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 20

Hearing held at
L'audience tenue à

Victoria Conference Centre
720 Douglas Street
Victoria, British Columbia

November 25, 2014
Le 25 novembre 2014

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HEARING ORDER/ORDONNANCE D'AUDIENCE
OH-001-2014

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

HEARING LOCATION/LIEU DE L'AUDIENCE

Hearing held in Victoria (British Columbia), Tuesday, November 25, 2014
Audience tenue à Victoria (Colombie-Britannique), mardi, le 25 novembre 2014

BOARD PANEL/COMITÉ D'AUDIENCE DE L'OFFICE

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

ORAL PRESENTATIONS/REPRÉSENTATIONS ORALES

Adam Olsen
Mr. Adam Olsen

Stz'uminus First Nation
Mr. Willie Seymour
Councillor Terry Sampson
Ms. Melinda Skeels (counsel)

ERRATA

TABLE OF CONTENTS/TABLE DES MATIÈRES

Description	**Paragraph No./No. de paragraphe**
Opening remarks by the Chairman	9617
Adam Olsen Mr. Adam Olsen	
- Oral presentation by Mr. Adam Olsen	9638
Opening remarks by the Chairman	9886
Stz'uminus First Nation Mr. Willie Seymour Councillor Terry Sampson	
- Introduction by Ms. Skeels	9906
- Oral presentation by Mr. Willie Seymour	9927
- Oral presentation by Councillor Terry Sampson	10128

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 9:02 a.m./L'audience débute à 9h02

9617. **THE CHAIRMAN:** Good morning, and I'd like to acknowledge that this hearing is being held on the territory of the Coast Salish people.

9618. And I welcome everyone to the oral traditional evidence phase of the National Energy Board's hearing regarding Trans Mountain's Expansion Project.

9619. 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, Phil Davies. We welcome everyone who is here today, both in this -- in the hearing room and who is also listening through our Webcast.

9620. We will be sitting from 9:00 a.m. until 12:00 today and we'll take breaks as appropriate throughout the morning.

9621. The Board understands, Mr. Olsen, that you have an oral tradition for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing. The Board has recommended that those providing oral traditional evidence focus on their community's interests and rights.

9622. 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 other participants.

9623. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. If you wish to share any concerns about the impacts the proposed project may have on you and your community and how any impacts can be eliminated or reduced, that would be also helpful to us. 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.

9624. We appreciate, Mr. Olsen, that you have chosen to be with us today.

9625. 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.

9626. With that, I believe that we're ready to get under way, and perhaps I could ask the Proponent -- representatives of the Proponent, Trans Mountain, to introduce themselves this morning.

9627. Ms. Oleniuk, please.

9628. **MS. OLENIUK:** Thank you, Chair, and good morning to the Panel, and good morning as well to Mr. Olsen.

9629. My name is Terri-Lee Oleniuk, and I'm legal counsel to Trans Mountain along with my colleague to my left, Heather Weberg. To my right is Annie Korver, and she's a member of Trans Mountain's Aboriginal Engagement Team.

9630. Good morning.

9631. **THE CHAIRMAN:** With that, I think we're ready to get going.

9632. Perhaps, Ms. Butler, you could swear or affirm Mr. Olsen. Thank you.

ADAM OLSEN: Affirmed

9633. **THE CHAIRMAN:** Thank you. And Mr. Olsen, perhaps you could indicate, perhaps, if you'd be interested in entertaining any questions, either orally or in writing, whatever your choice may be if any of the -- Trans Mountain, any of the intervenors or the Board have anything, before you start your presentation.

9634. Thank you.

9635. **MR. OLSEN:** Possibly answering questions in both oral and written, depending on what the question is.

9636. **THE CHAIRMAN:** That's fine. And we look forward to hearing your presentation.

9637. Thank you.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. ADAM OLSEN:

9638. **MR. OLSEN:** Thank you to the National Energy Board Panel.

9639. I just want to take a minute and ask everybody here to please just take a few moments to ask for the strength and the courage that we need to go through today from whatever Creator that you believe in and from whatever great spirit that informs your decisions.

--- (A short pause/Courte pause)

9640. **MR. OLSEN:** Thank you.

9641. Firstly, I'd like to thank you for this opportunity to present Aboriginal oral testimony to the National Energy Board for the Trans Mountain Pipeline Expansion proposed by Kinder Morgan. I would like to thank my Elders, Tom Sampson and Simon Smith from Tsartlip, who provided testimony yesterday, my uncle, John Elliott, my cousin, Gord Elliott, my Chief, Don Tom, and my sister and Councillor, Joni Olsen.

9642. Before I go any further, I want to thank my family, my wife Emily, my two children -- one of whom you may have seen running around the back in wonderful pink cowgirl boots -- my son, Silas, and my daughter, Ella, who's created a giant space in our family to allow me to focus on this application, to focus on this presentation that I'm going to deliver today.

9643. It may be a challenge for me to stay within the parameters laid out in this Hearing Order. Admittedly, I'm not an expert in much of this. You have heard, and you will hear, from my Elders, and I am honoured to share this table with them. I am humbled by their knowledge.

9644. It is important, though, that you hear from folk like me, people who are directly affected by the Trans Mountain pipeline expansion; people who speak to the past, the present, and the future of the traditions of the Saanich people.

9645. I'm a mixed blooded guy, deeply entrenched in politics. I grew up with this as my identity crisis, this crisis of place, crisis of belonging. I've learned slowly and over time and, frankly, I've never been entirely comfortable. No matter how different I looked or how misplaced I seemed, there is only one place

that I'm truly at home; WSÁNEĆ.

9646. I've traveled to other parts of the country several times, and each time I go, it doesn't take long for me to come back to my home. It doesn't take long for me to return to Saanich. I return because of a deep yearning, a disconnectedness when I'm away. I have a sense that there is a piece of me missing when I'm gone from Saanich.

9647. I feel it is a connection to those stories, the ones that I've never really heard before. But when I hear them, they sound familiar, those stories that perfectly highlight my world view -- a world view that I inherited and that came naturally to me.

9648. My culture, admittedly, is largely foreign to me. I'm slowly learning who I am and where I came from, where I come from. That is why it is so important to defend my inheritance. That is why it is so critical for me to participate in this process because I am and, to a great extent, we are still relearning what was earned by those who came before us.

9649. Of course, I must put a big caveat on what I'm about to say here. I do not believe that this process, the National Energy Board process, has sufficiently consulted the Saanich people.

9650. From what I have seen of my culture, process is very important. While I'm not the most experienced, nor the most knowledgeable; in fact, could be one of the least knowledgeable, from what I do know, from what I have seen, process is a fundamental part of who we are.

9651. The NEB extends this opportunity to Aboriginal people because we have an oral culture, an oral tradition because there are things that can only be spoken. In actual fact, much of that tradition is locked in our native languages. They become incredibly difficult to articulate in English.

9652. As you heard yesterday, we learned that this process -- a process driven by the country's two official languages -- was highly problematic because there are things that we cannot relay in English. Fortunately for you, I do not speak SENĆOŦEN. I only know English. So while I may have some question as to whether you are hearing what I say, at least I will have the comfort knowing that you understand the language that I'm saying it in.

9653. So we passed information through spoken word, through intently watching rituals unfold. I learned what I know through the repetition of seeing it numerous times. In order for that to work, in order for information to be preserved in time, I've come to understand that that process is critical.

9654. Whenever my relatives undertake work, the quality appears to be largely judged on whether they have followed the appropriate process. When I decided to participate in this process, I was hopeful that it would be respectful of the numerous interests that are directly affected by this massive project.

9655. This process is a vehicle for the government and the proponent to build social licence for the project and, if I may, in my opinion, this process has fallen short of its goals. In fact, the acceptance of this project is diminishing rather than growing. This process has bred cynicism, anger and discontent.

9656. In the context of process -- of the process that I have witnessed in the WSÁNEĆ culture, the NEB and the proponent have fallen woefully short. With recent Supreme Court decisions and the many Douglas Treaty decisions of the past that were highlighted by my Chief yesterday, a more respectful and perhaps a more appropriate process would have been to understand this about the WSÁNEĆ people and you would have allowed that to take what you have learned and you would have informed this process with that.

9657. Instead, the NEB decided to impose this assessment process on the WSÁNEĆ and on our other Aboriginal relatives. No matter what I feel about this process, I am a part of it, and I will remain in this process because there is none other. If another is set up, you can bet I will participate in that one as well.

9658. I will be reading my presentation today because I wish to relate specific ideas and thoughts. This fits within the Aboriginal oral testimony because it is important that I say these things to you. It has very little meaning on this paper.

9659. Remember, the best way for you to learn more about the WSÁNEĆ people is for you to listen and to hear what we are saying.

9660. I have prepared and organized my words for efficiency and to ensure that I do not leave anything out. I only have three hours to relate to you how your decision is going to directly affect the rest of my life and the lives of that child that you saw yesterday.

9661. In my presentation, you will hear my story. You will learn about my relationship with the Saanich Inlet and the Salish Sea. You will learn about my experience in local government and how our creeping impact on our ecosystems is much greater than we ever admit.

9662. I will address the Douglas Treaty and how Court cases of the past have negatively impacted my family. I will touch on the story of the SXOLE, of the reef net, as you learned about yesterday, commercial fishing rights and, finally, I will show you my relationship with salmon through the relationship of hundreds of my relatives from across British Columbia.

9663. It would be 4:00 a.m. when I was awoken, my dad shaking my leg from the end of the bed. "Get up, chum", he'd say. "Time to go fishing". It was the second time that he shook me that I would spring to my feet and more slowly pull on an old pair of jeans and a Cowichan sweater.

9664. The van would already be warming up in the driveway and my dad was just about -- would be just about done collecting breakfast for the both of us. Back then, Brentwood Bay was more alive at 4:30 in the morning.

9665. On my way out to the van, I could already hear the low rumble of boat motors over Saanich Inlet just a few hundred metres away. We would then take the slow roll down the road toward our boat. We had a few boats when I was a kid.

9666. In the late seventies-early 1980s, we had a 37-foot Bayliner. That was my dad's guide boat. He used to work out of the Brentwood Inn. He was not the only guide fisherman in the Saanich Inlet. There were dozens of guide fishermen just like my dad.

9667. When he shut down the guiding business and got rid of the Bayliner, it marked a turning point in our fishing of Saanich Inlet. The steady decline of the salmon run spelled the end of a vibrant business. It spelled the end of a tradition. It spelled the end of a way of life. It wasn't a sudden end; it was more a slow bleed.

9668. So we bought a little clinker with an old five-horse Briggs & Stratton inboard. We'd be lucky to make a wake, but it was a perfect little trawler. For a few years, we'd still catch fish, not like we used to, but there still were fish in the

inlet.

9669. Back in the heyday, the Saanich Inlet was one of the reasons that you would visit Greater Victoria. If you were running these hearings 30 years ago, you would have been advised to take an extra day in Victoria and head out to Saanich Inlet for some fishing. You'd have probably taken the advice and you may just have been standing on my dad's boat looking down on my big round eyes telling you to keep your rod tip up and to relax just a little.

9670. I cannot count the number of times that I crossed the Saanich Inlet when I was a kid. Sometimes I would sleep in the bow of the boat; other times, I'd be seen hanging off the side, dragging my hand in the cool salt water. I've made literally thousands of passes in front of Bamberton, all the way past the slide and into MacKenzie Bight. We had chance meetings with resident eagles who thrived off snatching up the stunned shakers that lay motionless at the surface for a just a few brief seconds before either flipping to life and disappearing into the deep or being snatched up and made dinner for a lucky aerie. Harbour seals would guide past our boats moored in the docks, peering up at us as if saying, "So how is the fishing today?"

9671. There is a diverse assortment of fishermen who work the inlet. We'd see the same boats, the same faces every morning. Usually with a series of hand gestures we would pass information back and forth between the boats. Important information was shared this way. How many? How big? Where? How deep? On what? We would spend the morning testing hootchies, squid, and strip bait until we served up just what the salmon were looking for.

9672. I don't remember any distinct conversation on the boat, just kind of small talk. One morning I remember distinctly though I was sleeping in the bow of the boat and my Dad was kicking the door in. His eyes were huge and there was sweat on his brow. "Get up, Chum; I need your help up here." When I jumped on the deck with him, he was working two rods and the stern rod was jumping as well.

9673. All of our work finding those fish in the inlet came from local knowledge. It came from working the inlet for decades. Before me, it was my Dad crawling around on the clinkers in Brentwood Bay. He came from a big family. The families in our community were not wealthy and so my Dad spent his days hanging on the boats, on the docks at Jimmy Gilbert's marina, cleaning his boats and cutting bait.

9674. See, my relationship with the fish came from my Dad and his Dad before him. They were informed by the relationships that preceded them. Yes, it was my Dad that used to cut bait for Jimmy Gilbert, and as a little boy about the same age as my little boy, Silas, my Dad would always be seen hanging around the docks.

9675. He was there for the fishing derbies that used to happen, and when he was just a few years older than Silas, he won the fishing derby. That summer all the tips collected by Jimmy were put in a tin that they hand-painted together. He was raising money so that he could buy a bike. As it turns out he didn't need to spend his money on the bike because he won it in the fishing derby, so he spent his money on clothes instead.

9676. His story is my story, and all of his experiences he shared with me. Everything he showed me on that boat were things that his father showed him before. There are things that he couldn't show me though, things that ended before my time. Like raking herring when they were plentiful, or spearfishing for cod at night at low tide in the eel grass at Gwyneth. This information is not being passed that easily now. This information is passing us day by day, made irrelevant by the lack of salmon, the lack of herring, the lack of eel grass.

9677. After we got home from one of our morning fishing adventures, after a stack of delicious pancakes, it wouldn't be long before I'd turn around with my buddy, Ian, and we headed back down to the docks. We'd spend hours down there completely unattended, fishing for perch and bullheads between the boats. When the ferry left for Mill Bay, we'd sneak onto the pilings and go for a swim.

9678. Clearly I had a close relationship with fishing, with salmon, with the ocean. That relationship has been broken though. In the mid-1980s, a little while after we got rid of the bayliner, we just abandoned fishing altogether. My Dad may be able to tell you the exact date or even the conversation he had with my Mum that predated his decision to get rid of the clinker. It's been at least 25 years since I heard the familiar hum of the Scotty downrigger delivering the litre, flasher, and bait to the desired depth of the Saanich Inlet. It has been at least 25 years since I sat quietly with my father before quickly jumping to my feet yelling, "Fish on."

9679. So where did all the fish go? For a couple of decades we never talked about it. From time to time we lamented the complete decimation of our fishery,

but we never talked about why. There was a significant amount of shame, of guilt. People used to say that we fished it out; that made me feel sad. As you can still see it still makes me feel sad.

9680. I was responsible for catching the last salmon. Really? I was the -- responsible for the decimation of my inheritance? This was an inheritance. It was preserved, conserved, and managed for countless generations before me, and it was my generation that saw its end, and they're saying we fished it out. A silly notion, really, hey? Fished it out?

9681. My grandfather, Ernie Olsen, told me that when I was little boy -- when he was a little boy in the Saanich Inlet there were so many fish there that you could walk across their backs to the Malahat. I'm not sure you want to enter my grandfather's grandiose fish stories into evidence, but I think you get the point; there was an awful lot of fish in the Saanich Inlet. So how could we have fished it out, such a vibrant valuable resource? Well, we didn't.

9682. One thing I know for sure, though, is that there was much more life in Saanich Inlet when I was a kid; herring, whales, birds, people. Now, we get the odd kayaker and scuba diver, the odd fish. I hear there are more cod in there these days, but the Saanich Inlet is mainly an unmanaged parking lot for partly abandoned boats. There is all sorts of science happening in Saanich Inlet these days. None of it's going to be submitted with this presentation, though, because none of it's particularly applicable.

9683. After getting elected Councillor in the District of Central Saanich in 2008, the first guy from on the other side of the line, the first Reserve-born guy to get elected in district Council, I spent many hours from the people at Peninsula Streams and at the Environmental Law Clinic at the University of Victoria. They educated me sharing their experiences and understanding. I learned I had a lot less to feel guilty about than I was originally shouldering. I learned that the reasons why salmon runs have all but disappeared from the inlet and Gold Stream are complex. The factors, I learned, are mostly manmade and could hardly be blamed on any one thing in particular.

9684. Some of the problems started with the creeks themselves. Many of them were changed, straightened by agricultural activity on the peninsula. Initially, they didn't even think about the impact on the inlet, of course; their interest was to get water off the land as early as possible and to keep it off for as long as possible. Straightening the creeks or culverting them has had a major

impact on stormwater flows. Natural impediments created over many seasons to slow the water and filter it were removed, and so major stormwater events devastated the fish habitat.

9685. In Hagan Graham Creek, a major wetland was designated agricultural land reserve and set aside for farming. Directly in between the inlet and the industrial park in Central Saanich, the wetland is now less effective in performing the filtering functions that it did forever before it was bypassed and farmed.

9686. Finally, increased nutrient loads and the agricultural run-off from fertilizer and pesticide use further polluted the streams and, eventually, the inlet.

9687. The Saanich Peninsula remains the agricultural centre of Greater Victoria, and there is as much pressure there for development as anywhere else in this great city.

9688. During the 1960s, seventies and eighties, the District of Central Saanich developed major neighbourhoods. The Keating Industrial Park was built out and the engineers of the day employed contemporary stormwater management techniques, hydrological efficiency. Essentially, the plan was to construct deep ditches on the side of each road. They all either ran straight to a creek or straight to the inlet.

9689. No matter how hard the peninsula streamkeepers worked to rebuild the spawning grounds, along comes another major fall storm event and the water that used to be welcomed by the fish, the water they needed to get to their final resting place, became their worst enemy because it literally blew their spawning beds into the bay.

9690. So why am I telling you this? Because it is an analogy to what we are addressing today. The experience that I have gained over the past few years has me very concerned.

9691. You will value the loss of my fishing traditions in the Saanich Inlet however you choose. Some of your minds may have already moved on. This story is an example of the cost, an example of the cost in the cost/benefit analysis that we're doing right now; that is, the dance that the four of us are engaged in.

9692. This story is an important one because it highlights the negative relationship that we have developed with our natural environment. It highlights

the disconnect that we have when it comes to our decision-making.

9693. This process, the Trans Mountain process, is of great interest to me. All along, it has been sold to us because of its value to the Albertan, the Canadian, and even the British Columbian economy, but only the costs are really being accounted for in this process are the costs to the Applicant to build infrastructure, the costs of mitigating each river crossing or creek bed disruption, and the costs of negotiating with First Nations people.

9694. But like we did in Central Saanich over the years, this process isn't really going to calculate the grand cost. Even if you do account for the potential costs, you know, those loss of habitat, the damage to culture and tradition, the decimation of entire ways of life, I doubt you'll put it all together because in this process, each transaction, each river crossing, if you may, will be independently -- will be made independently and dispensed of in isolation of all the others.

9695. It is an interesting way to do business. Only in government can one really afford to calculate only the grand benefit and never be really accountable for the grand cost.

9696. I would suggest that most corporations, if not maybe all corporations behind any energy project such as the one we are discussing, must understand both the costs and the benefits of the decisions that they make because their shareholders are strict in their expectations.

9697. Well, I'm strict in my expectations. In Central Saanich, there's a discussion about the cost of rehabilitating the wetland. To me, this is a cost borne by narrow focused decision-makers and old school engineering practices. If only the people of Central Saanich knew the value of the Saanich Inlet fishery was to the local economy. Then maybe would we be able to appreciate the value of our renewed relationship with the inlet.

9698. I'm not aware of any studies that highlight the socioeconomic impact of our long-gone fishery. I don't know if anyone tallied up the revenue generated in the community because of fishing in the Saanich Inlet.

9699. I don't think anyone has a real understanding of this anymore, but I do know that thousands of tourists would flock to the region to visit attractions and to kill some fish. They ate in restaurants, they stayed in hotels, they rented boats or they secured guide fishermen just like my Dad. What I do know is that our docks

were bustling.

9700. We don't know the numbers because the Saanich Inlet died a slow death. The fishermen sold their boats because they grew tired of coming home skunked. One day, a day each fisherman encountered privately, there was a decision just to give up. By then, the fishing economy was dead and Saanich Inlet was left for scientists to study.

9701. We've seen the negative impacts of human activity on our ecosystems. We are constantly modifying, utilizing, enhancing and diminishing our surrounding environment.

9702. The Douglas Treaty; you've already learned a lot about the Douglas Treaty. On Wednesday and Friday, you're going to hear much more about it. Frankly, I think it's a mess.

9703. Governments acknowledge it and do nothing about it. Until recently, B.C. Wildlife were actively picking up Douglas Treaty hunters, charging them and forcing the debate into the courts. My Dad was picked up in the mid-1990s along with our former Chief of Tsartlip, Wayne Morris. Their case went all the way to the Supreme Court of Canada. It took over a decade of our lives. It took our soul.

9704. My Dad was carrying his right to hunt as formerly, and he was forced to defend against this assault on his rights. Throughout the process, I would have to hear about the various ways he was dehumanized in court.

9705. He and Wayne were called a savage by one Judge. And eventually, the Province of British Columbia admitted to the Supreme Court that it was their goal to get rid of both our rights to hunt and fish as formerly.

9706. In December of 2006, the Court released their split decision in his favour. There was huge relief in my family. My father was really negatively affected by the court proceedings and, at the end, all he hoped for was that there was going to be action.

9707. He still laments to this day that the government has yet to implement the outcome of his case. He laments the experience as not having achieved much.

9708. The Douglas Treaty has been problematic for both the provincial and

federal governments. They've tried challenging it in court a number of times. They've never been able to get rid of it, so they ignore it.

9709. I am grateful that the provincial government has funded an office at the Vancouver Island University, led by former Nanaimo Chief Doug White. The Centre for Pre-Confederation Treaties and Reconciliation office has an incredible opportunity to advance the issues associated with Douglas Treaties. Hopefully, we find resolution.

9710. From my understanding of the Douglas Treaties, we have some of, if not the most, powerful fishing rights in all of North America. The *Saanich Bay Marina* case that you may hear about more at great length from my relatives from Tsawout First Nation later this week offers us the best example of how far a Judge can take our fishing rights.

9711. Briefly, the decision favoured the Tsawout and found that the 1852 agreement was a Treaty. In negotiation this agreement with the Saanich people, Governor Douglas -- Governor James Douglas was carrying out official imperial policy.

9712. The word "fishery" or "fisheries" may be used to denote not only the right to catch fish, but also the place where that right can be exercised. The right to carry on the fishery guaranteed by the Treaty is unqualified.

9713. It does protect the Indians, which we were called before, against infringement of their right to carry on the fishery as formerly. This includes the right to travel to and from the fishery.

9714. And finally, with emphasis, treaties should be given fair, large and liberal construction in favour of Indian people; should not be construed technically, but in the sense understood by the Indian people, and any ambiguity should be interpreted against the drafters.

9715. None of this Treaty has been negotiated or changed. It remains intact and in place like it was when we signed it in 1852 with the representative of the Empire. It has withstood every legal challenge, and it has been a darn good defence. And it's yet to be used in offence.

9716. So now let's turn to our attention to the Salish Sea. Perhaps you can show everybody -- just I think it's the next slide.

9717. Sorry. I call it "Dilbit Alley." You may want to just move it along to the next slide. I just thought that I'd -- it's a closer one.

9718. Mayne Island, which isn't marked on this map, that's our island. That's ---

9719. **THE CHAIRMAN:** Maybe for the other Panel Members, there's a pointer there if you want to use it.

9720. **MR. OLSEN:** I think it's here. Sorry. I'm shaking.

9721. That's the island we inherited. ȻELOW̱ENŦET was sitting here. That's STOLȻEŁ. That's our shared -- that's our shared ancestor with John Elliott yesterday, with those who spoke with you yesterday.

9722. As the speakers from Saanich so eloquently delivered to you, and you'll learn more later this week, you'll know that the Saanich people, the Strait Salish, fished the Southern Gulf Islands in the North San Juans. In fact, our fishing locations in the Salish Sea lie in the current shipping lanes that cut past Pender, out past Victoria and Port Renfrew on their way out to the open ocean.

9723. Over the past few days, you've been introduced to the reef net, the SXOLE. You were told about how our ancestors used to fish for Sockeye. You've been educated on the relationship between the W̱SÁNEĆ people and the fish.

9724. By now, you know that they are our brothers and our sisters, and their lineages are just as important and as sacred as the lineage that I come from.

9725. You are now aware that this relationship was critical to maintaining a long-term relationship with the fish. A good relationship was necessary to ensure the returns were lucrative on an annual basis. Decisions that were made this summer had major impacts on our future profits.

9726. I was only really introduced to reef netting earlier this year. I was looking for some content to deliver to the Association of Biology Professionals, ironically, in this very room directly after Mr. Ian Anderson, who's the CEO of the Trans Mountain Project.

9727. I was presenting to the Association of Biology Professionals in April, and the reef net fit perfectly into their theme, which was looking back to build the future. And I was part of a group this past spring that initiated the first reef net fishery led by the Saanich people in nearly 100 years.

9728. We fished the inlets and the bays in front of our village sites, but as described so beautifully by my Uncle John yesterday, in the summer, we worked the currents, the ocean rivers that carried the Sockeye through our islands to the mighty Fraser.

9729. By now, you have a decent understanding of the importance of that fishery. You will know that the Strait Salish people were governed by the traditions, the practices and rituals of the reef net.

9730. When I was first introduced, I was fascinated by the technology, and the conservation values of the fishing technique gripped me. The whole system appeared to be as applicable today as it was for hundreds of years, for thousands of years.

9731. The respect for the lineages that passed by our nets ensured success in future years. The reef net and its governance system represent perfectly the value of sustainable resource extraction.

9732. It's wrong-headed to assume that the Strait Salish reef netters were just subsistence fishermen. Fishing is a commercial activity. Fishermen caught and preserved food -- preserved for food, but fishing as formerly includes commerce.

9733. There is likely a very long and torturous conversation with the federal government about the cost of decades of lost access to the salmon that were guaranteed -- that was guaranteed by the Douglas Treaty, but I'm sitting here today because of a current right, a modern interest.

9734. I am directly affected because I am part of the Douglas Treaty and the route of shipping traffic is directly over the places that we fish. Traditions of then are the traditions of today.

9735. We have learned from the Saanich Inlet that if you are not careful in understanding the complex interactions with nature that we can lose those valuable natural resources and the economy that thrives when things are in balance.

9736. Should Kinder Morgan's perfect record be broken and a disastrous event involving diluted bitumen occur, it is quite likely our fishing locations, the locations that no one can do anything to impede us from practising our right to fish as formerly, will be impeded.

9737. These are not traditions of yesteryear. These are not past-tense rights. They are reserved for this presentation as oral traditional evidence, but they must be seen and acknowledged as current, as modern, contemporary. In other words, these are not traditions that used to exist. They are alive and well in our communities.

9738. Reef net fishing is not what we did. Reef net fishing is what we do.

9739. In my application to you, I outlined three of the 12 issues set out by the National Energy Board that were used to determine if I was directly affected. You accepted my application, and you gave me full intervenor status.

9740. In my application, in less than 500 words, I argued that fishing is an Aboriginal interest and I suggested that the potential environmental and socioeconomic effects of marine shipping activities that would result from the proposed project, including the potential effects of accidents or malfunctions that may occur, would negatively impact those fishing rights.

9741. Finally, I stated that my commercial interests are directly affected. Frankly, I'm shocked that I made it to this table. With so many others turned away at the gates and despite the fact that Saanich is well-represented by three of the four communities, I find it fascinating that I made it through your gauntlet.

9742. I've been very -- it has been clearly articulated to you that the Saanich people have a Treaty, that Judges have confirmed it to be a Treaty, and it has been effectively used to protect our relatives who are practising their rights.

9743. Our Elders have spoken to you, but I am just a young man who is on a journey of discovery, finding out who I am and where I come from. Yesterday, we heard each of our speakers talk about the charge that we have been given by our Creator, by the Great Spirit to look after this place.

9744. When my Grandma Laura, my Uncle John’s aunt, to make the connection, was looking down at her confused, mixed-blooded grandson, me, she

knew she had to give me a job. My grandmother told me it was my job to protect this place and it was my job to share that responsibility past my relatives, to share it with you, to share it with everybody in Saanich.

9745. That's exactly what I have done. Over the past months, I've been asked to open events, to place the event, you know, whatever it is, in the territory to welcome people, to bless the event. When I have this opportunity, I tell everyone that they have the same responsibility as me, the same responsibility that was articulated to you yesterday.

9746. You now share the responsibility that the Great Spirit gave us, to protect W̱SÁNEĆ. I say to the people, if you are going to live here and, in fact, even if you're going to visit here, then you are responsible for protecting this place.

9747. As a citizen and a former District Councillor, everything I do is in service to the protection of that territory. I've taken and applied that message to even a greater territory as the leader of a provincial political party here in British Columbia. No matter the area, no matter the location or the territory, I practise the same approach.

9748. I'm certain that our treaty will receive some extra special attention. It can't be swept under the rug any longer. It has to be addressed.

9749. Those fishing rights pose a major threat to your current operations, never mind the future expansion of the proposed Trans Mountain pipeline. Those fishing rights are relatively untested in Court, and with recent Court rulings, I am curious as to what they would determine if they were ever asked certain questions.

9750. I think the simplest case for me was to make that my fishing right constituted an Aboriginal interest. Pretty straightforward.

9751. Since your Board identified marine transportation and the potential impact of a spill into the discussion, having shipping lanes go directly through our fishing locations, directly over top of our fishing locations, directly past the place that we need to travel to get to our fishing locations, those places that cannot be impeded by anybody, the case for concern in this activity is also pretty straightforward.

9752. What I do not think can be mitigated because that's what really this is

all about, mitigating -- mitigating every single little thing, as I said before, independently. What cannot be mitigated by you, the Board or Trans Mountain at this time is the relationship between the Government of Canada, the representative of that empire that signed the treaty, and the Douglas Treaty people.

9753. Certainly the government has continued carrying on business as usual, ignoring the treaty and why not, eh? It's gone unchallenged, until now, that is. Now that Trans Mountain has made an application and the discussion about shipping diluted bitumen through the Salish Sea is on the table, now we can address the whole thing.

9754. You know, my colleague, Andrew Weaver -- Dr. Andrew Weaver, MLA for Big Gordon Head, the only British Columbian who's in your process, has been focussing heavily on the marine transportation. He's already exposed some of the serious concerns coastal British Columbians should have on the weak information provided by the Applicant and the weak responses that he has received to his questions.

9755. I have heard you, Mr. Chairman, state in clear terms that this Board is not partial to one outcome or another, but frankly, it's hard to believe with the quality of some of the answers that intervenors have received. It is an important question, whether this Panel that I present to today has the courage, the courage to go against the grain, the courage to stand in front of this massive oil company and the courage to stand against the wishes of your taskmasters in Ottawa and say no.

9756. From my understanding, you would be the first. From my understanding, you would be breaking out of decades of precedent. So I have to understand -- so you have to understand the extreme skepticism that I have when you say that all the options are open and that you have all outcomes at your disposal.

9757. That is what you told my sister and my Elders. That is what you said to them, but history is not on that side. Experience is that this business is a foregone conclusion, that you are going to entertain me here today, witness me spill my guts, console me and reassure me and then, in a few months, I predict you will offer your recommendation with a conditional yes.

9758. See, my chips are in. All my chips are on the table. That's the way I play poker; everything in. Let's go. I put everything on that outcome and I dare

you to make me a poor man.

9759. It is a perfect antidote for sleepless nights, you know, the consternation that either decision will cause is to hand the decision over to the government, to hang the yoke, the burden, on their necks. Needless to say, a spill of dilbit in our fishing grounds would devastate our way of life.

9760. The result would be the same as the result in Saanich Inlet. Both cases are man-made catastrophes that could have been averted had we used a real accounting of the true costs and benefits economically because I'm interested in economically too, socially, because I'm interested in the people, too, culturally, because I want to know where I came from and who I am, and of course, environmentally, because that little girl you saw yesterday needs a place to live.

9761. Since you accepted me as an intervenor, there is an acknowledgement, at least somewhat of an acknowledgement, that what I submitted was true. It has to be tested just like everything else, but you have validated it.

9762. It seems like every issue in this process can be mitigated, but I question whether or not the NEB has the authority to override the Douglas Treaty; to simply overlook the treaty and make recommendations that violate the treaty or constitute an infringement of it. These are all interesting questions that will be very expensive and time consuming to answer, but if this project is to proceed, we will need answers.

9763. I'm not sure that this Board can determine the fate of my or our fishing rights. I'm not sure that you have the authority in this matter. Certainly you have been shown to have jurisdiction over municipal by-laws, but according to the Judge in the *Saanichton Bay Marina* case, the provincial government has no authority to derogate our fishing rights. Does the federal government?

9764. And if they do, have they explicitly given you the authority to make a recommendation in light of these unique conditions, the Douglas Treaty? If you do have the authority, if the federal government -- has the federal government consulted with the Douglas Treaty First Nations and notified them that the NEB would be acting on its behalf in this matter?

9765. Of course, these are all questions that I don't expect an answer to today, but it needs to be out there. It's got to be on the table.

9766. Some of the lawyers that I talked to were curious about these questions themselves, curious about the potential answers that could come and intrigued by how you will proceed.

9767. See, Trans Mountain's opened this can of worms with this application and it's kind of like that homeowner that buys a home that's legally non-conforming. Illegal work has been done on the house and now the new homeowner wants to build an addition. In order to gain approval for the entire project, the entire home needs to be conforming to the municipal by-law. All previous work, no matter who did it, needs to be permitted and inspected.

9768. Trans Mountain may be delivering oil to the coast and they may be responsible for loading it on to a supertanker. Over the years, though, sweet crude, "oh, sweet crude" -- that's not part of my script -- evolved to diluted bitumen, and now a much more toxic, a more dangerous substance is being transported. No one ever said anything. The operation is like that legally non-conforming house.

9769. Now that they want to expand their operation and are forced into this environmental assessment, they should have to open their books on the current operation as well. Now heavy oil transport on the West Coast, I think, is a valid discussion. In a sense, they provided a forum for a discussion for the whole operation, not just its new parts.

9770. What's interesting about this is that Trans Mountain says in its advertising that it's been operating for 60 years -- safely for 60 years. Perhaps a question to ask at a later date would be to whether or not they undertook the appropriate consultations at that time because the Douglas Treaty was signed in 1852.

9771. To be clear, when you get to the Saanich territory, you're dealing with an entirely new scenario. This will be the first time that you'll be dealing with a treaty with this kind of extensive rights, a treaty that is possibly outside of your control, not an issue that you can resolve, not something that you have the power to mitigate.

9772. In a sense, this process has awoken a spirit. You saw it yesterday. It's given us an avenue to develop our arguments, to establish a foundation that I'm doing today, a foundation for a much deeper discussion. The way things unfolded here in the Salish Sea is not right. You are by no means responsible, but you, like

me, are caught in a decades-old battle over natural resources and who controls them.

9773. I support the words that have been shared by my Elders here. They have done an amazing job of confirming our place in this process with their stories of who we are and where we come from. They have explained in detail how a spill of diluted bitumen would destroy our way of life and impede our access to our right to fish. And here again, I'm going to take a minute to stress the point that nobody can impede that right to fish. They painted a picture with their words. They talked about the devastation that a spill would cause.

9774. For a just a few moments, I will reflect on Issue No. 3, commercial interests. This is an interesting case all of its own.

9775. Recently, the Nuu-chah-nulth won the right to sell their fish. There's a whole sub-narrative that runs about First Nations and their fish. There are stringent rules that we can't sell our fish. We're only allowed to fish if we're going to eat them.

9776. This is the sub-narrative that hit a nerve with First Nations in British Columbia when it was reported that Trans Mountain lawyers were asking how many fish does a First Nation in B.C. actually eat? More on this in a minute.

9777. As a result of First Nations not being able to sell our fish, of course, it turns into a black market. There are whisper stories of First Nations who don't eat their fish; instead, they sell them.

9778. I recognize a lot of this is out of your scope, but it's all information that is critical to this application, see, because I have commercial rights. The Saanich people have commercial fishing rights in the Salish Sea. We've had those rights forever, but they were affirmed by a treaty in 1852 with the predecessor of our federal government.

9779. Those shipping routes are in direct conflict with the fishing grounds. A spill would likely, if not definitely, negatively impact all of the fishing locations throughout the Salish Sea.

9780. I think there's a conflict of commercial interests here. It needs to be resolved, especially considering that these operations have been ongoing for more than 60 years and it does not appear that there was much, if not any, consultation

process.

9781. See, I'm speculating a lot about our commercial interests because we've always actively traded salmon. It's in the history books. We traded them for blankets, other foodstuffs, money. We traded them for money. That's selling them.

9782. In doing my research on this presentation, I read about Governor James Douglas' brisk salmon trade. See, Douglas sold salmon by the barrel, which is ironic because, just as the Salish Sea was home to an amazing trade of barrels of salmon in the late 1840s, today, we're talking about a much more sinister product that we also sell by the barrel.

9783. I learned from Douglas that in the final year of the decade, the 1840s, the number of barrels he purchased from my ancestors and shipped east steadily increased. The price per barrel was even more attractive to Douglas and friends.

9784. In 1845, he was buying a barrel of salted salmon for four bucks and he was selling it for ten. By 1851, the price of a barrel of salmon was driven up to $15. This was all pre-treaty.

9785. Just as the fur trade depended on a good relationship with indigenous peoples, Douglas was able to maintain a strong economic relationship with his provisioners and an even stronger market for his product. And if you read a little bit more behind the scenes, you'd find out that those relationships were absolutely necessary. If those relationships were not mutual, well, it's -- let's put it this way; it's unlikely you'd see what you see around you today had those relationships not initially started off as strong economic relationships.

9786. You know, and on the other side of the relationship, the stories suggest that Coast Salish, my ancestors, were pretty darn good at doing business as well. See, our ancestors knew how to drive a hard bargain. This was a natural trading place. First Nations from all over the coast used to come here to trade.

9787. Due to our strong negotiating, local First Nations demanded higher quality blankets. We only wanted the best. And Douglas had to then send out his message to his people that they were no longer to trade high quality blankets to the Americans. All the Americans got were the garbage blankets because he couldn't get the fish he needed from the local First Nations people if he was trying to trade the low quality blankets.

9788. This is business. This is economics. This isn't really environmental; this is business. We were engaged in business. We have a history of selling fish.

9789. It's not much different from what we're talking about today, really, is it, except pre-treaty the First Nations people were part of the resource extraction. Now we are completely cut off from our resource. Our relationship has been interrupted. In the early 1900s, the government actually made it illegal for us to sell our fish. I guess that's what you do to competition that's just so darn good at what they do.

9790. So this is the reason why First Nations can't sell fish. When we were needed to sell fish, it was allowed, but once the colony had dominated the fish, they ignored the treaty that allows us to fish as formerly, that allows us to fish just like in the heyday, the good old days of 1848 when we had a vibrant business relationship. I guess it could be viewed as a kind of unfriendly takeover, an acquisition, but it wasn't.

9791. As a result, the W̱SÁNEĆ people still have these incredible fishing rights that cannot be impeded. Those ancient rights that we inherited, that were affirmed by the rights in the Treaty, create a massive conflict, not only to the Trans Mountain expansion, but all current shipping of heavy oil that exists in our fishing grounds.

9792. This mess needs to be cleaned up, and it needs to be cleaned up before another ship loaded with diluted bitumen passes through the Salish Sea, before we need a clean-up of another type, with all the liabilities. I do not want these liabilities to be passed on to all Canadians if we can avoid them from existing in the first place. Canadians will already be shouldering the brunt of a toxic clean-up.

9793. I'm not sure how the Proponent, the NEB, the government, and Douglas Treaty First Nations are going to handle our commercial fishing rights. I'm not sure how this will be resolved.

9794. In terms of how this process handles the commercial rights of the Douglas Treaty First Nations, it most certainly needs to be quantified, though. I would have attempted to quantify this aspect of my application had I received participant funding.

9795. I'll only speak very briefly on this issue; very, very briefly on this issue of participant funding. It is part of the historical record, of course, so I think it's relevant to how this process and this application is directly affecting me.

9796. My sister and I applied for participant funding. You'd have had a more fulsome argument from me had I been given access to that program. Unfortunately, I was turned down because my application was sufficiently similar to Tsartlip First Nations' funding application.

9797. Despite being accepted as a full intervenor separate from my community, my application was denied.

9798. The NEB put out a second call for funds -- for application. As you can imagine, not even the words, not even in this oral testimony can I explain to you the frustration when I was informed that I'd have to apply again, that you wouldn't simply review my initial application that was associated with my 500-word letter describing to you how I am directly affected. I'm not sure how many different ways I can write that.

9799. Nonetheless, commercial fishing rights is one area that you and the Proponent would have been significantly more informed had I had more resources. I do not have access to endless amounts of money or time these days. I do not have the ability to apply a tax on a barrel of salmon to fund my intervention on their behalf.

9800. I understand I cannot offer any recommendations to this process, but I have to draw your attention to this gaping hole in the information that we do not have, because it's certainly an area of interest.

9801. In our journey today, I've shared with you my relationship to this territory. I've been -- we have been introduced to glimpses of the experience of my Dad and my Grandpa. You have heard about my relationship with the salmon, the Sockeye.

9802. You should know that when my wife and I were picking a design for our wedding bands, we each picked an animal. When I got to about Royal Oak this morning, I realized that I left the ring on the night stand, which is not going to be well for me later, but anyway.

9803. She picked a wolf; I picked a salmon. When I was designing my

sweater; two salmon, one wolf. Both of these animals represent powerful symbols of who I am. They represent powerful symbols of who my children are. My son's name is Silas Wolf.

9804. I've always related closely to the salmon, drawn to them. As my last summer unfolded, I began to learn why. I was born into an ancient relationship, a deep connection to the cycles of the seasons that you learn to smell so sweet.

9805. I am part of this process because of these connections. Just like I was drawn to the salmon, I was drawn to this for the same reason. It is the deep concern for the Salish Sea, for the lineages of the Sockeye that continue to pass by our reef nets on their way to the mighty Fraser so they can replenish the people of the river and all the flora and fauna of British Columbia.

9806. So I followed this process with growing concern. As an intervenor, I'm not well-resourced, as I explained, but I did find a creative way to express to you this connection; social media.

9807. Certainly you're all familiar with the power of Facebook and Twitter. Trans Mountain and I were Tweeting at each other yesterday. If it's harnessed properly, you can achieve amazing results.

9808. On October 18th, the "Vancouver Observer" published an article titled, "Kinder Morgan Questions How Much B.C. First Nations Still Eat Fish." As I found out later, the line of questioning highlighted in the story may have been misinterpreted. I acknowledge that.

9809. Nonetheless, I brewed over it for a few hours. I doubt the Trans Mountain lawyers have any real understanding of the sensitivity around the question of what First Nations people actually do with their fish. You might not know about the nerve that was touched because, like I said earlier, that whole discussion is quietly whispered around our neighbourhoods.

9810. There's the negative sentiment around First Nations and their food fish. There are many conflicts between commercial fishermen and First Nations; those are often in the news.

9811. Dominating the fish resources requires us to walk a really tight rope. On one hands, First Nations have to be appeased because questions raised by, say, the Douglas Treaty peoples could be devastating to the status quo. On the --

excuse me. On the other hand, commercial fishermen have been able to -- have to be able to access the fish in order to get product to market because the First Nations, there's no market for their fish. It's illegal.

9812. Aboriginal food fisheries are regulated, First Nations only allowed to fish if they're going to eat it. They're not allowed to sell fish, like I said earlier. But as the Department of Fisheries knows well, First Nations sell their fish, some of them, but we also learned what the other amazing wonderful things that they do with them as well.

9813. So when a question was asked that could be misconstrued as questioning what relationship between First Nations and fish really looks like and when we read -- when we, First Nations, read between the lines and make some assumptions, you can imagine our emotions and our tensions grow. It's the same story that's been going on for over 100 years.

9814. Trans Mountain or the NEB may never consider the constant cloud that hangs over First Nations and their relationship to the salmon when neither of you really have a good understanding and are seeking information to provide a clearer picture to inform your base of knowledge. But three amazing days in October will help you on your quest.

9815. Following that article, I Tweeted at Trans Mountain. If we can roll forward here, I think we're going to get to -- that's just my smokehouse. Doesn't it look delicious?

9816. Next one, please.

9817. So I Tweeted at Trans Mountain and the NEB. I said, "We eat many, many fish." That's what I said.

9818. After that Tweet, my mind was churning and I decided I should sleep on it. It's never good to just keep Tweeting and Tweeting and Tweeting stuff. Bad stuff happens.

9819. The next morning, when I was pouring my morning coffee, I looked out over the back yard toward our outdoor kitchen. It consists of a sink, a cob oven, and a smokehouse. It's an awesome place to raise kids.

9820. My brother-in-law, Nick, was out there stoking the fire of the

smokehouse, so I wandered out there with my coffee. The doors were closed, but when I got to them, I opened them up and, lo and behold, in front of me there was racks of beautifully-smoked Sockeye salmon.

9821. Naturally, I snapped a photo of this gorgeous sight and quickly prepared another Tweet for Trans Mountain and the NEB. This time, with a photo of the smokehouse -- you can roll forward one more time here.

9822. I wanted to show you what we did with our fish. I wanted to tell you about my deep freeze.

9823. As I hit Tweet, another thought crossed my mind. If I'm so proud of my salmon, if we're so tight, I wonder how many others take photos of their fish.

9824. It was a sleepy Sunday morning on the property, everyone was still out except for Nick and I. I sat down in my living room, turned on Sunday NFL Countdown because I needed to set my fantasy football; I needed to figure out who was on the injured reserve and who was available to play.

9825. I fired up my computer like I do every Sunday morning to get through some emails. When I checked Facebook, another brilliant idea crossed my mind. "Let's show them," I thought. So I made that post on my politician page asking my First Nations relatives to share their photos with me.

9826. No matter everything I can tell you about our relationship with salmon, you have to see it for your own eyes. You have to feel it. It has to move you.

9827. I don't know how much movement has been made this morning, but when I see the response from First Nations people from across the province, I hope you'll have a deeper understanding about the extent of our interaction, the complexity of our relationship, and the craftsmanship in harvesting, processing, and consumption. Through this, you will see the depth of my connection.

9828. After hitting "post" on Facebook, I quickly received the first few responses, and it was at that time that I first realized the Pandora's Box that I had just opened. As it turns out, for the next three days, I was collecting and processing hundreds of photos, engaging dozens of First Nations people all across British Columbia.

9829. It only took about an hour for me to realize that I needed a more

efficient process for collecting the photos, so I set up a Facebook page called, "Show Kinder Morgan Your Food Fish". And I invited just five well-connected First Nations people to the group.

9830. By now, I was in full scramble mode. When Doug White shared it with his network, that's when I really got in the weeds.

9831. As I'm sure your research people have informed you, I'm very active on social media. As the interim leader of the B.C. Greens, I've built a decent profile and have moderate interactivity on my accounts.

9832. This was the first real content that I created that kind of went viral. Certainly I was encouraging participation, so it wasn't entirely self-generated because I shared the content on other groups, networks -- and networks. But this was an organic response. I paid for none of this.

9833. As a result, the original post has over 32,000 organic views. It's been shared over 500 times. And it received dozens of comments. I've got seven pages of comments explaining how people -- you'll get it, how people interact with the fish.

9834. You know, what's amazing about this post is just that it's not a blooper reel. You know, it wasn't some kind of funny joke or scantily-clad person that attracted this kind of viewership. This was a very narrow, seemingly small community. As I found out, not so much.

9835. My relatives responded with amazing outpouring, pictures that were flowing from peoples from the north coast, the south coast, and the people of the rivers. I was inundated with photos of all different ways we harvest fish, process fish, and prepare fish for eating.

9836. I have pictures of kids with fish, kids kissing fish, pictures of adults kissing fish, Elders teaching kids how to fillet and prepare fish for preservation. You will see all the pictures. I'll submit them to you as evidence and you'll have the joy of witnessing the relationship between First Nations people and the salmon. And this is just the salmon.

9837. As my Uncle John spoke yesterday, the relationship with seafood is way broad compared to this very narrow little exercise that I undertook.

9838. This project is not about quantifying how much salmon we eat like some had thought was a danger. As some expected, this was going to be some kind of counting exercise by the NEB or Kinder Morgan so that the government could then limit the number of salmon that we need or want.

9839. This project was an expression of love. These photos represent just another aspect of how we interact. Anthropologists, and potentially some apologists, want to dig through these photos; they'll be able to learn so much about the relationship that we have been talking about today. Hopefully, you'll also learn about this relationship.

9840. This social media project has grown -- shown me the skill and mastery that First Nations people in British Columbia have developed. You'll be amazed by the workmanship of filleting fish, drying fish, smoking fish, canning fish, and freezing fish.

9841. It is said that a picture is worth 1,000 words. I'm going to submit you 1,068 photos. You have many words to get through.

9842. But in respect to this testimony today, I provided just a background of the photo response, a short PowerPoint presentation. We'll just scroll through them quickly, if we may, and just highlight for you what this -- what it did, okay.

9843. So there's the Facebook group that I started up. Move to the next one.

9844. There's the story that inspired social media.

9845. So I just want to say that even though I asked on that Facebook group for my relatives to show Kinder Morgan their food fish, the more it went on, the more I understood that it was less about showing Kinder Morgan the food fish and showing you. I wanted you guys to see our food fish.

9846. Go on to the next one, please.

9847. I received 1,068 photos from 188 people from every region of British Columbia. And when I submit to you, I will give you much fuller stats so you can see that this represents virtually every fish-consuming First Nation in the province.

9848. There was an analysis done on 866 of the photos. This is what I

found.

9849. That's a big stack of fish. A hundred and sixty-six (166) photos were taken with -- in people's houses; 143 of the photos were taken of people working with their fish outside of their houses. A hundred and five (105) photos were sent to me inside smokehouses.

9850. Sorry.

--- (A short pause/Courte pause)

9851. **MR. OLSEN:** A hundred and eighty-six (186) photos were shared with me from the source; amazing photos of people hanging off the banks of the Fraser fishing.

9852. A hundred and twenty-nine (129) photos were pictures of people eating and cooking fish. Has anybody had fish-head soup? Doesn't that look delicious?

9853. Next one. Two hundred and fifty-two (252) photos of preservation and preparation.

9854. Two hundred and six (206) photos of preservation, smoking, and drying. As you can see, this champion of drying salmon is quite proud of his display.

9855. A hundred and seventeen (117) photos of preservation by jar. You'll receive a photo of somebody's amazing pantry that is stocked with more fish than you could ever imagine.

9856. Twenty-one (21) photos of preservation by freezing.

9857. A hundred and forty-five (145) photos just like this of people harvesting fish.

9858. Nineteen (19) photos of cultural and -- cultural or performance. These are the Kwantlen people. These are the people that inspired the question that started this whole thing.

9859. Thirty-five (35) photos of just fish.

9860. Ninety-three (93) photos of male youths working with fish. Look at that young man working away at the fish.

9861. Ninety (90) photos of female youths. Look at that. If only she could get her gloves on right.

9862. A hundred and eighty (180) photos of adult males rocking out with fish, and 128 photos of adult females with fish. And what I'll say about this is, as I was looking through each one of those photos, I found two things that I'm just going to highlight separate of this.

9863. One, most of the women were working with fish in terms of preserving them and preparing them to feed their families. Most of the men that are with fish, they're with huge fish and they're rocking out with the fish. That's trophies. That's all the men seem to care about in this collection of photos.

9864. But anyway, the women in the photos were a lot more about feeding. The men were catching them, but they were so proud.

9865. So you will receive that photo collection at a later date sometime down the road once I get a chance to pull out some more of the stats for you. And I hope you take a few minutes, I hope you take the full time that you need to go through each one of them, because it's not about each photo individually, it's about the volume, the outpouring, the volume of the content.

9866. In conclusion, I'm honoured to have this opportunity. Despite all the shortcomings of this process, despite the lack of consultation, the cynicism and frustration for this process that we see playing out on Burnaby Mountain, I'm proud to have been accepted as an intervenor and have an opportunity to present to you today.

9867. I'm not an activist like you see on Burnaby Mountain, but I have great -- and I have great respect for them. I am an activist like you see today. I believe there is equally important work to be done in the legislature and the House of Commons. I believe that my work is best done here in the halls -- and in the halls of government. So you can rest assured that I will participate in every one of these processes in which I am directly affected.

9868. Even though I know very little, what I don't know is what we should

be focusing on today. What can I learn? It is my desire to learn more about who I am and where I come from and that we have rights that cannot be overlooked or ignored. Whether they are inherent Aboriginal rights or Douglas Treaty rights, when you get to the Salish Sea and Dilbit Alley you open up a discussion about shipping heavy oil, or whatever you want to call it today.

9869. To the fishing grounds of the W̱SÁNEĆ people and of our relatives across the American side in Lummi, you begin to open a can of worms that I'm certain makes government lawyers cringe.

9870. I think my relatives and I are only just getting started here. Some may not want to address the Douglas Treaty because we had much more expansive rights long before James Douglas came along. We have a complex governance system that existed here for millennia.

9871. Even if you don't believe that, and you try to sum up what you hear, like the provincial court Judge in my Dad's hunting case, I mean, if you want to justify your decisions and the information you get in these hearings is just a bunch of savage talk, let's focus on the words of James Douglas. We are a contract-driven society. In order for a lot of this work to be -- we need contracts. Sorry, this isn't James Douglas. We'll get to James Douglas in a second. This is me.

9872. We need to get -- we need contracts to get the oil out of the ground. We need contracts to pipe it to the coast; contracts to ship it through my shipping grounds, contracts with other governments to welcome the ships on the other end; contracts to process it; and eventually contracts for us -- for them to ship it back to us in the form of products. And finally, we need a contract, the contract that we make when we exchange some of our hard earned money to purchase it.

9873. If you look -- overlook all of our inherent rights that existed prior to James Douglas that still exist today, do not overlook the contract made by the W̱SÁNEĆ people in 1852. Remember the words of James Douglas:

> *"I informed the Natives that they would not be disturbed in the possession of their village sites and enclosed fields, which are of small extent, and […] they [are] at liberty to hunt over the unoccupied lands, and to carry on their Fisheries with the same freedom as when they were the sole occupants of [this] country."*

9874. Thank you.

--- (Applause/Applaudissements)

9875. **THE CHAIRMAN:** Thank you, Mr. Olsen.

9876. As you indicated, you would be prepared to answer questions of clarification orally and then in writing if possible.

9877. I'll offer that first to Trans Mountain, Ms. Oleniuk, on that opportunity, and any other intervenor.

9878. **MS. OLENIUK:** Thank you, Chair.

9879. On behalf of Trans Mountain I'd just like to thank Mr. Olsen for his presentation today, and we have no questions at this time.

9880. **THE CHAIRMAN:** The Panel don't have any questions for clarification, Mr. Olsen.

9881. And I would like to thank you and acknowledge your presence today and bringing that -- your stories but also you're bringing a visual picture of your journey but also the journeys of you, of Brentwood Bay and of the Saanich Inlet to us today and to this Panel. And I have the fortunate of living on the peninsula, so I have a little bit of that, but you've brought more for that, and I appreciate you bringing that to my colleagues as we go through this, this journey that we are on in this application.

9882. And I acknowledge and I am hoping that all of my words are equally appreciated by you that this Panel will do its best to -- and taking everything into consideration, the voices that we've heard up to now, what we will continue to hear in the months, I would say, that are ahead of us. We're no near -- not near the end of our journey yet on this application, but I hope that you will believe that we will have heard the voices, we will listen to many more, and we will take everything into consideration as we journey on whether we will recommend approval, or not, of this project going forward.

9883. So with that, again I thank you for your time today, and I acknowledge your brief voices of your children that I heard that are with us today, and I thank them for coming with you today.

9884. So with that, we're adjourned and we will reconvene at 1:30 for the rest of the hearing.

9885. Thank you.

--- (Upon adjourning at 10:37 a.m./L'audience est suspendue à 10h37
--- Upon resuming at 1:42 p.m./L'audience est reprise à 13h42

9886. **THE CHAIRMAN:** Good afternoon. And I would like to acknowledge that this hearing is being held on the territory of the Coast Salish people, and with that I welcome you to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project.

9887. My name is David Hamilton; I am the Chair of the Panel. With me is Alison Scott; and on my right is Phil Davies.

9888. We want to again welcome you, everyone who is here in the hearing room today and those who are listening through our Webcast. We will sit until 4:30 today so please feel free to take -- indicate any breaks you would like to take throughout this afternoon as you are making your presentation. We will be happy to accommodate you.

9889. The Board understands that the Stz'uminus First Nation have an oral tradition for sharing knowledge for generation to generation, and this information cannot always be adequately shared in writing.

9890. The Board recommends those providing oral traditional evidence focus on their community's interests and rights. These hearings are not to hear evidence that will be filed subsequently in writing including technical and scientific information, opinions or views, 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 other participants.

9891. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. If you wish to share any concerns about the impacts the proposed project may have on you and your community and how any impacts can be eliminated or reduced, that would be also helpful to us.

9892. This is the type of information we're here to listen to and we will use this information that we gather today, along with all the other available information, in considering the possible effects of the proposed project.

9893. We appreciate that you have chosen to be here today. And before providing your oral traditional evidence, presenters will be asked to affirm or -- swear or affirm that the information they're presenting is accurate and truthful, to the best of your knowledge and belief.

9894. With that I believe we are ready to get underway and before you make your presentation, I'd like to ask the representatives of the Proponent, Trans Mountain, to introduce themselves.

9895. **MS. OLENIUK:** Thank you, Mr. Chair.

9896. Good afternoon to the Panel and good afternoon also to the representatives from Stz'uminus. My name is Terri-Lee Oleniuk and I'm counsel to Trans Mountain, along with my colleague to my left, Heather Weberg; and to my right is Annie Korver, and she's a member of Trans Mountain's Aboriginal engagement team.

9897. Good afternoon.

9898. **THE CHAIRMAN:** Perhaps then we could turn up the volume a little bit so that Kwul'lh'uts'tun can hear us. So perhaps -- it's important that you hear us, but it's important that we also hear you as well.

9899. Ms. Oleniuk, please, again.

9900. **MS. OLENIUK:** I'll try this one more time. I can speak loud if I try.

9901. So my name is Terri-Lee Oleniuk and I'm legal counsel to Trans Mountain, along with my colleague to my left, Heather Weberg; and to my right is Annie Korver, and she's with Trans Mountain's Aboriginal engagement team.

9902. **THE CHAIRMAN:** Thank you.

9903. With that Kwul'lh'uts'tun, we'll have you affirmed, and then I understand you would like to open with a song and a prayer. So we'll have you affirmed first and then we will receive your song and prayer. Thank you.

WILLIE SEYMOUR: Affirmed

9904. **MR. WILLIE SEYMOUR:** The song I'm going to sing is a song from my late grandfathers.

(Opening song)

9905. **THE CHAIRMAN:** Ms. Skeels, I understand you'll take us through the -- thank you.

9906. **MS. SKEELS:** Legal counsel for the Stz'uminus First Nation. Sitting here with me, I have Kwul'lh'uts'tun; his English name is Willie Seymour; and to his left, Councillor Terry Sampson. Kwul'lh'uts'tun will be testifying today. Councillor Terry Sampson is here for support and to witness.

9907. I have a few opening comments to make before we get on to Kwul'lh'uts'tun's testimony.

9908. Stz'uminus intervenes in this process as they have some very serious concerns about the impact this project will have on their rights and title interests and their way of life, their health and their future should it go ahead.

9909. The Stz'uminus are Hulq'umi'num-speaking people. They're part of a larger group describes by linguists and ethnographers as Coast Salish. As you will hear in greater detail shortly, their core territory is on Vancouver Island centred on an area north of here near the towns of Ladysmith and Chemainus. It stretches across Georgia Strait to the Fraser River.

9910. In 1993 they joined with five other First Nations to engage in the B.C. treaty process as the Hulq'umi'num Treaty Group. We provided a slide showing the area with the Statement of Intent map filed by the Hulq'umi'num Treaty Group within that process, and the witness will be referring to that in a moment. Yes, that's it there.

9911. Stz'uminus welcomes the opportunity to give evidence today. Before we begin, I'd like to make some comments about the process and some concerns that my clients have and I understand they share with a number of the other First Nations intervenors.

9912. First, my client is disappointed and troubled by the Crown's reliance on this process to fulfill its duty to consult. This process was unilaterally developed without consultation with the Stz'uminus or other First Nations whose interests are impacted by the proposed project.

9913. Further, as a quasi-judicial body, the National Energy Board can't consult Stz'uminus or other First Nations or accommodate their concerns.

9914. Second, Stz'uminus has not received a funding decision from the NEB Participant Funding Program today. As a result, Stz'uminus has not had the resources to properly review the lengthy and complex application or to properly prepare their evidence today.

9915. It's inappropriate that the NEB process is continuing without ensuring that First Nations have the resources they need to participate fully.

9916. Despite the lack of funding, Stz'uminus has used its own resources to prepare a presentation for you today. This is not nearly as extensive as it should be and this is connected to my client's third concern; three hours is not long enough for them to properly articulate their interests and describe the impacts this project would potentially have on them.

9917. Nonetheless, we prepared a presentation for you today within these limitations, and the witness will do his best to share with you what he can within the constraints imposed by limited funding and preparation time.

9918. Are we okay? Okay.

9919. Finally, Stz'uminus is concerned about the timing of the oral evidence. Oral evidence is proceeding without Trans Mountain having filed all of its evidence and without intervenors having an opportunity to file theirs. My clients need all of this information to be able to fully articulate how the project will impact their interests and rights. Having the oral evidence heard at this time is, as such, prejudicial.

9920. With that said, Kwul'lh'uts'tun, whose English name is Willie Seymour, will be presenting evidence to you today. He has other names, some of which he will share with you.

9921. Before Kwul'lh'uts'tun gets started with his testimony, there is one further matter that I wish to bring to the Board's attention. We're really very, very fortunate to have this man with us here today. He shared with me in preparing for this testimony that he spent five weeks in a coma last year.

9922. As you'll see, the experience has done nothing to dull his recollection of the stories and information that he's going to share with us here, but he's indicated to me that it has had some impacts and he sometimes requires assistance in remembering where he is and what he's saying, and he's asked for my assistance in keeping him on track with some of his comments today.

9923. I've given him a short outline to sort of help keep him on track and I beg your indulgence if I need to do that in a way that's not typical of a lawyer in these sorts of examinations.

9924. He's happy to provide any clarifications that may be requested, but we'd ask that any further questions be dealt with through the information request process.

9925. And I'd just reiterate to the witness that if you need a break at any time, please let us know, and if any of my questions are unclear, please let me know and I'll seek to clarify them for you.

9926. And with that, I'd like to ask you to introduce yourself.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. WILLIE SEYMOUR:

9927. **MR. WILLIE SEYMOUR:** Okay, hwichka; thank you.

9928. Good afternoon, everyone. My name is Kwul'lh'uts'tun, a name from my grandfather. And I was raised by grandparents, my mother's parents, Shenas'itslen (ph) and Luklewk in Kulleet Bay.

9929. My early years I could only speak Hulq'umi'num, and a lot of traveling to many communities and sitting with Elders and hearing the stories -- our ancestral stories. I was born right on the Reserve in Kulleet Bay and was raised there and, as I said, I spent a lot of time with Elders.

9930. I have five children, 21 grandchildren. Being raised by my

grandfather, I learnt many many things on survival and the journey song I just shared with you was one of the songs. We'd be paddling our dugout canoe going out to the islands and he would be chanting that song, and it went with the rhythm of the paddle. There were several songs that he would sing, and I'll get to some of them a little later.

9931. My father, also from Kulleet Bay, is Sxweltun; that's also a name I carry today. He bequeathed that name to me when he found out he had cancer and he called me to the hospital and he apologized to say that he had very little to do with my upbringing, and that I was succeeding in life on my own. And for that, he was very proud and his wishes were that I take the name Sxweltun.

9932. With that, he also gave me his sacred mask, Sxway xwe mask. That mask came from Musqueam. His great-great-grandmother was Luk'Kwátunat from Musqueam. She married his great-great-grandfather from Valdise and he was Suniilh.

9933. So then Suniilh and Luk'Kwátunat had three sons, Dulixw, SixuiXwutsa, and Hwexhwítun. And Dulixw was Dick Norris; SixuiXwutsa was Jack Norris; and Hwexhwítun was Johnny Norris.

9934. What transpired after that was our people didn't understand surnames, that was new to them. So rather than take my great-great grandfather's surname, my grandfather took the name David Jack and my great-great grandfather was Jack Norris. And as a result of that, my father also took my grandfather's first name and he became Michael David.

9935. Many of our people are like that. I have another name. It's from Washington State from Samish. When I was a little boy, my grandmother, Luklewk, took me to this old man. He was very old. We were doing harvest down in the States there in Washington harvesting strawberries.

9936. And one Sunday we went to visit him and he said, "I would like you to bring some of the people next weekend as witnesses because I have some plans." And the following week, we went to his place and he named me, Yotesh (ph) and that comes from Samish which is near Mount Vernon right by the ocean close to Swinomish.

9937. That's basically my family tree. As I say, I grew up in Kulleet Bay and almost all the Elders that I grew up with are deceased today. Kulleet,

Chemainus, Stz'uminus that you see up there, Stz'uminus First Nation originally came from Cowichan from a place called Kayaktuch.

9938. **MS. SKEELS:** Could you switch to Map 2 for us, please? We're not getting much of the land formations on the map, are we?

9939. **MR. WILLIE SEYMOUR:** Okay?

9940. **MS. SKEELS:** That's okay.

9941. **MR. WILLIE SEYMOUR:** So the leadership of the time moved these people. First they moved into Sqw'hi'wun near Chemainus, and the village on the Cowichan between Cook's Island and Cowichan River was the Chemainus and they moved to -- and they built homes at that bay in Chemainus where MacMillan Bloedel took over.

9942. And then they moved; they moved to Oyster Bay, Xutlnutstun. And one of the medicine people said that he was concerned that the place wasn't going to be liveable because of pollution. Didn't understand that at that time. Some of the people stayed there. Some of our community stayed there. It's called IR No. 12 now; it's Xutlnutstun.

9943. And they moved to Kulleet Bay, Kulleet, and built many homes there, big houses. From what I understand from our Elders, the big houses all had names and a few I remember as the first house was called Sukul'shunum, which is rainbow. The second one is Hokayna'thun (ph) after a gentleman in Nanaimo. The third one was Shees, sea lion. That's my grandfather, my father's father house. The next house was Yahwut'sten (ph), my great-great-grandfather's home. And Terry's family, he's -- their home was called Hay'wa'ken (ph). And the last home that I have recollection seeing was Thaycets (ph); again, another name of our Elders.

9944. Our people travelled. Our people travelled. And especially during the spring, they would have meetings and discuss where they were going to go for that season. Some went way up river, that first picture towards the Yale area, the mountain area. During shedding season for mountain goat, m'kal'kin (ph), they're called, they would go up there and harvest the wool, the raw wool. Because when they're shedding it, it's caught in brush and where they move around.

9945. The Squamish went with them, the warriors. And while they were heading up to that area, they would be harvesting different species of salmon and sturgeon. They also travel, sometimes travelled up to Knights Inlet area. They would travel at night so they won't be detected. And when they get to a good area to camp, they would camp and camouflage their canoes because at that time, there were wars between the northern tribes and Coast Salish tribes.

9946. And they would reach up to where there's abundance m'kal'kin (ph), mountain goat wool, which is used for the blankets and other items. And the women would begin harvesting and the men helped as well.

9947. Again, they would hide their canoes and then begin their journey back. Because of our community, it was shared with the ladies that knew how to weave. They would share. They had looms that were huge. I remember seeing one in the Suk'ul'shunum house. It was probably from the end of this table here to here; a huge loom. And it was real collector item sort of thing. It was used to barter.

9948. Our people also camped at Valdez. That's where my grandfather's family was from. The Chief of that era also saw a need to move. They also had a village in Cowichan that's called Tat'scha . They moved out to Valdez and built there. And that's Lyacksun.

9949. And he had four sons, Kwul'lh'uts'tun had four sons, Tsasiatun, Swuniilh, Sahlia, and Xaletsa. Tsasiatun was a real warrior, a protector of his people. And he was -- also helped pilot the ships when they first come around, pilot them up the Fraser.

9950. Kwul'lh'uts'tun was a very big leader, he -- again, the northern tribes were trying to come down to do some harvest in the Fraser. So Kwul'lh'uts'tun in the 1700s, negotiated with the Chief from Yukwilh'telh, Quadra Island, Cape Mudge. And that was in the early 1800s when salmon and other species became commercialized. So he negotiated property there and each spring our people would go there and camp and harvest salmon throughout the summer.

9951. Not to say that we didn't utilize the Fraser, but Kwul'lh'uts'tun was -- negotiated the very first Treaty for Hulq'umi'num Nations. And he was also a protector of the people.

9952. Our people have very strong interests in the Fraser River. Our people had a village called Tl'uqtinus. Tl'uqtinus had many homes. On any given time,

there would be up -- stories tell us that up to 2,000 people would be there. They utilized all the resources on the Fraser. The fruit berries, the black huckleberries, the red huckleberries, the different types of species of blueberries and mal'sam (ph), the grape was at -- harvested across from Tl'uqtinus, from a place called Quw'utsun'. It is beyond -- it is where Penelakut, Kuper Island, had their village.

9953. Up and down the Fraser, the island Coast Salish had villages. They would harvest bulrush for matting, matting like for bedding. And they also used it for dividers in a home because in them days, it was not uncommon to have several families in one big house.

9954. So our people harvested Sockeye. It was a big delicacy for our people. But they also harvested sturgeon, qwtaaythun. And coming down into the Salish Sea where the Fraser River runs out to the ocean, there's different channels of the river.

9955. There's great concern of what would happen if something happened to our waters because they're all sacred to us. We do not take without a prayer. We do not take more than we need. At Stz'uminus, our people, some families stayed there all year round and, again, there was a lot of weaving and in the Fraser as well. There was game, ducks, different species of ducks, maqu, sawbill, mallard, and our people would trap them.

9956. In Stz'uminus, there's a sacred beach at Deer Point area that's called Xam'utsun, the place of tears. I heard two different stories that go with that from our Elders. It was a place when children got orphaned, young people got orphaned, widowed, widower. They would bring medicine people and they would go to that area and camp there, and they would stay there as long as it took to help the individuals to go through their healing process. They didn't just leave them, but they had different types of medicine people, different types of herbs and different types of the saltwater. Bathe in the saltwater was sacred. It's also medicine.

9957. And sometimes they would go up, go way up by the Cassidy Airport now. Haslam Creek at the very end of the runway also had a place called Xeeymutsun. They didn't have permanent homes. They would make shelters when they got there, and then they would go upstream to Haslam and there was a sacred bathing place where families were brought.

9958. In our customs and traditions, when we lose someone, in due time we

have burning ceremonies. Our loved ones are not forgotten. They fought hard for our legacy, went through many, many things in the past 200-300 years.

9959. That -- and that's -- Xeeymutsun is a place of tears. And during herring and salmon coming into the harbour, Kulleet Bay, many eagles would come around, killer whales, q'ul-lhanumutsun and yi'xwule'. There are songs for the killer whale. There are songs for the eagle.

9960. Recently, last year, our Council took the Elders to Tluquinus to visit the site. In doing so, the Elders suggested that we need to do a burning ceremony, in which they did. They had a burning ceremony there on site, which is very important to keep our presence where our ancestors are.

9961. **MS. SKEELS:** Is there anything else that you want to share about the burning ceremony at Tluquinus?

9962. **MR. WILLIE SEYMOUR:** We have certain people, experts if you will, that do burning ceremonies. Not anyone does it. It's a hereditary, handed down from generation to generation in certain families.

9963. In our culture, there was many specialists that helped our people and used in different herbs and medicines, how to call the deer, which our people call imuth, grandchild, because it was one time a human being. And Creator punished him and he become a deer to be a sustenance of all the people. So our people call it our imuth, grandson -- grandchild.

9964. The burning ceremony, only natural foods are used -- salmon, shellfish, all ducks -- and they didn't use like modern foods because our ancestors didn't know what it was. And some stories say that when they accidentally burned -- I know at Craig Bay, they had a big table for burning, yuk'wels, and the organizers, they bought a couple of big roasts and it somehow got mixed up with the burning. And when they did the burning the beef did not burn, and the burners said it's foreign to them and it has a strange scent to them. It doesn't have a natural scent.

9965. We were placed on this land. Creator, he made this world and we have an origin story of Stz'uminus.

9966. There's a mountain just above Stz'uminus area called Kw'enenus (ph). When Creator made this world -- the ocean, the streams, the rivers, the lakes, the

ponds, the islands -- and he sat there and observed his creation and he was happy with it, but there was something missing.

9967. So he went to a swamp and he got a tadpole and made a dipper out of it. He went to the stream and he got water. He poured it on top of that mountain.

9968. When it hit the mountain, it started to roll down. It turned into ice cubes. When it was hitting the lakes, the rivers, the streams and the ocean, all of ocean life was created, including the killer whale, the seal, sea urchin, crab, octopus, seaweeds.

9969. Everything that's within the ocean was created, trout, steelhead in the rivers. And he looked at the ocean, and he was happy with what he saw. And that's why our people respect the sacredness of the ocean because that's how we and where we get our sustenance. So he seen life in the ocean, the killer whale swimming and jumping, the sea lion and the seal.

9970. So he went back and he went to a pond and he got another dipper full of water, using that tadpole. He poured it on the mountain. Again, it began to roll down. As it hit the bottom of the mountain, all the animals were created. The wolf, the deer, the cougars, all the animals and land life, the snake, the reptiles, the little creatures underneath the ground, all created. And when he looked, there was life in the ocean, in the waters in the streams, and also life on the land.

9971. So he did it again. He went and he got more water and he poured it on that mountain. It again tumbled down. And when it hit the bottom, all the bird creatures, all the bird relatives were created. The eagle, the hawk, the robin, s-kw'qequ, yi'xwule, (native word), they were all created. The ducks, the different species of ducks, was all created.

9972. And then he said I'm going to do this once more. And he went -- this time, he went to a little stream and he poured that water on top of that mountain that came down and when it hit the bottom, our ancestors were created, six generations; Muna (ph), Shway (ph), Cela (ph), Slotmok (ph), Ocwhya (ph), Chopia (ph).

9973. And he also gave us a language to communicate with each other, the sacred language. There's a song for that as well.

9974. So that's the creation story of the sacredness of our land. Historically,

it was all our land and we utilized it to the best of our abilities. You can just imagine how they built the large -- what you call whaling canoes with basic tools, homemade tools. The big houses, how they managed to put them beams up on top, a very tedious task, but it was done. And some archaeological studies shows it goes back several thousand years.

9975. Cedar is very sacred to us as was the food and medicines. As I said, nothing was harvested without appeasing that spirit, sometimes chanting a song, saying a prayer, (speaking in native language). How we're going to use you. We're going to use you and you're going to have pity on the individual they're going to use you for. And they quite often used the name of who they were harvesting for, the medicine people.

9976. You know, you heard the story of -- I had difficulty with my health last year and I came out of that with Indian medicine. My cousin learned from my father and he made me medicine. He brought it to the hospital. At first, professionals in there were very apprehensive. They actually called the Friendship Centre, the health offices on First Nation land, and they said there was bad medicine brought in. Five and a half weeks in a coma and I woke up and I'm here today.

9977. And then I started taking medicine as well from another friend and now I don't have diabetes. I had diabetes for six years, taking medication for it, but I no longer have that. So the medicines I'm talking about are really, really important and it's getting harder for us.

9978. And then sometimes we -- historically, our people from the coast, from the stories I heard, and they would harvest and put away medicines and food, dried clams strung up on cedar bark. And every four years, they went upriver to the Agassiz Flats, now Seabird Island.

9979. And at the same time, the interior sisters and brothers came over the mountain. They brought with them medicines and goods from the interior. From what I understand, they stayed there and celebrated -- 10 days or so of celebration, barter and trading and then they would make plans for the next.

9980. Obsidian was found. That's a rock that can only be found in volcanic areas in California. So our people bartered and traded a great distance and Coast Salish Nation goes as far as Northern California. Although we have a slight linguistic difference, they are still Coast Salish.

9981. Take a couple of minutes?

9982. **MS. SKEELS:** Sure. Could we take a short break at this point?

9983. **THE CHAIRMAN:** Absolutely. So would 15 minutes, 10 minutes? Twenty to 3:00 then. I like the negotiation skills.

--- Upon recessing at 2:28 p.m./L'audience est suspendue à 14h28
--- Upon resuming at 2:39 p.m./L'audience est reprise à 14h39

9984. **THE CHAIRMAN:** Thank you for the break and I think the screen is a little bit better as well. We can see, so please continue.

9985. **MS. SKEELS:** Thank you for the technical work that was done during the break. We can actually see the locations on that map now instead of just the grey reserves and names.

9986. And actually the witness had one statement he wanted to make about something he was speaking about earlier. We're wondering if we can go back to Map 1? He just wants to speak a little bit more about the territory**.**

9987. **THE CHAIRMAN:** Okay.

--- (A short pause/Courte pause)

9988. **MS. SKEELS:** There we are.

9989. **THE CHAIRMAN:** Okay.

9990. **MS. SKEELS:** So you had something that you wanted to say about the territory?

9991. **MR. WILLIE SEYMOUR**: Yes, I just wanted to add that, you know, you see our Statement of Claim -- our territorial claim. That's just a core territory.

9992. When I look at my family tree, my grandfather Joe Seymour who raised me, Kwul'lh'uts'tun had a great-great-great-great grandmother that came from Fort Langley, -- Kwantlen and my grandfather David Jack, my father's

father, had a grandmother -- great-great-grandmother that came from Katzie so -- and my father's name comes from Sidney area which is in the Douglas Treaty territory and that's where his name originated. My grandmother, my mother's mother, Luklewk name come from Lummi as did my late uncle -- he just recently passed -- Tutsuweouhw also come from Lummi. My grandfather, Sheenasitzdun (ph) name originated from San Juan Islands and came to Salt Spring, Tlelhum. Salt Spring is called Tlelhum.

9993. So it's much further beyond for many of our families and I just used my family as an example. Many families have relatives even further than that. My grandmother's great grand uncle came from Skokomish, Washington which is near Olympia.

9994. So I just wanted to make mention that although we utilized the resources and the sacredness of it in that core territory, but actually we went beyond. We went beyond that core territory. And our people were welcomed by our relatives in Washington State to Qualicum, Nanoose and all those areas. We have relatives there. So I just needed to add that to our territory and what's really important to us. And the resources particularly. We're dependent on the resources, the medicines, the sacredness of the medicines, the sacredness of the water, the air, the sacredness of the saltwater.

9995. And when my grandmother passed away, we left home and we went fishing in a little clinker in-board. We were out Porlier Pass, Sqthek, camped there. And one day, my grandfather said, "We're going to go early in the morning; just be ready."

9996. So we pulled out of Porlier Pass early in the morning. We started heading south. We went beyond Active Pass and see some of the islands in there, had our poles on fishing. Tide was dropping and he pulled in the lines and then we went ashore.

9997. We went ashore, real fine sand. And he had a little shovel. He started digging in that sand, so I found a stick and I started helping him. And after he got it dug out, he took his clothes off and he laid in there. And he covered himself up with the sand and I helped him again. And it was a very, very hot day.

9998. And I just carried on playing and walking around the beach, beachcombing, finding stuff. And I don't know how much time went by; a few hours. And he finally woke up. He slept through that whole time.

9999. And he got out. I helped him get out and he went into the water, the saltwater. He scrubbed himself with the sand from the bottom of the ocean and he dipped himself in. Our custom is to dip in four times. And then we had lunch.

10000. And then I asked him, (speaking in native language). "What does this all mean?"

10001. And he says, "You know, I have arthritis. And when I bury myself in the sand and the sand gets real warm, it penetrates my body." He said, "I'll be okay for a few months now. But equally important, it helps me with the grieving for your late mom. It helps me. It encourages me. It reminds me the importance of letting go."

10002. And so it served two different purposes -- three different purposes. One, his arthritis, bathing in the ocean, and helped him with his grieving. And that's the story of -- true story, my grandfather. Some of the things -- lessons I learned.

10003. **MS. SKEELS:** Yeah. Maybe you could tell us a bit more about the ocean resources that the Creator made that are important to your people.

10004. **MR. WILLIE SEYMOUR:** About the duck story?

10005. **MS. SKEELS:** Sure. Let's hear the duck story.

10006. **MR. WILLIE SEYMOUR:** My grandfather, as I said, in the beginning, he always set a net in front of our house at Kulleet Bay. He set a net every night.

10007. We always had salmon, cod, sometimes flounder. And we had a big wood -- like a wood box, but it was a fish box. And he would clean the fish, put him in there, soak some sacks and cover them up and put a lid on it. And anybody that needed food would come and help themselves. And they also, in turn, shared with us something they had.

10008. This one day, my grandfather said, "I really have a craving for ducks and -- but I don't have no shells." So anyway, we went up to the house and we had some lunch, had some tea, and then he said, "Let's go."

10009. So we walked to the point and he had a couple of piles of netting out there, so we started stringing it out, pulling it out. I was on a lead line, he was on a cork line, and we're spreading it out. But it was an old net, so it had a lot of tears in it. And finally, we reached an area that was quite large.

10010. He took out his pocketknife and he cut it out. He cut that out. He had a pail with him. He put that netting in a pail. I might have been seven years old. Anyway, we went back to the house and he said, "We're going to go for a walk."

10011. Not far from my house, there's a trail that hunters use to go up to the fields, the farm fields. So we walked up that trail. And through that time, he was talking to me about survival. "You're going to have to be creative to survive. And you're going to have to do -- sacrifice to get food on the table for your family. And I'm going to show you one."

10012. So the iron wood, tuxwuts'ulhp it's called, he again took his pocketknife and he cut them out. He took -- got four rods about five feet high. And we walked back down and he had a sitting place outside the house. We went and sat down and he continued talking about must always be good to people, must always be generous, you got to be willing to help people. And that's like your insurance.

10013. And anyway, we're sitting out there and he put a point on the rods and he peeled the bark off. And I'm watching him do this. He put little notches on top and we -- that evening, he says, "You know, we don't got much gas so we're going to have to hurry." He said, "You go to sleep when it gets dark because the wintertime, the tide's at night."

10014. And he told me to go to bed, so I laid down. I had a cot beside the stove. We had no insulation in our homes then, so when it got a little bit cool, I'd wake up and I'd put wood in the fire, in the stove.

10015. So finally he woke me up and he says, "Get ready, put on your coat and your boots." So I got ready. He lit the gas light and he took those rods and he gave me two rakes to carry for him and a rod for holding the gas light up.

10016. We went down a beach. Behind our old house, there's a little bluff, maybe the ice is sealing here. And on top of that bluff, there was a boulder, a boulder about yea high.

10017. So anyway, he was looking up that bluff and I was wondering what he was doing, how come he was doing that. And then he was looking on the ground. And he could tell when there's clams in an area. So he said, "We're going to dig right here." So we put the pole in and hang the gas light up. We started digging.

10018. "You go around this way around the light and only take the big clams. We're going to steam it when we get home. And put the rest in a pile in the middle."

10019. So we started doing that. It wasn't long and we filled up our pails. And we kept digging and the mound of clams got quite high, and finally he took those poles and he stuck them in the ground. And I'm watching him, he took that netting, the web, asked me to help him stretch it out and he started tying it.

10020. In my childhood mind I thought there's no ducks going to get trapped in that, they're smarter than that, they'll see the netting and the poles. But he put it right over the clams and he said okay, we washed the clams in the saltwater, then we brought it home and steamed it. And he says, "You go back to bed. I'll wake you up in the morning".

10021. Early the next morning he woke me up, "Hami, me limit (ph) come look at this". I went into our kitchen area, and it's kind of high looking down into the bay. Ducks were flying in, a whole pile of ducks; it was black out there.

10022. And so we just watched. All the time I'm thinking there's no ducks going to get trapped. Then he gave me a pan, he gave me a pan and a chunk of wood and he told me to go out the front door, go around, and sneak up to the top of that little bluff, and he was signalling me when to move and when to stop. He said when you see me signal you jump on that rock, and you start beating on that pan and scream as loud as you can. He says, "I'll be at the kitchen door banging on the wall with my cane", and so we did that.

10023. When we were finished all the ducks flew out and I was thinking, gee that was a wasted adventure. So anyway, I went in and we had some tea and we had some more of the clams that we cooked the night before, and -- we always just had natural foods. That was our life. Sometimes we had dried fish for breakfast or dried herring eggs -- no -- yeah, herring eggs and salmon eggs.

10024. So anyway, about an hour later he said, "iehle, let's go". So he grabs his gaff hook. We go down the beach and we pulled a dugout canoe in the water,

we paddled out, and he took those poles and he pulled them out. We caught 18 ducks. They got trapped once they all started to fly and panicked, and he knew that.

10025. And the story of survival, the funny part of it he only kept three ducks and he sent me around the Reserve in that dugout canoe to share it with some of the Elders. He had -- I would go, and of course the Elders were grateful and saying thank you, you know, really appreciate generosity.

10026. We also used to trap flounder. Put a net at the end of the bay and then chase the flounder out, and we'd get a feed of flounder. And again, most of it was given away.

10027. And -- but that's the story of the -- catching the ducks from my grandfather. And ---

10028. **MS. SKEELS:** How about the salmon? Do you want to talk to us a little bit about salmon?

10029. **MR. WILLIE SEYMOUR:** Yeah.

10030. Salmon -- okay, Salmon Woman.

10031. First of all, before I get into salmon, there's a story that goes with it. It's called "Salmon Woman".

10032. In -- historically, birds and animals had the ability to transform. One day, Raven transformed into a human being. He built himself a house, built himself canoes, and he'd go out and harvest what he could. Then he realized that he was getting real lonely, he was by himself, and he would lament as he's paddling.

(Native song)

10033. **MR. WILLIE SEYMOUR:** Salmon Woman happened to come by and was swimming alongside his canoe. She felt bad for Raven, could hear his cry and his lament, Haanethut in our language. And they come into a real thick fog area. She got into the canoe and when he come out of that fog there's this beautiful woman on there, beautiful woman.

10034. So they were heading home and they began their life together, and Salmon Woman began to teach Raven how to harvest salmon, how to prepare it for preserving, smoking salmon, drying salmon, sun-dried smoking salmon. The different types of wood to use to get the different flavours, like maple or alder, and quxmin sometimes, that's wild celery seeds would be added, and that's medicinal.

10035. And he became very well known. People found out about his great deeds and began to come and barter with him. Barter and trade, and he had all this stuff coming in his house. And while he was learning to preserve the salmon -- and you take the meat off and you bring the head, ribs, and the tail back to the water, and it has to be returned to the water.

10036. So a period of time went by and he was getting real irritable, and one day he got real angry, real angry, and he struck Salmon Woman. And she was so hurt because of all the sacrifice she made for Raven, and she turned, she called out to the salmons in the storage bins and started heading to the water, and those salmon came out and followed her. And when they dove in the water they took back their bodies, their ribs, their tail and head.

10037. And the Creator punished Raven for that. At the time, he was a white bird before that, but when he got transformed back to a bird he never had the ability to transform no more. And he come back as black. And he eats anything, even clamshells. And Salmon Woman, because of the hurt she experienced, chose never to transform into Salmon Woman.

10038. So -- and that's -- what some of the old people say that's where abuse started, it started from Raven. And that's the story of Salmon Woman.

10039. **MS. SKEELS:** Maybe you could tell us a little bit more about how your people use salmon and the importance of it for your diet?

10040. **MR. WILLIE SEYMOUR:** Salmon is very important to our people. All species of salmon; chum salmon, coho, pinks, spring salmon, sockeye, all served a purpose for our people. Some had more iron than others. Some had oils in it that would benefit the consumer, the ones that used the salmon for their sustenance and that was really important, and so then it became commercialized and our people again, being the experts in the water and harvesting salmon, bartered and traded with the first settlers, the first ships that came around, and tons of it. Tons of salmon.

10041. The diet of salmon and same as red snapper and cod provides us with vitamins, the seaweeds as well and the oils. The oils was good for your stomach area, and eulachon. There used to be a resource of eulachon in the Fraser River, but these are our concerns, that an oil spill will devastate our people.

10042. We're already struggling and to totally lose the resources which is so important to us would be inhuman. It would be unacceptable in any culture and --

10043. **MS. SKEELS:** How about the Cedar Woman story?

10044. **MR. WILLIE SEYMOUR:** What?

10045. **MS. SKEELS:** How about the Cedar Woman story?

10046. **MR. WILLIE SEYMOUR:** Cedar Woman?

10047. **MS. SKEELS:** Yeah.

10048. **MR. WILLIE SEYMOUR:** Okay, excuse me. No, I'm okay.

10049. The story of Cedar Woman. Cedar Woman lived in a house by herself. Whatever happened to her family, she was left alone.

10050. She didn't know how she was going to survive and she wasn't able to hunt or fish or harvest, but the generosity of the harvesters, the hunters, the duck hunters -- they had specific places like in Burleigh farm and across Ladysmith with Chemainus is trapping area for ducks.

10051. But she had like a bench outside her house and like a table, and from time to time she would come out of her house and she would find food there. Hunters come by and they provided her with food, and she was so grateful.

10052. She took it in and preserved it, smoked the meat. And there were times that she went out of her home and she would find wood stacked there from the wood gatherers. And she would bring that in and store it underneath the seating area, the bleachers.

10053. So she always lamented to the Creator to show her a gift, a way to --

that she could repay the great generosity of her people. So she started going up the sacred mountain every day. She'd be up early in the morning and head up the mountain and bathe. Kwa'kwayethet (ph), it's called, sacrificing oneself for that gift.

10054. It went on for years. There was times she got discouraged and thought, "What am I doing? I'm doing all this work and nothing's happening for me", so she would quit.

10055. But after a few days, she'd get restless. She wanted to do it again, so she did. She went up the mountain, going back up there and bathing and bathing and bathing.

10056. Each time she was walking up the mountain, she would lament. All our people had a similar lament and it's a prayer, a meditation, a prayer, asking Creator, show me a sign. Show me my gift so I could bring it back to the people.

10057. So one day she was going up the mountain. Of course, she carried a little pack with some basic tools in there, and she was going up the mountain. And she got to the pool, she got undressed, to the pond. But as she entered the water, she saw a serpent-like creature, a very large serpent-like creature.

10058. Of course, she got startled. She got startled. She turned, started to grab her clothes and was going to run. Then she remembered her old lament. I asked Creator to help me. Maybe this is my time to go.

10059. So she entered the water and when she got within reaching distance of that serpent-like creature, she lunged at it and grabbed onto it, and then she went blank. She went blank.

10060. She didn't know what happened. A period of time went by and she woke up, and she was on the edge of the pool. And she was still a little bit confused. So then she remembered that serpent and she looked around, and it was no longer there.

10061. So she went in and completed her bath and she felt totally different. She felt different. It's like she was growing. She started walking down the mountain, thanking Creator for what happened, for whatever it meant. I know there's more to come. And as she was walking, the cedar tree -- the breeze was blowing and that cedar tree was talking to her.

10062. (Speaking in native language) You're going to gather up my cedar bark. You're going to peel it. So she did.

10063. She notched the bottom and she pulled on it and it ran up. It broke off. She coiled it up, put it in her pack. She walked a little further and another cedar tree was doing the same thing.

10064. So she obeyed the instructions given to her. So she went, gathered the bark and she got really excited, still uncertain what it's for. So she went down a little further and another cedar tree.

10065. (Speaking in native language) You're going to gather of my roots. It is my life source, my connection to Mother Earth, and I will become part of your life source.

10066. So she started to dig and she got a good chunk of roots, again put it in her pack. She's anxious now to get home. She started going down a hill and she come by a little swamp. There was a lot of bulrush there, and then a breeze hit.

10067. (Speaking in native language) You will gather of the bulrush. So she did, and bulrush is quite light. She could take a good armload. And she headed home.

10068. When she got to her little big house, she laid out -- there was barks, the roots, and the bulrush. Still not sure what it was for or what it meant. And then she went to sleep. Of course, she's tired.

10069. When she was asleep, this beautiful, elegant woman came to her. (Speaking in native language) I am going to show you how to make and use what you gathered.

10070. And she followed the instructions the next day. She was able to peel the inner bark and outer bark. She began to build baskets, clothing, waterproof clothing from the inner bark and the bulrush. She was making matting to sleep on because it's just wooden, and dividers for the big house because several families would be in there.

10071. As time went on, she also became well known, and she would -- the people would come to her from neighbouring nations, barter with her, bring her

tools, bring her canoes, bring her other different types of food. She became very wealthy.

10072. She was able to give the canoes to the hunters and the harvesters, the tools to the builders. She became very famous, but it was through much sacrifice.

10073. That is part of the lessons that we are given on the importance of resource, the importance of the cedar tree that provides us with many, many things. Some of our people actually use it. They sink it in the water during the herring spawn, and when the herring spawn, they stick to that cedar branches or the cedar -- little cedar tree.

10074. And that's how they harvest it because they didn't want to deplete the kelp and seaweeds, so they utilized the cedar again to access it, to collect herring eggs. That's the story of Cedar Woman.

10075. Thank you.

10076. **MS. SKEELS:** Did you have anything more to share with us about salmon?

10077. Maybe I could ask you some specific questions.

10078. **MR. WILLIE SEYMOUR:** Okay.

10079. **MS. SKEELS:** Is salmon something that your people have harvested commercially?

10080. **MR. WILLIE SEYMOUR:** Yes. Yes. When it became commercialized, it was all native people that the fish companies hired. There are, like, 18, 20 canneries in the Fraser River. And they hired native people to be their harvesters; they gave them boats. They were able to charter boats and rent boats, and that's how they harvested the salmon.

10081. And as time went on, they started to give our people money to get boats, but the licences were so high, and quite often the boats that they got needed a lot of repair, so it was failed from the start.

10082. So there was a big buy-back by the fisheries. They bought all those licences back from those that couldn't make a living on it. And now there's very

limited amount of commercial boats.

10083. **MS. SKEELS:** How about harvesting for food, social or ceremonial purposes of salmon?

10084. **MR. WILLIE SEYMOUR:** The salmon is used for many things. Salmon is used -- sometimes they would boil it and get the fat out of it and use it for dipping, dipping deer meat. So it provided vitamins and provided for iron, calcium for our people.

10085. **MS. SKEELS:** And today, your people still catch salmon for food?

10086. **MR. WILLIE SEYMOUR:** Oh, yes. Yes. Yeah, we have our harvesters that go out every year and provide it for our community. Yeah.

10087. **MS. SKEELS:** And when you were telling the Salmon Woman story, you talked a little bit about the first salmon and the ceremony. Is that a ceremony that's still followed today?

10088. **MR. WILLIE SEYMOUR:** Yes. My cousin, Gary Manson, does that kind of work. Not everybody does it. He does that kind of work when the first salmon is caught. He'll do a ceremony and chant songs and return it back to the water so it'll -- it'll always return to us.

10089. So there -- again, only certain people is privileged to do that kind of work.

10090. **MS. SKEELS:** Something else that you mentioned earlier, but maybe you could tell us a little bit more about, is the importance of saltwater for bathing and as medicine for you.

10091. **MR. WILLIE SEYMOUR:** Yeah. Well, when you're -- when you become orphaned -- when you become orphans, it's one of the sacredest (sic) times in our lives, or widowed, widower. You have a lot of restrictions for the first four days. And on the fourth day, they would have a funeral.

10092. And again, they'd hire a medicine person that will take the family, immediate family, down to the beach and they would have to handle a knife because they have to be reintroduced to tools, scissors, stuff they use today, sewing, hatchet for the men. And then they're brought to the water.

10093. They really can't journey until they do that and they're introduced back to the water 'cause their restrictions didn't allow them to do it.

10094. So they're brought to the water. (Speaking in native language)

10095. "You will look after this soul when he/she travels. You will take care of them so they'll return home."

10096. So the cedar -- I mean the saltwater is very, very important to us for bathing. And that particular ceremony, all families still do that today.

10097. **MS. SKEELS:** Do you mind if we take another 10 minutes, say?

10098. **THE CHAIRMAN:** No problem. We'll take another 10 minutes.

--- Upon recessing at 3:20 p.m./L'audience est suspendue à 15h20
--- Upon resuming at 3: p.m./L'audience est reprise à 15h32

10099. **THE CHAIRMAN:** Thank you. Whenever you're ready.

WILLIE SEYMOUR: Resumed

10100. **MS. SKEELS:** The witness is going to just finish with one last story for us, but Councillor Sampson, having witnessed all of this, would like to make a few comments to you at the end, if that would be okay.

10101. Would it be acceptable to have him sworn in and ---

10102. **THE CHAIRMAN:** Absolutely. Why don't we not break the tend? We could have him sworn or affirmed now and then we'd be happy to hear from Councillor Sampson.

TERRY SAMPSON: Affirmed

10103. **MS. SKEELS:** All right. The witness has one more story that he'd like to share with us.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. WILLIE SEYMOUR: (Continued/Suite)

10104. **MR. WILLIE SEYMOUR:** Thank you. This story is the killer whale story, the qutlhanimutsun.

10105. This young man, he would go out to his harvesting area, harvest salmon. From time to time, he'd see these killer whales coming along. They'd be jumping. And he was really fascinated with the killer whales, and he just loved them.

10106. So he would follow them. After they go by, he'd follow them. And they'd reach a certain area and they all dive and disappear. And he would wait around and wait around and wondering what happened; where are they?

10107. This happened from time to time. And one day, he was -- went there, followed them, and they dove and he was looking down into the water. He could see a reef underneath there, and he noticed that there was an entrance that went inside. He tried to dive down to it and he couldn't reach. So he finished his harvesting and he went back home. And he began to train, not tell anybody why he was training. He was running and diving, diving great distances. And he got stronger and stronger.

10108. And when he felt like he was ready, he went back out to his harvesting area and sure enough, the killer whales come by. And when they come by, they were jumping and playing around. And they get to that same spot and he -- they dive in and disappear.

10109. So he dropped a little anchor from his dugout and he got himself ready, psyched himself up and he dove down. He made it to the entrance, but he didn't make it in; he came back up. He was really determined to find out what was going on, to find out what was in that cave. So he went, he tried it again and this time he made it in there.

10110. When he got in there, he submerged himself. He stayed right against the wall. And them killer whales were standing on a little reef inside the reef and they were human. And their bodies were on the shore, old people, adults, children. They were all there playing around, having a good time.

10111. Pretty soon, this one old man, Elder, raised his hands, "There's a stranger among us". They all started looking around, then they saw him. They said, "Come here". So he went. He was pretty apprehensive, but he went.

10112. They started talking to him, that they appreciated his interest in the qutlhanimutsun, killer whale. And he's not to tell anyone that story, that it was going to become his story later in life. And as a promise to him, the killer whale said, "Whenever you come out fishing, we're going to chase salmon to your harvest". And then he would have a canoe-load of salmon every time every time he went out.

10113. All the other harvesters, they were actually jealous of it. He'd have bottom fish, cod, sometimes octopus that the killer whales brought to him. And this went on for years. He was providing all this food for his community. And he started to get pretty old and he had a grandson that asked him for his canoes. He also loved the water.

10114. He also went out and he was getting real sick. He called his grandson, "Grandson, I got something to tell you. The killer whales are human and that's how I was getting my harvest. Not only just salmon, but octopus, bottom fish, rock cod, lingcod, sea cucumber". And he said, "I'm telling you this to be your story now. And you're not to repeat it to anyone. It's a gift I received from the qutlhanimutsun, the killer whale and it's a gift I pass on to you".

10115. So he went out, the young man went out, and like his grandfather, he followed the killer whale. He didn't try to dive in there, but he knew. They also knew that he was a grandchild of the original man that found them. So the killer whale is considered our relative as well. They're mammals and they were very helpful in harvesting.

10116. I tell you, several years back, I went up north to go fishing with my late cousin. And one night, we were sitting outside, his son and I, his son must have been about 12. He was inside the cabin laying down. And he says, "You got any killer whale stories, uncle", I said, "Yeah". So I start telling him.

10117. And of course lot of boats, like a city out there with boats and lights for their netting. And he says, "Do you know any killer whale songs", I said, "Yes." "Can you sing it to me". So I began singing that song. And I sang it for maybe five minutes, and all of a sudden, beside the boat, right near the boat, just a few feet away, a killer whale came up.

10118. And it was real spooky and it shocked the hell out of us. And my cousin is skipper, he came out there and he says, "Willie, knock it off". But that

killer whale went around the net, our net, went around a few times and then it disappeared. That night, we caught the most fish.

10119. So the stories, I believe, are true. I believe those stories. They are the truths of our ancestors. And harvesting is the truths of our ancestors, utilizing all of the resource, from the ocean resource, the land resource, the air resource.

10120. The medicinal plants are sacred. And I can't emphasize that enough. If that was to be damaged, our drugstore would no longer be there because that's our drugstore. And the ocean; the old people say, "When the tide's out, the table's ready", you go harvest your food.

10121. And that's the story of the killer whale, the qutlhanimutsun. And now I will sing the qutlhanimutsun song.

(Native song)

10122. **MR. WILLIE SEYMOUR:** Qutlhanimutsun. (Speaking in native language).

10123. I thank each of you that are here in interest of hearing our story. It's very much appreciated.

10124. Today, we struggle with corporations. Today, we struggle with governments. But it's this unity, commitment, and conviction that will be heard. And I hope that what I brought to the table today will benefit all nations from where the pipeline begins.

10125. I also would like to thank the Board for being here. I thank you very much for your willingness to listen. I invite you to embrace our stories because it is our truth. It is the truth as told to me by my grandfathers and grand-uncles.

10126. So I thank the Board and all of the technicians here. Thank you very much.

10127. **MS. SKEELS:** Chief Sampson has a few comments that he'd like to make to the Board now -- sorry; Councillor Sampson.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR COUNCILLOR TERRY SAMPSON:

10128. **COUNCILLOR TERRY SAMPSON:** Sux Sawxiluc, Terry Sampson.

10129. Just what you witnessed here today is very precious. This man is very precious to our nation and all the stories that he carries. He's only 65, and you know, he's got a lot of years with us yet to share those stories. But I guess when that time comes, when he's not there anymore, hopefully those stories will carry on with the next generation.

10130. If it's going to take that long, 50, another 100 years to share their stories, I'm hoping the resources that we once -- once were so plentiful that maybe they'll be the same then. But I have a dreadful feeling that, you know, if other resources are valuable to other people of the world, especially when it comes to energy, I guess the world benefits, but we lose our benefits.

10131. Our medicines are going to be gone, and people like Willie, Uncle, because those medicines are not there, he's become weak. A lot of our people have become weak. Those medicines are not what they used to be.

10132. We had -- always had the opportunity and freedom to do as we pleased before governments threw our governments out of our lands, off our lands and the waters.

10133. So if that's the wishes of people that take this energy, want to, I know unintentionally harm us, maybe -- I don't know if it's intentionally. I've heard stories that governments in the past intentionally want to harm us and take those things away because they knew it was valuable, especially when it came to medicines in our communities to our people.

10134. So as more -- I don't know if other energies are going to be taken from the lands and the waters. I don't know. I guess it will be pretty well death to our people, our ways of life, and so I just wanted to thank my uncle for sharing and bringing out that spirit in me to be able to speak to you because I wasn't expecting to speak. And thank you for the opportunity to say a few words.

10135. And whether it's going to impact us beneficially, I'm hoping it does, but, you know, when that time comes, I'm hoping that others are going to carry on

carrying this message because we've been talking like this for 100 and -- 200 years now in around our nations and talking to government, wishing, asking if we could save a few areas that, you know, meant a lot to our people.

10136. So anyway, I just wanted to share those few words and thank you for allowing me to witness. Thank you, Uncle, for having me to be with you today and thank the people for witnessing. And hopefully, you'll carry our words or whatever little -- we have little now, and I don't know, we have a little, if we could save it, it would be great.

10137. So anyway, I just wanted to thank you for allowing me to thank you. Hwichka.

10138. **THE CHAIRMAN:** Ms. Skeels, I understand you wish to -- if they are open for any questions of clarification or in writing. I forgot to clarify that with you at the beginning, or if you did, I apologize.

10139. **MS. SKEELS:** If it's a clarification, the witness is happy to answer, but we'd prefer for questions in the nature of cross-examination to go through the information request process.

10140. **THE CHAIRMAN:** Thank you. I'll offer that opportunity to Trans Mountain if they wish to have any questions of clarification.

10141. Ms. Oleniuk?

10142. **MS. OLENIUK:** Thank you, Mr. Chair.

10143. On behalf of Trans Mountain, I'd just like to thank the witnesses from Stz'uminus for their presentation today, and we have no questions at this time.

10144. Thank you.

10145. **THE CHAIRMAN:** We have no questions of clarification, and Kwul'lh'uts'tun, I really want to thank you and acknowledge you for coming today and for your stories. There were so many and so many powerful ones of the ducks, the Salmon Woman, the raven, the Cedar Woman and the killer whale. And I appreciate that you had the honour to give us those stories today and to share that knowledge with you -- with us.

10146. And Terry, thank you also for witnessing it and being -- feeling comfortable enough to -- with the power of your uncle beside you, to bring your witness to this hearing.

10147. And also, I'd like to thank you for your journey song and the killer whale song as well. That's interesting. And as -- I'd like to assure you that we will consider all we've heard from you today and all we will continue to hear as this process unfolds over the next months and -- weeks and months as we go forward.

10148. And we will consider everything as we decide whether or not to recommend approval of this project.

10149. And I hope your journey -- you keep good health and that your journey and be safe travelling back over the Malahat tonight on your way back home.

10150. So I wish you safe travels home. And with that, we're adjourned, and we will reconvene at 9:00 a.m. tomorrow morning to hear from the Tseycum First Nation.

10151. We're adjourned.

--- Upon adjourning at 3:52 p.m./L'audience est adjournée à 15h52