NATIONAL ENERGY BOARD
OFFICE NATIONAL DE L'ÉNERGIE

Hearing Order OH-001-2014
Ordonnance d'audience OH-001-2014

Trans Mountain Pipeline ULC
Trans Mountain Expansion Project

Trans Mountain Pipeline ULC
Projet d'agrandissement du réseau de Trans Mountain

VOLUME 24

Hearing held at
L'audience tenue à

National Energy Board
517 - 10th Avenue S.W.
Calgary, Alberta

January 28, 2015
Le 28 janvier 2015

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OH-001-2014

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

HEARING LOCATION/LIEU DE L'AUDIENCE

Hearing held in Calgary, Alberta, Wednesday, January 28, 2015
Audience tenue à Calgary (Alberta), mercredi, le 28 janvier 2015

BOARD PANEL/COMITÉ D'AUDIENCE DE L'OFFICE

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

ORAL PRESENTATIONS/REPRÉSENTATIONS ORALES

Alexander First Nation
Chief Kurt Burnstick
Ms. Caroline O'Driscoll (counsel)

ERRATA

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No.	Description	Paragraph No./No. de paragraphe

--- Upon commencing at 1:49 p.m./L'audience débute à 13h49

11712. **THE CHAIRMAN:** Good afternoon, Chief. I understand you'd like to open with a prayer.

11713. Elder Narcisse?

11714. **MS. O'DRISCOLL:** Forgive me, Elder, just for a moment. I just want to confirm with the Board that this will be off the record prior to proceedings.

11715. Thank you.

11716. **THE CHAIRMAN:** That's correct.

11717. **MS. O'DRISCOLL:** Thank you.

(Opening prayer)

11718. **THE CHAIRMAN:** First of all I'd like to thank -- thank you, Chief and Elder Narcisse for your welcoming us today through your prayer and for the ceremony that we had -- some of us had in the open air before we started the hearing. So I acknowledge that and thank you for that.

11719. And if you would like to move forward now, Chief, and we'll -- I'll begin with a few opening words.

11720. But first of all, again, good afternoon, everyone, I'd like to welcome everyone to the continuation of the oral traditional evidence phase of the National Energy Board's hearing regarding Trans Mountain's Expansion Project.

11721. My name is David Hamilton and I am Chair of the Panel, and with me on my right is Mr. Phil Davies. And also joining us is Alison Scott who is also a Member of the Panel and she is -- unfortunately due to the weather is joining us through video and I'm not sure if -- yeah, she's on -- the lady on the -- there she is right there, in the middle of the screen there. Alison is a Panel Member and she lives in St. Margarets Bay in Nova Scotia. And unfortunately, due to the severe weather out east wasn't able to be here in person, but is as good as listening and seeing everything that is going on today.

11722. I'd also like to welcome everyone else who is here today, both in the hearing room and listening to us in the webcast.

11723. Before we get started, we are holding this portion of the hearing in what is still a fairly new building to us and I will just take a moment to review the safety aspects of this room. In the event that we hear the building evacuation tone, the procedure will be to exit the hearing room using the entrance that you came in.

11724. Once in the hallway, there are two evacuation stairwells. The first is at the end of the hallway, to the right of the hearing room entrance, and the second stairwell is in the elevator lobby. Once outside the building, we will proceed to the Central Memorial Park, which is two blocks south of the building.

11725. Also, the men's and ladies' washrooms can be found through the elevator lobby turning left along the north hallway. There's signs posted by the elevators.

11726. There are also a number of NEB staff members who are in attendance today and you will be able to identify them because they're each wearing one of the gold nametag. They would be pleased to answer any questions you may have.

11727. For this gathering of the oral traditional evidence, we will sit until 4:30 today, if required. We will take breaks as necessary. And if you require a break, please do not hesitate to ask us.

11728. The Board understands that the Alexander First Nation have an oral tradition for sharing knowledge for generation to generation, and this information cannot always be adequately shared in writing.

11729. The Board recommends that those providing oral traditional evidence focus on how the project would impact their communities' interests and rights. These hearings are not to hear evidence that will be filed subsequently in writing, including technical and scientific information, opinions or views, recommendations to the Board on whether to recommend approval of the project or the terms and conditions that should be imposed, or questions to the Board or other participants.

11730. Sharing your knowledge, Chief, traditional knowledge and stories about the use of your traditional territory is of value to us. If you wish to share

any concerns about the impacts the proposed project may have on you and your community and how any impacts could be eliminated or reduced, that would be also helpful to us.

11731. This is the type of information we're here to listen to and we will use this information we gather today, along with all the other available information in considering the possible effects of the proposed project. We appreciate that you have chosen to be here today.

11732. Before providing traditional evidence, presenters will be asked to swear or affirm that the information they are presenting is accurate and truthful to the best of their knowledge and belief.

11733. Before I ask the Chief to present their oral traditional evidence, perhaps I would like to have the representants of the Proponent Trans Mountain to introduce themselves.

11734. **MS. OLENIUK:** Thank you, Chair. Good afternoon to the Board and good afternoon also to the representatives from Alexander First Nation.

11735. My name is Terri-Lee Oleniuk and I'm legal counsel to Trans Mountain, along with my colleague to my left, Heather Weberg. To Ms. Weberg's left is Annie Korver and she's a member of Trans Mountain's Aboriginal engagement team.

11736. Good afternoon.

11737. **THE CHAIRMAN:** Thank you, Ms. Oleniuk.

11738. Are there any other preliminary matters from any of the other intervenors?

11739. Please come forward.

11740. **MS. RAJULU:** Good afternoon to the Board and members of the Alexander First Nation.

11741. My name is Aruna Rajulu. I'm a Senior Policy Advisor with the Major Projects Management Office of Natural Resources Canada.

11742. I'm here today as a representative of the federal Crown to hear the Alexander First Nation's oral traditional evidence this afternoon in relation to the proposed Trans Mountain Expansion Project.

11743. While I do not intend to ask any questions today, a number of federal departments and agencies are registered intervenors and they may utilize the information request process at a later point in time as a vehicle for asking questions of other intervenors.

11744. I would also like to note that I am very honoured to be present at this hearing and to hear from members of the Alexander First Nation.

11745. Thank you, Mr. Chair.

11746. **THE CHAIRMAN:** Thank you.

11747. I think we are now ready to begin, so perhaps Ms. Comte, if you could affirm the Chief and any other representatives of the Alexander First Nation.

KURT BURNSTICK: Affirmed

11748. **THE CHAIRMAN:** And perhaps if you could indicate, Chief, or Ms. O'Driscoll if you'd be willing to respond to any questions orally, in writing or both.

11749. So I'll hand it over to you, Ms. O'Driscoll.

11750. **MS. O'DRISCOLL:** Thank you, Mr. Chair. My name is Caroline O'Driscoll, O'Driscoll and Company, legal counsel for the Alexander First Nation.

11751. As a matter of addressing some of the housekeeping matters for the process here, first of all, I would like to note it for the record on behalf of Chief Burnstick that although he has been affirmed for today's proceedings, his conscience is also bound by his customary beliefs, and it is important to him that the record does reflect that.

11752. He is here today on behalf of the Alexander First Nation, and the Nation does want to note for the record that it is -- its members are all Indians

within the meaning of Section 91.24 of the *Constitution Act of 1867*, the *Constitution Act of 1930*, the *Constitution Act of 1982*, and they are Treaty Indians under their sacred Treaty No. 6.

11753. They are also Aboriginal people within the meaning of the *Constitution Act of 1982*, notably, Section 35 of that, and they are also indigenous people as that term is used in the United Nations Declaration under Rights of Indigenous People.

11754. I have also been asked today to acknowledge the attendance of the following individuals on behalf of Alexander, who are present in the room:

11755. We have the wife of Chief Burnstick, Marsha Arcand. We have Elder Narcisse Paul, Council Member Edwin Paul, and Band Members Ken Arcand, Collette Arcand, and Joyce Arcand.

11756. With respect to the submission being made here by Chief Arcand (sic) today, we want to advise the Board that it will be provided in four parts, and this is to facilitate the opportunity for the Chief to consult with his Elder as needed throughout the proceeding here.

11757. With respect to the use of exhibits, I am going to help out by identifying them for the record when the time arises. And with respect to Procedural Direction No. 6, due to the nature of oral evidence, Alexander First Nation requests all questions come in writing and they will provide the response after they've had the opportunity to address them fully at the community and with Elders in writing as well.

11758. Thank you.

11759. **THE CHAIRMAN:** Thank you, Ms. O'Driscoll.

11760. With that, Chief, we are eager to hear your presentation today.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF KURT BURNSTICK:

11761. **CHIEF KURT BURNSTICK:** Thank you very much.

11762. First of all, I want to thank everybody for being here.

11763. I will start by saying in my language who I am, and then I'll repeat it.

(Speaking in native language)

11764. Hi, I am Chief Kurt Burnstick from the Alexander First Nation. It is my pleasure to present the oral testimony of my people.

11765. Alexander in Cree is Kipohtakaw, which means an area surrounded by trees. It's what describes the location of where we, the people of Alexander, have been since our first reserve was created in 1880. But historically, our ancestors came from as far away as Saskatchewan, and for many areas what is known now as the Province of Alberta.

11766. Before I begin, I firstly want to thank the Creator for giving us another day. I also want to acknowledge the Elder that smudged and prayed for us today. Hai hai, uncle.

11767. The smudge we used today was that of my late grandfather, Henry Paul, and protocol requires me to use his medicines because it's been part of our culture and part of our family for generations.

11768. I also want to mention that the sacred smudge that we used here today comes from the land of our traditional territory. One of its many uses is to help cleanse our minds and spirits so that we come here with open minds and honest intent.

11769. The medicines that's used in our smudge it comes from Mother Earth, who gives life through all her gifts in our traditional territory. Our people have consistently used this medicine through time, and we as Cree people are told never to forget that.

11770. I want to acknowledge that these hearings are being held on Treaty 7 traditional territory. I also want to thank the Panel for showing us respect by allowing us to include one of our important cultural practices as part of the hearings today, and I thank my community for allowing me as Chief to present to this Panel.

11771. I want to clarify that my authority to present oral traditional evidence here doesn't just come from my own firsthand experiences and knowledge or the

fact that I'm Chief of my nation. It has been through meeting with my Elders and community members, where they have given me direction to speak here today.

11772. I also need to mention that in our culture no single member of the Alexander First Nation can be the ultimate expert of traditional knowledge, because it is something that we hold collectively.

11773. You see, our evidence today is both traditional and cultural in nature and it is intended to give insight to our Alexander Cree, nehiyaw worldview, an understanding that cannot be understood from written evidence alone.

11774. And like I said, because I'm not the ultimate expert speaking here today, if there are any questions that might be asked of me, I am required by protocol to take them back to my community. This is because I rely on the assistance, knowledge and support of my Elders, my technicians, and my community members who can collectively provide me with more complete answers.

11775. Now, because of the nature of this hearing process I also have to mention that the evidence we hear -- share here today is limited. The nature of this process that was developed by Canada, we feel, does not allow us to provide the true picture of our customs, our values, our practices, and our beliefs.

11776. I'm attempting to present to you a picture of our identity, our culture, and our history from a camera that is a different lens that the camera you use to take the same picture. And my verbal explanations will do little justice to the picture for you, as we both see it differently. What we need is to be able to learn how to see through each other's lens to absorb the true detail of the picture, but my worry is that this process does not allow the time to be able to do that.

11777. We feel as a people that we are being asked to take a test by completing a puzzle with you, but it is your puzzle we are completing. We are being asked to put our puzzle pieces into your puzzle and they don't fit. We feel that our complex and interconnected social structures, which are largely foreign to modern day society, cannot be truly understood in this form, and we fear that our evidence may become marginalized and overlooked.

11778. You see, although you may not hear me use your words for various concepts about society and the environment, I am actually sharing sacred information with you today about our laws, our internal and external economies,

and all of the details of how and where they come from, and how the knowledge has been transmitted and modified over time.

11779. What may sound to you to be a simple recollection of a personal experience or a cultural practice is actually a snapshot of elements of a rich and complex system of governance and how we live and balance with Mother Earth. Sadly, this dimension of our submission is often only heard and appreciated by those who share our worldview.

11780. Many have warned us that this presentation may be an exercise in futility by our nation, but as the Chief entrusted to speak about our rights I am obligated to do my best to ensure we are heard. Perhaps not truly listened to but that we are heard.

11781. So I am here as a show of respect to your process to participate in this hearing today and it is our attempt to give extra context and meaning so that the Panel may hopefully gain a better understanding of the Alexander First Nation's interests and concerns as we think about the past, present and future generations in our traditional territory.

11782. To many people in the general public, the knowledge and memories that we share might seem only cultural in nature as simply activities or practices that can be measured or understood in some pigeonholed way so that a proposed project can be given priority, where simple remedies like rerouting can be used to justify potential impacts.

11783. In order to help you understand how I am trying to convey my oral traditional evidence, I want to start with the fact that the Cree people are expected not to speak of certain things directly, like things considered sacred to us. And it's a challenge for me to help you understand our Cree worldview from your point of view and to help you learn about how I understand our Cree worldview from my point of view.

11784. So my attempt here is to talk about how, from a Cree way of knowing, we understand that everything is interconnected. And I find if it helps me to speak of one concept to give context and meaning of another concept so that listeners can begin to understand. For example, the word "soniyas" in my language can mean money, but it also has many other connections and meaning in a concept of market and economy and customary law and governance that are part of our day-to-day experiences.

11785. How I see it is when a Cree person is talking to you about soniyas, you might think they are talking about money, but I know they are talking about marketing and economy, and as the conversation go on -- goes on and I start to see what we are looking at the same time -- at the same thing in different ways.

11786. To give you another example, Paul First Nation and Alexander First Nation are indeed two First Nations with similar beliefs, shared ceremonies and practices. You might not even realize that you see us as two pinpoint locations on a map. Without me telling you that we have some connections to Paul First Nation and some distinct differences, you would never have known that. You can't see the connections when you're on the outside looking in.

11787. Because our ways and our natural laws are integrated in everything, from my point of view, I automatically know that these things are recorded in our collective, and they are recorded and supplemented by our individual memories, stories and teachings and so on. And I realize that you might not have -- automatically know that. So I'm trying to talk about these things and, at the same time, trying different ways to help you understand more.

11788. It is important for me to say it this way because I'll be talking about elements of our evidence that cannot be identified as site-specific pinpoints on a map. Yet there are elements of our evidence that demonstrate our continued existence of our inherent Aboriginal and Treaty rights that are often overlooked or completely ignored; rights such as our right to self-governance, our ongoing management and protection of our Treaty, our traditional territory and its natural resources, and the maintenance and development of our own economy.

11789. So it bothers me that the images my words create for you might only give you part of the context and significance of what we are sharing. To another person sharing our worldview, the complexities and values of our stories are obvious. To someone of another culture it can go completely unnoticed and unaccounted for in different settings like this hearing.

11790. And this is why we hope you listen with open minds today. We hope that open minds will trigger your awareness of the limitations and issues in the Crown's consultation policies and use of current regulatory processes that are marginalizing our people and erode our rights.

11791. I want to begin with helping you understand more about who we are.

Alexander First Nation is a Plains Cree Nation. We have a registered population of about 2,100 members. Many of our members are actively engaged in our traditional ways and many members are users of the land, exercising our rights protected by the Treaty and the Canadian Constitution.

11792. The Alexander First Nation has protected Treaty rights, Aboriginal rights and title, including the jurisdiction and authority over our traditional territory. It is well-known by First Nations that we, as First Nations, are required to maintain our customs and protocols by continuing to use the land. This is because for First Nation Peoples, our Elders tell us there are many, many teachings out on that land.

11793. Our Nation has three types of land interest: Our reserve lands, the lands we commonly refer to as our TLE lands under the Alexander First Nations Treaty Land Entitlement Settlement Agreement that we have with Canada, Alberta, and our traditional territory.

11794. **MS. O'DRISCOLL:** For the Board, we would like actually if we could pull up Exhibit B1-41, Page 2 and it should be titled "First Nation Reserves -- Edmonton to Alberta & BC Border," I believe. For the Chief's reference.

11795. Thank you.

11796. **CHIEF KURT BURNSTICK:** First, our Reserve lands include Alexander Reserve 134 Main that was created in 1880, located west of Morinville in Central Alberta, which is located right there. The laser's not working on it. The laser's not working. It's working but it's not hitting. Which is located 12 miles west of Morinville, Alberta.

11797. We also have Alexander 134A, which you can see on this map is located east of Fox Creek, Alberta which is up on top over here, the last one on top which is east or west -- east of Fox Creek, Alberta.

11798. We also have Alexander Reserve 134B near Fort Assiniboine, Alberta that is not marked on this map but is located near the Fort Assiniboine Sandhills Wildland Park, which is right on top where the green is. Reserves 134A and B were established under a TLE Settlement Agreement.

11799. Second, our TLE lands includes two types of lands: Purchase lands that are already held in trust by the TLE trustees on behalf of the Alexander First

Nation; and future purchased lands, land identified to be purchased and added to our Reserve lands. These lands are outlined in our agreement and have been identified for future community development by the Alexander First Nation.

11800. As I'm pointing with the laser on the map, these lands are situated around the 134 Main, the one right in the centre by the green to the left, the one west of Morinville.

11801. Third, we have our traditional territory. These are our traditional lands that include well -- and allow well beyond the boundaries of our Reserves and TLE lands. About 50 percent of the proposed line runs through Alexander traditional territory.

11802. It's hard for me to describe the scope of our traditional territory because Alexander has never identified what our traditional territory is on a map with the governments of Canada or Alberta because Alexander has never received the blessing of our people to mark an arbitrary boundary on a map.

11803. And because we have never put an outside limit or boundary line on our traditional territory, the closest we've come to articulating our traditional territory is in our Statement of Claim that was filed in the Alberta Court of Queen's Bench as Action number 1101-09218 in July of 2011.

11804. But I can tell you that there are areas of mutual interest in our traditional territory with other nations. And so our land and resource management practices have some similarities and work together in some ways with the land and resource management practices of other nations, like Paul First Nation which I mentioned earlier.

11805. So when we review the separate pinpoints on a map, what is left out is that there continues to be sophisticated systems for land and resource management amongst nations that are overlooked by the governments of Canada and the provinces.

11806. When our members go out on the land across our territory, they do not have to come to Chief of Council for permission or to notify us they are going. They do not take GPS units to mark their travel routes and kill areas for hunting. They do not mark their locations while gathering their medicines or berries or performing ceremonies. But they are always respecting and using protocol. Yet this is the tracking tool utilized by different levels of government to measure our

use and whether or not there are serious adverse impacts to our rights. So when we talk about traditional territory, we again look at it very differently.

11807. In addition to a large area in Alberta, our traditional territory and our historic and current practices within it extend well into Saskatchewan and British Columbia. About half the length of the proposed project will run directly through Alexander's traditional lands, regardless of any route revisions that Proponent might make.

11808. Knowing this makes us wonder about the suppliers of the product that will run through this proposed line. Surely, the producer's applications need to be approved too for this project to be feasible, and yet each project is a separate application, sometimes even being considered by different regulatory processes too.

11809. Our worldview demands that we consider and mitigate cumulative impacts on Mother Earth on all scales. It is essential to ensuring that our relationship with Mother Earth can be sustained for generations to come.

11810. And so our concern is that we see no sign of this in Canada and the provinces' existing land and resource management systems. How can long-term cumulative impacts on our traditional territory and Treaty rights be truly understood and mitigated if we only consider one project by itself?

11811. It is on all of these lands that our Elders from this and previous generations have transmitted a Cree way of knowing through our ceremonies, stories, teaching, memories and so on that help us understand the responsibilities that are expected when we exercise our inherent rights and our traditional territory that include maintaining our spiritual and cultural relations with the natural resources, to development and maintenance of our economic alliances to promote inter-nation trading of goods, access to clean water for consumption and other uses, protection of archeological sites and cultural artifacts, hunting, fishing, trapping, plant harvesting, traditional food harvesting, cultivation and gathering of medicinal herbs and roots, ceremonial practices, the use and preservation of our culture, ceremonial and sacred sites and so on.

11812. Long before Treaty, we existed and thrived in our traditional territory and we continue to have our own way of governing ourselves. We are an organized self-governing nation with common lineage, histories, laws, social structures, culture and language. We continue to occupy our traditional territory

and govern ourselves within it. And as things began to change with contact with the newcomers and as the world continues to change today we continue to exercise and maintain our way of life in order to thrive as a viable nation.

11813. It is our belief, according to Cree worldview, that when the newcomers came to our land that the British Crown recognized that. We had certain ownership rights over our traditional territory and we had autonomy over -- of our internal affairs. We held concepts of economy as seen through our trading practices and networks with other nations. Our society was based on sustainability and we co-existed and shared with other nations.

11814. It is from that history and from the generation of our Elders' memories and stories that have been told and retold where we learned that Treaty confirms and reinforces our natural laws and that protecting the Treaty is extremely critical as it is a solemn promise between Alexander First Nation and the Queen to co-exist for as long as the sun shines, the grass grows and the rivers flow. That recognizes our inherent authority and jurisdiction over our lands and our people.

11815. Our Elders understand that Treaty is more than literal words that it appears to be to the general public and have told us there were no promises that our people would be able to live -- there were promises that our people would be able to live as we had done before to live our traditional lifestyle, and that the Treaty is an agreement to share the land to the depth of a plow, and that at the time when the Treaties were being discussed there was no concept about an economy-base mass of resource development.

11816. But as time went on the newcomers dug into the earth, and based on our Elder's understanding that the Treaty is not stagnant but that it is dynamic, that the original intent to share the land is a concept that we can look at to see if -- and how it can be now applied to helping us address and deal with this change in circumstances.

11817. Because our Elders have told us that the spirit of sharing the land includes sharing the resources that lie on and beneath it, and our Elders have taught us it was never the intention that we would be in competition for resources or be denied access to resources or not to be able to benefit from them.

11818. And our Elders have told us that the Crown's natural resource transfer agreement with respect to what is now called Alberta, that this was done without consultation with us and without our consent. We in Alexander have always been

told that we were to co-exist and share the land.

11819. So just as my example of the word "soniyas" has many other connections to other concepts so does the concept of the Treaty relationship because this too has many connections to other concepts.

11820. We have been told that these were the things that our forefathers argued for when they entered Treaty; that there are rights that flowed over and above what we already had; the Treaty is for as long as the sun shines and the grass grows and the rivers flow, indicating how serious our forefathers were then and how serious we are now about the matters we currently face because this and other projects definitely have impacts on our rights.

11821. **MS. O'DRISCOLL:** And if it's okay with the Board, we'll take a brief break for about 5 minutes to let the Chief touch base with his Elder.

11822. Thank you.

11823. **THE CHAIRMAN:** That's fine. Yeah, we'll take -- in fact we'll take a 10-minute break and come back.

--- Upon recessing at 2:22 p.m./L'audience est suspendue à 14h22
--- Upon resuming at 2:37 p.m./L'audience est reprise à 14h37

11824. **THE CHAIRMAN:** Thank you.

11825. Whenever you're ready to go.

11826. **MS. O'DRISCOLL:** Thank you.

11827. And, Board, we just want to bring your attention to the fact that we have changed the exhibit that's now up on the display. We are now looking at Exhibit B1-4, at page 19. It's Figure 4.2.1, Project Overview Alberta and British Columbia. Just for reference, as the Chief continues with his presentation.

11828. Thank you.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF KURT BURNSTICK: (Continued/Suite)

11829. **CHIEF KURT BURNSTICK:** Thank you.

11830. To help you with my personal perspective and again to illustrate how I understand how meanings can be -- can transcend from one concept to another it will help you to understand why I'm located in Alexander and how we are situated in our relationships in and beyond my First Nation.

11831. As I said earlier, my name is Kurt Burnstick. My wife is Marsha Arcand. Her parents are Francis Arcand and Shirley Arcand. Her late grandfather on her dad's side, Fred Arcand Sr., was a former Chief. While he was Chief, he worked on getting local control of education returned to Alexander, where control of our education should rightfully be. His wife was Jacqueline Linklater, a Métis from St. Albert. She was adopted by Alexi Arcand and his wife Mrs. Courtepatte. Alexi was the son of Chief Catchis-tah-way-skum.

11832. On my wife's mother's side, her grandparents were Dan Bruno Sr. and Mary Arcand.

11833. My wife and I have two daughters. My eldest daughter, from a previous relationship, her late grandfather Leo Bruno was also a former Chief. And Leo was an active hunter, fisherman and trapper his entire life and he played a key role in helping us in mapping our historical and current uses of the land.

11834. Along with my three daughters I have two granddaughters that my wife and I will ensure that they carry on with our traditional teachings as we go on in life. I know that because of the different ceremonies that I have participated in across our great traditional lands. Protocol required me to teach my successive generations so that the knowledge will continue to benefit our people, and we're always told that we should not forget the meaning and importance of those teachings.

11835. I wanted to share this information about my wife's family with you because in Cree worldview I am considered to be part of her family now, and just as it is important that I know my own family history it is important that I remember hers as well.

11836. My parents were Margaret and George Burnstick, who have passed on but not before I had the chance to learn some teaching from them in the years that I got to spend with them.

11837. I have three brothers and three sisters, one of which has also passed on to the spirit world.

11838. My mama was passionate about preserving her Cree language and teaching. She was a Cree culture and language teacher at the school in Alexander and at Maskwacis College in Maskwacis. She was a respected historian and helped her community to write two books that documented the rich history of our community, one of which is dedicated to her. And she was active in participating in our ceremonial protocols.

11839. I remember how seriously my mother took her responsibilities. She used to start preparing weeks before the ceremony and how carefully she prepared; that's how much she believed in protocol.

11840. My mother, she took seriously the passing on of knowledge. For example, she was responsible for a medicine for treating toothaches. She made sure that she passed on the knowledge of gathering, preparing, and how to use the medicine that had been passed on to her. And how she did that was by making sure that even after the passing of my dear sister, that she needed to show my late sister's daughter how to gather, prepare, and properly use that particular medicine.

11841. There are just some of the teachings -- these are just some of the teachings that she shared with our family when we lived in Hinton, the Grande Cache area west of -- or east of Jasper National Park.

11842. I still remember when my daughter was two-and-half-years old, and my mother would talk Cree to her. She would also take her berry picking, and to this day my daughter still loves berries.

11843. My grandparents on my mama's side were Henry and Rosie Paul; they too have passed on. My late grandfather in Cree; I call him my mosom Henry. He was a former Chief of Alexander and he was a respected traditional healer and leader. He played an important role in our ceremonies that he had done for many people. He participated in all kinds of ceremonies across our traditional territory regularly throughout his life -- which I will explain more a bit later -- and he played a role in the development of the 1970 Citizen Plus Paper or what is known -- more known as the Red Paper.

11844. He was part of the Indian Association of Alberta under the leadership of late Harold Cardinal, at that time, who rejected the 1969 White Paper because

they saw it as a form of cultural genocide.

11845. For those that might not remember, the White Paper was a federal policy paper that was developed to end the special relationship between the federal government and First Nations' people that had been established with the signing of the Treaties. This went against our Elders' understanding that the Treaties were to be honoured for as long as the sun shines, the grass grows and the rivers flow, and ensure the wellbeing of future generations of Treaty Indian people.

11846. Based on what happened with the White Paper, the trust that First Nations' people had with the federal government, our partner in the Treaty relationship, was shattered. And it has been a struggle to rebuild that trust with our partner in the Treaty relationship.

11847. It is no secret that many First Nations are convinced that the termination policies that our partner tried to put in place then still continue today.

11848. But beyond all of this, we are taught by our Elders that we must always remember who we were, who we are, and who we will always be. We are independently functioning peoples with all of our own natural laws; respect, love, honour, honesty, compassion and humility. We maintain our own systems of life and death, our duties and sacrifices according to these laws.

11849. Today, the closest reference I can think of that you may know in relation to it is do unto others as you would have them do unto you.

11850. My mosom Henry's parents, my great-grandparents -- in Cree I call them my chapans -- they were Joseph Paul and Betsy Burnstick. For a long time they used to move all over. They stayed in other Reserves like Morley, which is south of -- or east of Banff National Park; Sawridge, which is north of Slave Lake; and Driftpile, which is west of Slave Lake. And they often moved back and forth between Alexander and Paul First Nation because they had relatives there.

11851. Part of the reason they would move was because they did not want to become Catholic, and moving was a natural part of our ways, so that's why they did. But at one point when they returned to Alexander, my chapan Betsy, compelled my chapan Joseph, to stay in Alexander because she was tired of moving all over and she wanted to be amongst her family.

11852. My late grandmother -- in Cree I call her my kohkom Rosie -- she was the matriarch of our family. And as head of -- female of our family, we looked to her for teachings, alongside my mosom Henry. She was Métis and her family came from the east and she married into Alexander and lived the Cree way of life.

11853. Her dad, my late chapan Joe White, was Métis and he was a Cree interpreter who worked all over our territory. So his family was more transient and they moved from community to community, but he eventually settled in Enoch Cree Nation.

11854. Although my kohkom Rosie came to stay in Alexander, her siblings went on to live all over Alberta. For example, my mosom Henry White, he and his two -- he and two of his sons, Lawrence and Russell, all served in the Canadian Army. And he had another son, Gordon White, who served in the United States Army.

11855. In my mosom Henry's later years he went on to stay in Fort McMurray, which is in Northern Alberta. My mosom Fred White went on to stay at Sandy Lake, just west of our main Reserve. My mosom Napoleon White went on to stay in Marlborough, which is west of Alexander. My kohkom Lena White went on to marry Joe Morin and lived in Maskwacis, which is between Red Deer and Leduc. So on kohkom Rosie's side, we have extended family all over.

11856. I'd like to share with you now information about my late Dad and his side of my family.

11857. My father was George Burnstick. I want to mention that there's more than one family of Burnsticks in Alexander. And I realize that this might seem confusing at first, so I hope you can bear with me as I explain.

11858. My chapan Betsy belong to one Burnstick family and my Dad belong to another Burnstick family. And my Dad, he was what we call a oskapiyos, which means worker for our ceremonies, a traditional helper. He was the fire keeper for all our ceremonies. He was one of several young men who was handpicked from the Elders to do specific jobs at the ceremonies, but they worked together with all oskapiyosak.

11859. The head oskapiyos at the time was Louie Burnstick, who was nicknamed mosom John in my community. I knew him as my chapan Chiliwiy. And although to an outsider he was my mosom Henry's uncle, my great-uncle,

because he was born -- and because he was chapan Betsy's brother.

11860. From a Cree understanding in how people are positioned in families, he was my chapan, my great-grandfather, because he was my great-grandmother Betsy's brother. This indicates a crucial teaching about how we respected and treated him in the same way we respected and treated my chapan Betsy. He was the boss of everything cultural in terms of following protocol. So in short, my Dad was guided by my chapan Chiliwiy to learn and be responsible as an oskapiyos.

11861. This oskapiyos' position and the responsibilities that go with it were handed down to my brother, Brent, who now is in this respected circle of oskapiyosak. And as part of his role, he now guides one of his sons who will one day be called into this position.

11862. My grandfather -- my grandparents on my late father's side were Joseph and Flora Burnstick. My late mosom Joe's Cree name was moo-nah-see. And my grandparents lived a traditional lifestyle living off the land and practising and participating in our ceremonies. They lived by example, teaching us that we are to take care of our extended families.

11863. For example, my Dad's first cousin, Abraham Burnstick, when his wife passed away my mosom Joe and kohkom Flora adopted, by custom, Abraham's children, my cousins Joe Burnstick and his late sister, my late cousin, Maxine LaFleche. And today, their kids continue to live in Alexander as part of a large extended family.

11864. My mosom Joe and my kohkom Flora were teachers in my Reserve along with many of the Elders, showing all of my cousins and me the ways of hunting and trapping, and also gathering of food and medicines.

11865. I remember being out on the land with him and my kohkom, groups of families going out. And the men would go hunting or fishing and the women would take some of us kids berry picking and gathering medicines.

11866. Many families continue to live by example and be out on the land. And although there are some community planned gatherings at our 134A and 134B Reserve lands, there are many families that continue to go out to reconnect with the land because it is on the land where there are opportunities for our Elders and culture teachers to continue to show the kids where, when, why, and how to

fish, to hunt, to gather plants, foods, medicines, and to share teachings and stories with our younger generations.

11867. What is important for you to understand is that our teachings do not focus on just the acts of doing these things. Each part of where, when, why, and how are taught in a manner that is consistent with protocol. And with protocol comes responsibilities to Mother Earth, and they are expected to be upheld.

11868. So in large part, all my mosoms and kohkohms I have mentioned here, along with many Elders and cultural teachers, have helped shape who I am with their teachings and with the sharing of their knowledge and guidance. And I love them for that. I take comfort in the fact that I carry these teachings with me for my children and my grandchildren to learn.

11869. It is through the line on my Dad's side that I am a direct descendant of one of the original Headman and Peckachase who was in attendance with Chief Catchis-tah-way-skum when he had signed adhesion to Treaty 6 in 1877 at Ford Edmonton Park. The Burnstick family was -- family name was one of the cornerstone families in Alexander and has expanded to several families of Burnsticks today. And as you may have noticed, I have been fortunate to have many relatives that were strong political leaders.

11870. **MS. O'DRISCOLL:** If it's all right with the Board, we'll just take a very brief break here again.

11871. Thank you.

11872. **THE CHAIRMAN:** That's fine.

--- (A short pause/Courte pause)

11873. **THE CHAIRMAN:** Thank you.

11874. **CHIEF KURT BURNSTICK:** I know I have shared a lot with you about my relatives. I did so not only to show you that I have extended family all over our traditional territory, but also because I am only one example out of the population of Alexander members who can also go to great length to talk about their extended family relationships. This is because it is expected of us.

11875. A fundamental element of Cree worldview is the idea of

interconnectedness, and in order to understand this idea in terms of our relationship to the land and resources, it is helpful to know who our extended families are, who our extended relatives are because these relationships go well beyond our community in Alexander; they extend far and wide.

11876. I feel this is unique because, for example, take a small town that has roughly the same population as Alexander. There does not appear to be a similar understanding to know who your relatives are or how you are interconnected in that town.

11877. If a member of my community moves away, there are people in the community who could tell you that they know where the person has moved to and they would know if that person is doing okay or not. I have not seen the same expectation from a town. So I hope by -- that by sharing this it helps you understand how complex the concepts of interconnectedness and of extended family relationships really are.

11878. Just as importantly this extends to our interconnectedness with our traditional territory too. Our existence and survival as a people are completely intertwined with Mother Earth.

11879. I thank you for your patience as I share this information. I needed to because I wanted to be able to set the tone to talk to you now and help you understand how we understand the concept of sharing.

11880. So with my explanation of who I am and who my family is, I now want to talk about -- a bit about Alexander's ongoing family, ceremonial, and economic and political ties with other First Nations from all over and beyond our traditional territory.

11881. Just like a long time ago when our people would have to leave our area for various reasons, our people continue to leave and come back to our community today. Our people didn't move merely because they wanted to, they also adapted to ever-changing circumstances.

11882. And this brings me to the topic of what Mother Earth gives us and what you might label as our economic activities and land and resource management.

11883. We have teaching about -- teachings about these things connected to

what I talked about earlier. Our wellbeing has not only been -- not only dependent on being able to take care of what Mother Earth gives to those of us who are here now, we are repeatedly told to make sure that something will be there for future generations. This highlights the idea of sharing what Mother Earth gives -- gives us, and sets a tone for how we interact with other nations.

11884. Long before the newcomers arrived and long before we entered Treaty, we had to manage ourselves and everything that Mother Earth provides because she is where we get what we need to take care of ourselves and our relatives.

11885. I put it this way, we interact politically and economically with other communities because we know we have extended families there and we have been taught to take care of not just our immediate family but our extended family as well.

11886. I am explaining it this way so that those listening here can get a glimpse of our values, our beliefs, and our principles, and about how we are expected to interact with the land and everything that it provides, and how we are expected to interact with others in and beyond our community and our traditional territory.

11887. This is how I learned to understand my community's trade relations and political relationships and alliances with other communities, because they stem from these important teachings about who our relations are because we have to take care of our relatives, just as we take care of ourselves.

11888. And how we are expected to take care of our relatives is similar to how we are expected to take care of everything that Mother Earth gives us. This is one way that helps explain our economic ties go hand in hand with our political ties.

11889. So when I was talking about my family ties earlier, we are always reminded to remember and know these kinds of things because like my cousin, Maxine and Joe, they're not the only incident of Alexander members stepping up to take care of their relatives. There's countless examples that remind us that we have connections, not only in our Nation but with many Nations, and this informs us of our understanding of how we are supposed to interact.

11890. Expectations of how we are to interact is underpinned through our ceremonies. Because we have relations from all over, our ceremonies were, and

are still today, held all over. For example, as you can see on the map, there are the mountains. The mountains play a huge role for our people and that's why they are important. And the mountains, such as in Jasper National Park, our ancestors travelled there for ceremony. And through successive generations, our people go there today to hold ceremonies according to our traditional lifestyle. My mosom Henry was a prime example of this.

11891. And even though Canada tried to force us to stop our traditional lifestyle, which included our ceremonial practices, when Jasper became a national park in 1907 and tried to alienate us from the mountains, we are happy to see that Jasper National Park is now recognizing the importance of relationship building and making strides to reconciling its relationship with Canada's First Peoples.

11892. It makes us happy that the Park is establishing formal relationships with First Nation communities like Alexis Nakota Sioux Nation. When park officials were in discussions with O'Chiese First Nation, Jimmy O'Chiese shared with me that their nation told park officials that, no, they were not seeking an agreement because the parks were in Treaty 6 land. He shared that they use the Athabasca River that originates from the Columbia Ice Field to make that distinction. So in their Elder's eyes, they believed they didn't need an agreement because it's already in our territory.

11893. Efforts such as this are a step that works towards reconciliation of different understandings about the significance of the mountains and this has led to where more First Nations today are returning to the mountains to be able to continue a traditional lifestyle there.

11894. The mountains, in our people's understandings, were never thought of as a term to be negotiated in a Treaty, because they are regarded as spiritual and sacred places, and we've always been told and believe that the mountains are supposed to always be there for us so we could have a place to live our traditional lifestyle.

11895. Oftentimes I wonder did the newcomers think we didn't care about the mountains, because we do. It was something we never gave up. The mountains were and will always be non-negotiable.

11896. And the attempt to alienate us from the mountains to prevent us from living our traditional lifestyles are -- is something our Elders see as a violation of the Treaties by the newcomers. Our people maintain their connection with the

mountains and their resources. Despite this, and since our traditional lifestyle extended into British Columbia, we know that our relationship with Mother Earth is reflected in our traditional lifestyle that extends far and wide.

11897. Looking at ceremonies is another way. My mosom, Henry Paul, was connected through the practice of ceremonies, political activities, and friendships with other native people.

11898. Like the late Harold Cardinal of Sucker Creek First Nation in Northern Alberta, late Tom Bigchild of the Sunchild First Nation in Southwest Alberta, late Peter O'Chiese, who was a traditional Saulteaux Anishinaabe man, who never entered into Treaty but was connected to the O'Chiese First Nation and was a well-known and respected traditional teacher.

11899. A man that we remember was called Old Man Blackman from Cold Lake, which is in Northwest Alberta. Another man called Old Man Ward from Beaver Lake, which is just south of Lac la Biche, Alberta, he was friends with Chief Smallboy of Smallboy Camp, now more commonly known as the Mountain Cree near Jasper National Park. With late Albert Lightning of Maskwacis, a well-known storyteller. He had many friends further east as well, and I could go on all day, but since we are only here for a short time I will stop there.

11900. I give these names as examples, and like I said, I could go on, but I think you get the picture. The point I wanted to make here is that throughout time and still today we engage in ceremony with leaders that form our political alliances with our families, with our relatives and friends from all over.

11901. The examples I provided here are meant as a way to explain different ways to help you understand what makes up the foundations of our economic and political ties across our traditional territory, a territory where Alexander has areas of mutual interest with many other nations, including the sustainable management of land and its resources.

11902. Across our traditional territory, the people that we may attend ceremony with could also be an extended relative or a political leader or so on. But in addition to knowing these things, I wanted to talk about how we learn teachings by doing and being involved in everyday activities.

11903. There are times for storytelling, especially when extended family members or family friends from other communities come to visit. I remember the

Mackinaw family from Buck Lake coming to visit my late cousin Maxine and her husband Edmond Lafleche. Once we knew that visitors arrived, lots of us would go over to Maxi and Edmond's place to visit.

11904. At certain times visitors come for ceremony. We do not have ceremony in isolation. It is something that ties us together, and this has allowed for our teachings to continue far across this land. Some of our ceremonies are held in different seasons. For example, Soup Dance is in the fall, and Sundance is in the summer, and other ceremonies like feasts and sweats are held in all seasons. So visiting was a common occurrence.

11905. Our sense of responsibility is nurtured when we participate in ceremonies. We have things we have to do. We have duties and obligations to continue our traditions and ceremonies in our families and in our communities. These are handed down over generations to remind us we are connected to the Creator and Mother Earth and that we are responsible to them and our responsibilities carry over into our daily lives.

11906. I spent a lot of time when I was young with my grandparents and my parents, my extended family and friends, which I have learned a lot of our ways, by doing and by listening to teachings and being told stories repeatedly my whole life. For example, I have danced many sun dances. I have attended many sweat lodges and still do. I also help in setting up of ceremonies as a worker for our Elders.

11907. In many ways this is a healing for our people when they work for the Creator, because when we help we are indeed living up to our responsibilities to the Creator and Mother Earth. I've gone on my trips with my mosom and kohkom, my mom and dad, and on those trips I have helped harvest medicines and food and learned about the different plants and medicines and their uses, and I was shown how to hunt and fish according to protocol.

11908. I remember places like Buck Lake where I attended ceremonies, and I've been to these places, like the mountains in Jasper, where I've been shown where our ancestors and our people today hold ceremonies according to our traditional lifestyle.

11909. In general, our obligations and responsibilities are determined in different ways. It's not that this is a hierarchy; it's in our language and the connection between our language and how we are positioned in our immediate

and extended families. And in our relationships with other families in my community, sometimes we are called upon through ceremony and sometimes they are determined by whether we are male or female. Because even though some responsibilities are shared, there are some responsibilities and duties that are just for men and some that are just for women.

11910. I know it might sound confusing, but growing up in my community this is something that comes as second nature to me. These understandings that are so embedded that often it's hard for an outsider to see or understand how our obligations and responsibilities come about, just as I can appreciate how difficult it might be for you to understand fully what I am trying to articulate.

11911. It is hard for me to understand how it is that people in the general public do not know these things, because it seems so easy for me to understand. It makes me think about how differently one thing, one concept can be looked at so differently. For example tobacco, and how differently you and I might see it as one thing. You may see tobacco as something inherently bad because of its health risks, but I see tobacco as something inherently good because of its original purity devoid of the chemicals it now contains and because of its importance in ceremony and protocol.

11912. I realize this is a random example, but I am trying my best to explain how looking at one thing from different worldviews can start to trigger other issues.

11913. Getting back to what I was talking about, the obligations and responsibility I was explaining. These extend and are connected to how we take care of the land and resources. And for me, I continue to be reminded to uphold my obligations and responsibilities in specific ways, because if I do not it would be considered to be extremely offensive and threatening to the integrity and the heart of what everything I have been taught.

11914. When I was chosen by my community to become Chief in a traditional sense, I was chosen because the members of my community have placed a great deal of trust in me, a trust I had to earn. And part of showing that I was capable of this trust, I have been a part of the leadership for 10 years. For nine of those years I was a council member and I have been responsible for overseeing education, economic development, health, forestry matters, social development.

11915. In this time, I've seen many things happen in our relationship with the

federal and provincial governments that affect our daily lives as First Nation people and now as Chief of Alexander and as I talk to you today on behalf of the people of Alexander First Nation.

11916. There are many stories and teachings that I remember that my Elders have shared and that a lot of band members have shared with me like those about hunting trips in our traditional territory, and about the ceremonies that have taken place. And I know that our cultural leaders and helpers from Alexander and other First Nations continue to gather and pray and will continue to do so whether it's in our nation, Paul First Nation or in the Kootenay Plains or in the mountains because culture to us has no boundaries. Likewise, in our traditional sense our way of life that Treaty guaranteed us followed that same mentality.

11917. So as I remember these things today I'm reminded that I have even greater obligations and responsibilities to my community because now as a Chief as okimaw I have responsibilities and obligations to everyone who is part of my community of about 2,100 people who also count on me to protect the land and resources.

11918. I hope that in what I've shared so far has helped to give you a glimpse of the traditional cultural nature of our oral evidence.

11919. Before I came here today I thought a lot about how I will tie everything together for you in the context of this proposed project and this hearing process.

11920. I can see why the general public cannot figure out why First Nations people have so many concerns with resource development. We are concerned because -- and I'm only using an analogy here because I do not know how else to say this.

11921. When I want to construct a teepee a number of other things that I have to do or get before I actually raise that teepee. In the past I would have to have had to work with a number of other people and follow protocol, be part of a ceremony, hunt buffalo for the hide, find the poles, fashion the stakes that secured the hide to the ground, fashion the stakes that are used to keep the teepee secured around the poles, then work with the women who will take over from there and have their own tasks to do. They would need sinew to sew the hides. Bones would be needed to use as a needle. And a number of skills are needed to construct it and the scale of building what that happened and how that had to be

sustainable.

11922. There have been modifications over time but what I am trying to say is a number of resources, hides, poles, sinew, are needed to construct a teepee, as well as consideration given to the impacts of the construction itself.

11923. It has made me wonder what resources are needed to be gathered before a pipeline can be constructed. I have wondered about this, because here in this hearing we really are talking about the hypothetical construction of a pipeline and the resources that would be pumped through it.

11924. And this makes me start to think of other things like the numerous projects in our traditional territory are looked at singularly, things and regulatory processes, and not as a whole and not in terms of what other resources have to be developed in order to construct that one project.

11925. The cumulative impacts of so much resource development right across our traditional territory is resulting in the taking up of land to the point that the First Nations people are forced to travel in panic to exercise our rights and forced to adjust to impacts for the short-term with no opportunity to have long-term affects truly considered and addressed.

11926. Our Elders and community members question why there are limits on regulatory processes. Why are we forced to only look at a small area of impact or an isolated project without the context of the overall long-term combined impacts of multiple developments on our traditional lands, resources and our rights?

11927. And our Elders and community members wonder why there is no active involvement from the federal or provincial governments in all of this, especially when some of these projects are so huge that our Elders believe the government should be coming to us themselves, not sending a Proponent to carry out administrative aspects.

11928. Our Elders question why the Crown is not playing a key role and are appearing to allow cumulative impacts to continue.

11929. With the decline of the buffalo our way of constructing a teepee had to modify and adapt to changing circumstances. Today modern teepees are covered with canvass because buffalo hide is no longer a readily available resource.

11930. And even if a resource like oil, for example, was an infinite supply and could be pumped through a pipeline, I wonder what about those other resources that are needed before a pipeline is even built.

11931. The resources from Mother Earth are not an infinite supply.

11932. How would things have to be modified for pipeline companies in that context?

11933. These are the questions that we need to answer to hold ourselves accountable to the Creator as caretakers of Mother Earth.

11934. And how does this connect back to relationships? According to our teachings in Alexander there have been promises that are pertinent in a Treaty relationship the Crown has broken. For example -- and I have heard this same piece of information said right across Treaty 6, that when it comes to co-existing and sharing the land with the newcomers the newcomers indicated that they would only need the land to the depth of a plough for farming or for the purpose of agriculture, as you might call it. So it is believed that the Crown broke its promise by going below that depth.

11935. And now a fast-forward to today. Land and resource development is being done without integrating our worldview and our knowledge of Mother Earth.

11936. We were told we could continue our way of life as before the Treaty was signed. Part of our way of life includes our traditional economy. Yet today's reality is that the cumulative impacts are effectively altering and reducing animal and fish populations. And regulations have been created and forced, coercing us to only exercise our rights for food in the ceremony, when such rights as fishing and hunting shape our traditional economy too.

11937. But my point is that the original promises made to our forefathers when it came to things like these have been broken. And so our teachings and stories talk about how this promise was broken too.

11938. It is our traditions, customs, and practice that, in part, determine our economic decision making process. Just like it is customary to share and trade with -- to hunt with other families, those in need, et cetera, these practices in turn help shape how we approach our relationship with the Crown in regards to how

economy should be developed. But our Elders are telling us that as the federal and provincial Crowns advance their own economies while our traditional economy is continuously being compromised.

11939. And we are not given the respect as a partner in the Treaty relationship to be invited in a meaningful way to manage the land and resource that both economies should be developed upon to ensure the viability of both of our economies through sustainable practices.

11940. Yes, we have a huge problem with our partner in our Treaty relationship. We in Alexander believe it's shameful that it's 2015 and the general public is still uninformed about First Nations peoples and do not fully understand the rights that flow from the Treaties that we entered into with the British Crown, and that the general public is uninformed about the rights that flow from when Catchis-tah-way-skum and British Crown entered into Treaty 6.

11941. In saying this, I'm glad to have had this opportunity to speak to you today because all of you in this room all of us are Treaty people. Our ancestor entered into Treaty together so as a responsibility to my ancestors, and you to yours, we are required to teach this to our future generations. We must continue to remind the general public that our people are not part of a dying or dead culture; that we are vibrant and thriving people with legally recognized rights and interests in this land.

11942. **MS. O'DRISCOLL:** If it's all right with the Board, we'll take one last brief recess.

11943. Thank you.

11944. **THE CHAIRMAN:** By all means.

--- Upon recessing at 3:22 p.m./L'audience est suspendue à 15h22
--- Upon resuming at 3:34 p.m./L'audience est reprise à 15h34

11945. **THE CHAIRMAN:** Thank you then, whenever -- just go and -- Chief Burnstick, whenever you're ready.

11946. **MS. O'DRISCOLL:** Thank you, once again to the Board.

11947. And just want to bring your attention to the projector screen. We have

changed the exhibit. It is now B5-33, page 1, Figure 5.4-3 "Human Occupancy and Resource Use Study Area Boundaries - Rural Alberta Region" for the Chief's reference in his final segment here.

11948. Thank you.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF BURNSTICK: (Continued/Suite)

11949. **CHIEF KURT BURNSTICK:** Thank you.

11950. As I mentioned before break that we have been told about the Treaty was in agreement to co-exist and share the land to the depth of a plough, but we have never been told by our Elders that our ancestors said that they would not be involved in maintaining the land and resources so that we could continue to co-exist and share.

11951. Our Elders believe we are supposed to be involved in maintaining and managing the land and resources with our partner in the Treaty relationship. Our Elders believe we were shut out and our Elders teach us that this is not right. Without the Treaty, without the Mikisew case and without the duty to consult, we wouldn't be here today.

11952. There have been agreements in place long before any of us here were born. And I am required by Cree teaching to remind us of that all the time. Even as I try to share our oral traditional evidence here today, we in our community are told that we cannot exclude or disconnect the Treaty from the regulatory process because it is that -- it is the Treaty that established the relationship between Crown -- the Crown and Alexander and that created the obligations for the Crown to protect our way of life.

11953. We are told by our Elders that the Crown had to have understood this because the Canadian Constitution also provides the same protection. And so this is our reminder of these teachings that we First Nations are told never to forget.

11954. Why then, our Elders asked, has the Crown unilaterally taken control of land and resource development when, according to our teachings, it is to be a joint collaborative undertaking? And why has the Crown only offered us a seat in this hearing process in what we see as a token capacity?

11955. From our teachings, we have always been told through successive generations that there's an obligation of the federal and provincial Crowns to ensure that we are able to co-exist and share in a healthy relationship that sustains the people of Alexander. Again, this is to be done through a joint collaboration.

11956. How do I help the general public understand that the actions of our partner in the Treaty relationship are not consistent with what we have been told over many generations?

11957. Our lives are being changed and we want people to listen, understand and pay attention and to take action, to reconcile the relationship properly. The taking up of land for resource development is having a cumulative impact on our ability to exercise our traditional practices related to the land. These changes affect our ability to hunt in Moose Row, for example.

11958. So what I want people to think about is a few scenarios. For example, we often speak to our Elders to consider what happens when a prime hunting area is cleared of all its trees and plant life? What happens if that landscape has been altered?

11959. Hasn't anybody else ever wondered what happens to the stories and the teachings about the hunting area? How they are impacted on because the landscape has been dramatically altered to the point that no longer resembles what it was because it is in the middle of a right-of-way. Has anybody else ever wondered about how we react when the animals are no longer there to hunt?

11960. These are not contemplations of what if. Our Elders ask us to consider these things because of the realities we are seeing around us. Like the area around Fox Creek and the impact that forestry has had in that area. That's our Reserve close to Fox Creek there.

11961. The taking up of land also continues to impact on our ability to fish. Again, many questions immediately come to our minds. What happens when a fishing spot where we have fished for generations and where there are physical attributes are connected to teachings is taken up in the name of resource development?

11962. What if a river is dammed or rerouted? Do others not notice that fish are getting sick and deformed? What happens if there is no fish left at all? What becomes of those teachings connected to that place?

11963. What if the whole reason for that fishing spot being chosen was because our Elders and family told us that every year in the spring the waters would make the rivers rise with fresh, drinkable water that was used to -- was used to as part of the practice of important teachings connected to that place?

11964. These too are not questions of what if. Our people have witnessed the devastation of Smoke Lake and the decline of fish populations which is south of Fox Creek. And even more devastating is Iosegun Lake being wiped out, which is just in front of Fox Creek where we picked our medicines.

11965. It is not simply about an impact to the right to hunt or fish. Our way of life, our traditional economy is being changed and not by us and not of our choosing.

11966. These are the types of things that our Elders believe the regulatory process overlooks. Even though we are continuously trying to compel our partner in the Treaty relationship to collaborate with us to respect the natural laws of Mother Earth, it isn't happening. The landscape and composition of our world is changing in fundamental ways. What does this mean for us as caretakers of Mother Earth and our relationship with the Creator?

11967. As another scenario, our Elders and community members also worry about how land and resource development and changes on our lives has already impacted on our ability to trap. Many of our Elders and community members have lost their traplines because of this and because of the decline of animal resources, increased resource development, increased human traffic on the land and government push to be more active in its economy than our own.

11968. I spoke earlier about how we have been impacted on, when I talked about how we have been forced to modify the traditional making of teepees. This is a practice where the men hunt the animal and the hide is the main material, the main resource to make a teepee. The women handle the hides and sew them together to be able to make the teepee covering. Then once it's sewn, the women and men raise the teepees. There are specific roles for both men and women here.

11969. Already, this practice has had to be modified over time due to the depletion of the buffalo to where more and more teepees today now have to be constructed out of canvass. Our Elders are upset because when these changes come about, we were not invited to the table to voice our concerns. We were not

asked to think about how these things -- these changes would have impacted our people. We were not even thought about.

11970. As a final scenario, I ask you to think about, from our perspective now, as our traditional lands become more and more compromised because of cumulative impacts. Our ability to gather plants or traditional foods are being impacted on. Our Elders ask about what happens when the foods or the medicines that we gather, those that come from a particular ecological setting are destroyed when clearing takes place to make room for a right-of-way that will be there for the next 30 to 50 years.

11971. These impacts our ability over generations to -- this impacts our ability over generations to access our traditional foods and our medicines. This makes them fear about our wellbeing. This makes them fear about our ability to harvest plants and roots needed for ceremonial practices.

11972. And our Elders ask what if a Proponent or project construction people don't realize that they have just destroyed the source of a sacred medicine or medicine itself. What if it had -- what if it was no fault of any one project but simply the outcome of cumulative impacts and ultimately no one takes responsibility? And what if that medicine could have been the type of medicine that we need to use in our smudge today? I ask you to think about this. How am I supposed to answer any of these questions when my Elders look to me, their okimaw?

11973. Earlier, I touched on how these changes affect our ability to participate in our traditional economy. These type of impacts also impact on our traditional economic interests. Our people continue to engage in sharing -- you might see this as trade with other nations. We have always shared our hunts and our harvest with other nations as a collective way to continue our ways that have been here for generations. And we are being forced to change in how we share because of impacts that have already started to happen.

11974. I wanted to share with you a couple of our Elders' biggest fear. One is that so much change affects our ability to keep connected to sacred, ceremonial, and cultural sites, because more often today we see the use of the term "justified infringements" being used because federal and provincial governments are saying a project is in the interest of all Canadians. And federal and provincial Crowns who are supposed to be upholding their obligations to protect us say that the interest of all Canadians outweighs my people's ability to keep connected to the

land.

11975. And our Elders fear that the land and our relationship with Mother Earth is being destroyed because Canada wants to be a major player in the global economy. Our Elders tell us that no form of compensation could ever be enough for the destruction of the land and the environment, and this makes them worry that soon there won't be anything left, not for First Nations and not for Canadians.

11976. Another fear our Elders raise is how impacts of resource development affect our ability to access clean water for consumption and other uses. Fears about the contamination of water is huge because it is vital for all our survival. Because what the governments promote in their Economic Action Plan is a desire to be a major player in the global economy, and it appears to be at our expense.

11977. I share these with you because I and the members of Alexander wonder does the Crown not know that it is not okay to force our way of life to be modified and compromise our responsibilities as caretakers of Mother Earth? This is cultural genocide.

11978. And in terms of this hearing and this proposed project, I need to stress that our Elders, although given an opportunity to participate in a TUS study, they ask what good is it when governments fail to participate and work with our Elders and our community to avoid infringing on our ability to manage our traditional lands and resources in a meaningful way?

11979. I do not mean to totally discount traditional land use studies, because in terms of potential site-specific impacts of this proposed project, our own Traditional Land Use Study is near completion and about to be shared with the Proponent. And we know it's important because there are some site-specific impacts within their corridor that will need to be addressed and mitigated.

11980. However, we note their limitations by not reflecting our Cree worldview. Our practices and uses are not separated from our understanding of community development and growth, nor is it separated from our teachings that compel us to always be looking into the future for those yet unborn.

11981. I want to mention that even though we participated in the Traditional Land Use Study for this proposed project, traditional land use studies do focus on traditional practices and uses but they do not address other important things like community development and growth plans, they do not include us as a

community, regardless of our status as a First Nation, and we are not part of the collaboration and planning at the governmental level. I struggle with this because these matters would be a predictable consideration for a provincial municipality in the least. Nor do TUS studies address our other Aboriginal and Treaty rights, like land and resource management in our traditional territories.

11982. In closing, I'd like to say Alexander's Cree worldview is not the same as Canada's worldview where our traditional teachings tell us that we are to co-exist and share. That is why we are today participating in this process in hopes that our sharing will open your minds to the significance of Cree worldview.

11983. Just as important, we hope that this awareness will make it easier for you to understand how vital incorporating a Cree worldview into the Government of Canada and the province's land and resource management and energy project development is for the sustainable and prosperous co-existence of all people across these lands for as long as the sun shines, the grass grows, and the rivers flow.

11984. You see, although we may have different worldviews, it appears to us and Alexander that we all have some basic human goals in common; environmental, social, cultural, and economic sustainability. Does it not make sense that we work together and share our worldviews so we can create the best possible sustainability plan for the land and its resources? The people of Alexander believe that the key to this through collaboration with our partner and the Treaty relationship and not our isolated experiences with regulatory process.

11985. Right now as I stand here before you today we are participating in a process that is Canada-made. It reflects what Canada's perspective on land use and resource management; Canada's perspective on what sustainability looks like; Canada's perspective on what our Cree worldview is; Canada's perspective on what is a traditional territory; Canada's perspective on what is a Treaty right; Canada's perspective on what is an Aboriginal right; and Canada's perspective on what our obligations are as caretakers of the land and its resources.

11986. This current reality creates certainty of one thing; the absolute failure of finding a mutually respectful and prosperous co-existence and sharing for generations to come. Let me explain:

11987. Firstly, based on Cree worldview, regardless of our Treaty status and the special rights that flow from the Treaty, this process and the Crown's

regulations and policies that exist right now disrespect my community, and Elders as people, by only engaging First Nations as a special interest group under an Aboriginal Engagement Program and not including us in a fundamental way like any other community group that has health, safety, social, and economic concerns, including community development plans and such; that our basic rights as humans on this land are being completely marginalized. How is it that because we have special additional rights that our basic rights should be overlooked and ignored?

11988. Secondly, above and beyond the basic and fundamental rights that we have like any other person in Canada, we are Treaty people with a Cree worldview. Treaty promises are to guarantee that the Crown recognizes, respects, and protects that worldview as well as other promises made by Treaty.

11989. From Alexander's perspective, Canada's current worldview with respect to its relationship with First Nations and other Aboriginal people, as you call it, is outlined in a duty to consult, as explained to us by the Supreme Court of Canada. This Court tells us that this duty is constitutional process that has to do whatever it's necessary to reconcile different Crown and indigenous interests. However, when Alexander as a First Nation engages in this process, including the TUS work that is done for it, we are continuously reminded of how far away we are from that goal of reconciliation.

11990. As I mentioned to you previously today, through this evidence and the TUS work done, you are getting one or two still frames of a full length feature film. How can you possibly understand the entirety of our worldview, develop mastery in it, and integrate it into your decision-making for this project, when all you have is, basically, a brief sound bite without the substantial context that we had to acquire over lifetimes?

11991. In addition to this, you are only looking at one specific project. Our worldview is not project-specific. It deals with and is interconnected with the bigger picture and needs to be incorporated at the ground level with respect to the land and resource management and energy development as a whole.

11992. When I think about this reality it makes me wonder; doesn't this actually contradict Canada's own worldview and words of its leaders such as Prime Minister Harper and Premier Prentice when they speak of the significance of our role as First Nations in shaping Canada and working in partnerships with their governments.

11993. How can this current situation actually achieve reconciliation of our different worldviews and interests in land and resource management and sustainable project development? To us everything appears to be addressed in isolation without full context.

11994. Because of this, my Elders and community have asked me to make sure to get your assurance that our evidence does not become another checkmark on a consultation checklist and superficial categories that are mapped as site-specific concerns while its deeper meaning gets lost on its listeners.

11995. Alexander recognizes that this is only one hearing for one project and is not within the control of this Board to force the Crown to acknowledge the deficiencies in its current policies and practices and force it to be accountable to its own worldview and laws and that Treaty promises it has made on a larger scale. The land and our Treaty rights are not for sale.

11996. So instead I stand here on the public record on behalf of my First Nation and advise Prime Minister Harper, Premier Prentice and Premier Clark that Alexander is not going anywhere.

11997. Just as important, we are prepared to collaborate with your governments and develop sustainable solutions that reflect multiple worldviews for the successful and respectful management of our land and resources and meaningful reconciliation of the relationship that we have with the Crown.

11998. We mean what we say. Past and present leaderships of Alexander has made every attempt to reach out to the federal and provincial leaderships to work towards a viable solution. As current Chief I too continue to reach out to no avail.

11999. The lack of response and meaningful follow-ups that we continue to receive only reinforces our reasons to not trust, and we are told this by our Elders and our people.

12000. Why do governments not stand behind their words and promises? Solutions cannot be reached if action is not taken.

12001. My people are ready and waiting and so I call the Prime Minister and Premiers out to prove they are sincere with their words and promises and take meaningful action to demonstrate that they are truly vested in repairing their

relationships with us and developing sustainable land and resource management in the best interest of all Canadians.

12002. And to this Board, on behalf of my community, I can advise you that Alexander is not opposed to development so long as it's done in a social, economic, cultural and environmentally sustainable way that is consistent with our worldview.

12003. We ask you to digest our evidence as best you can within the limits of this process. We also ask that when you make your decision it reflects these limits and demands follow-up by the Crowns to ensure that their duty to consult is fulfilled and the significance and diversity of our ceremonies, traditional practice, our culture and our way of life be respected and incorporated, as it should be.

12004. Hai-hai.

12005. **THE CHAIRMAN:** Thank you.

12006. And if the -- to respect your desire, if the Board does have any questions we will be putting them in writing.

12007. I'd like to acknowledge you, Chief Burnstick, for your voice today, Elder Paul and other members of the Alexander First Nation for being with us today and to share your stories and traditional knowledge.

12008. Your presentation brings to a close the Panel's scheduled oral traditional evidence sessions.

12009. In this process we have heard oral traditional evidence over 22 days in Edmonton, Chilliwack, Kamloops, Victoria, and now here in Calgary.

12010. The Panel will continue to receive and consider written evidence from intervenors and Trans Mountain, as well as letters of comment from commenters.

12011. We again appreciate your presence here today and will consider the oral traditional -- and I can assure you we will consider the traditional evidence you have put forward and those of others in our deliberations when making -- when taking on the difficult task of making a recommendation on this project.

12012. And with that, our hearing is adjourned.

12013. And I understand that Elder Paul would like to close with a prayer.

(Closing Prayer)

--- Upon adjourning at 3:59 p.m./L'audience est ajournée à 15h59