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 7

Hearing held at
L'audience tenue à

Coast Chilliwack Hotel
45920 First Avenue
Chilliwack, British Columbia

October 17, 2014
Le 17 octobre 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

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

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.

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.

Printed in Canada

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 Chilliwack (British Columbia), Friday, October 17, 2014
Audience tenue à Chilliwack (Colombie-Britannique), vendredi, le 17 octobre 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

Kwantlen First Nation
Councillor Tumia Knott
Councillor Les Antone
Mr. Richard Seward
Ms. Michelle Saul
Mr. Tim Dickson (counsel)

TABLE OF CONTENTS/TABLE DES MATIÈRES

Description	**Paragraph No./No. de paragraphe**
Opening remarks by the Chairman	3083
Kwantlen First Nation Councillor Tumia Knott Councillor Les Antone Mr. Richard Seward	
- Introduction by Mr. Dickson	3099
- Opening song and remarks by Mr. Seward	3126
- Oral presentation by Councillor Knott and Councillor Antone	3139
- Oral presentation by Mr. Seward	3442

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 9:03 a.m./L'audience débute à 9h03

3083. **THE CHAIRMAN:** Good morning, everyone, and welcome to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain expansion project.

3084. 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 Davies. And we want to welcome everyone who is here today, both in the hearing room and listening on the webcast.

3085. Maybe just before we get started, I'd like to review some safety issues. The exits are marked -- clearly marked where you came in and to exit the building, you take to your right through the glass doors or to the left as you go out. And the washrooms are also located in the corridor.

3086. In addition to the Panel, we have a number of staff in the room to answer process-related questions that you may have, and they can be recognized by the brass name tags that they're wearing.

3087. In order to be fair to all presenters, as you know, we've allotted up to three hours to hear from each group. If three hours is not enough at the end of the session, please feel free to make a request to file additional oral evidence by electronic means such as a video or some other method of your choosing.

3088. Before we get under way, I would like to remind parties of the Panel's guidance in the Hearing Order and Procedural Direction No. 1 in regards to oral traditional evidence. The Board understands that the Kwantlen First Nation have an oral tradition for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing. The Board recommends those providing oral traditional evidence focus on their community's interests and rights.

3089. These hearings are not to hear evidence that will be filed subsequently in writing, including technical and scientific information, opinions or views, advice to the Board on whether to recommend approval of the project or the terms and conditions that should be imposed, or questions to the Board or any other participants.

3090. Sharing your traditional knowledge and stories about the use of your

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

3091. 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.

3092. We appreciate that you've chosen to be with us today. Before providing oral traditional evidence, presenters will be asked to swear or affirm that the information they are presenting is accurate and truthful, to the best of their knowledge and belief.

3093. With that, I believe we are ready to get underway. But before I call on Kwantlen to present their oral traditional evidence, for the record, I will ask the Proponent, Trans Mountain, to introduce themselves for the record.

3094. **MS. OLENIUK:** Good morning, Panel, and good morning to the representatives of Kwantlen First Nation.

3095. My name is Terri-Lee Oleniuk, and I represent Trans Mountain along with my colleague, Heather Weberg, who's sitting to my right. And to my left is Annie Korver, and she's with Trans Mountain's Aboriginal Engagement Team.

3096. Thank you.

3097. **THE CHAIRMAN:** And with that, Mr. Dickson, I'd ask you to introduce the Kwantlen representatives and also you can state whether you will be able to respond to questions orally, in writing, or both, depending on the types of questions the Proponent or the Panel may have.

3098. Mr. Dickson, please.

3099. **MR. DICKSON:** Thank you, Mr. Chairman. Good morning to the Panel.

3100. Now, I will introduce our speakers but before I do so, I have some introductory comments to make. And so I'd like to make those comments and just to tell you the format of -- that we anticipate our evidence to take.

3101. I will provide those opening comments, and then we will open with a song. And then our witnesses will affirm. And from there on, I will introduce them and we will get into our evidence.

3102. Let me say this: Kwantlen First Nation intervenes in this hearing because it has serious and pressing concerns about the potential impacts of this project on their Aboriginal rights and title and on their way of life and on the very health of their people and on the future of their community. And you will hear about some of those concerns today.

3103. You will also hear some of Kwantlen's history and its present.

3104. Our witnesses, in the short amount of time available to them, will try to give you a glimpse into Kwantlen's culture so that, hopefully, you can better understand the risks that this project poses to their community.

3105. And Kwantlen welcomes this opportunity to speak with you about their concerns, but they have real reservations about this process that we need to make clear before we begin.

3106. And the first is that, as of now, this is the only opportunity for Kwantlen to provide oral evidence to you in your presence. And in our view, this process is far too distant from the realities of the land and of the communities that depend on it.

3107. This process is paper based, it is technical, it is legalistic, and it is removed from the life of Kwantlen as a community.

3108. And you will recall, perhaps, that these hearings were first scheduled for August, which is the height of the fishing season for Kwantlen and all Coast Salish communities. Along with most other communities, we objected to that timing, but we also invited the Panel to come at that time to see the fishing in progress at Kwantlen because it is so difficult to conjure up, in this hotel conference room, what that means to Kwantlen people as a reality, what it means to be out there on the river fishing.

3109. Our witnesses will try to paint that picture for you as best they can, but it is not in any way equivalent to you coming and seeing it for yourselves.

3110. The second concern that we raise about today is the timing of it, which is that it is far before Trans Mountain has filed all of its evidence. And it is very well before Kwantlen and the other intervenors in this proceeding have to file their evidence.

3111. And this is our -- as I say, our only opportunity to provide oral evidence to you in your presence. But all parties in this proceeding have a great deal of work remaining to be done in terms of developing their evidence with the end to understanding what this project really means for them.

3112. And so the timing of this hearing is prejudicial in that respect.

3113. Let me move to two observations about this process as a whole.

3114. As everybody knows, the Crown has said that it will rely, to the extent that is possible, on this process to fulfill its duty to consult.

3115. We do not accept that the Crown may do so. And I won't go into all of the reasons now why we say that, but let me just observe that, as far as I know, the Crown is not here. They have not come to hear our evidence.

3116. There will be a transcript. I do now know, but I do doubt that it will be read.

3117. The other general concern, and this is a very substantial one, is funding. From what we understand from the Crown, and we have not been told much, this is the process. This National Energy Board process is the process for having Kwantlen's interests taken into account and accommodated.

3118. As I have said, this is a highly legalistic and technical process involving an enormous quantity of evidence. Trans Mountain's initial application was approximately 15,000 pages long. We know from the Northern Gateway process that, ultimately, approximately 175,000 pages of evidence were filed.

3119. Meaningful participation in this process for a First Nation like Kwantlen that is so centrally impacted by it requires a very substantial amount of funding for legal counsel and for technical experts and advisors.

3120. It is unrealistic in the extreme to imagine for one moment that a First

Nation whose future could be so impacted could meaningfully involve itself in this process without counsel and without technical advisors to tell them what this application means, to tell them where the shortcomings are in the assessment, to prepare studies to address the gaps in the application.

3121. Kwantlen has been granted $40,000 to participate in this process plus 2,500 for travel costs, and that is simply a grossly inadequate amount. Kwantlen has already spent substantially more than that of its own money just leading up to obtaining that funding award. We're not very far into this process and it is not -- already it has not been able to participate in the meaningful way it wishes to because of the absence of funding.

3122. So you will hear today some of what that absence of funding means for Kwantlen. I mean, you will hear that because of that lack of funding, among other concerns, Kwantlen does not regard this process as adequate to the task of properly taking into account this project's potential effects on its rights and its title and its interests.

3123. But having said all that, here we are and we are ready to give the evidence we can within these constraints and we will, through this evidence, try to provide a general overview of Kwantlen's perspective and, given the setting, the timing and the limited time available, that evidence will necessarily be only an overview. If Kwantlen does receive, at some point, adequate funding to do so, it will file detailed evidence with respect to its rights and its title and its interests and the potential impacts of the project upon them.

3124. So with those opening comments, I would like to ask Mr. Richie Seward and Ms. Michelle Saul to come forward and open with a song and with some comments.

3125. (Opening native song)

3126. **MR. SEWARD:** First of all, I would just like to thank you for the opportunity to be here for the voices of the First Nations people in general.

3127. I think this has been our prayer for a long time, amongst every village along the Stó:lō territory that is going to be affected by this. A lot of the things that are going to come forward, I think a lot of it is heartfelt by not only the human beings, but the natural aspects, you know, the mother earth that it's going to affect because that's what takes care of us.

3128. And if we can find the resources to actually come together as a collaborative, I think each and every one of us in this room has a little bit to offer to all of these meetings that are going to come forward.

3129. I mean, the words that are going to come to you have been passed down since the beginning of our time. We do not know when that was. We do not have a time frame. The time physically has changed, but the resilience of all of our people is that we've had to adapt. And if this is the way that it has to come and take forward, I think then each and every one of us has a responsibility and a duty to come forward wholeheartedly, which is one of the reasons why we come forward to you and present and open with the songs of our ancestors because they're the ones that we turn to for guidance and strength, honour, energy.

3130. Everything that you're going to hear today is out of respect for our previous generations. Only for that -- we are only the caretakers of now and today so that the generations coming up, they're the ones we have to look after. We're responsible for them. I think those are things that are going to come out as a strong point, and if those are looked into through not only the eyes, but felt with all of your heart, your mind, your body, your prayer, then I think it's going to get somewhere.

3131. But with these things none of it, as it has been already, has come to you forward on paper because this is our tradition, this is our culture, this is our heritage. That's why I thank you for allowing me to come share my gift, which is calling upon our dearly beloved ancestors to come and be with us so that they can give us the strength and energy to come up into a foreign situation. We're not used to dealing with this, but we are learning.

3132. That's why I say we are resilient, we are adapting, and these are the things that we've got to come together and work to make it a better and brighter future for not only us, for our children, and their children, and so on, and so on.

3133. And I thank you for the respect that each and every one of you have in this room for standing and acknowledging. That shows that you've already been listening to some of the testimonies that have come forward. Now we are Letsemot, that's one mind, and I think that's what's going to make this day possible. That is going to go on from today, you know, this is not just going to be a tokenism effort, and I appreciate that.

3134. It's an honour to be here on behalf of Kwantlen Nation to be here to support because the voices that are going to come to you in the next few days, a lot of them have been silenced for way too long; and I think a lot of them now, today, are so afraid of coming forward, now they think their voices don't matter. But it's the strong few that have been educated in these ways that are also pulling in support from every angle and I think that alone too is going to be how we are going to pull on those threads that are left of our culture and make them a life skill for our children. This is not only something that we live for, it's a way of life that gives our children a better start because it's a harsh and fast world out there. This is proof of it.

3135. We're catching up to a game that's been played for years, and years, and we've had no say. So I'd like to thank you for allowing us to bring our voices to come and be heard, and share with you a little bit of knowledge that was already in place, but was already overlooked without a second chance.

3136. So with that, it's an honour to be here to thank you personally for at least giving our leaders a chance to have their say. So now that you're all one mind, one heart, I think everything will go well.

3137. So once again, yálh yuxw kw'as hó:y.

3138. **MR. DICKSON:** Mr. Chairman, to my immediate right is Councillor Tumia Knott and beside her is Councillor Les Antone, and as I say, both of them will Affirm.

LESLIE ANTONE: Affirmed
TUMIA KNOTT: Affirmed

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR COUNCILLOR KNOTT AND COUNCILLOR ANTONE:

3139. **MR. DICKSON:** Thank you. And so as we proceed through our evidence, the format that we will follow is a sort of guided direct examination but with a panel. I imagine it will end up looking a little bit like an interview, and so both Councillor Knott and Councillor Antone will answer where they have comments to provide on a given topic and we will go through like that.

3140. Councillor Knott, can you please provide the panel with a bit of an

overview of your background and your work at Kwantlen?

3141. **COUNCILLOR KNOTT:** I can. I feel fortunate that I've been privileged to be involved in work with my own community for a number of years. I've been a member of the Kwantlen Council, appointed by our Chief Marilyn Gabriel. I have -- this year marks my 20th year on council for Kwantlen.

3142. I've also worked in various capacities for my community of First Nation -- my community of Kwantlen, sorry. As we've grown over time my roles have changed. So I've spent time being in a Band Manager role for the community. As we got a little more sophisticated and that name -- the name changed to Director of Operations. I have recently taken on a role; again, as we're growing in size and capacity at our Nation we formed a business group and so I am now currently working as the President of our Seyem' Qwantlen Business Group, which is the business entity owned by Kwantlen First Nation.

3143. Some other background of myself, I do have a legal education training; I am trained as a lawyer. I've articled and worked for an aboriginal law firm for a few years. So, again, balancing -- have always had the connection with my own community, but also working and getting experience outside of the community as well. But I guess that's background about myself. I am always proud to engage in all of the different activities on behalf of our community of Kwantlen and am grateful for the opportunities that I've been given.

3144. **MR. DICKSON:** Thank you.

3145. And Councillor Antone?

3146. **COUNCILLOR ANTONE:** Yes. Good morning everyone. Thanks for listening and coming here with an open heart and open mind, and I thank our drummer and singers for coming and opening us up in a good way, which is something that we always like to do before and after the conclusion of a meeting, something that our traditions and culture that we're taking back now, and reviving of our culture is one of the biggest things that we've done in the past 20 years.

3147. As Tumia said, we were both appointed on the same day, 20 years ago. It was kind of a shock, being a construction worker, a logger, fisherman, hunter, to go to a Band meeting and walk out a council member was kind of a shock to the system, to say the least. But it's been a fast-rising climb for Kwantlen in the last 20 years for us, and we went through the Treaty path, which failed us.

3148. Myself, personally, I have four children, three grandchildren. They all live in Kwantlen, thank goodness, and we're all close to home. We all live around Fort Langley. We're not scattered to the winds like we were before, but I've been working. I do the Fishery portfolio and help out in the Economic Development portfolios. I attend a lot of the Assembly of First Nation, the First Nation summit, the Union of B.C. Indian Chief meetings, quarterlies, annual meetings, AGMs.

3149. The Fishery portfolio is huge, cumbersome, working with Department of Fisheries and Oceans. We've started an organization called Lower Fraser Fishery Alliance which includes 30 First Nations on the Lower Fraser. And I'm on the executive committee there. I've been there since its beginning three and a half years ago, I believe. Much needed because we didn't have a voice at the table for our -- one of our most important resources was the fish, and we were losing track. We're down to fishing for hours on a weekend, not 24/7 like the way we were brought up.

3150. So to get control of that and to help out with the other nations above us also because the 30 bands that do fish on the Lower Fraser, when we hit the water, when we fish, that's a lot of killing power, so we do catch a lot of fish, historically.

3151. Hudson's Bay Company found that out real quick when we started bringing them fish and selling fish to them. We basically fed the world with our fish, but then that 1850 law from Dominion of Canada fixed that real quick, so we weren't allowed to sell fish any more from then. So the problem started back then.

3152. Dealing with all the issues, all the projects, all the highways, bridges, all the -- a lot of the proponents out there, the Fraser River is just an impediment to their productions and whatever. So they are always building something. They're always paving over something, covering all the creeks, rivulets, all those important streams that feed the Fraser to keep it cool for the fish. They're all gone now.

3153. Hundreds and hundreds of them -- creeks and rivulets are gone, which increases the temperature in the Fraser, which decreases fish. So that's why we help to manage those fish as tightly as we can. That's why we agreed to four-hour -- six-hour openings on a weekend to help the families above us get their fish

because they love their fish up above us, too.

3154. So with that, that's how I started out being a Council member and that's where we sit today. And it's a good future, bright future, we hope, trying to maintain and sustain our community as best we can.

3155. Thank you.

3156. **MR. DICKSON:** Thank you.

3157. So we'd like to give a sort of general overview of Kwantlen, including its location and number of members, and the language.

3158. If we could -- we have a little deck of slides with just four maps. If we could turn to the first map, please.

3159. As you can see there, that's a traditional territory map for Kwantlen First Nation and the major municipalities are set out there. And you can see that within the traditional territory are Langley and Surrey and Richmond. And if you can see those six -- there are six -- coloured portions along the Fraser River, those are Kwantlen's present reserves. And obviously, you can locate there, right through the heart of their territory, the Fraser River snaking through. And no doubt you can place the pipeline general route there in your mind.

3160. And if we -- I'll just orient you, if I may, through our deck. If you turn to the next slide, please.

3161. This is, obviously, a detailed map of Kwantlen's reserves, all of which are on the Fraser or its tributaries.

3162. Councillor Knott, if you can please orient them to where the main reserve -- where the main residential reserve is?

3163. **COUNCILLOR KNOTT:** I can. So currently, Kwantlen has six reserves. Our total, the size of the reserves all together, is approximately 1,200 acres of land that we have on the six reserves.

3164. Our largest reserve you can see is the island that's to the west, the most western part of the map, which is located in Fort Langley. So here where we're at today out in Chilliwack, I would say that's about midpoint to Vancouver,

so it's about an hour east and then another hour -- or sorry, hour west and then another hour west and we're in downtown Vancouver.

3165. The island where our reserve is in Fort Langley largely is our main village site, so that's the area where most of our current on-reserve population resides. That's where we have our administration office. All of our community amenities are located primarily on that reserve.

3166. We do have some members that reside on some of our other reserves on the north side of the Fraser River in Whonnock, which is the area in the middle of the map, and on IR 4, which is the most eastern part, as those are all on the lower reaches of the Stave River in the area of Mission.

3167. Historically, Kwantlen had other reserves as well that go a little further west, so in areas of New Westminster, again all along areas of the Fraser River and tributaries of the Fraser. So we had reserve lands in Surrey and New Westminster, largely where the present-day crossing of the Pattello Bridge is today. That's where our reserves were.

3168. **MR. DICKSON:** Thank you.

3169. **CHAIR HAMILTON:** I hate to interrupt oral tradition, but I just want to make sure I'm orientated, which I -- so you're saying IR 6 is your main area, and that's down on the left there, the west side there. That's your -- where your offices are, your main area. That's right?

3170. Thank you.

3171. **MR. DICKSON:** Yes, and I -- Mr. Chairman, I don't think that I answered your question at the beginning as to how we would respond to any questions. And any clarification questions are very welcome at this moment.

3172. Now, if there are substantive sort of challenging questions, we'll take those one by one and we may well respond in writing, but please feel free to chime in any time.

3173. **CHAIR HAMILTON:** Yes, I just didn't want to -- I respect that we hear the oral traditional evidence and we'll come at the end, but I -- so I didn't want to interrupt. But if it's okay, I just wanted the clarification because I want to make sure that we're all -- you know, I understand.

3174. Thank you.

3175. **MR. DICKSON:** Yes. And again, truly, feel welcome to ask clarifying questions. We won't be offended.

3176. So if I could just orient you further to the territory, and if you can move to the next slide, please.

3177. This is -- well, this is, frankly, a little difficult to see. This is Trans Mountain's -- this and the next slide are two of Trans Mountain's route maps, and it does not come out very clearly, unfortunately, on the PowerPoint.

3178. These two slides move east to west and they span much of Kwantlen's traditional territory. You can see the Fraser River is outlined at the top. And at the top left, you can see MacMillan Island, which is the Indian Reserve 6.

3179. And if we move to the next slide, please.

3180. Fort Langley is in the extreme right and then this is moving through Langley to where we get to Port Mann, all within Kwantlen's traditional territory.

3181. So Councillor Knott and Councillor Antone, could you give them a bit more detail, if you can, on Kwantlen, on the number of members it has currently and the number it has had, to your understanding, historically, and the language native to it and its situation within First Nations within lower British Columbia?

3182. **COUNCILLOR KNOTT:** Well, maybe I'll start currently and then we'll work our way back through what I know.

3183. Our current population at Kwantlen is roughly around 250 members. Approximately half of those are -- members are living on our Reserve lands and half living elsewhere.

3184. We've reflected on and shared the map of our Reserve lands, and you can see that they're very spaced out. We have pockets -- part of the history of Kwantlen Reserve creation is that we were allocated pockets of areas along the Fraser River denoting where we know that traditional villages were, but also not capturing all of the areas that we know traditionally that we used.

3185. When we think about a traditional territory that extends from areas to the eastern part of Richmond and into areas of New Westminster and up into the -- maybe it would be helpful to go to the Reserve map. Thanks.

3186. And actually, maybe we'll go to the traditional territory map. Yeah, thanks.

3187. So when you consider the expanse of Kwantlen territory -- and where this comes from is an exercise that the community has gone through. And we'll speak about that a bit more as we progress today. But the community has done a lot of work recently in terms of capturing traditional information, really trying to get a sense of all of the different areas that were used traditionally by Kwantlen peoples. And that's the basis, essentially, of our traditional territory map.

3188. We know, certainly, that there are a number of First Nation communities also in this area, and there are significant overlapping areas. Our intention of -- when we draw the lines on our traditional territory map are really to capture the traditional knowledge that we have as Kwantlen people about what are areas within our -- within the region that we know that we use traditionally. And that comes from a variety of sources.

3189. It comes largely from oral information that has been passed down through our families, information that we have about good hunting areas and areas where grandma and grandpa, you know, would go to -- there would be hunting that would be done and gathering for medicines and trade that would happen with different neighbouring communities.

3190. So a lot of our lines on the map are intended to capture many of those historical and, to a large extent, current trading relationships that do exist between us and other communities.

3191. When we think back about traditional village areas of Kwantlen, we know the areas all along the Fraser River were used by Kwantlen people for seasonal village areas. There would be better areas to go and harvest different resources at different times of the year.

3192. It was a very fluid concept of movement from different locations upriver, downriver, into different parts of the territory. There were different protocols and family connections in place to facilitate resource gathering and travel into other parts of our territory.

3193. Traditionally, the Kwantlen were known as one of the larger First Nation groups on the Lower Fraser. That's a part of our own oral history. I know that has been captured by a number of the early anthropologists and ethnographers that came to the region acknowledging that Kwantlen traditionally had a very large territory base.

3194. And I think, again, when you sort of see the current Reserves and where they were situated and the expanse going from areas of New Westminster all the way up into the Mission area, I think that speaks again of the large territory base that we once had.

3195. It's very difficult to quantify -- there's been a few, I know, academic attempts to try to quantify what our population was in pre-contact times. I know some of the estimates that have come forward is that we're in the tens of thousands of people. And certainly when we are -- I can give an example of some of the archaeological work that we have done recently up in the Stave area.

3196. And Kwantlen has three Reserve lands that are just on the lower reaches of the Stave, where the Stave River hits the -- hits the Fraser River. So the -- on the eastern side of this map, you can see IRs 2, 3 and 4. Those are all on the lower reaches of the stave.

3197. We have been engaged in doing significant archaeological work in the whole lower Stave area, but also going up into the upper reaches of the Stave River. There are significant hydroelectric facilities in that area that have caused a lot of flooding to our traditional lands.

3198. We have village sites that we know that are underneath reservoirs in that area. When there's an opportunity for those reservoirs to be lowered, we're able to go in and do archaeological work. And we have been able to be a part of archaeological work that has uncovered 100 archaeological sites in the Stave area, a collection of artefacts that are close to 10,000 in size, speaking of just a very used area traditionally, so again, just all of these pieces coming together.

3199. I guess I'm just trying to illustrate the point of Kwantlen having a large territory base and a substantial population at one time, which, you know, when you consider our population now of just 250, it's quite a story.

3200. We know that our peoples were -- as were many of the Stó:lō villages

along the Fraser River, we were impacted profoundly by epidemics that came into the region. And, again, I know there's been some attempts at trying to quantify the loss that occurred to populations.

3201. Some of the estimates for the whole Stó:lō populations and the impacts of particularly the smallpox epidemic resulted in population losses of upwards to 75 percent of a population being decimated as a result of that disease hitting villages.

3202. So we know that that is a real part of Kwantlen's history and Kwantlen's legacy, and part of, again, the story of being, at one time, such a very large and powerful group in the Lower Fraser to what we -- and again, I go back even to parts of our -- you know, when I look back even to the -- like, the 1950s in our -- and population records at that time, we were at a place of being around 60 to 70 members in size at that point in time. And there's since been a lot of -- you know, we've had a -- we have a very youthful population now. There's a lot of young people in our community. And we celebrate every birth in our community and just -- to us, it's just a continuation of us. It's part of the Kwantlen legacy to continue into the next generations.

3203. **MR. DICKSON:** Thank you.

3204. And Councillor Antone, can you speak to Kwantlen's Coast Salish and Stó:lō heritage?

3205. **COUNCILLOR ANTONE:** Yes, thank you.

3206. As you know, we are part of the Coast Salish Hul'q'umi'num' speaking people. Same culture, same traditions historically.

3207. Today, in contemporary times, we're around 57 First Nations like Kwantlen. We're one of 57 Coast Salish Nations, we call ourselves now.

3208. But it also extends onto Vancouver Island. There is some Hul'q'umi'num' speaking there. The Cowichan, the Duncan, that area still includes all of our cousins. And we have relatives all over Squamish, Swinomish, Vancouver Island.

3209. My grandmother on my dad's side is from Lummi, so the Tom family. So the 49th parallel, when they put the border in, cut our families in half, basically,

from Nooksak right across to the Puget Sound. We're related to all of those people, very closely, aunties, uncles, cousins.

3210. We go down there to -- we celebrate the first salmon ceremony here in Kwantlen, but we also go down to -- we're honoured to participate in Swimonish, Squamish, all of those other bands, Lummi, to see how they celebrate the same type of a ceremony for the salmon. The first salmon ceremony, we call it, which we revived just recently.

3211. But 57 communities, and we're right in the middle of it. We stretch across five municipalities, as you know, and that's basically where we sit as part of the Coast Salish.

3212. **MR. DICKSON:** Councillor Knott, you were speaking of the breadth of Kwantlen's territory. Can you tell the Panel what the meaning of Kwantlen is and relate a little bit of that?

3213. **COUNCILLOR KNOTT:** So Kwantlen translates to "tireless runner" or "tireless hunter" we've also been told. And there is a lot of legend and stories in our culture about the importance of the tireless runner.

3214. And what I've been told is that it speaks to -- it's a reference to the extent of Kwantlen territory again being quite a large area along the Lower Fraser area and tributaries of it.

3215. And traditionally, there were -- there was a need for messages often to be delivered from one part of the territory to the other or to neighbouring communities, and there were people that were trained in the Kwantlen community, and that was their role in the community, was to be the runners and to be the messengers.

3216. And they were trained specifically for this function, important function, in the community, and apparently developed quite a reputation for the strength and vigour of the tireless runner in our community.

3217. We often reflect currently at Kwantlen in terms of our name being the tireless runner, and we can equate to that the symbolism, I guess, of that because in many contexts, we feel that like we are carrying on the legacy of the tireless runner.

3218. You'll see that when you come to our community when you can appreciate, for quite a small community, the volume of things that we take on. Whether we should or we shouldn't maybe is another question sometimes because we're known to kind of overwhelm ourselves a little bit and maybe take on a little bit more than we can chew. But that's also a direction that comes from Elders in our community and from leadership.

3219. And we persevere. We keep going. We often, again, just reflect on that tireless runner spirit and try to embrace that part of our legacy as we're -- as we're still running in 2014.

3220. **MR. DICKSON:** So I think the Panel should hear a little bit about Kwantlen culture pre-contact. And Councillor Antone, perhaps you could start off with that and perhaps you could give the Panel a sense of the importance of fishing to Kwantlen.

3221. **COUNCILLOR ANTONE:** Sure. Thanks, Tim.

3222. Our family, we live -- we're brought up in Shahaless, which is about an hour east of us up in the Shahaless River. Shahaless is where my dad, Quoya, lived. And we moved up there.

3223. Residential school was running rampant during that time in the sixties, and I was born in 1955, so we attended -- we were fortunate, I guess. We got to attend the day school, they called it. We're day school scholars, most of us, but over half our family went to residential school.

3224. They were taken at five, six, seven years old. So the empty house syndrome happened. Mom and Dad had more.

3225. And we lived in Shahaless, and it was pristine conditions. No industry, no railways, bridges at all. Living in Shahaless was quite the experience.

3226. We hunted, fished off the land, went to school. We got to go home at night. It was a Catholic-run day scholar, we called it. It was seven grades in a four-room school, so it was pretty packed there. A lot of the Shahaless kids we grew up with; we all enjoyed a good life up there.

3227. I see pictures of us every now and then. We weren't skinny kids. I

mean, we didn't have a mall, we didn't have cars or trucks. It was all gravel roads back then.

3228. Very few homes. We knew every auntie and uncle on there. We shared everything we caught.

3229. Back then, in the early sixties, the boys, we'd go out in the dugout canoes, fish at night. We called it torch lighting. We caught all the species of salmon that you could see, steelhead, eulachon, sturgeon.

3230. The sturgeon were big as our canoes. I remember that, when we were kids. We had a 24-foot dugout. We did everything by gaffe hook and spear, which was kind of neat.

3231. We didn't have the full gear that we do nowadays with the commercial size boats and big nets and -- we never did that. But hunting, fishing.

3232. We had all species of deer, bear, cougar; you name it, it was in our Reserves with us. We lived with them.

3233. We attended Catholic school beside it, so -- but we weren't allowed to speak our language during that time. Mom spoke a little French. She spoke a little -- we learnt Latin in the church. We had to go to confession every week. And when you're Grade 1 and 2, there's really not much sins happening, so we had to lie in confessions. Otherwise, you got your ear pulled off or the strap or something.

3234. So we survived it. You know, we came out of it okay. I just remember the happy times. And there was 10 of us living in a -- in our house.

3235. Most houses never had foundations or insulation. We had woodstoves, outdoor toilets, which that was the boys' job, to take care of that, and getting wood every day -- every morning. Pumping water from the pump. There was no running water. Though we lived on Shahaless River, I guess that was our running water.

3236. The water there was crystal clear, sweet water. There was nothing -- no pollutants. The air was great. There was no such thing as asthma. You know, we were pretty healthy back then living off the land, living on traditional foods.

3237. Our main -- the main store that we bought all our dry goods and stuff was Kilby's General Store. I don't know if you've ever been up to Harrison Bay, but it's a museum now. That's where we got all our dry goods.

3238. We would canoe down and canoe back, and it was a great time at Shahaless.

3239. Around Grade 5 or 6, we moved back to Kwantlen. That's where my mom -- she was a Fallardeau. She -- we moved back to Kwantlen during around Grade 5, 6, went to our first public school. Talk about a culture shock. That was.

3240. It was all good, though. I mean, we survived. We all lived in a one-room house there when we moved back to Kwantlen, but eventually got our own home, a used home that someone had moved out of, so we started out life there in Kwantlen and tried to learn a new way of life.

3241. But we adapt and we -- you know, we survived a lot of good, bad, and ugly stuff, but we're here today, and hopefully our youth don't have to go through something like that again.

3242. **MR. DICKSON:** Thank you.

3243. Councillor Knott, you mentioned the process, which is Kwantlen -- is called the Kwantlen -- sorry; the Kwantlen Knowledge Project.

3244. Can you give the Panel just a sort of brief overview of Kwantlen's efforts to document its oral history, and the archaeological and archival evidence?

3245. **COUNCILLOR KNOTT:** I can. The -- approximately five years ago, the community, based on direction by our leadership and by our Kwantlen Elders, we sourced a variety of revenue sources that we could find to assist in what we've called this Kwantlen Territory Knowledge Project, so KTKP for short.

3246. The basic intention of that initiative or project for the community was to consolidate all of the traditional information that we knew was available about the Kwantlen community, and also to enhance some of that information as well, so to conduct interviews with many of our Kwantlen Elders and people that have knowledge about our community.

3247. There was a training and capacity-building component which is a large

part of many initiatives that we're doing in our community is trying not only to complete the task at hand but, at the same time, how can we -- how can we build some skills in some of our community members; how can we ensure that the project has some legs and some life to kind of carry on.

3248. And that requires people in the community to, obviously, be involved in it and better understand what the intent and purpose of it is.

3249. So we conducted -- we worked with a number of experts that we retained to assist us, so we had some -- you know, an archaeologist involved and an anthropologist. We had an archivist, a historian, a mapping expert. But really trying to, again, take -- a lot of the first bit of work that we did was really trying to fan out and find everything and anything Kwantlen; let's bring it all together and kind of see what we've got.

3250. The other component to that was, as I mentioned before, the interviews that we conducted. And, again, building and having members of our own community of Kwantlen involved in learning those kinds of interview techniques and all of what's involved, all of the transcriptions, all of the detailed work that's involved in capturing that information.

3251. Part of the interviews involved -- with the interviewees involved sitting before, you know, big giant maps and really trying to capture and gather information that each Elder or family member had about particular fishing areas, hunting areas, gathering areas, cultural use areas, sacred spiritual sites within our territory and then gathering and compiling all of that information.

3252. It's been a project -- I often kind of refer to that project as it's a project that will kind of never, never end. There are so many different tangents and angles that we can -- you know, we don't have -- you know, we know there's some more research and work that we can do in this particular area. And often it's unfortunately funding challenges that come in the way of us continuing to do some of the important work that we want to do in that area.

3253. But we have been able to amass quite a significant database and knowledge base in -- as a part of this project.

3254. Again, part of the intent was to help our own community build a better understanding of our history and traditional use areas so that this could be something that our leadership could access, staff and the community could access,

but also so that it could be shared with community members and children and people in our community as well to get a better understanding of the rich history and traditions of the Kwantlen people.

3255. We have longer-term goals of taking the work that we've done and actually moving it to a place where we can create a few published materials, so that's a goal that the community has put forward in the next five years to see at least a couple of publications come out.

3256. There's been talk about we have enough information that we feel we could add to the sort of academic materials and historical information about Kwantlen.

3257. Currently, there's not -- you know, there isn't anything consolidated about us that's in a variety of different, you know, references and different materials, so we feel we have enough material to do that.

3258. There's also been talk about a -- you know, more of a coffee table sort of book or an accessible kind of book for people that just generally want some information about our community. And then the concept as well to take some of the pieces of information we have and work with our local school districts to incorporate different curriculum pieces for K to -- essentially K to 12 programs and adding some curriculum material there.

3259. **MR. DICKSON:** Thank you.

3260. And Councillor Knott, if I can ask you to give the Panel a few comments on Kwantlen pre-contact culture as you understand it; and, again, the importance of fishing. Let's start with the importance of fishing to Kwantlen culture.

3261. **COUNCILLOR KNOTT:** We know traditionally at Kwantlen, and we carry this forward today, that fishing and the river and all of the resources within the river we consider a part of us. It has been a part of our life ways for countless generations.

3262. We have ceremonies about our connection to those resources. We have songs. We have teachings. We have so much of our existence as beings connected to our relationship with the resources. And in the river, there's a lot of creation stories that again go back and talk about spiritual beings actually living in

the river, living under the river, special places that we know in our territory where things were created within our territory, again, that are all related to the river and related to the resources of the river.

3263. The importance of fish to Kwantlen people historically and traditionally, in my opinion, is profound and very deep, embedded connection into who we are as people.

3264. We know in the historical context, and I know Councillor Les spoke of that as well with the establishment of Fort Langley in our -- in and around the Hudson's Bay Fort that was established in our territory, the story was that the Hudson's Bay had come again with a model of doing business that they had done in other parts of Canada which was largely to open a fur-based trading post and set up shop and begin their enterprise.

3265. Coming to this part of the land, and particularly in Kwantlen territory, recognizing that the primary resource of the area was salmon, and there's again a lot of -- you see a lot of interaction that occurred between Kwantlen and the early fort traders that came to the area, the salmon that actually were harvested and brought to the fort by Kwantlen for trading.

3266. And it became soon recognized that Fort Langley wasn't a fur-based trading post, but more a salmon trading area and became known for its -- as being a hub at the time for salmon exports to different parts of the world.

3267. So again, I'm sort of leaping a bit into the historical era, but the -- again, just the connections we know historically of our relationship with salmon and the resources, we know that's a part of our -- that that's always carried through in terms of oral traditions that we have in the community. And we know as we fish today and this summer that it's still a vital part of our legacy and our traditions today.

3268. **COUNCILLOR ANTONE:** Just to add to that, if I can, we do have a fleet, I call it, of fishers. It's about 25-26 vessels that fish during the summer, primarily on the sockeye spring, that come through whenever we can -- whenever we can harvest. But we do take into consideration the stocks of concern and there's many, many stocks of concern now.

3269. Out of about 120 species of sockeye coming through, the first run is the early Stewart, we call it. It's Stewart Lake system, which has about 20 creeks

and little rivers up there that feed those nations up there their sockeye. We haven't fished those for 30 some-odd years now.

3270. We only take a bit at the tail end of their run in July. We allow the escapement of those and now it's the early tanchanook, the four twos, the four ones. They're all categorized now by the biologists.

3271. So we do try to hold off on a lot of those stocks, which is why we only fish in a little bit of July. We fish through August and then we're shut down in September. So it's a very, very fast season for us, and it's not 12-hour days, either. It's four hour, six hours.

3272. Our last opening was three hour, but we accept that because, you know, I've travelled to those homes in the Birkenhead and Mount Currie, and I plan to go up to the Adams River to see their run. But you know, by the time the fish get up there, they're not as good as what we catch down here. So we brought some of our fish up there a few times, but it was too rich for the people up there, so it's a diet concern.

3273. And we know that we did trade into the ocean through -- there's the Salmon River. The mouth of the Salmon River is right against the end tip of MacMillan Island to the west.

3274. Salmon River starts there and it snakes through Langley all the way over into Port Mann where it goes right through under Highway 1 through Trinity Western, but that was our trade route historically. We understand from some of our Elders telling us that they went through the Salmon River to the Nicomekl into Mud Bay and Tsawwassen where we got the ocean. We traded for the ocean products and vice versa. They came back.

3275. So there's village sites all the way along those routes, some of them 10 or 11 thousand years old because we can carbon date some of that now. We have the science now and the -- our Professor Duncan MacLaren, he's been with us for 15 years now. So we've got a good relationship going with him. He's a professor at the University of Victoria.

3276. He wrote his thesis on the Stave, so -- which was very unique, a lot of petroglyphs, pictographs. There's the stories of Xexá:ls when he came and transformed. Those stories are still there, too, which we share with the Katzie, our neighbouring village, our neighbouring nation. And a lot of the pictographs

do signify salmon in there.

3277. So there was Salmon Clan. They all mark it on the mountains up there in Stave and the same in Coquitlam, the same in the Alouette. The same pictographs are appearing, so we can do some research on that. Duncan can do that for us now and we have a huge, huge crew of archaeologists, wannabe archaeologists in Kwantlen now.

3278. When we started 20 years ago, Tumia and I were the archaeologists, so we were learning as we went, learning our history right in the ground. So it was really quite the experience to gain that knowledge from the ground, from those artefacts. So it's a really good learning curve.

3279. Thanks.

3280. **THE CHAIRMAN:** I wonder, Mr. Dickson, if Councillor Knott and Antone would appreciate a small break right now. Would that be an appropriate time?

3281. **MR. DICKSON:** I'm told it would be.

--- (Laughter/Rires)

3282. **MR. DICKSON:** Thank you, Mr. Chairman. So how long does the Board generally take?

3283. **THE CHAIRMAN:** About 15 minutes, so we'll come back at 25 to 11:00.

--- Upon recessing at 10:20 a.m./L'audience est suspendue à 10h20
--- Upon resuming at 10:41 p.m./L'audience est reprise à 10h41

3284. **MR. DICKSON:** Mr. Chairman, because the slides are a little difficult to see in their detail, I've put before you printouts of the deck of slides and I've passed around copies. Trans Mountain has a copy.

3285. I want Councillor Knott now to speak of some of the history of contact with Europeans and a little bit of the Kwantlen's history of colonialism and -- just because I think it's important for you as Board Members to understand the depth -- a little bit of the depth of effects that colonialism has had on Kwantlen and

other Coast Salish First Nations.

3286. So Councillor Knott, can you -- well, let me just start here. I understand that Kwantlen's first contact with Europeans was, tragically, with smallpox and that was the epidemics in the late 1700s that you were referencing earlier. Is that right?

3287. **COUNCILLOR KNOTT:** Yes, that's my understanding as well.

3288. **MR. DICKSON:** Okay. And so -- but then if we just move from there to contact with humans, can you provide the Panel with a little bit of an overview of that?

3289. **COUNCILLOR KNOTT:** So we know as part of our history, and I guess the history in general of the region, Simon Fraser made his expeditions in and around this area in the early 1800s. And we know there was interaction between Simon Fraser on those exploration voyages that he took down the Fraser River with Kwantlen people. There's parts of our history that we know from the summer of 1808 where there were a series of interactions between his expedition group and Kwantlen in different village areas along the Fraser River.

3290. There's some stories that are recorded in history, but they're also part of our traditions as well, of an incident where there was actually a -- there was a theft that had -- so when Simon Fraser landed, and this was -- my understanding is this was an area down near New Westminster. And when he landed there, there was, obviously, a lot of interest in what was happening and what had taken -- you know, who were these people and what was going on and seeing all of the -- so there's some interesting descriptions, I know, of recollections that there was some music being played. And they were -- it looked like -- it was described that it looked like a crane that they were playing, but it was -- like the bird the crane. But it was -- they think it was representative of some bagpipes that were being played. But you can kind of see the -- I guess the visual between a crane.

3291. And then there were some other -- yeah. And then there were some other -- another interesting story of first interaction was where there was great interest in all of the equipment and things that had been brought by Simon Fraser and the vessels that were there.

3292. And the story is that there was actually a theft that had taken place between some Kwantlen men that had actually got a little too interested in what

they were seeing and decided to take something from the vessel. And some of the -- Simon Fraser's crew got upset, obviously, at the theft and there was some violence that had ensued and I guess the Kwantlen folks had gotten kicked as a result, is the story I've heard.

3293. And anyways, that caused a lot of turmoil and conflict on the ground and also, afterwards, you know, people talking and chattering about what had taken place. And it resulted in, you know, some of the Kwantlen village people actually getting quite upset at the way they had been treated.

3294. They thought it was maybe a little bit too harsh, and so they were plotting some revenge. And then the story is that one of our Kwantlen Chiefs, Chief Wattlekainum at the time, had come and reasoned with his people, so our ancestors at Kwantlen, and had said, you know, maybe we shouldn't be revenging.

3295. And so the story has gone that he's actually -- Wattlekainum was instrumental in potentially saving Simon Fraser's life and doing a potlatch or a traditional ceremony and doing some gifting to appease his village and to ensure that there was peace for Simon Fraser and the voyagers as they travelled into the territory.

3296. I often kind of personally reflect a little bit on that because, again -- and this is similar to what I was saying about the tireless runner legacy that we have. I know at Kwantlen as well we're -- part of our history -- and this goes to our relationships that we established with the Hudson's Bay Company when they came to our territory. And we historically have a tradition of, as best as we can under the circumstances, of trying to build relationships and trying to maintain positive relations. And I feel we have a history and a legacy of that.

3297. Our past Chief, so who's actually the late father of our current Chief, Joe Gabriel, the Grand Chief Joe Gabriel, he was renowned in his time for establishing partnerships and relationships beyond our reserve boundaries that, I think, was a bit revolutionary for that era and that time and becoming a very respected man in the region as a result of that.

3298. And I think that -- when I think of the legacy, I think of the story of our Chief Wattlekainum and the first -- this first interaction that could have resulted in something quite violent and quite devastating and, instead, it being discussed and turned into something that was not that, but something that was

more of a peaceful approach.

3299. And so anyways, I'm kind of rambling on here, but I think that's just a tradition as well that we carry forward today.

3300. **MR. DICKSON:** Thank you.

3301. And so from Simon Fraser, we move into the Hudson Bay Company era, and just sort of quickly, there was mention by Councillor Antone earlier of the trading route along the Salmon River to the Nicomekl River, and village sites all along there established by Kwantlen.

3302. And so Councillor Knott, can you -- I know that there is another point of -- important point of contact, the first point of contact with the Hudson Bay Company on the Salmon River. Can you just tell the Panel briefly about that, please?

3303. **COUNCILLOR KNOTT:** Yeah. So we know the Salmon River was a very important travel and trade route for the Kwantlen People traditionally, as Councillor Les described earlier. It was our route to ocean resources, so following the Salmon would hook you to the Nicomekl and into areas of where the Tsawwassen communities exist today, the Semiahmoo communities as well, and access to ocean resources.

3304. We know that we had seasonal and permanent village areas along areas of the Salmon River. It was also an area -- an expedition of -- again, my understanding is an expedition of Simon Fraser's group as well, travelled in and along that route as well, and that's documented in some of the journals that were kept at the time.

3305. **MR. DICKSON:** Thank you.

3306. And so then the Hudson's Bay Company Fort is established. And I just want to give the Panel a little bit of a sense of that and Kwantlen's relationship to it, and then I think they should hear about a little bit of the history of reserve creation.

3307. So Councillor Knott, if you could address that?

3308. **COUNCILLOR KNOTT:** So my understanding is the era of the

Hudson's Bay Fort establishment at Fort Langley was roughly around the 1820s and onwards.

3309. There were -- the fort was established in a couple of locations, but all within Kwantlen territory. The fort brought traders to the area, and it brought, again, a lot of opportunity to connect with those traders that were coming to the territory.

3310. And there were journals that were kept by the Hudson's Bay employees that came to the fort. And contained within those journals are numerous references to the role of Kwantlen people assisting in helping them get set up for their first winter, again, introducing them to techniques for salmon fishing, actually bringing in salmon goods so that they could trade for goods that the Hudson's Bay employees had.

3311. We know that there was significant interaction family-wise with the Kwantlen people. Again, that's documented in the journals.

3312. Many of our existing families today at Kwantlen have connections to some of the Hudson's Bay traders. There was inter-marriage that occurred.

3313. So there is a lot of connection that we have historically to our role in establishment of the fort. And we've -- we know that Kwantlen people played a key role in the whole establishment of the economy that established at the fort.

3314. And again, as I mentioned before, that was centralized on the resource of salmon in the area.

3315. I guess as we move forward into reserve -- or sorry.

3316. **MR. DICKSON:** Well, if I could -- sorry.

3317. **COUNCILLOR KNOTT:** Yeah.

3318. **MR. DICKSON:** Yes, Councillor. I just want to point -- the fort, as I understand it, is right about there. And ---

3319. **COUNCILLOR KNOTT:** Correct.

3320. **MR. DICKSON:** --- as we've heard, Kwantlen's main residential

reserve is there, Indian Reserve 6. And there was a village -- a Kwantlen village at the time across from the fort.

3321. **COUNCILLOR KNOTT:** Yes.

3322. **MR. DICKSON:** And just on the maps, I want to point the Panel to the next slide, if I could. And the mention of the Salmon River, yes.

3323. So here is Fort Langley and here is MacMillan Island. And the Salmon River, Councillor Knott, as I understand it, snakes through there and down like that. Is that so?

3324. **COUNCILLOR KNOTT:** That is -- that is where it is, yeah.

3325. **MR. DICKSON:** And that's the pipeline crossing there.

3326. **COUNCILLOR KNOTT:** Yeah.

3327. **MR. DICKSON:** And so now, if you can turn to the reserve creation history just -- again, just a brief overview for the Panel.

3328. **COUNCILLOR KNOTT:** Okay. So we know that reserves for Kwantlen, again, the -- my understanding of the era of when reserves were first created for us is around the 1860s. And we know that our reserve -- the current reserve land holdings that we have are -- flow from when the original reserves were created. And they were in a similar way as they are now, very much I would describe as scattered in areas along the Fraser River.

3329. And my understanding is, largely, that was an assessment process that the Indian Agent or the -- that that was done at the time to confirm where, at that time, Indian villages were located and making that determination of setting land aside as a reserve.

3330. We have, as part of our history, knowledge that -- well, a variety of stories, I guess, in terms of reserve land creation.

3331. First of all, that many areas that we know that had been village sites and areas that were used as permanent village sites of our people were not captured as reserve lands, so we have that as part of our history.

3332. The -- we're also aware that the pre-emption acts of the day, that, you know, was facilitating new settlement to the area and people coming into this area was allocating lands in the neighbourhood of, my understanding is, around 160 acres of land per homestead or whatever they were called at the time.

3333. And when you compare that to the size of the reserves that were originally set aside for Kwantlen people and our population at the time, you know, I know there was significant inequity in that in terms of, you know, the amount of land that was set aside for Kwantlen people was probably about, you know, 20 to 30 acres per -- you know, if you look at it that way. And again, that's a bit of a differing perspective than the Kwantlen perspective on looking at land and ownership.

3334. But just to give some comparison of the inequities in the size of settlers coming in that could access 160 acres of land and then us being confined to very small parts of our traditional area in the neighbourhood of, again, that sort of 20 to 30 acres per head concept.

3335. We also know -- we have an example, the Whonnock Reserve, so the reserve that's in the middle of our map here. We know that when that reserve was originally created for us, we had -- what happened was just what I had spoke to.

3336. So we had pre-emption occur on either side of this reserve, so a fellow, and his name was Cromarty, was the family name. He was pre-empted 160 acres of land on the one side of the Whonnock Reserve and, on the other side of the Whonnock Reserve, there was another 160-acre pre-emption for another member of the Cromarty family. And Kwanlten, of course, at that -- when it was originally created, we had 160 acres as well for the -- for our community at the time.

3337. So we then had a situation where there was a Governor Douglas that came in, and part of his legacy and history is he was trying to look at some of the inequities. And he was trying to -- you know, there was a lot of petitions at the time and issues going on with the size of reserves. And so he made efforts to have the Whonnock Reserve increased to a size that was around 2,000 acres in size.

3338. And then, in the next sort of stroke of a pen by his next in line, it was reduced to what it currently is, which is we have about 92 acres of land here plus we have a major Highway 7, the Lougheed Highway, that -- so we've got

significant rights-of-way that the 92 acres is actually less than because we have the Highway 7. We have the twin tracks of the CN Rail as well that goes through that area, and other rights-of-ways as well.

3339. Just an example of some of our reserves.

3340. We know as well in an area that was actually right across from Whonnock, we know that there was traditional village sites of Kwantlen people. And the area is traditionally called Samaqhuam. And again, that's another example of a reserve that was, at one time, set aside for us and then, in the next era, decided by the Indian Agent at the time that that was surplus land not required for our needs and there were other, more pressing, needs for the new settlement pressures in the area. So that reserve was completely taken off of the reserve land registrar.

3341. **MR. DICKSON:** If I can just summarize on this point, Mr. Chairman. Obviously, you get it that there -- Kwantlen has been right at the heart of the colonial project in the lower mainland. They have been pushed off their land and confined to small, scattered, inadequate reserves.

3342. And just -- and I'm just summarizing so that we can sort of cut to the chase on this point. But if you look in your package at the maps and you just look to the first of Trans Mountain's maps that we've included in here, just because it provides that strip of satellite photography, you can see -- just get a glimpse of the privatization of the land in that, and the development of agriculture and of industry and of urbanization.

3343. And just hold in your mind there the alienation of this land from Kwantlen.

3344. And so what I want to turn now to is for Councillor Antone to give you a sense of what that means for Kwantlen in terms of land-based activities like hunting and gathering of plants and medicines.

3345. **COUNCILLOR ANTONE:** Thanks again, Tim.

3346. The -- we want to start up at the most eastern end of our -- the reserve lands, the Mission Bridge, downstream of that. That's where the -- a lot of the industrialization started from there and moved -- connected right down to the mouth of the river. A lot of log boom areas, destruction of habitat, eulachon,

sturgeon habitat destroyed from those -- the heyday of the booming grounds and how it causes accreted land, causes erosion on the opposite side of the river.

3347. MacMillan Island is -- we've lost about, I'd say, 18 to 20 hectares of land now over the last 50 years because of that, because they have that dredging that happens which causes erosion to our island. But they need that to transport the barges of aggregate and everything else that moves in that river below the Mission Bridge.

3348. A lot of the sediment, the cedar -- a lot of cedar mills down there, a lot of derelict boats anchored. There's an old ferry derelict moored up there below Whonnock and, you know, just leaking oil, leaking all kinds of pollution into the river, which does cause concern for us. But you know, it's Crown tenure. It's provincial Crown.

3349. There's also private -- privately owned. A lot of the mills along there, you know, they try to keep up to the environmental standards, but most don't. And there's really no policing. There's no -- there's no one really charging anyone for polluting into the river, which causes, you know, the eulachon to die off. The sturgeon are -- you know, they're trying to come back, but it's really tough for them now, especially with the sport fishing and all the stuff you see down the hallway out there, the big sturgeon.

3350. And they're still -- we call it torture and release, which we don't do.

3351. We put a moratorium on ourselves on sturgeon some 20 years ago, the Stó:lō fishers here. We saw the decline in the sturgeon. We were finding 13, 14-foot sturgeon dying on the banks of the rivers, all over Stó:lō, so we put a moratorium on ourselves. We had our people agree to not touch sturgeon. And we have not fished them for, I think, it's two decades now, plus.

3352. And -- but it only increased the sport fishing activity and the guides and the associations, and they multiplied tenfold.

3353. As far as the fishing goes, it's -- you know, we used to have fish weirs, all kinds of traps on that river and the flat benches along IR 5 and Whonnock. Some of the archaeological finds there, we found some posts in the river from the weirs which were outlawed and taken away during the historic times.

3354. And then the -- of course, the law is set against you and since 1895

that -- the *Fisheries Act* law that was built against us to not be able to sell fish, which took away the economy of our people, affecting us today. We're still in that tailspin.

3355. We negotiate with Fisheries and Oceans Canada. We get to meet the Minister when we have problems with the way we're being treated on the river.

3356. For example, this summer, we were getting three hours, four hours, skip a week and, meanwhile, the Area E commercial fleet was going gung ho, the Area D per seine at the mouth of the river was taking some 450,000 pieces out in a 24-hour span. And then Area E would go after them, which Area E is a commercial designation area from Mission Bridge to the mouth of the river. And there's 300 plus boats that fish that, commercial size boats with 200 fathom nets.

3357. We're restricted to 50 fathom nets and then, like I said, our times are set in our area at low tides, which is really -- that's the fight that we do at the LFFA table. We're losing. We're losing the battle, having to settle for pennies.

3358. But when it does happen -- like we had a comprehensive fishery agreement signed this year, 22 out of 33 bands of men signed the agreement just because we knew there was going to be a big run of sockeye. And you don't want to take away that opportunity, even though it's tiny, tiny.

3359. And we fished as hard as we could for the little hours we got. And it's quite the thing to see on the reserve. Grandmas, grandkids, all handling fish. Totes everywhere. Ice flying. Trucks. Everybody has trucks with totes on them. It's a happy, happy time.

3360. I can't describe it any other way, but it's a magic time, and then it's over. In September, we're shut down for coho, so -- and then we're trying to get back in for chum, which is very restrictive.

3361. And again, the Area E commercial goes in for chum every year. We fight it with the DFO. We try to get in before the Area E commercial goes, but it never happens. They always go first, even though there's no run size adopted yet. They'll allow them to do that.

3362. So they can pull strings. They can do all kinds of fancy things in their offices downtown and allow the commercial fleet. And really, it's just an EI program for them. It's just to give the commercial fishermen their stab at their

Employment Insurance benefits.

3363. We know that and, for us, it's just good because the chum is what we use for smoking in our traditional longhouses right now, for trade, for barter, for feeding families. A lot of families will move into the longhouses for weekends at a time doing their celebrations, the dances, the secret dances. Everything else, funerals, you name it, we try to put away for that knowing that -- we read the valley of the -- it was the Valley of the Stave. One of our family lived in there, and they recorded how much they would harvest for the winter in just chum alone.

3364. And the family of three homes, they would put away 1,400 pieces of chum, smoked, process, put away for the winter for trade, barter, for food, along with all that deer that was -- that ran in there with the elk, which is pretty rare to see an elk in there now. But we have put elk back into the system. There's over 200 now in the Stave.

3365. We try to keep it a secret, but the elk did it themselves. They swim across into Abbottsford. They're eating in the farmers' fields and then they come back into the Stave, and so people know there's elk around.

3366. So we're trying to rebuild that with the Katzie up in the Alouette and the pit, so trying to rebuild them as best we can with little resources we have. We're trying.

3367. So we're trying to play the game, and it is -- it seems like a game sometimes. And it's a game we're losing, so -- but we take what we can and we're happy with what we got. And really, you should come out to the river and see us in August and bring you out on the boat. We'll show you because we have commercial size boats, right. We use the commercial gear, used gear. But we still use it.

3368. And I was actually going to change the name of my boat because I brought out Pollack and all the people like that to try to show them what fishing means to us. Come out on the boat and you'll see. I was going to try to change the name of my boat to "Relationship" but I found out you can't because it's bad luck, so there's that.

3369. So with that -- but fishery is primary but, you know, we always say education is number one in Kwantlen, which it is. But the main resource that we

need to keep intact for our people for the next generations is the fish, all species of fish.

3370. We're fortunate with the business group that we do have here with Tumia leading. We have several projects that we've done. Scowlitz between MacMillan Island and Brea Island, we restored that. Now it's a rearing habitat place with all the animals enjoying it, the deer, the bear. There's sockeye, smelts, coho, spring, stickleback, beaver, and all the birds that live on that. We just stored a little creek. It's about a kilometre and a half long. We did that through the gateway program, so very excited.

3371. We got one creek back, and it's working. We're enjoying that every time we go for a walk down there. It's amazing what you see. We try to do a lot with a little.

3372. **MR. DICKSON:** Thank you.

3373. And so Councillor Knott, Councillor Antone, there was painting a bit of a picture of what fishing looks like in August. Can you try to give a little bit of a sense, try and capture that a little bit in this setting for the Panel, what that means for the community, what it feels like?

3374. **COUNCILLOR KNOTT:** I'm going to start in the modern day context, and I want to also just reflect on some things traditionally as well.

3375. But when I spoke earlier about the importance of salmon and the resources of the river and that being reflected in so many things Kwantlen, in our songs, in our traditions that we do, in lessons, in teachings. It -- I've heard our Elders talk to me at different sessions that we have and they say to me that the river is us. And those words have always stuck with me.

3376. The river is us. We are a part of the river. The river is part of us. We are intertwined in our relationship with that river that flows by our villages, that has flowed in this territory for a time that we don't know, for a very, very long time, and has allowed our people to thrive as well.

3377. When I move to a modern context -- and Les described many of the restraints that are currently in place around our fishing, I think often there's a perception in the greater community that, you know, you're Aboriginal and you have an Aboriginal right to fish, and so, go fish. But it is far from that in -- from

what I see and what I know in my community.

3378. It is highly regulated, and the times that even our Elders talk of, of when they could fish at various times of the year for the different salmon species that come -- travel up the river are no longer. Those days are gone, and it is sad for many of our Elders to speak of what they know, what they experienced in terms of how they fished and the restrictions and constraints that exist now, for a variety of reasons, because stocks have been endangered and there needs to be a greater control.

3379. And you know, Les was speaking a little bit about the, you know, four-hour window that we have to go and harvest. You know, in our Elders' generation, it wasn't that there were constraints around it, but it wasn't that constrained as it is now.

3380. In saying that, I do have to comment that, particularly the sockeye run, which takes place in the later part of summer, so the end of July and August, continues to be the busiest time in our community for harvesting that resource. And again, we're very limited in the times that we can go out. Even in my recollection of our times continue -- the fishing times that we're allowed to go out that are authorized by the Department of Fisheries and Oceans are getting smaller and smaller, whereas even -- you know, I think about some of our openings that we had four years ago, and there was a lot more time that was given to us than was given to us this season.

3381. I described fishing time for us today when we do go out, and particularly the sockeye season because that's when we have the most of our community active in fishing. I describe it as magical. I can't describe -- I can't describe it in any other way. And I think the magic of it comes because we are doing something and practising something that we know has been done in our communities for generations upon generations.

3382. There is a magic that appears in all of our fishers' eyes at that time of the year. There is an eagerness to get out on the water. There is an eagerness to see what the day's catch and result is going to bring.

3383. I can't describe harder work. Again, I think it's easy to say, oh, you know, often -- you know, even, you know, we go out recreational fishing and -- but the type of fishing that we're doing, which is to harvest for our smokehouses and to harvest so that we can have a supply of winter salmon to feed our families

is hard, back-breaking, long days of work.

3384. So despite the fact that we have just a few hours to go out there -- and I think that even intensifies the hard work because you need to just be on your game and you need to be out there ready to rock, so to speak, and catch those fish for the times that we have.

3385. It's a time that involves all of our generations. You see families -- all of our families are out on the water, so part of their family -- and part of the family is out actually harvesting the fish, so on the boat. You see other members of the family that are on shore waiting for the catch to come in so that they can unload the catch that comes off the boat and harvest -- or begin to process the salmon as they're caught.

3386. It involves -- we see our young people involved in cleaning the fish, in washing, in all of the preparation work. It truly is a time when our community is really alive, and there's a loud heartbeat to all of the activity that's going on.

3387. You see us all racing to and from the dock. You see a lot of energy and excitement about, again, the importance of harvesting that resource.

3388. And it is such a part -- it's -- I can't really give it honour in a verbal description about the connection of what that means to our people and to our families.

3389. Today, it is the main sustenance and part of diet for our peoples. We -- you know, despite -- you know, we've had some successes recently in terms of economic opportunities and things that have been helping our community to grow but, at the same time, we still are -- I would describe us as a very poor community.

3390. We have dire circumstances in our community of true and real and hard poverty in our families and in our children. And the salmon resource that we can harvest is sustenance. It's what's in people's freezers in their homes that they can feed their families and their children.

3391. They smoke the salmon, again, another part of the diet. And so maybe I'll just end there.

3392. **MR. DICKSON:** Thank you, Councillor.

3393. So our time moves rapidly. And so let us move now to speaking to -- more directly to anxieties that Kwantlen has about this pipeline.

3394. And we haven't touched that much about -- on the take-up of land and that alienation of the land base from Kwantlen. We spoke of it some. I summarized it some. But obviously, a lot of the -- a lot of the focus is going to be on the effects on the river and the fish.

3395. And so we don't have much time, so let us focus on that. And Councillor Antone, can you -- could you start with your concerns about what a spill into the river or a series of smaller spills into the river might mean to the community?

3396. **COUNCILLOR ANTONE:** Yeah, that would be devastating to even think of it because we know -- we know what happened in the Exxon Valdez and other spills around us.

3397. There's other things that just scare the you know what out of us. If it ever did happen, how would we -- how would we fix that? How would we get that out of the river? How would we stop it from killing smelts? How would we do that with what -- you know, we don't have the means or the money to invest. That would be probably millions and millions of dollars which we don't have.

3398. And to take away that fish from our community would be just -- you know, we'd be on the endangered list. I mean, we'd be one of the species at risk, in danger of being extirpated. I wouldn't want to tell my grandchildren that when I go home today, that it's okay, that there's no risk because there is risk.

3399. It's a huge, huge risk. And why does it have to come to our -- to us? We live where we live. We're not going anywhere. I don't think the next few generations, we're not going to be moving out.

3400. Usually, we stay where we're born, we live where we live, and the pipeline coming through us -- I mean, the first one came through without consultation. This time, we have a chance at consultation, and hopefully some accommodation of our rights and title. And we know how the legal landscape is changing in our favour, little by little. And the *Tsilhqot'in's* is helping, but it's just the beginning.

3401. I mean, we've won several Court cases over time, starting with the *Calder* case, but then there's also the *Sparrow* case against the DFO. But it's all related because the legal landscape is changing.

3402. I mean, the *Tsilhqot'in's*, we've gone through a series of meetings trying to grasp it to see how we can use that to help our people with our rights and title issues, which are huge. And as you know, our history from what little history we've told you today, it's -- it's a history of survival, resilience.

3403. I think if you look in Webster's dictionary, our pictures are probably there under "resilience". We just keep going. We keep plugging along.

3404. To not have salmon would be -- I don't know. You know, we don't eat farmed salmon. We've had some farmed salmon in the Fraser River over the last few years. They escaped in the pens. We've had Atlantic salmon caught in our set nets, gave them to DFO. We took one home. My brother cooked it up for his Rottweilers. They wouldn't touch it. The cats wouldn't touch it.

3405. A few days later, he had to go out there and bury the bloody thing because even the crows wouldn't touch it. It was grey meat that's fish farmed. Farmed salmon is just not good for you. We found that out.

3406. And then they're increasing and doubling the size of the Norway fish farms on the coast through Hecate Strait. And you know, if you want to add an oil spill, add a tanker spill in there, it'd be devastating.

3407. I mean, what would we do? We couldn't do a thing because we're like sitting ducks. We're just waiting for something to happen. And thus the reason why we're against doubling it when we were never consulted in the first place from the first pipeline, which is there, which is causing the climate change. It's causing global warming.

3408. China is not fixing their global warming. They're just using up all our resources as fast as they can, and it's a non-renewable resource that maybe we should keep for the next generations here. If we had a politician with a conscience, maybe we'd have a better outlook on life.

3409. Right now, we're just -- we're in a fight. And small as we are, we're not going to give up the fight.

3410. **COUNCILLOR KNOTT:** Maybe I just wanted to add a few thoughts and comments.

3411. So I reflect and I think a lot about our journey as Kwantlen people and what has transpired in our history, particularly since the time of settlement, to our territories and the myriad of impacts and effects that that has caused to our people.

3412. And I think about the knowledge we have, the traditions that we carry to this day of respect for each other, of respect for our natural environment, of the connections that we have with the natural world that there is no sense of superiority, that there is a sense of connectedness, that we are a part of it and it is a part of us. And it's that balance that enables us to be able to treasure this gift of life that we're all given in the time that we're able to be here.

3413. And I think about -- I'm always struck by the image when the first settlers that came to our territories, and there's -- it was recorded in a journal and there was some diagrams that some -- or drawings that some explorers drew. And they talk about at -- one of our Kwantlen village areas -- and this is actually very close to Fort Langley -- where one of the longhouses that our families lived in was apparently around 600 feet in length.

3414. And I marvel at thinking about that. I marvel at a structure that was of that magnitude and that size in an area that we know that really wasn't, in the grand scheme of things, all that long ago.

3415. And I think about our families living in that longhouse, harvesting resources from the natural environment around us, trading for goods, venturing out to different parts of our territory. I think of the babies that were born there. I think of the older Elders there that were cared for there. I think of the ceremonies, the songs, the -- just the life that was there.

3416. I think as well about the time that my mother grew up in. And my mother, you know, was -- attended her whole schooling life in residential schools, as did many of our Elders in our community that are now part of our Elders table.

3417. I know our drummer, when we began, spoke a little bit about the concept of the feeling that we, for many, many years -- many dark years, were silenced and were not given a voice, were not able to speak openly about their thoughts and their views, their feelings. And that certainly is a live part of my

mother's world. I'm always happy -- we've started an Elders' Council that is part of our decision-making group at Kwantlen. So many of our -- well, all of our Kwantlen Elders are a part of that body.

3418. That's who our Council reports to and provides information about different things that are happening in the community to get direction. And when we hear our Elders now have a voice and now be very vocal and very opinionated about things that they expect and want in the community, part of me -- and I know our Chief, her and I often reflect on that. We rejoice in that because we know firsthand from experience in our own families of how that voice was quashed for a very long period of time. And the damage that that has left within our communities is profound and something I -- you know, again, the amount of time we're given here, I can't even really truly articulate what that -- what that is.

3419. I think about the reality of our nation of Kwantlen, the creation of reserve lands that had taken place, the role of the Indian Agent in our communities that really, I feel, the shackle -- sorry to use that word -- but the shackles of that legacy are just now coming off.

3420. We're -- when I think about where we have been contained to largely our reserve lands and you can -- I hope part of today's information we've shared gives a glimmer or a sense of a glimpse into the perception from Kwantlen of the reserve lands being just such a small component of an area that we know we use traditionally and yet, only up until -- you know, I would describe, you know, the last 20 years has really been sort of the breakthrough of that. And we're nowhere -- we're nowhere near where we need to be.

3421. But it's only in that period of time that there has been a broadening of perspectives in the greater community that surrounds us that know First Nations do have a voice. We do have a say in areas, not only confined to those small reserve land parcels, but to the territories that we know and that we have a connection with.

3422. And when I think about, again, the reality of this particular project, the Kinder Morgan pipeline project, the fact that we weren't a part of any discussions at all when the original line was put in -- and I can replace that project with a myriad of other projects that have taken place, you can again appreciate that where our villages and community is located is now in a very urbanized area of Greater Vancouver or the Metro Vancouver area. As we travel up and down the river and we appreciate all of the different uses and needs on that river that are

much broader than just our needs, but our needs for the greater society that now calls this place home.

3423. But I just -- I felt it important to just -- I wanted to provide that insight, for what it's worth, to try to articulate the level and intensity of impacts that we as Kwantlen people have experienced in our very short time of interaction with non-Aboriginal peoples to this area. And again, the fact that it is only now, I feel, in this era that we are now having a voice to be able to try to get our sense and get our perspective of, well, what does this mean going forward.

3424. We have significant concerns with this project, and particularly the impacts of it to the river, to the tributaries of the river, to our way of life. I cannot imagine a world for Kwantlen people that would exist without fish. My mind can't go there. I become very --. I can't go there to think about that.

3425. I know the hurt and I know the pain and the trauma that is even caused now in terms of the -- already the limitations of our ability to access that resource. And the thought and concept of any activity that could cause a potential devastating and forever harm to that resource is something that destroys our way of life and destroys our legacy as Kwantlen people, and I just can't -- I truly -- I can't articulate what that would mean to our people.

3426. There is just such a connection to it. There's such a reliance on it. There's such a feeling that that is part of us. If there was ever in -- a devastating spill that took place that harmed that resource, we don't know the -- the impacts of what that would mean long term.

3427. I know there are many different perceptions out there on different -- you know, different spheres of it would be forever. Oh, no, it would just be a little thing not to worry about. With our connection and our knowledge of that resource, we know that any impacts are significant in our view. And we're highly concerned, particularly when we see the routing of the line that goes right against this major salmon and other resource tributary to our people. It's of huge concern.

3428. **MR. DICKSON:** Thank you, Councillor.

3429. Councillor Antone, I mean, so much of the Board's assessment of this project is the apprehension of risk and I -- will a spill happen. If a spill happens -- or will a series of spills happen, and if a large spill happens or a series of smaller

ones happen and it goes into the river, what will that mean.

3430. Can you give the Panel any sense of sort of your approach to risks to the river and your community's sort of feeling of what those risks mean for it and its connection to the river?

3431. **COUNCILLOR ANTONE:** I can't imagine a big spill or a small spill. The risk, it would be just devastating. I mean, everything that's connected to that river would eventually be extirpated over time.

3432. One drop of oil in that river is bad, I mean, and you're talking thousands of barrels of oil and bitumen and whatever other chemical they mix in there to keep it moving in a pipeline.

3433. It would be just -- it would be phenomenal. I can't even imagine, can't wrap my head around what would happen in a spill. I know we'd be -- we'd be trying to fix it as best we can in our area, but we're pretty limited in our resources.

3434. The Elders are so against this. They tell us at our tables. You know, we do monthly meetings with our Elders, sometimes bi-monthly, sometimes three times a month, and this topic comes up, we might as well just be talking about one thing and that's the risk. And they see no need for any more risk in this river.

3435. We see the -- we see the -- you know, the industry and the way it's working now. It's -- we take a ride on the north arm of the Fraser, it's just stacked up industry after industry. It's all privatized. They all pay a lease to the province, which we see none of that, and they're all polluting into that river. There's municipalities dumping their sewage in there.

3436. There was a dump last week from Langley's Municipality which something happened in their system, they had to dump raw sewage. And we get the notice a week later and the fish are swimming through that toxic sludge. I mean, that alone is quite scary because we do catch some of the sockeye in the summer that comes through that stuff, through the Victoria, through Vancouver, through Surrey, through Maple Ridge, all their sewage out the Langley, the Mission.

3437. We get a lot of fish that are marked, skin eaten off from some of the chemicals that are coming out of those from time to time. We don't want to see it

increase, and I'm quite sure if there was a spill, no matter how small it was, it would be devastating and we'd have to run and hide away somewhere, our Council, because we'd be the first target, and then we'd have to target someone else.

3438. Still, no, we -- I don't even want to think about what would happen in case of a spill. It would be devastating. I can't even put the words to it.

3439. **MR. DICKSON:** Okay. I want to move, then, if we can, to ---

3440. **MR. SEWARD:** I think when we're talking about risks ---

3441. **THE CHAIRMAN:** Yeah, we're happy to have him affirmed and on the record. Happy to. So if you could?

RICHARD SEWARD: Affirmed

3442. **MR. SEWARD:** I would like to thank you again for allowing me to be at this table. And I would really just like to bring to attention that when you're talking about risks, we're not only talking about the livelihood that has been sustained for thousands of years, but you're also talking about the plant life that surrounds those waters, the animals, the insects, everything that is involved that is our natural resource. That is also our livelihood.

3443. I mean, one infected salmon may go to feed another animal. That animal, in turn, becomes as well, ill, and most likely that is going to affect not only our fishing, but our hunting. And the animals that are also infected, they are also the ones that are caretakers of the land.

3444. It's not only one area that could be affected. It's a chain of events that can happen for not only us human beings, but the animals, the plants. Once we lose the plants, we lose the air quality. The air quality in this area is one of the richest.

3445. I mean, you look at the Chilliwack Lake River, the Fraser River, which is world renowned for its salmon stock, for its steelhead, for its trout, which feeds every one of our lifelines, creeks, lakes, streams, and, in turn, all those gravel beds that are not going to see the next year's harvest, just from one amount that you can't put a dollar on.

3446. And we cannot kid ourselves. Everything goes back to that resource of money. How far is money going to take you when all those resources are gone?

3447. If those resources are damaged, they're no longer going to be able to reproduce in our lifetime. We'll be lucky to see our children see that happen again.

3448. You talk about all the limitations on the fisheries. I don't think we'll ever see those fish come back. There's a lot of things that are affected. You want to talk about risks.

3449. I mean, the mountainsides that you see that are so rich right now, they have so much of an abundance of knowledge that can feed not only our minds, but our body, our knowledge, our sustainability, our culture, our heritage. We're trying now to teach our kids that hunting is not only a physical thing; it's a spiritual thing.

3450. When we approached you today and we opened up with a prayer, we pray to the trees, that they continue to grow. We give thanks to the salmon every year for returning and giving itself up, sacrificing its own life and, in return, all it asks for is respect.

3451. These are some of the things that are overlooked so easily today over a dollar bill. I heard an Elder a few days ago that actually came out and said, here, I'll give you five dollars. You leave my land alone. You can eat that five dollars. How long is it going to last you?

3452. As to where the resources that we turn to and survive on and live on, if we take care of them, they will always be there. But we can't damage them. We can't put them at risk. They are not ours to sell.

3453. We don't have the rights to give up those lands, but we have a livelihood to look after them and live amongst it as if it was one of us, as if it was one of our own, as if it was a family member. And I think those are the kinds of things that we're trying to shed light on here because that, too, for the past 150 to 200 years has been overlooked without consultation. We're not only talking pipelines, we're not only talking railroads, power lines, farm fishing.

3454. So I think what you're really trying to shed a light on is, don't pinpoint

one aspect of risk. You know, the sustainability that we get from the rivers before the times of wagon trails, railroads, that river was our highway.

3455. We were the ones to help all the first settlers get around and now it's been so overlooked that that's just something that can be tossed away. I don't think so. That's one of our livelihoods that gives us the plants that we use for our utensils, our homes, our ceremonial purposes. Every tool that you can think of comes from our resources.

3456. The pride that we take in our artwork comes from our resources. You know, our transportation was built out of those resources. So yeah, you're talking about a lot of risk, and to consult is only half the battle. But now that we have a chance to have a voice and a say, maybe we'll come to some sort of agreement instead of a -- you know, an over-running.

3457. I hope I can shed a little bit of a wider aspect on a different view of what you're looking at on paper or on a screen because this is a way of life.

3458. We have -- in every community there used to be a siyá:m. A siyá:m was a leader, a respected Elder, one who made decisions, that consulted with his people, for his people, by his people, and they worked together. There was not just one boss telling everybody what to do. It was a community effort.

3459. That community raised their children to respect everything that's grown on that land, how to know of the risks of working on that dangerous Fraser River, but we respect it. We care for it like it's one of our own. That's where we get our fish. That's where in the surrounding areas we gather our herbs and medicines, the foods that grow. So yeah, you're not only talking about fish. We're talking about a livelihood, the environments, the watersheds that surround those waters that are in danger right now. Yes, it is a very scary thought because in an instant all of those can be taken away.

3460. Where are we? We're left with a wallet full of money. That's not what we want. That's not our goal. Our goal is to actually preserve what is left already there, just like we're preserving our culture. If we can hang on to what very little survived through those dark eras, maybe our kids have a chance at becoming great leaders, great healers, great warriors.

3461. But in order for us to have that, we need our resources to teach them. We need our resources to show them that we are not the dominant. We live

amongst these waters, these watersheds, the air that you breathe.

3462. How much quality is that air going to be left once all of these are damaged? How many of you have ever been up in an airplane in this area? Everything that you see just in front of you, that's all that's left. You go over these peaks, it's all clear-cut. That damages the waters, too.

3463. So you're not pinpointing on just this pipeline. You're pinpointing a larger aspect, and this is only a beginning of where we'd like to start by sharing our voices.

3464. So once again, I'd just like to thank you for this opportunity to maybe broaden that aspect of your reason for being here because there's more risk than is being paid attention to. You can't just target one area. So with that, I'd like to thank you.

3465. **MR. DICKSON:** Thank you very much.

3466. So we want to address one more topic. We see that time is running out. We'll address one more aspect, and that's -- I'm going to ask Councillor Knott to speak to a little bit the Kwantlen's perspective on how this Panel needs to assess the potential impacts of this pipeline on its rights and title and interests.

3467. And just to situate that, again, we know that the Crown is relying on this process. The Board -- the Panel has said in its Procedural Direction Number 2, I believe, that the First Nations are best placed, which is an understatement, to bring forward the nature and the evidence of their rights and title and their interests and to explore and develop the impacts of the project on them.

3468. And so I'd ask Councillor Knott to speak to what that means, if that's actually going to be done.

3469. **COUNCILLOR KNOTT:** So with respect to the process to date, this project -- I describe this particular project before us, the Trans Mountain Pipeline Project.

3470. When I think about projects that are happening within our traditional territory and our involvement in them, our evaluation of what we have just spent a good part speaking about, which is of impacts and risk to our Aboriginal rights and our livelihood to resources, I cannot think of another project that is of more

significance to us than this one before us.

3471. In terms of the magnitude of it, in terms of the "what ifs" that cause great concern to our Elders and to our leadership and to our community, our role in the process to date has been -- and we understand that this process that we're involved in today, right now, has been the designated process for getting forth this information, for engaging with our community. We're concerned highly about what we can project, communicate in a span of three hours or so. It becomes a very difficult exercise.

3472. We're only touching the surface on so many of our issues and concerns about this project. We are concerned about the ability to be meaningfully consulted in this process.

3473. In my opinion, we haven't met that mark. We are trying as best we can under the limitations and the constraints that were expressed at the outset of our presentation this morning. We're trying our best to be involved in the process.

3474. The decision for our community to become an intervenor in this matter is based on a lot of discussion that we held in the community that involved Elders and members of our community voicing concern and fear about this project, and particularly about the risks involved in this project long term to the ecosystem, to our way of life as we know it, to our interconnectedness with the resources on the lands and the river. And part of the drive, I guess, to have our community involved as an intervenor has been to have a voice at the table, to have a direct line of communication to be able to express this.

3475. We're not sure, at the end of the day, what this is all going to mean, what our three hours here today is really, in the grand scheme of things, going to mean. There's differing opinions about that.

3476. We hope that it is, again, a glimpse -- and that's all it can be in the time and the resources that have been allowed. We hope that it has been a glimpse into some of our perspectives and some of our concerns and where those come from. We have been attempting to -- as this project has unfolded, to get a better understanding of what the magnitude of this project is, what it means specifically to Kwantlen and to our interests and to our knowledge and to our connections to the land.

3477. We're not feeling satisfied to date that we have answers to those

questions. We've put forward requests for support to help us try to find those answers, to find resources to have people help us, but we're not getting our concerns and our questions adequately addressed, and that brings a lot of anxiety to our community and our people going forward.

3478. Again, that's -- there was some mention at the outset about limitations with the funding and that's part of our reality is, you know, we're not, by any stretch of the imagination, a monetarily wealthy community. I would say we are wealthy in many other ways, but not in dollars to pay expenses. And that creates a real shortfall in terms of our ability to participate meaningfully in this process, and that's a huge concern for us going forward.

3479. **MR. DICKSON:** Thank you, Councillor Knott. And just one follow-up question on that.

3480. Kwantlen has been granted $40,000 in funding. In Kwantlen's funding application, just on the expert evidence -- not counsel fees, anything like that, just on the expert evidence -- I know that you requested $129,000 for that and that was broken down in a fair amount of detail and the Board has that.

3481. Does Kwantlen have a budget to be able to pay for that without receiving funding from the Board?

3482. **COUNCILLOR KNOTT:** No, we don't have a budget of any means to provide for this information that we need to gather. The community is wrestling with this reality right now because this is such a significant project in our territory that has such significant impacts to us. We want to be in a place of better understanding what those impacts are and what some of the strategies are that are in place should there be that kind of situation arising.

3483. Our reality and what we're wrestling with is what do we do. We only have a limited budget that we have to provide a variety of programs and services to our community members in our established program areas of education, health services, social development, housing needs, et cetera. And any additional expense is something that we have to -- if we are considering additional expenses, it's going to impact those other program areas for our community, which, again, we don't agree with and we don't think is reasonable under the circumstances.

3484. **MR. DICKSON:** Thank you.

3485. Mr. Chairman, I see the time and we will respect, you know, the equality of time given to all of the communities appearing before you.

3486. I would just ask that we be able to close with a song, although I should say perhaps there are questions before we do that.

3487. **THE CHAIRMAN:** I'll, first off, offer the opportunity to Trans Mountain if they've any questions for the Kwantlen First Nation.

3488. **MS. OLENIUK:** Third time is the charm with this mic.

3489. Thank you for the presentation. I just have two quick questions, and they're more along the lines of clarification questions specifically regarding traditional use in the Fraser River.

3490. And the first one is, I understand that Kwantlen has been working on a traditional use study since early this year pursuant to an LOU with Trans Mountain. And I'm just wondering -- and this information probably will be in there when the report is completed, hopefully.

3491. So what -- do you have an estimate in terms of what proportion of Kwantlen members' diet comes from sources in the Fraser River? You talked a lot about how you use it.

3492. **MR. DICKSON:** We will find that for you and consult on that, but if you put the question into your information request, we will respond in writing. Thank you.

3493. **MS. OLENIUK:** Thank you.

3494. And my second question is just whether or not Kwantlen still engages in commercial fishing in the area.

3495. **COUNCILLOR ANTONE:** Only during times when we sign a Comprehensive Fishery Agreement. The last time was -- it was this season, but the last time was 2010.

3496. So there's sporadic intervals. It's not every season because the sockeye don't come back strong every year.

3497. For example, 2009 was when the -- that started the Cohen Inquiry, that $20 million inquiry into why the fish are not coming back. And in 2010 was 28, 29 million, so we did sign an agreement that year to sell fish, but it was only during August. So if that helps.

3498. **MS. OLENIUK:** Thank you for that. That does, so I guess we'll -- perhaps if we get the traditional use report in the next few months, we won't have any follow-up questions, but if we don't, we'll probably follow up on that one.

3499. Thank you.

3500. **MR. DICKSON:** I can advise Trans Mountain that the traditional use study has now been completed and -- very recently, actually, and so will be submitted to Trans Mountain in the coming weeks or days.

3501. **MS. OLENIUK:** Great. Thank you for that.

3502. **THE CHAIRMAN:** The Panel don't have any questions, but I may have some comments, perhaps, more.

3503. I am appreciative of the -- and acknowledge the song prayers at the beginning and the end of your presentation. It's something that I was used to in a former life before I joined the Board, and I'm very much in touch with those things and I acknowledge that. And we'll finish with a song prayer.

3504. And I'm also tempted to take up your offer to come fishing with you and to see that. We had the same offer yesterday from another First Nation and I indicated that probably the Panel, once we're finished this, we would -- I would love to take you up on that offer, but in this present circumstances, we can't. But you may find an offer as an individual, perhaps.

3505. And also, your tireless runner, I am a bit of a runner in my old age and gone to Fort Langley to run. And perhaps I may have a different view of a tireless runner now if I do a run in Fort Langley again, and so I appreciate that -- your spiritualness with the runner.

3506. So perhaps maybe I will sort of close our part, if you will, and then you could finish with your song. Would that be appropriate, I think, the best way to do it?

3507. So again, we would like -- the Panel would like to acknowledge your open hearts and your voices that we have heard today that you have shared with us and given us the honour to hear it. And I can assure you that we will consider what we have heard and whether we decide to -- as we decide whether or not to recommend approval of this project.

3508. So with that, perhaps we could close with your prayer song and then, after that, maybe I'll just indicate -- we'll close with your prayer song, but may indicate that we will reconvene at 9:00 a.m. on Monday, October, the 20th, Monday morning with the Musqueam Indian Band as their presentation.

3509. So perhaps we can close today with your song and prayer. Thank you.

3510. **MR. SEWARD:** Once again, thank you for honouring that aspect. That's one thing that hasn't been touched on is, really, the spirituality of everything, and that, for some people, is just too hard to fathom.

3511. You know, everybody has their beliefs, their religions, and it's just a whole new -- you have to have a whole new conference on that. But the song that we will sing is in honour of that tireless runner. So we thank you very much.

3512. (Closing native song)

--- Upon adjourning at 5:03 p.m./L'audience est ajournée à 17h03