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 1

Hearing held at
L'audience tenue à

Edmonton Hotel and Convention Centre
4520 - 76th Avenue NW
Edmonton, Alberta

August 27, 2014
Le 27 août 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 Edmonton (Alberta), Wednesday, August 27, 2014
Audience tenue à Edmonton (Alberta), mercredi, le 27 août 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

Métis Nation of Alberta
Gunn Métis Local 55
- Ms. Murleen Crossen
- Dr. Tracy Friedel

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UNDERTAKINGS/ENGAGEMENTS

No.	Description	Paragraph No./No. de paragraphe

--- Upon commencing at 9:01 a.m./L'audience débute à 9h01

1. **THE CHAIRMAN:** Well, good morning, everyone. Welcome to the oral traditional evidence phase of the National Energy Board's hearing regarding the Trans Mountain Expansion Project.

2. My name is David Hamilton and I am the Chair of the Panel and with me and 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 listening in on the webcast.

3. Before we get started I'd like to review the safety aspects of this room. Emergency exits are located over to my right and are easily marked, and if we do have to evacuate the room, then the parking lot out front there, that's where everybody would gather in case we do.

4. The washrooms are located out those same doors and down -- quite a bit down the corridor to the left, but I think there are some signs that show you how to get there. So it's a big of a walk, I must admit.

5. 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 nametags which they are wearing, but I'd like to draw your attention to who they are, and if they would just wave so that you know who they are.

6. We have Margaret Barber who is our Hearing Manager. We have Shirley Dawe who is our Enhanced and Aboriginal Engagement Specialist; Deb Gilbert our Regulatory Officer.

7. Whitney Punchak is our Communications and she's over to the -- by the door side there, and standing next to Whitney is Gord Campbell who is our Security Advisor.

8. We also have Paul Johnston who is our legal counsel and Larry Mackenzie is our IT Support, if ever there's any questions about accessing the Wi-Fi. And also, we are supported by our court reporter, Dale Waterman, who's sitting there taking down everything that we're going to be saying.

9. With respect to our schedule for hearing oral traditional evidence, we will sit today from 9:00 a.m. until 12:00 noon. Normally when there are two

Aboriginal groups presenting, we will sit from 9:00 to 4:30. We will also normally plan to take a lunch break from noon to 1:30, as well as 15-minute breaks in the morning and in the afternoon. Today there will only one presenter scheduled.

10. In order to be fair to all presenters, we've allotted up to three hours to hear from each presenter. 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 a video or some other method.

11. Before we get under way, I would remind parties of the Panel's guidance in the Hearing Order and Procedural Direction Number 1 in regards to oral traditional evidence, copies of which are available in the back of the room.

12. The Board understands that Aboriginal peoples have an oral traditional -- an oral tradition for sharing knowledge from generation to generation and this information cannot always be adequately shared in writing. The Board sent out a process for Aboriginal intervenors to provide notice to provide oral traditional evidence, and this session of the hearing in Edmonton and others were scheduled as a result of those notices.

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

14. 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.

15. With that, I believe we're ready to get under way. But before I call on our presenter, the Gunn Métis Local 55, I would probably just like to have Trans Mountain also sitting in the circle and introduce themselves and their position with why they're here today, please.

16. **MR. ISAAC:** Thank you. I'm Tom Isaac with Osler, Hoskin & Harcourt. I'm here representing Kinder Morgan. Beside me to my right is

Heather Weberg also from Osler, and to my left is Annie Korver, Aboriginal Engagement Specialist with Kinder Morgan.

17. Thank you.

18. **THE CHAIRMAN:** Thank you and welcome today.

19. I'm wondering if there's any preliminary matters from anyone this morning before we begin?

20. **MR. ISAAC:** None from Kinder Morgan.

21. **THE CHAIRMAN:** Thank you.

22. If not, then I'd like to have the presenters of the Gunn Métis introduce your speakers and then we can proceed with the swearing -- swearing in of those individuals.

23. Thank you.

24. **MS. BIEM:** Good morning, Panel Chair and members of the audience. Good morning, Panel.

25. My name is Jenny Biem, B-I-E-M, and I'm legal counsel for Gunn Métis Local Number 55. Here today to provide evidence to you is Dr. Tracy Friedel who is a Council member. We also have President Murleen Crossen who will be sharing traditional knowledge and her knowledge based on her experience as a land user, as will Dr. Friedel.

26. Both Ms. Crossen and Dr. Friedel have also done extensive communications within their community so that they're able to be here today representing a broader -- broader land use patterns of the community as well as some of the concerns that they've heard from their membership.

27. And I would also like to acknowledge Councillor Moncrieff, who is also in the audience today as well to observe the proceedings.

28. Thank you.

29. **THE CHAIRMAN:** Thank you. Thank you and welcome.

30. Perhaps you could indicate, as stated in Procedural Direction 6, whether you will be responding to any questions orally, in writing, or in both or you can indicate at some point how you would like to handle that.

31. **MS. BIEM:** Certainly. So I think how we propose to proceed this morning is that Dr. Friedel and President Crossen will provide some statements. I may ask them a few direct questions afterwards and orally.

32. And in respect to any cross-examination questions or clarification questions that are answered, we'll take them on a case-by-case basis, as to whether we will answer orally or later in writing.

33. **THE CHAIRMAN:** That's fine. And just to remind when it comes to any questions, the questions would be to; any intervenor is allowed to ask you questions and also the Applicant, Trans Mountain, can ask you some questions. And then the Panel, if we have any questions of clarification on your evidence, then we would have an opportunity to ask those questions.

34. So as you say, we'll deal with that, Ms. Biem, when we get to it.

35. So perhaps with that, I would ask Ms. Gilbert, if you would swear or affirm the witnesses.

MURLEEN CROSSEN: Affirmed
TRACY FRIEDEL: Affirmed

36. **MS. CROSSEN:** Good morning. I'm honoured to be here to speak on behalf of the Métis people of the Lac Ste. Anne area and the Gunn Métis Local.

37. When I think of Lac Ste. Anne, I think of the people; not just the ones who currently reside there but the many who consider it home. The people come from all directions. They connect to the spirit of their ancestors. They recall the lessons taught in their youth. They return with their children, grandchildren and great-grandchildren to honour and pass on the many gifts of knowledge that have been given to them in this spot.

38. I myself returned to Lac Ste. Anne. I was born in Edmonton. I was raised there for most of my life but home was always Lac Ste. Anne. My father

was born in Lac Ste. Anne, as were many generations of his family. Our family ancestry shows them naming their home as Lac Ste. Anne in the early 1700s.

39. At the time, they were called half-breeds. Most common for the area were the French and Cree. My own maiden name is Letendre.

40. We are a very diverse people in Lac Ste. Anne. Our roots have expanded to include other cultures but at our hearts we are still half-breeds. Our forefathers taught us to adapt, to live in harmony with our two halves but to retain our identity as Métis people. Often this is done by returning to our centre, our core, our home.

41. My father was taught to be a very community-minded person. He was involved in many organizations, in businesses, and I was honoured to be with him when he received the Order of Canada in recognition for his great commitment to his community.

42. He admired his great-grandmother, Victoria Callihoo, who after the death of her husband returned to Lac Ste. Anne from the Michel Band Reserve and purchased and operated a hotel in the area, an amazing feat for a woman in the early stages of Alberta.

43. She also wrote numerous articles for newspapers documenting life as an early settler and explaining and giving us visuals of the buffalo hunts in Southern Alberta. She had a very good teacher, as do I.

44. Just as my big kokum saw and experienced changes to her lifestyle in the then very rapidly growing and changing Alberta, my father experienced many of these changes in becoming a businessman in the early years after the war. I am now experiencing a lot of these changes in our area.

45. This is the reason why I am speaking to you today. I hope that we can learn from our past and prepare ourselves and our grandchildren for their futures.

46. Lac Ste. Anne played a key role in the history of Alberta. It is documented that in 1823 Lac Ste. Anne provided 20,000 fish to Edmonton House in that one year alone. And that it was the Métis families doing the harvesting. Later, Métis families had other businesses selling ice for refrigeration at Lake Wabamun, coal mining in the Coal Branch area, and still maintaining many trap lines throughout the Lac Ste. Anne area.

47. As the province grew and changed, so did the Métis people. In 2005, Lake Wabamun was devastated by an oil spill. Many of the effects of this disaster is still felt today by members of our community.

48. Before 2005, fishing in Wabamun could still be done for both commercial and sports fishing. Before 2005, residents of Wabamun were able to drink their well water. Before 2005, the migratory birds nested on its shores.

49. To date, Lake Wabamun has not recovered from this disaster. The fisheries, according to Alberta Sustainable Resources, are barely maintaining the number of spawning age fish. They have not risen. There's no fishing commercially in Lake Wabamun anymore.

50. There are no more wells for drinking water used in Wabamun. The residents were told that this water was unsafe. For a short time, residents were supplied with drinking water. That has since stopped. Most of the residents purchase their water from local stores or bring it from Spruce Grove.

51. Recently, the residents of Wabamun were told that Edmonton water was going to be brought in. It's unclear to me if this has happened yet but residents now receive a water bill.

52. The call of the loon used to be a common sound in many lakes in Alberta, but particularly on Wabamun and Lac Ste. Anne. Their call is very rare now in these two areas.

53. Métis harvesting rights are not for commercial use, they are for subsistence only. Therefore, changes to the amount a harvester is able to harvest affect many people. On a typical harvesting day, it would be a very exciting time, much as the same as was described by my big kokum about the buffalo hunts.

54. Many family members would gather together in one place, often the home of one member in the harvesting area. A group would be chosen to go out to either hunt or fish while the rest prepared the work area or cleaning area. This time would have been full of stories and exchanging of techniques. It was a learning period.

55. When the crews would arrive back, the process of cleaning and preparing the harvest would be done by all, and can be a long process for a day.

The food is divided between all participants, who then, in turn, share with other family members.

56. I tell you this to help you understand that one harvester may be the provider for as many as 10 family groups. I'm fortunate to say that I myself am a harvester, as are my two children and my four grandchildren. We provide what we can to my elderly aunts and uncles. They, in turn, provide a share to their families.

57. Our community has had consultation and information meetings to explain to them the proper way of accepting our harvesting rights. Lac Ste. Anne has hundreds of active harvesters. Gunn Métis Local is in the process of trying to contact as many of them as possible to be able to hear their views and share their knowledge with us so we can, in turn, share that with you.

58. All of that having been said, our community members have many concerns of the potential spill, as they have experienced it, its repercussions firsthand. This pipeline's proposed site is, in some locations, amazing close to the waters of Lake Wabamun. Many of our people are not overly comfortable with this prospect.

59. The Sturgeon River feeds into Lake Isle, Lac Ste. Anne and Big Lake and, in turn, continues to go on to become a part of the Yellowhead -- sorry -- North Saskatchewan watershed.

60. Concerns have been raised about this pipeline crossing the Sturgeon. Lac Ste. Anne has seen a decline in its fisheries over the past 15 years, with catch and release for sport fishing is the current system. Very limited commercial fishing is done there now.

61. The Sturgeon River and its tributaries are spawning areas. It is known that the silt that would be created in the crossing of these tributaries could interfere with the spawning of the fish that come to these lakes.

62. We also have some concerns in regards to the Pembina crossing. The Pembina River is one of the few places where whitefish still continue to spawn.

63. The Province of Alberta has a proportionately low number of fish-bearing lakes, a fact I didn't know until my husband pointed out to me. It's our feeling that we need to use extreme caution to preserve the little that we do have.

64. As I mentioned before, I returned to Lac Ste. Anne as an adult. My grandmother was very, very pleased. I live on the land that was my great-grandmother's, where my father once had his own cabin. I hope to be able to gift this piece of land to my grandchildren someday.

65. This is where I try to pass on the teachings that I have received from my Elders. My own childhood was spent here. I recall long, hot summers and magical Christmases. I pray their memories of my teachings are as good as my own.

66. I remember berry picking. Berry picking was a perfect opportunity for our Elders. They were our best teachers. They had patience, they loved us, and they genuinely cared about our well-being. A simple berry-picking trip would become a lesson in where the plants grow, the best areas and soil conditions for them, what plants not to step on, as they are medicines, and what those medicines were used for, how not to damage the plants and the area around them so they will be here for us for the next season. Game trails were scouted as potential hunting areas, and hazards were noted and reported back to others in the community. All this from a simple berry-picking excursion.

67. I did not realize at the time the value of any of those trips. Today, they are my most cherished memories.

68. It is my understanding that care will be taken to reclaim -- to the reclamation of the pipeline route, that Elders or those of knowledge in this area will help in the process of identifying these plants. Again, I come back to the water areas.

69. Many plants, such as rat root, are in these wet areas and they do not take well to changes. Another part of the plant's tendency to do poorly is due to its namesake, the muskrat. He tends to leave when people move in. Rat root is his food, but rat root also depends on the muskrat. To him, its roots are its food and him taking those roots keep the cycle in a constant progress throughout its life.

70. As a child, I was taught by my father that hazelnut trees were common throughout the Lac Ste. Anne area. They were always harvested and were once abundant. Now, hazelnut bushes are very few and the people who know how to recognize them have become even fewer.

71. I worry about the reclamation process for these reasons. Yet I see it as an opportunity for our youth. The process of identifying, cataloguing and caring for the many plants along the route could provide a very good berry picking experience for them.

72. Our communities have a number of jobs in the areas, from the Arctic ice company in the 1940s, fifties to the current tradesman who flood the area working at the various plants in the area. These men and women continue to pass on information to us. They continue to live in the area, they continue to be a part of the families that have grown and thrived there.

73. My own home is a central location for people when they come to Lac Ste. Anne. If questions need to be asked about the cemetery, it is my home that people will come to. We will take them to the cemetery; we will find where the graves are of their ancestors and find family for them.

74. Many people were adopted out in, again, the forties, fifties and sixties and these people have come back looking for family. They've been welcomed back into many of the homes in the community and are treasured as lost souls that we have now been able to find.

75. Lac Ste. Anne is more than just a collection of Métis people in the area. We're there out of determination to stay and we're there because our families continue to come back.

76. Thank you.

77. **THE CHAIRMAN:** Mahsi cho, Madam President.

78. Dr. Friedel, I understand you're next.

79. **MS. BIEM:** If I may, sir, I may --

80. **THE CHAIRMAN:** Yes.

81. **MS. BIEM:** -- I just may have -- I have a few direct questions to follow up with Ms. -- President Crossen.

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

83. **MS. BIEM:** Thank you.

84. So Ms. Crossen, you mentioned that there were communal and organized harvesting activities in the past. Have you ever participated in those type of communal organized harvests --

85. **MS. CROSSEN:** Yes.

86. **MS. BIEM:** -- yourself?

87. **MS. CROSSEN:** Yes, I have. Many of them happen at my own home. Many happen at my own home.

88. During those it would be immediate family attending, helping, the younger ones doing the majority of the hard labour because bringing in a net in the winter is hard work.

89. From there it would be the cleaning, as I said, and there are other families in the area that continue to do that on various sides of the lake.

90. **MS. BIEM:** Great. Thank you.

91. And so -- I'm to understand that harvesting, you mention the winter and harvesting occurs throughout the year; is that correct?

92. **MS. CROSSEN:** Yes. Yes, it's just more difficult in the summer due to the fishing, in particular, due to the number of boaters out on Lac Ste. Anne.

93. **MS. BIEM:** And you mentioned that your grandparents would take you out and teach you through berry picking on the land. Do you, yourself, or are you aware of other members who take out their children and grandchildren currently?

94. **MS. CROSSEN:** I'm -- I can speak for myself, for sure --

95. **MS. BIEM:** M'hm.

96. **MS. CROSSEN:** -- yes. I do know of other members who do take their grandchildren, mostly grandchildren, to teach them.

97. **MS. BIEM:** And have -- in your communications with members, have people reported harvesting on or near the right-of-way for this pipeline?

98. **MS. CROSSEN:** Yes.

99. **MS. BIEM:** And has -- in your communications with members, has anybody reported harvesting on rat root on or near the pipeline?

100. **MS. CROSSEN:** Rat root can only be found in actual bodies of water.

101. **MS. BIEM:** Okay.

102. **MS. CROSSEN:** But yes, so near the pipeline route.

103. **MS. BIEM:** Close to the pipeline route.

104. **MS. CROSSEN:** Yes.

105. **MS. BIEM:** Okay, thank you.

106. And is one of those locations at Lake Wabamun?

107. **MS. CROSSEN:** Yes.

108. **MS. BIEM:** And can you describe, is it towards the north end of Lake Wabamun or the west, like can you give them a bit of -- situate them a little? I'm sorry we don't have a better map up yet.

109. **MS. CROSSEN:** I'm not great with north and west.

110. **MS. BIEM:** It's okay.

111. **DR. FRIEDEL:** It's the north side.

112. **MS. CROSSEN:** North?

113. **DR. FRIEDEL:** Right at the village.

114. **MS. CROSSEN:** Okay. Yeah, right near the old village area.

115. **DR. FRIEDEL:** M'hm.

116. **MS. CROSSEN:** Yes.

117. **MS. BIEM:** And what's that village site called?

118. **MS. CROSSEN:** Wabamun.

119. **MS. BIEM:** Thank you.

120. Ms. -- or pardon me, President Crossen, has anybody -- have any members communicated concerns to you about the pipeline route in relation to gravesites?

121. **MS. CROSSEN:** Yes.

122. **MS. BIEM:** Could you please explain those concerns to the Panel?

123. **MS. CROSSEN:** Are you speaking to that, Tracy? Yeah? Okay. I just wanted to clarify that.

124. Yes, a member of our community knows of a cemetery in the Marlboro area. I can never say that name.

125. It is her concern, as it is other people's, that the current cemetery being the age that it is, the boundaries of it would not have been as clearly marked. In the Lac Ste. Anne Cemetery, for example, we know that there are numerous graves outside of the boundaries of the cemetery and so our concern is that this may be the same case with the Marlboro Cemetery.

126. **MS. BIEM:** And are ancestors of the current Métis community buried there?

127. **MS. CROSSEN:** Yes.

128. **MS. BIEM:** Yes. Thank you.

129. Okay, thank you. I now will ask Dr. Friedel to speak.

130. **DR. FRIEDEL:** Thank you. I just would like to begin by saying (speaking in native language).

131. And that is basically to say that I wanted to begin with a few words in Cree just to say my name is Tracy Friedel. Hello. I'm a neha (ph) Métis woman from the people of Lac Ste. Anne, Alberta.

132. I would like to also -- I don't think I heard it -- just acknowledge that today this meeting is taking place on the traditional, ancestral lands of the Cree and Métis people.

133. So I've come today just to speak about my own experience as a neha (ph) Métis woman of the Lac Ste. Anne community that President Crossen has been describing. And I'm also here, as Jenny mentioned, to speak on behalf of the Gunn Métis Local, which is the representative body of the historic and contemporary Lac Ste. Anne Métis community.

134. I'm the daughter of Marjorie Friedel, who was born in 1936 at the settlement of Lac Ste. Anne. My late mother was a widely respected Métis Elder in West Central Alberta.

135. And if you don't mind just bearing with me, I'd like to describe my ancestry through my maternal grandparents in this case.

136. So my maternal grandmother -- that is my mother's mother -- is Lily Larocque, born in 1917 at the Lac Ste. Anne Settlement. And my maternal grandfather, which is my mother's father, is Montrose Cunningham, born in 1907 on the opposite side of the lake from my grandmother at a place called Gunn.

137. My maternal great-grandmother and grandfather are Rachel Letendre and Joseph Larocque, both born at Lac Ste. Anne Métis Settlement in 1894 and 1898 respectively.

138. And their parents -- sorry, my great-grandmother's parents, so my great-great-grandmother, is Nancy Cunningham, born in 1876 at St. Albert.

139. And my great-great-grandfather, Samuel Letendre, was born in Lac Ste. Anne Settlement in 1878.

140. My great-great-great-grandmother is Suzanne Gray, born at Lac Ste. Anne Settlement in 1855. My great-great-great-grandfather was Samuel Cunningham, born at Gunn in 1848.

141. My great-great-great-great-grandmother -- so that's four, is Suzanne Calihoo, born in 1827 at Lac Ste. Anne. My great-great-great-great-grandfather is Joseph Gray, born in 1820 at Jasper House.

142. Finally, my great -- that would be times five -- so five greats, maternal grandmother is Marie Patenaude, born in 1803 in Lesser Slave Lake.

143. My great, times five -- or five greats, grandfather is Louis Kwarakwante, a Mohawk born in 1782 in Kahnawake Settlement in -- today what is known as Quebec.

144. I just wanted to say, other than that fellow Louis Kwarakwante, all those ancestors are Cree Métis ancestors or half-breeds, as they would have called themselves.

145. I can similarly trace the ancestries -- the ancestry of my mother's father. That was just my mother's mother, her ancestry. I could trace the ancestry of my mother's father, for instance, back to my great, times four, grandmother Nancy Bruce, born in the Northwest Territories in 1797.

146. And my great, times four, grandfather Patrick Cunningham, also born in the Northwest Territories in 1795. And again, all those grandparents would be Cree half-breeds as well.

147. So in describing this history, I just wanted to make clear that many of my own Cree Métis ancestors were born and lived in what today we think of as Alberta.

148. And as part of a large extended family network, I've been fortunate to have opportunities to learn a lot about who we are as half-breed people.

149. One of the things I've been told by my mother and grandparents is that we come from the community of Lac Ste. Anne. So for many generations of my family, this is true, as well as true for many of my relatives.

150. This is a community with a historical centre located at Lac Ste. Anne Settlement that persists to the present day. The peripheries historically were places like Gunn, St. Albert, Marlboro, Jasper and so on.

151. Today those peripheries of that centre look very much the same. We could add in later years places like Wabamun, Noise Crossing, Darwell, Alberta Beach and so on.

152. So these are places that we know our community members live today, but we also are aware that our community members lived a long time ago, up to 200 years ago.

153. I just wanted to point out to the Panel that, unlike a First Nation reserve where we have a boundary that, you know, using Dominion land marking processes, mapping processes, the Lac Ste. Anne community has never been demarcated in that way and so our community, historically and to the present day, is -- looks very different than a reserve might look.

154. Having said that, all of these places that I'm mentioning are in close proximity to Lac Ste. Anne. So historically, we moved among these places, you know, using freighters, you know, on the river systems, using carts and so forth. As Murleen described, our ancestors were buffalo hunters.

155. Today we move among these places in different ways, but we continue to occupy and use these locations as well.

156. I've heard Lac Ste. Anne Settlement site described as not only a sort of geographic centre but also a spiritual centre.

157. So from a very young age, me and my siblings camped together with a large extended family at Lac Ste. Anne Settlement during the annual pilgrimage each July.

158. Still today, when introducing myself, I'm sure to say that I'm a member of the Lac Ste. Anne community. My grandparents were always careful to describe themselves in this way and I noticed that many other Lac Ste. Anne descendants besides myself do this as well. In that sense, Lac Ste. Anne is not only a geographic and spiritual centre, it also proves to be a psychological and cultural centre.

159. I believe this has always been so, but you won't find this anywhere in the historical records, as these tended to be written by missionaries or white visitors to the area.

160. Throughout my youth, I spent a great deal of time with my maternal grandparents who lived in Wabamun.

161. As mentioned, my grandmother Lily was born at Lac Ste. Anne Settlement and my grandfather Montrose at Gunn. My grandparents were Cree speakers who described themselves as half-breeds.

162. Today, I understand that term to be a racializing description, but I wish to use it here in recognition of the fact that this is how they saw themselves and their parents and grandparents saw themselves.

163. It is also a term used by many of our elderly community members today to talk about their experience, and I'll explain a bit more about that in a bit.

164. So throughout their lives my grandparents fished with gill nets in lakes within Lac Ste. Anne traditional territory, including at Lac Ste. Anne, Lac La Nonne and Wabamun Lake.

165. Similar to their ancestors before them, my mother and grandparents sustainably used the resources that were found in the North Saskatchewan and the Athabasca watersheds.

166. As a young child I recall extended family members cleaning fish from Wabamun Lake long into the night in my grandparents' garage in Wabamun. It was exciting times to be able to stay up so late, but it was also an important learning regarding how to process fish for storage.

167. In those days, the whitefish was plentiful in Wabamun Lake and the winter catches would provide fish for many families for a good portion of the year.

168. When I was a teenager, I got a job working for the Provincial Park at Wabamun. I learned about -- while I was working there, I learned about the old trail through the park that led to the old village site of Wabamun.

169. Through oral history interviews that we did last summer, through

Gunn Métis local, I now also know the location -- the exact location of the site where the Métis families lived in the park until about the 1950s. They were forced to relocate at that time due to the development of Wabamun Provincial Park.

170. My aunt and uncle were part of the families who lived there, my uncle Peter Larocque and his wife. At the location where these families lived there are many resources, including Saskatoon's rosehips among a whole plethora of food and medicinal products.

171. I harvested some of these throughout my years working at the park and as recently as last summer. Beavers also often build their houses nearby this location.

172. The CN Rail spill in 2005, mentioned by President Crossen, threatened this natural area and as an environmental episode, it remains a vivid memory in my own mind, as well as in the mind of many of the elders that our community has been speaking to over the last couple of years through oral history interviews.

173. Myself and community members have discussed our concern with the close proximity of the Trans Mountain Expansion Project, the pipeline, so close by the lakes that we continue to use today, particularly Wabamun Lake.

174. We have and we will probably continue to ask for -- in fact, we will continue to suggest to Kinder Morgan that perhaps the pipeline would be better suited on the north side of the highway, where it goes so close to Wabamun Lake, and that would be because of our occupation and use -- our ongoing occupation and use of these areas.

175. For those several families that lived at Wabamun Park or what today is Wabamun Park, an old trail existed from that location north to Lac Ste. Anne -- to the Lac Ste. Anne settlement and beyond that as well. The trail system was very well developed.

176. Parts of this trail are still in use today. The trail is materially important as well as symbolically important to us since the people in these locations are very closely related. As mentioned, Lac Ste. Anne settlement is sort of a geographic centre, but our community extends to a number of locations, including Wabamun, and so this trail essentially connects the families that are related between the settlement and Wabamun and, again, beyond that.

177. As Lac Ste. Anne Métis descendants, we understand our history as place-based and also mobile. My own grandparents moved within the central -- west central Alberta region for purposes of work, but always they maintained their close connection with the Lac Ste. Anne settlement site. My mother tells of -- told of living with her grandmother at Lac Ste. Anne during summers while her parents worked at the coal branch.

178. At the destruction of the buffalo in the late 1800s, many Métis families from the Lac Ste. Anne community moved for purposes of labour. Some moved even earlier than that, for example, to St. Albert for purposes of agriculture in the early 20th century, to Marlboro to work in the cement plant. On return from the coal branch, when the coal branch shut down, many moved to Wabamun to work in the new power plant, the new Calgary power plant and mine at that site and other locations as well.

179. The Kinder Morgan Trans Mountain Expansion Project, or the pipeline, crosses important feeder streams into the lakes -- some of the lakes that I'm mentioning here, such as Wabamun and Lac Ste. Anne, and this is really important to us.

180. And I just wanted to talk a little bit about the Lac Ste. Anne pilgrimage, which I don't know if Murleen had a chance to talk about that. The Lac Ste. Anne pilgrimage that takes place at Lac Ste. Anne settlement relies on clean water. Our oral traditions tell us that we made the settlement one of our homes because it was -- and this would be in the late 1700s, early 1800s -- because it was flush with fish and because the lake itself is sacred.

181. Today, Lac Ste. Anne is struggling from the scale of development that's happened in this region. There are algae blooms each of the last several summers on the lake, low water levels and other problems. We cannot afford to have further decimation to this water body. As Murleen mentioned, the Sturgeon River is a feeder stream into Lac Ste. Anne.

182. The Lac Ste. Anne pilgrimage is -- today remains a multi-purpose event. We use it for solidifying our bond with the ancestors and for maintaining good relations among community members here today. In other words, it connects the ritual mythic worlds for us and the actual everyday world, so these two worlds come together at this place.

183. But the spiritual and social features of these events, this pilgrimage,

extend beyond the people. The ceremonies that happen here are also -- are meant to solidify our bonds with the -- with our ancestral places. The idea of intergenerational social, spiritual and land-based relationships as reflected in the Lac Ste. Anne pilgrimage offers us something for understanding Cree Métis notions of place-based learning.

184. As people of the land, our ancestors understood land as centrally important to who we are in a narrative sense.

185. In the stories told by my own grandparents, land or place is the lens through which all our relationships are understood. Among other things, it is where our Cree Métis language emerges from, our unique language, I should mention, where our stories of life and death are held and the context from which important teachings are derived.

186. Today, my work involves taking young people out on the land to learn with elders. So I have picked rat root, for example, in the -- on the north end of Wabamun Lake, fairly recently, as a matter of fact, with youth.

187. Industrial development and colonial -- I guess colonial capital accumulation since the 1940s in Alberta has meant increasing destruction of our ancestral homeland at Lac Ste. Anne and throughout our traditional territory. We have always been involved with labour -- I just want to be clear about that -- but we have also always lived off the land.

188. This notion of living with the land rather than -- this notion of living with and off the land underpins a Cree Métis relationship with place and is significant to our future teaching and learning efforts. I had the good fortune as a young person of being taught in this way, taught on the land, so our family -- and it was a large extended family. Each summer, we also made a journey to the foothills, where we picked huckleberries and so forth.

189. And as President Crossen has described, these events were much more than about harvesting a food source. They involved a transmission of traditional knowledge from one generation to the next. They provided an opportunity for us to reconnect with our relatives from near and far.

190. I just wanted to, in addition to those thoughts, for now, just comment on the cemetery that President Crossen mentioned at Marlboro. And as I indicated, we did have relatives from Lac Ste. Anne who moved to Marlboro to

work in the cement plant in the early 20th Century. And some of those ancestors are buried in the graveyard at Marlboro.

191. We know from our experience with the graveyard at Lac Ste. Anne that, quite often, the way the graveyard is marked out does not encompass the whole of the area where people have been buried. We also know from our experience at Lac Ste. Anne that sometimes graveyards are covered over and so forth. And so, you know, we have no certainty around what had been dug up in the 1950s when the Kinder Morgan pipeline initially went through.

192. We know this is a different time and these matters are treated differently today, so we are quite concerned about the graveyard at Marlboro. And our elders are very concerned about what will happen with that context if it -- if it is, as we believe, very close to the right-of-way or on the right-of-way.

193. Thank you very much.

194. **MS. BIEM:** Thank you, Dr. Friedel. I have a few follow-up questions for you, Dr. Friedel. Is my mic on?

195. So you mentioned that Lac Ste. Anne families moved to Marlboro for work. Do you have any oral history knowledge of families using the area around Marlboro for traditional purposes prior to relocating there for work?

196. **DR. FRIEDEL:** Yeah, I know that, as I said, we were taken as children on summer excursions to the foothills, so we often were not very far from where Marlboro would be today in terms of some of those camping expeditions.

197. And I also know the -- my grandfathers and uncles and so forth hunted in that area, so they hunted big game in that area quite regularly.

198. **MS. BIEM:** Thank you.

199. And I wonder if you can outline some of the -- I know we've spoken quite a bit about fish and medicinal harvesting. Can you speak about some of the other harvesting that occurs within the traditional lands today that members have expressed concerns -- have connected to the pipeline?

200. **DR. FRIEDEL:** Yeah, I know that in speaking with -- I've actually

had the opportunity to be involved with speaking to community members about these kinds of things two times. The first time was in 2009 as part of a traditional land use study.

201. I and another individual interviewed 42 Métis folks, and about approximately six of them were from Lac Ste. Anne.

202. And then we've also, as Gunn Métis Local, undertaken our own oral history project and were interviewing, you know, as many elders and so forth as we can.

203. And in speaking to them as well as some of our -- the focus group we held for this -- for this particular project, people are talking about having harvested small game, fur-bearing animals along the right-of-way, is that right? President Crossen might be able to speak to the fur-bearing a bit more than I.

204. Did you want to answer that question?

205. **MS. CROSSEN:** No.

206. **DR. FRIEDEL:** No, okay.

207. Yeah, so there's a number of resources that our members are concerned about in terms of small game, birds, that kind of thing, berries.

208. **MS. BIEM:** And whether or not members hunt big game, have members observed big game along the right way -- the right-of-way?

209. **MS. CROSSEN:** Short answer, yes, long answer being that access to the property is an ongoing communication struggle so we would -- I'm not sure how to answer you.

210. **MS. BIEM:** Have members express concerns about the impacts of construction on big game along the right-of-way?

211. **MS. CROSSEN:** Okay, thank you.

212. Yes, yes, the -- as I mentioned in speaking about the rat root, the muskrat would leave if too many human encounters were come across. But also in that the vegetation in the area would change, that the feel of the land itself

would change.

213. **DR. FRIEDEL:** Yeah, so I could maybe add a little bit just because I was involved in a lot of the interviews.

214. Our members are concerned about construction of a new pipeline, many of them talked about the fact that because the existing pipeline has been in the ground for 60 years that a lot of the -- a lot of healing has happened with the land and a lot of medicinal plants and so forth now grow on the right-of-way and right along the right-of-way. And also there are a number of -- like game is also something that we find along the right-of-way.

215. I guess what we're concerned about is that with the construction of a new line alongside is that that will now be disrupted and unlike the past 60 years, just the scale of development that's happened, we're very concerned that the kind of reclamation and just natural healing that will happen will not reach the same levels as what we were fortunate enough to have these past 60 years. So that is a big concern for our members.

216. We didn't have -- I should say also we didn't have an opportunity to ground truth these things as much as we would have liked so we are relying on the oral history of our own members and I'm sharing that with you today as somebody who participated in those interviews.

217. **MS. BIEM:** And I know you've both spoken about members' concerns about a potential for spill, are there any other concerns members have expressed in relation to water that are specific to construction?

218. **DR. FRIEDEL:** Yeah, a number of -- or some of our members are wondering about the water use. So when -- we understand there'll be a number of different substances transported through these lines, and so we're wondering about the changeover in use and what -- where the water comes from to clean these pipes out and then where the water goes to afterwards. And also what is the quality of that water when it -- after it's used to clean out these pipes. We're quite concerned about that in the watershed in general.

219. **MS. BIEM:** Have members expressed any crossings of waterway crossings?

220. **DR. FRIEDEL:** Yes, and we have talked about that as well. A lot of

our members are big game hunters in the Athabasca watershed so we have documented use of hunting that happens today in that area. The pipeline will cross not only the Sturgeon River which feeds into Lac Ste. Anne but it will also -- and it feeds into the North Saskatchewan eventually.

221. It also crosses the Pembina River, the Lobstick River, the McLeod River. These are rivers that are part of the Athabasca watershed and that certainly is, you know, part of our traditional territory and an area that's continued -- our harvesters continue -- our hundreds of harvesters continue to use today.

222. **MS. BIEM:** And do you have any specific uses along, say, the Pembina or the McLeod rivers that you're worried could be impacted by construction activities?

223. **DR. FRIEDEL:** Okay, we have talked a little bit about specific rivers, the Pembina being one of them, and those are also traditional camping areas. So they're places where people still take their children and go for family camps in the summertime.

224. And again, just to make clear, these camping events are not what we might think of in terms of western notions of recreation, but they're a teaching and learning activities that happen there, harvesting activities, berry picking and so on. So the Pembina River is still a very important -- as one example, a very important river to our community.

225. **MS. BIEM:** Did you have -- have members reported specific use in the McLeod River that could be impacted?

226. **DR. FRIEDEL:** I think the McLeod River was mentioned in relation to big game hunting so the, you know, the river itself we haven't focused on in particular but the area of the McLeod River, yeah.

227. **MS. BIEM:** Thank you.

228. Does Lac Ste. Anne still have active fur harvesters?

229. **MS. CROSSEN:** Yes, we do. My own family included in that although they are unregistered trappers, the numbers recently of coyotes and foxes in the area have drastically increased. The number of ordinary hunters that aren't fur harvesting has decreased since the laws that came out in regards to firearms.

Many of the Métis people continued to hold on to their right as a Métis harvester to hunt and fish and trap.

230. These animals are not an over -- they're not -- you won't make a huge amount of money off of this. So they -- it's not as common as it used to be but it is still practiced, especially in helping our community. Our local farmers very often will get in touch with my own family and ask if we can help them with predation, be it elk doing a lot of damage to crops or the coyotes interfering with calving season.

231. **MS. BIEM:** And are either of you aware of community concern about construction of the pipeline disrupting any fur-bearer habitat?

232. **DR. FRIEDEL:** Yes, as I mentioned where the pipeline probably is closest to Wabamun Lake is beaver habitat, so beavers regularly build houses in that particular location.

233. Yeah, and as mentioned, I just wanted to clarify as well we've talked about the CN spill, which you may or may not know about, in 2005, and that was creosote that was spilled into Wabamun Lake. And there's been, you know, obviously a good deal of destruction regarding that.

234. But we just wanted to clarify that Wabamun Lake is recovering slowly, and it's not a place that we don't use today. As a matter of fact, we do have some harvesters who do eat the fish out Wabamun Lake.

235. There are many fears for a lot of our community members, but some are using. And so I raise that just to make the point that not all is lost with Wabamun Lake, and so it is still a very important place in our minds for the future.

236. One of the things I could mention as well is, as a child, being taken to harvest berries south and southwest of Wabamun Lake to an area now that is completely mined out by strip mines, but these areas were important when we were children and we harvested there.

237. As this sort of destruction to the landscape has happened, you know, we've noted ourselves how our community and our individual and family harvesters actually move locations, so we're always adapting to this kind of thing. And it's very much in keeping, I think, with what our ancestors have been forced

to do over time as well.

238. So just so you know, there are no algae blooms on Wabamun Lake. It's one of the few lakes in the area that actually doesn't have algae blooms. So we're very concerned about the health of Wabamun Lake in terms of this potential pipeline.

239. And I also wanted to mention -- I don't think we have here -- that we have several members who live right along the line, so we have -- for example, one lady we interviewed in an oral history interview has been living in the same location since the early 1940s, and it's right along Highway 16, right along the Yellowhead Highway.

240. Her and her brother have separate houses there. They've lived there for over 60 years, and this pipeline is, you know, potentially -- you know, has significant effects for them as well. And we have others.

241. I know my own -- my own dad and my own nephew live right along the highway at Duffield Corner, so right along the corridor where the pipeline will go.

242. So I didn't want to -- even though we're here today primarily to focus on our Aboriginal interests in terms of this pipeline, we also have these landowners who stand to be affected in these dual ways.

243. **MS. BIEM:** And, Ms. Friedel, I just wanted to follow up. You mentioned that the area south of Wabamun Lake had been mined out and that people had had to adapt and refocus harvesting activities elsewhere.

244. Given the scale of development within the traditional lands, are there many places left for people to adapt to or move to once they lose harvesting areas?

245. **DR. FRIEDEL:** Yeah, that -- I mean, that's a large concern for us because we're having to go further and further away in what we would consider our traditional territory, but certainly we're having to travel further given the -- some of the environmental problems related to development.

246. I also wanted to mention, in terms of speaking with the elders in Marlboro, that they're quite concerned because Marlboro has been a little bit

further away from some of the -- for example, the power plants and so forth, and there are areas there that are -- remain rich in resources and so forth, and so they've expressed quite grave concerns about the potential of spills and just, you know, construction and operation in general.

247. **MS. BIEM:** Thank you.

248. And unless either of you have anything else you'd like to say, then I would turn it over to anybody else who wishes to ask questions.

249. **THE CHAIRMAN:** I'm just wondering, before we go to questions, if we have questions possibly from Kinder Morgan and if the Panel may have questions as well, if you would like a short break before we go to that or we can continue.

250. What would be your preference, a short break?

251. Okay, then. Let's take a 15-minute break and we'll come back.

--- Upon recessing at 10:14 a.m./L'audience est suspendue à 10h14
--- Upon resuming at 10:35 a.m./L'audience est reprise à 10h35

252. **THE CHAIRMAN:** At the beginning the Gunn Métis indicated that they would be -- take some oral questions from any of the intervenors or Kinder Morgan or any of the Panel.

253. So perhaps with that, I'll ask if -- any intervernors have their right, of course, to ask questions, but I'll therefore go to the Applicant and ask if they have any questions that they would like to ask our representatives of the Gunn Métis.

254. Mr. Isaac?

255. **MR. ISAAC:** Thank you, Mr. Chairman.

256. Could the intervenor introduce themselves? Is there an intervenor present?

257. **THE CHAIRMAN:** No, there's no intervenor present.

258. **MR. ISAAC:** Okay.

259. **THE CHAIRMAN:** But our process does allow it to happen, but there's no intervenor -- here have indicated that they would like to ask the Gunn Métis.

260. **MR. ISAAC:** Very good. Thank you.

261. We want to thank the Gunn Métis for their presentation today. We received the Preliminary Traditional Land Use Report last Friday. We'll be reviewing that in detail.

262. We appreciated, in particular, hearing additional information about the graveyard and potential gravesites and we will be following up with the Gunn Métis on those points in particular, among other items.

263. But with that, we don't have any questions for the Gunn Métis.

264. Thank you.

265. **THE CHAIRMAN:** Thank you.

266. And Panel, perhaps -- yes, Mr. Davies?

267. **MEMBER DAVIES:** Thank you, Mr. Chairman.

268. I wanted to thank you, President Crossen and Dr. Friedel, for reawakening many boyhood memories I had that go back to the 1950s and early sixties. I grew up in Edmonton and our summer home was Lake Wabamun, and I remember very well the days at the lake, at Lake Isle, going to Entwistle, shooting the rapids on the Pembina River, et cetera.

269. So I wanted to thank you for reawakening those memories and for helping me ground the applications before us in that context.

270. Thank you.

271. **THE CHAIRMAN:** Maybe I have just a couple of maybe -- more questions of clarification and perhaps more understanding as well.

272. President Crossen, you indicated in response to the questions from Ms.

Biem on the issue of fur-bearing registered and unregistered. And I was just trying to -- if you recall that you said that some of the Métis in your territory were -- are they registered or are there some unregistered? I wasn't quite clear on that point.

273. **MS. CROSSEN:** Yes, my apologies.

274. **THE CHAIRMAN:** No, that's fine.

275. **MS. CROSSEN:** There is both registered and unregistered trapping in the area and harvesting because coyotes, foxes, those types of fur-bearing animals do not require a licence, where beaver and other do require the licensing. So it's both.

276. **THE CHAIRMAN:** Great, thanks for that clarification.

277. And Dr. Friedel, you used the term "ground truth". You were talking about the reclamation after 60 years of things that you seemed -- that the Elders were happy where the reclamation is gone in 60 years.

278. But you used the term "ground truth" and I found that interesting. I think I understand the term, but I'm just trying -- to help understand the use of the term "ground truth", your process.

279. And as Mr. Isaac -- our process in this application in front of us, trying to blend the oral traditional evidence with all of the other evidence that's going to be coming down towards us to consider and also, Mr. Isaac has indicated you filed your Preliminary Traditional Land Use Study, is it, with Trans Mountain just last Friday.

280. I'm just wondering and particularly the concern over Marlboro and the cemetery there that's not documented, it's all oral traditional evidence that's there. How are you feeling about that blending of that ground truth, if it's the term I'm understanding it to mean and your oral traditional evidence, and all the evidence that's going to come to us in this application?

281. Am I -- I just want to understand that term and how you feel about blending all of that together with the oral traditional evidence?

282. **DR. FRIEDEL:** Yes. Well certainly, I'm not sure about the blending.

I think the way I've been taught is that, you know, the stories that are told to us might come from, you know, generations prior to the folks telling us are, you know, knowledge, traditional knowledge. So I guess when I was mentioning about the ground truthing, I was thinking of that really in terms of a term associated with traditional land use studies, so the methodologies.

283. So I should share that we had quite a modest budget with which to do a project-specific traditional land use study in this case. And we weren't able to, for example, you know, take GPS equipment out to the graveyard site with the Elders, who are talking to us about, you know, about the graveyard.

284. We do -- having said that, we do have, you know, oral histories that we've gathered and you know that we each have been a part of as well, as we've grown up with respect to the pipeline. So for example, when I mentioned about Wabamun Park and the pipeline goes sort of right on the northern edge of Wabamun Park, and that's very close to the lake, I had my own experience as a young person as well as my own experience working in that context and so forth. And so I'm very familiar with the right-of-way right there.

285. So I just wanted to make that point. And the right-of-way, I maybe should make a summative statement about the right-of-way in general is, you know, it extends -- for our membership from Edmonton to Hinton. And we have -- our population centres are very close to the line and so, you know, we just wanted to highlight that as well.

286. So the ground truthing really was I think part of the methodology of the report that, you know, so just to say that we didn't do an extensive ground truthing in relation to the report, but that said, we do have, you know, oral knowledge as well of the right-of-way.

287. **THE CHAIRMAN:** Thank you.

288. Yes, Ms. Biem.

289. **MS. BIEM:** Mr. Chair, if I might seek your indulgence. It seems to me that you're also asking kind of a more overarching question about the blending of the oral evidence with the scientific and technical evidence that will be coming, and the Métis will respond to that particular question in writing.

290. **THE CHAIRMAN:** That's fine. Thank you. Thank you for that.

Thank you for that answer, that's very helpful to me. Thank you for that clarification.

291. With that, it's funny and interesting because I used to live in the Northwest Territories, so bringing back memories of the pilgrimage to Lac Ste. Anne for me was important because most of the lower part of the Northwest Territories used to just empty out and all travel to Lac Ste. Anne because that's the breadth of the Territory and the significance of that is well felt over -- there's no boundaries to where that is between the Northwest Territories or Alberta or any other part of Canada. There's no boundary line there, so that was interesting.

292. **DR. FRIEDEL:** Yeah, and I think the interesting thing for us is -- has been always knowing that people came a long way ---

293. **THE CHAIRMAN:** Yes.

294. **DR. FRIEDEL:** --- from Montana.

295. **THE CHAIRMAN:** M'hm.

296. **DR. FRIEDEL:** In the early years, even I can remember people coming on horse. I know that we have community members who actually walk there ---

297. **THE CHAIRMAN:** M'hm.

298. **DR. FRIEDEL:** -- for example, from Wabamun, still today as a symbolic sort of act.

299. But I think I just want to highlight that, as I began with my own genealogy, that we also have always lived in this area and we -- you know, I have great times -- five grandparents who were actually born there, so I just wanted to, again, highlight that for the Board.

300. Thanks.

301. **THE CHAIRMAN:** And thank you and mahsi, mahsi cho for you sharing your knowledge and your evidence with us today.

302. The information that you have provided here and all the information

that impacts the project and your community will be considered by us. We decide whether to recommend approval of this project. So with that, I thank you.

303. And with that, if there's nothing else, we will reconvene on Wednesday, September the 3rd at 9 a.m. in this very room.

304. Thank you. Thank you, everyone.

--- Upon adjourning at 10:46 a.m./L'audience est ajournée a 10h46