

**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 16

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

**Hotel 540
540 Victoria Street
Kamloops, British Columbia**

**November 18, 2014
Le 18 novembre 2014**

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

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

HEARING LOCATION/LIEU DE L'AUDIENCE

Hearing held in Kamloops (British Columbia), Tuesday, November 18, 2014
Audience tenue à Kamloops (Colombie-Britannique), mardi, le 18 novembre 2014

BOARD PANEL/COMITÉ D'AUDIENCE DE L'OFFICE

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

ORAL PRESENTATIONS/REPRÉSENTATIONS ORALES

Neskonlith Indian Band

Kúkwi7 Judy Wilson

Elder William Jones Ignace

Dr. Janice Billy

Mr. Bert Deneault

Mr. Arthur Manuel

Ms. Nicole Schabus (counsel)

Stk'emlupsemc Te Secwepemc Nation

Chief Dr. Ron Ignace

Ms. Sarah Hansen (counsel)

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--- Upon commencing at 9:05 a.m./L'audience débute à 9h05

7564. **THE CHAIRMAN:** Good morning, and I'd like to acknowledge that the hearing is being held on Secwepemcul'ecw. And Kukpi7 Wilson, I understand you would like to start with a prayer.

(Opening prayer)

7565. **CHIEF JUDY WILSON:** And first, introductions. Our Elder who just did the prayer, William Jones Ignace; he's one of the few Elders that know the place names of our land. He's lived entirely on his land, and he shares his knowledge and his teachings with us, and has handed that down generation after generation.

7566. And we have Dr. Janice Billy. She is also a defender of the land. She's an activist, and she's also a teacher at -- for language, and also has tremendous knowledge of the land and continually teaches us and shares as well.

7567. And we have Bert Deneault, who is an Elder of our community as well. And he hunts and fishes throughout Secwepemcul'ecw, and he's also defender of our land and a speaker of our land.

7568. And to my right, we have Art Manuel, who has also been Chief for eight years for Neskonlith. And Bert's also been on Council for Neskonlith, and he's also worked tirelessly for our people across Canada and in the province and internationally, working for protecting our land and our people.

7569. And myself, I'm Kukpi7, Judy Wilson, (speaking in native language) Secwepemcul'ecw.

7570. **THE CHAIRMAN:** Thank you. And I'd like to acknowledge you being here this morning, and thank you for offering a prayer to begin.

7571. And I'd like to welcome you to the oral traditional evidence phase of the National Energy Board's hearing regarding Trans Mountain's Expansion Project.

7572. My name is David Hamilton. I am the Chair of the Panel. And with me is Alison Scott to my left, and Phil Davies, who are also Members of the Panel. We welcome you, as I say, here today and to those who are in the hearing

**Opening remarks
Chairman**

room and those who are listening to us on our Web site.

7573. And as you'll know, we are allowed -- for this morning, we will be sitting until noon today. And if you find there's not enough time for you to present all the oral evidence this morning, please feel free to make a request to file any additional oral traditional evidence by electronic means such as a video or some other method.
7574. The Board understands that the Neskonlith have oral tradition evidence for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing. The Board recommends that those providing oral traditional evidence focus on their community's interests and rights.
7575. These hearings are not to hear evidence that will be filed subsequently in writing, including technical and scientific information, opinions or views, advice to the Board, or whether to recommend approval of the project or the terms and conditions that should be imposed, or the questions to the Board or other participants.
7576. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. If you wish to share any concerns about the impacts the proposed project may have on you and your community, and how any impacts could be eliminated or reduced, that would also be helpful to us.
7577. This is the type of information we're here to listen to, and we will use this information we gather today, along with all the other information, in considering the possible effects of the proposed project.
7578. We appreciate that you have chosen to be with us today. And before providing your oral traditional evidence, presenters will be asked to swear or affirm that the information that the information they are presenting is accurate and truthful, to the best of their knowledge and belief.
7579. With that, I think we're ready to get going. And before we get -- before I call on the Neskonlith to present their oral traditional evidence, perhaps I would ask the representatives of the Proponent, Trans Mountain, to introduce themselves.
7580. **MS. OLENIUK:** Thank you, Mr. Chair. Good morning to the Board,

and good morning to the representatives from Neskonlith.

7581. My name is Terri-Lee Oleniuk, and I'm counsel to Trans Mountain, along with my colleague to my right, Heather Weberg. To my left is Annie Korver, and she's a member of Trans Mountain's Aboriginal Engagement Team.

7582. Good morning.

7583. **MS. SCHABUS:** Sorry, Chair. I should also introduce myself. My name is Nicole Schabus, and I'm counsel for Neskonlith.

7584. **THE CHAIRMAN:** Thank you for that.

7585. With that, then, perhaps we could have the representatives of Neskonlith be affirmed.

WILLIAM JONES IGNACE: Affirmed

JANICE BILLY: Affirmed

BERT DENEALD: Affirmed

JUDY WILSON: Affirmed

ARTHUR MANUEL: Affirmed

7586. **CHIEF JUDY WILSON:** If I may also introduce Councillor Randy Sam. He just joined us at the table. He's one of our Councillors for Neskonlith as well.

7587. **THE CHAIRMAN:** I acknowledge that.

7588. Will he be making any presentation today?

7589. **CHIEF JUDY WILSON:** No, he's here to support the presentation today.

7590. **THE CHAIRMAN:** I acknowledge and recognize him, then. Thank you.

7591. And with that, I think we're ready to go. And perhaps you can -- counsel, you may indicate whether you'd be prepared to answer questions either orally or in writing, or both. Thank you.

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7592. **MS. SCHABUS:** Thank you, Chair.

7593. My clients are ready to answer questions in writing and, time permitting, potentially orally at the end.

7594. **THE CHAIRMAN:** With that, then, we're ready to proceed. So however you wish to present.

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

7595. **ELDER WILLIAM JONES IGNACE:** (Speaking in native language). My name is Wolverine. I've been an activist all my life.

7596. These are some of the things that the land is very important to our people that are part, the Canadian Army, plus the RCMP, back in '95 to show you the importance, the land means to us. I was given two things. One is for peace by the RCMP. And here is a medal that I got, bravery under fire. We were badly outnumbered by 450 to 18, but we held our ground. That's how important the land is to us. I'm showing you these things to show you.

7597. I've known about the issues because I was an activist all my life. I worked up in that area many years ago when I was a young man and I know the people that was there, all the old people. But since -- for quite a few years, I haven't been up in that country.

7598. But our people have exercised our rights all over Shuswap Nation. Since we don't have a treaty our purchase of our land, according to your laws, this has never been fulfilled. And the different things that the Canadian government done to us, the creation of an *Indian Act*, when you're only give them two things, treaty or a purchase, but not to set up the *Indian Act*.

7599. The *Indian Act* have been used today as a tool for big business to get an okay of one or two Chiefs to give a go ahead to do what you want. I don't believe this would be right because we hold a collective right in the nation. All the people, the 17 tribes, have a right to this, not for one or two Chiefs to give a go ahead.

7600. Eighteen-eighty-four (1884), according to the anti-potlach of 1885, the

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- legislation banned us from practising our ways, collecting money for the land rights. I believe this has been an umbrella that Trans Mountain used to get the first land through because our people was threatened with jail time from 1884 to 1951 when they rescinded that order. So you can see how big business has been operating in this country for far too long without recognition of our title.
7601. Our Chiefs went over to Great Britain twice. Once in 1906. I speak about the Confederacy, the Shuswap-Okanagan Confederacy, where it was done a year after the *Indian Act* was formed, 1877. Went in effect by -- when you have all these wars happening stateside against our people, our people formed a confederacy, the Shuswap-Okanagan Confederacy.
7602. Now, the four Chiefs that went over to Great Britain, I'll get up and I will show you. After I explain, I will explain the flag. The four Chiefs that went over were N' kwala, Chil Heetza, A'turn, N' hum chin. That's the four Chiefs that went over to Great Britain in 1906.
7603. Again -- they went over again in 1926. This time there was Chil Heetza, Kelyoum (ph) and Paseal (ph).
7604. This is a deal with the land question because our rights are tied with Great Britain, not with Canada. Canada was given the two things, like I said, a treaty or a purchase. Neither happened. We've been waiting for your people to do the honourable thing since then. We're still waiting.
7605. These are some of the things. So when I said that, our part, we've gone into Court 42 times trying to clear up the land issue in the nineties. So the only thing we had left, we tried The Hague twice, tried the Queen twice, testified to the land three times, and nothing happened.
7606. So the only thing we had left, when we're doing our sun dance, we say this is our land, we'll stand by it. Regardless of what's happened, we are going to stand. We're not going to move.
7607. These are some of the things Canada has to acknowledge, the stand we make for the land, the importance because our food is there. We have all the moose, the deer, all the animals that we use for food, the fish, everything. We need clean water. We don't want it contaminated by the lake that spilled in Mount Polley. This is what the pipeline would do to our lands. We want clean water.

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We have that right. These are some of the things I bring out today to let you people know the importance of our land.

7608. I will now explain to you the flag. This is an agreement that our people have with Great Britain.

7609. The emblems that you see in the corners are the helpers of these Chiefs. These were medicine people. These are the helpers for that. You see the cross. That represents the four directions.

7610. On down -- going down, that represents the four seasons. Then also three rivers that flow through our nation, also the sun and the moon should be there as witness to that agreement. As long as the sun shines and the river flows and the grass grows, this will be a living agreement. We have this with Great Britain, not with Canada. This is what Canada has to acknowledge, the rights of indigenous people in this country.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR DR. JANICE BILLY:

7611. **DR. JANICE BILLY:** (Speaking in native language). I'm a member of the Neskonlith Indian Reserve, but I'm also a member of the Secwepemc Nation, and Neskonlith is -- I refer to it as a community. It is because it's an illegal Indian Reserve created from our land.

7612. We were -- we are the Lake Secwepemc, and we inhabit the Shuswap Lakes and the Adams Lake area and we were all one people.

7613. Adams Lake, who you heard from yesterday, Neskonlith and Little Shuswap, we are all one community and with extended family in all the communities, and now we are separated into three colonial Indian Reserves. So I live at the Neskonlith community.

7614. As a child growing up on the Neskonlith Indian Reserve, I and my sister -- I have six sisters -- we were probably the only family on the whole reserve who did not get taken away to the Kamloops Indian Residential School or into white foster homes because, in the sixties, there was a big scoop of our people who were taken into white foster homes and were taken completely away from our communities. So I was fortunate in that I stayed with my family.

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7615. And when -- as a child growing up, whenever like a social -- we knew who they were because they were the only ones who owned nice fancy cars. Social workers, nurses would come to the reserve. We would hide away from them and, if we hadn't, we probably would have been taken to the residential school or to a white foster home.
7616. So that is how we managed to stay with our family. And I also -- my grandmother would -- had a gun and she would bring it out whenever they came to try to take us. So she protected us from being taken and we were able to live in our -- stay in our community.
7617. So as we grew up, we did a lot of traditional things with our family. We went berry picking, ice fishing, root digging, gathering medicines; all of the things that our families did at that time.
7618. It was a mixed economy because our parents and, to some extent, their parents had gone to the Kamloops Indian Residential School where they were taught farming and agricultural skills, so when Indian Reserves were created and we started living on them, we still practised our way of life with the hunting and fishing and berry picking and everything we do on the land.
7619. But the Indian Agent came and like, because we were on these reserves, they came and tried to get our people to develop them into farms, like growing hay and different crops and had to -- built a church right in the middle of the reserve. So any reserve community you'll go to, you'll see the church right in the middle and the houses were all...
7620. Well, at first, we were out on our -- like we were just given plots of land like away from the main reserve, and that's where people had practised their farming and their growing crops. And then they built a church right in the middle of our community, so all the houses were built along the church so everybody lived right close to the church to ensure that they practised a religion and eventually moved away from that farming lifestyle and didn't really do that.
7621. Their children didn't really do that because their children had gone to the residential school and didn't -- I guess weren't involved in that work ethic of -- like their parents did. And so they largely gave up that lifestyle, and some people are returning to that lifestyle of gardening and orchards.
7622. But the people -- the majority of the people still go out and hunt and

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- pick berries, gather roots and medicines on the land and that is basically what sustains a lot of our families because it's highly nutritious. It provides the vitamins and minerals we need. And as the late Mary -- late Elder, Dr. Mary Thomas said, "Our foods are our medicines."
7623. So that is what kept us healthy and free from diseases such as heart disease, cancer and diabetes. And now we see a real rise in those sicknesses in our communities due to the foods -- not having as much access to those foods.
7624. Because I didn't go to a residential -- I mean, I went to a public school all my life and I've always -- I don't know how I managed to survive because I just hated it. I just hated being there.
7625. It was racist. It was -- we were the only native children there, and every day was a struggle just to be there, but I managed to finish.
7626. I finished school and then I obtained a B.C. teaching certificate. I taught in the public school for a few years and then I obtained a Bachelor of General Studies degree, Masters of Education and a Doctorate of Education. And all of my life's work has been with the research and the restoration of our Secwepemctsin, our language, and our culture because our language is on the verge of extinction.
7627. We have Elders like Wolverine. I would say Elders over the age of 80 -- 80 years old are the only fluent speakers left. And in the community of Neskonlith, I think we have maybe one person, who's Bert's mother, who is probably the last fluent speaker -- original speaker who grew up with the language in our community. So it's -- and it's the same with every community within Secwepemcul'ew, our nation.
7628. So it's a real struggle every single day to work and to restore our language, to research parts of the language. I worked on a language committee with Elders throughout the Secwepemc Nation, and that's what we would do. We would get together and record and research all the words and stories that are in danger of being lost because, once these Elders passed away -- pass away, it will be lost. We will have no hope of recovering it.
7629. So we worked on that and we worked on starting the program at Adams Lake that Robert Matthew spoke of yesterday. I was one of the founders of that. And we're a total immersion program.

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7630. We -- I worked there for 10 years and both my two younger daughters attended the immersion school for 10 years and now they became fluent speakers. And now they're both language teachers on the Kamloops Indian Reserve.
7631. The other part of the work I do in cultural research and re-teaching the culture is so important. Like I said, a lot of the people my age and -- went to residential school and didn't have that opportunity to be out on the land with their parents, so now it is a huge rebuilding process. So we're constantly planning and organizing activities such as a birch bark camp.
7632. We had a birch bark camp in the Upper Adams where we stayed for five days. We collected bark. We had Elders there, Judy's mother and other Elders who came and taught people the process right from getting the birch, which you have to get at a certain time of the year, and making the basket, and the cedar roots also.
7633. And my son, both my sons are hunters and fishermen, and my sons organized the Secwépemc hunting camp. They've had it the fifth year now and again, in different parts of our territory, Secwepwmcul'ecw, and the next one they're planning is in the McBride area, which I understand is right on the route of this pipeline. So we will be up there hunting.
7634. And so the purpose is to take people out on the land and teach them the skills of hunting; not only the skills, but all of the values and teachings that go along with hunting; proper respect of the animal, the land, the water, and proper handling the meat, and sharing the meat.
7635. They have a feast at the end where they -- a community feast, where they give out all of the meat. This year they gave out about 400 pounds of meat to community members, single mothers, and Elders, and people who normally wouldn't have access to this wild meat, which is highly nutritious and provides the protein we need. Most of the people in our family can't afford, like, meat, and most don't even want to eat it anyway from the grocery stores. We want to have our own food to eat.
7636. So this hunting camp really provides that purpose and it also is teaching the young boys, about 14 or 15. That's when they would have traditionally been taken out on the land and taught those skills by their -- the male members of the community. So now my sons, and other people that work with

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- him, are upholding that responsibility to ensure that these young men learn these important skills, values, and teachings of gathering food for the family and community.
7637. Another -- Wolverine talked about the law that prohibited the sacred ceremonies and the gathering of the people, and one of those really important ceremonies was the Secwépemc winter dance.
7638. The winter dance was held once a year, in the winter months, and it was one of the most important ceremonies we had, and there were many purposes, it wasn't just a social gathering. It was a social gathering, but it was much more deeper meaning. It was to really maintain the connection to our land, to our people, to practice our values of gratitude and thankfulness for all of the food and water provided to our people. It was to uphold our natural law, to remind us that we must always take care of the land and everything that is provided for us.
7639. You heard this from the Adams Lake people yesterday. It was to maintain our knowledge and to transmit the knowledge of our language, our songs, our dances. And it was to solidify our identity as Secwépemc, as a distinct Secwépemc People.
7640. So there hasn't been a winter dance in over 60 years in our community. Some of us attend the Okanagan winter dance, which is similar -- the Okanagan are very similar cultures to us. So some of our people attend the Okanagan winter dance and are learning, and people are learning and we are bringing back this sacred ceremony to our community after almost 60 years.
7641. Another knowledge is the construction of our traditional dwellings, our traditional tools and materials we used. My son and my niece have both built traditional pit houses that they're going to be living in which has, like, no electricity, no running water, and is totally a traditional lifestyle. And all of this, all of the things we do is to decrease our dependency on electricity, oil, gas, and we survive. We lived like that, for thousands of years, and we are prepared to do it again, and we can and we will do it, and we are starting that with our younger generation and their children.
7642. Within our close community of Neskonlith there are so many developments; industrial, resource extraction developments, happening within our territory we are having to go further and further away for hunting, for -- I live on the Neskonlith Reserve and one of the big developments is the Sun Peaks Ski

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Resort development, which was a major hunting area for our people. There were -- our people would go up there, they would get 10 moose, they would dry them up there and they would bring them back and share them with the community.

7643. And up until a few years ago my -- I only live 30 minutes on the back road from the Sun Peaks Ski Resort and my sons were able to go for a quick hunt at around supper time and they'd be back in about an hour with a moose, and now you can go days, weeks, without getting any moose in that area.
7644. We're just having to move -- either the animals are moving further and further away because of destruction, or they're just being -- their habitats are being destroyed up there.
7645. And the same with huckleberries, we used -- wenéx, we call it in our language. We used to go to an area above, between Adams Lake and Neskonlith, an area they called Bear Creek, and we would -- all the families would go there, even families from Kamloops. We stayed there for three weeks and we were able to pick enough huckleberries for all the families to last the whole year, and now there is no berry patch there. All of our closest berry patches are being destroyed because one of the -- global warming, plants are moving further north, lack of water, the forests are drying out, clear cut logging; Interfor is a big resource extraction in our area.
7646. The proposed Ruddock Creek Mine, which is in headwaters of the Adams River, home to the -- we're one of the world's largest sockeye salmon runs. And incidentally, it's owned by the same company, Imperial Metals, that had the breach at Mount Polley. So they are trying to operate in our territory and if there's ever a major disaster there, which I don't -- I mean -- if -- when there's a major disaster, has a potential to wipe out the Adams River salmon run. And I say when because Western science cannot guarantee safety. Western knowledge cannot guarantee safety of any manmade structures.
7647. We have lived on our lands for thousands of years, we've gained our knowledge from observation and direct experience, and we know the land. We know what can and cannot be done to the land, and these resource-extracting industries are just -- are doing major damage to our lands and water.
7648. So because of the decreasing amount of foods in our area, like I said, we are having to go further and further away to get the foods and medicines we need. I, and some of my family members, go up to McBride, Clearwater, Blue

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River, and we have found really good wenéx, sesepéllp, blueberry and huckleberry areas up there, and all of these areas I understand, are on the route of the pipeline. So that is within our Secwépemc territory. Do you want to bring up the map? The other one. Do we have that other one?

7649. Okay. So we -- although we live in the southern part, we are Secwépemc. We have a collect -- we have -- we hold the land collectively. We have a right and responsibility to go anywhere within Secwepwmcul'ecw to pick our berries, to get our fish, whatever we do. And so that's what we do, we're going to as far north as McBride. We've gone to Golden, almost to Banff. Banff is a really good area for sxúse, scosa berry.

7650. But because I'm -- I have a job and I do earn money, I am able to afford this. I have a -- I might be able to buy a truck, I have gas money, and I'm able to get to these places, but a lot of our family members can't and won't because they just don't have the funds to get there. And we tried to -- we're organizing many more camps so people can get to these areas and do have access to this food that we need.

7651. So the foods that we gather they're just -- they're so much more. You heard this from Adams Lake people about the salmon, there's so much more than just food to feed you, or your appetite. They contain the values like for when you hunt, you berry pick, you share, you take care of the land, you never take more than you need; only what you need, and you leave the rest. You leave certain plants so that they will -- there will always be a crop for next year.

7652. You take care of not only the land, but the water for all of the animals in that area too because our Elder Mary Thomas told us that the -- for example, people were talking about taking the huckleberry plants and growing them near to the reserve lands, but she said, no, you can't just take things out of an ecosystem and try to restore it -- to put it somewhere else because there are so many factors.

7653. Like the grizzly -- the bears eat the berries and then they poo them out, and that's how the seeds get spread. You can't just take the seeds and plant them somewhere. There's a certain process that they have to go through and certain birds that take the seeds and spread them to areas, and the animals and the birds know all of this. They know that everything is connected and works together.

7654. So we cannot just take western science knowledge and try to implant it in different places where it's not meant to be.

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7655. So as a Secwepemc mother and grandmother and aunt and cousin and a member of the community, it is my responsibility to provide good nutritious food for my children, my grandchildren, my extended family and community members. My responsibility also is to pass this knowledge on to future generations just like it was passed on to me.
7656. Now, if our lands are destroyed, if and when -- a lot of them already are -- are destroyed, we no longer have this ability to carry out our responsibilities. We will be regulated to the colonial Indian reserves and be living just like the rest of you do, which I am not prepared to do.
7657. Because I take my individual and my collective responsibilities seriously, I have been involved in many land protection activities. For example, the Sun Peak Ski Resort expansion, which happened very close to our communities, and we were guided by very strong Elders, my late mother-in-law, Irene Billy, and Bert's mother, Sarah Deneault, the oldest Elders of our community who guided us and said we have to protect that area. We have to do something.
7658. So we went up there and we set up camps. We were there. We made a presence for about four years. Within that time, we had 55 arrests of our people who were given Court injunctions to stay off that land, and it was -- it created a lot of, I guess, divisions in our community.
7659. We had, like Wolverine said, elected Chiefs who made certain decisions and there were elected Chiefs within the community who went against the people, who signed agreements, and which enabled the RCMP to come, the Courts to come and to use all that against us.
7660. So that happened there, and there's a whole history about that. You could read about it in Arthur Manuel's book, which will be out next month, which you should all read.
7661. And the other issue right now in our area is -- one of the issues is the Ruddock Creek mine, which Bert will speak more of, located in the head waters of the Adams. We've made lots of excursions up there to monitor the area and == to monitor and to make sure we know what is going on. And our Chief, Judy Wilson, informs us, the people, of different developments so we know.

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7662. I know that doesn't happen in a lot of other communities. The people don't even know what is happening within their communities.
7663. So Secwepemc title is held collectively by all of the people. It has never been ceded. It has never been surrendered. So we all have the responsibility to take care of the land, not just a few elected Chiefs, and we are working in our Secwepemc territorial authority where the people will be the lawmakers.
7664. We will restore our Secwepemc law. We will look after our -- we will develop our own laws. We will develop our own environmental assessment. We will develop our principles of what can happen in our territory, what will happen in our territory.
7665. We know that the *B.C. Environmental Assessment Act*, even the *Canadian Environmental Assessment* is flawed. It does not include our way of life. It may look at the water, but it does not go into the depth of our knowledge and what we need of how we need to protect the land.
7666. So we do not recognize -- I do not recognize the *B.C. Environmental Act*. I do not recognize the *Canadian Environmental Assessment*. We must make our own laws.
7667. So we will not accept this ongoing destruction of our land by corporations who continually benefit from this exploitation, and especially the foreign markets who benefit. Why should we give up our use, enjoyment and benefit of the land to allow for foreign corporations and foreign people to enjoy for the sake of money? Because our concern is not money. Our concern is our food, our water and our medicines.
7668. And I would like to conclude by saying that anyone in this room or out of this room who makes this decision to allow this pipeline to go through Secwepemcul'ecw, and it creates irreparable environmental damage, then they, he or she is responsible for damaging an already fragile culture.
7669. Kukwstsétsemc.

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--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. BERT DENEAULT:

7670. **MR. BERT DENEAULT:** Good morning, hello. Can you hear me?
It's on.

7671. Yeah, (speaking in native language). That's my name in Shuswap. Bert Deneault is what the federal government hung on me. So that's what I got to use today because this is government stuff, right, and nobody can speak total Shuswap except my Elder here, Jonesy. And I can speak some of my language, but not all of it because I'm a product, just like Janice here -- I'm a product of the residential school aftermath, but I was not in residential school. I missed that also. I just missed that.

7672. The year I was supposed to be entering in there after the day school on a reserve, that year in '62, I was one of the first natives in public school.

7673. And Janice filled you in on all the happenings in the public school, so I don't have to consider that. So -- but I've been -- I'm an Elder and a spokesman from the Neskonlith Indian Band. I have been since I was probably 55, and that's a while back, and also as a Councillor that started the Indian Reserves on the -- on reserve Band offices in 1975. And I was a Councillor for eight years at that particular time and began -- started what we are now and today.

7674. And then I'm sorry to say -- and we knew that back then when I was a young Councillor and I talked to the Elders, and we knew that we would have this trouble today that we are having, that we have to now eliminate and split away from the federal government because we cannot exist as a Secwepemc people under the flag of Canada or British Columbia. It must be under our own flag and our own culture, our own laws and our own land.

7675. As you see the territory up there, Secwepemcul'ecw is held collectively as 100 percent collective just like Kinder Morgan is a corporation. Secwepemcul'ecw is considered a corporation that's got 10,000 shareholders, period, simple as that.

7676. There's no ifs, ands or buts here who owns this territory. We know we own it. I know I own it. I was told that when I was young. I was brought through all the culture.

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7677. I'm a fisherman, gatherer, hunter. I've fished and hunted all over that territory there pretty well just about in my day.
7678. And so it's very important to me that -- and I am studying Kinder Morgan and looking over it the last few days and the more -- in private and looking over all the discussion that's been happening with this thing. We didn't have a decision-making in that process when it went through.
7679. It's seeming like today now we may have some kind of decision-making -- may. But on the one hand on a legal perspective as if I was looking at Secwepemcul'ecw laws, I'd be saying, "Why in the heck am I talking to you for? You guys should be talking to us and trying to make a deal on the territory".
7680. But no, you guys are all under the federal government of Canada laws. You're under Canadian laws, and we're two different people.
7681. And yeah -- and there's no evidence of anything that -- to prove that this is your territory and you have the laws to make. And I have to come here and explain to you that you can't be going down to our territory, ruining our hunting and fishing territory.
7682. And the biggest thing -- I mean, I'm going to tell you a little bit more of myself. My mother Sarah August Deneault, she's 92 or 93 years old, and you heard her mentioned here. She's a land claim spider. She's a full language speaker. She's been fighting all her life in trying to restore land title and rights and being self-governing and all that.
7683. But -- and I have four kids of my own. I've got grandchildren, and pretty soon great grandchildren and I've got them spread out of all that territory you see up there.
7684. You see in the Neskonlith Douglas Reserve, that's exactly where I'm from; I'm from Neskonlith. But Neskonlith Douglas Reserve is only the first Reserve that Canada pushed us onto, our first concentration camp; that's what I tell my kids. And we're still in concentration camps since after the war.
7685. So I'm a -- my father was Alec Deneault and he's -- we were down from the south of here, south downstream from Kamloops here, end of the lake there. And that's where I did most all my fishing and I still fish there today. I fish on the Fraser River, which is further south -- or west.

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7686. And so all these rivers connect from all the way down through there, and that river, that North Thompson; that line goes all the way down on North Thompson and the majority of the line -- of this line is in the Secwepemcul'ecw Territory -- Nation.
7687. I shouldn't say a territory because people confuse territory issue. And our own people confuse the territory issue because, like you heard, that some bands think they got their autonomy and they own that territory around their little bands. Like I'd say, "Well, I'm Neskonlith; I own Nesonlith Band, plus around a little area." No, no, no, no. Title is not brought up -- title is won. It's a collective. The U.N. Declaration of Rights, which we don't have up here, but it also states it's a collective right and we know it's a collective right.
7688. A collective right is just like a -- I'm going to mention it again. Kinder Morgan and their shareholders are all collective. They have a collective right to Kinder Morgan. My people and my kids and my grandchildren and the future generations in this territory, they have a collective right to the future of that land to be protected and stay that way in pristine condition for the next seven generations and onward.
7689. And if it had a leak along that pipeline -- and that's already -- we know that line is already old; that's why Kinder Morgan needs to beef it up, plus make money. And the money that's going to be made, it doesn't benefit us, as has been mentioned. It doesn't benefit -- it'll benefit Canada in some of its employment, but it benefits the Europeans or Asian markets.
7690. And if a catastrophe happens, those people who benefit; are they going to come back and help us clean it up and protect it and bring it back so that we can eat? No, I beg to differ. And we take -- like disasters -- I mean, you could say we were talking about, okay, we have a spill and take -- not even that. The intervention or the changes on the resources coming in, like we can -- I'll give you an example, well, about fishing.
7691. On the South Thompson here, just on my river, right, I live right on the river. We -- the water is shallow and we used to -- we weir the salmon, and weir it and collect our fish during the season. And now we -- they -- for the sake of money, for European dollars to be made, the government in its wisdom came along and they dredged that river in 1948. They dredged it. Spawning grounds dredged; for what? To take natural resources out of our territory and ship it off to

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- the new world; and didn't benefit us one bit, but ruined our fishery.
7692. We couldn't weir salmon there. We used to take team and horses go across the river right there in front of the skeetchestn and down on the kelout (ph). No more. You can't today.
7693. And now we -- the story is, like I say. And then we had to turn -- now we have to turn and find an alternate way to catch salmon. And we had to use your technology. We had to make spears out of iron. We had to put a fire over the boat. We did pit lamping. It's called pit lamping, but this we did a little more modern, we -- because we had more technology. In the sixties, when I was young, we had a fire over the boat and we had to spear salmon.
7694. And so now we're killing salmon. We spear salmon and we ruin fish because of the spear marks because when you weir them, you get the good ones. You don't hurt nothing to put back, but you're hurting salmon, they're getting beat up.
7695. But the long story short is there is a change that's going to happen if a spill occurs within our territory, and that cannot happen. I will not allow that in my -- as long as I'm alive today.
7696. And as a Secwépemc Elder -- and I teach my kids. I take them -- I took them to the Fraser. I was drying salmon. I've been on the river gillnetting, dip netting, menip. Menip is like a harpoon. All those things.
7697. And the teachings of our people, education factors are not what you call -- what you guys' education system is all about. Our education is on the land and you learn about living with the land in harmony. And not only in harmony, but you've got to live with it and be it. You can't be separate. You can't be away from being with the land to survive.
7698. Our people survive because we understand the land; that is our grocery store. The Canada government got this food sovereignty system going on and they call it a food sovereignty zones and all that. Well, our food doesn't come from 7-Eleven. It does not come -- today it does, granted, but our culture and our way is our food comes from the land.
7699. The land provided everything; our food, our medicines. Everything we needed to be alive came from the land. That is why the land is so important

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- and that's why the land is held collectively, and individuals can't hold it because we don't. We just borrow this until -- while we're here and we must look after it because our language calls it (speaking in native language).
7700. (Speaking in native language) that's caretakers of the land. That's simple.
7701. That is the only duty in life as a Secwépemc person is to take care of the land and that's one of the reasons I'm here is taking -- they say today is to take care of the land and say no to this pipeline. No, 100 percent emphatically no, because the fact is because I'm a hunter, a gatherer and the medicines come from there, and the rivers and waters are all connected, despite what you think.
7702. The aquifer system is under the ground. You know, nobody really knows where it all goes. You wonder why water pops up out somewhere way out there middle of nowhere. Only Creator knows what she's doing, or he.
7703. But that -- in the fishing technique, and then same with gillnetting. There's -- now they put us in. And the fishery -- I remember --oh, there's a story.
7704. I remember when the fish -- Department of Fisheries came in; I was about, like, 10 or 11. And they used to come to our door and give us a piece of paper says you -- we can go fishing or even hunting -- never mind, hunting.
7705. DIA used to come to our door, that too, and give us a permit to go get a deer. A doe -- it says a doe or a deer, a female deer, whatever. But that is what happened.
7706. And I -- they used to come to our door, give us a permit to go get -- go fishing and then turn around and gave us a piece of paper to show us how to go fishing. Now, how arrogant is that to show us how to go fishing when we've been doing it, collectively and traditionally, all our lives as we live with it.
7707. And today they still do -- (inaudible) get permits. And then they gave -- the government gives the powers to these different bands and the fisheries got these powers and they say, "Oh, we got a fisheries department." Pardon me? How many fisheries department does Canada have? One, Federal Fisheries and Oceans. Neskonlith -- the Shuswap Nation, 17. Seventeen (17) fishery departments, different. They all -- we all operate different.

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7708. But anyway, that's a long story. There's more study in that. But the fishing part and the waters is so important that we cannot continue. This pipeline, I know, is old. I know you guys want to refit it, redo it. I think -- I don't know what the solution is but to me it's got to be a stop, no, because this is one of the -- this is only country that Secwépemc people can call home.
7709. The only place we can call home that we can care for, and that's still looking good compared to the rest of the world. Because I know many of you in here, you're going to look back and look at your home country and take a look and compare it to your pristine -- our pristine country here. We still have the best country in the world, Secwepemcul'ecw, and that must be protected, along with our salmon. The salmon is one of our -- sustenance of our food which created, I think they estimated at 65 percent of our intake as Aboriginal people was salmon, and salmon are in the water.
7710. Mount Polley is the wakeup call for all of us, or many of us who consider it a wakeup call. That's in Northern Shuswap territory, in our territory, in our nation. I got to get away from saying territory because that's not right.
7711. But we must move forward and look at total water and look at us as a Secwépemc people, because the ones that you're going to be hurting in the Energy Board or Government of Canada, anybody, you're going to be hurting people, that's my people. Not what you see right here, I'm talking about next generations coming up. We may not have a catastrophe for 10, 20 years more, but then I won't be here, neither will you. Many of us won't be here. Well, I guess there's a lot of young people here, but us older people.
7712. So -- but an impact; there is going to be an impact, and that impact is on us. Not the Panel, not everybody around here, it's going to be the people, Secwépemc people and the inhabitants who want to live here in the harmony in the collective.
7713. And like I say, I can't say any more but than that sockeye run, Adams Lake sockeye run. That is right in the heart of our territory, our nation, our country; right in the heart. And that's in the first Reserve, the Douglas Reserve, the Neskonlith, they call it Douglas --Neskonlith Douglas Reserve; it's a Neskonlith Reserve. And that Neskonlith Reserve encompassed three bands; Adams Lake, Sexqéltkemc, and Neskonlith. That's the three bands within that.

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7714. And now -- okay, I'm going to end there and turn -- and move it on to -- I might say something later.

7715. **THE CHAIRMAN:** I wonder if you would like a break at this time, or are you happy to carry on right now? Entirely up to how you feel. I'll leave that up -- I'll ask the Chief if that's ---

7716. **CHIEF JUDY WILSON:** Yes, that'll allow us to recap a bit. Okay.

7717. **THE CHAIRMAN:** Okay, we'll take a 15-minute break and come back at 25 after.

--- Upon recessing at 10:07 a.m./L'audience est suspendue à 10h07

--- Upon resuming at 10:26 a.m./L'audience est reprise à10h26

WILLIAM JONES IGNACE: Resumed

JANICE BILLY: Resumed

BERT DENEALD: Resumed

JUDY WILSON: Resumed

ARTHUR MANUEL: Resumed

7718. **THE CHAIRMAN:** Thank you and we appreciate the break.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF JUDY WILSON:

7719. **CHIEF JUDY WILSON:** (Speaking in native language).

7720. My mother is Monique Kenoris and my father is Joe Manuel, and my paternal side of the family is Louis Manuel from Tk'emlúps, and Moriah Dick on maternal side is from Neskonlith, and my great-great grandparents are Margaret and Andrew Margate Dick. And I have two children, Moriah and Hannah Wilson, and a grandson, Quinn Thomas Wilson.

7721. And I've been born and raised in the area. I was born in Kamloops and spent most of my time in our community, except when I went to school in college in Alberta at Grant MacEwan. And I served on -- as Council for many years in the early 2000s before I became Chief of the community and following some footsteps in my family. My father, Joe Manuel, is the Grand Chief in our community, and also Art here, Art Manuel, Bob Manuel, and my late uncle,

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Grand Chief George Manuel.

7722. I've been appointed a member of the Union of B.C. Indian Chiefs Executive, Secretary/Treasurer, and I'm also on the First Nations Leadership Council as well.
7723. And my grandmother looked after me until I was about 11 years old, so she taught me a lot of the Secwépemc ways. And her brother, Harry, also taught a lot of the drumming and a lot of the ceremonial ways of our people. And it's really important to understand that because with our laws the Creator gave us and with the teachings they connect us to the land. Our laws are written on the land and the responsibilities as caretakers that some of the Elders here that spoke of are really important.
7724. So I really appreciate the ancestors being with us today. We did our prayers. We brought our eagle staffs, and also the Secwépemc unity staff the youth gave us and the Secwépemc unity -- women's unity staff that Councillor Karen August here is holding. She's joined us today, as well as Joan Manuel Hooper from Neskonlith Council as well; and many of our members from our community are here today.
7725. So our Elders that spoke before me, they're our Elders and knowledge keepers, they're explaining our connection to the land and our relationship to the land. Kinder Morgan threatens to displace and disconnect our people from the land, that's why they were explaining what they were saying about the fish, the land, and the water, and the collectively held title as Kinder Morgan threatens to displace all that.
7726. Secwépemc people, in our way we exercise our rights to hunt and fish throughout Secwepemcul'ecw, and that's the 180,000 square kilometres. We're the largest nation in the interior, and currently with registered members, we have over 10,000 members. And when Elder Bert here talks about collectively held rights, that belongs to the 10,000-plus Secwépemc members of the nation and many more that aren't even recognized because of Canada's laws, the *Indian Affair Act* that displaces our people. Many of them can't even register as being status because they're either 61, 62 out of the Act, or they're not even recognized as members.
7727. Historically, we had 33 communities throughout Secwépemcul'ecw villages and campfires, and because of the two epidemics only 17 of our

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- communities survive today. And our population went down to almost two or 3,000, which some villages were extinct by the government, determined extinct, but many of the members, including my mother, from Big Bar Band, she was placed over at the Canoe Creek Dog Creek Band, and some of our members of her community were even displaced out to other nations. So it's really impacted prior impacts.
7728. Our Secwépemc title is held collectively by the Secwépemc people; the highest courts in the land recognize that. The Supreme Court Canada, in all of our filings, have always been as a collective nature of our title. That means the decisions of any impacts by any project, including Kinder Morgan, would have to be done collectively.
7729. The Secwépemc Neskonlith Douglas Reserve was created in 1862. The Chief Neskonlith was sent to place three stakes -- place the stakes. He was given -- the first one was jointly placed with William Cox in 1862. I think it was same time Tk'emlúps Douglas Reserve was created. And then Chief Neskonlith was instructed to place the other three, which he did, and that formed one of the largest mega-claims, Neskonlith Douglas Reserve. It cannot even be dealt with through the regular processes for specific claims. It's deemed that Harper -- Canada has to deal with this directly because of the large size of the claim. Even tribunal or any of the other processes are not adequate for the size of our Neskonlith Douglas Reserve claim.
7730. The government has tried many ways to displace us from our land. I want to be clear here at this hearing, our people did not agree with the Treaty process in its entirety. We did not surrender, seize, or sell our title to our land. We have underlying title throughout our Secwépemc Nation, and that is collectively held, and even if Canada does try to come in and offer fee simple lands to some of our communities, we still hold collective title. And that was actually acknowledged by one of the negotiators who called me earlier, a few months ago, in his description of what he was trying to offer in fee simple lands to some of our communities.
7731. I maintained we still held collective title and he acknowledged that's why they need to consult and to talk to us.
7732. Our Elder talked about our 1877 Shuswap Okanagan confederacy. Our ancestral chiefs maintained our position on protecting our lands from encroachment and that we would not cede our lands, and we have our special

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- relationship set out under that confederacy with the Crown. And we have a very strong understanding of our hereditary lines of who our ancestral chiefs were.
7733. There's documented accounts through history about our ancestral chiefs and their strong position and their responsibilities to our land and our water and our people, and that they will not ever, ever give that up.
7734. So the other -- we have a lot of issues with the Kinder Morgan process. One of the fundamental ones I wanted to talk about right now is about our language.
7735. We have very strong language speakers; it is being revived in our communities, and it really impacts us when our Elders cannot speak in the language. It is a direct contradiction for this process that does not provide for and fund for interpretation of our Indigenous language.
7736. This is, after all, an Aboriginal oral traditional evidence hearing and our knowledge is our language. Our language is complex, and it carries deep meaning which cannot be expressed in the same way as English. You asked us whether we'd use another language other than English and we had Elders who wanted to speak in qelmecwitsin, but they would have required an interpreter which the National Energy Board does not provide, and if our language had been French, you would have provided an interpreter.
7737. It's really an insult to an injury that this process, how they responded, that we would not be provided an interpreter, but we would have to fund our own interpreter when in Case Neskonlith, we do not have that funding allocation yet.
7738. For the whole process to be here today, we are out of pocket and at our own expense to be able to do this hearing today. We've had to participate in this process at a great cost to our people and to our community, and it always seems the way with the government processes.
7739. We're asked to prove our title, and clearly, a lot of the evidence we have is prior to 1864, but still is not recognized. And our title, our recognition to title is not recognized even though in the case law in Canada, it has been recognized right from *Delgamuukw* to *Tsilhqot'in* and yet, the government or delegated authority, such as the National Energy Board hearings, are not recognizing it.

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7740. So our Elder today had to make a great difficult decision in speaking in seme7tsin and not in qelmecwitsin because he had to translate for himself. So these decisions are difficult to take and cause our people a lot of stress, and we do not want to do this to our Elders. So the responsibility for limiting, I guess, our oral evidence falls greatly to the National Energy Board because that limited our oral testimony today.
7741. Overall, we find that the NEB process has been fundamentally flawed. While you're expecting from our people and the Elders to be available for cross-examination, we are not able to cross-examine Kinder Morgan or Trans Mountain regarding this proposed project. It's inappropriate to claim the government's duty to consult can be discharged by way of this process.
7742. The federal government is not directly engaged with Neskonlith. As you heard our Elder said we have a Crown relationship with the Queen and the federal government, but they're not here. The Secwépemc people collectively regard this project that we have never ceded, surrendered, or sold our land; hence, the government should engage us as decision-makers.
7743. Our people hold constitutional 35 rights to hunt and to fish and to govern ourselves, and it reaffirms our title; yet Canada is not here.
7744. As our Elder, Bert Deneault, pointed out in our map, according to Secwépemc law, there are no internal lines or internal boundaries to Secwepemcul'ecw. There is no such thing as Band territories. There might have been community use and community occupation, but, clearly, our ancestral laws of how our landmarks and markings for the territory were given, that was for all of Secwépemc people.
7745. Our people hunted and fished throughout Secwepemcul'ecw right from, you know, the farthest reaches of the northern section of our territory; there is oral accounts and stories of hunting, fishing. We have shared stories of the creation of origins. We have shared stories of how the food was given. We have shared stories of how day and night happened. It's all shared within our territory, so we have specific laws and specific teachings for those.
7746. And our people continue to hunt and fish. I have relatives in northern Secwépemc. I have relatives in this area. They actually don't like to be referred as northern Secwépemc, but all of Secwepemcul'ecw as a whole. So we hunt and fish all throughout the area, the territory.

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7747. In 1977, because of the further encroachment to our land and our territory, our leaders of the day, Chief Art here, that was a Chief then with Adams Lake, did a joint study, a traditional use study of that use and occupancy that showed that we hunted and fished throughout Secwepemcul'ecw, but it was just a snapshot of 1997 but it provides us with a baseline of that use and occupancy and how concentrated some of the areas were where we harvested our medicines and harvested our plants and did our ceremonies and did our hunting and our fishing. We did not just do that in one small spot near our Reserves; we were throughout Secwepemcul'ecw.

7748. My mother, Elder Monique Norris, continues to fish and hunt throughout Secwepemcul'ecw and she refers to herself as the "People of the River" because all the rivers are connected, and the lakes.

7749. So some of the information that we have from the traditional use study, we continue to build on it, but we need further study with these major projects that are coming into our territory because, as Elder Janice, knowledge keeper Janice, Dr. Janice pointed out that some of those areas are being impacted, you know, in different ways. So we have to go further and further out to locate the berries, the locate the medicines, and do the things that we need to do, because those medicines have kept our people healthy and, you know, cured a lot of our people for many, many years, and it still is.

7750. There's only certain places that some of those medicines can be harvested and they're getting impacted by these major projects and, you know, that's a real impact to all of our people. I know my mother uses a lot of those medicines directly and she shares knowledges on those medicines and a lot of our -- some of our younger people are now getting the knowledge of those medicines, and it's really important because when the European medicines don't work, that's where our people turn to, is to our traditional medicines.

7751. Some of them don't even like to use European medicines because there's so much side effects to those European medicines. And our people greatly rely on those medicines, and they're in specific spots throughout Secwepemcul'ecw, and there are certain time and season and way you have to harvest them.

7752. So I think that the biggest part is, with that pipeline, it impacts our access and continued use and -- to our lands. The water flows throughout

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Secwepemcul'ecw, so, of course, anything -- for example, you know, with a pipeline spill which, you know, we don't even get documentation on it, it's very difficult to access documentation. I had -- I read an article a few weeks ago about unreported -- I guess it's reported but inaccessible information on pipeline spills, and it's not even shared. So one of the members was questioning, "How do I even know it's safe where we're picking berries, hunting, or fishing if these oil spills from the pipeline aren't even reported out to let us know?" We may be already consuming contaminated plants and fish and animals because the lack of the responsibility of the government and the pipeline to share that information and exactly know how it may impact us.

7753. So the pipeline corridor is real serious to us; we're very concerned about this. And we had other neighbouring communities that came to us and told us the pipeline goes right through their community, the Kinder Morgan one, and it displaced them on housing because they can't build anything near it. It displaced them economically because -- for the same reason, and they have concerns of their water and their people. And Kinder Morgan had told them they will not talk to them about the existing pipeline; they only want to talk to them about the proposed pipeline and would not further discuss that past issue.

7754. Meanwhile, there's a lot of issues with the past -- the current pipeline. And we support those people because it's displaced them. Nobody should be displaced because of that pipeline.

7755. And there has been a lot of encroachment on our territorial lands. It's further having cumulative effects. The logging, the mining, the transportation, the pipeline, and the mining impacts us greatly. Mount Polley was an example of that. It shouldn't have been just, as Elder Bert here said, a wakeup call for our people or, you know, the local Likely residents who aren't getting much support at all.

7756. It should have been a wakeup call for everyone in Canada. It was a worldwide disaster. It was equal to some of those disasters globally, and yet they still not have cleaned up the site. I don't know how they're going to, it's such a large site to clean up, and that's just an example of a major disaster by an industry.

7757. The environmental assessment process did not have -- they could not even monitor it properly. They did not have enforcement. They did not have even strong processes or policies to deal with it. I've been sitting at meeting tables with high-level ministers that told me it was not contained, they were not

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- sure how it would be contained, and they were trying to deal with it, but purely that told me they were not equipped to deal with it, nor is the Imperial Metals able to deal with it.
7758. So we have little faith or a lack of faith that the Government of Canada, the province, or the Kinder Morgan or Imperial Metals, any of the major industries that can deal with these type of worldwide major disasters. So that has questioned it all. And I'm sure the residents of Likely are also pleading for help because now their health is impacted and they're displaced because now their houses can't even be sold because of the disaster.
7759. And those cumulative effects, such as Mount Polley, are 700 to 1,000 years. Who can live with that? How can that happen in Canada, and how can it be allowed to happen? And we do not want that impacting us but we already know it's going to impact our salmon run that the Elders talked about here, and it's also impacting our water. There's a massive sludge in the bottom of that lake and it takes about 10 years for that lake to turn over the process for it. So you can imagine any kind of the contamination that gets into our waterways. No one in B.C. or Canada should be allowing that to happen to our lands. It displaces not only the indigenous people, it displaces all of us.
7760. Our members felt so strongly about that, we're so connected with the water, the land, tmícw, which is the land. A sacred fire was brought by some of our young people up to the mountain at Mount Polley and it was lit there for a couple of weeks and the sacred fire brought together a lot of people and -- of all different backgrounds and brought a real awareness to the issue. The firsthand accounts is available to read and is posted, and it's really important because it has to be monitored and followed so that doesn't happen again.
7761. So the potential impacts of this existing pipeline are very dire. The impacts to the proposed future pipeline across the lands is also dire to the land and to the water and the salmon and our people, and our Elders spoke quite eloquently about that. And when we speak in our community we're questioning what future is left for our children and our grandchildren today and our future generations. Because when we have collective responsibilities, we have collective title responsibilities, these seven generations, they had to make sure that they still have the same enjoyment of the water, the same enjoyment of the salmon, the same enjoyment to picking and hunting -- picking berries and hunting because that's what sustains us.

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7762. Many of our people need to hunt and fish because they cannot live on the \$185 a month on welfare; that's what a single person gets, or a young mother might get 320 for her family. So we are still reliant on hunting and fishing and the medicines, because nowadays even with the medicine costs, a lot of them can't even afford the medicines. Indian Affairs has cut back on a lot of costs so there's a lot of costs we have to pay for, and so all of those things are important to sustain our people.
7763. And the consumption, you know, we consume a lot of wild meat and a lot of fish and a lot of medicinal plants. And, you know, there has been no real study on it, but I know in our community our social wellness team and Councillor Randy and Karen they've gone out hunting and fishing for our people and they filled the freezers; they filled, you know, the freezers of different Elders and community members. So we've got some documentation to show how much our community is reliant on it.
7764. And many, many hunt, there's a Secwépemc hunters camp that the young hunters started where the children as young as 8, 9, 10 years old go out and get their first moose or their first deer or their elk, and they share it with our communities. They have sharing feasts and they talk about how they learned hunting and then share the meat. And that's really important, the ceremony, spiritual way; that's how we have our feasts and things.
7765. We have a Chief Neskonlith traditional gathering coming up at the end of the month and then we have a giveaway and we share our meat and our fish. And we are placing a monument at Chief Neskonlith gravesite during that time. But it's an important way of sharing our food, an important way of sharing our stories and our knowledge and handing them down to the next generation.
7766. So we're really fortunate in our community. We have over four gatherings a year, different things, just public ones, and then we have lots of ceremonies that Janice talked about on the land and they're out throughout Secwepemcul'ecw. We have important water ceremonies that are done, first fish ceremonies, first Saskatoon ceremonies, first root ceremonies, and it's really important that those all connect us to the land. There's a whole seasonal cycle that we have.
7767. So as the caretakers, it's a big responsibility to our people for the Adams River salmon run. As I mentioned, the ceremonies take place first, but we did have two, an upper and a lower Adams sockeye salmon run, and the upper one

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- was displaced so all we have is the lower one now. And there was efforts to try to revive the other salmon run, but I think it would take a lot more to restore it.
7768. So we can't really sustain impacts to our salmon run. There's less and less salmon coming back because of other impacts, but if there is any impacts from the pipeline on our salmon run, as our Elders mentioned, that would threaten our people.
7769. Our people are already concerned about potential arsenic and mercury poisoning from the Mount Polley disaster, and we had to go outside to get a lot of our salmon this year. And we needed a lot of studies and money to be able to study on how that's affecting our salmon. There's -- you know, we recognize that with the heavy metals in the salmon you're going to have to do specific studies to do them. We've done some independently, but, you know, it's very costly to get the water tests and to get the salmon tests. And our people are out there on the front lines, they're doing a lot of this on their own, and it's -- the results that are coming back are very concerning.
7770. So we do have to make sure that our Indigenous people are sustained in the Thompson and Fraser River watersheds that this pipeline threatens to impact, that we are ensuring that it will not. And the best way, as stated by our Elders, knowledge keepers here today, is by no pipeline.
7771. So we are equally concerned about the mining in those areas as mentioned by Dr. Janice, that the Mount Polley and at Ruddock Creek are owned by Imperial Metals. Our Elders, when I explained about the Ruddock Creek mine, I called and talked to the majority of the Elders in our community and they said if it poisoned to water or the salmon it was not worth it, and they said no. And we actually developed a declaration in our -- with our members, saying no mining in our sacred watershed, and I know we would have no problem also doing a declaration saying no pipelines in our watersheds as well.
7772. Our people are very strong in that way, and I greatly appreciate that they can speak out on the title and the rights, and our collective responsibilities as yucwmíntn, as Elder Bert mentioned, as caretakers of the land, and the land is connected by the watersheds, the river systems and is used widely from the north Thompson to the south Thompson area.
7773. So, as I mentioned, our title is held collectively and it is collectively held by Secwépemc people. The Great Creator created the laws and the laws are

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- written on the land. Everyone is responsible for upholding these laws and responsibilities as caretakers, as mentioned by our Elders again. And that is being eroded -- trying to be eroded to the band councils. But as you don't have to look too far, the band councils are constructed out of the *Indian Act* and that was to -- again, to confine us to the Reserves and erode our governing powers over our entire collective held traditional territorial area.
7774. So we recognize that today, and here at Neskonlith we stand up for our collective title held lands, and the proper title holders are the people. So our -- and our relationship to the land cannot be severed. We will not allow it to be severed by a pipeline. We will not allow it to be severed by the *Indian Act*, and we will not allow Harper government to sever that.
7775. So we have a direct connection to our land. It's the use and occupancy, but you know, the government and the industries been trying to get the access to our land and our resources, and as recognized in the Constitution, and as recognized in *Tsilhqot'in* and *Delgamuukw* there's an economic dimension of Aboriginal title and rights, and we recognize that, but I think the -- it's viewed differently, what our view of economic is in regard -- in the wealth, in the land. Our wealth in the land is to continue to hunt and to fish, and being Secwépemc of who we are.
7776. And as mentioned by Bert again, with the United Nations we have Indigenous rights; they're upheld by the declaration that we have a right to continue to be who we are. We have a right to be able to have our own governance over our land, and we have a right to continue to hunt and to fish; and that needs to be recognized by Canada, and that needs to be recognized by industry as a whole.
7777. So we -- our culture and spiritual is always not recognized either in these existing studies, but it is connected in our language and our laws, and our ceremony, and we continue to do that because that's who we are as Secwépemc.
7778. I'll speak a bit about our historic position and our documents. In our ancestral Chiefs, in the Okanagan Shuswap Confederacy, we also had the Chiefs come together again in 1910. And they came together under the Sir Wilfrid Laurier Memorial and our Chiefs, ancestral Chiefs of the day, they outlined that still they would not surrender, cede, or sell their title. They talked about the territory as a ranch, an entire area; it wasn't confined to a small area. And they also said that we would not interfere with the European law and the European law

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would not interfere with our laws.

7779. So they recognized we had governance over our ranch or our territory, Secwepwmcul'ecw, and they also already stated that any arrangements that would be 50/50 and it would be great and be good, but would not impact the lands. Because we recognized -- our ancestral Chiefs recognized they cannot displace the people, and it was collectively held to our people.

7780. So it's really important with the Sir Wilfrid Laurier Memorial that outlines that framework for our people and we continue to uphold the ancestral Chiefs' views and position on title and rights, and how -- because it sustained us then and it'll sustain us going into the future. And the -- both those documents Elder Minnie Kenoras and Elder Bert Deneault here went on a cross-Canada train, the United Nations Declaration train, a few years ago and they carried both the Sir Wilfrid Laurier Memorial and the Frank Oliver letter to the Secretariat in Canada, and served and reminded Canada again of their responsibility and also of what we expected as -- for our people.

7781. So that was done, and our Elders will continue to do that to remind Canada.

7782. Just as our Elder Joan has mentioned about the Okanagan Shuswap -- or the Shuswap Okanagan Confederacy, it's been filed and it continually serves us as that framework moving forward and they still hold meetings and ceremonies, and the whole entire declaration is read at each meeting to remind the people and the younger ones coming up of what our ancestral Chiefs laid out for us.

7783. So in -- as I mentioned, in 1862 the Neskonlith Douglas Reserve map was set up and that was set aside for exclusive use of Neskonlith, and its immediate proximity to the pipeline route. And, you know, that's our -- but, you know, in the larger territory, you know, the collective held territory, because we are forced to actually do it -- like, to lay out an exclusive Reserve under the *Indian Act*, but we regard our entire territory, which the pipeline does cover, as Secwépemc territory.

7784. So we need more studies and more -- well, learn more about the impacts, which we haven't been afforded to date, or even any funding for this hearing today. So we're very concerned about that, because it actually does not provide a level playing field. Kinder Morgan issues any kind of study that they can do; meanwhile, our people have no resources for a study. And usually in

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- business, on the business side if there's a proposed project, the businesses would be able to do those studies. But for our people we're at a disadvantage and we're marginalized because we are not provided that resource.
7785. And the -- I think the other part that was stressed is that the decision has to be made collectively about the issues, and not just by a few of the bands or elected Chiefs. With our community, we set out a really strong collective process. It ensures for informed decision-making and it also ensures that there's a process in place, and it's not just about the money. As I mentioned it was, you know, about the land, the plants, the animals, our future generations.
7786. So it provides us with a really good solid process for our community with a collective process. Because individually we cannot sign for the entire Nation; individually we cannot sign away for the seven generations. So we have -- we cannot talk about these things without going to the people and the Federal Government needs to come meet with us to talk to our people directly. The process here, as you know with Tsilhqot'in's, they're not saying it's consultation, it's got to be on a stronger basis. And we always look to the United Nations standards for that prior informed consent processes, and that's what we're seeking.
7787. So as you heard from our Elders, we have important -- importance of the land for our food and our berries and our medicines. Our members of our community and our family, we need to hunt and to fish throughout our territory. We depend on the wild meat, the salmon as healthy foods, and we speak to the -- we also want to be able to break the cycle of dependency from the welfare system or *Indian Act* system, to standing up our own systems so that they don't have to depend on welfare.
7788. You know, a young person should not, you know, be told his first cheque would be a welfare cheque because that creates another generation of welfare dependency and our ancestral Chiefs did not envision a future for us for that, nor are we envisioning a welfare-dependent future for our children and grandchildren.
7789. We are -- we should have the resources from our land. It should be shared equally with us, and all we get back is a few dollars from the FCRSA. And we pay almost a million dollars in stumpage to the government and yet we only get a fraction back to our community and that hardly sustains a lot of the things that we need to do.

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7790. We want our people to not only have the language and the culture and know who they are because it's studies. I sit at many tables, there's been studies done that showed when our people have a strong identity and have a strong connection to their culture and their language, they will do better. But when they don't, they are lost to the streets or they are very inflicted and have a very hard time in life, and that's what creates the poverty and the dependency and the broken social systems. And we know if we had, you know, recognition over our title, and we know that if we had the true wealth that's shared with our people it would be a much different story.
7791. So if we continue working the way we are working and teaching our children and grandchildren and the next generations, we know they will, you know, be able to continue to live off the land. That's why we have to ensure the land is there for our children and grandchildren. If the land is not there and it's impacted, they will not have a future.
7792. So there's a lot of -- to mention about, you know, about our children and we do not want them to be continued to be marginalized to the Reserves or be confined to a welfare state. These big businesses or major projects like this, that's what they're doing to our people.
7793. And I also wanted to also thank our members from our community coming out today. If it wasn't during the day, maybe we would have had more people come out. When we have our meetings, we have people come out and they speak very strongly about the land.
7794. But I also wanted to acknowledge the Tsleil-Waututh representatives for being here today, the Sacred Trust No Pipelines, we support them and we understand, you know, the issues that they're facing are a lot of the same issues we're facing with -- pardon me? -- oh yes, kukwstéc, and that I think it's important, you know, that we support one another and we will continue to support one another because we're all the same.
7795. As Indigenous, we rely on the land and our water and we have to uphold our sacred connection to the land and we'll also have to uphold our sacred responsibility as yucwmíntn for Secwepemcul'ecw, and we're going to continue to do that.
7796. And one of the things that our community talked about, what can we

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do to raise awareness and what can we do to -- if we don't have any money, to look at what impacts this pipeline has on us. So there has some discussion on walking the pipeline, but we need resources to do that.

7797. We want -- we've never had consultation, like Elder Bert said here, we weren't consulted and we never consented to the current pipeline. And with the proposed pipeline, we don't know the impacts to it, so that's one of the things that we talked about is walking that pipeline. Just like in the tar sands when they had that healing walk in the tar sands, we were talking about doing that same walk along this pipeline because that's how important we feel this issue is to us.

7798. We have young people that are runners. We have young people that would be willing to stand up for the land and they'll continue to do that. And our Elders are right there alongside of them. They're right there, and I really appreciate the Elders that do stand up.

7799. There's many of the Elders that aren't able -- that passed away, actually, they aren't here with us today, that would have said a lot. But I know those Elders are with us today because we're saying the same thing they said, and we'll continue to say the same thing our Elders and our ancestors did because we're the only ones protecting the land. We're the only ones that are going to be able to ensure that there's clean water, for not only our people but for all the people.

7800. It seems like the gluttony of industry has actually fogged a lot of our minds and they cannot see past the money. You cannot eat money. You cannot drink money. You have to be able to have -- be able to sustain yourself through water and the land and the animals.

7801. So I think it's really important. If you have anything you take away today, you take away with our Elders that -- about their connection to the land and the importance of our water, our salmon, our fish, and the medicines. Because when the economy collapses, that's what we're going to have at the end of the day. Kukwstsémc.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR.
ARTHUR MANUEL:**

7802. **MR. ARTHUR MANUEL:** Good morning. My name is Arthur Manuel. I'm

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- from the Neskonlith of the Secwépemc Nation. And I'd like to welcome you here to Secwépemc territory. And I like the acknowledgement that you made that you are running this Canada National Energy Board hearing on Secwépemc territory.
7803. We're not talking about Indian band territory; we're talking about Secwépemc territory. And it's very important to really understand this, not only in the context of what we're talking about in terms of energy here in Canada right now, but also within the historical and the international context in which the question of Secwépemc title is a -- an unfinished aspect of development in terms of Canada and British Columbia.
7804. You know, just the other day the Supreme Court of Canada acknowledged that the Tsilhqot'in had Aboriginal title to a portion of their Tsilhqot'in territory. And I took the time to go over that Supreme Court of Canada decision because it does impact us here in Secwépemc territory because they're actually our neighbours to the west of us here to the Secwépemc territory.
7805. And one of the things that I noticed in the decision was the Chief Justice talked about radical title. And that goes really to the very essence of why, I suppose, the Energy Board feels it has underlying jurisdiction to deal with whether or not this pipeline can or cannot happen here in Secwépemc territory. And radical title just basically is this racist and colonial doctrine which says that the Europeans, when they started sovereignty in this area of Secwépemc territory in 1946, it gave the Canada and the British Columbia, basically radical title, which means underlying title to all land and resources that belong to us here as Secwépemc people.
7806. And it's a very racist notion because basically England is smaller than British Columbia, yet because they're white and because they're European and are asserting title from Europe in 1846, that all of a sudden the onus becomes ours to prove whether or not we got interest in our territory.
7807. And that was all right in 1846 to argue that, but nowadays before the United Nations, that kind of concept of racial superiority has been totally rejected. Colonization has been rejected. Because colonization is the act of one group of people dispossessing another people of their land, and once you dispossess them of their land you make them dependent on you, and that's why we have a Department of Indian Affairs.
7808. That's how come we depend on National Health and Welfare for

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- medical care. That's how come we have to get programs and services from both the federal and provincial government, mostly welfare-related type programs and services. It makes us dependent.
7809. And when we fight back, we wind up being oppressed. And like our Elder Wolverine said at the beginning, he was in the shootout with the RCMP, the war with the RCMP, and they shot something like 70,000 rounds at him to try to kill him, and they missed him, of course. And they did arrest him and he did wind up spending some number of years in the penitentiary because of that, and he's out of jail now. He's off of parole. Now he sits here at this table with us.
7810. But it's very important for you to understand that he isn't the only one that suffered from oppression. My daughters back there spent time in jail for Sun Peaks. I know even Janice went to jail for Sun Peaks. And that's what you call oppression. We're used to oppression, because the Neskonlith never ever sat down.
7811. The reason the reserve over here is so big, the Neskonlith Douglas Reserve of 1862, the reason that's so big is because the people, the Neskonlith, never backed down. And that's why James Douglas said, "Okay, we can't afford to give you a treaty with money" because England wouldn't send over money for a treaty like the Indians in the Prairies got and that kind of stuff. They said to us, "Set out a reserve where you can become self-sufficient," and that's how come that reserve is the size it is.
7812. You know, so one of the things where dispossession happened was in the *British North America Act of 1867*, Canada's first Constitution, because that's where the Imperial Parliament of Great Britain in 1867 passed legislation that may set up Canada as a Constitution and it gave all Aboriginal treaty lands to the federal and provincial government. That's how come you guys are saying -- you're talking about federal initiatives regarding provincial and crown lands, you know, and you're coming up with this decision.
7813. You know, when I talk about dispossession, I'm talking about when you add up all the Indian reserves -- these are the Indian reserves -- when you add them all up according to the Department of Indian Affairs, or Aboriginal Affairs nowadays, it's 0.2 percent of all the land. That's what we have been expected to live on is 0.2 percent. That means the federal and provincial governments have 99.8 percent. You know, you can't justify that. You know, there's just no way on God's green earth you can justify that unless we're considered subhuman, unless

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- you want to incarcerate us in these prisons that are called Indian reserves.
7814. That's how come we don't stay on the Indian reserves. That's how come we were up on Sun Peaks. That's how come when we look at this Kinder Morgan pipeline coming through our territory and possibly destroying the food, taking food off of our tables, we get extremely upset.
7815. You know, when I added up all the Indian reserves here in Secwépemc territory, all 17, 16 of them, we have 0.3 percent, just to put that in context. And you have to draw that to what the United Nations Human Development Index said. At one time, when Canada was registered or ranked Number 1 according to the UN Human Development Index, we were rated at level 73. That has to do with you guys having 99.8 and us having 0.2 percent. It's related to Level 1 and Level 78.
7816. And so when the National Energy Board is equating between the economic rights, what they call of the broader Canadians, you know, who get 99.8 percent use of the land, and they're ranked at the UN Development Index at Level 1, you need to not worry about the guys at Level 1. What you need to worry about, if you really care about indigenous people, is what about the people that are ranked at Level 73? That's us.
7817. You know, Canada always tries to promote itself for human rights, but there's no way on God's green earth can you really justify those kinds of numbers, economic type numbers, you know, to arbitrary decision-making.
7818. You know, we've always fought against oppression. So when Trudeau wanted to patriate the Canadian Constitution, my late father, George Manuel, was the President of the Union of B.C. Indian Chiefs, and he organized a train from Vancouver to Ottawa, and it became known as the Constitution Express. And they raised such consciousness amongst indigenous people that literally the train was stopped in northern parts of Ontario so people could give them moose soup, and bannock and stuff like that, because indigenous people started to become aware that the constitutional framework was something that was important for them as indigenous people.
7819. So in 1981, after the train had went through in '80, in '81 they set up embassies in London, England, and they lobbied the House of Lords and the House of Commons and they even went before Lord Denning in the court, everything. They fought for their rights as indigenous people. And because of

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that, that's why Section 35 was put in the Canadian Constitution where it says that the federal and provincial government will recognize and affirm existing Aboriginal treaty rights. And they also put in the Canadian Constitution Section 37, which said that the Canadian government would have a number of First Minister's conferences on Aboriginal matters, and they actually wound up with four conferences in the 1980s. And those conferences failed, but the purposes of those conferences was to define what Section 35 meant, which is the part about existing Aboriginal treaty rights.

7820. And those have not been defined, and Canada has basically tried to say that they were going to allow those decisions to be made by the Supreme Court of Canada. And so that's how come the Canadian courts are trying to define and declare Aboriginal title on lands. They're trying to determine governance issues, and those questions. But I disagree that it's the Supreme Court of Canada that should be dealing with that, and I'll deal with that later. But I actually believe that it's the United Nations that should be dealing with this matter as opposed to the Supreme Court of Canada, because the Supreme Court of Canada is bound by a conflict of interest in terms of determining the rights of self-determination for indigenous people. But nevertheless, what I'm trying to say here is that we've been fighting.

7821. And this Neskonlith Band went out logging off the Indian reserve in 1999 when I was Chief and we were given a stop-work order, and we have been waiting in line to go to court since 1999 because the courts told us that we have to wait for the *Tsilhqot'in* case to be heard first, and so the *Tsilhqot'in* case was just decided this year. So we're up to bat next, you know what I mean?

7822. And -- but one of the things that we did in addition to wait for going to court is that when I was Chief, I was also the Chairman of the Shuswap Nation Tribal Council for six years. I was also the Chairman of the Interior Alliance, and since then I've become the Co-Chair of the North American Indigenous Peoples Caucus, and at one time I was the Chairman of the Global Caucus of Indigenous People, and we meet in New York.

7823. But one of the things that we did do back then is we made submissions to the United States Department of Commerce in relationship to the Canada-United States softwood lumber dispute in 2000.

7824. And our argument was that Canada's policy of not recognizing Aboriginal and Treaty rights in Canada is an international trade subsidy to the

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Canadian forest industry. And it was accepted. And then when Canada appealed to the World Trade Organization in Geneva, Switzerland we wrote a similar argument to them and they accepted it three times. Once, at the first submission, right to the appeal decision they accepted it, which basically means that Canada, even though they don't recognize Aboriginal title in the Secwépemc territory did not mean that when Canadian forest companies harvested those trees and sold them in Los Angeles, California that there was no proprietary interest by Indigenous people.

7825. What they are saying is that what Canada and the forest companies were doing were gypping, cheating, the first owners of those trees, because some of these trees were older than Canada. So how the hell -- Canada couldn't even claim that they planted them, you know. And they were sold in the United States. And because of that Canadians could sell those trees cheaper in the United States than American companies could sell trees in the United States because the gypped the first owners, which were the Indigenous.

7826. And so we wound up meeting with the United States trade representative in Geneva and we wound up meeting with a number of other people because of this, Japan, the EU, and other people. And when Canada appealed to NAFTA, even though they had on the NAFTA panel Canadians in the bi-panel, Canada -- I mean the NAFTA bi-panel actually accepted our submission too, which means that Aboriginal title does have an international trade dimension to it. It's not just a domestic issue that Canada can ignore or try to create all kinds of legal stumbling blocks for it to be recognized, and they found at the international level it's recognized as a real proprietary interest in relationship to international trade subsidies.

7827. I think that it's very important for indigenous people to be brought into the picture on the pipeline. That's how come we're talking about -- our Chief raised the question about walking the actual old pipeline.

7828. Because that old pipeline, we were actually, like was said before by some of the other speakers, we were actually prohibited in law from actually meeting together to actually talk about the pipeline. From 1926, the *Indian Act* put in a provision prohibiting us from meeting because we -- on land issues and if we ever did meet we would go to jail. It also prohibited lawyers from working for Indigenous people on land claims issues.

7829. Check it out yourself; check the old *Indian Act* from 1926 to 1951. It

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was in 1951 that that stopped. You know, then we finally had to get organized again. And nothing really happened until the *Calder* case came out, you know, in 1973, that, you know, that there was sometimes organizing that went on, but it was a real difficult time for us as Indigenous people back then.

7830. But I think we need to walk the pipeline simply because that's unfinished business. You know, we haven't even got involved. We need to have a real data baseline. We need to measure whether or not it's even leaking now. We need to know exactly where it is. You know, we need to walk every square inch of it, even if it takes us a couple of years, a couple of summers to do it, or three summers to do it. And we -- then that will be the database that will be the database for anything that happens along that transportation corridor, you know. And I think it's important for that to be thought of, you know.
7831. Because one of the things that we need to do is to make sure that any development, I don't care what it is, that the company who is proposing the development has the money to put in place that will put that land back in the exact condition it was prior to the development. And I mean that I want them to have -- you know, I listened to Mount Polley, for instance.
7832. The other day the Premier of the province was made to look kind of foolish because she was up at Mount Polley and she confused the costs that are associated with taking care of the mine at the end, you know, of the process, as also taking care of the disaster that's happened in -- during the development of the mine. And they're not the same, you know.
7833. So the company was trying to say they had billions of dollars put aside but it was for the end of the thing but reclaiming the land after the end of the mine and not during this disaster, in terms of the spill of the mine. And -- so we're aware of that. So we want money in place that's definitely going to be accessible to us and we want to be in the insurance policy, named in the insurance policy before the darn thing even is developed so that we don't have to go to court, we just go pick up the \$2 billion or \$3 billion to start immediately reclaiming the land.
7834. Because I heard about the disasters up there at Mount Polley; nobody even knew what to do. You know, because my daughter, Kanahus Manuel, who has some videos on the computer, was up there and because they had -- did some decision-making with the non-Natives in Likely they didn't even know who to talk to when the disaster happened, and the RCMP didn't know what to do, and

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- things was -- everybody was running around with a -- like a chicken with their head cut off up there with nobody knowing. And there is no way that we want any kind of that kind of confusion going on.
7835. You need to be sure that their money is in place beforehand. I don't care if it's \$500 billion you need to put in there, that's what you need to put in there, because that's what we need and it needs to be upfront, and Indigenous people need to be involved, and that right from the day one. And so that's very important.
7836. I'd also like to acknowledge here the Major Projects Management Office that were sitting back there, because they were around there from before when they met up the coast, and I know the Secwépemc woman came by and they were pretty upset with them, because they weren't getting the Indigenous people involved, they wanted to just talk to the Chiefs. I remember I was in the meeting -- I'm not a Chief but I was sitting there listening, and they came in and they sang some songs and they basically got the Chiefs to sit down and have a private meeting and kicked the Assistant Deputy Minister out and her team so that they could actually sort of regroup and talk about the thing more collectively.
7837. But I think it's important to understand that there's a lot of concern about this. Not only just in relationship to the National Energy Board but also in terms of the Major Projects Management Office, and the things that they're doing.
7838. The other group in Canada that's really involved is in relationship to the Comprehensive Land Claims Policy, because as the Chief Judy Wilson was saying here, Neskonlith will not sit down with the federal government under the British Columbia Treaty process. We will not negotiate with the federal government on comprehensive -- under the Federal Comprehensive Land Claims Policy, not because we don't want to negotiate, not because we don't want to talk, not because we don't want to come to some mutual agreement on development in our area. No, we won't sit down with the federal government when their policy is to extinguish our Aboriginal title and rights. We just will not sit down with anybody whose idea is to kill us, to commit genocide against us. We won't sit down with you. That's it.
7839. You know, in other matters we'll sit down on issues, but not on comprehensive land claims policy because the existing federal comprehensive land claims policy out of 1986 was to extinguish our title.

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7840. Nowadays, they don't call it extinguishment. They call it modified rights, but it's still extinguishment. Because the only group in Canada that ever extinguished our rights was the James Bay Cree of Quebec in 1975 because all the other numbered treaties throughout the Prairies, they never had a lawyer with them. You know, I'm not giving you lawyers a lot of credit, but you know they never had one anyways, but ---

--- (Laughter/Rires)

7841. **MR. ARTHUR MANUEL:** --- they never had one, but the James Bay Cree had James O'Reilly as their lawyer and when they signed a seat Cede, Surrender and Release, they knew exactly what they were signing, and we will not sit down with people because after 1975, the United Nations went after Canada and said to Canada, "You cannot ask indigenous people to extinguish their title in view of any land settlement agreement."

7842. And so Canada had to then figure out -- and I know this is true; the Minister had to get all the bright Deputy Ministers together at the federal level and say, "How can you extinguish Aboriginal title without using the word extinguishment?"

7843. And that's when the bureaucrats had to come up with doublespeak like George Orwell's doublespeak. How can we get them to actually do it without saying they're doing it? And that's where they talked about modified rights model. Okay, let's just get them to modify their rights so that it's not really Aboriginal title. They actually extinguish it. And that's the way it goes, you know, in the whole question of the comprehensive land claims policy.

7844. And we could see that in Eyford. I know that we get a little Doug Eyford, but he was just here in Kamloops the other day entertaining up at the other hotel indigenous people to talk about the renewing the comprehensive land claims policy towards a framework of addressing Section 35 Aboriginal rights. And so that's what he was here for was to talk about that, and so we talked about that.

7845. But inside this review policy, they're trying to change it from the issue of modified rights to what they call reconciling Aboriginal rights with the broader Canadian economic purposes which basically -- he has a clause in there where he talks about the Aboriginal -- they call it the legal reconciliation technique, you know, which basically means that your treaty agreement will supersede Section

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35.1 and Section 35.1 is protection for Aboriginal rights vis-à-vis federal/provincial governments. That's what that provision is.

7846. So they're trying to say that this treaty will supersede that so that you can't use Section 35 to undo your treaty in the future because you're going to get less than what you originally did have. So that's where you get into this whole complex issue of doublespeak where reconciliation is no longer reconciliation; it's a modified Department of Indian Affairs or Aboriginal Affairs concept of reconciliation, the same thing as modified rights.

7847. You know, it can get you totally confused, especially when you're trying to explain this to indigenous people who only speak their indigenous language to try to get into what doublespeak really means. No, their yes means no and no means yes. You try to get into that kind of conceptualization words.

7848. Because one of the things is that *Tsilhqot'in* case in terms of the declaration in defining Section 35 really is different than what is being proposed in Eyford's report. And Eyford never really dealt with it in the context of the *Tsilhqot'in* case because I know those people in the B.C. treaty process are really seriously questioning what is the value of going to the B.C. treaty process because the B.C. treaty process they've been negotiating for 20 -- 21 years or something -- they started in 1992 to now -- and they've borrowed -- it's cost over a billion and a half dollars for negotiations and they basically -- the natives have borrowed over \$500 million of that billion and some odd dollars. And what have they got?

7849. They've got the Tsawwassen Agreement, the Maa-nulth Agreement, I think the Yale Agreement and -- but when you put them on a map, they're just little dots in terms of B.C. because B.C. is larger -- is up there the size of California, Oregon and Washington States combined and when you put those things there, they're just tiny little dots. The Shuswap territory is huge in relationship to those territories they did agreements on.

7850. So the thing is, that's what's really causing a serious question of economic uncertainty in this province and that's one of the reasons that we're sitting here is can we resolve that economic uncertainty. You know, it's important to deal with that.

7851. But before we deal with it, I just want to get into very quickly the question of our human rights, because when I raised this question of colonization of -- this whole question of dispossession, dependency and oppression, in the

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- United Nations, one of the things that they did in relationship to colonization globally is that they condemned it. They condemned it because it is against world peace because the moment you colonize a people, the minute you make them dependent, dispossessed and make them dependent, the immediate thing you create in the person is an urge -- an urge to be free and an urge to be independent, and they will fight like we're fighting here for our freedom and independence, and that will always disrupt world peace.
7852. So the United Nations has condemned colonization because what it does is it generates this problem and that's how come they condemn the fact that they have this extinguishment policy in the comprehensive land claims policy. It all makes sense -- human sense to recognize the human rights of indigenous people because things will be better.
7853. And so what they said after the Second World War as they created the Universal Declaration of Human Rights and the nation states then said, "We want to make that into international law."
7854. So the United Nations then created nine basic human rights treaties and Canada is a signatory to all of those treaties. But three of those treaties do directly impact us as indigenous people and one of the main treaties is the International Covenant on Civil and Political Rights. And Article 1 of that says that all peoples are entitled to self-determination, and that is the right to have our territory, to be self-sufficient, to have that right to govern, to set up our own government and those kinds of things.
7855. Canada, for the longest time, has always argued that we exercise our self-determination within the context of the Canadian, you know, Constitution. But we tried to do that and that's what we were trying to do when we had those Constitution conferences on Aboriginal affairs that were created by Section 37 when the Canadian Constitution was patriated in 1982 and they failed.
7856. And when they failed, that means that our right to self-determination within the context of the Canadian Constitution at that point then reverted to Geneva, Switzerland to the United Nations Committee on Human Rights because they're responsible for monitoring Canada in the implementation of the International Covenant on Civil and Political Rights inside Canada, and that's how come it's international law. That's how that comes into this country.
7857. So you are obligated as a National Energy Board, as part of the

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Canadian framework, to take that into consideration when you're listening to us is what our international rights are as indigenous people vis-à-vis the International Covenant on Civil and Political Rights because Canada is going to appear before the United Nations, a Human Rights Committee, in July of 2015 to answer these questions. And Canada was asked in 2005 by the International United Nations Human Rights Committee, in 2005, they asked Canada "What are you doing in terms of the implementation of Article 1 and self-determination with regard to Indigenous people inside Canada?"

7858. So they've already asked you guys. And you guys then responded, Canada responded by saying -- that's where they said, "We exercised our self-determination along with the rest of the Canadians in 1982," and that's -- they've actually added Section 35 in the Constitution. But they didn't go on to say, "And 37 and we failed at 37." They didn't answer that part; they sort of gave half an answer to the committee.
7859. We're going to go in 2015 and tell them that Canada did not finish that whole process and because of that, now, you as the United Nations Human Rights Committee has to keep an eye on the National Energy Board and the Canadian -- why should we be wanting Kinder Morgan to make lots of money and put our life and our food in jeopardy? Why should we allow that to happen? We'd be stupid.
7860. I have obligations to my grandchildren to make sure that they will have the same kind of environment that we had the enjoyment of enjoying and my grandparents had in the past. So it's important for us to be able to maintain our own economic order as Indigenous people. And so you guys have responsibilities to take care of that.
7861. And I think it's very clear that in the United Nations Declaration on the Rights of Indigenous People, when it passed at the United Nations, it said basically under Article 3 that Indigenous people have a right to self-determination. And that's what they mean about us is we fought for our self-sufficiency and independence ever since the beginning of our contact with non-natives way back then.
7862. And Canada voted against Undrip twice, once in the United Nations Human Rights Council and then again on the floor of the United Nations General Assembly. But then you guys had to reconsider it and you've accepted it as an aspirational document. But it's more than an aspirational document, it's a document that you need to -- you need to follow here.

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7863. So I think one of the things that I want to say, given the fact that we went to the World Trade Organization and NAFTA, we have established some issues on international trade subsidies; the fact that the Canadian Constitution has recognition of Aboriginal Treaty rights; the fact that the Supreme Court of Canada has recognized Aboriginal title in its territory, all of these things have created economic uncertainty in this area, especially for foreign investors like Kinder Morgan, who should be seriously looking at their investing of any kind of money in this country as long as Aboriginal title is not resolved, you know, because of this. You know, because when you take a look at the British Columbia financial statements, for instance, go take a look at them.

7864. And the thing is that ever since *Delgamuukw* happened, Canada -- British Columbia has to report how they're dealing with Aboriginal land claims, they call it. But now it's more than Aboriginal land claims. And the way they do it is they say that Aboriginal title in land claims is a contingent liability.

7865. But it isn't a contingent liability anymore; it's a fixed liability because Aboriginal title has been found by the Supreme Court of Canada in *Tsilhqot'in*. I'd like to see how the chartered accountants deal with section, what is it called, International Accounting Standard 37 that deals with contingent, you know, assets and liabilities and how they're going to deal with that in relationships to fixed, you know, liabilities of the *Tsilhqot'in* because we have title and we're taking this thing to court and -- which means that you're going to wind up -- your decision is going to be subject to it.

7866. Because after *Tsilhqot'in*, I know a number of people sort of were asking the Haida after that, "What are you going to do about the Gateway Pipeline?" She said, well it's quite possible they're going to have to reconsider because there's no way that -- the Haida are at the top of the list, in terms of strength of claim. You know, that's where the whole question of strength to claim emerged out of that case. And these are serious issues, economic issues that we as Indigenous people have.

7867. And so I'd just like to just say that those are the points. We feel that there's some -- a lot of -- there's also the question of Canada and B.C.'s credit rating. I know after we met with Standard & Poor's -- I mean, we met with the WTO and NAFTA in Geneva and also Washington, D.C. One of the things is after that, I met with the director of Canada's sovereign credit rating in New York City on Water Street, Standard & Poor's. And we talked about the issue of

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Canada failing to recognize Aboriginal Treaty rights and the liability that's associated with that.

7868. I think it's an important question when you couple that with contingent liabilities, you couple it with consultation accommodation for pipelines like Kinder Morgan. Things don't really look that healthy, you know, for a certain economy. Indigenous people need to be brought into it.

7869. But one of the things that you need to understand is that we're very concerned about Stephen Harper's dirty energy policy. There's no ands, ifs, and buts about that. We believe that the oil and gas industry has had its day, you know; that more money should be invested into alternative energy solutions, and Canada should be doing a lot in terms of making sure investment is put in or the pipeline does go in. And I want to see major profits go into alternative energy, as opposed to going into some corporate other kind of strategies, you know, because we need to get off of oil and gas, you know?

7870. And I earned a living off oil and gas, I know what it's about. You know, there's a time when you have to pull a plug on something, and I think when you're mining it out of the tar sands -- because I went up to the tar sands with James Cameron, he's one of my friends, and we flew up there. When he went on a tour, I went up on a tour, and we took a look at it and it's a disaster, you know, there's no ands, ifs, and buts about that.

7871. And you know, we have family, we have people that work up there, but that doesn't mean nothing because the long-term future for energy in this world, Indigenous people's plan has always been some form of sustainable development, some sort of alternative energy strategies, and I think the Canadian energy strategy has to change from the oil and gas industry, and there's no question.

7872. So we have to talk about that, we need to -- because I don't mind us and our Aboriginal title and rights being used for that purpose, you know, of alternative energy. But anyways, just kukwstśémc.

7873. **MS. SCHABUS:** So that would conclude our presentations. Given the time, we really only would have five minutes left. I could put one or two questions to the panel as a whole, or also I wanted to check in if there were any questions arising so they could be addressed as a panel. But otherwise, we could also, if necessary, take them in writing.

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7874. **THE CHAIRMAN:** I think I'll allow you to use your remaining time as you see fit. So if you wish to still put some questions to -- some clarification to the representatives, I'd rather allow you to decide how you wish to go.

--- EXAMINATION BY/INTERROGATOIRE PAR MS. SCHABUS:

7875. **MS. SCHABUS:** Okay. I would like to just pose a question to the panel as a whole and probably if we could bring up the first slide, which shows Secwépemc territory, to as you see necessary describe the Secwepemcul'ecw the territory to the Panel, and the rivers that flow through it, but also to speak specifically to some of your land uses in proximity to the pipeline route. And I'm putting that question to the panel as a whole.

7876. **DR. JANICE BILLY:** I spoke briefly about our traditional use of berry picking in our local area and said that we were having to move further and further away. And one of the places that we have been going to in the last five years is the McBride area in the northern part of our territory where there's huge, huge patches of wenéx and sesép and all of other medicines we need, and also down into the Blue River area for blueberries and the Clearwater area, where not only in the Clearwater area near the Raft Mountain and Trophy Mountain there are huge fields and fields of cewete?, one of our traditional roots that we eat.

7877. And like I said, my son and the people he works with are planning the next hunting camp in the McBride area, and they will be hunting for moose and elk and deer.

7878. **ELDER WILLIAM JONES IGNACE:** Yeah, when I worked up in the North Thompson River along the pipeline, I was a logger, worked up in there, and I believe it would be about '56 when Canada Lumber was still in operation. Worked up in -- I worked for different companies up in North Thompson.

7879. While working, I'd be probably hunting on the way back. So I'll go -- I've been up in that country for a long time. So thank you.

7880. **MR. BERT DENEALT:** Yeah, Bert Deneault here.

7881. The same with myself. Like I've been hunting and fishing all my life. I've worked up like where Raft River, there's the Avola Mountain area up through there, up in Blue River. I've hunted and fished up through there and up Valemont

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and all the way down the river.

7882. Like we have the three rivers in our territory. We have the Fraser, we have the Columbia, and we have the North Thompson that comes out of the head of our watershed. And the head of the watershed holds -- that's where all the rivers start right back in the north end of our territory, our nation, up in the Blue River area, up in Mount Robson, up through there.
7883. So all those rivers are connected and that's what my concern is with any kind of disaster, like especially when you listen to Mount Polley now and then we have the mighty Fraser River. That can be contaminated now by Mount Polley. And now if we have also like Imperial Metals also up by Finn Creek just about not even if the bird flies, maybe 10, 15k from the highway up at the head of the Adams in the Tumtum area. And that's another big hunting area of ours as well. I've done that over and over and over through that whole territory.
7884. And on the way down south, we come down through Kamloops and down -- Skeetch is in down here, down through the -- and up in Loon Lake area, all that territory I've been through there.
7885. I've hunted and fished. I've monitored all the animals, and I'll be going back again to do another monitoring schedule. I do it every -- about 10 years I go through all the different areas. I'm quite -- I've also got my certificate in environmental assessment and all that, so I've -- I'm -- I've been educated a little bit with this sort of thing.
7886. And conservation, that's one of my main pet peeves. I keep an eye on -- watch people hunting. And there's all -- like the rivers, the water is so important and it comes all the way down and right through the Kamloops, right through here it comes.
7887. The pipeline crosses right across the river right here, right across the biggest salmon run in the world, the sockeye run, which is very important. The sockeye is very important. I hardly ever missed a year of fishing and gathering and hunting.
7888. The territory is important. It's not just like where we've been stuck on little Bands. There's a little band that's called Band, K-i-b. The territory is all Secwépemcul'ecw where we must -- that's how we live. The whole nation is encompassed, not just a little specific -- site specific area like the lawyers were

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discussing in that *Tsilhqot'in* case.

7889. But that map there, that is Secwépemcul'ecw, and that's -- the water is in the middle. That's what it is. Like the Columbia is already killed. They killed the Columbia a long time ago, and everybody studies that.
7890. There used to be -- I dug up a map when I used to do research when I was young in 1854 by a guy named Alexander Graham. Alexander Graham fought at Tacoma, Washington in Hudson's Bay in 1854. And actually, that map is really small compared to what he drew Secwépemc territory is.
7891. And just for your information, that encompassed the Columbia River all the way to the Columbia River where it drains into the ocean, that was Secwépemcul'ecw. And all the plains all the way down there, down the coast side, they're all along the river, all the way down there. And on that map, it has all the Secwépemc names on it, all the rivers and a lot of lakes and all that.
7892. And there's a lot more information on that. I mean, one thing about Europeans and the government, they are really good record keepers. And when I was in Council as a young person, one of my best, biggest, the most renowned days I could remember is when the *Freedom of Information Act* came out. And that's when I got all my young people that I sent them all to the archives and dug up all of what we talk about today.
7893. We would have never got this information if it wasn't for that little legislation of *Freedom of Information Act* back in the day when that came out because we couldn't access these files, access the government documents, access archives. We have that today, and that's how come we got all this information because nobody -- you guys, Kinder Morgan and all these different companies, they're not going to dig it up for us. But we did that and we have all that information.
7894. We know who we are and we know where our land is. Thank you.
7895. **MS. SCHABUS:** Kukwstsémc. Thank you.
7896. And having a look at the time, that would conclude our time, but we are ready to submit further information in writing.
7897. **THE CHAIRMAN:** Thank you. And as you indicated earlier, I'll

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provide an opportunity to Trans Mountain if they have any questions of clarification at this time.

7898. **MS. OLENUIK:** Thank you, Mr. Chair.
7899. We have no questions at this time, but on behalf of Trans Mountain I want to thank Neskonlith for their presentation this morning.
7900. **THE CHAIRMAN:** Funny, I had a question but you asked the question and Dr. Billy answered it because I was interested in the area of where the huckleberries were that she had talked about earlier. But she -- you -- she answered my question about which part of the territory that was in and how close.
7901. Perhaps maybe you could add how close that is to the pipeline, the area that you talked about where you go and gather for the proposed pipeline -- maybe the existing pipeline, but the proposed pipeline, how close that area is where you -- where all the berries are that you talked about, huckleberries.
7902. **DR. JANICE BILLY:** Well, maybe Kinder Morgan can explain exactly how close it is to Lucille Mountain and the different mountains and then I would know exactly how far it is, but it really doesn't matter because the land is all connected. If there were a spill even a close distance away from it, then everything is still affected like I talked about, the bears that drink that water, that eat those berries.
7903. So it really doesn't matter how far. It's close enough.
7904. **THE CHAIRMAN:** Okay, it's the whole -- yes.
7905. **CHIEF JUDY WILSON:** We just wanted to do a closing song, the drum song. Yeah, when you're done. Yeah.
7906. **THE CHAIRMAN:** I appreciate that. I was going to offer that to you. It's fine. Thank you.
7907. Well, with that, I'd just like to acknowledge each and every one of you that has spoken today for bringing your voices to us today. And for those from the Neskonlith who have been here to support you, I'd like to acknowledge their attendance today.

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7908. And I'd also like to thank you for the stories, for the knowledge, your words that you have shared with us today of your home and of the Secwépemc and your territory and your nation.
7909. So I -- and I'd like to assure you that we will consider what we have heard today and all the other information that we will gather as we go through this process of considering the application by Trans Mountain, and we will consider all those as we decide on whether or not to recommend approval of this project.
7910. So with that, we're adjourned until 1:30, and we would now close with a song. Thank you.
7911. **CHIEF JUDY WILSON:** I just wanted to acknowledge Elder Mike Arnouse, too. He came a bit late, but he's one of our knowledge keepers lined with our Hereditary Chief. So I just wanted to acknowledge Elder Mike Arnouse.
- (Closing song)
- Upon recessing at 12:03 p.m./L'audience est suspendue à 12h03
--- Upon resuming at 1:31 p.m./L'audience est reprise à 13h31
7912. **THE CHAIRMAN:** Good afternoon. I understand that I'd like to acknowledge that the hearing is being held on the Stk'emlupsemc te Secwepemc and I offer Chief Ignace for a prayer to open us today.
7913. **CHIEF DR. RON IGNACE:** (off mic) ...prayed that I would have the strength to speak nothing but the truth today. I pray that I will have the words to be able to touch your ears so that you can hear our pleadings down through the ages. I prayed so that I can touch your eyes so that you might see us for who we are. I prayed that I might touch your hearts today so that you would see us as a people with a language, a culture, laws, a land base, and as a nation of people that have a rightful place here on this land.
7914. I prayed for that so that not that I may get one over on anyone, but so that we may stand together finally and create a space for the both of us so that we can be great and good. That is what I prayed for.
7915. I also invited all the Chiefs, all my ancestors to join us in this room, to witness what I am about to say here, to witness what is going on here today. And

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they will in turn be the ones, ultimately, to pass judgement on what the outcome of this discussion is going to lead to. We will not be able to do that. The Creator and our ancestors will be the ones, ultimately, to do that. That's what I prayed for today.

7916. **THE CHAIRMAN:** And I acknowledge you and I thank you for welcoming us through that prayer and welcoming us to our hearing process and to this space.

7917. And also I'd like to welcome you to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project.

7918. My name is David Hamilton and I am the Chair of the Panel. With me is, to my left, is Alison Scott and also on my right is Phil Davies. Again, we want to thank you for coming today and for welcoming those who are with you in the hearing room and those who are listening on the webcast.

7919. The Board understands that the Stk'emlupsemc te Secwepemc have an oral tradition for sharing knowledge from generation to generation and this information can't always be adequately shared in writing.

7920. The Board recommends that those providing oral traditional evidence focus on their community's interests and rights. These hearings are not to hear evidence that will be filed subsequently in writing, including technical and scientific information, opinions or views, advice to the Board or whether to recommend approval of the project on the terms and conditions that should be imposed or the questions to the Board or all our participants.

7921. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. If you wish to share any concerns about the impacts the proposed project may have on you and your community and how any impacts can be eliminated or reduced, that would also be helpful to us.

7922. This is the type of information we're here to listen to and we will use the information we gather today, along with all the other available information in considering the possible effects on the proposed project. We appreciate that you have chosen to be here today.

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7923. And before providing 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. With that, I believe we are prepared to get underway and I would ask Ms. Oleniuk, on behalf of Trans Mountain, to introduce herself this afternoon.

7924. **MS. OLENIUK:** Thank you, Mr. Chair, and good afternoon to the Panel and to the representatives from SSN. My name is Terri-Lee Oleniuk and I'm counsel for Trans Mountain along with my colleague to my right, Heather Weberg. To my left is Annie Korver, and she's a member of Trans Mountain's Aboriginal Engagement Team.

7925. **THE CHAIRMAN:** With that, perhaps, Ms. Comte, if you could affirm our presenters

7926. **MR. IGNACE:** The Creator sent my words through the smudge. In our tradition, when we have tobacco, there used to be a tobacco tree that used to consume people during the era of the cannibals. And Sk'elep, one of our transformers, transformed the tobacco tree into a messenger to the Creator.

7927. So when we have important meetings such as this, we have that smoke and we declare to the Creator that we are here to speak nothing but the truth and only the truth and through that tobacco because that tobacco carries the spirit of our ancestors that have been consumed by that plant. They will carry my words to the Creator so that he will witness that I speak the truth.

7928. **THE CHAIRMAN:** And with respect then, you are affirmed on behalf -- in front of this Panel. Thank you.

RON IGNACE: Affirmed

7929. **MS. HANSEN:** And, Mr. Chairperson and Panel members, perhaps I can say a few words before we begin?

7930. **THE CHAIRMAN:** Absolutely. And welcome.

7931. **MS. HANSEN:** And my name is Sarah Hansen and I'm legal counsel for the Stk'emlupsemc of the Secwepemc Nation, otherwise referred to as SSN for short. SSN is comprised of two different groups, the Skeetchestn, for whom Dr. Chief Ron Ignace is the chief, as well as the Kamloops Indian Band, and they

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form a division, one of several within the Secwepemc Nation.

7932. I'd like to introduce Chief and Dr. Ron Ignace. He again is also a Joint Council Executive Member of the SSN. And I'll just make a few introductory comments, if I can. Chief Ignace served for many, many years as chief. He grew up in the Secwepemc Nation, and he will tell you about that in what he will present today.
7933. He'll also tell you some of the oral histories of this land. But in addition to that, you should know that Dr. Ignace also devoted much of his life in the study of the Secwepemc Nation through his academic pursuits. He studied anthropology and sociology at the University of British Columbia. He completed the requirements for his Doctorate of Philosophy from Simon Fraser University and today he will tell you about the focus of some of his doctoral studies, which focused on oral traditions, oral histories and a link between those histories and the historical consciousness of the Secwepemc people.
7934. The PowerPoint presentation which we have prepared is in accordance with your Board's direction, Procedural Order No. 6 and it's used as a tool for illustrating the oral traditional evidence Dr. Chief Ron will present to you.
7935. We'd like to go on record as saying that the SSN had asserted Aboriginal rights and title in their traditional territory and that that assertion of rights has been recognized in various agreements with the province as well as industry proponents for various natural resource development projects. And while we understand this hearing is not a time to go over those rights and title, for the record, the SSN does not accept this process as an appropriate method for Canada to use to discharge its duty to consult and accommodate.
7936. With respect to answering any questions, again, further to the Board's Procedural Directive, Dr. Ignace will answer questions that may be required to clarify his comments, but any substantive questions should be directed to us in writing.
7937. And finally, Dr. Ignace's evidence will focus on how the project would impact SSN's rights, titles and interests, but his presentation is not intended to be exhaustive of all the impacts and resulting infringements and indeed much of the oral history evidence that will be presented to you today will primarily focus on a segment of the pipeline route.

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7938. That segment is at or near Jacko Lake, which is a culturally significant area within SSN territory. And again, where required, I might ask a question of Chief Ron Ignace to bring us back to the presentation.

7939. And with those introductory words, I'd like to turn it over to Chief Ignace.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF DR. RON IGNACE:

7940. **CHIEF DR. RON IGNACE:** (Speaking in native language). In other words, what I'm saying here is that the definition of oral history that you give in which it purports that we cannot be scientific, cannot be farther from the truth, our oral histories provide us with scientific knowledge that also is important to give us equipment for living. The science of plants, the science of weather, the science of languages are all embedded within our -- in our oral histories. Like our Elders said, our oral histories are our schools. They give us understanding of not just the land but of the universe.

7941. Let me give you one word before I get into my presentation. We have a word in our language that was given, handed down to us at the beginning of time. That word is tult, spelled T-U-L-T. And the definition of that word is the utilization of one's energy to transform matter.

7942. So we've had, from the beginning of time, a universal consciousness, a consciousness that Stephen Leacock did not understand when he said:

"The assertion of rights by Indians is misplaced because the use of the land is no more than that of crows and wolves and their development of it nothing."

7943. Polar opposites of understanding. I want that.

7944. And we need to understand that when we're talking, our mindset and European mindset are such that Europeans look at things black and white, good and evil, heaven and hell, whereas with us, coyote is the embodiment of the sacred and the profane. There is different world views, and it's going to be difficult for me to bridge that gap of understanding between us. But (speaking in native language) and I want to -- I will try, but I want you also to know because of

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the timeframe that I am asked to give 10,000 years of oral history, the time -- the definition of which oral history has been told need to present it in is not appropriate, so I'm here under duress, but to try to bridge that understanding, that gap.

7945. I guess -- forgive me, I should also say this. (Speaking in native language)
7946. I want you to understand. I want to say this. I have not come here to cause anybody any grief or sorrow or to cause anybody any hard feelings. I come here recognizing that we -- I am speaking to you, to Canada through you, on a nation-to-nation basis.
7947. And I am here only to see -- and if I cause anybody any grief or sorrow, forgive me. I'm just a young man -- young Elder in learning and training. That is not my intention. My intention is to see if there's a way that we can find a way forward to find a road which we can come to an equal understanding of each other.
7948. (Speaking in native language)
7949. In the English world -- European world, the name I've been given is Ron Ignace, but in the -- but by my great-grandmother, she gave me the word Stemelqin. That means arrow, the arrowhead on the arrow, to shoot straight, to be a straight shooter.
7950. (Speaking in native language) Francis Jules, that's my father. Francis Jules (speaking in native language), he comes from the Kamloops reserve. (Speaking in native language) Elizabeth Ignace, (speaking in native language), she comes from Skeetchestn.
7951. (Speaking in native language) When I was born, my great-grandmother took me and adopted me as her child and raised me. It is our way in Secwepemc. Grannies have the right to look among all their grandchildren and pick one to take as their own and raise them.
7952. (Speaking in native language) And I thank my granny for doing -- picking me. (Speaking in native language) I thank her because today, even though I went to residential school, even though I didn't have the opportunity to speak to my people in our language for 25 years, when I came back, I picked up

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where I left off.

7953. I also was thankful for her for teaching me our customs and traditions and our ways on the land, which I hope to share with you. As she was leaving the world, she told me, go out and study the white man. Learn all you can about them and when you're finished, you come home and help your people.

7954. That's why I went and got my PhD, not to better myself, but to be able to better help my people.

7955. So and (speaking in native language), her name was Sulyen Ignace. She was married to Edward Ignace. (Speaking in native language) that was her husband, and he was the last Chief -- traditional Chief of our community before the *Indian Act* was imposed us and elections were imposed on us.

7956. (Speaking in native language) Her mother was Cecile Milámenetqua. Milámenetqua means -- milámen is the word for medicine and etqua is the word for water. It's medicine water. She was, too, a medicine woman.

7957. Her brother, Jimmy Antoine, before Edward was Chief of our community, before Jimmy Antoine was -- Joe Tama in 1910 was Chief, and he was one of the Chiefs along with the Shuswap Okanagan Thompson Chiefs that sat across the table from Sir Wilfrid Laurier and laid the Sir Wilfrid Laurier Memorial before the Prime Minister of Canada laying out who we are, where we've come from, what our vision is for the future and what our relationship we would like to see would be with Canada -- could be with Canada.

7958. Unfortunately, Canada turned its back on that proposition, so we are still here today. They set forth -- what you are asking of me today to say to you is no different than what our Chiefs have said to Canada in 1910. A hundred and four (104) years later, things have not changed. They've only even gotten worse on our land, the cumulative effects.

7959. So I say that to you, and on my father's side, my father -- great-grandfather was a war Chief of our community. He was elevated to a Chief after the Canyon Wars in which the Shuswaps, the Okanagans and the Thompsons fought the American invasion of the mainland of British Columbia.

7960. They set up a war council. They raised the American flag. Governor Douglas hid on Vancouver Island, abdicated the sovereignty of the mainland and

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we fought the Americans to a standstill and we signed peace treaties with the United States.

7961. Our confederacy, which this flag represents, signed a peace treaty with the United States. We saved the mainland of British Columbia from annexation. (Speaking in native language)

7962. Today, if it wasn't for us doing that, we'd all be Americans. Maybe Obama would be a good thing.

7963. I tell you that so that you know (speaking in native language). I tell you these things that they know who I am, that I'm grounded deep roots in this land. As a matter of fact, on my grandmother's side, she is a descendent, a direct descendent of Coquila, who signed the Fish Lake Accord with the Okanagans, and ended the war between the Shuswaps and the Okanagan through a peace treaty.

7964. And that takes my family tree back some 300 years. So we're talking, not yesterday, not last year, not 100 years ago. So it's unquestionable that I have the right to speak on this land. You ought to know that, who you're speaking to. It is our way to let you know who you are speaking to.

7965. As a -- I was -- I went away from home, and I was invited back by the Elders in 1982. (Speaking in native language). The Elders called me back. They sent runners to call me back and they said, "It is time that you come home and stand up and be Chief."

7966. So in 1982 my Elders stood me up as Chief. I had to go through the elections. I went. Every two years we had election. I was Chief every -- for 20 years, from 1982 to 2002, of my community. How many elections is that that I went through?

7967. Again, my son -- I lost a son so I wasn't able to stand. I stood down. So I was -- then I came back from 2008 to 2006, and the community thought they would try another man but that didn't work out so they brought me back in 2013. We'll see how long they keep me.

7968. So I was Chief that -- for that long and, yes, a member of the Tk'emlúps te Secwépemc Nation and Secwépemc -- you ought to know the definition of Secwépemc is the People of the Spread Out Lands. We have a huge

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territory consisting of somewhere between 150 to 180,000 square kilometres.

7969. And we changed the page, I think. Oh, before I go any further, I want to point out that it's always important for us to use the term coined in the world of academia for referencing the people that have helped you along the way; it's called oral footnoting.

7970. And I want to thank the Secwépemc Elders who agreed when I went about to record them and to ask them to contribute their knowledge for me and towards the future generations of our nation. In my enquiry into Secwépemc history, they include Clothilde Thomas from Williams Lake, the late Laura Harry from Esk'et Alkali, the late Rose Phillip and Bill Porter from St'uxtéws Bonaparte, Sarah Deneault; she's still alive and I see her sons here. From Neskonlith, the late Mary Thomas from Salmon Arm. From my own community, Skeetchestn, the late Nellie Taylor; Theresa Jules; Sam Camille; Christine Simon, who is still alive and with us today, thank heaven; James Peters. I would like to -- just there's others that I -- the list goes on that I want to give recognition to those Elders who really shared their knowledge with me.

7971. And I want to -- so as a representative of the SSN and as a Chief of Skeetchestn, I would like to tell you that SSN, in your -- it says up there:

"SSN consists of the Tk'emlúps te Secwépemc and (the) Skeetchestn..."

7972. The two communities; that is true. And we are -- the name that's up there is -- there are seven. James Teit unfortunately chose the word "divisions" which gives a misunderstanding to our relationship as Secwépemc throughout the whole nation. As you will see later on, there are no divisions according to our Elders, according to our oral histories, and according to the evidence that we've been able to collect. There are no divisions within the Shuswap Nation.

7973. What it does represent though, when we say Tk'emlúps -- I'm a Tk'emlúps te Secwépemc, it just connotes that a descriptive of the geographic area within the Shuswap Nation in which I reside. Okay, there's the Spallumcheen. It is mainly a geographic description of where those Shuswap people live and that's in the lakes area -- Shuswap Lakes. There are no divisions between us. You need to understand that.

7974. But it is as a Stk'emlupsemc, it is our duty much like the

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- Spallumcheen or the Slimholiquin (ph), or the other divisions within our nation. It is their duty to be yucwmíntn, caretakers, of that part of Shuswap territory because it is -- our territory, like I said, is so large. Roughly speaking it's from the Quesnel Lakes over to Jasper, from Jasper towards Banff, from Banff over to Salmon Arm, and over into Ashcroft and west of the Fraser River from Pavilion all the ways back around up to Quesnel Lakes.
7975. That's a huge territory to govern, and we governed it for thousands of years. So our job is to be caretakers of this land, to manage the land, to manage the resources, to be guardians of our citizens within this area as part of the Shuswap Nation, not as separate from the Shuswap Nation.
7976. If there was an incursion into this part of the territory, which there was occasionally and we have stories -- war stories, which we fought and defended our homeland, we would determine whether we needed to send runners to other parts of the Shuswap Nation to come and join us, to defend the Shuswap and coulée and we would.
7977. We manage the resources here. We cared for the land. We looked after our people. And as Chiefs, if you look at the Shuswap Chief's hat, it has owl and hawk feathers. That represents a hunter. Without that hat -- and there's a tail of eagle feathers. That represents a warrior. But when you take those two and put them together, it transforms into a Chief's hat. It is one who defends; feeds, provides for his people and defends their rights. That was our duty and responsibility as the Chief.
7978. So I'm here, but, as you know -- and we -- we are moving back to the Secwépemc Stk'emplúpsemc and stand that up because that was the rightful defenders in your parlance. The proper titleholders, if you will, of the land for this area on behalf of the nation.
7979. The Deadman Creek Indian Reserve, the Kamloops Indian Band Reserve, those are government constructs from the *Indian Act*, and if you look at the Sir Wilfrid Laurier Memorial, they set -- the Reservations that they set aside for us were never -- was not our proposition, we've never accepted them, nor will we ever accept them, and nor will our hearts be satisfied until we get what is rightfully ours.
7980. It is important that you understand this, because I do not know what you understand of me. It is all -- this is all important leading up to understanding

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what our rights are on this land and how it is that you're impacting our rights on this land, our ability for an -- our lifestyle, maintaining our way of life as a people on this land.

7981. What has happened is that the government has chopped us up, fragmented us into Reservation systems and it's assuming that the land outside the Reservations is theirs when it is not. We, as you will find out as I go along, that is not how we see it. We have two different visions of this land that we need to come to grips with; that we have authority over this land, we have the ability to govern and have jurisdiction over this land.

7982. Let me turn the page.

7983. Just to let you know, there's the council that makes up Tk'emlúps te Secwepemc. They have a population of approximately 1,300.

7984. Skeetchestn is my council. There's the hat I was talking about, the Chief's hat. When I went and got my PhD I wore that. I stood out like a sore thumb in a crowd of 1,000 graduates.

7985. We have a population of approximately 550. And like I pointed out the Secwepemc -- we the Secwepemc, which I pointed out means, the "People of the Spread Out Lands". And I pointed out the original territory stretches from the Columbia Valley along the Rocky Mountains, west to the Fraser River, and south of the Arrow Lakes, and most Secwepemc people live in river valleys.

7986. And that you will see that we are a self-governing nation with a common language, common culture, common belief system, and a unified land base that belonged to all of us.

7987. To underscore this, to underscore who we are and where we've come from, and what our rights are on the land (speaking in native language).

7988. I will now move to sptékwle, is the oral history that you want to hear. We have two things, there's the sptékwle which talks about the transformers, talks about coyote. Those stories, those legendary heroes of ours that inform us, that educate us. And then there's the slexéyem, that is the life lived experiences of our people. And a good example of those life lived experiences of our people is the Sir Wilfrid Laurier Memorial. That is a slexéyem, but it is rooted in the sptékwle. Like I said, we, like coyote, embodies the sacred and the profane.

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7989. (Speaking in native language). The Creator gave coyote work to conduct, to fix up the land for the people that are coming, to fix up the land for his people that are coming.
7990. (Speaking in native language). When the land dried up he came off, down off the mountain. (Speaking in native language). There was just a few trees and some grass, not much around.
7991. (Speaking in native language). He took a tree for a wife. That's another story, but we'll go this way instead.
7992. (Speaking in native language). If you go back to the very first page (speaking in native language) it is said that one day a coyote was sitting on a rock (speaking in native language) and he was attacked by coastal transformers that had come up.
7993. (Speaking in native language). And they wanted to transform coyote, strive to try to transform coyote into a rock. (Speaking in native language). They were only able to transform coyote's tracks into rock, energy into matter, matter into energy. The transformation, the transformers.
7994. (Speaking in native language). Why are you trying to cause me harm? (Speaking in native language). Coyote said to them, did not the Creator put you on this land to fix up your people's land for them. This is the work that I've been given and I am here fixing up the land for my people that are coming.
7995. (Speaking in native language). Coyote says to him, I'm much more powerful than you and I could cause you more harm than you could ever cause me (speaking in native language) but I won't.
7996. (Speaking in native language). Coyote says to him, I will not interfere with your work, with your internal affairs and you do not interfere with my work, my internal affairs. (Speaking in native language). Know this, that this is my land. This is my country.
7997. (Speaking in native language). And coyote went and said -- (speaking in native language) Coyote told him, I will allow you to pass through my country, but you are not allowed to stay. You do not have the right. I do not give you the right to stay.

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7998. (Speaking in native language), these down river transformers.
7999. (Speaking in native language). Let us strive (speaking in native language) to help each other. Let us strive to look out for each other. (Speaking in native language). That's what Coyote told (speaking in native language); it's like a word of teaching, of educating. (Speaking in native language). And when Coyote caught up to these people in another part of his territory (speaking in native language), when Coyote caught up to them in another part of our country, Coyote told them, "I thought I told you that you were allowed only to cross over my territory and not to hang about. Unless you kneel and recognize that this is my country I will cause you severe harm." (Speaking in native language). And they did and they left immediately.
8000. (Speaking in native language). This story, know this, disavows the theory of *terra nullius*, disavows the doctrine of discovery, disavows the authority of any other nation to claim our homeland without first treating with us in a manner that's proper, correct, and we would -- this has yet to happen.
8001. That is what our Chiefs in the Sir Wilfrid Laurier memorial laid out. The words of our Chiefs in the Sir Wilfrid Laurier memorial comes from that little story. That is the foundation of what our Chiefs called, if you will, our sovereignty, our supreme authority to control and deal with our land's resources and define who the citizens of our nations ought to be and can be. That has not yet to happen with Canada and us yet to this day.
8002. Our Chiefs, in 1910, in the Sir Wilfrid Laurier memorial noted (speaking in native language), when the first white people came amongst us, (speaking in native language), that the original white people that came to our land did not attempt to break up our tribal organizations, tear down our laws and our customs, nor did they try to force themselves upon us. They didn't try to stop us from hunting, fishing, nor to appropriate, steal or appropriate our country, and they treated our Chiefs as men. That was the fur traders.
8003. Because in that era, in the fur trade, remember this that our Secwépmc is the cornerstone of our economy at that time, when the first fur traders came in. What we had was the trade with the myriad of nations around us. We had a trading system in place, a mechanism, and all the fur trade did was plug into it like you would plug into a socket and get power. They didn't create anything for us. They just -- we just adopted them as though they were one of the

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other trading partners that we already had, and they recognized our laws and lived by the trade laws that we had set down.

8004. And so our Chiefs pointed out, so when they first came among us they found that there were only us Indians here, and that each tribe, the Secwépemc, the Okanagan, the Thompson, was supreme in their own territory and having tribal boundaries known and recognized by all. The country of each tribe was just the same as a very large ranch or a farm. See, when they were talking to Sir Wilfrid Laurier they were trying to create imagery that they figure he could relate to and understand, that we're managing our lands as though it were a farm or a ranch.

8005. We burned certain areas of the forest. One of our tools for management was fire. When we dug roots we put the corns back in the ground, replanted so that next year we could come back and harvest that. We looked after it. We only hunted certain types of animals, certain age groups to ensure that we didn't clean them out.

8006. And the country of Stk'emlupsemc was like the same tribe and it belonged to all the people. The people, the Secwépemc people had equal access to all parts of the Shuswap Nation. I could go up to Williams Lake, hunt and fish, or I could go down to the Shuswap Lakes area, hunt and fish. It wouldn't cause no harm. It wouldn't cause no stir. I would be greeted. We'd sit down and exchange stories. Because the foundation of our laws is based on what is called (Speaking in native language). (Speaking in native language) is about family and that we are all one big family, and therefore, we could be that way on our land.

8007. And this land provided us with food aplenty, grass, vegetation, stones, materials, seeds, roots, plants, nuts, berries, copper, dentalium shells which were used for ornaments and for plants and so on. All of that our land provided for us, just like a ranch provides for a rancher. All the necessities of life were in abundance from these lands of each tribe and all the people had equal rights of access to everything they required.

8008. And this is what is important here for you to hear. (Speaking in native language). Our land they equated, our Chiefs going back in time and we too to this day equate our land as the same as life itself, for without it we could not live. And this position comes from our tmíx^w, the position that our Chiefs take comes from our land, comes from our slhayen, our stories, our oral history.

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8009. And remember this, through that story, the origin of our ownership and jurisdiction and our supreme authority on this land comes from no other authority other than the Stk'emlupsemc and through Coyote, which those responsibilities were then handed off to us.

8010. But since then, when the Europeans came, they brought with them all kinds of diseases, epidemics; 19 -- 1862, smallpox epidemic; 1918, another epidemic. By the 1900s, (speaking in native language).

8011. These epidemics, we lived in pithouses. Whole families in those pithouses died and they would just wreck those pithouses on top of them. They couldn't afford to bury them. Sometimes 18, 20, 30 people at once.

8012. The whole Fraser Canyon division is gone. We went from 32 Secwepemc Bands or communities, we're down to 17 today. But we're bouncing back. As a matter of fact, in the 1900s, I saw somewhere that the government predicted that we're going to be extinct. And that was the objective, to gain control of our lands. I'm confident of it.

8013. And here, this is not the picture of the whole Shuswap Nation, but to depict the area that the Stk'emlupsemc are caretakers of in the south central interior of British Columbia. And this is -- would be the centre, Kamloops, the North and South Thompson River. Kamloops is the epicentre of our territory here that we are the caretakers of.

8014. I talked about the Sir Wilfrid Laurier Memorial. I talked about the coyote sitting on the rock and I talked about how we've defended our lands and we've continuously -- whether it was other nations around us that came in, we defended and pushed them back.

8015. We have stories of wars that we conducted with the Okanagans, with the Carrier Sekani, with the Dene, different nations, the Cree. We have a treaty with the Stoneys. We have treaties -- we have signed treaties with the Okanagans. We went around and solved our wars through treaty.

8016. We have the Fish Lake Accord, in which the long-standing war between ourselves and the Okanagan was settled. The way it was settled and ended is that Pelkamulox, the Okanagan Chief, was asked to give up his daughter to the Shuswap Chief, Kwolila, so that daughter would grow up in Shuswap country and would marry and, therefore, would kwséltkten nouse. We would then

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- become related to that person. And you cannot conduct war against your relatives.
8017. Likewise in the white era of peace with the other Okanagans, we had that similar type of peace treaty. We have laws, what we call yéwyut, which you call peace, having quiet enjoyment. And that law can be a minor infraction, but up to and lead to the banishment of a member of the Shuswap person. Back in the day, that was a severe punishment, to be banished. And that's yéwyut.
8018. Today we are suffering a lot of the inability, and I will get back to that later, of our inability to have quiet enjoyment of our homeland. But since then, we did a presentation to Sir Wilfrid Laurier about our grievances, about our suffering, about our vision for the future. We were not heard then.
8019. We made a presentation through the Frank Oliver to Prime Minister Borden, who succeeded Sir Wilfrid Laurier, but we weren't heard there.
8020. We've continued on our fight. We've been thrown in jail. We've been shot at. Our nets, our hooks have been destroyed, but we continue coming back.
8021. And we've stood up and we've insisted that this land has -- we have to be treated to the point where now we have a new participation agreement with a new gold mine in which they give us a percentage of the profits that they get out of that mine.
8022. We also persisted with our rights with the province. The province gives us 37.7 percent of the tax revenue they get from the kicks back to us because we insisted that they have to do so on our -- that is rightfully our resources that they're profiting from. So they gave us -- they give back to us 37.7 percent.
8023. And I talk to you about Elder Christine. She talks about us in the memorial, that era of the memorial. How that came about is that our people fought wars, like I talked about, with the Americans, with the Okanagans. We fought against -- with Canada. We went to Ottawa, we went to Victoria, we went to England, our Chiefs back then, to make our case. We went to the Privy Council. We got turned away.
8024. And so we -- this is just a continuation of that struggle, and we're able

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to get the ECTA Agreement in which we get tax revenue from the province. We're now looking -- we've pushed forward. We've filed a writ against the warehouse transfer without our consent.

8025. And what the government came back and said look, if you put that writ in abeyance, we will establish a reconciliation framework agreement in which we can talk government to government to see if we can resolve this dispute through political means as opposed to legal means.

8026. So we said, okay, we'll give you the chance to try to do that with us. We have three years. If we're not satisfied, we might and probably -- possibly will be filing a title case much like the *Williams* case. We're prepared to do that if need be.

8027. As a matter of fact, in the memorial to Frank Oliver, our Chiefs called for a title case. If there's a question that needs to be resolved, they said let us go to Court and solve it. Had we done that, we could have solved a lot of this today. We wouldn't have had to worry about it.

8028. We've compelled the Ajax Mine to sit down and resource us -- to resource a consultation framework agreement. And that's to be starting soon.

8029. Our struggle continues. This day is also an expression of the continuation of that struggle.

--- (A short pause/Courte pause)

8030. **CHIEF DR. RON IGNACE:** We've continuously defended (speaking in native language). We fought and defended and like our Chief said, we've spilt blood on this land in its defense to maintain it and we will continue to do so.

8031. Let's move on. What are we doing, what's the time? I got ---

8032. **THE CHAIRMAN:** If you'd like a break, if you -- you have time if you'd like.

8033. **CHIEF DR. RON IGNACE:** My parking meter's going to quit at 3:30, so I don't know what time it is. I've ---

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8034. **THE CHAIRMAN:** It's 20 to 3:00.

8035. **CHIEF DR. RON IGNACE:** Okay, let's carry on. Hopefully I can finish by 3:30, before I expire.

--- (Laughter/Rires)

8036. **MS. HANSEN:** Maybe I can assist with that. So this next segment that Chief Ron can talk about is a portion of the pipeline, and that's the one we talked about earlier as running up against Jacko Lake which you can just see in the middle there. So on the slide, the yellow line is the existing 24-inch line and then the red line is one of the proposed alternate routes around Jacko for the new line.

8037. So Ron would like to talk about how this area in and around Jacko is actually a sacred site and so he can talk about the impacts of -- on the community for this specific area. And again, as I said earlier, it's not meant to be exhaustive. It would be impossible to do that along the route, but we've chosen this area -- this is also incidentally the area of the proposed Ajax mine area, around Ajax.

8038. So I'll let Ron talk about rights exercised in that area and impacts on the community should this project go ahead.

8039. **CHIEF DR. RON IGNACE:** (Speaking in native language)
Kwlékwles is oulu (ph) is land. This is the grasslands. (Speaking in native language), it is an important place for us, but this place, like many other places by the way, are equally as important to this, but we will only because of the time we have and the story that I have, we're going to be here -- how many days did you say we had?

8040. It took me 14 years to write this all up, so do we have 14 years?

8041. **THE CHAIRMAN:** I think my meter might expire as well by then.

--- (Laughter/Rires)

8042. **CHIEF DR. RON JULES:** This land here, I guess -- I'll have to -- as much as I'd like to speak in the language and translate for myself, I'm up against time and I'll have to try to figure out how we do this. It's -- the (speaking in native language) there's a creek that flows from Logan Lake down into Jacko

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Lake and down into Kamloops Lake through the City of Kamloops. It's the old Memorial Arena, I mean, maybe even underneath it. I don't know, if you guys know Kamloops.

8043. So and this land is sacred. (Speaking in native language). A long time ago, there used to be this tree. Unfortunately, when they built the road into this area, they cut that tree down. (Speaking in native language). That tree, it caused us great grief and sorrow when that happened.

8044. (Speaking in native language). That tree -- that place was called Skwcus'un. It means tears welling up in your eyes. That's what that meant, and when you got to that place, (speaking in native language), so you would make an offering at that tree so that the land will not turn on you.

8045. I wish there was a better way to describe (speaking in native language). The land turns on you if you do not respect it, if you do not show it honour and respect. Before you enter into this area, you'd have to give a gift much like you gave me a gift, so I have to honour and respect you. I can't turn on you now.

--- (Laughter/Rires)

8046. **CHIEF DR. RON IGNACE:** We joke. That's another part of our, you know, our Elders, when they're -- when they're telling serious stories, they will all of a sudden stop and throw a curve at you, a joke. We have to have a sense of humour.

8047. But let me quickly -- so getting to Jacko Lake, this is the (speaking in native language) this lake, we call it pepsis leeme (ph) Fish Lake, if you want literal translation.

8048. And (speaking in native language), and she was there making herself food with her digging stick, digging up roots and (speaking in native language) one day she got lonesome. (Speaking in native language). She thought, oh, I wish I had a daughter. (Speaking in native language) so she goes and takes some mud and makes a daughter from the mud.

8049. (Speaking in native language). Don't go swim in the water, but she does and we know what happened. (Speaking in native language). She takes some pitch and makes a daughter, another daughter. (Speaking in native

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- language). Don't sunbathe on rocks, but she does and she melts away. (Speaking in native language). And she makes a daughter out of a rock, but she falls to the bottom. (Speaking in native language).
8050. She goes and gets a beautiful piece of wood and makes a daughter and she lives, remembering that coyote had married a tree one day in the past.
8051. (Speaking in native language) and this girl goes to the edge of the lake and she is standing there and she sees this beautiful fish jump out of the lake, glistening silver in the sun, unimaginable beauty. (Speaking in native language) and she says, "Oh, if he were only my husband." And thinking that thought, she turns to go back to her house. (Speaking in native language), someone touched her on the back.
8052. This is where I could make a joke, but I won't. You're too serious. And sometimes I say, "You rang". But strike that from the record.
8053. And she turns, (speaking in native language) and there was this handsome young man standing in front of her. (Speaking in native language) I'm going to have to cut the story as much as I can, but hopefully maintain the essence of the story.
8054. She goes down, is invited to go down and meet her parents -- his parents, at the bottom of the lake. Sqélemcq étkwe, look, he was what we call in your language water people. Sqélemcq étkwe. Sqélemcq can mean human or man, étkwe, remember, means water.
8055. So they can down there and (speaking in native language), and they get down to the bottom of the lake and he tells them, "Wait here. I'm going to go and talk to my parents." How many young people have done that, eh, when they brought someone home.
8056. And so he goes in there and he sends his brother to go get her. And he comes out, (speaking in native language) and she thinks it's him, but it's not. So she goes in, (speaking in native language), she thinks that is him that brought him there, but it wasn't. Remember this, fish all look alike.
8057. And so the one that she thought was her man that brought her down, she says (speaking in native language), that is your man there. So she goes to him.

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8058. They have two children, a boy and a girl, Stlimkelt (ph), Ashtuyut (ph). (Speaking in native language). The kids, when they're playing around, they talk about their grannies and grandpas. And these two children ask about, "Where's our granny? Where's our grandpa?" And their mother says, "Your granny's up above." (Speaking in native language).
8059. And the kids run away, and they go up to visit their granny. They -- first they look and they see her out there. And they watch her and then they go back. They're scared.
8060. Second time they come up, they get a little braver. Third time, they go right into the house (speaking in native language) and they rifle through her stuff. (Speaking in native language). They look through all granny's stuff, just amazed at what she has.
8061. And granny comes home. (Speaking in native language) and glances. She senses that someone has been in her house.
8062. (Speaking in native language). She goes out to the stump. (Speaking in native language). And Joan says (speaking in native language). So she gives her her digging -- the stump, her digging stick, and says, "You pretend to be me digging roots." (Speaking in native language). She makes a medicine from the land. (Speaking in native language).
8063. The boy comes in the house first and the girl lags behind. (Speaking in native language). So she spills most of this medicine on the boy and he transforms into a human. Remember, we're talking about the era of transformers when humans could be something else; they could appear to be human. But she transforms him into human.
8064. Because she didn't get hit with much of the medicine, she turned into a dog. And she tells him, "Look after him. Don't be mean to that dog. Don't get angry with it." But he does one day because, as he shoots grouse, the dog runs over and it's hungry, wants to eat, eats the grouse.
8065. And so she gets angry with him and beats the dog. And she comes around and says, "Why did you beat me; I'm your sister?" and flies away as a chickadee.

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8066. And to this day, throughout the whole Shuswap Nation, we have a song called "The Chickadee" that people sing looking for the little sister that flew away.
8067. And the sharp-tailed grouse, which is a keystone species, in your jargon, taught us -- there is -- in that area, there are approximately three to six what they call nexus. Me, it was xextst, xextst, the dance houses of those sharp-tailed grouse.
8068. (Speaking in native language). And it is from that grouse that we got our dance called the chicken dance and the songs that go with that dance, the drumming. There's a relationship between us.
8069. And so you can see that -- and that boy, one day, he's told if you ever shoot an arrow into a tree, don't go after it, but he does. And as he gets closer to that arrow, the tree grows higher and higher and he winds up in the upper world. And his grandfather hides him, gives him an old skin -- gives him his old skin so that nobody would know who he is.
8070. But there's a competition to see who could be the best hunter to get the Chief's wife. And all the other warriors up there failed and he -- this old man volunteers to say, "I'll go try hunting." And he goes.
8071. He sneaks out of that wrinkled old skin, goes and kills many deer. He does that four times. And then the fourth time, the people get -- how is it that this old man can do this? And they sneak and watch him and they find out. It's a disguise.
8072. And they run over and grab that skin and chop it up. They throw it in the air, and it turns into fog. It turns out that the boy's grandfather was fog, but he gets to marry the Chief's wife.
8073. So now we have the boy who was married to the people in the sky world. We know that his fog -- his grandfather was fog. We know his grandmother lives on the -- stories, it will tell us -- this story tells us the relationship between the aquifer, the land, the people, the resources, the sky.
8074. It will take us time to decipher and understand the climatology, the botanical knowledge carried, the medicinal knowledge in that, the transformative character of those things. We'd have to study that for a long time. Those teach

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- us, gives us, like I said, our equipment for living.
8075. And those (speaking in native language). There are stories of other water people in the Adams Lake and the Kamloops Lake and in this lake here, which speaks to the importance and significance of the aquifer. Otherwise, how could those people travel underground?
8076. Talks about the land on top. This is -- and this land is sacred. It is no different for us, if you will, than Lourdes. It is no different for us than the church of nativity in Bethlehem. It is no different for us than the Marian Shrine on Jasna Góra in Poland, in the mountain of Poland.
8077. But yet our sacred areas are not respected. They're impacted. The grasslands are impacted. And I just show you (speaking in native language) -- show you where this area of -- and we're just focusing on that little jog around Jacko Lake.
8078. And we want to -- this is the cumulative impact that industry plans for this area is a huge mine. There's a new gold mine in this area. There are ranches; there are fences; there are private property signs all over. We can no longer go in there and use that land. The grazing of our foodstuff, the trampling of our sacred grounds, the destruction of the habitat for the birds, the animals, the berries, the fruits, the roots.
8079. And the jog around Jacko Lake is going to be further impacting new lands by the pipeline, trampling underfoot our foods, our plants, the endangered species. And I have a pipeline that goes through my reserve and the acreage of land that's impacted, the logging, roads, you name it. I mean, I could -- the list is immense.
8080. The cumulative effects, the pipeline up there, the knapweed, acres and acres of knapweed, invasive species that is destroying our traditional plants that we rely on.
8081. I brought a sample of things over there that we get from the land. All of this, we are great hunters. We do a lot of hunting. My whole community, a great significant amount of our subsistence, of managing -- we manage the land, are taking back the tool of burning the land in order to manage it.
8082. I told B.C. Forest, "You have no business telling me that I can't out

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and burn the land. I'm going to do it. Because the way you've managed the land, you have nothing but destroyed the whole of British Columbia through the pine beetle, because you didn't allow us as native people of B.C. to manage the land like we did down through the ages."

8083. You know, the grasslands have got to be the most threatened ecosystem in B.C. They're very sensitive. If you go over it with a motorbike or a quad, the tracks never go away. They cut into that land and it never goes away. Weeds take over from there.

8084. You know, it contains (speaking in native language). In this grassland, there are over 100 different plants that we rely on for medicine, for food, for technology. On and on it goes.

8085. Then there's the wildlife, the deer. There used to be elk around Jacko Lake. That's now become extinct.

8086. **MS. HANSEN:** Can I just interject there? I know Chief Dr. Ron has been speaking for quite a while. Maybe we could have a break if it's an appropriate time and then he can finish. I think he just has a few slides left.

8087. **THE CHAIRMAN:** That's fine. Would 10 minutes be sufficient for you?

8088. **CHIEF DR. RON IGNACE:** Yeah, okay.

8089. **THE CHAIRMAN:** Okay. We'll come back at a quarter after 3:00. How does that sound?

--- Upon recessing at 3:04 p.m./L'audience est suspendue à 15h04

--- Upon resuming at 3:16 p.m./L'audience est reprise à 15h16

8090. **MS. HANSEN:** Okay. So with your permission, we'll continue and we don't anticipate to go beyond four o'clock. I think we're just about through.

8091. **THE CHAIRMAN:** That's fine. Please go ahead.

8092. Your microphone, sorry.

RON IGNACE: Resumed

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**--- ORAL PRESENTATION BY/PRÉSENTATION ORALE PAR CHIEF DR.
RON IGNACE: (Continued/Suite)**

8093. **CHIEF DR. RON IGNACE:** (Speaking in native language).
8094. Okay. What I want to talk about is (speaking in native language).
Alongside of Jacko Lake is what is called in English a hunting blind. And that
hunting blind has been there for a few hundred years, two, three, maybe 500
years. It's made of rocks piled in a circle above, and below if a gulley where our
people would herd the elk into that area and our people would be hiding in there.
And as the elk would come in, they would shoot them.
8095. Hunting is very important for us. And they want to take -- the mine
and other people have proposed that they could take and rebuild that hunting blind
in a museum. But somehow, it loses its flavour when you do that, take it out of
context. And it also takes away from the value -- our spiritual value of that area,
our connection to the land in that area. So we need to maintain that. We don't
want to lose that.
8096. The other thing that I want to talk about that I should inform you about
is the importance, before we get into the discussion on the destruction of plants
and the land and things of nature, the impact, the cumulative impacts is I want to
go over what we call a generic description of what we call a seasonal round.
8097. We have Elders give descriptions of how throughout the various
seasons, throughout the various months or moons, where to go and what to do,
whether it's to hunt, to fish, to pick berries, it requires an intimate and complex
knowledge of the land, the resources, the -- what -- how the plants behave, how
the animals behave, how the land, the weather, all of that is factored into where
and when our people would go and utilize the land and for what purpose.
8098. It's something that -- that knowledge is handed down to the younger
generations from one generation to the other so that they could survive and thrive
on the land. It's something that one of our Elders said that you have to study for
many years to know that kind of extensive knowledge. Nelly Taylor was the
Elder.
8099. So in our calendar, if you will, of seasonal rounds, as based on names
for months and seasonal round activities, and I documented this with our Elders,

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- confirmed it with Elders, the Elders that I talked about earlier and others. Dr. Marian Ignace also talked about it with Elders, confirmed it with Elders. Turner -- Nancy Turner who's an ethnobotanist, who spoke to Elders also got the same information. So this is cross-referenced and corroborated many times over.
8100. And the months -- the October/November months, where people entering into their winter homes and animals enter into their dens, we call that Pellc7ell7u'7llcwten', Pellc7ell7u'7llcwten', the month of Pellc7ell7u'7llcwten', the moon of Pellc7ell7u'7llcwten' entering into your winter homes. And there are various activities associated with this.
8101. There's -- and then there's the crossover moon, Pelltete'tq'em, the crossover moon. That is the month of December, the winter solstice. And that's when our people live on stored provisions from trapping, hunting, for elk in mid-elevation grasslands. And also that's a time we conduct -- we tell our stories, stseptékwll.
8102. And we have great gatherings and dances and singing and -- it is like our Christmas Day, if you will, this Pelltete'tq'em, the crossover moon. December 21st, it's like our Christmas Day. We have great celebrations on that because it signals the end of long dark days and the shift towards warm days, longer days of warmth, that transition. And we celebrate that.
8103. And there's the Pellkwet'min; that is the stay at home month, stay underneath month. January, people live on stored provisions, some ice fishing on lakes, trapping. Then there's the Pellc7sipwen'ten, the cache pits months. February, people live on stored provisions, ice fishing, fishing for steelhead with torch lights in the main Thompson River trapping.
8104. And then there's the Pellsqe'pts, the Chinook wind months. March, fishing at Loon Lake, spring hunting, fish -- first plants come out and shoots, balsam roots are harvested. And this you have to visualize different elevations, different locations that these take place in.
8105. There's the Peslle'wten month, the melting month, April. Snow melts in higher mountains. The first fresh shoots of plants are ripe, digging for qwléwe. Qwléwe is nodding onion for us. There's the yellow bells, Mariposa lily in lower and mid-elevation grasslands, spring hunting, fishing at Jacko Lake, Paul Lake.
8106. There's the Pell7ell7e'7llqten, the root-digging month. May, gathering

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- of avalanche lilies, spring sunflower, nodding onion, other roots, spring salmon run, fishing and plant gathering at HiHium, Lac Le Jeune, Tunkwa Lake, Halfway Lake.
8107. Pelltspe'ntsk, mid-summer months; that's June, first berries ripe at the end of the month, root digging, can be a month of jack pines ready, spring salmon runs, roots were gathered in the hills surrounding Jacko Lake and other mid-elevation areas.
8108. And then there's the getting ripe month, this -- my -- unfortunately the font that my computer used and the font that we used are different here. Pelltqwelq'we'l't, the getting ripe month. July, strawberries, Saskatoons, soapberries, which are considered keystone berries for us, ripe, roots and medicinal plants gathering at higher elevations, spring salmon fishing in South Thompson, North Thompson, Main Thompson River.
8109. Pellct'e'xel'cten, many salmon month. August, sockeye salmon, fishing in South Thompson and Main Thompson River, soapberries, huckleberries, blueberries harvested at the higher elevation, silverweed, chocolate lily, medicinal plants, start of fall hunting, whether it's deer, elk, moose, various types of other -- what we call tmeskeka (ph), four-legged animal.
8110. Pesqelqle'lten, Pesqelqle'lten, that's the spawned-out month, September. Hunting season and drying of meat for winter months. Black tree like and harvested, continued sockeye salmon fishing in Mains and South Thompson, deer and formerly elk hunting in the mid- higher-elevation areas in Bonaparte, Deadman Creek Plateau, Greenstone Mountain, Lac le Jeune, Lac Du Bois, Chris Creek, Tranquille watersheds, and Pesllwe'lsten. Pesllwe'lsten, the abandoning month, the leaving behind of, that's October/November; peak hunting season and drying of meat for winter months, tanning hides, elk hunting in grassy uplands around Jacko Lake, Coho salmon run in the main south and north Thompson Rivers.
8111. But you have to know that this -- knowing this is not sufficient enough because plants, the way they behave, one year soapberries will maybe abundant in one area. If you go back the next year, there will be nothing there, so you have to go find another. And it's like salmon. Every four years there's a great abundance of sqlelten7úwí, the sockeye. Berries and plants are like that. So you have to know the behaviour of plants, where you can go and when you can go to get various foods.

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8112. So we move to adverse impacts on our rights and title. Like I was pointing out, (speaking in native language). The grasslands are very -- have a high rate of what you would call biodiversity of all kinds of different plants for medicines, for foods, technologies; animal species for cultural, social, spiritual purposes; animals for food; furs for trade, all of that. You know the (speaking in native language). The grasslands is a very small percentage of the land base of British Columbia, especially of this area, but it provides a hell of a lot of different foods and medicines I've pointed out.

8113. A third of the species in this area are now endangered, are threatened species, whether they be plants, whether they be animals, whether they birds, and like I point out, the elk is already extinct in the Jacko Lake area. And that's from the mining, the road construction; that's from pipeline development. And that's from ranching; that's from cattle grazing; that's from grazing of horses. That's from recreational purposes. And the cumulative effects; the city here takes up and impacts a huge portion of our territory and has a great impact out on the grasslands.

8114. You know, where is it going to end? Where is this -- where is this going to end? Where is this cumulative effect going to stop? You know, we have cities, we have roads, we have mining, we have ranch, we have private property, we have grazing. Pipelines on top of all of that. And like our Elders would say, (speaking in native language). Our Elders I often hear them say, "Oh my God, when are the White people going to stop ruining our lands? When is enough going to be enough?" I would like to know that myself.

8115. Most of the grasslands, I go travel, I hunt all over these mountains with my son, because I pass on the knowledge to him about where to hunt. Goose Lake, you know, Lac le Jeune, Tunkwa Lake, Greenstone Mountain, all over. You go outside and look at these mountains as far as your eye can see. I've hunted all of those mountains time and time again, and then farther beyond that even. And I'm not the only one that does it, my whole community does that. My whole community lives off of those lands, and it's becoming harder and harder to do so. It's being more and more difficult for us.

8116. If I want to go out and awt'sum (ph), if I want to go out on a spirit quest, I go out in the mountains. Soon a quad comes by. Soon a truck comes by. Whether it's a hunter, a logging truck, skier, skidoer, I can no longer -- I find it almost impossible to have the quiet enjoyment of my homeland to be able to carry

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- on my practices. And when we lose, something becomes extinct, something goes away. From that loss we lose a part of us because our language of that species, our language of that practice, our culture of that practice we lose all of that.
8117. Let me give you an example. In Dead Man Creek in 1985 we thought we were going to do a good thing. We imposed on ourselves a ban on fishing in the Dead Man Creek, thinking that we would bring the fish back, but all that we did now we have a whole generation, two generations of children that don't know the language of fishing in the creek, that don't know how to make technology, how to carry out that practice to conduct that type of fishing. A part of us gets lost every time. A part of our territory is destroyed; a part of the species becomes extinct, all for the purpose of people outside of our territory getting wealthy at our expense.
8118. Weyerhaeuser came in, logged out the mountains from one end of this mountain over here to the other, packed up their bags and left to get back to the United States. We're left with barren hillsides and nothing else to show for it.
8119. So we've got to figure out how we can manage this -- the land and its resources so that yours and my children seven generations from now can look back at us with great pride.
8120. You know, our Chiefs stated in 1910 even though these people knocked down our posts of all the tribes even though:
- "They say there are no lines except what they make. They took possession of all the Indian country and claim it as their own."*
8121. They didn't even consult with us on these matters, nor make any agreements or signed any papers. They went on to say, even though they've trampled our laws underfoot, they went on to say, and I say to you, how can we can work together so that we can become partners in this on our country, within our country? We want to be partners, but not the way it's going today; not the way it's gone for the last hundred years.
8122. The pollution, the water, we're threatened. What happens if that pipeline breaks and spills into Jacko Lake? What happens if it breaks and spills into Peterson Creek? What happens if it breaks in the Thompson River?
8123. Look at Lac-Mégantic. The thirst for oil is going to be our destruction.

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- We ought to be looking at a different way, and we're prepared to sit with Canada and we're prepared to share in our land, but not in the fashion that has been going for the last 100 years.
8124. We're prepared, and our Chiefs have said, what is ours will be theirs and what is theirs will be ours and help each other to be great and good. How can we work together to stand up and make a country that is great and good and become a leader in the world of reversing the severe environmental destruction that is being wrought on our lands?
8125. Canada, all we have -- we have no more power like we had. One time we were prepared to go to war against Canada.
8126. Today, we do not -- we do not have that kind of power to defend our land in that way. So all that we have, Canada, to lay before your feet is our dreams. And I ask and I pray that you walk softly on those dreams so that we may come to an understanding. Wí7sts, I'm finished talking.
8127. And remember this, that -- and according to your laws, that if a process of a development and of a people are not dealt with properly, consulted properly, which I don't believe this process is, because in no way can I -- you can properly understand and know the significance of the meaning of what I've told you in an hour or two. And that according to your law, if we are not dealt with properly, what is developed can be undone, and if we feel that, we will strive to have it undone so it can be done properly in the future. Chukw (ph).
8128. I just wanted to -- I brought some things in here for show and tell of the things. There's berries. There's the kemuch (ph) off a tree, how we carry fire used around. Pitch for medicines, different things that -- and the fur we use off the land, the hides we use from the animals that we get.
8129. I just wanted to show you resources we use from the land I wear, I eat, I live. I'm not here just talking for -- out of some past way of life that I lived. I live it today.
8130. (Speaking native language) I'm finished. I'm going to stand up and leave, and I pray that I was able to leave with you some level of understanding so that we could -- you could think long and hard about our future and how we need to move forward to stop the destruction that's going on.

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8131. Kukwstsétselp. Thank you.
8132. **MS. HANSEN:** All right. Well, that's the end of our presentation, and I suppose if there are any questions, we're up to any questions you might have.
8133. **THE CHAIRMAN:** Yeah, I'll offer it up, as you indicated, questions of clarification. I'll offer it to Trans Mountain and then the Board.
8134. **MS. OLENIUK:** Thank you, Chair. We have no questions. On behalf of Trans Mountain, I'd just like to thank Chief Dr. Ignace for his presentation.
8135. **THE CHAIRMAN:** And we have no questions of clarification.
8136. So with that, I would like to acknowledge your voice today for your creation of a vision of the land that you have -- in the short time you had with us today, you did for us, and I appreciated that, and I heard part of that creation of the vision that -- of your land.
8137. And I acknowledge the sptékwle and the slexéyem that you shared with us as well, and I thank you for that. I thank you for being with us, and I can assure you that what you've shared today and what we will hear in the weeks and months ahead of us on this application, that we will consider it honestly and with good thoughts on whether we should recommend, or not, approval of this project.
8138. So again, I acknowledge your presence today and thank you for being with us.
8139. And we are adjourned, and we will reconvene at 9:00 a.m. tomorrow morning.

--- Upon adjourning at 3:44 p.m./L'audience est ajournée à 15h44