

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



**Trans Mountain Pipeline ULC  
Trans Mountain Expansion Project  
National Energy Board reconsideration of aspects of its  
Recommendation Report as directed by Order in Council P.C. 2018-1177  
Hearing Order MH-052-2018**

**Trans Mountain Pipeline ULC  
Projet d'agrandissement du réseau de Trans Mountain  
Réexamen par l'Office national de l'énergie de certains aspects de son  
rapport de recommandation, conformément au décret 2018-1177 de la  
gouverneure en conseil  
Ordonnance d'audience MH-052-2018**

**VOLUME 3**

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

**National Energy Board  
517 Tenth Avenue SW  
Calgary, Alberta**

**November 22, 2018  
Le 22 novembre 2018**

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

**Canada**

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as represented by the National Energy Board

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

Printed in Canada

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représentée par l'Office national de l'énergie

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transcrite dans l'une ou l'autre des deux langues  
officielles, compte tenu de la langue utilisée par le  
participant à l'audience publique.

Imprimé au Canada

**HEARING ORDER/ORDONNANCE D'AUDIENCE**  
**MH-052-2018**

**IN THE MATTER OF Trans Mountain Pipeline ULC**  
**Trans Mountain Expansion Project**  
National Energy Board reconsideration of aspects of its Recommendation Report  
as directed by Order in Council P.C. 2018-1177  
File OF-Fac-Oil-T260-2013-03 59

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

Hearing held in Calgary, Alberta, Thursday, November 22, 2018  
Audience tenue à Calgary (Alberta), jeudi, le 22 novembre 2018

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

Lyne Mercier	Chairperson/Présidente
Alison Scott	Member/Membre
Murray Lytle	Member/Membre

## **APPEARANCES/COMPARUTIONS**

(i)

### **Applicants/Demandeurs**

Trans Mountain Pipeline ULC

- Mr. Sander Duncanson
- Mr. Jeff Smith
- Ms. Hope Sanderson
- Ms. Cassie Richards

### **Intervenors/Intervenants**

Natural Resources Canada

- Esma Mneina, Policy Advisor

Whitefish Lake First Nation #459

- Mr. Aryn Lalji
- Ms. Shahdin Farsai
- Elder Herman Sutherland
- Elder Pat Gray
- Elder Henry Grey
- Elder Dennis Grey
- Mr. Fabien Grey (interpreter)

Tsuut'ina Nation

- Mr. Aryn Lalji
- Ms. Shahdin Farsai
- Elder Harley Crow Child
- Elder Anthony Starlight
- Elder Franklin Devine OneSpot
- Ms. Karla OneSpot
- Mr. Michael Grant Meguinis
- Ms. Violet Meguinis
- Mr. Declan Starlight
- Ms. Norine Saddleback

Papaschase First Nation

- Chief Calvin Bruneau
- Mr. Byron Bailey

### **National Energy Board/Office national de l'énergie**

- Ms. Carol Gagné

## **ERRATA**

**Tuesday, November 20, 2018 - Volume 1**  
**and Wednesday, November 21, 2018 - Volume 2**

Should read:

### **APPEARANCES/COMPARUTIONS**

#### **Applicants/Demandeurs**

Trans Mountain Pipeline ULC

- Ms. Hope Anderson

- Ms. Hope Sanderson

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Elder Franklin Devine OneSpot

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**Whitefish Lake First Nation #459**  
**Oral Traditional Evidence**

--- Upon commencing at 9:02 a.m./L'audience débute à 9h02

624.                   **THE CHAIRPERSON:** Good morning, everyone.

625.                   Before we commence our hearing today, we would like to acknowledge the traditional territories of the people of Treaty 7 region in southern Alberta, which includes the Blackfoot Confederacy comprising of the Siksika, the Piikani and Kainai First Nation, the Tsuut'ina First Nation, and the Stoney Nakoda, including the Chiniki, Bearspaw, and the Wesley First Nation.

626.                   The City of Calgary is also home to Métis Nation of Alberta, Region 3.

627.                   Good morning, everyone. Welcome to the Oral Traditional Evidence phase of the National Energy Board hearing regarding the Trans Mountain Expansion Project Reconsideration.

628.                   My name is Lyne Mercier; I am the Chair of the Panel. With me on my left is Alison Scott, and on my right is Murray Lytle. We want to welcome everyone who is here today, both in the hearing room and listening in to the Webcast.

629.                   As a matter of housekeeping, I would like to describe the evacuation procedures in the event of an emergency.

630.                   If the building's evacuation tone begins sounding and we are asked to leave the building, we'll pass through the doors you all entered at the back of the room. Once we have exited, there are two evacuation stairwells; one is at the end of the hallway immediately to the right of the hearing room doors, the other is in the elevator lobby. Do not use the elevator themselves.

631.                   Once outside, we will move to the Central Memorial Park, which is two blocks south of the building. In other words, we will turn right on 4<sup>th</sup> Street.

632.                   The men's and ladies' washrooms are located next to each other. Walk to the elevator lobby and turn left to the hallway. The washroom doors are found on the left of the hallway. Please ask our staff to get the access code.

633.                   In addition to the Panel, we have staff in the room to answer process-related questions that you may have. You will be able to recognize them by their

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brass name tags.

634. With respect to our schedule for hearing oral traditional evidence today, we have scheduled time to hear from three Indigenous groups. We will normally plan to take breaks if required.
635. In order to be fair to all presenters we have allotted up to two hours to hear from you. If two hours is not enough, at the end of the session please feel free to make your request to file additional oral traditional evidence by electronic means, such as video or some other method.
636. Before we get underway, I would remind parties of the Panel's guidance in the Hearing Order and Procedural Directions in regards to oral traditional evidence.
637. The Board understands that the Whitefish Lake First Nation #459 has an oral tradition for sharing knowledge from generation to generation and this information cannot always be adequately shared in writing.
638. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. We appreciate that you've chosen to be here today.
639. Following oral traditional evidence, Trans Mountain, other intervenors, or the Board may have questions for the witnesses. If so, witnesses can choose whether they will answer the questions orally, or at a later date in writing.
640. With that, I believe we are ready to get underway.
641. Before I call on the Whitefish Lake First Nation 459 to present their oral traditional evidence, I would like to have the representatives of the Proponent, Trans Mountain, introduce themselves.
642. **MR. DUNCANSON:** Thank you, Madam Chair.
643. Good morning, everyone. My name is Sander Duncanson. I'm with the law firm Osler, Hoskin, and Harcourt representing Trans Mountain. With me is Cassie Richards from our office, and on behalf of Trans Mountain we also have Jeff Smith and Hope Sanderson.

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644. Good morning.

645. **THE CHAIRPERSON:** And I'll also ask if there are any other intervenors in the room who would like to introduce themselves, or are there any preliminary matters that you would like to raise? And for the record, if you could indicate who you are and who you are representing.

646. Thank you.

647. **MR. LALJI:** Hello there. I am Aryn Lalji. I am counsel for Whitefish. I'm here with Shahdin Farsai, who is also a counsel for the Nation. I am pleased to have the opportunity to hear Whitefish's oral traditional evidence today. The presenters will present in the order that they are seated to -- from the beginning of the table onwards.

648. Fabien Grey will not be presenting. He may choose to present, but my understanding is that he will not be, but he is available as an interpreter, just as housekeeping. And Fabien, who is the last person, will be an interpreter for the other four presenters.

649. And with that, I'd like to pass the mic on to the next individual.

650. Thank you.

651. **MS. MNEINA:** Hi there. Thank you, Madam Chair. Thank you, Panel Members.

652. My name is Esma Mneina, and I'm a Policy Advisor with Natural Resources Canada. I'm here as a representative of the Federal Crown to hear the witnesses' oral traditional evidence in relation to the reconsideration of the Trans Mountain Expansion Project.

653. I do not intend to ask any questions today, but rather, I'm here as a representative of several federal departments that are registered intervenors. If necessary, we'll ask questions through the NEB's Information Request process.

654. Finally, I'd like to note that I'm honoured to be here on the traditional territory of the Treaty 7 region -- the peoples of the Treaty 7 region in southern Alberta. And I'd also like to note that Calgary is home to the Métis Nation of

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Alberta, Region 3.

655. Thank you, Madam Chair.

656. **THE CHAIRPERSON:** I don't see anybody else raising their hand.

657. So I understand that members of Whitefish Lake First Nation wish to affirm to indicate that the information they are presenting is accurate, truthful, and to the best of the knowledge and belief. And I would ask Ms. Comte to affirm the witnesses, please.

**HERMAN SUTHERLAND: Affirmed**

**PAT GRAY: Affirmed**

**HENRY GREY: Affirmed**

**DENNIS BRIAN GREY: Affirmed**

**FABIEN GREY: Affirmed**

658. **THE CHAIRPERSON:** Thank you.

659. We are ready to begin, and the panel is free to start telling the story. And you need to push the microphone so the...

660. **ELDER HERMAN SUTHERLAND:** I've got to press the button every time I speak, or can I leave it on?

661. **THE CHAIRPERSON:** Oh, you can leave it on for now. Yeah.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR WHITEFISH LAKE FIRST NATION #459:**

662. **ELDER HERMAN SUTHERLAND:** Am I on? Yeah. Okay.

663. I guess I'm the first to speak. And respecting my Elders and respecting the culture, a little bit on my culture and on -- and all the Native cultures is a -- is very, very crucial. And the Indian way and the Indian culture is that we usually let the Elders speak. We've got respect for our Elders; I'm just a junior Elder. Our Elders, and the Elder beside me should have been the first, but I will speak in the way they put us.

664. And as a reminder, the green cloth is better than the blue cloth. In our

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- culture, in any Cree culture, and any Indian culture, the green represents the land.
665.           Okay. My knowledge to the Trans Mountain expenditure [*sic*], my feelings and my true feelings come from the use of the medicinal medicines and the herbs that come from the mountains and that come from our lands that we use that are being destroyed by these pipelines that they're making. Whether they'll be destroyed today or tomorrow, but they will eventually be destroyed because pipelines don't last forever. When they rupture, everything goes downhill. So the way they got these pipelines, it's going through the mountains, so everything is going to come back into our traditional country and to our traditional lands where a lot of the medicines and herbs are.
666.           It's going to affect all of our people in all kinds of ways. Right now it's not affecting us too much, but as soon as it goes through what's going to happen is you're going to have big oil booms in the North, and there's going to be more pipelines; more damage to our lands, more damage to our waters.
667.           I can go on forever, but we're only allowed so much time to give.
668.           And like I say, my ways and my beliefs are right here in my portfolio. This is my portfolio. This is my traditional medicines and herbs, and I'd like to try and save that as much as I can and as much as the history goes. Keewa (ph). Hay-hay.
669.           **ELDER PAT GRAY:** Good morning, ladies and gentlemen, the Elders. I'm Pat Gray from the Whitefish Lake First Nation.
670.           The thing that really bothers me is the pipelines that are going through is -- the lakes and the waters are gathering places, berry-picking places where people go and camp and hunt. If it ever happens that the pipeline burst or -- it's going to do a lot of damage to our cultural places, and the marine, the animals. It's going to kill a lot of animals, eh, and marine.
671.           And I haven't got much to say, but those are the things that mostly I'm worried about, is the future. What's it going to look like, you know? Where are we going to go if something happens? What are we going to do? How are we going to survive? That's the most important thing for the future is our grandchildren, great-grandchildren; those are the ones we are worried about.
672.           So that's about all I can say for now.

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673.               **ELDER HENRY GREY:** Morning. I'm Henry Grey from Whitefish First Nations.

674.               And like Herman was saying there, it's not really affecting us right now, eh, but in the future -- but in fact, maybe it's affecting us already.

675.               Like where I come from, all our fish died, eh. Like First Nations, they got two separate lakes, they have two separate Reserves. Where I live, last year I could set a net and I had a lot of fish. This year, they're all gone. And our neighbouring Little Lake there is full of fish, which don't have no oil wells or pipelines around it. Well, one pipeline, but -- so I can see the east coast First Nations are -- they're concerned on this pipeline.

676.               But that -- and that's all I have to say.

677.               Thank you.

--- (A short pause/Courte pause)

678.               **ELDER DENNIS GREY:** I think -- I'm Dennis Grey from Whitefish Lake First Nations. I think they all said what I think, too.

679.               Thank you.

680.               **MR. FABIEN GREY:** Well, I'll try and -- we talked about this on the way here, and last night. And some of the concerns that we have is -- well, we trade or exchange medicines with people from the mountains and the coast, and that somewhere we might get affected on that sense already when -- if there is a pipeline burst or anything.

681.               But, also, with the flow of oil that's going to be increased, it's going to cause an oil boom in our area where there is the Peace River oil sands, the Wabasca oil sands, Fort McMurray to the north, which is about four hours away, five hours away, and it's going to increase oil activity in our area.

682.               There is proposed pipelines that were put on the shelves that was running through our traditional land use area; that was about three or four years ago, that they shelved that. So the increase in the flow of oil to the coast is going to increase the activity in that area and that's going to impede our traditional

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- rights, our treaty rights to practice, and that's going to be more difficult for us to sustain our way of life.
683.               Like one of the Elders said, we can't even fish in our own lake anymore where Fish and Game have to come in, actually, literally tell us we can't. Those are the things that are more concerning to us than anything else.
684.               And also with that Trans Mountain Pipeline, you know, it's of the national interest to get the oil out to market, and -- but at what price? Is it our -- infringement on our treaty rights? Because that's basically what it's going to amount down to. We can't practice the -- our traditional ways, cultural ways once the land is destroyed, which is an ongoing process.
685.               That's what the federal and provincial governments have to find a way to minimize and mitigate the infringement of our treaty rights. They both have to come to the table and agree upon what is infringement, the federal and provincial governments. Because the provincial government doesn't really recognize our treaty rights, and they always cite the federal government to define it, and that's where the conflict is going to arise.
686.               So with the federal government owning the Trans Mountain pipeline, it will go through no matter what we say because it's of a national interest, but whose interest are you -- is that the finding, is finding the federal/provincial governments but not the First Nations?
687.               That's what we have to try and work out between the governments, our chief and councils, your chief and councils, federal and provincial, to help mitigate our infringement of our treaty rights, and how can we keep practicing our cultural and traditional right -- traditional ways of life when the land is slowly being taken away?
688.               One of our Elders here was trapping all winter last year and he only got two furs. Five months of trapping, only two furs. That's from oil and gas field activity and forestry. So that way of life is slowly dying down. Some of the animals are not coming back. The medicines that we use they're getting harder and harder to find, we have to go further and further away, even to hunt.
689.               One of our Elders here hunts in the Spirit River area and he's seen the amount of change where oil and gas have destroyed most of the land, and it's getting even harder for that to sustain.

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690. Now, I know industry runs government. The government would like to say they don't, but they do. They pay for your bills. They pay for our bills. So I know it's going to go through. We just have to find a happy medium where most of us or all of us are happy with, like the safety protocols of the Trans Mountain or even if there's a spill that's going through our reserve.
691. Right now the federal government can only fine the companies \$50,000 maximum if a spill is on a reserve, and that's -- \$50,000 is not nearly good enough to even cleanup the oil spill. Those fines should be increased to the amount of oil that's going to be passing through there.
692. See there is no safety or protocol that pipelines follow when it comes regards to spills. They should revamp the whole policy where it protects the environment more than it protects the pocketbooks of the people sitting downtown here.
693. We're trying to protect our land so our grandchildren will have a place to practice our traditional and cultural ways. I'd rather have a moose in the back of my truck then having to go shop at a grocery store for a cow that's full of antibiotics.
694. And we see the destruction that's going down in Fort McMurray it's going to come down this way.
695. Along time ago a few Elders had said, "One day you're going to pay for water". Now what are we doing, we're paying for water. You have to protect water more than you have to protect anything else. Water is life.
696. These are the concerns of our Elders, our community members, once the pipeline is approved. And it will be approved, I have no doubt about that, but we just need to build it in a safe way.
697. And what do we get out of it? We get nothing out of it. You're just consulting with us now but after that once it's approved we don't get anything out of it. Once the cumulative impacts start piling up, it's going to affect us not you guys.
698. What Trans Mountain should consider is partnering up with all treaties that go down to B.C. to be part owners of that pipeline so we are responsible also



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- so we could keep an eye on that pipeline. Maybe every barrel that goes through that pipeline a percentage of that oil should go to the Nations that are intervening so they feel they are a part of the process; they are a part of this decision that's going to be made. That's one way of mitigating, and we can become more self-sustaining as a community.
699.                   That's basically what, in a nutshell, we're talking about.
700.                   **THE CHAIRPERSON:** Just as a witness panel, you know, you're welcome to just stand back and you can confer if you want to add up or just, you know, add material. So we're here for you. So you can take the time you need.
701.                   And, also, what we could do -- either that or we can take a short break and then you can, you know, talk among yourself and see whether or not what you want to add or stuff like that, so up to you.
702.                   I see nothing, so maybe a break would be good, so why don't we reconvene at quarter to 10:00 and then you have a chance to put things together.
- Upon recessing at 9:30 a.m./L'audience est suspendue à 9h30  
--- Upon resuming at 9:47 a.m./L'audience est reprise à 9h47
- HERMAN SUTHERLAND: Resumed**  
**PAT GRAY: Resumed**  
**HENRY GREY: Resumed**  
**DENNIS BRIAN GREY: Resumed**  
**FABIEN GREY: Resumed**
703.                   **THE CHAIRPERSON:** Welcome back.
704.                   So after the break, so maybe you had a chance to confer and would want to -- if you have anything more to share with the Board we're ready to listen; if not, we're fine as well.
705.                   **MR. FABIEN GREY:** Basically we're more concerned about the cumulative effects that's going to happen when the increased flow of oil to the coast is going to bring, because once the oil is taken out of the ground, goes to another pipeline, to another pipeline, and the cumulative effects are going to be a lot. And that's what we're more concerned about if there's any studies in regards to that done, or need to be done before pipeline is expanded; like, the increased

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- activity that's going to happen, the amount of land that's going to be taken away from -- for our traditional practices and our traditional territories. It's going to accumulate from one well; one well into maybe 10 or 15 in one section. That's the accumulation. That's the effects that we are concerned about. Once the oil gets out of the ground to the coast, that's what we are most concerned about.
706.           **ELDER HERMAN SUTHERLAND:** I'm just going to add a little bit more to that, to what Fabien said. Fabien said -- mentioned quite a bit on behalf of us Native people, and I'd like to add just a little bit more on that.
707.           Like he said, what's going to happen after the effect of taking the oil out of the ground, and it's going to affect lots. It's already affected a lot of our Native people by the diseases we got, by cancer and the diabetes because of the water.
708.           Up to 60 years ago, the Native people didn't really have cancer or diabetes until we started drinking the artificial water that comes out of the taps. And that's because our water is being polluted already from the pipelines and the oil spills from before.
709.           I had the opportunity to work in a water plant and I've had the opportunity to say I had a little bit to do with the poisoning of my people because using the chemicals to make it look like this, when the water used to come into the plant looking brown. And that's from the oil spills from years gone by. And like Fabien is saying, if this ever ruptures and the oil that's been taken out of the ground, there's going to be so many sinkholes, there's going to be so many creeks and rivers when it run dry, and it's going to run into our main water sources.
710.           And that's just another point I'd like to go through with. Like I said, up to 60 years ago, the people never had sugar diabetes or cancer. And that's all because of artificial water and the contamination of all the waters from the oils that's been spilt in our lakes.
711.           And that's part of what I want to say again. And just keep it in mind. Our traditional ways of lives are all going, are all going and gone. I listened to an Elder quite a while back. He says, "You know, there's not too many moose left," he says. The one day we sat down and watched a moose across the cut block. He said he's sure he can see that moose's tears come down his eyes because he didn't want to cross the cut block because there's nothing there to go for.

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712.                   So just a reminder that when the oil's been taken out, the trees have been taken out and our land's been demolished.
713.                   Thank you.
714.                   **THE CHAIRPERSON:** So if that's the sum total of what you have to say, I'm going to ask Trans Mountain whether or not you have questions.
715.                   **MR. DUNCANSON:** Thank you, Madam Chair. We have no questions, but on behalf of Trans Mountain, I would like to thank each of you for coming here today and sharing what you've shared.
716.                   Thank you very much.
717.                   **THE CHAIRPERSON:** Ms. Scott.
718.                   **MEMBER SCOTT:** I heard a couple of you mention the lack of fish in the lake near where you're fishing, and I think Mr. Fabien Grey mentioned that Fish and Game said you couldn't fish there. I was wondering if you had -- and I think it was Mr. Henry Grey who suggested that while a neighbouring lake had fish, your lake didn't. And I wondered if you would care to offer us your thoughts on why that is the case, not necessarily the difference between the two lakes, but why your lake doesn't have fish or why you're not allowed to fish there.
719.                   **ELDER HENRY GREY:** Well, the lake with no fish now is completely surrounded, just about, by wells, pipelines; they bugged up the lake. And the other lake doesn't really have nothing around it, like, oil company activity.
720.                   **MEMBER SCOTT:** What was the name of the lake?
721.                   **ELDER HENRY GREY:** Utikuma. It's north of Slave Lake.
722.                   **MEMBER SCOTT:** Okay, thanks.
723.                   **MR. FABIEN GREY:** Some of the -- we had a couple of incidents where the wells ruptured and they leaked into the lake during the winter and that's what killed the fish. They're water wells, water injection wells with the capacity to pump out 130 cubes of water. They were left for one or two days and that's -- leaked onto the lake, where there's still oil spills going on around that lake that

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still need to be cleaned up.

724.                   And these spills, they last for years. They don't -- they don't dig out the soil and take it out and replace it. It's still there. It's going to have an effect for years to come.

725.                   As for the Fish and Game, in their infinite knowledge, they haven't told us why we can't fish.

726.                   **MEMBER SCOTT:** That's the Alberta Fish and Game?

727.                   **MR. FABIEN GREY:** Yes.

728.                   **MEMBER SCOTT:** Yes.

729.                   **MR. FABIEN GREY:** Maybe the fish aren't healthy. I don't know. They don't tell us. Or there's not enough fish. But the fish spawn from one lake to the other, from the big Utikuma Lake to the smaller Utikumasis Lake; that's where they spawn. But there's hardly any fish spawning this fall due to the fish dying last spring.

730.                   And oil companies are hesitant to tell us about oil spills. It's the AER that lets us know that there has been an oil spill. And sometimes it's our own members that go hunting or go for a drive in our area that they tell us that there's an oil spill.

731.                   There's instances where we've -- they've found leaking oil heads and they've phoned us and let us know, and then we phone the company. But it's that lack of communication between oil and gas field operators in regards to their spills that upsets us. There is no communication.

732.                   Fish and Game is telling us why we can't fish. Why can't we? Is there a lack of fish? Is there -- is the fish healthy or not? They won't tell us. Right on our Reserve, we can't even fish on our own river or they'll fine us.

733.                   **MEMBER SCOTT:** Thank you.

734.                   **THE CHAIRPERSON:** Those are all our questions.

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735. So we'd like to acknowledge the Whitefish Lake First Nation #459 for the stories, traditional knowledge you have shared with us today.
736. We will consider all we have heard as we decide on a recommendation on this hearing.
737. We will reconvene this afternoon at 12:30 to hear from the Tsuut'ina Nation.
738. Thank you very much and safe travel.
- Upon recessing at 9:58 a.m./L'audience est suspendue à 9h58  
--- Upon resuming at 12:50 p.m./L'audience est reprise à 12h50
739. **THE CHAIRPERSON:** Good afternoon, everyone.
740. So before we commence our hearing today, we would like to acknowledge the traditional territories of the people of the Treaty 7 region in southern Alberta, which includes the Blackfoot Confederacy comprising of the Siksika, the Piikani and Kainai, the Tsuut'ina Nation, and the Stoney Nakoda, including the Chiniki, Bearspaw, and Wesley First Nation.
741. And you can correct me if I forgot somebody.
742. The City of Calgary is also home to Métis Nation of Alberta, Region number 3.
743. We would like to thank you for welcoming us today to your ceremony, and we welcome you to our hearing process.
744. So we welcome you to the Oral Traditional Evidence phase of the National Energy Board hearing regarding the Trans Mountain Expansion Project Reconsideration.
745. My name is Lyne Mercier; I am the Chair of the Panel. With me on my left is Alison Scott, and on my right, Mr. Murray Lytle. We want to welcome everyone who is here today, both in the hearing room, and listening in to the Webcast.
746. As a matter of housekeeping, I would like to describe the evacuation

procedures in the event of an emergency.

747. If the building's evacuation tone begins sounding and we are asked to leave the building, we'll pass through the doors you all entered at the back of the room. Once we have exited, there are two evacuation stairwells; one is at the end of the hallway immediately to the right of the hearing room doors; the other is in the elevator lobby. Do not use the elevators themselves.
748. Once outside, we will move to the Central Memorial Park, which is two blocks south of the building. In other words, we turn right on 4<sup>th</sup> Street.
749. The men's and ladies' washrooms are located next to each other. Walk to the elevator lobby and turn left to the hallway. The washroom doors are found on the left side of the hallway, and you can ask our staff to get the access code.
750. In addition to the Panel, we have staff in the room to answer process-related questions that you may have. You will be able to recognize them by their brass name tags.
751. With respect to our schedule for hearing oral traditional evidence today, we have scheduled time to hear from three Indigenous groups. We will normally plan to take breaks if required.
752. In order to be fair to all presenters we have allotted up to two hours to hear from you. If two hours is not enough, at the end of the session please feel free to make a request to file additional oral traditional evidence by electronic means, such as video or some other method.
753. Before we get underway, I would remind parties of the Panel's guidance in the Hearing Order and Procedural Direction in regards to oral traditional evidence.
754. The Board understands that the Tsuut'ina Nation has an oral tradition for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing.
755. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. We appreciate that you've chosen to be here today.

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756. Following oral traditional evidence, Trans Mountain, other intervenors, or the Board may have questions for the witnesses. If so, witness can choose whether they will answer questions orally, or at a later date in writing.
757. With that, I believe that we are ready to get underway.
758. Before I call on the Tsuut'ina Nation to present their oral traditional evidence, I'd like to have the representatives of the Proponent, Trans Mountain, to introduce themselves.
759. **MR. DUNCANSON:** Thank you, Madam Chair.
760. Good afternoon, everyone. My name is Sander Duncanson. I'm with the law firm Osler, Hoskin, and Harcourt. With me is Cassie Richards, also from our office and we're representing Trans Mountain. With us this afternoon as well is Jeff Smith and Hope Sanderson with Trans Mountain.
761. Thank you.
762. **MR. LALJI:** Thank you, Madam Chair. I am here on -- as legal counsel on behalf Tsuut'ina. And with me today I have Shahdin Farsai, an associate with our firm of Miller Thomson.
763. I appreciate the opportunity to be invited to the ceremony as well this afternoon. It was a privilege, and it's also a privilege to be here on Treaty 7 territory and with Tsuut'ina Elders and knowledge keepers in their territory and on their land.
764. So thank you very much, and I look forward to the proceeding today.
765. **THE CHAIRPERSON:** Thank you.
766. And I'd ask if there are other intervenors in the room who would like to introduce themselves, or if there is any preliminary matter, you can do so now. And can you indicate who you are for the record?
767. **MS. MNEINA:** Thank you, Madam Chair. Thank you, Panel Members.
768. My name is Esma Mneina. I'm a Policy Advisor at Natural Resources

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Canada. I'm here as a representative of the Federal Crown to hear the witnesses' oral traditional evidence in relation to the reconsideration of the Trans Mountain Expansion Project.

769. I do not intend to ask any questions today, but rather I'm here as a representative of several federal departments and agencies who are registered intervenors. If necessary, we'll ask questions through the NEB's Information Request process.

770. Finally, I'd like to note that I'm honoured to be here on the traditional territory of the peoples of the Treaty 7 region in southern Alberta. And I'd also like to acknowledge that the City of Calgary is home to the Métis Nation of Alberta, Region 3.

771. Thank you, Madam Chair.

772. **THE CHAIRPERSON:** Mr. Lalji mentioned it, but I'd like to put it on the record. So we were privileged to have a pipe ceremony on the rooftop, as well as a prayer, and we really thank the First Nation for this opportunity.

773. And with this, I think we can start the traditional oral evidence and I will follow your lead.

774. Thank you.

**HARLEY CROW CHILD: Affirmed**

**ANTHONY STARLIGHT: Affirmed**

**FRANKLIN DEVINE ONESPOT: Affirmed**

**KARLA ONESPOT: Affirmed**

**MICHAEL GRANT MEGUINIS: Affirmed**

**VIOLET MEGUINIS: Affirmed**

**DECLAN STARLIGHT: Affirmed**

**NORINE SADDLEBACK: Affirmed**

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR TSUUT'INA NATION:**

775. **ELDER HARLEY CROW CHILD:** Hi. My name is Harley Crow Child and I'm a member of the Tsuut'ina people. And just to give you a brief idea, we're part of the Dene people. We extend from the Navajo, Apache, Dogribs,



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maybe all the way to the north. Tsuut'ina people even have, from what I heard from other people, that we have relatives in Siberia. They call them Ket people. They claim those people, they came from North America. So just giving you an idea of where we're from.

776.                   And June 1877 when Treaty 7 was signed, from that day, the Blackfoots call us Sarsi. So we changed it -- convinced the chief and council to put it back to the right name of our people, which is Tsuut'ina. Just giving you an idea of ---

777.                   **THE CHAIRPERSON:** Where is this sound coming from?  
Somebody else is speaking.

--- (A short pause/Courte pause)

778.                   **THE CHAIRPERSON:** It was simply the rebroadcast that came online. So we're sorry about this and sorry for the interruption.

779.                   **ELDER HARLEY CROW CHILD:** I don't know if I'm saying the wrong things on what; I'm getting confused here.

780.                   But anyway, we're part of what the old people call the Beaver People. We're part of nature. Everything to do with nature, we were a part of those people.

781.                   So we are here to help out, even the animals that on -- can't speak for themselves. The birds cannot speak for themselves, all the animals and birds and everything that surrounds that rely on water to survive.

782.                   So I guess one of the things that we hear about is that hopefully that these important things are into -- put into consideration of keeping the water clean, and part of it is the air.

783.                   Everything is connected one way or the other. That's why animals birds, humans, and everything else is all related once -- one way or the other, to be a balance of this terrific -- what the Creator developed for the people to survive.

784.                   So I thought I'd mention a little bit of that so that you can understand where we were coming from.

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785.               That we have a lot of stories of environment, we have a lot of stories of animals, how they do ceremonies for our -- help our people in different ceremonies, such as Sundance and other things that are a part of our culture and our tradition. So we have to keep in mind all these things that are part of a -- all human race, not only Native people, other people around the world. So consideration of all these things that are part of the life of human people, that water and everything else is -- trees and animals are always there to -- for a purpose; they're not there for nothing.
786.               So with that, I think I covered just about everything I want to talk about. Okay.
787.               Thank you.
788.               **ELDER ANTHONY STARLIGHT:** Good afternoon. This is Anthony Starlight Ata (ph). My name is Anthony Starlight, and I come from Tsuut'ina Nation. I have lived there all my life, and I have raised my children and grandchildren on that land.
789.               I have travelled to many places in this world as a representative of chief and council, or as an Elder, or as a parent, and I have gone as far as Assumpcion, as far as high level Fort St. John, Yellowknife, Hay River, and I have even attended human rights meetings in Geneva representing our people. I have presented a paper to Geneva in regards to our education, and I have been a participant in the South Saskatchewan River Basin when they were discussing it in the nineties. So I have been part of the -- I guess the southern Alberta interests in water, in land, and in air.
790.               All the elements that we believe in are held within this territory. All the animals that we depend on are in this territory. And even the ones that are seen and unseen, the spirits, the animals, even our legendary -- our people, like the little people, and ones that -- and the ones we don't talk about, using the "s" word, we -- you know, we just call him, "the big guy".
791.               But those ones have no say when it comes to things like this, and I have always tried my best to speak for those. We talk about the fish. We talk about the insects, the birds; all these are in our environment, and we see them every day.

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792. When I go out camping, I come across traditional areas where my parents and grandparents would pick and gather and hunt, and when I go to those special places of my childhood, I find them with garbage and mattresses. And people that come out just for the weekend or maybe teenagers that want to party, and they never clean up after themselves.
793. We, as First Nation people, respect the land, respect the water and the air, and that's all part of our ceremonies. When we see these things done to our land it hurts us, because we remember the lessons that our ancestors taught us; return the land the same way you used it. Don't leave a mess. Clean up after yourself.
794. My -- even my sister, her name is Cleans Camp Woman. She's the one that cleans up after everybody leaves in case somebody left something. Because in our world, if we leave something, that could indicate to an enemy where we are or how long ago we were there. So a lot of times, just even our silence and our way of life represents the way that we had to live a long time ago.
795. Now, in my travels, I have been able to see places like the -- I worked in a museum in Banff for two years, and during my stay there, I was actually -- I didn't witness it, but I was there when the only herd of mountain caribou in the National Banff Park were wiped out by an avalanche. And with some interested people in that area, we were trying to reintroduce the mountain caribou back into the parks. We were part of a contingent that went north to pray for the buffalo when they came back to the park.
796. And all these things are very precious to us. Because a long time ago, our Chief, Bull Head, his only wish was to have the buffalo back, and we were able to fulfill that wish that he had a long time ago. We have over 200 buffalo now, and my youngest son works with them every day. So I'm blessed with that. I know that our buffalo are in good hands.
797. So with all these things that I have to say, you know, there is -- I have hunted and gathered, and I have performed in ceremonies in that area. I have even gone to Smallboy Camp; I have done Sundances; I have sweat with them. And I always remember that a few short miles from where their camp is is the great divide which allows the water to go either east or west, and that very place has always been a special place for the Smallboy Camp, the people from there.
798. I also have family members from there. The late Chief Wayne Roan

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was my uncle. He was married to my Mom's sister, Doris, and my late Uncle Jerry, who was married to my late Aunt Gloria were from there. So I had many opportunities to visit them and to -- I guess, to admire the beauty in that area. Because when they do a ceremony, they clean up and we leave the area that we used as pure as we can, because there is spirits out there. There is -- you know, everywhere you look, you know, every animal that we believe in has a spirt.

799.                   And me, as a -- I guess I got to call myself an Elder now because I have no parents, I have no grandparents. So I'm the oldest man in my family, I have to, I guess, take over that charge. But being an Elder, I have to think about the generations to come also, because if we don't make proper footprints for our children and grandchildren to follow, they won't be able to go through life with some direction, and that's what I always try and show my kids. My son, Declan, here is part of this, and I'm glad that my son is helping out with this process.

800.                   But with that, you know, I don't want to hog all the time here, so I'll just stop here and if there's any questions for me you would like to ask.

801.                   Thank you.

802.                   **MR. MICHAEL GRANT MEGUINIS:** Hay-hay. Good afternoon. My name is Michael Grant Meguinis. It may sound like I'm Irish or something like that. But, in reality, it was a pet name from my grandmother back in the early 1900s. My great-grandfather called my grandmother "Megwanis," and that was her pet name, and then when she got registered it was the doctors and that that registered, and the priest, and they asked her "Well, what's your Christian name?" and they all -- she just said, "Bessie".

803.                   So "Megwanis" is my name and somehow it got turned to Meguinis. And I'm very proud to be here today and talk on behalf of our Nation, our people.

804.                   We are struggling. Our people are struggling. Our young people are struggling in this world, lost in the world of drugs and alcohol. And then it even makes it harder for us to take them out on the land and go to these places where when I was a kid when we used to hunt and go sweat, like Tony said, go out on the land, and now it's all gone, it's different.

805.                   When I was small -- when I was young, you used to go out picking berries up in the mountains, and it was so easy to find them and it didn't take

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long. And I was such a brat that I always got out of it somehow. My brothers and sisters were always getting mad at me for not picking berries.

806.               And I notice that even the deers -- we went hunting up at Smallboy Camp and we never saw nothing for two weeks. And this is I was up around -- way up towards Hinton and down towards Kootenay Plains, all through that area. And then the day I don't go out with the boys, I was too lazy to go out with the boys, my brother -- my older brother; he passed on -- he went out with them and here he got an elk. And they never had an elk for about a good three weeks, they said. They never had wild meat in that area because they had to keep going further and further away from that cut line -- or I mean the pipeline.
807.               And this morning when I prayed before I came here I asked my Dad -- and in my culture, protocol calls for giving tobacco for any kind of information. So I happen to have a pack of cigarettes. And I asked him, I said "Dad," I said, "I've got to come over here" -- he's 96 years old -- and I asked him, I said "I've got to go talk in front of the Board," I said. "What do you think about this pipeline?" I told him. I showed him this paper. I showed him where it's going, right up to Burnaby.
808.               He said, "Well, I'll tell you, my son" -- this is him talking, not me -- and he even gestured, he said, "Son," he said, "one hand we've got Mother Earth. We've got everybody here on Mother Earth. Mother Earth provides for us. She gives us anything we need. And we live on her. All of us together, we're in this together. But on the other hand," he said, "we've got the White people, our society, and the main society, that we cannot get by without gas. We cannot get by without turning up the heat," he said. He gestured with the thermostat. He said "We just go and turn the heat up now." He said, "We can't get along without that." He said, "We're all too conditioned" -- well, he didn't say "conditioned" -- he's too old -- but he said, "We're all too used to living like this. He said, "All these years we've taken away from Mother Earth." And he said, "The only thing we could do," he said, "whatever's going to happen," he said, "in the end," he said, "more than likely they'll have to push through that pipeline," he said. And he said, "We won't have a choice in the end." He said, "The only thing we can do for is pray for Mother Earth and pray for the animals. Pray for the habitat that lives along that line. Let them know that this disturbance is going to come." He didn't say "disturbance" but I'm saying that, my own words. But he said, "Let them know that it's going to change," he said.
809.               And I do believe in my heart that we have to do that and ask Creator to

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help us come to a good conclusion for all the people that care for Mother Earth, like us here. We really care for her that we know that she's a living thing. That's what we believe in. And now that any living thing when you're uncomfortable, you move. And my grandmother she told me this, she said, "When you see a horse with too many flies on one side," she said, "that horse will move." She said, "Now Mother Earth is like that." She said, "Sometimes she's going to move a little bit to feel comfortable." And she said, "When she does move," she said, "everybody feels it. Everybody knows that she's uncomfortable."

810.               So whatever we do it's a Catch-22 situation, to me in my heart. On one side we have all our people here worried about the animals and the ocean, because whatever happens to the ocean happens to us. And we've got to think about our grandfather whale what he's going through right now, of all the air he's breathing.
811.               And then like what Harley said and Tony said, we've got to think about all the little creatures that are going to be moved, displaced from their homeland. Like any person, any living being, you're going to get upset when you're going to get moved. So it doesn't matter if you're a little ant or if you're the President of the United States, you're going to get upset. And there's going to be complications and cause and effect.
812.               And right now all my brothers and sisters on the east coast are going to be really hurting, because I know we trade with moose meat, with tuna -- tuna -- salmon. And we've got relatives in Kamloops. We've got relatives in Smallboy Camp. And we do trading. We go over to these lands. And now I don't know how it's going to affect the people, and the fish.
813.               And I'm just losing track. I don't know what time it is. I had all this stuff I wanted to talk about. And here I start talking, I just went to -- I left my paper here. And I'm just trying to talk from my heart.
814.               And I guess what I'm trying to do right now is trying to be -- follow the footsteps of my father and ask questions the right way.
815.               But let me see, what else is there? I don't know what else I can talk about.
816.               I'm very fortunate enough to be born a Native, and I'm proud to say that I'm here today to talk on behalf of my brothers and sisters; hopefully, that we

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can come to a conclusion that -- I don't even know what I'm talking about any more, so I guess I should stop talking.

817.                   If I can't baffle them with my brilliance, I guess I should -- no, just kidding.

818.                   But I'll finish with that and thank you very much.

819.                   **MS. VIOLET MEGUINIS:** (Speaking in Native language). My name is Violet Meguinis. I also have my Cree name, (speaking in Native language). I'm Eagle Woman.

820.                   I am a Denesuliné Cree. I am married into the Tsuut'ina Nation. I've been married there for 41 years. I consider myself to be -- I've had -- I guess I could say my background is that I've been very fortunate in terms of there's always a balance that we have to walk as Indigenous people. We have this (speaking in Native language) way, this White way, and we have our Tsuut'ina way, our way. And we always have to find a balance. And I live in both ways, but I also make sure that I bring that balance.

821.                   My husband and I are very traditional. We bring -- we have -- we are both very involved in our culture. And how I'm going to tie this is to what is the meaning behind, what are the impacts? There's cumulative impacts with this pipeline. But you also got to remember that for me, I believe in our ways, our ceremonies, our pipe ceremonies, our sweats, our Sundances, our lodges.

822.                   We need to have those, and yet, on the other side, we have to have education, we have to have the tools to understand what is happening with this contemporary, this mainstream world. So we have to find a way to bring it together.

823.                   But I believe that we shouldn't completely lose our traditional way for the sake of mainstream. We have to find a medium and a balance. And when I think about why I'm here, I'm here because natural law, is what I'm thinking of.

824.                   I have to think I'm a mother, I'm a grandmother, I'm a great-grandmother. I'm also a wife of a pipe holder. I'm also a person that has been given rights from my late mother. My mother taught me the Womanhood Ceremony. I have that right. Therefore, I have -- I also been given the right of the Calling Back Ceremony. Those are things that have been passed on and

they're important to me in who and what makes me as a woman.

825.                So when I sit here, I'm thinking about (speaking in Native language), I'm thinking about my children, my great-grandchildren. Whatever happens on this route will have impacts to my children, my grandchildren, and my great-grandchildren.
826.                We always say as Dene, Denesuliné -- my late father was Denesuliné. He used to say, "We always got to think about those children coming towards us." And I'm grateful for the background that I have. Both my parents entrenched culture within me.
827.                I have to tell you, I am a -- both of my parents went to Indian residential school. And the worst impact, to me, was that my language was lost. I was a fluent Cree speaker up until I was four. Then I was taken -- I contracted tuberculosis and was put into Charles Camsell. Apparently, I came out speaking perfect English and Inuit because I was with Inuit children for those times. So I don't know how I picked up Inuit, but of course, I probably did because we were interacting and playing.
828.                But when I came out, I spoke perfect Cree -- English. My mother said she kept that. She said, "You got to learn English because I don't want you to go -- what happened to me." She said she was physically abused, "And I don't want," she said, so she kept that up. But she kept us connected to the culture and to the ceremonies, and that's what kept us going.
829.                When I think about my parents, I think about everything. I'm grateful for what they taught me. My Dad taught me to hunt, to trap, to fish. He also taught me about when we're out on the land, you just don't take it. You take -- "There's natural law," he said. "You take only what you need. You leave tobacco so that way, another one will be born to take its place." And so he taught me that.
830.                And when I'm thinking about this line, we haven't abused it as for Indigenous people. We haven't abused that area because there's still things. But the plants, the animals, are all -- they're all retreating because they have to. They have to survive so they're retreating and they're going. We know in our way and I think our -- the Elders that spoke previously to me have told you -- have said that; animals and plants, medicinal plants and trees, they're all going away. Why are they going away? Well, it's because they're trying to survive and they know that they can't survive near all this human activity. It's hurting them so they're



retreating.

831. I'm not going to say nothing about the marine animals because I think my relatives in B.C., they'll do a good job of educating you. But I do know exactly what the Elders said. Any impacts over there will impact us eventually, because it's -- we're all connected.
832. Even us as race of man, we need all races of man. One leaves, then we're all impacted. So, therefore, we have to always be respectful and keep that balance.
833. One of the things that I want you to know about is my mother taught me about medicinal plants. There's just -- there's more to just a plant than the healing properties. There's teachings, so when you eliminate one plant, you eliminate so much more. And I'll use the example of rat root; some people call it bitter root. But you find them in marsh areas. Most people, you know, people who know how to pick know that there's a male and a female plant. They know that this male is the one you look for. The female plants are close by and they're connected by the root system.
834. My Mum told me that you look for the male, then you look for the female. She says, "That's just like in life. You need a man and a woman to be balanced. You need us both." So that talks about respect. That's a teaching, natural law.
835. Then she said, "If you look at the root system, it's all interconnected. So when you look for the female plants, they're close. They're all connected by the root system." And she said, "That's important part of it." She said, "That teaches us that you need -- to be a strong family, you have to be connected."
836. So therefore, when I say when you -- when a medicinal plant is gone, you're also eliminating all of the teachings that go with that plant.
837. And then one of the things that I was -- we find the impacts is that for -- when we need to -- we go into Sundance, for me, as a woman, I use what we call -- it's a tree fungus. We can't find that in the south, obviously. It comes from diamond willows. Diamond willow trees are in the north and in this area, and we're finding, like, in the past when we would look of them and trade for them, they were big chunks. Now, they're little, tiny chunks. So that tells me that the diamond willow fungus is being impacted as well.

838.                   So you know, we have to know that there's some impacts there.
839.                   My birthday is always in April and every spring my Mum would tell me -- we would hear the frogs singing and birds singing, and she would say, "My girl, (speaking in Native language) are singing." So she said, "That means your birthday's coming up."
840.                   And as I got older, I realized that you don't hear them anymore. You don't hear the frogs singing anymore. There's less birds singing. Why, you know? And this -- it's because of the impacts. I know one of the -- some of our field team found -- have observed a horned toad, and I remember they were saying that that was very rare to find this particular species of frogs because you don't see them as much. And because of that, that tells me that what -- you know, we have to start thinking about plans, long-term plans as to how we're going to preserve those species that are at risk. Everything that we have -- if one goes, then that's going to impact everything else. So that's going to impact us as well.
841.                   One of the things that I want to talk about is that water. I've been taught that water is medicine. We all need water to be healthy. We know that, you know, today the generations are different. Young children don't drink as much water. And we know that that's impacting their development. It's impacting how they -- you know, how they think, how they learn. It's also impacting their health. We have, you know, child obesity is on the rise and all those kind of things. Health Canada will -- you know, has all those statistics out there. But we know that if you drink water you'll be healthy, cleans you out. It's a detoxifying agent. It helps us.
842.                   On that path there's mountains. The mountains that come from that water, there's moss that are the natural filter system. If you disturb that filter system, then that's going to impact our water. That's going to impact our health. That's going to impact our children. It's going to impact everything else. So, therefore, we have to be careful with that pipeline.
843.                   I also wanted to just talk about what are other things? Like, we all talk about, you know, the medicinal plants. We talk about the water. But there's things out there that we need that people don't realise that we have -- we need for medicine. A lot of trees are used for medicine. I know specifically that birch bark is used to treat eczema. You boil it and it becomes a good -- it's the best treatment for eczema. Those are things that we know of and those are -- so trees

are important as well.

844. We also know that because we have that -- that natural law tells us that interconnectedness is part of nature, it's part of everything. We know, we've always known, even the trees can speak to each other. Even the animals can speak to each other. And when we lay that tobacco down, we're talking to it and we're telling it to grow again. And that goes. It just -- and I just recently found an article that science have now said, yes, plants communicate. And we said, "Ah, welcome to our world. We knew that."

845. So we know that, you know, we just know. It's just a knowing, and we've been taught from birth and so therefore we know it. And we don't try to go and study it until we prove evidence. We don't. That's not our way. We just have to have that belief in our Creator and the living things and all the natural laws that he provided for us.

846. So I'm -- I just basically want to just also make mention my nation, Tsuut'ina Nation, I'm very proud to be from that nation. It's because this is my home, my children and my grandchildren and my great-grandchildren. I've always been proud because our history have told us we were really -- we had a lot of hardships, a lot of diseases. If it wasn't for our resiliency, we wouldn't have survived. If it wasn't for our innovation now, innovative thinking now, we wouldn't be as prosperous as we are now. But that takes working as a nation.

847. And I think -- when I think about our Chief Bull Head, and all our chiefs since then, we all have that belief that we have to think about down the road. We always have to think about *wusa*. We always thought of our children. And I think -- you know, when we think about, when we're sitting here, we are here because we have to think about *wusa*. We always got to think about our future and our children.

848. So in closing I just give -- thank you for the opportunity and I thank the First Nations and individuals and the Court of Appeals for taking a step back and realising we need to do this better. We need to think about this. And we -- you know, and I trust all the other nations are coming and all the nations that you're going to hear, that they're going to be there with good hearts and I hope that, you know, you listen to them.

849. And the next group, coincidentally, my -- on my mother's side, she's a descendant of Papaschase. So it's kind of ironic, but -- and why I'm here, but I'm

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-- on behalf -- for me, as a Tsuut'ina mother, wife, grandmother, and great-grandmother, I thank you for this opportunity. Siesgus (ph).

850.               **ELDER FRANKLIN DEVINE ONESPOT:** (Speaking in Native language). Greetings to all of you. Sisseh, Franklin Devine Onespot. (Speaking in Native language). That's my Indian name, Buffalo Calf. (Speaking in Native language) Chum Star Woman, Karla Devine Onespot, her Indian name, Chum Star Woman. We speak together.
851.               A brief history of our Tsuut'ina people. Like Harley said, we come from the Beaver People and we are also the Water People from the Dene Nation, as far as Athabasca, the big waters.
852.               Before separation, we communicated with the animals and we understood life, what Creator has put us on, this Mother Earth, how to respect, how to cherish.
853.               From then, after separation, travelled in the areas that -- where your pipeline is going through. In that same area there's part of the territory that's put on there as Beaver People, and that's on the map. So that's a lot of proof that we existed from those lands.
854.               Many of us have come through this area, and this is where one of the main chiefs have stopped and chose this area to survive, to live.
855.               Then Chief Bull Head was the Chief of Tsuut'ina who signed the treaties, along with the Blackfoots, the Stoneys, Piikanis, and Bloods. And we were blessed to -- when he chose to live close to the Kananaskis Mountains on the west of Calgary, southwest.
856.               So for all those years that we lived there, the Kananaskis country was our backyard where we picked, gathered, hunted and everything else. So much beauty. And today, some of these big companies, logging companies have taken so much trees out of there. And the trees are what soaks in the water to Mother Earth so she can fill her belly. And we survive on all that waters, what gets life, one of the four elements.
857.               Next to what grows onto Mother Earth, all the plants, all the animals that graze, all the water animals that flourish in the water along with the fish and everything, with the bear grounds, the insects and everything, they all need the

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water.

858.                So me and my wife work with a lot of the people we sit with, our brothers and sisters, with the Tsuut'ina consultation. And we work with the traditional land assessments, so we do site assessments and we have a chance to work through where you're putting your pipes through.
859.                Over there, it's so rich in soil. The animals are a lot larger than our animals here; the moose, the grizzlies and so on. The plants, they're so -- if we were to pick roots here and go over there to pick, the roots over there are so much -- so much bigger. It's so wonderful to see untouched territory.
860.                Now, what happens in Kananaskis, we're worried that it's going to happen in the untouched area through where you're putting your pipes through. So I pray to Creator that you will find a way so it won't impact what's happening in Kananaskis that'll happen up towards Grand Prairie, Grand Cash, as far as Hinton, Edson, Rocky Mountain.
861.                We -- me and my wife, we follow our culture, our traditional ways. I was brought up in -- I was brought up in Tsuut'ina, born in Calgary, but as -- always been in Tsuut'ina all my life. And my wife married 29 years ago. She comes from Rocky Boy, and she shared my learnings and I shared her learnings. It's so similar.
862.                My learnings come from my grandparents on my Mum's side, Frank and Mary OneSpot. They once were keepers of the Tsuut'ina Beaver Bundle. That bundle was given to the Denes many, many years ago. Also, along with it, side by side was the Thunder Pipe Bundle.
863.                And today, we're fortunate that we still have these bundles, and they -- the Beaver Bundle was given to us by the water animals. So there was so much power back then that our ancestors have lived and witnessed. And we're very fortunate that those bundles are with us in Tsuut'ina.
864.                And 1920, close to that was the last time the full ceremonials were done with these bundles. When my grandparents had it in the early seventies till they passed on, they took care of them. They had the ceremonies, but not the full ceremonies. But they followed what they were taught, too.
865.                In the beginning of life when the leaves come out and when the plants

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are ready to rest when the leaves turn, they had two ceremonies for the Beaver Bundle. The Pipe Bundle was the first thunder they prepare for the actual ceremony for that, and then they finished it in the early fall.

866. Up in the Grand Prairie where your pipes run through as far as Edson and that, the plants are so thick the berries are miles and miles. When I went with my grandparents and my family to our foothills west of our reserve, it took a good day to fill up a pail of blueberries, but if you're to go up over there and fill up a pail of blueberries, you'll only take less than half an hour 'cause there's so much. And there's so many other berries that are up there that you can pick also that we harvest, and so much plants that we use for herbalists and for healing.

867. And there's so much other roots and plants that we use for our ceremonies and everything, all different ceremonies, that our Indian people all continue.

868. If there's anything that I have missed, I guess we're good there, so we're (speaking in Native language). I'm grateful to sit with my people and talk for our Tsuut'ina Nation. Hay.

869. **MR. DECLAN STARLIGHT:** (Speaking in Native language) This is Declan Starlight.

870. Good afternoon, everybody. My name's Declan Starlight. I am the Project Manager for consultation for the Tsuut'ina Nation. I've been in there for about eight years now.

871. I'd just like to thank everybody for the opportunity to speak today on behalf of our Nation, and I'd just like to thank everybody for their time, for coming here today. I just hope I can be as clear as possible talking about what I want to touch on today.

872. I could probably basically reiterate what everybody said so far, the teachings we've learned throughout our lives, what -- the importance of the land, the interconnectedness of, basically everywhere, everywhere on this earth, the lands, the water, the animals, but I don't think I will do that.

873. I'd just like to, first of all, thank my Dad for everything he's taught me. He's kept me very grounded, very humble in what I do.

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874. And I believe that we're all here for a reason, not just here today but here on this earth, we're here for a reason. There's something here that -- there's something we're here to do. We may not know it today, we may not know it tomorrow, but it will come to us one day.
875. And -- yeah, I'd say 29 years ago I wouldn't have thought I'd be sitting in front of National Energy Board speaking on behalf of, you know, what we find important, what's important to us, but I believe that I did come here today for that reason, to, like they've said, to speak for the things that don't have those voices; the fish, the animals, the other beings on this world.
876. And that's why I believe we are all here at this table today is to speak for those things, to speak for those animals that can't do that.
877. I understand the company's need for this pipeline, and I'm not -- you know, I'm not here to try and shut people's work down. I understand that it's their job. This is something that's important to them. It's important to the way we live our lives nowadays. But I also think that there's ways that we can do it -- do these things where we don't have to worry about there being these environmental risks that these catastrophes that happen. I think there's ways that we can go forward, you know, together, where we can be understood, our concerns can be heard and respected, but at the same time these projects can still move forward in a healthy way.
878. Like I touched on earlier, my Dad taught me a lot. He taught me that everything's important, you know, from the smallest plant, the smallest blade of grass, to, you know, the largest animals on this earth, the whales, the elephants. Everything that's out here, they have a purpose.
879. And I think it's just a matter of finding that respect, finding that consideration for those things we can actually move forward in a better way. We can do these things without there being, like I said, these risks, these disasters that happen.
880. Just the other day I was looking on my phone and I saw that there was a pipeline leak on the east coast in Newfoundland. From what I saw the other day it was 250,000 barrels that leaked into the water -- that leaked into the oceans, and it reached a point where they can't even clean it now. It's done. It's happened. You know, the damage is done.

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881. But I think, you know, if we're listened to, if these concerns are raised and they're respected, you know, we're listened to, I think there's ways we can go forward without these things happening.
882. I want to take a step back and say that I was -- I've been raised -- I'm sorry. I'm honoured to have been raised the way I have been in our culture, learning these ceremonies, taking part in these ceremonies, and part of it is being humbled as to your place in this world. You might think you're, you know, top of the world, and then it just takes one small thing, one small accident, to realize that you're just -- you're this big in this world, and it takes all of us working together to take care of this place, take care of this world of ours.
883. I was always told that we're not here to own this land. We don't own this land. When we die we don't take the land with us. We return to it. And I always try and keep that in mind going forward every day. Especially now that I have a daughter, I try and do things as best I can for her, for my family. It hits very close to home these sorts of things. The way the world looks nowadays, it's a very scary place. It's a frightening place to be raising kids.
884. But I think, like I said, if we start working together, if we start respecting each other, and we start learning from each other, not just, you know, "my way or the highway," if we start learning from each other and we start respecting each other's ways I think we can move forward in a much better way.
885. Sorry. Like I said, it's just very -- a very emotional thing.
886. Like I said, I've been working here for the better part of nine years now. I've learned a lot from a lot of these people at this table, and a lot of people that aren't with us anymore, and I think I believe that there are better ways we can move forward without fighting each other, without, you know, one person losing and another winning. It's so much bigger than that, this whole world. It's a lot more important than, you know, "This is what I think, this is what I think we should do."
887. You know, everybody has an opinion and nobody's -- I don't think one person's opinion is more important than the other. Everybody's been taught different ways. They've learned different things. And I think it's coming together like this we can actually learn from each other. We can begin to bridge those gaps that have been here for longer than I've been here, longer than my parents have been here. And I think it's the only way that we're going to be able



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to go forward in a better way is learning from each other and being able to respect each other and our different ways.

888.                   Sorry; just give me a minute.

889.                   What I've always been taught was that, like I said, we're not here to own the earth, we're here as protectors. We're stewards of the land. When we come to a place, you know, it's like what they say in the parks, you know; you take only pictures and you leave only footprints. And that's the way I've always been raised, is to be as respectful to the land as possible.

890.                   But again, like I said, I understand that the use of these minerals, these resources, as you call them, it's important. It's -- you know, it's gotten us to where we are today. But I believe that there's ways we can do it in a responsible way where we're not just taking, taking, taking and always taking until everything is gone.

891.                   There's ways we can be more proactive in this world we live in where when we leave, you know, we're always taught that when we pass away, we're greeted by the Creator and we answer for what we have done in the world. And what I basically bring up to everybody I sit with, no matter what meeting it is, I just -- I kind of give them the thought, like, what are we going to leave behind us when we leave this world? Are we going to leave a world where we can -- where we're proud of our children, and our grandchildren can be proud of us, or are we just going to leave a broken world for the next generation to fix?

892.                   I'm sorry. I'm done.

893.                   **MS. NORINE SADDLEBACK:** I want to thank Declan for his courage. He is a very gifted young man and I'm very proud to work and sit next beside him today.

894.                   (Speaking in Native language). Norine Saddleback's my name. I am the Consultation Coordinator, TUS Director, specifically, with the Tsuut'ina Nation. I am honoured to work with and beside the individuals you see here today, the leadership of Tsuut'ina, and with both government and industry.

895.                   I am Cree from the Maskwacis Cree. I come from Samson Cree. My father, late Harrison, was Louis Bull tribe. And Violet is my auntie. I hold her very dear to my heart. She's very knowledgeable. Michael, I have come to meet

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many of the elders in and around Tsuut'ina. I started December 4<sup>th</sup> last year.

896. My experience in consultation came right from 2000 when the *Federal Water Act* came and we were the dawn of the first consultation with Indigenous peoples. So I've been at this for quite some time.

897. If you don't know, I'm also a representative on both Enbridge Line 3 and the Kinder Morgan Indigenous Advisory Monitoring Committee. I come with some very hard experience in how Indigenous monitoring is so very relevant to continued lifestyles of our people in their traditional use.

898. Advocating from that, from a traditional perspective as a land user, as a ceremonialist, is the gift and the blessings Creator has guided me with. Holding a Master's degree in Leadership and Administration and Indigenous Policy and Education is how I balance my ability and give capability to nations to speak for themselves like you've seen today.

899. Just because Tsuut'ina was not here at the beginning for the first hearings did not mean they didn't want to be. Tsuut'ina hasn't been given the opportunity to conduct a traditional land-use study in and along the corridor. Tsuut'ina understands their use and will continue to advocate and use the land like they always have.

900. I want to acknowledge Creator for the day that we are here to speak to Tsuut'ina's concerns, interests, uses, and the lack of benefits they've been provided from such a major project. That includes sitting at the table of the Indigenous Advisory Monitoring Committee, yet Canada recognized them on two fronts on this one line. We need to keep that into perspective as we speak today.

901. My expertise is, I guess, in accommodation. What is that? Because we cannot forget that when the duty to consult is before us, so too is accommodation. Therefore, Tsuut'ina's voice is here and present, always has been. And we need to take that into perspective and build and establish a relationship with both Canada, who is also, in my humble opinion, in some kind of conflict as you own this pipeline, or whether you're Kinder Morgan, who has had over five years since December '13 when the application hit the table to build and establish a relationship with Tsuut'ina and its peoples in its traditional territory.

902. But the opportunity is here today before us to do that. Given, that

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opportunity means it must be an imposed condition. That's the regulatory process because if you're going to have an Indigenous Advisory Monitoring Committee for the lifecycle of a project which is 60-plus years or more, and people are benefitting from that, why not Tsuut'ina? Why is there no relationship? I'm not here to answer that. I'm here to make very clear that we are encouraging that relationship be built, established, and that you, as Canada, involve us directly.

903. I would like to acknowledge some of our experts: Aryn from Miller Thomson and then the associates who are here today; Wanda Lewis, who sits behind us today has walked the land with our Elders, with our traditional land users and is here to support us in that capacity; the Creator, who opened the door and said, "Let's go Round 2 and let's have a meaningful and adequate discussion on how Tsuut'ina's interests were neglected," but we'll come back to the table and we're here to do that today.

904. So Canada recognized this twice. We're here today to give those issues and concerns. And if you look at the proximity of the mountain ranges, I guess you'll call them, and Banff, Jasper, as conservation areas, Tsuut'ina today talked lots about monitoring and how we can build upon plans, long-term planning of its land use in a traditional lands' capacity. They talked about mountain caribou, how we could re-introduce these things together through comprehensive, and the need to do that for species at risk. As buffalo keepers, they're doing that back home here. We do have the buffalo paddock. At the same time, we need to re-introduce at a stewardship level.

905. So they're doing their best as parents, as grandparents, as leaders in monitoring of their Indigenous values.

906. So I look at this as the Elder Harley also talked about keeping the waters clean. Violet mentioned the cumulative impacts. Quality and quantity is what the reference in Western society would be. Keeping the biosphere intact, having good conservation plans. Species at risk, like the horned toad that we found in that area of the specific areas of the pipeline in and along the corridor, what plan is there for those horned toads? I have not seen one specifically for species at risk. Yet when you talk to Parks, they say, "Go talk to Alberta." Alberta says, "Talk to Parks." And on and on goes the song and dance.

907. But we're here in the best interests of Canada and those who can't talk. That means we need to do better in planning, and that's what this second round was about, was Killer Whale, it was about increased traffic. Increased traffic

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means increased product. That product comes from our tar sands in Treaty 8 in Alberta, the ones you can see from the moon, the holes, that contribute to the climate change in the ozone.

908.                   So we're not here, Tsuut'ina, by chance. They are here to share that concern in this invasive, but now opportunity to present the findings.
909.                   You know, when I participated in a safety response exercise that was done back last September, I believe, I was astounded to see that if there's a spill -- I asked how do you -- how do you warn the Indigenous people? Is there a big button you press and a big light and Batman signal goes off? Because right now we don't get warnings. We're not told that there's a spill or that it's within our traditional territory. But we're told safety's paramount.
910.                   So what if there's a plume, underground water when Tsuut'ina has their water study intact? So there's baseline data that could be assessed when and if there are these kind of catastrophes into the long term, into the future.
911.                   And so I wanted to share some of these. As a coordinator, my job is to look at things in a big picture and make it manageable because, as a coordinator, you're overwhelmed by hundreds of applications per year. And, "Talk to that proponent; talk to that proponent, send Declan and the boys out, and Franklin and Church, can you -- Church and Karla, can you go with them? Tony, let's do the best we can."
912.                   And then you do that on your own dime in advance and then invoice, and you might get most of it back if you're lucky.
913.                   You know, that's why agreeing to agree in a responsible way Declan talks about is so important because the project footprint is with us for the next 60-plus years.
914.                   The kinships tie Tsuut'ina mentioned today are so important because they go back for the ceremony in Smallboy Camp. They go back to the areas of Grand Cache. They still traverse through that territory, and the old maps shows SRC. Cree we say "saseenak (ph).
915.                   And here they are still with us today advocating for their traditional territory, advocating that it be left intact. And Canada is promising it will be, and they're asking how. They'd like that kept intact for generations to come.

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916. Michael talked about how the youth are struggling and how he can't take his children back and teach them how to use the land because not only are there the social issues, there's the environmental changes that nobody asks Tsuut'ina about, how would they like to be involved to monitor those types of changes that contribute to long-term climate change.
917. Environmental impacts. Disturbance, he mentioned. And every -- and each and every one of them talked about how Mother Earth is a living being. I'm sure you've heard that from many Indigenous nations since December 2013. Today we're here November 22<sup>nd</sup>, 2018, five years later, and we are now just asking for, "Come, Kinder Morgan. Let's build a relationship".
918. How, Canada, are you going to ensure that happens? Are you imposing that condition for all, not just some?
919. Now is the time. Reconciliation says let's be inclusive. Let's work together. Let's give a good report to the globe of how good Canada is doing in its efforts of policy change and reform. Let's modernize the Act. Let's do better with fisheries where these Tsuut'ina people do. Rainbow trout, all of these kind of species at risk.
920. And I haven't heard once yet about a whirling plan strategy from Kinder. Neither have I heard it from Alberta to come say to Tsuut'ina, "We'll do this in whirling disease" because fish, elk, moose have over 300 sites they have within that corridor. But nobody asked us, so here we are today advocating for the different herbs, the berries that are used for ceremony.
921. You know, when you have the pipeline and we've followed some of the trail out in the area or in and along the corridor in Alberta into B.C., there is increased linear access, open cut lines. Who's monitoring the increased activity of some of the predators and the loss of some of the little guys? They talked about that today.
922. So those long-term planning Violet mentioned are important. The second thing Violet mentioned about are, you can't just ask us about animals and build a plan on wildlife. You need a better plan on rare plants that are important to Tsuut'ina for the diamond willow, for the bear root, for the birch bark.
923. Each tree has a different purpose. Birch bark is used -- only burned

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for a specific purpose. Lodge pole, specific purpose. And as the traditional land users, they mentioned these things but, of course, we didn't get the opportunity for the traditional land use study here at Tsuut'ina. But we're here to advocate.

924.               So we ask that a TLU be considered with Kinder Morgan. We -- because we can give you some already. We can share what we know. We will submit a written.
925.               And so with that, we -- I'm going to allude you now not just to the wildlife, but we need to look at greenhouse gas emissions that are going to be part of these cumulative impacts.
926.               You know, in Trans Mountain, Board found greenhouse gas emissions from the project-related marine vessels would be significant. That's your wording. Yet there's no regulatory reporting thresholds or specific requirements for that marine greenhouse gas emissions.
927.               So these are both regional and national, which means within our traditional territory there's potential for impact of greenhouse gas emissions.
928.               Tsuut'ina lives within -- interestingly enough, Calgary is west -- is east of us. So Tsuut'ina has the whole urban corridor, then there's the agricultural corridor, and at the west end we have the whole wildlife and parkland zone.
929.               The parkland zone, though, is never asked about how we're going to manage it as a parkland zone, so the wildlife corridors, the water and things like that get forgotten. And here's Tsuut'ina trying to continue their traditional lifestyles and ceremony and medicinal values with this increased greenhouse gas emissions having us to go further and further to harvest in and along the line.
930.               Cedar, further, further, further. I remember Franklin and I asked Karla and they said, "Yes, we have to go further for the cedar." It's like they're running away, the trees, because of development -- cumulative development.
931.               And so I believe as a coordinator they're adversely and irrevocably affected by the results of greenhouse gas emission. I'm here to share that with you as a director because regional climate change variability and change are expected to have ever far-reaching effects on wildlife and ecosystems. But we're going to continue to develop, and Canada is determined this project will go through.

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932. Please involve and be respectful of their use, their benefits, their rights, and their interests in and along this corridor. Shifting an altered vegetation -- communities. They talked about that today. How are you going to monitor that and promise that's real to them?
933. And so I understand that that's what the advisory committee's supposed to do. Well, the advisory committee should then consider Tsuut'ina as part of those impacted communities, period.
934. Don't be exclusive. Be inclusive, Canada, in all of your efforts of policy, planning, and implementation thereof.
935. And so as we demonstrated today different -- and identified differences and characteristics of the land, climate-induced population expansion, for example, of white-tailed deer was mentioned. And then we get alternate hosts for parasites.
936. Things like this need to be discussed in depth with us. But I want to remind you how resilient Violet mentioned Tsuut'ina Nation is, and their citizens. But if we don't take immediate attention to these impacts of greenhouse, increased traffic, climate change and its variabilities, air quality of the condensate that's flowing, and we don't see the changes of under the pipeline, near the pipeline because I can honestly say as I've watched Tsuut'ina and seen their different traditional land use studies, there's mention of the different sizes of plants.
937. And I, for one, have seen how mountain sage here in Alberta is so much smaller than the top of the mountain sage in Kamloops. Not just in size, in thickness of the leaf, the root, and its potency. And Franklin mentioned that today.
938. You have to hear with how we hear as Indigenous, see with that Indigenous lens of the use. Sometimes it takes somebody like me to translate that because I've been doing this for a few years now. So I try and give you what you want to hear because they give me what I need to hear as a coordinator.
939. And so as we do this work together, we also need the capacity to have experts help me transliterate [*sic*] what the traditional land use values are because Indigenous knowledge is alive and well.

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940. Malfunctions and accidents, like I said, is going to be a big light, in Batman light, to say, "Oh, Tsuut'ina, there's been a spill" or is somebody actually going to pick up the phone and say, "Tsuut'ina, your site over here where you identified some roots are near threat. Maybe you should come harvest now"?
941. These are the kind of safety precautions in a traditional land use context that need to be better monitored. These are some of the conditions that we want to provide to the Board today to consider because sometimes -- and in our case, we weren't explained why they weren't included.
942. The one thing that we want to make a recommendation on today -- because as a coordinator, I had to be useful. Tsuut'ina uses the land. Tsuut'ina knows their rights, uses and interests, and they know they need to benefit from the project, but have not in any meaningful or adequate realm of consultation record.
943. So one of the things that we're going to recommend to you, the Panel, today is to protect and manage forests and wilderness. So if you don't know, there's innovative technology that does cultural monitoring. Many nations are doing it.
944. I know as a seasoned person, I did that for Samson Cree before I left, and it's in quite capable hands with young people. So legacy planning, succession planning is important.
945. So as Canada, I encourage you to consider prevention versus the mere condition of protection through innovative technology.
946. You know, I worked and I did a callout as a coordinator, I said, "I need to help Tsuut'ina. I need to give a recommendation. I need to be useful."
947. So as its primary mission and safety and security of extraction and transportation of fossil fuels used for energy, NEB accepted standards for detection of leaks rather than requiring standards for the prevention of leaks, yet there's technology that can do that. I know that because I sit on the school of policy. I come and speak once in a while.
948. And so I went and said, "Hello, I need a favour, too. Engineers, do you do anything in terms of prevention?" And finally, yesterday, before the hearing, USC came back and said, "Yes, we do. There's these little monitors that can do prevention and they go inside the casing."



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949.               So casing is one thing, but detecting and preventing spills is quite the opposite. And so I encourage you to look at this, than just rely on a spillage post-spill. Let's consider what we can do pre-spill, 'cause the technology is there.
950.               And I'm pretty big about that because our young people need jobs. They need education. They need to continue this legacy of monitoring our traditional territory. And there is technology out there that can do that. But because we're so hard-pressed for the economic security of kânata. Remember, in our language where I come from, Canada was founded on the word kânata, this land is clean. (Speaking in Native language); our land was once clean.
951.               And you thrive on that symbolism of Canada and its name. Then let's share in that legacy as responsible, safety, and let's value the Indigenous wisdom and its use and contribute to Tsuut'ina as benefits to this project that is now co-owned, co-managed in some unique *sui generis* form where Indigenous monitoring, Canada and the Proponent are doing good things together.
952.               We need to expand on it and be inclusive to Tsuut'ina Nation. And so my job here today, I believe, is as both grandmother, traditional land user, advocate, coordinator, friend, family. And I think that's what Canada stands for, is those multi-culturalism and it's everything that comes with that, socioeconomic responsibility.
953.               It's better to get 1 percent of something than 100 percent of nothing. And so in socioeconomic responsibility, one of the conditions should be that, that everybody who has interest in this line got some formula of a benefit.
954.               So we're here in all of our good and responsibility to say our doors have always been open. Don't neglect the open doors and don't neglect or ignore technology that does prevention. And we'll give you a written submission on that.
955.               For me, I wanted to share that. I know our time is up at 2:30. Sometimes you got to say, "Norine, be quiet". Sometimes you got to remind me that.
956.               It's never too late. Women -- Violet also talked about women and their herbs, men and women. And so if you're going to talk to us about safety, don't just talk about man camps or work camps. Talk about the safety of our plants as the women, the water keepers.

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957. I tried to go back and reiterate everything that my advisors here shared with me. I want to thank Tsuut'ina people at this table and those back home on the Nation, the leadership, for the opportunity to work for and with them.
958. It's in this passion that I thrive. It's in that same passion I feel in Declan today. And so as a legacy planner, I'm training young people and I go around working myself out of a job so they can take over.
959. And I don't mind doing that because I know it's good for the Earth, and it's good for all of us to hear the passion that he advocated for today.
960. I'm thanking everybody for your ears, but I encourage you also to listen with your heart. As Canada and NEB -- NEB is Canada. Be inclusive.
961. I just wanted to share some of the things I hear because you might not hear what I hear. And so to make that clear, we need to understand one another in this whole treaty relationship. Whether it's Treaty 6, 7, or 9, the product comes from Alberta.
962. The transmission line is that, a transmission line. Who benefits from it all is important to reconsider. And that's why we're here today; let's reconsider and be inclusive.
963. So with that (speaking in Native language)
964. I'm happy I'm here. I am happy to work with and beside Indigenous peoples, and that we have friends who come when I ask them. Because I'm very fortunate to have friends come to the table and help us sort this out. Because we didn't have the funding to sort it out, but through some of the PFP funding we're here, and we recognize that.
965. Thank you for participating and giving Treaty 7, Tsuut'ina Nation, that opportunity to pray this morning, to reconnect to our Father and our Creator, and to the land. That was very useful and it meant that you were going to listen today. And I want to thank Michael for opening that door and Declan being the doorkeeper. How powerful that was to see today.
966. And I said thank you in my language. Thank you. And I want to say (speaking in Native language). I have learned that. And they're so kind in their

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capacity at Tsuut'ina. They're a very humble people. And they deserve equality.

967. Thank you.

968. **THE CHAIRPERSON:** So I notice that the time is up, but, you know, we might need five minutes for closing. So perhaps I would give -- we could take a short break. It would give you the opportunity to confer amongst each other to see if there is something else that was important that you forgot to tell us. So we could reconvene at 20 to 3:00 and then close. I understand that the Elders might want to say a closing prayer.

969. Thank you.

--- Upon recessing at 2:32 p.m./L'audience est suspendue à 14h32

--- Upon resuming at 2:46 p.m./L'audience est reprise à 14h46

**HARLEY CROW CHILD: Resumed**

**ANTHONY STARLIGHT: Resumed**

**FRANKLIN DEVINE ONESPOT: Resumed**

**KARLA ONESPOT: Resumed**

**MICHAEL GRANT MEGUINIS: Resumed**

**VIOLET MEGUINIS: Resumed**

**DECLAN STARLIGHT: Resumed**

**NORINE SADDLEBACK: Resumed**

970. **THE CHAIRPERSON:** Welcome back.

971. So before closing off and inquiring whether there is any questions, I would like to know whether or not after you did confer there is, like, something you've forgotten and you would like to share, just before we do a close off and we do the prayer, and tell me which order you wanted in closing off of the prayer.

972. **ELDER FRANKLIN DEVINE ONESPOT:** Thank you.

973. From what I was taught and told, our people, all Indigenous nations across Canada and the United States, from the beginning of time that's when we were put on this part of Mother Earth, so when our ancestors signed a treaty they agreed to share with your ancestors the depth of the plough, and I believe that's 18 inches, and everything that is underground, like our territories that we still take care of, more or less own, but as Indigenous people we do not own the lands, we

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do not own the water, we do not own this part of Earth, it's our Creator that owns everything.

974. I just wanted to remind you and share that with you. Thank you.

975. **MS. NORINE SADDLEBACK:** Okay. I think we're concluded for the day.

976. I remember when the Elders talked today too about the killer whale and how important the marine is. You know, many of us have all those kinship ties, and the kinship ties are also kinship to the land that my friend, Mike, spoke about just now. My nieces and my nephews are part of the Killer Whale Clan. My sister testified the other day and is part of the Killer Whale Clan of the Nisga'a.

977. And so it's important as we leave and break today that we understand how important and valuable the holistic pictures are, the holistic way of life that the Indigenous lens provided to you today. I encourage you to keep that in mind as you go out, and as one of the advisory members for Alberta.

978. We all share the land. We all share the land. Even treaty was about that, that Michael speaks about, is treaty was to share the land; it wasn't to just give it up. And that's why as Indigenous people we advocate so hard and we ask for that same respect and that dual treaty relationship, that we take care of it in a healthy way, in a responsible way, in a respectful way.

979. And just to remind you, it's not the Indigenous people on a report card, it's Canada. And think about the sustainability goals that we could maximize through long-term plans.

980. So again thanks for the opportunity to talk, and I want to thank the group that came to support the TUS office here today. And we're not done. Our Elders, Violet, Mike, Mike, all of them, we are going to recognize them at our Powwow at the end of December here. We honour them for their intellectual property they shared today, and that's very important.

981. Thank you.

982. **THE CHAIRPERSON:** Just before we do the prayer I'm going to

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ask Trans Mountain whether you have any questions.

983.               **MR. DUNCANSON:** Thank you, Madam Chair. We don't have any questions. But I do want to thank each of you for coming here today and sharing your knowledge with us.

984.               Thank you.

--- (Closing prayer)

--- Upon recessing at 2:53 p.m./L'audience est suspendue à 14h53

--- Upon resuming at 3:08 p.m./L'audience est reprise à 15h08

985.               **THE CHAIRPERSON:** Good afternoon. Before we commence our hearing today, we would like to acknowledge the traditional territories of the people of Treaty 7 region in southern Alberta, which includes the Blackfoot Confederacy comprising of the Siksika, the Piikanis and Kainai First Nation, the Tsuut'ina Nation, and the Stoney Nakoda which includes the Chiniki, Bearspaw, Wesley First Nation.

986.               The City of Calgary is also home to Métis Nation of Alberta, Region number 3.

987.               So good afternoon, everyone, and welcome to the Oral Traditional Evidence phase of the National Energy Board hearing regarding the Trans Mountain Expansion Project Reconsideration.

988.               My name is Lyne Mercier; I am the Chair of the Panel. With me on my left is Alison Scott, and on my right is Murray Lytle. We want to welcome everyone who is here today, both in the hearing room, and also the ones listening in to the Webcast.

989.               In addition to the Panel, we have staff in the room to answer process-related questions that you may have. You will be able to recognize them by their brass name tags.

990.               With respect to our schedule for oral traditional evidence, you are the last group we're going to hear from today, and we will break as required.

991.               In order to be fair to all presenters we have allotted up to two hours to

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hear from you. If two hours is not enough, at the end of the session please feel free to make a request to file additional oral traditional evidence by electronic means such as a video or other method.

992. Before we get underway, I would remind parties of the Panel's guidance in the Hearing Order and Procedural Directions in regards to oral traditional evidence.
993. The Board understands that the Papaschase First Nation #136 has an oral tradition for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing.
994. Sharing the traditional knowledge and stories about the use of the traditional territory is of value to us. We appreciate that you've chosen to be here today.
995. Following oral traditional evidence, Trans Mountain, other intervenors, or the Board may have questions for the witnesses. If so, witnesses can choose whether they will answer orally, or a later date in writing.
996. With that, I believe we are ready to get underway. Before I call on you to present your oral evidence, I'd like to have the representative of the Proponent introduce themselves.
997. **MR. DUNCANSON:** Thank you, Madam Chair. Good afternoon.
998. Again, my name is Sander Duncanson. I'm with the law firm Osler, Hoskin, and Harcourt. With me is Cassie Richards. As I mentioned to you a minute ago, the other representatives of Trans Mountain who were here earlier were sorry to have to leave early today, but they have said that they are going to be reviewing the transcript closely. So yes, thank you.
999. **THE CHAIRPERSON:** And I'd also ask if there are any other intervenors in the room or if anybody has preliminary matters, can you identify yourself and say who you're representing?
1000. **MS. MNEINA:** Thank you, Madam Chair. Thank you, Panel Members.
1001. My name is Esma Mneina and I'm a Policy Advisor at Natural

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Resources Canada. I'm here as a representative of the Federal Crown to hear the witnesses' oral traditional evidence in relation to the reconsideration of the Trans Mountain Expansion Project.

1002. I do not intend to ask any questions today, but rather I'm here as a representative of several federal departments and agencies that are registered intervenors. If necessary, we'll ask questions through the NEB's Information Request process.

1003. Finally, I'd like to note that I'm honoured to be present at this hearing on the traditional territories of the peoples of the Treaty 7 region in southern Alberta, and also that the City of Calgary is home to the Métis Nation of Alberta, Region 3.

1004. Thank you.

1005. **THE CHAIRPERSON:** I see no other intervenors, so I understand that you wish to affirm and to indicate that the information you are presenting is accurate and truthful to the best of your knowledge.

**CALVIN BRUNEAU: Sworn**

**BYRON BAILEY: Sworn**

1006. **THE CHAIRPERSON:** So we are ready to start and I think you were in the room and you witnessed a bit what was going on. So maybe as you witness for traditional evidence, we're kind of quite flexible. So we're in your hand and we are ready to listen.

1007. Thank you.

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

1008. **CHIEF CALVIN BRUNEAU:** Okay. Thank you very much.

1009. Good afternoon, everybody. I just wish to acknowledge we're on Treaty 7 traditional territory. And I am Chief Calvin Bruneau from Papaschase First Nation. That's in Edmonton, Alberta, and that's Treaty 6 territory.

1010. And I've been chief for seven years now; this is my second term. We

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- have a four-year term, and I've been chief since 2011.
1011. I've been on this council since 1999 and that's when a concerted effort of Papaschase descendants organized themselves to look at re-establishing the Papaschase First Nation, and to take a claim forward for the unlawful surrender of their Reserve in south Edmonton.
1012. And so I've been on this council ever since and I've been there since 1999. And, you know, I've learned this history. And I'm going to get into the history in a bit. But what I want to share is a person introduction. And you know who I am and also Byron as well.
1013. I grew up in northeastern Alberta, some -- when I was younger. I was born in Bonnyville, Alberta, and my late grandmother was from Kehewin Cree Nation. And that's where I'm a direct descendant to Chief Papaschase. One of his daughters married into Kehewin early 1900s and that's where my line comes from. So I'm a direct descendant to Chief Papaschase.
1014. And Byron here is my Economic Development Officer, technician, and you know, wears various hats.
1015. So what I want to get into is, first of all, we have -- you know, I've been at this -- on council, like I said, since 1999. That's been our first election. It was on August 21<sup>st</sup>, 1999. That date was historic for us because August 21<sup>st</sup>, 1877 is when Chief Papaschase signed Treaty 6 at Fort Edmonton. So a Nation signed with another Nation, signed a legal document, made a legal agreement, and therefore, the Papaschase First Nation were recognized.
1016. And so that was an important day for us in re-establishing ourselves on the same day that our ancestors were signed, when they signed treaty.
1017. And so I've been on that council ever since. And as a young man, you know, I grew into the role. But at the same time, too, I learned our history from Elders, from researchers, historians, from doing my own research in libraries and reading, and various other archives.
1018. So what I'm going to share with you is what I share with -- what I could share with you is what I've been sharing at -- in various capacities as a knowledge keeper, as the chief of my nation, and I've been asked to speak, you know, various schools like University of Alberta, Concordia College, Grant



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MacEwan, Norquest, and that's mainly in the -- and also up north in High Prairie and Slave Lake. So this knowledge that I carry is the knowledge of my people and our band's history.

1019.               So after we -- you know, our mandate was to file a claim and to also get our band recognized. So we went through courts. We filed in 2001 at the law courts in Edmonton and we went through the court process. Then in 2008, we went to Supreme Court in Ottawa and our claim was rejected because one technicality was, one, we weren't a recognized band. Canada's policy with specific claims and comprehensive claims is that you had to be a recognized First Nation.
1020.               So that's -- went about -- went to work. We're trying to get our Band recognized.
1021.               So what you're seeing here is a resolution that was passed by the Chiefs of Treaty 6, 7, and 8 last week in Edmonton and recognizing our Nation. And what that means is basically, you know, this is very powerful in that they acknowledge and recognize us.
1022.               And recently, we've been in talks with the federal government in Edmonton, representatives, and they also -- they also acknowledge the history I'm going to share with you. They acknowledge what took place and they want -- because of reconciliation, they want to address our situation and they also want to recognize our Nation as well. So there's a process there, too.
1023.               So this is coming hand in hand and this is just acknowledging who we are. We've already known who we are historically, right. And it's just that our Band was dispersed and broken up. And I'll get into that history in a bit here.
1024.               But this is the Chiefs acknowledging our history and who we are and giving us that stamp of approval. Now this -- the federal government has this document now. Now, that's the next stage. And I've already talked with Minister Bennett about the government recognizing us, too.
1025.               So that's going to happen. It's a done deal. It's not if and when. It's going to happen. We are a recognized First Nation. We're in the process of becoming officially recognized.
1026.               But within ourselves, we already knew that already. We were already

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a sovereign people. We already asserted our jurisdiction over our territories because, to us, the land that we're going to show you, we still assert that claim. These are still our territories. We never ceded nor surrendered these lands in south Edmonton.

1027.                So if we can get to the next slide, please.
1028.                Okay. Well, we'll just go with this for now. And so anyway, we got the overview map and that's great. But you can see where Edmonton is at on the map, of course, and that's where we're talking about, Edmonton or the beginning of the pipeline, okay. So yeah, that's great.
1029.                So move on to the next one. So that's the beginning of the map -- I mean, the presentation, so next slide. Thank you.
1030.                So this is a picture of Chief Papaschase. And this is in the Glenbow Archives here in Calgary. My ancestor was a warrior. He was also a Chief, but he was also a rare combination of Chief and medicine man. And because you -- and it still is to that day. I mean, I know a lot of Chiefs who are spiritual and do -- are very cultural, but back then, this was unheard of where you're both medicine man and Chief. So he held two roles.
1031.                But my ancestors, Papaschase and his family, they lived around the Slave Lake area, but you have to understand our people. Today we have, you know, lots and -- you know, designated places. You know, you have jurisdiction areas and things like that.
1032.                Our people, we were nomadic. We had hunting and traditional lands and territories. And we had vast ranges and territories. We just didn't have little plots of land. That's not who we were. We followed the hunt. We followed the buffalo, and we followed the seasons and the roots and the berries and everything that came with it.
1033.                And so our people were up in the Slave Lake area, Fort Assiniboine area, Lac Ste. Anne area, which is by Alberta Beach northwest of Edmonton, all the way up to the foothills. Our people interacted and inter-related with those in Maskwacis and also in the Edmonton area.
1034.                So my ancestor Papaschase, he and his six brothers became, eventually, the leaders in Edmonton. But as young men, they were warriors and

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- they helped to fight battles with the Blackfoot. And that was because of the fur trade. At one time, the Blackfoot and the Cree were allied but in the 1700s, a division came, and basically each group was fighting for supremacy in the fur trade.
1035. And the Cree were mainly around the Hudson Bay area, but as the fur trade moved west into the 1700s, they moved west as well. So through marriages, that's how they created alliances with the fur traders. And that's where you get the birth of the Métis Nation, by these unions. You got the white father and you got the Native mother. That's how Métis are created. Métis in French means "mixed blood". That's where you get that term.
1036. And so you have these two Nations moving west. They weren't really a Nation yet. Canada wasn't a Nation yet. But they were the people. And so they were setting up various forts out west here, and Edmonton was one of them. Now, they didn't just set up forts haphazardly. They set up forts where our people gathered.
1037. Now, in central Edmonton where Rosedale community is, you know, that's where the knee bridge is, you know, where the legislative grounds are. That's where my people lived.
1038. Our people were there before the first -- the forts were. Our people were there before the legislative grounds were. That was our territory and that's where we lived. And it was called "Pehonan" in Cree, "gathering place", because other Nations came there and gathered. So that's where ceremonies were held. That's where dances were held. That's where gatherings were held among our people.
1039. But also, we went to other communities and places and a Chief -- I'm not sure if that Chief has been mentioned here, Muskiptoon. He was a Chief in the mid-1800s and he lived around Sullivan Lake area. But he was killed by the Blackfoot. And -- but he was a peacemaker.
1040. But from what I know of him, what I've been told of him is that many Nations -- that was Maskwacis and other Nations, including Papaschase -- they would go and gather there every summer. So they would have these huge gatherings in their different communities every summer. And that's where we get to visit. That's where, you know, you create new relationships, marriages, everything.

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1041. And -- but our ancestors, you know, lived around -- mainly around Edmonton area. And the Beaver Hills, that was our traditional hunting territory. That's everything -- when you cross the river, that would be east Edmonton, southeast Edmonton, all the way on the other side of Elk Island Park up to Fort Saskatchewan down to Cooking Lake, Hay Lake, New Sarepta area. That whole territory, that was Beaver Hills. That was my ancestors' hunting grounds.
1042. And also, we also -- like the Enoch Cree Nation, we were called the River Cree People. Before there were roads, before there were wagons out west here, the rivers were the highways. That's how we got around. And before there were even horses -- horses weren't introduced into Canada territories, into the Cree until the mid to late 1700s.
1043. And we had a name for the horse because we had no experience with the horse. And our names are descriptive. The animal that we had were the dog that we put to work, you know, carrying our supplies and everything like that.
1044. When the horse came along, the dog's name in Cree is "atim". That's dog. But when we saw the horse, we called them "mist atim" meaning "big dog" because, like the dog, horse was friendly. You can inter-relate with them. And they had their own personality, just like dogs. And even they can become pets like dogs, too. But they also work. So there's a relationship developed with the horse and, of course, that led to hunting and trading and everything from there.
1045. And so -- and a horse became very powerful and they became very powerful in battle. And when we were fighting with the Blackfoot, that's how our wars were fought, on horseback. And that's what we did. We stole horses from each other. And that was a great honour for us. If you can go into your enemy's camp and either touch your enemy without killing him or you steal his horse, you take his horse away from him, that meant you were very brave. And you got away with it, too.
1046. So -- and then it's also -- we used horses as trading as well. And so the horse became very important for our people, for the Plains Cree. And also, I know that goes also with the Blackfoot people down south.
1047. But it also helped in the hunt. We used the horse for the buffalo hunt. But we also had buffalo pounds, too, as well. The Blackfoot, they had the cliffs. They used the cliffs, you know, to drive them off, but us we had Buffalo Pounds,

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- if we didn't have horses in abundance, we drove them into a corral and then that's the way -- then we harvested them from there.
1048.           So this is -- basically, I'm giving you a little bit of background history, you know, fur trade history and that, and just the time. And, I mean, basically, you know, there was a basic transition was going on in the 1850s, '60s, and '70s. The buffalo was being wiped out by Americans. And, you know, our food source was going down. And the fur trade, the economy was going down as well. And our people started to hurt.
1049.           But we also had epidemics. In 1861 was one that was very detrimental to our people. It wiped out whole families sometimes, half of communities. So -- because we did not have the capacity to fight diseases that we had no immunity towards, and that was brought to us by smallpox blankets.
1050.           And so -- anyway, through this time, you know, there were some things that were going on that helped to affect western Canada and then it eventually affected our nation. And some of these events were, one, Hudson Bay sold Rupert's Land to Canada. There's no bill of sale. You will not find a bill of sale. But they -- money was exchanged and land was set aside around each of these forts. So there's 3,000 acres that were set aside. That's pretty much most of downtown Edmonton.
1051.           And -- but, of course, they didn't tell us. They created *Indian Act*. Of course, they didn't tell us about that. And so during this time Commissioners came. You know, they made treaties out west -- I mean, out east earlier with nations in Manitoba and Ontario and out east. And these were friendship treaties, they were called, because we fought with them, but also we fought alongside with them out east. But here, out west, Canada wanted -- had expansion plans, okay? And they wanted to settle the west. And they wanted Manitoba, but they didn't respect Riel and the Métis and he drove them out of there. He took over Manitoba. Louis Riel created Manitoba.
1052.           The Americans wanted that and they offered him an exorbitant amount -- amounts of money, into the tunes of millions, which would be hundreds of millions today. They hung him as a traitor, but he wasn't a traitor. He stuck with confederation. He believed in the White father and the Indian mother and that we should stick together as a nation, as a people.
1053.           And so the Métis were driven out of Manitoba and they were driven

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- out west in Saskatchewan and Alberta. But back then, they weren't the provinces then. We were all the Northwest Territories, so that would be Saskatchewan and Alberta, B.C. and further north. We were all the territories at one time until the provinces were created. Alberta was created in 1905, but -- and Regina was the head of Parliament. And so I'm setting the stage here, okay?
1054.           And so what happened was Commissioners came out in 1874 at the beginning of Cree Territory, which is near Regina. And they met with chiefs. They said, "We need to -- we want to make a treaty with you." So a treaty -- and the Chief said, "Okay. Let's make a treaty." And but they talked to other chiefs from Treaties 4 and 5, which is southern Saskatchewan and Manitoba. And they talked to them and they basically said they weren't happy because lots -- some of these conditions weren't being fulfilled already, that the treaty was already being broken. And that smallpox epidemic, that was still fresh on our families' minds, still in our people's minds; a decade earlier, still affected us, and we're concerned. They said, "You should get a medicine chest. You know, you should get medicine to help you in times of when your people get sick. Look what happened during the time of the smallpox. Look what that did to our people?"
1055.           So that set up the precursor to the negotiations of Treaty 6. And they met in 1876 and they met for eight days and they negotiated. Canada's Commissioners with Chiefs and Elders at Fort Carlton, which is central Saskatchewan, right next door to Beardy's Reserve and by Duck Lake.
1056.           So they negotiated. Some of the terms and clauses they negotiated were -- land was to be set aside, one square mile for every family of five, so it was based on population. A medicine chest, like I just mentioned, was to be set aside. And that was with every Indian Agent, and he was supposed to keep this medicine chest. And whenever we requested it, our people requested it whenever we were sick; we would get medicine to help us, to heal us.
1057.           There was also the treaty payments, \$25 for the chief, \$15 for his councillors, his headmen, and \$5 for everybody else in a tribe, in the nation. So that's where our treaty payments came from in exchange for us allowing the settlers, the Canadian government into our territories.
1058.           And as mentioned here earlier, and I'm glad the Tsuut'ina people brought that up -- I was going to speak about treaty anyway. But, yes, that's what the agreement was to the depth of the plough, because part of the treaty was also for every three people we're supposed to get certain farming implements. And so

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out west here, a lot of nations were in dire straits and there needed to be a new economy. The fur trade died out. So this was a new economy. This was something to help our people and we looked for a better deal.

1059. And then we also looked out to our children, our future, seven generations. So we said we -- so the chiefs and Elders said back then, "We want our children educated. We want them cunning like the White man." That's an exact quotes that were spoken back then. So the Commissioner -- and they said -- also, there was missionaries that came out west here and a lot of our people were converting to Christianity, and including the chiefs. And some of them said, "We want the Good News brought to us as well and we want our children educated."
1060. So the Commissioner said, "Well, we don't, you know, provide services like that, i.e., the churches, you know." So what they said there were -- there are societies that do do that, churches do. So that's where residential schools were born from. The government agreed to pay for those -- build those schools, pay for them, but they paid the churches to run them. So that's how that started.
1061. So here we have one here, Dunbow here in Calgary, Edmonton we have Pawmakers (ph) and in Maskwacis there's one -- there was one at Ermineskin, and another one by Saddle Lake, Blue Quill's, just to name a few in Alberta here. And so, of course, we know the sad legacy of what took place in those schools, the mental, physical, sexual abuse of our people for generation upon generation upon generation. Every time a child turned five years old, back then it was Northwest Mounted Police would come in and take your child, take him to residential school.
1062. So what was happening was -- during this time, you know, like I said, the buffalo was dying out. And so they were making treaties, and so they were calling the different nations to come forward and they signed the second time at Fort Pitt, which is just next to Onion Lake Cree Nation, which is bordering the Saskatchewan/Alberta border, north of Lloydminster.
1063. And so they signed then, and there was chiefs like Big Bear and a lot of our chiefs were hunters. So he was out hunting with his people and he was late in the negotiations. And when he got there, basically he didn't want to sign because he wanted guarantees that we would not give up our way of life; that our way of life of hunting and gathering, fishing, would not be impeded, that we would always still be able to do that, that we would not be confined on reserves. So that's why he -- they never signed.

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1064.           And as -- but what was happening was there was starvation going on. U.S.'s policy towards First Nations was extermination. They were actually at a war with the First Nation's down south. It's all documented. Everything I'm going to tell you here you can research and you'll find out. Just go to Grandfather Google.
1065.           So -- but everything I tell you here today has been documented. These are facts. These are details what I'm telling you today.
1066.           And also, another thing too, what -- another clause in the treaty was that when the time of famine or pestilence, the government was to provide relief to the people. But instead what was happening was -- and these clauses go back to Sir John A. Macdonald, the Prime Minister of Canada, that basically we're going to starve these Indians into submission, and that's exactly what happened, right down to the Indian Agent. They withheld food or they let food rot. There's estimates of about 3,000 First Nations people dying out west here of starvation.
1067.           So right from the get-go Canada did not uphold their promises, and this is what was happening to our people. It was not only Papaschase Nation, but this was happening out west because they wanted to drive our people -- control our people and force us onto the reserves.
1068.           So now I'm going to talk about the Papaschase Band. So they realized that they needed to come out further west into Alberta territory and, like I said, we had fought with the Blackfoot people and we drove them down south. That's why they're down here. We took over central Alberta, the Crees did. So we took over Edmonton area.
1069.           And there was a Chief Lapotac. He was the head Chief at that time, but he got killed in 1861. And it is believed around that time that's when Papaschase took over. So you see the picture here, him as a Chief. So his brother, Tahkoots, who is also a headman, a councillor, was also a warrior, and they basically ruled the Edmonton area.
1070.           And when Chief Muskiptoon got killed, got killed by the Blackfoot down south, they would retaliate when the Blackfoot would go up north to Fort Edmonton. There's council battles that took place even right across Fort Edmonton where the Kinsmen Field House is today, the Kinsmen Park. They were watching from the fort watching Papaschase basically massacre a Blackfoot



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- tribe in about 1870.
1071.                So that's why I tell people -- that's why I tell the City of Edmonton and EPCOR and those companies every time you dig there's always a possibility of finding graves. And you know, I didn't get into the Rossdale burial site yet, but we lived on Rossdale and our people were buried in there, too.
1072.                So Papaschase and them lived around Rossdale, and they also buried their people in there. So we have evidence of 31 -- we have documented proof of 31 people that were buried down there, along with other Nations, people that came from Blackfoot, Sarcee, Stony, Assiniboine, Métis, also people that were involved in a fur trade are all buried there, where that new bridge is built. I'm sure you guys are aware of that, that situation. I was involved in that as a young councillor.
1073.                And when I looked at my family tree on the Bruneau side, I've got actual descendants -- ancestors that were buried in there, John Baptiste Bruneau, and a father and son, 1859 and 1861. So I have direct ancestors that are buried in there, including Papaschase people. So I have a very active role in Edmonton.
1074.                But the thing is, our people moved after they signed treaty. On August 21<sup>st</sup> in 1877 at -- if we can just go to the next slide, please.
1075.                August 21<sup>st</sup>, 1877, they signed treaty at Fort Edmonton. Now, this is the last version of Fort Edmonton. This is where the legislative grounds are today. The earlier forts -- the first one was built in 1795, and that's further down where the EPCOR power plant is today.
1076.                They're still finding remnants of these early forts, archeologists are. And they built -- of course, the power plant was eventually built there. But the burial site was being desecrated over the years.
1077.                And because of flooding in 1810 and 1829, then eventually they moved the fort up on top of the hill where this is the last version. They tore that down in 1914. There's still timber, lumber, that is used at Fort Edmonton from this last version.
1078.                So here is, you know, the cemetery that was down there at Rossdale. So it was a communal cemetery. But because of the church's involvement, you didn't bury the people in Methodist if you were a Catholic. If you're Catholic,

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- you're buried in Catholic. If you're a traditional, you're buried in another area. So there's estimates of upward about 200 people that are buried down there.
1079.                So I say that because not only were our people buried there, but we moved to the south side on the other side of the river. But like I said, our people used the river, and also hunted and gathered on the south and then east of Edmonton.
1080.                Now, also I want to mention this. The Cree word for Edmonton is Amiskwaci. That's a shortened version. The Cree word for Fort Edmonton is Amiskwaciwâskahikan, Beaver Hills House. So like I mentioned, the Beaver Hills east of Edmonton. So that's how we described Fort Edmonton, Beaver Hills House, Amiskwaciwâskahikan, in short Amiskwaci.
1081.                And so the Indian Agent and others, they decided to bring surveyors out here into Edmonton and they started surveying the reserve on the south side, and that was started in 1880 and completed in 1884.
1082.                But in the meantime, there was politicians like Frank Oliver. He was also the owner of a newspaper called the Edmonton Bulletin. And he used his bulletin and he used his influence as a politician to basically fight against the First Nations and treaty rights and champion settlers' rights and settlers' acquisition to lands, and he used his newspaper with much influence.
1083.                And he became a Member of Parliament and he would go to Regina and he would use his influence there. And they sent -- he and other settlers and politicians sent two petitions to Ottawa in 1880 and 1883 with language saying that Indians are bad for business, the land is needed for better men, and we want these people relocated out of here and moved away from this area, even though it was our home. So he saw the potential of what Edmonton could be.
1084.                But there were two towns at that time. There was Edmonton on the north side and there was also Strathcona on the south side. And today, you know, that's where you get the term "Old Strathcona" and "Whyte Ave". And so there were two towns, and they're fighting for supremacy.
1085.                But Frank Oliver and his friends, they were actually real vigilantes. They were a vigilante group, and basically standing up for their own land rights. And early settlers, early forefathers of Edmonton, were part of this group, and they basically won over and Edmonton became the capital of Calgary -- I mean of

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Alberta.

1086. But Calgary was also to play a part in the development of Edmonton, and I'll explain how. Canada wanted to expand out west here, like I said, and Edmonton was lobbying for the railroad to go from Regina to North Battleford along the North Saskatchewan to Edmonton and then they can go to the mountains. So we still have -- we have those lines today, okay. That was after the fact.
1087. But what Canada was wanting to do was they wanted to join Confederation or they wanted Canada to join from sea to shining sea, and the way to do that was the railroad.
1088. So in 1857 they already sent a Palliser expedition. They already scouted out the land. So they already knew what resources were out here. They knew the rich farmland that was out here. They needed desert, but they needed mountains. And they saw the bounty, the resources. And so they wanted the different areas to join with Confederation.
1089. And B.C., British Columbia, said that they would only join if the railroad was brought to them. So basically, the quickest way is a straight line. That's the fastest way, right. So they went all the way across Canada through the shield, across Manitoba, Saskatchewan, Regina, right to Calgary, and then all the way to B.C. So Lord Strathcona in 1885 drove that last spike in. That's that famous photo. So finally B.C. joined.
1090. But the thing was the settlers, the one with Frank Oliver and other politicians, they were furious that the rail line went to Calgary first and not Edmonton like they were lobbying. So to appease -- but Canada had their own agenda, right. They needed to create Canada across the board. And so to appease Edmonton they said we'll build a spur line from Calgary to Edmonton.
1091. So in the meantime, there's a few other events that was taking place. So this all culminated into evicting our people out of our lands and territory. It was the 1885 Riel Rebellion.
1092. But like I said, there was starvation already going on. Our people were just surviving. And the last known buffalo hunt was in 1879 and it came all the way down south here and down into Montana. But they were unsuccessful because the buffalo was almost decimated where once they used to number in the

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millions.

1093.           And so our people were starving. Indian Agents were withholding food or letting it rot. And they -- then because we were supposed to get farming implements, we were expected to grow food. And they sent out farming agents out here. And that was a flop because they were expected to not only farm their own crops but also to assist the First Nations. They couldn't help us because they were so busy growing their own gardens. So it was a fiasco. It was a flop.
1094.           But our nation did manage to grow some crops, and I'll get into that a little bit. But what happened was, there was discontent with the treaty with the First Nations because the government was breaking it already. There was discontent with the Métis because they weren't happy because they were driven out of Manitoba, Red River, and driven out west here. And they brought Louis Riel back up north from Montana. And they all joined forces again.
1095.           So they fought in Duck Lake, like I mentioned earlier, and Batoche, and they wanted the First Nations to join them. Big Bear's band and Poundmaker's band joined them. But they sent tobacco because that's what we use in our -- with our traditional tradition, is tobacco. That's what we request from somebody. So you are requesting my information today, that's why the gift of tobacco.
1096.           But my ancestors were presented with the gift of tobacco, the Papaschase Band, the warriors, to join in the Louis -- the Riel Rebellion. But what happened was they had a decision to make. And in 1884, the Maskwacis chiefs came up to Edmonton, stopped at Papaschase Nation first, collected Papaschase and his headmen, went across the river to Fort Edmonton, and confronted the Indian Agent because he was withholding food and our people -- their people were starving.
1097.           And he sent a letter to the Prime Minister back then and in this letter, they said -- it was a threat because they knew what was happening with the Métis, that they were going to revolt -- it was a threat against the government. They said, "We'd rather die by fighting than by starvation. It's better that you deal with us now rather than later and face the consequences."
1098.           So -- but they also said that our women were having to prostitute themselves just to feed their families. So this is the state of our people. And down south here -- you know, I'm not trying to denigrate everyone; I'm just giving

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- you facts. Down further south, they used to have Fort Whoop-Up, which was a whiskey trading fort. And they had that in the northwestern States. And that's what the fur traders used against our people as well, alcohol. And that was one of the things they used in their negotiations. They would give up -- when the chief and his headmen would show up at the fort, they would give them alcohol to make them much easier to trade with. So this was common practice.
1099.           And so I'm setting the stage for you. And so this is what was taking place. And they wanted to try to force the government's hand. Their people were in desperate situation, so the Riel Rebellion happened. But the thing is, Papaschase and them, they didn't join in. They had a decision to make.
1100.           And here's another thing, too. The people in Fort Edmonton, they barricaded themselves at this fort. There was only 250 people at that time and they barricaded themselves at the fort, whereas us First Nations, we could have easily amassed our army of 1,200 warriors if you include Papaschase, Enoch, Alexander, Alexis, Michel Band, Paul Band, and the Maskwacis Bands. We could have easily wiped them out if we wanted to. But we honour and respected the treaty. And in the treaty, it says we're to live peacefully with each other or to abide by the laws, and we're not to hurt or harm each other. That's what it says in the treaty, if you read it.
1101.           And so that's what we adhered to. So we decided not to get involved with the rebellion. And we kept the peace. And Frank Oliver, in his newspaper, you'll find that if you knew the history, in a backhanded way, he compliments the Papaschase Band along with other Nations, glad that we didn't get involved.
1102.           And -- but we did contemplate it. There's a report in his newspaper saying that he walked from Fort up to Jasper where he had his little house and his newspaper shop and for four days straight, he said he was walking by and he heard the drums, the drums of the Papaschase people contemplating war, drumming. And basically, he was making mention in his newspaper. He was saying, "That's good they're drumming. It means they're still thinking about things. But if they stop, then you have to worry."
1103.           But we chose the way of peace because our people were starving. If the warriors left, how many would come back? And the only ones that were left were the women, children, and Elders. And there was a lot of animosity and dissention towards First Nations, but especially Métis. St. Albert was a big Métis community and so there was always talk of retaliation.

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1104. And the federal government did retaliate against the Métis and the First Nations, and I'll tell you how. One of the ways was the institute of the pass system. They can find the people on the reserves, so for 60 years the pass system was in place from 1885 to 1945. And today, that's proven to be illegal. That's one way.
1105. Another way was Beardy's First Nation, which was right next door to Duck Lake and Fort Carleton, they punished not only their bands, but also close to a dozen other bands for helping, if they provided food or supplies or whatever, shelter, if they helped the Métis or Poundmaker and Big Bear's Band in any way, which they did. Government found out about that, they withheld their -- even though it was agreed to by treaty which is a international contract -- they broke that contract. They withheld treaty payments and rationed food for four years, from 1885 to 1888.
1106. And that -- and there was a case that went recently and that was won. Beardy won that case and now there's those other nations are lined up as well, getting their day in court. So there was the restitution for that. So the government was very vindictive.
1107. And so -- and we stay out of it. We were repaid by our band being broken up and our lands being illegally taken away, and we'll get into that.
1108. So the government was scared. So they introduced what was called -- could we go to the next slide, please?
1109. So now, I want to focus on the reserve. So according -- like I said, the formula, one square mile for ever family of five. It was surveyed, and so this is south Edmonton. You can see it's surveyed for the Papaschase Band. But we also had other names. Papaschase means "woodpecker" in Cree. So sometimes we found -- came across documents that said "The Woodpecker Band," or, "Woodpecker chief". That's referring to Papaschase. Or the Two Hills Band. So as you can see at the top of the survey there's a couple of hills, two hills. And that's what they were also called, was the Two Hills Band.
1110. So you can see the river, okay? That's downtown Edmonton. And so this boundary here, okay, I want to tell you, the north boundary today is 51<sup>st</sup> Avenue, the east boundary is 17<sup>th</sup> Street, the west boundary is 119<sup>th</sup> Street, and the south boundary is 30<sup>th</sup> Avenue Southwest. So 30 blocks south of Ellerslie Road.

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1111.           It's kind of hard to point out but it's -- you can see kind of like a -- on the left corner, left-hand side, lower left corner, there's look like waterway. That's Blackmud Creek. We'll talk about Blackmud Creek in a bit.
1112.           But Ellerslie Road runs right along there, okay? So 30 blocks, so that's north on this cube, north of Beaumont, just to give you an idea. So 40 square miles south Edmonton. This was an actual survey, right? So Papaschase officially recognized as a band and got an official survey.
1113.           But what happened was, because of the Riel Rebellion, the federal government decided to bring in Métis Scrip Commission to appease the Métis, to finally acknowledge their Métis rights and their Métis rights to land. So they came home with two scrip. One of them was for the grandfathers, those who came from Red River, which was 160 acres, or they can take \$160. And the children or grandchildren would be 240 acres or \$240. And back then, that was a lot of money.
1114.           But what happened was, like I said, our people were starving. And today there's only evidence of one per cent of land actually being acquired by this Métis scrip. The rest of it was all bought by Métis -- by scrip speculators because of the starvation. And what happened was First Nations got in on this, too, because their people were starving. And some of the members of the Papaschase Band in 1885, 12 members took this Métis scrip. But the thing is, because they did not look Métis, they were First Nations, they had to get people to lie for them saying -- like they self-identified as Métis.
1115.           The Bobtail Band, which was part of Maskwacis, that was Chief Ermineskin's brother, most of his band took this Métis scrip as well. That's why you don't hear about Bobtail today. You hear of Louis Bull, Samson, Montana and Ermineskin Nations today. You don't hear of Louis Bull -- I mean Bobtail because they were absorbed into the other Maskwacis Bands. And that's what took place with them.
1116.           But with Papaschase, so the Métis scrip commission came back in 1886 and a good chunk of the Band took Métis scrip. There was a lot of starvation.
1117.           The government wasn't withholding -- upholding their promises to treaty. There was famine going on. They weren't providing rations. Excuse me.

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They weren't providing relief to the people like the treaty said. They were starving the people.

1118.           And even though against advice, they were still taking this Métis scrip. So when they did that, what happened legally was they went from a full-blooded treaty Indian to a half an Indian, a Métis. And in the *Indian Act* it says that Métis cannot live on a reserve. So that's what the *Indian Act* -- or the Indian Agents and government officials told the Papaschase members who took Métis scrip. Well, it says right here on the *Indian Act* you're Métis now and you cannot live on the reserve. You got to go. You have to leave. So those members were removed. They had to leave.

1119.           So our people grew crops and were growing some crops or trying, right. And so they would -- they lived in various areas in south Edmonton. So there was -- I remember hearing stories of when they would do pow dances at Whyte Ave. It's Strathcona area. They would go back home to McKernan Lake.

1120.           There used to be a lake there south of university area. That lake is drained today. Now we have, you know, the McKernan neighbourhood built on it. But that's where people would go, you know, of course, because you always have a -- you need a water source and there was fish in there. That's where they had their camp.

1121.           And then also the Two Hills, there was a lake there, too. That lake was drained to make way for the freeway, so there's no lake there today. But our people used that and they used the hills as an outlook. You can see who was coming and going because at Calgary Trail was -- and they'll tell we have Gateway Boulevard, all that, where you can see. I'm just trying to point it out.

1122.           If you look at the map, okay, on the left side, there's one column, two columns. And you can see kind of like a trail going up and then it kind of meanders off on the northwest corner. So it didn't go in a straight line like we have it today going right to downtown. It meandered off and it went down towards the river and then it would go -- and you would cross the river to Fort Edmonton. That was the Calgary Trail. It took two weeks by horse to make the trip down here.

1123.           And so that's what our people used, our ancestors, the hills, to see who was coming and going. That's the way that we can see if our enemies, the Blackfoot, were coming. We were ready for them.



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1124.                   And so next slide, please.
1125.                   So now you see the same area. And you know, this -- and this here today is where our reserve is. We superimposed that on the map. So this is south Edmonton. And you can see various roadways going through there. But in particular you can see a pipeline going through the reserve along the Anthony Henday Highway.
1126.                   But the thing was, our people were living down in south side, various areas, and we also buried our people, too. And so early on, before I became councillor for my Nation, that's one of the tasks I was given as a young man, to help find a burial site.
1127.                   And an Elder used to talk about this and he would join our group from Maskwacis. He was Lake Francis Soto from Ermineskin or Pigeon Lake. He was from there, too. And he used to talk about this burial site and he, as a child, when he was in the forties and fifties they would come by wagon and they would come to BlackMud Creek. In the Cree it's kas-ki-te-oo asiski.
1128.                   And there's a park down there that's named that, still bears that name. That's what we call it in Cree, kas-ki-te-oo asiski, BlackMud Creek.
1129.                   So they would come there when they would have ceremonies because they had people buried down there, too. So what happened was -- I just want to finish off with the reserve, though.
1130.                   There was 82 members left. So instead of those -- reducing the size of the reserve, which should have happened, they didn't. They forcibly removed them over to Enoch. So if you look on this map, on the left-hand side you can see Enoch. That's how close -- and then -- but that's only half the reserve. Their reserve goes all the way up to the river as well. They lost half the reserve through illegal surrenders as well.
1131.                   So at one point in time we were only three miles apart and our people regularly -- and so where that bridge crosses the Henday where this pipeline is going to be going through, that was our river crossing. That's where we went back and forth. And so when -- and Treaty -- Pay list can -- our oral history tells us this because we have relatives at Enoch as well. And most of the -- most of Enoch is made up of Papaschase Bands, Papaschase people, because those

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remaining 82 were forced to go to Enoch.

1132.           And the government was trying to say that they had -- they willingly left. They didn't. They were forced.
1133.           Elders told us that they were -- some people were killed, women were raped. They had to forcibly leave from that area. And by 1887 there was nobody left. And that was part -- but that was part of Frank Oliver's and the local settler's plan, was to get the Band out of there, open it up for settlement, sell the lands at auction and bring people in. And even if -- one of Frank Oliver's articles, it's called a tax-eating proposition. In other words, if we leave these Indians there, they're not going to pay taxes. You don't have to pay taxes. And basically, we're going to use our taxes to provide everything for them because of this treaty.
1134.           They need to go, so we need to bring in settlers who will pay taxes. That was the beginning of Edmonton.
1135.           Another factor, too, was, like I mentioned, the railroad. CPR Railroad said -- they said, "We'll build that line to Edmonton, but only if -- we'll only build it to the south edge of the reserve, which is north of Nisku, because if those Indians are still there, that's only as far as we're coming to". So that was another reason to remove the Papaschase people, and so they had to go.
1136.           So by 1887, nobody on the reserve. And then the rail line was built, brought all the way through. Then, of course, that led to expansion of Edmonton. And you can see -- if you do the research and study 1890s, early 1900s, you can see astronomical growth from a community of 250 people, you know, 1880s into the thousands early 1900s.
1137.           And then, of course, becoming the -- you know, the capital of Alberta, you know, and Rosedale, where our ancestors lived, that's where a lot of this took place. That's where the province was inaugurated. That's where the city was inaugurated. So that's a very historical place, but it was a way of removing our people as well.
1138.           So what happened was not only did they go to Enoch; they went to Maskwacis. They went to Alexander, went to other Nations. And like I said, my ancestors went to Kehewin.
1139.           And so now today there's a number of descendants, and that was

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mentioned here earlier, that they're on other nations. All Treaty 6 nations have Papaschase people. Down south they have Papaschase people down here. Treaty 8 territory there's Papaschase descendants. There's B.C. as well; I am in touch with many. Kamloops, Surrey, Vancouver, Saskatchewan, descendants there as well. I know descendants, and I'll probably be meeting them when I go to Ottawa soon, there's some out there. So our people are scattered all over.

1140.           And that's what we attempted -- we were doing when we had our election in 1999, was to restore this nation back to its proper place as the 19<sup>th</sup> Treaty 6 Nation. And that resolution I showed you before at the beginning that's basically the chiefs acknowledging us as the 49<sup>th</sup> nation in Alberta here after the Lubicon people have been recognized recently. So we're taking our rightful role, our rightful place, and it's finally being acknowledged.
1141.           So next side, please.
1142.           So now -- so this is a close-up view. So in red, the line, you have the pipeline route, and then in the circle -- and the waterway you can see it's indicated "Blackmud Creek". So it goes all the way across, all the way up, and then joins. That other body of water is the Whitemud. Okay? So Blackmud joins the Whitemud at that triangular part and continues on to North Saskatchewan River.
1143.           So this pipeline is going to cross two waterways, also North Saskatchewan River. So we have concerns about that. But there's also -- you know, this map doesn't really show -- do it justice when you see the plants and animals and everything around there. Edmonton is very much of a green city. Along the river -- the North Saskatchewan River there is lots of trees, you know, and along these creeks they -- or these -- they're small rivers, really. There's lots of vegetation, lots of animals and everything in there. So there's concern there as well, you know, with these crossings.
1144.           But also importantly in that area that was the last area that I'm talking about where Papaschase people were moved from, and they were moved across the river to Enoch. And so we're in the process of looking for this burial site. And I've taken a -- you know, that was kind of on the back burner because of Rosedale. Rosedale came up after we got elected in 1999. We were approached by activists and said "You guys, EPCOR wants to expand its power plant downtown but there's a burial site and you guys have people buried in there." When we looked into it, sure enough, 31 people buried in there. So we were involved in that, plus our court case. So this was on a back burner.

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1145.           And I started initially looking for it, and so we knew it was always there but Rosedale took precedence. We had to deal with that first. And it's good, because in a roundabout way it's led us here, and I'll explain that. Because we got involved with the hearings, and back then it was the EUB hearings, and I made presentation there, and got standing there as well, because, like I said, I got family ties in there. Then we were meeting with the city and we told them there's human remains taken out, they were at the university, and they found human remains in 2001. We had a repatriation ceremony in 2005 and we said, "We want a monument," so they built us a monument down there. And that's what you see when you come off the bridge. It's on the corner there of 105<sup>th</sup> Street and River Valley Road, a monument's there.
1146.           So when we had those meetings they told us we need to replace the Walterdale Bridge, and, you know, and I can be a joker at times and I said, "Well, we'll cross that bridge when we get there." And so -- but the thing is they stopped meeting with us after that. You know, our case was thrown out, nothing was going on, and we weren't having meetings with the City.
1147.           And I found out in 2010 that the City was going ahead with their plans. They talked to five people, Aboriginal people, in Edmonton, calling that consultation. And I was up north hunting, and I told my friend that, who tipped me off, I said, "That's not consultation." I said there was more of us; there was other nations; there was Metis groups; there's historical groups; there's other people that were involved in those past meetings. I said, "There was more than five people in those meetings. That's not consultation." I said, "We're going to deal with this."
1148.           So I came back 2011, and our previous chief, Rose Lameman -- up until that point she was chief for 12 years. She was our first chief ever since Chief Papaschase. Because, like I said, our band was broken up, dispersed, you know, and so we were reunited, reorganized ourselves. So she was chief for 12 years. And I told her what we needed to do, and also we need to refile our claim again. And she said, "I'm stepping down. So you're ready, you're taking over. You're chief now." We still had our election.
1149.           But after that I thought we have a right to peaceful protest. So in January 2012 we protested down there at the burial site, got media coverage on it. The City called us in and basically a consultant in those meetings, and their City lawyer, said that they didn't need to talk with us. I said, "You guys blew it, that

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- consultant blew it.” I said, “Your lawyer,” I said, “he needs to know his law.” The reason why I say that is because there’s a Supreme Court decision that says -- *Delgamuukw* -- governments have a duty to consult with First Nations and Indigenous groups. And I said, “You guys blew it.” I said, “I have people buried in there.” I said, “I want site monitoring and I want archeologists every time you dig, because you’re going to be digging -- put this bridge by a known burial site and by an archeological sensitive area.” Because they’ve been -- archeologists are still finding remnants of the fur trade, but they’ve also found an 8,000-year-old stone knife. So that shows that there’s been Indigenous occupation in that area for thousands of years.
1150. And so when I told them that, that reached the Province and the Province stepped in and ordered them to consult with Treaty 6, 7, and 8, Papaschase, Michel Band, and Metis Nation. So it elevated us to a consultation partner. So when they started construction in 2013 the City created an Indigenous Relations Office. That’s the only office in Canada. They had to do that because of us, and so they instituted this.
1151. So that’s why Nations like Tsuut’ina, and Kainai, and Bloods go up north to Rosedale to site monitor. That’s because of the Papaschase Band. That was us who did that and paved the way for these other nations to site monitor and to site view the work that was being done by archeologists.
1152. And we saw what came out of the ground. There was artifacts. There was animal bones. You know, I personally saw on another site a 2,000-year-old arrowhead last year. So there’s still artifacts being pulled out of the area. And recently -- I’m friends with professors at university, they showed me -- and I’ve got pictures on my phone of artifacts, stone spears and arrowheads going back 11,000 years in the Edmonton area and even up by Lake Wabamun. So they’ve been finding these. So there’s been Indigenous occupation for thousands of years, okay?
1153. Now, I can’t go because of my limited knowledge going back how far, you know, our nations went, but we were in this whole area. And so we’re looking for this burial site, and now we’re on it now. Because Rosedale pretty much, you know, has been handled. Now every time they do something in River Valley they have to consult with us and other nations. So that’s what’s taking place.
1154. But that led up to EPCOR/ATCO because they had to do work in

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Rossdale to consult with us and other nations. That led to TransEd, who are building the LRT lines, to consult with us and other nations. That led to Enbridge with their Line 3 consulting with us and other nations. And that led to other companies and corporations consulting with us and other nations, because of all this work.

1155. And so now, you know, we want to bring this to your attention, because we're looking for this. We had a recent Band meeting and through this one professor that I know, we were talking last year and he said, "I want to find this burial site" because we've been consulted by the City of Edmonton, TransEd again, because of this and they want to build a line to out west towards Enoch. But they want to build a line through here. And I want to point this out.
1156. At the top of this circle on 11<sup>th</sup> Street and 23<sup>rd</sup> Avenue, that's where a train station is right now. So they're going to build that going all the way down to the airport. So that's going to run through. That's also something else that's going to run concurrently with this pipeline, okay.
1157. So I just want to make that clear. And we've been consulted on that. I went on site visits with other Nations, you know, with -- this summer, in July. We went on three site visits with them here, west end, and up towards St. Albert because they want to go from NAIT to St. Albert.
1158. So I bring this to your attention, and these are our concerns. But also, that we have people still who harvest in the area even though it's -- you know, people think it's developed and all that. There's still lots of berries, there's a lot of sage and sweetgrass that our people still pick.
1159. There's still berries out there that our people still harvest. And even fish, believe it or not. North Saskatchewan, not so much, but it's actually cleaner here than it is down the river.
1160. And that's what we want to do, too, is because of the site monitoring that we've been doing down at Rossdale, we want to participate in this to be environmental monitors as well. And that's what I want to set up anyway because I got that idea. I said, well, we want to be stewards in our land, our land and our territory, you know, with what development is going on because that's -- the thing is, we're playing catch-up. We have limited capacity.
1161. And there was recent stories about burial sites on the south side

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- because there's other sites as well that we're looking into. But that was to bring attention to these burial sites, hopefully, that developers -- because what's happened and what's taken place is, our people, our sacred sites have been impacted, and Rosedale is a good example. They weren't respected.
1162. I'll tell you another one. There's one out by Fort Vermilion north of there. And this was told to me during those EUB hearings. An older fellow, he's probably not alive today because he was around 80 at the time -- this was around 2001 -- he approached me. And my colleagues, the other activists were getting interviewed on the news. I didn't really want to participate in that.
1163. So he come and talked to me. He says, "I got to talk to somebody". He says, "All this talk about burial sites has triggered my memory". He says, "When I was a boy, a young man, I worked for the Department of Highways. And we were cutting a road north of Vermilion". And that's towards Vagreville, if you're not aware of the location.
1164. He says, "We were cutting the road with a skidder, with heavy equipment, and they came across an Indian burial ground", he said.
1165. I was excited. I thought, "Hey, where is it? Do you know location? Did you guys contact the First Nation? Did you guys talk to the province? You guys call the police?" like they should be doing today, right. And he said, "No".
1166. I said, "Well, what happened?" He said, "Well, the foreman ordered the CAT operator to dig a big hole on the side, pushed them all in there, covered them up, and they kept going".
1167. I was disappointed. And I still know that history. But until that's encountered, somebody develops on the site or anything like that, it's probably never going to be found. But I'm talking about desecration of a sacred site and desecration of a people.
1168. And so that stuck with me. So that's why I've always tried -- wanted to -- because Francis Saulteaux, the elder who used to talk to us about this site, he's passed on now. He was on our council. I can't go to him today and try get more information. And I wish he was.
1169. So that's why I'm trying to -- so we've teamed up with Dr. Kisha Supernant from the University of -- Anthropology, University of Alberta. And

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she has GPR, ground-penetrating radar. And they were looking this summer, her and her colleagues, in Saskatchewan at a residential school trying to find burials of children who died going through those schools.

1170.                So now we're talking about trying to find this burial site. We have some probable locations, but it's difficult to tell because of development.

1171.                And Francis Saulteaux said that everything changed over the years because of development. He used to know where it is. And that's the frustrating part. So hopefully with the ground-penetrating radar -- and another thing, too, is we don't have the capacity to do a traditional land use study. We haven't been able to do one.

1172.                And because of our status as a non-recognized Band, we can't access funding like recognized First Nations. But that's going to change now because of these resolutions and because the Canadian government now is recognizing us. Now we're able to access funding. And hopefully we can get a traditional land use study done. And we're going to have an Elders' gathering next year, I'm hoping.

1173.                And -- except there's still Elders out there that do have information. We won't have the capacity to sit with them and to talk with them and -- like other Nations do.

1174.                So that's what I wanted to, you know, show you guys, that we are directly impacted by this. And these still are our lands and territory. We did not surrender this. And I did not even get into the surrender yet.

1175.                What happened back then in 1888, like I said, everyone was removed from there. So the Government of Canada realized that they needed to take a surrender of these lands if they wanted to sell it and they wanted to bring settlers in there. So what they did was, they called a meeting. So -- and according to their laws, they said they had to go by on or near the reserve. Nobody was on the reserve, so they went to Enoch. And from the pay lists, that's how they kept track of our people back then, from these pay lists.

1176.                And not only that, the other thing the *Indian Act* did was took the right of our women to vote. So it was only -- it's a paternalistic racist document. And that document basically pushed our women aside. They couldn't vote. So it was only males over the age of 21.



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1177.                So they went to Enoch. Three guys show up, James Stoney, Napisis, and Antoine. And they agreed to a surrender. But it all -- but in section 39 of the *Indian Act*, it says that when -- a surrender is valid only if it's surrendered to the Crown or the Queen and if it's consented to by a majority of voting members.
1178.                Now, the voting members that we saw were between eight and 10 at Enoch. If you go to Alexander and Maskwacis, that increased to about 25 men over the age of 25 -- age of 21. But they didn't go there.
1179.                But the *Indian Act* has another clause that was ignored. It says that when you have a first group and they get consent there -- and there was, three out of three -- it said they had to call a second meeting within 30 days and get the rest of the voting members. So if there was eight men that should have voted, to get quorum, you should have had at least five to agree to that, right. They only got three. They never called that second meeting to get these other men to vote.
1180.                That's Canada's basis for a lawful surrender of our reserve. That's why we still dispute that. That's why we say Edmonton is built on stolen lands.
1181.                So we are still claiming that these are still our territories. We're still asserting jurisdiction and sovereignty over these lands.
1182.                And so I've been telling that to the government. I've been telling that to the city. And they're acknowledging that what happened was wrong. And so in our discussions with the federal government, that's what's got to happen, is an Order in Council has to go through rescinding this surrender and acknowledging our Nation.
1183.                So that's where we're heading to. That's why I'm saying it's only a matter of time that we're acknowledged as a Nation and our claim is going to be settled, just like the Lubicons.
1184.                But so this -- now, this proposed pipeline so happens to be built through it. So the first one is there. We already know there's a pipeline there. We already know there's tank farms there. But our people have never been consulted. We've never been compensated.
1185.                And so that's what we want to bring to your attention today, that we are directly affected by this and we live in Edmonton. A lot of our members live

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- in Edmonton, but a lot of our people are scattered as well, too. But we are at the beginning of this pipeline, so we were left out of any previous discussions and consultations. We should have been because the work that we did by filing our claim and by dealing with Rosedale, we should have been on the radar of Canada and Kinder Morgan. We weren't.
1186.           And so that's why I'm glad that we're here today, you know, that we're given a chance to be before you, to present this very important information. And it is important, because this is going right to our lands and territories, and this directly affects our people. And so we want to present this information to you, and to keep the doors open for discussion and dialogue because, you know, this directly affects us and we want to present this oral evidence to you so you can make a better decision as well.
1187.           But I also want to go on the record in saying that, you know, like I agree that there are technologies out there, and this pipeline needs to be replaced. And I believe also that, you know, that with proper technology we can detect oil spills, but mainly where the spills have been happening is at the stations, not on the pipeline route. There's been no major oil spill. And with what little research I've done, you know, on my own, you know, I've tried to understand what's going on. I didn't realize there's a pipeline in place there, but it needs to be replaced.
1188.           And by the same time too, with down, you know, in Burnaby area and all that, here's my take on it. I think if they're involved and they're concerned about the environment and about the whales and all that, safely take out the tankers out to the ocean so that way they're not impacted.
1189.           And, you know, I don't agree with -- I believe it was the Premier or whether it was Mayor of Vancouver, one of them saying that to replace the revenues coming in from the pipeline, that they should bring in I think it was about 240 cruise ships to B.C.'s port to bring in the economy, bring in billions of dollars to replace the -- I don't agree with that. You know why? Where do they dump their waste? In the oceans. And I did not know this. That's 240 cruise ships, and who knows, there may not even be a tanker spill at all.
1190.           So to me, there's a lot of misuse of the facts here. And I think with proper technology that we can get this pipeline built and also with proper monitoring. We want to monitor what's going on here in our territories. So, you know, so we're looking at -- and also we want to be involved in the construction of this thing. And so we're looking at building our capacity and we are. Before

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- that decision came down, we were already working on that. We want to be part of -- because we are the second highest population in Canada behind Winnipeg, Edmonton is. We have close to 70,000 urban Aboriginal people. And a lot of our people face high unemployment, racism. A lot of people can't get jobs just because of the colour of their skin. But also, they're lacking education as well.
1191.                So what we want to do is have an employment and training centre or -- and we've been dealing with industry. And so that's why the tank farms and all that and the City of Edmonton we're targeting because we're creating partnerships and we also want to get people working on this pipeline as well.
1192.                So we're looking beyond just our own nation. There's people in Edmonton that need jobs and employment.
1193.                And another thing too, and I want to state this for the record, and you may have heard of this group, we're also part of the coalition. I helped to spearhead this coalition to get equity ownership into this pipeline. And that's with First Nations and Métis in -- across Alberta. And so we have been in discussions with different groups and we also -- recently we're in discussions with B.C. Nations, looking at forming a national coalition to gain equity ownership into this pipeline. Because that's another thing, too, is we want to combat poverty on our nations. And we know that many nations are -- in B.C. are in favour of this pipeline as well, because they had agreements with Northern Gateway, and they were upset that that pipeline was shut down.
1194.                You know, and they were counting on that. They were counting on the jobs that -- and their revenue that they were going to get from that, same with this pipeline. But the fact is, we have never been compensated, nor consulted. Our people have never benefited from this pipeline, the one that's already there, nor the tank farms. So we want to be equity owners as well, too.
1195.                And so I'm presenting this information to you, you know, for your information and to really look at taking this strongly into consideration. You know, because this has an effect and impact on the -- you know, this pipeline being built. But we agree that there are technologies out there that can help, you know, mitigate any spills. You know, there's centres out there. There's, you know, double containment pipelines that we hear of. And there's also new technology that's coming out where the transfer stations are. So we're aware of this stuff and we agree with it. And at the same time, too, we like to see the oil getting down to market as well. Because as an owner, that's what we want to see.

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We want to get -- and then also our economy. We also want to see our nations benefit and prosper as well.

1196. And that's why we're -- with this coalition across Alberta and including the Métis groups as well because we want our people to prosper. And so not just Alberta, you know, because another thing too is -- here's another problem, and hopefully this will help to turn things around, the *NRTA Act*. You know, what that does -- you know, in Section 10 it says that when there's any outstanding treaty obligations, you know, between the federal government or the Crown between First Nations, they're supposed to be taken care of first. The province and the municipalities are supposed to step back as though they don't exist. They're supposed to deal with these outstanding treaty obligations. That hasn't been happening. Our treaty issues have been put on the back burner. In the meantime, resources have been taken out and we've been subsidizing the rest of Canada. Meanwhile, we get peanuts.

1197. And so that's what we've been telling the message to the government lately. Deal first with treaty issues, then let's -- then, like the treaty said, let's share in the land. Let's share in the resources. Let's share in the revenue. And that -- because, as you know, there's a lot of poverty on the reserves and this can go a long way to helping to alleviate some of that.

1198. And so is there another slide? Okay.

1199. We've already been through this, but also here we're looking at training for our people, but that's also with construction, but also maintenance. You know, and that's what we want to do and get our people trained and employed. But also in Edmonton we want to engage industry and keep our people working. But we also want equity ownership into this pipeline and to, you know, work together. The Cree word working together is *keyano*, means, you know, working together. *Keyano*, you and I, right?

1200. And I think that's the message that we're trying to convey to the government. We've been talking with different government people and that's why you hear in these news stories talking about, you know, Indigenous ownership, you know, because that's on their mind, too. But the thing is, it's how we get there, right; how we join forces.

1201. So that's what I want to bring to you today, our history, but how we can move forward, but in doing that we also need to be consulted with and

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- accommodated as well. And I'm not going to get into too much of the accommodation, but just -- I just know what we want and -- but at the same time, too, I know that this pipeline needs to be built and I'm in favour of that.
1202. Do you have any more? I think we might have one more.
1203. Okay. Well, anyway, here's another resolution from the Confederacy backing us up, another one. Well, this is resolution acknowledging us as a 49<sup>th</sup> First Nation in Alberta here. And, yeah, next one. Yeah, we've been talking about the federal government ministers and looking at addressing our claim and then getting the official recognition. And here's the companies I mentioned about, Enbridge, TransEd, ATCO, just to name a few, and that's the end of it.
1204. So that'll conclude the -- my presentation, you know. I thank you for the time to hearing our evidence, our history, and our role in this matter. And basically that, you know, I'm here representing our people and they know I'm here. And there is a live link, and I'm sure some of them are listening as well. And so we are -- you know, we're thankful that, you know, we're acknowledged, that the right thing was done in acknowledging us, our nation and that we're sitting here today.
1205. So with that, I just thank you. Thank you for your time. Ayhay.
1206. **THE CHAIRPERSON:** Thank you.
1207. Do you have any question, Mr. Duncanson?
1208. **MR. DUNCANSON:** No, Madam Chair, we don't have any questions.
1209. But Chief, thank you very much. I certainly learned a lot this afternoon, so thanks for coming and sharing that with us.
1210. **THE CHAIRPERSON:** Member Lytle has questions.
1211. **MEMBER LYTLE:** I have hundreds of questions, but I'll limit myself to one.
1212. How big would you be? How many members will you have when you're reconstituted, if, in fact, that happens?

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1213.           **CHIEF CALVIN BRUNEAU:** Okay. So when we initially reformed ourselves, we were about almost 300. We had our first election. But when we filed the claim in the Court as a class action lawsuit, a lot of descendants started coming out and doing their history and genealogy because we had to trace our lineage back to the original Band. So that grew over time.

1214.           So now, today, we're a little over 1,000. And -- but that's a conservative estimate because there are many others that haven't come forward yet, and they're -- like I said, there's others on other nations as well, and plus the Métis settlements out in B.C., Saskatchewan that are scattered.

1215.           So there's thousands of descendants out there still that haven't come forward, but to date there's probably about 1,000.

1216.           **THE CHAIRPERSON:** I don't have questions, but you're a good storyteller. You had me on the edge of my seat trying to figure out, you know, what had happened, so...

1217.           At this point, it's time to close. And I would like to acknowledge you for your story, traditional knowledge that you shared with us today. It's a story in the making, I understand.

1218.           So we will consider all we've heard and we will decide on a recommendation in this hearing. And as a Panel, we will reconvene on Monday, November 26 in Victoria, B.C.

1219.           Thank you very much. Thanks.

--- Upon adjourning at 4:41 p.m./L'audience est ajournée à 16h41