surface and he'll take off to the bottom again. And there's a -- it's exhilarating, anyway.

10904.           And a lot of people go out there, catch -- the last time I went out I got 800 pounds of halibut, which was a -- I thought was a good catch. We harvested it and, like, fish and chips and whatever we do with the halibut.
10905.           There's a lot -- all other kinds of fish out there. And like Bruce was saying, you see the killer whales, the humpback whales. You'll -- a lot of times a killer whale will put on a show for you. He'll breach and turn, turn up -- turn and do somersaults out there. A lot of seals, seagulls, pelicans.
10906.           I kind of cut my speech down a little bit. I thought we were running shy on time.
10907.           I got some slides here. This is no place like home. That's Port Renfrew. One of the rivers I was talking about, the San Juan, surrounds Port Renfrew. That's the leg on the left-hand side of the river. That's one of the -- part of the river we used to come down about 30 years ago. We'd start up about 13 miles up the river and we could drift down to this side of the river or the other side of the Reserve.
10908.           Port Renfrew is surrounded from the San Juan. This is part of the leg of the San Juan, goes up to a fork in the river, up beyond the farm road. And the Gordon River, which is on the right-hand there, it goes -- it goes way up towards Lake Cowichan. And that's under the nice river. There's a lot of fishing there. We used to harvest fish for the fish hatchery when he opened up, Maurice Tremblay.
10909.           This is a picture of an old traditional West Coast village on the West Coast.
10910.           Qala:yit is one of the places you'll see a school of grey whales, and they're awesome to see. And you get your boat up there and he'll come actually come close to the boat. You don't have to go near him. He'll come close to the boat.
10911.           This is some of the seafood that we harvest off the rocks. The thing missing from here is a lot of the sea eggs that Butch and I used to harvest at Willard. We used to bring some of the seafood to Neah Bay to the Elders in these

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buckets, instructed by our grandmother to do so, whenever we did -- we never did question why but we just did it.

10912.            This is a picture of one of the rivers. I thought this was about 29 kilometres up the river. And there is fish in the river. People go fishing in the winter for winter salmon up the rivers.
10913.            This -- really, picture doesn't show much. It is something you'll see when you're out at Swiftsure, as you see the fog rolling in there. This is on a calm day.
10914.            There was supposed to be one more picture of a tanker going by. It didn't really show justice. Because when you're out in the Swiftsure, you can't see those tankers coming. And like Bruce mentioned earlier, you got to be really quick if that tanker is closing and cut that anchor and get out of the way. A couple times I was out there I've had -- we've had to pull our anchor and move out of the way for tankers.
10915.            This is a little bit of an oil slick on the ocean, as that little spot of oil is doing a lot of devastation to the water, surrounding waters.
10916.            Well, that's about all I got to spiel about. Thank you.
10917.            Okay. This picture is of the younger generation. They can -- building their culture in the community. I can honestly say, these two are my granddaughters and they will be the future generation of Pacheedaht. I'm kind of lost for words.
10918.            This is a picture about one of the memorials. They're taking in song and dance for traditional things that we do on the Reserve. And when they have a break for these memorials, everybody has a feast. Jeff and Helen are the ones that supply all the seafood and crabs and fish that we can eat. And I'm really grateful for Jeff and Helen because they do a lot for the Reserve that their father used to do.
10919.            Thank you.
10920.            **MS. KYLE:** So Councillor Jeff Jones?

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**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR  
COUNCILLOR JEFF JONES:**

10921.           **COUNCILLOR JEFF JONES:** Good morning, everybody.
10922.           And I guess first of all, I'd just like to thank the Pacheedaht people in the background here that they're here to support Pacheedaht people here that's sitting up here discussing a very important matter that is ahead of us. And it's really great to see that, you know, the Pacheedaht people take time out of their lives to sit with the other people and support them. So thank you very much for being here, all you, and the friends in the background, and observers.
10923.           So like our previous family members here, my name's Jeff Jones. I'm going to mainly talk about my harvesting experience within my last 30, 30-plus years. I'm a really heavy harvester within our traditional territory as Pacheedaht people.
10924.           The Pacheedaht people are very, very rich; and I'm not saying rich financially, but I'm saying rich as far as traditional, healthy resources within their territory.
10925.           You know, I look at other First Nations that are heavy -- that have heavy industry around them, you know, and I really feel for those First Nations that are in those kind of situations that they cannot rely on their traditional foods in their area and they have to start looking at other traditional territories to harvest.
10926.           And Pacheedaht people, you know, we have B.C. Parks on one side of us and we have a federal park on the other side of us. So we're somewhat protected from industry moving in on land base, but I'm really -- I'm sitting here as a proud Pacheedaht First Nation member harvester and a lot of my talk is going to go around harvesting.
10927.           I really must relay that to the National Energy Board that three hours is just not long enough. You know, the Pacheedaht members that are sitting here today is only a handful of our harvesters. You know, we could have went another three hours if we had a chance, but I must relay that to the National Energy Board that we definitely need more time as Pacheedaht people to share our knowledge around the importance of traditional foods.

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10928. Another role I play in our First Nation is a fisheries technician/guardian. My role is to mainly record any traditional resources that go out of Pacheedaht territory and just keep track on resources, and stock assessment is mainly keeping a good eye on the traditional rivers. There's two main arteries of Pacheedaht, and the rivers were mentioned earlier as the San Juan River as being the important river of Pacheedaht people, and the Gordon River Watershed is also another one.
10929. And so my plan is to go through our territory and explain the importance of seafood harvesting and fish harvesting. And so our territory is a huge territory and our people fought hard, even went to war, to recognize our territory.
10930. And so where I'm going to start is where we reside today. We reside in Gordon River Indian Reserve No. 1 or is it 2? Is it 2? Sorry, Gordon River Indian Reserve 2, and our little bay that's here in front of us -- it's right there -- it's called Port San Juan. And in that little bay, the beach there is roughly about three kilometres long, which maybe in a little while somebody will talk about economic opportunities within our beach, but I'll talk about the importance of Dungeness crab in our bay and also seafood access within Port San Juan.
10931. So the Dungeness crab fishery, we have the privilege to harvest Dungeness crab for roughly about 10 months out of the year. So that fishery is very important to Pacheedaht people for that healthy resource, and we even went as far as putting in a boundary within that bay to separate Pacheedaht's Aboriginal right to Dungeness crab and also we separated an area for commercial and recreational. So that will give us definitely guaranteed access that we have crab for that year and it seems to be definitely benefiting today.
10932. So moving outside Port San Juan, we have a couple areas just at the point called East Point and West Point. So roughly right at the points of the bay, it's called East Point here and then West Point on the other side. And those are areas that we heavily rely on for seafood.
10933. So there are rocks there that we frequently visit for gooseneck barnacles, mussels, chitons and urchins. So in the rougher days, you know, Pacheedaht people would travel out there by boat and harvest in those two locations if the weather wasn't cooperating. For those are very important seafood gathering places that we use.



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10934. And moving outside Port San Juan, I would like to start talking about the importance of seafooding if you don't have a vessel, if you don't have a boat. So there's an area that's -- it's called Botanical Beach, you can drive to. So we have access through boats and then access through a vessel. If Pacheedaht members don't have access to a boat, they also can drive to Botanical Beach and harvest those four seafoods that I mentioned earlier.
10935. And those are used today; all these areas that I'm mentioning, they're still used today heavily. And let's go down a little east, which is called Sombrio River and this Sombrio River, it's also used for seafooding, also really important fishing grounds just off of Sombrio. And during the wintertime, this time of year, if you can get out to Sombrio, and it's always a great place to fish for halibut and rock fish and lingcod and yellow eye, so another important location for fish.
10936. And I'll start moving back up towards the west direction. There's also a couple areas that we harvest, like Logan Creek and Camper Creek, within this area that we heavily, heavily depend on, on a yearly basis for traditional foods as seafood.
10937. And I guess the reason why I'm mentioning them is I want National -- NEB to understand that, you know, that -- those areas, they cannot be harmed by anything, and my worst fear is a major oil spill and all it takes is one oil spill to destroy Pacheedaht's ways of living.
10938. And I'll move up a little west on the western part of our territory which is called Qala:yit. Qala:yit is a Reserve that was situated there for the access to our Pacheedaht Swiftsure Bank area.
10939. So like previous family members, they mentioned Pacheedaht Bank. Pacheedaht Bank is a shared territory bank between our two West Coast First Nations, their family First Nations up the west which is Ohiaht and Ditidaht are family, and also our family to the south which is called the Makah. Makah people are family related to Pacheedaht and Ditidaht.
10940. So we are three family members that are connected family-wide and we all have interest in Pacheedaht Bank, which is Swiftsure Bank.
10941. So I must say how important Swiftsure Bank is to Pacheedaht people, like previous family members mentioned. Once -- and I'm going to say I, because I go out to Pacheedaht Bank, like other members here do, and it's just a feeling

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- that you're actually at home. We're at home because our ancestors travelled from Qala:yit on canoes and they travelled to Swiftsure Bank, which is Pacheedaht Bank, for accessing many thousands and thousands of pounds of halibut. But he used that Qala:yit for an access over a number of days to harvest their resources for the winter.
10942.           And for some reason I need to mention that back in 2005, Transport Canada went and moved that shipping lane north, so which now is overlapping our fishing grounds and interfering with our Aboriginal right to harvest our resources on Swiftsure Bank.
10943.           And I would love a question answered why that happened without any form of consultation with Pacheedaht people, because today we have problems with the tankers. We have issues with them ploughing through our fishing grounds where we are fishing. So I definitely would love an answer to that question and I would love a solution to the interference with our Aboriginal right on Swiftsure Bank.
10944.           And I'd like to mention whaling because whaling came up a couple of times and Pacheedaht people are -- they're considered the whalers of the west coast. The Pacheedaht people always hunted whales throughout our territory. We hunted whales on Swiftsure Bank. We hunted whales Qala:yit, the really important whaling reserve. The whaling is a really important tradition that we need to bring back some year, and hopefully in my lifetime, I would love to see that.
10945.           And like previous members, once again, like the whales all over Swiftsure Bank, you know, I'm just wondering if we have an increase in tankers from 60 a year to 400 a year how does that affect the whales on Swiftsure Bank or within our traditional territory. How does that affect our mammals with the increase in tankers through Swiftsure Bank?
10946.           These are really deep, deep concerns that I'm sharing with you. They're real feelings. And I would love to see that shipping lane put back to her original place, and I would love to know how that took place, because Pacheedaht people were left in the dark on this issue when they moved the shipping lane to the north and it is having huge consequences on our right.
10947.           So I think I touched on a lot of my concerns and I shared my experience in our territory as far as harvesting, and maybe I can just start off with

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some of the photos that are ahead of me. So maybe I'll start off with a photo first.

10948.           So this is ---

10949.           **MS. KYLE:** I think they actually need to back up to -- the photos -- just not to miss a couple of the earlier ones. Thank you.

10950.           **COUNCILLOR JEFF JONES:** So this is a photo of my granddaughter, our granddaughter, Mya, and this 92 pound halibut was harvested off of Swiftsure Bank. So that just -- that picture says it all. It says that you know Pacheedaht people are rich in resources and we'd love to keep it that way with no interference of any form of danger that's in our waters that could happen.

10951.           So that's good. The next one.

10952.           And I mentioned teaching from our Elders. You know, this is -- I've been taught by my father, which probably he got taught by his father in the importance of knowledge around where to harvest and when to harvest and how to get involved in the harvest and the importance of harvesting. Like previous members mentioned, it is really important to pass this tradition down to our younger generations in seafood harvesting and also fishing and crabbing. Crabbing is a really important activity too, also.

10953.           Thank you. The next one.

10954.           Like I mentioned earlier, Pacheedaht people are considered the great west coast whalers. This is just off our important Reserve I mentioned, Qala:yit. Qala:yit is our access to Swiftsure Bank, but this still happens today. You know, we see grey whales right outside our Reserve, and you know, we count up to, you know, a dozen or so grey whales in this one area. So these areas are really important to not just the Pacheedaht people but also to the grey whale and the orca and the humpback whale and the right whale. So as much protection as possible, not just for people but our whales.

10955.           The next one.

10956.           That's just another photo of our whale. When we do travel to our fishing grounds we see a lot of whales. You know, it's just amazing the amount of whales that we see in our territory, the amount of -- abundant of life that's underneath our feet. The feed, like my nephew said, you know, the fish that are

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absolutely all around you.

10957.           And I really would love to invite the National Energy Board to Swiftsure Bank one day if you have time, because I think -- you know, I can say how much I love being on Swiftsure Bank or in our territory, but I think experiencing it by yourselves I think will definitely give you an insight in what we're talking about, the importance of resources. So I'd just love to go on record, just an invitation to the National Energy Board or -- yeah, for that.
10958.           Next one.
10959.           And I mentioned the importance of Dungeness crab throughout the year, and here's a typical crab harvest day in Port San Juan. So we take those crabs back to our community and we share out with the family. In gatherings, any traditional doings that we have we share it out, and Pacheedaht people are really good for sharing. You know, we love sharing; it's part of our culture and in abundance there, this definitely shows it.
10960.           Thank you. Next one.
10961.           And I mentioned a couple of areas in Port San Juan in the west side and east side of Port San Juan, and this is a Pacheedaht member harvesting their important traditional seafood on the rock. And yeah, that's how we harvest. We just jump off a boat onto a rock in low tide and we start harvesting, and we bring enough back to feed a community.
10962.           Next.
10963.           And this one I touched on around community fishing. So these salmon have been harvested in one of our main arteries, fishing creeks in San Juan River. And our fisheries take place community-wise, so these are mainly the adults but what's missing in this photo is the ages that are below us. We involve all ages from infant to our Elders in our community fisheries that we have every year, and it is quite the experience to provide such an experience to community members that they feel just a feeling of harvesting as a community, as a family.
10964.           So this is done by beach seining off our beach. We also have gillnetting families that they harvest in the local rivers as a family. So these fisheries are really important to us every year.

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10965.           And every year we harvest, we harvest for celebration, we harvest for just being together as a community and we invite friends and this is -- this photo is being taken during the same day as a fishery and we have a feast. We have a feast to celebrate our Aboriginal right.
10966.           And I mentioned earlier about the shipping traffic concern that we share and the main concern is around the Swiftsure Bank which is called Pacheedaht Bank -- our shared territory bank and this is where the shipping lanes come down; the tankers come down this way and before they turn into the Pacific they turn right over Swiftsure Bank which is Pacheedaht closed area bank which my nephew mentioned earlier.
10967.           So that's definitely where we're getting affected by these large ships -- tankers that are bulldozing through the fog and it's interrupting our fishery.
10968.           Also we do some sockeye seining within the shipping lanes that affect us also.
10969.           So yeah, that's definitely a good picture of our territory. So we have a large territory that these shipping lanes are definitely affecting the Pacheedaht people.
10970.           And this is pictures from -- it's the proud Pacheedaht member that are fishing at Pacheedaht Bank and he's holding a nice-sized halibut up with a great big smile on his face, you know, proud as ever. And we also got some lingcod on the right-hand side. So we get a mixture of different species, yelloweye and lingcod and a variety of rockfish that we rely on.
10971.           And this picture is my nephew. My nephew just loves fishing. You know he's just -- it's really quite the experience to see that, you know, the younger generations like this are so involved in our fishery.
10972.           So this is a fishery that we do every year -- a coho community fishery that we hold on Thanksgiving and instead of having turkey for Thanksgiving, we barbeque fish right on our beach where we're fishing and it is a very, very great feeling for a community. They travel home not just members that live at home, but you know members that live on Vancouver Island or the mainland. They travel home to take part in these community fisheries.
10973.           And yeah that's what my experience is as a Pacheedaht harvester and

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in my role as Pacheedaht fisheries program. So I will turn it over.

10974.           **MS. KYLE:** Before we do that, Mr. Chairman, one issue I wanted to ask Councillor Jones to just address briefly is intertribal protocols if he could.

10975.           **COUNCILLOR JEFF JONES:** Thank you very much. It slipped my mind.

10976.           So as Pacheedaht people we have a territory. We have a territory that is very important to us. And we -- we're coming across that when other First Nations don't have the privilege of abundant resources and seafoods that we do.

10977.           So Pacheedaht for many, many, many thousands of years, we have a process that's called intertribal protocol process. And this process is when other First Nations that are non-Pacheedaht First Nation members, they approach our Hereditary Chief to ask for authorization, permission to harvest resources for their family.

10978.           And we're coming to a point now that we're noticing the increase of First Nations that are not so privileged to have such abundant resources in their territory. They are reaching out to Pacheedaht in guaranteeing that they have their healthy traditional foods in their freezers for the year.

10979.           The Pacheedaht territory is -- we have Hereditary Chiefs that have a right to say what will happen in their territory. And through our fisheries program, we make that happen by any other First Nations that want permission. We bring our -- their request to their -- to our Chief and we ask our Chief if they want to grant it or not.

10980.           And I'm really sorry to say that we don't have our Hereditary Chiefs here today, but Hereditary Chief system is very important to Pacheedaht people here. And we need to recognize that -- we all recognize whose territory you're always in and there's some First Nations that are on traditional and some First Nations that are under the *Department Indian Act* election process that go by Chief and Council. But we work both ways. We have close working relationship with our Chiefs and also elected members.

10981.           So I think that's enough on intertribal progress -- intertribal protocol process and I'm sure Helen will dive into that a little more.

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10982. Thank you.

10983. **MS. KYLE:** Helen Jones?

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. HELEN JONES:**

10984. **MS. HELEN JONES:** Good morning. My name is Helen Jones. I have been the Pacheedaht Fish and Wildlife Program Manager for 22 years. Part of my roles and responsibilities in that position is overseeing stock assessment projects, habitat rehabilitation-type projects. I've been entrusted with the management of both Pacheedaht's Aboriginal and commercial fisheries.

10985. All that said, I was asked here today because I have a non-Aboriginal perspective. I've lived in the community for 20 years. My chumathly (ph) that sit beside me, they have taught me a different way of looking at things. And while I'm going to go through my story, I want to share some of the things that I have learned because there's a different value system than what I was raised with. It's intrinsically and fundamentally different.

10986. And my family here has shared that with you and I just want to emphasize my thoughts on that as I went through.

10987. I'll begin my story when my journey began at Pacheedaht. It was in the early nineties. It was a time where Crown policies, DFO parks were just starting to change. The ramification, all these parks policies, the encroachment parks to the west with the -- the federal parks reserve to the east with the Juan de Fuca Trail had ramifications on Pacheedaht's harvesting practices. At the beginning they were fairly restrictive. DFO passed regimes, had created Elders that walked around saying I'm a poacher. Times have changed. And Pacheedaht has learned they don't want to return to those days.

10988. Also at the time I entered Pacheedaht's history, there was a derogation of the stocks in the adjacent areas. It was the time of the fish wars with the Pacific Salmon Treaty in Area 20 at the War Chest's Zone at Bonilla Point. All these things had an impact on Pacheedaht's wellbeing.

10989. When I started working for Pacheedaht I was young. I was very naïve and I was put under the guidance of eight Pacheedaht Elders. They were called

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the Pacheedaht Fishing Authority. They taught me about seven generational thinking. They emphasized the value of stewardship and not risk management.

10990. They established three main priorities to revitalize Pacheedaht's cultural wellbeing. I would like to share those with you. The first and foremost in their mind was habitat rehabilitation. It was their priority. Things take time, assessments need to be done, partnerships need to be formed. Pacheedaht was proactive. They formed those partnerships. They've worked diligently over the years to develop off channel habitats, to revitalize their stocks to the best of their ability.
10991. Their primary objective is -- was their passion. They wanted to re-establish and support harvesting, processing of all resources for their younger members. The group of Elders I worked with were in their forties plus. I call them Elders because we've lost them all now. Fortunately I got to see that.
10992. Part of their vision was to reconnect their youth, their older youth, with their smelting, their clam-digging in their estuaries, the harvesting of their seafoods along their shorelines, the in-river community fisheries, the beach chain which -- Roxy showed you photos.
10993. It's a selective fishery, by the way. It takes the strong stocks and it releases the weaker stocks.
10994. The family gillnet fisheries, to create that independent wellbeing; the ocean fisheries, the salmon fisheries in the ocean to augment the fact that our rivers don't produce what they once did. The offshore fisheries include a gillnet fishery for sockeye. That fishery used to occur about 3 to 5 kilometres offshore to the west where the shipping lanes are now.
10995. We also have -- we retain a seine vessel every year to fish on our behalf. They're subject to the traffic lane enactments too. They're often asked to move in accordance with Seattle traffic or Tofino traffic.
10996. In addition to that there was the jigging programs, community long line programs, lots of programs to give opportunity to transfer that into generational knowledge. And then there's the crown jewel of Pacheedaht, the Swiftsure, where the Pacheedaht Bank as we know it.
10997. Before I get to that, I'd like to kind of just give some context of what



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I've learned about Pacheedaht terminology. So harvesting, as I know it, means catching things. For Pacheedaht, as you've heard so eloquently from my cohorts here, it means not only harvesting but processing, consuming healthy traditional foods.

10998. It doesn't end there. It maintains a lifestyle, it maintains a traditional healthy diet. One that non-Aboriginals can only dream of. It holds knowledge and it transfers into generational knowledge of harvesting and processing foods. More importantly, it reinforces Pacheedahts' sense of home and place.
10999. It secures roles and responsibilities, to the youth, to the families and it gives meaning to life and this is value from a Pacheedaht perspective. It does not equate to a dollar value.
11000. Sharing, sharing is a spiritual practice in Pacheedaht. I've learned from my family what it means, it means an intertribal protocols. It means with sharing with Pacheedaht members that branch out throughout North America.
11001. Pacheedaht depends on its resources but its members aren't tied to the land. They live as far away as Toronto, Minnesota, California.
11002. Where are we at today? Well, everyone's worked together and the combination of all of this work envisioned by these Elders has resulted in the fact that many people are harvesting to meet their needs. We have a pristine beautiful, healthy environment.
11003. The lesson that we've learned though is that any breaks in the chain of knowledge are destructive. Roxy spoke to this.
11004. Risk; we had a recent event. And I say recent in that the CRD wastewater management plant, locally in Port Renfrew, hasn't been upgraded in a while. It's created some concerns for Environment Canada and some modelling is being done to protect our interests, to protect the local community.
11005. The result has been that our bivalves and our estuaries can't be harvested three quarters of the way out Port San Juan.
11006. What's happened? People have forgotten. Kids don't ask "why don't we go harvest clams anymore". Most of the people at this table, when I was talking about this yesterday, "Oh yeah". Keeping that information current is

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really important. Again risk.

11007.           Getting to the Swiftsure, I'm really glad that Jeff invited you out. And I really, really hope that you come and enjoy the day, you know. I've never experienced anything like it and I think you've heard from everybody, it's like going back in time. It's magical.
11008.           You look under the boat and you can see the herring swimming, you can see a juvenile coho. It's a nursery area out there. Our coho are known to hold there from Pacheedaht; trophy coho, Cowichan chinook hold there. Fraser River chinook are known to hold there.
11009.           The humpbacks are breaching. It's like a time-warp. You even see the exotic species that come in with the warm water tides, you know, the offshore chinook, the sunfish -- sorry, offshore seabirds. Coming with this, in the proximity of the location of Swiftsure at the western boundary of the Strait of Juan de Fuca, you know, the waves come from all directions. They rock and they roll. You know where you are in the water, you know, you don't even have to look over the boat just because of the movement of the boat.
11010.           The weather changes really quickly out there and, you know, there's a lot of information, scientific information that talks about the waves states. It talks about the wave climate. The fog; we live in a biogeoclimatic fog zone. It's there. The term "out of the mists", it came from a place.
11011.           Historically, you know, Pacheedaht has used that location for millennium. The villages that you see on this map, just there to your right-hand side, all the way along the coastline, they were villages. They're in close proximity to the Swiftsure Bank, to the Whaling Station, to the halibut, the sable fishing area, the lingcod, the rockfish, the pacific cod, the salmon, the coho, the sockeye.
11012.           You know, the waves there, I get seasick. And when it -- those tides change and they start ripping and the waves start building, no one takes photographs because they're holding on.
11013.           So the pictures you saw here today are not indicative of what you might see out there. We would never take you out on a day like that. By the way, we always look at the forecast, unless a charter operator tells us otherwise.

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11014. I lost my train of thought. My point is that the weather is really rough and Pacheedaht goes to harvest there because of the abundances. As in my position as the Fisheries Manager, I know what the average boat lands in a day, and I'm going to tell you it's between 500 to 1,200 lbs a day of halibut.
11015. Jeff alluded to the other fish that are caught and I just touched on them, so I won't go there but our members knew of that place and they go to that place for a reason. They go there so they can fill their freezers, so they can feed their families. They can fulfill their social and spiritual obligations; and for economic reasons, dare I say.
11016. And like Jeff said, many Nations, from the Mi'kmaq to those in Minnesota that I cannot pronounce, to the Flying Dust Band, to Haida Gwaii, they come to Pacheedaht. They trade, some bring moose.
11017. But we rely on the Swiftsure Bank to maintain those intertribal fishing protocols, the trade-and-barter system that's inherent as part of Pacheedaht's rights.
11018. The tankers when they come from the fog, the fog dampens the noise of the tankers as they move along. It's really hard sometimes when it's thick to actually know what direction they're coming from. You need to know that because you need to be able to swing the bow of the boat to face the wake. And if you're not quite sure of the proximity of that vessel from you, you don't really know how big the waves are going to be; and it really depends on the sea state too, how big those waves are going to be.
11019. So there's a fundamental safety concern here, and like Jeff and others before me, you know, those shipping lanes are a problem; they create great hardship and safety and risk to our community.
11020. If the tides are ripping out there, which they often do in the spring and the fall, our fishermen will anchor into locations, their preferred fishing locations. However, sometimes the feed abundances or the currents will dictate the fishermen will fish in one specific location. So they set anchors and their boats will flow with the anchors.
11021. Again, a tanker comes in close proximity, you have to release that anchor so you can move your bow around. I took some of these pictures that were up here and those tankers are monstrous. The sea state that comes off the

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waves are sometimes really frightening. Even in a 28-foot boat, you know, it's really nerve racking, and I implore you to consider that.

11022. Our community members used to go out to the Swiftsure in large skiffs. They would fish all day, nice 30-foot skiff. You could fill it up, you know, and bring it home and meet your needs.
11023. Nowadays, you know, you heard Bruce talk about charter operators. So our community members are now retaining these charter operators, which go from 500 to \$1,000 a day to access the bank to maintain their personal safety, especially if you have children on board. And it's really important that the children are there because they have to learn the fishery. The transfer of the knowledge is important.
11024. One of the other considerations in all of this is the risk with the oil spills. You know, I worry; I hear there's no risk assessment being done by Kinder Morgan. The risk is minimal. I hear that there's no liability by Kinder Morgan if the tankers were to have an accident. I don't know what that would look like but I hope you hear the value that our community has. It's not just about dollars, that's not what's for discussion here. It's a way of life.
11025. I'm kind of getting ahead of myself now, but I will put in the context that through Treaty and DFO policy, First Nations now are told that they have to fish in their Treaty lands or their traditional territory, their Statement of Intent area.
11026. If there ever is an accident, the implications are huge. Where do we go? We already know our neighbours are coming to us. They're not rich in resources; they depend a lot on us.
11027. You know, what happens when the oil hits those shorelines? The seafood, how do you protect it? I ask questions of our team; "How would we protect these shorelines?" "Well, we have these booms." But will they operate given our sea states?
11028. UVic is doing wave climate research out there right now. I'm sure you're well aware of that. Does the technology work? It's a question I would like to have answered. I know it won't happen here, but I would really like to understand that better.

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11029.           The third vision of the Pacheedaht fishing authority is revitalization of traditional Pacheedaht economic. I'll start on that subject and our Treaty negotiator will kind of follow along. I'll just stick to the fisheries portion of it.
11030.           So when I talk about our fisheries economy, once upon a time not so long ago, Pacheedaht were fishermen. They were put on small Reserves, as many people, I'm sure, before have told you, because they were fishermen. They had a number of boats. They were boat builders. Even in 1945, our Hereditary Chief had a black cod fishing licence.
11031.           The Pacheedaht Fishing Authority always envisioned going back to a small local mosquito fleet based on their heritage's merchants.
11032.           So over the last 20 years, Pacheedaht has taken every opportunity they can to acquire industrial fishing licences. Today, we have two salmon troll licences, three sardine licences, groundfish licences including halibut, black cod, lingcod, rockfish, crab licence. They don't all operate in Pacheedaht territory at the moment. There's a lot of challenges associated with dealing with policy.
11033.           Crab licence, however, is moving home. It's in the local area. We have a young man who is committed to taking his Fishing Master 4, who has been working in the crab industry for several years.
11034.           Our other fisheries, unfortunately, are far away because of the rules and regulations around the commercial fishery. But those particular species were selected because they fit at home and our vision is at some point in time, through whatever mechanism that we can find, to bring them home.
11035.           The value of those licences in dollars, it's in the millions of dollars. I don't know if that's meaningful. The livelihoods that are being realized now, you know, it means a lot. Again, the risk; what happens if ...
11036.           The weather regimes in our area, you know, the hurricane-force winds, the sea states, the risks versus our treasures, our way of life, our family, our future are at risk here, and for what? We're going to go from 60 tankers to 408 for what. I apologize if I didn't get the math right.
11037.           But for what? You're going to take unprocessed bitumen, toxic material through our waters. Who's going to benefit; not us.

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11038.           One final point that I just forgot to mention is, and I'm sure this will be addressed somewhere but I do want to put it out there. One of the things that we observed being on the water and in the head of our bay is the amount of garbage, water bottles with Shanghai written on them, Hong Kong. We also worry about bilge dumping. We're assured that won't happen, although Environment Canada has some pretty big fecal coliform readings out in our bay, but I don't know where they come from, but it's a worry.

11039.           I think I've had an opportunity to say everything I wanted to share, and I really appreciate you hearing me. And I implore you to really consider what's at stake here.

11040.           Thank you.

11041.           **MS. KYLE:** Mr. Chairman, I see the time, and with the Panel's indulgence we do have one more speaker. Helen Jones had a few photos as well. She could perhaps quickly take the Panel through those and then we could turn it over to Marvin McClurg and then Chief Daniels for a few closing remarks if that is fine with the Panel.

11042.           **THE CHAIRMAN:** Yes, the Panel are fine with that.

11043.           **MS. HELEN JONES:** This is the heartland of Pacheedaht, seen from the Whaler's Mountain. You see the smelt grounds at the foreshore of the bay where the steelhead move along to feed, and the adjacent watersheds to the Gordon River to the right, and the San Juan to the left and at each one of the points, the seafood harvesting areas and the salmon migration locales.

11044.           Next.

11045.           The abundance of seafood.

11046.           Next.

11047.           Gooseneck barnacles, *çe?i.daw* or slippers. This is the biggest delicacy of Pacheedaht.

11048.           Next.

11049.           Crabs, lots of crabs. You know, our children can eat three crab in one

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sitting. It's just amazing.

11050.           Next.

11051.           Seaweed. Lots of history around seaweed and health benefits and it's something that we're bringing back into the community.

11052.           Next.

11053.           Marine mammals, part of Pacheedaht's historical harvesting. Often see them out at Swiftsure Bank feeding.

11054.           Next.

11055.           Buoy Juliette, you can see there's a visitor there, a sea lion. He's there for a good reason, there's a good feast underneath.

11056.           This was moved, this beginning of the shipping lanes, but this was moved also previously, and I think that history will unfold in a written format.

11057.           Next.

11058.           This was a photo I took in a fishing trip the summer before last. And I think it gives a big perspective of actually what is going on on the bank. And this is a good day and I wasn't seasick.

11059.           Next.

11060.           This is a picture of an oilrig transiting the fishing area again, the shipping lanes, and I assume moving north.

11061.           Next.

11062.           Our reality.

11063.           Next.

11064.           Our bounty.

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11065. Next.

11066. Another viewscape of the head of Port San Juan. In this area on the top of the estuary here are the medicine gardens and the root gardens which Pacheedaht also fears for their survival in the face of an oil spill.

11067. Next.

11068. Wow, this is Uncle Bill keeping his fishers in line and his processors here. This is what the Pacheedaht Fishing Authority envisioned, all generations working together, our community healthy and happy.

11069. Next.

11070. The end product, maybe Roxy's.

11071. Thank you.

11072. Oh, one more. This is a picture that was taken of the early Pacheedaht fishing fleet in Harris Cove. There was a boat building steamer on the opposite bank also. They were crafters and masters of all trade.

11073. Next.

11074. Thank you.

11075. **MS. KYLE:** It's over to Marvin McClurg.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR ELDER  
MARVIN McCLURG:**

11076. **ELDER MARVIN McCLURG:** Okay, can you hear me? Okay.

11077. I'm going to bring you from 1946, when I was a young man here and take you to today. And I was here in 1946 and I learned how to log, I was 15 years old, and so the only thing I knew was logging, you know.

11078. And I was disenfranchised so I picked up my packsack in '47 and I tramped across the United States and I went with Art, Wes, I don't know if Leonard went with us, but we tramp logged all over the place in Oregon, on the



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other side of Nemeka (ph). We went up to Alaska, Juneau, and Sitka, logged up there.

11079. Then I kind of settled down, and then what I wanted to -- I took on different trades. I learned to become a welder, I certified as a welder, I worked in the shipyard, I worked in a wrecking yard, running a wrecking yard, I'd journeymanned on a one man body and fenders so I learned the trade of body and fender and painting and stuff. So I was trying to gather all I can so I could be like Mr. Queesto was, he could do anything. You know, and that was my goal and that's the way I wound up like.

11080. Then I moved -- 1951. I got to tell you about this. My buddy was John Bob from the other side of Nanaimo there, Nanoose, that's who it was. Anyway, we tramp logged together around there, and then -- this is 1951 and when you go across the border you have to register for the draft, even if you're a Canadian or whatever it was.

11081. So the camps were shutting down so I went down to the draft board and I asked them, I says when am I due to be called up, and they said, oh about summertime. I says, well can you put me on a list now. Oh man, they jumped up and down. Yeah, we can put you on there right now.

11082. So about a week later I went for my examination and became a proud army man for the United States. And my buddy, John Bob, about two weeks later he's in the army too; he had to follow me there. So we had close ties, him and I, from Nanoose and here.

11083. What I wanted to say was that we do for the country; we don't shy away or try to hide or not do anything. And so we both went over to Korea for a year. He was on artillery and I was in transport. And even had to volunteer to go overseas. They put me in Camp Roberts, California, it's about 110 there, and made me a supply sergeant. And I'm a logger, I'm not sitting in a little room dishing out spoons and crap like that. So I volunteered and said oh, yeah, you can go right now. Okay. So who comes along, John Bob, a couple of weeks later.

11084. So what I'm trying to say is that we do for country, so what does the country do for us? You know, we're proud to say that we don't shy away from our obligations to do things.

11085. So when I got out of the army, I met this young woman. She was from

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Nitinat, up the coast here a way. And we really got along good together and we bore six boys. Looking for a girl, but that never happened. So we had six boys. Raised them in Seattle. And they are Ditidaht Band members.

11086.           Being disenfranchised, you couldn't pass on your entitlement to be a Pacheedaht. And then Bill C-31 come along and says I can have it back now, you know. So that's when I -- 1991 or '02 I moved back to Port Renfrew. And I served on campgrounds, served on council, and I could see there's really something wrong here that, you know, the prime real estate in Port Renfrew and you had to be on social assistance.

11087.           When I was here in '46, everybody had a job so they all had a meaning to get up in the morning and go to work. And it was money they were making, not social assistance money, you know. So that was a difference.

11088.           And so Anne Marie and Rodney Thur was the Band Manager at that time. We looked, we said, what's -- how can we get out of this, you know. First of all, you have to create jobs. Because the population grows and your Reserve is so small they have to move off. Half our members in the State side and Vancouver and everything came from even from here. We don't have them living home here but -- because there's no jobs.

11089.           So we said, "Well, how about the Treaty?" Sounds like if you go on the Treaty, you should be able to do a deal and get something out of it. And so we said, "Fine. That sounds good". But we didn't have the capacity to do it by ourself, our band was so small. We couldn't organize and get that many people together to go in and do a Treaty.

11090.           My late wife was from Nitinat and they were already in the Treaty for two years, so I went over there and asked their Elders. I says, "What about if we join onto your table and take the papers you've already got in the two years and accept that as a beginning", and we go through a Treaty, have the same negotiators but two Treaties. In other words, we wouldn't all get the same thing like, you know.

11091.           And they didn't want to do that at first. They thought that would complicate things. And so well, Jack asked me, "Well, come sit at our table anyway and see how it works". So I went there for about two months or three months, whatever, watching how the process worked and what they were doing and everything else. And they finally decided, yeah, it could work. Even though

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I couldn't talk them two or three months that I was sitting there because I was an outsider, couldn't say nothing.

11092.           So on March the 9<sup>th</sup>, 1997, they accepted us into the Treaty process. So we figured that's the only way we're ever going to get out of this mire that we're in here to get -- to be self-sufficient, get land, money.
11093.           But it was hard. I've been there 17 years now. But we have made progress. It really is slow. All governments are slow, I presume. But when you deal with two of them, they're twice as bad. You got the province and you got the feds; one says yes, the other says no. So another two months goes down the tube and everything else. You wait.
11094.           I think the biggest things that we've accomplished by doing the Treaty was we got half the marina that's down there in Port Renfrew. Now that's been there for years. It used to belong to TimberWest. And the people that were leasing it were always trying to buy it. And Steve Lorimer was the big shot for TimberWest, and he'd asked me and I said, "No. Don't sell it to them." I says, "We want it too".
11095.           So he kept putting them off, putting them off. And then finally one day he said, "If you get Pacheedaht as your partners, I'll sell you that for 600,000 bucks". If you waited another, at the end of the year, it would be re-evaluated to over a mil. So we did, so we bought that. So now it's -- we're half owners in that.
11096.           And then the next big thing that we accomplished, which I think was the biggest, was a tree farm license from -- not TimberWest -- Western -- Western Forest. And the reason we got that was because Western sold their private property without consulting with us, you know, selling their property. So that kind of put them in a bind because they're supposed to consult with you and accommodate if you can.
11097.           So the Canadian Overseas wanted to buy the tree farm license. So -- but in order to buy the tree farm license they have to have an Aboriginal partner because it was in our territory. So he says, "I'll loan you the money. We'll go together and you'll be a 50/50 partner". So we said, "Yeah". So we thought that would be an easy deal because they're pretty knowledgeable in what the timber license is worth and everything else. And so that took three years. They didn't want to sell it, you know, to us. But they finally sold it to us and then we had to

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start paying off our loan.

11098. But in the meantime, the price of timber went up, so actually, in a couple years or three years we paid off the loan. And now we are a tree farm license holder with Canadian Overseas. And so that was a big deal. There's not too many people that have that tree farm license. And to me, it's a continuous amount of money that so much you make every year. So much you make a year, you plant, you log, you plant. So it's an income you can count on, you know.
11099. So we've done that and then the other big thing that I would like to say that was done last year or this year, I guess, we got an incremental Treaty land given to us to show they're ready to deal with a Treaty and don't give up. They give us 600 acres on the -- from Port Renfrew going out towards Minute Creek there on the right side and down to the ocean. So we got 600 acres on that and when we -- that's by reaching stage four, which we are at right now.
11100. Stage five we'll reach -- we'll get another 600 acres down towards Sombrio and Jordan River, which we own half some of that land down there.
11101. And the big thing, 3 kilometres of beach campground, we need money to develop it. We're only using about 30 percent, I would say, of that beach. And we make good money on it but it doesn't employ enough people and it has to be made so you use the whole 3 kilometres, you know. And that's a nice, beautiful beach that you seen in the pictures there. But we need money to do it.
11102. And so the big thing that I said when they said, "What are you going to use the land for" I says, "Collateral". Because you can go to the bank with fee simple land; Reserve land you can't get a dime. It's owned by the government. They dictate to you what you can do, what you can do with it, you know so.
11103. And as far as threats of the project, yeah, it's a big deal. Threats, as you can see, the open ocean is pointed right at us when the storm's come in. So we have concerns. And I would like to find a solution. I don't know if we can but I mean, there's got to be something that can be done.
11104. And I would rather see us -- we're going to put our brains together after a while and see if we can put some suggestions or questions that we need answered that I don't want to kind of make -- boil the water here right now while we don't have to. We can go ahead and write our questions and maybe some of

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the answer that might be possible to get. But I don't know until we talk to everybody on our committee in Pacheedaht and everybody else, if we do have solutions that might help.

11105. But the way it is right now, we're sitting out there open and no place to go. Everybody else owns their own land. You can pick up, you don't have to stay here, Mr. Hamilton. You can sell your property and go next door and down the road. We're not. We're stuck where we're at. And we're stuck with what we've got to deal with. So we got to find solutions how to do it.

11106. And I hope you will put your brain together too and see if we can come up with some solutions. We'll give some ideas to you and see what it does. Because like I say, we're willing, we're always willing, we always have been. I think we've been in every war that there was, you know, and we stand by it and we do want Canada to stand by us and treat us like we should be treated, not just come in and say, "We're going to do this. Go ahead. I've talked to you; that's it."

11107. So that is all I have right now that I can think of.

11108. **MS. KYLE:** Over to Chief Daniels for closing comments.

**--- CLOSING REMARKS BY/REMARQUES DE CLÔTURE PAR CHIEF ARLISS DANIELS:**

11109. **CHIEF ARLISS DANIELS:** I would like to thank you again for hearing Pacheedaht's history and listening to our Elders. I wasn't expecting this emotion but...

11110. Thank you for listening to our Elders, our fishermen, our harvesters, our managers, our knowledge holders, and our Treaty team.

11111. An oil spill from Kinder Morgan's transport tankers would bring devastation and hardship upon our community and our West Coast Nation.

11112. Our First Nation sisters and brothers have been fighting for the simple things in life; to continue to fish and hunt and to gather what's natural to us. This project is putting our rich seafood diet at risk here, and I can't stress this enough.

11113. As I stated before, Pacheedaht banks has historical and a spiritual

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connection to us. Our ancestors have taught us to ensure we continue to survive and thrive from our traditional foods. We teach firsthand the importance of fish and the seafood to our delicate young children.

11114. Our social aspects of feasting and bringing our communities together is in jeopardy. Any contamination in our waterways puts our food at risk. This project is placing us in jeopardy of our very own livelihoods. It affects our generational knowledge, our cultural -- our culture, our identity, and our harvesting sites.
11115. As we all attempt to regenerate our rivers with salmon species which are in recovery from contamination from historical mines and forestry industries, the proposed increased tanker traffic highly endangers our way of life. We love our pristine traditional territory. Our feasts are in jeopardy when an oil spill does happen in our rough, unforgivable waters of the West Coast, just as that of the Valdez oil spill. It's still affecting them 22 years later, such as Bill had mentioned.
11116. With no consultation in 2005, the shipping lanes have moved one mile off our Pacheedaht banks. This puts our fishermen and our harvesters' lives at risk. The short distance between our sister tribe of Makah is only 18 miles south of the Washington State by water, the increased tankers will pollute and endanger our natural food resources and endanger lives.
11117. As you can see from those photos that we have shown, those tankers cannot stop. It will take them miles and miles to stop. And just as Bruce and Helen had mentioned, we can't move fast enough and, again, our lives are in danger.
11118. Today, governments are pushing through items such as removing the humpback whale from the endangered species list. What for? To accommodate Kinder Morgan.
11119. When an oil spill happens in our waterways, the depth and the fast-paced water -- the depth and the fast-paced waves would ensure that nobody or anything would slow down that oil from hitting our shorelines, our livelihood, our identity.
11120. An oil spill in our rough waters would kill all of our traditional foods and the long-term effects of this is pure devastation. A spill would force many

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First Nations to go access fish and seafood from other areas on the inside channel of Vancouver Island.

11121. Those foods are natural to us as our market is our front yard. It's very concerning to us that we have no opportunity to give opposition to the Canadian and provincial governments in this regard. Our participation here today is by no means our form of consultation -- or consent to give any government or any industry approval for this project through our traditional territory.

--- (Applause/Applaudissements)

11122. **CHIEF ARLISS DANIELS:** I hope you have listened to our concrete concerns of making recommendations to say "No" to this expansion.

11123. We need accountability from government to industry and that isn't there; it doesn't exist. If a spill should happen in Pacheedaht territory and hits our shorelines, Kinder Morgan isn't accountable once it leaves their ship. Who is exactly responsible for an oil spill?

11124. Some of the impacts to the Pacheedaht people; number one impact is to our Aboriginal right to hunt and fish and to live. Another impact is our right to trade and barter with our neighbour tribes, our sisters, our brothers, our neighbours, our families.

11125. Just the presence of the tankers that travel through our waterways today is an impact to us. The safety of our harvesters' lives are at risk, my life, my brother's life, my niece's life, my nephew's life. I have children at home. I have grandchildren at home. The risk these tankers pose on us would erase us, would erase our identity, our diets, our rich diets. The impacts on us is the social and economic, political impacts to our people.

11126. The shoreline and the ocean holds a majority of our rich seafood diet; sea urchins, crab, gooseneck barnacles, rock stickers, mussels, octopus, herring, smelt, sockeye, I can go on and on.

11127. Our roles and responsibilities to our youth and the well-being of our Elders, their knowledge they hold, the history they hold; that's in jeopardy as well. That would impact us.

11128. Our rivers and our wildlife that rely on those rivers to survive as well.

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The elk you've seen graze in our -- graze across the river from us.

11129. Another impact that we have is that due to the fact that the high tanker traffic out on our Swiftsure Bank, we are forced to hire expensive charters to go and fish and get our groundfish for the winter.

11130. One of the impacts that we have is that we cannot buy our traditional foods from a grocery store. Our market is the ocean, the shorelines, that's our market.

11131. The stories here that you had heard today, I would like the NEB Panel to really take into consideration the dangers of our lives, our livelihoods, not only ours, there's other -- there's commercial fishermen, there other tankers out there. But we need to protect our past, our present and our future. My Aboriginal right is in danger.

11132. I would just like to acknowledge body language here. Body language speaks volumes.

11133. I would like to end there and again say thank you to the National Energy Board Panel for hearing Pacheedaht's ways of life, our history and our present and hopefully our tomorrows.

11134. We have to protect our Aboriginal right. And again thank you very much for hearing the Pacheedaht. We stand in solidarity with all the other nations that are opposing. We will not let -- we will not sit silent and let industry take over our traditional territory.

--- (Applause/Applaudissements)

11135. **CHIEF ARLISS DANIELS:** Kleco Kleco. Thank you.

11136. **THE CHAIRMAN:** Thank you.

11137. I think you indicated that there would be questions in writing and I would like -- a few words to Trans Mountain if you wish.

11138. **MS. OLENIUK:** Thank you, Chair.

11139. On behalf of Trans Mountain I'd just like to thank all the witnesses for



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their testimony today and if we have questions, we'll pose them at the appropriate time in writing.

11140. Thank you.

11141. **THE CHAIRMAN:** As will the Board, if we have questions from your testimony today, we will also put them in writing.

11142. And I acknowledge your comments on the fact that you felt the time wasn't sufficient for you to provide all the oral traditional evidence that you may have wished to present to us and so I offer to you, please feel free to request some additional time -- some -- to file additional oral traditional evidence through a video or some other means. So I offer that to you to make that request to us.

11143. On behalf of the Board, I acknowledge each and every one of you that has come today and those who have come to witness with you as well and who have travelled to be here with you today.

11144. And it was Bill Jones who said something -- said that it is part of the all and that was a statement that he made in his testimony today which it's part of all of the whole process what you brought to us today. And I acknowledge that and that as you -- as we journey on in considering this application, I -- we have other avenues for there are to be more in the days and weeks and months ahead in this.

11145. There's opportunities for us to give requests to you for further information, for Trans Mountain, and for you to make requests to other interveners as well. And so those are opportunities are still in front of us as we journey on.

11146. And I can assure you that once we get to the end of that process and we have all that information in front of us, including what we have heard today from you and what we will hear from others in oral traditional evidence and other opportunities in our process, we will consider all that we have heard and we will consider that and we will consider it whether we will recommend or not the application that is in front of us.

11147. With that again, I acknowledge your presence today. We will stand adjourned until 1:30 when we will hear from the Horse Lake First Nation.

11148.           We're adjourned.

--- Upon recessing at 12:37 p.m./L'audience est suspendue à 12h37

--- Upon resuming at 1:32 p.m./L'audience est reprise à 13h32

11149.           **THE CHAIRMAN:** Good afternoon, and welcome to the afternoon session of the National Energy Board's hearing into the Trans Mountain Expansion Project.

11150.           I would like to recognize and confirm that Mr. Casey Horseman and your legal counsel, Mr. Bayly, are on the line and can hear us here in Victoria.

11151.           **MR. CASEY HORSEMAN:** Yes, we can, Mr. Chairman.

11152.           **THE CHAIRMAN:** Perhaps then, I understand, Mr. Horseman, you would like to open with a prayer, which we would like to as well.

11153.           Thank you.

11154.           **MR. CASEY HORSEMAN:** Yes, I would. And I will start out in my language and then I will say it over again in English. Are you ready?

11155.           **THE CHAIRMAN:** Yes; please proceed.

(Opening prayer)

11156.           **THE CHAIRMAN:** Thank you for offering your prayer to begin with.

11157.           Again, I'd like to welcome you to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project.

11158.           My name is David Hamilton; and with me, on my left, which you can't see, is Alison Scott and who is sitting on my right, Phil Davies. And we thank you for participating today and I can assure you that our people in the hearing room here in Victoria and also there are people listening to this through the Webcast.

**Opening remarks  
Chairman**

11159. We will sit until 4:30 today and feel free to ask for a break if you feel the need to during your testimony.
11160. The Board does understand that the Horse Lake First Nation do have an oral tradition for sharing knowledge from generation to generation, and this information cannot always be shared adequately in writing.
11161. The Board recommends that you -- providing oral traditional evidence focus on their community's interests and rights. Sharing your traditional knowledge in stories about the use of traditional territory is of value to us. If you wish to share any concerns about the impacts the proposed project may have on you and your community, and how any impacts can be eliminated or reduced, that would be also helpful to us.
11162. This is the type of information we're here to listen to and we will use this information we gather today, along with all the other information -- available information in considering the possible effects of the proposed project.
11163. We appreciate that you have chosen to be with us today and I think you understand, before providing oral traditional evidence, presenters will be asked to swear or affirm that the information they are presenting is accurate and truthful, to the best of their knowledge and belief.
11164. And just before we get underway, I'd just like to acknowledge who else is in the hearing room here and ask the representatives of the Proponent Trans Mountain to introduce themselves.
11165. **MS. OLENIUK:** Thank you, Mr. Chair.
11166. Good afternoon to the Board and good afternoon to you, Mr. Horseman and you Mr. Bayly. I hope you can hear me.
11167. **MR. BAYLY:** Yeah.
11168. **MS. OLENIUK:** Perfect. My name is Terri-Lee Oleniuk and I'm legal counsel to the Proponent, Trans Mountain; along with my colleague, Heather Weberg, who is also sitting here with me.
11169. In addition, I have with me Annie Korber, and she's a member of Trans Mountain's Aboriginal Engagement Team.

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11170. Thank you.

11171. **MR. BAYLY:** Okay.

11172. **THE CHAIRMAN:** Thank you.

11173. And perhaps also you can confirm who are with you in -- for this conference, and then we will have Mr. Horseman affirm.

11174. **MR. BAYLY:** Yes, Mr. Chairman, this is Tim Bayly here. I can confirm that we are sitting in our cosy boardroom here in Grand Prairie. There's just Mr. Horseman and myself here. You are on speakerphone and the door is closed.

11175. **THE CHAIRMAN:** That's all right. We are a public session, so feel free to invite anybody else you may into your cosy office, Mr. Bayly.

11176. Perhaps I would ask Ms. Butler could affirm Mr. Horseman.

**MR. CASEY HORSEMAN: Affirmed**

11177. **MR. BAYLY:** Now, Mr. Chairman -- Tim Bayly here again. I wonder if I might have -- if I might some preliminary comments before Mr. Horseman gives his testimony.

11178. **THE CHAIRMAN:** Yes; please proceed.

11179. **MR. BAYLY:** Thank you. First I'd like to acknowledge that at least you folks there are on Coast Salish lands and we thank the Coast Salish people for permitting this hearing to take place there.

11180. I also bring greetings from Chief Eugene Horseman who sends his regrets and would have liked to be present here today. However, Chief Horseman, along with their industry relations team, has been fairly busy consulting with industry and meeting with government officials. I anticipate that you'll learn more about this busy schedule through Mr. Horseman's evidence this morning.

11181. Now, this comment from Chief Horseman is a comment about a

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process. And I expect many other First Nations might share the same procedural concern. The comment stems from the high cost of getting to this hearing in the first place. Preparing for this hearing and hoping to attend this hearing has been extremely costly for the Horse Lake First Nation, as I'm sure everyone knows, including Kinder Morgan hiring a lawyer, especially lawyers versed in regulatory law is not a cheap endeavour.

11182.           And then there's the cost of travel to and from the hearing. Unfortunately, this is a cost that the Horse Lake First Nation could not incur in this instance. And you will know that, whether intentionally or through a quirk in the system, the National Energy Board does not offer funding for the First Nations until after these oral traditional evidence hearings have taken place, the deadline for such applications being tomorrow, the same day these hearings are scheduled to end.
11183.           Now, the Crown is charged with engaging in meaningful consultation with First Nations' peoples. These traditional oral evidence hearings are part of that process.
11184.           Now, I want to ask the members of this Panel to try and see this matter from the perspective of the members of the Horse Lake First Nation in Hythe, Alberta, 1,400 kilometres from where you sit now. And before you start imagining this, I'll remind you that it's currently minus 30 degrees with the wind chill, blizzarding with a 12-inch snowfall warning. So, Mr. Chairman, imagine at your own risk.
11185.           I invite you to put yourselves in the shoes of the leadership of the Horse Lake First Nation, the fiduciaries of the Treaty rights of their people. Chief and council are scrambling to keep pace with industry requests. They're then told that they have the right to participate in a hearing 1,400 kilometres away from their homes. They're told that the Crown wants to hear their concerns.
11186.           In preparing for this hearing, I estimated for my client what the travel and accommodation and meals, as well as my time might be, if we were going to attend the hearing in person, as opposed to over the telephone. I came to a number that was a differential between the two, of about \$7,000 just for Mr. Horseman and myself to attend in person. And that's not three or four Elders as some of the other First Nations have been able to bring.
11187.           I then asked Kinder Morgan, through Ms. Oleniuk, if Kinder Morgan

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might assist in some travel costs. And after she consulted with her client, I received a polite response in the negative.

11188. I'll remind the Panel -- I'm sure I don't need to remind the Panel, that the context we're talking about here is an \$8 billion project.

11189. Now with great respect, the Crown has failed to meaningfully consult. Its agent, Kinder Morgan, has failed to meaningfully consult.

11190. I refer back to comments made on November 25<sup>th</sup> before this Panel by Ms. Skeels, counsel for the Stz'uminus people, when she mentioned the fact that the Proponent has not filed all of its intended material. And so in that case, the Stz'uminus and in our case, the Horse Lake First Nation, cannot properly be asked to provide detailed comments about its concerns for the project, especially when we don't know all the details yet of the project.

11191. Even if the Proponent had filed all of its intended documents at this point, Horse Lake First Nations still would not have the appropriate financial resources to have reviewed these filings.

11192. And please, don't take this the wrong way. Horse Lake is -- is not standing before this Panel with its hand open asking for more money. But it is pleading for meaningful consultation by the Crown.

11193. Let me give you something to think about here. When a leader of a nation would like to cross a neighbouring nation's land, that leader -- sorry, that first leader should ask to be invited to the second leader's table to talk about how things are going to work out. It is the first leader who is asking an indulgence of the second and not the other way around.

11194. Likewise, the Crown should ask to sit with the Chief and council of the Horse Lake First Nation on their land. For that matter, they should ask to sit with the Blueberry First Nation on their land or the -- to sit with the Aseniwuche Winewak on their lands. They should sit or ask to sit with all of the other concerned First Nations on their lands.

11195. I'll mention an example that surely will be known to you, Mr. Chairman, with your history of living in Yellowknife for several decades. Justice Tom Berger understood this idea in the mid-seventies when he travelled around the communities on the Mackenzie Valley Pipeline inquiry. He took the system

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with him to the people to the communities of those whose land and culture would most certainly be impacted. I'm guessing that Justice Berger learned something from that experience, the experience of really being with the people in their communities.

11196.           He learned that what they were saying was true. He experienced that what they were saying was true, that they had a culture, that they had traditions, that they were indeed tied inextricably to their lands.
11197.           I'm sure he more than learned it, he probably felt it. I would also wager that this is why the system has changed and the Crown is not travelling as much to the different communities on projects like Kinder Morgan's. Maybe the reason is that the Mackenzie Valley has not -- has still not been built. Forty (40) years after Justice Berger travelled those roads and airways, the project has still not been built.
11198.           Maybe the Crown doesn't want to risk the lost royalties and tax revenue that the cancellation of the project such as Trans Mountain would have and therefore, the Crown no longer travels with these hearings to the extent that the First Nations would appreciate in the context of meaningful consultation.
11199.           Mr. Chairman, that all being said, some industry leaders are catching on. When Chief Horseman wants to talk with industry leaders on important issues, they come to Horse Lake to talk with him on his traditional territory. There are dozens of vice-presidents and CEOs from local industry proponents that have come to meet with the Chief personally on his land. Groups like Weyerhaeuser, Ainsworth, ATCO, Conoco, ConocoPhillips, Seven Generations, Birchcliff, TransCanada.
11200.           Horse Lake is hoping that the Crown will catch on too and perhaps the decision-makers on these projects, the Minister herself, will again visit the people where they are, where their culture has its roots.
11201.           Now, I've taken much of the Panel's and Mr. Horseman's time, but this is a message that needs to be conveyed to the leadership -- sorry, by the leadership of Horse Lake to the leadership of the federal government. And seeing as Chief Horseman could not be here today, I did agree to convey the message for him.

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11202. Mr. Chairman, I humbly ask that you would convey this message to the Minister in your report and recommendation, whether or not it affects this specific process and application by Kinder Morgan.
11203. Now, with the Chairman's permission, I'd like to hand things over to Casey Horseman.
11204. **THE CHAIRMAN:** Thank you, Mr. Bayly.
11205. Please proceed, Mr. Horseman.
- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. CASEY HORSEMAN:**
11206. **MR. CASEY HORSEMAN:** Okay. Good afternoon.
11207. My name is Casey Horseman. English is a second language for me so everything that I'm going to be reading here today was prepared by myself, my wife and a friend of mine. So please, at any time if I misread anything, because of the language barrier, I have a tough time saying certain words with certain letters in it. So if you don't understand anything at any time, please feel free to stop me and ask me to repeat the word.
11208. Okay, good afternoon. My name is Casey Horseman. I'd like to acknowledge that while I am sitting in Grand Prairie participating over the telephone, that this hearing is taking place in British Columbia on traditional lands of the Coast Salish people. I want to acknowledge the Coast Salish people and thank them for hosting this process.
11209. I would like -- I would very much like to have been there in person, to meet with you and share stories but it did not work out for me this time.
11210. I would also like to acknowledge the National Energy Board Panel and the Chair David Hamilton, and the dedicated staff behind the scenes who have helped put the process together.
11211. The lawyers, who while unknown and unseen to me right now, are likely present. And any visitors, listeners in the room, as well to those who are listening online streaming.



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11212. Again, my name is Casey Horseman. I am a member of the Horse Lake First Nation. I am 49 years old and have spent 45 years living on the Horse Lake lands, near Hythe, Alberta. This is about 60 kilometres north of Grand Prairie, Alberta.
11213. I am currently an environmental monitor and I am known in my community as a knowledge holder. I am employed by the Horse Lake Industry Relations Corporation and I contract work out to them. I go out to these site visits and stuff for them.
11214. In the past, I have also worked for a large industry player in the oil and gas industry. So I have personal experiences on both sides of this discussion, that gives me the balanced perspectives and the insight into the Kinder Morgan plans to do on our traditional lands.
11215. I want to tell you a little about Horse Lake First Nation. We've recently become involved in this process with the National Energy Board on the Trans Mountain Project. Thanks to our new Chief Eugene Horseman, our people are becoming more aware of the industry applications and becoming more able to participate, having our collective voice heard by the Crown and this Board.
11216. I'm telling you this because I want you to know that our people of Horse Lake are trying very hard to engage with the Crown and the industries' Proponents but that we are being swamped with requests and it has been very difficult for us to get organized. And in response to all the consultation requests, our people and Elders, our Chiefs and our leaders and even our lawyers, have been working very hard to get us involved.
11217. We are very recently applied to participate in the Trans Mountain Project and we thank the Board for accepting our application.
11218. Because we are new to the project, I want you to know that I have not had a long time to think about and prepare for my presentation. So that's why I had to get -- sit down with my wife and my friend and write all of this down and I'm actually reading. For this reason; I didn't want to miss anything.
11219. So -- but being -- that being said, I wanted to give you a little bit of outline on what I want to talk about so that it'll keep the Panel and me on track.
11220. First, I'm going to talk about the background information about Horse

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Lake First Nation, its people, and the area we claim as our traditional territory. Then I'd like to tell you about the Horse Lake and its -- how it's been impacted by industry developments generally in the past. Finally, I will tell you about our people. How our people have used some of the areas where Trans Mountain would like to build this new pipeline, and why we have concerns about this project and what the project might bring to our land in terms of cumulative effects.

11221.           Everybody still there with me?

11222.           **THE CHAIRMAN:** Yes, we are.

11223.           **MR. CASEY HORSEMAN:** Okay. So then let's talk about Horse Lake First Nation so that you know where I'm coming from.

11224.           I understand we filed a copy of a traditional land use map. Can someone there please tell me if the map is visible to the Panel?

11225.           **THE CHAIRMAN:** It is now, yes.

11226.           **MR. CASEY HORSEMAN:** Okay. And I have one sitting right in front of me too so if I -- if you guys have any questions or anything about it, I can answer it the best I can.

11227.           Okay. The Horse Lake First Nation is a signatory of Treaty 8. The members of the present day Horse Lake First Nations are descendants of the Beaver Band of Duncan.

11228.           Since the beginning of its time in the area, the Horse Lake First Nation has used and occupied the lands, waters, and resources in its traditional area for many different purposes, including hunting, fishing and trapping, and the practices of the Horse Lake cultural and traditional way of life.

11229.           If you look at our map, you should see displayed our traditional territory. It is concentrated from Grand Prairie Alberta, north to Clear Hills area, west to Fort St. John B.C., south to the Kakwa Provincial Park in B.C., and east of Grand Cache, and again north to Grand Prairie. You will see many other yellow dots on the map, marking the far reaches of our territory as well.

11230.           Are you guys getting an echo?

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11231. Many of our Elders remember travelling far and wide across northern Alberta and the Northeastern B.C. They also remember hearing stories from their parents, their grandparents of such travels and uses.
11232. To this day, our members travel across the lake territory with friends and family to hunt, fish and trap and gather our ancestral -- oops, sorry. To gather, just as our ancestors did before European contact.
11233. I tell you all this about the Horse Lake First Nations claimed traditional territory, I don't want it to limit our Treaty rights.
11234. Our Treaty rights extend to all the far reaches of the lands described under Treaty 8, an area much larger than we claim as our traditional land territory.
11235. I'm telling you that our people have hunted, fished, and gathered plants and medicines, from Slave Lake to Fort Vermilion, down to Jasper and down to -- west of Chetwynd, B.C.
11236. To this day our people are still gathering medicines in all those areas, all the way down to Cache Creek Barrier. We go as far up there to get our rocks for our sweat lodges and our ceremonies.
11237. So you can get a real sense of the vastness of our territory. We were once a leading Nation in these lands; strong, proud and free. We had a domain over the territories, and more important than that, we had a responsibility to the land and to our future generations to practice good stewardship to our land.
11238. We didn't have a federal or provincial government telling us where the lines started and ended. We didn't have industry proponents criss-crossing our land with pipelines and forestry roads. We didn't have logging companies creating a clear-cut patchwork from a bird's-eye view.
11239. We were our own masters and we were in charge of taking care of our lands. Taking only what we needed, we took care of the lands and the lands took care of us.
11240. And as a Native, the Red person, or the Red People as they were called, our element was what I've been taught is the land.

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11241.           So from my beliefs that I've been taught in my culture, that there are four races; the White race, the yellow race, the brown race and the Redskins; which is what I am.
11242.           The White man's element is fire and as you see, even to this day, that the White man can't -- always needs fire for the gas, for the fossil fuels that they have today.
11243.           The Oriental people's element is oxygen, air. And what I've been taught is that the Oriental people, the way they can move in air -- they're so in touch with it because that is their element.
11244.           The brown skinned people, their element is water. But I have been taught it is because their element is water in the harsh conditions that they live they can always find water.
11245.           And again where I've been taught that the Creator gave us the land -- not gave us the land. Our element is the land and it is our responsibility to take care of that land.
11246.           So that is why it's very important to our people to take care of what's going on with industry. And we all know that we need industry to survive because from where I come from, this land probably would not survive with all the work and everybody has to eat in this territory. But do we really need to do as much damage as they're doing?
11247.           We need to -- we need a voice and we need people out there to be able to monitor these areas that are -- these companies that are going into and seeing what kind of damages are actually being done. We need more studies done. We need our people involved in those studies to see what kind of effects it's going to have on the environment -- the animals, on the fish, everything that's out there.
11248.           Horse Lake has a total of about 1,050 members. About half of these members live on the Reserve. That gives you a rough idea of how many members we have. We have a pretty diverse group of members. Some of our members used to trap because of, I guess you'd say, European influence -- how the fur trading is not worth it nowadays. It's -- and everything's so expensive, our trappers can't afford to even trap.
11249.           Most of our members go hunting every year and the members that

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don't hunt are usually our Elders and we have members of our community that hunt for them. Like many of our Horse Lake people fish in the rivers, lakes and streams in northern Alberta and northeastern B.C.

11250.           You can see from the map, there were a number of yellow dots concentrated on the rivers and the lakes.
11251.           Our Elders teach our members about traditional medicines and practices ceremonies and language.
11252.           A lot of members do work off Reserve and they do work for industry, so we're not trying to stop industry, but like I said before, we need to regulate how they're doing their business when it comes to the land.
11253.           I was once employed by a large industry player. A man -- like I said, a man needs to feed his family and when our traditional way of life is being taken from him, he sometimes does what he needs to do for his family.
11254.           And the more I worked for that company, the more I was pulled away from my community and I found that I was there for the wrong reason; that -- I seen what industry or the company that I worked for -- what they were doing to the land and how they were treating the people and how they treated me -- treated me as a number and they treat people as numbers and it's all about money and that's somewhere -- you know when it comes to land, I've seen what they were doing to the land and it really hurt me.
11255.           So the biggest relief was the day I left that industry to actually do what I'm doing now, to be able to take care of it. Now I have passion in what I do. I feel good to be out in the bush and it's what I'm there for. This is why -- where my life is headed.
11256.           So we -- in what appears to be an ever-changing world, in order to stay afloat, Horse Lake has to engage with both industry in a consultation level. The contact level at Horse Lake, like many of our First Nations, has an economic development division that works with industry to contact for things like logging and pipelining and even building well sites.
11257.           This might sound hypocritical to admit that the Horse Lake takes part in the industry that is having a negative impact on our lands, but I tell you that if you don't have the money, you can't participate meaningfully in these types of

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- processes. It is a catch-22, a vicious cycle.
11258.           And we're -- we take part in industry. The less land we have to practice our culture and our traditions, but in today's world we have to admit that we need at least some money to survive.
11259.           We continue to practice our culture in different ways. We still attend sweat lodges. In my community alone, we have at least five sweat lodge holders. And we still have people in our community that go out, set up camps where they make their dry meats; they hunt for moose, make their dry meats and live off that all summer.
11260.           We have fasting ceremonies which those ceremonies are mostly done in the mountains because in the mountains -- because of all the activities and stuff that -- it's still a really clean place and there's a lot of positive energy in those areas so our people do still go out to those places just to fast.
11261.           My hope is that my people will once again be allowed to be able -- be the caretakers of our element and that's earth -- our land. Until the day comes, my hope is that the Crown and the industry players will do whatever they can to ensure the utmost safety measures are taken and the methods are used that will have the least amount of negative impact on earth, our land.
11262.           I can sit here and tell you all kinds of stories that I've heard over the years. Now, I'm just telling you the one story I remember my stepfather telling me. He's been gone from this world for 15 years now. He was 75 years old when he passed away.
11263.           But when he was 21 years old, they were trapping. It would be south of Horse Lake, Alberta in actually the British Columbia mountains, the Rocky Mountains. They were facing north looking upon the vast area that wasn't even touched back then. And he says to my stepfather -- and he said, "One day..." I said, "I had a vision one day that you are going to see fires as far as you can see".
11264.           At the time, my stepfather didn't know what he was talking about. But when he told me the story, he said, "Do you see all these fire stacks from all the oil and gas? So that's what that old man was talking about". So he foreseen that and he said that it wouldn't actually be a lot of negativity coming off what was burning, but not really actually knowing what he had seen.

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11265.                So I watched it here today -- I'm going through all the list of how the industry has impacted my people. What I will do is give some -- something -- I will give you something to think about.
11266.                I heard about an Elder who gave some evidence in this hearing before the Panel last week. I think her name was Mary. She gave a description of what her father or her grandfather had told her that would eventually happen with the white man's development of the native lands.
11267.                She said that with all the roads and the development, her people's lands would eventually be crisscrossed so much that it would be like a spider's web from outer space.
11268.                I can identify with that image because I was out actually flying in a chopper last week and I seen what she was talking about because there was roads all over the place and all the activity that's going on in the -- south of Grand Prairie in my area alone and with all the rigs and everything that are back in there, it's -- there's got to be some kind of damage that's going on that we don't know about.
11269.                We are here today to talk about the Horse Lake First Nation's traditional, cultural land uses and how it might impact -- be impacted by Kinder Morgan's proposed pipeline. I can tell you about what is currently happening in our traditional territories and explain how the land are already covered with spider webs.
11270.                I'm sure everyone on this Panel has heard of the Montney Gas Play that exists in Northwestern Alberta and Northeastern B.C. and in fact, I think the Kinder Morgan pipeline is proposed to pass through the southern tip of the Montney Play.
11271.                This is arguably one of the largest and richest gas plays in the world. I have seen a paper published by Alberta and B.C. governments last November that confirms this. The paper said that there will be about 450 billion cubic metres of marketable gas and 1.1 billion barrels of marketable oil, such that the gas play sits underneath Horse Lake First Nation's traditional territories.
11272.                Industry is currently going crazy in this area. In September, the media reported that in 2014 up to the point there had already been over 400 wells drilled on the Montney shale.

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11273. I imagine the number would be up to 500, maybe 600. If these wells are going to be drilled, roads need to be built to access them. Pipelines need to be installed and pipeline right-of-ways need to be created and maintained.
11274. I am told that every workday at Horse Lake, that our industry relations team receives is an average of five consultant requests by industry per day. So if there's that many coming in, you know that there are a lot of work going on in this area.
11275. And my understanding is that these requests are for things like pipelines, well sites for pressure stations, clear cutting, logging, access roads, coal mines, and all types of stuff, even camps where they have to build the camps now. They're stacking trailers three-high to be able to fill them up with the people and the workers that are out in those areas.
11276. My fear is that with each one of these requests, the cumulative impact of the industry and our lands increase. In each of these requests for consultation, we're asked to provide a site-specific concern only. However, my concern and my people's concern might not be a site-specific well site or any site right-of-way in the road in particular.
11277. I would like the Board to acknowledge that all the effects that are happening should not be put down as site-specific. They should actually even change the wording to "area specific," because of all the damages that are being done, not just on that lease but everything that's coming into that lease and everything leaving those leases for periods of a year to two years.
11278. Just like Mary, the Elder's concern was with a small strand of a spider web, my people's concern is that when you put all these strands together, they do form a web. And this web now has strangled the hold of our element, the earth. With each road and pipeline right-of-way, the Crown grants greater and easier access masses for hunting, quadding, fishing, and all types of activities.
11279. When we were only stewards of this land, we did not have bulldozers or excavators. We could not make roads through the bush. We used the roads and the highways that were already there. We used the game trail systems and the waterways with our canoes; we used the frozen rivers with our dog teams. This made sense if you were looking for an animal or if you travel on the trails.



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11280. Now, the spider web tightens and our animals, the moose, the deer, the elk, the caribou are trapped in even smaller blocks in the bush. For each new road and pipeline, hunters are more likely to find the elk and the moose to kill. For each of those killed, our Treaty rights are degraded and eroded.
11281. And another thing that I see is with the activity going on just by flying over last week; that the areas that we hunted growing up as a kid, the animals are being pushed out. Flying over, I went into an area from where I hunted all my life because of all the activity. Within three miles of that area and one mile away where there is no activity, I counted 17 moose. And for that area, it's rare to even find a moose nowadays and within three miles of where there's a lot of activity. So that has got to be telling you that something is happening, and we need to do studies about those.
11282. It only stands to reason that the more pressure you put on the land, the more pressure you open up for animals up to greater chance for failure.
11283. Let me give an initial example. I think early on in the oil boom times, before the geological understanding of formations and development, people used to drill many holes into the formation. I think it happened in Texas where you would see 100 pump jacks on a 50 acre of land. It was first come, first serve. The problem was that they didn't know that they were shooting themselves in the foot.
11284. They didn't know they were shooting themselves in the foot -- I'm sorry -- by putting so many holes in the formation and collectively decreasing the pressure in the formation. They didn't know that they could all benefit more by coming into an agreement to split the profits 100 ways from only one well in the formation.
11285. What if you're doing the same thing on our lands; ecological systems with industry's patchwork? What if we're all shooting ourselves in the foot because we're so proud and tax crazy, and we can't see the forest and the trees?
11286. I wonder if we could sit down and think about this for a few minutes, a few hours, a few years before we carve too many roads and pipelines right-of-ways into the foothills and the mountains; before we lose the entire ecosystems by accident.
11287. I wonder if we could all profit tenfold by slowing down and drilling only wells instead of -- drilling a few wells instead of 100 wells. I wonder if

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Kinder Morgan has thought about that.

11288. I would like to -- I'd like to see a map or a satellite image showing all these roads in the areas.

11289. So saying that, I'd like to take a 20-minute break. Is that okay with you guys? Mr. Chairman?

11290. **THE CHAIRMAN:** Yes, that's fine. So we'll come back at 20 to 3:00.

11291. **MR. CASEY HORSEMAN:** Yes, thank you. Just hang on.

11292. **MR. BAYLY:** Tim Bayly here.

11293. I'm just wondering about the tech issues. Should we leave this telephone on and be put on mute or how should we proceed?

11294. **THE CHAIRMAN:** Yes, just leave it on and please put it on mute. That will be fine.

11295. **MR. BAYLY:** Okay.

11296. **THE CHAIRMAN:** Just one second; I see Ms. Oleniuk from Trans Mountain would like to make a comment.

11297. **MR. BAYLY:** Okay.

11298. **MS. OLENIUK:** Thank you, Mr. Chair.

11299. This is just a quick question for Mr. Bayly. I was just wondering, sir, if the presentation was filed. I don't think we got a copy of it and I'd like to access it if possible.

11300. **MR. BAYLY:** We have filed a copy of the map. Is there something else that you would like?

11301. **MS. OLENIUK:** Okay. I looked it up and I couldn't find it. Do you have a filing ID for it?

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11302.           **MR. BAYLY:** I'm sorry, I don't have a filing ID in front of me; sorry. It was filed yesterday and we had sent an email out with a link to the intervenors yesterday afternoon.
11303.           **MS. OLENIUK:** Okay, I'll take another look for that maybe. Thank you.
11304.           **MR. BAYLY:** Sure. Thank you.
11305.           **THE CHAIRMAN:** And just to confirm, it's filed under C406-1-1.
11306.           **MR. BAYLY:** Thank you.
11307.           **THE CHAIRMAN:** Thank you. We will take a break until 20 to 3:00.
- Upon recessing at 2:17 p.m./L'audience est suspendue à 14h17  
--- Upon resuming at 2:39 p.m./L'audience est reprise à 14h39
11308.           **THE CHAIRMAN:** Welcome back, Mr. Horseman, Mr. Bayly, are you back on line?
11309.           **MR. BAYLY:** Yes, I am.
11310.           **THE CHAIRMAN:** And with that, just to confirm so that we're all back here, the Proponent, a number of people in the hearing room and the Panel and our staff, and the map is on the screen. If you want to proceed, Mr. Horseman.

**CASEY HORSEMAN: Resumed**

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. CASEY HORSEMAN: (Continued/Suite)**

11311.           **MR. CASEY HORSEMAN:** Okay. So far, we've talked about the history of Horse Lake and its people. Now I'll talk about some of the concerns we have with industry in our lands then I'll get to our specific concerns with Trans Mountain pipeline.
11312.           Okay. My fear is that the Crown thinks that we are no longer free to

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take care of our lands by excluding those who will not properly take care of it. If we can't exclude industry like Kinder Morgan and take care of our land like we used to, then our land will not be able to take care of us for no matter what.

11313.           It'll only be a matter of time before the lands can no longer take care of all of Canadians. We have to remember that we're dealing with a non-renewable resource here. We can risk our lands now and have a warm fireplace and a reading lamp at nighttime, but in time we will lose out if we do not properly take care of our lands.

11314.           I'm getting off topic here, but I wanted to say this. In the market economy, money will always drive industry. Money will also drive the Crown. I can't really blame industry or I can't blame the Crown for this. For centuries, our lodges and our teepees needed moose meat, moose hide and medicines to keep us going, nobody was going to stop us from getting those basic elements. A Horse Lake man must account to his family and ensure that his family has what he needs. Just like us, industry has to account for its shareholders and the Crown has to account for its voters.

11315.           The Crown has a budget to keep and constant demands for Canadians, for things like health care, education and infrastructure. So the Crown sees it, has some resources like gold, oil, gas, forestry. It feels the need to exploit those resources in order to pay for the demands of the people.

11316.           To an extent, I understand that specifically the difficulties that the Crown faces here. The Crown sees an application for industry such as Kinder Morgan sees a way to make it easier for other industry players to drill more wells and gather more royalties for the Crown.

11317.           The Crown has created its own medicine that needs to be fed constantly, just like having -- like I have to create for my own family, children and grandchildren, that they need to be fed. However, I ask the Panel to question whether it is worth it to allow industry to continue at this current pace.

11318.           Horse Lake First Nation, and I'm sure other nations, see that one of the core purposes in today's age is to provide and check and balance on industries and the Crown's exploration of what it sees as our lands and our resources. You've seen our traditional land use map, you understand the vastness of our territory.

11319.           I'm told by our industry relations people that we receive more than

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11,000 requests -- 1,100 requests, sorry, per year consulting with industry projects occurring on our lands. I think the law requires that the Crown to consult with the First Nations when the Crown wants to do something on our land or when the Crown wants to let industry do something on our land.

11320. I've heard that the consultation needs to be meaningful. I would like to think that my comments here today are being taken seriously by this Panel and that the Panel's recommendation to the Minister will be taken very serious also.

11321. But when I look at the numbers for the project like Trans Mountain, and I think about the royalties can be generated from the development of this pipeline, I have to ask myself whether we're being fooled.

11322. I've heard that this project is supposed to cost at least 8 billion. If that's the case, then the minerals and all that's supposed to flow through the pipelines, will it be worth many, many times that amount. The royalties the Crown stands to make from the Kinder Morgan project will likely be in the tens of millions of dollars.

11323. When the Crown needs to fuel a huge human resource infrastructure machine like -- with money, how can it possibly say no to this kind of a project? And if the Crown is going to go ahead and allow the project anyway, I'm sure how the meaningful consultation comes into play.

11324. So now my specific concerns I have with where Kinder Morgan's project is going through. And my biggest concerns are I've seen where the pipeline is going through. There is people from my community that have been seeing a medicine lady that lives actually in the Hinton area that gathers her life-sustaining medicines in that area.

11325. And I can't quote to you today exactly where she gets those medicines, but it is in that area where this pipeline is going through.

11326. Doctors have given people weeks to live and with the medicines that this lady has gathered to help these people, some of them have been lived actually two years after and some of them are still alive today because of the medicines that she gets in those areas.

11327. So it is a real big concern to my community that she still has access to those medicines, that they're not going to be ruined. So that being said, I'm going

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to hand this off to Tim.

11328.           **MR. BAYLY:** Mr. Chairman, I know that in other First Nation's submissions here in the last few weeks, I think the issue of questions has been dealt with at the outset. I had forgotten to mention that if any Panel Members or counsel have questions for Mr. Horseman, he's happy to offer clarification, but any substantive questions will be dealt with by information request.
11329.           That being said, if anybody does have any questions for Mr. Horseman, please let us know.
11330.           **THE CHAIRMAN:** Thank you, Mr. Bayly and thank you, Mr. Horseman for your testimony today.
11331.           I'll offer that to Trans Mountain and Ms. Oleniuk first.
11332.           **MS. OLENIUK:** Thank you, Chair.
11333.           On behalf of Trans Mountain, I'd just like to thank you, Mr. Horseman, for your presentation today and also Mr. Bayly. We found the presentation, so we have it, thank you.
11334.           **MR. BAYLY:** Oh good, good.
11335.           **THE CHAIRMAN:** The Panel don't have any questions of clarification and we will also, if we find moving forward, have any other, we'll put our questions in writing, Mr. Horseman.
11336.           And if I understand, with that, I would like to thank you and acknowledge your participation today in this part of sharing your stories and traditional knowledge with the Panel.
11337.           And as we move forward in our process, we have some other people to hear oral traditional evidence from and we have other processes that will -- that are still coming -- to come forward as we consider all the information that is coming to us and when we have all that information in front of us and we've considered it all, we will be considering it and then we will decide on whether or not to recommend approval of this project.
11338.           So again, with that, Mr. Horseman, Mr. Bayly, thank you. Mr. Bayly,

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would you thank the Chief for passing on his words?

11339.           And with that, we will stand adjourned and we will reconvene tomorrow morning at 9 o'clock to hear from the Tsawout First Nation.

11340.           **MR. BAYLY:** Yes, thank you, David.

11341.           And thank you again to the Salish people for allowing us to participate in this and for Kinder Morgan.

11342.           Thank you.

11343.           **THE CHAIRMAN:** Thank you.

11344.           We stand adjourned.

--- Upon adjourning at 2:49 p.m./L'audience est ajournée à 14h49