

**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 8

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

**Coast Chilliwack Hotel
45920 First Avenue
Chilliwack, British Columbia**

**October 20, 2014
Le 20 octobre 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 Chilliwack (British Columbia), Monday, October 20, 2014
Audience tenue à Chilliwack (Colombie-Britannique), lundi, le 20 octobre 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

Musqueam Indian Band

Ms. Leona Sparrow

Mr. Richard Sparrow

Mr. James Reynolds (counsel)

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Kwantlen First Nation - Oral presentation
Mr. Seward

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

3513. **THE CHAIRMAN:** Good morning, and welcome to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project.
3514. My name is David Hamilton, and I am the Chair of the Panel. With me on my left is Alison Scott, and on my right is Phil Davies. We want to welcome everyone who is here today, both in the hearing room and listening in to the webcast.
3515. Just for some safety reasons before we get started just to -- in case there's a need of an evacuation or if there's an emergency, the exits are where you came in and then you would exit the building to the right or left once you get outside.
3516. With respect to the schedule today, we're going to sit until -- from 9:00 until 12:00, and we'll take a break -- breaks as appropriate. And if you feel the need of a break, just let us know, and we'll take them as required.
3517. Before we get under way, I would remind parties of the Panel's guidance in the Hearing Order and Procedural Direction No. 1 in regards to oral traditional evidence.
3518. The Board understands that the Musqueam Indian Band have an oral tradition for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing. The Board recommends those providing oral traditional evidence focus on their community's interests and rights.
3519. These hearings are not to hear evidence that will be filed subsequently in writing, including technical and scientific information, opinions or views, advice to the Board on whether to recommend approval of the project, or the terms and conditions that should be imposed or questions to the Board or other participants.
3520. 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.

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3521. 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.
3522. We appreciate that you have chosen to be here today. 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 your knowledge and belief.
3523. With that, I believe we are ready to get underway. And before I call on the Musqueam Indian Band to present their oral traditional evidence, perhaps I would like to have the representatives of the Proponent, Trans Mountain, to introduce themselves and any preliminary matters that you may wish to raise.
3524. **MS. OLENIUK:** Good morning. Good morning to the Board.
3525. My name is Terri-Lee Oleniuk, and I'm legal counsel representing Trans Mountain. And also with me, to my right, is Heather Weberg; to left is Annie Korver, and she's with Trans Mountain's Aboriginal Engagement Team.
3526. So good morning to Musqueam First Nation.
3527. We have no preliminary matters, sir.
3528. **THE CHAIRMAN:** I understand there may be a preliminary matter that may wish to be raised on behalf of Natural Resources Canada, an intervenor in these proceedings.
3529. For the record, could you introduce yourself and, as intervenor, which -- who you're representing? Thank you.
3530. **MR. WHITESIDE:** Thank you, Mr. Chair. Thank you, Panel Members.
3531. My name is Joseph Whiteside. I am a senior policy adviser with Natural Resources Canada's Major Projects Management Office. I'm here this week as a representative of the Federal Crown to hear the witnesses' oral traditional evidence this morning, the Musqueam First Nation, in relation to the proposed Trans Mountain Expansion Project.

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Introduction by Mr. Reynolds

3532. While I do not intend to ask any questions today, a number of federal departments and agencies are registered intervenors. They may utilize the IR process at a later point in time as a vehicle for asking questions of other intervenors.
3533. I would also like to note that I'm honoured to be present at these -- this hearing in the traditional territory of the Stó:lō people.
3534. Thank you, Mr. Chair.
3535. **THE CHAIRMAN:** Thank you, Mr. Whiteside.
3536. Perhaps we are now then ready to proceed and affirm our witnesses, please. Thank you.
- RICHARD SPARROW: Affirmed**
LEONA MARIE SPARROW: Affirmed
3537. **THE CHAIRMAN:** And perhaps as we asked in our Procedural Direction 6 if you could state whether you -- in your presentation whether you will be responding to any questions orally, in writing or both when -- at the appropriate time. Thank you.
3538. Mr. Reynolds?
3539. **MR. REYNOLDS:** Thank you, Mr. Chairman.
3540. My name is Jim Reynolds. I'm the general counsel for Musqueam, and I'd like to introduce the two witnesses and make a few introductory comments.
3541. With me today, Leona Sparrow. Leona is Director of Lands, Resources, and Treaties; and Richard Sparrow, who's the Manager of the Fisheries Department.
3542. By way of introductory comments, first of all, we would also like to acknowledge that we're on Stó:lō territory and to thank the Stó:lō for allowing us to be here today.

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Introduction by Mr. Reynolds

3543. Secondly, the purpose of today's meeting is to allow Musqueam to present oral traditional evidence, including the impact of the proposed project on Musqueam's interests and rights.
3544. I want to be very clear that Musqueam has an established right to fish in its traditional territory, and that traditional territory includes Burrard Inlet and the adjacent maritime areas.
3545. This was established in the leading case of *Sparrow v. The Queen*, 1990, Supreme Court of Canada. A copy of the decision has been filed on the NEB Web site, together with the PowerPoint presentation that Leona and Richard will be using this morning.
3546. This is not the time and place to go into the *Sparrow* decision, but we do want to be very clear that Musqueam does have established rights. These are not asserted rights. These are not simply a right to be consulted under the *Haida* case. This is a right to be both consulted and to have the infringements justified, under the *Sparrow* case.
3547. Also, for the record, I would like to state that Musqueam does not accept that this hearing, the NEB process, is an appropriate method for Canada to use to discharge its *Sparrow* duty and its duty to consult.
3548. In particular, this is not the appropriate manner of justifying the infringement that will undoubtedly result if the project is allowed to go ahead.
3549. This issue has been covered in correspondence with Canada, and I won't go into any more details this morning.
3550. So far as answering questions are concerned, the Musqueam witnesses have agreed to answer any questions which are directed solely to clarifying their comments. If there are other questions of a more substantive nature, they should be dealt with by way of information request and will be responded to in writing.
3551. And my final point is the Procedural Direction No. 6 recommends that those providing oral traditional evidence focus on how the project would impact the community's interests and rights, and the Musqueam witnesses will certainly give evidence today on the very significant impacts of the project on Musqueam's rights and interests, including the established right to fish.

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3552. As you will hear, these impacts will be very significant, including the restriction on Musqueam's ability to fish and to exercise their preferred way of fishing. These are protected by *Sparrow*, protected by Section 35 of the *Constitution Act 1982*.
3553. As noted by Musqueam in its application to participate and as you will hear this morning, the impacts will threaten the very Musqueam way of life, their culture, dependent as it has been for centuries, on fishing. Musqueam is especially concerned about the impact of increased tanker traffic and the risk of a spill in a very confined area.
3554. However, although the Musqueam witnesses will describe some of their concerns over the impacts of the project on their rights and their interests, and they will certainly demonstrate that their concerns are more than trivial in nature. It must not be thought that today's presentation is intended to be exhaustive of all the impacts and the resulting infringements of Musqueam's Aboriginal rights, including its established right to fish as found by the Supreme Court of Canada in the *Sparrow* case.
3555. So with those introductory words, I'd like to hand it over to Leona and Richard.
3556. Richard, I think you're going first?
3557. **MR. SPARROW:** Thank you very much, Jim.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. LEONA SPARROW AND MR. RICHARD SPARROW:

3558. **MR. SPARROW:** Thank you for the NEB for taking the time for hearing Musqueam under this potential project, which truly does mean a lot to us to have this opportunity to present some of the information that we're going to today.
3559. I would like to also thank the Stó:lō Nation on behalf of Musqueam for allowing us into their traditional territory.
3560. For those of you who don't know, my name is Richard Sparrow. The traditional name that my family has placed on me is ThellaiwTəw. It's the young

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version of my father's name.

3561. The traditional names in our community are very important, as it details how the family ties from community to community have been passed down from generation to generation and that our neighbouring communities have always been important to our community, as we've been the keepers of our lands and the waters in our traditional territory for generations.

3562. I think that would be all that I'd like to say for our opening comment, and maybe Leona wants to ---

3563. **MS. SPARROW:** Okay, thank you.

3564. **MR. SPARROW:** I don't know if we have a clicker.

3565. **MS. SPARROW:** Good morning, all, and thank you to the Board for hearing us. Thank you to the Stó:lō Nation, and welcome, Kinder Morgan.

3566. Musqueam has a lot to say, and it's very difficult to compact our knowledge over thousands and thousands of years into a very confined space that is specific to one project and to the fishing industry and the fishing economy.

3567. But first of all, I guess we'll take a look at the Musqueam traditional territory. Vancouver is located -- where are we? I can't make this focus.

3568. At any rate, you can see the extent of our territory -- thanks, Rich -- and we are now confined to this very small reserve. It's one of the smallest per capita reserves in acreage in the country. And over time, we have utilized all of the resources within our traditional territory and we're now really confined to a fishing and bird hunting addition to our subsistence. So the fishing is extremely important to the Musqueam people.

3569. We refer to ourselves, basically, as the city before the city. We had a huge population that covered this area in our traditional unceded territory, and now we are reduced to about 1,300 people, and it's a growing population. About 60 percent of our population is under the age of 20, so it's a very young and vibrant population. And a lot of those younger people are still reliant on the fishing business to carry them through economically.

3570. In terms of the types of fishing resources we have, it's predominantly

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- salmon, but there's -- that's the known that everyone in the country, I think, knows that B.C. has salmon, but the majority of them come up the Fraser River. And we also, in our traditional territory, have, over time, accessed sturgeon, eulachon, herring, halibut, seals. Whatever is in the water, either fresh water or salt water, we've harvested over time and utilized as a part of our economy. And we did have a very vibrant economy.
3571. Can we have the next slide?
3572. If you look at the gentleman -- the portrait on the left, this is the person who is -- who first met the Spanish ship that came in to the Vancouver Harbour. This is in 1791. So that's the first contact we had with non-native people. But this is a sketch of the person who did meet that first ship.
3573. And the people who accompanied this gentleman traded with that ship. They traded fish and they traded other goods. So it's been our economy for time immemorial.
3574. The declaration on the right, the Musqueam declaration, attests to that. Musqueam has been and aspires to regain its self-governing and self-sustaining economy. The population is very strong in terms of what we are committed to in terms of upholding our rights. We know what our rights are, and fishing is always present. It's ever-present.
3575. Right after this Spanish ship came in and met this gentleman, the British ships came in as well and we had the same type of enterprise with them. We traded with them. And unfortunately, they took our land and said, well, since you're on the water, like most communities in British Columbia, then you're reduced to a marine economy and the land base is very, very small.
3576. **MR. SPARROW:** Leona and I are going to -- essentially going to jump back and forth, but I wanted to elaborate a little more on the importance of fishing and in relation to our territory.
3577. If you go back to the first slide there.
3578. Within our traditional territory within our reserve lands, we no longer have any access to any wild meats. There are no deer, there are no elk. We cannot go hunting at Stanley Park. We are dependent solely on the aquatic resources that we have access to.

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3579. That's a really key point that I wanted to point -- to make here today, that our community members -- we are a fishing community. We have always been a fishing community.
3580. When the Salmon return to the Fraser, our community is vibrating. It's -- everybody is -- there's -- everybody's getting ready. We have Elders teaching our youth how to mend nets, where to fish, when to fish, what species we are trying to target at various points of the year. And that's a key point that I wanted to make here today was that, in terms of traditional resources, a vast majority of them are no longer accessible to Musqueam within our reserve lands.
3581. Only through traditional protocols with various neighbouring First Nations are we able to harvest other aquatic -- sorry -- other resources, including deer and elk.
3582. Another big piece, in terms of aquatics is even within my generation our foreshore of our Reserve lands, we were once able to harvest clams and oysters and other shellfish. We no longer can do that because of the increased pressure of industry up and along the river.
3583. I don't even think there's very much surviving along on our foreshore. And if there was something there I would never recommend any of our community members to consume it.
3584. So we have to get some of -- a lot of that product from our neighbours up on the island and up north coast. That's very concerning to me that in order for us to get some clams for our community our Musqueam community would have to purchase it from various industries.
3585. So that's something to consider, and acknowledging that Musqueam's ability to harvest aquatic resources is very important to our community.
3586. There are other areas that we highly use in the market here within our area of intent. This area here is highly used for prawn fishing in and around the Howe Sound, in the Burrard Inlet here, and all along this area where the pointer is, is an ideal spot for harvesting crab.
3587. So in relation to a potential disaster that would happen in and around here, I wouldn't even want to fathom what could happen to the aquatic resources

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in and around here that are the little resources that we have left to harvest, not to mention all of the smolts and the returning salmon that utilize that area.

3588. So I speak primarily from a fishing point of view. I am a fisher myself and I'm really concerned about the potential impacts through those aquatic resources for our community.

3589. **MS. SPARROW:** Okay. Richard has introduced the traditional aspect of the fishery.

3590. I have learned from my grandfather, Richard's great-grandfather -- he's my nephew -- that his grand -- my grandfather's grand uncle, taught him how to fish and it just transferred all the way down through the generations from a grand uncle to grandfather to my Dad's generation, which would be Richard's father as well, and to my generation and my nieces and nephews who are a lot younger, so it's intergenerational.

3591. And all of the knowledge that we've accumulated over time is shared within the family. Richard's father fished on one of my father's boats. Our uncles fished together. As a group they've travelled the coast, they fished the river.

3592. They share knowledge about where are the best locations, where you should stay away; where the nets work the best; where the currents are bad; the timing of the fish; which runs are coming up; when you can expect the scouts, the first fish to come up the river; and how long that run is going to take to come through our territory.

3593. So it's very, very specific knowledge that you can't write down in a book or generate from a computer. It's part of our history.

3594. And some of the old-timers could actually tell which creeks fish came from, the salmon. They could tell you that they were going to spawn in the Musqueam Creek or the Chilliwack Creek or, you know, just by looking at the fish. So it's really a science that's undocumented in terms of how Aboriginal people can work with the fish.

3595. And that's just the salmon I'm talking about. There's also the herring, which are coming back in abundance now. They were overfished, commercially, for a period of time but they are now coming back. And they're showing up in

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areas that were previously devoid of herring, like in the Vancouver harbour. And that's been documented for several years. And we even have killer whales coming and looking for the herring that are in there.

3596. So as Richard has pointed out, it's the entire water area that Musqueam can access that sustains our community. So it's not just for food, it's an economy. It's the history that is tied together throughout the generations of people within our community.
3597. I remember when the *Sparrow* case was actually presented. Government regulation actually almost prohibited us from fishing at all and people were very anxious about the fact that they could not obtain fish.
3598. And then when we did get to -- a licence to fish, the Regulation was still really strict. So Musqueam said, "Well, if the Regulation doesn't work, if it's not the right thing for us to be doing, then challenge the Regulation," which is why my brother and several others in our community actually fished illegally. They fished in protest to what the government Regulation allowed through a licence.
3599. My brother is a commercial fisher. So he put himself out on the line to protect his Aboriginal right to fish. He knew that -- he and others in the community knew that if we did not stand up for our rights, that they would be further restricted, and that was just improper that we couldn't access the resource that had sustained our communities for thousands and thousands of years.
3600. And the evidence of those communities is up and down the river. These huge archaeological sites that are testament to the fact that the ancestors that Musqueam had in at least three different locations in the -- within our territory were sustained predominantly by fish, various types of fish.
3601. So there's nothing you can really dispute in that, but what we can contest is that every time industrial progress is made or a corporate entity introduces something new into our traditional territory, there is an impact on our access to the resource and there is an -- a direct impact on the resource itself.
3602. At some point it's going to be -- yeah, it's going to be catastrophic, really, as Richard has pointed out. And if we don't take steps to protect the fish, protect the water, as we have over the generations -- we call ourselves protectors of the fish, protectors of the water -- then I hate to see what could happen. It

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could really be really be catastrophic.

3603. Musqueam has a history of being protectors, as I've pointed out. We had a situation on Musqueam Reserve where some Indian Affairs folks had acted inappropriately. So we contested that inappropriate behaviour and had the Supreme Court of Canada confirm that the Government of Canada does have a legal, fiduciary duty to support Musqueam, to act in good faith, and to look after our interests, not the government's interest but to look after the Musqueam interests. It's a fiduciary duty. And Mr. Reynolds here has written a good book on that; he was one of our legal counsel at the time.
3604. And following that on the *Sparrow* case, we again said, "Enough is enough. Our rights have been pushed aside and we cannot live with that any longer."
3605. So in terms of what we're experiencing now with the various -- not just Kinder Morgan, but the various entities that wish to expand their industry in all of our water channels, it's becoming so compressed that we may not be able to fish any longer, and that's just not acceptable to the Musqueam community.
3606. **MR. SPARROW:** Two things I just wanted to bring out quickly was in terms of being a protector -- sorry; I'm battling the end of my cold here.
3607. Protecting the salmon and protecting our lands has always been an important piece to Musqueam, and there's a creek that runs through the Musqueam Indian Reserve Number 2 right there. It's called the Musqueam Creek, and it is the last wild salmon-bearing stream in Vancouver. And I don't think it's any coincidence that that stream flows through Musqueam. It's a testament to how Musqueam has been protecting our salmon, our way of life for generations.
3608. So that's one thing that I'm really proud of. We've been -- it's a very small creek. In the early nineties, we've -- our stream-keepers counted as low as nine coho and seven chum returning. Over the past many years, within the last -- especially the last 10 years or so, we've been doing a lot of work in that creek enhancing and trying to bring back the salmon.
3609. Last year, we -- because of the great work that our stream-keepers have been doing in -- within our lands, we recorded 90 coho and 70 chum. It was the first year I received a phone call from our Elders that they are hearing salmon

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splash in the creeks behind their houses.

3610. It's a -- it's a success story that I'm really proud of. And I'm really looking forward to seeing what's going to return back this year and, four years from now, what's going to return back then if we continue to protect the stream, protect the salmon that we've relied on for many years.
3611. Secondly, before we leave this slide, I look at the -- I look at the route that these tankers are going to be taking or are potentially going to take. This route goes within Musqueam's imposed DFO management area for Musqueam's fishing. It goes directly right through it.
3612. And especially up here, I want to speak to our management area that DFO is using for Musqueam currently is not sufficient for Musqueam's needs. We are currently working with DFO to actually sit down with Musqueam to expand our fishing area to what we think is reasonable and would be satisfactory to meet the needs that we have within our community to harvest various species.
3613. So I'm really concerned with the route in terms of safety for our fishers. When our fishers are out -- and we are usually provided a small window because we have to fit within DFO's management mechanisms for various species. And if we have our net out in the water and a tanker is coming our way, we have to stop fishing. We have to move our nets. We have to alter our desired means of fishing to allow a tanker filled with various products to go through.
3614. So that is very concerning to me, not only for the loss of access, but for safety for our fishers because that tanker can't get out of the way. He's got a small channel that he has to work with. And if we're in the way, well, I'd be very concerned for any of our fishers out on the water.
3615. Some of our guys have small vessels. They do not have the capacity. They don't have radars. They don't have sonars. They don't -- you know, some of the smaller boats out there, they're out there trying to harvest various species for their families, for their Elders, for their youth. And like I said earlier, usually we're provided with a small window from DFO to work with.
3616. So that's one thing to really consider and take into consideration, especially in around this area here, which is utilized for prawning. So there's a very small little area there that is ideal for prawning in around this area also, but -- and all along here for crabbing and in around this area for salmon fishing.

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3617. So there are other various species that we are no longer accessing due to the decline of stocks for various regions such as sturgeon, herring. We have very small windows for potential harvests on eulachon. All these species are an integral part of our traditional diet. And there may not be a lot of tankers going up for this project, but it's the cumulative effects that we have to deal with on a daily basis.
3618. How many other tankers are utilizing this route? So that's -- that's of great concern to me. It's something that I thought had to be brought up before we moved on to the next slide.
3619. **MS. SPARROW:** It's my understanding that Kinder Morgan currently has one tanker per month coming through this area, but they proposed to have 34 per month if this project is approved. And that is a huge, huge impact.
3620. From one -- one every five days, I guess it is, to 34 per month is huge and I would assume, but I don't have the statistics in front of me, that the size of those vessels will also increase, which again poses even more of a threat to our community.
3621. Richard, could you find the slide that has the photo on it of -- let's see. No.
3622. This -- well, this one shows a lot of our Musqueam settlement areas. Every dot you see has a name that has been done -- written up in our own language. And some of them don't have translatable names, but you can see it's a huge settlement area that we occupied over a long, long period of time, many thousands of years, and your proposed route really impacts a lot of that territory. And part of the territory is also shared with the Tsleil-Waututh and the Squamish on the north and other First Nations on the south.
3623. There's another slide that shows -- keep going. There. There; that one.
3624. That shows a huge impact. That's one tanker on the left coming up the river and you see the two gentlemen's backs. They are trying desperately to get their net and their vessel out of the range of that tanker. And the bulbous bow on the boat is bigger than the band member's fishing vessel. It's absolutely huge, and that little fishing boat would not even hit the radar screen of the big vessel. It

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goes under the radar.

3625. So I would suspect the skipper on that boat doesn't even know that the fishing vessel is there unless he's got a pilot boat right in front of him. So that's what we have to live with on a day to day basis. The wake and the after-draft from those big vessels is huge. The wake itself could swamp that little boat.
3626. We, in fact, have had situations where there was a family, a lady and her two children, were out in a boat and they almost did get swamped. We've had some of our fisheries officers rescuing some of the fishers right out of the water after they've been swamped because of -- partly because of these big vessels and the wake that comes from them along with the current and the weather, okay. You have all kinds of factors that you have to consider when you're out on the water here.
3627. But the impact of these vessels is like the weather storm coming through because of the displacement of the air on the water as they come up the river and then the after draft as they have gone past. They can just pull those little vessels right into their wake at the stern. So it's really quite horrendous to watch. It's frightening, actually, to see that happen.
3628. And this is routine. These vessels come up the river and don't seem to have much space for the Aboriginal fishers.
3629. The picture on the right, again, is -- that's our -- my grandfather, Richard's great-grandfather, mending his net. And three nephews -- or three grandsons and one granddaughter, they are assisting him. And the gentleman on the left, the child on the left, that's -- he's now our Chief, Chief Wayne Sparrow.
3630. So that's how we get our knowledge, how we share our knowledge. You sit and learn how to build a net and you hear the stories about how to use the net and where to use it.
3631. The picture on the left is -- that's in front of the Musqueam Reserve. That's what our own foreshore looks like, as opposed to some of the industrial corporate foreshores that are leased from Canada and from the province.
3632. So we have tried to maintain a healthy foreshore. In fact, it's red zoned, which is a safety factor. You can't put anything industrial in our area because we've protected it so well. It's now considered one of the last refuges of

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salvageable land on the river delta.

3633. Do you have any comments on that, Rich?

3634. **MR. SPARROW:** No, I mean, I think I spoke briefly already in regards to shipping already.

3635. I mean, you can't get a better picture than that one there because, sure, that may be going up the river, but like I was speaking to you earlier, in our current management area, our crab fishers and our prawn fishers deal with the exact same scenario out in the approach.

3636. Being the Fisheries Manager for Musqueam, I hear these stories quite often about how concerned our fishers are for the protection of their vessels, for their gear and, most importantly, for the safety of the people that are on the boat.

3637. Some of our fishers bring their relatives, their children, their nephews and their nieces out on the boats with them. And they bring them out there so that they can teach them how to continue the traditional ways that have been passed down like Leona was speaking to.

3638. And I know of some that have spoken to me about it and they are too concerned about bringing them out on the boat now because of the -- not only the big tankers, but there's the barges, the tugboats. And you're constantly having to look left and right, north, west to make sure that there isn't a big barge coming your way because most of the times they -- like Leona was speaking to, is that our vessels are so small that I don't think they do pick them up on the radar. So the safety issue and the loss of access to fishing is a great concern to our community.

3639. **MS. SPARROW:** Can you back up one slide, please?

3640. Okay, the bottom right slide shows another means of fishing. This is an early rendition of how people in our area fished for sturgeon.

3641. And I don't think you could fish for sturgeon in this means if you have a tanker kind of running close by. It would just be impossible because they're actually feeling the bottom of the river and the seabed to find the holes in the bottom that the sturgeon hide in.

3642. And up on the left is an old photo of the river as it used to be with

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some canoes. This is within Musqueam traditional territory, and it shows basically a little summer camp.

3643. So we had camps all up and down the river besides our main village, and our main village has always been at Musqueam for the past few hundred years. Actually, the main village has been there for 3,400-3,500 years, but it's now the centre of our activities.
3644. So again, it's a huge impact. The kinds of vessels you see on the left are what were in the water. And that's a kind of gross comparison, but it's very dramatic in terms of showing how we did navigate the water and how now industry navigates the waters in our territory. Huge impact.
3645. Richard, do you have anything?
3646. **MR. SPARROW:** I think we have probably stressed quite a bit of the impacts already.
3647. I mean, it's -- for Musqueam, it -- like detailed earlier, you know, Musqueam has an established Aboriginal right to fish, unlike any other community -- neighbouring community in around the Burrard Inlet or Fraser River.
3648. So it's a piece of our history that we're very, very proud of and it's something that we want to continue to be able to utilize within our traditional territories.
3649. And I really -- I really think that we need to sit down and figure out how we can continue to practice our traditional fishing practices within our territory because when I hear that the tanker traffic, the shipping is going to increase to the potential numbers that they are speaking of, our community members and myself will be very, very concerned about it.
3650. Something that I'm hoping that the NEB will really consider and really acknowledge is that these ships that are going back and forth not only -- you know, there's -- I'm no biologist, but I think that there are some real concerns regarding the ships that continue to go back and forth. The wake that they produce, it has -- there is immediate impact to the habitat.
3651. The foreshore takes a brunt of all the wake. On a low tide, the wake

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- that these ships will produce will definitely impact the valuable habitat that is currently there that the smelts, the crab and prawns, all the aquatic resources depend on because at a low tide all that -- all those nutrients and resources that they depend on are exposed. And so to hear that, you know, of the potential increase of tankers in our traditional territory is very concerning.
3652. And I think that's something that we all should look at in how we could try to mitigate those impacts on the aquatic resources that Musqueam relies on. So shipping is a big deal to myself in terms of on a fisheries standpoint.
3653. **MS. SPARROW:** Okay. So the impact is there. It's obvious, in our minds. I don't know what we can do to impress upon the Panel that this -- these are desperate measures that are going to have to be taken here in order to ensure that the resources are maintainable, that the habitat's maintainable, and that our right to fish is not impacted.
3654. So maybe we could fish, but if there's no fish left, what does that mean? Does it mean that we have to regenerate the fishing industry ourselves or our fishing economy ourselves?
3655. We had an event over the past few days where there was a huge tanker off the shore of Haida Gwaii, and there was no resources there to take that ship away. It was within nine kilometres of the shore. That's pretty dangerous, when it had no power.
3656. So what's Kinder Morgan going to do to ensure that that doesn't happen? If it happens, then what do you do?
3657. We have not seen sufficient evidence to satisfy Musqueam that there's -- there will not be an impact on the habitat, the fish, and our ability to catch those fish. And we do have that legal right that is not to be tampered with. It has to be totally justified if you -- if Canada wants to impact our rights, and I think that's a pretty high test for Canada and for Kinder Morgan, for the National Energy Board to contemplate and to resolve.
3658. But from Musqueam's perspective, we are determined to protect that right to fish. It's within our blood, I guess, within our history, that fishing is a part of our life and it's not going to stop. It can't stop. And we see the impact of a tanker going up the river, a tanker coming through the Strait of Georgia could have a -- just a devastating effect on Musqueam's access to the fish, to the

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resource.

3659. I'll take a break.

3660. **MR. SPARROW:** Before whether or not we're going to take a break, just a quick story in relation to a potential, God forbid, disaster.

3661. I spoke briefly earlier about the Musqueam Creek. Four years ago, I received a phone call from a concerned community member that they witnessed and they were -- they could see a stream of water floating down from a resident living just above the Musqueam Creek.

3662. This water was streaming down the road into the storm drain. The storm drain leads directly into the Musqueam Creek.

3663. I sent my staff up to observe what was going on, whether -- and quickly, once we got out of the truck, we could smell the extreme odour of chlorine.

3664. Somebody decided that they wanted to clean out their swimming pool that day and drain their entire swimming pool out onto the road. And the entire pool then went into the Musqueam Creek.

3665. This was extremely poor timing, as at that particular time of year, all the fry and smolts had just hatched. They were swimming in around our creek. And by the time our staff was able to get up to the house and have them stop doing -- sorry; have them stop draining their pool, it was way too late. We were able to harvest approximately 1,000 smolts from our creek that were all dead.

3666. So I always say to myself it's not if there's going to be a disaster, it's when there's going to be a disaster and how we're going to handle it because we don't -- we can never -- we can't guarantee that there will not be. And that's where Musqueam is coming from about these extremely valuable resources. It's our way of life. It's our traditions, and it's our culture.

3667. So putting a dollar amount, putting the amount of risk that this potential project will have on our way of life, on our culture you could never do. You could never justify or satisfy Musqueam with any type of economic gain or opportunity in relation to potentially losing our aquatic resources that we've depended on for thousands of years.

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3668. So that little story about the creek is on an extremely small scale in regards to this potential pipeline, but it is directly relevant and a potential for the same disaster that we could see. And I hope we never do.

3669. Do you want a quick break?

3670. **THE CHAIRMAN:** Yeah, that would be helpful.

3671. So we'll take 15 minutes, and we'll come back about 10:15. Thank you.

--- Upon recessing at 10:00 a.m./L'audience est suspendue à 10h15

--- Upon resuming at 10:20 a.m./L'audience est reprise à 10h20

3672. **THE CHAIRMAN:** Thank you for the break. So whenever you're ready to proceed is fine. Thanks.

LEONA MARIE SPARROW: Resumed

RICHARD SPARROW: Resumed

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. LEONA SPARROW AND MR. RICHARD SPARROW: (Continued/Suite)

3673. **MS. SPARROW:** Thank you. We'll go back to the *Sparrow* case, I think, and I have some discussion about that in terms of the impact that case has.

3674. I earlier pointed out why Musqueam took on the challenge of the *Fisheries Act* and the Regulations, and that was an impact of the day that -- let's look back even further than that.

3675. As I mentioned, and Richard has mentioned as well, Musqueam are protectors of the river and protectors of the area surrounding the river.

3676. Like, the effluent from the Fraser River actually goes right up towards Burrard Inlet. And wherever that river water travels, you'll find the salmon, and they kind of move around in that area before they go up the river.

3677. So we're protectors of the river, along with our neighbours and on behalf of our neighbours at times, and also for the people who are further up the

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river who harvest the salmon that go up the Fraser River but don't have direct access at the mouth.

3678. So traditionally, we are the warriors and protectors of that area going into the land. So it's the saltwater and the river water that we're looking at.
3679. I think it's really important to note that it's not just Musqueam that we're looking after, and looking after other nations who also harvest the salmon and rely on that for their economy and for their sustenance.
3680. The Court case itself pointed out evidence that there is a high standard on Canada or a proponent to meet in order to justify an infringement on our right.
3681. So Richard stated that even if you do infringe on our right, money's not going to solve the problem, necessarily, because we are also protectors of the resource itself and if the resource is impacted then what do we do.
3682. If there's a catastrophic event, if there is impact on the environmental part of the ecology where the spawning grounds are damaged, where the fishing cycle routes, where their migration routes are damaged, then what do we do? The salmon are gone, and how is the Proponent to repair that damage? We don't know if it can be repaired, and we've seen evidence over the years where there have been catastrophic events where -- 20 years ago, 30 years ago, and the environment has never really come back to what it was prior to that event.
3683. So it's really a challenge to -- for Musqueam to conceive of all of these large tankers going through our territory and being able to monitor the effect of those tankers and the possible outcome of any kind of spill or collision, any leakage from those vessels, anything like that, that there will be an impact on the environment, and that will impact our ability to harvest.
3684. So the significance of the *Sparrow* case even goes beyond that. It's one of the most recognized cases that came out of the Supreme Court of Canada in the past century, and Musqueam has actually two of those cases. So the significance is important to all Aboriginal people in the country. They recognize that the *Guerin* case and the *Sparrow* case have moved our history into the books, sort to speak, whereas previously our rights were not recognized.
3685. We have the Constitution of Canada that recognizes Aboriginal rights and the *Sparrow* case certainly was the first case to come through the courts in

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recognition of that constitutionally protected right, our Musqueam's right to fish, to harvest, and to have access to the salmon for food, social, and ceremonial purposes.

3686. And at some time, we also have negotiated with Department of Fisheries and Oceans to get some economic impact, some economic return from our harvesting so that it's more than just food on the table; it's a means of, again, sustaining ourselves beyond just food on the table.
3687. Okay, I should mention that part of the recognition that the *Sparrow* case has been given is that Ron Sparrow was a recipient of a National Aboriginal Achievement Award. That's how significant this was to the Aboriginal communities across the country. And he didn't promote himself in that, but certainly the Aboriginal community, beyond British Columbia, beyond Vancouver, beyond Musqueam certainly recognized the significance of the case.
3688. **MR. SPARROW:** I think I spoke briefly earlier regarding Musqueam's protection of these valuable resources within our territory. And there's -- and I'll say it again, that there's no coincidence in regards to Musqueam's geographical traditional territory where we currently are located right at the mouth of the river.
3689. I've been told by many Elders, fishers, not only from Musqueam's community but from other various communities up around -- up into the river and the approach and on the island, that Musqueam has been the keeper of the river. We are there to protect the river and the valuable resources that are within it.
3690. Now, Leona spoke earlier about how what happens in the river affects what happens outside of the river. So when you have a potential disaster, which we hope we don't see, it's going to affect what happens in the river also. It's going to affect the salmon that go up and down the river; it's going to affect the eulachon; it's going to affect some of the species that are currently on the endangered species list under *SARA*, such as sturgeon. Other species that are very close to be listed, like eulachon, these species that are extremely important to our community, to our diets.
3691. So when you look at *Sparrow* in relation to salmon in the Fraser River, it directly impacts, and there is a direct relation to what could happen in and around the Burrard Inlet.

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3692. So we wanted to make that point quite clear, that the Fraser River and the Burrard Inlet have a direct relation, direct link in terms of the aquatic resources that utilized both areas, and that the First Nations, the neighbouring First Nations, we all rely on those resources and we all protect those resources that we have been doing for many years, and we continue to do it like we're doing here today.
3693. So I just wanted to make that point quite clear; that the *Sparrow* case, in relation to the Fraser River, is a direct relation to the Burrard Inlet as well.
3694. **MS. SPARROW:** In reference to the Burrard Inlet, I don't know that we really emphasized the fact that we don't fish too much in the Burrard Inlet itself, and we don't get in there because of the marine traffic, to a great extent. There are tankers going in and out of there on a regular basis. There are other commercial vessels in and out on a regular basis, as well as pleasure craft.
3695. So the impact is really obvious, that Fisheries and Oceans won't let us go in there to harvest at certain times or certain species because of the impact that's already there. And if you increase that impact that means that that environment, which is beginning to return to a healthier state, may again suffer, and would be subjected to degradation again.
3696. There's been a lot of clean up in the harbour areas and the Burrard Inlet, that's allowed the natural environment to come back to a reasonable state, but if we again get this increased marine traffic, that's going to impact the species that are trying to adjust and it could also impact the environment that they live in.
3697. What else have we got? Anything Rich?
3698. Realistically, I think we have to say that Musqueam is not supportive of this adventure that Kinder Morgan wants to take on. We feel that we've already been subjected to a lot of impact from industry and similar industries, and this push from a number of different corporate entities to increase traffic in the marine areas is going to really, really push Musqueam into a corner, and we don't know if our access to the resources is going to be sustainable, and if that's the case then the infringement is just way too much.
3699. So I don't know who gets to mark which ship gets a turn to go through the water. The National Energy Board, perhaps that's your judgment call, I don't know, but certainly what we're being asked to review, in terms of potential

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- projects, is really huge. It's a lot for small communities to take on, and we don't have the resourcing that the National and Energy may seem to have, and I guess the National Energy Board doesn't have the information that we have.
3700. And I don't know where the balancing point is but certainly I can point out, from Musqueam's perspective, that the balancing point is tipping in favour of industry here, and it should not be. We need to have these resources sustainable and to have Musqueam's rights to access the resources maintained.
3701. **MR. SPARROW:** Yeah. I mean, I think, I think we've detailed a lot of the information that we'd -- that we wanted to provide here today.
3702. I mean, it's the accumulative effects that we've been dealing with. Every time I turn on my computer there's a new project being proposed. There's, you know, new information for me to review in terms of what's potentially going to happen in terms of industry continuously expanding in and around the Fraser River.
3703. So we just really wanted to make sure that our voices were heard, in terms of how concerned we are with the potential impacts of this project. There are a lot of on-the-ground scenarios and information that our fishers, our community members, you know, would be willing to share with you.
3704. If there's any additional information that -- in terms of potential impacts on our fishery that you would like to hear, because it can get quite detailed, we're more than willing to sit down with the NEB, with any other component that may want to hear us, because I've said it many times here today, our fishing rights and ability to access is extremely important to our community and the risk, in our eyes, is too high.
3705. The risk of potential disasters, the risk of the safety to our fishers with the increased shipping in and around our fishing area is quite concerning to myself and -- you know, I don't know how many other ways that we can say it, and I feel like we're at a point where we may be beating a dead horse.
3706. So I don't know if there's any other information that, in regards to the slide show presentation that we provided, that, you know, that we could provide.
3707. **MR. REYNOLDS:** Yes, perhaps, Chairman, I could just summarize, although given the eloquence of the presentation this morning, I think anything I

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says is really redundant.

3708. But just by way of summary -- and first of all I would like to thank Leona and Richard for their presentation; xwth'í:t, thank you.
3709. I believe they've adequately and very well responded to the recommendation of the Board that they focus on the impacts of the proposed project on Musqueam interests and rights.
3710. And again, I will say the Musqueam right to fish is an established right, there can be no question about that. It's protected by Section 35 of the Constitution, the greatest protection that can be afforded, certainly has greater priority than any rights that a commercial party might wish to put forward.
3711. It's a constitutionally protected right to fish and any infringement has to be justified.
3712. And the Supreme Court of Canada made it clear that the test of justification places an onerous burden, and consciously so by the Court, on the Federal Crown. It is not a light burden that can be easily tossed aside.
3713. I think Leona and Richard have, very clearly, given evidence on the importance of fishing to the Musqueam.
3714. They are fishing people; to their economy, to their culture, their society, the social relationships, the relationships between generations. All of these things have been pointed out in the presentation and, of course, as a source of food.
3715. I won't give evidence, myself, but the culture -- I've been fortunate to be the lawyer for Musqueam for over 30 years, and I'm always struck by the importance of fishing to the culture, to the winter dances, to the ceremonies; that's a living thing. If you work at Musqueam, as I do, you will see that. You will see the culture on a daily basis especially during the winter dance season, and it all goes back to fishing and their way of life.
3716. They've pointed out their deep concerns about the potential impact on what little fishing remains. They've pointed out the safety concerns. And these are very real concerns, and you have to be, as I was recently in a small boat looking up a very large vessel approaching you, and looking at what's involved,

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as Richard has given evidence on, on being able to stop fish and move fish and the disruption to the fishing.

3717. Richard, in particular, has spoken about the loss of access to the fishing areas, to the ability to fish; he's pointed out the impact on the fish and on the fish habitat.
3718. And as Leona said, the impacts are there and they're obvious, they're not trivial; they're very significant.
3719. Richard and Leona have also pointed out that the impacts would not be limited to Musqueam; they affect other First Nations, and that's also of concern to Musqueam. Their relationship with other First Nations is very important to them.
3720. As Richard has said, they're the protectors of the mouth of the river. They have a duty to the other First Nations to protect that resource for those other First Nations. They take that seriously, as Richard and Leona have pointed out.
3721. So that's by way, as I say, really a superfluous, redundant summary of what's been said more eloquently and with greater force by Leona and Richard. And as we said earlier, they're willing to answer any questions for the purposes of clarifying what they've said. But if there are any substantive questions, we would ask that they be submitted by way of an information request and be dealt with in that way.
3722. Thank you very much.
3723. **THE CHAIRMAN:** Thank you, Mr. Reynolds.
3724. I'll offer the opportunity for any questions of clarification; first to Trans Mountain, Ms. Oleniuk?
3725. **MS. OLENIUK:** Just before that happens I ---
3726. **MR. SPARROW:** Just -- we just wanted to ---
3727. **THE CHAIRMAN:** Yes, by all means.
3728. **MR. SPARROW:** --- just quickly -- I want to quickly add another important piece to Musqueam in relation to salmon harvesting, in particular, and

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other aquatic resources is -- and I think Jim briefly spoke to it was the harvesting of these, and I'll speak to salmon in particular right now.

3729. Every year our community will harvest X-amount of salmon based on the upcoming ceremonially events that are scheduled for the year throughout the winter. We also put away into our freezers enough salmon, for God forbid, we have any funerals in our community. That is done on a communal level.
3730. We put away all these -- we put away the aquatic resources for our community because we don't want to go a ceremonial event, whether or not it's a grievance or a celebration and -- I always hear from various community members saying, "Well, if we don't have salmon what are we going to do; go up to the grocery store and buy chicken?" It's not what our community has done.
3731. Traditionally, we have always provided salmon as a main source of our diets during these ceremonial events. It's something that Musqueam is well-known for. And all other First Nations in and around the river that, when you go to a celebration at a First Nations' event, this event within our community, you will always see salmon as the main part of the feast. You will also see crab and prawns and other aquatic resources that are available at that time.
3732. That's something that I'm always very proud of, that when we have a gathering, when we invite people from outside of our community that they are extremely excited and appreciate the fact that we have salmon there as the main part of our feast for that day.
3733. So the ceremonies, whether they're in the summer, the fall, the winter, we always want to make sure that that's available for our Elders and our youth that are in attendance.
3734. One other thing that I wanted -- what I wanted to bring up in relation to Musqueam's role in harvesting salmon in the Lower Fraser is the protocol agreements that that we currently have and have had in the past with neighbouring First Nations that currently do not have access in abundance or access at all to salmon. Musqueam has always ensured that if there is a community -- a neighbouring community, a distant community that is in need, that we go out and harvest that salmon for them.
3735. I work directly with those various communities that are located throughout the province as far up as Haida Gwaii. All through the Vancouver

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Islands into the interior, we receive requests for Musqueam to go out and harvest primarily salmon, but other species also.

3736. And this goes back to one of my first comments that the protocol agreements are like a trading opportunity. Musqueam does not have any wild meats available within our territory, within our reserve lands. So in a trade-like business, Musqueam then is provided an opportunity to harvest within various First Nations territories.
3737. I think that's really an important piece to understand is that without the salmon, without the aquatic resources that we have within our territories, that traditional way of life within our traditional bartering mechanism would not exist.
3738. So there's one other piece to consider when our community is extremely concerned about a potential disaster, that we may lose that within our day of age today. I think that it relates to not only just the Musqueam; it will directly impact all those traditional protocols that we have with the First Nations all along the coast and into the interior.
3739. **THE CHAIRMAN:** Thank you.
3740. Ms. Oleniuk?
3741. **MS. OLENIUK:** Thank you.
3742. I just wanted to say thank you to Musqueam for their presentation. We have no questions.
3743. **THE CHAIRMAN:** I apologize. I have a bit of a cold, too, so I hope I can get through it.
3744. You mentioned the Musqueam Creek, right, now was the -- if I recall, was the last salmon spawning area in Vancouver. Was that what you said about it? Was that -- sorry; my mic.
3745. **MR. SPARROW:** It's the last wild salmon-bearing stream in Vancouver.
3746. **THE CHAIRMAN:** And then I heard your story about the pool emptying. How do you manage and protect that stream and area? Is it jointly, or

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do you have sole management over it and protection of that stream?

3747. **MR. SPARROW:** I guess it -- it gets somewhat complicated because of the creek. The mouth of the creek starts in the Musqueam Reserve and it goes through Musqueam Indian Reserve Number 2. It then extends past Musqueam's Reserve lands, so they are across kind of management of that creek because it goes through residential areas. It goes into parklands.

3748. So the management of the creek itself within the reserve lands is being managed by Musqueam, although when it extends past the Musqueam lands, we then kind of lose the overall management of that creek, although we do have a pretty good relationship with the Park Board and the Eldama lands and UBC where, at times, we work fairly well in terms of managing the creek.

3749. It gets quite complicated in terms of stormwater management, you know, the overall environmental protection of the creek. So in short, it's a pretty complicated answer. So I mean, I could attempt to summarize that a little bit better for you.

3750. **THE CHAIRMAN:** No, it's fine. I'm just trying to understand because rivers have no boundaries. They don't know where it stops and where they flow all the time.

3751. So I'm just wondering if there was any joint management of it or how do you, you know, ensure environmental -- is there an environmentally protected area, you know, all those sensitivities even though it is on your land. That's where I am just trying to get a sense of how you protect that part of it, the whole stream.

3752. **MR. SPARROW:** Through education. Educating our neighbours, educating the municipality around us, educating the residents that are around us. Handing out -- just doing groundwork, handing out flyers, educational flyers.

3753. We have a Musqueam stream-keepers crew that work seasonally. A lot of it is volunteer time. You know, Musqueam Fisheries Department itself have been doing a lot of legwork and inviting community centres, neighbouring schools, elementary schools, high schools and trying to -- and conducting creek tours.

3754. So just getting that word out to our neighbours that, you know, this is

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- the last salmon-bearing stream. There are salmon actually in the creek. You know, I have run into individuals walking their dog and their dog was trampling through the creek. And I ask them, "Can you please, you know, get your dog out of the creek?" And they would respond, "Well, there's no salmon in those creeks".
3755. So just getting that word out to them, you know, educating them as best we can has been pretty successful over the past, you know, little while there. So that's what we've been doing.
3756. **THE CHAIRMAN:** And maybe, Leona, you mentioned this picture on the slide on the impact slide. Is that the creek or is that a different area? I'm just ---
3757. **MS. SPARROW:** On the left?
3758. **THE CHAIRMAN:** Yeah, on the left there.
3759. **MS. SPARROW:** Near that area, but that's actually the Fraser River banks right where this view is. It is a habitat area so, what you're seeing is at low tide.
3760. When it's high tide, those grasses will be covered and there will be juvenile fish swimming around in there.
3761. **THE CHAIRMAN:** And in that area, too, that's within Musqueam territory. Am I correct? And how is that -- how do you also protect that area as well?
3762. I'm just trying to get a sense of the scope of your, you know, authorities to protect some of this.
3763. **MS. SPARROW:** It's vigilance. It's community members reporting and trying to keep industry away.
3764. We've had some incidents where there has been an impact on our foreshore area that's right adjacent to the reserve without our consent. So we had to take some serious steps in order to get that resolved.
3765. Fisheries -- like I said, it's a red zone. Fisheries and Oceans have

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labelled it a red zone because we managed to keep the area in a fairly natural state, whereas the rest of the river system seems to have been subjected to a lot of industry.

3766. **THE CHAIRMAN:** So a red zone is -- sorry; I don't understand that term. I don't want to get too technical with you because -- is that a protected habitat under Fisheries and Oceans? That's what it is?

3767. **MS. SPARROW:** That's correct. We can't put anything -- any major infrastructure in that area because Fisheries and Oceans would get a little upset.

3768. **THE CHAIRMAN:** And that is on Musqueam traditional territory. Am I correct?

3769. **MS. SPARROW:** That's directly in front of our reserve, yeah.

--- (A short pause/Courte pause)

3770. **THE CHAIRMAN:** Sorry, Richard.

3771. **MR. SPARROW:** In terms of the creek you were asking, was that the bottom left you were asking about, whether that's the creek?

3772. **MS. SPARROW:** M'hm.

3773. **MR. SPARROW:** Yeah. So if I can see that picture correctly, the creek would be approximately -- at the mouth of it, it would be approximately a kilometre or two kilometres east. That would be east. So further up the river there is where the mouth of the creek starts.

3774. And then in terms of who we would work with in terms of protecting it, our door is always open to that scenario. You know, we are always looking for anybody to -- that would be interested in protecting our foreshore and, in particular, our creek within our traditional lands.

3775. We have reviewed some potential opportunities of some foreshore restoration projects that have been proposed by Port Metro, Vancouver and a lot of them look pretty promising. And over the past couple of years, in particular, we've developed a pretty good newfound relationship with the port.

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3776. They've really been quite respectful and promising in terms of potential relationship-building and any type of restoration projects within our traditional territory.
3777. **MS. SPARROW:** Musqueam's also been successful in working with the Ministry of Transportation and Highways, the provincial Ministry, in terms of doing heritage protection and stream enhancement where there's salmon streams going through areas where the highway is being redeveloped.
3778. **THE CHAIRMAN:** Thank you. I appreciate the responses.
3779. And I'd like to acknowledge Musqueam and, in particular, Leona and Richard, for your sharing today as keepers of the river and for the stories, the traditional knowledge that you have shared with us today.
3780. We will consider all that we have heard as we decide whether or not to recommend appropriate of this project.
3781. So with that, we will reconvene at 9:00 a.m. tomorrow morning.
3782. Yes?
3783. **MS. SPARROW:** Okay. Whenever we do meet with representatives of industry and representatives of government, we always end up, well, what is it that you really wanted. I mean, we've told you all kinds of information. We've told you there's lots more information, but we never know how much is enough to make the decision in a good way.
3784. So again, I think that if you have questions, please give us the questions and let us sort it out because it's very frustrating to be on our end of things when decisions are being made and we don't know what the justification for the decision is.
3785. Thank you.
3786. **THE CHAIRMAN:** And believe me, that is our job is to make sure we have all the questions and we get all the answers. So if we have any, we have a process that we would be prepared to -- as Trans Mountain does, as a proponent, to ask you those questions.

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3787. So with that, we'll reconvene at 9 o'clock tomorrow morning.

3788. Thank you.

--- Upon adjourning at 10:58 a.m./L'audience est ajournée à 10h58