

**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 1

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

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

**November 20, 2018
Le 20 novembre 2018**

**International Reporting Inc.
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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, Tuesday, November 20, 2018
Audience tenue à Calgary (Alberta), mardi, le 20 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
- Ms. Hope Anderson
- Ms. Cassie Richards

Intervenors/Intervenants

Natural Resources Canada

- Esma Mneina, Policy Advisor

Louis Bull Tribe

- Mr. Aryn Lalji
- Ms. Vita Dos Santos
- Elder Helen Bull
- Elder Ivy Raine
- Ms. Allison Adams-Bull
- Ms. Melanie Daniels
- Mr. Travis Adams
- Mr. Trevor Laroque

Makah Tribal Council

- Mr. Chad Bowechop

National Energy Board/Office national de l'énergie

- Ms. Carol Gagné

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**Louis Bull Tribe
Oral Traditional Evidence**

--- Upon commencing at 9:09 a.m./L'audience débute à 9h09

1. **THE CHAIRPERSON:** Good morning.
2. 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 the Siksika, the Piikani, the Kainai Nation, the Tsuut'ina Nation, and the Stoney Nakoda, including the Chiniki, Bearspaw, and Wesley First Nation.
3. The City of Calgary is also home to Métis Nation of Alberta, Region 3.
4. We would like to thank you for welcoming us today to your ceremony and we welcome you to our hearing process.
5. So we welcome you to the Oral Traditional Evidence phase of the National Energy Board hearing regarding the Trans Mountain Expansion Project Reconsideration.
6. My name is Lyne Mercier, and 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.
7. As a matter of housekeeping, I would like to describe the evacuation procedures in the event of an emergency. 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.
8. 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 4th Street.
9. Now, very important, the lady and the men's washroom are located next to each other. You walk to the elevator lobby and turn left down the hallway. The washroom doors are found on the left side of the hallway and the access code is 1959.

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10. 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.
11. With respect to our schedule for hearing traditional oral evidence, we have scheduled time to hear from three Indigenous groups per day. We will normally plan to take a lunch break at 11:30 to 12:30, as well as breaks if required. If you need a break, do not hesitate to indicate to me and we'll stop the process and we'll resume after a few minutes.
12. 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.
13. 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.
14. The Board understands that Louis Bull Tribe has an oral tradition for sharing knowledge from generation to generation and this information cannot always be adequately shared in writing.
15. Since 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.
16. 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 questions orally, or at a later date in writing.
17. With that, I believe we are ready to get underway. Before I call on the Louis Bull Tribe to present their oral traditional evidence, I wd like to have the representatives of the Proponent, Trans Mountain, introduce themselves.
18. **MR. DUNCANSON:** Good morning, Madam Chair, and good morning. My name is Sander Duncanson. I'm with the law firm Olser, Hoskin, and Harcourt representing Trans Mountain. With me is Cassie Richards, and from Trans Mountain, Hope Sanderson. Thank you.

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19. **THE CHAIRPERSON:** Thank you.
20. Are any other person in the room that would like to identify themselves? If so, please come up. I invite you to take the microphone, please.
21. **MS. MNEINA:** Thank you, Madam Chair. Thank you, Panel Members. 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.
22. 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 will ask questions through the NEB's Information Request process.
23. 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 like to acknowledge that the City of Calgary is home to the Métis Nation of Alberta, Region 3. Thank you.
24. **THE CHAIRPERSON:** Thank you. Any other person wishing to identify themselves? I see none.
25. **MR. LALJI:** I would like -- sorry.
26. **THE CHAIRPERSON:** Oh, yes. Sorry, I forgot about you.
27. **MR. LALJI:** Yeah. Thank you, Madam Chair. I am Aryn Lalji. I am a legal counsel to the Louis Bull Tribe.
28. It's a privilege to be here before the Board, but also on Treaty 7 territory and to be welcomed here and to have the opportunity to hear the oral traditional evidence of the elders, knowledge keepers, and presenters from Louis Bull Tribe.
29. I have with me -- I am from the law firm of Miller Thomson and I have with me a student-at-law, Vita Dos Santos. Thank you.

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30. **THE CHAIRPERSON:** Thank you. So I see no other revisions so I think we can have the representative sworn in and I understand you will use the feather as the tool. Thank you.

31. Ms. Comte, can you do it, please?

32. Since we had the smudging ceremony on the rooftop of the building, we can use that as your swearing in of what you're going to tell us, if you are agreeable, so that would simplify things for everybody. Yeah? I see everybody here is happy.

33. So just for the record, just prior to coming to the hearing room, we went to the rooftop and we had a smudging ceremony and prayer held by the Elder Ivy. And that will be a proxy for swearing in. Thank you very much.

HELEN BULL: Affirmed

IVY RAINE: Affirmed

ALLISON ADAMS-BULL: Affirmed

MELANIE DANIELS: Affirmed

TREVOR LAROQUE: Affirmed

TRAVIS ADAMS: Affirmed

34. So Aryn, you -- you know, I'm in your hands and I will just let you know that take all the time you need and you can intervene and if you need a break, anybody can raise their hand and we'll accommodate.

35. **MR. LALJI:** Thank you, Madam Chair. I would just like to point out in terms of the sequence of the presenters today, we will go in order of the presenter who is closest to the Panel and move to the left, I suppose.

36. There are two presenters, Allison Adams-Bull and Travis Adams, who will be presenting together in terms of their evidence because the evidence is quite intertwined. So -- and I believe Travis Adams was not on the original list of presenters that was sent yesterday.

37. I'd also just bring to your attention this is the first time that many of the presenters have been in this form of hearing for oral traditional evidence. They were wanting to come in early today and take a look at the hearing room, and they may be nervous, so I trust that you will be patient in receiving that evidence, and it's always a privilege, as I've learned, to hear the evidence shared

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in this fashion. So thank you very much.

38. With that, I will defer to Ivy, the first Elder to provide her evidence.

39. **THE CHAIRPERSON:** Thank you.

40. And so when you talk, you push the button, so you have the red lights that comes on. Yeah.

41. And I would say don't feel intimidated by the room. Let's pretend we're in a nice living room.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR LOUIS BULL TRIBE:

42. **ELDER IVY RAINE:** Good morning, everybody. (Speaking in Native language)

43. And with that, my name is Ivy Raine. I am a Louis Bull Elder, but I'm not also an Elder. I'm a pipe carrier and I have worked since I was 18 years old after I finished high school and secretarial college, since I attended two residential schools, one in Ermineskin in Maskwacis, formerly known as Hobbema, and then on my last year of high school I attended half days, Grade 12, and half days to the secretarial college downtown in Red Deer where I had to walk down to the school, which was quite a walk in any kind of weather. So that's probably where I learned how to be tough.

44. But anyway, with that, I've worked all my life. And I started -- since I started working in 1958 and then worked with Indian Affairs for the first month, replacing a stenographer, and I did her work. Then I worked for the four Bands after that. I forget how many years, though.

45. And then I worked as a school secretary, and I didn't keep track of how many years I've worked there, but I only took time off to have my two children. And after that, I went back to work again.

46. So I've been a very busy woman all my life. And I followed things like this because I was the secretary and the BCR -- every meeting that was being held with the Bands, which was known as the four Bands, not four Nations at that point in time, and I was the four Bands secretary.

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47. It was very interesting because everything had to be perfectly written, everything had to be under control. Even when the hunters wanted to go out, they had to get a permit. The fishermen had to get a permit. Everything had to be by permit system since wildlife was good at that time, and I used to issue a lot of permits.
48. Even if you wanted to leave the reserve to go on a train, you'd have to get a permit as well.
49. And it's -- sometimes I begin to wonder why was I the one to have to issue these. And now I'm still here, and I still don't know the answer.
50. But going back to this project, the Trans Mountain Expansion Project, we live close to that, where the pipeline is going to be, and we have relations all over Alberta, like going up to Enoch, Alexander, Alexis, and going down east, I mean -- out west, I mean, to Hinton, Edson, all the way down Highway 16 right up to -- to -- what you call that place again?
51. Wait; I'll find it here.
52. Yeah. I have relatives in Hinton, Edson, Smallboys Camp. One cousin lives in Penticton, one in Courtney, B.C., and a sister in Port Simpson where she worked for 17 years as a dentist.
53. And I also have a stepbrother over there. He has a taxi business that's in...
- (A short pause/Courte pause)
54. **ELDER IVY RAINE:** I have a stepbrother that lives in Prince Rupert. He has his own taxi business. And he's also affected by what happens in the ocean because he's -- lives on that little island. Prince Rupert is a little island, if anybody didn't know.
55. And going further up north where a lot of native people come from Tsimshian, that's where my sister lives. She still has a house over there even though she's teaching now in Louis Bull.
56. But as you go south towards Kelowna, I also have relatives there, an

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adopted son in Penticton. My cousin lives there, too. He's a Buffalo as well.

57. And -- this is making me nervous.
58. But I pick traditional medicines for my personal use, and a lot of them are found in mountains and in the prairies. And I spent my summer gathering medicines, but I don't -- I don't pick more than I can use, just what I need for the -- for the winter.
59. These medicines we use in ceremonies and for healing, but I also teach adult students at Louis Bull with human resources programs. These young people are trying to get their tickets. And I touch on the cultural and traditional values and also speak about our treaties and the Maskwacis history because our history includes all the four Nations, not just the one Band.
60. And it's so -- so easy to talk to these young people because they have so much interest, and it would be interesting if they would all understand Cree. I started teaching them Cree, Cree names of the areas, the towns, the cities, and they really got impressed with that because a lot of them don't know the Cree names of any area.
61. It's important for us to know our language because we're -- it's part of us. We were born into this culture, into the language because it's our God-given language. That's why it's so easy for us to learn it.
62. But I'm not going to take too much more of your time.
63. I had notes here, but I guess I kind of mixed everything up. I was honoured with the protocol to participate in the Veterans' Day ceremonies by representing the mothers of those who were in the two World Wars and also Korea, Desert Storm, Vietnam and the peacetime relations.
64. I have relations in these -- in the services. At that point in time, they were grandfathers, uncles, cousins. I have one in here, who is my nephew, who was also in the Forces. And with this project, it includes all our interests because we have so much loss of the ecosystem is affected, of all the trees that are being lost, of all the plants, the medicines. Even the rivers and lakes are affected. And if anything should happen along the way, it goes right down to the ocean and it would affect all sea life. Because we do live on sea life, too.

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65. Even the animals live on the water -- in the water. Live -- the animals that are on the land use water to live, so they can drink it as we do. When we drink water, it heals us. We use it for cleaning, everything, for cooking. And we don't want anything to disturb what we as Native people have been giving.
66. We have the sun in our treaties. We count the sun very precious to us because our treaties state that as long as the sun shines, the grass grows, and the river flows. So all this is being impacted along the way as this project expands all the way down to the coast. And I would hate to see anything happen to anybody or anything because it's not right.
67. But we must hold onto our faith in our Creator that we can pray to him every day that nothing negative will happen because he does hear and answer prayer. And I don't want to take up too much more of your time on that's -- that'll be it for now.
68. Thank you for listening.
69. **THE CHAIRPERSON:** Whenever somebody else is ready.
70. And don't hesitate to chime in again if you have more to say.
71. **ELDER HELEN BULL:** (Speaking in Native language.)
72. I will now borrow the English language as Cree is my mother tongue.
73. I indicated that, as always, I thank the Creator for allowing us to be here amongst experts in the area of the environment.
74. I was born 68 years ago in a tent. On a daily basis, at least on a regular basis, I thank the Creator for allowing me to come into this world in that setting. As a child, my parents showed how much they respected the Creator, the land, and wildlife. I sit in front of you as, I will say, evidence that the land, the plants, and wildlife saved my life when I was a baby. As a result of that, my grandfather had bestowed upon me my Indian name, Muskwanohkew.
75. Growing up, he would tell me stories of my spirit guide, the bear, the female bear. And that is a part of my life since then.
76. I don't profess to know everything about the environment but I do

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know what impacts us, myself, my great-grandchildren, my grandchildren, my children, my siblings, my reserve, my country.

77. I have family that live in Prince George, and as I look at the route of this pipeline, on a regular basis I travel from Edmonton through Jasper and up to Prince George, and further west. And also, I have granddaughters that live in the south. One lives by Merritt, B.C., and -- a grandchild and two great-grandchildren, and a grandchild that lives in Sugar Cane by Williams Lake; that's two hours north of Kamloops.
78. So this -- the route of the pipeline, I have serious interest in. God forbid there's a spill because it would certainly impact me as an individual, and my family, and my fellow Native communities that live along the route.
79. When I indicated that I live or attempt to live -- no, not -- attempt is not a -- I do abide by our traditional beliefs. As much as I can, as often as I can, I attend our ceremonies. In our homeland in Kisipatnahk where there's ceremonies, I try and be there.
80. And what we use at those -- what is used at those ceremonies comes from the land. What we use, the utensils come from wildlife and the land, even the pipe coming from the rock, the stem of the pipe coming from the trees, the tobacco. And all of these items would be impacted if there was a spill.
81. Our way of life, our way of life is -- comes from the land because that's where that is the base from the Creator. These things came from the Creator and those are his creations, the land, the plants, the wildlife. We -- at ceremonies, we live off the land.
82. Even though I have exercised and experienced the non-Native western way, I appreciate your way. I respect it. I respect your way. Because if it wasn't for that, I would not be sitting here speaking your language.
83. I graduated from a non-Native area, one of the surrounding communities that lives by Maskwacis. I graduated from Ponoka High School, and as it turned out I was the first Louis Bull tribal member to receive an Alberta High School diploma. And if it wasn't for two teachers in high school that took that time to pay attention to me -- my favourite subject became English -- and I've used that opportunity in my life as a former student, a former counsellor of our tribe, and the first female chief of our tribe. Had it not been for blending the

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non-Native way and my belief in our traditional beliefs and practices, I would not be sitting here talking to you with open arms in friendship.

84. I thank you for listening and I thank you for understanding my Cree. (Speaking in Native language) is my priority, even in this day and age. And I have a responsibility as an Elder to talk about our ways, to talk about what impacts our lives. I'm a great grandmother, I'm a grandmother, I'm a mother, I'm an aunt, I'm a sister, I'm an adopted relative. So my responsibility is to ensure any kind of information that's out there I will deliver to the people that I associate with. Primarily the children.
85. Again, I will emphasize Creator forbid there is a spill. If there is, it will definitely, definitely impact me as an Elder, my fellow Ntokaius, fellow lady -- Elder ladies, our male Elders. That's how much, how much our way of life means to me. It's our survival. It's our survival. On a daily basis, I pray, we pray, and we use the sweetgrass, the sage, the fungus, cedar, all of those sacred pieces that we take from the land; we use them on a daily basis in our ceremonies and our prayers.
86. Aside from my written affidavit that's as much as I can say this morning. And I've travelled the route of the pipeline also, so it does impact me. Even though I live hundreds of miles away from the actual pipeline, I do come in -- I drive by it. It will -- it would impact me if there was a spill; I can't say enough of that.
87. But I thank you for listening. I thank you. Hay-hay.
88. **MS. ADAMS-BULL:** Okay. Good morning, everyone. My name is Allison Adams-Bull. I am a member of the Louis Bull Tribe.
89. Today, I come here as a -- well, my position in my tribe is I am the Band administrator there, so I work directly with our Chief and Council. I report directly for our Chief, and I get directive, and all my work is related to all his work, so I'm here to represent Louis Bull Tribe in that sense. But also, as a mother for my community and to speak specifically about my family ties to British Columbia.
90. I'm -- so I'm 38 years old. I've -- I have ties that are dear to my heart with the Vancouver Island and the people in British Columbia. We have family that resides in Nanaimo and some family that reside in Vancouver, and the rest of

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our family resides -- I too have relatives in Prince George. Helen here is my aunt, so her daughter is my first cousin. So our tie is in Burns Lake, Prince George area, and as well as Prince Rupert, and the Tsimshian and Nisga'a Nations. So those are my ties to British Columbia.

91. We were -- I was a bit hesitant, not only for our tribe, in participating in this hearing because it's our first time that Louis Bull Tribe would actually participate here and be the -- that's as an intervenor, so it's new. It's -- we're learning, but we're happy that we're here to represent Louis Bull Tribe, and also to provide that support to those Nations that are directly impacted.
92. We're impacted as well, so I guess the things that are important to me as well as my husband -- my husband is from Gingolx, so that's the -- it's far north, northern B.C. And his mother specifically is half Tsimshian, so our tie to her is specifically culturally and our identity and specifically with our children.
93. We have three children, and they identify with their B.C. family and the culture and traditions that they practise over there as well.
94. So his mom is part of the Killer Whale Clan. And so when we started discussing some of the impacts and how we wanted to provide support and what we were concerned about specifically, that was something that, I guess, was a red flag for me because like my husband, he's part of that Killer Whale Clan, so in their culture the children fall under the mother's clan and they identify with that clan.
95. So the impact of marine life is precious to -- like it's important to us. It's a concern. If there was a spill -- and I really hope that there isn't -- that specifically would be a concern for us and how that affects that area and just the migration pattern of the Killer Whale and its livelihood.
96. And we depend on food from there. Our family does fish up in northern B.C. and he does have his family that reside in Vancouver area that does their fishing as well. And they -- when we visit, we are brought -- they send us home with cases of fish and we live off that throughout the year as well. So the fishing part of it in their culture is important for us.
97. If there was more jobs over there, we'd actually be living there instead of here, but that's just not how our life works right now, so.

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98. But I guess as well, the other thing I wanted to share is, culturally, we share the same world view as a lot of indigenous people about our mother earth and water. We believe water is life. The impact to water -- it doesn't matter what area of this pipeline, there's water nearby and the plants and animals, people in general, the impact that it would have with -- if there was any type of spill or whatever or something goes wrong.
99. The other thing I wanted to mention -- so even though we're in Maskwacis and we're -- we live an hour south of Edmonton, my family specifically in Maskwacis, we practise -- we go and practise a ceremony in Jasper-Hinton area once a year. And we fast and we pray, and we do our traditional practices in the area.
100. And so that area specifically as well is important to me with my family.
101. I'm -- to me, I'm still young. I'm just beginning to understand our culture and the language and the importance that we have with our connection to the earth, the water, plants, animals.
102. Our community actually just did a hunting trip around this area, and they brought back a lot of meat. And that goes into our food bank and it feeds our community members, so our tie to the land is who we are. It's part of our treaty and how we identify ourselves, and me specifically and the family I've created is - - that's my number one priority in life, is my husband and children.
103. They have a very strong tie to their family. They identify as both the coastal and us in Treaty 6. They're aware of it. I'm teaching them. And when we go to visit, we visit yearly. They're -- they fish. They're taught about the culture.
104. And I guess the other -- the last thing I want to say because I don't know -- I think I'm rambling. But Vancouver is really an area for me and my husband, and that's our gathering place. So in the summertime, we all meet there as a family and we get to visit and we do our fishing.
105. And yeah, so I think that's all I want to share today.
106. **MR. TRAVIS ADAMS:** Hi. Geez, voice sounds way different.
107. My name is Travis Adams. I'd just like to thank Louis Bull for

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allowing me to speak.

108. I am from Prince Rupert, B.C. I've grown up there and lived there half my life, and the other half of my life I lived here in Louis Bull Tribe for the past 14 years.
109. My concerns more or less come with the increase in tanker traffic, the pipeline route, also. We've driven that route many times.
110. Traditionally -- I forgot to mention I'm a Nisga'a. She mentioned I was from Gingolx, B.C. That's where my mother is from. She's also half Tsimshian. Her mother was from there. My dad is from New Aiyansh, B.C., so he's a Nisga'a.
111. So I have kids who are Cree. I call them Nis-Crees, half Nisga'a, half Cree. And it is a small world. I didn't know Ivy had family in Port Simpson, Lax Kw'alaams, where my mother's side of the family is from.
112. Traditionally, we grew up on the water. We fish. We eat a lot of the salmon, halibut, herring, herring eggs, seaweed. We don't waste anything. We -- even the salmon eggs we use. Basically anything in the water, we use.
113. My mom was telling me that when we were younger, that's all we would eat when we were young. I don't remember because I'm old now, but we did eat a lot of salmon, rice, fish soup.
114. I know I live in Prince Rupert, B.C., but Prince Rupert's changed quite a bit. I've seen it firsthand because I grew up working in the cannery. A lot of my family has. They retired working in the cannery. They worked there their whole lives.
115. So just like the increased tanker traffic, there's also increased boating traffic throughout my years of living. Bigger boats, bigger fish. And I've seen firsthand how that affects the salmon.
116. There's not a lot of -- it used to be a big fishing industry in Prince Rupert. Now it's next to nothing. There's like one cannery left.
117. My uncle works in a cannery in Vancouver. I'm not sure where, but he goes down there during the winter, moves up to Prince Rupert during the summer

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and does his thing, mending nets.

118. As my wife mentioned, I -- us, as Nisga'as, we, as Tsimshians, along with where Helen's from, Burns Lake -- I guess I have family there too. It really is a small world. So my tribe, as Allison said, is the Killer Whale Clan. Us Nisga'as we have one Killer Whale Clan. We call it the Black Fish. Tsimshian have up to nine different Killer Whale Clans. Yeah, you can't ask me about that -- those details but -- sorry, I'm a little bit nervous just rambling like my wife here. Sorry.
119. But a lot of my concerns, and as a family, is with the increase tanker traffic, because there's a lot of my family down south who depend on salmon, and herring, herring eggs, and you can listen to my video later. We get sent a lot of the fish, as she said. My sister lives down on Vancouver Island. I met my wife on Vancouver Island.
120. Yeah, I'm just like all over the place now. One sec.
121. Traditionally for my kids I've got to witness and learn the Cree way. I've seen them at sun dances. I've seen them at other ceremonies. How they use the land. They use cedar, sage, fungus. How will the increased -- what's the word -- like, how will the land be used around Edmonton; will there be more workers coming around the area? How will that impact them?
122. I don't know what else to say. Sorry, I try to make this long for Trevor here, but sorry, dude.
123. Those are just my concerns. Thank you.
124. **MR. LAROQUE:** Good morning to Madam Chair and Panel. Thanks for having us here and hearing our stories.
125. Thanks to the elder for the smudging this morning and thanks for those who attended.
126. (Speaking in Native language) Trevor Laroque. I am from Louis Bull Tribe. My parents are Geraldine Dion and my father was late Elmer Laroque Sr. My father was originally a Louis Bull Band member, my mother married into Louis Bull, and that's how I became a Louis Bull Band member.

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127. I grew up in the Pigeon Lake area, and that's where the four band in Maskwacis we have houses out there and we have band members that live out there as well. So I was one of the members who grew up in the Pigeon Lake area. I attended elementary school in the local town. The school was called Lake Dell.
128. I grew up -- my mom's dad, which we call our *nimosôm* in the Cree language, which is grandfather, he was a fisherman in Pigeon Lake. I remember he was always giving us lots of fish to eat. Like we never went hungry going up because of men like my late *nimosôm* and my uncles that hunted. So I grew up a lot of -- grew up by eating wild game and fish. So I grew up around hunting and fishing. As a young child I would go out with my uncles and I would watch them hunt and see the process of hunting and quartering an animal and taking it home.
129. Growing up I actually grew up around Alberta also. Like I was -- consider Ma-Me-O- Beach my permanent home, because that's where the majority of my life was spent. But I have grown up in -- I did spend time in cities like Calgary here, Ponoka, around Alberta, Edmonton.
130. Two thousand eleven -- no, sorry, not 2011 -- in Grade 11 I was -- I actually moved to British Columbia on Vancouver Island, a town called Duncan. I had family that was living there. And I had wanted to complete my high school, and some of the circumstances at the time I was in I just couldn't do that around where I was growing up so I had to leave. And my aunt and my uncle took me in, and they knew why I was there, I was there to finish school, finish high school. And that's what I did. I went to Cowichan Secondary School in Duncan for two years. I graduated there.
131. And from there I went on to pursue some post-secondary studies at what used to be called Malaspina University but I believe it's called Vancouver Island University today. They changed it.
132. And during my time on Vancouver Island I actually met my girlfriend there. We were together four years. Pretty much at the time I lived in British Columbia and I spent four years out there. After high school we were still a couple and we ended up having a son together and we named him Coby. He's actually from -- he is a Louis Bull Ban member. And I'll get to him a little more later.
133. In 2001 that's when my son was born, and I guess that's where my life took a different turn. Back in 2001 that's when the Afghanistan war happened.

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In 2003 that's when the Iraq war happened. And this to me I grew up always respecting members of the Armed Forces, members of the Canadian Forces. I did have family before me who were in the military and I always respected them for it. So this was always something that I wanted to do.

134. So when those wars happened I had put my studies on hold and 2003 was when I decided to enlist in the military. My original plan was to enlist with the Canadian Forces because I respect them. I respect what they do. And every time I see them today I always shake their hands. But at the time Canada wasn't sending anybody to Iraq, which was the war that was just happening.

135. So I had another option to me. Being a member from the Maskwacis area, the four band, we do have a unique advantage with us. When we were born we were part of what is called the Jay Treaty. And my understanding of it is we can go to America and work there, join their military, and without losing our Canadian status. So that's what -- the advantage I had and that's what I used at the time. I enlisted with the U.S. Marines.

136. From 2003 I did a four-year contract with them and got out in 2007. I was deployed overseas. I was deployed to Iraq. I did my service there. And in 2007 that was my last year with the U.S. Marines, my contract was coming up, and they were wondering if I was going to re-enlist or go home.

137. So at that point I just got back from my deployment in Iraq and I had gotten married to my wife that I'm married with today. Name is Verlyn, Verlyn Larocque. She is from Samson as well which is part of the four band. My last year in, I moved her down to Camp Pendleton, California with me and we spent our first marriage -- first year of our marriage in California.

138. And coming towards the end of my enlistment, I actually was going to re-enlist and do another four years and my wife told me one day that she was pregnant and we were expecting our first child. And this really impacted my decision to re-enlist because I thought about it and I talked with my wife and let her know what -- you know, if I did enlist, what will happen. Six months out of the year I would be gone. I would probably be back in either Iraq or Afghanistan.

139. And I didn't want to do that to my new family, to my wife. You know, when I was overseas, I was a single man and everything changed when you're married and you have a child on the way. And you really start thinking about, well, I can't let my child grow up without a father because I actually grew

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up without a father myself. My father passed away when I was a young boy, six years old. So I didn't want my children to go through that, and that definitely was a possibility.

140. So my wife and I, we made the decision, okay, let's go home. So we packed up and I said goodbye to the men I served with, came back to Alberta, came back to Maskwacis, came back to Louis Bull.
141. And when I first got back, really wasn't much jobs around my area in Louis Bull. So I took what I could. I started out as a cashier in our golf course that Louis Bull owns and I just worked my way up from there. I became a manager of our service station and actually did do my service to my Nation as a council member for three years. I was elected 2009 and I served till 2012. Upon my re-election, I didn't run again.
142. So but from there, I went -- I started working as our -- which I'm doing now -- as our Housing Director, our Public Works Director, and I also have our CMHC Department which I take care of as well.
143. Get into -- I think I should back up here and explain how I became -- like, I did grow up as -- around hunters and around fishermen. But how I became involved myself was when I got home from Iraq, I mean, got home from the military, I wanted to -- I already knew how to shoot and handle a rifle and how to be safe with it, but I wanted to get out on the land. I wanted to start hunting like my *nimosôm* and my uncles did before me. But I had to learn how to process an animal, how to hunt an animal. And I was looking around and wondering who could teach me this.
144. And my maternal grandfather -- he actually passed away when I was in the military -- so when I came home, he was -- he had already passed away. But his brother -- which I still call my *nimosôm*, because in the Cree culture he's still my grandfather, he's still my *nimosôm*, he was getting on in his age. He's 83 today. But when I came back, he was wanting to teach -- take all his hunting knowledge, all his fishing knowledge, and he wanted to pass it on to his grandchildren.
145. So this is the man whose name is Henry Goodin-Lightning, he was my *nimosôm*, the one -- he taught me how to hunt. He taught me how to process the animal, how to quarter it, how to -- actually, how to hunt it. He gave me a lot of hunting tactics. Actually, he taught me how to moose call as well, which I still do

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with my little brother. I actually taught my little brother what my *nimosôm* taught me. So now him and I always hunt together.

146. So hunting, you know, this was to get back out on the land. I should explain a little more. When I came back from the military service, there was a certain -- certain issues that I had to deal with, certain things that I have seen which caused me to, you know, go in a negative direction for a certain time. There was -- alcoholism was involved and I just got to a very low point at one time in my life. But getting back to my roots, getting back to how to survive on the land, how to take care of my family and provide food for them, that was something that really helped me. That is something that really still helps me today.
147. There are PTSD issues that I still had to deal with, but going out on the land, you know, I found it as a form of therapy for me, a way to clear my head. And it has helped me. Yes, we as First Nations people, we could -- we always could go to our local Walmart, our local grocery stores to get food, but that's not -- what I like to do is hunt. I like to provide for my family. And this is how I'm going to teach my children how they can survive on the land. I'm going to -- once they're of age, I'm going to take them out.
148. My wife and I, we adopted a young boy and I'm going to show him how to hunt. I'm going to show him how to survive off the land and how to feed his family, because that's -- to me, when it comes to hunting, I'm not a trophy hunter; I'm not looking for the biggest buck or moose I can find. I'm looking for food that I can put on the table of my children, my wife.
149. And that's how I'm going to teach my young son that yeah, you can go to the grocery store, but hunting and providing an animal for your family, that's the very root of -- you're not -- if you don't -- how would I say this -- if you don't work, you're not going to eat. So that's how I'm going to teach my son, that take care of your family. I believe this will teach him to be a good husband and a good father to his children that will come after him.
150. So when it comes to hunting, I've actually hunted all over Alberta. I've gone north, I've gone south, I've gone east, I've gone west. Currently on your pipeline here, I see Edson and I've hunted a lot in those areas as well. The thing I'm noticing is why I have to go so far is because a lot of the developments and a lot of the pipelines, they do impact the animals we hunt. I do have to go farther and farther to find these -- to hunt the moose, to hunt elk, to hunt -- well, there's

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still deer in our area, but my main animal I hunt is moose.

151. And I do have family in B.C. I do have a sister who's actually from the same -- who has been in a common-law relationship with a man from Burns Lake, which is where my *kokum* Helen here, she has family there as well.
152. So my sister lives in B.C. She's been there a while. Her husband, her common-law spouse, he's an active hunter as well and he's a fisherman as well. He does send us salmon, like, a package of salmon that he sends back to my family in Louis Bull and we all share that.
153. But who it -- another important individual that it is going to impact is my son from my previous relationship in B.C. He's lived on the Sunshine Coast the majority of his life; that's his home, and he is an active fisherman and he does hunt too as well.
154. So this is how I'm connected to this. This is how my family will be impacted. We're from Louis Bull, yes, but we do have connections, we do have family that are in B.C., that are in, as you heard before, in Vancouver, on Vancouver Island.
155. And I do have a son in the Sunshine Coast, and he is a -- like I stated before, he is a hunter, he is a fisherman. He does ask me about his current rights as a First Nations member, and I answer him to the best of my ability. Let him know that you can hunt and you can fish because that's how our people have always lived our lives. That's how we've sustained ourselves, this is how the generations before me lived their life and sustained themselves as well.
156. So this is something that I'm passing on to my children, and I'm encouraging my children to pass it on to theirs. Because hunting did -- like I said, it did help me through some rough times. It is a form of a therapy for me, and I can provide for my family, I can provide for my wife and my children.
157. Currently, my -- the *nimosôm* -- my *nimosôm*, who did teach me how to hunt animals, he's 83 today, and he's still pouring his knowledge into me. Because I'm interested in fishing too, and that's one thing that I will be doing with him this winter alone is fishing, net fishing, ice fishing. He's going to teach me that and how to prepare that, how to prepare a fish as well, and how to smoke it.
158. So this is how this is going to impact me and my family and my

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generations. I think I've touched on everything here, and I want to thank everybody for listening to my story. And that's all I can say except hay-hay.

159. **MS. DANIELS:** Good morning, everybody. Thank you, Madam Chair and Panel Members.
160. My name is Melanie Daniels. I am currently employed with the Louis Bull Tribe as their consultation coordinator. I am a Métis woman, born and raised in Calgary, Alberta. I was -- I am a University of Alberta graduate, and I was the first Aboriginal female in Canada to have a biology degree. So we have a couple of firsts at the table here.
161. I have only been employed with the Tribe for 7 months, but I do have 21 years of experience working with First Nations in environmental protection and land management resource development and consultation. I have worked with the federal government, the Government of Alberta, I have worked with industry and with the Métis Nation of Alberta and now with First Nations.
162. So over these years, being born and raised in Calgary, I wasn't very aware of my culture, but in the past couple of decades I've been blessed with gaining culture and learning who I am and my identity through my career and all of the opportunity that it has provided.
163. Like Allison, I was a little bit resistant to participate in this process because I didn't want to feel or to have the appearance of us as chasing opportunities or being ambulance chasers, or -- but I did -- you know, the more we talked about this, it became very important to us to support all of the Indigenous people along this right-of-way, throughout this that may be developed by this development or impacted by this development. Sorry.
164. In our consultation office, there is just myself and one shared person, so we do have some capacity issues. And I'm not -- I haven't had the opportunity to catch myself up on what has happened in the past with consultation on this project with Louis Bull Tribe, so I'm hoping that you understand that today.
165. And one thing I've learned in all of these years that I've worked in this line of work is that I have been seeing that when our -- when rights are impacted in one area, all of our rights are impacted. And that is really what brought us here today too. And in all of the familial ties that the Louis Bull Tribe members have with people on the coast, on Vancouver Island, throughout B.C. -- we have 25

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Louis Bull Tribe Band members residing in B.C. currently.

166. One of the things I've noticed in my work, and especially in Treaty 6, is that due to the extensive development and lack of consultation up until 2003, there has been so much development and so much loss of usable land for practice of rights in our area, and I think it's really important that we participate in all of these processes when we can to ensure that what's left of the lands is protected and that we can still practise our rights.
167. Another concern from a procedural aspect and one of the -- with this project is the impacts to the killer whale, being a species at risk. It is alarming to us because here in Alberta we have caribou, which are also threatened with extermination, and it's concerning to us if we don't manage a species in one region properly, are we going to manage it properly in the other region. So we need to have that confidence across Canada that all of the species at risk will be protected. So it's important. We're watching to see how this is going to be managed and how the killer whale will be protected through this project and through the development.
168. Another concern that I have in consultation is that we're not opposed to developments such as this, but if this were to go through, the increased production that will result from this is a little bit of a concern to me because the consultation process in Alberta is not adequate. And in order to accommodate the increased ability to move oil, we're going to obviously be increasing our production. And I don't have a lot of confidence that the Government of Alberta will consult adequately and meaningfully to address impacts to rights, to mitigate impacts to rights or to accommodate loss of use. I know that perhaps the National Energy Board doesn't have a role to play in that, but it is a concern that I think that it's important that you're all aware of.
169. Again, I just wanted to bring to your attention the familial ties that Louis Bull Tribe has to B.C. We may seem far removed from the issue at hand here, being the re-hearing and the coastal impacts in tanker traffic, but as you have heard, we do have concerns with that, and we do have Louis Bull Tribe members that may be impacted by those. Helen did say that, you know, this is our survival. And it's not just survival of individuals; this is survival of our cultures and it's survival of our way of life.
170. So really my role here today was mostly just to support our tribal members to help them through the consultation process, and hopefully gain some

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support from the National Energy Board in dealing with the Proponent in continuing some meaningful consultation with us to address the impacts to our members that reside in B.C., as well as within our traditional territory outside of Edmonton up into Jasper.

171. There's a lot of traditional use that Louis Bull Tribe members undertake in all of the mountain regions. We have connections to the Smallboys Camp, we hunt near Hinton, Edson. Edmonton is just only an hour away from Louis Bull, not even. So we're hopeful that we can continue this conversation, that consultation will be ongoing, and that we have a position at the table to talk about future land use.
172. So in my experience, I have seen so much consultation in the front end, and at the end of the day when it comes time to reclamation there is no conversation with First Nations or Métis communities to ensure that we can continue to practise our rights after the project. And I have worked in the pipeline industry for several years, and I do understand that often -- the land will be put back and we can have access to an area, but it is still changed.
173. So it's very important that we have that conversation and an opportunity to talk about what plants are going to be reseeded there, which -- how wildlife will be allowed to still exist in the area, how will we be able to access the area, how will our families that live in B.C. be able to access areas along the pipeline right-of-way for practice of rights.
174. So that's really what I have to say today in support of the Louis Bull Tribe member -- members that are here and that are at home, and I thank you for your time and for this opportunity. And we look forward to the outcome. Hay-hay.
175. **THE CHAIRPERSON:** It's 10:30 and we've heard everybody, so -- and -- this morning, so maybe it would be a good time to take like a 10-minute break and this could allow counsel maybe to see what his witnesses -- whether or not they want to add something if they forgot something, and wrap up.
176. Would that be agreeable?
177. **MR. LALJI:** That would be fine, Madam Chair. Thank you.
178. **THE CHAIRPERSON:** Okay. So it's -- I'm looking at the clock

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here. It's -- let's reconvene at 20 to 11:00, and then we can continue on. Thanks.

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

--- Upon resuming at 10:44 a.m./L'audience est reprise à 10h44

HELEN BULL: Resumed

IVY RAINE: Resumed

ALLISON ADAMS-BULL: Resumed

MELANIE DANIELS: Resumed

TREVOR LAROQUE: Resumed

TRAVIS ADAMS: Resumed

179. **THE CHAIRPERSON:** Well, I hope everybody had a chance to refresh for a few moments.

180. So Mr. Lalji, so would the witness have something to add or complements or anything else?

181. **MR. LALJI:** Thank you, Madam Chair.

182. Yes, I have conferred with my client, and Elder Helen Bull would like to supplement her oral traditional evidence, as well as Melanie Daniels. Thank you.

183. **THE CHAIRPERSON:** Thank you. We can proceed.

184. **ELDER HELEN BULL:** Thank you.

185. I just wanted to expand on the cultural and hunting piece. My daughter, originally from Louis Bull Tribe, married into the Lake Babine Nation by Burns Lake. And through her knowledge of our language and our tradition, she was -- she has adopted and adapted to the Carrier way of life.

186. She has a name. She carries her husband's grandmother's clan name with -- in Lake Babine Nation, so she attends all the potlatches that are held in their area. And when I go there, I do join her and I do have space at the potlatch because of my role -- former role as Chief of our tribe.

187. And with the hunting piece, my grandsons-in-law, all of them are hunters along with my son-in-law. And my oldest great-granddaughter was

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taught how to handle a gun when she was seven years old because that -- because in our culture, I -- that's -- that wouldn't -- that's not what I would do, but that is their way of teaching -- teaching the women -- the ladies and -- like the females in their territory. So I had to accept that, but that's their way of life in the whole world of hunting.

188. And when -- and also, my son-in-law plays a big -- huge role in the whole area of fish and wildlife. When I -- when I go visit there, I -- there -- I bring home some salmon and I also share that with our tribe.
189. And also, they use a lot of the salmon and the berries. Their staple berry in Lake Babine Nation is the huckleberry, so I also bring some of that -- of that berry and use it in our ceremonies.
190. So I just wanted to add to that. And I also have a granddaughter that lives in Moricetown that's not far from -- it's about four or five hours from Prince Rupert, so -- and an hour and a half from Burns Lake.
191. So throughout the province, I -- well, we are impacted as a family. And that's just what I wanted to add.
192. Thank you.
193. **MS. DANIELS:** Thank you.
194. I just wanted to share one thing. In all of the years that I've been consulting with First Nations in Alberta and some in Saskatchewan, so I've had the opportunity to work with every First Nation in this province in one capacity or another.
195. And one learning I wanted to share with the Panel is that I've heard time and time again from Elders and leadership and even the youth and communities is that "Why do we have to go so fast and develop so quickly and not clean up other things that we've done?"
196. So my question to the Board is to -- is there an opportunity or -- for the Board to put a condition to this development to offset the impacts to rights and loss of use through requirement of restoration of other lands so that practice of rights can continue throughout the right-of-way.

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197. I know that there was -- when I worked at TransCanada as a consultation advisor there, the National Energy Board did impose a condition to offset impacts to caribou in Alberta, so perhaps it's something you could consider in this development as well.
198. Thank you.
199. **MR. LALJI:** With that, Madam Chair, unless there's any others from Louis Bull that would like to make submissions, I think that would conclude the -- at least Louis Bull's portion of the oral traditional evidence.
200. **THE CHAIRPERSON:** Thank you.
201. Now I'm turning to you, Mr. Duncanson.
202. **MR. DUNCANSON:** So Madam Chair, we do not have any questions, but on behalf of Trans Mountain I would like to thank each of you for coming here today and for sharing what you've shared. So thank you very much.
203. **THE CHAIRPERSON:** Thank you.
204. Member Murray have a few questions.
205. **MEMBER LYTLE:** Well, first I wanted to thank you all very much. Life is made colourful by the stories we tell and we hear, and so it's been a real pleasure to hear your stories. It's added some colour to my day.
206. Trevor, I wanted to sort of give you a bit of a shout-out, too, and thank you very much for your service. I'm sure there's lots of stories that as well, most of which maybe you don't want to share. But it's noteworthy, and I thank you for that.
207. And Travis, because you seemed to be the most nervous, I thought I'd ask a question of you.
208. I was intrigued by your comments about the fishery and the canneries in Prince Rupert, I think. If you could just expand a little bit on that and tell us what kinds of fish were being canned, you know, in the early days when your -- when the canneries were still in full function and why you think the canneries are no longer functioning.

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209. Is it because of the lack of fish or because of other countries coming in with large processing boats? I'm just curious about why that has all changed.
210. **MR. ADAMS:** I'll do my best.
211. Okay. Well, when I was 16 I started working in the cannery. My parents, my mom, my dad, my grandparents, my late Uncle Aki, that's -- he was Japanese. He worked in the cannery also.
212. Pretty much my whole family has worked in the cannery there. They used to have four canneries that I knew of in Prince Rupert. Like, back then the population was about 18, 20 thousand. Now it's only about eight or 10 thousand people there.
213. So when I first started working when I was 16, there must have been about two to three thousand working in our cannery, so now I don't think my cannery that I used to work in -- I don't -- I'm not sure if it still operates. They used to can fish, send it to Alaska. mostly salmon. Yeah.
214. All the fish that was brought there that they did can, they -- don't they take the salmon eggs also; they send it overseas.
215. The owners would start sending -- like, people would fish, right? How do I explain this? Like, a lot of the fish was getting sent to Alaska. A lot of the fishermen -- like how much they fish on the -- like, Vancouver kind of affects us in Prince Rupert and how much fish we got; like, the migrations and everything.
216. Yeah, I'm just going go on based what my Dad and my uncles always used -- because I've lived here for the past 14 years and we always talk about fish; how fishing is and how everything is going. How -- like, ask if my brothers are working at the cannery. They've all kind of moved onto different jobs because there's no work for fishing in Prince Rupert anymore.
217. Man, you're going to have to ask me another question, to guide me.
218. **MEMBER LYTLE:** No, no, no problem. I'm just -- if you had something you wanted to say about that, I'd be willing to hear it, that's all. And if you don't, that's fine, too.

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219. **MR. ADAMS:** Okay.

220. **MEMBER LYTLE:** I don't want to put you on the spot.

221. **MR. ADAMS:** It's just changed a lot from now, from when I was 16. So I'm 40 now. I like to think I'm 39 but it just doesn't work that way.

222. It's pretty much non-existent in Prince Rupert now. And there's a little village just outside Port Ed, they have one cannery working; that's where my sister works during the summer. I'm mean, you're -- before, like, fishing is just a summer job, right? You used to work from June, July, August, into September. Now, it's more or less just August. You'd be laid off for -- like, after a month of work, right?

223. Yeah, that's -- I'm not -- my written version will be better.

224. **MEMBER LYTLE:** No problem. Thanks very much.

225. **THE CHAIRPERSON:** So that brings us to the end.

226. So we would like to acknowledge the Louis Bull Tribe for the stories and the traditional knowledge that you have shared with us today.

227. I would especially like to note that we appreciate your personal stories which explain the strong family connections with other tribes over the Alberta and British Columbia territory, and how you're here to share your own story but also to support other tribes. So thank you very much for that.

228. We will consider all we have heard as we decide on a recommendation for this hearing. And we will reconvene this afternoon at 12:30 to hear from Makah Tribal Council by teleconference.

229. So thank you very much, and safe travel for everybody.

--- Upon recessing at 10:56 a.m./L'audience est suspendue à 10h56

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--- Upon resuming at 12:31 p.m./L'audience est reprise à 12h31

230. **THE CHAIRPERSON:** Good afternoon. Mr. Bowechop -- and please let me know if I don't pronounce your last name the right way -- I understand you are on the phone, on the cell phone, so I will indicate to you whether or not you need to speak up or repeat because we might have trouble with the line.

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

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

233. So Mr. Chad Bowechop from the Makah Tribal Council mentioned that he would like to start a prayer at this time. And after the prayer, I will open the session with opening remarks.

234. So after you, Mr. Bowechop.

235. **MR. BOWECHOP:** Well, first of all, I'd like to express our deepest gratitude and appreciation for the work that you folks are doing on this vitally important project. It's important to understand, as Bert McCombe in Neah Bay Washington, what we understand is that when we signed our treaty with the United States government and the terms and the terminology that I believe is transferrable to the First Nations and Indigenous communities of Canada in a general manner of expressing our tribal or First Nations understanding of our sovereign authority, of our inherent sovereignty.

236. At Makah, we're considered the southernmost band of the Nuu-chah-nulth. We are in Washington State. We are the only tribe that has its own treaty assigned to it; that is, that the other tribes in our area were either consolidated in a specific area or they were moved to share a reservation. And so there are a number of tribes that are grouped together in the Olympia Treaty of 1855 or the Point No Point Treaty of 1855. At Makah, we wouldn't move. We've been indigenous to the area and that's something -- that's a reflection of our inherent understanding of who we are and where we belong.

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237. It's also important to understand Nuu-chah-nulth and other related bands in the region didn't write history down. We recorded history through the potlatch. So in order to commemorate important events, important gatherings, weddings or Indian name givings or memorials to the passing of a relative, we held a potlatch and the heads of families would stand up and sing their songs, put their dancers on the floor.

238. And what you folks providing me the opportunity to do is stand my Indian name, (speaking in Native language). And what that means is, I'll sing our prayer song, a family prayer song that honours the work that you folks are doing but also requests to the Creator above that the words that I express to you have meaning and they resonate in a manner for you folks to understand that that in standing my name I'm speaking the truth to how I understand these issues. This is an old family honour song to you folks for the work you do and a prayer song to - that my words may be heard truthfully by you folks.

--- (Prayer)

239. **MR. BOWECHOP:** And so that goes on for a while, but you folks understand the intent. So thank you for the opportunity to sing in our prayer song.

CHAD BOWECHOP: Sworn

240. **THE CHAIRPERSON:** We thank you. So I will go on for a while because we have people in the room here and I have to go through everything that's got to do with safety and emergencies. So I will just ask you to be patient.

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

242. My name is Lyne Mercier, and 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.

243. As a matter of housekeeping, I would like to describe the evacuation procedures in the event of an emergency. If the building's evacuation tone begins sounding and we are asked to leave the building, we'll pass through the doors you

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- all entered at the back of the room. Once we have exited, there are two evacuation stairwells, one 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.
244. 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 4th Street.
245. The men's and ladies' washrooms are located next to each other. Walk to the elevator lobby and turn left at the hallway. The washroom doors are on the left side of the hallway and please contact one of our staff who is wearing the badge to get the access code.
246. In addition to the Panel, we have staff in the room to answer process related questions that you may have but you will have to do that on the phone because you are not here.
247. With respect to our schedule for hearing oral traditional evidence, we have a scheduled time to hear from your Indigenous group. We will normally plan to take a break if required. So do not hesitate if you need a break. In order to be fair to all presenters we have allotted 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 a video or other method.
248. Before we get underway, I would remind parties of the Panel's guidance on the hearing order and procedural direction in regards to oral traditional evidence.
249. The Board understands that the Makah Tribal Council as an oral tradition for sharing knowledge from generation to generation and this information cannot always be adequately shared in writing. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. We appreciate that you've chosen to contact us today and to -- even do this thing through telephone.
250. Following oral traditional evidence, Trans Mountain, other intervenors, or the Board may have questions for you the witness. If so, you can choose whether to answer orally or later in writing.

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251. With that I believe we're ready to get underway.
252. So before I ask you to present your oral traditional evidence I will have the representative of the proponent Trans Mountain introduce themselves.
253. **MR. DUNCANSON:** Thank you, Madam Chair.
254. Mr. Bowechop -- I hope I'm pronouncing your name correctly -- my name is Sander Duncanson. I'm a lawyer with the law firm Osler, Hoskin & Harcourt and I'm representing Trans Mountain. With me is Cassie Richards from our office as well.
255. **THE CHAIRPERSON:** I would also ask if there are other intervenors in the room who would like to introduce themselves, and if there are any preliminary matters they would like to raise, and, for the record, if you could indicate who you are and who you are representing. Thank you.
256. **MS. MNEINA:** Thank you, Madam Chair. Thank you, panel.
257. 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 witness' oral traditional evidence in relation to the reconsideration of the Trans Mountain Expansion Project.
258. 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 will ask questions through the NEB's information request process.
259. I would like to note that I'm honoured to be here at this hearing on the traditional territories of the people 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. I'm honoured to be here.
260. Thank you, Madam Chair.
261. **THE CHAIRPERSON:** Any other person? I do not see any.
262. So, Mr. Bowechop, I'd like to say that we're happy to report that the line is very good so we'll hear you loud and clear. We will let you know if there

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is a break in what we hear. And I invite you to start your oral traditional evidence.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. CHAD BOWECHOP:

263. **MR. BOWECHOP :** All right. Thank you, honoured Members of the Panel. My goal is to be able to express to you how our cultural belief, based on our spiritual understanding of the spiritual and physical world, are impacted by -- potentially impacted by this proposed action.
264. So I would start first with our cultural presentation and then I'll evolve into how through our treaty signing we come to our current formal government-to-government working relationship with the United States government.
265. I mentioned in with our opening prayer that we are a people of the potlatch; that our spiritual belief directs us to develop the understanding that there is a balance between our spiritual realm and teachings and the physical world, and we're trained as youngsters to develop that understanding. And then once we develop that understanding of the balance in the world then we're taught it's our obligation to maintain that balance.
266. There are a number of examples I can present, a few in particular. One, we reserved the right unto ourselves during our treaty negotiation to retain our whaling practices. We understood whaling to represent the apex of our spiritual beliefs that only certain families could whale and the whaling ceremonies were very sacred and very private. But what we -- very private to the family -- the respected family. But what we did understand was as we were hunting the whale and the whale determined that we were worthy both physically and spiritually the whale would hand its spirit and its body over for our spiritual nourishment and our physical sustenance.
267. And I asked my dad a number of years ago if we believed that the whale could communicate with us after it determined we were worthy it would communicate to us and say, "Take my body for your physical sustenance, pass my spirit on, that your people may remain strong and spiritually centred," I asked him why can't we do that anymore, and he explained to me it's because we don't live as a robust cultural life as we once did and that the ocean isn't helping us to act as the medium to pass on that spiritual message.

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268. So he was explaining to me -- it was his clear understanding the physical environment is out of balance enough that it can't retain the means to carry that spiritual message.
269. We also believe our spiritual beliefs are very much centred on the ability to transform from the physical world, that is to say from the spiritual world to the physical world. The Makah are part of the wolf society, and when we would sing our Indian songs to put our dancers on the floor here in the Pacific Northwest we would -- some of the dances we do we wear wolf masks carved out of cedar and then we have a cape with our family design on it, and then we dance in front of the host back and forth, and what we're showing the host is here's our family emblem, here's our family crest. And we have female sideline dancers on the floor that stand between the audience and allow the dancers in the room to dance.
270. But we clearly understand is when our wolves -- is what we call them -- when they get close enough to the sideline dancers and they have to -- we will lower our centre of gravity by squatting down and then spinning and then that provides us the means to turn around and go back across the floor in the other direction. But what we're really displaying is this is the ease in which we're able to transform from the spiritual world to the physical world and we're showing you -- we're showing you here and now this is how we can do it.
271. And the Indian name that I have was passed on from Evan Simons to Barney Williams to my dad, and it's -- and he passed it on to me, and it's hundreds of years old. It's a whaling song, and it's about strength of spirit to keep the harpoon and the canoe straight. But it also expresses -- the song is translated to express that we met with the animals in their spirit house, in their big house. And they showed us this is how you keep a balance. This is how you keep a balance in nature, in the environment; and that's what our song expresses.
272. We believed in that message so strongly that when Western religion was introduced -- was being introduced to the Pacific Northwest, what we understood was -- after studying and working with the Jesuits and the Catholics, we understood this part, what we understand, our spiritual understanding is the missing link. It's a missing link to Christianity, that we'll gladly share with you folks.
273. That, to me, that message really resonates with me. I understand myself to be a very devout Christian and I have no problem balancing my

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traditional spiritual beliefs with my understanding of Christianity.

274. So what I'm expressing to you folks is I'm laying down the foundation of our cultural identity, based on our spiritual values. And why that's important is as I transition into our treaty signing, we recognized when we were negotiating the treaty that it was the legal vehicle that would frame in our working relationship with the United States.
275. We understood early on, on the west coast of Vancouver Island, and at the western entrance to the Strait of Juan de Fuca no commerce, or even shipping activity, could take place unless you received permission from Chief Maquinna up the west coast of Vancouver Island from around Tofino Clayoquot area, and Chief Bakwillah at the entrance to the Strait.
276. So we were very sophisticated in our understanding of the geography and the geopolitical nature of who controlled what area. If you didn't ask permission in an appropriate way to enter into another tribe's area, that could, if you -- if your activities or intent was determined egregious enough that could essentially cost people their lives.
277. So when we signed our treaty we understood that we weren't asking permission to remain Makah; we were expressing, "Here, these are the component parts we reserve unto ourselves to retain our cultural identity and to continue to exercise our spiritual beliefs".
278. There was -- after the signing there have been a number of federal attempts to terminate the federal government's formal working relationship with treaty tribes across the United States. We've -- you know, for better or worse, we weathered through all of that. The point I'm emphasizing is it's vitally important to develop that weight point or that key point of understanding of how you transition from cultural identity and awareness into the formal working relationships that First Nations and tribal governments have with their respective federal partners in the contemporary day and age.
279. And so we understood our treaty to be the means to retain our cultural identity, and when you add on certain United States federal policies and legal cases, that begins to lay the foundation of how tribes have the opportunity and challenge to work with the federal governments. So some work we've done in the recent past, this past April we renewed a Memorandum of Agreement -- that is to say, the Makah Tribal Council -- with the United States Coast Guard.

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280. And in the agreement, the body of that document expresses categorically what issues we work with the United States Coast Guard on. And we chose to do -- it was an updating -- the MoA was an updating from the original one in 2013. And in 2013 we concentrated on formalizing our working relationship, addressing oil pollution and vessel traffic safety, and we broke down, in the body of the MoA, oil pollution into prevention preparedness response and natural resource damage assessment. And then we added vessel traffic safety concessions.
281. On this most recent one, we expanded the scope of recognition in the MoA to be generically comprehensive in now we're working with the Coast Guard to enhance our mutual understanding, as I say, between Coast Guard and the Makah Tribe, of maritime domain awareness. And what we were successful in putting into that document was in the United States the federal government, its departments and agencies, has a formal responsibility to legal and moral obligation to look after tribal governments' interests. And it's called trust responsibility.
282. And we understand it. The Makah -- at Makah, and with the Makah Tribal Council is that trust responsibility is shared by the federal government and the tribal government, that these benefits and assurances are passed on to the tribal member.
283. And how we accomplish that in the most recent iterative version of the MoA was we included cultural activities. We included language that expressed our understanding of the treaty to support our cultural way of life based on our spiritual values. And to me, that's -- first of all, it's a very transferrable concept. Second of all, it's something that I believe in order for First Nations and tribal governments to express their interests adequately, the First Nations and tribal governments have to be provided the opportunity to say, "Here are how our cultural and spiritual values need to be represented."
284. And what we learned in working with the Coast Guard is that concept is addressed through establishing a common operational understanding. And now through our MoA with Coast Guard District 13 is language that states clearly in order for the United States Coast Guard District 13 to meet their trust responsibility obligation to the Makah Tribal Council they have to understand what it means to address cultural values based on spiritual beliefs.

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285. So to me, it's an absolute coup in how we were able to -- and the Coast Guard went along with us willingly. And so I'm expressing now how important it is for us to be able to mutually express what our respective values are. And we took the understanding of our spiritual beliefs that there is a balance in the physical world and we expressed that understanding to Kinder Morgan of Canada and said, what that explains to Makah is we need to sit down with you and talk to you about your intentions, what is planned, so we can develop the understanding of how this might or might not affect us.
286. So the key to our oral testimony is expressing the means to represent our cultural, traditional, and spiritual values in discussion with companies like Kinder Morgan. We understand clearly and (inaudible) institutionalize our interests in an efficient manner with the federal government, and at times that sounds like an oxymoron. I know we're very challenged, but you know, one thing I've learned is if you believe the federal government is a bureaucracy that can just stymie your sense of understanding, try and work (inaudible) bureaucracy is what I have to say about that.
287. But the point being is it's our understanding at Makah that in order to enact meaningful and lasting changes and improvements, government to government consultation has to be the initial endeavour you undertake, and then once you establish a mutual understanding of what is meaningful government to government consultation -- and I applaud you folks for doing -- for engaging in this additional fact-finding. I know oftentimes in the United States, we're driven by legal mandates that oftentimes can be the hardest way to go. But as well, it is -- it provides the legal guidance to determine how can we move forward.
288. And I think out of all of this, when we were discussing with Kinder Morgan, who came to Makah and asked us to share our Tribal Spill Response Program experience with them, we expressed to Mr. Mike Davis from Kinder Morgan Canada we would welcome a visit from -- of Kinder Morgan interests providing they would be willing to discuss the (inaudible) in terms of quid pro quo.
289. What we understand in working with our First Nations Indigenous communities through the CAN-US Pack Joint Response Team we've recently developed and are in the process of developing an Indigenous caucus that will provide us the formal means to express our interests, First Nations and Treaty tribes to the U.S. -- to the CAN-US Pack Working Forum, and that's the joint response team between the coast guards that are responsible for oil spill response.

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290. And so the value in developing an Indigenous caucus is multi-beneficial, in our view. One is we don't -- as tribal communities, we don't necessarily recognize the international boundary line as a formal dividing line. We have many cousins, that is to say from Makah, we have many cousins on the Canadian side, and vice versa, obviously. But also what that falls in line in supports is neither does (inaudible) oil spill recognize an international boundary line.
291. So what we're emphasizing and working with the First Nations on Vancouver Island is that let's develop the means and understanding to recognize the Greater Puget Sound Region from (inaudible) out to the west coast of Vancouver Island and Washington State. Let's begin to view that waterbody certainly as an international waterbody, but as one waterbody, and then let's work towards developing a means of how do we synchronize -- how do we identify and then synchronize our interests.
292. So what I'm hoping is, is I'm not veering too far away from the intent of the phone call in delivering oral history. I certainly can express more understanding in that regard. And this example would support the Canadian and U.S. effort to work towards recovery of the southern resident killer whale.
293. We were taught that in exercising our spiritual authority there are times that require intervention. And we are a wolf society because our people, the Makah, recognized on land, on terra firma, the wolf packs acted very similar to our tribal way of life. And we prayed to the animal spirits. We understood that we were -- our families even express as we were to the animal spirit house, we were to their big house. They showed us their -- they sang us their songs and they showed us their dances. We know how to contribute to the balance of the physical and spiritual worlds. And we -- at Makah, we did that through engaging our wolves, and our wolves essentially are heads of family to support our hereditary chiefs in maintaining spiritual firsts and then cultural order.
294. And what we understood hundreds of years ago is that the ocean went out of balance, and our hereditary chiefs prayed to the -- to our animal spirits, "What should we do? How do we help with this?" And the directive was, "Take your wolves and have them sing your songs and your prayer songs and wade into the ocean. And as you're wading into the ocean, sing your prayer songs." And as we were doing that, we transformed into killer whales so we could help implement the spiritual law of the ocean.

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295. And that's one of those -- when we recently had the killer whale, Tahlequah swimming around Puget Sound with her calf on her nose, I asked my elders in my family, our spiritual advisors, "What does this mean? Can you tell me what this means?"
296. And they wouldn't answer me right away, and then -- so I asked them again, "Do I need permission to ask you what this means?"
297. And what they explained to me was "Well, yes and no, but first of all what it means is Tahlequah was displaying the severity of the degree of how the marine environment is out of balance." It took Tahlequah 17 days to complete its mission. And then what my Elder said was, "You're right in asking that can you share this spiritual teaching." And the -- and they granted me permission.
298. And -- but the reason they were saying that it's okay to share it is we've come to this point in time that we have to act; we can't ignore this or we'll lose this, and we're losing it to -- in tribal beliefs, it's more than just losing the killer whale because we understand we are the killer whale. What is really representative of is this is a sign that we're losing this aspect of our culture. If we lose the ocean, we lose the Maritime environment, I can't stand my name up at the community hall when we potlatch, that wealth of resource they put on the table to provide, and my family to feed.
299. So what we view this is, is a direct challenge to our cultural and spiritual way of life. And this is something else that my dad explained to me was maybe the reason it's taking Makah so long to (inaudible) rights through the United States federal system is perhaps we haven't been as good a stewards to the marine and ocean environment that we need to be. Perhaps we're being tested.
300. And I would put that forward as an expression along with the Killer Whale of why the risk of oil spills are so concerning to us. We understand clearly oil spills and the safety record and the vessel traffic safety system in Puget Sound are nearing world class. There's always room for improvement.
301. What we also know is since 1970 we had approximately two million gallons of oil spilled in our Treaty area around the region of Cape Flattery, and that causes irreparable physical and biological damage, as well as it damages our spirit in that we can't get out on the beach and collect our subsistent food resources. And at Makah, we define subsistence, not as what it takes to get by

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day to day, but we define subsistence as what it takes to exist. And that includes cultural and spiritual application.

302. So what we urge this review process to take into consideration, and which you in fact are doing in this phone call, is including the social science with the sound application of the physical science. We have a lot of questions and concerns about the physical makeup and nature of polluted bitumen. How is that going to interact with our Treaty-protected resources? We have the same concern with oil spill dispersement.
303. So we're developing the capacity -- and this is a key concept to grasp on as well. In order for First Nations and tribal government interests to be adequately developed and then prevented or implemented, there has to be existing capacity somewhere. Somewhere in the pipeline, so to speak, you have to understand what we were taught by -- in our spiritual teachings, in our chief's area, you can't conduct business in one part of your chief's area without it potentially impacting other activities or resources in another. And that lends to our understanding of how to recognize and then maintain the balance.
304. And in order for tribal governments to be able to, in some cases, even just develop that, that ability, there has to be an investment in capacity development, which requires a funding source and which requires authorization and then so forth, so and so forth.
305. But I hope I am presenting this in a clear enough manner that displays that connectivity of our cultural and spiritual interests to how we represent those interests to issues like the Trans Mountain Pipeline. And the beauty of enhancing First Nation capacity and government-to-government consultation is if we do it appropriately -- and I say "we" because I believe clearly we have interests at stake -- but also, we have a lot of experience this year.
306. We've been invited by Admiral Roger Gerard, retired Admiral Roger Gerard, Canadian Coast Guard, Western Region Assistant Commissioner, I believe. But because of our experience in government-to-government consultation and tribal response program, he's asked us to assist in his effort to develop the Strait of Juan de Fuca integrated spill response plan. And we very much look forward to that as we very much look forward to working with -- in developing our Indigenous caucus with the First Nations of Vancouver Island and the mainland.

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307. You know, so I can't tell if I've done well. This has been very much a flow-of-consciousness discussion. I mean, I understand what I'm saying. Hopefully, I've sent a clear message to you though.
308. **THE CHAIRPERSON:** Thank you. It's very good. It's very interesting and we are used at the Board to deal with tribes that are in Canada, not so much often -- so often with tribes from the States.
309. So at this stage, I would ask whether Trans Mountain has questions.
310. **MR. DUNCANSON:** Thank you, Madam Chair. We don't have any questions but thanks very much, Mr. Bowechop, on behalf of Trans Mountain. That was very valuable.
311. **MR. BOWECHOP:** You know, I appreciate that. From the beginning of this issue, we understand the clear implications of climate change that Canadian oil sands represent, but we also understand the Canadian federal government's sovereign interest to declare the export of Canadian oil sands as in national interest.
312. And we don't feel we have the capacity or the ability to challenge that. We do very much have concerns, but what we presented to Mike Davis from Kinder Morgan Canada was --he came to visit us. We're a voting member of the Puget Sound Harbour Safety Committee, the Makah Tribal Council, because we're a voting member of the Region 10 Region Response Team. And that's a reflection of us understanding how to conduct our due diligence. It took us a while to figure out where to introduce our interests. And in some cases, we learned faster than other cases. We got a lot of battle scars and we celebrate our victories.
313. What we expressed to Mike was, it's Makah Tribal Council's position not to either endorse or oppose the Trans Mountain Expansion of the Trans Mountain Pipeline, but what we will express to you is, should permitting come to an eventuality, we very much will have sovereign interests that we need to sit down and to discuss with you in detail.
314. And I must say that Mr. Davis has been true to every word and commitment that he's made. We understand he will building our Treaty interests into the federal realm of understanding that progress is incremental and occasionally, you hit a home run and everybody's patting each other on the back.

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But what is most important, what we learned, is to develop intimate working relationship with our principal partners and then once we're able to do that, then some of the questions that seem more difficult to answer sometimes aren't so difficult to answer.

315. We did a vessel traffic risk assessment in the Puget Sound region in 2015. And we did it in collaboration with federal, state, NGO, and industry interests and to me, the most important product of that endeavour was we worked with industry to determine how do we agree on what data to feed into the vessel traffic risk assessment?
316. And we worked with Professor Johan René van Dorp from George Washington University and in my professional experience, that was -- I recognize that as one of our more important achievements. We had the opportunity to use our Treaty rights to station a rescue tug here at Neah Bay in working through -- in consulting through the updating of Coast Guard mandates and rules in the *Oil Pollution Act* of 1990.
317. And that -- the rescues this year alone has made has attached a tow line three times to stricken vessels in the greater Cape Flattery region. And at Makah we viewed it -- we view that as preventing three oil spills.
318. So there's the -- our interests -- our collective interests and I would suggest to you folks as well is multi-disciplinary, operates on a number of different levels, and it's very complex so we must take it one step at a time. We determine what forums to work in that allow us to represent our respective interests and then -- and then, if need be -- I mean, I've been involved in passing federal and state legislation to enhance vessel traffic safety, government-to-government consultation and oil pollution issues.
319. So that's what we come -- that's what we offer to you folks in the Canadian government because we view the need and understanding of -- in order to protect our cultural and spiritual way of life, in order to protect our treaty-protected resources we can't act as the clients of the federal government. We have to act in a self-determined manner, conduct due diligence and build capacity that allows us to work with federal, state and provincial entities, and that's probably the biggest challenge for tribal governments is how do you build that capacity.
320. And there are certain ways at least to start it, but most tribal governments will have their heads spinning, you know, to be engaged in this

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conversation. We have the battle scars to show it, so.

321. You know, I really appreciate this opportunity. Again, I hope I'm making enough sense. The last thing I want to appear to be as is some Yank who understands this is how it's supposed to be and this is -- you know, we've helped change how the United States Coast Guard conducts its business, and it was one bite at the apple at a time.

322. And on occasion, like I say, you hit the home run. But if we don't work together -- that's what our spiritual beliefs teach us. In order to retain the balance, we have to work together.

323. So in closing, I think that -- that's what I may leave you folks with unless you have any questions.

324. **THE CHAIRPERSON:** Yes, we have a question from Member Lytle.

325. Do not worry. You made lots of sense, so we heard you clear and loud.

326. So Mr. Lytle?

327. **MEMBER LYTLE:** Yeah. I guess I'd just like to reiterate that I hope that I could speak with a flow of consciousness that is as articulate as you've been. We certainly did understand what you're saying, and thank you very much for it.

328. I've got a couple of quick questions.

329. You mentioned that you're developing your own capacity, and I may have missed it, but is that capacity development ongoing and you're finding sort of the financing through the U.S. federal government? I'm just curious how -- where you are along the path towards getting to a level of capacity that you think you need to be.

330. **MR. BOWECHOP:** Well, I appreciate that question.

331. We're fortunate enough on a couple of levels. One is through the Environmental Protection Agency. We've been very fortunate to capture funding

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- to assist us in -- one funding source helps us maintain -- helps us to develop and then maintain a tribal response program. And in that program, instead of the -- it's a Brownfields program.
332. Instead of a mitigation perspective of cleaning up like one and done and moving on, what we're -- what we concentrate on is the development of policy, rule-making and proposed rule-making. And we introduce our key interests at that level.
333. And it works pretty well. We had the opportunity to even work with the Obama administration on national ocean policies, and the intent there was to harmonize -- that's the buzz word -- harmonize the federal, state and tribal authorities that exist on the ocean. And so we've essentially taken that same blueprint of understanding and now we're attempting to transfer that over to how do we learn to read the Canadian interests. How do we come to understand this is how the Canadian federal government operates, here's their working relationship with the province.
334. So we have funding from the federal government, and those funding sources we guard with our lives, I've got to tell you. They're hard to come by.
335. And -- but the other part is, is our tribal government has declared the Office of Marine Affairs and our scope of work as a priority, so they pay for 90 percent of my salary and half my office administrator's salary.
336. And how I help them understand the work we're doing is a priority is we can sit on Front Street here in a day and count every inbound and outbound vessel on a daily basis. So that's something that -- what I encouraged -- so thank you for asking this question.
337. When Admiral Gerard approached me at a -- I think it was a change of command at District 13. He asked if we would be interested in assisting -- in working with him in assisting bringing Canadian First Nations to the table, enhancing their participation in oil pollution and vessel traffic safety. And I said, "Before I answer that question, sir, would you be kind enough to answer questions I have?"
338. And he said, "Well, certainly".
339. I said, "If you're asking us to come in and share our experience with

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- the First Nations of Canada, I need to hear from you you understand this is a formal capacity-building initiative for the First Nations" because in the United States when -- when you talk about tribal governments and capacity-building, Congress will immediately recognize that as a mighty task. And so I was testing our good Admiral.
340. And he said, "Yes, sir, Mr. Bowechop, I do recognize this as a formal capacity-building initiative".
341. And then I asked him further, "So if you recognize it as a formal capacity-building endeavour, then you must have a funding source to base it on". He said, "Yes, Mr. Bowechop, I do. That's the Canadian Ocean Protection Plan".
342. Now, having said that, I understand most of that money has already been expended in infrastructure development. And we understand that clearly. We're working on infrastructure development here now at Neah Bay.
343. So the answer to your question is the money question. And that's something we hope we're able -- by sharing our experience and capacity, we're hoping that that helps the First Nations of Canada identify their way points in a clearer manner or the means to develop an understanding of how to identify their priorities.
344. Does that answer your question?
345. **MEMBER LYTLE:** It sure does. Thanks very much.
346. One last question is, you've talked about your relationships with U.S. federal government. And I'm not an expert in the U.S. Constitution, but a -- I'm just curious how that translates to your interactions with the state government.
347. Do you not need to because of the Constitution or do you have to have sort of triangulation with all of your discussions government to government?
348. **MR. BOWECHOP:** That's a very insightful question.
349. First of all, our trust officers -- that is to say, with that correlation to our trust responsibility and our -- we call it our treaty trusts resources, our trust officer in vessel traffic safety is the Coast Guard, so we retain that.

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350. That's why we developed an MOA with the Coast Guard and not the state. We -- the state -- while the state is a primary or principal player, they are not our trust officer. But that's not to say that we don't use our treaty influence to express our treaty interests with the state.
351. There are a number of occasions that we've used our treaty influence working with the state to help the Coast Guard get off the dime, so to speak. And then the inverse is true as well, as we've used the Coast Guard to lean on the state to say you're not meeting these response standards adequately enough.
352. So what we've been able to do in this regard is use our treaty interests as an intervene mechanism to bring both federal and state authorities to the table to discuss issues that are of importance to the Makah Tribal Council. And when we're working on legislation, if it's at the state level then we make sure the Washington State Department of Ecology knows everything we're doing. We don't like surprises. That doesn't work well for maintaining relationships. And then when we're working with the federal government there's nothing we do in that realm to ever leave our Coast Guard not in the know.
353. And here in Washington recently, because of issues like Kinder Morgan and other related issues, there's a very robust discussion going on between the United States Coast Guard and District 13 and the State of Washington. The Coast Guard is expressing to the State of Washington you're exceeding your authority, your legal authority, to enact some of the these -- some of the legislation that you've been attempting to pass and you should be very careful. And the state is pushing back saying we were very -- we're fully aware of what our legal authority is and you folks just need to help us out.
354. Well, what we've done in the last month was we went to Olympia, the state's capital, and said -- and it was -- we used the southern resident killer whale and we were expressing -- and even expressed to the governor in a meeting last week -- some of these recommendations we have concerns about because of the state's attempts to pre-empt federal authority. And we just explained to the admiral's representative, the international tribal liaison, that you give us a clear understanding of what these pre-emption issues are because you don't want us agreeing to a recommendation in the southern resident killer whale that's contrary to federal interest.
355. So what we were able to do is we got that read out from the Coast Guard to express to the state, and we expressed to the state if you're not careful,

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you know, you're -- what you don't want to do is to get Makah in the middle to have to choose because we'll choose our federal trust officer, you know, every time. That's where our treaty interests lie.

356. So there's a bit of a balance, but there's more benefit in working together to develop that understanding, and that's what we -- we like to place our emphasis on our ability in -- we're co-managers with the State of Washington over the resources so our treaty reserve rights provide us the resource trustee status. That means we have ownership of our share of the resources. And then with the federal government we have our treaty's formal document.

357. And what we've learned is the best way to keep the balance is -- in the physical environment is to make sure we're all working together and that we have a mutual -- and this is where the common operational understanding is so vital. If we can develop that, even in a basic manner, and then we apply the means and what we learned in Obama's administration's ocean policy.

358. So to make a long story short this is all a work in progress.

359. **MEMBER LYTLE:** And a very interesting work in progress.
Thanks so much.

360. **MR. BOWECHOP:** My pleasure.

361. **THE CHAIRPERSON:** Thank you.

362. And just to bring some perspective, we also have our own federal and provincial issues and little battles once in a while, so I think it comes with our different territories.

363. So we thank you for your testimony, and we'd like to acknowledge the Makah Tribal Council for the stories, traditional knowledge, and also up to date knowledge that you have shared with us today. We will consider all we've heard as we decide on our recommendation in this hearing.

364. And we will reconvene tomorrow at 9:00 o'clock to hear from Driftpile Cree First Nation.

365. So we thank you very much, and it's too bad that we couldn't see you in person, but your voice was carried out loud and clear. So we thank you again

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for your participation.

366. **MR. BOWECHOP:** Thank you folks very much. And it's been my
 pleasure.

367. **THE CHAIRPERSON:** Thank you. Bye.

368. **MR. BOWECHOP:** Good-bye.

--- Upon adjourning at 1:34 p.m./L'audience est ajournée à 13h34