

**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 10

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

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

**October 22, 2014
Le 22 octobre 2014**

**International Reporting Inc.
Ottawa, Ontario
(613) 748-6043**

Canada

© Her Majesty the Queen in Right of Canada 2014
as represented by the National Energy Board

This publication is the recorded verbatim transcript
and, as such, is taped and transcribed in either of the
official languages, depending on the languages
spoken by the participant at the public hearing.

Printed in Canada

© Sa Majesté du Chef du Canada 2014
représentée par l'Office national de l'énergie

Cette publication est un compte rendu textuel des
délibérations et, en tant que tel, est enregistrée et
transcrite dans l'une ou l'autre des deux langues
officielles, compte tenu de la langue utilisée par le
participant à l'audience publique.

Imprimé au Canada

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), Wednesday, October 22, 2014
Audience tenue à Chilliwack (Colombie-Britannique), mercredi, le 22 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

Katzie First Nation

Councillor Rick Bailey

Mr. Cyril Pierre

Mr. Burgess Pierre

Ms. Debbie Miller

Mr. Jesse McCormick (counsel)

Swinomish Indian Tribal Community

Chairman Brian Cladoosby

Mr. Ray Harris

Mr. Jan Hasselman (representative)

Ms. Kristen Boyles (representative)

Suquamish Tribe

Chairman Leonard Forsman

Ms. Shaylene Jefferson

Ms. Patti Gobin

Ms. Jan Hasselman (Representative)

Ms. Kristen Boyles (Representative)

ERRATA

Tuesday, October 21, 2014 - Volume 9

Paragraph No.:

Should read:

3816:

MS. PEACH: Mark Peters is...

MS. PEARS: Mark Peters is...

3818:

MS. PEACH: Thank you.

MS. PEARS: Thank you.

3834:

We know that the National Energy Board takes the stance that participant funding is separate from the Board's regulatory hearing process. To quote yesterday's Ruling No. 38 issued by the NEB, that:

"This stance turns a blind eye to the critically important issue of capacity funding and how it's tied to First Nation's ability to meaningfully participate in the hearing, and the Crown's intention to rely on the hearing to satisfy its constitutional duties." (As read)

We know that the National Energy Board takes the stance that the participant funding is "*separate from the Board's regulatory hearing process*" to quote yesterday's Ruling No. 38 issued by the NEB, but this stance turns a blind eye to the critically important issue of capacity funding and how it's tied to First Nation's ability to meaningfully participate in the hearing, and the Crown's intention to rely on the hearing to satisfy its constitutional duties.

TABLE OF CONTENTS/TABLE DES MATIÈRES

(i)

Description	Paragraph No./No. de paragraphe
Opening prayer by Mr. Cyril Pierre	3909
Opening remarks by the Chairman	3913
<u>Katzie First Nation</u>	
Councillor Rick Bailey	
Mr. Cyril Pierre	
Mr. Burgess Pierre	
Ms. Debbie Miller	
- Opening prayer by Mr. Cyril Pierre	3909
- Introduction by Mr. McCormick	3938
- Oral presentation by the Katzie First Nation	3978
Opening remarks by the Chairman	4289
<u>Swinomish Indian Tribal Community</u>	
Chairman Brian Cladoosby	
Mr. Ray Harris	
- Opening ceremony	4309
- Introduction by Mr. Hasselman	4322
- Oral presentation by Chairman Cladoosby	4343
- Oral presentation by Mr. Harris	4448
<u>Suquamish Tribe</u>	
Chairman Leonard Forsman	
Ms. Shaylene Jefferson	
Ms. Patti Gobin	
- Oral presentation by Chairman Forsman	4496
- Oral presentation by Ms. Shaylene Jefferson	4614
- Oral presentation by Ms. Patti Gobin	4650

LIST OF EXHIBITS/LISTE DES PIÈCES

(i)

No.	Description	Paragraph No./No. de paragraphe
-----	-------------	---------------------------------

UNDERTAKINGS/ENGAGEMENTS

No.	Description	Paragraph No./No. de paragraphe
------------	--------------------	--

Opening prayer and opening remarks

--- Upon commencing at 9:14 a.m./L'audience débute à 9h14

3906. **THE CHAIRMAN:** Good morning. I understand that the Katzie would like to start with an opening prayer.

3907. Perhaps we'll have that to begin today, please. Thank you.

3908. **MR. CYRIL PIERRE:** Thank you.

3909. Oh, beautiful Grandfather, Creator of the universe, today precious Creator of the universe, Grandfather, your family has gathered together today. Please let the mighty sun give us strength to create a new tomorrow. Today, Great Spirit, we have to speak to each other with respect and honour, with good words to each other.

3910. Let us listen to have good understanding towards each other. Let us touch each other's hearts with good feeling and good meaning, oh Grandfather. Let us see each other's vision so we can create a better tomorrow for our children. Let us taste the fragrance of the efforts of today, for this will make a strong future for us all.

3911. Beautiful Grandfather, our day will come to an end. Bring us safe to our beds to rest. Bring us safe back home to our families. We ask Grandmother Moon to shine upon us as we rest at home to have beautiful dreams. Let these beautiful dreams give us strength to create a new tomorrow for all of our generations to come, all of our future children to protect Mother Earth, to be well, and all of us to be happy together to be home.

3912. Thank you.

3913. **THE CHAIRMAN:** Good morning. And I would like to acknowledge that we are on the traditional territory of the Stó:lō.

3914. I'd like to welcome everyone to the oral traditional evidence phase of the National Energy Board's hearing regarding Trans Mountain's expansion project.

3915. My name is David Hamilton; I am the Chair of the Panel. And with me on my left is Alison Scott; and on my right, Phil Davies. We want to welcome everyone who's here today, both in the hearing room and those listening through

Opening prayer and opening remarks

our webcast.

3916. Just for safety reasons, I would like before we get started -- just like to point out the emergency exists in case there's a need for an evacuation, which is where you came through to come into the hearing room. And there are two exits, on to your right as you go out to go outside to the parking lot, and one through the left, the main entrance to the building.
3917. In addition to the Panel, there are a number of staff that are here that can help answer any process-related questions that you may have, and you can recognize them by their name tags.
3918. We'll be sitting this morning from 9:00 until 12:00, and we will take breaks as necessary throughout the morning. If you want to indicate when a break would be appropriate, we'd be pleased to accommodate our witnesses as well as the Panel.
3919. Before we get underway, I just would like to remind parties of the Panel's guidance in the Hearing Order and Procedural Direction No. 1 in regards to oral traditional evidence. The Board understands that the Katzie First Nation have an oral tradition of sharing knowledge from generation to generation, and this information cannot always adequately be shared in writing. The Board recommends those providing oral traditional evidence focus on their community's interests and rights.
3920. 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
3921. 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 could be eliminated or reduced, that would be also helpful to us.
3922. This is the type of information we're here to listen to, and we will use this information we gather today, along with all other available information, in considering the possible effects of the proposed project.

Opening prayer and opening remarks

3923. We appreciate that you have chosen to be with us today. And 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.
3924. Before I ask the Katzie First Nation to present their traditional evidence, perhaps I would like to ask the representatives, for the record, of the Proponent to introduce themselves.
3925. Thank you.
3926. **MS. OLENIUK:** Good morning, Panel, and good morning to members of Katzie First Nation.
3927. My name is Terri-Lee Oleniuk, and I represent Trans Mountain.
3928. **MS. MILLER:** There is no "cat"; it is Katzie, and it is disrespectful to not know who we are. Katzie.
3929. **MS. OLENIUK:** Thank you for the correction.
3930. My name is Terri-Lee Oleniuk, and I represent Trans Mountain. And to my right is my colleague, Heather Weberg; to my left is Annie Korver, and she's a member of Trans Mountain's Aboriginal Engagement Team.
3931. And I also have one just brief preliminary matter if I may, sir.
3932. **THE CHAIRMAN:** Yes, proceed.
3933. **MS. OLENIUK:** Thank you.
3934. Yesterday, after Peters Band gave a presentation, I indicated that there was additional routing information available in Technical Update No. 2, which was filed on August 22nd, and that reference was incorrect. It's actually found in Consultation Update No. 2, which was filed on August 1st.
3935. **THE CHAIRMAN:** Thank you for that clarification.
3936. With that, we are prepared to hear from the Katzie First Nation. And

**Katzie First Nation - Oral presentation
Introduction by Mr. McCormick**

perhaps you could indicate if you are prepared throughout the presentation at the end to take questions of the Panel or the Proponent, and whether you like to take them orally or in writing, or respond later.

3937. And with that, perhaps -- I understand, Mr. McCormick, if you could introduce yourself and the Panel and your witnesses and we will then have them affirmed.

3938. **MR. McCORMICK:** Thank you, Mr. Chairman. Good morning, members of the Panel, NEB staff, my friend's from TransCanada and Osler.

3939. My name is Jessie McCormick. I'm legal to Katzie First Nation. We are pleased to have the opportunity to present to the Board here in Stó:lō territory.

3940. I'd like to introduce the witnesses that you see seated here before you and to make a few introductory comments.

3941. Further to the Katzie First Nation correspondence to the Board dated June 5th, 2014 and filed as Exhibit C187-5-1, Katzie First Nation is pleased to present the following individuals as witnesses.

3942. We begin with Councillor Rick Bailey, who is seated to my immediate left; to the left of Councillor Rick Bailey is Cyril Pierre; to the left of Cyril Pierre is Burgess Pierre, and at the end of the table is Debbie Miller, chief negotiator for the Katzie First Nation.

3943. If it pleases the Panel, we may have them affirmed at this time prior to concluding my introductory remarks.

RICK PRESTON BAILEY: Affirmed

CYRIL XAVIER PIERRE: Affirmed

BURGESS REGINALD PIERRE: Affirmed

DEBBIE LYNN MILLER: Affirmed

3944. **MR. McCORMICK:** Thank you, Ms. Regulatory Officer.

3945. We would also wish to note that Mr. Spencer Pierre was identified as a witness in the June 5th, 2014 correspondence filed by Katzie First Nation is not available to join us here today.

Katzie First Nation - Oral presentation
Introduction by Mr. McCormick

3946. I'd also like to acknowledge members of the Katzie First Nation who have travelled here to observe the hearings, including Chief Susan Miller and Councilor Peter James who are seated here at the first table behind counsel for TransCanada.
3947. I wish to inform the Board that the individuals seated here before you have not previously had the opportunity to appear before the National Energy Board and the process, to some degree, is unfamiliar to them as witnesses.
3948. And in that respect, the witnesses have asked me to act as a facilitator, in some respects, to ask a few questions along the way.
3949. And what we would propose to do would be to have each of the individual witnesses introduce themselves, provide their comments and then to, in a dialogical fashion, provide their information to the Board.
3950. We would also like to echo some of the concerns that have been expressed by First Nation and tribal participants in these proceedings regarding the process and some of the concerns associated with fulfilling the duty to consult and accommodate of the Crown.
3951. The Katzie First Nation is concerned that this process does not provide the opportunity for full, meaningful consultation and those matters may be addressed later in these hearings.
3952. Further to the request in Procedural Direction No. 6, the Katzie First Nation witnesses have agreed to answer any questions which are directed to clarifying their comments.
3953. There are other comments of a more substantive nature and we would appreciate it those maybe dealt with by information requests or in writing.
3954. We'd also note that the Katzie First Nation witnesses may refer to select proposed pipeline corridor route maps that had been filed with the National Energy Board and the regulatory officers, as well as my friends, have been advised of the exhibit numbers for those exhibits.
3955. And we note that Procedural Direction No. 6 in your comments this morning, Mr. Chairman, recommend that those providing oral, traditional evidence focus on how the project would impact the community's interest and

Katzie First Nation - Oral presentation
Introduction by Mr. McCormick

rights, and the Katzie First Nation witnesses will provide evidence today on the significant impacts that the proposed project will have on the rights and interests of Katzie First Nation.

3956. Those are my introductory comments.

3957. Now I'd like to invite the members of Katzie First Nation witness Panel to introduce themselves.

3958. And as noted, once introductions have been completed, there'll be an opportunity for statements followed by some questions and dialogue.

3959. Thank you.

3960. **COUNCILLOR BAILEY:** My name is Rick Bailey, member of Katzie Band Council.

3961. **MR. CYRIL PIERRE:** Yes, good morning. I'm happy to be here to give you some information about my people and my traditional territories.

3962. My name is Cyril Xavier Pierre. I'm of the Katzie First Nation -- I'm on Barnston Island, Katzie No. 3.

3963. I'm the son of Francis Xavier Pierre of the Katzie First Nation and my mother was Minnie Pierre. She was from this territory here in Chilliwack.

3964. So, with that, I'm pleased to offer good information on the issue for today.

3965. Thank you very much.

3966. **MR. BURGESS PIERRE:** Good morning, my name is Burgess Reginald Pierre.

3967. I am a Katzie First Nation member.

3968. And from the time I could follow my father and listen to where Elders, Council members and to listen to the stories past, I'm here to represent them in the fullest, to answer anything that you ask, with my heart. And hopefully, like my father said, "Share the information that will have the most positive affect and

**Katzie First Nation - Oral presentation
Introduction by Mr. McCormick**

most positive manner for everybody to move forward.”

3969. Thank you.

3970. **MS. MILLER:** Good morning, I’m Debbie Miller.

3971. I hold the position of chief negotiator for Katzie. I have been part of the treaty negotiation for 20 years.

3972. When I came on, Rick Bailey used to be in charge of managing the entire team and since then we’ve done a bit of a switch. He’s now the political leader and I’m managing a team of very small and resourceful group.

3973. So today I look forward to presenting the evidence that I have learned through the voice of the Katzie people who are no longer with us and those who are unable to come to represent themselves at such a forum.

3974. So, I thank you for the opportunity.

3975. **MR. McCORMICK:** Thank you.

3976. Now I’d like to offer anyone who would like the opportunity, the beginning to offer any initial thoughts on the project or initial thoughts relating to Katzie First Nation, that it would be valuable in your mind for the Panel to be aware of prior to proceeding with some questions.

3977. I see Ms. Debbie Miller offering to take the first one.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR THE
KATZIE FIRST NATION:**

3978. **MS. MILLER:** So as directed by my elder, Cyril, I am to give you a indication of what it means to Katzie to have a place and our place is in our territory.

3979. And if I had laser, I would be able to show on the chart or the map that it is the lower portion -- down here is what I speak of. And where our territory is in terms of being here, I will not identify nor discuss what it means to the rest of this line. There are people far more capable than I.

**Katzie First Nation - Oral presentation
Presentation**

3980. So from Katzie, we come to be where we are because the Lord who dwells above placed us according to the five leaders who were situated at Musqueam and Pitt Lake and Port Hammond and Point Roberts and on Sheridan Hill, and each of these leaders played a special roll in the development of our world and our creatures.
3981. The world we know today is different than it was in the past. We say that the world was not right, and they came to help make the world right.
3982. So before our people were created, there were no deer and elk or bear that walked through the forest. There was no birds that flew and there were no leaves that ruffled on the ground. There was no wind and there was no fish that swam in the streams, not until the five leaders accomplished the work that was directed to them, which was to create a suitable environment for the people who were yet to come.
3983. So the Katzie people were direct descendants from these first people, and primarily from Och-laten -- and I apologize for not having my dictionary prepared to give you, but before we leave today, we will give you the words -- Och-laten and his people, who were created at the south shore of Pitt Lake, and Swaneset and his people created at Sheridan Hill.
3984. Katzie in our language, in our Halq'eméylem language, which many of us have lost the ability to speak, we are known as the place of moss because it grew along the banks of the might Fraser, where some of us now reside. And I reside in our Indian Reserve No. 2 in Walnut Grove. So you have a representative here from our three residential communities.
3985. So our band gets its name from the wife of Swaneset, and she was directed by her husband to turn over the moss and the ground underneath would become fertile, and that is where we currently live today.
3986. So the wife then told her husband to summon all the people to this spot to build a village. And soon after the creation, Katzie members lived on the land that was full of salmon berries, huckleberries, blueberries, strawberries, fish, game and many other edible items that grew in the Pitt Folder along the Fraser River and in the Langley Prairie area.
3987. The marshlands provided for us a fresh tuberous starch known as the Wapato, or scientifically, the Indian Arrowhead or sagittaria latifolia. And this

**Katzie First Nation - Oral presentation
Presentation**

- plant still exists within our territory. And it grew along the steep shores of Pitt Lake as well as in many other areas throughout the Pitt Folder and throughout the Langley Prairie.
3988. Our ancestors lived inside longhouses, and they were significant in size. And they have been spoken of and recorded in history by the newcomers such as Simon Pierre and our ancestors constructed. And when they lived there, they didn't go outdoors to hunt and gather. They were there to participate in what we know and call the winter season. And during the winter season is when we connected ourselves more to the land.
3989. So in the summertime, the men would go out and they would cover themselves with grease and ochre, and they would traverse through our territory and gather the resources. And in some places, the women would go to different locations than where the men did because there is a distinct difference between what the skills and capabilities of men are than what the women are. And that sounds a little different in our modern world, but historically, there was men work and there was women work.
3990. So the Katzie members, when we occupied the village at Pitt Meadows, which is, you know, a municipal area, and it's a Canadian construct -- it, of course, did not exist in the time that I am speaking of. During the sockeye season and the eulachon season and then during the winter season, most of the time we lived at the end of Pitt Lake. And there, it is because the former tribes from the coast would come and they would seek opportunity to garner slaves.
3991. So we knew where to keep ourselves safe, and it was an area that was secure and we could maintain our homes and our families while we went to use the rest of the resources. Over time, today, we primarily and will forever now live along the shore of the Fraser River.
3992. So we use the resources that the land provided, but they provided medicine, too. And so for us, the wildflowers, the mosses, the lichens, the liverworts and the shrubs and the variety of herbs that can be found throughout the entire systems, in places where most modern day people might say that's a ditch, we see the ability to gather and use the resources within there to save ourselves from the western science of medicine but also to connect ourselves to the land and what it means to be using the teachings that our ancestors taught us.
3993. So if we were to talk about how Katzie accesses resources on a

**Katzie First Nation - Oral presentation
Presentation**

- calendar year, right now, in the month of October, we would be out fishing for resources such as the current salmon run that runs through the dogfish, or chum. We would also, as women, have harvested on the land the rosehips and the other plants that have come to an end, but they are not necessarily providing berries but they are providing us bark or leaves or other forms of twigs that we used for teas and other forms of tonics and elixirs.
3994. So -- and then we would carry on accessing other resources as our years -- our year and months go on.
3995. My colleagues, my Elder and my friend next door, my -- as in our way, I would call him my brother, he will explain in ways that he goes and uses the resource, which is much more important than my reading from our recorded history that has been created because today, it is much more important for future generations to see the written text. We also today record our oral evidence so that in the future when we think back to what this means, we will be able to reinforce that we are an oral people.
3996. And I have broken many rules today by coming prepared with many sheets of paper rather than speaking very eloquently from my heart. I'm sure you will hear it later on, as we carry on in expressing to you what it means to be Katzie and where it means for us to have this place to very much tie ourselves to the land and to the opportunities that it affords us.
3997. **MR. McCORMICK:** Thank you, Debbie.
3998. Burgess, would you like to offer a few words?
3999. **MR. BURGESS PIERRE:** My name is Burgess Pierre. I am 30 years of age.
4000. I have taken many parts of construction, artefact recovery, wildlife surveys and all the major projects that have taken place around my territory. The Golden Ears Bridge, the Port Mann Bridge, the PDQ at Highway 1, the Pitt River Bridge, I have all been a part of these "masterpieces", as you would call them, state-of-the-art engineered designs.
4001. Each project I was on I did so because I needed to provide for my family. The actions and everything I was part of in being part of all the construction, to see the land scarred, to see things disappear and try to be placed

**Katzie First Nation - Oral presentation
Presentation**

- back as replanted did not justify anything that I was brought up to respect, to teach.
4002. I have never left my territory because I can hunt safely from the beginning of September to the end of March. Within that timeframe, I also transition myself from hunting into fishing from the beginning of March right to the end of November.
4003. I am only 30 years old, but I have great leadership in front of me; excellent. Words cannot express how I feel about this person next to me. Nothing ever will, and nothing will ever take that from me.
4004. Now, in being a hunter and fisherman, you take on different appearances, you think differently, you become these things you step on. You hear, you feel, you lock eyes with an animal in your territory so close to home. It grabs you. You don't want it to disappear.
4005. I thank you for giving me this opportunity, Chief and Council, for asking me to provide logical information about everything that I've done, everything I am going to do, everything that I could possibly pass on with the greatest respect to the Katzie people and the Western civilization which I know is coming.
4006. Thank you.
4007. **MR. McCORMICK:** Thank you, Burg.
4008. Cyril, would you like to offer some words?
4009. **MR. CYRIL PIERRE:** Thank you.
4010. Gee, my mind and my body and my heart is just flipping over and over and over with regard to why we're here to pass information on this issue. I'm trying to think and remember the many things that I was taught by my father and the teachings from my father, from grandfather about the land, the water, the animals, all the creatures in the water, the sources of foods that we eat, how we survived in the mountains, how we survived as River People in the Fraser River and the Pitt Lake, Pitt Lake system.
4011. I try to go back as much as probably before contact to our people and

**Katzie First Nation - Oral presentation
Presentation**

- our land in Canada, and I try to imagine. I try to imagine how they lived a healthy life with all the sources of food that they enjoyed as human beings in our land; the transportation that they used to have as ancestors before contact; their way of life being sacred in connection to the Spirit World. These many things have come to my mind with regard to what I have to say to try and increase your knowledge of who we are today, where we were coming from, where we will be going.
4012. So to the best of my ability I know that my people originated from the Pitt Lake area starting at the far end of the lake, the Upper Pitt River. You hear stories of the man, Slough-Mac. We call him Slum.ook in our Indian way, our traditional language. The only thing that I can think of for him being my great-granduncle, the uncle to my grandfather; he had an injustice upon him for who he was and what he did in his life to survive. He was one of our original people in the Pitt Lake system.
4013. Our people used to be probably thousands, 2,000, 3,000 strong in the territory of Pitt Lake originally. As they learned how to survive they moved down from the Pitt Lake region down to the Pitt Meadows area to the Fraser River.
4014. There's original stories of how they transported themselves back and forth. From the Pitt Lake area they would move down to the Fraser River to catch the salmon, the hooligans, whatever was seasonal, from the springtime on after winter. They would survive by the Fraser River. They would hunt on the islands for deer, for ducks, to trap for their furs along the Fraser River beds, the creeks. This is how they survived as our First People in the land of Katzie.
4015. Myself, I'm also a hunter, a fisherman, a father. I'm now blessed to be a grandfather by my son, Burgess, here who gave me three grandchildren, a beautiful daughter-in-law. I was gifted with five sons and the teachings from my ancestors have come down to me to teach my sons as best as I can as a father. I'm a single parent.
4016. To the best of my ability to teach my sons about our traditional lands, our way of life, to be strong and proud, to be a Katzie member always is priority by our family, on how to survive, to teach my sons to feed themselves as they grow day by day, teach them to hunt, to hunt the deer, to hunt the ducks, to catch salmon. These teachings I learned from my father and my bigger brothers.
4017. I had 13 in my family -- 14, seven brothers and seven sisters, and we

**Katzie First Nation - Oral presentation
Presentation**

- all lived along the Fraser River until we were told by the government as children to be taken away from their families to go to school, an Indian residential school.
4018. That's another issue in itself which is a complete nightmare for all of my family to understand; you've probably heard stories about it.
4019. Even at the beginning of time our ancestors professionally adapted to the traditional lands that they survived on. So the word "adapt" by me follows from my ancestors right up until today and to teach my sons to adapt what's coming and to teach my grandchildren to adapt for a future that is very, very scary to think of by me.
4020. I try to be a role model to my people on how to design their lives with respect to Mother Earth, with regard to the food that we catch from the river, with regard to the hunters that I teach on how to feed your families when you're in need. It is a strong teaching to the Pierre family to always feed and make sure other families have food.
4021. I've taught this to my sons. It is always better to give food and never ask for payment because it's a teaching from grandfather. When you have visitors, you sit them down at your table and you feed them, nourish their minds and their hearts, make that connection always with food that you can share.
4022. Many times, we didn't have much, but we always shared what we had, which is very strong by myself; a learning from my father and my older brothers.
4023. We feed many nations with the salmon that we catch. We feed many nations when they're grieving in the loss of a family member. We always provide the source of the salmon, whether it be fresh salmon or smoked salmon, canned salmon. We catch it mainly from the Fraser River.
4024. We support our longhouses with food constantly, all winter long. The traditional ways of catching deer to feed the many people that come and visit our longhouses. Sometimes it's 500 strong to fill in a longhouse with people, and you have to feed every one of them.
4025. The many ceremonies that my people have nowadays, we have learned to adapt to do these traditional things because it was very common for our ancestors. You see, the Fraser River was a pathway for people even coming from Vancouver Island to trade shellfish to our people in the Fraser River for salmon or

**Katzie First Nation - Oral presentation
Presentation**

deer. Likewise from Upper River, the Stó:lō people. Maybe they'd be going downriver to New Westminster to shop by canoe.

4026. The worst story that I remember about the First Nations people travelling by canoe, whether it be from the saltwater up the Fraser River to Chilliwack, to Hope, in Port Hammond we had -- our ancestors used to live on the shore in Port Hammond, it's called. They moved from the end of Pitt Lake to come down to the Fraser River to catch the sturgeon, to catch the eulachons, to catch the salmon.

4027. My people that lived there in Port Hammond were seven feet tall, average. That is something that I'm very proud to learn about, of who they were and how they lived on that shore until we were disastered with sickness. Those thousands of my people died when the disease of smallpox came.

4028. When that disaster happened, the people in the Pitt Lake area used to go around and gather the bodies, make them a big pile on the north of Penitentiary Island, we call it, in the middle of Pitt Lake. Piled them bodies up and piled bush on top of it, and then they burnt them.

4029. In the end of that disaster, maybe we had 75 people left. My grandfather was one of them.

4030. And then time came that we all started to move to the Fraser River in the Pitt Meadows area where we were always gifted with the eulachon in the springtime season. Some of our people lived on the south shore in the Walnut Grove area by Yorkson Creek, my relatives.

4031. Some of our people were living on Barnston Island, where I live now. And for my people to adapt to live on the resources in them areas, we became professional fishermen, whether it be about the eulachons, the salmon, all the seasons of salmon, the sockeye, the spring salmon, the chum salmon, the coho. This was our source of food. We learned to hunt differently from Pitt Lake for the ducks and the deer.

4032. Sometimes, we get lucky when we still hunt on Douglas Island, which is just above the Portman Bridge on the shores of one of the parks down there, Surrey Bend. My sons go down there, my nephews, to hunt for food for our people in the longhouse and our relatives on the island.

**Katzie First Nation - Oral presentation
Presentation**

4033. It's very important to teach my sons and my nephews to be respectful where they're getting their food from. They talk to the spirits to ask to be given a gift of a creature to feed our people. And when you receive, you always say thank you. This is how I teach my sons, my nephews, anybody that wants to learn to hunt.
4034. I learned to hunt from my father when I was little. Him and I were very, very close because I carry his name. I learned how to fish, probably when I was two years old. My Mum and Dad used to have a boat, a gillnet boat. And when the fishing time came, there was always such an abundance back in them days, in the early fifties.
4035. My Mum would tie me to the mast pole in a big giant fish box, and they would be down at the stern picking the net, taking the salmon off the net, throwing it over the drum into the big fish box. And I was tied right at the mast pole. My first experience of being a fisherman.
4036. There was such an abundance. The fish would rise and rise until it got right to the top, and who was standing there, two years old, just having the joy of my life, thriving in the slime and the salmon.
4037. I remember those days when I used to hunt with my Dad, three and four. He was a muskrat trapper. I used to walk with him on Barnston Island in all of the ditches. He was such a professional. I remember those days.
4038. We don't do it any more in those ditches because it became private land. Today, we're having a difficult time trying to find places to hunt, to get permission, the law. We have to adapt and abide by the law.
4039. As I became older, when I became seven, the government came to our door and told me and my parents, "It's time for you to go to school."
4040. You don't ask questions. You just have to do what they say because they're the government, the Indian Agent. And all of my sisters and brothers before me went through the same routine to adapt, being taken away by our family. For me, it was a giant gap in my life from seven years old until I was 18.
4041. The biggest nightmare in my life, to be taken away from my Dad, who was teaching me the language, which I don't know. And the same with my brothers and sisters, to adapt to the White man's way of life.

**Katzie First Nation - Oral presentation
Presentation**

4042. And then after I graduated from Grade 12, I went into training for -- to become a carpenter. And then I thought maybe, well, I'll go back home and I'll build my Mum and Dad a home.
4043. My very first day of going into training for carpentry school, somebody came into our class and told me, "Mr. Pierre, you have to go home." I thought, "Well, what did I do?"
4044. By the time I got to the office, they said my father was dying in the hospital. There goes my future.
4045. So I had to adapt after that with no father, no training, no guidance to be still from Barnston Island, to relearn the way of life on the Fraser River. I have a difficult time still accepting the way that I was denied guidance from a parent who was supposed to teach you the language, the traditional way of life, the sacredness of the spirit on the Fraser River.
4046. All the times that I used to go back home, I used to see only one sawmill as my brother was bringing me home by boat. I was always happy to see that big giant burner, the wood burner on the shore smoking away just across from our house. I'm home.
4047. I was glad to be home. And then my brothers would have to try and teach me how to hunt as a teenager, hunt for ducks, hunt for deer. Trapping, I couldn't follow up any more because my father wasn't there.
4048. So from 1969-70 to the new life of adapting on the Fraser River became more and more difficult because across from where we live on Barnston Island on the south shore, the industrial portion started to set in.
4049. It started out as one mill, and as years went by, I think there's probably seven sawmills there. And we had to adapt living across from that daily.
4050. In the springtime and the summertime, we were affected by the noise, the pollution that comes across in that river and the wind. The sawdust is horrifying to my people. This is progress, they call it.
4051. You're probably asking yourself, "What the hell are we talking about this for?" Well, I'm going to lead up to something that will just shock you

**Katzie First Nation - Oral presentation
Presentation**

- because I live on that river, and I seen it grow for years and years and years.
4052. I'm 66 now; I hope that I make 80. That's kind of my goal because I'm not finished teaching. I have two baby grandsons, one granddaughter to teach them to love, to teach them to prepare for what might be coming in their life.
4053. On that whole south shore, there are so many different venues of industrial, and on that shore is also the tracks, the railway tracks. The highway is now implemented beside the railway tracks.
4054. There's a sewer line planted just underneath the bridge. There's a cement plant. There's two lime plants. These are all across from our reserve.
4055. And I feel because of all this industry that was planted on that shore, nobody seems to care what impact these items have on my people on Barnston Island, on Pitt Meadows No. 1 Reserve, on Walnut Grove No. 2 Reserve.
4056. We are completely impacted by every one of these industrials.
4057. I say that I wish that I'm going to live to be 80. It's going to be a long shot because of what pollution comes across in the wind towards my people. Many of us are sick and we don't even know it. They don't know why.
4058. We have a young lady that just lost a baby. We don't know why. We have sinus problems. We have eye problems, heart problems, lung problems. This is the effect of pollution that 's coming, that's there.
4059. One man across that river owns all of them sawmills. He's now a billionaire. A billionaire. He couldn't care less what's happening to my people. The people that own the train tracks making money daily, daily, daily.
4060. When they were building the Golden Ears Bridge, our people asked -- stepped up and asked, "Well, what about the pollution that's going to be coming off that highway and sitting on my people that live right underneath that bridge?"
4061. The best thing we got out of it was, "Move on to something else. Do we have to talk about that?" We had to adapt to that.
4062. So all the pollutions in our territory and our land base, we are completely being annihilated from what's happening, the sewer, the cement, the

**Katzie First Nation - Oral presentation
Presentation**

- lime, the noise, carbon monoxide. And now I see the line of -- the oil line that's going to be across there. It's right on the same route as -- right across from Barnston Island from my people in our community.
4063. I'm here to talk about disaster not only to my people, but the public people around me. In 1989, there was a chemical spill down at Delta Port somewhere. I think it was August. We were all preparing as fishermen the day before to catch one of the biggest salmon runs that happens to go by Barnston Island.
4064. We were all pulling our nets on our gillnet boat and over the radiophone came, "Sorry, fishermen, there's no fishing tomorrow because there was a chemical spill down below us". We were all very upset, but we had to consider if we even tried to eat some of this food, we are filling our families with liabilities of being very sick or possibly even dying. So we had to close the river down for the season.
4065. We were compensated a few dollars to survive until that run rebuilt itself for four years, find other ways to generate money to feed our people. The salmon was now going to be contaminated from a chemical spill.
4066. And I feel with the existing oil line that goes along this corridor across from Barnston Island that we know what effects are coming when Mother Nature throws an earthquake on Mother Earth and moves that line and breaks it.
4067. I've lived through an earthquake. I was in my house and everything was starting to rattle, and then I realized what was happening. The windows were shaking. So I ran outside. And by the time I got outside on my porch, I could barely stand from the shaking.
4068. So I went out onto the ground and I literally laid down and I watched my trees. They swayed like 10 feet each way. I thought, "Wow, this is Mother Earth doing her job". Before I got up, I looked towards the river and I could see the wave of Mother Earth going by. It came from across the river onto my bank, onto my land and I watched it go right past me, a giant wave moving Mother Earth.
4069. So that's why I have to try and find out how safe are we with this existing line being so old. I have so many creeks along the shores and our traditional lands where creatures live. I have so many creeks, water beds in the

**Katzie First Nation - Oral presentation
Presentation**

- Pitt Lake region, my fear of anything happening in a catastrophe such as what might be coming would kill every creature in our territory waters where we tried to live and survive.
4070. I have fear of all of the brand new bridges that are structured in the Fraser River system. No matter where that line breaks, if there will be a spill in the Fraser River, do we know what will happen to the concrete structures to be covered with oil?
4071. We have a bridge up in Mission City. I understand that our tidal water in the Fraser River goes up to there and probably beyond, and a backup tide. We have to consider this tidal water will drift out into the salt water, but when low water comes, that water drifts back right up to Mission City. We have to consider what are the impacts.
4072. I have fellow brothers that work in all of these sawmills across from where I live. I have relatives that work there, the impacts of them being shut down because of a disaster coming. Where my ancestors lived in Pitt Lake, that tidal water goes right clean to the far end of Pitt Lake to carry pollution. That's one of the most pristine areas that people from all over the public go out there to visit, just to be away from the city to enjoy freedom with their children, freedom of quiet, serenity.
4073. So I'm not only talking about my people. We have land that we share. We have all of the sports fishermen that enjoy coming to our waters to catch the sturgeon, to catch salmon, to catch the eulachons. We have hunters that come to our territory to hunt for ducks, geese, food.
4074. As the young lady said, we still have some growing plants on our shores that we're still proud to explain and educate the public people a little bit of who we were, who we are, where we're going, what we're going to be doing. Every day -- I have sons that live with me. Every single day -- I have a son that's in BCIT doing engineering. My son, Burgess, he works in the valley sometimes.
4075. I have another son that's a fireman, a forest fire fireman, a fighter. All of my sons are big and strong. My Spencer, he wants to be an RCMP officer.
4076. Every time I get near these boys when they come to visit, I get a hug and a hello of love that is beyond compare. And when it's time for them to leave, even when my son goes to school or my son goes to work to find a place to make

**Katzie First Nation - Oral presentation
Presentation**

- money to feed his family, when they leave me -- every time they leave me, I say, "I love you, my sons. I'll see you when you come back".
4077. I train myself to say them things because I fear what's coming in this paper. I fear for a train going down our tracks loaded with oil. I remember the furious story about Quebec, how many lives were lost there.
4078. Our only access to society is at 176 and 104, over the tracks to get to society. My boys have to go over there every day. I fear are they going to be hit by a train. Am I going to have my child come back to me?
4079. I fear for my sons going across the bridge after the effects of oil on that structure. When it falls down, are my sons going to be on it? Am I going to get my boy back?
4080. I say I want to live to be 80 years old because I haven't even began to teach my grandchildren anything but love. Every time I get near them, the best I can do right now is just hold them and say "I love you", but I have a lot to teach them.
4081. I don't want to teach them about death, "prepare yourselves". So I am hoping that we understand the seriousness of impacts that could happen, not only to my people, but all of society.
4082. We gave away all of our forests and our territory for nothing. Somebody else became a billionaire. We gave away all of our salmon for nothing. The companies became a billionaire, the hydro systems. The oil that has been going through our traditional lands, they have become a billionaire.
4083. What has it done for my people? When my people get sick, cancer, respiratory, is Health Canada going to help us, Fraser Health going to help us? These are some of the fears that are going through my head. I want to live to be 80 to teach my children.
4084. So with these few moments to try and put in four or five hundred years into three hours is kind of impossible, so I'm just going to leave it at that. Right now, I'm a very physical mess because of what's been going through my body. I need to get up, so I'm just going to move around a little bit, so we'll just carry on.
4085. Thank you very much.

**Katzie First Nation - Oral presentation
Presentation**

4086. **MR. McCORMICK:** Thank you, Cyril, and thank you for your eloquence.

4087. If it pleases the Panel, perhaps this would be an appropriate time for a break.

4088. **THE CHAIRMAN:** Yeah, I think that would be appreciated.

4089. We'll take 15 minutes. We'll come back at about quarter to 11:00.

--- Upon recessing at 10:30 a.m./L'audience est suspendue à 10h30

--- Upon resuming at 10:57 a.m./L'audience est reprise à 10h57

4090. **THE CHAIRMAN:** Thank you, welcome back. So we're ready to proceed.

4091. Mr. McCormick?

RICK PRESTON BAILEY: Resumed

CYRIL XAVIER PIERRE: Resumed

BURGESS REGINALD PIERRE: Resumed

DEBBIE LYNN MILLER: Resumed

4092. **MR. McCORMICK:** Thank you, Mr. Chairman.

4093. Prior to continuing with statements by Mr. Rick Bailey, we'd like to advise the Panel that we've requested to be placed on the screen here Exhibit B255-21. This is an exhibit filed by Trans Mountain Pipeline displaying a proposed pipeline corridor, see route map detail.

4094. This, I understand, is the area that Cyril was referring to, but I've asked Cyril to perhaps clarify any of the information he provided earlier as it relates to this map for the benefit of the Panel.

4095. **MR. CYRIL PIERRE:** Yes, thank you.

4096. I have to apologize. I failed to mention something that happened in my waters where I do my salmon fishing.

**Katzie First Nation - Oral presentation
Presentation**

4097. Right there is the area of Barnston Island, Katzie No. 3, our Indian Reserve. Right there is where I live.
4098. And like every single day -- I own a gillnet boat. My sons own a boat, my cousins -- all of my family own a boat. But I have in routine in my life to walk from my house to the river just to check that all of our gear is safe.
4099. This one particular day that I did go down and I noticed that there was something seriously wrong with the river. It had a blue film on it. After a while, I realized it was oil.
4100. And I was standing on my dock there, and I looked upriver as far as I could see. I noticed the oil. And I looked downriver as far as I could see. It was oil.
4101. So I had to further investigate, so I jumped on my gillnet boat and I moved -- I drove upriver as far as I could to No. 2 Reserve and then I drove down to the ferry just to check.
4102. And all through that water corridor there, as far as I went and as far as I could see downriver and upriver, it was an oil spill.
4103. And I thought, wow, and the first thing that was going through my head, my family is going to be fishing here. So I rushed back home and I got on the phone and I reported this to DFO, Department of Fisheries and Oceans.
4104. And the response that I got was, "I'm sorry; it's not my department. I'll give you a number". And I think it was Environment, the next number that I got.
4105. So I was in a hurry in trying to get some answers here and get somebody to come and check this out.
4106. So I did, eventually, get a hold of Environment and they said, "I'm sorry; that's not my department". So they gave me a number, and it was Harbour Commission Vancouver.
4107. And they also said, "I'm very sorry; it's not my department". So they gave me a number.

**Katzie First Nation - Oral presentation
Presentation**

4108. It was exactly where I started from. And they all thought it was pretty funny. Every time I time I tell this story, it's like it's a joke.
4109. It's no joke to me because my people eat that salmon that travels through them waters. My hunters go out for the ducks that drink out of that water. My hunters go down to the shores of Surry Bend to hunt deer. This is no joke.
4110. And I went back home and I sat down in my chair and I wondered, why the hell did I bother to do that. They don't even care.
4111. And we're talking about this line. If that thing ever breaks, am I going to be assured that I'm going to get help immediately? Because the impact of that -- all of that shore there, right up to the bridge, is industrial, forestry, all types of industrial in there -- in that area, up in there is this sewer plant, the cement plant, the lime plant and up on the top here is where my No. 2 Reserve is.
4112. The impacts that are coming from all of this system when the wind blows that way, we get all of the pollution that comes across in the air.
4113. I can't remember, but I think it was around here there was an explosion, a truck, I think it was, carrying a tanker or something. That sucker exploded, lit up, blew the truck right across the street and landed in another department. But when the wind was blowing this way, it came down and impacted my people on this shore.
4114. I heard the explosion from my house. I was building something in my yard and then I could hear the sirens. So I went rushing down to see where the fire was and I could see all the black smoke, and it was coming directly right on my people.
4115. Before I even got to the water -- I'm not kidding you. Before I got to the water, I started to walk down the plank, and I buckled. I went to my knees because of what was coming across in that air went right to my lungs and then I dropped to my knees.
4116. I thought if I'd have kept going and I fully dropped, I would have went in the water and never come back. So I turned quickly and then I ran back to the road. Just as I got to the road, my brother was driving down the road and he stopped. He said, "There's an evacuation notice right now." So I turned and I was going to get my family to leave and then somebody else called and they

**Katzie First Nation - Oral presentation
Presentation**

- called off the evacuation.
4117. That was just from that impact of that fire right there. Whatever was coming across was just complete chemicals. That's the kind of disasters I'm talking about.
4118. This sewer line here, the wind is constantly going that way onto No. 1 Reserve, the lime plant, all the dust from there, all the fumes from the vehicle. On a summer day, you can see the black cloud come from out of the sky and sit right on my people, and they're inhaling this stuff every day.
4119. Well, when this thing breaks, it's going to be the icing on the cake. For everything that I've taught my children and the future of my generations to come, what am I going to teach them? This bothers me, the impacts that we're suffering right now.
4120. When the wind blows from the west, all of the pollution that's in that cement plant, lime plant, the fumes from this whole corridor of highway goes on No. 2 Reserve. I'm really scared to find out how sick they are. We haven't even investigated that yet.
4121. So it's a very scary thought for me personally to see what is going to happen to my people, if we're going to be impacted. I think it's right about there where the ferry landing is. Right in here is the train tracks. That's the only access we have to get out. If a disaster ever happened anywhere along there with tankers going on a train and something happened, we have no way to get out.
4122. As many times as we sit there waiting for a train to go by, I counted four hundred and somewhat boxcars going by waiting to get out, and I thought, "Wow, if we ever had an emergency." So I just wanted to mention that that was something that I've seen, I've experienced, a spill. Are we going to be assured of help when a real disaster comes?
4123. We're right there at the water. Wow. There's creeks in there. There's streams. I often wonder; how often is this monitored with all this industrial stuff going on in there. There's a stream of water coming from a waste management site right about there somewhere, and that's bleeding into the river right there.
4124. The sewer plant, is that being monitored? All the cedar, the poison that's going off of this mill, add that to oil. We really got some soup going.

**Katzie First Nation - Oral presentation
Presentation**

4125. Thank you.

4126. **THE CHAIRMAN:** I apologize and I hate, but since the map's up there, I wonder, Cyril, if you could help me orientate myself to the Katzie land and Reserve.

4127. I understand this is Barnston Island and your Reserve is on the southeast, is it? Southeast shore of it?

4128. **MR. CYRIL PIERRE:** Southeast shore facing ---

4129. **THE CHAIRMAN:** Sorry; unfortunately, my button on the microphone cuts everybody off, which is mixing everybody up today.

4130. So maybe if you could help and I would appreciate it, Burgess, if you orientate me to the Reserve, to how many -- I know your traditional territory's probably bigger than that Reserve and on the shoreline and throughout the Reserve. Just it would -- because it's important that I understand that. Thank you.

4131. **MR. BURGESS PIERRE:** For Barnston Island Indian Reserve of Katzie No. 3, our territory starts right at that farmhouse. We have a little bit of agricultural land along there, but as for all of this, it's the only block of trees, marshland throughout this entire area. That's No. 3 Reserve.

4132. No. 2 Reserve is directly just to the east of the Golden Ears Landing on the south side. No. 1 would be up here right directly north of No. 3.

4133. The main stem of the Fraser comes off of the top of Barnston Island. We call this Parsons Channel, the Slough. It is very rich throughout the year for salmon. It does not matter what time it is. I fish from the end of February until the end of November from when I'm allowed to fish. I know that there is more out there, but I take to the fields and I hunt these marshlands.

4134. As soon as the first frost comes, the fish are gone, my boots are on, I'm out there getting ducks, geese, rabbits, deer, moose, elk; anything I can to provide for my strong people, which are still thriving off the resources that we acquire from these lands.

**Katzie First Nation - Oral presentation
Presentation**

4135. But, yes, that is Barnston Island, Indian Reserve No. 3.
4136. **THE CHAIRMAN:** And I appreciate that, thank you. But you regard more of it than your traditional territory than just the Reserve, I'm sure.
4137. Sorry, I didn't mean to interrupt, but it's just that, Cyril, the map was very helpful and your story, but I just wanted to -- I'm a visual person, so I need to see it for myself.
4138. Thank you.
4139. **MS. MILLER:** So if we were to add a description to the Katzie territory -- we did not bring a map with today and we apologize for that although I will smile and say, in our way, it is very descriptive.
4140. So it is considered from the height of land in the Pitt River Valley. So if one were to consider that the valley bottom is the Pitt River and we consider what belongs the Katzie people for their use and occupancy is the shores of the Pitt River that run all the way into Golden Ear -- or Garibaldi Park and it travels south along the river and it comes through the Pitt Polder -- through the Pitt Polder Wetlands and then travels through to the area here and then continues south, and we would have travelled along the Nicomekl Serpentine Rivers and we would have been accessing the ocean down near Mud Bay.
4141. So it's -- I have, apparently, a hard copy map that we will provide as evidence as our asserted traditional territory submitted to the B.C. Treaty Commission as part of our writ.
4142. So -- but when it comes to description, it includes the Pitt River watershed, all the waters that flow into it, the Alouette Watershed and all the water and the tributaries that flow into it, as well as we smile and say we are encompassed or we encompass nine municipalities as well as two regional districts.
4143. **THE CHAIRMAN:** I appreciate that. Thank you.
4144. **MR. McCORMICK:** Thank you, Debbie. Thank you, Cheryl. Thank you, Mr. Chairman.
4145. Just for the record, I've taken a couple of notes from the points

**Katzie First Nation - Oral presentation
Presentation**

- indicated by Cyril while using the laser pointer.
4146. I'd indicate that on Exhibit B255-21 PDF page 1, he was displaying spaces between RK1161 and the Golden Ears Bridge located at RK1155.
4147. The reference to the explosion was in close proximity to RK1156, and the wind direction referenced was towards IR No. 3 on Barnston Island. He also referenced a waste management site between RK1157 and RK1156. And lastly, the ferry was indicated to be in close proximity to AK1160.82 as indicated on that exhibit.
4148. And now I'd like to -- if Rick would like to offer some comments.
4149. **COUNCILLOR BAILEY:** Thank you. I would just like to talk about some of the stuff my Elder here has said about being Katzie.
4150. I'm a fisherman and a hunter, just like my cousin here and my Elder. And not only traditional fishing, but I'm a commercial -- licensed commercial fisherman, too. I travel the whole coast of B.C.
4151. And in 1981, for some reason I left, sold all my fishing gear and went up north to drive a truck, learn how to do a 9:00 to 5:00 job. Well, that only lasted a few months and I had to go home. I had to get back to Katzie. It just -- it's a part of me, I'm a part of it. That's the way we are.
4152. I got a few things checked off here. The way we care about what's in that river, what's in the land around us, an example of that. In 1993, I believe it was, it was us, the Katzie, the Stó:lō that said we will not harvest sturgeon until we find out why -- and that year, that big sturgeon were washing up on the beach dead, and nobody knew why. So we said until we find out why, we will not harvest another sturgeon for any reason. And only then did the province and Canada follow suit and said no more harvesting of sturgeon.
4153. And after a year or so, one of our Elders were talking -- my late aunt, in fact -- about how she craved the sturgeon. It had been a couple of years now since she had had one to eat. And one of the young fishermen overheard her, so he thought, "I'll do a good thing. I'll go catch auntie a sturgeon".
4154. And he brought her home a sturgeon, a nice little three-footer. And boy, she tore a strip off of him, and she said, "You bring that right back to the

**Katzie First Nation - Oral presentation
Presentation**

- river and you don't take another one until you are told to take another one because we still don't know why they were dying. But until we do, we won't eat another one". That's a little bit about how we care about what's in our land and in our water.
4155. That piece of that water there is Parsons Channel, the south shore of Barnston Island. It is a very important bit of water, and that's why it's so scary for me.
4156. I grew up on the boats, fish boats, commercial fish boats with my grandfather and my father. And everybody went to the slough, we called it, for the first set of the opening. And sometimes we'd load our boats in Parsons Channel because that's where the sockeye gathered in the channel and down around Douglas Island. And then all this industrialization happened right at the top of the slough there, the mills, the concrete plants there, sewage plants. And for a while, they stopped -- the fish stopped going into the slough. They were over in the main channel more so.
4157. Not totally, but -- and then I'd -- I'm not sure how much they cleaned up, but they are going back there now. That's where the main channel is that the fish travel through, our salmon.
4158. That's why -- one of the reasons why it's so scary to see this diagram here with the pipeline right beside the river. There's no buffer. If an accident were to happen, that bitumen or whatever they call it would be right there in the river, right where our salmon are gathered.
4159. It's also been said that we're -- Katzie are sharing people. And so I say that -- bring that back up because this is not just about us, not just about Katzie. We let salmon -- certain runs of salmon go by because those fish are going to a place where that's all they get. That's the only salmon they get. And downstream, it's for them, too.
4160. We have people on the west coast of Vancouver Island and up in Johnson Straits that now harvest Fraser River sockeye because, through mismanagement of government, they have none. So we have to protect this for them, too.
4161. People came when we fished eulachon from the island and from the States. Some of them are here today, I believe, the Lummi, the Swinomish, the

**Katzie First Nation - Oral presentation
Presentation**

- Nootka -- or Nooksack, so it's not just about Katzie why we're here.
4162. If a spill were to happen right there, it would -- you know, what are we going to do? You're -- it could wipe out the salmon. And I've seen this before or I've heard of this before where somewhere just in Washington State, they built a dam on this river. I can't remember which one it is.
4163. But in that river, there was a run of chinook salmon that averaged 100 pounds. And when they built that dam, those fish are gone and they're not coming back. And that's what we fear here. If catastrophe happens, you can't bring them back.
4164. All the stuff that we have endured and lost in the name of progress, it's just -- sure, we're adapting, but I don't know how or if we could if something like this were to happen at a certain point of the year when the fish are here. Wipe them out, they're not coming back.
4165. As I said, I'm a commercial fisherman, too. We have several commercial fishermen, licensed -- federally licensed commercial fishermen in Katzie.
4166. As Cyril mentioned, the -- I think it was just a barrel or a couple of barrels of some chemical that spilled at Surrey Fraser docks in the eighties and, like he said, we were shut down. The river was closed. Not just Katzie; that whole river was closed.
4167. I can't remember how long it was closed, but that was just a couple of barrels, or maybe even just one. And this thing, I don't know how many barrels it pumps per day or minute or what, but it's just so scary.
4168. The fish we get from this river is our lifeblood. We salt it, we can it, we smoke it, we freeze it, all to get us through the winter. It's not just when they're there. We live on it.
4169. I've got so much in here right now, but sometimes it's hard to come out. I think that's it for now.
4170. **MR. McCORMICK:** Thank you, Rick. I see Debbie has comments she'd like to share.

**Katzie First Nation - Oral presentation
Presentation**

4171. **MS. MILLER:** To continue to speak in the matter that Rick is talking about, for us, it's also not just about the reality of what it is the fish means or the salmon or any of the other species that come onto our table. We know that, historically, many other First Nations came to our area to gather the resources such as wapato, cranberries, mountain goat and the wool from the mountain goat. So the Fraser River itself serves as a transportation corridor, and it's a source of the fish for our dietary and economic needs.
4172. And through the practice of fishing, Katzie are reminded of our origins because, for us, the salmon is the only other species that exists within our territory that has a soul equivalent to the humans. We have a soul. You have a soul. The salmon, when they are not with us, they have gone to live in the ocean village and they are our brothers and sisters. And they must be cared for and they must be treated with the greatest amount of respect.
4173. So we believe that the sturgeon and the eulachon and even more so with the salmon that they have the soul, that they must be honoured and in that honouring sometimes, as Rick has indicated, it's to not gather the resource.
4174. So today, we do not gather the sturgeon the way we had historically, the way our ancestors knew how to enjoy the delicacy of that meal at their table. We also choose to not harvest and we feel that, you know, there's lots of things that need to be done for the Fraser River to continue to increase the capacity and the growth for the sturgeon. And this has something of an ability to affect that in a negative way.
4175. So when we talk about Katzie and our identity and our identity to the territory, it's inseparable. We can't just specifically talk about what it means to be connected to Parsons Channel because it's all of our territory. It's all about how we're connected, each and every one of us. We each come from different residential communities, but we are all fundamentally Katzie.
4176. And so when we travel throughout the territory and we look and we see what the cultural landscape provides, it is so hard to explain in a relatively short amount of time what that means to us to be able to say this is our landscape, but also what it means for us to afford the opportunity to share. And we know that sharing was a fundamental value, part of our codified ancestral laws in terms of knowing that, once a guest, you are next to be a host. So our territory was abundant and can be abundant again.

**Katzie First Nation - Oral presentation
Presentation**

4177. I show before you -- my understanding is this will become an exhibit. This is an image of wapato, and it is petrified. It is 5,000 years old located within our territory, a place where our ancestors harvested. We are known as incipient farmers, and it is one of the few places within the Lower Fraser region that this is found, found in such abundance.
4178. Our potato plants and wapato gardens, however one would like to describe them, could have been owned. And ownership is not inferred the way that colonial ownership in terms of that is my land or that is my car or my home. Ownership was the responsibility of managing. And in terms of managing those, a family could own a plot and then, when visitors came, you could, with permission, come and harvest, but you harvested when the original owner knew it was time to harvest.
4179. It's, you know, like when you go to your tomato plant, you don't pick a green tomato. You actually want a red one.
4180. So it's important to harvest the wapato only at times when it would be ready to be harvested. And I will smile again and say most of that was women's work. And we have, in our minds, provided the opportunity to go and harvest wapato because we are looking at this as a culturally-valued plant and looking at its re-establishment in many portions of our territory.
4181. There are small areas left that grow wild, but it needs a lot of help. So we did a test run. And our modern-day Katzie people went in November and climbed out of their metal canoes and small boats and got into the water -- and the men did it, too, but they didn't last as long as the women. And we smile when we say we exercised our historical gathering and the spirit that that brings to us as the people who are so connected to this resource.
4182. I can't even begin to tell you what that meant because we didn't go just as the people in our community in terms of men and women. We brought our children and our families. And it was about the best picnic one could ever possibly have, although it wasn't, you know, the way maybe most people would define their picnic in terms of provincially -- a provincial park with a lovely basket full of food brought from the Superstore.
4183. So in our mind, we know what it means to be connected to our history. We are doing all we can to regain those opportunities.

**Katzie First Nation - Oral presentation
Presentation**

4184. And when I talked earlier about the reciprocity of being a guest or a host, here where we are today in terms of being identified as the Stó:lō territory, I'm fairly certain that what we mean by that is that this area belongs very much to a nation within the Stó:lō Nation area.
4185. We affirm that there is a Stó:lō group in our Halq'eméylem language and, to us, our upriver dialect. The upriver dialect is different than our downriver dialect, so we speak Halq'eméylem in our native way. And I barely am able to speak and I am academically trained to be able to understand the language, but that does not promote literacy.
4186. So we know that there is the sharing of -- amongst our kin-based societies, and that means that it is our responsibility to look at the wealth within our territory and to ensure that that wealth continues.
4187. And wealth is not meant to be based in a monetary system in terms of dollars trading back and forth. Our wealth is in the opportunity to afford to share because as many of us have said at the table here, what will happen in the future if there is no access to the resources that we know that are fundamentally important in providing us with subsistence lifestyles. There will have to be someone else who is prepared to be our host, and we would go to be their guest.
4188. We have lost many opportunities to do that. We no longer are able to serve the sturgeon and we are very limited in our ability to serve eulachon. For our community who, historically, thousands of people came to harvest eulachon in our shores and this would have been part of the area that they would have been harvesting from, we this year received 40 pounds of eulachon for our community of 560 people.
4189. It is hard to talk about the opportunity to share that when we're barely able to give a small fish or two to a family. And culturally, it is important for us to be able to not only provide this in the winter season to the guests who come and travel from afar to partake in our ceremonies, but it's also important to give to the other side, the people who no longer exist here but who reside in the memories within our minds.
4190. And when I showed you the picture of this wapato, it was not because we sought to find the wapato. It was more of the development and the destruction within our territory in terms of watching progress carry on.

**Katzie First Nation - Oral presentation
Presentation**

4191. Katzie has been very congenial in our approach to what it means to see progress and what it means to see the benefits of the greater community being taken up. We have been left behind, and we no longer want to see that.
4192. We continue to live marginalized in our own reserves and we are marginalized in our territory. We have asserted ourselves as this is Katzie's territory based according to our ancestral laws, and we have been an active participant in the administration of colonial systems. So we have submitted our statement of intent to the B.C. Treaty Commission and we do identify that there is a need to negotiate that treaty.
4193. And in terms of what that means for us is that we want to illustrate, once again, how we manage the gifts that were given to us by the Creator and our responsibility for ensuring that those gifts are there for our future generations that we today, not one of us will afford the lack of choice for our future generations.
4194. We have a different choice today than my ancestor here, Cyril. And Cyril has a different choice than what his forefathers had. And that choice is always changing, and we know and we understand that, but limiting our choice to absolutely not being able to practice resource harvesting in the way that we historically did is not something that any one of us can agree to do.
4195. So when we talk about the assertion in our territory, we recognize that the Katzie Elders will say to everyone here, "We know that you exist. We know that the Kwantlen exist and we know that the Tsleil-Waututh people exist."
4196. And we recognize that they have their own territories. That's why I said earlier that we will not talk about the line that runs beyond our territory. Those people will take care of what they need to take care of. And their lives will be determined according to their ways.
4197. Our way right now is to say that when it comes to Katzie's territory and knowing and understanding that there are other First Nation's people who have a form of rights or interests in our territory, it's only based upon our customary laws. And those customary laws are given to us by Khaals and Swaneset and the One Who Dwells Above.
4198. It's hard to talk about how we view our people and our creation and our landscape when the best I can do to draw parallels is the fact that there is a Bible and people believe there is a God and no one has ever seen this God. But

**Katzie First Nation - Oral presentation
Presentation**

- you practice and believe every day that He exists.
4199. Well, for us, that existence is very clear. We are here; we are the people and there is our land, and that is part of what makes us this Katzie people.
4200. So our expression of what it means to be in this territory and to be under our customary law, we can do no more than to come to present to say, again and again, we know that our society was organized in a very complex system and it's not reflected in the map. It's not shown what it meant to be us 5,000 years ago when we lived here and still continue to live in this territory.
4201. We are marginalized into our Reserves and it's not a practice that we agree to; it's a construct. And so when we're limiting -- when we've been limited to maintaining our subsistence practices from what our forefathers had the opportunity to do, we do so.
4202. And today, we do mean we hunt and we fish, and it is integral to us to continue to have that opportunity. Without that, we will not continue to be the Katzie people that we are.
4203. And that form of change -- it just, for us, it can't happen because it's a limiting choice, and not one of us has the ability to make that for our future of generations.
4204. So I will smile and say we are very protective of our right to fish and it's very eminent in our discussions.
4205. We are not always well liked by our neighbours. There are many First Nations who believe that we are a wall of death. And it is because we have so many active fisher people and it is so important for us to be out on the river and accessing the resource.
4206. We do make the choices and decisions to help support the neighbours beyond us to have access. And we do know that we harvest a significant amount of fish, but it's not a fish that goes to waste. It is a fish that is put on our table and it is a fish that is shared with our neighbours.
4207. And it is a responsibility for us to ensure that our brothers and sisters carry on to where they need to go. And that they also go home back to their ocean village.

**Katzie First Nation - Oral presentation
Presentation**

4208. So I can only say that my indication of us being in the Treaty process is that we are in Stage 4. We have been negotiating this Treaty for 20 years and I do not see an end to this negotiation in a timely manner.
4209. I smile at my community now and say, “I have been here 20 years and I don’t anticipate being here another 20.” And then they say, “And where do you think you’re going?” I’m, like, “Well, I’m not really going anywhere.” Because unlike the rest of the table here who is fortunate to have a very direct, and lived, community experience, I did not grow up in the community.
4210. I spent the first 19 years of my life as a ward of the Court. So for me, when I listen to these stories I have to compare them to the realities of what it was to be taught an Anglican Church perspective where God was to be feared and God was to be believed.
4211. But when I hear the Residential stories, I have to ask if there truly was a God, why was there the allowance of people to do bad things because, fundamentally, we as human beings, are supposed to be good people and we’re supposed to be doing good things.
4212. So today I no longer practice a faith. I believe in the spirituality of what my Elders have taught me. I believe in my connections to the land. And I believe that today, when the people come to share that all they can do is say, again and again, “We are here collectively.”
4213. Last night I told a group of people it seems as though First Nations are always told, “You’re opposed to growth, you’re opposed to development; you’re opposed to everything that ever happens that benefits the greater good of society.”
4214. And I smiled and said, “You were the newcomers to the land and we welcomed you and we shared what we had. We helped you to live, we helped you to survive. It’s now your turn because you’ve given and taken far more than what we had meant.”
4215. So on behalf of us and our people, we acknowledge and respect that there are -- the National Energy Board hearings, but in three hours you cannot know what it means to be a Katzie person, and the land that we live on and what it means to the fundamental values that we have and we carry.

**Katzie First Nation - Oral presentation
Presentation**

4216. And yes, we are a diverse community. And yes, we have the social ills of every other community out there, but that does not mean that we are not valuable and that we are not contributors because each and every one of us is.

4217. **MR. McCORMICK:** Thank you, Debbie.

--- (Applause/Applaudissements)

4218. **MR. McCORMICK:** Ms. Regulatory Officer, if you could please turn to PDF page 2 of this exhibit?

4219. So for ease of reference, this is Exhibit B255-21, PDF page 2, sheet number 181 of 184; the route map detail of the proposed pipeline corridors.

4220. I'd like to ask Burgess to speak to the importance of value of the Surrey South Bend Park that we see displayed in the upper-right hand corner and also to speak to the booklets that Burgess has brought with him today.

4221. **MR. BURGESS PIERRE:** Conservation, rules, regulation, law; big words. Words that can have many things follow behind them and make people believe that the reason they're given to have something come into their life is a logical explanation.

4222. I can feel that many of my superiors here have fear in their voice, in their hearts.

4223. Not me; I am very strong. I am very smart; I have a technology diploma from BCIT for Fisheries, Wildlife, and Recreation.

4224. In doing part -- so I wanted to be a conservation officer or a fisheries officer or RCMP; something that upheld my society to make it better, to make it safe.

4225. I completed my diploma certificate in 2006. In 2005 there was 36 conservation jobs available for the next two years. I completed my course, the Liberals came in; there was seven jobs left out of 36.

4226. This one area had three conservation officers; that's how rich this area is. There is a wildlife park right there. You can see the channels, man-made channels. It's a migratory path from animals that come all the way from the

**Katzie First Nation - Oral presentation
Presentation**

- south, all the way up from the north, the east, the west. When it gets bad, this right here, this one area, you cannot count the geese; you cannot count the ducks. And the deer, they come right down, right along this shore where I got my first deer 15 years ago; I was a little boy.
4227. I couldn't be happier to tell you that I have a journal that I started when I was 14 years old of hunting. Everything that I dropped, everything that I've given away, everything that I've lost out there.
4228. It's not always a success story when we travel these lands, but we get out there and we give it our all, especially if somebody asks. If they're hungry, if they have a ceremony, I go to these lands from this bridge all the way up to where the Albion Ferry used to be. I fish those lands. But starting from here at the very bottom is such a rich corridor, and I hope nothing ever happens to it because I am still learning from this man and my cousin's father also.
4229. And now I have my own children, and I am desperately trying to teach them just to care for animals for now, respect them. Learn to love them. Become as close as you can.
4230. I'm not always successful when I go down to these lands and walk them or travel around them with a quiet little boat, but I am out there enjoying every little heartbeat that I have. And when I do get a chance to take an animal, I make sure that it does not suffer, it does not die in vain. It's quick.
4231. It's part of the work that I was taught to do, is you take everything you can when you go out there, and you do your best. No matter how cold it is, how wet you are, how hot it is, how scarce the animals are, you hunt, you fish.
4232. That built -- that helped me build my character throughout my life.
4233. My father told me, he's a single parent, hunting was a good way for me to show him I'm listening, Dad. One thing he said, as soon as I got my first animal, I told him before I even said anything to anybody else, "This is going to my longhouse of my people". My very first deer, ever. I didn't keep nothing from it.
4234. And, honestly, everything that I say and do, you cannot beat that feeling when you pass somebody something that they cannot get from the store, they cannot see themselves, they can't take it themselves and you bring it to them,

**Katzie First Nation - Oral presentation
Presentation**

- that's my power. I give as much as I can, starting from there, up.
4235. Right here, I know that there is abundance of deer, but I am still fishing. I do not need to take an animal yet. I do not need to disrupt their lifestyle because I want it. I know they're there. They're always there. I see them. I've done all this construction, Highway 17, Highway 1, Port Mann Bridge, the Golden Ears Bridge. I've been around this green spot my entire life. It is gold to me.
4236. As for the hunting, the rules and regulations state that I cannot shoot within 100 metres a single shot projectile or shotgun from any given bridge, railway, industrial. Well, that doesn't leave me much to hunt there, hunt there, and in here.
4237. I know these men have walked these lands before, but to see this change within the last two decades, it's been very hard.
4238. As more development and engineering projects do erect themselves throughout the lower mainland, we are confined to these areas, and these areas only are getting smaller and smaller by infrastructure, development, buffer zones needed for new construction sites. And it's very damaging, not only to the hunting, but to the fishing, which I do from end of February all the way to the end of November.
4239. For example, in 2001 I acquired my very first -- well, my only fisherman's licence when I was 16. I was legally allowed to start fishing by myself. I was already in my third season in providing.
4240. My cousin here talked about 40 pounds of eulachons being distributed through our whole community. April 27th, 2001, 400 pounds of eulachons, Dad and me, went to Chehalis. We didn't even keep that in our territory. It went. It went to Chehalis. From there, it just -- throughout the valley.
4241. They asked us, "What do you want for this? This is amazing." What do we need?
4242. We got the smiles and hugs that we needed to get back out there, the energy. That's what we thrive on. And I have documentation of every fishery that I have participated in along this river from the Port Mann Bridge to the Albion Ferry.

**Katzie First Nation - Oral presentation
Presentation**

4243. And by hearing the statements and whatnot of what oil can do, the safety precautions that can be made to mitigate whatever could happen, it's just hard to realize that something so magical and special, not only to one nation, but one nation that provides for many, can be jeopardized or overlooked.
4244. My last entry in my fishing journal, October 19th, I had both my boys out with me. I had 120 chum, six coho, and one spring. Not a bad day for a couple of hours, and a 19-foot boat.
4245. Last night, my boat was taken from me from the wind that we had, 120 feet up on top of a tree came down through the hull of my boat. Broke the trailer that the boat was on.
4246. There's fishing tomorrow. There's fishing on the weekend. Nothing will ever stop me from getting to that water, regardless if I'm catching anything or on the water, whatever comes over the side is extra. Now, I'm hoping in 15, 20 years I'll have books of these things from my boys and myself.
4247. I want to keep the teachings. I want to keep the tradition of giving what we get. What you see on a picture here is completely different than what I feel when I'm out there and I get to give as much as I can, as much as I can catch, as much as my body can handle. I'll get up and do it again the next day if they ask me to.
4248. As for the fishing, it's unbelievable how rich this river system actually is. I, last year alone, was eligible to catch all five species in one day. Now, that is pretty well unheard of when you can go out -- and it's a seasonal thing. I have sockeye, chum, coho, steelhead, sturgeon. I even had a Dolly Varden there, which is a very large lake trout, and these things are always swimming by my house.
4249. And I always bring my children for a walk and ask them, "What do you see out there?" Their words are getting bigger. They're recognizing more. They're listening. I don't want them in 20 years to ask, "What happened to...? How come?"
4250. I want to wake them up early in the morning and say, "Let's go get 'em." That's what I want to do in 20 years. I don't want to go to a grocery store and buy farmed fish. Come on! I am not that. I am a strong warrior of the Katzie

**Katzie First Nation - Oral presentation
Presentation**

- First Nation and I am going to fish and hunt these lands until I can't no more.
4251. Thank you.
4252. **MR. McCORMICK:** Thank you, Burgess.
4253. Is there anyone on the panel who would be able to share how the sturgeon first came to be in the Fraser River?
4254. **MS. MILLER:** So the sturgeon was brought to us from Swaneset and he came at Sheridan Hill. And for those of you who are familiar in the Pitt Boulder/Pitt Meadows area there is a golf course called Swaneset, and there is our very sacred and cultural spot.
4255. When the time distant from our memory the mountain was large, much taller than what it is today. Today it is what one might call a molehill, other than the fact there is a quarry operation carving itself through what's left of the mountain.
4256. When he went to the other side he brought back a woman. And that woman was someone who had the ability to share a resource, and she shared the eulachon. When she put her gifts into the river, there was someone who felt sad that she was going and it was her sister. Instead of leaving her on the other side and leaving her in the other world she came down and she was turned into the sturgeon.
4257. And today, she is the one who returns and lives and we smile, many of us, when we catch the sturgeon in our net. We know that we're required to give them a kiss and send them on their way and it is funny. You will see us do it no matter how many times we might have to do it, but we will. And we know that every time she goes to the bottom and shares her eggs and we hope and pray for the next generation she continues to live on her way.
4258. So, for us, the sturgeon is the sister to the people who help bring us the salmon. Again, another interconnected resource that we cannot live without and we cannot not identify with who she is. Even though there is a male and a female, it is the female that is paramount in our oral history.
4259. **MR. McCORMICK:** We are cognizant of the time, Mr. Chairman. If I may offer Cyril the opportunity to offer any final comments he might have?

**Katzie First Nation - Oral presentation
Presentation**

4260. **MR. CYRIL PIERRE:** Thank you very much.
4261. Respected Elders, ancestors of my people, Panel, lawyers, Chiefs, ladies and gentlemen, I just want to comment on the words that were presented by my people. We as representatives for the Katzie members, to the best of our knowledge we gave you probably a minimal of what we want you to learn about we as a people, in our land base, a Katzie First Nation.
4262. I want to say that we have come a long way, a very, very long way from our ancestors where we used to live. When government landed in Canada, one of the most powerful words that our nations had to learn and believe in was "democracy." Our people adapted to that situation; we believed that democracy is coming.
4263. When our people began to do the education system, for many years that became a failure to our Elders, our ancestors. But we still believed democracy is coming. The education system today, our young people truly believe that democracy is still coming.
4264. For me, the pride that I have in my sons to prove not only to me but to society that they can be as good as anybody else in this world, the marks that they have shown me they are a part of society and they can compete with anybody, any ethnic group in this world by touching beyond rules in their system has made me feel like the father that I wanted to be; the teachings that I wished I had learned from my Dad, but I was neglected, that situation.
4265. So I feel that the words that we have presented to you to be taken with honour and respect and give us the belief that you have heard us with honesty because we do have a fear of what might come from Mother Earth in destruction.
4266. So I think in my closing for today I want to do another prayer.
4267. I thank you all for coming to listen to our words. I ask the Creator today, thank you for the strength that you have given my people to give good words, teachings and learnings for the future, not only of our people but for all of society, teaching us to create better feelings towards Mother Earth. Oh, Grandfather, please bring us all home safe to our children to teach that we are all one and we hope to accomplish a better lifestyle for all of us on this earth, not for money, but for love. (Speaking native language.)

**Katzie First Nation - Oral presentation
Presentation**

4268. **MR. McCORMICK:** Mr. Chairman, thank you. Cyril. And to all of the Panel Members on behalf of Katzie, I'd like to express my thanks. It is both a humbling and privileged experience for me to be here with you today.
4269. A few brief matters before we depart.
4270. There were a few instances where Halq'eméylem terms were used on the record, and Katzie will be pleased to provide those to the National Energy Board for clarity in the transcript. There were also two documents referenced which will be filed with the Board. One is a map displaying the Katzie traditional territory, and the second is the picture of the wapato that was shared by Debbie Miller.
4271. The Board has also heard on more than one occasion from this panel that there is insufficient time to provide a true and fulsome understanding of the potential impacts of this project on the Katzie First Nation.
4272. By way of information, in order to prepare for today's session, we held a small gathering and we discussed what we want the NEB to know about Katzie, and we have a collection of points that we had hoped to address today. The majority of those points, we have not had the time or opportunity to address just due to the limited time available.
4273. On that basis, if resources and opportunity permit, Katzie would like to request the opportunity to avail itself of the opportunity expressed in Section C of Appendix 2 of Procedural Direction No. 6 to file additional oral traditional evidence by electronic means, if that pleases the Panel.
4274. **THE CHAIRMAN:** Yes, the Panel has no objections to receiving further, and I wouldn't expect Trans Mountain would, either.
4275. **MS. OLENIUK:** Fine with us, sir.
4276. **MR. McCORMICK:** Thank you. And thank you to my friends with TransCanada.
4277. I do understand that the opportunity exists for questions to be asked. Are there questions this afternoon?

**Katzie First Nation - Oral presentation
Presentation**

4278. **THE CHAIRMAN:** I'll offer that opportunity to Trans Mountain first.
4279. **MS. OLENIUK:** Thank you.
4280. On behalf of Trans Mountain, I just want to thank the Katzie First Nation panel. We have no questions.
4281. **MR. McCORMICK:** With that, Mr. Chairman, that does conclude the provision of evidence by the Katzie First Nation witness panel in this session.
4282. We have been advised that Kwantlen drummers have offered to help us close this session, and if it pleases the Panel, we would like to invite them to.
4283. **THE CHAIRMAN:** I think I'll close with my comments and then we'd be honoured to have them drum as they did for us last week as well, which we appreciate as well.
4284. I, first of all, would like to recognize on the record Chief Miller and Councillor James for being with us today as well. I'd like to acknowledge that. And also to acknowledge Debbie, Burgess, Cyril and Rick for your voices today from your hearts and for sharing what you did with us today. And I can assure you, we will consider everything that we have heard as we journey on this and whether to -- or not to recommend approval of this project.
4285. And I hope you all travel home safe and I hope, Burgess, you find your boat, it's not too badly damaged that you'll be able to get out fishing, which I think you will anyway, tomorrow, one way or the other. I don't doubt that. So may you travel safe back home, and on behalf of the Panel, we acknowledge you and thank you again for today.
4286. And we will reconvene this afternoon at 1:30 to hear from the Swinomish and the Suquamish Tribes at 1:30.
4287. So with that, we are concluded and we appreciate the prayers. Thank you.
4288. (Closing native song)

**Opening remarks
Chairman**

--- Upon recessing at 12:14 p.m./L'audience est suspendue à 12h14

--- Upon resuming at 1:37 p.m./L'audience est reprise à 13h37

4289. **THE CHAIRMAN:** Good afternoon. I would like to thank you for your song and your prayer this afternoon, and I'd also like to acknowledge that we are on the traditional territory of the Stó:lō people.

4290. I'd like to welcome to the -- you to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project.

4291. My name is David Hamilton. I am the Chair of the Panel. And with me to my left is Ms. Alison Scott and, to my right, Mr. Phil Davies.

4292. We want to welcome everyone who is here today, and -- both in the hearing room and those who are listening through our webcast.

4293. Before we get started, I think it's important in case there's any need for an emergency or an evacuation of the building to point out our safety exits, which are through the entrances that are clearly marked and then there's two exits, one to the right as you go out and one to the left that takes you out to a safe area.

4294. In addition to the Panel, we have a number of staff that are in the room today who are prepared to answer any process-related questions, and you can identify -- they're identified by their brass tags on their -- that they're wearing.

4295. We will sit until 4:30 today and take breaks as appropriate, either required by the Panel or by our witnesses, so we'll be happy to accommodate breaks throughout the afternoon.

4296. And before we get under way, I'd just like to remind parties of the Panel's guidance in the Hearing Order and Procedural Direction No. 1 in regards to oral traditional evidence. The Board understands that Swinomish Tribe 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.

4297. These hearings are not to hear evidence that will be filed subsequently in writing, including technical and scientific information, opinions or views,

**Opening remarks
Chairman**

- advice to the Board or whether to recommend approval of the project or the terms and conditions that should be imposed or questions to the Board or other participants.
4298. 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 could be eliminated or reduced, that would be also very helpful to us.
4299. This is the type of information we're here to listen to, and we will use this information we gather today, along with all other available information, in considering the possible effects of the proposed project.
4300. We appreciate that you've chosen to be here today. Before providing oral traditional evidence, presenters will be asked to either swear or affirm that the information they are presenting is accurate and truthful, to the best of your knowledge and belief.
4301. Before we get under way and I call upon you to give us your evidence, I would like the representatives of the proponent, Trans Mountain, for the record, to introduce themselves.
4302. **MS. OLENIUK:** Good afternoon to the Board, and good afternoon to the representatives of Swinomish.
4303. My name is Terri-Lee Oleniuk, and I represent Trans Mountain along with my colleague seated to my right, Heather Weberg. And to my left is Annie Korver, and she's a member of Trans Mountain's Aboriginal Engagement Team.
4304. **THE CHAIRMAN:** And as explained in Procedural Direction No. 6, please state at the beginning of your presentation whether you will be responding to any questions orally or in writing, or both. And I may want to point out and acknowledge that this is the first time that U.S. tribes have participated in an NEB hearing, so we're honoured to have you here with us today.
4305. With that, I would ask Mr. Hasselman to introduce the panel and then we will proceed to have them affirmed.
4306. **MR. HASSELMAN:** There's another brief ceremonial step that we'd like to take before we start our presentation.

Swinomish Indian Tribal Community - Oral presentation
Opening ceremony

4307. **THE CHAIRMAN:** By all means, proceed.
4308. (Opening Ceremony)
4309. **MR. CAYOU:** O'siem. Thank you. Thank you for having us to this hearing today. I'd like to introduce Ray Harris, Shulqwilum is traditional name. He's going to be the representative and the speaker for the Coast Salish side here.
4310. He's a fisherman, traditional fisherman. He worked for the Coast Salish Group. He's representing us. He's one of the ones that started this, is carrying it on. He's working on this for his children, his grandchildren and his great-grandchildren. Thank you. O'siem. Shulqwilum, Indian name.
4311. (Speaking in native language)
4312. **MR. HARRIS:** Chairman Hamilton; Chairman Hamilton, you are asked to witness the proceedings today.
4313. (Speaking in native language)
4314. Dear friends and relatives, one of our wonderful customs of the Swinomish people is whenever there is work of a proceeding that happens, we call witness -- the people the witness what's going to happen.
4315. The obligation to the witness is that they must remember this forever. Time and again you'll be called on to reminisce about this day and what they seen and witnessed and felt.
4316. So we want to say thank you to you. We thanked you a little bit already, a little courtesy that you may have had represents the wealth of our people.
4317. The blanket is to say comfort to you, that no hard feelings will come. The kerchief is for you to hold the memory of the day.
4318. Before you go back to your and chairs, I'm going to ask for a song.
4319. (Opening Song)

**Swinomish Indian Tribal Community - Oral presentation
Introduction by Mr. Hasselman**

4320. **CHAIRMAN CLADOOSBY:** That is the Eagle Blessing song. Ask the Creator to shower blessings upon each and every one of you that are here today and pray that those blessings flow to the family members, the spouses, the kids, the grandkids, the cousins, the aunties, the uncles that are back at home. And to thank you for the sacrifices you make to be here as you're away from your family.

4321. Oseam.

4322. **MR. HASSELMAN:** Members of the Board, good afternoon; my name is Jan Hasselman.

4323. At the other end of this table is my colleague, Kristen Boyles. Together we have the very great honour of representing and introducing the witnesses from the four United States Tribes, which are the Swinomish Indian Tribal community, the Tulalip Tribes, the Suquamish Tribe and the Lummi Nation. And I've been asked to just say a few words before we begin to provide some context,

4324. The U.S. Tribes want to acknowledge the Stó:lō Nation, whose traditional lands we are standing on, and to whom we express our great thanks for their hospitality and warmth over the last day or two.

4325. We also want to thank this Board for the opportunity to come speak to you.

4326. The U.S. Tribes are not citizens of the nation of Canada but they are profoundly impacted by this project. And as you'll hear today the U.S. Tribes are part of a single shared culture of Coast Salish people that have lived here since time immemorial, long before there was an international border. By allowing us this opportunity to speak, the Board is, I think, acknowledging that the oil tankers and the risk of oil spills from this project affect Coast Salish people on both sides of the border.

4327. So thank you for that acknowledgement and for the opportunity to discuss our very serious opposition to this project.

4328. Here's what you're going to hear from our witnesses today and tomorrow. You're going to be hearing from several tribal leaders, fishermen,

Swinomish Indian Tribal Community - Oral presentation
Introduction by Mr. Hasselman

Elders and also the next generation, the youth.

4329. You're going to hear -- what you're going to hear from these witnesses is a story about the U.S. Tribes' dedication to maintain their culture and their way of life, which is fundamentally tied to the natural resources of the Salish Sea. I'm not going to try to describe that connection here; that's what the witnesses are going to do.

4330. But what you're going to learn is that, for the Coast Salish people, the salmon and other natural resources that lie at the heart of their culture have been declining for years, and they continue to decline. The Salish Sea is polluted. It's industrialized; it's dangerous to fish because of the vessel traffic. Gear is damaged and it's lost.

4331. There are several projects, including this one, being considered right now that make -- that would make this situation worse than it is today. A serious oil spill from this or one of the other major industrial projects in the Salish Sea is not a nuisance or an inconvenience. It's an existential threat to people who have lived on this landscape for hundreds of generations.

4332. During the testimony, you're going to hear a little bit about treaties, and I want to put that in some context because our legal systems are a little bit different.

4333. In the 1800s, the four U.S. Tribes intervening in this action, like many others, ceded legal title to their ancestral lands, but they reserved their right to continue to fish and hunt and gather in their usual and accustomed places and ways.

4334. This reservation of long-standing rights was formalized in treaties with the U.S. government, and the treaties are the legal mechanism that ensures that these people can continue fishing and other activities that lie at the core of their culture and their way of life and their economy.

4335. They've had to fight for those rights under these treaties for many decades. Indians have been arrested and beaten up and thrown in jail for exercising their Treaty rights. They've had their fishing gear taken. They've had to fight in the Court system all the way up to the U.S. Supreme Court.

4336. And in upholding the tribes' right to fish and exercise their Treaty

Swinomish Indian Tribal Community - Oral presentation
Introduction by Mr. Hasselman

rights, the U.S. Supreme Court observes that the right to fish is, "not much less necessary to the existence of the Indians than the atmosphere they breathe."

4337. The point of discussing our treaties in this forum is not to make a legal argument; it's to make a cultural and moral point. Exercising their Treaty rights to fish and gather is not any less important to the U.S. tribes than the air they breathe, and those rights are in jeopardy because of this project.

4338. So thanks for the chance to make a few opening remarks. I'm going to introduce our first witness. All of our witnesses will be happy to answer questions orally. We'd like to reserve the right to decide if answering in writing would be more appropriate, and I suggest we take that as questions come up.

4339. The Board should feel free to interrupt if there are clarifying questions. The U.S. Tribes are here to share their knowledge and their concerns, and they really want you to understand, so please don't ask questions -- please don't be reticent to ask questions.

4340. I was doing so well.

--- (Laughter/Rires)

4341. **THE CHAIRMAN:** We're here to perhaps ask questions, but we're also here to witness as well, so I'm conscious of the witness part.

4342. **MR. HASSELMAN:** Brian Cladoosby is the elected Chair of the Senate of the Swinomish Indian Tribal Community, which is effectively the chief executive of that sovereign nation. He's also the current President of the National Congress of American Indians.

MELVIN BRIAN CLADOOSBY: Sworn

RAYMOND HARRIS: Affirmed

LEONARD FORSMAN: Sworn

SHAYLENE SKY JEFFERSON: Sworn

4343. **MR. HASSELMAN:** Chairman Cladoosby, can you tell the Board a little bit about who you are and your role with the Swinomish Tribe?

4344. **CHAIRMAN CLADOOSBY:** Sure. First of all, I thank our Creator for this beautiful day. I'm only here because of the grace of God.

Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby

4345. And to Mrs. Scott and Mr. Hamilton and Mr. Davies, I thank you for the work that you do. The Creator has chosen you for this position for better or worse, and it's, I imagine, a tough responsibility, but I thank you for stepping forward and accepting the challenge. And I have to divulge that I tried to kidnap a couple of Kinder Morgan's employees this morning. Not knowing that they worked for Kinder Morgan, I invited them to our ceremony. But Heather and Terri-Lee and Annie, thank you for being here to listen to us, to hear us.
4346. My name is Brian Cladoosby. My traditional name is Speepots. The way the crow flies, our community is about 60 miles from here, so it's really close. And I am Coast Salish; I am the Chairman of my tribe.
4347. My tribe is a small tribe, about 900 members. I've been on my Tribal Council for 30 years now, and I've been the leader of my people for 18 years.
4348. And a year ago, I was elected as the President of the National Congress of American Indians, which advocates for 566 tribal nations in the United States of America, so the Creator has put me in the highest position in Indian country in the United States of America.
4349. And it's just an honour to be here, and I want to thank the NEB Board for allowing us to be here today. It's just a testament of your willingness to hear from everyone that is potentially impacted by this project, so thank you very much.
4350. **MR. HASSELMAN:** Chairman Cladoosby, can you tell the Board a little bit more about the Swinomish people, maybe a brief history of what's been taken from you over the years?
4351. **CHAIRMAN CLADOOSBY:** Sure. Like was stated earlier, we are a Treaty tribe. My grandfather -- my father is still alive. His Indian name is Kel-kahl-tsoot. Kel-kahl-tsoot. He's the great-grandfather to my grandchildren. He is 81 years old.
4352. And so it was his great-grandfather, Kel-kahl-tsoot, who signed the Point Elliott Treaty in 1855. So when you think about it, you know, that's not that long ago. My Dad's still alive; he has great-grandchildren, and his great-grandfather signed the Treaty.

Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby

4353. So we are a Treaty tribe, one of many Treaty tribes in the United States of America. It's the 1855 Point Elliott Treaty. And we ceded millions of acres of land to the federal government, and we were -- the place that we're living now, we've been there since time immemorial. Our roots go very deep.
4354. We are a place-based society. All of us in the Coast Salish territory are. What that means is, you know, we just can't pick up and move to Ottawa or New York or Texas. You know, we are where we are. We've been there since time immemorial. We are very, very blessed.
4355. We have about 10,000 acres. We live on an island, so we have about 3,000 acres of tide lands. There's about 900 of us, so it's not a lot. You know, the diseases that the non-Indians brought into our community almost wiped us out.
4356. We -- in the 1930s, we got down to about less than 200 tribal members, so we're slowly building to where we are now, and we're continuing to add members. But the Creator has blessed us with -- and we are the second-largest fishing fleet in the Puget Sound. The majority of our members still harvest seafood year round, and we do a lot of Dungeness crab. We do millions of pounds of Dungeness crab. We do millions of pounds of salmon. We do geoduck, we do prawns, we do oysters, we do clams, we do mussels, all of -- you know, if we could have had a sample of everything for all of you right here for lunch, yeah, you guys would have been in heaven.
4357. And so we still harvest all of those resources and, like I said, the Creator has blessed us with the ability to still have that. Our Elders said that, "When the tide is out, the table is set". And so we're very blessed.
4358. At one point in our history, if you Google Swinomish and you look at our front yard, it's the Skagit River which actually starts -- the headwaters are just right down the road from here in Canada. The headwaters of the Skagit River is just -- it starts here in Canada.
4359. And an amazing fact, you know, all the rivers in the lower 48, every single river system in the lower 48, you've got to ask yourself how many of those river systems still has every species of wild salmon spawning in its tributaries. That's a lot of river systems we're talking about.
4360. And the Skagit is the third-largest on the west coast behind the Columbia and the Sacramento. And so it's a big river system. So you ask

Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby

- yourself, "How many rivers in the lower 48 still have every species of wild salmon in its tributaries?" There's only one; only one river. That's the Skagit River.
4361. And we're very proud of that. We're very, very strong advocates in protecting the salmon in the water, and we have a treaty right. It's a sacred obligation. We inherited that obligation to be stewards of that river to protect that.
4362. And you've got to understand that when those salmon go out, not all of them make it back. Some of our silvers are caught on the west coast of Vancouver Island by some of our brothers up here. So you know, it's very important to us to do whatever we can to protect that river system so seven generations from now, our children can say there's only one river in the lower 48 that has all species of wild salmon.
4363. Our tribe is a large employer in our region. We employ about 800 to 900 employees, our tribe does. Very heavy contributors to the local economy, and we're very proud of that. Our infrastructure and our tribal government is second to none. We are very proud of what we've been able to accomplish.
4364. We're a firm believer in -- you're probably aware there's a statistic across Indian country that says Native Americans have the highest rate of alcoholism than any other segment of society. It's only because of the fact we've only had it in our culture about 100 years, and so we haven't perfected the art of drinking yet like the Germans and the Russians and the Japanese and the Irish and the French. They've had alcohol in their communities for thousands of years.
4365. In our communities, we've only had it around 100 years and so, you know, we're just trying to figure out. There's the one statistic I quoted you where we have the highest rate of alcoholism, but one thing you will never hear is we have the highest rate of non-alcoholism than any segment of society.
4366. So what that should tell you is that, you know, you're either an alcoholic or you're sober. There is not too many social drinkers. That's the one thing we haven't figured out, how to be social drinkers. You know, they say, "Well, did you get drunk last night?" "Well, wasn't that the point?"
4367. And so we're trying to break that cycle of alcoholism through education. We feel that the key to breaking the cycle of alcoholism and drug

Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby

- abuse and poverty is through education and also trying to re-create that connection to the environment that was kind of severed from us.
4368. Our Elders had this strong connection to the environment, and we're trying to rekindle that fire into our youth. And so we're putting a large emphasis in education, in teaching our kids about the environment, about the water, about, you know, the important things that have been lost in our communities.
4369. So just a snapshot of Swinomish. I can keep going on, but I'm trying to watch my time. So I will -- and once again, feel free to ask any questions. I will do my best to answer them.
4370. But I feel, you know, we've created a relationship here that's only going to be a bump in the road for us. I know -- I don't know if we will ever see each other again, but this is our opportunity to try to get to know each other, so feel free to ask questions.
4371. **THE CHAIRMAN:** You've -- let me jump in if that's appropriate. I don't want to break -- you've made the offer, and I appreciate that.
4372. I'm just trying to understand, you know, you have the largest -- second-largest fishing fleet. Do you have rights to fish over -- is fishing federally regulated, or do you have rights that are different access to fishing or are you restricted to a -- you know, through your treaty and your rights? I'm just trying to understand the relationship there.
4373. **CHAIRMAN CLADOOSBY:** That's a great question.
4374. **THE CHAIRMAN:** Perhaps my colleague to my left phrased it better for me, was that are you licensed federally or is it a right -- an Aboriginal right to fish?
4375. **CHAIRMAN CLADOOSBY:** That's a great question. Our treaty -- in the Point Elliott Treaty -- if you Google Point Elliott Treaty, it's a real short treaty. It's only a couple of pages long. And our Elders secured for us the right to take salmon at our usual and accustomed places.
4376. And so that means that, you know, I can go to the places that our ancestors historically have always gone, so the territory that the Swinomish tribal members are allowed to fish in are from the Canadian border down to Suquamish'

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby**

s front door.

4377. **CHAIRMAN FORSMAN:** We don't always agree.

4378. **CHAIRMAN CLADOOSBY:** Yeah. And that was a right that we had to fight for from day one after the treaty was signed. The non-Indians have always tried to take that treaty right from us.

4379. And there was a landmark decision in 1974 called the *Boldt* decision that reaffirmed our right to 50 percent of all the salmon in the State of Washington. So what that did was it made us co-managers, and so we are co-managers with the State of Washington.

4380. So we meet quite a bit throughout the year in setting the seasons, setting the quotas, determining the run sizes and we look at the river systems that are the weakest and we call them the drivers. And so if the Skagit silvers are the weakest for one year, they'd be called the drivers. But we co-manage this with the State of Washington.

4381. It was the federal government that intervened with us in our battle against the state in reaffirming our rights to fish. So we're allocated 50 percent of the salmon and we are looked at as co-managers of this resource. In one generation, the tribe's infrastructure in salmon management, biologists, PhDs -- I jokingly tell people I have two PhDs. They work for me in my planning department.

4382. So we're -- the infrastructure in all of our tribes that you see at the table here is second to none. And we take managing -- and it's all the resources, not just salmon. It's the crab, it's the shellfish. It is, you know -- we've also won the right to protect the environment. It's called the *Culvert* case. And so that is very, very important.

4383. It was one -- the *Boldt* decision, the first step was to get us our salmon rights. The second step was to get us our shellfish rights. And the third step was to make sure that the environment was protected because we felt the state was not doing a very good job in protecting the environment, so we filed a case against the state because the spawning beds, the tributaries, the habitat was being destructed. And the Courts ruled in our favour in that case, too.

4384. **THE CHAIRMAN:** That 50 percent allowed you to take 50 percent

Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby

- of, you know, all of the -- is that a co-decision as well? Do you -- can the federal or the state trump you and "Gee, well, we don't like that season. No, you can't do it at that time"?
4385. You're shaking your head, which is probably good.
4386. **CHAIRMAN CLADOOSBY:** We've got a great working relationship with the State of Washington. Now, when it comes to our brothers' share in the Fraser River sockeye, now, that's a little different. We also have that agreement, too, the Pacific Salmon Treaty, that sets the mechanism up for the tribes, the Indians and the non-Indians in the State of Washington to share in the resources.
4387. And so right now, our fishermen are out in the San Juan Islands -- thank you, Ray -- catching Fraser River chum salmon right now. And so that's all worked out in international agreements through the Pacific Salmon Treaty, so that there is outside of the work that we have to do with the State of Washington. So there's an international group that works, tribal and non-tribal, to figure out the quota on the Fraser River runs.
4388. **MR. HASSELMAN:** Chairman, can you -- can you focus a little more on the relationship between fishing and Swinomish culture, ceremonial art, how you receive visitors?
4389. **CHAIRMAN CLADOOSBY:** You got to understand, about 100 years ago -- there's a channel right in front of us, the Swinomish Channel -- we call it the Swinomish Slough -- right in front of our community. And 365 days out of the year, we used to be able to get salmon out of that river or out of that channel that was going to the Skagit River.
4390. So in January-February, we would have the steelheads. March, April or May, the spring kings would come. June, July, August, the pink salmon and the silver salmon would show up. September, October, November, the chum salmon would be here. Then December, the steelhead would come back.
4391. So we had a continuous 365-day cycle of salmon, and it has -- that was very awesome. You know, we are salmon people and it is very, very important to us, and we -- it's central to our culture, the salmon is, and to have salmon.
4392. So our tribe, for example, we'll put up 25 to 30 -- 25 to 30 thousand

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby**

- pounds of salmon that we will put away for ceremonies throughout the year, funerals, namings, memorials, community dinners, and so it's very, very important to us. And then we will have a yearly salmon ceremony where we invite people from throughout the Salish Sea to come. And it was that table that I told you about that was full of salmon and crabs and prawns and clams and oysters.
4393. It's called our first salmon ceremony, and it's the blessing of our fleet. And so having all of those natural resources there still and to be able to share that with our brothers and sisters, we've even -- you know, was able to provide salmon when some of our brother/sister tribes were kind of low on theirs and they had a funeral or a ceremony and they needed salmon. They would call us up and we would provide salmon for their ceremony.
4394. So it is right up there, salmon is, as far as importance.
4395. **MR. HASSELMAN:** Mr. Chairman, you've been discussing the ceremonial relationship with salmon. There was a question raised in this forum a few days ago about the amount of salmon and other resources from the Salish Sea that people eat on a day-to-day basis.
4396. Can you help shed some light on that and some of the things the Swinomish have been doing to protect those people?
4397. **CHIEF CLADOOSBY:** Sure. A few years ago, we were -- our tribe was awarded the largest grant ever awarded to a tribe. It was a little over \$1 million. And I had the opportunity to go down to Las Vegas and receive this cheque from the Department of the Interior, the Secretary of the Department of the Interior. It was such a big thing. It was -- no, it was the EPA Director.
4398. It was the largest cheque ever given to a tribe, so they had this big ceremony in Las Vegas. And it was kind of humorous because on the way back, I was going in the airplane with this big cheque on this cardboard and this stewardess thought that I had won a jackpot and she says, "Are you single?"
- (Laughter/Rires)
4399. **CHIEF CLADOOSBY:** She thought I won a million dollar jackpot.
4400. But we were able to use that money to do an extensive toxic study on all of our natural resources in our region, and it is a study that is second to none.

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby**

4401. Once again, one of my PhDs led that work. And it was able to determine the toxins that are present in the salmon and the shellfish that we eat. And you got to understand one thing, that the Salish Sea in the last 100 years -- and when I talk about the Salish Sea, that's the Strait of Georgia, the Strait of Juan de Fuca, the Puget Sound.

4402. A few years back, our Coast Salish gathering and a number of others pushed for the renaming of that whole body of water, the Salish Sea. So when I refer to the Salish Sea, that's what that's referring to, waters that are in Canadian waters and U.S. waters. But it's right now renamed and it took two governments, federal governments, and two -- I guess B.C. is a provincial government -- and the State of Washington to agree to that name.

4403. And so, you know, the Salish Sea, in the last 100 years, has been basically used as a toilet bowl for industry. They've been able to flush all of their chemicals, their toxins, their dioxins, their PCBs, their DDTs, all of these chemicals, their mercuries, their -- all this has been in the last 100 years throughout the Salish Sea, flushed into the Salish Sea and treated as a toilet bowl.

4404. And so this is what we call a pollution-based economy. In the last 100 years, we've lived under a pollution-based economy.

4405. And so we knew that all of these chemicals, all these pesticides, all of these things that were going into the Salish Sea, we need to quantify to see exactly, okay, how sick, potentially, are our people getting from all these pollutants that are entering into the Salish Sea.

4406. And so we did an extensive study. And we did an extensive study on how much salmon that our people consume on a yearly basis, and it's quite a remarkable study to show, you know, what is really in the food that we're eating. And it's kind of sad but, you know, our Elders will say we know that it's bad for us, but they're not stopping from eating it. That's ---

4407. **MR. HASSELMAN:** Could you tell the Board just a little bit about what fishing means to you personally, how you learned fishing, how you teach your children?

4408. **CHAIRMAN CLADOOSBY:** Sure. You know, I've been raised in a fishing family, blessed to be able to have that opportunity. My first memory is

Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby

- being in that Swinomish Channel with my dad, my mom and my three older brothers. And I must have been maybe three or four years old.
4409. And I remember it very clearly because I fell asleep on my dad's net and I woke up with him dunking me in the Channel. Winter challenge, I guess. My first winter challenge.
4410. And so I've been around fishing all of my life. My -- I remember my great-grandfather, my grandfather, my father. My father is 81 years old, and he still participates in every opening that we have on the Skagit River. And that's pretty cool.
4411. And so, you know, my two girls are involved with our fishery. My grandkids -- my two grandkids will be involved. We have -- we have what's called beach seining in this very almost sacred place on our reservation called Lone Tree Point where every two years -- in the past -- 50 years ago, our Elders would go down to Lone Tree Point and they would stay there. They would camp there from spring until winter harvesting salmon.
4412. Unfortunately, because of the overfishing, habitat destruction in the last 50 years and, you know, just -- those have really hurt the industry. And so now we're -- we only go down there every two years to beach seine. And it is -- if you ever get a chance to come and witness some beach seining, it is really, really cool.
4413. And I was just over here on the Fraser and I seen that the natives were over there beach seining right now. And it's wonderful to be able to still be able to do that.
4414. We're -- like I said, the Swinomish Tribe, that probably out of a 900 members, the largest employer is with the seafood industry. And the Swinomish Tribe -- just a little side note, the Swinomish tribe, our fish company that we -- that we operate down there, it produces more salmon than any tribe in the United States.
4415. We can more salmon than any tribe in the United States. We did over 100,000 cases of canned salmon last year. We export more caviar to Europe and Japan than any tribe in the United States. We do about \$6 to \$10 million of caviar -- salmon caviar to Europe and Japan every year.

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby**

4416. So the salmon industry is -- and the seafood industry, we do, like I said, millions of pounds of Dungeness crab. And so it's very, very important to us to be able to still have those fishers in our community to be able to do that and bring that food home and put it on the table is really awesome.
4417. **MR. HASSELMAN:** Chairman, what -- do the Swinomish people have a position on this project? Is there opposition to this project?
4418. **CHAIRMAN CLADOOSBY:** Yeah, we're very concerned and, once again, we have been -- once again, the treaty right isn't, of course, recognized in Canada, but we take that treaty right very, very serious. And, you know, as I look at that map right there and I look at what we call the apex, right at the bottom right-hand corner there, you see the apex there. That's where the border is.
4419. And one of my fishermen were just fishing there in the apex for the Fraser sockeye here a couple of months ago. And a supertanker came and went right through the middle of his net. And he's got what's called a sternpicker, and so the net was still tied on to his boat and that supertanker was going. You're not going to stop the supertanker. It was going. It didn't care that it hit a net.
4420. And I was at the dock when my friend got there, when he stepped off his boat, and he was still literally shaking, but he thought that that tanker was going to pull his boat down. And he was frantically trying to cut his net, and these nets are like -- they're pretty -- you know, they're 90 feet deep, they're three-eighths of a mile long, so they're pretty big nets. And so he was frantically trying to cut that net. And luckily, the net popped out from under the tanker.
4421. And that just happened here just a couple of months ago. And so, I mean, he was very, very, very shaken by this. And you know, those nets cost up to \$10,000 and so he was like, "Now what do I do? How do I put in a claim?"
4422. I mean -- and it's just like, you know, you hitting somebody's car, you know. It's -- you're hitting private property and you're responsible for it, but he doesn't know what to do.
4423. And so when -- you know, we have an issue down there right now, they want to create the largest coal exporting about 30 miles the way the crow flies from here, and so the oil tankers will increase seven-fold in the Salish Sea where we fish and where we crab. And the coal tankers will increase

Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby

- exponentially because there's just this -- you know, this desire to get this fossil fuel to China where they have an insatiable diet for fossil fuels. And so, you know, that is a real concern of ours.
4424. I'm a firm believer that it's not if, but when, one of these tankers run aground somewhere. And we're talking supertankers that can't even fit through the Panama Canal right now. And so it is -- we have a lot of crab fishermen, like I said, and these tankers just go right through when our guys have openings and they just take those crab pots to who knows where. They cut the buoys; they're lost. And you know, there was a report that, you know, there is thousands of crab pots at the bottom of the Salish Sea and a lot of it's attributed to our fishermen being run over.
4425. **MR. HASSELMAN:** What, in your view, would happen to the Swinomish people and Swinomish culture if there was a catastrophic oil spill?
4426. **CHAIRMAN CLADOOSBY:** Well, once again, we have been very blessed up to this point. It's -- I'm a firm believer it's not if, but when.
4427. We just had a tanker lose control off the North -- you know, North Vancouver Island. Luckily, nothing happened up there in the Haida Gwaii territory but, you know, accidents happen.
4428. And you know, I hate to say it, but I just -- it just worries me when you know this is going to happen because accidents happen. You know, with the coal trains, you know, they're derailing left and right in the United States. I don't know about in Canada, but we've been lucky to avert a natural disaster in the Salish Sea.
4429. But with the increase in the tanker traffic, the increase in the coal traffic by the marine waters, I'm -- I just think it's inevitable. So it would be devastating to our local economy.
4430. You know, we just have to look at the -- they're still suffering up in Alaska, I think, from the Exxon Valdez oil spill. And luckily, we haven't seen that here yet.
4431. **MR. HASSELMAN:** Is there anything else you'd like to share with the Board?
4432. **CHAIRMAN CLADOOSBY:** Just the fact that, you know, this is -- I

Swinomish Indian Tribal Community - Oral presentation
Presentation by Chairman Cladoosby

- understand that, you know, this is a big project. There's a lot of money involved. There's an industry that wants to create jobs. But you have to just weigh out whether or not, at the end of the day, that's worth it.
4433. To be able to move from a pollution-based economy is, I know, not easy. You just don't turn that around overnight. But you know, we have been given the responsibility as stewards of this environment.
4434. And you've got to understand, you know, we're not here just speaking on behalf of the native communities. You know, we are speaking on behalf of all the citizens that live here in the Salish Sea. They all should be concerned.
4435. They are all not likeminded, but, you know, something like this could have a serious impact on them and so, you know, we -- and once again, thank you for allowing us to be here. This is history being made, and you know, we feel like we are the voice for the environment now.
4436. Our Elders never had that opportunity to be able to be that voice for the environment, to be that voice for the salmon, for the water, for the shellfish. And the tribes in the States and the First Nation tribes in the 21st century, this is what our Elders looked forward to, this time we had this opportunity to create this relationship, to have this interaction, for you to be able to hear us because a generation ago, that didn't happen.
4437. So you know, I just raise my hands to the NEB for taking that leap of faith, taking that step to say, okay, we need to listen to the First Nations and the tribes in the States. So my hands are just up to you and, once again, thank you for accepting this responsibility.
4438. And I probably wouldn't want to be in your shoes right now, but you guys accepted this, and I thank you for that.
4439. **MR. HASSELMAN:** So if there are any questions, we can turn to that now.
4440. **THE CHAIRMAN:** I don't think we have any questions of the Chairman right now, but you've others that are prepared to speak or is the Chairman the only one that's speaking?

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Mr. Harris**

4441. **MR. HASSELMAN:** No, we will have other speakers. Do you prefer to leave questions to the end?
4442. The one thing is, Mr. Cladoosby has a plane to catch and will be leaving at the break, if not sooner, so this is sort of your best opportunity.
4443. **THE CHAIRMAN:** I think I was the only one that had the question earlier, so we -- my Panel mates. And I'll offer it to Trans Mountain/Kinder Morgan if they wish to ask any questions before the Chairman leaves, for sure.
4444. **MS. OLENIUK:** We do not have any questions, but thank you for your presentation.
4445. **THE CHAIRMAN:** And we -- and the Panel also thank you for sharing your -- and bringing your voice to us today, for sure.
4446. **MR. HASSELMAN:** So we're ready to move on to our next witness, if you are. We're going to ask Mr. Harris to provide testimony.
4447. Mr. Harris, perhaps you could start by just telling the Board a little bit about who you are.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. HARRIS:

4448. **MR. HARRIS:** My name is Ray Harris. I'm from the Chemainus Tribe on Vancouver Tribe. My traditional name is Shulqwilum. The name is from my great-great-grandfather who's from the Gulf Islands, one of the Gulf Islands. I have 11 children, 19 grandchildren, nine great grandchildren. We're fishermen.
4449. I have ended up being a speaker for our people in cultural times that we have, traditional times. I have a position with the Salish Nations.
4450. It's not -- you wouldn't find it in a formal sense, but when we work with the Canadian Salish tribes and American Salish tribes, you could describe my position as a co-chair of the Canadian Salish tribes. I'm not the first one. It's been done before, and I've been doing it now for a while.
4451. **MR. HASSELMAN:** And can you tell the Board why you're here

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Mr. Harris**

today offering testimony on behalf of the U.S. Tribes, since you are a member of the Chemainus Nation.

4452. **MR. HARRIS:** I have a great concern that risk is coming to our Salish Sea; that the risk is looking at our culture, straight in the eye of our culture.
4453. We have a very serious time with our culture. We've been guarding it, protecting it jealously for the last 100 years or more.
4454. Each ceremony we have relies on resources from the Salish Sea. It's important to us to have something called a resource and we're very, very concerned about that in the traditions of our people, customs of our people. When we worry about these traditions it's because they're connecting our spirit life with our young people.
4455. The guide that we have for our young people comes from our traditions and our customs. It requires those wonderful resources that we have.
4456. **MR. HASSELMAN:** Mr. Harris, this morning you took part in a ceremony on the banks of the Fraser River. I wonder if you could tell the Board a little bit about what happened there.
4457. **MR. HARRIS:** This morning or today, started a few days ago. The ceremony, actually, should have taken four days, probably did. Our cousins and our relatives from the tribes in the States, gathered water, they told their people what they're going to do, let it be known that they were going to have a chance and opportunity to bring water here, something sacred to us.
4458. One of our special people here in the Stó:lō Nation conducted a water ceremony where the four tribes and the Stó:lō tribes brought us back to a time when we were ready and able to meet with the spirit world. We are asking for all the strength we can muster from ourselves and our ancestors to protect the waters of the Salish people.
4459. So that's what the ceremony was this morning.
4460. **MR. HASSELMAN:** Can you tell the Board a little bit about why fishing matters to Coast Salish people?
4461. **MR. HARRIS:** It's just a way of life. It's such a wonderful way of

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Mr. Harris**

- life. Fathers get to be with their sons; brothers and sisters get to work together. It's a short period of time.
4462. The salmon and the seasons are short periods of time but it's a quality time. In the salmon season, we can bring food to our Elders. Can you imagine; food? We are talking about food, feeding our people yet enjoying our time fishing.
4463. Every once and a while this is one of the seasons. The Great Spirit will show us how it could be if we look after it.
4464. So the Fraser River brought lots of sockeye this year. Our old people say it's a glimpse; our Great Spirit is showing us a glimpse of how it could be if we all looked after the rivers and the sea. We can only say we are fishermen.
4465. It might be described as we're not White people with tans. I'm trying to impress upon you we are different because of the way we treat and the way we are treated.
4466. Salmon; the many species of salmon are important in our culture. We have dances and songs with our salmon; nourishments for our spirits, a guidance for our young people. If you want salmon you've got to look after the sea. Don't pee in the river. Salmon has a high education -- position with us. We love the salmon.
4467. **MR. HASSELMAN:** You mentioned your role as a Chair of the Coast Salish Gathering. I wonder if you can tell the Board a little bit about how that organization came to be and why.
4468. **MR. HARRIS:** About a decade ago or so, that came to us -- came to the tribes, both sides of the border, ecology or environment was under attack and somebody had to speak for the environment. We tried to find a way to speak for the environment.
4469. One of the things we're up against -- we quickly found out, there are at least -- not counting the municipal issues, but there's six levels of government in Washington and B.C. -- the Province of B.C and the State of Washington. Those six levels of government, the two federals, the province, the state, and the tribes on each side, never -- couldn't get together. You know how it is; it gets territorial, as a description, anyway.

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Mr. Harris**

4470. So the Salish leaderships tasked us, a few of us, to say, "Find a way to do this. Let the governments know that there is an environmental issue here that the border doesn't recognize." Pollution doesn't know there's a border.
4471. So with the support of the Nations, we found a way for the six governments to safely come together and talk about environmental issues, how to save the Salish Sea. Yet, at the same time, we're trying to impress upon them that we are the people of the Salish Sea.
4472. So that's really something that came back together. In times long ago our people always got together in the winter months. It was nothing new 10 years ago when we started. We have always been getting together in the customs of our people.
4473. **MR. HASSELMAN:** Could you tell the Board a little bit about the canoe journey?
4474. **MR. HARRIS:** There's been a great, great reawakening of the canoe. We are the champion canoe pullers.
4475. The tribes in the past longed to quit fighting the warring tribes, so they entered into competitions, war canoe racing. Great, great gatherings. You see there's old pictures here and there.
4476. Well, as time went on other tribes through the whole coast of North America, really -- the Bella Bella people had one this year but the first organized one, the Haisla. They are a tribe way out in the middle of the central coast.
4477. In these canoe journeys young people come in, old people start. We have great gatherings of people. In Chemainus, my tribe, over 5,000 people came for a week. It was something.
4478. The canoe journeys also have given us an opportunity to do some testing of the Salish Sea. Agreements -- an effort was made to test the sea for pollutants, something that a motor boat couldn't do because it has pollution. So the paddlers agreed from far and wide to drag a pull behind the canoe to test what was in the sea.
4479. Beyond that scientific experimental, or whatever you want to call it,

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Mr. Harris**

- the canoe journeys have been wonderful for our people. Songs are sung and gatherings are held; a reminisce time of how we lived by the sea.
4480. **MR. HASSELMAN:** In your view do the Coast Salish people support or oppose the Kinder-Morgan Pipeline?
4481. **MR. HARRIS:** We have no -- we have no information or anything that will allow us to say we support it. The Mount Polley mine disaster; the tanker that went adrift in Haida Gwaii; how could you say that was a world-class operation to save the tanker when it was so close to devastating times?
4482. The Mount Polley disaster was touted by the governments of B.C. that it was the safest and the most modern operation. Nowhere near. We're still wondering -- worried and wondering the effects of that particular disaster. B.C. and Canada's federal fishery department is a lot to be desired.
4483. **MR. HASSELMAN:** I don't have any other questions.
4484. **THE CHAIRMAN:** Maybe it would be a good time if we take a short break. It would be good. So we'll -- yes, the Chairman, you're welcome to say something before you -- yeah.
4485. **CHAIRMAN CLADOOSBY:** Yeah, just to follow up on the Coast Salish Gathering bringing six governments together. It was very awesome. Ray and I had a chance to go back to Washington, D.C. The work that we did on the Coast Salish Gathering and the mapping that we did was the Fraser River, the Strait of Georgia, the Strait of Juan de Fuca and Puget Sound with the sophisticated twenty-first century probes. And we got the opportunity to go to D.C. and be honoured by the Secretary of the Interior. We got the highest honour from the Secretary of the Interior for that great work that we did on mapping the Salish Sea and checking out the water quality and the toxins and everything that is associated with that. So it was really cool.
4486. Then we got to go to -- Harvard University gave us a high honours award in Albuquerque -- in Albuquerque, New Mexico for that work. So it's really powerful. You know, we say that pollution doesn't understand there is a border between two nations. And so it was really powerful to partnership with the United States government, partnership with the canoe journey families. And we had to get permission from the Elders to be able to incorporate this twenty-first century technology with this very sacred celebration that we do.

**Swinomish Indian Tribal Community - Oral presentation
Presentation by Mr. Harris**

4487. And so just to be a part of that, to be Co-Chairs of this and to be able to witness this work, you know, it's almost like a sleeping giant is waking up in the Salish Sea and it's the First Nations and the Tribes of Washington. So it's really awesome to be a part of that.

4488. **THE CHAIRMAN:** And just so I clarify for ourselves, that study, that great study that you've indicated, was that part of the joint international group that did that, so there was Canadian involvement in that and support for that study. Am I correct?

4489. **CHAIRMAN CLADOOSBY:** Yes, we worked through the Coast Salish Gathering and we work with the federal government on the United States' side to provide us with the sophisticated equipment to check out the health of the Salish Sea. And it was an international -- and this is an international worldwide thing that we did because it was so unique that we're able to use canoes instead of motorboats. And to be able to do the testing in the Strait of Georgia and the Fraser River, and so although it was funded by the U.S. federal government we were able to do this in conjunction with the Coast Salish brothers and sisters in Canada, First Nations.

4490. **THE CHAIRMAN:** Thank you for that. So we'll take a break. We'll take 15 minutes, come back about 10 after 3:00. That's fine.

--- Upon recessing at 14:54 p.m. /L'audience est suspendue à 14h54

--- Upon resuming at 3:15 p.m./L'audience est reprise à 15h15

MELVIN BRIAN CLADOOSBY: Resumed

RAYMOND HARRIS: Resumed

LEONARD FORSMAN: Resumed

SHAYLENE SKY JEFFERSON: Resumed

4491. **THE CHAIRMAN:** Welcome back. I understand now we're going to proceed with the oral traditional evidence of the Suqualish (sic) Tribe. Am I correct?

4492. **CHAIRMAN FORSMAN:** Suquamish.

4493. **THE CHAIRMAN:** Suquamish.

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

4494. **MS. BOYLES:** Thank you very much. I wanted to present the testimony of Chairman Leonard Forsman of the Suquamish Tribe.
4495. Chairman Forsman, could you please tell the Board who you are, your personal background and your position within the tribe?
- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHAIRMAN FORSMAN:**
4496. **CHAIRMAN FORSMAN:** Thank you. My name is Leonard Forsman. My Indian name is ^Gvuì, which was gifted to me by the Heiltsuk Nation of Bella Bella, B.C. during our hosting of the Tribal Canoe Journey in 2009. We have a strong partnership with that First Nation through the canoe journey and other cultural exchanges, so I just wanted to acknowledge that while we're here in British Columbia.
4497. I'd like to also acknowledge the Stó:lō people for hosting and allowing us here on their territory and being such a great host today, and also the citizens of Chilliwack as well.
4498. I was born and raised in the Port Madison Indian Reservation in a town called Suquamish, named after our people. And our family was descended from a great-grandmother who was a very integral part of the establishment of the reservation. And I attended local schools and went to the University of Washington, where I worked on my studies in anthropology and also in the formation of the Suquamish Museum, which was opened in 1983.
4499. And a lot of the early work, I did research on our history, primarily through photographs and oral history with our Elders. And after that, I became the Director of the museum and served some time on tribal Council.
4500. During -- shortly after that, not shortly, but a decade after that -- it seems like shortly now; it seemed like a long time then -- I became an archaeologist with a consulting firm in Seattle.
4501. And in the United States, we have an Act called the *National Historic Preservation Act*, which is a federal law that tries to preserve, to the best of its ability, historic sites, buildings, archaeological sites, sacred lands. And we work with a number of large municipal public projects to assess the cultural resource

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

- probability and then a presence of archaeological sites in traditional places in some of these larger projects.
4502. And I worked in that industry for another decade and then, during that time, I got my Master's degree in historic preservation from Goucher College in Baltimore, Maryland, and then came back to the tribe to become the first full-time paid Chairman of the Suquamish Tribe. I was fortunate to be able to do that and had some great mentors to get me there.
4503. And since that time, I've been on the -- since that time I've been Chairman, I've had a lot of responsibilities, volunteered for a number of positions. And there's a term we have on a canoe journey, you can also get "voluntold" to do things. I'm sure you're all familiar with that.
4504. So I mean, I serve on a number of Boards and commissions with -- and cultural activities, economic development and historical societies. And then also was very honoured last year to be appointed by President Obama to the Advisory Council on Historic Preservation, which oversees the implementation of the *National Historic Preservation Act*, which is nearing 40 years in age.
4505. And I've been doing that for a year now, and I serve as a Native American member that oversees a lot of the issues with Indian country in the lower 48 and Alaska in protecting sacred sites and archaeological sites and burials for native people.
4506. **MS. BOYLES:** What are your responsibilities as Chairman?
4507. **CHAIRMAN FORSMAN:** Well, I serve -- I call the Council meetings and schedule the Council meetings. We have a seven-member Council.
4508. We have about 1,110 members. About more than half live on or near the reservation, which is in Kitsap County just across from Seattle, Washington right next to Bainbridge Island. And we conduct the government's business, which is overseeing the government programs. And we took over a lot of the government responsibilities that were -- some of them were in the early -- late sixties and early sixties were being provided by federal agencies and moved those to the reservation.
4509. So we have our own police, our own courts, a housing program, a fisheries/environmental program, legal department and a lot of administrative

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

departments. We have Elders programs, health benefits programs, a school.

4510. We provide higher education for our members. Like all other tribes in the U.S., we're able to provide a lot of those services on our reservation and beyond.

4511. And I also do a lot of diplomacy, I tend to call it, with the U.S. government, with the state government, with the local governments, the cities and the counties, and also with other tribes. And that includes the First Nations of B.C.

4512. And some of -- most of those are positive relationships. We joke around a little bit about our fishing disputes that we have. We're still settling those, but -- in the U.S. side, but we in the northwest are very well-known for having a great amount of unity and a strong relationship with the State of Washington, whereas other states in the United States have poor relations with tribal nations.

4513. We've been able to build, since he -- we talked a little bit about the *Boldt* decision which may -- debated some of the lower point of state-tribal relations. We've been able to work really hard on improving relationships and cooperative efforts with the State of Washington and also with other governments. And we really rely on the Treaty of Point Elliott, our government-to-government relationship with the United States, and the fact that the other governments need to respect that.

4514. And we have a seat at the table with the other governments of the United States and work together on trying to solve our differences and work on a government-to-government basis. And we have Memorandums of Understanding with some of our local governments that memorialize that and kind of outline how we work together and how we solve disputes, knowing that some of them can't be solved, and sometimes we have to take legal action.

4515. But in my time, we've been able to address some of these and come to some solutions a lot of the times, but we also work together on legislation at times as well when necessary.

4516. **MS. BOYLES:** Could you tell the Board about the historical importance of fishing to the Suquamish people and the areas that were traditionally fished?

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

4517. **CHAIRMAN FORSMAN:** Yes. The Suquamish Tribe are kind of unique in some ways amongst the Puget Sound Tribes in that we didn't have a major river in our territory; we live on a peninsula.
4518. We don't have any glacier-fed rivers, so all of our river -- our streams are -- we call them streams -- are based upon rainfall and aquifers to recharge and provide the stream flow necessary for the limited amount of salmon that we have in the areas of our winter villages. So our people travel far and wide to get enough salmon for wintertime.
4519. In this map, you can see down below kind of the Kitsap Peninsula where the Suquamish name is, and we're -- that's primarily our winter territory there where our winter villages were, but we went as far north as the Fraser River to get enough salmon to provide for ourselves.
4520. Can you go back to the previous slide real quick?
4521. That's Chief Seattle. He was one of the signers of the Chiefs -- of the Treaty of Port Elliott. That's the only known photograph of him. And he was one known to travel and has documented travel throughout the Salish Sea in not only gathering resources, but also in economic and trade relationships with the First Nations of B.C. as well.
4522. If you could go on to the next one there so you can get a feel for a vision of what the Salish Sea looks like. And we've been fortunate that we've had the opportunity for many generations to rely upon the salmon to provide us our sustenance; and, of course, salmon was the backbone of our economy as it was for most of the northwest coast. And, you know, it stretched from northern California all up to southeast Alaska.
4523. And salmon provides a -- not only a food, but also what we might call medicine or our cultural strength to our people. And our people believed that the salmon, you know, have a spirit and when they go up to spawn, they go to their houses and they wait for us. And if we don't respect them and if we don't take care of the water and if we don't take care of the habitat, if we are disrespectful, they may choose not to come back.
4524. So it's very important that that tradition that's been passed down to all of our people throughout the northwest coast and the Salish Sea be understood

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

- because that's why a lot of the leadership is here today because our people expect us to be here to carry that message. And that's one of the main things I do as Chairman, is try to bring that message and those values to people as we move throughout our territory, exercising our Treaty rights.
4525. And, of course, there's a lot of historic evidence regarding our use of the area, and we fish in the Strait of Juan De Fuca and the Haro and Rosario Straits, where there's already a lot of shipping traffic.
4526. And, of course, salmon wasn't the only staple that we relied upon. Like the many of the other tribes we fished steelhead cod, flounder, perch, trout, herring, rock codling cod, black cod, sturgeon, skate, dogfish. There's also a large amount of shellfish harvested; crabs, clams, cockles, mussels, barnacles, geoducks, oysters, and all the seafoods that you guys are used to seeing around here, including sea mammals and ducks.
4527. And of course plants and berries were very important to us as well. They were dried just as the salmon were. The clams were dried. Everything was processed and stored away for the winter ceremonials.
4528. So we have really relied on those traditional foods and continue to try to rely upon those today as we are trying to incorporate many of those traditional foods to be a bit larger part -- even a larger part of our diet, especially the plants and medicines.
4529. **MS. BOYLES:** What does the tribe mean when -- or what do you mean when you say you're protecting for the next seven generations?
4530. **CHAIRMAN FORSMAN:** Of course, as an archaeologist I not only think about the seven generations in front of us, I think of the seven generations that preceded us as well. And I always believe that we're a link in the chain of our ancestors to our future and we have some of our future here, will be testifying later.
4531. And so we try to -- at Suquamish we know that the Treaty signers were carrying values from their grandparents and great-grandparents when they made the decisions they had to make, under great pressure, and when they signed the Treaty.
4532. And then, also, we feel responsibility during our lives to carry those

**Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman**

- same values forward and try to preserve all we can in the time that we have here on this earth so that we can be looked upon by the future generations as people who carried that on so that responsibility can be passed on, because everybody who's in this room, from the First Nations to the U.S. Tribes, takes that responsibility extremely seriously. And we feel that we have an obligation to speak for the habitat, to speak for the water, to speak for the fish and the animals, and remember that the Creator put those things here for us to sustain ourselves but also to respect.
4533. **MS. BOYLES:** Switching gears a little bit. Economically, how big is the tribe and how many people are employed in fishing or shell fishing?
4534. **CHAIRMAN FORSMAN:** Well, we have about 1,100 enrolled members and many of them are crabbers or salmon fisherman or both. We also have a large annual harvest of geoduck clams that you're probably familiar with, or have heard about in British Columbia as well. And we ship those to China, primarily overseas. And we have about 25 to 30 divers that are employed full time doing that.
4535. And we also harvest shrimp and crab. And also, we have a lot of clam diggers that will dig in the inner tidal areas and we're trying to grow that more because there's a lot of single parents and families that can participate in that and supplement their incomes, and also to get on the beach together.
4536. Like my Elder said, it's so important that our people can go out together and harvest together. And sometimes we'll have 60 to 80 members of our tribe out on the beach, maybe in an evening or an afternoon, depending on the tides, out there together harvesting salmon.
4537. So we have about 80 fishermen, 160 clam diggers, at any one time and, of course, it varies upon the season.
4538. **MS. BOYLES:** And how much fish do the Suquamish people eat?
4539. **CHAIRMAN FORSMAN:** Well, it's interesting you ask that question because I've been pretty heavily engaged, as Chairman Cladoosby has as well, in an issue in the State of Washington, which we call a fish consumption rate. And currently the fish consumption rate in Washington has been set at six grams a day, and that's about a Chicklet size piece of fish per day. And I think our friends here probably have already eaten a month's worth of -- within the last

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

- 24 hours. So probably you as well up here as you're familiar with that. So it wasn't a realistic estimate upon how much fish we consume.
4540. So we have been working with the State government on trying to raise that rate to a compromise rate of 175 grams a day.
4541. However, a study that we did about 10 to 15 years ago estimated our -- the Suquamish Tribe's fish consumption rate at about 800 grams a day.
4542. So we -- this fish consumption rate's used to regulate industry on what is allowable amount of pollution to be allowed in the water because they base upon the cancer risk and they say, "Well, if the fish consumption rate is low, the water can be more polluted because people don't use much fish."
4543. So it's important because our people eat so much fish and Chairman Cladoosby said earlier, our Elders have said, "We're not going to stop." We're very concerned about that. That's created a lot of meetings with the Governor. Governor Inslee's been very committed to trying to become as knowledgeable on this as he can and it's undergoing rule-making now and still is a controversial issue.
4544. **MS. BOYLES:** What has shaped your personal understanding of fishing and your personal background with fishing?
4545. **CHAIRMAN FORSMAN:** Yes, I -- of course, my father fished a lot when he was young, and he was born in 1917. And as a young boy fished a lot with my great-uncle, Virgil Temple, who was blinded at the age of 13 and actually was known as the blind fisherman because he could paddle from Indianola -- from Suquamish to Indianola and back to his home without any help at all. He could hear fish as they came swimming through the water and he could tell the species just by the way they hit the water, and he was very well adapted to being blind.
4546. And, actually, my father as a young boy and as a young man used to fish in his rowboat for salmon and other fish for sale to Seattle.
4547. So I was fortunate enough in my early adulthood to be able to fish with my father, gill netting in Puget Sound and Agate Pass and learned a lot about his way of life.

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

4548. And, of course, when the *Boldt* decision was finally ruled, it gave us a better opportunity because before that there was very few opportunities for us to fish together.
4549. And so our family -- my brother fished on a purse seiner for many years. My cousin still operates a purse seiner and has fished for most of his life. And we've been -- our family has been engaged in a lot of the political side of habitat protection as well.
4550. **MS. BOYLES:** There was an earlier exchange between Chairman Hamilton and Chairman Cladoosby about the *Boldt* decision. I wonder if you could talk about that a little bit more to explain how that's worked out and what that really means.
4551. **CHAIRMAN FORSMAN:** Well, of course, the Treaty of Point Elliott 1855, ratified in 1859, many of the tribes here signed that Treaty, including the Suquamish, and when the Treaty was signed, the tribes had an understanding of what that meant to them. In the United States law, the treaties are interpreted as the Indians would have understood them at the time it was signed. So there's a number of principles that get brought forward in the courts.
4552. In the 1960s and early 1970s there was a lot of tribes were tired of the management of the fishery, the exclusion of the tribes from the fishing off Reservation and the Elders saying that our Elders signed this Treaty that was supposed to allow us to gather fish for our livelihood.
4553. So there was a lot of activism that was part of this with a lot of fish-ins. There was a lot of people thrown in jail. One of our Elders who just passed away this year was a veteran of the Fishing Wars, as they called it and he was jailed 45 times by the State of Washington for exercising fishing rights on the Nisqually River, and so there was a lot of controversy around this at that time.
4554. So when the treaty was being argued in -- it's called the *United States versus Washington* because the United States Department of Justice took up this case on behalf of the tribes. The tribes were also plaintiffs to that as well, but the United States was protecting the Treaty rights of the tribes because of their trust responsibility to protect those as that Treaty was signed prior to statehood. And it was signed 30 years before statehood and, therefore, under the Constitution of the United States treaties are the supreme law of the land. So they override all State rights. So they were one of the plaintiffs -- a major plaintiff in that case.

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

4555. So when it went to court in front of Judge Boldt in 1974, during the trial there was a big -- there was a big discussion about "in common with" because in the Treaty it says that the Indians should be able to fish in their usual and custom areas in common with the citizens of the territory. But there was a lot of discussion about what "in common" is defined as.

4556. And when the Judge was looking at it he said, "How have the Indians understood this Treaty?" There was very few non-Indians in the Washington, what's now Washington State at the time of the signing of the Treaty so that the Indians were catching most of the salmon.

4557. And Judge Boldt came down and said, "At least they caught 50 percent," and ruled that 50 percent of the harvestable salmon in Washington belongs to the tribes because of the Treaty. And this just reaffirmed what already existed prior to the signing of the Treaty because the tribes gave up the land in exchange for Reserve Treaty rights.

4558. So that case was very important in the respect that not only did it recognize the tribes reliance and right to the share of the harvestable fish, it also recognized, just as importantly, that the tribes were co-managers as well. So Judge Boldt at the time he believed -- he was very disappointed that the State had mismanaged the fishery. In fact, the Washington State Department of Fish and Game were the primary enforcers of these illegal seizures of salmon and jailing of our tribal fishermen.

4559. So that they were more managing the fish for the sport and commercial fishing of the State and nothing for the tribes. So in the process of that, management had pretty much decimated most of -- many of the runs in the State.

4560. So the Judge felt it was very important that the tribes become part of the management system because of their value system that we've heard a lot about already today. And also that somebody needed to be there to look out for the salmon, and so we have a pretty complex management system that you've heard about where it's very important to remember it's 50 percent of the harvestable salmon.

4561. So you have to determine if there's going to be a run -- a harvestable run first so the biologists from all the tribes and the State and the federal government get together and try to do the fish estimates; try to estimate what the

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

- fish runs are going to be. And sometimes there's no fishery because there is not a harvestable right because there is a certain amount of escapement that needs to be met. So those are the things that we work together on, on a government-to-government basis to try to do what's best for the resource.
4562. And just to end, I think that also you heard a little bit about phase two of the *Boldt* decision because the *Boldt* decision has become one of the more stronger pieces of law that has helped protect the habitat of salmon and shellfish of Puget Sound because of the leverage that we're able to put on local governments to prevent sprawl, to prevent wetlands -- fill in wetlands and trying to have better water quality as well.
4563. **MS. BOYLES:** Could you tell the Board a bit about the relationship of the Suquamish Tribe to the B.C. First Nations?
4564. **CHAIRMAN FORSMAN:** Well, as you can see from the previous slides that we've travelled up here quite a bit and had a lot of cultural connections and then we also have a lot of intermarriage in our past. That was fairly common, intermarriage with tribes from Canada. A number of our families have First Nations ancestry. It continues on today. While it has a lot to do with the canoe journey because we're getting together a lot more and our young people are meeting each other and it's very powerful that this is an old way of our people meeting together in a clean and sober environment, a culturally based environment, a safe environment for them to interact.
4565. And so we actually have a child at the Suquamish whose first name is Journey so that might explain a few things. So, anyway, we find that's an extremely important part of our history. So not only do we have the pre-contact ancestral connections, we have the more modern connections. We also have the language connections; we have similar languages.
4566. We also share weaving. Weaving is an important tradition of ours that's practised in Puget Sound and also in the Coast Salish where they wove with a combination of mountain goat, wool dog wool, natural fibres to make the beautiful blankets that you've probably seen in some of the museums, and that's a practice that continues today. And we are -- the only two places in North America where people weave on looms to my knowledge is in the Salish Sea and the Navaho. And I always felt like they stole it from us; right? They say otherwise.

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

4567. **MS. BOYLES:** Could you describe a bit more about the canoe journey, about how it started and why it continues?
4568. **CHAIRMAN FORSMAN:** In 1989 was the 100th birthday of the State of Washington and I was working for the museum at that time and a lot of the tribal leadership felt like the tribes had not been recognized in a lot of ways by the State for our cultural traditions and our work to try to regain and restore a lot of our cultural ways and we believe that the State really couldn't celebrate their 100th anniversary without including the tribes and recognizing the tribes.
4569. And there had been a protest in Australia at an anniversary there a year or two before that and the State felt like, "Well, we don't want this to happen here either." So they relented and agreed to include us and put us in some leadership positions in the Centennial Commission, and a lot of the people wanted to restore the canoe carving back to the tribes. So we worked on getting old world cedar back to the tribes to build canoes with, and then in addition to that some tribes from the coast felt like it would be important to have a voyage in some of the ocean-going canoes and travel from tribe -- from Reserve to Reserve on a 20- to 30-mile pull each day and then celebrate at each stop. And all that culminating with a celebration at Suquamish with what they call the Paddle to Seattle.
4570. So when they all got to Suquamish in 1989, Frank Brown from the Heiltsuk Nation stepped out onto the floor at Suquamish and said, "I'm challenging everybody here to paddle to Bella Bella 600 miles in four years." You don't have four years to get there; you've got to leave in four years. You get four years to prepare.
4571. So some of our people went on that journey in 1993 and then after that it became an annual event, and as it grew more and more of our youth have got involved. And what happens is that you come to -- when you land after you've pulled all day and you get to the Reserve or the Reservation where you've being hosted, you get a meal and then you're asked to sing. And each tribe is represented and your Nation is represented, every -- to do what we call a protocol or a presentation.
4572. So a lot of the tribes like us, we didn't have a lot of our songs left and we were able to get a lot of those back. So before we had two songs and now we have dozens. And then we also brought back the regalia, creation and people learning their language and carving. And there's more cedar hats in this room than I had ever seen in my early days at the University of Washington when the

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

only place you could see them, primarily, was in the museums.

4573. So today, they're part of our everyday life and that's a lot to do with Tribal Canoe Journey.
4574. **MS. BOYLES:** You were telling me earlier about some issues about canoeing across the -- near the border or at ---
4575. **CHAIRMAN FORSMAN:** Yeah, whenever we cross the Strait of Juan de Fuca, we try to call in to the Coast Guard and let them know that we're -- when we're leaving because there's a lot of freighter traffic out there. And when -- the first time I went across the Strait in 2004, we left Port Angeles for Songhees, so we left from Elwha to Songhees.
4576. And we were in our canoe and there was a flood of fog out there. And I had a 12 year old in front of me. I was in my forties at the time, and he just kept saying, "I hate those freighters, I hate those freighters" because I kept hearing this err err, and I thought it was a foghorn, not knowing there's no foghorns out in the middle of -- there's no lighthouses in the middle of the Strait. That's how inexperienced I was.
4577. And then we went by through the fog and then this big freighter went behind us. And my skipper said, "Oh, that's where that freighter was". And unfortunately, at the time we didn't know there was a canoe behind us that almost got hit -- actually, did get swamped but unfortunately, were being towed at the time. And the sailboat came very close to hitting that freighter.
4578. So we do have to dodge freighters sometimes and do our best to try to find out where they are.
4579. **MS. BOYLES:** Does Squamish have firsthand experience with an oil spill at Point Wells?
4580. **CHAIRMAN FORSMAN:** Yes. In 2003, we were, unfortunately, the victim of an oil spill. Over there at Point Wells, there's a Chevron on-land facility that pumps bunker fuel into barges, and that bunker fuel was going to be shipped down to the South Sound near Tacoma for use at a sawmill.
4581. It was being pumped around midnight. They usually run these at night and the barge was being filled, overflowed. The alarm did not kick in. The alarm

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

was broken.

4582. The tender wasn't paying attention, and by the time he realized what was going on, about five to six thousand gallons of oil had gone over the side of the barge and into Puget Sound. And it drifted around in the water and we believe that it would have been probably even worse if it hadn't been for the freighter traffic that cut that into slices and those slices kind of moved around. And one of the big slices of that bunker fuel ended up on our beach there at Point Jefferson area in one of the places we call Doe-Kag-Wats, so the place of deer.

4583. And the oil came onto the beach and you can see one of the booms out there got out there a little bit too late. And this is an inland -- one of the last remaining fresh water/salt water estuaries in the Puget Sound. Most of them have been filled. This one has not been, and this is on a reservation.

4584. It's a very important place to us traditionally for ceremonies and recreational and fishing and general isolation, provides -- the isolation of the place -- it's one of the few isolated places on the reservation where people can conduct ceremonies and also just have a little bit of family time when -- because in the summer, it's really very beautiful out there.

4585. So when the oil hit along this beach, it hit it pretty hard and that inlet there where the tide comes in and out brought a lot of the oil in after it landed.

4586. This is part of -- some of the cleanup you see.

4587. **MS. BOYLES:** Right. I was going to say, we have -- there's some slides of the cleanup.

4588. What lessons did you learn from that or what lessons did you take from the spill and the cleanup?

4589. **CHAIRMAN FORSMAN:** Well, one of the things I found out about -- if you could go back to the previous slide because I didn't have grey hair at that time.

--- (Laughter/Rires)

4590. **CHAIRMAN FORSMAN:** That's also Congressman Inslee there in the middle. He's actually our Governor now, came out to visit the site as well.

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

And one of the things -- you can go to the next slide.

4591. One of the things that I learned about the -- is there a slide after that? That's it. If you can go back to the previous one of the cleanup, that would be great.
4592. Working with the contractors who were engaged in the business of cleaning up after spills is -- and I also learned a little bit about the oil industry because when we went down to the Legislature to testify about the spill, we were -- you know, there was a lot of representation from the oil industry there as well that, at that time, there was an approach to -- oil transport has what they call a zero spill strategy where basically they were just -- invest in the technology to prevent spills from occurring and just invest everything into just believing that no spill will happen rather than investing in reacting to spills and cleaning it up.
4593. And that was one of the things the contractor, I believe, was frustrated a little bit about the fact that we needed to invest in, you know, being -- having the contractors on board, educating governments, educating the community, having spill materials at sensitive areas to be deployed when necessary.
4594. That was one of the problems with the Fas spill was that the boom that was supposed to be deployed was -- they weren't able to do that because the outboard on the skiff that was supposed to tow the boom wouldn't start because they hadn't run any drills in a long time.
4595. So when they went to start the outboard, it hadn't been started in probably a year or two and it wouldn't start, so they couldn't get the boom deployed. So that was one of the other big issues, is that they didn't pre-deploy.
4596. That's -- the navy always deploys -- whenever they transfer fuel, they always deploy the boom. So there's a lot of philosophy about that that I learned about that needs to be addressed when you're talking about the potential inevitability of an oil spill.
4597. **MS. BOYLES:** Why is Suquamish tribe opposed to this project?
4598. **CHAIRMAN FORSMAN:** There's a number of reasons. I think that we are really concerned about the risk -- the increased risk that more oil on a daily basis being put on the Salish Sea increases the risk of oil spills. The more traffic there is, the more oil there is, the more opportunity there is for a catastrophic spill,

Suquamish Tribe - Oral presentation
Presentation by Chairman Forsman

- whether it be done during loading or if it be due to collisions or breakdowns or all those things that can happen on the water.
4599. As we've learned on our canoe journey, we've -- safety first, and we've had some close calls here and there just in our canoes, just let alone in a big giant tanker. So we're very concerned about that.
4600. We're very concerned about the increased traffic and its impact on our harvesters and their ability to harvest fish or crab or other species on the water. And we're also very concerned about the catastrophic impacts that an oil spill could have on the ecosystem of the Salish Sea.
4601. **MS. BOYLES:** Did you want to leave the Board with any final words?
4602. **CHAIRMAN FORSMAN:** Yes, I'd just like to thank everybody for your attention. I thank everybody's -- I'd like to once again thank our First Nations people for a powerful ceremony this morning on the Fraser River, and I just wanted to leave with the fact that we're all in this together.
4603. We have -- as First Nations and also as our neighbouring family of governments and our citizens and our businesses, we're all in this together and our value system is something that we need to take -- everybody needs to take an assessment of because we really have to get our priorities straight.
4604. And we really feel that this proposal is something that we can't accept because of the way it doesn't recognize the importance of a lot of the resources that are so important to us as Indian people and that we need to really invest in educating people the fragility of our environment.
4605. And we need to think about the future and really not focus so much on the short term because the clean water, good habitat, robust fisheries are good economics as well and provide a lot of jobs. And we can try to work together, invest in technology that can better improve our habitat, lessen our dependence on fossil fuels and work towards trying to reverse the impacts and degradation of our -- of the Salish Sea because right now, we're at a no net loss, but we're trying not to lose any more habitat and we'd like to start reversing that and going back where we're gaining habitat. And we're just fighting for our lives just to -- to stop any more loss and just trying to hold it at what it is, let alone trying to restore what we've lost.

Suquamish Tribe - Oral presentation
Presentation by Ms. Jefferson

4606. So at that, I'd just like to thank the Board for your attention and the audience for staying with us. O'siem.
4607. **MS. BOYLES:** Thank you. Unless the Board has any questions I can move to our last witness for today.
4608. **THE CHAIRMAN:** The Board don't. I don't think TransMountain have either. So ---
4609. **MS. OLENIUK:** I was shaking my head vigorously and I thought I might be confusing you with mixed messages.
4610. No, we don't have any questions, thank you.
4611. **THE CHAIRMAN:** Thank you, Chairman Forsman, for your knowledge and sharing today. I appreciate that.
4612. So please to go on to your next presenter.
4613. **MS. BOYLES:** I would like to present Ms. Shaylene Jefferson.
4614. Ms. Jefferson, would you like to introduce yourself to the Board?

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. SHAYLENE JEFFERSON:

4615. **MS. JEFFERSON:** (Speaking in native language.)
4616. Hello everybody. My name is Shaylene Jefferson. My mom is Serene George and my father was Jay Jefferson. I'm 17 years old; I'm a senior at the Suquamish High School Chief Kitsap Academy. I'm a Suquamish Tribal member. My mother was Suquamish and my father was from Lummi. I come from a family of generational fishers. I have relatives of the Cowichan Nation, something that Leonard mentioned earlier.
4617. I've dug clams, and harvested crab, shellfish, finfish and everything pretty much my whole life. I grew up in that kind of lifestyle. I have my own crab pots and I plan on buying my own fishing gear one day.

Suquamish Tribe - Oral presentation
Presentation by Ms. Jefferson

4618. I harvest traditional cedar bark, roots, cattails, and I speak the Lushootseed language. I started about my sophomore year and I've been learning Lushootseed for three years. I plan on continuing to learn it, and also I teach Lushootseed. I teach, like, fourth to -- or, yeah, like, four to eight year olds.
4619. I was Chief Seattle Days Royalty. Chief Seattle Days is a Powwow that the Suquamish Tribe hosts. I was the Princess 2013-2014, and also I was the Junior Princess back in 2009.
4620. I participated in the citizen science program with the Seattle Aquarium. That's when we go survey the beaches to find out what's all -- like, all the different species that are on the beaches in different areas.
4621. I was involved in producing a film about ocean acidification that was presented at the National Museum of American Indian in Washington DC. In 2013 I interviewed Billy Frank, Jr., a Nisqually Tribal Elder who fought for years to protect our tribal Treaty rights. Leonard mentioned him earlier; he's been to jail a numerous amount of times for fishing.
4622. I've gone on many inter-tribal canoe journeys in the Coast Salish Sea. I participated in the 2014 canoe journey to Bella Bella. And, yeah, that's about it.
4623. **MS. BOYLES:** And Chairman Forsman talked a little bit about this, but can you tell the Board about the canoe journey a little more; what happens on it.
4624. **MS. JEFFERSON:** During the canoe journey is when the Reservations, we all gather together. We travel along the waters in our sacred canoes. You get to meet a lot of new people along the journeys, like Leonard said.
4625. At every different Reservation they have different ways of preparing their food. We get to go and share how we eat the salmon and every different reservation eats it differently and prepares it differently. We get to share our songs and our dances during the protocol at the different stops that we stop at. And I think that's about it.
4626. **MS. BOYLES:** Could you explain to the Board what it means to you to be part of the Suquamish Tribe?

Suquamish Tribe - Oral presentation
Presentation by Ms. Jefferson

4627. **MS. JEFFERSON:** For me it is kind of important. I'm a part of the seventh generation. I understand my role in carrying my culture forward in all aspects it. Includes the exercise of my Reserve trading right -- Treaty rights, fishing, hunting, gathering.
4628. In the past our ancestors have fought hard for our Treaty rights, to keep our culture alive and to continue our tribal customs and practices is my main goal, my main -- I don't know how to say it.
4629. **MS. BOYLES:** You're doing great. Do you have any concerns about fishing for you in your future?
4630. **MS. JEFFERSON:** Yeah, a big question that goes through my head quite a bit is will there be fish to harvest for my -- for the future generations, for my children and my grandchildren? I wonder if the shellfish will be edible; if they won't be too poisoned. Will they still be able to eat them? I wonder if it'll still even be economical to harvest the shellfish and the finfish that we do.
4631. I've already invested my own money in fishing gear and crab pots and I plan on getting my own boat eventually so it's really scary thinking just the thought that within the next couple years there wouldn't be fish out there to catch. And we all know that the salmon habitat is declining and that the pollution has a big impact on that, and it has a big impact on our ability to gather the natural resources.
4632. **MS. BOYLES:** You mentioned the film that you were involved in. Could you speak a little bit about that?
4633. **MS. JEFFERSON:** Yeah, me and four other -- three other students from the Suquamish High School last year, we travelled from Washington State to Washington D.C. to the National Museum of American Indian, and we presented our film there in front of an audience and on live news. And it was about the impacts of ocean acidification and the film was named "We Are Aware/Are You?" The reason we went was to raise awareness about ocean acidification and how it's impacting our natural resources.
4634. **MS. BOYLES:** Can you tell the Board your concerns about the pipeline's impacts on the Suquamish?
4635. **MS. JEFFERSON:** Well, with another impact -- or with another oil

Suquamish Tribe - Oral presentation
Presentation by Ms. Jefferson

- pipeline, I know that the traffic will increase by -- I don't even know how much. I know it will be a lot more traffic though, and that'll affect my ability to even access my fishing grounds, or feel safe in my fishing grounds. Tanker ships, they leak and spill oil every time they fuel up and with even more vessels out there fuelling up, every time it adds on the amount of oil and fuel that's spilt.
4636. And if we ever -- if a big oil spill ever occurs it would devastate the Salish Sea and all of the Treaty Reserve resources. Native foods will not be able to be harvested for our ceremonial purposes and subsistence uses. It could take decades to recover, even my whole life. The Salish Sea may never even fully recover if the oil spill is too major. It could destroy the Suquamish culture.
4637. **MS. BOYLES:** What message would you like the Board to hear from you today?
4638. **MS. JEFFERSON:** My generation is facing the future consequences of this project. It offers nothing but the possibility of a devastating oil spill that could lead to the end of our culture, our reserved Treaty rights that my ancestors fought so hard for. Suquamish culture is not only a thing of the past, it's the present day, and it's my future. It's my children's future. And I think that's it.
4639. **MS. BOYLES:** Okay. Thank you, Ms. Jefferson.
4640. **MS. JEFFERSON:** Thank you.
4641. **THE CHAIRMAN:** Again, thank you, Ms. Jefferson for providing your voice on behalf of your tribe.
4642. Is there any closing remarks or is there -- for the presentations for...
4643. **MR. HARRIS:** Thank you. We did start this day with the call of witnesses, including yourself. One of the obligations of a witness is to -- an opportunity to respond is not a -- sometimes witnesses hold their responses for another time, so -- but that's up to the people we've called to witness.
4644. So I would like to see that we at least give the witnesses an opportunity to respond or hold your response for another time. So that one of our customs -- I would like to let you know that's a custom that we have.

**Suquamish Tribe - Oral presentation
Presentation by Ms. Gobin**

4645. So I did call some witnesses here.

4646. **THE CHAIRMAN:** Probably, with respect, our process -- if they are to speak tomorrow, it probably would be a better time tomorrow. I respect the witness, and I also acknowledge the honour you gave me to -- for the blanket ceremony and for the witness today, but perhaps if there are those who are speaking tomorrow, that would be a better opportunity, if I may suggest that, if it's in agreement with the other tribes that are presenting tomorrow.

--- (A short pause/Courte pause)

4647. **THE CHAIRMAN:** Again, I respect your process and in respect of our process, that you would have to be sworn because you're providing your evidence on this matter and who you are, perhaps representing yourself as an individual or a member of one of your tribes. So we'd be happy to hear from you if you're prepared to be affirmed, if that's okay.

4648. And you may have to be leaving tomorrow, and that may be another opportunity that you may not have tomorrow as well.

4649. So we'd like to offer that to you if you're prepared to be affirmed. And we would be pleased to hear from you.

PATTI GOBIN: Affirmed

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. PATTI GOBIN:

4650. **MS. GOBIN:** My name is Sq^watalaq. I carry the ancestral name of my great-great-great-grandmother. And I want you to know where her name comes from.

4651. Her name comes from the Pilchuk River that flows into the Salish Sea. My people are the St'qoye people and the Snohomish people. I am Snohomish and St'qoye in English.

4652. I'm also -- I don't say that I'm French. I'm also French Hudson Bay Trader that came to my territory through my father's side. And my brother will be speaking tomorrow.

Suquamish Tribe - Oral presentation
Presentation by Ms. Gobin

4653. The reason I'm speaking today is because I'm not speaking tomorrow, but I am a witness here today and I honour my brother here that asked.
4654. I'm also speaking on behalf of my -- I call her my niece. She's from Suquamish. She comes from my mother's side of the family. Her great-great-grandmother was my grandmother's sister, and we just found that out today.
4655. That's how our journeys begin, and that's how our journeys end. She is mine. She's very shy. She was to be a speaker here, but just didn't feel like she's -- her spirit is mature enough to do that yet, so I speak -- I am her voice, and that's very traditional. I am her voice.
4656. I just want to stress from what I've heard, and it was spoken so eloquently here by my leaders, and specifically my young leader here, and this one here that has talked silently to me, that in order for our future to go on as Coast Salish people, we have to be mindful of what we're doing to the Salish Sea.
4657. I want to tell you that, long before I was human, I was King Salmon. That's where I come from. That's my grandfather. That's who I am.
4658. That the cedar tree is my grandmother; and the salmon people always lived, and still live, my relatives, her relatives, our relatives under the Salish Sea. That's my lineage.
4659. As much as the water and the saltwater and the freshwater flows from whitecap to whitecap, this is the life we live. These life ways that were spoken here today is the life we live from the past, present, and to the future.
4660. We're fighting for the future of their unborn children to celebrate, to practise our cultural ways, to have that salmon, to have that clam, to have that -- the crabs, to have the eel grass that provides the bed for our baby salmons. That bed is my bed.
4661. I come from a long line of fishing people, long line. The only reason I cease -- I exist as a human is because my ancestors promised Grandfather, King Salmon, that if he would allow my ancestors to become human, he said these are the three conditions.
4662. And my brother will share those with you further tomorrow about that ceremony, but those three conditions are, he said, as you can imagine, little

Suquamish Tribe - Oral presentation
Presentation by Ms. Gobin

grandchildren begging a grandparent, please, we see that the eagle, the yəx̣ʷəlaʔ in our language, has already become human. We'd like to be like that.

4663. And as he contemplated and we sing a song, and in it, it says ahhh chee dash. My grandmother told me, Grandfather King Salmon said, "Ahhh chee dash, ahhh chee dash"; that means "Oh, my, oh, my" because he was concerned about the human world.

4664. He said, "If -- I will let you become human on these three conditions. That every season, you come back here and you sing our songs as salmon people. You dance our dances on the earth, not in the Salish Sea, and show me that you haven't forgotten who you are and where you've from," he says, "because I don't understand English." But this was done in our language.

4665. But that's what he was meaning. "I don't understand this human language that's on earth, on the dry land, but I understand the Salish Sea language." And he says, "So you sing the songs and you dance the dances, and I will know that you haven't forgotten who you are and where you come from."

4666. And we still do that every year, along with every First Nation, every Coast Salish people. We have our salmon ceremony every year.

4667. When the monarch butterfly appears, we begin and we prepare to do that salmon ceremony because our people didn't have calendars. They always said when the monarch -- my people said when the monarch butterfly appears, it's time to go fishing. That means it's time to put down what you do during the wintertime and your winter house, and it's time to pick up and now it's time to go fish and prepare for the next winter season.

4668. And we still do that today as Coast Salish people.

4669. So the second thing he wants us to do, so he says, "When I hear the drums and I hear the songs, I know it's you, my grandchildren."

4670. And so when you hear these sacred songs we sang today, we know and my grandmother told me, "Your ancestors and my ancestors don't see colour." They don't see Keystone. They don't see Tulalip Tribes. They don't see anything. They see us as human people, as spirits, and they look in your hearts to see where you're at, what you're doing with your lives, and are you living according to what your ancestors have raised you to do.

Suquamish Tribe - Oral presentation
Presentation by Ms. Gobin

4671. The second thing is, he says, "I want to know how you're treating your people as humans." How are you treating them? Are you taking care of them, are you hurting them, are you harming them? But more importantly, are you respecting them?
4672. The third thing he said, "I want to know how you're treating this earth, the dry land that you're going to live on now as human people". And so every year we tell in our language, in our songs, in our dances, in our sharing with our brothers and sisters that come how we're treating in our area, the Peugeot Sound.
4673. I want to be able to tell them this May that we did it right, that we're doing it good, we're protecting her right to do the same thing until there's no earth left to tear apart or to protect, and that's to eternity.
4674. From time immemorial, our people have been doing these things. We ask you to understand and consider the indigenous people of this land that we still live our indigenous ways.
4675. There aren't, I believe, a people in the northwest that live the way we do with our foods, our medicinal medicines, and we're asking that you think of that when you're making your decisions. Think about our way of life because we have to report to Grandfather King Salmon and our Grandmother Cedar Tree what's taking place.
4676. So I just felt as a witness I had to speak her voice through my ancestors, her great-grandmother -- great-great-grandmother and my grandmother. And the name that I carry is her great-great-great-grandmother. And somebody will carry on these ways long after we're gone.
4677. And we do not support the desecration, the pressure, the imprint of one more thing that harms the Salish Sea. And that's all I have to say.
4678. **THE CHAIRMAN:** I acknowledge your voice, and I'm sure your -- both your hearts must be fuller today from what you have connected -- reconnected today. So I -- my heart's full for you on that point as well.
4679. I think -- are we fine for -- thank you, Mr. Harris.
4680. With that, then, we stand adjourned until 9:00 a.m. tomorrow morning

**Suquamish Tribe - Oral presentation
Presentation by Ms. Gobin**

when we'll hear from the two other U.S. tribes.

--- Upon adjourning at 4:17 p.m./L'audience est ajournée à 16h17