

Affidavit for Intervenors

**IN THE MATTER OF
ENBRIDGE NORTHERN GATEWAY PROJECT JOINT REVIEW PANEL
OH-4-2011
NORTHERN GATEWAY PIPELINES INC.
ENBRIDGE NORTHERN GATEWAY PROJECT**

AFFIDAVIT OF TRACY CAMPBELL

I, Tracy Campbell, of Calgary, in the Province of Alberta, **AFFIRM AND SAY AS FOLLOWS:**

1. I have been retained by the Gitxaala Nation in the Enbridge Northern Gateway Project hearing OH-4-2011 (the Hearing).
2. The evidence that I hereby adopt consists of the following:
 - My CV attached as exhibit "A";
 - CV of Germaine Conacher attached as exhibit "B";
 - Gitxaala Nation Use Study (Enbridge Northern Gateway Environmental Assessment) Report dated April 8, 2011 attached as exhibit "C".
3. Exhibit C listed in paragraph 2, above, was prepared under my direction and control. It is accurate to the best of my knowledge and belief.

AFFIRMED BEFORE ME

at Calgary (name of city),
in the Province of Alberta,
this 2nd day of December, 2011.



Signature of Intervenor



A Notary Public/Commissioner for Oaths
in and for the Province of Alberta.

Drew M. Lafond
Barrister & Solicitor



CALLIOU GROUP

Tracy Campbell

Principal

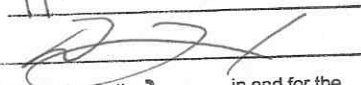
(403) 796-3899

Tracy.Campbell@CalliouGroup.com

Tracy has over 20 years of experience assisting First Nations in understanding and responding to all phases of environmental assessments. Tracy's speciality is the conduct of Traditional Land Use Studies and their integration into the environmental review process to identify and assess potential impacts to Section 35 rights.

She is a former Chief Negotiator for the Government of the Northwest Territories, and Consultation Manager for the Government of Alberta. She has designed several consultation procedures for Aboriginal Nations requiring identification of impacts to their Treaty and Aboriginal rights. For the past 15 years, the question of how to effectively involve Aboriginal people into the regulatory process has been her focus. Tracy has conducted both project-specific and comprehensive Traditional Land Use Studies in Alberta and north east British Columbia.

THIS IS EXHIBIT " A " TO THE
Affidavit of Tracy Campbell
Sworn before me this 2nd day of December
A.D. 20 11


{ A Commissioner for Oaths }
{ A Notary Public }

in and for the
Province of Alberta

Drew M. Lafond
Barrister & Solicitor

EDUCATION

- B.A. (Political Sciences) University of Calgary, 1993
M.A. (Natural Resources and the Environment) University of Calgary, 1995: "Aboriginal Consultation and Non-Renewable Resource Development in NE BC"

PROFESSIONAL EXPERIENCE

- 2008 - Present Principal, Calliou Group
2006 - 2008 Co-Manager, Community and Aboriginal Affairs, FMA Heritage
2003 - 2006 Aboriginal Relations, Consultation Manager, Government of Alberta, Alberta Environment
2000 - 2003 Chief Negotiator, Government the Northwest Territories, Ministry of Aboriginal Affairs
1995 - 2000 Project Manager, Calliou Environmental Consulting Inc.
1993 - 1995 Professional Associate and Project Manager, Arctic Institute of North America
1987 - 1989 Executive Assistant, Environment and Community Affairs, Canadian Association of Petroleum Producers (formerly CPA)

PROJECT EXPERIENCE

Calliou Group

- Senior Consultation Coordinator, Crown Aboriginal Consultation for Manitoba Conservation Bipole III Transmission Line (2010 - ongoing).
- Senior Project Manager, Regulatory Public and Aboriginal Consultation for Statoil Canada Ltd. Kai Kos Dehseh Project amendments. (2011 - ongoing)
- Senior Project Manager, White River First Nation (2010 - ongoing) Project-Specific Traditional Land Use Study Alaska Highway Pipeline Project and 3rd Party Environmental Assessment Review.
- Senior Project Manager, Chipewyan Prairie Dene First Nation (2010 - 2011):
 - EA 3rd Party Environmental Assessment Review (MEG Christina Lake, Cenovus Narrows Lake, Petrobank May River), Regulatory Enhancement Project review
- Senior Project Manager, Gitxaala Nation (2010 - ongoing) Project-Specific Traditional Use Study Northern Gateway Pipeline Project and 3rd Party Environmental Assessment Review
- Senior Project Manager, James Smith Cree Nation (2010 - ongoing) Project Specific Traditional Land Use Study and 3rd Party Environmental Assessment Review, Shore Gold Star-Orion South Diamond Project.
- Senior Project Manager, Michel First Nation (2009 - ongoing) Project-Specific Traditional

Land Use Study Northern Gateway Pipeline Project and 3rd Party Environmental Assessment Review

- Senior Project Manager, Blood Tribe Land Use Framework South Saskatchewan Regional Plan feedback. 2010 – ongoing.
- Senior Project Manager, Dene Tha' First Nation (1993-1999; 2008-Present):
 - Project-Specific Traditional Land Use Studies, EA 3rd Party Environmental Assessment Review (TCPL Horn River Mainline Pipeline, Encana Cabin Gas Plant; Spectra Fort Nelson North Gas Plant, BC Hydro Site C, Mackenzie Gas Pipeline)
- Senior Consultation Specialist, Métis Nation of Alberta (2008-2009) Project-Specific TLUS, Petro Canada Fort Hills; EA 3rd Party Environmental Assessment Review; preparation of various Statements of Concern in the Industrial Heartland region.
- Senior Project Manager, Mikisew Cree First Nation (2009) Project-Specific Traditional Land Use Study, Total Joslyn North Project.
- Senior Consultation Specialist, Métis Nation of Ontario (2009) Consultation Capacity Plan.
- Senior Manager, Southern Pacific Resources Corp. (2009) McKay North SAGD Project, Aboriginal and Public Consultation and Engagement.
- Senior Manager, Montana Alberta Tie Ltd. (2008-2010) Coordination of Traditional Land Use Studies.
- Senior Consultation Specialist, Eagle Forest Developments (2008) Mara Lake BC.
- Aboriginal Awareness Training Sessions and Conference Presentations: Quicksilver Resources, Williams Pipelines, Canadian Institute, AESO, CAPL.

FMA Heritage

- Senior Manager, UTS Equinox and Frontier Oil Sands Mine Projects, Aboriginal Consultation and Engagement.
- Senior Manager, Value Creation Inc. Terre de Grace SAGD Project, Aboriginal and Public Consultation and Engagement.
- Senior Manager, Consultation Procedures Development with Cold Lake First Nations.
- Practice Lead, Jacques Whitford AXYS Ltd. Environmental Assessment Methodologies for Aboriginal involvement.
- Business Development and managing a team of fifteen senior and junior staff.

Government of Alberta: Ministry of Environment

- Developed and implemented First Nations Consultation Guidelines for EPEA and Water Act.
- Developed and maintained Treaty #7 relationships.
- Provided advice to regulatory staff, proponents, municipal governments and multi-stakeholder groups for Aboriginal involvement and consultation in the regulatory process.
- Managed the Aboriginal consultation process for the South Saskatchewan Water Basin Management Plan.

Government of the Northwest Territories, Ministry of Aboriginal Affairs

- Chief Negotiator and primary territorial government representative in tripartite self government negotiating process for the Beaufort-Delta (Inuvialuit and Gwich'in Regional Public Government process).

Calliou Environmental Consulting Inc.

- Developed and implemented community consultation process for oil and gas and forestry development within Dene Tha' First Nation traditional territory.

Arctic Institute of North America

- Project Manager for First Nation traditional land use and occupancy studies conducted in northern Alberta and northeastern British Columbia.

REPORTS, PAPERS & ARTICLES

Campbell, T., A. Dinn and G. Conacher

2009 Dene Tha' First Nation Aboriginal Knowledge and Land Use Study. Prepared by Calliou Group on behalf of Dene Tha' First Nation for Westcoast Energy Fort Nelson North Processing Facility.

Campbell, T., G. Conacher and A. Dinn

2009 Dene Tha' First Nation Aboriginal Knowledge and Land Use Study. Prepared by Calliou Group on behalf of Dene Tha' First Nation for Encana Cabin Gas Plant.

Campbell, T., G. Conacher, A. Dinn and K. Janssen

2009 Dene Tha' First Nation Aboriginal Knowledge and Land Use Study. Prepared by Calliou Group on behalf of Dene Tha' First Nation for TransCanada Horn River Mainline Pipeline.

Campbell, T., A. Dinn, and G. Conacher

2009 Métis Consultation in Alberta: Reality Check. Prepared by Calliou Group for Métis Nation of Ontario.

Conacher, G., A. Dinn, and T. Campbell

2011 Gitxaala Nation Use Study. Prepared by Calliou Group on behalf of Gitxaala Nation for the Enbridge Northern Gateway Pipelines Project.

Conacher, G., A. Dinn, and T. Campbell

2011 James Smith Cree Nation Project-Specific Traditional Land Use Study. Prepared by Calliou Group on behalf of James Smith Cree Nation for the Shore Gold Star-Orion South Diamond Project.

Conacher, G., K. Janssen and T. Campbell

2010 Mikisew Cree First Nation Traditional Land Use Study. Prepared by Calliou Group on behalf of Mikisew Cree First Nation for Total Joslyn North Mine Project.

Conacher, G., A. Dinn and T. Campbell

2010 Michel First Nation Traditional Land Use Study. Prepared by Calliou Group on behalf of Michel First Nation for Enbridge Northern Gateway Pipelines Project.

Campbell, T.

1997 Dene Tha' Traditional Land Use and Occupancy Study. Arctic Institute of North America, University of Calgary.

Campbell, T.

1996 "Co-management of Aboriginal Resources" Information North, Vol. 22, no.1 Arctic Institute of North America (available at <http://arcticcircle.uconn.edu/NatResources/comanagement.html>).

Jacques-Whitford AXYS

2007 Public Consultation, Aboriginal Consultation for the Terre de Grace Pilot Project Application for Approval. Prepared by FMA Heritage on behalf of Jacques-Whitford AXYS for Value Creations Inc.

TRAINING COURSES

Alberta Emergency First Aid (January 2008)

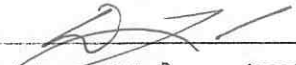
WHIMS/TDG (February 2008)

CPR Level C and AED training (January 2008)



CALLIOU GROUP

THIS IS EXHIBIT " B " TO THE
Affidavit of Tracy Campbell
Sworn before me this 2nd day of December
A.D. 20 11


A Commissioner for Oaths in and for the
A Notary Public Province of Alberta

Drew M. Lafond
Barrister & Solicitor

Germaine Conacher

Senior Consultation Specialist, Project Manager

(403) 796-3898

Germaine.Conacher@CalliouGroup.com

Germaine brings experience working with numerous Aboriginal communities in western Canada as well as for working for industry and government on Aboriginal consultation initiatives. Germaine has experience conducting Traditional Land Use Studies with Nations in central and northern Alberta as well as northeastern and coastal British Columbia. She also led the Aboriginal and public consultation programs for an oil sands development in the Athabasca oil sands region.

Germaine's current projects include: coordinating the Crown-Aboriginal consultation for a large scale transmission line in Manitoba, conducting public and Aboriginal consultation for oil sands clients and conducting Traditional Land Use Studies for Nations in western Canada.

EDUCATION

B.A. (Anthropology) University of Alberta, Edmonton, Alberta, 2002
M.A. (Museum Studies) University of Toronto, Toronto, Ontario, 2005

PROFESSIONAL EXPERIENCE

2008 - Present Senior TLU/Consultation Specialist, Calliou Group
2007 - 2008 Senior Community Engagement Specialist/Traditional Knowledge
Facilitator, Community and Aboriginal Affairs, FMA Heritage
2006 - 2007 Aboriginal Liaison Officer, Government of Alberta, Royal Alberta Museum,
2005 - 2006 Collections Management Assistant – Māori and Foreign Ethnology,
Canterbury Museum, in partnership with Foreign Affairs Canada and the
Canadian Museums Association, Christchurch, New Zealand

PROJECT EXPERIENCE

Calliou Group

- Consultation Coordinator, Crown-Aboriginal Consultation for Manitoba Conservation, Manitoba Hydro Bipole III Transmission Line. 2010 – ongoing.
- Consultation Coordinator, Regulatory Public and Aboriginal Consultation for Statoil Canada Ltd. Kai Kos Dehseh Project amendments. 2011.
- Consultation Coordinator, Regulatory Public and Aboriginal Consultation for Oak Point Energy Lewis SAGD Pilot Project. 2011.
- Traditional Use Study, James Smith Cree Nation, Project-Specific Traditional Use Study Shore Gold Star-Orion South Diamond Project - interviewing and reporting. 2011.
- Traditional Use Study, Gitxaala Nation, Project-Specific Traditional Use Study Northern Gateway Pipeline Project - interviewing and reporting. 2010 – 2011.
- Consultation Specialist and Traditional Use Study, Michel First Nation, Project-Specific Traditional Use Study Northern Gateway Pipeline Project - interviewing and reporting. Ongoing consultation support. 2010.
- Coordinator, Blood Tribe Land Use Framework South Saskatchewan Regional Plan feedback. 2010 – present.
- Senior Consultation Specialist and Project Manager, Traditional Land Use Studies Coordination: Montana Alberta Tie Ltd. – coordination of Traditional Land Use studies

and mitigation strategies for Piikani Nation, Kainai Nation and Blackfoot Nation. 2008 – 2010.

- Traditional Land Use Studies, Dene Tha' First Nation, reporting for multiple Project Specific TLUS. 2009 – 2010.
- Traditional Land Use Study, Mikisew Cree First Nation: Total E&P Joslyn North Mine Project – interviewing and reporting for Mikisew Cree First Nation. 2008 – 2010
- Senior Consultation Specialist, Aboriginal and Public Consultation: Southern Pacific Resources Corp. McKay North SAGD Project (Phase I and II)- development of consultation strategy, inclusion lists, pre-disclosure activities, support at client community meetings and issues recording and tracking. 2008 – 2009, 2011.
- Consultation Specialist, Métis Nation of Alberta (2008-2009) – Project-Specific TLUS, Petro Canada Fort Hills; preparation of various Statements of Concern in the Industrial Heartland region
- Senior Consultation Specialist, Aboriginal Consultation: Eagle Forest Developments, Mara Lake BC- development of consultation strategy, inclusion lists, pre-disclosure activities, support at client community meetings and issues recording and tracking. 2008
- Aboriginal Awareness Sessions and Conference co-presenter: Williams Pipelines, Canadian Institute, Enerplus, Solstice, AESO, CAPL, ERCB, CFAR. 2008 - Ongoing.

FMA Heritage

- Senior Community Engagement Specialist, Aboriginal and Public Consultation and Engagement: Value Creations Inc. Terre de Grace Pilot Project and Commercial Project. Fall/Winter 2007/08
- Community Engagement Specialist, Aboriginal Consultation and Engagement: Greengate Power Corporation– development of consultation strategy, inclusion lists and pre-disclosure activities. Winter 2008
- Traditional Knowledge Facilitator, Aboriginal Traditional Knowledge Studies, Enbridge Gateway Pipelines: Grande Cache Métis Local #1994, Paul First Nation, Kelly Lake Metis Settlement Society, Nose Creek Settlement, Aseniwuche Winewak Nation. 2007.
- Archival Research and Proposal Preparation

Government of Alberta: Royal Alberta Museum

- Executed government legislation regarding repatriation (First Nation Sacred Ceremonial Objects Repatriation Act and Regulations)
- Liaised with Government and Aboriginal groups including Elders, council, ceremonialists,

and artisans. Created contacts and consulted with appropriate Aboriginal communities and organizations

Canterbury Museum (Christchurch, New Zealand) in partnership with Foreign Affairs Canada and the Canadian Museums Association

- Participated in the long-term planning of the Māori and Pacific Islands textile collection in consultation with the Senior Curator of Anthropology, Collections Managers, Conservators and members of the Māori community

REPORTS, PAPERS & ARTICLES

Campbell, T., A. Dinn and G. Conacher

2009 Dene Tha' First Nation Aboriginal Knowledge and Land Use Study. Prepared by Calliou Group on behalf of Dene Tha' First Nation for Westcoast Energy Fort Nelson North Processing Facility.

Campbell, T., G. Conacher and A. Dinn

2009 Dene Tha' First Nation Aboriginal Knowledge and Land Use Study. Prepared by Calliou Group on behalf of Dene Tha' First Nation for Encana Cabin Gas Plant.

Campbell, T., G. Conacher, A. Dinn and K. Janssen

2009 Dene Tha' First Nation Aboriginal Knowledge and Land Use Study. Prepared by Calliou Group on behalf of Dene Tha' First Nation for TransCanada Horn River Mainline Pipeline.

Campbell, T., A. Dinn, and G. Conacher

2009 Métis Consultation in Alberta: Reality Check. Prepared by Calliou Group for Métis Nation of Ontario.

Conacher, G., A. Dinn, and T. Campbell

2011 Gitxaala Nation Use Study. Prepared by Calliou Group on behalf of Gitxaala Nation for the Enbridge Northern Gateway Pipelines Project.

Conacher, G., A. Dinn, and T. Campbell

2011 James Smith Cree Nation Project-Specific Traditional Land Use Study. Prepared by Calliou Group on behalf of James Smith Cree Nation for the Shore Gold Star-Orion South Diamond Project.

Conacher, G., K. Janssen and T. Campbell

2010 Mikisew Cree First Nation Traditional Land Use Study. Prepared by Calliou Group on behalf of Mikisew Cree First Nation for Total Joslyn North Mine Project.

Conacher, G., A. Dinn and T. Campbell

2010 Michel First Nation Traditional Land Use Study. Prepared by Calliou Group on behalf of Michel First Nation for Enbridge Northern Gateway Pipelines Project.

Conacher, G., and K. Winnitoy

2008 Aboriginal Traditional Knowledge Community Report: Grande Cache Métis Local #1994. Prepared by FMA Heritage on behalf of Gateway Environmental Management for Enbridge Gateway Pipelines Inc.

Conacher, G., N. Bourbonnais-Spear, K. DeGuerre, D. Sowan and K. Winnitoy

2008 Aboriginal Traditional Knowledge Community Report: Kelly Lake Métis Settlement Society. Prepared by FMA Heritage on behalf of Gateway Environmental Management for Enbridge Gateway Pipelines Inc.

Conacher, G., and K. Winnitoy

2008 Aboriginal Traditional Knowledge Community Report: Nose Creek Settlement. Prepared by FMA Heritage on behalf of Gateway Environmental Management for Enbridge Gateway Pipelines Inc.

Conacher, G., N. Bourbonnais-Spear, and K. Winnitoy

2007 Aboriginal Traditional Knowledge Community Report: Paul First Nation. Prepared by FMA Heritage on behalf of Gateway Environmental Management for Enbridge Gateway Pipelines Inc.

Conacher, Germaine

2006 Taonga Māori and the Canadian Experience. Inform. Alberta Museums Association, Spring Issue.

Jacques-Whitford AXYS

2007 Public Consultation, Aboriginal Consultation for the Terre de Grace Pilot Project Application for Approval. Prepared by FMA Heritage on behalf of Jacques-Whitford AXYS for Value Creations Inc.

Royal Tyrrell Museum of Palaeontology

2002 Day Digs Web Updates www.tyrrellmuseum.com (May 2002 – August 2004).

Winnitoy, K., and G. Conacher

2008 Aboriginal Traditional Knowledge Community Report: Aseniwuche Winewak Nation. Prepared by FMA Heritage Resources Consultants Inc. on behalf of Gateway Environmental Management for Enbridge Gateway Pipelines Inc.

TRAINING COURSES

Alberta Standard First Aid (January 2010)

Oil Sands Safety Association Regional Orientation Program (July 2007)

H2S Alive, WHIMS/TDG (January 2007)

ATV Training Course (January 2007)

Bear Awareness Training (April 2007)

Government of Alberta (Community Development) First Nations Consultation Guidelines Training (November 2006)

Treaty of Waitangi and Maori Cultural Awareness Workshop (November 2005)

ASSOCIATIONS

2007- 2011

Circle for Aboriginal Relations: Former Board Member (2007 - 2008),
Current Individual Member (2007 – 2011)



Gitxaala Nation Use Study

Enbridge Northern Gateway Environmental Assessment

FINAL REPORT



Calliou Group
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THIS IS EXHIBIT " C " TO THE
Affidavit of Tracy Campbell
Sworn before me on 2nd day of December
A.D. 20 11


A Commissioner for Oaths in and for the
A Notary Public Province of Alberta
Drew M. Lafond
Barrister & Solicitor



17

Gitxaala Nation Use Study (Enbridge Northern Gateway Environmental Assessment)

Prepared For:

Enbridge Northern Gateway Pipelines Project

National Energy Board
Calgary, AB

Prepared By:

Calliou Group
Calgary, AB

On Behalf of:

Gitxaala Nation

April 8, 2011

Information collected for this Study remains the sole property of the Gitxaala Nation. The information contained within this project-specific Study is meant for a single application only, for use in the Enbridge Northern Gateway environmental assessment. Citation, use or reproduction of the information contained in this Final Report is permissible only with the written consent of the Gitxaala Nation.

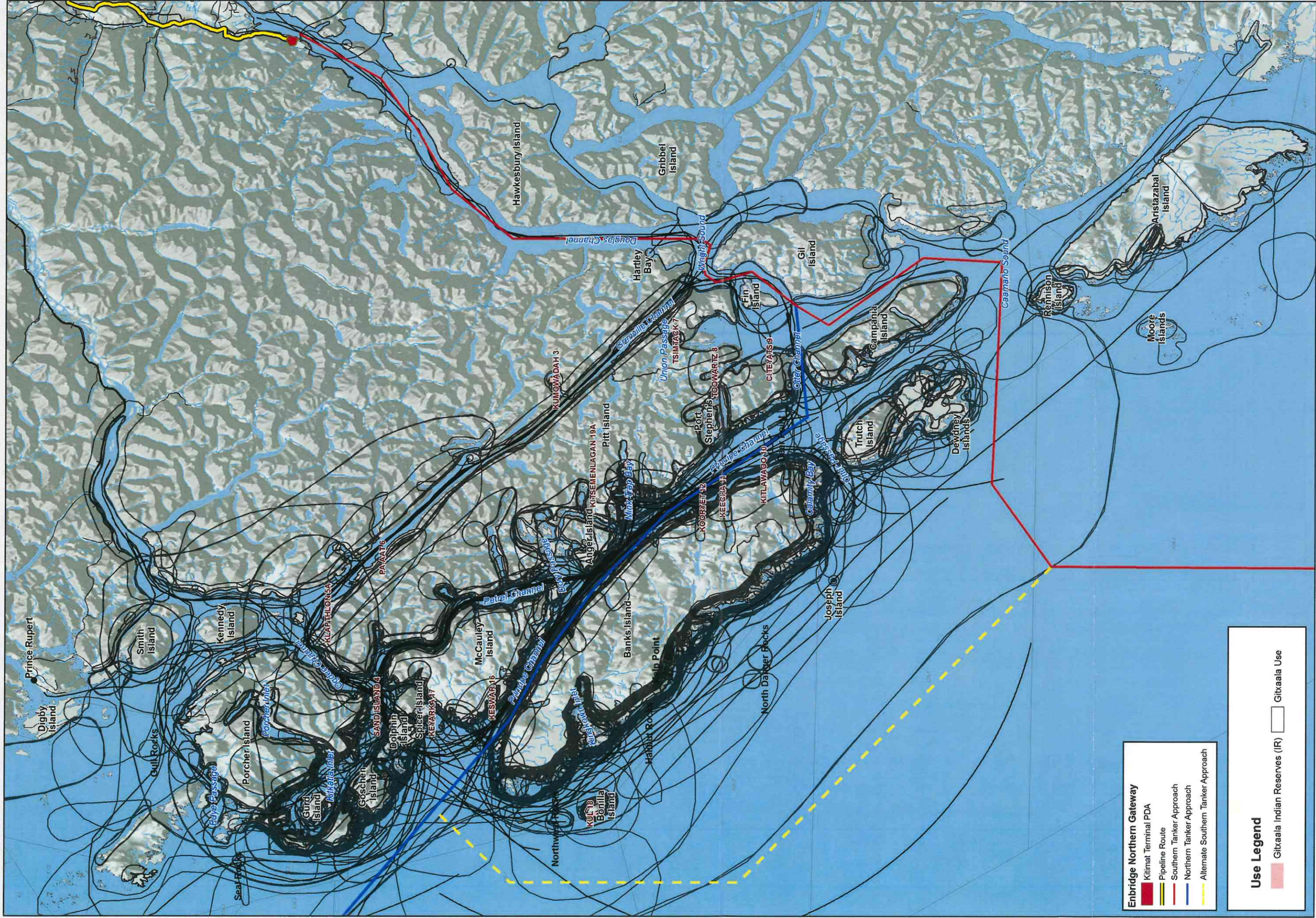
EXECUTIVE SUMMARY

The following Report, *Gitxaala Nation Use Study* for the proposed Enbridge Northern Gateway Pipeline Project (Project) is intended to identify Gitxaala Nation marine, intertidal and land use information in the vicinity of the Project's identified potential effects. This includes the Project's proposed shipping lanes (north route, south route and alternate south route) which are located within Gitxaala Nation's traditional territory. For the purposes of this Report, the Study Team conducted interviews with 35 Gitxaala members over a period of 3 months in 2010.

During the interviews conducted for this study, Gitxaala Nation members reported extensive past and current use within the Study Area (See Figure X-1 for a composite map of all use by all study participants identified for this Project). Gitxaala Nation participants also reported substantial dependency on the resources harvested from within this area for food, economic and cultural purposes. In particular, the governance system of the Gitxaala Nation as described by Study participants is a complex system of resource use and management directly tied to specific areas within their asserted territory.

Of particular concern to the study participants are the potential effects in the event of an accident or spill occurring within the Gitxaala traditional territory. Participants believe an oil or condensate spill resulting from the Project would negatively impact Gitxaala Nation in the areas of governance, food, economy (which may include trade, barter or commercial) and cultural transference. Specifically, a localized spill has the potential to alter or interfere with the traditional Gitxaala governance structures and may prevent specialized harvesting of critical resources.

Additional concerns expressed by study participants include lack of emergency response planning; increased tanker traffic and associated effects including interference with harvesting practices; displacement of animal and fish migration patterns; increased wake; increased noise; increased air pollution; increased waste; introduction of invasive species; bilge, ballast and sewage discharge and; use of anchorage locations.



- Enbridge Northern Gateway**
- Kitimat Terminal PDA
 - Pipeline Route
 - Southern Tanker Approach
 - - - Northern Tanker Approach
 - - - Alternate Southern Tanker Approach

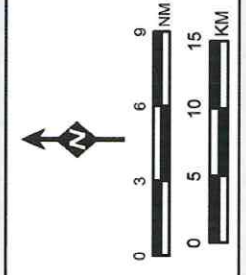
Use Legend

- Gitxaala Indian Reserves (IR)
- Gitxaala Use

Gitxaala Nation Aboriginal Knowledge and Use Study

Composite Use Map

THIS MAP SHOULD NOT BE CONSIDERED A SUBSTITUTE FOR CONSULTATION. USE NOTATIONS ARE NOT EXACT LOCATIONS OF USE SITES. THIS MAP IS THE EXCLUSIVE PROPERTY OF THE GITXAALA NATION. ANY REPRODUCTION OR DISTRIBUTION WITHOUT WRITTEN APPROVAL IS STRICTLY PROHIBITED. THIS MAP WAS CREATED FOR SINGLE USE RELATED TO THE ENBRIDGE NORTHERN GATEWAY PROJECT. ANY OTHER USE IS PROHIBITED.



Prepared For:	GITXAALA ENVIRONMENTAL MONITORING	Prepared By:	Calliou Group
Date:	25/03/2011	Figure Number:	X-1
Map Information:	Base Data: NTDB Topographic Mapsheets (Department of Natural Resources); Pacific Fisheries Management Areas (Department of Fisheries and Oceans); Digital Elevation Model (GeoBase); Enbridge Northern Gateway Data (Enbridge); Use Data and Place Names (Gitxaala Nation)		

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STUDY TEAM

Report Authors:

Germaine Conacher
Adena Dinn
Tracy Campbell

GIS Mapping:

Adena Dinn

Senior Review:

Tracy Campbell

Sm'algayax Interpretation:

Ernie Bolton

Sm'algayax Spelling:

Doug Brown

Gitxaala Research Intern:

Greg McKay

GEM Research Advisor:

Caroline Butler

Interview Participants (English names):

Cyril Aster
Ernie Bolton
Larry Bolton
Allan Brown
Don Brown
Doug Brown
Edwina Brown
Marjorie Brown
Vince Davis
Joey Douglas
Ted Gamble
Ben Hill
Gilbert Hill
Matt Hill
Thelma Hill
Clarence Innis
Keith Innes
Linda Innes
Tim Innes
Willy Innes
Keith Lewis
Rennie Lewis
Godfrey Mason
Eddie McKay
Greg McKay
Elmer Moody
Jeannette Moody
Queenie Moody
Ray Nelson
Annette Olney
Shirley Ryan
Ronnie Shaw
Joe Spencer
Bill Stewart
Teresa Stewart

ABBREVIATIONS AND ACRONYMS

AB	Alberta
AK	Aboriginal Knowledge
ATK	Aboriginal Traditional Knowledge
BC	British Columbia
CEAA	Canadian Environmental Assessment Agency
ESA	Environmental and Socioeconomic Assessment
EA	Environmental Assessment
FMA	Fisheries Management Area
Gitxaala	Gitxaala Nation
GIS	Geographical Information Systems
GEM	Gitxaala Environmental Monitoring
IR	Indian Reserve
JRP	Joint Review Panel
NEB	National Energy Board
Project	Enbridge Northern Gateway Pipeline Project
RSA	Regional Study Area
RoW	Right of Way
TEK	Traditional Ecological/Environmental Knowledge
TLUS; TLU	Traditional Land Use Study; Traditional Land Use

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1 INTRODUCTION

The following report, *Gitxaala Nation Use Study: Enbridge Northern Gateway Pipelines Project*, was commissioned by Gitxaala Nation (Gitxaala) in order to provide Aboriginal Knowledge and Use information for consideration in the regulatory review process for the Enbridge Northern Gateway Pipeline Project (Project).

1.1 Enbridge Northern Gateway Pipeline Project Description

The proposed Northern Gateway Pipeline Project is a 1,172 km long pipeline from Bruderheim, Alberta to Kitimat, British Columbia. The proposed Project consists of an oil export pipeline and associated facilities, a condensate import pipeline and associated facilities, and a tank terminal and marine terminal (the Kitimat Terminal) to be located near Kitimat, British Columbia. The pipeline will be located within a 25m wide permanent Right of Way (RoW). Pump stations will be required at 10 locations along the pipeline (Enbridge Northern Gateway 2010).

A marine terminal is proposed for Kitimat, BC. The terminal will consist of two tanker berths and one utility berth. The tank terminal associated with the Kitimat marine terminal will consist of 14 hydrocarbon tanks (11 for oil and 3 for condensate), as well as oil and condensate transfer systems, pump stations and associated ancillary facilities (Enbridge Northern Gateway 2010).

The proposed Project will also require the transportation of an average of 190 to 250 oil and condensate tankers in and out of the Kitimat Terminal annually. Tankers accessing the terminal from the northern approach pass Haida Gwaii, through Dixon Entrance and continue to Hecate Strait, Browning Entrance, Principe Channel, Nepean Sound, Otter Channel, Squalley Channel, Lewis Passage, Wright Sound and Douglas Channel into the Kitimat Terminal.

Tankers accessing the terminal from the southern approach will use one of two routes. The direct route is through Queen Charlotte Sound, continuing through Hecate Strait, Caamaño Sound, Campania Sound, Squally Channel, Lewis Passage, Wright Sound and Douglas Channel. The alternate route is to pass through Queen Charlotte Sound and north through Hecate Strait before continuing through Browning Entrance and following the route from the northern approach (Enbridge Northern Gateway 2010). A figure of these shipping lanes can be found in Figure 2-1.

Enbridge estimates that Project construction will take 42 months with an earliest possible in service date of end of 2016 (Enbridge Northern Gateway 2010).

1.2 Traditional Land Use Studies

Traditional Land Use Studies (TLUS) have many names. They are sometimes called Traditional Land Use and Occupancy Study, Traditional Knowledge Study, Traditional Use Study or Aboriginal Traditional Knowledge Study. What these studies have in common are Aboriginal communities telling the 'story' of their use of the land and resources. Most often they are used as a way to 'prove' or identify rights or interests associated with a particular territory or area.

There are usually two main components to a TLU study – qualitative interview survey or summaries, and maps, often called map biographies. The former is the land use story as a narrative in the words of the Aboriginal TLU study participant. The latter is the documentation of information spatially on a two-dimensional map (either paper or digital) shared by the participant during that specific interview.

There are two types of information collected during a study; Traditional Land Use and Traditional Environmental Knowledge information. Traditional Environmental (or Ecological) Knowledge (TEK) is a cumulative body of qualitative knowledge and beliefs, handed down through generations by cultural, primarily oral transmission, describing the relationship of living beings (including humans) with one another and with their environment. Further, TEK is associated with Aboriginal societies with significant and historical continuity in resource use practices (Berkes 1993).

The first type of collected information is called Traditional Land Use (TLU) information. TLU is information that has the potential to be more easily represented spatially on a map. It is land and resource use information that can be represented as a 'picture.' It is the 'where and when' of Aboriginal land and resource use. Terry Tobias cites Dr. Peter Usher in his book *Chief Kerry's Moose* when defining Traditional Land Use as follows:

"Use refers to activities involving the harvest of traditional resources; things like hunting, trapping, fishing, gathering of medicinal plants and berry picking and travelling to engage in these activities. For any given community or nation, use occurs over a specific geographic area." (Tobias 2000)

TLU information also includes habitation sites, and cultural and spiritual areas, and place names. Like TEK, TLU information has an inherent element of 'movement' to it (such as animals, people, or activities like harvesting) therefore it is difficult to

accurately capture and fully represent on a static, two-dimensional map. There are exceptions of course, as some aspects of TEK can be mapped, such as wildlife migration routes, calving areas, or spawning areas (Tobias 2009, 44). However, the use of TEK information from a qualitative interview loses context as soon as it is placed statically on a map. Interviews should be read together with spatial representation of map biographies. TEK are the words; TLU is the basis of the picture.

Qualitative TEK information provides the context behind land use by Aboriginal people, by providing the meaning behind the cultural practices developed over time. TEK provides the 'how and why' land and resource use occurs the way it does. However, it is often difficult to visually represent and use this type of qualitative information. Short of reading and analyzing narrative accounts found in interviews, it is challenging to represent TEK in a way that is readily understandable. It is, therefore, difficult to practically use TEK in modern applications, such as regulatory processes, land use planning exercises or land claims. Audiences viewing TEK for these purposes, such as government regulators, proponents or land managers find it difficult to synthesize qualitative information.

Quite often, the exercise of two-dimensional mapping can oversimplify Aboriginal use that will obliterate any social context that created the land use patterns over time (Roth 2006). In other words, "unlike qualitative studies (which probe deeply and capture subtleties of meaning using the recorded word) map surveys cannot capture the richness of meaning. They can only scratch the surface." (Tobias 2009, 389).

1.2.1 Limitations of TLU Studies

There are several important limitations of TLU Studies that must be highlighted.

Firstly, locating and identifying specific-use sites on two-dimensional, large scale topographic maps is challenging. Some study participants have low map literacy, or for other reasons do not readily refer or relate to maps. As a result, mapped information captured during desktop TLU studies has an inherent element of inaccuracy. Field visits to seek and verify specific information is ideal. However, TLU Studies are rarely provided the time or resources for robust field visits to locate and precisely identify TLU study information captured during interviews. It is therefore unlikely that all sites identified during desktop interviews will be field verified.

Secondly, it is also impossible to fully represent the extent of knowledge or areas of use learned over a lifetime during a two-hour interview format. Many traditional land users and interviewees frequently respond that they 'went everywhere' within their traditional territory. By definition, a representative map of traditional use will identify 'used' and 'unused' areas which may not accurately reflect their cultural knowledge. For example, Gitxaala community emphasize their use of all of their territories. This does not adequately or correctly capture all Aboriginal use over time. This limitation is especially evident when draft reports are presented at a community meeting or gathering for verification. Often both study participants and community representatives lament that the report does not capture or represent the totality of the community's knowledge and use. The information presented in the report and on the maps contained within is only a partial representation of Gitxaala use areas, not all harvesters or hereditary leaders were interviewed for this project. It is not a comprehensive study.

Also, the reasons for any changes in resource use, whether from imposition of government policy, financial restrictions, perceived health concerns or increased industrial development are difficult to illustrate spatially. Furthermore, the complexity of these impositions, and Gitxaala responses and resistance over the last century and a half are difficult to document comprehensively in the course of such a short project and brief interviews. Information on these changes will be presented elsewhere (C. Butler, Personal Communication).

1.2.2 TLU Study Types and Application

There are two types of Traditional Land Use studies: **project-specific** and **comprehensive**. *Comprehensive*, or use and occupancy studies, are primarily community, or Nation-driven studies meant to collect and document comprehensive land use information throughout a Nation's traditional territory. These studies are not project-specific, and do not attempt to describe or identify potential impacts from any specific or individual project. They are useful in several applications including: documenting cumulative knowledge of a Nation on a larger-scale; preserving culture and language information as part of the Nation's heritage; for educational purposes for internal or external audiences and; raising community awareness and pride. They are long term, in depth and extremely resource intensive. Comprehensive TLUS are also extremely useful in establishing the trigger for Aboriginal consultation, by documenting general TLU information unrelated to any specific projected project effects.

Project-specific TLU Studies collect and document Aboriginal knowledge in the context of single application or project-specific regulatory process. These studies generally focus on the narrow spatial and temporal parameters dictated by the proposed project in question. Documented TLUS information arising out of project-specific studies tends to focus on the question, 'what Aboriginal use exists in the area that may be potentially impacted by the project?'

1.2.3 TLU Information and Environmental Assessments

Environmental assessments conducted for large scale projects require a Proponent to gather the necessary biophysical, social and economic baseline information in order to identify any potential changes or effects (both positive and negative) a project may have on that information. Due to recent Supreme Court decisions, both provincial and federal legislation now reflect requirements to also gather and evaluate potential effects to the exercise of Aboriginal and treaty rights of potentially affected Aboriginal communities. For example, as outlined in the Canadian Environmental Assessment Act, 1992, the definition of 'environmental effect' now includes effects to *"the current use of lands and resources for traditional purposes by aboriginal persons."*

The way in which to accurately describe and evaluate the size and scope of effects to biophysical, social and economic systems within environmental assessments is a relatively standard professional exercise by various scientific disciplines.

The approach taken by biophysical scientists and other professionals in the conduct of environmental assessments for the determination of effects is built on two primary concepts. First, effects can be measured against standards or thresholds set either by international, national or provincial guidelines for the level of desired health of various biological and physical systems. Second, once the size and scope of the project-induced change has been identified, the significance of that change can also be identified. Usually, the effect is categorized as either 'significant' or 'not significant' by the assessment professional based on pre-assigned criteria. Professional judgement is also used in the determination of significance.

Unfortunately, the method of identifying effects and the significance of those effects to the exercise of treaty and Aboriginal rights are not currently defined or standardized. Standards or thresholds for the conditions necessary for the continued exercise of treaty or Aboriginal rights have not been set by any political jurisdiction in Canada. Therefore, project changes or effects cannot be measured against any identifiable criteria to know if that effect will prevent or even eradicate the continued exercise of the Aboriginal right. Compounding this issue is the lack of

the concept of effect 'significance' in the exercise of Aboriginal rights. In other, while the term 'significance' is used in EAs, the threshold in the case law for aboriginal consultation is 'adverse impact'. So there is a potential divergence between the trigger for dealing with impacts or effects in a strict EA sense ('significance') and the trigger for doing so when assessing impacts on constitutionally-protected rights ('adverse impact').

Project-specific TLU Studies can be the mechanism to tell an Aboriginal Nation's 'story' to a regulatory authority of how land use has occurred or is occurring in relation to a potential project under consideration. It can also express community concerns about the intended use of the project area in question for the purposes of exercising Treaty or Aboriginal rights. However, a project-specific TLUS, by design, does not attempt to identify on its own (either qualitatively or quantitatively) project effects on the TLUS information collected. This is a separate process facilitated by the larger environmental and socio-economic assessment (ESA) process, and results from the integration of the collected TLUS information into that larger environmental assessment.

The process of identifying potential effects to traditional or Aboriginal uses of the land within the project area requires integration of Aboriginal people at several points throughout the environmental assessment (Larcombe 2000). Ideally, Aboriginal people are consulted to ensure the design of biophysical and socio-economic studies include parameters which reflect their use of specific species and habitat. This would ensure that field or place-specific information is incorporated and reflected by each discipline study lead. Each individual study ideally should reflect TEK specific to that study. A project-specific Traditional Land Use Study should also be completed using temporal and spatial parameters specific to the project in question. The integration of the project-specific TLU study findings into each biophysical discipline assessment of effects is required to help identify what potential effects may result from the project on Traditional Land Use information. Finally, including an effect assessment specifically on environmental and social components required for the exercise of Aboriginal and treaty rights is also necessary.

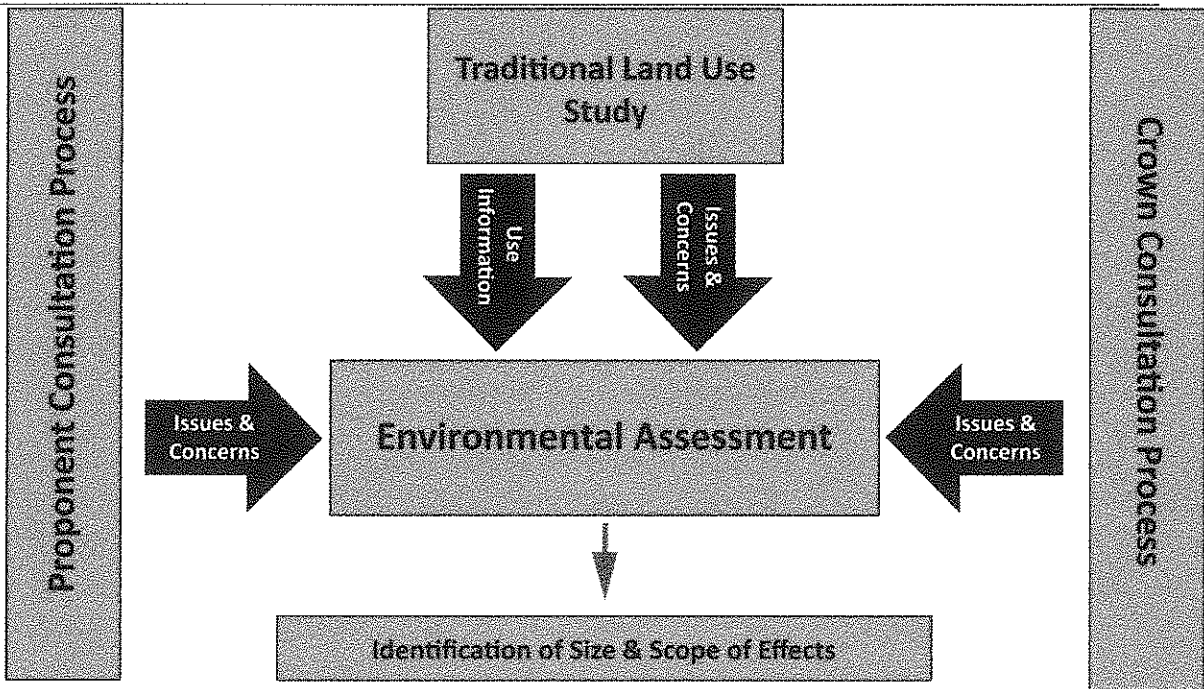


Figure 1-1 TLU Information and Environmental Assessments

2 GITXAALA NATION USE STUDY DESIGN

2.1 Study Purpose

The expressed purpose of this Study was to document Gitxaala resource use information, as represented by Gitxaala Study participants in their traditional territory, which is crossed by the proposed shipping routes for the Project. As previously stated, this report is intended for single use in the environmental assessment of the Northern Gateway Pipeline Project.

The majority of provincial and federal regulators responsible for the conduct of environmental assessments require the incorporation of traditional use information into environmental assessment reports. For this Project, a *Scope of Factors – Northern Gateway Pipeline Project* issued by the Canadian Environmental Assessment Agency in August 2009 sets out the requirements of the proponent for the collection and use of Aboriginal Traditional Knowledge and the assessment of effects on Aboriginal rights:

- “Therefore, the proponent must incorporate into the application the community knowledge and Aboriginal traditional knowledge to which it has access or that it may reasonably be expected to acquire through appropriate due diligence, in keeping with appropriate ethical standards and without breaching obligations of confidentiality” (CEAA 2009, Section 2.1).
- “The proponent will identify all lands, waters and resources of specific social, economic, archaeological, cultural or heritage value to Aboriginal groups, including Métis, that assert Aboriginal rights, including title and treaty rights or in relation to which Aboriginal rights, including title and treaty rights have been established and that may be affected by the project components” (CEAA 2009, Section 6.4).
- “The proponent must identify traditional activities for food collection, social, ceremonial and other cultural purposes, in relations to such lands, waters and resources....The proponent will identify any effects on Aboriginal rights and interests, including treaty rights and current land uses for traditional purposes, and outline the proposed methods to manage and mitigate any such effects to an acceptable level” (CEAA 2009, Section 6.4).