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 21

Hearing held at
L'audience tenue à

Victoria Conference Centre
720 Douglas Street
Victoria, British Columbia

November 26, 2014
Le 26 novembre 2014

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

Canada

© Her Majesty the Queen in Right of Canada 2014
as represented by the National Energy Board

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

Printed in Canada

© Sa Majesté du Chef du Canada 2014
représentée par l'Office national de l'énergie

Cette publication est un compte rendu textuel des délibérations et, en tant que tel, est enregistrée et transcrite dans l'une ou l'autre des deux langues officielles, compte tenu de la langue utilisée par le participant à l'audience publique.

Imprimé au Canada

HEARING ORDER/ORDONNANCE D'AUDIENCE
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 Victoria (British Columbia), Wednesday, November 26, 2014
Audience tenue à Victoria (Colombie-Britannique), mercredi, le 26 novembre 2014

BOARD PANEL/COMITÉ D'AUDIENCE DE L'OFFICE

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

ORAL PRESENTATIONS/REPRÉSENTATIONS ORALES

Tseycum First Nation
Chief Vern Jacks
Ms. Kristen Bills (counsel)

Lyackson First Nation
Chief Pahalicktun - Richard Thomas
Ms. Kathleen Johnnie
Ms. Allison Russell (counsel)

ERRATA

Wednesday, October 22, 2014 - Volume 10

Paragraph No.:	Should read:
3968: "…the information that will have the most positive affect and the most positive manner…"	"…the information that will have the most positive effect in the most positive manner…"
3986: "...and many other edible items that grew in the Pitt Folder along the Fraser River…"	"...and many other edible items that grew in the Pitt Polder along the Fraser River…"
3987: "…other areas through the Pitt Folder and throughout…"	"…other areas through the Pitt Polder and throughout…"
4014: "…to catch the salmon, the hooligans, whatever was seasonal…"	"…to catch the salmon, the eulachons, whatever was seasonal…"
4032: "…just above the Portman Bridge…"	"…just above the Port Mann Bridge…"
4109: "My hunters go down to the shores of Surry Bend to hunt deer."	"My hunters go down to the shores of Surrey Bend to hunt deer."
4254: "…in the Pitt Boulder/Pitt Meadows area…"	"…in the Pitt Polder/Pitt Meadows area…"

TABLE OF CONTENTS/TABLE DES MATIÈRES

Description	**Paragraph No./No. de paragraphe**
Opening remarks by the Chairman	10152
Tseycum First Nation Chief Vern Jacks	
- Oral presentation by Chief Vern Jacks	10167
Opening remarks by the Chairman	10262
Lyackson First Nation Chief Pahalicktun - Richard Thomas Ms. Kathleen Johnnie	
- Introduction by Ms. Russell	10281
- Oral presentation by Chief Richard Thomas	10297
- Oral presentation by Ms. Kathleen Johnnie	10388

LIST OF EXHIBITS/LISTE DES PIÈCES

No.	Description	Paragraph No./No. de paragraphe

UNDERTAKINGS/ENGAGEMENTS

No.	Description	Paragraph No./No. de paragraphe

--- Upon commencing at 9:04 a.m./L'audience débute à 9h04

10152. **THE CHAIRMAN:** Good morning, and we acknowledge that this hearing is being held on the land of the Coast Salish people.

10153. And I welcome you this morning to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project.

10154. My name is David Hamilton; I am the Chair of the Panel. With me is Alison Scott, and on my right is Phil Davies. We want to welcome everyone here this morning, those in the hearing room and those who are listening through our webcast.

10155. We will sit until 12 o'clock today, and please feel free to take any -- request any breaks that you feel that you might need throughout the morning.

10156. The Board understands that the Tseycum have an oral tradition for sharing knowledge for generation to generation, and this information cannot always be adequately shared in writing. The Board recommends that those providing oral traditional evidence focus on their community's interests and rights.

10157. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. If you wish to share any concerns about the impacts the proposed project may have on you and your community and how any impacts can be eliminated or reduced, that would be helpful to us.

10158. This is the type of information we're here to listen to, and we will use this information we gather today, along with all other available information, in considering the possible effects of the proposed project. We appreciate that you have chosen to be here today.

10159. And before providing the oral traditional evidence, presenters will be asked to swear or affirm that the information that they are presenting is accurate and truthful, to the best of their knowledge and belief.

10160. Before I call upon Chief Jacks, I would request the representatives of the proponent, Trans Mountain, to introduce themselves.

10161. Ms. Oleniuk.

10162. **MS. OLENIUK:** Thank you, Chair. Good morning to the Board and good morning also to Chief Jacks and Ms. Bill.

10163. My name is Terri-Lee Oleniuk, and I'm legal counsel to Trans Mountain along with my colleague to my left, Heather Weberg. And to my right is Annie Korver, and she's a member of Trans Mountain's Aboriginal Engagement Team.

10164. Good morning.

10165. **THE CHAIRMAN:** With that, could we have Chief Jacks affirmed?

VERN JACKS: Affirmed

10166. **THE CHAIRMAN:** With that, I acknowledge Chief Jacks for being here today and we would hear for your presentation now. Thank you.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF VERN JACKS:

10167. **CHIEF VERN JACKS:** (Speaking in native language).

10168. I just said thank you to my relations that are out there sitting down and thank you to all of you that are sitting here, hopefully to -- all of you to understand why we're here.

10169. I come here thinking about my grandmother and my grandparents, the predictions she brought out. If we don't start saying anything, things are going to happen. This government or government then in the sixties didn't allow us to speak the way we're allowed to today, and we thank you for that because it's so important about our kids, grandkids, great-grandkids, and the unborn today. There's nothing new for us to protect what we think is going to happen. We know it's going to happen one day.

10170. I am talking about the freighters. What had happened up in Alaska and Valdez, they're still affected today. This is why, as a leader, I am speaking to all of you.

10171. We hope you don't guarantee what's going to happen here, laying the pipe down. We support our brothers and sisters on the mainland about laying the pipe down. We support them. The reason is the sacred mountains.

10172. Our people travelled four seasons. They travelled for food, they went where the food is. And a lot of them died where they wanted to be buried, they loved that place so much. I'm talking about the mountains now.

10173. And the consultation today isn't right. I'm talking about the consultation of the Prime Minister of this country of approving something that he didn't come to his people. I say "his people", all peoples of Canada within this Mother Earth.

10174. Coming into our territory, this really -- I don't know how you do it, but you know it must be good lawyers to, yeah, let's just go through their territory. But the way First Nations did, we asked our neighbours if we can come to their territory. We asked them. We're not told. This is how we respect one another.

10175. Our consultation with -- it's different from yours. We say consultation, then you all talk about something else and there's lawyers. I don't have a lawyer with me. I'm talking about our ways of life that -- hopefully that we can save. I don't want to come back here and say "I told you so" when something happens if there's an oil spill from those freighters. Are they monitoring these freighters?

10176. It's a few years back -- this is nothing new what we're talking about. We spoke about this with Harcourt, Premier Harcourt, and nothing has happened. Sure, they say they respect our values and everything, but they turn around and they go dig up, putting pipes in.

10177. On the mainland, when you're putting your pipes in, do you consult with First Nations re gravesites, re gravesites we're here to protect? Our ancestors today are not protected. After so many years, we're artefacts.

10178. And you want me to swear on the Bible? These people that come, Premiers, Judges, they swear on the Bible, but what is in that Bible?

10179. You talk about Jesus Christ. You talk about the death of Jesus Christ. There's no follow-through, no respect for First Nations of this country. It's all about dollar signs.

10180. What's in it for First Nations today? What is -- what is in it? Seventy (70), 80 percent of our people are on welfare. You come into our territory, you know, there should be a cost for trespassing into our territory. You are trespassing.

10181. We have Indian names out there in the islands. There's reasons for the names out there. We have gravesites out there on all the islands.

10182. The freighters -- when there's a spill, what are you taking away; the delicacy of First Nations, our seafoods. Our seafoods are gone today. We have tons of oysters in front of our so-called reserve. We can't eat them because of the pollution.

10183. What is this government doing? Are they going to fix up what's happening first before they pass something? They are allowing more.

10184. A few years back, I invited the province to come out to our nation, sit with us for a week to find out how we live there. Today, we're beggars of this country, on our knees asking for funding, and yet there's nothing in there for us on this pipeline.

10185. The freighters. I support our brothers and sisters over there on the mainland. Over here, I have the right to talk about the freighters.

10186. So hopefully that those lawyers over there can interpret what we mean about protection. We come here with -- I have nothing here to read. I come here with how we feel as Tseycum people, as Saanich people.

10187. So hopefully that our friends over there, our Elders, 20 or 30 years ago -- you guys are our cousins because you have the same blood colour.

10188. My grandmother always said, "Go. Maybe one day, somebody's going to be there to listen and understand."

10189. Today, when we out there protect -- trying to protect something, we're charged as criminals, which we have an inherent right within our traditional territory. We were born with that. We walk with our inherent right. That's with me, with my grandkids and great-grandkids.

10190. All First Nations have a right because we're human beings. Treat us like human beings.

10191. If something happens out there and our islands is taken away for life. Today it's happening; raw sewage is going right out there in our territory. That's the policy of government and industries.

10192. They make their own rules. To hell with First Nations. They don't know what they're talking about. They're dumb people. I was told that. "You're stupid. You don't know what you're talking about."

10193. Well, come live with us for a while. We'll see who's stupid. Maybe we'll teach you our language.

10194. So we look at the big picture, what's going to happen. I hope all of you are alive when it does happen.

10195. You talk about technology. Is it guaranteed? Are those pipes guaranteed when the big earthquake comes? What are you going to ruin when that leaks out? How are you going to explain that to First Nations of this country?

10196. My grandson -- great-grandson was sleeping and I was going to bring him and tell him why I'm here. My great-grandson, he's seven years old. Are you going to ruin his life, too, you know?

10197. All of you have kids, great-grandkids. We're so proud of them. What are you going to take away from them?

10198. Our identity, we're so proud of it, of who we are and where we're from. To put it on record, we're not tokens of this country. We're real First Nations peoples -- KWELNOCH (ph). I am a KWELNOCH (ph) person, W̱SÁNEĆ.

10199. Last summer, I already spoke with the Energy Board up in Nanaimo and we talk about -- there's one Chief that talked about the treaty. We supported him. Then we went beyond that. Tseycum talked about our inherent right.

10200. So on your freighters, we all hope that nothing happens. I invite you to come out and come fishing with us, come do what we do. Do what we did years ago. It's still here today. Come out camping with us out in the islands.

10201. The traffic that's coming through with these freighters, the waves that are going to be going through those islands, we have gravesites out there. You're already doing it today. You're damaging.

10202. The experience we had a few years back, we had to go and remove our gravesite. It was right by the beach. We have to stop accommodating these industries and government people. We're accommodating. It's ass backwards. They should be accommodating us as First Nations peoples.

10203. There's accommodation, compensation. We talk compensation, all of a sudden, the government have a twist in their nose or something, you know. All of a sudden, they got no money. But when they're campaigning, boy, they sure can spend millions, make a lot of promises.

10204. I remember Chrétien one day, "Let's go fix those Indians". Nothing's done yet.

10205. To understand, I hope the three of you over there come stay with us for a week. You wonder why there's species at risk. Our birds are gone. In our area, we had loons that used to be alarm clocks for us. We couldn't count the ducks out there. Today, we can count them.

10206. Why? Because of pollution. The Saanich Inlet, we put an orange ball up by Gold Stream, took seven days to get out of there. If something comes in, we'll be calling that a dead sea. There will be a lot of things destroyed. Why?

10207. I just heard from my members the other day, "Oh, wished I was a white. I'd get everything. These white people get everything. They get money, get homes". I told them I was going to say that today. It kind of bothers me to say it, but I have to say it, you know.

10208. The protection that we talk about, we ask that question, how do you feel about it? What excuse are you going to have if something breaks, something happens, something's ruined?

10209. Then I asked those three to come and tell my people if something happens. Now where's your leaders? I'm the leader. I'm here.

10210. Yeah, the freighters here, they should -- like we say, what's in it for

First Nations? These freighters should be giving dollars, so many dollars a freighter to First Nations because you're trespassing within our territory.

10211. Look at those trails out there, you know. It's a freeway for freighters. I come here to explain the best of my knowledge about our ways of life. We support one another. There will be other tribes coming here. Tseycum supports that.

10212. I didn't want to read that paper yesterday with Tsartlip's words. I wanted to say it in our own words, but we support everyone because we believe. We believe in hopefully there's hope that the industry won't do what they want to do; hopefully that this Prime Minister of this country would sit down with us. Don't send janitors out here to -- we call them janitors. When they send them back, they don't know how to interpret what we say.

10213. The voice of experience, oh, those damn Indians don't know what the hell they're talking about. That's their interpretation of our belief.

10214. I need a drink of water.

--- (A short pause/Courte pause)

10215. **THE CHAIRMAN:** Okay. I think we'll take -- maybe take a 10-minute break. Would that be helpful?

10216. Okay. So we'll take a 10-minute break and return.

--- Upon recessing at 9:32 a.m./L'audience est suspendue à 9h32
--- Upon resuming at 9:41 p.m./L'audience est reprise à 9h41

10217. **THE CHAIRMAN:** Thank you, Chief Jacks. I appreciated the break as well. Thank you.

VERN JACKS: Resumed

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

10218. **CHIEF VERN JACKS:** Again, thank you.

10219. I've been asked about the -- they call this a SWAKWAT (ph). You call it a blanket.

10220. It's -- my great-grandfather was the last hereditary Chief of Tseycum, but he was involved in signing the Douglas Treaty which we are Douglas Treaty people, and we really hold that. So I talk about trespassing, you know, within our traditional territory.

10221. You're going through Douglas Treaty territory. So it's -- a lot of our people are in a new treaty process, but the Saanich people already have a treaty. So that's -- we speak strongly of it. So this is one of the reasons of letting you know about trespassing.

10222. So yes, the Douglas Treaty of 1852, February 14th in Tseycum. So it's -- I thought I'd let you know about, you know, about why we're here. That's part of the -- one of the reasons of being here.

10223. So I wear this proudly of my great-grandfather's vision. All our ancestors that left us, they're here today. They're here guiding.

10224. Their vision of being -- hopefully, that we have peace and understanding and respect of First Nations values and beliefs.

10225. I think with this industry, I'd like to see them do the research of what has been harmed already before they journey on, what is causing the pollution.

10226. Why are they digging up our ancestors? I don't know if they did that. When they do things without consulting -- here we are again bringing that word out.

10227. Our people that we go to see, like I said earlier, we have a mission. We ask permission to go within their respected territories.

10228. You look at our -- our seafood is gone. There's nothing out there any more. There's nothing there to teach our grandkids and great-grandkids.

10229. Last summer, I went to one beach and our teaching is to teach our -- my great-grandson to eat raw oysters, and he loved it. That's a delicacy and that's STELNOC (ph). That's medicine. That's medicine for our people.

10230. When there's a big oil spill that which we will predict that we'll have nothing. We'll be calling ourselves, oh, I'm a great hunter, I go to Safeway to hunt, you know. We're all great hunters, good fishermen. We go to Safeway or Save-Ons.

10231. Those are the people that are coming into our territory. They make the money; we don't. Keep those Indians on welfare. Shut them up.

10232. Is there economics for First Nations? There won't be any if there's a spill. The only economics, if there's a spill, you'll hire First Nations to go do your dirty work. That's what we predict.

10233. In Tseycum is still against Kinder Morgan. We -- they were in our office and we told them go home, don't come back. Oh, they promised 65,000. That's nothing. We could spend that in half a day. Back on welfare again.

10234. These industries, they come and flash a cheque in front of you. Come on, agree with us. There's no need to do that in Tseycum. We won't accept it.

10235. Phone's ringing. Must be the Prime Minister.

10236. **THE CHAIRMAN:** Maybe it's your heart's beating.

10237. **CHIEF VERN JACKS:** I'm not afraid. No, we're not afraid to come here to explain why things are going to -- what's going to happen.

10238. Our people are truthful, respectful. We respect what Mother Earth put on here, what the XÁLS, the Creator, put on this Mother Earth.

10239. We respect what is given to us. That's our teachings from our ancestors that left us. You know, our grandmothers are here, our grandfathers are here listening. That's our belief. We believe that.

10240. So it's the big industries really have to learn how to respect Mother Earth. These industries have got to respect what has been taken away.

10241. So hopefully, that helps when we tell you -- when we use your -- sometimes your system to speak to you. It's more powerful if we spoke the -- we could speak the language, you know.

10242. And sometimes, in our language, we have a hard time interpreting it, the meaning. Sometimes our language is not there for interpretation, has no word of English in it. Something that governments need to learn.

10243. So everyone on land and at sea that we are, we're here to protect. I can't -- I think I went as far as I could.

10244. Our teachings is you don't speak too long, right to the point. Once you start repeating yourself, it's time to -- time to knock it off there. We like to be heard, but only heard for so long.

10245. But we do disagree with what's going on. And hopefully, Kinder Morgan will have a heart, have a heart to believe what we're talking about but not just going through the process of consulting. They already got an okay from the Prime Minister. That's what I mean about the process.

10246. Well, let's just go through the process. Are you wasting money? You know, Morgan has a lot of money. Are you just going through the process to call this, "Oh, everyone spoke with First Nations."

10247. I hope you're not wasting my time, our time here, because we speak of things that you have a hard -- you people have a hard time to understand. Now, we speak -- use your language, speak English, and you sometimes even have a hard time with the English language. "Oh, that's not our policy; not our jurisdiction." Excuses. We cannot live on excuses.

10248. Today we're here to protect our kids. I don't want my seven-year-old great-grandson here talking, when I'm gone, about the same thing. This thing has to stop today. Think about it. You really think about it and you talk about it, "Oh, there will jobs out there and things, oil?" Then you got to go to education, but there's discrimination out there; it's why our people quit. A lot of our people quit because it's -- is this about a White world? Is it only for White people? Come to earth, come to earth; your blood is the same colour as ours. Work with us.

10249. Thank you.

--- (Applause/Applaudissements)

10250. **THE CHAIRMAN:** Thank you, Chief Jacks. And I'm not sure if

you're interested in any questions orally; questions from the Panel, from Trans Mountain or any intervenor. If you are, we are prepared to take them. I offer them to Trans Mountain, so I'm not sure if you're amenable to taking any -- asking any -- answering any questions or if you're fine the way you are. It's entirely up to you.

10251. **CHIEF VERN JACKS:** I'm fine the way I am. I'm open to questions, you know. Fill your boots.

10252. **THE CHAIRMAN:** With that, I'll offer it to the Proponent, Trans Mountain, Ms. Oleniuk.

10253. Thank you.

10254. **MS. OLENIUK:** Thank you, sir.

10255. Just on behalf of Trans Mountain, I'd like to thank Chief Jacks for his presentation this morning, and we have no questions.

10256. **THE CHAIRMAN:** The Panel don't have any questions, Chief Jacks, at this time.

10257. And on behalf of us, from the Panel and on behalf of the Board, I would like to acknowledge your attendance today for the voices of your ancestors.

10258. And you talk about the present and you're also talking about the future, and the peace, understanding, and respect are important in any culture and I appreciate you bringing that to us today and the voices you have -- the voice you have brought to us today.

10259. And I want to assure you that there is -- nothing has been determined on this process at all. It is our job to listen to -- as we have listened today, to you and we have listened to others that have come before you, and we will listen to others that are coming after you. And we will consider everything that we hear and everything that we will, you know, as we go through this process in the days, weeks, and months ahead of us in this -- in considering the application. And I can assure you, we will consider everything, and we will then make our recommendation whether to approve, or not, the project going forward.

10260. So with that, again I thank you for coming this morning, and we are adjourned until 1:30, and when we will hear from the Lyackson First Nation at 1:30.

10261. We're adjourned.

--- Upon recessing at 9:57 a.m./L'audience est suspendue à 09h57
--- Upon resuming at 1:32 p.m./L'audience est reprise à 13h32

10262. **THE CHAIRMAN:** Good afternoon. I'd like to acknowledge that this hearing is being held on the territory of the Coast Salish people, and with that, I would like to offer to Chief Pahalicktun to open with a prayer.

(Opening prayer)

10263. **THE CHAIRMAN:** Thank you, Chief Pahalicktun, for your prayer welcoming us to this afternoon.

10264. And I welcome you to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project.

10265. My name is David Hamilton; I am the Chair of the Panel. And with me on my left is Alison Scott, and on my right is Phil Davis. And we want to welcome everyone who is here today, both in the hearing room and listening on our Webcast.

10266. And just in case there's a need to evacuate the building, I just would like to indicate the emergency exits are where you entered the room, and I would ask those who have cellphones if they could put them on vibrate or turn them off; it would be appreciated.

10267. We'll sit until 4:30 today and if -- we'll take breaks as required. If you'd like to take a break, please let us know and we'll be able to -- hopefully be able to accommodate that for you.

10268. The Board understands that the Lyackson have an oral tradition for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us.

10269. If you wish to share any concerns about the impacts the proposed project may have on you and your community and how any impacts can be eliminated or reduced, that would be also helpful to us.

10270. This is the type of information we're here to listen to. 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've chosen to be here today.

10271. And before providing your oral traditional evidence, presenters will be asked to affirm that the information they are presenting is accurate and truthful, to the best of their knowledge and belief.

10272. With that, I believe we're ready to get under way. And before I ask Lyackson to present their oral traditional evidence, perhaps I would have the representatives of the proponent, Trans Mountain, to introduce themselves. Thank you.

10273. Good afternoon, Ms. Oleniuk.

10274. **MS. OLENIUK:** Good afternoon, Mr. Chair, the Members of the Board and also to Lyackson.

10275. My name is Terri-Lee Oleniuk, and I'm counsel to Trans Mountain along with my colleague to my left, Heather Weberg. To my right is Annie Korver, and she's a member of Trans Mountain's Aboriginal Engagement Team. Good afternoon.

10276. **THE CHAIRMAN:** With that, perhaps we could have the Chief and Ms. Johnnie affirmed.

PAHALICKTUN RICHARD THOMAS: Affirmed
KATHLEEN ROSE JOHNNIE: Affirmed

10277. **THE CHAIRMAN:** And perhaps, Ms. Russell, if you could indicate perhaps if the Grand Chief and Ms. Johnnie would entertain any questions, either orally or in writing, at the end of the presentation.

10278. And with that, we're ready to proceed. Thank you.

10279. **MS. RUSSELL:** Good afternoon Panel. I am, for the record, Allison Russell. I'm very honoured to be here as legal counsel to Lyackson First Nation.

10280. You asked about the questions. Our clients are open to answering questions and will decide at the time whether it's appropriate to answer in the moment, if possible, and if not, we will undertake to respond in writing.

10281. If I could just a second follow-up matter, my clients have also -- we acknowledge the delegated authority of the National Energy Board to adjudicate the merits of this application by Trans Mountain, but also to acknowledge that the Federal Crown has a responsibility to continue consulting with our clients.

10282. And so pursuant to that, the Federal Crown -- we've asked that they introduce themselves to the proceedings and they've agreed with that, whether it's at the top of the proceedings or at the end, whatever you think is appropriate.

10283. So if the National Energy Board would agree to that procedural matter, I'm in your hands for that.

10284. **THE CHAIRMAN:** Well, we're -- it's not unusual. It's an usual way for them to -- because they are full interven0rs and they have indicated their presence before a number of times during hearings, but if you have had that and if they are in agreement, we have no objection for them to again register their appearance here today.

10285. With that, then, we're happy to have that happen.

10286. **MR. WHITESIDE:** Thank you, Mr. Chair, for the courtesy and thank you again to Lyackson for asking Canada to state its presence here.

10287. My name is Joseph Whiteside. I'm a Senior Policy Advisor with Natural Resources Canada in the Major Projects Management Office. With me is Gina Aitchison, who is with Transport Canada, and my colleague from Natural Resources Canada, Kathy McPherson.

10288. Transport Canada's been here all this week and I will be here all this week for the other witnesses as well, sir. So I look forward to hearing your testimony. Thank you.

10289. **THE CHAIRMAN:** Thank you, Mr. Whiteside.

10290. Ms. Russell.

10291. **MS. RUSSELL:** Oh, the mic. Thank you.

10292. I believe this presentation is my client's to make. So I will let them introduce themselves and I will now turn it over to the Chief of the Lyackson First Nation, who will introduce himself.

10293. Sir, we're here to speak about the Trans Mountain Pipeline Expansion application.

10294. Can you tell us what the National Energy Board needs to know from the Lyackson First Nation?

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF RICHARD THOMAS:

10295. **CHIEF RICHARD THOMAS:** Thank you, and good afternoon to everybody.

10296. Introduce myself again. Pahalicktun Richard Thomas, Hereditary Chief, Lyackson First Nation.

10297. I want to acknowledge our relatives' territory we're gathered on and acknowledge the support that we have here today.

10298. As I mentioned, I'm the hereditary Chief of my nation. I have been for going on a little over 20 years now, and I don't call this my job. I don't have a job. I call what I do as my duties to represent my nation, look after our ancestors.

10299. When I leave my office to go to meetings or presentations like this -- we're a small nation; I'm 25 percent of my office. That's how small they are. So with that, you know, I wear a lot of hats to deal with all the issues that are brought before us.

10300. Like so many of us -- like my late sister, my brother, my mother, I'm a survivor of residential school and that I think was a big hurdle and I appreciate

life. What we've gone through in residential school, my children, my grandchildren, they have no idea the horrors that were suffered there.

10301. My mother apologized to me a few years ago for not teaching me our Hul'qumi'num language. She apologized and she said it was the effects of residential school. So many of my mother's age, all they knew was Hul'qumi'num, so the punishment was severe at the residential schools to learn to speak English.

10302. Part of my duties that I have to deal with sometimes in a timely fashion are the desecrations to our ancestral remains on our island. It's well known the sacred sites that are out there are being published so people know the sites. It's something I take very seriously.

10303. And I had to speak on that issue in the past with the desecration of our cemetery. So whenever issues like this come up, I am certainly speaking on those issues, supporting our relatives who are dealing with issues like that of desecration.

10304. We aren't restricted to living on our island. We have other areas, traditional harvesting areas that we've used in the past. Kluktianis (ph) one of them, Cowichan Bay, Cowichan River, Bonsall Creek and other areas.

10305. Hunting and fishing are part of what I learned to grow up with once I came of age, but the memories that I have of going with my grandfather, standing beside him as he fishes, had that pleasure to have taught two of my grandchildren how to fish, sports fishing, rod and reel, lures.

10306. Our granddaughter, she's 19 now, and proud of her. She takes on that task. She goes fishing. She brings fish home for us, sustenance. I acknowledge her for it. I acknowledge her for the teachings that we're trying to give our youth, how to share our resources.

10307. That pleasure of watching my granddaughter pull in a 20-pound spring salmon made my day. Five minutes later, my grandson pulled in a 15-pounder.

10308. My grandson, he was only 11. He's playing this fish. I had to stand beside him to make sure he was okay, and he's playing this fish. And he looks at me and says, "Papa". "What, son?" He gave me the rod. He said, "I'm tired."

10309. So I helped him. I played that fish until it was more tired and brought it in and showed him the right way to haul it in the beach and to give thanks for our family that provides sustenance for us, whether it's from the water, from the land, from the air. I tell my grandchildren to give thanks for the richness that we get.

10310. Talk about fishing, I had the opportunity as a youth to go with one of my uncles on one of his fishing trips and all the way up to Campbell River. Stories of our ancestors, we were at the -- I guess we just called them shacks that were on Quadra Island for Coast Salish people to use because they know that we went up that far.

10311. So fishing has been part of me ever since I got out of residential school. We used to trade government to government, other First Nations. We used to go up the Fraser as far as Yale with our seafoods and other nourishments that we had to trade all the way down Washington Coast as far as Oregon.

10312. In the past, I've been asked if we have any sacred sites on our island. I, you know, responded quite quickly and I said one. I was asked to go to the map and point out this area, and the reason I was asked is because of this treaty process we're in. So I went up to the map. I put my hand on the whole island.

10313. Our island is sacred to us. It has the blood and footprints of our ancestors on those lands. There are some of us that know we were the first defence when it come to enemies coming down into our Coast Salish territory. We have a registered site on our island of 1,500 of our enemies' remains are on our island, which I consider sacred. They're not our relatives, but they are ancestors.

10314. All of our ancestors are sacred. It don't matter where we come from. In order to protect the island as best as we could, we've had a lot of archaeology work done out there. We had university students doing work.

10315. My Elders who give us the teachings felt the urgency to talk to me. And I was in a meeting with federal and provincial people, and the Elders come and they wanted to talk to me, started calling me over and I had to excuse myself. The Elders' concern, they said, now I am the watchman of the island. It's up to me to look after that island.

10316. I can still hear the words of those Elders that voiced their concern so

much, and unfortunate that the ones who were giving me the guidance have since passed, but their words will always stay with me.

10317. Hunting and fishing, again, my grandson now wants to learn how to hunt. I can't deny him that. He's coming to me looking for that guidance. So that's one more area that probably not just my grandson, but we have three grandsons and two granddaughters. My one grandson wants to learn how to hunt. My granddaughter shows that interest. She comments about can't wait to get her driver's licence so she can go up the mountains and start hunting.

10318. We look at our island, the resources that are out there; clams, oysters, what you call sea urchins, all the fish. Very important, and have always been important to our nation.

10319. Our families that resided over on the island, I remember my father talking about how, when he was still a child and how they did selective logging. They had a horse instead of a tractor and that horse did all the work. My Dad said he used to sit on the horse's back, but he didn't do anything because that horse was trained to go from point A to point B by itself.

10320. My father -- as a result of residential school, I didn't have that father-son relationship until late in my life, and it wasn't long enough. The stories my Dad told me about living out there, how he used to be able to spear lingcods and rock cods right from the beach. Some of the fishing areas that he showed me around the island near the southern end of our island, well known for its coho fishery there. I've seen my Dad fish there, hauling them cohos in. That was years ago and like so many species, our fish are being depleted. We never see as much anymore.

10321. Our old people, their sustenance was from the oceans; the various seafood, the seals and sea lions were a delicacy for the old people. It's unfortunate that one of my uncles told me -- he didn't ask me, he told me, "I want some seal meat." I said, "Okay, Uncle." I got on the phone and called up our fisheries person there and let them know that I'll be out on my territory practising our cultural harvesting and that I was going to be shooting some seals.

10322. The humming and hawing from these people who couldn't tell me "No" because it was my inherent right. So it's unfortunate, like I said, that my uncle had passed and I never, never did get him that seal.

10323. But I heard so many stories from my other Elders of that luxury of our resources that were out there. We talk about our resources. Our island has one of the longest recognized clam gardens that was made by our families. Clearing the beaches to make it more suitable for clams, they had to pack the rock, clearing it -- clearing the beach, they had to pack the rocks out farther into the water for that little breakwater to keep the clams and the little baby clams from floating away.

10324. Packing the rock was also cultural, the boys turning into men. It's the young boys that did that. It was a test for them, a test and a challenge; a test to see how far he can walk out with that rock, and the challenge was to bring it out as far as you can so nobody else can say they made it farther than you.

10325. So we have quite a few clam gardens on our island. The only time our clams are closed is when it's Red Tide. The currents out there make it possible that our beaches are always clean, which you know to be in the area that we are in, we're right by two mills; one in Crofton and one in Ladysmith, all that pollution that comes out of those mills into the water.

10326. Because our island is isolated, there's no hydro, there's no highways, there's no ferry service. That's how our members want it. They want us to develop but they want us to move forward cautiously.

10327. We have what we call "day-on-the-island." It's for our members to go home; we say, "We go home to our island." They spend the day there.

10328. When we first started, it was everybody bring their own, you know, lunch and snacks and we'd provide the service to get over there and when we're going to leave to come back. Turns into quite an occasion now; we have families that go over. One of my councillors, when we get there, is the one that does the acknowledgement to our ancestors over there, welcomes everybody home.

10329. We did this because so many of our members had no idea where home was because the only access to our island is private boat. So we take on that task. We told our administrator, "Make this happen."

10330. Like I said, we're a small nation. We're in the process of trying to acquire land on Vancouver Island for a new Reserve. The importance of being together, our culture, our language, the way we're situated now, I can't tell my grandkids, "Go visit your great-grandma; she'll have stories of her growing up." If do that, they have to come all the way to Victoria. I can't just say, "Just go up

the street; visit your Granny." We don't have that luxury. It's important for our young people, our children, our grandchildren. I hear the Elders talk about the importance of learning our language.

10331. Talk about our island. You know, there's been so much refuse on the beaches, you know, seasonally. All kinds of things wash up on our beaches; whole trees, logs, part of docks, styrofoam, boats, all these things that, you know, are in the waters.

10332. The island; the importance for me is there's so many clam beaches out there, and I always say we're doing all this work for our future generations. I want our future generations to be able to go out there and say, "Oh yeah, we still have clams." You know, I don't want any of them asking questions of, "What did we used to eat?"

10333. In this process, we're trying to acquire what is rightfully ours and that is the whole island. You look at the map now -- anyway -- technology. Anyway, you look at the island, right there, that's our Reserve now, what we've been given. We have three Reserves out there. The one at Porlier Pass is -- they said they would give us that for our fishing station. The big Reserve, we had farms there. That's why the Indian Agent at that day said that that would be part of our Reserve. Shingle Point is where we concentrate our family gatherings. That's where the -- that's where our cemetery is, our modern-day cemetery, which I mentioned earlier had been desecrated.

10334. We look at the island, that's what they give us, but if you look at that other map, the one on the right, that was ours. The surrounding islands that we have in that area were certainly part of our harvesting areas.

10335. In the news so recently, world news, this tanker is adrift. There's no way to get there; it's going to take 24 hours. In 12 hours it's going to hit the beaches. I seen that on the news; very disheartening. The feelings I had for our relatives up in Haida Gwaii. We share the same concerns as them; we're both island people. It's not a question of if an oil spill is going to happen; it's a question of when.

10336. And I've spoken on resources that we have that affects all of our members today. Part of our island is sandstone, porous. On a good day, you can feel -- you can feel that motion of the propellers travelling through the water. You can feel it on that sandstone rocks.

10337. In the evening, the skies have changed. Our old people would look out and all they would see are stars, the moon. But now when we're over there, we look out, we see the ski slopes of Vancouver. We see Vancouver. We see Tsawwassen. We see these boats going by; we hear them.

10338. I think those are -- those are distractions. You know, we talk about work we do for our nations, our duties. We are involved in a lot of activity that's going on. We participate in Gulf Islands National Park Reserve.

10339. I have one of my Councillors, but she's not only my Councillor; she's my aunt and she's an Elder. She sits on that committee. She voices her concerns that we bring forward.

10340. One of the issues that have been brought forward in regards to their discussions in dealing with these various issues is that they -- one of the issues that were brought to everyone's attention was since that oil spill up in Alaska, the effect that it had on so many people, all the animals, the birds. And that's part of what affected us down here, were the migration of the ducks.

10341. We look at our island. We have resident herring, also a resource that we as First Nations people rely on annually. Our island, like I said, is sacred, not only for Lyackson Mustimuhw, but for all Hul'qumi'num Mustimuhw that use our island for ceremonies, coming of age for young men and women. On the east coast, very important sites where our widows, our widowers go for healing.

10342. It's hard to be speaking of my island where we say look at the map. In the past, we've had issues that we needed to deal with that were important to us.

10343. I told Kathleen, Kathleen Johnnie, our lands and resources person, I told them -- I told her to set up a meeting, but we're going to go and meet on the island. We went to the specific site that is the topic of discussion so I can say this is what I'm talking about. You can't -- you can't grasp it by looking at a picture.

10344. But anyway, like I said, our nation, they want our island to stay the way it is, to move forward slowly.

10345. We have a camp site that is available. It's something that we were concerned about because of the kayak groups that are out there. Some of them are respectful and some of them aren't. But our concern was that they would go and

camp anywhere.

10346. Again, the issue of our ancestral remains was a concern for me. Try and restrict people coming without permission. That's my island. It's historically recorded.

10347. An Indian Agent was out there talking to our Chief. Another member from a different nation paddled up to our island, approached our Chief and the Indian Agent and, without hesitation, our Chief killed that person.

10348. The Indian Agent asked how come he done that. Our Chief said he's not supposed to be here.

10349. You know, we look at where we come from. I've mentioned that we were the first people to be approached by our enemies. The protection of our island has always been -- it's ours.

10350. You see on the news, somebody's proposing a bridge to eliminate B.C. Ferries. Where do you think they intend on putting the bridge on this side? On my island; the whole length of it.

10351. The bridge is going to go from the southern end of our island all the way up to the north and connect with Gabriola. Nobody made any mention of that in our office, which we would not agree with anyway.

10352. You know, we sit here voicing our concern in regards to our concerns. We're doing it in a timely fashion. Yet it's disheartening to see on the news 80 year old grandmothers being arrested for protesting, voicing their concerns who don't have an opportunity to sit at a table like this.

10353. Tomorrow should be interesting day. I wish I could make that trip over there, but my calendar sends me elsewhere.

10354. Tomorrow, Grand Chief Stewart Phillips is going to be attending that session up there. And the question was, what's going to happen after Grand Chief Stewart Phillips is arrested? How is this going to turn out? So tomorrow, like I said, is going to be an interesting day.

10355. When we have discussions with our membership, you know, it's -- we can't do it in a timely fashion. Like I said, we don't have a reserve on Vancouver

Island. When we have a gathering, we have to look at someplace commercial where we can meet, a hotel. So when issues come up, you know, sometimes we don't get all the input from our members that we can.

10356. But we have modern technology. We have Facebook or computers. We are in contact with our membership. We meet with our members, you know, four times a year to deal with issues of importance.

10357. We have education ceremonies from -- we recognize students from pre-school up to post-secondary. We encourage education for our members. We have three teachers in our nation. We have nurses. We have members that went into the field of helping look after our own people.

10358. Part of what we do when we have our day on the island, it had escalated. We were able to bring other Elders over for storytelling. We have Elders come over to show our medicinal plants and we have Elders come over and just be with the young people, the happiness they have of being surrounded by youths.

10359. So I guess I don't really have too much more to say other than the duties that I have to protect that island, with the support I have from my members, whatever it takes for me to protect that island, that's what I'll do, you know.

10360. And this times that we're in, you know, it's so important for us to look after our young people, educate them culturally, spiritually and to show respect. I taught my grandchildren, only take what you need. My granddaughter brings three fish home. We'll have one. I'll tell her, "Go bring these two to somebody else who needs them". I don't tell her who to bring it to because my granddaughter knows.

10361. The respect for the water, the air and the land, again, the importance of water. I had the privilege of listening to a 94 year old Elder in the States. What he done was just what I was saying. He acknowledged all of us young people that were there dealing with issues of the Salish Sea.

10362. This Elder talked about a day in the life. They went out to their harvesting in a seagoing canoe. The Elders told them, "Before we get on the canoe and go on this journey, you relieve yourself now. We can't be out on the water and we can't have any of that trying to relieve ourselves out on the water." That's how sacred the water is. With all the other pollutions, you know, I think

that -- after he said that, you know, even opened my eyes more as to the importance of water. That's our supermarket out there.

10363. One time my Dad says, "Go get breakfast." Grab -- I grabbed a clam fork. Before I left I said, "Well, how many do you want?" He said, "Oh, six will do"; just him and myself. So I went down the beach, dug up six butter clams, brought it back and that was our meal. He'll tell me, "Go catch a cod." I just go out to this reef that's fronting one of our areas there and I would catch one fish.

10364. I guess I made this comment earlier; it's not if there will be an accident, it's when. So all I can do is come here and voice my concern on the sacredness of our island, the resources that the Creator gave to us. Like I said, that's our supermarket; and it still is. We still harvest fish, shellfish, the migratory birds.

10365. That oil spill in Alaska, you know, it's still in the news. It's still showing areas that weren't even cleaned up yet, that oil is just so thick. You know, the way -- like I say, I don't know, I can say the way I've been brought, I guess, respect. The pain that we feel when we see these animals, birds covered in that goo who have no chance of survival. That's a painful way to die. You know, and that's one thing I've always told my kids to respect life. You know, even if they're a nuisance, Creator put them here.

10366. So archaeological work is evidence of us being on that island; evidence of us there for 5,000 years. That the life of our ancestors, no restrictions. Even with our resources now, which restricts us to how many -- how many fish we can have, how many clams we're entitled to.

10367. And I'll say that for me, for somebody else to come and tell me that I'm taking too much, I'm not allowed, I welcome Department of Fisheries and Oceans to come to my beach when I'm there. I've told them on occasion I'm going to be out there digging clams, which is something I've done in the past.

10368. I've gone and provided to so few Elders that I could bring them clams. My family, my uncles and aunts, who didn't have anybody else to go and do that for them. So, you know, in the past that goes on all the time, but when I used to do it for my family I'd go and tell them, "I got some clams for you." And their first question was, "How much do you want?" And my response back to them was, "Well, how much clams do you want, first?" They tell me how much they wanted and I'd take it off.

10369. They try and give me money. I say, "No. I didn't do this for the money. I did it for the love and compassion for the old people who say, 'I wish for this, I wish for that.'" But, you know, I catch now myself doing that. I give my grandchildren money, but I say, "Here, you go buy yourself a coffee. Thank you for providing sustenance for us".

10370. You know, the Elders are overwhelmed when they -- I tell them to do it. I don't want any money. But because they've been subjected to that process, you know, they're always offering, and how do you disrespect an Elder and say no to an Elder? I mean, that's hard.

10371. But anyway, my duties are to look after that island. Since I've been in my position, I've seen so many Premiers come and go. You know, all the faces have changed, but I always make the statement that I am the hereditary Chief of my nation and I shall be until I pass or I go senile.

10372. I'm here for the long run. And like I said, you know, I've seen so many people come and go, various tables, and so I guess bottom line, again, anything happens to our island, members will be questioning me and only me because of my duties. Like I said, the support of my members, I'll do what I have to to protect what is rightfully ours and reclaim what is rightfully ours.

10373. So I think, with that, I don't have anything more to say for now. And with that, again, acknowledge our relatives' territory we are gathered on, acknowledge the support that we have here, my relatives I see here. (Speaking in native language).

10374. **THE CHAIRMAN:** I think it would be appropriate for a break before we hear from Ms. Johnnie. Would that be acceptable?

10375. **MS. RUSSELL:** (Off mic) ---

10376. **THE CHAIRMAN:** Please go ahead.

10377. **MS. RUSSELL:** --- and then Chief Pahalicktun, you've referred to "our island" and "my island" at a number of points. Is that correct?

10378. **CHIEF RICHARD THOMAS:** Yes.

10379. **MS. RUSSELL:** And can you tell us for the record what the name of that island is?

10380. **CHIEF RICHARD THOMAS:** Right now the name of the island is Valdes Island. Our -- I guess our traditional name for the island is Le'eyqsun and Valdes Island so-called right now, and that's my island.

10381. **MS. RUSSELL:** Thank you. Those are my questions.

10382. **THE CHAIRMAN:** Thank you.

10383. Then we'll take a 15-minute break and come back at ten after 3:00 and we'll start with Ms. Johnnie. Thank you.

--- Upon recessing at 2:52 p.m./L'audience est suspendue à 14h52
--- Upon resuming at 3:10 p.m./L'audience est reprise à 15h10

10384. **THE CHAIRMAN:** Thank you. Welcome back. Thank you for the break.

10385. Ms. Johnnie, I understand -- or we'd love to hear from you. Thank you.

RICHARD THOMAS: Resumed
KATHLEEN JOHNNIE: Resumed

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. KATHLEEN JOHNNIE:

10386. **MS. KATHLEEN JOHNNIE:** Au Sii'em ni s'iyeyum. Au Sii'em is a term of deep respect to people and ni s'iyeyum means all our relations -- our relations.

10387. My name is Kathleen Johnnie. I'm the Lyackson Lands and Resources Coordinator. I am the daughter of Thiioleteaut, who is a witness in the room today. She is an Elder of the Lyackson community. She is an elected member of the Lyackson Council and she is the matriarch of the Thomas family.

10388. And I am here helping the Lyackson represent some of their current

and contemporary interests and how they are trying to take forward all of the traditional uses that the Chief spoke of earlier. In the last five years, that is specifically what they hired me to do, is strategically identify pathways to help them reinvest energy and time and money in their island so that they could reinvigorate their cultural ways and maintain those cultures on the land that they care so much about.

10389. So my particular area of expertise is that I am a project manager, and I have been trained in Crown consultation. I was mentored under Murray Browne from Woodward & Company. He is an associate now at Woodward & Company. At the time, he was my supervisor at the Snuneymuxw First Nation. I wanted to share that information with you.

10390. And I want to acknowledge the Lyackson First Nation for having the confidence in me to be here to share this with you and to represent their concerns to the National Energy Board. I wanted to say I've noticed that none of you are asking very many questions of the presenters, and I welcome questions.

10391. I am -- in my early years of working with the Hul'qumi'num speaking people, I've worked very closely with the Elders and with Councillors and Chiefs, and all of them have shared the same value that if we don't know what the issues are, how can we address them. So we -- I would really like to strongly recommend that you ask questions because it concerns me that I'm not hearing questions when I listen to the -- when I listen because I listen to your webcast in the afternoons. So I just wanted to make sure that that was understood, and it would be greatly appreciated and welcomed.

10392. My role here is to share the technical background of the work that the Lyackson First Nation has invested. I am their Lands and Resources Coordinator, as I mentioned.

10393. The Lyackson Mustimuhw or people are a central Coast Salish Hul'qumi'num speaking community of 207 members with offices based in Chemainus on Vancouver Island. You will not hear me say very many Hul'qumi'num words because if you say them wrong, they can mean really bad things, so I will not say very many and try my best not to embarrass my Elders, but I will do my best when I have to.

10394. The Lyackson Temexw or land is part of the Hul'qumi'num-speaking Mustimuhw Temexw that includes the Stz'uminus First Nation, Cowichan Tribes,

Halalt First Nation, Lake Cowichan First Nation, Penelakut Tribe, and of course the Lyackson First Nation.

10395. This is described in the second map here. This is the core territory of the Hul'qumi'num and it is described on the B.C. Treaty Commission Web site as being the Hul'qumi'num Treaty Group Statement of Intent.

10396. The map immediately to its left shows the core territory as well as the marine territory. So I'll just introduce that. And I'll be speaking to these maps throughout my presentation or on occasion throughout my presentation.

10397. Lyackson shares the First People story with these Hul'qumi'num-speaking Mustimuhw and the core territory covers at least 334,000 hectares of land and water described as follows:

10398. From the Nanaimo River in the north; from Gold Stream in the south; east from Douglas Island and on the Fraser River; and west from Peck Lake on Central Vancouver Island.

10399. At the heart of the Lyackson Mustimuhw title and rights is their syuth, which is true history; what they call true history. We have stories, which are sqwiem and we have true history which are syuth, which states that Lyackson Island was created for them to live on at their request.

10400. The syuth shares how the Lyackson Mustimuhw asked a mystical creature to cut down a great Douglas fir tree. The Mustimuhw sang and drummed while the tree was being cut down, but something went wrong. As the tree was falling, it broke in two. The trunk became what is known today as Galiano Island, and the broken tip became Lyackson. That is the meaning of the name "Lyackson"; broken tip of the Douglas fir.

10401. The Lyackson descend from four main ancestors, and I apologize to my ancestors for what I'm going to do to their names, but their names are: Thi'Xvulece , Swin'yleth , Swute'se'Dick and Shulqvilum, who traditionally settled the winter villages of T'a'at'ka7, Th'a' x el and Th' x we'ksen located respectively at Shingle Point, Cardale Point, and Porlier Pass on Valdes Island.

10402. So Shingle Point, that's that point there. Cardale Point, that's that point there. And Porlier Pass is the Reserve site at the very bottom of the island.

10403. Under our current government system, the Chief of the Lyackson First Nation is hereditary, and I want to make it really clear that the community chose the Hereditary Chief system. They attempted at one time to have an elected Chief and they chose to go back to the Hereditary Chief system.

10404. The community elects three councillors and the term that the councillors serve is four years currently.

10405. Prior to contact the heads of the families -- the Au Sii'em, or leaders of great respect, or heads of family. Pahalicktun, the Hereditary Chief, has described his role as being his duties. It's not being just another job. The Chief relates that the Sulwhe'en took him aside and relayed that he is responsible for the island; that his duties include responsibilities for the waters, as they were our highways; that his duties also include the protection of our ancestors and burial sites.

10406. I mention this to you because the Chief regularly sits down with his staff, in particular, me, his land staff, to discuss his island, his waters, and to ensure his staff are maintaining his instructions on the care of both to his standards.

10407. We meet once a week to discuss my projects in lands and resources, and we talk in great deal -- detail about what I am working on and how I am supposed to be approaching whatever the issue is that's being presented.

10408. The prima facie claim for the Lyackson -- I'll start with a quote, or with a statement from Dr. Brian Thom, who is an anthropologist and an Associate Professor at the University of Victoria. He has identified that the Coast Salish have a concept of land ownership, and it's a very complex concept. And it includes individual landownership for Chiefs, Shamans, others of great importance; familial landownership under the oversight of the heads of families or Hereditary Chiefs; and communal landownership where the entire community may enjoy the land and resource ownership.

10409. For their traditional use and occupancy, the Lyackson Mustimuhw assert our Aboriginal title and rights interests as described in the Hul'qumi'num Treaty Group Statement of Intent and the Marine Statement of Intent. These have been submitted. These have been actually researched and submitted to the B.C. Treaty Commission process.

10410. However, this is not the extent or limit of their title and rights. The Sulwhe'en told the Treaty Group these borders were not how we understood our title and rights interests; that these borders were only for Treaty negotiation purposes and that they would cause us trouble.

10411. So the Lyackson First Nation, as part of my duties, has required that I provide them with a spectrum, similar to the Haida spectrum when it comes to Crown consultation, and we're currently working very closely together with council and staff on that particular matter.

10412. I have already talked about at the heart of the Lyackson Mustimuhw title and rights, their syuth states that the Lyackson Island was created for them to live on at their request. I repeat that because I wanted to share with you that the Lyackson have used and occupied Lyackson for millennia to such an extent that the primary village site at T'a'at'ka7, which is Shingle Point, that little point there, the Lyackson Mustimuhw created that point. They filled in that point. It's approximately 4.2 hectares of land that they created for their village site, and they did that over millennia.

10413. Greer et al -- Professor Greer (ph) from the University of Washington and students of his studied the Shingle Point site, and they found that the original shoreline was much further back than they were anticipating. They found that the shoreline itself was closer to the treeline. What you can see, if you look at Google Earth, you can see the treeline, the natural treeline.

10414. Professor Greer (ph) found that Lyackson First Nation created the rest of that land, where they keep many of their homes.

10415. The Fraser River also holds the important trade village called Tl'uqtinus. This village site is where the First Nations, including Lyackson, would go to visit, trade, and harvest. This is a considered a permanent village site. Some of our interviews with the Elders identified that the Lyackson retreated to Lyackson Island because of the smallpox epidemic and they were trying to get away from other potentially infected villages. So many of the other village sites were not abandoned so much as they were retreated from to try and maintain a healthy community.

10416. Defensive action. The Chief has talked a bit about this. The Lyackson were one of many First Nations to shoulder the responsibility for the defence of the outer chain of the Gulf Islands from all incursion, mainly from the Haida and

the Laich-Kwil-Tach, but there were others.

10417. Each nation had runners that would occupy a major ridge on each of the outer Gulf Islands and stand watch over the waters to identify uninvited guests coming in aggressively or en masse.

10418. Lyackson has defensive features today, including trenches and a cave and tunnel that ran under the channel to what is known today as Thetis Island. And that was one of their retreat routes when they were engaged in war, if they were not able to push the aggressors off. It was also one of their routes to get back to the island if they needed to go back after these people too.

10419. Consequences of trespass: The Chief has already shared this. There is a record of an Indian Agent standing on the shores of T'a'at'ka7 on Lyackson Island with the Lyackson Chief when a Snanamexw Swy'kay (ph) man paddled to the shore and strutted up to the beach to the Chief. The Chief put that man to death on the spot. When the Indian Agent asked why he did that, the Chief responded that this a Snanamexw (ph) man knew that he wasn't supposed to be there; that he was in trespass and he had no business there, and the Lyackson Chief had every right to put him to death for that offence.

10420. For cultural activities, the east side of the island is culturally important precisely because it faces east. Several of the Lyackson cultural practices, such as morning, which the Chief shared with you earlier, and bathing practices require east-facing beaches. This practice is carried out at the -- you start before the light of day, before the break of dawn and you carry out your practice as the dawn is rising. So you have to be facing east to do that.

10421. Under some site-specific activity, I wanted to talk a little bit about the T'a'at'ka7 village site on Lyackson Island. It's also got one of the longest clam gardens -- the Chief has mentioned that -- in the Southern Gulf Islands. It's one of seven clam gardens on Lyackson Island. Clam garden features are built over great lengths of time, hundreds and sometimes thousands of years. These features require removal of boulders from a shellfish beach site to or beyond low, low tide. This was the work of young boys in their rite of passage -- this is something the Chief has shared -- or as a game to challenge each other, or as punishment for misbehaving.

10422. In any of these cases, the boys would take large boulders and walk into the water as far as they could while holding their breath and then drop the boulder

and rise to the surface. This was shared with us by Clifford Paul Thomas. He recently became an Elder, and he shared the story of his fathers and uncles when they were performing what he called a game, and he shared that with the other Elders in the room, who happily recalled some of this activity themselves.

10423. **THE CHAIRMAN:** I'm not jumping to your challenge, but since I was going to have some questions around this area, and if it's appropriate I could ask them now?

10424. Just clarify me, which part of -- I was interested in the Chief and his description of the gardens and the -- you know, the clam gardens and the clearing of the beaches and those type of things. Which part of your island is that -- are you talking about on the map?

10425. Sorry.

10426. **MS. KATHLEEN JOHNNIE:** I need to press that again? There we go.

10427. So there's -- I believe there's two down here. There is one here at Cardale Point. There is two on Shingle Point. There's one following the south side of Shingle Point, following it around into the curve, and then there's another in the top -- sorry, I'm shaking -- there's another in the top area there. There's one -- one, two, three, four, five -- there's another one here at Blackberry Point, just to the south of it, I believe, and then another one just to the north of it. But there are more than just that in terms of shellfish beaches. There are more beaches around -- there's more than 10.

10428. One of the reasons we chose -- I'm going to be talking about a Yurt Campground site. One of the reasons we chose the Yurt Campground site for our youth and family retreats on the east side was because there's shellfish beaches in close proximity to that site.

10429. So we had clam gardens, but we also just allowed the beaches -- some of the beaches to grow naturally and we maintained them naturally in their natural state, but we still use them for their shellfish.

10430. **THE CHAIRMAN:** And if I may, some further clarification, and the Chief talked about, you know, the clearing of the beaches and looking after -- and the stewardship of those -- of all of the clam gardens in the various areas you're

talking about.

10431. Your stewardship and management of that, you have control; have you joint -- how is that managed to preserve those -- the clams and the -- for -- you know, for your use?

10432. **MS. KATHLEEN JOHNNIE:** Okay. Sorry, I'm not used to using mics like this.

10433. The Lyackson First Nation, we have an agreement with the Department of Fisheries and Oceans Canada called the Aboriginal Fishery Strategy, and under that strategy we hire an individual to maintain what we call The Lyackson Eyes on the Island Program, and they go over and around the island and observe and record and report. Generally, they take no specific action. They report back to me or they report back to the Chief, and we are the ones that take action.

10434. If the situation is serious enough, I will ask the Lyackson Operations Coordinator to hand the phone over to whoever he is talking to so that I can speak with them directly, and I will ask them for meetings, if it's necessary, or ask the Chief to meet with me and them if it's necessary, if they want to.

10435. So we maintain our eyes and operations on the island through Fisheries and Oceans Canada's Aboriginal Fishery Strategy, primarily, and then we have other programs that we put together with that program because they do not provide us with enough funding to meet the full need of the program -- to meet the full need of what the Chief and the community expects us to do.

10436. **THE CHAIRMAN:** And my understanding, then, is that Chief and Council and the Elders are the ones that are in charge? Is that -- that's what I'm trying to get at, and that's the way you want -- that's the way you have done it, and thank you for that.

10437. **MS. KATHLEEN JOHNNIE:** Yes, I just want to confirm, because I don't think that was on the record. Chief and council is in charge. They rely on me, and they rely on the Chief and I to work closely together, because primarily before I was hired the Chief did everything that I do. And so when I was hired he -- I mentioned to you that he meets with me once a week to go over what he expects me to be doing and how I am supposed to be working on projects related to his island and his title and rights interests.

10438. Harvest. Lyackson and Penelakut share exclusive rights to seal and sea lion hunts from Porlier Pass out to the Salish Seas and to fish the reef that parallels Valdes and Galiano Islands on the east side. The seal hunt could also be a challenge or a game, as often the two communities would race to catch the first seal. In some years, the challenge was stated that it was the first person to get a seal would have exclusive rights in that year; in other years it was simply a race.

10439. The seal and sea lion haulout areas are located on Canoe Islet at the south end of Lyackson Island. And I'm not going to be able to see it from here but I believe it's in this general vicinity, I think around where that -- those words are, and then up here there's another one. I can see this is the Steller sea lion, seal, and sea lion haulout area.

10440. Although the Lyackson have not hunted for seal for a few years, the Hereditary Chief was asked by the Sulwhe'en to get some seal for them. The Sulwhe'en have identified to their staff that seals are medicine. In interviews with the Elders, they identified the seals and the seal meat as being medicine to them.

10441. The sea lions in particular hit all six of standard primary use significance categories, which is more of a modern terminology, but it includes food, medicine, spiritual, material, trade, and indicator. These identify their cultural importance to the Lyackson, and seals are -- I already said that.

10442. The Lyackson Sulwhe'en also describe how they would begin their salmon fishery up near what is known today as Cape Mudge. Go to the map over to the left of Kinder Morgan counsel. Cape Mudge, up here.

10443. The Elders -- I did not actually know this; I have been working with the Elders, and the Hul'qumi'num Mustimuhw in particular, and I have known that my own grandparents on both my father's side and my mother's side have gone up to Cape Mudge to fish. But until we started to interview our Elders for Kinder Morgan, I didn't know why we went up to Cape Mudge to fish. I thought that we went up to Knight's Inlet, actually, to get eulachon and then we'd come back down. But the Elders said, "No, no, that's where you start your salmon fishery. You start your salmon fishery up around Cape Mudge, and then you follow the fish into the south arm of the Fraser River and up to Tl'uqtinus.

10444. And today, I have -- I regularly keep in contact with our food fishermen for the annual food fishery, and today that is the same path that is

followed today by our food fishermen. Every day I'm checking in with them twice a day, and they'll tell me they're up by the Broughton's or they're coming down, or they're coming into this area, or they're fishing off of Robert's Bank, Sturgeon Bank, and they're fishing, or they start to get into the Fraser River.

10445. You might not think much of that statement when I said, you know, I'm 54 years old and that's the first time I've heard why they went up to Cape Mudge, and to me that's like thunder and lightning; that's like an amazing revelation that I have never heard before. So I'm just going to tell you that how important hearing that news was to me, hearing the Elders explain to me why they started in Cape Mudge, why they started their salmon fishery up there or why they would be up there fishing.

10446. The Chief has talked about his own father having fished on the east side of the island for Coho. The Chief -- I don't know if he mentioned it or not, I was busy writing down what he was saying, but the Chief tells me about his father's house on the east side. About -- he actually had a house on the east side of the island and that's where they would fish from for the coho. And the coho is -- it's not hard -- it's not easy to get any more. We're not able to access it.

10447. Steller sea lions are a species at risk, but these are the things that we would get from the east side of the island.

10448. So it was just very -- for me, it's very exciting when the Chief and some of the Elders share this kind of information with me.

10449. I talked about Robert's Bank. Robert's Bank is where the two causeways are for the ferry terminal, B.C. Ferries Tsawwassen Terminal and the Westshore Terminal on Deltaport Third Berth.

10450. Robert's Bank was a very important fishing area for us, and Sturgeon's Bank. These are some of the places that we would go and we would have beach weirs for fishing for sturgeon. Sturgeon, of course, are also protected. But Robert's Bank is also important for things like crab, herring and other fisheries.

10451. Just around the corner from Robert's Bank, going up into Canoe Pass, is where we'd get our bulrush and cattails. Those are really important for us because they were things that we slept on. They were things that helped us make dividers and walls. They were important for other -- for other purposes.

10452. But our village site at Tl'uqtinus was very important to us because this rich soil in this area, the silty soil, was really plentiful for berries. And this is where we would get our berries and we'd fill in our nutritional gaps. The Lyackson Island -- Lyackson Island is a big sandstone wedge. It's really shallow as it goes into the Salish Seas on the east side.

10453. It's really shallow, but the wedge on the west side is 50 to 100 feet up and 50 to 100 feet into the water. So this sandstone wedge, it grew -- it was really good for growing things like camas and nodding onion and things like that, but this is where we'd get our berries from and you'd make dried berry patties. And this is the things that you'd bring back because you'd need that to get you through the winter.

10454. Um -- I'm not supposed to be saying "um" because it's a bad word in N'chelneth (ph). I'm just going to tell you that. So I take that back.

10455. The south arm of the Fraser River Tl'uqtinus site was a very important site for us to make familial connections. The Chief talked about going all the way up to Yale from there.

10456. The Lyackson in particular were actually very well known for going all -- travelling all the way up to Yale to engage in trade and to collect goat's wool, to arrange marriages, to create connections and to engage with all of the First Nations along the Stó:lō River, the Fraser River. So the Tl'uqtinus village site was very important for the Lyackson.

10457. For the Lyacksons -- I wanted to share that with you because that's the backdrop that I'm working with. Whenever I'm engaged -- whenever any of the government agencies or proponents come to me and start to talk to me about their projects, that's the backdrop that I have to work with, to make sure that whatever the project is being proposed does not affect all of those interests and title and rights opportunities that the Lyackson are working so hard to reconstruct, reinvigorate and maintain.

10458. So I shared that with you to let you know that and to get it on the record because there are government people in the room, and we need them to know that this hearing is not the end of their responsibility to the Lyackson First Nation, that the one meeting we had last year is not the end of their responsibility to Lyackson when it comes to this project, and that we are going to be meeting again with the government.

10459. So for the current use and occupancy of the Lyackson First Nation, the Chief has shared with you the three reserve lands that they have here.

10460. This is their major reserve land. It's approximately 1,800 acres. This Shingle Point or T'a'at'ka7 village site is approximately 80 acres, and then the one at Portier Pass is approximately five acres. And you can tell I'm from the old school. I don't understand hectares yet. So those are the approximate acre sizes.

10461. During the Reserve Commission process -- and I wanted to share this with you because it's a really important statement -- the Lyackson Mustimuhw instructed their Chief of that day to oppose anyone else living on the island and to oppose the sale or pre-emption of their island.

10462. The Reserve Commission decided that the Lyackson would receive the three reserves that I just described. And Number Three was provided to the Lyackson for their camas fields and for their other agricultural purposes that they were already practising on that land.

10463. This Number Four Reserve was one of their primary village sites. And -- so that was provided to them as well. And then the Number Five Reserve was provided to them as being their fishing station.

10464. However, and I really want to make sure that this is understood, in the Reserve Commission minutes, the Reserve Commission themselves stated that the Lyackson would yet have full access to the whole of their island.

10465. The Commission indicated that the Lyackson may just have to jump fences. And that is unique to the Lyackson First Nation, as far as I understand it, in the Reserve Commission proceedings, is that they were going to have access to the whole of their island. They may just have to jump fences.

10466. Although the Lyackson do not currently live on Lyackson Island, they have not abandoned their island. In fact, the Lyackson have invested over $1.7 million into researching options and opportunities for their land.

10467. Approximately $1.1 million have been invested in the last five years alone. That is the time of my being hired by the Lyackson to help them with their lands and resources projects, one aspect of which includes repopulation of the primary village site, potential repopulation being the primary driver behind many

of the studies into economic development to ensure that the Lyackson could live, work and play and have those opportunities for any members or households that chose to return to the island.

10468. They wanted to make sure they would be gainfully employed while they were there working on the island.

10469. In addition to that, the Lyackson recognize that their community members are invested heavily in education and employment and ensuring that their community members are educated or trained in whatever way necessary so that they may be employed. To do that, they have invested a lot of time and education on Vancouver Island.

10470. Lyackson has title and rights interests on Vancouver Island. They had two village sites at the delta of the Cowichan River.

10471. One was also named T'a'at'ka7. That was a tradition in our culture, was to take our primary village sites names and take -- transplant it from the one site and take it to the other to show our strong -- to show that those two village sites were owned by the same people.

10472. Another village site was at the delta of the Cowichan -- where the Cowichan River opens up into the Delta. And then another was on Bonsall Creek.

10473. And I know the Chief has mentioned that that's why they're looking to have an addition to reserve on Vancouver Island, is so that -- and I can't say it better than the Chief.

10474. I already said -- whispered to him in the break that he's a really hard act to follow and maybe I should just submit this in writing in the evidentiary process and then we can all go home, but I'm going to say this anyway, so.

10475. They would like to have an addition to reserve on Vancouver Island to allow the community to interact, to allow the Sulwhe'en and the youths and the Mustimuhw all to interact and all to have access to each other and, most importantly, so that when the Chief as the Chief and myself as his staff -- when we show up at the office that there are actual Lyackson Mustimuhw in the office.

10476. Right now, the Lyackson rent an office from the -- who very kindly allow this, the Halalt First Nation. And we get to see the monks, salesmen and

the Canadian Springs water guy, but we don't get to see our people. And they want -- we want to see our people in our offices. So that's part of the reason why they would like an addition to reserve on Vancouver Island, but it is also because they have an Aboriginal title right to have that and it does not mean that they do not want to repopulate their island. They do want to have households on the island. They have -- we have done a socio-community survey to actually identify that interest and the community has confirmed that there are members that would really like to live back there on the island.

10477. In addition, Lyackson invests annually to bring the Mustimuhw home to the island. At one time, this event was primarily a one-day event. For the last five years, it was expanded to families and youth. And we bring Sulwhe'en and stutulnahmut. Stutulnahmut means knowledgeable people and, I'm sorry, Sulwhe'en means Elders.

10478. To teach language and traditional skills on the land, I mentioned to you earlier that we built a campground. We built it in that bay there. And we built it in that bay on the east side specifically for many reasons.

10479. One, there are cultural sites on this side where we can practise our mourning and bathing sites. So it's a place where we can teach our youth this practice.

10480. This is a good area here. This reserve is a good area for hunting. So it's a good site to start your day for hunting and to teach the youth hunting skills. There's shellfish beaches just to the north of it. The Steller and seal and sea lion hallowed area just to the north of the campground in this area here.

10481. There are other economic development opportunities that we're exploring for the island. We have a very small sandstone quarry that we're putting into operation over here. We've researched an orchard feasibility study.

10482. The Southern Gulf Islands -- I don't know if you know this, but the Southern Gulf Islands are second to the Okanagan in terms of orchards and the viability of orchards. It's a very well-known place to potentially have orchards. We've invested in some agricultural opportunities to create a very small greenhouse to start seedlings, but also to clear some area of land to reinvigorate some farming so that when we're at the campgrounds, we are cooking the food that we're growing on the island.

10483. Sorry; I don't mean anything bad by that.

10484. It's really important to show that, although we cannot hunt for Steller sea lions at this time, we want to remind the youth that they are hunter descendants. It's a little amusing, though, because the first night that we had the youth campground there, the girls in the one campsite were terrified of the sound of the Steller sea lions and it kept them up all night so we had to go and sit outside their tent and calm them down in the early hours of the morning. It's just Steller sea lions. We'll walk you down the beach and show you what they are and what they're doing, and they're way down the beach and you're okay.

10485. What's really interesting to know is that we talked about our village site over in -- at Lulu Island on what is now known as Lulu Island at Tl'uqtinus. When we bring Elders over to the island, we ask them to do a walkabout with the youth. We ask them to talk about the medicines that they're seeing on the beach and on the land and talk about the foods and how we would use the east side of the island. And we teach them the language at the same time. We bring out the language of what they're being shown at the same time.

10486. And the Elder that we brought out, his name is Auggie Sylvester. He's a Penelakut Elder and a medicine man. He came to this beach and he sat there with me on the beach and he said to me, "Kathleen, this is where all the canoes would push off. You'd see 1,000 canoes in this bay and they'd be waiting for the tides and the winds and the currents and this is where these canoes would push off to go over to Tl'uqtinus is from this site.

10487. When we were doing some of the interviews of the Elders for this project, for the Kinder Morgan project, some of our Elders talked about their encampment on the Fraser River where they would go.

10488. We have some new Elders. A lot of cultures, their Elders are not Elders until you go through a process of some sort.

10489. Our Elders are Elders when they reach a certain age and, for administrative purposes, we say that's 60. We say that, the administration office says that. But the Elders are Elders when they reach a certain age, when they need our care and attention and our help.

10490. The Chief talked about teaching his granddaughter to bring fish back to somebody who might need it. He was talking often about the Elders or

somebody who was in need.

10491. But the Elders are Elders when they reach that age where they might need some help, but we have stutulnahmut which are knowledgeable people. Those are our PhDs because when a stutulnahmut speaks, when a stutulnahmut tells us what they do, then -- or how we're supposed to be doing, then we're supposed to be paying attention to them because they are the people that are carrying the knowledge of our ways forward.

10492. But our Elders, some of our new Elders were sharing, you know, well, no, we'd come over here and we'd camp around here. We had a little campsite around here and it's in the vicinity of Tl'uqtinus, but they camped closer to the canneries because they were bringing fish to the canneries. And these Elders retired only in, like, 1989 and 1990, and they have encouraged their nephews to get the training to become deckhands.

10493. We have -- some of our community members have gone through the training to become deckhands so that they can start to engage the commercial fisheries again.

10494. So traditional food access for today, I talked a bit about the food fishery and where we get it from. We also go after elk harvests. They're integral components of the Lyackson way of life today.

10495. The Lyackson attempt to ensure the entire community benefits or is at least notified about their opportunity to access their traditional foods through our food fishery and elk harvest efforts. Even so, the community is seeking a return to the historical high food fish distributions.

10496. They used to get approximately 200 salmon per household. They're getting much less today and, in some situations, they're getting -- they're not getting any.

10497. There have been two years since the time that I started working, in the five years that I have worked for the Lyackson First Nation, where they were not able to get any food fish in that year. And that's a big concern to them because it's a huge part of their way of life and it is still a huge part of their way of life today.

10498. The Chief talked about his own commitment to providing the

teachings of our ways to his own children and grandchildren for fishing. And most recently, his grandson has asked to be taught to hunt, and the Chief will teach his grandson himself.

10499. However, this is also a part of the commitment that the Chief delegates to his staff. We are expected to raise funding opportunities to provide hunting and fishing opportunities for the Lyackson community as well, and we have begun that effort with fishing, language and medicine walks from the youth campground on -- located there in that bay.

10500. I talk about the education commitment today. And it might not seem like it's connected, but it's related to the food fish. Lyackson finds many ways to support education for the Lyackson membership.

10501. Through this support, Lyackson assures anywhere between five and 10 members are assisted through post-secondary education. However, their commitment is also to ensuring their youth achieve graduation and grade school and they host an annual celebration for their overall community members' achievements, whatever their educational aspirations are.

10502. These commitments also require that these members receive their annual food fishery and other traditional foods to offset the daily cost of living and maintain a healthy nutritional standard for their whole family while in attendance at school or at post-secondary institutions. So that's the reason I brought that education commitment up.

10503. It's actually a fairly substantive commitment to the point where one of the members of the Council will actually -- if he hears that there is a student in trouble, he'll come in to the office and talk to that student.

10504. I wanted to talk a bit about Crown reconciliation initiatives today because I wanted to show that the Lyackson have never given up their island. They've always fought for the return of their island. So they have engaged treaty negotiations through the B.C. treaty process.

10505. They began that negotiation in 1983 where they joined the Hul'qumi'num Treaty Group to attempt to resolve land claims and bring their governance home. In treaty negotiations with Canada and B.C., Lyackson is seeking to have all the Crown lands returned to them and the right of first refusal on all fee simple lands on the island.

10506. Specific claims, which are very different from treaty negotiations, are also pursued. The Sulwhe'en did not understand. I talked to you about the village site at the south end of the island, that it was provided to the Lyackson as a fishing station.

10507. The Sulwhe'en did not understand how they lost the land behind their south village, as that was where they accessed water from a spring. And as somebody developed that land behind their reserve, their access to the spring was cut off.

10508. So a community member dropped by the office and mentioned that particular situation, so we began a specific claims research and investigation to that issue because at the time of the Reserve Commission, the mandate of the surveyors was to document geographically, identify and set aside lands that had Indian houses, villages, fishing stations, and closed fields, cemeteries, and trails.

10509. However, the southeast side of Lyackson Island all of these features, and they were confirmed by the surveyors of the Reserve Commission. But the land was not fully set aside for the use of the Lyackson, so there is currently a specific claim into the federal government to address these issues. But we are also pursuing other potential specific claims related to the island as part of our effort to regain the whole of the island back for the Lyackson people.

10510. You had asked earlier, and I heard you ask for what the potential impacts might be to the Lyackson title and rights interests. And so we talked -- so I thought about what you have asked other presenters to relay with you, so I spent some time thinking about what the potential impacts might be. And I reported out to the Chief what I was thinking the impacts might be.

10511. So in my assessment, the potential impacts of marine shipping and an oil spill on Lyackson and Lyackson Island could be socio-community impacts. The community have an inextricable connection to their island. At every community visit, you will see them remove their shoes to walk their land.

10512. They have worked to identify the best uses of their land while maintaining the natural state for them and future generations to enjoy. They seek on a regular basis to practise and train their youth in their traditional activities on this island.

10513. For the people, any oil spill affecting this island will adversely affect the Lyackson Mustimuhw mentally, emotionally, and perhaps even physically, as the stress of a spill would cause them extreme pain which, in turn, could affect their health.

10514. Their use of the island would be affected and perhaps curtailed for as much as a quarter of a century of more, as it is witnessed in the Exxon Valdez spill. They would not be able to pass on these teachings to their children and the community's youth. They could be -- this could be the equivalent effect of residential schools on the traditional teachings of the community and their language.

10515. The cultural effects could include creatures that are of significant cultural importance such as the eagles, ravens, migratory birds, owls, seals, sea lions and Steller sea lions, whales, the fish and shellfish would be adversely affected and take years, potentially 25 years or more, to return to healthy abundances. This would have a further devastating effect on their culture.

10516. Their campground began as Sq'imukwlilem, Little House of the Octopus. Their cultural youth and family retreat site would likely become useless for these purposes, as the purposes for selecting the site would become unuseful (sic) for many decades, or up to many decades.

10517. The site was developed especially for the Lyackson to come to as a retreat and as a learning centre to fulfil, in part, the mandate they set forth in their vision to develop cottages or dwellings for their youths and to increase their access to the island. This effect on the Lyackson food fishery and shellfish beaches may devastate these fisheries and the ocean resources for many years.

10518. I was reading the Kinder Morgan report on what the potential effects might be and what the chances or odds of that effect and how that might research, and it said one in 46 of this project -- one in 46 years if this project goes ahead or one in 300 and something years for a catastrophic event.

10519. The difficulty is that, in Valdes Island, because it doesn't have a bridge or a ferry going to it, the island itself and its foreshore is kept in relatively pristine condition. The island and its resources that are just upland from the ocean are in good shape. And one of the things that First Nations generally have noticed over years -- or over the years is that it always appears that it's our Reserve lands and our lands that the government seeks to protect because these are the last bastions

of good environmental and ecosystem landscapes.

10520. For their food fishery and traditional foods, the potential impacts might be the effect on the Lyackson food fishery and shellfish beaches may devastate these fisheries and the ocean resources for many years.

10521. Porlier Pass, down here, and Gabriola Pass up here, are extraordinarily powerful, and when there's a current going there -- going through there -- well, Gabriola Pass in particular, the current -- you can see the current. No matter what time of day, no matter what kind of tide, no matter what kind of weather, the current will pull your boat through.

10522. So if there is a spill, large or small, and it -- depending on where it's at, the effect on these areas, these resource-rich areas, could be devastating to small micro- ecosystems.

10523. I won't talk too much about that because you want that in evidentiary proceedings and not here, but that's one of the concerns that the Lyackson people have.

10524. The sturgeon food fishery, which they're already banned from actively pursuing for conservation purposes, would be adversely affected even further than it already is at Roberts Bank, Sturgeon Bank and the Fraser River.

10525. The Steller sea lion hunt, which has also been curtailed for conservation purposes, could be severely damaged, as oil spills are well known to adversely affect seals, sea lions, and their habitat. If an oil spill, even a small oil spill, were to only affect this island, this little tiny islet here -- nothing grows on that island because when the Steller sea lions which haulout there and the seals and the sea lions haulout there, nothing can grow on that island because their haulout pretty much destroys anything.

10526. They -- it just -- they're large creatures, and that little tiny islet is taken over by them. And the same with this one.

10527. So if a spill were to affect even just that small area, you could be destroying a fairly significant resource. Not you personally, but a fairly significant resource could be destroyed by even a small oil spill.

10528. The Chief talked about migratory birds. Roberts Bank is an

internationally renowned migratory bird path. It's rich with unique resources for these birds on and for their journey. They've discovered some sort of biofilm and biomat, and these are new discoveries by the scientists in the world. A small spill in that area could be devastating on the migratory bird population, and that's an international concern.

10529. The Lyackson First Nation enjoys with -- I mentioned earlier that the Lyackson and Penelakut, there's a reef that follows -- parallels along Valdes going down to Galliano Island. And although oil spills aren't well known for dropping into the deep ocean -- they're more commonly known for affecting the foreshore -- one of the issues that is of concern is that the silt plume from the Fraser River actually can be seen by satellite imagery crossing all the way over to Lyackson Island. And when oil combines with silt, it can drop down to deep water ocean fisheries. And that reef is a very important reef for food fisheries and for habitat.

10530. Part of the reason I have raised this concern, we have raised it with Port Metro Vancouver as well, as they are asking to put a container shipping terminal at the end of the causeway at Roberts Bank. And that terminal will be the equivalent of approximately 166 baseball fields and it will create a boot that will likely push the silt even further north and affect -- having even greater potential effect on Lyackson Island if there is a spill and the silt from the Fraser River combines with the diluted bitumen and then drops to the seafloor in that area.

10531. I wanted to talk a bit about the economic impacts, because the Chief has talked about his island and how they want it developed. They do want it developed. They want a particular -- they want -- they set a very high bar for land staff in terms of how the land is to be developed, though.

10532. So they have done a few things. Sq'imukwlilem, I've talked a little about that, the campground, Little House of the Octopus. They've invested in many projects. And tourism specifically is important. The name Sq'imukwlilem was chosen, as the Sulwhe'en talk about how the octopus comes upland to go to the trees to collect pitch for their medicine.

10533. I've relayed that story to many biologists and many biologists don't know that story. They didn't believe some of the Elders, actually, until they actually saw for themselves this octopus covered in debris from the forest floor, and looking like a monster, heading back into the water after collecting pitch from the trees. The Elders tell us that the octopus does that because the pitch is

medicine to them.

10534. The Sq'imukwlilem, though, this campground is meant to become a wellness centre over time for anyone to come to for healing. A spill on the east side would have devastating effect on this very young project. The noise of the ships' propellers on their own may already be having a devastating effect on the side as the sandstone acts as a tuning fork, and low frequency noise of ships that cannot even be seen can be heard and even felt in the bones when you're standing on -- I'm standing -- sometimes I'm about 300 feet back and I can still feel the ships' propellers and hear them 300 feet back from the foreshore.

10535. As well, the lights of the vessels cause or increase light pollution and light glow. They light up the night sky and the clouds in the night sky increasing the light pollution.

10536. Shell fisheries, we talked about some of the shellfish beaches. Lyackson has been investigating the viability of their beaches for shell fisheries and aquaculture purposes. An oil spill could have devastating effect on a shellfish beach for many years. Lyackson has more than 10 shellfish beaches that could be affected by a spill. I should say accident or spills, because we recognize fully that an accident, even if there was no oil spill, that if an accident occurred, if any of the other pollutants that are carried on board a ship entered the ocean, then the accident of that could also affect the beaches and the land as well.

10537. Fisheries: Lyackson has invested in being a one-fifth owner of the Hul'qumi'num Fisheries Limited Partnership, which is actively seeking to increase commercial fishing licenses within the Hul'qumi'num kwatlakwa, which is water, oceans, including areas that might be affected by an accident or a spill. A spill could devastate commercial fisheries. Noise itself is known to have an impact on herring, and HFLP has 13 herring licences.

10538. I wanted to mention at this point I was talking about this, and I know that when I was reading the Kinder Morgan report they talked about, you know, it's pretty calm; the Salish Seas are, you know, fairly calm waters. And I was standing -- we went over to the island one morning to do a repair, and I can't remember on what, but the wind picked up and it quickly picked up to 90 kilometres an hour, and we ended up having to stay. But the wind was blowing so hard that the limbs and branches from trees were going straight out horizontally for 50 to 100 metres, and that's how hard the wind can pick up on that side.

10539. And so I was sharing that earlier today with someone, and I said that's actually part of the reason why we chose yurts for our campground, because we know that they'll withstand hurricane force winds, and we know that we get almost hurricane force winds in the Salish Seas. And so we chose yurts because we knew that they would have the greatest likelihood of standing afterwards.

10540. We chose yurts instead of longhouses because we have a longhouse on the west side of the island and we don't want people thinking they can just walk into our longhouse, because it's a cultural longhouse. Cultural practices happen there and we don't want people just thinking they can just -- "Oh, I'm staying in a longhouse on the east side so I'll just wander into this longhouse and see what's going on in this one." So we wanted people to know that there was a difference between -- although it's not part of our culture, we didn't want them just walking into our longhouses.

10541. I wanted to talk a bit about the traditional knowledge that I have been taught over the last 16 years from our Elders. The Chief talked about respect, and I think in our language that's -- that could be called uy shqwaluwun, which is -- it's not a good translation. I know a lot of people look at me funny when I say it like this, but the dictionary definition of uy shqwaluwun means good thoughts, good manners, good behaviour. And it's -- but it's how we approach anything in a good way.

10542. So if we go to take cedar bark, we pray to the tree and we take only the cedar bark that we need and we don't take so much that it kills the tree, and we don't take cedar bark in a way that would kill the tree. When we go fishing or hunting, before we go out we pray, and we pray not just so that we have a good hunt or a good fish opportunity, we pray so that the fish know or the hunt knows that we're coming in a good way and that we're coming out of respect so that we're asking for their life and that we're doing that in a good way.

10543. The late Helen Kamai shared a story, Snumeethia, about her father, Philip Thomas. She shared how her father would row the children from Shingle Point to Nanaimo to shop for groceries. As he rode he would sing at the dolphins and the dolphins would escort them all along the way there. Snumeethia said that he would instruct his children to never harm the dolphins because they were our friends, to always look after them. When he passed on, the vessel that carried him to Penelakut Island was escorted by 16 to 18 dolphins.

10544. This family story of one of the late hereditary Chiefs demonstrates the

responsibility and the teachings being passed down. Our Chief Pahalicktun sitting here before you has talked about how he has passed that down as well to his own children and grandchildren. The Lyackson, as with many First Nations, identify that they are a part of the natural world and the natural world is a part of them. Further, that the environment has an effect on the people and the people have an effect on the environment.

10545. The Elders, in the last 16 years that I have been working for the Hul'qumi'num Coast Salish, Vancouver Island people, have always told me that we cannot be separated from the environment. You cannot. We do not occur in separate planes of existence; this is not our way.

10546. What that teaches me, as someone who has to deal with modern-day projects, is that it identifies that where there is a possibility of an accident, there is a reality of an accident. It's not merely a chance. We're constantly told the chance of it happening is small. The risk of it happening is small. And it's taken me a very long time to understand what the Elders were trying to teach me, because they kept saying, "Kathleen, you can't tell us that the chance of an accident is 1 in 46 years or 1 in 300 years, that's not how it is. We have an effect on the environment. That accident will happen. If you don't do things the right way, an accident will always be the result. You must always do things the right way." I ---

10547. **THE CHAIRMAN:** Sorry; I just wondered if you wanted a short break. I don't know how much longer you have, but if you'd like a short break?

10548. You're fine. Okay. Thank you. Continue.

10549. **MS. KATHLEEN JOHNNIE:** No, don't mind me. I'll get over this. I'm just -- it's quite an honour for me to be sitting here, so I'm a little emotional about it.

10550. One of the other things that I learned from the Elders is that when they talk about the effect of the people on the environment and that we cannot be separated from the environment is that that point of -- that point or potential of an accident is such a reality to them that the longer the span of time that there is no accident, the more assured they are an accident will happen.

10551. And I say this to you, but I also say that when you talk about the chance of an accident in one in 46 years or one in over 300 years, Pahalicktun,

that name, this Chief -- that name will be here in 300 years and the person who carries that name will have a responsibility, the same responsibility that this Chief is carrying today. That is our culture. That is our way.

10552. So in 300 years, if an accident doesn't happen until 300 years, there will be somebody there by the name of Pahalicktun who will have to carry the memory of this Chief and this Chief's concerns and issues related to that accident and he will -- that individual will have the responsibility, the same responsibility as the Chief that's sitting in front of you today.

10553. And part of the reason I think that Aboriginal people get upset is because we're quite often faced with a situation where people sit down with us at a table and say, you don't worry. We've got all the PhDs and all of the letters and dots and dashes and commas after our names that will take care of the situation and this issue and we'll minimize the risk and we'll do all the good things and make all the things right. And we've got it covered. Whatever the issue is, we've got it covered.

10554. And then, an accident happens, and it's the First Nations and our ways that are often put out in front of that accident, that are often at the receiving end, at the brunt end, at the damaged end of that accident. And I say that because I think of Three Mile Island and I think of Chernobyl and I think of Fukushima. And I keep hearing all of the scientists and all of the PhDs and people with letters and dots and dashes and commas after their name telling us in those early days of nuclear power that it's all good.

10555. Nuclear power is clean energy. It's good energy, and there won't be any problems. We've got it all covered. But then Three Mile Island happens and Chernobyl happens and Fukushima happens, and Fukushima is a really extraordinary example of effects of the environment on a project.

10556. Kinder Morgan assures us that when they put these tankers through these waters, the Salish Seas, that the tankers are designed for heavy seas and can withstand anything that happens in the Salish Seas. And we know that we're due for an earthquake. We know that, on Valdes Island, we have to prepare for the potential of the liquefaction of delta affecting our island as part of our emergency response plan.

10557. And Kinder Morgan assures us that their vessels will handle that -- will handle that kind of wave action in the small basin, but the Chief has shared

with you that we regularly get all kinds of things washing up on the shores of Lyackson Island; trees, logs, ships, docks, parts of docks.

10558. There's talk about this new container terminal happening at Port Metro Vancouver. If delta liquefies and this new container terminal and all of its containers are washed into the Salish Seas and there is interaction with Kinder Morgan's vessels, we know that that's already a shipping issue out in the Pacific Ocean. We know that that's already a shipping issue out in the Atlantic Ocean.

10559. We don't think that Kinder Morgan ships can withstand 166 baseball fields full of containers washing towards them in a tsunami effect. We don't think that that -- Kinder Morgan's new tankers can address that kind of an issue.

10560. One of the final things that the Lyackson Elders in particular -- I've had opportunity to work with many Elders, but the Lyackson Elders in particular said to me that our needs must not be met through initiatives that place a burden on others. And they were talking at the time about the Site C Dam, and they were talking at the time about the interior to lower mainland transmission line and the Vancouver Island Transmission Reinforcement Project.

10561. They were saying that our need for electricity should be met here, here at home. We feed ourselves here at home. We trade for other things, but we trade fairly. So our need must be met here.

10562. Kinder Morgan is arguing that they need to sell this oil, that the world needs this oil, that people that are impoverished need to have refrigerators in different places. Well, our Elders are saying, yes, they may need that, but it must not be at our expense.

10563. You've already heard from others that Lyackson staff cannot capture the fulsomeness of the potential for adverse impact and devastation to the Lyackson in the event of a spill or an accident in these few pages or hours.

10564. We do appreciate that you gave us this time to do this, but the last thing that I want to share with you is a concept when, at the time of contact, our people named the non-native people qwuniitum, and that name means always hungry, always wanting more, never satisfied people.

10565. And it wasn't a name that was after the colour of the people's skin or the shape of their eyes or their faces. It was a name that described a characteristic

that they displayed. I remember as a very young child, Elders talking about the sqwatti qwuniitum. The sqwatti is not a friendly word. It means crazy, but it means crazy in a bad way.

10566. They say, what are those sqwatti qwuniitum up to? What do they think they're doing?

10567. Elders -- I've heard Elders over the last 16 years talk about how the hwelmuk will live when the sqwatti qwuniitum ways take away everything, take away and destroy everything that we have lived on before.

10568. So I wanted to share those terms because I don't think -- I think that my people are probably too polite to share those terms and I think that's my job sometimes is to be the person that's not polite. I'm not a good example of a Coast Salish woman. I'm a little more aggressive than most Coast Salish women. I'm a little more outspoken. I am way more demanding; maybe not more than my Mum, but I am way more demanding than most Coast Salish women.

10569. And I think that's my job, is to act and to let my people know that they have the right to have a voice; that their voice needs to be heard and their words need to be heard, that they shouldn't hide those words because they have a lot of meaning.

10570. I've had community members say to me -- apologize to me for being so hard on me, and I just -- I say, "No, don't apologize because your words give me strength to carry forward, to carry the fight forward, to carry the fight on."

10571. But this fight does not end. There's always one more project.

10572. The Lyackson people wrote a vision for their island, and they wrote their vision as if it's sometime in the future. I've mentioned to you that they have invested well over $1.7 million.

10573. They speak of their vision as being an ideal picture in which all the Lyackson people's hopes for the island have been realized, and it starts:

> *"We, the Lyackson people, have paddled home. Valdes Island is the centre of the Lyackson community, and our nation finally has full control over this territory of ours. Some of us live here, while others regularly visit or stay here for the summer.*

We come and go in a big boat we have that makes regular crossings. It lands at a wharf with a protected breakwater. On the island, we travel by foot or in electric golf carts, sharing a few utility vehicles for work projects. Our houses are modest, fitting into the natural environment, with vegetable gardens outside. We have running water and electricity. There is a nurse and an emergency landing.

People with jobs here mainly work from their homes, and arts such as traditional carving or at computers that link them to the outside world. Several work in recreation and tourism, renting out equipment and guiding. A few are charged with watching over the use and resources of the island, particularly to ensure burial sites and other sacred sites are protected.

The island is very important, even to Lyackson people who don't live here. We treasure it as a place for recreation, rest, and renewal. We share our treat centre with other Hul'qumi'num' people, who are grateful for the opportunity for healing and recovery in a peaceful place close to their own homes.

We look forward to cultural activities at the longhouse and outdoors all year round. Almost everyone comes together on Lyackson Days each July when we feast, tell stories, and race canoes. A summer camp focuses on recreation and cultural education for the youth.

Tourists respect Lyackson ownership of the island. They stay in a lodge and bed and breakfast or at the campground. Visitors appreciate the cultural value of Lyackson and learn a lot about First Nations from their experience of the island.

We are proud of how we have restored burial sites and protected the natural and cultural heritage of the island. We are using the resources sustainably, harvesting only what nature can provide without degradation, largely by traditional methods. This is a beautiful, sacred place, befitting a nation that understands the responsibility of our heritage." (As read)

10574. Okay. Now I can take a break.

10575. **THE CHAIRMAN:** Are you concluded, Chief?

--- (A short pause/Courte pause)

10576. **CHIEF RICHARD THOMAS:** We need a couple of more minutes. We're just about through with our presentation.

10577. **THE CHAIRMAN:** Yes, continue if you wish.

10578. **MS. KATHLEEN JOHNNIE:** I wanted to share with you some of the opportunities that I have to experience the Lyackson people on the island.

10579. This is their youth camp retreat. This is some of the Lyackson youth. This is the yurt campground. You'll see in behind the yurts there's some treed areas.

10580. When we hired our consultant, we told them that we didn't want to affect the land. We wanted to minimize the impact. That's why we chose yurts because the impact when we leave will just be those footprints from the piers, the cement piers underneath the deck.

10581. And he didn't believe us. He tried to put the yurts in amongst the trees in the salal fields. And so when I went and inspected its work with Indian Affairs and I walked back into this area which we had logged, I said, "Well, why can't we just put it here?"

10582. And he said, "Well, is that okay with you? You're going to be back another 50 feet from the ocean, so you're not going to have the foreshore vantage point." I said, "No, no, no. Chief and Council said minimize the impact. This is what they mean, is put the yurt somewhere it's going to impact the least."

10583. There will still be ocean. You'll still be able to walk to the ocean. It's only 150 feet, and we have little trails cut through down to the foreshore.

10584. And this is the first youth retreat that we had -- oh, no, this is the second year that we had the youth retreat.

10585. This is us around the campfire. This is the second year, and we had a community member come and show the community -- we had a Somenos community member come and show the Lyackson community how to make traditional fishing implements, and they're just enjoying an opportunity around the campfire at this point after that day.

10586. They're still around the campfire here.

10587. Community members that have come over with their family. It was a youth retreat originally, but we -- the families actually started to come over, so we started to just invite whole families coming over to the youth cultural retreat.

10588. I talked earlier in my presentation about how community members will take their shoes off to connect to the land, and they do that almost every visit, all the community members. At some point, you'll see them with their shoes kicked off digging their toes in. And she's found an eagle feather down on the beach below the yurt campground, and this is on the east side.

10589. One of our young men. We're having a talk about safety over dinner because we've got youth there. We want to teach them how to be safe, and they're in a remote location.

10590. The tent sites overlooking the east, the bay -- the big bay there.

10591. We make sure that the youth pack themselves up, set themselves up, pack themselves up and carry their garbage out.

10592. This is the Elder teaching them the medicines in the area, teaching them the language. His name is Auggie Sylvester; I mentioned him earlier. He's from Penelakut Tribe.

10593. The kids on the beach just down below the yurts. This is our Elder teaching -- she came over to teach language to the youth.

10594. We're teaching them some nighttime activities, talking about the stars and the phosphorus in the water.

10595. I wanted to show you these two men in particular because they forged their parent/guardian signature to come to this youth retreat, and we didn't find out about it until two years later.

10596. This is where the consultant wanted to put the yurts.

10597. This is the Chief's son, Jason, helping us with this selection site. When I saw these pictures, I said, "Well, now I've got to go over to the island now, then, because I don't think that's what the Chief and Council meant when they said don't affect the ecosystem as much as possible, or as little as possible."

10598. A hammock, someplace to rest and relax while you're looking out at the Salish Seas. Same hammock if you want to look at the woods.

10599. These are lichens on the rock. The Island of Sansta (ph) has got a lot of lichens, and lichens in some cases are fairly badly damaged by people in others areas from rocking -- from walking over them because they don't realize they're walking on a living creature.

10600. This is -- I think this is nodding onion. Yeah, that's nodding onion, really important staple for the Coast Salish. And this is an herbaceous sort of area, nice mossy area that just stays open and mossy like this because the soil there is very thin. And that's that same place.

10601. Garyoak tree, camas bulbs. The Number 3 Reserve was given to the Lyackson for their camas fields and wapato.

10602. That's the Steller sea lion haul-out. A little creek that comes out on the east side, we have about seven or eight of them that come out on the east side there.

10603. Ravens on the beach. I was going to do a raven impression, but I won't now. More ravens -- because I sit there and I talk to them on the beach when I'm there so that they know that I'm not coming after them. I talk to them and they have love words.

10604. The eagles. I can do that one, too, but that's painful on the ears because it's really high pitched.

10605. This is some tide pools. I don't know what's in this tide pool. I've never seen that before.

10606. These are all on the beach on the east side. We call them the eyes.

That's where the Lyackson Eyes on the Island Program came from is because these look like eyes.

10607. Some of the community members at Lyackson Days. After the youth retreat , we make the kids pack up and then we meet their parents or other community members that haven't gone to the youth retreat at Shingle Point, and this is at Shingle Point in front of the longhouse.

10608. A little boy looking for wuxus, the little frog. He could hear a little frog back there. He just couldn't find it.

10609. Some of the community on the beach, and staff.

10610. One of our Councillors with his daughter.

10611. This is the clam garden.

10612. A little baby learning how to walk on her island.

10613. He caught something. He didn't know what it was, but he was really proud, wanted us to take a picture. It was just a little piece of seaweed.

10614. This is Dave Bodaly. He taught the community members how to make the traditional headdress. We always try to have traditional teachings at our retreats and campgrounds.

10615. And these are pictures of the community members either going to or coming from their cave walk. They went to explore their cave. This is them being very proud that they did it. It was a lot of hard work. And this is the cave.

10616. A member of our Council.

10617. This is our Councillors welcoming and acknowledging the community coming back to the island, coming home.

10618. This is our longhouse.

10619. That's the other clam garden on the other side of Shingle Point.

10620. This young man is helping big brother get his food fish because big

brother couldn't come to get his own food fish so he was teaching us which ones were males and females, which ones had eggs and then -- and hand selecting every single one that his brother got. He's telling Tyler, "No, I don't want that one" and he was picking one further in. And that's the one he wanted.

10621. The two years that we couldn't get salmon, we got chum. And chum needs to be smoked, so we had it smoked for the community because a lot of our community lives in cities and their neighbours don't really like them smoking their food fish in their backyards or on their balconies.

10622. Community helpers.

10623. The Chief and one of our Elders, Sally Norris.

10624. I think that's pretty much -- oh, no, this one. This one's probably the most -- not the most important one, but I really liked it because it's a panoramic view of the bay that I told you where the Elder said that this is where we would push off from to go to Tl'uqtinus, so that's the bay that you'd see 1,000 canoes in.

10625. And that little knoll up on the right there is where the hammock is, if you want to know.

10626. And I think that's it. Thank you.

10627. **MS. RUSSELL:** I note the time. May I ask clarification for two brief points with my client?

10628. **THE CHAIRMAN:** You may.

10629. **MS. RUSSELL:** Ms. Johnnie, you referred to a place that I understand is called Tl'uqtinus. Can you clarify for us where we would find that in a contemporary map?

10630. In words, please, Ms. Johnnie.

10631. **MS. KATHLEEN JOHNNIE:** Okay. It is on Lulu Island on what Port Metro Vancouver now terms as their lands, right about there. No, right about there, sorry. On the south arm of the Fraser River maybe about three-four kilometres up from the George Massey Tunnel.

10632. **MS. RUSSELL:** Thank you. You used a term Mustimuhw.

10633. **MS. KATHLEEN JOHNNIE:** Mustimuhw means people. Mustimuhw means people.

10634. **MS. RUSSELL:** And you referred to a place that I believe 1,000 canoes push off.

10635. **MS. KATHLEEN JOHNNIE:** Yes.

10636. **MS. RUSSELL:** Can you clarify for us in contemporary terms where that would be?

10637. **MS. KATHLEEN JOHNNIE:** That is that big bay right there.

10638. **MS. RUSSELL:** Right there?

10639. **MS. KATHLEEN JOHNNIE:** Right there where the pointer is -- where I'm pointing at with the -- whatever this thing is called, this techno gadget -- laser techno gadget.

10640. **MS. RUSSELL:** And if you put down the laser techno gadget, could you explain for me, is it on Lyackson Island?

10641. **MS. KATHLEEN JOHNNIE:** Yes. The bay -- It's got a name and I'm sorry, I won't try to say the name of that bay, but it's the bay there. It has a Hul'qumi'num name. It is on Valdes Island on Indian Reserve No. 3 approximately, I'm guessing, maybe two kilometres south of the Reserve border in the north.

10642. **MS. RUSSELL:** On which side of the island is that?

10643. **MS. KATHLEEN JOHNNIE:** On the east side of the island.

10644. **MS. RUSSELL:** Thank you. That's everything for me.

10645. **THE CHAIRMAN:** Thank you. And as you indicated earlier, questions of the moment, which I thought was an interesting way of putting it, and I appreciate that, I'll offer the opportunity to Trans Mountain for any questions of clarification in the moment.

10646. **MS. OLENIUK:** Thank you, Mr. Chair.

10647. On behalf of Trans Mountain, I'd like to thank the Lyackson for your presentation. It was very detailed and informative. We don't have any questions, but I would like to acknowledge and thank you for your Traditional Marine Resource Use Study, and we will be reviewing that and providing some of that information to the Board in due course.

10648. Thank you.

10649. **THE CHAIRMAN:** The Panel don't have any questions because you -- Ms. Johnnie and Chief, you painted -- certainly, Ms. Johnnie, you painted for us not so much those pictures but in your words, your knowledge and your passion came through and you painted a picture for us, which I thank you for and acknowledge you for, for that.

10650. And Chief, you said you were a small Nation, but I think you're a small Nation with a strong voice as you talked about the sacredness, the respect, and the protection of your home and your island.

10651. So I acknowledge you now for that and thank you bringing your voices to us today, and those who also came with you to be a witness to your presentation today.

10652. And as we consider what we have heard from you and from others up to and to this evening and then on what we will hear moving forward on the days, and weeks and months that will come as we consider this application, and we will consider everything we hear, as we decide whether or not to recommend approval of this project.

10653. So with that, we're adjourned and we will reconvene at 9 o'clock tomorrow morning to hear from the Pacheedaht First Nation.

--- Upon adjourning at 4:47 p.m./L'audience est ajournée à 16h47