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 13

Hearing held at
L'audience tenue à

Hotel 540
540 Victoria Street
Kamloops, British Columbia

November 13, 2014
Le 13 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 Kamloops (British Columbia), Thursday, November 13, 2014
Audience tenue à Kamloops (Colombie-Britannique), vendredi, le 13 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

Shackan Indian Band
Grand Chief Percy Joe
Mr. Lennard Joe
Elder Jimmy Toodlican
Mr. John Gailus (counsel)
Mr. Matthew Nefstead (counsel)

Janice Antoine
Ms. Janice Antoine
Mr. Albert Antoine
Grand Chief Percy Joe
Mr. Matthew Nefstead (counsel)
Mr. John Gailus (counsel)

ERRATA

Wednesday, September 3, 2014 - Volume 3

Paragraph No.	Should read:
1005 : **MEMBER YOUNG:** ...	**MEMBER SCOTT:** ...
1007: **MEMBER YOUNG:** ...	**MEMBER SCOTT:** ...

Thursday, October 9, 2014 - Volume 5

	Should read:
APPEARANCES/COMPARUTIONS National Energy Board/Office national de l'énergie - Ms. Paul Johnston	- Mr. Paul Johnston

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No.	Description	Paragraph No./No. de paragraphe

--- Upon commencing at 9:11 a.m./L'audience débute à 9h11

5672. **THE CHAIRMAN:** We acknowledge Grand Chief Joe, who would like to open us with a prayer this morning.

5673. Thank you.

5674. **GRAND CHIEF PERCY JOE:** (Opening prayer)

5675. **THE CHAIRMAN:** Again, good morning, and thank you for welcoming us through your prayer this morning.

5676. I'd like to welcome everyone to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project.

5677. My name is David Hamilton and I am the Chair of the Panel. And with me on my left is Alison Scott, and on my right is Phil Davies. We want to welcome everyone who is here today, both in the hearing room and those who are listening through our webcast.

5678. And I think it's important before we get started to review any safety aspects of this room. If there is a requirement for an emergency evacuation, the exits are clearly marked. There's one where you came through and one to outside at the back of the room under the exit sign.

5679. In addition to the Panel, we have staff in the room to answer process-related questions that you may have. You will be able to recognize them by the brass name tags that they are wearing.

5680. With respect to the schedule for today, we will sit this morning from now until 12 noon and we'll take breaks as appropriate throughout the morning. And in order to be fair to all presenters, we have allotted up to three hours to hear from each group.

5681. If three hours is not enough, at the end of the session, please feel free to make a request to file additional oral traditional evidence by electronic means, such as videos or some other method.

5682. Before we get underway, I just would like to remind parties of the

Panel's guidance in the Hearing Order and Procedural Direction No. 1 in regards to oral traditional evidence.

5683. I went ahead of myself here this morning.

5684. The Board understands that the Shackan Indian Band have an oral tradition for sharing knowledge from generation to generation, and this information cannot always be adequately shared in writing. The Board recommends that those providing oral traditional evidence focus on the community's interests and rights.

5685. 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.

5686. Sharing your traditional knowledge and stories about the use of your traditional territory is of value to us. If you wish to share any concerns about the impacts the proposed project may have on you and your community and how any impacts could be eliminated or reduced, that would also be helpful to us.

5687. 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.

5688. We appreciate that you have chosen to be here today. Before providing oral traditional evidence, presenters will be asked to swear or affirm that the information they are presenting is accurate and truthful, to the best of their knowledge and belief.

5689. And before we get underway and before I call on the Shackan Indian Band to present oral traditional evidence, perhaps I would like the representatives of the Proponent, Trans Mountain, to introduce themselves for the record.

5690. **MS. OLENIUK:** Good morning to the Board and also to representatives of Shackan Indian Band.

5691. My name is Terri-Lee Oleniuk and I represent Trans Mountain along with my colleague to my right, Heather Weberg. To my left is Annie Korver, and

she's a member of Trans Mountain's Aboriginal Engagement Team.

5692. Thank you.

5693. **THE CHAIRMAN:** And I was wondering if there are any other preliminary matters this morning from any other intervenors?

5694. For the record, if you could introduce yourself, please.

5695. **MR. WHITESIDE:** Thank you, Mr. Chairman.

5696. My name is Joseph Whiteside. I'm a Senior Policy Advisor with Natural Resources Canada's Major Projects Management Office. I am here today and tomorrow as a representative of the federal Crown to hear the witnesses' oral traditional evidence in relation to the proposed Trans Mountain Expansion Project. A colleague will attend next week's hearings on our behalf.

5697. While I do not intend to ask any questions today, a number of federal departments and agencies are registered intervenors, they may utilize the IR process at a later point in time as a vehicle for asking questions or clarifications of other intervenors.

5698. I would also like to note that I am honoured to be present at this hearing in the traditional territory of the Scw'exmx people.

5699. Thank you, Mr. Chairman. Thank you to the presenters.

5700. **THE CHAIRMAN:** Thank you, Mr. Whiteside.

5701. And with that perhaps we could have the representatives be sworn or affirmed.

PERCY JOE: Affirmed
LENNARD JOE: Affirmed
JIMMY TOODLICAN: Affirmed

5702. **THE CHAIRMAN:** And perhaps just -- I'll just -- if at the beginning of your presentation, you could perhaps indicate whether you will be responding to any questions orally, in writing or to both and perhaps with that I would offer

Mr. Gailus, I understand, to open your -- the presentation.

5703. Thank you.

5704. **MR. GAILUS:** Thank you, Mr. Chair.

5705. I want to thank the National Energy Board for having these hearings and welcoming Shackan to participate in them.

5706. I want to -- well, first of all, my name is John Gailus; I'm legal counsel for Shackan Indian Band. With me to my left is Matthew Nefstead, also counsel.

5707. From right to left is Grand Chief Percy Joe who's the long-standing Chief of Shackan Indian Band; Lennard Joe who's a member and a professional forester. I'll let him give you more biographical information, and Jimmy Toodlican who's an Elder of Shackan and probably one of the most extensive land-users in the territory.

5708. I want to thank Jimmy for giving the prayer this morning and also acknowledge that we're on Scw'exmx territory.

5709. I know you don't want to hear from the lawyers so I'll shut it down pretty quickly. Any questions that any of the intervenors or the Panel has we'll be answering in writing.

5710. In terms of the structure of the presentation, we've only got the one exhibit there and I think that the witnesses will kind of walk you through the territory and speak about the impacts that have occurred and also some areas that they consider very special.

5711. And with that, I'm going to turn it over to Grand Chief Joe.

5712. **GRAND CHIEF PERCY JOE:** Thank you very much. Grand Chief Percy Joe.

5713. Before I introduce ourselves here and who we are and what our community is about, I want to pass the mic over to Lennard to do a song.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. LENNARD JOE:

5714. **MR. LENNARD JOE:** (Speaking in native language.) Today for us is an important day since we have to share our information and we have to tell you who we are.

5715. It's the first that you're hearing from the Nlaka'pamux Nation. We acknowledge and give thanks to Scw'exmx people for allowing us to participate and do this work on their land today.

5716. I was thinking whether or not -- how we were going to start the day. And in order for us to tell our story, we will ground ourselves. We need to be grounded and we need to know that you are grounded with us so you can hear our story.

5717. The song is Inflakalin (ph) song. It is a grizzly bear song. My name is SúxSúxWelsh. SúxSúx is a grizzly bear. Welsh is the name you give a man, so the grizzly man. And this song will relate to the story we're telling today on this land.

5718. The song is -- came to be up in the Coquihalla, up along the Coldwater River. And the song came with a sweat, with a ceremony. And a good friend of mine, he had lost his brother and his father in the Thompson River.

5719. And we went up into the Coquihalla where one of the Elders said, "Use my sweat. Go up there". And so we went up and this was before the Coquihalla had come through -- the highway had come through so we went up on a dirt road and just the two of us and we did a sweat.

5720. And somewhere along that line a song came and a vision came. As much as you can say that it's a -- that these things sometimes are made up, until you go through something that profound, you don't really realize how connected you are to where you're from.

5721. But on that -- in that sweat -- before that sweat, I had dreams and in those dreams, we would walk through and just be in the forest or just be on a mountain or just be out. But in that dream, it was the first time I looked down and you could see the bear paws.

5722. We walked through the forest and got up to a log, stood up on that log with my forearms, pushed up and animals started coming out. When I looked at those animals, after awhile you could see people and those people were looking up. And when I looked down at my hands, they were on a podium, in front of me was a mic and I had a suit on.

5723. From that moment on, believe it or not, there was something there. A story was a message. Something happened.

5724. It was seven years later after that day I was at the University of British Columbia, became President of the American Indian Science and Engineering Society. Long story short, we had a dinner, and at that dinner we -- there was a Chiefs' meeting in Vancouver and we brought in I think it was 26 or 28 Chiefs to acknowledge the students that were in science and engineering at UBC.

5725. And when I took that mic and I took that podium because I became president that night, I looked down and that's what I saw, my arms in a suit and a mic in front of me. And when I looked out at those people, you could see the animals that were there. And that was strong and whatever it is -- and you take whatever you want to take out of that -- but in many ways I meant that was the path that I was meant to take, but in reality that's the path that I'm on.

5726. So the song came and this song is the grizzly bear song so I wanted to ground this Panel. I just wanted to help. Solomon Tutu (ph) is sitting with me and my father, Grand Chief Percy Joe, who's sitting with me. So we can ground and tell our story.

5727. (Native traditional song)

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR GRAND CHIEF PERCY JOE:

5728. **GRAND CHIEF PERCY JOE:** Thank you very much.

5729. First of all, I'd like to sort of introduce who we are as people and as a community.

5730. First of all, I'll start by introducing myself. I served 13 years with the Armed Forces. I've done four tours overseas.

5731. I served one of those tours two years in Germany with NATO. I'd done one tour with the UN in Cypress, a six-month tour, done two tours of duty reinforcement for NATO and the northern flank which we served up in Norway.

5732. Left the Armed Forces in 1971, became Chief. Served as Chief from 1971 to 2008 when I became -- I ran as a Councillor for two years. In 2010, I again ran as Chief and have been Chief since 2010 to present.

5733. I just wanted to introduce -- make comment about Lennard. He's introduced part of his bio by mentioning the university. And I'd like them to further -- probably if they so choose to further fill in their bio of what they've done.

5734. And our Elder Jimmy, who was raised by his grandparents, and I knew him as a child growing up and he spent a lot of times on the land with his grandparents, so he has a lot of knowledge about our territory. And when he gets into his presentation, you'll see the area he's covered within our territory and has made use of what's available out on our land.

5735. Shackan Band is a small community, a population of 132 and maybe 133 now. I'm not too sure; I haven't talked with our membership. But I know there's been several babies born the last year and a half or so, and the process of registering them is still going on.

5736. We have an area that's in the Nicola Valley approximately 45 kilometres from Merritt and 20-some odd kilometres from Spences Bridge, and there's an area that we'll mostly be talking about, those areas that we've used within our territory.

5737. And I'd like to just move on a bit and make reference to the process that is happening here with the National Energy Board. Shackan Band requested to be an intervenor. We applied for funding. We basically got $1,250. And you know, that sort of puts us really at a disadvantage. There's many things we wanted to present and be able to understand as to how the impact of the pipeline is going to have within our traditional territory.

5738. So we've actually had to use our own funding source, which really impacts our small community because, being a small community, we really don't have the funds to be diverting to other areas. But our members felt that it was

important that we partake in this process and be able to voice our concerns as to how this pipeline is going to impact our people and the uses of the territory in that particular area.

5739. And as we get further in, we'll also address that just because we're looking at a certain specific area as to the impact of that area. What happens in that area also affects many of our other areas within our territory because of the access and whatever other reasons that people have to move from that area, so it starts to impact other areas within our traditional territory.

5740. Shackan Band is part of the Nlaka'pamux Nation, as you see on the map up there in the darker colour. That is the traditional territory of the Nlaka'pamux Nation where we'll show later on during our presentation as to how those areas are -- been used.

5741. Shackan Band, as I mentioned, has about 32, 33(sic) members at this point. Our Reserve consists of about 4,000 hectares. Shackan Band members exercise their Aboriginal rights throughout the whole of the territory -- excuse me.

5742. The Shackan Band members exercise their Aboriginal rights throughout the Nlaka'pamux traditional territory and share the territory with other First Nation bands within the Nlaka'pamux Nation along with our neighbours, the Nooaitch, the Scw'exmx, the Soldatquo, the Shxw'ōwhámel and the Xatshengoos (ph).

5743. All the neighbouring First Nations share stewardship and responsibility for the land and the resources within that shaded area.

5744. The Nicola Tribal Association was formed to unify the Bands of the Nicola Valley before the Canadian government formerly recognized tribal councils and started funding them.

5745. They reflect on the bands' shared identity and just a reflection on that in the Nicola Valley, there is four Secwépemc Bands and one Sylix Band and we've worked as a tribal council since the 1971-72.

5746. The Nation is knitted together by kinship and marriage. Historically, community members were sent to live in other communities to maintain and reinforce those bonds.

5747. If you don't know the history, just most recently there was a reaffirming of the Fish Lake Accord by our neighbours, the Sylix people, with the Secwepemc, and that accord's been in place for well over 200 years. And the thought of the -- the accord back then was so there'd be no fighting between the tribes.

5748. And what was happened, two children from each tribe was exchanged so that if the -- if there was a battle to happen then you would be possibly killing your own kin, so that kept the peace between those and as we start looking back in our history and reaffirming those accords that happened between the different tribes in the -- in the plateau.

5749. When we talk about our members accessing the benefits within our territory, as often referred now as overlapping territories, we do not see that. Those issues are dealt within our accords with our neighbouring tribes so we share many of the territories, we share many of our resources throughout those territories.

5750. Shackan Band members, as our Elder Jimmy Toodlican will be talking about, is the areas that we've used, hunted, gathered and other cultural significance within our -- within our territory.

5751. And I guess the real concern we have now is the protecting and the stewardship of our land and basically, particularly after the latest Court case -- that's the *Tseil Coteen* case -- where we have title to the land and has really started us really looking at what is left of our territory. And that's sort of the concern I guess we have of all infringements that's going through our territory.

5752. We have, you know, the highways, we have power lines, we have pipelines. You know, every time there is some utilities going through our territory, our territory is shrinking. And many of those there -- those utilities that go through our territory really infringes on how we use the land.

5753. Many of our people do not work either by choice, and they want to live off the land. Many of our people work seasonally. Many of our people work full-time but go out on the land and enjoy it, like every other citizen within British Columbia does.

5754. And which brings me to another point. When these areas are opened up, they also infringe, basically, because a lot of those people really don't

understand and honour the --and respect of the land that they move into. And they actually do a lot of destroying, and particularly in the Coquihalla, when you look at the quads and snowmobiles coming up in that area.

5755. A lot of those little streams there are very sensitive, that -- for fish and that, and yet we have quads that run right through them creeks and disturb the little hatchlings that are up in that area. And when we look at that, the Coldwater River, which comes down from the Coquihalla area, is one of the most endangered rivers in Canada.

5756. So you know, as native people we've been working very hard to ensure that salmon starts spawning up there.

5757. And we do a lot of work and it -- when you look at this year, the biggest return of Coho up in that river, the count is at 137. So that was much better than it was the previous years. But when we start going into that area and disturbing that, it becomes a great concern for our community members.

5758. And maybe at this point I could turn it over to our Elder, Jimmy Toodlican, to tell the stories he has.

5759. Unfortunately, one of the things we wanted was an interpreter for Jimmy. We weren't able to get the funding to be able to use an interpreter, so at some point -- Jimmy was telling me he was feeling comfortable in English, but I know there's some plant names and other things he may not know in English, and I'll try and interpret that, although my Nlekepmxcin is not as good as Jimmy's, so we may get stumped on some plant names and that. And hopefully, we'll be able to carry on and hopefully be able to get an interpretation on those later on.

5760. Thank you.

--- ORAL PRESENTATION BY/RERPÉSENTATION ORALE PAR ELDER JIMMY TOODLICAN:

5761. **ELDER JIMMY TOODLICAN:** (Speaking in native language.)

5762. Good morning. My name is Jimmy Toodlican. I am from the Shackan Reserve. My grandmother and grandfather from my mother's side is George Toodlican and Celia Toodlican. My grandmother and grandfather from my dad's

side is Dan George -- or Jimmy George and Josephine George and my father is Dan George. My mother is Janet Toodlican.

5763. I guess that something that they couldn't do is have an interpreter for me. I will have to apologize. My education is not very good. I'll do the best I can.

5764. I have taught in the public school but I did not teach English, I taught my language. I taught in the public school for 16 years. I worked with the native language since 1980. I went to University of Honolulu for six weeks with my aunt, Mary Coiutlee.

5765. So now I'm going to tell you today about the things that when my -- from growing up by -- raised by my grandparents, Josephine George and Jimmy George. They raised me since I was one week old right to the day my grandfather passed away. Then later on my grandmother passed away.

5766. My grandmother, she outlived all her kids, she outlived her husband. And then later she passed that she -- I guess she liked to see all her siblings put away in the right way and her husband to be put away the right way so that she outlived all of them.

5767. But the things that they taught me as I was growing up was have to have respect to our land. So what you guys call today our territory, we call it our tmíx^{w}, our house. We take what we need from our house. We do not take everything.

5768. We -- all the years I have spent with my grandparents out in the high country, I have heard and I have seen on TV people get mauled by bears and grizzly bears or attacked by cougars. And the years that I spent out in the -- out in the high country, like you take Coquihalla where the toll booth is -- we spent two weeks there at times to pick huckleberries, I have never seen a grizzly bear out there.

5769. Because when we go out there we do a prayer to say to the animals to let us in. And we are only going to take what we need. We are not going to destroy everything. We only take what we need. The grizzly bears, we tell them that. The bears, we tell them that. So when we go in there I have never seen them. So I guess they believed in what we said in our prayers.

5770. From the Coquihalla over to what we call or what you have called is péłuskʷu. That's in above Lytton, we call it péłuskʷu which means lake. And the way you guys say it and you guys went to Pasulko Lake and all you're saying is péłuskʷu, péłuskʷu.

5771. That's what I was wishing for this morning.

5772. **GRAND CHIEF JOE PERCY:** I found it.

5773. **ELDER JIMMY TOODLICAN:** You found it. Yeah. Okay. I was thinking, I wonder who has the -- if they have a laser pointer. Yeah.

5774. We go to the what we call péłuskʷu, that's above Lytton, and we pick wild potatoes. We pick black caps there. Sometimes if we need black moss we'll get it there. But while we're doing this, my grandfather is hunting and my grandfather likes to hunt and that's what is the thing that brings our food to our table, our clothes on our back.

5775. My grandmother scrapes and tans the hide and then they makes gloves and moccasins and vests and coats. And they sell it in town, sell it and that's what puts the food on our table and our clothes on our back.

5776. From there sometimes we have to go to Douglas Lake to get our kokanee, what we call kekn̓íy. We take and we gather that. We fish. And sometimes we get there when there is a lot of people there. And since I was young and fast, whenever they said, muckmuck, boy I just run over there and get all the fish I can get as fast as I can put it in a sack. As long as I go home with just about a full sack and dump it and put it in front of my grandparents. This is what I got. Says, that's good, now we can eat.

5777. Sometimes we go to what they call Tunkwa Lake. I didn't know it as Tunkwa Lake until a few years ago. But at that time I knew it as the summer range. It's like I was saying when I was young, you grab a stick like this and a ditch this wide, all I did was just stick that stick in the water and run alongside the ditch. And my older brother, he'd be running in front of me and dipping out the fish. And he'd just dump them alongside the ditch and my grandmother or grandfather come along behind and put them in sacks. And we'd take that home. We'd take it home and we'd dry it.

5778. The other camps that we had was in the Big Horn. Big Horn, we'd go

there a day before fishing would start. We'd gather all our wood, all our materials for drying salmon. And then we'd fix the place where we -- where I am going to fish. And we'd pick a spot and we have to fix the place where I'm going to be dipping the salmon.

5779. And I'd be on my tummy, feeling in the water for the big rocks. As soon as I get a hold of one and I grip my hand as tight as I can and hold onto that rock and my grandfather would pull me by my legs and that rock would come out of the water and then we'd try dipping it. No, there's still another rock down there somewhere, we got to -- we had to take it out. So we do the same thing. I go down there and feel some more and get -- and then get a hold of that rock and then I'd -- then my grandfather would pull me back. And then we get that rock out of the water so we'd have a good place to fish.

5780. Sometimes I catch 14 in one dip. So we have a place where we put it. We pile rocks there where we put the salmon. And if there's enough there for my grandfather to pack to my grandmother so my grandmother can fix it into dried salmon. By the time we leave from there, we probably have 400 dried salmon.

5781. And we didn't eat all the dried salmon; we have visitors that come and when they stay for two or three days and when they go home, my grandmother would tell me to go to the root cellar and get salmon, tells me how many to bring back to the house. I'd bring it back to the house. And he'd tell the people, "We thank you for coming to visit us. We want you to go home with some salmon. We want you to go home with some dried salmon".

5782. Sometimes we give them frozen salmon which we take out from the Armstrong store in Merritt where they had the walk-in freezer, and that's where we put some of our fish.

5783. So people went home with dried salmon, maybe -- maybe frozen salmon sometimes or maybe deer meat because my grandparents didn't want them to go home where they would have nothing for them to eat on the way home so they always had something to eat on the way home.

5784. That is the way I seen it with my grandparents. There was no such thing as "mine". It was always "ours" no matter who was in our -- in the house we lived in.

5785. When we went out camping, it was the same thing, we'd have our tents

out this way facing each other with different people from different communities, maybe three or four, but we'd all have them facing each other like this. We'd have a fire in the middle. And that's the place where we go what we call ɬp̓ów̓uʔs. That's known as the Boston Bar Trail, and that's where we go to pick huckleberries. And then the people that have their tents facing each other would have big pots and we'd all -- they'd all cook in them big pots, and everybody ate out of that pot until we got enough huckleberries.

5786. Sometimes my grandmother would dry the huckleberries right out there and the fresh ones that we bring home, they'd can those. Some of them you'll put in a freezer in town, the walk-in freezer.

5787. My grandfather, Eddie, always hunted. Sometimes we had whistler -- whistler for dinner. Sometimes we had Fool Hens. That is one of the things that I was told, to go out to look for some Fools Hens. Sometimes when I catch them, you get the horsetail and we fix it so that we snare the Fool Hen. We miss it the first time, the second time, they move his head to where your snare is and you catch him the second time.

5788. No wonder while they call it Fool Hens. We get maybe four or five, make some soup out of it. We'd have a good feast of Fool Hens.

5789. We go different places, we go to Chataway Lake to catch our trout, to get our -- to get our black moss, to get our Labrador tea, to get our deer.

5790. Deer was the most important thing in my -- in our household 'cause that, I said, brought food on our table, clothes on our backs 'cause I was not just the only one that my grandparents raised, there was five of us that she raised, and there's only two of us left today. And the one that is at home right now, he speaks the language probably better than I do because I am younger than he is. A little more crazy than he is, so he speaks it better than I do.

5791. But I travelled a lot with my grandparents. He was the oldest, and the other four were sent to residential school. I did not go to residential school. I only went as far as the door of the residential school. That's as far as I went. When the Indian Agent come to get me to go to residential school my grandfather told me to tell the Indian Agent that I'm not allowed to go to residential school.

5792. My grandfather told me to tell the Indian Agent that he is a greater hunter. He can shoot a deer in a very long distance and never miss. My

grandfather told me to tell the Indian Agent, and the Indian Agent is only standing three feet away from my grandfather, he'd shoot him in the 24 jewels and never miss.

5793. When I told that to the Indian Agent, the Indian Agent backed up, got on his pick-up and left. And I never did go to residential school.

5794. I don't know how long after I asked my grandfather, I says, "Grandfather, why did you not let me go to residential school?" I wanted to go. I was the only child on the Reserve amongst all the adults and the Elders.

5795. My grandfather looked at me and he told me this, "Grandson, I let the old ones go to residential school so that they can know the technologies of this world". He says, "I let you stay behind so that you can hang on to our language and our cultures and our values and our traditions of our people. And I give you that gift today", he says, "but do not forget, grandson, it is for you not to hang onto it. You pass it on".

5796. And that's what I've been doing since 1978. I've been doing that, trying to pass it on to the younger generation and tell them all the things that I know about our territory, everything, everything that is in our territory. All the things that we need to survive is all in that territory. What we call hein-hein (ph) is in there. It's right in sulús, and that's where we get it. And we get it up in -- at Nicola Lake.

5797. Nicola Lake where we get our hein-hein, and that is really good, you know.

5798. There's a story to that Nicola Lake. That's why the Nicola Lake is there today. It's a story that goes with that. We have stories that I've heard from my Elders I was told when I was very young by an old man. "Sit down", he said, "I have something important to tell you".

5799. I sit down, and I want to go play outside. I keep looking out the door and out the window. He says, "Are you listening?" A long time after, I says, "Yeah, I'm listening". "That's good, I'm telling you something important". And deep in my heart, I said it's not important to me. No.

5800. As I grew up, got older, and sitting way up in the mountains hunting,

sitting on a log, when I think about that old man, I say, what that old man told me when I was a boy, it was not important to me. And I sat on that log and I says, looking back, what that old man told me was very important. It's lucky I did not forget those things that he has told me. If I had forgotten, I won't be here telling you what's up there. All the things he told me, how they survived, and I seen part of it, not all of it, but part of it, the way they survived relying all on what's in our territory.

5801. We need them. We need to pass them on to the younger generation so that one day they may need it, just like the way we did or I did when I was growing up. We needed those things. Maybe in the future our generation, younger generations will need those things in order for them to carry on.

5802. I would like to thank you for listening to me. I was just getting warmed up.

5803. **THE CHAIRMAN:** It may be cold and it's a little bit cold in here as well, but you certainly warmed me up for sure.

5804. And perhaps we will take a short break if that would be appropriate for you. So we'll come back at about 25 after 10:00. We'll take about 10 minutes.

--- Upon recessing at 10:11 a.m./L'audience est suspendue à 10h11
--- Upon resuming at 10:30 a.m./L'audience est reprise à 10h30

5805. **THE CHAIRMAN:** Whenever you're ready.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MR. LENNARD JOE:

5806. **MR. LENNARD JOE:** I'd like to again thank my father, Grand Chief Percy Joe and Jimmy Toodlican for their words this morning. And the words that I will add will just only, I think, reinforce a lot of who we are.

5807. My father mentioned this morning that he's been Chief since 1971, but what he also is, is for the Shackan Band, he's our eighth chief since 1860. Within that timeframe, you know, that's -- I think that's back to Abraham Lincoln days in the U.S.

5808. Within that time of eight chiefs, the protocols and principles of who

we are as a people has been passed on, our ties to the land and all that has happened around us. The changes within our environment have been great.

5809. So with that, there's been much development. You know, the railway came through. Power lines came through. Telephone lines came through. Highways were built. We were put off to this area here. And they call it Shackan. IR Number 11, 12 and 13 are the numbers that are tied to our reserves. We are tied with the Nooaitch and we're tied with the Lower Nicola Bands. These bands, the Nicola Bands, are also tied with the Coldwater Band.

5810. And we go to the north to the end of Nicola Lake, Quilchena and Spaxomin, the Upper Nicola Bands, the Syilx People, in which we share the area with. We call our area the Shackan. We are the people of the creeks. One part of a nation that covers the shaded area of the Nlaka'pamux people.

5811. When we go down into the mouth of the -- where the Nicola meets the Thompson River, we have the Cook's Ferry Indian Band. My grandmother was from Cook's Ferry. My grandfather -- her name was Rose. My grandfather, Anthony, was from Shackan. My mother is from the Lower Nicola, Shulus. Henry Swackim (ph), Seraphim Swackim (ph). Seraphim was a Moses.

5812. When I grew up -- also my auntie married into Spaxomin. My grandmother's sister who raised us, helped raise us, Julie, and the lady who made this vest that I wear today is from Coldwater.

5813. Growing up, I never realized the rules around Indian reservations and funding and that your band number meant that you're from a certain reserve. All I knew was that that was where I was from. Those -- all those houses I had somewhere to stay. All those houses I was welcome to hunt, fish, gather, camp and conduct ceremonies. We learned Syilx language just as we learned Nlaka'pamux.

5814. The people in our families spoke -- were multilingual. My grandmother and her family and other people, they would speak Nlaka'pamux, Syilx, Shwapin (ph), the Shuswap, Statlium (ph), Stó:lō, and Chinook, the trading language and English and some of them French. We were very aware of our environment and who was in it.

5815. We live in an era -- today is an oral hearing. I remember being in a room with my father and they were talking about the Indian agent, and they were

talking about Indian Affairs, and they were talking about the people coming together. I didn't realize at that time they were talking about the development of the Nicola Valley Indian Administration, the Tribal Council.

5816. In order to start that, every band gave up money. In order to transfer over and do things, we had to give up our own resources in order to get something. And the bands gave up the valley of one house, I think it was. That's, you know, for people who don't have much, that was -- there was something that we said stronger together. We had -- we were given something, a rule of law put in place that put us as a band, but we said we're a nation.

5817. We also have protocols, Nlaka'pamux protocols and principles that we work with, with the other Nlaka'pamux Bands.

5818. So when we come here as the first Nlaka'pamux Band, we're talking for the 15. We also talk for our sisters and brothers up in the Spaxomin area, those same stories.

5819. SūxSūxWelsh talked about this as our house. We look at that. Everything that we do comes to the basic principle that this is our house.

5820. The food, the shelter, the clothing, the heat, the medicines, the water all comes from this place. In order to get to it, in the English terms, we had to travel to different biogeoclimatic zones. We went from the hot lowlands, you know, down in Scw'emx.

5821. We have our medicines and foods. But as the seasons changed, we learned and we'd travel high up into the Englemann spruce up the alpine fir, the Montane spruce. We travel into areas within the IDF. We even have some areas of hemlock cedar that we go into. But all these things that we gathered within our area.

5822. Even when you look at this map, you see these routes and you see highways, the main travel corridors. Those are our trails. Our trails are -- the first visitors to our territory didn't come in and say, "Hey, we found a better route for you guys". Those are all our routes. There's even more up here that show -- don't show up, but if you follow the logging roads and other resource roads, they follow our trails.

5823. SūxSūxWelsh didn't mention one area about the Coquihalla. The

Coquihalla and Styoma in our area was very strong areas, high elevation, cool. That was our summer vacation homes, I guess. But these areas here also show the ties of this whole area here, the Nlaka'pamux Nation. Trails -- the Boston Bar Trail, Kanaka, Spaxomin, they all could gather and come up into the Coquihalla and Styoma areas.

5824. These are areas of gathering and sharing and trading. Horse races occurred in these areas, hunting, picking, getting ready for the winter. Also ensured the longevity of our relationships with each other because that's probably where a lot of people met and got married. Like we were saying, you can't hurt your family, so there's -- that's where we come from, all over.

5825. When we make these ties to the land, these trails and everything that pulls together, when we talk about the Coquihalla -- I started this day telling that story about what happened up in the Coquihalla. But this area here, even I know -- even I knew when I was a small boy, when you go up into the Coquihalla, you were to respect that area.

5826. We couldn't make noise. We couldn't go screaming and making a racket when we were there. And now, you know, you go through the Coquihalla, you -- any mountain you can hear the Coquihalla Highway going through, and we wonder what's that doing.

5827. I also want to talk about access. Everything in our area requires access in order for all these different resources that happen out there. But in order to do that, you need a permit, and you apply to the Ministry and you get a permit. With that permit, you become responsible for that area. That responsibility has become -- to us, it also becomes a liability.

5828. One is those accesses, you know, we have to ensure that the water is kept clean. We have to ensure that our plants are there, our animals are there, everything else is there, and we do it through some referral process. But also within that, you know, there's nothing that shows cumulative effects.

5829. I know in my lifetime that those areas have changed, you know. We never had to dust off our huckleberries before and wash them because of roads. We never had oil from vehicles and introduce noxious weeds. Even we have to compete now that these roads are there. People come in from all areas that are non-Nlaka'pamux and they're picking our huckleberries because they love them so much. We have to go out there -- and they pick them when they're not ready

yet.

5830. Also access, people have permits now. Then they say, “Well, this is our road”. They deactivate that road or they’ll put a gate on that road. Sometimes it’s a better road. And these roads that are there, one of them in particular was -- went through the back, the old Keene Valley railroad line. That happens to be where the pipeline follows. And that road along the Coquihalla Lakes and I think at the Portia exit around there, you can -- we used to be able to wrap around there.

5831. And we used to go up in that area and pick. I remember going there when I think it was 1970 -- when did it snow that time; ’78 -- 1978 we went up there, and we could drive up there. And we think about it and SūxSūxWelsh was talking about well, they used to take the train.

5832. The train would stop by and pick up people. And by the time they went through the Keene Valley in that area there, it’d be dark, and that conductor, he knew everyone’s camp and all the families had camps up there in that area. And he would stop the train and say, “Oh, this is the Moses family, this is the Coiutlees, this is the Joes, Seymours". And he’d stop and let people out.

5833. And I thought about that and I thought about how little rights we had back then. Didn’t have a right to vote and didn’t have -- you know, we were under the law of the Indian Agent. But yet that conductor knew where the families camped and that’s -- and he brought us there. Now I go up to that area and I can’t even get in because there’s a gate.

5834. We talked to the pipeline and they said, “Oh, our apologies. We didn’t know. We blocked it off for security reasons. Some machines were getting vandalized, and there’s other concerns. And that’s our road”. Well, our road was there before that.

5835. So for years -- and this is what happens is cumulative effects. People didn't go there. We went over here. We went new areas where -- and then, all of a sudden, we're in someone else's picking area. We've had to adapt and evolve with our limited access.

5836. We also recognize that, yes, we now aren't on a horse or yes, there's a road we can take by car. And that's going to lead to my next, is that because we weren't here, we start cutting over. We started going into -- up the Brookmere. We started noticing, you know, more and more impact on -- along because the

Coquihalla, we can get up through here and we're finding some other areas.

5837. What we found out though is we're on someone else's area. You start seeing that when you start changing the environment. Families start getting mad at other families. They don't know. That's who the conflict is with. You have to step back and look at this big picture to realize that impact.

5838. But also, with increased access and other things, it's all -- we talk about what you did as a child. Take them five days to go and gather fish, and that's not even -- then they have to pack up and go back home. Lots of the times, the stories, I like them is because they had to get back home. They would leave at -- if there was enough moon, they would leave at 1:00 in the morning so they could get home during the daylight.

5839. Now we jump in a truck. Some roads we can drive even by car. But with that, we know this whole area. I know this whole area. I've been everywhere out there. I'm an RPF, but I'm also -- consider myself grassroots.

5840. I go and collect the medicines. I go and pick our traditional foods. We bring back the songs, we bring back the ceremonies. We do ceremonies at the headwaters within the Coquihalla and the Pemanis (ph) and these ceremonies here we do pray for the land, pray for the water.

5841. We also do ceremonies for -- we brought back the woman ceremony and the men ceremony, the young woman, the young men, the puberty ceremonies. And they all have to come up here and do their ceremonies.

5842. The protocols and principles are there today, but they've changed and evolved. No longer do we do them in complete Nlekepmxcin, we have to speak English.

5843. No longer does it take us two days to get there. We leave the house at daylight and be home by afternoon. But we go to these areas, and the one thing that I know is that all these different areas here, these families have carried on their hunting.

5844. I know -- I think I was talking -- I was recalling -- never thought I'd have to recall it, but I know 15 different hunting camps that families go to. And they hunt these areas the same way. We do a lot of flushing; you walk around and you push and driving the animals out.

5845. SūxSūxWelsh was telling us a story about right at Nicola Lake where the families would gather in the spring and the deer would be out in that field right there, and they'd push them up this gully. We got pictures of us out there behind the rocks that they had.

5846. A lot of these areas here where we hunt today, they're the same thing. They're gullies or they're narrow. They narrow in, and this is where they had snares and this is where they had hunters waiting.

5847. Now we just flush them through and someone's got a .7 millimetre Magnum or something at the other end. But we take our game the same way. We bring it back to the same hunting camps that have been there for -- for as long as we know and we prepare those game and we share the meat the same way. And that's what we'll pass on. That's what I'll pass on.

5848. Last year, we went out and it was the first time I realized when we stopped the truck, all the boys about 12 years old to 16 years old, they got out and they already knew who was going to go where. They know the hard walks, and they send the younger ones. The pecking order is already set. They know the high probability of where you're going to shoot and then the older ones get that.

5849. Of course, us men get the best spots, but I was a runner also at the time. So I know -- I recognize that. And I thought about it and said, "We never -- we don't have a map. We don't have a book. There's not an app that you can upload onto your iPad that says this is this hunting area and here's how you do it". You just do it by doing it.

5850. And it brings me back to where we come from. My grandfather would bring me up into the mountains, and I was really lucky 'cause my grandfather was so knowledgeable of the areas. And he would point -- and he pointed all these areas across the valley that we can see. And he'd name the areas.

5851. He'd name Chluchlu (ph) camp. He would name these areas. And again, as SūxSūxWelsh says, you know, you're a kid. You don't realize how important that was.

5852. So when I look, all he would do is he was pointing. And I remember that direction he was pointing. But through technology and life as we grow up, we get these maps and we're able to look. And all of a sudden, we're marking

them and saying, "Hey, where -- this road goes right to Chluchlu camp". We can go there.

5853. And we get to these sites, we get to these areas that took hours and hours, but what we notice is that they're so transected by different roads and other things that that trail is no longer. Just parts of it, just enough areas there where you go there and you recognize SūxSūxWelsh went this past summer to an area where there was poles on a tree.

5854. That was 39 years since he was at a hunting camp from when he was a boy. And he walked up and he saw the poles for the tents. They were still on the tree. And he says he knew where he was.

5855. And now we said we gotta go back there again. We gotta go back there again because we -- this is all we have. That's it. If something goes wrong in our house that affects it, if there's no -- nothing to sustain us, we have nowhere to go. We won't go anywhere. Our roots run deep. We are the Nlaka'pamux people.

5856. My father, his father told him if we're going to survive, you have to learn how to think like a white man.

5857. I was the first person in my family to get a degree. I was the first person to learn the -- you know, how to create a hypothesis, how to develop a parabolic curve, how to express population dynamics on a graph. And I got a degree, a minor in biology and a degree in forestry -- degree in forest -- wildlife conservation.

5858. And I came home and I said, you know -- I was actually going to be a park ranger, but there's no parks in Merritt to work at. And so I ended up -- I ended up working for a forestry company. And I said the biggest impact on the land is forestry at that time because we're taking something. And I worked with a company called Weyerhaeuser.

5859. I found the first hill frog on the eastern side of the Cascade Mountains, found goshawk nests within the forests. We created best management practices around that.

5860. As we -- as I grew up within my field, I recognized the value of the knowledge that I had and applied it to the land. It wasn't until the 1990s when we

realized that -- we were talking about protecting the land and we were told you have to put it into measurable. We can't just say things any more; it's not recognized. It has to be scientific. So we did that.

5861. We took our values and our principles, we developed organizations like T'muk (ph), which was under the Nicola Tribal Association, for looking after the traditional use, doing traditional use studies and archaeology and referrals within the land. That was supported by all the Bands to do that.

5862. We started also businesses. We work on a very simple three principles, three values, and there's that balance. We have the social cultural values that need to be looked after. We have the environmental values that need to be looked after. And we have the economic values that need to be looked after. We had all those. That goes back to time immemorial, those values.

5863. As more and more pressure gets put on our territory, it becomes more and more important. We could hunt and fish as much as we wanted when there was no other competition, but life changes. But our values stay the same, our principles stay the same. We have to look after that. So we start companies, we start organizations.

5864. I'm now general manager of a company called Stuwix Resources Joint Venture. This company was developed to participate in the forestry sector. When it first started, it was all the Chiefs, and I got to participate and sit in the room and watch them work together on a common goal of saying we need to participate within our own forest industry.

5865. We need to one, yes, gain revenue. Number two, we need to have shared decision-making on the land. And number three, we need to bring this information to our people. We create jobs, but we also create who we are within this.

5866. So we met with industry, we met with government. They offered us 15 percent of this uplift that we are going for called Innovative Forest Practices Agreement, and we said no, we want 50. The result was a half a million cubic metres going to the Nlaka'pamux Bands that were part of Scw'ex.

5867. A lot of these things also, when we started, there was no money saying here you guys; go. We talk about -- it was funny. We talk about a war chest that the Bands shared. It wasn't to get guns or for wars, but in a sense it was. It was

to get information, the traditional use study information, also the information that was needed to provide the core foundation for successful businesses.

5868. Through the growth of us and our participation, we worked on a project called -- with the NSIFS, IFPA project. One of them was Predictive Ecosystem Mapping, PEM.

5869. In order to get that, we had -- we actually used the traditional use interviews that we had and we picked different plants and animals on the land. And we worked on those areas and we said these -- and we were looking at probability of where these would be.

5870. After looking at it, we found that, you know, it coincided and overlapped with all our hundreds of traditional use interviews that we had with our Elders and land users. Within that, we were making decisions of how people were on the land utilizing our territories.

5871. Since this was forestry, we talked about areas where we said this is a no-go area, it's ha-ha (ph), spiritual area. This area here is an area where you don't go. And back then, it was easy for forestry to say, "Okay, we won't. We'll log around it". And we call them log around areas.

5872. But as you can see, the mountain pine beetle came in and devastated our whole territory. We had -- you know, the plateaus have been just devastated.

5873. And now our wrapper log around areas are impacted and the logging companies say, "Well, it's still in the timber harvesting land base, so legally, we can go and log that and it's in our operating area".

5874. And we're working with them right now saying no, you can't do that. But we're also looking at how -- now we're -- and the shared decision-making. So we're looking how can we work with this; how do we do that.

5875. So in the last year, you know, a lot of things have happened, too. In the last -- well, it's a few years. We have other industries there. We have hydro, wind power. They say, "Well, we won't put in -- there's very little impact. Green energy". But they need roads and when the wind power is in, they'll need power lines. That changes.

5876. Run a river hydro project. Kwoiek Hydro Project cuts right through

the Shackan Indian Reserve. We have multiple gas lines that go through. We have multiple roads.

5877. A lot of these areas that come through, you see and you follow -- just have to pick anything, mining, the roads or the power lines, the gas lines. And you see we also have these areas, we call them bottlenecks. Everything comes into these areas. And you can see it along the Coquihalla, and it's growing.

5878. There's new openings. There's new lines. There's new -- and every one of them have a permit and they tell us that, "Oh, we've done the environmental impact assessments and here's a certificate application and we want you to read it".

5879. Have you see those? They're like this. And we work within to understand those and come back with a response.

5880. In the end, you know, there is very little impact. Not one of them have I seen, though, that said there's no impact. There is never no impact, but there is very little.

5881. Today, this morning, we heard the stories of who we are and where we came from. And you've also heard how we're surviving today to stay who we are. But there's a -- when you look at us and look who we are, there is a big impact.

5882. No one can tell me where our language went and how it went or what's changed that. No one can tell me why there's so much drugs and alcohol on our Reserves. No one can tell me why we have the lowest per capita graduations from the high school.

5883. These are things that I look at and say -- but they all come to us and say, "Well, you have to prove that. You give me a measurable of where this occurs."

5884. And we see this and things happen. We're trying to survive in a world where we're holding on to our past, dealing with a very chaotic present with a strong vision for our future.

5885. We watch our families go up North because there is work up there and it's on oil and gas. We see the social breakdowns. We know what money does.

We watch because we bring up the thing of social poverty. How do you deal with money when you're socially broken? And we get money thrown at us all the time. There are more important things.

5886. The Shackan people have talked to numerous industries and the first thing we tell them is we're not talking about money right now. We're talking about the health and well-being of our house. We're talking about when you come in, what are you going to do that makes us better? We're not talking about a nice commercial, a nice PowerPoint presentation or a nice meal. We're talking about what makes this place better.

5887. That is our responsibility, simple, simple, simple. We go home. We're building a community because we can't go anywhere else and we don't want to go anywhere else. We are working and saying "I don't want my people to come to Shackan and say well, didn't work for me so I had to come home. I have to come and live on the reserve." That's what people say, "I have to come home."

5888. We're working to say -- we want people -- we want a healthy community where people say "I want to come home. I want to live here."

5889. You go down to Shackan, you don't see mansions and big cars and that -- the life that everybody puts as what people want, but you go one kilometre outside of Shackan and you'll see $5 million houses. You'll see beautiful log homes and brick homes. Everyone talks about that and we drive by it every day.

5890. And I went to my people and I said "Look how beautiful our land is. That person wants to live here." And that's what we're -- and that's because we looked after it and we're looking after it.

5891. So that's why we're here, because we're saying that is our responsibility. That's our house. We talk about our medicines. We talk about our food and shelter and everything. And now someone from outside the house says "I want to put a pipe through. The pipe that I've put through your house before we even asked you to do it, well, it's not big enough. We want to put a better pipe through."

5892. We were told that this pipe is safe. We were told that this pipe will create jobs. We were told this pipe is good for Canada, but we're never told yet or convinced that this pipe is good for our house. That's all we're asking. We know that it'll create jobs. We know that it's being built to the best standards that

we can -- that we have today. It's better than it was 50-60 years ago. We know that. But we also -- what we don't know yet is how good is this for our house.

5893. Merritt, right here, that's an aquifer. All the water and all the drinking water for that area is right here. Merritt has about 8,000 people and it's always been 8,000 people. You look at Hope, you look at the Westbank, you look at Kamloops and it's -- they're developing like crazy and it's growing. Merritt is this little hidden oasis that hasn't grown yet, we were told because there wasn't enough power for building infrastructure.

5894. Now the Merritt area transmission is increasing it by 30 percent. We're putting the ILM through and we're increasing more power to Vancouver. Everyone's looking at development of Merritt and right now our biggest fear is do we have enough water and is it safe?

5895. We know that there are shut-off valves. We know that there are other things along the line that are going to make us safe. But we've also known that there have been oil spills and leaks in the past and we don't know -- we were never told how -- what the true impact of that was. There's no -- we want transparency. We want communication.

5896. The Shackan Band is just a small band. We are the corporate knowledge holders of our people though. We're welcome at the leadership tables to speak. Because of our small size, we boast about being the highest per capita post-secondary education. We have people with Masters. We don't have a doctor yet, but we have səxʷnéʔm. We have Indian doctors.

5897. So -- but we also have a voice. We are a government. We're given that. And with that voice, we sit here today and speak for the 15 Nlaka'pamux nations who will -- bands who will follow us and they will tell that same story about the connectivity. We have different -- a little bit different dialect of Nlaka'pamux from the Fraser people along the Fraser River, but it's all Nlaka'pamux.

5898. We understand each other's stories. We understand the protocols that need to be in place, and through the trails and the use of all this area that we needed to survive, that's who we are as a people.

5899. And we'll look at this pipeline as it comes through and we were the first to say -- at first we said we don't -- we didn't endorse it, but we didn't

oppose it because we need to know more.

5900. There's a lot of fear and it goes farther than our nation. There's a lot of fear at a global scale of how we take this material and where it's going.

5901. We support our brothers and sisters because that's not where our boundary ends. Why would my grandmother know Stó:lō? Why would my grandmother know Stl'áleqem? Why would she know Shuswap and Syilx if we didn't interact? So we have to support that.

5902. We hear of things that are even more important as -- you know, we think of bottlenecks in Merritt. We know that down in the Stó:lō territory, the amount of people that live there. We know all the ways of the ocean, the importance of the fish to the people on the -- in the ocean.

5903. We have the incubators. We grow the fish in Merritt that feed the Squamish and the Stó:lō. We feed them. That's our relationship that ties.

5904. Why do we tie ourselves and why do we bring up the ocean? Well, we touch the ocean. My father talked about bringing back the coho. We have a fisheries program and we're working hard to bring back our salmon. We're threatened by temperature-sensitive streams.

5905. Our Ashoktotem (ph) principles within forestry, we govern ourselves and increase the riparian zones. We govern ourselves to create wildlife corridors. We govern ourselves to have minimal stream crossings to look after the water.

5906. Everyone has a job to do in order to keep our land healthy. It's really good to see that. I used to feel like I was the smartest person in Merritt, and now I'm -- the curves are well higher. I'm dropping because our people are getting educated. Our kids are getting smarter.

5907. Our people are getting also the pride to stand up and hang on to who we are as Nlaka'pamux. The songs are coming back. The traditions are coming back.

5908. By us becoming stronger, B.C. becomes stronger. Canada becomes stronger. People look at that. People put a value of who you are and where you live. I'm really proud of who I am. I'm really proud of where I come from and

we're going to work really hard to make this place a place where our people want to live and not have to.

5909. Yuxw.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR GRAND CHIEF PERCY JOE:

5910. **GRAND CHIEF PERCY JOE:** Yes, thank you very much. I'd just like to acknowledge we are grateful to be able to be part of this process and hope that the words that are brought forward can be heard and be deliberated on and decisions made to ensure that our house is protected.

5911. I guess which kind of brings me to a point just a bit more specific to the -- to the pipeline that's been proposed and the routes. As we look at them, many of those new areas are actually going around reserves and that -- my thought is, you know, they should be getting more discussion happening with those Indian reserves that are impacted by the pipeline going right through the Indian reserves. I'm saying that basically because if you're going around them, they're really infringing more into our territories.

5912. Why have two right-of-ways when we look at our house and as Lennard refers to them as a pipe going through there. There's just so many things going through there, it's going to be not enough room in our house to actually live in there.

5913. So, you know, in areas that are locked, as he mentioned, there's an area that, you know, the gate is locked and that's actually one of the areas that they're proposing to even go around and create another right-of-way that would impact our territory as it goes along other areas.

5914. You know, understand further up towards Kamloops area where they're actually going around and moving their whole line to, I guess, be able to have the -- a mine being developed in that area.

5915. But then that's also within the Scw'exmx territory and I assume they'll be making comments on that. But we're basically focused on looking at what's happening within our house.

5916. And I guess it was well said by Lennard as to -- to how our house is

impacted and how our people migrate in and out of our territory.

5917. In my case, I was gone for several years. And it was my choice to come back and live within our community and actually hope to make a difference.

5918. And in many cases, as Lennard had referred to the -- in our communities, for a lot of our peoples, when they run into hard times in other areas, they defer back and come and live within our communities and get grounded, then go back out and work.

5919. There's been a lot of discussion about the work that it's going to create in the pipeline business of construction which is going to probably only last 18 months, and from what I understand, they're going to try and accelerate the construction period. So our people are basically -- the jobs that would've been offered, they're sort of the pick and shovel type of jobs.

5920. You know, I would like to see something more than that and I would, you know, actually encourage people to get some so that they can be in the management level jobs that these industries provide.

5921. And I think as we look at just the experience of Lennard when he first started as a -- as a registered professional forester on how the methods of how he laid out blocks has changed over the years to take into consideration the animals that have to live along with us and make it safe for them.

5922. So I think there's room in all industries, if we get people to bring the knowledge they have and the culture of First Nations people, that we can make a difference in the industry and make our land a lot safer and a lot better to live in.

5923. So I guess those are my final comments. I'd like to thank you for the opportunity to present.

5924. **THE CHAIRMAN:** Thank you.

5925. And as you had indicated through your Counsel, that you would be prepared to answer questions in writing; is that correct?

5926. **MR. GAILUS:** Yes, that's correct.

5927. **THE CHAIRMAN:** Well as -- as we have offered, we would offer

that to Trans Mountain if they have any questions that they wish to put to the Shackan.

5928. **MS. OLENIUK:** Thank you, sir. We have no questions. We just want to -- on behalf of Trans Mountain, I just want to thank Shackan for the presentation.

--- (A short pause/Courte pause)

5929. **THE CHAIRMAN:** The Panel have no questions.

5930. So I would like to acknowledge, first of all, Mr. Toodlican for your sharing today of your people and of your house which was, I've noted, very much that aspect of your presentation today, and I wish you many years continued to pass on that knowledge and life through to your children and your grandchildren as you move on.

5931. And Lennard, to you, thank you for your opening us with your words and with your song and grounding us and the passion and the feeling and sense that you brought to that and you brought to us, to the room and for your words and sharing today as well.

5932. To you, Grand Chief Joe, I acknowledge, particularly at this time of the year, that we sometimes forget for remembering for us and for your service to Canada and also for the service that you provided and continue as the Grand Chief of your People.

5933. And as you asked us to hear you, I can acknowledge that we have heard your voices today and I can assure you that we will -- what you have shared with us today, the three of you on behalf of the Shackan, that we will consider everything that you've heard and everything else as we move forward in this process, whether we will recommend approval of this project or not.

5934. So with that, we acknowledge your presence today and thank you for that.

5935. And we will then reconvene at 1:30. Thank you.

--- Upon recessing at 11:29 a.m./L'audience est suspendue à 11h29

--- Upon resuming at 1:39 p.m./L'audience est reprise à 13h39

5936. **MS. JANICE ANTOINE:** Before I begin, I've asked Jimmy Toodlican to say a prayer for us before we begin. So Jimmy…?

5937. **ELDER JIMMY TOODLICAN:** (Opening prayer)

5938. **THE CHAIRMAN:** Perhaps then I would like to acknowledge and thank you for the prayer.

5939. And just for the record, since you're a new presenter and I just want to make sure that -- I know you were in attendance this morning, but for the record, I would like to introduce myself. I am David Hamilton. I am the Chair of the Panel. Alison Scott is also a member with me and Phil Davies is also with me.

5940. So we welcome you, Ms. Antoine, this afternoon to this part of the oral traditional evidence for the Trans Mountain Expansion Project.

5941. And I think maybe -- you probably were here this morning, but I think for the record I would like to ask Trans Mountain if they would introduce themselves, so that you are quite aware of who they are with us today.

5942. Thank you, Ms. Oleniuk.

5943. **MS. OLENIUK:** Thank you and good afternoon to the Board. Good afternoon to Ms. Antoine. My name is Terri-Lee Oleniuk and I represent Trans Mountain along with my colleague to my right, Heather Weberg, and to my left is Annie Korver and she's a member of Trans Mountain's Aboriginal Engagement Team. Good afternoon.

5944. **THE CHAIRMAN:** Thank you. And before providing the oral traditional evidence, you will be asked to -- all those representing will be asked to be sworn or affirmed that the information that you are presenting is accurate and truthful to the best of your knowledge and belief. And if Grand Chief Joe is also making any presentations this afternoon, he is still affirmed from this morning. So there's no need for the Grand Chief to reaffirm himself.

5945. So I also recognize, acknowledge that we are on Scw'exmx traditional territory this afternoon.

5946. And with that perhaps, Mr. Nefstead, if you would like to proceed? Thank you.

5947. **MR. NEFSTEAD:** Thank you, Mr. Chair. Yes, my name is Matthew Nefstead, and I am legal counsel for Janice Antoine. And today, along with Mrs. Antoine we have her husband, Chief Percy Joe, and we have Albert Antoine, who is an Elder who is here to offer some traditional knowledge in regard to the parcel of land we are going to be speaking about.

5948. So Mrs. Antoine is the holder of a certificate of possession in a parcel of land on the Coldwater Indian Reserve, and the existing Trans Mountain Pipeline runs directly through the parcel of land.

5949. So she is going to be speaking today about her interests in that land and as they are affected by the pipeline.

5950. One preliminary matter I would like to ask the Board is we would like to briefly refer to the map that Shackan had up as a visual aid this morning, if there are no objections from Trans Mountain, just to orient ourselves with where the Coldwater Indian Reserve is in relation to the pipeline in the traditional territory.

5951. **THE CHAIRMAN:** We have no objection because it is already on the record. I don't see any objections from Ms. Oleniuk, so that's fine. You can proceed that way.

5952. **MR. NEFSTEAD:** Okay. So perhaps we can proceed with the swearing in and then the presentation can begin. Thank you.

5953. **MS. JANICE ANTOINE:** I would like to begin that we are on Scw'exmx territory. I have a sister that is a member of the Kamloops Indian Band and another sister, a member of the Bonaparte, and a brother, a part of Skeetchestn.

5954. And part of what I want to convey is the interconnectedness of our People throughout the interior plateau, as I'm talking. So in my acknowledgements of the Scw'exmx territory, I also acknowledge the family groups that my relatives come from.

5955. **MR. NEFSTEAD:** Sorry, Janice, I don't mean to interrupt but we just need to have you sworn in before we begin.

5956. **MS. JANICE ANTOINE:** Oh sorry. That's why she came up?

5957. **MR. NEFSTEAD:** Yes.

5958. **MS. JANICE ANTOINE:** Okay. I apologize. I just got a little eager here.

JANICE ANTOINE: Affirmed
ALBERT ANTOINE: Affirmed
PERCY JOE: Resumed

5959. **MR. NEFSTEAD:** So perhaps we could have that overview map up now to start off.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. JANICE ANTOINE, MR. ALBERT ANTOINE AND GRAND CHIEF PERCY JOE:

5960. **MS. JANICE ANTOINE:** Percy, if you would show where the Okanagan is. That would be Vernon at the head of the lake. Okay. I am an Okanagan woman. I was born and raised in the Okanagan Indian Reserve and I was raised mostly by my -- I called her my Granny, but she was a woman who was born in the late 1800s. She was my mother's grand aunt. Her name was Nancy Gregory. And her mother, who was born in the early 1800s, we called her Squanemkanaltz (ph). And Squanemkanaltz (ph) was alive for many years and was the woman that greatly influenced my mother.

5961. My grandmother Edith had died giving birth to my mother, and she had three sons and three daughters. My mother was the youngest, Eva, and my mother unfortunately had lost her three siblings that were closest in age to her to the very -- one of the epidemics that came through, flu or tuberculosis. Tuberculosis, I know with my aunt.

5962. And my Granny -- the woman I call my Granny -- she had lost her two children, her only children, in one of the flu epidemics. And my grandfather on my mother's side was a Colville Nation's member and he had moved up to the Okanagan when he married my grandmother Edith.

5963. On my father's side, my grandfather, his father, was from the Colville Nation as well and his mother, Mary-Anne Mytupa (ph), she was an Okanagan woman. And there were about 10 children in her family and with each generation, there a lot of children in each of the families.

5964. So I just want to say that one thing I grew up really aware of was not so much the reservation system but a huge network of families that really didn't have even national borders. We went back and forth into the United States. My family worked and had relatives all the way down the Okanagan. We would visit in Oliver. West Bank was a part of the Okanagan Indian Reserve. And my -- the woman I called my Granny, she was actually my mother's grand-aunt. So she was a sister to my great-grandmother, but her relatives were from Penticton, West Bank. She had sisters that also lived in the other villages.

5965. So I grew up with a very strong sense of, this is our ntum hulah (ph). This is our land. This is where you come from. And my Granny didn't speak English, so I was fluent until she died when I was 15. Had -- had really left with me a real strong sense of the spirit of the land that, every day and throughout the day, it was important to express great gratitude for the water, the air and the food.

5966. And when I was growing up, a lot of the food didn't come from stores. My family gathered and hunted, and a lot of the main diet that we had came from the land.

5967. So I just wanted to share with you that sense of kinship with each other, not only throughout the Okanagan territory, but I also have brothers and sisters in the Scw'exmx territory and family, a brother in the Colville Nation.

5968. So in terms of family ties and sharing common practices, trading with each other the things that were created or gathered was common practice even though there had been a lot of change in our communities as a result of the residential school system and other impacts that I know you're somewhat familiar with.

5969. I also have relatives, family that are from the Nicola Valley and down the Fraser Canyon. And my adopted father has relatives -- his father came from the coast.

5970. So we felt a kinship, but also were able to access foods and things that

maybe we wouldn't have from the coast, the salmon, and traded with different items because the families visited each other more that the family would come up to the Okanagan than children -- as children, we didn't get the privilege to do some of the long trips down to the coast. But we were well aware that we had relatives.

5971. A lot of my relatives have intermarried with people in the Nicola Valley and into the Coldwater Indian Band. And if you could show where Coldwater is on the map.

5972. So I came to be -- as you know, I -- my grandmother had left me land in the Okanagan, but the laws are such when I married when I was 19, I had to quitclaim the land and also my membership in the Okanagan Band. Presently, that law has changed, so my last membership is with the Coldwater Indian Band. So I am a member of the Band.

5973. I came to be a member of the Band when I married Gordon -- the late Gordon Antoine, who was Albert's son. He died in 204 from a rare form of cancer. I will be talking about the water, so I may bring up some of the concerns I have around water.

5974. So I -- I know it may sound confusing when I mention a lot of different families and different kinship groups, but I was -- one of the things that was greatly impressed on me was that, as a people, we're not only connected to the land, but we're connected to each other through our communities and through intermarriage. And even though a person is not your blood relative, if you are a part of their family, they become a part of your family and a part of the caring and concern for that large family network that I had married into.

5975. So in the -- presently, I have two children, two daughters, and I have six stepchildren through marriage. And I have 12 grandchildren and two great-grandchildren. And for me, that's important because I was brought up to believe that earth -- the earth, the sky, the water, how we're all connected and that our land and everything that's in it takes care of us. And it's our responsibility to take care of what we have.

5976. Now, in the Coldwater, my late husband left me a piece of property -- the next slide. I think it'll show where it is.

5977. So it's a piece of -- a narrow piece of property down by the Coldwater

River, and it runs along the Old Kettle Valley Railway. And I don't know if you can -- I guess the green line is where the pipeline is, so it runs down along my property. And my property also is up on the top -- there's a top ledge, so -- and that's where my house is.

5978. So -- and I'd just like to show you the piece of land and a view of the river. And I can't tell you which slide it is, but if you could move it, I'll tell you when to stop.

5979. Keep going. Okay. That -- those -- that. So the land on the bottom -- so I'm looking down on the property from a plateau, a ledge that is also on my property. And it -- there will be a slide, but don't move to it, that shows that that property is also cultivated for hay.

5980. One of the -- so I guess just to very briefly say a little bit about the family that I raised, and I was in the Coldwater. I've been in the Coldwater for 34 years. So I raised my children there and my stepchildren were raised there.

5981. This -- I mean, we took evening walks. You know, our house isn't very far, so we walked along -- on this property, we'd walk down. And of course, the railway is no longer used, so it made a very good walking space.

5982. The children spent a lot of time down at the river. They fished in the river in the summer. Actually, just down from this property there's a waterhole and the children would go down there and swim. And further upriver, directly down from my house, there's another waterhole. So in the hot summers, there would be a lot of time spent.

5983. The boys would be down there trying to catch the beaver that would dam up the -- it's a -- not a swamp area, but the water would come inward in the field and the beaver would make its house there. And they would also hunt rabbits. And because it's a natural area, there's a lot of deer and we thought game birds around there.

5984. So both this whole area and above the Coldwater River, there's a forest. It's all forested. And as a family, we -- it was like a huge playground for us.

5985. The children rode the horses. The cattle pastured in the field there. The -- and also their grandmother and her friends used to find the mushrooms

down there. There would be wild watercress. We had the Saskatoon berries that we would pick, and also what we call the swossum. It's like our Indian ice cream. We would be -- we didn't have to go far to enjoy some of the wild berries.

5986. I know when I ask Albert to speak, he'll also talk a lot about the long history that the family had and which we continue to enjoy is we would be travelling up the Coquihalla and Stoyoman Mountain. There was -- the Nicola Valley has got the good fortune to have a lot of lakes and fishing opportunities, and pretty much all year round there was a lot of outdoor activity.

5987. And as a family, the land -- and in particular, not only from my growing up in the Okanagan, water has always been sacred. I grew up in my family home. The Six Mile Creek went very close to my home. So I grew up with a creek that seasonally would be filled with kickininee, so that was part of my upbringing. We would catch so much fish that was dried and frozen, and we also were able to share with our other relatives who didn't have the good fortune of having a creek that -- we used to think we could walk on the backs of the fish across the creek.

5988. And also the Okanagan Lake is not far, and my grandmother owned property that had a lot of Okanagan -- on the Okanagan Lake frontage, and we spent a lot of time down at the lake. And because our culture is not necessarily like some where it's more longhouse, more communal, a lot of the prayers and the sacred ceremonies on a daily basis were often done and involved water.

5989. So I always never felt that I was close enough to the Coldwater River because I had to walk at least 10 minutes to get there. I was actually used to water being three minutes away from me. But, you know, it at least was there.

5990. Over the years that I was there, one of my biggest concerns was what was happening to the Coldwater River, which I'll say more about. It is one of the endangered rivers. And for years, we were afraid that the fish would stop altogether running up the river.

5991. I'm going to ask Albert to talk about the family and the use of the resources and the territory.

5992. Albert.

5993. **MR. ALBERT ANTOINE:** I guess I have three kids of my own, and

they grew up on the Coldwater enjoying that river that Janice talks about, fishing, swimming, riding up and down the valley. They enjoyed that and their kids after them, with me going in to talk about my grandkids a little bit.

5994. They have done pretty much the same thing, played along the Coldwater River, caught fish in there, run like heck from a bear if they saw one, which is down there on all occasions pretty near 'cause they're hunting fish, too. They came home, "Grandpa, there's a bear down there". So leave them alone, they leave you alone. So they didn't bother the bear and the bear never bothered them.

5995. And there are many other kids that do that, that are on the Reserve now. When they were older, they all done the same thing.

5996. What else was there? We were out in the country, approximately 10 miles from the nearest, I guess as you would call it, civilization.

5997. And before I married -- I got married awful young -- I spent approximately 10 years over here at this residence school. I don't know what much what Christmas, Easter and whatever -- I don't know what they were like at home, but I thought -- sometimes I thought of it, gosh, but I was lucky; I got three meals a day. I don't know if my folks got that or not during the hungry thirties. They must have. They were around when I finished school here.

5998. But that's the education I've got. I went as far as eighth grade. And then I went to work. Got home and went to work. I've worked ever since. And as my kids grew up, they worked alongside of me. And today, if they were all together, you would see them doing quite well for themselves 'cause they learned how to work. They learned what you're doing, the paperwork. They learned that, and they learned it well.

5999. And so is Janice's kids. They got -- her and my son got married. She had the one daughter. Gordon had a boy and a girl from a previous marriage. And they're all grown up and doing well for themselves.

6000. But I don't know if we're going to get on with this pipeline or not. I really don't want to, be honest, but I will, I guess, as time goes on 'cause I've watched it go in. I tried to find work on it. No such thing.

6001. So I went back to my old jobs. I worked for Chinese people. They

were some of the finest people I ever worked with, the old Chinese people. Then I worked for ranchers. I spent years on a -- 14 years on one ranch. And then I come out of there, I logged for seven years. I made enough money to get myself into trouble. I went into cows, and that's where the trouble was. You had to work 10 hours a day every day, seven days a week. Those were the things I'd done.

6002. And today, all I've got left is the thoughts and dreams about the things I've done and thinking, God, if I had it to do again, I'd probably do it the same way.

6003. The Coldwater itself, the people that are on it have been there for a lifetime, I guess, a lot of them. They have -- some of them have good jobs, some don't, I guess like in every place. Every community has the same thing. They have good jobs where they get well paid and then there's ones that don't have good jobs and don't get paid. Doesn't matter whether it's you or me, that's the way it is. I've seen it. I've watched it in my own town.

6004. That's where I grew up and got married very young. I was told I was too young, but I said hey, none of your business, that's mine. I don't regret it, not one bit. I'm only sorry that my wife died some 15 years ago. That's the only thing I feel a little bit sad about at times. Other than that, I can take my life where I want. And I've been happy where I am.

6005. My daughter lives with me and we're doing quite well. We ask no one for anything, and if we had to, I guess we would, but we don't have to, so we don't.

6006. I don't know what else I can tell you. That's most of my life, what I've just told you. That much of it, I believe is enough. You may not believe the rest. I think that's about all for me for now.

--- (A short pause/Courte pause)

6007. **MS. JANICE ANTOINE:** I just want to add that Albert, for years, served as Chief at the Coldwater, and before him, his father James Antoine was a Chief.

6008. And when I first met the family, the way that they described their role -- and I'll ask Percy how to say it in Nlaka'pamux, but I think it's skaouluk.

6009. **GRAND CHIEF PERCY JOE:** The word is shaut (ph), which simply means a servant.

6010. **MS. JANICE ANTOINE:** Yes. And when people would say kukbee shu (ph), the family, meaning that they're -- I guess it means the boss man or God, and it's a common term used in Nlaka'pamux when they say the kukbee (ph), but in the family, the children, and we all got to appreciate that they saw their role in the community as -- and in fact I hear Percy and my late husband Gordon would say that we're actually the biggest servants of the people and saw their role as they took care of their family, their extended family, the people, the land, the water and took a very protective role in ensuring that the food on the land and the water was well looked after.

6011. And the family has a long history of agriculture working with cattle and working the land to get hay. And the years that I've lived there, I used to wonder because it didn't make any money and all of us worked at other full-time day jobs. The ranching was done after we came off of work. And I was told the reason that it continued, it also provided a lifestyle of being on the land and being around animals and it also provided the food. And so all the children were involved in one way or another with the agricultural aspect of that.

6012. And all the years that I've known Albert, it's only in the last few years that he's given up his cattle and his horses, but he was working with them probably long after he could have enjoyed an easier life.

6013. The children also learned a lot from their grandmother Bernadette. She was often interviewed by ethnobotanists and is one of the key contributors to one of B.C.'s better known books on ethnobotany. She was always out on the land collecting the medicines, the food plants. And any grandchildren that went with her were introduced to all the different plants that were one the land. And she herself was a very avid fisherwoman, so it was not unusual to see her vehicle filled with grandchildren who were joining her to go fishing, whether it was in the winter or the summer.

6014. And I don't know, Albert, if you want to talk about all the different places up in the mountain that the family would use and go to and camp at?

6015. Albert says I'm doing fine.

--- (Laughter/Rires)

6016. **MS. JANICE ANTOINE:** Okay. I guess the idea of it is I really wanted -- and I will show some of the pictures of the land again. So if we could, I'll show you the property.

6017. I'll just say a few words about this one. And I wish that -- I don't know if you're aware. I had applied for funding in May and I haven't heard back. I did want to get some good information from hiring people who would look at some of the areas of concern I have.

6018. Now, this area here represents a waste pit where in the late '60s, when they moved the pipes, they used this as a place to dump the oil and to burn it. I was told that by Albert and also by our present Chief. I was not aware that there was a waste pit on my property. It's not actually very far from where -- and if we could go to another picture, there's a -- it's just very green. So if you could just keep going. This.

6019. Okay. This is where two natural springs are, and what I understand is these natural springs was -- and I will ask maybe Percy to just say a few words. Percy himself has -- and his family in the Nicola Valley have ranched all their lives. His father was a rancher and Percy not only ranched but has a long history in construction, and he explained to me why I was having problems getting the field to be as productive as it once was.

6020. And Percy, could you say a few words just about how the water actually -- the field actually got some of the water?

6021. **GRAND CHIEF PERCY JOE:** Okay. This area here there's a swamp in the background there, so a lot of the land this way -- if we can just move to another slide. Okay, this area here is -- actually, just -- the bushes we seen is more over this side, but while we have this picture up because of the pipeline coming down 'cause there's other landowners that are across the railway here, and you could see a little white spot right where that marker's at. That's where the pipeline comes down and runs along across this field.

6022. But it's created -- the pipeline itself has created several problems with this piece of land, and one of them being is because the pipeline comes straight down, it's created an access onto Janice's property. Traditionally, the road would come down from there and cross and turn right when you're coming down and cross over. There's the traditional access for the people that own fields on that

side. But since it made it easier, people did not have to turn, they came straight down, so they started driving right across her property which is creating a problem, particularly as you can see in this picture, there was a rut that was created there because someone drove through there in the springtime.

6023. Can we have the next slide?

6024. This is the area I was talking about. The pipeline is right along here. And the access is --actually turns right and goes down this way and down the tracks to get to the properties on the other side of the railway.

6025. Okay, next.

6026. **MS. JANICE ANTOINE:** No; go back.

6027. **GRAND CHIEF PERCY JOE:** Back. Back. Okay.

6028. This picture is trying to show the right-of-way where the knapweed -- this here -- these little things here are knapweed. And it only grows right on top of the old pipeline where it was dug and that because of the disturbance and the lack of water that gets to this area that created just for the knapweed to really thrive in that area. The rest of the area around here must have been seeded with crested wheatgrass, which keeps the noxious weeds from going. But because of the -- of the right-of-way here -- this is the old right-of-way where the pipeline went through, I guess, in 1953, '54, whatever year it was, there was no care of putting topsoil back on the field, so it really just made a breeding ground for the knapweed.

6029. Could I have the next slide?

6030. This is -- all along the right-of-way, there's rocks. This is one of the bigger rocks that are sticking up. But all along the right-of-way where the people that use the land actually just piled the rocks because a lot of them were, you know, kind of more this side.

6031. Okay. Next picture, please.

6032. **MS. JANICE ANTOINE:** No, let's go back to the ---

6033. **GRAND CHIEF PERCY JOE:** Okay, back -- maybe we can go

back.

6034. **MR. NEFSTEAD:** I'm wondering, before we get onto the excavation and more of the pipeline impacts, we can step back and talk about the ---

6035. **GRAND CHIEF PERCY JOE:** We could stop on this one and I'll just make a comment on this one.

6036. **MR. NEFSTEAD:** Yeah.

6037. **GRAND CHIEF PERCY JOE:** This one here, the pipeline actually goes down that way. But what the pipeline has done is affected how the sub-irrigation on this part of the land works.

6038. As you can see, here's a dry piece. There's kind of strips. What has happened, the spring is in, I believe, in this area, which would sub-irrigate all this, and I think there might have been an old flood irrigation ditch somewhere in that area where it would actually irrigate this area.

6039. Because of the pipeline there, the water no longer crosses the pipeline. It just seeps down into the ground at that point and comes underground and comes out in little strips in this area of sort of a sub-irrigating.

6040. **MS. JANICE ANTOINE:** Percy, while we're talking about that, on the pipeline when they moved it -- and I guess we would have to go back to one of the maps and we'll show ---

6041. **GRAND CHIEF PERCY JOE:** This one will ---

6042. **MR. NEFSTEAD:** Sorry, Janice and Chief Percy, I wonder, before we get into that, could you give the Board a bit more sort of background on the agricultural use of the land and how it's used generally?

6043. **MS. JANICE ANTOINE:** Sorry; I didn't hear that.

6044. **MR. NEFSTEAD:** A bit more information on how the land is used for agriculture.

6045. **GRAND CHIEF PERCY JOE:** Basically, because of the infringement of the right-of-way -- and I'll get to another point here -- the original

irrigation would come from this side and come down and -- and actually, here's -- the springs are here. So to supplement the water that's there, and it would irrigate most of this area from here down to that point. And along this side, this side was more sub-irrigated up to about this point.

6046. And what had happened was, in the past, the sub-irrigation would go past the pipeline by probably another -- I'm going to guess 'cause I never seen it when it was in production, but it would sub-irrigate further there.

6047. But what is happening now, the spring water would come through your sub-irrigate, hit the right-of-way. And you could see in pictures where this side is green and the other side of the pipeline is totally dry because, as soon as the water hits that area, it just goes back down to the low point. And generally, I'm guessing that the lowest point is right in this area where you could see this area is kind of green 'cause that's sort of a sub-irrigated and down along this way only so far.

6048. **MS. JANICE ANTOINE:** I just -- when the pipeline -- part of the whole area with the flood irrigation and the water that used to come across the Coldwater Road and it would water my neighbour above, they would flood irrigate and then the water would come down. It actually came down a natural gulley. And water would go down to the bottom piece.

6049. Kinder Morgan had asked my neighbour above me to stop irrigating because it caused the pipeline to -- the pipes got exposed because the land started eroding away. So the natural way that water would go down to that field had to be stopped because of that. And also, once the soil got eroded and the pipes were all exposed, they changed where the pipeline went. So the original pipeline -- and I think it's one of these maps that would show it.

6050. **GRAND CHIEF PERCY JOE:** There should be a slide of that. You can see portions of it here. But if we go to, I think ---

6051. **MR. NEFSTEAD:** It's the last slide.

6052. **MS. JANICE ANTOINE:** It's the last slide. Okay. So ---

6053. **GRAND CHIEF PERCY JOE:** This is a picture. Here's Janice's field. There's the stopple in this point. The area we're talking about was the spring in this area that actually irrigated.

6054. The original pipeline came right along there. It's marked in blue. Because of irrigating by Janice's neighbour on this field, it caused an erosion in that area and apparently back in about 1968 or 1970, they made a loop from there and brought it up higher. It comes along there, then back down and then connects back there.

6055. Now, what it has created for Janice is -- because when this piece of land was flood-irrigated, the overflow of the water would go down in this area. And from my understanding now, when they try and irrigate this piece of land, the water just reaches as far as the pipeline. And again, it just seeps into the pipeline itself and either goes down to the lower point, which would be this way. Then I assume that the water would seep down in this way to the trees.

6056. So that's created a problem for Janice of not being able to get the water that when the neighbours are irrigating this part of their field, and they've moved it over this way.

6057. And also, apparently in the past, there was water that came down -- I'm not too sure exactly where, but crosses over here and went down this draw. But now, the pipeline, apparently there were some flumes or culverts in the area that have not been put back in. So the water does not get back down in there to supplement the spring water that's coming out of there.

6058. But unfortunately, because of other issues, when we talk about cumulative effect, when the Coquihalla went in, it affected the amount of water that would come down that draw also and it's now becoming less and less water. And so that hasn't been used and I don't know when the last time it was used. I assume probably at the time that Gordon had passed away. That was probably the last time that irrigation ditch was used.

6059. **MS. JANICE ANTOINE:** Did you want to say something? Maybe Albert could say a little bit about the history, about where the water used to run down.

6060. **MR. ALBERT ANTOINE:** The creek that Percy is talking about comes down that line of timber right there where his thing is.

6061. The irrigation ditch came on that side of that line of timber, on the right side from where I am here, comes down the irrigation ditch, which now is

washed out up higher. So I don't know if anybody has done anything with it. It washed out while Willie was still alive.

6062. A lot of this stuff, I'll tell you now, if Willie were alive, somebody would be catching it at the back of the neck because he wouldn't let this happen.

6063. That pipeline is going to cross that field. When they irrigate, the water sinks out of sight there. It takes a lot of water to push over the top of the pipeline. So they get it below that. Then they go on down to where those two blue markers are right there, just up a little bit. Right there, there's an irrigation ditch that comes from this draw on this side, goes down there, and they pick it up right there, the water at the bottom on this end. Yeah, that's right.

6064. And they go on down just above where that ring is, that round thing, just up in the springs up there. They take another irrigation ditch from there and go across the field toward the CPR.

6065. Now, those ditches haven't been in use for a number of years. Up that end there, there's -- part of that has a bit of a flume in there that takes the water down to the fields.

6066. **MS. JANICE ANTOINE:** And I'm just going to say one thing, talk about what you and Gordie did to irrigate.

6067. I'm just going to ask Albert to talk a little bit about how he and Gordon tried to work to do that. There was never any compensation for the loss of the water that we experienced, but I'd like Albert to say a little bit about how they worked hard for a number of years to irrigate that bottom piece.

6068. **MR. ALBERT ANTOINE:** We took right from where the pipeline crosses the creek -- we put a box in there and put a line down, right down to the bottom of the pipeline and gravity sprinkled that.

6069. And it worked good, but one spring, the fires that go on around that country, the pipe was right on the surface and a lot of that pipe got burnt, holes in it and everything, four-inch plastic pipe. It was a heavy gauge, not the light. So that burnt and then there was no more.

6070. But there was a wheel moved in there to irrigate from the river. The power is there yet.

6071. **MS. JANICE ANTOINE:** Did Gordie put in the power? Did he bring it down?

6072. **MR. ALBERT ANTOINE:** Yeah.

6073. **MS. JANICE ANTOINE:** Okay.

6074. **MR. ALBERT ANTOINE:** Not out of his pocket, no.

6075. **MS. JANICE ANTOINE:** Okay.

6076. **MR. ALBERT ANTOINE:** Hydro put it in -- something that Hydro owed the reserve, some trade.

6077. **MS. JANICE ANTOINE:** Okay.

6078. **THE CHAIRMAN:** I wonder, Janice, if this would be a good time if we could have a short break now. Would that be okay with you?

6079. Okay. So we'll take 15 minutes. We'll come back at about five to 3:00. Thank you.

--- Upon recessing at 2:39 p.m./L'audience est suspendue à 14h39
--- Upon resuming at 2:57 p.m./L'audience est reprise à 14h57

6080. **THE CHAIRMAN:** Thank you for the break.

6081. And perhaps, Ms. Antoine, I might just give you a little bit of a caution that perhaps some of the information that you're providing today does not quite meet the criteria for oral traditional evidence and that we cannot give weight to anything other than oral traditional evidence today.

6082. It's just a caution. There are other, you know, processes in this hearing through written evidence, IRs, those types of information requests that you may be able to get some of these -- some of the things that you're asking us, the Board, to consider today. And I'm sure your counsel and some of our process staff can help you with that.

6083. So it's just a caution that some of the testimony is not quite fitting in

with our criteria for oral traditional evidence, but we're happy to proceed and present as you -- if you wish.

6084. Thank you.

JANICE ANTOINE: Resumed
ALBERT ANTOINE: Resumed
PERCY JOE: Resumed

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR MS. JANICE ANTOINE, MR. ALBERT ANTOINE AND GRAND CHIEF PERCY JOE: (Continued/Suite)

6085. **MS. JANICE ANTOINE:** Okay. I was just checking with Percy to find out which aspects were not part of the criteria.

6086. **THE CHAIRMAN:** The criteria really is the traditional use and value -- the traditional use of the land. Your oral traditional use is what you -- the use of the land that you -- that you're in front of this -- you've applied to be an intervenor and you have come to us to talk about the traditional use of your land.

6087. And normally, it's -- oral traditional evidence is from First Nations people who -- writing isn't their way of expressing their -- what their traditional use of their land and the value of the rights of that land are, so it's an opportunity for oral traditional evidence on the use of your land.

6088. And some of the information is of a technical nature. It refers probably to other aspects of the application from the current pipeline and not on the potential effect that the project that we're applying for may have on your land.

6089. So if you can focus on sort of the -- I don't want to tell you how to focus your evidence -- that's not my job -- but if I can help you out -- if that helps you out, it's traditional use of what you use the land for and the impact that the project will have -- may have on your land and the use of that land.

6090. **MS. JANICE ANTOINE:** Okay. I don't know if you're referring to the aspects where the land was used as pasture and hay fields and had been -- the top piece and the bottom piece have been and it -- you know, it's been decreased. The traditional way in which it was irrigated has been decreased.

6091. I don't know if any of that piece is what you're not considering. I'm just asking more for clarity.

6092. **THE CHAIRMAN:** And perhaps I'm probably not the best one to be advising you how you present your evidence and how you think.

6093. Perhaps if we could -- maybe if you wish, we should take perhaps a five-minute break so you can have a discussion with your counsel, who could probably advise you because it's your evidence and I wouldn't want to shape it one way or the other to solicit anything from it.

6094. So perhaps we'll take a five-minute break so you can discuss any questions of that nature with your counsel.

---Upon recessing at 3:02 p.m./L'audience est suspendue à 15h02
--- Upon resuming at 3:10 p.m./L'audience est reprise à 15h10

6095. **THE CHAIRMAN:** Okay. I hope the break was helpful for you.

6096. **MR. NEFSTEAD:** Yes, thank you, Mr. Chair.

6097. We -- the issues with this property are --the traditional uses and the impacts on the traditional uses are very tightly tied in with the commercial uses and the technical impacts on those commercial uses and it can be hard to separate them for the purposes of this hearing, but I believe we've come to an understanding.

6098. So we certainly don't want to waste the Board's time with testimony that's not going to be considered at this point, so I would ask that if we start getting back into that territory, please feel free to interject and we can try and refocus on the issues that are most pertinent.

6099. **THE CHAIRMAN:** That's fine.

6100. And so with that, Ms. Antoine, thank you.

6101. **MS. JANICE ANTOINE:** Okay. Well, thank you for letting me know that. It's just a challenge in terms of, you know, talking, as I said, when -- Albert had to go and rest. He started to get tired, so...

6102. But I did -- I didn't mention, and I was planning to, that my sister-in-law has property --and I don't know if we can see it. It's across the river, direct across from our home, and it's a place where we would -- and I don't know which map we would need to show that.

6103. Okay; here we are. There's our house and there -- yeah. And then across there -- across the river -- no, that's Albert's land. Across the river, there's that patch.

6104. Yeah. She has, over the years, held spiritual ceremonies there and continues, not annually, but almost annually. There's huge spiritual gatherings and one of the -- I just want to speak to the importance of the river because, as a family, there have been sweats. Not only the Antoine family, but also along the river, different families have their sweat houses and they would use the water and do sweating down there**.**

6105. And the -- I guess I just want to speak to, again, just how important the protection of the river and making sure our river water remains clear and strong is a part of practices that are continued on today.

6106. The other is the -- again, in the family, members continue to provide leadership in all the native plants. And I'd mentioned earlier the variety of food plants and medicinal plants that are gathered on the hillside on the -- yeah, coming -- where my house is. Then you come up on the hillside.

6107. Plants -- medicinal plants that haven't been found for some time, my sister-in-law and brother-in-law have found some plants above our house that are medicinal. So any changes to the environment -- I spoke a lot about the change in the water. A number of the plants that I speak about, my concern is, as we change the climate, some of these plants aren't going to be there, some of these berries, some of the mushrooms, some of the medicinal plants that are found.

6108. I would imagine the watercress would be very sensitive, again, in terms of where they grow and also in ensuring that our water is not contaminated in any way. I mean, it's a great fear of mine because there are plants we use that we wouldn't literally have them in our backyard any more and would have to figure out where else we may be able to find them in our territory. So I just wanted to speak to that.

6109. And the other is I don't know if it was clear that, you know, we use the

land. And the family's culture has been around horses a lot and, as the plan is to make some changes to that, it's going to affect, you know, the pasturing of animals.

6110. My grandson raises horses and he, from time to time, pastures his horses down in our field. And if anything happens to the springs that are naturally there because they would be fenced in and there -- the water they would access would come from the clean, fresh spring water that is there.

6111. I depend on the aquifer that runs parallel to the Coldwater River. I depended on that for clean, clear water and -- if you could move that to where the excavation is presently taking place. There's a picture of -- okay; it'd be these.

6112. Now, this isn't the first time that there's been anomalies in -- on my land. And I don't know; it seems to be happening more on my property. I don't know if it's because the stopple is there. Maybe there's a stopple evenly placed along the way. But the spring water is actually right in the background where there's two natural springs in there. And it's -- it is where -- when we do pasture our animals that that's where they would go find water.

6113. And we don't know what got pumped into that spot, and I guess we will find out soon enough. But it is one of the things that, when they are going to put in more pipe, I don't know if they're going to put in new pipe because this pipe has been there since 1953 and I guess when they twin it, there -- my question and concern would be they're going to, what, use the existing pipes?

6114. And I've already had several of these things happen. There's -- now, it just came to me that there was a waste pit in that area. I don't know. I don't have any information. They're looking into it as to what is there.

6115. But the importance of -- the importance to the environment and also the use that the family has in -- with the horses and with the plants and just the general enjoyment. I didn't bring any family photos, but in the field that's so close to our house, that's where we would come down and be petting the horses and walking through that whole area and along the hillside and sometimes just looking to see if any of the plants that we gather are in season. And we would collect them, take them home. If they're mushrooms, we would be preparing them.

6116. Also, when the fish was plentiful, it was common for us to bring fish

home and have them fresh for the next meal.

6117. Percy, did you want to say anything more to that? I do have a couple of comments, but I want to just check and see if Percy wanted to add to that.

6118. **GRAND CHIEF PERCY JOE:** I guess one of the things to sort of tie it in there is the concern that Janice has, although understanding that this is the old pipeline, her concern is now that it's going to be doubled -- twinned through that area. Her concern is how is that new pipeline going -- is it going to double her problems within her property?

6119. I mean, it's getting to a point -- I think this is the second or third time they've dug in this area. I think the other dig was a little further this way where the stopple is sort of further down this way. And it's a concern, and particularly when this -- the initial understanding on this one, it was going to be a two-day and this has now been open for must be a month now and, you know, there's been samples taken.

6120. And I guess one of Janice's concern is -- there's other pictures that show that when this was not filled with water, but that they actually drained the water and pumped it back into the spring area and now they're telling us that there is some possibly samples that do not meet the standard, I guess. So her concern is what would the new -- the other line do? Would it be -- you know, it's just a real concern, I guess.

6121. **MS. JANICE ANTOINE:** And I guess the biggest question for me is, you know, if there's going -- I have a narrow piece of land there that -- and I have a lot of family. As I said, there's presently five generations. And it saddens me to think that we may experience such changes that what the children grew up enjoying, it may be just a memory in terms of the purity of the water.

6122. And we live in a dry country. The natural aquifers, the springs are even more precious to us than people who live in damp climates. In fact, the whole area is very sensitive to ensuring both the surface water and the underground water is protected and looked after.

6123. We're also not able to use this land right now for pasture because this dig is there, and there is things around it that says "danger" and there's still some unanswered questions as to, you know, the safety of the springs right now.

6124. And I think those -- that pretty much covers the areas that we wanted to share with you. And I don't know if you have any questions or comments before I close?

--- (A short pause/Courte pause)

6125. **THE CHAIRMAN:** I'm not sure at the beginning whether you are prepared to answer questions orally, or orally and some in writing. I don't know what arrangements you had conferred with counsel.

6126. Perhaps, Mr. Nefstead, you could indicate what's the -- Ms. Antoine's and Grand Chief's thinking on this?

6127. **MR. NEFSTEAD:** Yes, we'll answer any questions in writing unless they're simple clarifications.

6128. **THE CHAIRMAN:** Then we'll offer it to Trans Mountain if they have any questions for clarification on the presentation.

6129. Ms. Oleniuk?

6130. **MS. OLENIUK:** Thank you, Mr. Chair.

6131. On behalf of Trans Mountain, I just want to thank Ms. Antoine and Grand Chief Joe for their presentation.

6132. We have no questions.

6133. **THE CHAIRMAN:** Ms. Scott?

6134. **MEMBER SCOTT:** I think it's a question that you could answer now. I've heard both of you mention, and I think it's a technical description, and it was referenced on the map, but you both referred to stopples, S-T-O-P-P-E-L (sic), and I was just wondering, I'm not an engineer and I just wonder what that is, what you're referring to. We don't have technical staff with us today.

6135. **MS. JANICE ANTOINE:** No, I'm certainly not a technician. I can't -- all I know is whenever they've dug there or whenever anybody talks about it, they say where the stopple is. And I don't even know if I could point what the stopple part is. Maybe Percy can.

6136. **GRAND CHIEF PERCY JOE:** Neither am I in the pipeline business, but from what I understand a stopple is like a shutoff valve, I believe. Maybe you could ask one of them?

6137. **MEMBER SCOTT:** Thank you.

6138. Maybe somebody from the Kinder Morgan table might know what a stopple is?

--- (Laughter/Rires)

6139. **MS. OLENIUK:** I wish we could. We're not engineers either. This is the wrong table. We're sorry.

6140. **THE CHAIRMAN:** I think we -- I don't think you need to take it and put up an answer in writing. We have staff that will -- obviously I'm not an engineer either. So we'll find out. It was just Ms. Scott had a question.

6141. And while we're on this, just out of curiosity, when was this taken? Is this recent?

6142. **MS. JANICE ANTOINE:** As I realized we were a week away or a few days away, I went down and quickly took some snapshots of the site here.

6143. The covered up one, there's a -- if you could go to that. There's a site where it's covered up. That was taken when they first did it. So it was probably taken a week earlier.

6144. There's a picture where everything was all covered up. No, that's recent. That one was earlier. I think that may be when they were ---

6145. **GRAND CHIEF PERCY JOE:** Yeah, that's about three weeks.

6146. **MS. JANICE ANTOINE:** Okay. That was three weeks ago. And the hose going in that was part of that picture. So it's a picture taken three weeks ago. But it is from this present excavation.

6147. **THE CHAIRMAN:** I have some questions around your comment, Ms. Antoine, and also Grand Chief this morning mentioned the same thing, and

he was a bit more -- was the use of the fact is that the Cold River -- you indicated the Cold River is one of the endangered rivers, and Grand Chief, this morning in his testimony, indicated that the Cold River was also one of the most endangered rivers in the world, I think. I don't know if you remember you said the world, but certainly -- I was just interested in the nature of that endangerment and the use of that river in your traditional use of your river on your property and obviously close to your property?

6148. **MS. JANICE ANTOINE:** Well, for me the -- you know, in the community the river has very great importance to the community. And where the land is on the bottom, families have lived there for years. And I actually was going to ask Albert to speak to it. But people used to live down in -- on the property that I have and then down beneath my house and into the fields, people lived near -- families lived near the river.

6149. Now, I can't tell you exactly where their homes were, but Albert knows the different people and he himself just lived across the river. That's where he raised his family, he and Bernadette. So there was activity.

6150. Now, the concern about the river is people were concerned because the fish weren't going back up. And that -- that is Percy had referred to those, or maybe it was Lennard, that the fish that go down into the ocean and come back, they're -- they actually spawn along a number of the rivers in the Nicola Valley.

6151. And the Coldwater River is one of the main rivers that -- and I don't know. Percy maybe could speak more to the river systems and the traditional use of the fishing that took place and -- did you want to?

6152. **GRAND CHIEF PERCY JOE:** Yes, I'll just -- not only the endangerment of the fish but, actually, the endangerment of the whole river of drying up.

6153. This year was a very good year. There was plenty of water. But in previous years, it's basically just about been dry.

6154. And that -- one of them is the -- my assumption, anyway, is that the cumulative effect of the, you know, the railway going in and -- or nor the -- well, starting with the railway, I guess, in 1915.

6155. But the highway and other impact that's happening, the logging, I

don't think it's -- we could put a finger on one thing that's causing all those issues, but multiple issues.

6156. And so every time something else goes within there, that's always the concern, that when is time -- when is the time to stop or do we wait until the river dries out before we even start going back and trying to address what caused the river to dry up.

6157. I know there's several areas and I'm going to guess, I think it was 2008 or whatever, when I actually walked along the river there where those places -- where that -- there was -- so shallow that there was, you know, hardly any room for fish to swim in.

6158. And plus the important really -- the important part of it is the temperature of the water. From what I understand, fish like about 13 to 15 Celsius to survive. And when temperatures were taken in the river, in many cases it was up at about 18 percent, which makes it just about fatal for any fish to be in the water. So that's the concern that we have.

6159. **THE CHAIRMAN:** And that endangerment, has that been recognized -- it is recognized amongst the nation or is it recognized within B.C. and any of its -- you know, of any of its processes within B.C.?

6160. **GRAND CHIEF PERCY JOE:** The first study, there was a group in the Merritt area that -- I think they called themselves the Nicola Water Management, that actually done a study.

6161. And it is recognized, I believe, by the provincial and federal governments as one of the endangered rivers in Canada, at least.

6162. **THE CHAIRMAN:** Thank you for that and thank you for your appearance today, for taking the time to come to us and share what you did with us today.

6163. And I would hope, if you could pass on to Albert, my -- the Panel's appreciation for his attendance today. And I will always remember his "take my life where I want; I am happy where I am". I think that speaks very much true of his personality and his life, so please acknowledge the Panel's appreciation for him taking the time to come to today, as well as yourself.

6164. And I can assure you that what we've heard today and what we will hear in the rest of the other processes as we proceed with this hearing, that we will be considering it all as we -- whether we will decide whether to recommend or not this project go ahead.

6165. So again, thank you both, Grand Chief and Ms. Antoine, for today and for being here with us. And with that, we're adjourned until 9:00 a.m. tomorrow morning.

6166. Oh, I beg your pardon. I see counsel would like to say something.

6167. **MR. NEFSTEAD:** Yes, thank you, Mr. Chair. I just wanted to clarify whether you do require any written responses to any of the questions that you posed or whether you're satisfied with the oral responses.

6168. **THE CHAIRMAN:** We're satisfied with the oral responses. Thank you for that, for asking, though.

6169. So with that, we're adjourned until 9:00 a.m. tomorrow morning and we will hear from the Lower Nicola Indian Band tomorrow morning.

6170. **MS. JANICE ANTOINE:** I just want to say thank you for hearing our stories and listening to our concerns. Thank you very much.

--- Upon adjourning at 1:36 p.m./L'audience est ajournée à 13h36