

**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 3

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

**Edmonton Hotel and Convention Centre
4520 - 76th Avenue NW
Edmonton, Alberta**

**September 3, 2014
Le 3 septembre 2014**

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

Canada

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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
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Printed in Canada

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représentée par l'Office national de l'énergie

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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 Edmonton (Alberta), Wednesday, September 3, 2014
Audience tenue à Edmonton (Alberta), mercredi, le 3 septembre 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

Samson Cree Nation

- Mr. Henry Lightning
- Mr. Dolphus Buffalo
- Mr. Leo Bruno
- Mr. Victor Bruno
- Mr. Patrick Buffalo
- Mr. Clayton Buffalo
- Mr. Lawrence Saddleback
- Mr. Harvey Buffalo
- Ms. Norine Saddleback
- Ms. Josephine Saddleback
- Mr. Kenneth Saddleback

Michel First Nation

- Chief Gil Goerz
- Mr. Roy Goerz
- Ms. Jessie Loyer

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--- Upon commencing at 9:18 a.m./L'audience débute à 9h18

(Pipe ceremony)

543. **THE CHAIRMAN:** I think we are ready to get going if that's good with everybody, and I'd also first like to recognize that we are on Treaty 6 lands.

544. And I would like to thank the Sunrise Cree Nation for allowing us the honour of attending your ceremony this morning and reminding us of being able to keep open minds on everything that we're doing and everything that we're hearing, and everything that we're listening to, and the work that we are doing. And I can assure you that we, the Panel, do keep an open mind on all of the matters that we are listening to in this hearing.

545. So again we'd like to thank you for the honour of the ceremony this morning.

546. I would like to also welcome the Samson Cree Nation to the oral traditional evidence phase of the National Energy Board's hearing regarding Trans Mountain's Expansion Project.

547. My name is David Hamilton and I am the Chair of the Panel. And with me, on my left, is Alison Scott and on my right is Phil Davies. We want to welcome everyone who is here today both in the hearing room and who are listening to us on the web cast.

548. Before we get started, and for your safety, I would just like to point out, in case we have to -- in an event of an emergency, the emergency exits which are behind the witness panel and over on the right and clearly marked. And if required, the washrooms are quite a long walk down the hallway and follow the signs and you'll make it to the washroom eventually. They seem to be quite far away in this hearing.

549. In addition to the Panel, we have a number of staff in the room to answer process-related questions that you may have, and you will be able to recognize them by the metal badges that they are wearing.

550. With respect to our schedule today, we're going to be sitting from 9 o'clock until 12 o'clock, and we'll take breaks as appropriate throughout the morning.

**Opening remarks
Chairman**

551. The Board does understand that the Samson Cree Nation have an oral tradition for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing. Sharing your traditional knowledge and your personal knowledge and experiences on the impacts that the project may have on you and your community and how any impacts could be eliminated or reduced is of great help to us.
552. This is the type of information we're here to listen to today and we appreciate that you have chosen to be here today.
553. Before providing your oral traditional evidence, presenters will be asked to swear or affirm that the information they are presenting is accurate and truthful to the best of their knowledge and belief.
554. With that, I believe we are ready to get going but before I call on the Samson Cree Nation to present their oral traditional evidence, I think it would -- if the representatives of the Proponents could introduce themselves to the witness panel so they are aware of who else is sitting in the circle.
555. **MS. OLENIUK:** Thank you, sir, and good morning Panel Members and Samson Cree Nation. I'm here on behalf of Trans Mountain and my name is Terri-Lee Oleniuk. Also with me seated to my right is my colleague Heather Weberg and to my left is Annie Korver, who is Trans Mountain's Aboriginal Engagement Team.
556. Thank you.
557. **THE CHAIRMAN:** Perhaps then if we could have the representatives of the Samson Cree Nation introduce all their speakers and knowledge-keepers and then we can proceed to swear them in.
558. **MR. LALJI:** I will just commence by introducing myself, Aryn Lalji, as counsel for the Samson Cree Nation. Just behind me, I'm with my colleague Kennedy Bear Robe, who is also counsel for the Samson Cree Nation.
559. **MR. P. BUFFALO:** (Speaking in native language) translates to "Day Walker". My name is Patrick Buffalo. I'm elected leader for the Samson Cree Nation.

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Introductions**

560. **MR. H. LIGHTNING:** My name is Henry Lightning and I am one of the monitors from the Samson Band.
561. **MR. L. SADDLEBACK:** I've got little else to say. (Speaking in native language).
562. I'm here to -- this is the first time that I will be in front of a panel, but I've always been active in all kinds of ceremonies. And I understand is 10 Treaty promises that were laid out over 130 years ago. I understand them. And today, I will talk about them plus other issues that I need to present here.
563. Thank you.
564. **MR. D. BUFFALO:** Good morning everybody. My name is Dolphus Buffalo. My Cree name is Pisim. It translates as "the sun in the sky". And it's not only used as the sun, it's used in months, years. Even the clock is Pisim (speaking in native language).
565. That's our sacred -- one of the sacred names. I honour that name and I'm a traditional hunter, I'm a gatherer too. And everybody that's sitting here, I learned a little bit off of every one of them and I learned it off of other Elders.
566. I'm not here to come make a joke out of our Treaty people; I'm here to come and speak.
567. Thank you very much.
568. **MS. J. BUFFALO:** Good morning. (Speaking in native language).
569. My name is (speaking in native language) in Cree, named after sweetgrass. My English name is Josephine and I'm also known as kôkom. Kôkom means a great spirit name that I earned. It's called grandma or grandmother.
570. I'm a gatherer on berries, medicine. My concern is what's out there. The Creator gave us all these, whatever -- whatever you see out there in the bush, water, species. I lived off those but I'm glad to be here and I'm proud to be sitting with my nephew, my son and also my first born son, Pisim.

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571. Thank you.

572. **MR. K. SADDLEBACK:** Good morning, my name is Ken -- Ken Saddleback.

573. I thought I did something wrong, this guy slapped my hand here.

--- (Laughter/Rires)

574. **MR. K. SADDLEBACK:** Anyway, I wore this camouflage this morning because I don't want to be seen. My role for Samson Band is -- I'm considered one of the Elders. I'm grateful and honoured to be part of this gathering.

575. I visited those sites and I'm here to do my best to advocate for this land. And those Elders, they left these stories, these teachings for us and I can only imagine what the Elders and, you know, all the spirit of the Elders -- I can only imagine what they would say or what they would share today to remind all of us, you know, those values.

576. And hopefully we can work together, you know, to preserve what they wanted in order for us to maintain, you know, a healthy lifestyle because we're known as spiritual people. And I guess we'll get a chance to share, you know, why we're known as spiritual people because sometimes we need to be reminded, you know, the connection that we were born with.

577. And in order for us, you know, to bring, you know, to our Mother, the Earth, you know, those four-legged, the ones in the water, you know, somebody has to advocate for them and that's the main reason why I am here.

578. So anyway, again, my name is Ken Saddleback and I'm from Samson Cree Nation.

579. **MR. L. BRUNO:** Good morning, my name is Kisihk Awasis. I'm from Samson Cree Nation. I am one of the monitors for Samson Cree Nation. And as I understand we're here as introductions this morning.

580. I'm honoured to be working with Samson Cree Elders. I'm honoured for their wisdom, teachings and knowledge with regard to their teachings on the traditional ecological knowledge. And part of our working process, we work with

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our Elders on the monitoring for Samson Cree.

581. Hay-hay.

582. **MS. N. SADDLEBACK:** Good morning. (Speaking in native language.)

583. I'd like to acknowledge everybody, the Creator first and foremost for bringing us together in the circle of power and blessings. I want to acknowledge our friends from Sunchild who are here to support Samson Cree Nation in our endeavours as we journey together in a holistic and meaningful context.

584. I want to thank our leadership, Pat Buffalo. We're -- I'm going to recognize Clayton Bruno who's another speaker and a leader in our nation, also an avid hunter and cultural advisor. He's on route with our staff, our eagle staff and our flag and that was a decision of our leadership to represent who we are as indigenous people. Also, Harvey Buffalo who is our researcher, our lead researcher historian at Samson will be speaking. And I know they're both here or on route.

585. (Speaking in native language.)

586. My name is "Morningstar Woman", I am the day star. And who has bestowed me I believe for a reason, it's one of the stars you see day or night and it's a guider and I truly believe that the Creator has foretold my story and it's what I do best, it's how I represent our nations and advocate the way I was trained through my family, my late grandmother Mary Jane Saddleback, I acknowledge and all of the Elders who have gone before us and left us these teachings.

587. My name is Norine Saddleback. I am the Consultation Coordinator. I represent Nipisihkopahk, the People of the Willows, Samson Cree Nation. I'm honoured to be here. I am very humbled that I work with this group and as your Elders in our community so that our youth have a legacy. And I believe that's each and every one of our roles and a very huge responsibly and I don't take that lightly. I take that very professionally, I hold a Master's Degree in leadership and administration, my undergraduate is in history and education.

588. So I come to you with open heart, open mind and I encourage you to listen to our Elders. And I'd like to note that if they go over the time a little, please be respectful because what we have to say is very important but worth their

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time. It's our history, it is our knowledge, it's intellectual property and I think that what they have to say truly represents who we are as the indigenous Cree of this country, of this land. We are stewards and we are here to share our information as requested by the National Energy Board.

589. Thank you very much and you'll hear from each and every one of us in due time, in due respect. (Speaking in native language.)

590. **THE CHAIRMAN:** Hay-hay.

591. Perhaps we could have -- Ms. Gilbert, if you would affirm in the manner respectful to Samson Cree Nation, the evidence they are going to give us today.

--- (A short pause/Courte pause)

JOSEPHINE SADDLEBACK: Affirmed

DOLPHUS BUFFALO: Affirmed

LAWRENCE SADDLEBACK: Affirmed

HENRY LIGHTNING: Affirmed

PATRICK BUFFALO: Affirmed

LEO BRUNO: Affirmed

KENNETH SADDLEBACK: Affirmed

NORINE SADDLEBACK: Affirmed

592. **THE CHAIRMAN:** With that, as you're aware, the oral traditional evidence, we could ask questions -- are allowed to ask questions, and I'm asking you how you wish to respond to those questions if we have any, if the Panel or any of Trans Mountain have any questions of the panel?

593. **MR. LALJI:** Yes, Panel and Mr. Chair, the determination is that if there's any points of clarification, they can be asked at that time, but if there's any substantive questions, the preference is that they be directed through the IR process.

594. **THE CHAIRMAN:** Thank you for that.

595. With that then, we are ready to hear and to listen to Samson Cree Nation, whoever wishes to go first.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. PATRICK BUFFALO:

596. **MR. P. BUFFALO:** (Speaking in native language.) I want to thank the Creator for loaning us another day today by bringing us here safely to gather, and I want to thank the Elders for the ceremony that they did this morning.
597. Many of our people here have introduced themselves by their Cree name, and that is very important.
598. I know the task here is to talk about the impacts. And initially when I was asked to -- to speak in this panel, I said I don't have anything to say because I'm fairly new in leadership and with the consultation process I've been recently appointed as the Chair of the consultation process.
599. And this process that has begun years ago, you know, in terms of consultation, many of our people here have firsthand experience in walking the land.
600. So as we introduce ourselves, you know, first thing -- you know, first I said I have nothing to say, but now I have so much to say, so much to say. And one of the things up front that I wanted to acknowledge is what I witnessed yesterday with the Panel and the people sitting here. And what I witnessed is respect, and that is so important.
601. Because this process reminds me -- and even though I wasn't there back in 1876 -- and my brother made reference to it yesterday -- it was made reference by the group that spoke yesterday, and that's the treaty process. And I guarantee you that our people, our ancestors, approached that -- the treaty talks the same way that we are approaching these talks, with integrity, with truth and with honour, and with good intentions.
602. And history has proven that on the other side of the table none of that existed, that the day before treaties we were Nehiyaw. That's who we are, Nehiyaw. And the day after treaties, all of a sudden we're Indians under a foreign policy called the *Indian Act*. All of a sudden, we were brainwashed to believe that we are subjects of the Queen and the Church is our salvation. And ever since then it has created the struggle between natural law and fiction.

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603. And today it is my hope that we are not here to duplicate a process that has absolutely insulted us and almost destroyed us as a peoples, because we come to the tables with trust in the process, and that is my hope, that this trust not be violated and that history be repeated.
604. This morning I have technology in front of me. So I'm not on Facebook. I'll let you know right now. So these are my notes that I made last week when I decided that, yes, I will speak.
605. Impact is a huge word, and we can't talk about impact without bringing history into the picture, because many years ago I heard an expression that the past is not passed until it's healed, and when a person has been violated many times they stay stuck in that rut of violation.
606. And I want to say that today my team here, they're not here because of the pain of history and living in the past; they are living in the present, and as they walk the land they are walking the land totally in the present, so we are not stuck in the past.
607. So I wanted to emphasize that, you know, because our people introduced themselves with what they call the Cree -- we call it Nehiyaw -- identifying themselves, and we collectively have struggled as a peoples in the loss of our identity.
608. One of our people introduced us as Nipisihkopahk, Willow Meadows I think is what she said, and I want to say that Nipisihkopahk is a small part of the Samson Reserve. It's just a small region of the reserve, but it's a word that we used that describes the land, but we are commonly called Nipisihkopahk, which some will translate to Samson.
609. And recently, many of you would have heard that Hobbema changed its name to Maskwacis, Bear Hills. Again, I want to emphasize that is a description of the territory.
610. Historically, I've heard that we are descendants of the Tail Creek Indians. So Tail Creek again describes a territory, an area.
611. And one of my relatives that will be speaking here today said we are Nipisihkopahk. We are the prairie peoples and there are no boundaries. No boundaries. And my brother said yesterday the same thing, no boundaries.

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612. And it was mentioned here the term Treaty 6 territory. Again, I want to say that that is also a fictional boundary, because I want to emphasize that there are no boundaries in who we are as Nipisihkopahk. We've been here a long, long time and we will remain here a long, long time.
613. We have struggled with forced assimilation to a point of believing that there's an agenda of genocide. History has proven and the terms have been used to get rid of the Indian problem. And whatever the government has done, we're still here today. And for the pipelines, we may be a problem as we speak for Mother Earth. Because in our relationship, because relationship is a law, just as the respect -- kisêwâtisiwin -- those are the laws we talked about. Kisêwâtisiwin is kindness and compassion.
614. And one of the laws and the reason why we're here is wahkohtowin, and wahkohtowin means how we are related, but it's more than that, it's how we are connected. So it's that relationship that we talk about between us and you, us and you. It's all about relationships. And historically, although the relationships have been violated by broken trust, today that is our struggle is to continue to exist.
615. This morning I came in from Maskwacis and I was driving into the city -- I have to come on the four-lane highway -- and the traffic and the speed of the traffic, and as I drive, you know, of course I do a lot of thinking, you know, and I think about the differences in how we think and how we function and what is it that drives us.
616. So this morning coming into the city, bumper-to-bumper traffic, and assuming that many of these people are rushing off to work, they're rushing off to work, and what are we doing here today? I'm rushing off to a process to speak for Mother Earth because Mother Earth does speak, but a lot of people do not understand what Mother Earth says.
617. In my role as an elected leader I wear many hats. One of the hats that I wear is the Chairman of the Peace Hills Insurance Company that we own, as Samson, and as Chair of the Board -- and I've been there for many years -- I look at the claims that come in and the biggest challenge is not the motor vehicle accidents. The challenge is Mother Earth.
618. A few years ago, Slave Lake, \$700 million of claims because of a fire.

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Two years ago in Southern Alberta, floods, millions and millions of dollars of claims, and this year the claims are hail storms.

619. So even though oftentimes dominant society claims Dominion over nature, my role is to say that that's not our belief. We do not take Dominion over nature, because we take the position that we are nature. We are one. We have a relationship with the earth, with the sky, with the sun.
620. And these are the things that although you show your respect in the process, in this process, awareness, I believe, is a beginning, creating that awareness that on a very high spiritual level, yes, we are the same, but on a day-to-day basis we are very much different. So to be aware of that difference and to experience that ceremony that is our life and creating that awareness is the beginning.
621. Yesterday, it was mentioned that to understand -- to understand where we are coming from -- and understanding, in my opinion, is the next step -- we need to understand what we all want and what it is we all need.
622. But there's another step behind that and the other step is acceptance. So it's not just lip service. It's accepting that we have a position here as Nehiyaw. And it's important that you not just understand our position but you accept that we have a lifetime of history, many generations of history and that history continues today as many of our relatives continue to live off the land and continue to honour nature through ceremony.
623. Because really at this point, in my opinion, it doesn't matter what is decided here because of -- the law of nature is what will prevail. At the end of the day natural law prevails. (Speaking in native language.) Hay-hay.
624. **THE CHAIRMAN:** Thank you.
625. I recognize the flag and symbols of Samson Cree Nation are now with us and I understand you've just brought them in. So perhaps the two gentlemen that have just arrived could indicate for the record their names and then I'll ask if you could be affirmed to ensure that you have your evidence. So perhaps if you could recognize your -- yourself and the gentleman, I think -- understand Victor Bruno behind and then we'll have you affirmed.

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626. Thank you.
627. **MR. C. BRUNO:** Okay. Good morning. My name is Clayton Bruno. I am from Samson Cree and...
628. **MR. V. BRUNO:** (Speaking in native language.) Good morning. I'm Victor Bruno. I'm an Elder from Samson Cree Nation. And my Cree name is Oshinikihc.
629. Thank you very much.
630. **THE CHAIRMAN:** Perhaps as your other representatives if you'd both come forward to your -- and be affirmed.

VICTOR BRUNO: Affirmed

CLAYTON BRUNO: Affirmed

HARVEY BUFFALO: Affirmed

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. CLAYTON BRUNO:

631. **MR. C. BRUNO:** First of all, I'd just like to welcome everybody this morning. They -- my Cree name is Miko-Piyaso which is the Red Thunderbird. That's how our people recognize me. My borrowed name is Clayton Bruno. That's what I utilize going to school.
632. And as Samson Cree Band Council member I've learned a lot in these few months that I've been elected as council. Very interesting. And in meeting with our Elders, my father here is one of our Elders and had told me a lot of stories -- history stories of the past. And as a councillor and the reason why I accepted to come here today and to speak is for the future children, the grandkids. I wanted to be part of this process that we can understand and to respect that we can co-exist as Cree people and with industry.
633. When I was a young boy, my father used to take us in what you call Hobbema, just in our backyards, our rivers and our lakes. We were able to fish there. The water was clear, very clean. I remember as a child that we used to swim and today you can't even see what's underneath. There is no fish.
634. So my father had taken us to different areas, like the Rimbey area,

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- Ram Falls, Edson, all the areas that I can see on this map. And to the more locations that we went, as the years gone by, the Crown's telling us that you guys can't hunt here anymore. Go to a different location. You guys can't hunt here, you guys can't fish here.
635. Now, with growing up with that confusion and the frustration and asking my father why is this happening. And I also attended and listened at the reconciliation that they had here in Edmonton. And my heart was heavy listening to our Elders. And then I went back looking at the Treaties that were signed.
636. My understanding that our people that signed in with these agreements with open arms, as brothers, as sisters, and I guess I can understand why they signed into these agreements. But I believe they were misinformed, because today we're suffering those repercussions.
637. What the gentleman had talked about earlier about these borders, I remember asking that as a young man in school, why were these borders developed. And the Crown -- the Crown lands that were created, there was no consultation with the First Nation people. And then they had claimed and set some land aside in what they call Reservations today.
638. So growing up and understanding our Treaties I got frustrated more, more and more. So when I was asked to be part of this process I said yes because I wanted to be able to tell my grandkids that I was part of that consultation, that I did my due diligence for my children and for their children. And I will speak as a First Nation man, as a Samson Cree Nation Band Council member.
639. There are two types of land claims. There's the specific and the comprehensive claims, and a lot of you probably already understand what those are.
640. For those of you who don't, the specific land claims are a breach of non-fulfilled government treaty obligations. Comprehensive claims arise in areas of Canada where Aboriginal land rights were not been -- had not been dealt with with past treaties.
641. So looking back with a lot of the agreements that were in place, there's a lot of -- a lot of non-fulfilled agreements that were -- that were dealt with in the past.

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642. Between 1876 and 1921, the Crown entered into treaties with various First Nations that enabled Canadian government to actively pursue -- and I want to be clear on this -- and to actively pursue agriculture, settlement and resources. I don't see any resources shared here with industry.
643. As Council members, it seems like the Province tells us, "Well, we do give you guys money for housing" when our population is growing. "We do give you guys money for water," and yet that doesn't -- that doesn't help very much. And yet the polluted water that comes into our rivers, into our communities comes from the Crown land.
644. I've been part of these ceremonies and understanding that, as First Nations, how much we love this land and how much that we're connected with the animals, with the life. When we take something or learn from our Elders, from my father, give something back.
645. When you take a tree, we have prayer. When you take an animal for food, we give thanks for life, the law of life of what the Creator has given us. This body that you're walking around with today is a loan to you, like it is a loan to us, that we must take care of it.
646. So what do I tell my children and what do I tell my grandkids when my hair goes grey? What are you doing? Where can we hunt like you used to when you were a boy, dad? What am I going to tell them?
647. The land is our pharmacy. I hear the cry of some of our Elders and I hear them say, "We can't go over there any more to pick that medicine that we used to. We can't go over there to do ceremonies like we used to. We can't go fishing in that area like we used to. It's all claimed from the government."
648. So as I'm speaking here this morning, my heart grows heavy. I'm here to speak for my children and the children of our community, the children of our land. Our traditional land use is coast to coast, end to end.
649. On our way up this morning, driving in to the city, my father was telling me, going in to Edmonton that, "We used to camp in this area. We used to camp in that area." We can't do that anymore. We go camp on -- it's considered somebody's land where they used to hunt and trap rabbits, fish.
650. Today, the only hunting that -- that's available is in the frozen food

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section in Safeway, the frozen fish. How do I teach my children? How do I teach my future generation, the grandkids?

651. There's a little something I want to -- I wanted to read here, and I know I have a lot of notes, but I'll be here for about an hour speaking, but I wanted to make my point and talk a little bit about my hunting that I did in Edson, that I was part of that process.
652. Starting in 1701, in what was eventually to become Canada, the British Crown entered into solemn treaties to encourage peaceful relations between First Nations and non-Aboriginal people. Over the next several centuries, treaties were signed to define, among other things, the respective rights of Aboriginal peoples and government to use and enjoy the land that Aboriginal people had traditionally occupied.
653. The government to use and enjoy the land. I don't see any enjoyment for the First Nation people.
654. My understanding is that we were supposed to walk together hand in hand and enjoy the land use, the TLU. It's not happening.
655. All I see is industry and government walking on their own and not looking back to the First Nation people over our lands. And who's suffering is our people.
656. So when we talk about revenue sharing, why are the First Nations not being a part of this?
657. As a young man growing up, I asked my father one day -- I asked my grandfather, my nimosôm, which is no longer with us today -- I've learned a lot from that man. I said, "When there's ownership, there's legal documents in place, my understanding". My father said yes. "When somebody buys -- purchases a house, there's legal documents in place?" My father says yes. "Then where is the legal document that was purchased the land from the First Nation people?"
658. I guess as a man growing up, as a First Nation, I'd like to see those legal documents. I'd like to see the ownership. That way, at least I can tell my grandkids, "Here's the legal document that the government had. Here's the purchase. Here's the receipt".

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659. Forgive me for my frustration, but I see a lot of suffering amongst our people. We've got a lot of major housing issues.
660. But with that I did some hunting in the Edson area, fishing when I was younger and I was asked when have you gone there recently. Today I don't know where to go. And when I was young we didn't hunt and fish for what they call "game and pleasure" these days. That was our food, that's how we lived, that's how we survived.
661. The land, the medicines from the ground, when we were sick we'd be given these herbs and so on to drink and we would feel better. We wouldn't need to go to the doctor.
662. But when we were in Hardisty and looking at the archaeologists, they were showing us some arrowheads that were thousands and thousands of years old.
663. So ladies and gentlemen, in closing, we've been here and there's proof of that and we will always be here and we will prove that.
664. Thank you. Hay-hay.
665. **THE CHAIRMAN:** Perhaps if you would agree that we might take a short break now for -- so that we can stretch our legs a bit. So -- sorry?
666. **MR. C. BRUNO:** There's just one more thing I'd just like to add.
667. **THE CHAIRMAN:** By all means.
668. **MR. C. BRUNO:** Thank you.
669. I guess going back to speaking for our people I just want to just -- so everybody is aware that the Canadian government had spent \$22 billion on the war in Afghanistan, \$22 billion. We're not asking for \$22 billion, we're just asking to respect that we can coexist, that we can be part of these resource shares.
670. Thank you very much.
671. **THE CHAIRMAN:** Thank you.

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672. With that we'll take a break till 25 to 11, 15 minutes.

673. Thank you.

--- Upon recessing at 10:18 a.m./L'audience est suspendue à 10h18

--- Upon resuming at 10:42 a.m./L'audience est reprise à 10h42

674. **THE CHAIRMAN:** Thank you. Welcome back.

675. Mr. Lalji, I understand you would like to make a request to the Board?

676. **MR. LALJI:** Thank you, Mr. Chair.

677. On behalf of the Samson Cree Nation, the Elders and leaders are requesting the indulgence of the Panel for some additional time. We understand there's certain constraints that the Panel has to work within today. It didn't turn out that they were able to commence giving their evidence until about a quarter to the hour.

678. So the request is, if it's possible, to work through the lunch break or give evidence through the lunch break and perhaps conclude at around 1:15. That would leave you with a very short break, we understand, before you commence with the afternoon session. And this is something which would be appreciated and would give the Elders and the knowledge-keepers who are assembled here today the opportunity to share the information they would like in person with the Panel.

679. **THE CHAIRMAN:** Thank you, Mr. Lalji.

680. The Panel are respectful of the Samson Cree First Nation but also respectful of the Michel First Nation who are scheduled for 1:30 this afternoon. So out of respect to them but also in respecting Samson Cree, we are amenable to allowing more time for the Samson Cree outside of the three hours and I know we didn't start till 20 after 9, so we'll probably go to 12:30 with -- and re-evaluate it then.

681. But certainly it's not the Panel's intention to go much longer than a quarter to one, 1 o'clock. So that's -- and we'll see how we go and we'll evaluate it at that time.

682. **MR. LALJI:** Thank you.

JOSEPHINE SADDLEBACK: Resumed

DOLPHUS BUFFALO: Resumed

LAWRENCE SADDLEBACK: Resumed

HENRY LIGHTNING: Resumed

PATRICK BUFFALO: Resumed

LEO BRUNO: Resumed

KENNETH SADDLEBACK: Resumed

NORINE SADDLEBACK: Resumed

VICTOR BRUNO: Resumed

CLAYTON BRUNO: Resumed

HARVEY BUFFALO: Resumed

683. **THE CHAIRMAN:** Therefore we welcome our next knowledge-keeper or Elder to share information with us.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. VICTOR BRUNO:

684. **MR. V. BRUNO:** Good morning. (Speaking in native language.)

685. My name is Victor Alan Bruno, born November 9th, 1845 -- 1945.

--- (Laughter/Rires)

686. **THE CHAIRMAN:** You're looking very well for your age, sir.

687. **MR. V. BRUNO:** I thank the Creator today, making this hearing possible, but I also pray that our testimonies and some of the recommendations that are made will be taken seriously into consideration.

688. February 24th, 2012, we had a hearing for Gateway. Some of the things that we brought up were not taken seriously, they weren't even followed. I don't know if it was a waste of time. I sincerely hope that this will not be the case for this particular pipeline.

689. In all things that we do and all things that we start, we talk about the Creator first. We have our own church, the sweat lodge. To this day we talk to

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- the rock. Moses was asked -- and I read the good book that the Europeans brought -- he was asked to talk to the rock, he never did. He took a staff and he just touched the rock. For that reason God forbid him to cross the Jordan River. But to this day we still talk to that rock because the Creator had asked us to.
690. I respect and I honour the Treaties that were signed in 1876-1877 at Treaty Area 7 and 6, September 24th. I honour the Treaties and respect the Treaties and follow them. I sincerely hope that all the people will still honour and respect our Treaties.
691. And someone mentioned yesterday that we don't see no boundaries, we don't see no borders. Our people have communicated with the spiritual world and this is where our traditions still stand strong. We follow our traditions in this day and age. The spiritual world did not see no boundaries. They did not see a U.S. border.
692. I honour the treaties that were signed by our grandfathers. They still stand today, but a lot of them have been broken by the government not following the treaties, the companies.
693. I, like my father, have accepted different people that brought the Bible to our house. I was brought up in a Catholic school. In that book, I found that when Abraham dug a well, he prayed. He gave thanks. He blessed the well. They did not say to Abraham -- God did not say to Abraham, "Go and build pipelines." He was blessed with a portion of land and became wealthy by the blessing of the Great Spirit.
694. When Jesus spoke to his people, he said, "Go and conquer your world." He did not say, "Go and destroy your world."
695. Today, anything that our Cree People do, excavation -- any excavation -- they pray. Now, my heart became heavy when I seen the oil sands, when I seen places that were polluted, pipelines rupture.
696. Last year, in February, pipeline -- February and March, a pipeline erupted and oil came out of the ground just a few hundred feet from my backyard on my neighbour's property. It's sad when you see these things, and I'm sure you've seen the wildlife that was on the news from up north, polar bears, penguins, and other wildlife that was affected by oil spills. That's very sad.

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697. I think somebody mentioned here this morning that our Mother Earth speaks with a loud voice. Our Creator also speaks with a loud voice. You look around; there's been a lot of tornados, especially in the south. In the spring, there were 70 tornados and in the fall, about the same, 70 tornados again, earthquakes and severe storms. That's our Mother Earth speaking to us.
698. My grandfather had told me that someday if the Europeans, the white people, don't quit what they're doing, they're going to be punished. And last year, when I mentioned we are poisoning the world, I did not segregate the white people from us. I didn't say, "Us Cree People." I just said, "Us people are polluting and poisoning our world." And we've never seriously looked at it or acknowledged and taken the time to look at the devastating effects it has on our soil, our rivers, our lakes, all these oil spills.
699. And I'm sure you people read the "Good Book." Like Abraham, he was blessed and he was blessed with herds of camels, sheep, cattle. He was wealthy. I'm sure if we all followed his pattern, his way without digging any oil for money's sake, we would also be blessed, the rest of the people. It's not just going to affect me and my grandchildren. It's going to affect each and every one of your relatives, your children, your grandchildren. You, who want to see your children and your grandchildren, and your great-grandchildren to walk in peace and harmony in a clean environment, Canada. "Canada" is a Cree word, Kânata. It means clean land.
700. We take these things very seriously. One of the wild birds landed on my field back in the '70s, probably came up from up north. It was full of oil. I don't know how it managed to fly there, but it couldn't fly after that.
701. And I worked for Natural Resources in 2001, 2002 and 2003, and I learned a lot from there that our water table was polluted underground further up north. That's where it started and then it traveled. And now, all of Alberta's water table is contaminated.
702. I have a book that was done, a water study that was done by a company. I'm sorry, I forget the name of the company, but I have it at home. And there's documents in there that say -- and there is proof there -- diabetes, cancer comes from that, comes from our water that is contaminated. If you want to see the book, I could make it available for anyone.

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703. These are very serious factors and I think where it's affecting our health, there's more people that are walking today with diabetes. Fifty (50) years ago, we didn't have that. I'd say 25 years ago, we never had anybody on the reserve with diabetes and now it's every other person you meet. Where is that coming from? It's because of our land being polluted.

704. I still have a lot more to say, but I think my time is up here, so I thank you very much.

705. **THE CHAIRMAN:** Thank you.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. HENRY LIGHTNING:

706. **MR. H. LIGHTNING:** My name is Henry Lightning. My Cree name is Montiuino (ph). I was given that by four elders from Maskwacis when I was 10. That's when I got my first deer. But anyway, I was not brought up on a Reservation. I was 30 miles away from Maskwacis where we had to learn survival to survive. My father worked all over. He was a furrier and he taught me how to hunt.

707. And going to school -- I have a poor education. You have to bear with me; I've got a sore throat.

708. When I was going to school there at grade 5 there was kids behind me making noise. So I asked the teacher, "Can you run that by me one more time; I didn't hear because of these". She told me, "I'm not wasting any time on a dumb Indian". I picked up my books and told her where to put them and I left.

709. But anyway, it was rather tough before that. I was the only native kid -- we were the only native kids in that country. We used to get a beating every other day for being native. But that got a little better later on.

710. But when I left home I had already learned how to be independent, from my father, my grandfather. I had different jobs, many different jobs. And all that time when I was home, going out with my father and my grandfather hunting, I was already watching. I'm going to go into this, our land use right away, because Pat done a good job with the relationship between you and us.

711. But anyway, it was kind of tough to go out into this work world with

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- my education, and that's pretty bad. And before I went out there I was always watching. I worked on seismic. I worked on seismic and watched what was going on destroying a lot of the herbs, changing oil right on the line, on the sites. And they were already polluting the world, the country.
712. And most of the herbs that we need, they have some of them destroyed along the line. The big rigs and the seismic, drilling all over, diverting all the underground streams, which today, the water is not that good anymore, no matter where you go, Pigeon Lake especially. The fish were dying a few years back. I can remember swimming there. Five, six feet you can still see the little stones in the bottom. Now, at six inches you can't see them.
713. And I watched them pumping water from the lake into the well sites. Water is heavier than oil to bring it up. Now that water is gone, it can never be used. The lake went down by that much. There used to be a dam. Pigeon Creek used to run year round. Now, it only runs at spring runoff and a rain. That's how far we are on that water. Polluting all over. You can't fish there, you can't swim there. There's signs.
714. And every stream from the foothills empties into all the big rivers. And that's doing a lot of damage. What does it look like from the foothills down in Saskatchewan? All those rivers, everything. And our hunting areas -- I've hunted from Tomahawk to west of Hinton on both sides, moose and elk and deer. And a lot of it we can't get at, no access to it, it's fenced off.
715. There's many things that I have been observing. Like after midnight every flare in the country, they burn off the poisonous gases and we have to breathe that, every one of us. They do that so nobody will do anything about it. But a lot of people -- some people do know, but a lot of people are in bed, they can't see that.
716. That's quite a concern too about this pipeline. What is it going to do? How much of the hunting areas and the animal habitats is going to be destroyed?
717. I have seen some water where there is absolutely no wild game tracks because of bad water. It's polluted. Now they have to go for miles to go get good water.
718. But I am glad that now, not like in the fifties and forties where we

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didn't have a voice, I'm glad we do now.

719. Thank you.

720. **THE CHAIRMAN:** Thank you, Mr. Lightning.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. KENNETH SADDLEBACK:

721. **MR. K. SADDLEBACK:** (Speaking in native language.)

722. So in the name of the Creator I ask forgiveness for borrowing this second language. I share these teachings because we have to come together and sometimes people -- I'm afraid even for my own relatives because sometimes people say I share too much.

723. But what those Elders left behind, all of us, we were supposed to be raised like this with common knowledge, connection to this land, a relationship, an interrelationship with the universe, with Mother Earth, plants, the animals and the birds, that we're all one.

724. And somebody has to advocate for this land, somebody has to advocate for the ones in the water, those four-legged. We were raised that way, to believe that those are our brothers and sisters because their homes are being destroyed, too. I'm sure if the Elders were still here they would stand up.

725. In the sixties, the Elder that gave me my Indian name, he moved people from Hobbema, and they're still there today, Smallboy Camp. And then there's a group of people in Hinton area that never negotiated Treaty, they're just known as a group of Indians in Ottawa. And they're the -- kind of like the last resistance of -- you know, like they still believe in natural law, living off this land.

726. And my message to my community, to young people, it'll always be the same because we grew up with natural law and those teachings. We come from this land because of what happened in the beginning.

727. We believe that the Creator used the soil to make two people, a man and a woman. And then that sun is part of us because we believe what the Elders left behind.

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728. Those four-legged, we consider them brothers and sisters because everything those Elders left behind, it was all based on natural law.
729. You know, we became secret societies. We practised at night because we were never allowed to do sun dances. Through history, it's all about imposed policy and we started believing in western law. We gave up a lot of our power.
730. Even those warriors a long time ago, when they stood up for this land, in history -- you go to study native studies in these institutions, college, university, there you'll begin to understand.
731. You know, some of our people were massacred because they wanted -- they wanted land, they wanted to raise their children there. And I hope that -- you know, we never forget what the government has done to Indian people. They took away our children. Our culture, our spirituality, it was swept away from us and that is why we're struggling today.
732. Some of our people are wandering the streets today. They don't know who they are. And now, you know, when we talk about this land, about ownership, you know, I have adopted family in the mountains. I was -- I was fortunate to be raised in the mountains.
733. The Elder that gave me my Indian name, you know, in the seventies, he was our professor. He was a visionary Elder, and he knew -- he knew what was going to happen, what's ahead in the future.
734. One time, he told us, you know, the smallest flying was going to give a sickness. I didn't understand that. The smallest four-legged was going to give us sickness because what they're doing to this land.
735. You know, when the mosquitoes started giving us sickness, I begin to understand. And how did he know. And then that mouse, you know, hantavirus. I begin to understand.
736. So we cannot disturb this land. It doesn't matter where the pipelines -- wherever they go, you're destroying this land. And somebody has got to stand up to advocate for our Mother, the Earth. And because of imposed policy, because of everything that's happened to us -- you know, my adopted parents, we snuck around trying to get medicine, cedar in the mountains because those wardens, they figured they owned that. And they would take it -- take the cedar away from us.

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And yet, we talk about freedom of religion.

737. Some of our people out there, their moose got taken away. That moose is our religion. We need that moose for our feasts, for our ceremony.
738. Our people, they followed the animals. Everything that was given to us, it's all based on natural law.
739. Do not think that I'm not -- I'm not scolding anybody, but this is the way those Elders taught us. They taught us this way because we come to believe. That soil that's important to us, and we can share that soil.
740. When they negotiated that Treaty, that's what it meant, the depth of a plough. We never sold this land. And our people, they never went to school, they weren't educated when they negotiated this Treaty for us.
741. It's just that sometimes, you know, when you throw policy at us, we're scrambling. And now you don't give us the time of day because your roles are important, but our roles are important as well.
742. I didn't come here to waste my time. That's why God put two ears; we want you to listen from someplace you've never heard before, and that's from your spirit.
743. It's not just these pipelines. Everywhere we go, it's sacred ground because we believe --some of those plants, they look like organs. Some of those plants, they're shaped like lungs. That wild strawberry root, that's our heart. You take that soil, you're going to see your blood veins.
744. Everything, those trees around Smallboy Camp, it takes all day to build a lodge because they're clear-cutting. Everywhere, all those rivers, those swamps, you know, there's no more shade. Of course those eggs are going to spoil.
745. We've destroyed enough. And some of us, you know, in these roles, sometimes we have to pray hard because we do not want to bear the consequence of natural law because we believe natural law supersedes western law.
746. Somebody has to advocate for those four-legged, the ones in the water. It's through those teachings, those stories we come to believe that we are -- we are

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all in this together, it doesn't matter what colour we are.

747. We have to find a way to save this -- this planet, to preserve for the next generation. We've got to leave something behind.
748. Everything that happens in those mountains, that water, it comes downstream. I've listened to my Elders and I remember that river being clean. We used to see the fish everywhere we go. We didn't have any boundaries. You know, around Driedmeat Lake that's where we used to get our cedar. Now it's all fenced off -- medicine picking, gathering, hunting.
749. I just wanted remind all of us, you know, Canadian law, there is freedom of religion. We live off this land and that's why those Elders took us there, to connect us, to get to know this land. And I know those Elders, if they were still here, they always warned us not to trust. And some of our people, some of our leaders, sometimes they believe in western law because sometimes all we have to do is be reminded of what we were given.
750. So anyway, we had a pipe ceremony this morning and we even presented those berries. And we all know when we present berries it's a symbol. It's our lives, you know, to be fruitful. And I know prayer is strong.
751. And like some of my people here, family, friends and relatives, like, we're going to be here and I hope that -- it doesn't matter how you present it, like technology, there's better ways. And I'm grateful -- you know, like in the '60s they never consulted with Indian bands. They just went ahead and made a pipeline all the way to the ocean. At least we get a chance, you know, to share our side of the story.
752. And I hope that we can do this again, not just, you know, one time, a few minutes and yeah. I'm not agreeing to, because all that pipeline, everything that you're destroying, our relatives.
753. So anyway, hay-hay. Thank you.
754. **THE CHAIRMAN:** Thank you.
755. Who would like to -- thank you, Mr. Buffalo.

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--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. HARVEY BUFFALO:

756. **MR. H. BUFFALO:** My name is Harvey James Buffalo. I work for the Samson Cree Nation, but most of all I was an activist in research for my community and that's where I'm going to be speaking from.
757. I'm only one person, as you can see, as a member of the Samson Cree Nation, but I also am a whole bunch of people myself of my descendants. I'm a descendant of Pierre Wabaska (ph), who's also known as Pierre Dion, that was councillor and headman to Gehewen (ph). Alex Cardinal and Isabel Piche were my great-great grandparents. They're from the Bobtail Band and signatories in 1877.
758. On my father's side, John McCookis (ph) was a member of the Senum (ph) Band signatory to Treaty 6 in 1876. As a Samson member, I'm a descendant of Mustussame (ph), headman and chief to Samson, and also known as Samson, but his real name was Kanataga (ph).
759. The reason why I say this is because amongst all the people that are presenting we are all descendants of a whole bunch of people that lived this traditional life, that where we're talking about and where they're coming from is their stories are also of their great-grandparents and where they traditionally lived and hunted and fished and trapped.
760. My great-grandfather himself was a hunter and trapper and he was also a real hardworking person that worked also for the parks in Elk Island Park here near Edmonton.
761. But my point I'm trying to say -- I'll get right to the history of all. What I understand is that the Palliser Expedition came into our country. It came into British North America in the 1850s. It was sent ahead to come and understand and try to locate and map out the country, the country that was British North America back then under Rupert's Land.
762. Rupert's Land was not Canada yet. The history books that we write -- the history books that we read about Canada are always referring to Rupert's Land because Canada came to be a country in 1869, so a lot of the history books have always written that our history in Canada is also the history of Rupert's Land is not true. And so the country of Rupert's Land had its own districts and names.

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We were under Saskatchewan because of the Saskatchewan River.

763. So all the history and documents that the person researches and tries to find out about our First Nations in the Edmonton area are all of the Saskatchewan District back then, and that's where all the history of Alberta is based on, when there was no Alberta back then until 1905.

764. In this consultation process, all the companies that come along always have to try and know our history of our people when they have no history themselves prior to 1905. Their history, the company's history, is only when the company started. Whatever year Kinder Morgan or other companies started is the history of themselves and nobody else's. And all the history that they're digging into, why they're digging into our history, is because we are the natural resource, the care keepers or the keepers of the land with natural resources in Alberta or our traditional territories.

765. The only connection where they finally have access to our lands or say that they have access to our lands is because of the treaty of 1876. Eighteen seventy six (1876) is the only time that you say that the country says that we surrendered the land.

766. When Palliser came -- and really it was a geological survey looking for mines and minerals -- and then the Treaty 6 document has no document in there written of surrenders. The only word closest to surrenders was cede, C-E-D-E. That's all -- the only document that person can try and relate to any kind of a -- any sense of even -- there was no consultation because there was no mention of the minerals during the negotiations of Treaty 6.

767. When Treaty 6 was negotiated, prior to ever happening in 1860s, Kiskaquin, Bobtail, Little Hunter and Sweet Grass wrote a letter to the Hudson Bay Company for the protection of the animals and the natural resources, and the way of life of our people. And that's where it was that this Plains Cree letter, if you read the history of a Treaty, this letter was used as a letter that our people wanted a Treaty, which is not true.

768. The history books that you read, that this Plains Cree letter was written in the 1870s, it was written in the 1860s. And that's through my research at the Manitoba University -- sorry, Manitoba Archives.

769. So all this land is the history of the First Nations and the history that

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- you -- that Canadians understand is the size of the Reserve. We have no choice but to show ourselves in the bigger picture that we had people that were living in natural places, that were living with the flow of the buffalo, the migration of the buffalo, the animals; knew where to stay and camp and/or to stay in certain freshwaters. And all the trails were made by them and also of the people.
770. So all the trails and all the people that lived in those areas are also places where people are going to be finding remains and also archaeological findings on the line.
771. I'm only given five minutes, but I have lots to say. But since Kinder Morgan set up a pipeline back in the 1950s, they have made their money. They have made whatever they could already. And they're coming to us like they're poor, a poor company, when really it's all in the name of tar sands and all in the name of industry, that's Alberta's interest. And Alberta benefited lots and then themselves never properly consulted the First Nations people in the resources underneath because there's no mention of surrendering minerals in the negotiations of Treaty 6.
772. We have to expand our territory and say that we are Treaty 6 people. There's no such thing as Alberta and Saskatchewan borders. When companies come to us, we have to show them that our people were bigger than the province. And people in Canada have to understand there's some people that really are bigger than that. Some people's families are also -- their traditional territories are into the United States.
773. And there's also a situation where the United States border, they had ended up by making a division having some of our people on the States side and some people that were from the United States caught up into the Canadian side of the border.
774. So things like that, we have to be the ones that take care of the land. And when I was on the line there, we were up against all kinds of your best scientists in Canada. And the First Nations are always victims; victims that they were blindfolded all this time by companies, prior to consultation, coming into Alberta. So we're blindfolded and never allowed to have a say about any pipelines.
775. All the river and natural wonders of this land ought to be posted in

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- newspapers that you have certain river crossings that you're crossing -- that's like Kinder Morgan has a certain crossing on the Pembina at Entwistle that is going to be kind of a risky pipeline crossing above the water on suspended -- suspended from one bank to the other. Risky things that happen that way ought to be posted.
776. We are not the only ones that care. There are also good environmentalists in Canada that care about this land. And it's not right that we had no access into the Jasper Park because Jasper, we couldn't do consultation within the park, when really Treaty 6 territory extended as far as Jasper.
777. So I could say lots but those are only things that I'm really taking on the top of my head. But I'd really like to say that this is not the only company that we're up against. We're up against the best scientists in Canada sometimes, also the best lawyers and politicians that we have to speak to every time they propose something.
778. We have to live and learn. All bands in Canada, in Alberta, have to live and learn. We have to be smart and we have to rely on our best kindhearted ways to explain ourselves.
779. And I would like to say that I hope we don't always to meet like this, but I'm rally thankful for being here.
780. Thank you.
781. **THE CHAIRMAN:** Thank you.
782. Mr. Buffalo?

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. DOLPHUS BUFFALO:

783. **MR. D. BUFFALO:** Hello, my name is Pisim. I'd like to thank the Creator for letting us another day on Mother Earth, and also all of you Kinder Morgan, ladies and gentlemen, our brothers from Sunchild, sisters.
784. One thing; I am a hunter. I've learned that from when I was just knee-high. I learned that from growing up. That was my school and my first language was Cree. Then English was my second language.

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785. And out here, you've got to have so many degrees in order to get a nice job. Well, I did all kinds of work. I can run any kind of machinery you put in front of me, and I ain't that much educated than the next person.
786. But yet, I am educated on the natural law side, on the native side. We are born that way. We were taught herbs, how to respect all the animals. We just don't go killing anything. We do protocols before we hunt. We thank the Creator for letting us have the meat.
787. Fish, same thing; I know how to set nets and I know how to use a fishing rod like anybody else. I taught a lot of kids about hunting, how to respect the land.
788. I walked the pipeline. Their thing -- of all the animals we hunt we do not throw anything away. A true native hunter does not throw anything from a moose, an elk. Everything is used, even the guts, hoofs, bone marrow. Everything is a part of life for us, and we do not sell our meat.
789. Like native hunters' natural law, we hunt anywhere but we do respect Alberta, Saskatchewan, B.C. The thing is we do not have boundaries like what they said. And one thing, we are not like a white hunter where they're in zones. We're not zone hunters, we hunt across Canada and we do respect the game, and we do respect everybody's ideas.
790. The other thing, birds. We do hunt birds, too. We eat the birds, but only certain birds. And them, the birds, too, a certain way that we clean them.
791. Berries, same thing. We're not only hunters. We are gatherers, too.
792. Vegetation; we know how to identify them because we were brought up that way. And the other thing is water. Water is our main source, everybody's main source. Streams, swamps, we study them as we're hunting.
793. The other thing is, it's amazing how much -- how much algae are on these lakes now, which they never used to be. And then the birds, they're affected by that. Fish, you'll find some lakes where fish will die out from that algae.
794. You know, we study this as native people. Like what our Elders said, they all have concerns, so do we, and we're not judging anybody here.

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795. Salt licks. We know how to identify salt licks. We know where to go, where there's salt licks that we know there's game there. And we do not poach like what a lot of people say we do. We do respect our hunting rights. As -- For a Treaty Indian descendant, I do practise my Treaty as a hunter.
796. And fishing, same thing. I learned a lot of ways to do fish, smoke it. Like certain fish, just like animals, we just don't hunting all of them same time; there's different animals we hunt at a different date.
797. Like mountain goats. I learned how to hunt those on horseback. I did lots of hunting, just like that pipeline there. They say we're far from there. No, we're not. We got relatives on each side of that pipeline, and right to the mountains like what my cousin said. We have relatives there. We have a lot of relatives.
798. And the other thing is, I'm going to say there's lots of underground springs when I walk that pipeline. Yeah, we asked them to GPS them. And the other thing was berries, herbs; we did find a lot, but there's still lots that are missing now.
799. And the other thing is to respect Mother Earth. The pipeline ain't safe. I've seen that, I worked up north. I seen moose that looked black because that's from the oil.
800. A beaver was shown to me. Us, our beaver in central Alberta, they're brown. Our muskrats. Northern ones, you go to, they're just black. That's from the oil. And they're not safe to eat, just like the fish, Athabasca River, no different. That's from the oil, chemicals, minerals -- like the minerals.
801. It just -- and the fish we eat. Like every creek across Alberta, there's some -- something wrong with every river we have. Mercury. And then you're only allowed to eat one fish for one week.
802. And a lot of our natives don't even -- native brothers, sisters don't even know that. Like what they said we do not have boundaries because we all respect -- a lot of us respect, okay, there's a flag here. Canada flag. Okay next to that, we have our eagle staff. Then we have our Samson Cree Nation flag. But the most we -- other thing we -- we honour the most is the print that's sitting there in the rock, the print you will see hanging on that pipeline.

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803. As us hunters, when we see that print hanging somewhere, we respect everybody's prints. We avoid it, we walk away, go to a different spot. That's how much we respect that print.
804. Like this morning, we were given tobacco -- and sorry for me, taking this black ribbon off, this is not my symbol, this black ribbon. It's not our colour. The red is our colour.
805. Tobacco we use. Every time we hunt, we offer it to our Creator first. Every time we get our game, we take a little bit of tobacco, we place it down. Same thing as trees. Every plant, we use this tobacco.
806. And number one thing, one of my brothers from Sunchild said about this braid, sweetgrass. All native Indians use this. It's sacred to us. We use this for hunting. We smudge with it to clear our minds.
807. And what he said is so true. You see a lot of us natives wearing braids as -- same thing as the sweetgrass. You know, it's such an honour to be sitting here with all these Elders. They're all older than I am, but I'm respecting them.
808. Like my cousin said earlier on, we have to work together. You know, we lifted up that peace pipe this morning with the people. That's -- for us, that's just like using the Bible. We -- like you have to swear on top of the Bible. That's just like us with the eagle feather, sweetgrass.
809. That pipe is more sacred to us. We smoked it so that we can all think the same and not judge each other like what my cousin said.
810. I'm not going to waste too much of your time, but the hunting and the pipeline is not really the safest. I worked in a pipeline, too. And there is lots of spills in Alberta, but it's such a hush-hush. How many gallons up north before -- two weeks before they found out there was an oil leak. Red Deer, same thing, took them two weeks.
811. Just like what my cousin here said across his field. It took the government two weeks before they found out there was an oil leak. And two weeks does a lot of damage to birds. I've seen a goose that was full of oil. We were told to keep our mouth shut from Statoil. I worked for Statoil.

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812. Everybody that took pictures of that goose had to delete their pictures because it was full of oil. It was a white goose. The reason why -- I was the one that noticed that goose because the goose had a black beak, black like webbed feet, and it couldn't fly because the oil is heavy.

813. So another thing though I'd like to say is thank you for listening to me and my concerns is the pipeline. It ain't safe. Like it can be built on top of the ground. You'll see where the spills are after that.

814. But I ain't going to waste too much of your time. There's still a lot of concerns we have as hunters, gatherers.

815. But I'm going to say thank you for listening to me. I -- thank you to all my -- our cousins from Sunchild, people that are all here, and especially I'd like to thank my Elders for allowing me to sit with them. Like I am blessed to still have Elders.

816. Thank you very much.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. LAWRENCE SADDLEBACK:

817. **MR. L. SADDLEBACK:** Good morning, everybody. I only have five minutes, so we might as well go and have lunch. I'm just kidding.

818. You know, in looking at this -- these Treaty promises, I could just imagine our Elders at that time when they were sitting face to face just like what we're doing here, they didn't sit down five minutes, it took many, many years to come up with this Treaty.

819. Back home, I hold this title. It was passed down to me from an Elder that -- that's a Treaty 6 holder. And these 10 promises called -- it's called "10 sticks" in here, but it's more to it than that. These are -- to me, these are sacred covenants, you know, that was between two governments. To me, these are very real. To us, we stand by these treaties.

820. I'll read the first one:

"The First Stick represents the Treaty Agreement which was promised would last for as long as the sun shines, the rivers

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flow and the grass grows.”

821. You know, when you look at this wording really carefully, when you listen to it, “...as long as the sun shines, as long as the rivers flow and the grass grows,” our native people know what they were doing. I feel sorry for the other side that they didn’t know what they got themselves into. Now you can't get out of it, right? You can't get out of it. And there's a covenant that goes with that. It’s that treaty stick and it still exists. There's a bundle that’s kept and it’s opened once a year.
822. You know, in looking at these 10 treaty promises, I look at the Bible as well when God took his people, you know, out of that place. You all know where it’s at. God talked to Moses through the mind, the spirit, and the same thing with us. God talked to us native people through the spirit. That’s how these came about. This is a covenant. It’s like a seal. You can't get out of it.
823. This is only a starting point. We have a lot to talk back and forth here. You made a big mistake to give me tobacco, because tobacco, to us, speaks the truth. (Speaking in native language.) That’s why in our pipe ceremonies there's tobacco in there. We speak the truth. That’s what those ceremonial pipes do. It's a spirit. It’s a stone. There's a stone right here. He's the direct messenger to the Creator, sitting right here. He has the last say in our prayers when we end our prayers and that’s the rock.
824. It's no different in your religion. We don’t practise religion, we practice spirituality. We feel our Creator right here. When I hold that pipe, I feel the Creator right now because I'm talking to him directly. We know our prayers are heard. We know that.
825. And I am very, very concerned of these pipelines, very concerned. Me, as an Elder, I don’t want no pipelines. I don’t want any more of those going through here. And I know what your intent is. You're going to go right ahead whether if we like it or not. But we’re going to attempt to stop you. Whatever it takes, we’ll stop you.
826. We want you to sit down with us, person to person. For once, sit down with us. This has been going on over 100 years, over 130 years now. I think it’s 32 or 33 years. There was no boundaries here, nothing.
827. I remember one time I went out hunting in Medicine Lake area. There

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- was barbwire fences all over. Years ago there was nothing. I shot this buck and I killed it.
828. And before I go hunting I -- just like what I was talking about here, my brother took tobacco and sweet grass, we pray before we take. And when I went and pulled this buck, there was a big slice behind his leg. He was cut with the barbwire. It stunk so bad I had to pray. I had to give it back to nature. I talked to our Creator that it wasn't intended of what I saw there.
829. There is so much contamination in these lands, it's sickening. I can't even get any more herbs in our lands it's so badly contaminated from oil and gas. I used to go out west. Even there I'm really worried what -- there is so much contamination. Even Pigeon Lake, what my brother was talking about here, when they first struck oil in there. That oil will explode it. Today Pigeon Lake is so badly contaminated you can't even eat fish in there. There's fish floating all over. Who's going to pay for that?
830. I want to read some of these promises here, the Second Stick:
- “The Second Stick represents [that] the promise that the land [be] used by the White people would only be the depth of a plough and nothing underneath.”*
831. Nothing. And yet Canada took it. Nothing for native people. And this is a covenant that was made between Nations.
832. All these trees, to us, they're medicine, all of them. Herbs, they're all our ways of life.
833. When settlers came here they liked what they saw, but they didn't like our way of life. The first thing they did, they slaughtered millions and millions of buffalos and those were our natural foods. We never got sick. Now we're getting sick.
- “The Third Stick represents a promise to provide for our people in place of the buffalo.”*
834. For a long time we were able to look after ourselves. It wasn't too long ago that I've noticed there was less and less animals to hunt. Today there's hardly anything.

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835. Our wild animals that are out there, they're getting sick. We are like those creatures. When they get sick, they know what to eat. They treat themselves. We're no different; we know what to get when we get sick.
836. That's why we were so concerned about these pipelines. One of the speakers that spoke here, I understand that language. To us this is just like prescription drugs out there.
837. I remembered it when my dad -- before he passed away in 1970, he asked me: "can you do something for me" and I said: "what is it". "Can you learn herbs because in the future nobody knows these? I'm depending on you. Can you do it?" And I said: "Yes".
838. At that time I really didn't understand natural laws but today I understand them because natural laws are -- it's like the water. God had given the thunderbird natural water. That's why we have natural water here. God did not give the thunderbird alcohol. It was just natural law, natural water. I didn't understand that until I started learning our natural laws.
839. And the other one is natural air. God gave that role natural air. He did not give him pot, just natural air. All of these alcohol and drugs came from overseas. We never drank alcohol. I drank alcohol and it really, really got me sick. I almost died from it.
840. Until I understand these I follow these natural laws, what my brothers are talking about. And that's what we're trying to do here, teach our children to follow these natural laws the way they were -- the way they were laid out from our Creator. And that's why we're trying to protect Mother Earth so that it's not damaged.
841. I'm only given five minutes, I can speak longer but this is only a starting point. I just want to make that clear.
842. Thanks for listening.
843. **THE CHAIRMAN:** Thank you.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. LEO BRUNO:

844. **MR. L. BRUNO:** (Speaking in native language)

845. I wish to acknowledge all of you who are present here today. I wish to acknowledge our Elders. I wish to acknowledge First Nations that are here from Sunchild and I believe Treaty 11. I wish to acknowledge and thank you for your presence. (Speaking in native language.)

846. That said, my name is Kisihk Awasis. My name is Leo Bruno. European name, Leo Bruno. My native tongue is nehiyawewin.

847. And according to our Elders and our Aboriginal scholars Cree is a French derivative, where we were referred to as Christians and that -- they shortened that and they called us Cree and that's where the Cree comes from. And I speak it fluently, although not as the high Cree, as our honoured and revered Elders here speak today.

848. First of all there's two points I would like to make. Three hours to voice our concerns at this hearing is a joke and an insult to our Elders and to our First Nations of Nipisihkopahk, and as far as I'm concerned, First Nations throughout this country. It's an insult to all of them.

--- (Applause/Aplaudissements)

849. **MR. L. BRUNO:** We're not selling our Treaties here today. In fact, we're here to reaffirm our Treaties. I just want to acknowledge -- in Canada the British Crown entered into numbered Treaties with the First Nations in 1870s. There was 11 in all, starting with Treaty 1 in 1871 and ended with Treaty 11 in -- 1921.

850. For the Canadian government, negotiating these Treaties between 1871 and 1877 was all considered part of the western development. And it is this western development that I wish to acknowledge and wish to talk about here today.

851. Because while on the one hand we are addressing these concerns the companies, the transnationals, the trans-continentals, corporations, are making money directly on our traditional territorial lands.

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852. Now, I was fortunate to take courses with the Centre of Indigenous Environmental Resources with the Environmental Education Training Program. And through the wisdom of our Elders and from our Creator I believe that someday, somehow, somewhere, I will understand the purpose -- my purpose for taking these programs.
853. I know one thing for certain. I want to make a positive contribution toward our environment and would like to see the creation of a strong healthy sustainable environment for all our future generations, even the unborn.
854. When the government and industry announced that they had a project -- undertaken a project, they went on to do a BIA or an EIA, biophysical impact assessment or an environmental impact assessment in our area right away I thought the concerns of our Aboriginal people had been -- regarding these practice. When I was doing some research on these concerns I was able to conclude that these are not just site-specific concerns but they're national concerns. But they are concerning our land throughout.
855. And I made references to the Treaties and the reasons why when I started speaking I made reference to these Treaties because we never gave up anything below one foot.
856. And I have had the occasion to work with a number of corporations and government and I found that, even as recently as a year ago when I was doing some environmental work with one of the companies on archaeology, that they had claimed our artefacts.
857. I don't know where they got the right to claim those artefacts but I felt that certainly those are ours and they should have a patriation. You know, once the government labs have made a thorough review of these artefacts, they should be brought back onto the Reserve, and this was always been my general belief.
858. And also working with government, they made me sign a fiduciary of responsibility and accountability and that sort of tied my hands at the back and I couldn't wear the two hats. I've always believed that I wore number one, my Treaty hat. And then they're telling me "Oh no you sold your rights lock, stock and barrel by working with us". And I said no way.
859. And they again said to me -- their argument was I signed a fiduciary of

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- responsibility and accountability and therefore could not be very productive and helpful where the concerns of First Nations were concerned.
860. Now, the reason why the EIAs don't work for our people is that the whole concept that these practices are based on western scientific process. The process is rooted with western world view and the Aboriginal peoples have been generally left out of this process. There is currently no requirement to include traditional knowledge with the EIA and we're often left out of this process.
861. So furthermore, when traditional knowledge is used, outside experts are often hired to interview our Elders. And I would like to bring this out. It's very important that I think that any time that the outside researchers, or government, or corporation uses our Elders, the information forms a big report and is often used to make decisions on the impact assessment.
862. Indigenous peoples have been resisting this framework because they use our Elders, their time, and they're not well compensated, for that matter, not well compensating our First Nations. And the research that is being collected is not really used in the way that it was made for the Elders to understand, at times misused, exploited or even used in a different purpose.
863. It is important for the First Nations to participate pre and post -- pre, present and post on all environmental projects that are undertaken where our traditional lands are concerned. That way, they are -- their knowledge, for example, our Elders, is used in a proper fashion that helps where our people are making these decisions that are working along with the government and industry.
864. Our traditional knowledge has never been accepted by the western scientific system. For example, Aboriginal peoples and their knowledge have been used in EIAs only when it is appropriate by the government and industry.
865. To address these concerns of the Aboriginal peoples, I have turned to the wisdom and prayers and the teachings of our Elders. They have advised me to exercise caution and due diligence respecting or touching all matters concerning traditional ecological knowledge. In addition, I am to consider all sorts of long and short-term implications in making decisions, especially where treaty and territorial rights are concerned.
866. Like I said, you know, the three hours is not -- does not do any justice

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- with regard to making these hearings. There are some information that I have passed because of the time restrictions, the time factor, but I just want to close by saying that, you know, I've heard our Elders speak of our environment as their malls. They spoke of it as their pharmacy, as their markets much as the way we use the malls today to go and do all our shopping. They did all their shopping, you know, doing -- their mall was the environment in the past, and I still continue to hear that analogy today with our Elders.
867. As well, I heard a few Elders say -- and specifically one Elder from the Great Lakes who said that, you know, with reference to water, water is going to be a lot more expensive than the -- than oil. That's making reference to how the industry and development is creating chaos with our environment, our water and our elements.
868. And there is one more point with respect to our Elders. I heard one Elder say that, you know, like the way we take our vitamins, our Mother Earth uses hydrocarbons as her vitamins and when we remove this, it causes all kinds of havoc with our Mother Earth.
869. And I caution industry and government that we need greater participation with our First Nations, with our elders, with the knowledge, with the -- along with the spirit and intent of our treaties. We need our involvement. We need more involvement of our people anytime where a pipeline -- the right-of-way is going through First Nations territorial traditional hunting and gathering sites are taking place.
870. (Speaking in native language.) There is more I would like to say.
871. At this point I would like to thank all of you for listening to me at this point. Hay-hay.
872. **THE CHAIRMAN:** Thank you, Leo.
873. Josephine, I think you're next if you'd like to.
- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. JOSEPHINE SADDLEBACK:**
874. **MS. J. SADDLEBACK:** Good morning and good afternoon. I'm here for the concerns, as the rest of my First Nations people.

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875. Today we're recognized as status people. We did not deal with the provincial. It's provincial that's going through our sacred lands. We did not give up our land, our territory.
876. Today we cannot practise hunting. We cannot practise plants. We lived on clean air, water. Now today there's nothing.
877. You've got to be a registered *Indian Act* Indian to get medical, and it's all generics. That's what we got, generics. We're not allowed to get brand name medicine. My great grandson is not registered. We had to pay the ambulance. The doctor wouldn't look at him because he doesn't have a band number. That's how we're treated.
878. This plan that you guys have with the pipelines, I know it's going to go through with and without our consent.
879. I'd like to thank you for giving us that tobacco. It means that you understand us, that you agree with us. I'd like to thank you on that part.
880. What about the rest of the people out there, industrial. We did not sign treaty with the provincial. We did not sell our rights.
881. Like this card I'm holding here, it's just to prove when we cross the border. A lot of my family talked about border. There was no border. We have to carry this. It says Certificate of Indian Status. It's an Indian within the meaning of the *Indian Act*. We are not treaty under this law here. We are *Indian Act* people. That's how we're marked. That's how we're registered.
882. I practise my rights. I still have my braids, as you guys seen me coming in. You guys know who I am. I am not an "*Indian Act*" Indian. I am who I am in the eyes of the Creator.
883. I practice my traditional teachings, the knowledge each day and Elders' knowledge, that library of knowledge on our Elders is closed; day after day, our Elders. Where is our young people going to learn their knowledge? It's from the books.
884. I gather berries, I gather medicine. I get so angry so many plants are destroyed. I go to the United States, I go to the East, West, North, South to gather

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- medicine. This year, we couldn't pick any raspberries, they're all spoiled, we had to go buy them. We had no abundance on saskatoons. We had to buy them. We can't even drink rainwater; acid, acid rain.
885. These concerns is what my people, my family are talking about, my family, my grandchildren. The ancestors came from Chief Mountain. My ancestor came from Boniface, Manitoba. He signed Treaty for the people but what's written on the provincial that they looked at is on the paper. Our truth to speak is on the pipe, the seed grass.
886. I'm sorry the consequences fall on the provincial and federal if they don't acknowledge our rights.
887. I'd like to live here for a long time. There's a lot of these creation stories that's still passed down. Years ago, they were not allowed to hunt, they were not allowed to go visit their relatives in Saskatchewan; you have to have a permit. If you don't have that permit, you go to jail.
888. Now today, there's barriers all over. Where's that freedom that we had? We had our own law, natural law. People are hearing that lots. I had that from the beginning. I didn't know my first name in English, I knew my Cree name.
889. I work with Elders. I will practise all these plants and water for medicinal purpose. I have proof that there's one that had cancer, stomach cancer, he's walking around today. I have proof to say we were going to lose our great-grandson. My granddaughter was in her sixth month. Thanks to the plants, the knowledge passed down to us, now my great-grandson is three years old. What a joy we have.
890. That's what the Creator gave us. He gave us here to live on animals. One thing, there's so much I could say, but these will come later.
891. I'd like to thank the people that understood us, that's going to work with us, they'll get the blessing from the Creator because they understood who we are.
892. All of this is money, money, money. I've seen land disturbed coming home from Keephills. I had tears in my eyes. I'll never do that to Mother Earth. Acres and acres of it.

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893. The last foremost is when my son asked me for one medicine, and I told him in my language (speaking in native language).
894. Two years ago, he gave me pawin (ph) . I stood by Battle River. (Speaking in native language.) We swam in that river. That was our water. We had fish.
895. Our grandmothers, kokums, used to pack water where we swim and play. That's the memory that nobody is going to take it away from me. Now today, that memory, murky water; that's what hurts me. We can no longer bring my grandchildren to go swim in that river, it's so contaminated. Who is going to correct that? Any of you? Lift your hands up if you're going to correct it.
896. Our river, it's gone, contaminated, murky. (Speaking in native language.) God gave us that clean water to swim in, it's destroyed.
897. I will have more to say after.
898. Thank you.

--- (Applause/Applaudissements)

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. NORINE SADDLEBACK:

899. **MS. N. SADDLEBACK:** Nanaskomowin, Josephine.
900. Ladies and gentlemen, I am the last speaker for the Samson Cree Nation. Truly we haven't had enough -- ample time to give all our concerns specifically to the -- I know there's some -- lots of site-specific concerns within our report. You need to understand we did not receive our final report, the draft final report until last Thursday. So we are attempting to do our best here.
901. As you can see, Samson Cree Nation has real and significant concerns about the proposed expansion of the Trans Mountain Pipeline. Nobody talked to us when it was first built in the fifties and we've seen the devastation of some of that impact today.
902. Today, they came back and talked to us. In 2005, they went through

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- the parks. Those are many of our landscape trademarks, our symbols of our livelihood, and we weren't asked.
903. Today, we get notification from our friends in Parks, who say to us, "It's coming, the hearing is coming." And they gave us a fair warning as Parks Canada. Kinder decided to go to Parks, not to us.
904. I want to make those kinds of statements today because they're real time.
905. This traditional land-use map you see is created because industry and government want to confine the areas based on notifications to Samson Cree Nation. If Samson Cree Nation has areas of common interest, usage with other First Nations within these areas, the land then becomes fully covered. It's entrenched within our usage across Canada, not just in this map you see before you.
906. So we use this map to get these notifications up to date because Saskatchewan, as you can see, or B.C. do not provide us those same notifications. Unfortunately, that's not happening, but we continue to use those areas.
907. It's fully covered, fully used and maximized for cultural and traditional use. It's across Canada with real time impacts everyday, not just First Nations but all peoples across Canada. Cumulative impacts are real time.
908. So now we need more power for products such as the Kinder line to move. We need more power meaning more coal mines, which means more water, more in situ, more different industry development with just cumulative to move products, to use the product, to feed the globe, not for the individual family to sustain themselves as First Nations have lived traditionally. We only take what we needed.
909. So no more coal mines, no more transmission lines, no more cumulative impacts is what you're hearing here.
910. Kinder should promise that all the waterways that are going to be crossed have those -- there's tools that clean the water day in, day out and they just sit there and they clean it. And I know Europeans use this in Switzerland and we're asking that be done.

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911. Due to the time constraints of this process, Samson leaders and Elders and users had to limit the amount of time to express these concerns. I'm one person. I'm one person. I'm consultation coordinator. I have to look at accommodation, mitigation, consultation, duty to consult, case law. You name it, I have to do those things. So I host 19 roles and responsibilities.
912. We did our strategic planning. We need capacity. I need help to attend these sites of -- these kinds of processes. And we don't get them. In fact, the government says, "You do it." Industry, you want to build it? You do it. We're hands off of a fiduciary responsibility. Yet, we have a relationship with them. From time immemorial we've been here, but we signed a treaty in 1877 and we said we'd be friends, peacekeepers. We are the true stewards and the advocates of this territory.
913. So now that they have limited time -- and you know I'm only one person. I had to find funding even to get here. NEB, I hope that will be compensated respectfully. The government opposes this funding to formulate to get us here. They won't do it. I've got notifications that say we're not going to do it. We're not going to give you a traditional land use study on Highway 947 which is going to open that corridor, the very corridor that we're talking about here.
914. Yet, they have a war chest. They have Environment Canada, ESRB. First Nations, we're the stewards. We always have been. And yet we get no capacity or funding for that.
915. So where's our war chest? We're sitting right here before you. We are the true warriors. Many come to me, to our office, many of the Elders and companies to conduct studies. Even ranchers are coming to Samson and saying, "Can you help us? They're annexing our land." And I say, "I can't help you. I'm too busy helping my people so that our future generations have hope, have a sustainable future, can live." Because right now we're forced to cease to be. This is annihilation and I hold that very dear to my heart.
916. The consultation, the non-Aboriginal definition says it's between industry, government and First Nations. Let me tell you something, my friends, you forgot the Creator. Everything we do comes in four. And that Creator, we would not be here, none of us, without His creation, His work and His peoples. And our people here talked about that. Every race is impacted. We're all equal in the eyes of the Creator and this includes our spiritual realm.

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917. I would request that when you're looking at this map you also flip open our traditional territorial map that we exercised with Kinder Morgan because that even is not complete. They took, I think, 28 of our people -- I have yet to be corrected there, but I believe there was 28 of us who were out in the field out of 8,900 band members. Where's the equality?
918. So I'm requesting that we be accommodated and we head out again at least one more time because TERA and Kinder decided we, as Samson, would not be part of a one-month archaeological study. We've been advised we will get that. I'm begging you, sooner than later.
919. The majority of the Elders here helped map this area, which includes these PLU sites. If you could put up our next map? Just like this process, we ran out of time. We ran out of money to conduct a more fulsome and independent study. In fact, we were told who our environmental consultants would be. Why don't you start giving us the funding? We'll find people that we truly trust and that will follow our internal process because this needed to be approved by the people for the people, and then there's time limits, construction time limits. There's all kinds of time limits that are very foreign to the Elders who are seasonal activity users. Every season we're out there doing something.
920. Indian school is coming. School time starts in winter, storytelling. And we'll be out there in Hinton again as of this weekend.
921. So I wanted to say that because you will need to read between some of the Elders' stories. On your transcripts there's a white area between the lines. Learn to read that information between those lines. It's called the grey area. I went to university and we were forced to read that grey area as a user. So see those messages, hear it and feel it. Most importantly, feel our saga here.
922. But this does not mean that there's no more. We have a lot more to say. And I'm hoping that we can provide you more visuals, video recordings. The pipeline will significantly and adversely impact our sacred sites and our traditional way of life, and I'm going to go pretty fast here because of the time.
923. We are seeking that you ---
924. **THE CHAIRMAN:** Norine, Norine, take your time.

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925. **MS. N. SADDLEBACK:** Okay.
926. **THE CHAIRMAN:** Slow down.
927. **MS. N. SADDLEBACK:** Okay.
928. **THE CHAIRMAN:** Take a breath.
929. **MS. N. SADDLEBACK:** All right. I really appreciate that. Thank you.
930. You do not recommend approval of the pipeline just yet. We would much prefer this pipeline not to move forward. However, time and time again we observe different impacts and we observe industrialization and we observe diversity. We see the demographics expanding and we know and we try to understand, yet we have to be good stewards at the same time.
931. So we see negative impacts of development like this and we have relayed important information to you to consider in making this decision. It is only when our concerns are meaningfully addressed before -- beforehand that we will be willing to consider if this is viable.
932. We need mitigation. We haven't had that chance to mitigate those areas you see before you because they are real. They are grazing leases that we are not approving. There are many things, water usage for continued development, coal mines out there that will feed your transmission lines, that will feed the rest of the world. And yet we're told that's going to feed only Albertans.
933. One thing is for sure, we have a long way to go. Samson Cree Nation invites the NEB to consider our concerns. Any decision to move forward with this project without our concerns being fully studied or accommodated is going to be problematic for you and the Harper government that supports this project.
934. As such, we invite you to fairly and meaningfully consider and accommodate the concerns we have raised here prior to deciding on whether or not to recommend approval of the project.
935. My friends, I want to share with you that Cree language is a descriptive language. It's not literally translated. It's very hard to translate to meet your requirements. It's not our language. But we live the land. We are one

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with the land.

936. Mother Earth, when in shorthand when I was spelling yesterday with taking Sunchild's notes, I spelled Mother Earth as M-E. Mother Earth spells "me" in shorthand. How unique. How privileged I was to feel that. It is who I am. She is my mother. She is my lifeway. And just like your mothers at home, she provides and she ensures protection and she ensures longevity and sustainability.
937. So my request as the coordinator is for buffer zones that you see here. Mitigation is a core requirement for all the air sheds, all the waterways, all the gravesites in the cultural use areas we've identified. Many are common to all First Nations. For Samson, they are vast and they are many and they need to be continued use areas. These are preferred use areas because everything is migrating west and east because of development.
938. Will this pipeline allow -- will you give us the keys to all your gates so we can access these things? Because we're really tired of asking. We're really tired of seeing the animals that feel the abuse, the linear access because they are getting cut up or they are being deprived of their home fires. And that's what we mean when we say we have to advocate for those who cannot talk and those are our brothers and sisters who live the same land who feeds us, who give us the herbs for protection. And my friends, this story we tell you today is all about prevention and protection.
939. I've been trained well from our Elders, I believe. I'm a very balanced person. I have my First Nation and my non-First Nation education, and I work hard to sustain it.
940. We need to be continued access to our hunting, our fishing, our trapping. This is not a request. We will continue to use the land the way we always have because if we don't, it becomes a formula to cultural genocide.
941. TERA, I have a good friend in TERA. She's been there with us. She fought hard for our process as a third-party consultant and as an environmentalist group, but we are still missing some information.
942. I respect my friends, and I respect your endeavours. As a high policy and planning process, I also understand reporting. I also know how long it takes to report, and yet we are forced with continued timelines. Tick tock, tick tock, the

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- time goes.
943. For our Elders, that time means nothing. We've been here forever, and hardly anything is changing except due to impact. And they've told you some of that story.
944. So we received our report, draft report, last Thursday. We had to ask for it because I understand time, and maybe they are also forced for time working with I don't know how many First Nations, but that's our intellectual property. We should have had it beforehand, our report.
945. We've seen lots of users, and their information is missing. There's GPS points not yet here. Our monitors even have them, and they're asking me where are they. So we have a lot of mitigation to do.
946. We're forced to provide our own document, which was questionable, but as friends in true stewardship, we believe -- I believe as the coordinator that we'll get there because I believe in Covey's nine rules. Nine -- seven habits of highly effective people.
947. I go by this book because that's the leadership style that I've chosen for myself. And part of that leadership says that we will be proactive. We will begin with the end in mind. We will put first things first, that we will think win-win, that we will seek first to understand in order to be understood.
948. We will synergize those concepts and then we will sharpen the saw to make sure we've achieved and maximized the information, our very livelihood.
949. I wanted to say these things today because when we request for buffer zones, we really are requesting for those buffer zones. The linear access that will be developed and redeveloped again is on Crown land parcels, and yet the other government, the provincial government, says, "Oh, but there's PLAR and we're going to take that land, that Crown land" and you didn't even ask us. And that process needs to stop.
950. So I wanted to raise that because as the NEB Board, I don't know if you know that those areas are in the courts. They are being challenged by the First Nations.
951. We were promised Crown land usage till time immemorial, yet there's

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gates. There's flooding. There's fish deprivation.

952. Some of my monitors forgot to mention there are spawning areas there of our fish, MacLeod River, Little Sundance, Sundance. All of them were fish-bearing waterways, and where are they?
953. Some of them are still there, but we're seeing the film on the waters. And Pisim was right; they called me -- Leo called me that night. He said, "Norine, they won't listen. There's all kinds of oil spilling into the MacLeod River."
954. Four days later, Kinder Morgan had the spill in B.C., and I did make some calls. So I want to share that information.
955. Sometimes we have to do things at the eleventh hour but, at the same time, we're all impacted. Even the environment companies, there's time pressures. They're not ours, and exactly what is the rush?
956. There's enough pipeline -- there's enough pipelines to keep that oil and gas moving, the bitumen. There's too many people to feed, and everything's growing and is growing faster, the infections. We need more researchers, but everybody's faced with this. It's equality. So we shouldn't be deprived of our pharmacy.
957. This is about prevention and protection, ceremonial site written in the landscape. We need more protection and prevention mechanisms like the TLU monitors out and onsite with Environment Canada and ESRD.
958. The game wardens, walk with our monitors. Take them out seasonally. Don't just kill off everything. Use the entire animal. We do.
959. Feed or donate it to our people because there are third-world conditions at home, and I say that with a true heart. We don't have clean water at home.
960. This is about prevention and protection, ceremonial sites written in the landscape. It's right there in Jasper Park. When you enter the park, you see the guardians sitting together. And there's a story to that.
961. The medicine wheels, the buffalos on the mountains, I don't know if

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- you see them, but I've been trained there. The bear caves, how they migrate, how they wake up in January and remind us and breathe the fresh air of life for our people.
962. And when those bears cease to be and that breath of life is no more, we will all be impacted, not just us.
963. So let's not have any more misinterpretations by middlemen. Talk to us. Take us out there. You know, it's really hard sometimes to show some of our herbs and our plants because then they're at the University of Alberta like rat root is being studied till studies kingdom come. And now they say, "Oh, it's an antibiotic." Oh, it's a great many things. More than just an antibiotic, but they didn't ask us. They took it because of traditional land use studies.
964. That is intellectual property, and I'm here to remind University of Alberta you pay your due respect to our people for that information.
965. No more misinterpretations. Out there, Elders now need safety tickets, exactly for what? I mean, I'm totally lost in that.
966. Others, environment companies, are paid. You get the tickets to take our people out. You get the big money. Why do we have to do that to our Elders?
967. I'm the coordinator. I know this stuff. I have to do it.
968. Where are they when our men and warriors need those environmental officers? They're not out there. They forget us to put in the log book, "Oh, Pisim was out there. Oh, Henry Lightning was out there." We forget to check in because we're too busy trying to feed our families.
969. Wellness is holistic, so the need for the herbs, the water, the animals is for religious and spirituality. It is our pharmacy, clear cut from the United States. My uncle is very sick with prostate cancer. He is in Navajo country on this very day to get their herb because it doesn't grow here, but we went to trade so he can survive.
970. So this map is just a small parcel for industry and government to use, not for us.

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971. So no -- for our spiritual identity, you know, when we lose the herbs, we lose the access, so comes with it we start going to Safeway. We start going to Sobeyes. The kids get obese. This is not by choice. This is a learned behaviour, a forced learned behaviour.
972. Today, we have hardly anything for that. Our children need their spiritual identity. You know, we need -- they need to play outside. And I've seen that on TV, Participaction. We need our kids one hour a day just of late. All had a traditional role and responsibility, what was good for one better have been good for the all or everybody suffered. That was our community lifestyle, our traditional way.
973. And I truly believe we still live that today.
974. So the game loss has a true, true impact, and it's been this way since time immemorial. We'll continue to live this way. We're not asking for permission. We're going to do it. It's all about sustenance and survival. So what's good for one better be good for all or all would have perished traditionally or suffered.
975. And I'm here to advocate for those who can't speak for themselves or who didn't have an opportunity. That's my role at the -- that's my legacy for our people of our leadership. That's their legacy, and I think they do a very good job.
976. Hardisty is a good example of how long we've been here. Our boys were out there, they were forced to excavate. One of my guys excavated a great big giant horse tooth, 9,000 years old when carbon dated. Your history says Spanish brought the horse 2,500 years ago. Again we've proven we've been here a very long time.
977. So it's not by choice, you know, but we want to give the information. Today the themes were about creation and connections, the relationship continued since time immemorial to current use and future usage. It's the kinship to all, the traditional parenting, the different yet similar world views about global warning. My friends, we are all impacted.
978. We talked about some of the place names. We talked about some of our TEK experiences. But most importantly we talked about the proactive involvement of the Samson Cree Nation -- ayisiyinowak -- for the people by the people. The beaver's job is to make a dam not a corporation.

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979. Duty to consult is about these very adverse impact, these inconsistencies, the need for baseline data requirements and data collections and recordings or there are no more plants to record. No more after the fact. Listen real time and apply this knowledge. We do every day and we will continue to do that. Slow down. This is what is needed.
980. On what formula and how is impact decided? Samson has one of the only Treaty impact matrix's and not once have I heard the company, the government or the regulatory agency seriously look at this with us and maximize our tools we've created to ensure consistency. We developed these because of prevention and protection for continued use.
981. We need to stop this violence, the abuse and the onslaught of the foreign thresholds. I say thresholds because air quality monitoring happens in Samson Cree Nation through the PAMS process. Every March we hit the threshold of 59.9, 59.8, but the threshold is 60 parts per billion. And I said it hits that every March every year and PAMS said "it has to be three months in a row Norine, we're not talking to you till it's three months in a row". Well, my friends, that's the very air we all breathe and it's bad and we could prove it there.
982. So I look at these things, and these exceedance levels, and these thresholds and we said for the waterways put a one mile buffer not the 300 that Environment Canada and Environment -- ESRD use. That is one of the most habituated areas of our herbs. That's a riparian zone I'm talking about, and it is abundant. One mile in one mile out was the request to this province, to Canada, and it was totally disregarded by not just Samson but I heard many First Nations ask for that threshold.
983. So we asked for a prayer this morning. The pipe carriers and the oksapewis, you know, they go around doing these things with no money, but we'll pay the churches, we donate to the churches. Our guys have to travel with no money. That's not fair.
984. So we look at these things, you know, the collectiveness for our continued survival. It's a high level. Yeah, I understand high level, you know, it took me a while but I understand industrialization and globalization of corporate impact.
985. Yet we have our habitation sites, they're vast, they're abundant.

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- Alberta culture in November 2012 attempted -- we attempted -- we tried to talk to them, come do a site assessment with us. We did it again in Hardisty, talk to us again. You know, they don't. I have yet to be called back.
986. Cemeteries across the nation along these trail nets that we're talking about today yet I was right there and I said that's probably a gravesite and it's right on the right-of-way, it's not in the report. You know, it is in the report but it's not been mitigated.
987. We need to -- quit disregarding our recommendations.
988. We keep on our identity. We have a house to ensure continued way of life at home. Are you going to give us one? I'm talking about environmental offices. The government formulated AEMERA. Didn't even talk to us, they just told us we're going to build a house of TEK information for you. On what grounds I don't know.
989. So all the grazing leases, all the accesses we need to work together. The environmental house, you know, were robbed right in front of us. Equality, equity, value, this is meaningful accommodation. So we're beginning to exhaust all our resources and avenues to mitigate.
990. Reclamation, you're supposed to put it back to the exact same way it was. Many times pipes are abandoned. At Samson we forced a company to remove the pipe in its totality, and that's what needs to keep happening.
991. So, you know, we tried this in the Northern Gateway, 209 conditions, no TLU study to date or no funding to do so, yet we're here again with trying to work with your process.
992. So, you know, I look at this things, consider using the nine principles of Mikisew as some of your test. Look at our TUS map because the GOA requested it. The land use framework it's foreign yet our traditional territory hits all seven regions my friends.
993. So the TLU monitoring is very important. Consider it as a very important document. And as the government continues to offload their sewage and air responsibilities I am here to remind the different formulas, the different supposed to be governments and advocates that we aren't going anywhere. We're neighbours. And there was a two-row Wampum that said you don't jump in our

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- canoe we won't jump in yours but we'll go swiftly together down that river.
994. So today I offer you as much information as we could get in the three and a half hours we've been here. I thank you for joining us in our ceremony and I hope that little bit of the creation story you heard there you will also consider in your agendas.
995. But as a consultation coordinator I hold so many hats with so little capacity. I wish I could get more site-specific data to you, and I think that we can through some of the mitigation measures that still need to be required here. But again, I implore you, listen to the people, look at that grey area.
996. (Speaking in native language). As my grandmother told me, help those who can't help themselves, Norine, and always, always be that big star woman.
997. Naskutinawa hay-hay.
- (Applause/Aplaudissements)
998. **THE CHAIRMAN:** It's been -- it may not seem like a long morning, I'm afraid my bottom might feel like it's been a long morning, but it pales in comparison to the information that you have -- the knowledge you've shared with us today.
999. And as you indicated through your counsel earlier that if -- you would be prepared to take any questions of clarification and reserve the right to answer some in writing if you feel that way. So our processes allow any intervenor to ask you questions, if there are any here, or Trans Mountain and the Panel itself.
1000. So I'm not aware of any intervenors, but I offer to Trans Mountain if they have any questions or points they want to raise with the Samson Cree First Nation.
1001. **MS. OLENIUK:** Thank you, Chair.
1002. Trans Mountain has no questions, but we do want to thank Samson for their presentation today.
1003. Thank you.

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1004. **THE CHAIRMAN:** I'll go the Panel then. Alison has some questions.
1005. **MEMBER YOUNG:** I'm curious about the matrix you described. I was wondering if you could provide us with a little bit more detail about it so that we can identify it.
1006. **MS. N. SADDLEBACK:** I don't know if I have a copy with me but I do have it in digital that I think we can forward to you. When a company comes in with any new project with it our notification package it's included in there. So I'll make sure that you get a copy.
1007. **MEMBER YOUNG:** And have you shared that with Trans Mountain?
1008. **MS. N. SADDLEBACK:** Oh, yes, we have.
1009. **MEMBER SCOTT:** Okay. Thank you.
1010. **THE CHAIRMAN:** Just on the same point, if I may, Norine, you mentioned the impact matrix but -- and I didn't quite get the nine principles, the nine principles of -- I wasn't quite sure of "ni" or "mi" -- I wasn't quite sure.
1011. **MS. N. SADDLEBACK:** Mikisew. So there was a case law where the Mikisew First Nation and there's nine principles under the duty to consult and accommodate that are -- they are shared collectively through that case law finding.
1012. **THE CHAIRMAN:** Okay. Thank you for that clarification.
1013. Well, I would like -- on behalf of Alison and Phil and myself, I would like to acknowledge and thank the Samson Cree Nation, the people of the Willows, for the knowledge that you've shared with us today. The information about the impacts of the project on you and your community will -- we will consider seriously, as we consider all matters, but as -- consider these as we decide whether to or not approve and recommend approval of this project.
1014. With that, I thank everyone again and we will reconvene at 1:30.

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1015. **MR. LALJI:** I just wanted to -- I offered to put the Mikisew decision on the record if it would be helpful to the -- helpful to the Panel.

1016. **THE CHAIRMAN:** No, we have that. We don't need that ---

1017. **MR. LALJI:** Okay.

1018. **THE CHAIRMAN:** --- on the record.

1019. **MR. LALJI:** Thank you.

1020. **THE CHAIRMAN:** Thank you.

--- Upon recessing at 1:01 p.m./L'audience est suspendue à 13h01

--- Upon resuming at 1:44 p.m./L'audience est reprise à 13h44

1021. **THE CHAIRMAN:** Well, good afternoon, everyone, and welcome to the afternoon session of the oral traditional evidence phase of the National Energy Board's hearing regarding Trans Mountain's Expansion Project.

1022. 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 is Phil Davies. And we'd like to welcome those who are here this afternoon and those who are listening to us through our webcast.

1023. Just to remind you in case there's an emergency, the safety exits are behind you and just get out there into the parking lot. And the washrooms are down in the hall to the left, quite a long walk, but they're down there.

1024. In addition to the Panel, we have a number of staff that are available and some I think you've met. If you have any process questions, you can identify them by their lovely brass nametags that they're wearing.

1025. We're going to be sitting this afternoon until about 4:30 if need be and we'll take breaks -- breaks as required.

1026. The Board understands that Michel First Nations have an oral tradition for sharing knowledge from generation to generation and this information cannot always be adequately shared in writing.

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1027. Sharing your traditional knowledge and your personal knowledge and experiences on the impacts that the project may have on you and your community and how any impacts can be eliminated or reduced is of great help to us. This is the type of information we're here to listen to and we appreciate that you have chosen to be here today.
1028. And perhaps -- and just so that you are aware who else is sitting in the circle, I'd ask representatives of Trans Mountain to introduce yourselves to the witnesses from the Michel First Nation.
1029. **MS. OLENIUK:** Thank you, Mr. Chair. Good afternoon to the Panel and good afternoon to Michel First Nation.
1030. My name is Terri-Lee Oleniuk and I'm here representing Trans Mountain along with my colleague to my right, Heather Weberg. And also here to my left is Annie Korver and she's a member of Trans Mountain's Aboriginal Engagement Team.
1031. Thank you.
1032. **THE CHAIRMAN:** And I think you are aware that before providing oral traditional evidence presenters will be asked to swear or affirm that the information that you are presenting is accurate and truthful to the best of your knowledge.
1033. So with that, I'd ask if you could introduce yourselves and then I'd ask Ms. Gilbert to come forward and swear you in for your evidence today.
1034. **CHIEF G. GOERZ:** Good afternoon and thank you to the Panel for allowing us to be here and make our presentation. My name is Gil Goerz and I'm the Elected Chief of Michel First Nations.
1035. **MR. R. GOERZ:** Good afternoon, my name is Roy Goerz. I'm a councillor with Michel First Nation.
1036. **MS. J. LOYER:** (Speaking in native language). My name is Jessie Loyer. I am a member of Michel First Nation.
1037. **THE CHAIRMAN:** Thank you.

1038. Ms. Gilbert, could you ---

GIL GOERZ: Sworn

ROY GOERZ: Sworn

JESSIE LOYER: Sworn

1039. **THE CHAIRMAN:** With that then we're happy to listen and receive the information from Michel First Nation in any order. However you feel comfortable presenting to us is fine with us.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF GIL GOERZ:

1040. **CHIEF G. GOERZ:** Okay. I'd like to begin again by thanking the Panel for allowing us the opportunity to tell our story. That's kind of what my talk is going to be, my presentation.

1041. The history of Michel First Nations began in 1872 with young -- the birth of a young man named Louis Callihoo or Karhiio. He was born on the Mohawk Reserve, the First Nations Reserve just out of Montreal. When he was 18 he signed on with the North West Company to become a voyageur, to become an employee of the North West Company and in May of 1801 he came west.

1042. He worked in the west in what is now Alberta and Saskatchewan as a canoe man, a hunter, a provider and a guide. After 1815, Louis became a free man and was no longer under contract with the North West Company. Being a free man, he could freelance. He could do -- go wherever he wanted, work for whoever he wanted to or just hunt, fish, provide for his family.

1043. He settled near Jasper House and hunted, fished, trapped, gathered traditional medicines and everything along the Saskatchewan, Athabasca, Smoky Rivers, Peace Rivers. He had families in the Smoky River Valley and Lesser Slave Lake. Louis died in 1854 and he is buried in the Willmore Wilderness just outside the Jasper Park.

1044. His son Michel was born in 1924 and he was one of 17 children that Louis had, Louis and his wives. Growing up, he worked with his father developing the skills he needed to become an accomplished canoe man, hunter, trapper, carpenter and provider.

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1045. He travelled with his father in those areas between Jasper and Lesser Slave Lake and right west -- or east, rather, right into Manitoba and Saskatchewan on the fur trade routes as a canoe man and a provider.
1046. He lived in 14 -- he lived in Fort Edmonton, rather, until 1860 and -- with his wife and his family. The Iroquois of the time were considered very, proficient providers, proficient canoe men, proficient in everything they took -- they took on.
1047. Working for the Hudson's Bay Company at that time, he was put in charge of the fisheries at Lac Ste Anne to provide the fish that the fort needed to feed the residents of the fort and the natives in the area.
1048. In the late 1800s, the government began to negotiate Treaties with the Indians. Treaty 6 was signed at Fort Carlton in 1876. Michel did not sign on the Treaty right away in 1876, but he signed on an adhesion to Treaty 6 in 1878 in Fort Edmonton. There was Michel and approximately 190 of his relatives.
1049. They were given Reserve lands, 40 square miles northwest of Edmonton, in the Villeneuve area -- yeah, near present-day Villeneuve. It was known as Michel Reserve Number 132, and Michel Band 472.
1050. The Chief and the Band members moved to the Reserve in 1882. They built homes, stables, and began farming on the land.
1051. Now, this was not an easy transition for a lot of them. A lot of them were used to being fairly mobile, hunting, fishing, trapping, gathering in all the traditional areas that they used in the past, so it was a tough switch for some of them.
1052. As time passed, the government agents did not provide the adequate agricultural equipment, seed and livestock as promised by Treaty. Over the next 60 years, life became more unbearable and the Band was pressured to surrender parts of their Reserve in exchange for equipment and supplies.
1053. Members left the Reserve for a better life. Things were getting tough. A lot of the land surrenders that happened -- there was four of them over the 60 years that the Reserve was in function. A lot of the proceeds from the sale of land never made it back or all of it never made it back into the Band coffers so that

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- they couldn't -- they didn't have the ability to go out and purchase the things they needed.
1054. In 1958, the government passed an Order-in-Council. Previous to that, individual members and families could enfranchise on their own. There was nothing in the *Indian Act* that said -- that gave the government authority to dissolve a Band as a whole.
1055. So in 1958, they did pass an Order-in-Council. There was some consultation with the local area farmers who were putting pressure on the government to dissolve the Band so they could buy up the land. Municipalities agreed that the Band -- the members that were left in the Band were well able to take care of themselves out in society, so there was a lot of pressure for them to dissolve the Band, so the dissolution of the Band ensued.
1056. Now, it has to be -- it has to be noted here that the rationale of those who signed the petition -- and there wasn't that many that signed the petition. I believe there was 11 -- 11 or 12 members that did sign the petition.
1057. But the rationale of those who signed the petition was due to the discriminatory nature of the *Indian Act*. The *Indian Act* at the time, if a member of the Reserve wanted to leave the Reserve, he had to have written permission from the Indian Agency so he could leave the Reserve to go shopping or hunting or, you know, whatever he was going to do off the Reserve. He needed permission.
1058. There was no voting privilege, even though a lot of the members of Michel served in the military. They were allowed to serve in the military, and they did so with great pride. When they came back, they were still treated as Indians. They had no right to vote, you know, after that sort of commitment to the country.
1059. So there was -- there was a lot of -- a lot of animosity, I guess, against the government because they just weren't providing the provisions according to Treaty in order for the Michel First Nations to sustain themselves. So it was kind of a no-brainer that they wanted to get off -- get out from under the *Indian Act*.
1060. Now, in the dissolution of the Band, there was no mention at all, there was no discussion at all of relinquishing Treaty rights. That was never part of it. But what happened after the Band was dissolved, the government, in their

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wisdom, I guess, took away the Treaty rights.

1061. You know, Treaty rights are inherent as part of signing Treaty. It's there as long as the sun shines and the river flows. They just decided that these people are no longer a Band; why should they still be status. They just arbitrarily took it away.
1062. So the Reserve was dissolved under questionable circumstances. Michel members assert that although the Reserve was gone, we still retained the Treaty rights to hunt, fish, gather, hold ceremonies as before.
1063. There was a lot of discussion about this Order-in-Council and, a year later, the government was forced to strike it down due to Constitutional questions. It was against our rights.
1064. In 1985, Bill C-31 was passed, and this restored Indian status to Indians who had voluntarily or involuntarily been enfranchised. So there was all of the members of Michel First Nations who were on the Reserve and off the Reserve who had lost their status due to this Bill, this Order-in-Council, they were eligible to receive their Treaty rights again, their Indian status.
1065. That Indian -- that card gives them the right to their traditional \$5 a year and they're allowed to hunt, fish, trap, gather, do whatever they need to on Crown land. They can also hunt on private land with permission from the landowner, which is standard.
1066. In 1995, Michel submitted a claim to the Indians Claims Commission for reinstatement as a Band. We presented our case, went through the process of the ICC hearings.
1067. The ICC agreed and recommended to the government that they accept the recommendations that the ICC put forward. And what they decided was that although the government had no legal right or legal -- it was not in their legality to deal with us because they didn't consider us a band, that because of the circumstances that the band was dissolved under -- you know, they were questionable circumstances -- that the government should deal with us and reinstate us as a band.
1068. Now, that was also confirmed by a couple of Members of Parliament, Anne McLellan and Shirley -- I forget what her name was. Anyhow, they were

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- going to -- they were going to present an order in the Parliament for reinstating Michel as a band, but then the election happened and nothing has happened since. There was an election and it just died.
1069. And subsequent requests for the Minister of Indian Affairs -- it was Robert Nault at the time, I think, to reconsider, you know, like to proceed with this recommendation of the ICC. They just kept turning us down. They just kept saying that they don't have the legality to proceed with that. So all of our efforts were rejected by various government departments.
1070. In 1991, the Friends of Michel Society was formed to provide a legal entity in absence of band status. Michel First Nation is governed by an elected Chief and Council since 1988, and we hold annual general assemblies yearly.
1071. A litigation was commenced in 2001 by a Statement of Claim against Canada and Alberta. Through a couple of amendments, subsequently Alberta was dropped from the claim and our claim is just against Canada. It's ongoing today.
1072. We were close to proceeding to trial a couple of times, but various stalling tactics by the government kind of limited that. I think in their mind they were hoping that they would run us out of funding, run us out of money and force us to give up, but providence keeps coming our way and we find a little bit here and a little bit there and we now have a lawyer who is quite interested in furthering our case.
1073. Michel's history in Alberta, in Canada, is unique because we were the only band that was dissolved under this Order in Council. We were the only one in Canada. Our history spans most of Canada as well, from Quebec right through to B.C. -- to British Columbia, Northwestern United States. Although there was no border there at the time, our members still used that area. We still consider all of that our traditional area, not just the area where the pipeline is, although that's a lot of where first -- our members hunt, fish, gather.
1074. In the early days, when the First Nations people were travelling from place to place, from camp to camp, if somebody passed away, they were usually buried along the trail. Now, we don't have anything for certain because that corridor was used quite often by Michel members, by Louis and by Michel and by other members, the siblings of Louis' -- of Michel's. We don't know if there are any gravesites out there. The only one that we know for sure is Louis' gravesite, and we're not exactly sure where it is, but it's in the Willmore Wilderness.

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1075. So when there's a lot of activity like this, pipeline activity, there's going to be a lot of ground disturbance. We just hope that Kinder Morgan or whoever is doing the project, that if they do come across artefacts, gravesites, ceremonial sites, that they do so with great respect and that if anything is found, that the First Nations group, the First Nations who are involved in this, be notified so that we can come and have a look at the artefacts or check out the gravesites to see if, you know, they were actually members of our tribe or members of other groups.
1076. We need to have that assurance that they are going to do that. We need to have the assurance that they want to protect the environment as was so eloquently put forward by the previous group, by Samson group.
1077. You know, you've heard it before and we reiterate that it is very important to us to -- if they come across any of these sites, that if there is a boundary or a buffer they can put across, that would be -- that would be the right thing to do.
1078. Now, the government not recognizing Michel First Nation as a band severely limits our ability to participate in projects such as the Trans Mountain Pipeline or the Enbridge. They don't notify us like they notify other First Nation groups because they don't consider us a band. So we hear about this through the back door, through news releases and whatever. So that kind of puts us behind the eight ball that we don't -- we don't get in on the ground floor in consulting with Kinder Morgan or whoever the pipeline or whoever the construction is happening for.
1079. So that's one of the reasons we were a little late in getting our application into the NEB and we are thankful that it was approved and accepted.
1080. You know, it's the lack of funding that really limits the amount of activity we can do as a band ourselves. Our members are spread out over Western Canada and Northern United States, and in order to hold an annual general assembly every year, we have to put together mailouts, you know, send all this information out to the members stating the date and the time and whatever else is going to happen. We don't get funding for that. We have to do a little bit of fundraising and solicit donations from our members in order to do this. So it kind of puts us behind the eight ball to actively carry on our business as a band. We still consider ourselves a band. We're approximately 700 strong.

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1081. You know, it's just a litigation that we have against the government. We don't -- we're not asking for the world. We're not asking for billions in restitution. All we want is recognition as a band, and we would like a small chunk some place that we can establish a band office and conduct our business as a band from this area.
1082. In the litigation that we've been carrying on now for, I don't know, 14 years, they don't see it that way. I don't know -- I don't know how it's going to turn out. We have some hearings coming up fairly soon. Hopefully, it'll be to our advantage, to our favour.
1083. But that's about all I have to bring to the Panel here. I just wanted to present our history as close as I could. There's a lot more, but that's kind of a nutshell of the history of Michel and what happened, why it happened and how we're trying to get on and re-establish ourselves.
1084. So I thank the Panel again for allowing us to come forward and present ourselves.
1085. **THE CHAIRMAN:** Thank you, Chief.
1086. Roy?

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. ROY GOERZ:

1087. **MR. R. GOERZ:** Yes, good afternoon. Roy again. I'd like to thank the Panel also and Kinder Morgan for just listening to our story today.
1088. I'd like to thank the Chief for being able to present a little bit of history. I know that we're not well-known but we do have a presence out there. Our numbers on the general list are probably more than 700 and we're not allowed to look at that because we're not a legal Band.
1089. So what I'd like to cover off a little bit is the -- just what we see in the present day, the things that we encounter. I know that with my older brother here we do a lot of things out in the countryside. We are on and off of the corridor that we talk about for this pipeline and we do lots of different things there. And I'd just like to cover off some of the things that we've seen, the changes that we

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- made.
1090. We are the perfect example of -- as a Band or a non-Band, the idea of assimilation or enfranchisement, you know, because like he mentioned, we were the only Band that was successfully enfranchised that we know of. We've been assimilated into society as much as anybody has, I guess, in any situation. We know that we still have families all along the corridor that use this area for different traditional things, as much as our tradition can provide because we are a broken family.
1091. There are certain things that are done that were from history that we still do. You know, thanking Mother Earth for the things that she provides, having good opportunities to hunt and fish in those areas, and realizing that when we're out there from year to year in the seasons that we're there the changes that happen through roads, through power lines, through pipelines, through any of the interaction that industry does there and we have no idea that any of this happens until we're there.
1092. So the effect -- you know, I'm not an old man but I'm not a young man either, I've seen these changes. But I know that for our Elders, for the ones that have been using that area for those traditions for a long time, it hurts them greatly. And we need to be aware of that. We need to have respect, of course, for our Elders. We need to be able to know that they are taken care of. And as much as we can be an Indian Band as we can and share our traditions, share the stories and our families, get together whenever we can. But it seems to be, you know, that with most families it's harder and less time to be able to do that with the busy lives that we lead.
1093. We certainly want to reiterate that a lot of us, you know, my generation and younger, we don't even know what we've lost. We've been in this situation for forever sort of thing, you know, and I remember the stories that grandma and grandpa told when we were -- when I was younger. And it's just like -- yeah, a lot of that's gone.
1094. I know that the changes that have happened out in the areas that we use along the corridor, because we do hunt and fish in that area, it's been -- it seems like devastating. And like I say, we don't know about that until -- until we're there.

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1095. So having the opportunity this time to be able to speak to you about these things, it certainly does make a difference.

1096. I think my story is kind of short. That's about all that I had to say. I know that -- like I say, it affects me so it will affect others. And I thank you for your time.

1097. **THE CHAIRMAN:** Thank you. Thank you, Roy.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. JESSIE LOYER :

1098. **MS. J. LOYER:** (Speaking in native language.)

1099. So now I will say what I said in English.

1100. My name is Jessie Loyer. I am from Callihoo and from Michel. I'm a librarian at Mount Royal University in Calgary where I am the liaison for indigenous studies, math and physics.

1101. My late grandfather was the chief -- a former chief of Michel. His name was Gilbert Anderson. And he was the chief when we went to court where we received no ruling from the Supreme Court.

1102. This that I'm about to discuss, it's going to be difficult. I will be speaking in Cree, but it's difficult because I'm not fluent, but it's good to speak Cree. It's sacred, and it will help me speak the truth.

1103. So Michel First Nation is different -- or sorry -- is unique. I lived in Callihoo when I was growing up, which is not far away from where the former Michel Reserve was. My parents still live there and it is what we consider our land.

1104. So my Chief Gil Goerz and the Band councillor Roy Goerz, they have told us a lot of truth, and I don't know much, but I am going to tell these words about our history.

1105. So our Chief, who is called Michel Callihoo, signed Treaty 6, an adhesion to it, and a bit later a small group of people decided to enfranchise. And I had a hard time saying enfranchise in Cree because I don't know that word, but

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- Elders that I talked to said that when someone enfranchised it meant that people couldn't live there. They could not live the Cree way, and they couldn't be part -- they couldn't live in Cree land and be part of their community. They were cut off from their families. They could vote but they gained that a few years later anyways when all status Indians received the vote.
1106. So the benefits to enfranchisement were not necessarily what they had hoped for, and it was only a very small group who decided to enfranchise, who brought this forward, and most people did not want to do it.
1107. So when we sign treaty we had treaty rights from these mutual promises with the government, and the Crown doesn't recognize us because our story is different.
1108. But this land, this area, I use it for my own treaty rights. So I brought some medicines that I have picked, my mother has picked, who is also a Michel member, on the land around our traditional territory very close to where the former reserve was.
1109. So my late grandmother, my mother and me, we have picked medicines on the land. It is our right. And these are powerful medicines. We also have picked berries. So these are saskatoons. These are chokecherries. I didn't bring any raspberries or blueberries, but those are also being picked on this land in this area. There is high bush cranberry and wild mint and yarrow and red clover. This is red clover. There are rosehips and there are -- this is muskeg tea.
1110. So everything is there for our life in the bush. It's the way -- it's how things had been in the old days. It's how my ancestors used this land and I still use this land.
1111. But I ask what is going to happen with this pipeline? I'm worried about it. Will it stop this way of life that we still all practise? And what about my children? Will my children be able to live this way?
1112. Now, I'm a young woman, but I know that this will change the land. It has already changed the land from when my mother used this land and my grandmother used this land, and as construction threatens people and my treaty rights.
1113. So that's what I said in Cree. But I would also like to share some

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stories with you.

1114. So in this land people have used this space for generations. They've gone back and forth to the mountains, to Lac St. Anne, to Big Lake. There's been a lot of movement. And as we talked about, our nation has always been quite nomadic, which is what caused the first desire to be out of the *Indian Act*.
1115. It worries me, as it worries us, that we are not consulted right away as part of this process because we are not considered a First Nation. How will I know what's going on that could potentially put all of this in jeopardy? It worries me. And it worries me that our concerns may not be heard with the same volume as other First Nations because of that scenario.
1116. People used to go and use Wabamun Lake, used to hunt -- fish there, hunt around there. My grandfather told me stories of this and that you can no longer fish there. And that's a concern because we're not sure what could happen for this.
1117. I thank you for including us in this consultation. It's very important to us and it's very important to me as well because I have a very different perspective as someone who doesn't hunt but someone who will gather these medicines.
1118. It's important that you know that our relations across Treaty 6 recognize us. That when Michel disbanded they married into many other Reserves around. And there are -- our people are across this land. I can't tell you how many times I'll go into a space and say I'm from Michel and there are many people who recognize that and who also recognize their own ancestors coming from there.
1119. So it's important that we be recognized so that we can be a part of these conversations. I think that we have specific things to add -- to say, particularly around the nomadism of it because we are so -- we were so nomadic, many of our people are buried along this path. And it concerns us that where this construction will happen there -- their resting places will be disturbed. And if we don't know that it's happening we can't possibly prevent it.
1120. So I think I have said most of what I need to say. I come from a long line of people who have been connected to this fight, to be recognized, and connected to the land.

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1121. And I have multiple Michel Chiefs in my family. Chiefs who back in the Indian -- back in the *Indian Act* days one of my great aunt's husbands was the Chief of Michel, and was so short that his Chief suit didn't fit him because it went past his hands.
1122. So I come from a long line of people who have been involved in this so I think it's important to speak to it.
1123. When people talk about Michel's use of the land they talk about getting duck eggs at Big Lake, going back and forth to Lac Ste. Anne, to that ceremonial site, going to the mountains to hunt. But even closer to home, these all came from literally my parents' backyard. The traditional territory of where Michel was. And I worry that with this pipeline this could all be lost. This biodiversity that you see right here could be lost.
1124. So thank you for listening to me. I appreciate this opportunity. Kinanaskomifinaw. Ekosi.
1125. **THE CHAIRMAN:** Would either Chief Goerz or Roy -- would you like to add anything else or -- at this time?
1126. A process does allow for intervenors, Trans Mountain and the Panel to ask questions and you have the right to answer the questions orally if you wish, or you can take them in writing, whichever way you feel comfortable in replying.
1127. So -- but if you have anything else you would like to add we're happy to hear that now.
1128. **CHIEF G. GOERZ:** Yes, I'd just like to conclude by thanking fellow Council members and members of Michel First Nations for telling a story.
1129. We each came at it from a different aspect and I'm very happy that the young people like Jessie are taking up this year what a lot of us older folks have lost. This means that the tradition is going to carry on and we hope that it's going to carry on for our children and grandchildren.
1130. It's important that -- that this happen. It's important that the government realize that they do have a very constitutional duty to consult and even with recognized Bands, they are renegeing on this and they're leaving it up to

- industry to do the consultation.
1131. This isn't right and hopefully the Panel can bring this forward and let the government know that, you know, this is not right.
1132. So again I'd like to thank Jessie and Roy for making their presentation to you. And I hope that between the three of us we have told a story with enough evidence to indicate that we do need to be consulted. We do need recognition.
1133. Thank you to the Panel.
1134. **THE CHAIRMAN:** Thank you, Chief.
1135. I'll offer to any intervenor -- which I don't think there are any here, that have any questions for you but I will offer it to Trans Mountain prior to the Panel. If the Panel have any questions -- if you have any questions of Michel First Nation?
1136. **MS. OLENIUK:** We have no questions, sir.
1137. But on behalf of Trans Mountain I want to extend my thank you to Michel First Nation for their presentation, so thank you.
1138. **THE CHAIRMAN:** Just to maybe help my understanding of your process now where you are in our hearing process and moving forward with that. An example being, Chief Goerz, and mentioned by Ms. Loyer as well, the issue of finding ceremonial gravesites or other sites that are of ceremonial value to you and to your nation, to the Michel Nation. And your suggestion if they found anything would they consult with you, would they involve you and how would they do that. An example, a buffer zone around ceremonial sites, burial sites in particular are significant to, I'm sure, to the First Nation.
1139. And so I'm wondering if -- how you're -- what your present status with that is and your involvement in that, to ensure that those things that are of concern to you, for example of establishing a buffer zone or dealing with finds, how you feel that's being addressed. Or how would you like it addressed perhaps may be a better question?
1140. **CHIEF G. GOERZ:** I guess the process for us would be that during the construction -- if it goes ahead, during the construction of this pipeline, that if

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- anything significant is encountered by the construction equipment or whoever, that Trans Mountain stops work on that site and informs the First Nations groups that they have found something significant, and could you come and have a look at this and see if it involves you or if it's part of your nation or -- that's what we would like to see. On behalf of, well you know, from Trans Mountain.
1141. **THE CHAIRMAN:** Sorry, is it my understanding that you are undertaking a TLU study independent -- you know, you are doing your study yourself for Trans Mountain?
1142. Am I correct and would that be a way of reflecting some of this -- and where that study is perhaps might be a question for you.
1143. **CHIEF G. GOERZ:** Yes, we have presented a Traditional Land Use study to Kinder Morgan and that is in there. I think Jessie would like to add something to this.
1144. **MS. J. LOYER:** I'd just like to add that because we lack status as a First Nation the ability to undertake TLU studies and to look at ceremonial sites is severely limited because of our inability to access funding or any sort of economic development. So we are unable to fully be involved in that process of finding where people are buried and ceremonial sites.
1145. **THE CHAIRMAN:** Thank you for that.
1146. Well if -- I don't think the Panel have any further questions.
1147. So we would like to thank the Michel First Nations for sharing your knowledge today with us and the information that you have given us and we will consider that. The impacts on you and your communities will be considered by us as we decide whether to approve or not to approve the project.
1148. So with that, I would like to thank you for your appearance today.
1149. And with that we'll stand adjourned until 9:00 a.m. tomorrow morning.
1150. Thank you.

--- Upon adjourning at 2:43 p.m./L'audience est ajournée à 14h43