

**JOINT REVIEW PANEL FOR THE ENBRIDGE NORTHERN
GATEWAY PROJECT
COMMISSION D'EXAMEN CONJOINT DU PROJET
ENBRIDGE NORTHERN GATEWAY**



**Hearing Order OH-4-2011
Ordonnance d'audience OH-4-2011**

**Northern Gateway Pipelines Inc.
Enbridge Northern Gateway Project
Application of 27 May 2010**

**Demande de Northern Gateway Pipelines Inc.
du 27 mai 2010 relative au projet
Enbridge Northern Gateway**

VOLUME 8

**Hearing held at
Audience tenue à**

**Haisla Recreation Centre
1538 Jassee
Kitimaat Village, British Columbia**

**January 10, 2012
Le 10 janvier 2012**

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HEARING /AUDIENCE

OH-4-2011

IN THE MATTER OF an application filed by the Northern Gateway Pipelines Limited Partnership for a Certificate of Public Convenience and Necessity pursuant to section 52 of the *National Energy Board Act*, for authorization to construct and operate the Enbridge Northern Gateway Project.

HEARING LOCATION/LIEU DE L'AUDIENCE

Hearing held in Kitamaat Village (British Columbia), Tuesday, January 10, 2012
Audience tenue à Kitamaat Village (Colombie-Britannique), Mardi, le 10 janvier 2012

JOINT REVIEW PANEL/LA COMMISSION D'EXAMEN CONJOINT

S. Leggett	Chairperson/Présidente
K. Bateman	Member/Membre
H. Matthews	Member/Membre

ORAL PRESENTATIONS/REPRÉSENTATIONS ORALES

Haisla Nation

- Chief Rod Bolton
- Chief Clifford Smith
- Chief Marilyn Furlan
- Chief Sam Robinson
- Chief Ellis Ross
- Chief Ken Hall
- Chief Henry Amos

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**Opening remarks and prayer
Haisla Nation**

--- Upon commencing at 9:05 a.m./L'audience débute à 9h05

3765. **CHIEF ROBINSON:** Good morning, ladies and gentlemen.

3766. At this time, I would like to welcome each and every one of you to our village and our territory, especially the Panel. I'm very happy that you guys came to visit us. Walk softly on our road and don't be afraid to walk around. We are very glad and happy to have you here in our territory.

3767. And ladies and gentlemen, I'm very happy to see all of the outsiders who come to our village to witness this event today. With that, good luck.

3768. **MS. NELSON:** I invite you to stand with me as we pray.

3769. First, my name is Haymaskue (ph). I am from the Beaver Clan. My mom -- my mother is Atets (ph), matriarch of the Haisla Nation. Due to her poor health, she wasn't able to be with us here today.

3770. Creator God, we stand before you to give you thanks for this day, for all the blessings that you have given us. Thank you for our traditional territory and its treasures. Thank you for the opportunity that we have to present our testimony to the Joint Review Panel.

3771. Before our words are said, as we pray to you, you know what's on our hearts and in our minds. We ask that you bless this hearing so that all will proceed without disruption or any kind of unacceptable behaviour, as the Review Panel is here for a limited time.

3772. More than ever before, we ask you to protect our traditional territory and its treasures, the land, the plants for its food, medicine, material, the animals, the rivers for its water, trout, salmon, eulachon and other types of food, the ocean for its salmon.

3773. Dear lord, we're thankful for the cod, the crabs, the clams, the cockles, the mussels, the herrings and its roe, halibut and all other kinds of seafood.

3774. In the past, Father, we were able to get these close by; now it is over-harvested and the habitat is destroyed and now, Father, a new threat.

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Chairperson**

3775. Shared common knowledge reveals the devastation that results when the proposed type of oil that is to be piped here and shipped out is not contained. We pray that you will help us preserve this and protect it for future generations. God, please help us.
3776. We ask that any decisions that are made will not be for temporary economic gain because our resources need to be protected for our children, their children and those yet to be born.
3777. When all is said and done, may our presentations be a significant influence on the final decision regarding this proposed Northern Gateway Pipeline Project.
3778. All these things we pray for in thy holy name. We thank thee and pray for. Amen.
3779. **CHIEF ROBINSON:** Hello. My name is Chief Jasee. My English name is Samuel Robinson. I am from the Beaver Clan, heredity of the Chief of Haisla Nation, Chief of all Chiefs in the Haisla Nation.
3780. I was born in Kitamaat Village, but I spent a lot of my childhood helping my father trapping on his trap line.
- (A short pause/Courte pause)
3781. **CHIEF ROBINSON:** Okay.
3782. **THE CHAIRPERSON:** Thank you very much, Chief.
3783. Good morning. Bonjour à tous.
3784. First and foremost, let me start by thanking the Haisla Nation for so warmly welcoming us, and for all your efforts in helping us be able to start our community hearings in your community. We're very appreciative of that.
3785. My name is Sheila Leggett. I am the Chair of the Joint Review Panel. On my right, my colleagues are Mr. Kenneth Bateman and Mr. Hans Matthews, and at this point I'd just ask them if they wanted to add their note of appreciation as well.
3786. Hans?

**Opening remarks
Chairperson**

3787. **MEMBER MATTHEWS:** Good morning, everyone.
3788. I really felt the warmth in the room with the drummers in the opening, and I want to thank the drummers and the youth and the many generations that are here today for welcoming us to Haisla territory. And I remember the last time we were here and we had -- it was quite memorable and really welcoming too; so thanks.
3789. **MEMBER BATEMAN:** Aixs-na-gwa (ph). Good morning. My name is Kenneth Bateman.
3790. Thank you for inviting the Panel into your community. We look forward to listening carefully and understanding your perspective and the views that you have come to share. Thank you.
3791. **THE CHAIRPERSON:** Thank you very much.
3792. The first thing I'd like to do in our process in the -- as we open this community hearing is I'd like to introduce the Panel Secretariat members who are in attendance with us. These are the people who work with us to create and deliver a transparent, fair and respectful process.
3793. In addition to helping the Panel, they're here to answer any process-related questions that anyone has. You can identify all these individuals as they're each wearing a name tag. It's a brass name tag.
3794. Because of the size of the room, I'm not exactly sure where everybody is. So I'll call out people's names and if you would please stand when I call your name or wave your arms so that people in the room can see who you are.
3795. Ms. Louise Niro; Ms. Deb Gilbert; Ms. Ruth Mills; Ms. Sarah Devin -- at the back of the room for everyone. Sorry, could you just wave your hand again, please? Thank you.
3796. So, I'm sorry, I misspoke a little bit. I'll just let you know that Ms. Niro and Ms. Gilbert are Regulatory Officers; so they help us get everything together so that we can have this process. Ms. Mills is our Hearing Manager. Ms. Sarah Devin is a Panel Manager.
3797. Mr. Nelson Peters is at the back of the room, our Safety and Security Officer; Ms. Margaret McQuiston, again at the back of the room by Nelson, our

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Chairperson**

Process Advisor.

3798. Mr. Andrew Hudson and Ms. Rebecca Brown, both counsels with the National Energy Board; Ms. Annie Roy, again at the back of the room, our Communications Advisor; Mr. Sean Maher, our Socio-Ec Specialist. Ms. Jessica Fung, our IT Specialist, may or may not be in the room at this point -- no, okay.
3799. And in addition to that we have some contractors who help us. One is Mr. Dale Waterman, at this table here, who is our court reporter. He's not going to likely rise because he's madly working at what he does with his job. And in the back of the room we have Mr. John Kinecki, who is our sound technician so that we can all be able to listen to each other with appropriate sound.
3800. The only other aspect of details as we get underway is just if there was to be an event in terms of needing to leave this room, we would just all leave through the doors that we came into this morning into this hall. And the washrooms are along this hallway outside this room.
3801. All of the oral evidence given throughout the community hearings, of which we're beginning today, will be transcribed, and you'll be able to get copies of those transcripts posted on the Panel registry which is on the Panel's website.
3802. If you need any information as to how to access that Panel website, you can ask any of the Secretariat who are with us who we've just introduced.
3803. The session today is being broadcast live on the Panel's website. So we have many people in this room today, which is just tremendous. And in addition to that there are many people, I suspect, who are listening in live on the webcast. So there are many people with an interest in the beginning process of this hearing.
3804. On May 27th, 2010 Northern Gateway's Pipeline Limited Partnership -- that's a long name, from here on in I'll talk about Northern Gateway -- applied to the National Energy Board for approval to construct and operate the Enbridge Northern Gateway Project. That project would include two 1,172-kilometre pipelines between Bruderheim, Alberta and a new marine terminal in Kitimat, British Columbia.
3805. In addition to a review under the *National Energy Board Act*, the Application requires an environmental assessment pursuant to the *Canadian Environmental Assessment Act*. The review of this project has been ongoing since its filing.

**Opening remarks
Chairperson**

3806. Today is the start of the community hearings; however, this review has been ongoing since the Application was filed. Most of the review to date has been conducted in writing.
3807. You'll find a complete record of the review process that has occurred on our website. The record includes all the information that the Panel will consider in making our decisions. We will not consider any information that is not on the record.
3808. All of the information that you share with us will be taken into consideration when we do make our decisions. The website will continue to be the source of the record for this review up to and including the release of our decisions.
3809. Sharing your knowledge and views on the impacts that the proposed project may have on you and your community and how any impacts can be eliminated or reduced is of great help to us and we appreciate that you have chosen to be here today.
3810. We are here today to begin an important aspect of our review; that is, to listen to oral evidence from intervenors that have previously registered with the Panel.
3811. As we've outlined in written communications before this, oral evidence is information that is relevant to the matters the Panel will be considering, as stated in the list of issues in the Hearing Order, but that cannot be provided in written evidence. We are here today to listen to you.
3812. Before we begin to listen, I'll just continue to talk for a little bit more because there's been so much going on that what I'd like to do is to summarize some of the review steps the Panel has already undertaken with the participation of many parties.
3813. In July of 2010, the Panel began seeking input from the public and Aboriginal groups on certain aspects of the joint review. Specifically, we consulted on the list of issues, if additional information was required, and the location of the hearings.
3814. Through this comment process, the Panel received a large number of written comments and heard from dozens of interested individuals and groups in oral public sessions held in Whitecourt, Alberta and Kitimat and Prince George, British

Columbia.

3815. All of the information received was very helpful to us and we considered it all before we issued the Panel session results and discussion document in January of 2011.

3816. Guided by the input we received, the Panel revised its draft list of issues which provided further clearing on the scope of our -- sorry -- further clarity on the scope of our review and required Northern Gateway to file further evidence on the record.

3817. On May 5th, 2011, we issued a document called a Hearing Order which established the overall process and set some initial deadlines for the review. Over the last few months, we've also issued several procedural directions to provide additional details on the review process.

3818. The Hearing Order and the most recent procedural direction setting out this process I believe can be found at a table at the back of the room, and also on the Panel's website.

3819. The process for the joint review includes two sets of hearings; the community hearings, which we're here today to start, and the final hearings where Northern Gateway and other parties can be asked questions about their evidence and provide their final arguments to the Panel.

3820. Before beginning these community hearings, two rounds of information requests by the parties have been answered by the Applicant and written evidence from intervenors and government participants has been received. The Panel has also asked a number of information requests to the Applicant.

3821. In Procedural Direction Number 3, we focused on the community hearings. One aspect of these hearings addressed within this document was our decision to not allow any motions during the community hearings.

3822. We know that people have taken time away from their everyday lives to participate in these hearings and (technical difficulties) had a chance to provide information to the Panel in the time allotted.

3823. This means that the Panel will not be hearing or considering any motions by any parties during the community hearings that are not directly related to the oral

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Chairperson**

evidence you will be giving here today and throughout the community hearings.

3824. If you have any questions on how you can bring a motion before the Panel, you can speak to one of the members of the Secretariat staff and they'll be able to help you.

3825. We remind people providing oral evidence that there's no need to repeat any of the information that you may have already filed. Oral evidence is intended to allow the parties to relay information to the Panel firsthand that cannot be provided in writing.

3826. One of my roles as the Chair of the Panel is to ensure that these hearings unfold in a respectful manner. Being courteous and respectful of one another allows everyone in the room and those joining us through the internet to concentrate on listening to the person who is speaking. Kenneth, Hans and I appreciate everyone's cooperation.

3827. Today we will be hearing from the Haisla Nation. Following each of the presentations as we go forward in the community hearings, Panel members may have questions of clarification to be sure that we understand your perspective.

3828. No other parties will be permitted to ask questions today. Any questions on your oral evidence from other parties will be asked at the final hearings, and this will be the process we follow throughout the community hearings.

3829. As I'm trying to do, it's important for all of us to be able to hear each other in the microphone system and through the transcript. It's important that we speak slowly and clearly. So I would encourage everyone when you are speaking to just take your time and to make sure that you speak clearly.

3830. Before any individual provides evidence, they will be asked to swear or affirm that evidence and our Regulatory Officers will lead you through that process.

3831. We will take a mid-morning break and then will plan to sit until approximately noon, but we'll work with the panel in front of us today to find what the best times would be to be taking breaks in the day as we proceed.

3832. And with that, those are the finish of our opening comments that we wanted to make. Again, our sincere thanks to the Haisla Nation for your warm welcome, and we look forward to listening to you today.

**Opening remarks
Chairperson**

3833. Ms. Griffith, would it be appropriate that I turn it to you at this point to lead your panel and do the introductions and then we will do the swearing and affirming?

3834. **MS. GRIFFITH:** Sure, that would be fine.

3835. Before we start though I would like to just mention that there is an exhibit which will be projected on to the screen and it is the map of Haisla Nation Territory.

3836. It's been entered into the record as part of the written evidence as A2K0X2, filed on December 20th, as part of Haisla Nation written evidence A37842.

3837. Now, before you are seven members of the Haisla Nation who will be providing evidence on behalf of the Haisla Nation.

3838. Sitting the furthest to the left of you, Madam Chair, is Marilyn Furlan. Next to her is Clifford Smith; next to Clifford is Rod Bolton; next to Rod, is Sam Robinson, Chief Jasse. Next to Sam is Henry Amos; next to Henry is Ken Hall; and next to Ken is Ellis Ross.

3839. **THE CHAIRPERSON:** Thank you very much.

3840. Can we proceed with the swearing and affirming? Thank you.

MARILYN FULAN: Sworn

CLIFFORD SMITH: Sworn

ROD BOLTON: Sworn

SAM ROBINSON: Sworn

HENRY AMOS: Sworn

KEN HALL: Sworn

ELLIS ROSS: Sworn

3841. **THE CHAIRPERSON:** Thank you, Ms. Griffith.

3842. **MS. GRIFFITH:** We've selected an order for the appearance for the witnesses to give their testimony. So I'd just like to advise the panel that we will start with Sam Robinson.

**Haisla Nation - Oral presentation
Chief Sam Robinson**

3843. **THE CHAIRPERSON:** Thank you very much. Please go ahead.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF SAM ROBINSON:

3844. **CHIEF ROBINSON:** Hello, my name is Chief Jasee. My English name is Samuel Robinson. I'm from Beaver Clan; hereditary Chief of the Haisla Nation. I was born here in Kitamaat Village but spent a lot of my childhood days with my father trapping in Wewanee.

3845. The area is rich with all kinds of food; halibut, cod, mussels and all kinds of seafood. There are a lot of fur-bearing animals. This is why I'm really concerned if this is damaged. In Wewa, we have a hot spring there. The first tub was made by my dad and my uncle George, made out of wood. If there's any kind of spill that will be damaged.

3846. There is a lot of seafood there. There is still a lot of seafood, I know because I'm owner/operator of a fishing charter business for the last 45 years. There are still a lot of fishing charter boats that depend on fishing in the Douglas Channel.

3847. I also watch the commercial fishermen. I know every inch of our territory because I'm out there almost every day in the summertime running my business.

3848. I'll get back to the head of the Kitimat River; this is where my concern starts.

3849. We used to fish the number one reserve for a fish called eulachons, which is now no more because of pollution in the river for the last 30 years. But the river is not dead yet. The salmon still go up there; that's why we have to protect it. I know we can't do much about the eulachons now, but the salmon still go up there.

3850. This is our last resort. Thank you for listening to me.

3851. Up the river, we spend our days there, harvesting eulachons. In my childhood days, you didn't need a net, you didn't need hook, and you didn't need anything. You can pick the eulachons out of the water. In fact you could walk across to the other side. That's how plentiful it was when we were thriving. No more eulachons.

3852. From the eulachon camp, we follow the river down to Kacla'isaa (ph), in

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Chief Sam Robinson**

my language Kacla (ph) is, English, foot of the river. There on the left-hand side, you'll see a rock, a figure of a human being. We call it in my language, kwalach (ph); that means sissy. It was used to teach young children, teenagers, not to run away from enemy but to stand up or else you'll turn into a rock.

3853. That's what it is used for, to teach our children. This is what I'm concerned about, if it's covered up with something. You travel down the same river, foot of the river, about a few lengths down you come to another carving, carving on rocks we call handumatsa (ph) in my language. It means bow and arrow, hatweegit (ph). That protects the river; that's what it's there for.

3854. And you travel down into the sea you come to my village, and at the point called Raley Point, right outside the south end of Kitamaat Village, there is another carving right down the beach, the figure is of a killer whale. You walk along the beach further to a creek called Wart, another carving is there and it's carved, the figure is a human face. These are all signals that we were here for a long time.

3855. If you look across the bay, right across the Bish Creek there's another historic site there. We call it Huntclit (ph) in my language. It means targeting area. When the raiders come to raid my village they target in this rock. And the old people used to tell me the story -- this is just within 100 years. The shafts of the arrows were sticking out. When the white man came here, they heard of it and went to check it and they found the remains of the arrowheads.

3856. You travel down a little ways more and there's a rock sticking out, the name of it is Kabat Regat (ph). It's a historical site too that teaches the young kids about sex and all that, what you'll turn into if you misuse it. Adultery was a no-no in my village and that's what this was for, to teach the young kids.

3857. You travel down furthermore, you come to a place called Giltoyees, Long Inlet, and on the south mouth of the river -- of the inlet you'll see paintings, paintings of Indian paint telling who owns that area, who was there. And I'm one of the last ones that can read the signs and it makes me -- tears come out of my eyes.

3858. You follow the channel; you come to a place called Foch Lagoon. There was a village there -- still there, a historic site too that will be affected by whatever damage. These were half human beings and half animals. It's recorded in our history. We call it Fochfu (ph) in my language.

3859. So these are all the places that I'm really worried about.

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3860. And you go further down the channel, we go into the Hartley Bay area, there are big boulders there carved in stone. It's still there. Now I will tell you what the reason is, why these are carved in a tidal water. Most of it is below low water.
3861. The Chief hired helpers to carve these rocks at low tide so when the raiders come in they will be the first one to spot the raiders and warn the Chief to get away. They were also helpers that carved mid-tide; these were done to warn the Chief, early warning, when the raiders come.
3862. These are all the places that I'm worried about. It's our history and it's how we teach our children and our teenagers up till today.
3863. And you go up to the Kitlope, Kemano Village, at the south end of the village there's another carving, a carving of a human being, a human face, That's to protect that village from raiders. You go up to Kitlope, at the mouth of the river you'll see all kinds of paintings telling who owns that place -- we own it.
3864. So these are all the things that I'm worried about. If it's covered up with oil how are we going to protect ourselves? This is my concern.
3865. And getting back to the sisur (ph) rock in the mouth of the water. If we -- are we going to protect ourselves or are we all going to turn into stone? I don't know. I'm happy -- I'm hoping that doesn't happen.
3866. So all my area where I trap, where I trap -- my dad's favourite trap, I own it now. There are an abundance of fish there. There's halibut, all kind of seafood, all kind of birds, all kind of fur animals.
3867. This is what I'm concerned about, because my people, my family and everybody survived on all these animals. Please help us and hear us so we can continue to live the way we are. We are who we are.
3868. I am the 11th Haimus, hereditary Chief of Kitimaat Village. My name is Jasse. I was born into the bloodline; that is why I'm a chief. I did not choose to be a chief. All our lives my brother and I were trained in the role of responsibility as a leader of the Beaver Clan and the Haisla Nation. It just didn't happen overnight.
3869. I started my training from my grandmother and mother when I was only 12 years old. I know all the history, laws, ins and out of the Native culture. Probably

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I'm the last one. So there, hear me, please.

3870. The transfer of my name was done according to custom tradition of our ancestors. The oldest son of the mother is first in line for the title. When he dies the next oldest brother takes over, the son to be, same bloodline clan as the mother.
3871. My brother Tom -- the late Tom Robinson, my brother -- held this name before me for 50 years. So if you add all the chiefs together it comes to a lot of numbers.
3872. Our nation is subdivided by a clan system according to your mother's line. The Beaver Clan, the Raven work together. The Eagle Clan, Fish, Salmon, and Killer Whale, each clan is headed by the chief who acts as their leader and all the directions of Jasse of the Beaver Clan. The major benefit of this system keeps history, maintains law, protects family, divides responsibility and education.
3873. During a trauma, a celebration, a major undertaking all clan members provide comfort and support. We know ourselves, Haisla, which means People Living at the Foot of the River at the South End. Haisla means south. You know we're in the north but to the Nas Valley people we're the south people; that's why we're called Haisla.
3874. Later the Sim Siens (ph) called us Kitamaat, which means People of the Snow. We speak part Kwakuit (ph) language. Group of why we understand people from clan too, Bellabella, Alert Bay, Macaw from the United States. Our territory is located approximately centre of the north and south border of the west coast of B.C. We are surrounded by other First Nations.
3875. Our territory includes the land and waters surrounding all of Kitimat River, the Douglas Channel up to including Gardner Canal. We know all these places by Haisla name and by the use of their resources.
3876. In the past, during the mid-winter, our people move over gathering and providing food, making tools, building canoes, drying salmon, digging for clams and cockles, collecting roots, berries, plants, medicine; for many other reasons.
3877. We live here in Kitamaat Village which was used as a winter settlement because of the location from extreme weather conditions. My mother, late mother, Laura, was asked how long we have lived here. She motioned with her thumb and her index finger almost together and said: "Since the trees were this small." That's

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my mother.

3878. Judging from the growth of the spruce tree located near the Kitimat River Oolikan camp Housing Site, we have been here for 15 to 2,000 years according to the growth of the tree. Our people have travelled various of locations to harvest food, material, trading with other communities up and down the Coast by dug-out canoe.

3879. We also travelled by land through the B.C. interior. For example, our people in Kimaloo (ph) area travelled over the mountain to trade our eulachon grease with people living in the B.C. interior. Some married there and some of us still have relations living there.

3880. We know our ancestors travelled up and down the West Coast of what is called now "the United States". Because of our isolation, we had to be self-sufficient, depending our ability to utilize our territory resources: the forest for its plants and animals; the river for its varieties of food, seafood, shell fish and other seafood.

3881. Our main source is the salmon which we preserve by the hundreds for each family for immediate use and winter use. It worries me to think all of these will be lost and destroyed when there is a spill. Mark my word, when there is a spill. Experience shows it will happen.

3882. We have always been taught to take only what we need and to leave the harvest site in the same or better manner, condition, which -- when we leave the area. This is a global concern to keep everything clean now.

3883. We always have been a peaceful nation but when it isn't through discussion and negotiation, when all fails, we went to war to protect our family, our rights, our ownership of food, shelter and safety.

3884. When they made our reservations, our Chiefs had very little education; in fact, couldn't write or read. But we had one stand-out Chief named Sunre (ph). His name was Johnny Bolton. On September 1st, 1913, the Royal Commission interviewed Kitamaat Indian Chief Sunre. Chief Johnny Bolton made the following statement -- Chief Johnny Bolton, this is his words:

"We are troubled about our land. It is not straight to us somehow. It is ours because we were born here, our forefathers before us. We want you to understand it. We want to know how Government got the land outside the Reserve. Chairman, we have not anything

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to do with land outside the Reserve, we have no authority to settle that question at all. It is no use bringing it before us."

3885. Chief Johnny Bolton:

"We are troubled about how the Government has gone and sold our land outside our Reserve. We know it's our land and not the Government's and they have gone out and sold it and done what they like with it."

3886. For that, I don't want that to happen again. We want to say -- we want our say in this process that's coming up, this pipeline. We will be not walked over again like the way they've done on the Reserve system. We want to have a voice and we're going to have a voice.

3887. Thank you for your kind attention.

--- (Applause/Applaudissements)

3888. **THE CHAIRPERSON:** Thank you, Chief Robinson.

3889. We'd just like to ask the Panel whether they have any questions of clarification for Chief Robinson or whether the intention was to ask questions of clarification at the end of the whole witness session?

3890. **MS. GRIFFITH:** It would be the intention to ask them at the end. Thank you.

3891. So we'll wait and we'll hear from the whole Panel. If there's any questions of clarification, we would ask at the end of the Panel as opposed to witness-by-witness. Thank you.

3892. **THE CHAIRPERSON:** Thank you.

3893. So now, as the next witness for the Haisla Nation, we have Rod Bolton.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF ROD BOLTON:

**Haisla Nation - Oral presentation
Chief Rod Bolton**

3894. **CHIEF BOLTON:** Thank you. Welcome.
3895. My name is Rod Bolton. I was born here in Kitamaat Village in 1940. My late father's name was also "Rod Bolton". My Chief's name is "Ligeiff" (ph) and also was a spokesperson for the late Tony Robinson and also Sammy Robinson now as one of the chiefs of the Beaver Clan.
3896. I can remember as a very young child with my late cousins, Chris Wilson, Yvan Woods, going over the boat on the other side where there was no industries. There was just a beautiful place to go to; to go hunt and to go fish. There's nothing around us.
3897. I want to show you the area, the bagwaiyas and the wa'wais that I own. It's a place where we harvest and where we fish for fish and hunt for food. That person up there is my late -- John Bolton -- that's the one Sammy was talking about -- Chief to see -- and right around that area, the Kitimat River, that's right by Sand Hill - - it's right by Sand Hill, all the way down. That's north of -- south of Sand Hill, all the way down to Peace Creek -- north of Peace Creek. That's my wa'wais. That's my trap line, registered under the government.
3898. On June 7th, 1993, I was able to get the name of my late dad passed on, and the chief that's sitting beside me was the one who put that name on le gare (ph). Like I remember that time where -- it was quite an experience for me. I was on the council for the period of probably 14 years or more, though it could be less, and one of the reasons why I didn't run again was because of health reasons, I wasn't very well at that time.
3899. While I was in the council I worked, I worked on the trap lines, there was some trap lines that wasn't registered and I worked on it until we got -- we got them trap lines was registered. So I know the areas, I know the names of the area. The area that I have is called the Axta (ph); Sanderson Creek, that's where my trap line is.
3900. The reason why I brought this up is the pipeline, if it was to be put in place it would run over all the streams that my trap line is on. I'm not an expert at oil but I watch the news of what's going on. So that's what I fear, if they ever get that pipeline in there it will do damage to our environment.
3901. We just -- Eurocan just packed up and left, what they have that's a pulp and paper, woods damaged our river, now they talk about this. That is a big concern of mine.

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3902. I don't mind oil, not the oil we talk about but the eulachon oil. That's what they want, eulachon oil.

--- (Applause/Applaudissements)

3903. **CHIEF BOLTON:** I was on the Treaty team pretty near all my time with the council and I knew some of the areas that they were working on. Environmental departments got a lot to do with it, you know, we got the provincial government, we got the federal government.

3904. As we speak, we don't have any representatives here from the federal government. They are back east, they're in Ottawa area. If they have environmental department then we haven't seen them; they haven't approached us.

3905. We don't want surprises; it happened in the past. When they issued out permits in our area we weren't involved. We are the stewards of our land, we look after the land. If it's gone it's not going to come back again. We seen it in places like Alaska, Mexico, Russia, like what our Chief here said, we're not -- we're peaceful people, we like to deal with it, to deal with our concerns.

3906. I worked in Alcan for 32 years and I retired in 1998, it doesn't mean that I stopped fishing, I still go out. Every chance that I get I like going out and bringing my grandchildren along with me and try and teach them.

3907. One of my experiences, when my late father was -- was going out with him getting trees; I can remember the cedar shakes that we made to make a smokehouse. So we still use that, we use that to our benefit to our people.

3908. I think one of the things that we look at of where we get our information or wisdom or knowledge is how they trained us because we didn't have anything and that's experience and that's what it brings to the table and that's what we try to pass on to the younger ones, so they'll be able to survive in this land, in this day of age.

3909. We used to go to my wa'wais every chance we get, my dad and I, and there's still fish that goes up there, there's still some coho and there's still some kinks that goes up there, trouts.

3910. One of the comments -- one of the -- our people said was on the lower Axta (ph) area it was very important progress for people, everyone used to go there

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and get their coho for smoking. Every time there was a flood in the river the cohos would get washed down and they go up them small streams and our people knew that, so we were prepared for that.

3911. When I got my wa'wais, my name, it was passed on to me by my late father from his mother and from his father; so that's how it works. That's how our system works. So when the name goes to a person like Sammy and I, the trap line goes with them, the wa'wais goes with them and there it becomes stewards of the land; that's how it works.
3912. Like what Sammy said, the oldest sister is the one that inherits the name and if it doesn't take it then it goes to the next, it goes on like that.
3913. One of the things that I learned from my father -- late father was -- and late Tommy, that you cannot wear the blanket or sit in his chair until the feast is over and it is done with. And there's different places for seating in our feast hall; it's all arranged depending on who hosted.
3914. We're not allowed to be part of the feast when we're young; it was very serious business and fear that someone would knock somebody over with the soup or trip somebody. They had to either put up a feast or pay a person for that accident.
3915. My sister, Ann Phillips, she lives in Vancouver Island. She's the one that we call kikilfle (ph), the woman that goes and supports the man, getting the game and buys all the dry goods. That's her role and that's her responsibility. The Haisla word for that is kikilfle or moodis (ph) and the people that was there at that time was there to witness what took on.
3916. One of the things that were learned as I was growing up is the stewardship of east wa'wais. In order for me to go to Sammy's wa'wais, if we want to harvest anything, we had to go to the person and ask permission. That's how they could monitor it and be good stewardship and make sure that things are not overfished or people go there and clean it out. So that's our culture.
3917. We want to get back to the river. We take a look at what was brought up -- what Sammy brought up, the eulachons. They was -- I've seen that eulachons. I know what Sammy's talking about. It was plentiful. We still had a system how we harvest the eulachons.
3918. I can relate to my late father speaking to me about the sea, sea to sea. He'd

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be the first one to drive piles, to harvest the eulachons. Nobody would drive piles, just him. And after he gets eulachons, he'd invite everybody to have that feast. And when they're ready 24 hours later, they would say "Go; go harvest," and everybody would go.

3919. We talked about this in our group. That's part of conservation, to let some escape so they can come back year after year. That's how we conserve our fish, our clams, our cockles. We were taught that.

3920. I think one of the points in all our areas, all our progress, everything is written down. On the book that we have it's called Haisla Land, Nuyem Stories. There's a lot of people who worked on this. We worked on it, and all the names are on the back of it. So we understand and know what it's all about. It's education for the younger generation and how it had -- how it passes on to names.

3921. I have before me the -- the cycle of fish that goes up these streams. We have sprint salmon. We have coho. We got pink salmon. We have deer. We have black bear. We have geese. We have ducks. We have cedar bark, crab apples, marten, beaver and berries. All those we harvest.

3922. That's what I do in summertime; I go out and prepare for that and my daughter is the one that picks wild crab apples for me. So that's what we do when we prepare.

3923. One of the things we talked about, as Jennifer was -- the trap lines and how I worked on it and when my late father passed away, I was able to get some of his stuff from a box where he kept all his papers and that's where I found an old trap line registration. And it wasn't like paper like this. It was like a skin and how thick it was and I showed it to J. Powell. Passing on down names, that's how far back it goes.

3924. One of the things that I address is that if we see a spill of oil in our area, it'll never recover. There's no way of cleaning it up. I seen it. I got a friend in Alaska who's going through all this. It still hasn't recovered. That is our concern here, why we gather here.

3925. And with that, I'd like to thank you for the time. Thank you very much.

--- (Applause/Applaudissement)

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3926. **THE CHAIRPERSON:** Thank you, Chief Bolton.
3927. Ms. Griffith, we're in your hands as far as when it might be appropriate to take a break. Would this be an appropriate time or should we continue on?
3928. **MS. GRIFFITH:** I think this would be an appropriate time.
3929. But I just would like to add, for the record, that the book that Rod referred to, Haisla, Our Stories, is filed in written evidence. I don't have the reference to that particular filing in front of me and the chart of the annual cycle for his wa'wais is also filed. It's part of a report prepared by J. Powell, Stewards of the Land, and that Exhibit is A2K0U8.
3930. **THE CHAIRPERSON:** Thanks, Ms. Griffith.
3931. I just wanted to seek clarification from you. It was my understanding that the panel would be with us all day. Is it possible that some of the members will want to excuse themselves throughout the day?
3932. I don't want to keep anybody here, as far as to the end of the day in terms of if there's any question of clarification if people want to be away. So I just wanted to check with you and the panel on that.
3933. **MS. GRIFFITH:** I think the intention is for this panel to be here all day, but not necessarily tomorrow. But why don't I take that up with the witnesses over the break and then get back to you?
3934. **THE CHAIRPERSON:** Thanks very much.
3935. So let's take a 15-minute break. According to the clock in the back, I think it's ---
3936. **CHIEF ROBINSON:** Could I make one comment here?
3937. **THE CHAIRPERSON:** Absolutely.
3938. **CHIEF ROBINSON:** If I may.
3939. There was a story that late Sampson Ross told us, and I don't know whether it was videoed or not, but it was in the olden days they even had an elderly

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lady and a husband and wife, they were eulachon fishing up the river. And when they do that, the younger men would go and help them, to start it off.

3940. So in them days they didn't have any flashlights and all they had was kerosene lamps and they accidentally spilled the kerosene light on a canoe and they bailed out. No sooner, all the eulachons disappeared. That's how effective kerosene and naphtha is.

3941. I thought I'd just say that.

3942. **THE CHAIRPERSON:** Thank you, Chief Bolton.

3943. So it's -- let's be back, ready to start again by 10:40, if that works for your panel?

3944. Thank you very much, everyone.

--- Upon recessing at 10:22 a.m./L'audience est suspendue à 10h22

--- Upon resuming at 10:43 a.m./L'audience est reprise à 10h43

3945. **THE CHAIRPERSON:** If I could get people to take their seats again, we'll get underway shortly. Thank you. If people would take their seats again please so that we can get underway shortly?

3946. Just as we get underway, I would like to thank the Haisla Nation for providing such hardy refreshments for us at the break. I think we all -- active listening takes a lot of energy and to be able to have such nutritious snacks like that is very much appreciated. So thank you very much.

--- (Applause/Applaudissements)

3947. **THE CHAIRPERSON:** So I think we are ready to go forward. If at the back of the room, as you're finding your seats, if you could just quietly make your way so that we could make sure we can closely concentrate on what we're hearing.

3948. Ms. Griffith, did you have a chance to check with the witnesses about the questions of clarification?

3949. **MS. GRIFFITH:** Yes, thank you, Madam Chair, I did and it would be

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useful, I think, to get the questions of clarification, if possible, immediately after an individual provides their evidence.

3950. Given that we've already run through a few, if we could get perhaps the morning's questions before the break, that would be useful, and thank you.

3951. **THE CHAIRPERSON:** That's terrific, thank you. I just wanted to make sure that we didn't break the flow of what we were having the opportunity to listen to. So that would be tremendous.

3952. We'll stop and see if there's any questions of clarification on the panel before we break for lunch, but meanwhile, can we continue on?

3953. Thank you.

MARILYN FULAN: Resumed

CLIFFORD SMITH: Resumed

ROD BOLTON: Resumed

SAM ROBINSON: Resumed

HENRY AMOS: Resumed

KEN HALL: Resumed

ELLIS ROSS: Resumed

3954. **MS. GRIFFITH:** The next witness to speak for the Haisla Nation is Mr. Ken Hall.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF KEN HALL:

3955. **CHIEF HALL:** Thank you. My name is Ken Hall. I'm from Kemano, Kitlope area. My father was there and my mother was from Kitamaat. And I was born in Kitamaat and raised partially in Kitamaat and Butedale where my father worked.

3956. As I grew up in Butedale and coming in here in between seasons, as I grew up with my brothers and sisters, I was taught many of the things that we need to do in order to be a good member of the Haisla Nation. And I was told never to look down on other people that are walking around, even if you're a chief or not, and be nice to one another.

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3957. This has always been expressed to us as I was growing up. I was adopted by my late father as a young man into the Eagle Tribe. I grew up in this tribe and he adopted me, and that was unexpected from my side of the view, and I was wondering why that happened. But he never expressed anything to the people as to why he had done that until later on.
3958. In our system, as you heard my Chief speak about it, that we were taught and had to be well-knowledged by our traditional system and be respectful and show good leadership. So with that, my name is Tequicah (ph), a Chief for the Eagle Tribe in the Kitlope, Kemano area. And this name that I carry is the steward of the Saint Mathews Bay which is a big bass area up in Gardner Canal towards Kitlope.
3959. And this has always been the system that each chief has a place where they can hunt or fish or trap. Not only my family can do that, but anybody can go in there in this community. And in doing so, they acknowledge us.
3960. But nevertheless, I learned a lot through my relatives, cousins, uncles, grandpa, all the traditional things that they spoke of. And how to be able to survive in our territory was the main thing that they taught us, how to be a provider, how to have respect for animals and things like that.
3961. We don't just shoot them for spite. We take them for our needs of our family. In doing so, we acknowledge each animal as we kill it for what we learned is that they have a great spirit too. And we tell them and we say, "Nollo, nollo" (ph) to them. That's a way of praising them and apologizing to them for what we've done to them. "We didn't do any harm to you. We've done this because our families are in need."
3962. And the main thing that was taught to me was to be conservative in every way. As you've heard the others speak before me that you can't take too much of what you gather, whether you're hunting, fishing or picking berries; always get enough that you can preserve or conserve it or leave the rest for others that are in need.
3963. My father's name was Simon Hall. He was from Kemano, Kitlope area and my mother's name was Amelia Duncan, then Hall, was born in Kitamaat Village. My father was a Chief of the Eagle Clan also and he taught me many things about hunting and shooting and fishing in my time as I was growing up.
3964. And without anything said to me or warning of what's going to happen, he

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adopted me to the Eagle Clan, but later on told me, as he went into another phase -- he installed what is called in line of a chief, Henaaksiala. He gave it to me and he told the people then that I was, in his view, good enough to be one that can represent or talk to my family, brothers and sisters in my own family.

3965. I was called one time as I worked for the council. I operated a passenger boat. I came in from Kitlope and while we were preparing camp, I was reading a story that we had. I got back from Kitlope about 10:30 in the morning. I got into the house and my wife told me "There's a lady that wants to talk to talk to you from high school."
3966. So she showed me that number and I phoned her right away, and she asked me "Can you come over and make another presentation to the high school teachers? There's about 40 here that's anxious to hear you speak the stories of your life and legends and what have you been taught. They'd like to learn that."
3967. The main thing about that was respect. The very first thing that was taught to me was respect. My father and grandfather often told me, "If you don't have any respect for yourself, nobody will respect you."
3968. Anyway, when I arrived in the high school, there was 40 kids -- high school kids -- in the room waiting for me and they welcomed me. And I told Sharon, the people who was organizing everything, that I wasn't prepared for anything such as this today. So what I'm going to do, it might prompt me up with something that I know. I'll have a question period there for a few minutes.
3969. Right away, four hands went up. And I started going one at a time to them, asking them what they wanted to say. And the fourth one was a young girl. I asked her what she wanted to say, if she had any concern, and she said, "What I want to know is how long was Alcan here before you people moved in?"
3970. I sort of chuckled and I told her we've been here for thousands of years before Alcan ever seen this place. And she couldn't believe it. She figured that Alcan let us in here.
- (Laughter/Rires)
3971. **CHIEF HALL:** But we've got stories from way, way back as the area being burned, what you see up there in the valley, as you heard my chief speak, that the trees were small from way back.

3972. But anyway, I spoke of many things of my past experience to them. And I grew up in a place called Butedale. It's about 70 miles from here. There's a cannery, reduction plant and a cold storage, where my father was employed as a captain on a boat, his boat.

3973. He had his own sailboat, and I went on it with him as a young boy, just riding around with him and watching the people. He had seven people who was on with him, helping him retrieve the net when he sets it, working all day. Their day starts at 4 o'clock in the morning. Sometimes they go to bed at 12:00 at night. This is what I learned from my father.

3974. He often told us many things about when you are hunting, fishing, or whatever you're doing, you need to be really on the line of moving right now, not later. Otherwise, you'll never get anything.

But anyway, after saying that I fished salmon with my father, and as a young man, I grew up with him on a fishing boat. For 18 years I was a crew member with him, both halibut, herring and salmon. And it's a lot of work, but I enjoyed learning all of the -- but when coming home, when we come home in between fishing season, we go to the river, either Kitimat River, Kemano or Kitasoo to fish eulachons.

3975. These are the things that they taught me, how to gather all the food that we need to serve to my family for all year, to preserve it. My wife knows how to preserve just about anything that we get. Now the freezer has come; we freeze a lot of them.

3976. When we fished eulachons, it was always "Be careful. Don't be careless. Don't dump anything in the water. You've got to make sure this river is pure at all times, never contaminated with garbage or anything. Always make sure that the eulachons will come back for the next generation to come, salmon, what have you, water hog."

3977. And they used to go gather the roots and everything along the flats, my mother, my grandmother. That was a real staple for everybody, all of the things that we gathered. It was so nice to see it on the table when it was fresh, when we'd first kill it and they'd praise us and thank -- are very thankful to us.

3978. When I came home from fishing, I was approached if I could run for a council member by four guys in the village. When I did get in, which I failed the first

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time -- I did get in and I stayed in there for over 20 years and I was the Chief Councillor from 1999 to 2001 for Kitamaat Village. And that's a lot of work. Most of the time is spent on trying to keep our territory as clean as possible, because we had everything coming from all directions, wanting to use it.

3979. I used to hunt and fish around Kitlope and Kemano area, as well as Douglas Channel area, and getting to know some other people along the line from different villages and we worked together on it at all times.
3980. I still fish for our own use right now, even though I'm retired. Just like Rod said, we need to go out and teach our younger people, which I do. I'm proud to say that my nephews and my granddaughter are there to help us when we do bring some things in. Some of it they have learned from their grandmother, all of the things that were handed down to us from our forefathers.
3981. When possible, I fish for eulachons, but I haven't done that for the last several years due to the fact that they don't repair in our rivers anymore. And it's sad to know a source gone from your table, but it's happy to know that other First Nations are there to care for you, to work together to give us eulachons when they get their eulachons.
3982. My wife has been buying eulachon grease from other places. And I don't know what we'd do without it. We certainly can't use crude oil anyway.
3983. I'm totally dependent on seafood too. In my days of growing up, we had everything from clams, cockles, crabs, shrimps and mussels, as well as halibut, red cod and different types of cods that we'd catch out there, which is slowly diminishing again. As a matter of fact, it is -- it will be gone in time if we don't stop it.
3984. This is where our frustration comes in, with supposedly our government looking after us, promising to look after us, but which never did happen.
3985. I heard some stories from when I was young, and I was taught to follow our Nuyem, which is the law of the Haisla Nation as well as all the First Nations that are listening today. They gather this and they keep it and pass it on to one another, one of the younger ones and all that, the next-door Nations that comes from. They make sure they learn it.
3986. They don't just tell it once; they keep repeating it after another. And that's what happened to me to make sure that I keep away from danger, causing any

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harm to anybody, not injuring anybody, in fact, learning how to get along together.

3987. When I became a Chief, my father lectured me. "Now that you carry a big name, from Hamatichi-sa, I don't know if the Haisla will recognize it, and I want to mention it to late Tommy Robinson in a meeting what my dad told me and right away he rejected that idea that -- he said you guys are strong, we strongly recognize you as a chief of the Kitasoo people.

3988. Kitasoo people, as a matter of fact, amalgamated with the Haisla back in -- I think it was 1948 when they signed the agreement after years of -- a few years of negotiations. Kitasoo was a big place at one time but due to influenza and -- that was smallpox I think, done away with a lot of them, right down to about 68 by the time they were accepted there.

3989. But we are the survivors, same thing with the Haisla's; there's a lot of them that went on that due to that sickness that was brought over. I don't know where it came from but people were falling all over the place as they were talking. When a sickness got into them they just drop, that's how fast they were dying.

3990. One thing that I appreciate though is that we get medications for that now. They say that same sickness is the one that killed our people a long time ago, what we're putting up with today.

3991. My nephews, who I work together and taught as a young man are the ones that are responsible for bringing us food now in my house, as I'm 74 now but I enjoy going out there yet. When the time is right I go out with them. And a lot of them in this community, young people are doing the same thing for their parents -- being taught by their parents and grandparents how to fish, hunt and whatever their requirements are.

3992. I was -- I heard many stories from a lady that died at a very old age, from Kemano, regarding how our people work together in the area. And I thought of -- I talked to the person that came amongst us and became a new medium, he kept telling my people before my time -- before our time that the animals and the fish and what have you, the birds looked like human beings when I talk to them.

3993. She was the one that knew what happened with the eulachon in that river a long time ago. And she was the one that told the people to look for that eulachon that was lost and they belonged to the leaders of the eulachon, the chief of the eulachons.

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3994. When they found it they made her told that the eulachon came up the river and they -- next day that thing was just loaded with eulachons. This is why we make sure we learn and keep what they taught us, how to treat ourselves or treat the animals that we get; never say anything bad about the animals when you do shoot them, otherwise they'll get you back. That's what we were told.

3995. Even the fish too. When we get an animal, when we get up to it we say "Nola, nola, nola"(ph). That's thanking the spirit -- his spirit for allowing us to take the animal to feed our family. We tell him we don't -- we're not doing this for spite, we're seriously taking it to feed our family so they can be healthy and we thank you for it.

3996. These are the things we are told to follow at all times and I wish it could be told to everybody regarding our territory, what's going on. As we mentioned earlier, and the other Chief mentioned, that everything is slowly going down, getting less and less every time we go out to try and gather. You have everything on the -- out there that -- gathering the things and they're not commercially getting -- they're just playing around with them.

3997. I know everyone tells me to be careful with the land and resources and make sure that it's clean. I need to repeat that, that's what's aiming at the Haisla Nation regarding our territory, our land.

3998. I spent eight years in the council, along with other councillors, fighting to save a territory that was aimed by a logger -- a logging outfit. It took us eight years to fight for it. We made it but it was a long hard work. The part I couldn't understand about it, when we did get it preserved we weren't given any money to help patrol it, yet we're part of that area, and that's Kitlope.

3999. It took us eight years to fight for it in a council and as well as a community, not just a council, everybody in the community supported the council and they stood side-by-side right through. And most of the time I was away from home joining meetings. I was happy when they signed the agreement but I was really tired. I'm glad that I was part of it to see that happen for the future of my grandchildren and great grandchildren is what I'm talking about.

4000. Again, you mention grandchildren, I'm here to speak in my share of our territory which is pipeline coming down our territory and also big ships navigating Douglas Channel. I clearly state in my community that the Haisla's are facing a double-barrel gun -- shotgun -- if you bring those oil in by land, as well as navigating

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Douglas Channel. One spill from both of them will wipe out everything that we have, what we mentioned here; you'll have no more.

4001. Why I mentioned all that stuff that we gather, as you all know, during the hungry '30's they call it, I often heard my Elders -- we didn't even know that the world was hungry, we were so rich in resources in our territory, we were never hungry, we were always eating, yet, other parts of the world were hungry because of the depression.
4002. Again it saddens me to know that we'll be joining that if anything happens to our territory here regarding that oil and the pipeline.
4003. It brings into mind of what we told if you're careless, you're not going to get anything anymore. It's not going to be us that's going to suffer; like what I said it's going to be our grandchildren. And the people that done the damage will just put their hands in their pockets and walk away, like Eurocan done to us. They polluted our river and they said enough is enough and they just walked away, never looking back.
4004. It just terrifies me to know that we're even facing about destruction with what's coming before us, the Haisla Nation.
4005. It's very important that -- I'm glad some of the young people are showing up here and they're listening, I believe, by internet, as to what's going on here and I strongly urge that, that they listen and take notes of what's going on here, it's their future why we're here, you see the panel here, it's their future while we're sitting in front of you here, to let you know our concern.
4006. As I told you before, the Haislas were taught how to conserve and preserve everything they get. I operated a boat for a rediscovery camp, which was a very powerful thing to do in teaching our young people our traditional system, not only for Haislas, but other First Nations as well as other countries, Sweden, Norway and I can't remember the others, anyway, but -- from Thailand. They all came down the States. Young people came.
4007. They spent a whole month in the catch hole with us, some of them half a month because we taught them everything about how to dry fish, how to can fish and things like that. Pick berries; how to preserve it, how to use it, and the things that we used to eat.

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4008. Grease wasn't the only thing that we ate with fish, but it came -- it was good with everything that we had on a table at that time because we never used to get butter or anything like that, lard. It was used for making bread. It was used for boiling fish, everything. It was a good flavour for anything that you wanted to put it in.
4009. Now we're pretty scarce on that part due to eulachons are not here. And why I mention that, it's going to be terrible, terrifying if everything disappears on us in our territory.
4010. My father had a sailboat, as I mentioned, as a young boy. I'd like to go back to that and be out there. He used -- he got a contract when Alcan first came to tow barge loads of groceries from freights from Butedale to Kemano, which wasn't accessed by those big freighters. There was no docks there, just the skull grid.
4011. And one weekend -- one Friday afternoon, I was in time for him to come out of school and I asked if I could go along with him. It was a real beautiful morning when we got into Kemano Bay with our barge. As soon as you got in, they started to unload it. And my father was standing there and he was scratching his head, took his cap off and started scratching his head. And he said in our language this is what he seen then, this is what he was talking about.
4012. And I asked him, "What are you talking about, Dad?" He said, "Your grandfather," he said, "he had a premonition after encountering a Sasqua." He had a spirit that went into him and he was able to foresee the future. He said he told the people -- he called the people in Kemano and told them there's going to be a big monster coming up on Kemano Bay and it's going to go right up along that river. It's going to go -- he named that mountain. It's going to go there and it's going to bore a hole through there.
4013. That was about 50 years after he died, then, it happened; almost 50 years, anyway. And that's what dad was talking about when he said -- this is what he was talking about then.
4014. And it's so true that there's a lot of difference from that day on. Everything started going down, which we thought was a better thing for us. It actually goes against our ability to gather the things we needed for our house.
4015. I operated a tugboat. I worked for Redtow (ph) for three and a half years. I got laid off due to the fact that there was a cutback, five years and under, and I was

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15 months short of my five years, so I voluntarily -- they wanted to get me on as a deckhand, but I just told them I'm going home. That was when everything started going down after Eurocan started. I was working there all the time; they were bringing the material for Eurocan.

4016. And right away, I noticed when the pulp mill started that it had a detrimental effect on the river, for they never dumped their effluent until night, and it was a horrible sight. It was higher than the deck of a tugboat, if you know how a tugboat looks like. The foam that was there coming down the river was higher than the tugboat I was operating on the back deck, and it smelled awful. My crew couldn't stay on deck very long due to the bad smell of that effluent.

4017. And when we complained about it, Eurocan told us -- the President came to a public meeting at the old hall and told us, "Don't worry about it. It's not going to harm you any. There's no poison in it."

4018. It's sad to say, but a lot of my people that continued -- that listened to him kept on eating that fish and they -- most of them died with stomach cancer and different types of sickness came around just because that guy said it was safe to drink it.

4019. Our Chief Councillor at that time challenged him, "I'll go upriver with you, bring a cup. You drink one cup; I'll drink one cup, too." He wouldn't make a move. We tried to beg him to go up there.

4020. And I told my mother, "I don't think you should eat that. It smells awful." And my father spoke up, "Didn't you hear that man spoke in the hall? He said it's safe." But I -- we wouldn't touch it anyway.

4021. It was terrible, and it's a bad experience way to learn how bad that thing is. And just imagine what my grandchildren will go through if this happens, what's coming before us.

4022. I was one that witnessed the -- like what I said, the impact of Alcan and Eurocan to our territory. It's been devastating, really, to the fact that when Alcan first came around I was just a young boy. I remember that public meeting that they went to up in the oval hall.

4023. That public meeting, one of the councillors got up and asked the Indian

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agency, "What are you doing over there? You're sitting with an Alcan representative. You're supposed to be sitting with us." The councillor could not care less.

4024. They weren't allowed to have a lawyer to represent them. In fact, Alcan proposed that they have their smelter set right here, right where we're sitting, but it was too small for their liking, so they moved, which was a good thing in a small part. They moved over there where they're at right now, where Rod's trap line is.

4025. Again, the question is, why weren't we allowed to have a lawyer represent us? Just because we weren't educated enough or something? I don't know.

4026. But anyway, in doing so, I was really sad, like what I said, at what's going on, so as the other communities that are with me here today, the Bella Bella people. They're here today to be with us. Kitasoo/Xaixais are here. Kitkaa are here, along with other First Nations. They're here to support the Haislas in standing with them side by side. They want to stand in solidarity to show their support towards the Haisla Nations.

4027. Thank you.

--- (Applause/Aplaudissements)

4028. **THE CHAIRPERSON:** Thank you, Chief Hall.

4029. Ms. Griffith, are we ready to move on to the next witness?

4030. **MS. GRIFFITH:** Yes, thank you, Madam Chair. The next witness for the Haisla Nation is Clifford Smith.

--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF CLIFFORD SMITH:

4031. **CHIEF SMITH:** Thank you. Before I speak, I make reference to my brothers and sisters seated behind me. I know in your spirit that you stand beside me, speaking in opposition of the proposed pipeline. I thank you for your strength. My back is not turned toward you deliberately. I know you stand with me.

4032. I acknowledge the Heiltsuk Nation and the Kitasoo/Xaixais for their strength. I would miss their arrival yesterday into our territory and I remember my grandmother speaking: when we have visitors, the power of their arrival (speaking

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in native language).

4033. I interpret that for those that don't understand our language: "We heard their voices, their drum voices and their voices. I take that upon myself has given me strength.

4034. Thank you to the Heiltsuk Nation (speaking in native language).

4035. And I know that that strength also comes with the other neighbouring nations of our territory. Thank you for that strength and I will indeed attend your hearings to return that strength that you so generously gave me; I return it to you by attending your hearings.

4036. Thank you for standing beside me. Thank you.

4037. I also make reference to our youth who brought our chief to see in the power of their voice and the strength of their drums. Let's take that strength and stand together and say "No" to Enbridge.

--- (Applause/Aplaudissements)

4038. **CHIEF SMITH:** My given name is Gaioustis (ph) which once belonged to my late Uncle Charlie Wilson. I received that name, Gaioustis, on my grandmother's tombstone face and I have honoured that name since I received it.

4039. I need to mention my grandmother, Annie Paw (ph), who is the head of our family and the family owns and presently owns an eulachon camp up in Kemano, Gardner Canal. I need to mention that, the importance of the eulachon to us as the Haisla. My grandmother has since passed on and the head of our camp became my late father Edmund Smith and my mum.

4040. It's just a little over a year ago, my mother passed away and, at that time, my brother Crosbie was the head of our camp. It's this past September we buried our eldest of family, Crosbie, in September.

4041. I along with my brother, Glen, have now become the head of the camp. I need to make mention of that camp. The importance of our resources that our Mother Earth has so generously given and I make mention of the neighbouring nations, how we link together as family; not only in a Nation's sense but by blood.

4042. I have family in River's Inlet. I have family in Heiltsuk. I have family in Kitasoo/Xaixais; I have family in (inaudible). I have family in Gitga'at, I have family

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in Metlakatla, the upper reaches of the Coast, Port Simpson, Kinkola, Grainwall (ph), Canyon City Ians, (ph) Hazelton Kitfunga (ph), all the neighbouring nations.

4043. I need to mention those nations because we are linked together -- the resources from our sea, our land and sea -- through the barter system. I make reference to them as my brothers and sisters for they are indeed brothers and sisters. We enjoy the resources from our sea. Until today, we enjoyed the resources of the sea.

4044. If there's any oil spill, whether it be from the pipeline or the ship that will transport the crude oil, if there's any form of spill, all that we enjoy from land and sea will be destroyed.

4045. Let us put our strength together and stand as one and say "No" to Enbridge.

--- (Applause/Applaudissements)

4046. **CHIEF SMITH:** The salmon from our oceans is vitally important to our diet. I've been travelling our waters for six and a half decades from the time I was able to travel. Our source of travel was the canoe.

4047. I make reference to my life because it is a statement that needs to be mentioned for that's when our teachings begin. As a small child, the teachings begin. The knowledge that I have today has been compiled all those years, six and a half decades.

4048. I still travel these waters. I'm a retired commercial fisherman; I still travel these waters. I very much enjoy harvesting and providing for my family, my immediate family, my extended family, my friends. They all benefit from the harvest that I do.

4049. The clams, the cockles, the mussels, the crab, the urchins and cucumber, halibut, cod, all I enjoy, that -- all that I enjoy will be wiped away if there ever is an oil spill. It's a scary fact if the pipeline is to be built. All that I and my people enjoy will be gone. Let us stand together and say no to Enbridge.

4050. I still hunt today and most the deer, the beaver, the fowl -- the water fowl -- all this I enjoy on our doorstep.

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4051. I make reference to what I -- a statement that I heard the other day, that we as Haisla people stand in front of a double-barrelled shotgun, indeed we are standing in front of a double-barrelled shotgun. The pipeline -- the proposed pipeline will come up through our back door and its ships will come in and transport the crude oil; we are indeed facing a double-barrelled shotgun. The impact -- if there's an impact of any spoil we'll be in disaster.

4052. Exxon Valdez which took place years ago, the damage is still visible today. Last year we witnessed through the news media Gulf of Mexico, they are still suffering today.

4053. I have three children, three grandchildren and one more grandchildren on the way; it is them that will suffer without the resources that we so much enjoy today if there ever is an oil spill. Therefore, I say no to the reality of Enbridge, no, please no.

4054. I thank you for the opportunity to speak. I thank you for listening.

--- (Applause/Applaudissements)

4055. **THE CHAIRPERSON:** Thank you, Mr. Smith.

4056. Ms. Griffith, would we like to continue with another member of this panel before lunch or what would be your preference at this point?

4057. **MS. GRIFFITH:** I think my preference at this point would be to see whether the Panel has any questions of clarification and then take a lunch break so that the next witness doesn't have to have their testimony interrupted.

4058. **THE CHAIRPERSON:** Tremendous, thank you very much.

4059. Mr. Matthews, do you have any questions of clarification?

4060. **MEMBER MATTHEWS:** No, I don't, ma'am.

4061. **THE CHAIRPERSON:** Mr. Bateman?

4062. **MEMBER BATEMAN:** No, I don't.

4063. **THE CHAIRPERSON:** Your evidence has been very clear and the

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Panel has no questions of clarification of the witnesses who have spoken this morning. So thank you very much for that clarity and the sincerity of your words.

4064. My distance glasses aren't what they used to be I think but I'm thinking it's about eleven forty right now, and so if we were to come back for one o'clock. Does that sound like a break that would work for everyone, for the panel?

4065. **MS. GRIFFITH:** Thank would work. Thank you.

4066. **THE CHAIRPERSON:** Terrific, thank you.

4067. So we'll take a break now for lunch and we'll come back at one o'clock.

4068. Thank you, everyone.

--- Upon recessing at 11:39 a.m./L'audience est suspendue à 11h39

--- Upon resuming at 1:02 p.m./L'audience est reprise à 13h02

4069. **THE CHAIRPERSON:** Good afternoon, everyone. We'll get underway; if everybody could take their seats.

4070. Thank you very much, everyone.

MARILYN FULAN: Resumed

CLIFFORD SMITH: Resumed

ROD BOLTON: Resumed

SAM ROBINSON: Resumed

HENRY AMOS: Resumed

KEN HALL: Resumed

ELLIS ROSS: Resumed

4071. **THE CHAIRPERSON:** Ms. Griffith, do you want to continue to help us with the order of this particular panel?

4072. **MS. GRIFFITH:** Thank you, Madam Chair.

4073. And as the next Haisla witness we have Marilyn Furlan.

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**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE BY CHIEF
MARILYN FURLAN:**

4074. **CHIEF FURLAN:** Madam Chair and Panel, welcome.
4075. My name is Marilyn Edith Furlan nee Paul. I was born in Bella Bella in 1948. I was raised in Kemano, Kitlope, Kitamaat Village, Butedale, and Port Simpson.
4076. My father is Chief Gupsgolox, Dan Paul Senior of Kitlope. My mother, Mujive Wigadof (ph) Edith Paul of the Beaver Clan. My father is in the Eagle Clan.
4077. My traditional name is Pulth Xa-Leeth (ph), which means it is the abalone shells imbedded on the outside of the canoe. My sisters is Pulth Ha-Neeks (ph), which is the abalone shells imbedded on the inside of the canoe.
4078. My name came from my great-great grandmother mama’u Annie Putlh, of Hinaxula Kitlo. She passed away in 1966. We believe she was pretty close to 114 years old when she passed away in our Kitimat hospital here in Kitimat.
4079. I once asked mama’u, “Do you know when your birth date is?” She said all she knows is what her mother told her, that she was born when the berries were starting to get right and it was probably around June or July.
4080. My name was given to me by my grandmother in a feast hall. Emily Amos baptized me at that feast.
4081. I am the member of the Eagle Clan under Chief Gupsgolox, Dan Paul Senior.
4082. I want to go back to Kitlope where my forefathers are from. Kitlope River is a water that comes right from the glacier. It is very, very blue. The borderline when you see that water, a blue water, istamas (ph), and that’s where the water meets the borderline of the Hinaxula meet at the mouth of Gardner to Haisla waters, the colour changes.
4083. If you ever get a chance please go to visit. Your experience is a peaceful cleansing spirits when you come out of there. You wash your face in that glacier blue water and it’s to be -- and you are protected while you’re there. You enter without animosity.

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4084. My grandmother, mama'u, used to tell us stories around when she was mending an eulachon net or making an eulachon net, in Kitlope when a boat started coming in where sockeye that was dried in the sun and it was very, very red, as you can see it when you're going in, each clan had an area for their own to dry their fish as you're coming out -- along the Kitlope -- Kemano.
4085. My grandmother, mama'u Annie Pulth, she never believed in taking fire -- firewood -- taking trees down for firewood. Every time after a high tide she would go -- we'd walk along the beaches of Kemano and we'd pick up a driftwood, put it on top of the logs, wait for it to dry out, go back and pick those logs up to burn for firewood, and also for smoking.
4086. She taught me how to identify ghlksam, ebaum (ph), that's carrots and buttercup roots, in the back of our home in Kemano. You dry them or you boil them fresh. She always used to tell me that "You learn from this. You watch and you learn." She was always so afraid of a war breaking out. She said when the maniwa come in you'll never starve.
4087. She didn't believe in wasting any kind of fish. We ate everything on that fish. Goat meat, the fat off the goat, she'd take it off, take it into the smoke house and dry it. I had to taste everything. There was nothing that I couldn't say "No, thank you".
4088. The seal that was outside in Kemano, the ducks, if we wanted that, we needed that, they'd hunt right out on the front of our village. We only hunted what we could eat for that time.
4089. As a little girl we would sit around while she was making eulachon net and annoosa and tell stories about the fishing that she used to do. She used to go down to -- go as far as Seattle by canoe. It used to take them two weeks to get there in Butedale. And she'd always come back with beads -- necklaces from the First Nations down there for me.
4090. We harvested the cedar bark and she would make cedar baskets out of them. As a little girl I remember her giving me little baskets. Every year as I grew up she made another basket big enough for me.
4091. Mama'u also took me on her dugout canoe that she made herself to go and harvest some clams, some cockles. My favourite was always mussels. She would

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take the (inaudible), the dried fish, smoked fish and put it in a cedar box for our winter food. We'd always have that with the oil, the eulachon grease.

4092. Mama'u was a very tiny, tiny woman but very powerful. She was the mother of all mothers. She would tell stories about -- especially about the maniwa (ph) that she was so afraid of. She would tell stories about them coming in to Kemano, turning around and going back out, and then always cautioned us whenever they arrived in Butedale -- that was our summer home -- to stay away from there because they'll kidnap us. We were never allowed to go down to the float. We always had to stay in our area.

4093. I was one of the luckiest ones that was brought up by the community. Butedale and Kemano was a very small community. Men went out fishing; the women stayed home. Everybody was our mother. All of us, everybody was our mother, but mama'u was the head. Like Clifford said, she was the head.

4094. I remember when the first helicopter she ever saw in Kemano, she ran out with a broom trying to chase that helicopter away because she'd never seen one before.

4095. My traditional foods are now from my dad, brother, brother-in-law that fish and hunt and they share with me. Have you heard previously about the traditional foods that we have and had? Some of them we haven't tasted in a long time, especially, for me, living in town.

4096. Included in it is the red cod, black cod, halibut, trout, eulachon, eulachon grease, clams, cockles, sea cucumbers, mussels, sea urchins, prawns, herring, herring eggs, crabs, hunting goat, bear, moose, seal meat, ducks, geese. Most of them are prepared the same way; smoked. Halibut is dried, air dried, canned, barbecued. Best is eating it fresh.

4097. I, myself, fish in the Kitimat River for small trout, salmon, steelhead. Follow the season.

4098. In the Hamatichi-sa Kitamaat Village -- Kemano Village, pardon me -- I trap squirrels. My dad taught me how to trap squirrels, skin it and stretch it, clean it, rabbits, martin, weasels. I trapped with my dad. Then I would sell it to provide income for myself, enough to buy candy or a chocolate bar whenever we walked so many kilometres -- in those days it was miles -- up to Kemano where Alcan had built a water -- where they got their water, where they get their B.C. Hydro water.

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4099. I remember skinning my first weasel, and there's a part in there that you have to make sure you miss, and I didn't. And my dad stood by and laughed and laughed because when you hit that spot, it smells, but I still had to clean it myself. I used to get 25 cents a squirrel if it was really nice, five cents if it wasn't, so I made a lot of nickels.
4100. Nuxalk is visual learning, by watching your grandparents or your parents prepare. The most fascinating part of preparing was eulachon grease, the preparation and how long it takes to prepare for eulachon grease.
4101. My youngest son had an opportunity to go with Chief Gupsgolox to help make the eulachon grease.
4102. Mama'u taught us never to waste any kind of food. I don't ever recall seeing garbage around in Kemano, in our little village, or up in Kitlope, because that's what we were taught.
4103. Mama'u took me up to Kitlope to go eulachon grease making up there, and we'd go up in a -- in those days they were called the little putt-putt boats. When you started it, you had to turn this wheel. Up there is a story about the man who turned to stone. And I recall her always putting a towel or a blanket over my head as we were going by the man who turned to stone.
4104. Then one day I asked her, "Why do you do that to me?" I'm a nosy kid. I've been nosy since I was small and still am today. She said, "Because I didn't want you to have nightmares because when you're going by that man who turned to stone, it looks like he's watching you as you're going by."
4105. When you get up to where we used to camp, our house was made out of logs that was halfway and the rest was a canvas. The floors were bare. I recall mama'u when she got up in the morning and she made puyas, which was Indian tea and she always fried bread, and she'd have it on the table when we'd get up.
4106. The syrup in those days used to come in cans, and when you dipped your bread into the -- that fried bread into that, it used to stretch like molasses and you used to have to turn your bread around to cut the syrup off. The one thing I liked about the bare floors is you never had to sweep.
4107. Mama'u harvested the stinging nettles to make twine for an eulachon net

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and scoop nets.

4108. As a little girl, I had very, very bad eczema on my hands and mama'u would take me at the back of the house to take shavings off of alder, soak a piece of cloth and wrap it around my hands to take the infection away.
4109. She taught me how to harvest devil's club to make medicine tea. Chief Gupsgolox, he still goes out to get hewood down our channel and mom prepares it for me.
4110. Our traditional foods, the seaweed and the herring eggs and abalone are traded with a Gitga'at families, the Kitasoo and the Bella Bella family. We traded mostly with eulachon grease.
4111. Mama'u and I harvested salmon berries, blueberries, thimble berries, wild cranberries, huckleberries, aseena (ph) -- and I don't know what it's called in English -- facetum (ph) -- I think that's called parsnip. We used to steal sugar from mom's cupboard and dip it in there to eat. Elderberry, wild crab apples, apples and the stinging nettles.
4112. Stinging nettles, that's a job I didn't like but mama'u gave me, because it stung if you didn't pick it right.
4113. My sister Lorna and I -- I have six sisters and one brother -- spoke Haisla quite fluently. When it was time to go to school, to the English-speaking school, we had to learn to speak English because that's the only thing the teacher taught us in, but mama'u always spoke to me in Haisla.
4114. I am the elder's coordinator. I believe everything happens for a reason, why I ended up there at my stage in life. The Haisla language, I understand it, but I'm just learning how again to speak it. I so believe that everything happens for a reason and every reason is for a good reason. Being an elder's coordinator and being with the elders and we're sitting around the table and they speak Haisla, I'm starting to pick it up.
4115. I'm also a bus driver for the three and four-year olds. It is a job that I'm so thankful for in this stage of my life and my age right now. The children, they light up your life. Early in the morning, my first pick-up is at eight o'clock and it's still dark out. The last ones I bring home is at 4:00. In between that time I'm with the elders.

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4116. And then one day I was laying in bed and I thanked the creator for where I am today because it's the children that light up my life and it's my elders that put me into a peaceful sleep every night.
4117. My grandparents ---
4118. **THE CHAIRPERSON:** Ms. Furlan, if you'd like to take a break at any point just let us know.
4119. **CHIEF FURLAN:** Okay.
4120. My grandparents, Walter and Violet Wilson, taught me a lot too. They taught me how to help whomever comes to you.
4121. My uncle Taylor, when we were eight, nine years old, papa'u Walter used to tell us to go and help Uncle John, old John Hall, cutting wood with the old blades, with the hacksaw, big long thing, and we'd go and help them pack their wood up. Always help one another. Don't have to be asked. Get up and help. "Wigella clab" (ph) -- we help one another. I have instilled that in my children, help one another, my grandchildren.
4122. When I talk about Kitlope and my dad, the Chief Gupsgolox, mama'u, Clifford, Kenny Hall, I feel so, so blessed that I -- that they're still here with me. I talk to Kenny Hall a lot about Kitlope, reminisce, nusa. Up there in Kitlope is where we come from, right in there. Gosh, it's been a long time since I've been there.
4123. The Gupsgolox pole was taken from Mis'kusa, which belongs to my dad, Chief Gupsgolox. It sat in Misk'usa. In 2006 we went to Sweden to pick up that pole. It is now sitting below my dad's house waiting to go back home in March when eulachon season is on. Hopefully there will be eulachons this year were it lay back to rest.
4124. When we come back from Butedale -- that was our summer home -- my dad was a fisherman, and I'd come up here and live with my grandparents, as you're kind of coming up the channel there, you could see the yellow of buttercups, the blue of the forget-me-nots as you were coming in. You don't see that any more.
4125. A river, Minette Bay, the grass was brown. When Eurocan left, as a bus driver, I started noticing that the green grass, the eel grass was coming back. I started

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noticing the seals coming in, the fish coming in. Just to witness the seal when they'd get a fish in its mouth and it would come up from the water and shake its head and just play around with that fish and throw it around.

4126. The geese, the ducks that are coming back. The eel grass starting to turn green, a beautiful green, some of our birds, I notice, are starting to come back, pigeons. We used to see that all the time and I just noticed some pigeons the other day.
4127. It was last year, I got a call from my boss, said, "Marilyn, hurry up and get those kids over here, you've got to see this". I said, "I can't". I said, "It's 50 kilometres an hour on this road, I'll get caught for sure".
4128. When the porpoises come in and the witnesses said it sounded like a big, big noise coming into our channel. Turned around close to Alcan, went back out. The killer whales come in. The flowers are now starting to come back.
4129. I so believe that everything happens for a reason. So I can teach my grandchildren, be observant, respect our lands. Even taking your garbage out of the bush is pollution, take your garbage out with you. Don't throw a piece of paper on the floor, don't throw a piece of paper on the road because that's pollution.
4130. The family crest on my blanket is the moon and the star. What I have on my blanket tells the story of the man who turned stone, T'ismista, that's up in Kitlope. I have on there the killer whale fin, it's from my grandmother's side; I have an eagle on there from my dad's side; I have a beaver on there from my mom's side.
4131. I would like to add a frog on mine. I noticed on dad's regalia that he has a frog. I asked him, "Why do you have a frog on there?" The Chief -- the Gupsgolox pole, when it was taken from Misk'usa, the base was a frog. When they cut it off, they left the frog behind. That's what's missing on my blanket, is a frog, because I never knew there was a frog on the bottom.
4132. I have a daughter and two sons, four grandchildren. My daughter, Indian name is Stauogh, from her great-grandmother with Boone, the late Violet Wilson. Her children, 11 and 13, also have an Indian name, which was from their baba'u, Dan Paul, Senior Chief Gupsgolox. My daughters -- my granddaughter, Sienna, got her name from Nanny Lorna Bolton mugee (ph) with Boone. My other granddaughter is Msaxw, which means Rainbow.

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4133. They get their traditional food from moojith (ph) with Boone, Lorna Bolton. Lorna prepares and gives them the smoked fish, smoked eulachons and they love their dried halibut and the seaweed. Her husband Jay is non-First Nations, he also loves this food.
4134. If there's ever an oil spill they will have nothing. They'll have nothing to put on their dinner plate.
4135. The last time my two children -- my two oldest children harvested any eulachons in our river right by Kitimat River bridge was in 1972. We scooped it up with fish nets and put it in an ice cream pail and brought it home and cooked it fresh. That was the very last time we ever went into the Kitimat River for eulachons.
4136. I have seen a lot of our resources depleted, some of them are coming back. I am very worried about the Northern Gateway Pipeline, how the spill would impact our territory. I don't want to accept such a risk to our territory, to our lands and to our resources, neither would my mama'u, my baba'u, Walter Wilson, and all my other mama'u's. Johnny Bolton who sits up there is my great-great grandfather. I feel them here, all of them, in here.
4137. My youngest son is not married yet so I have to think of his children, my future grandchildren. It is going to be their uncles that will teach them this, about our resources and how important it is, when I'm gone, when my parents are gone.
4138. I don't want the resources which we use to teach our children of our culture to be destroyed. I honour mama'u, baba'u, our ancestors that are gone that are counting on us to keep our lands and resources free from any oil spill.
4139. Wah. Thank you.
- (Applause/Aplaudissements)
4140. **THE CHAIRPERSON:** Thank you, Ms. Furlan.
4141. Mr. Matthews, any questions of clarification?
4142. **MEMBER MATTHEWS:** None at this time.
4143. **THE CHAIRPERSON:** Mr. Bateman?

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4144. **MEMBER BATEMAN:** No.
4145. **THE CHAIRPERSON:** Thank you very much.
4146. Ms. Griffith?
4147. **MS. GRIFFITH:** Could we just take a five-minute break, please?
4148. **THE CHAIRPERSON:** Why don't we take a bit longer break. What about if we take about a 20-minute break.
4149. **MS. GRIFFITH:** Okay.
4150. **THE CHAIRPERSON:** So we'll come back at 10 after two, if that meets everybody's needs.
4151. Thank you very much.
- Upon recessing at 1:53 p.m./L'audience est suspendue à 13h53
--- Upon resuming at 2:11 p.m. /L'audience est reprise à 14h11.
4152. **THE CHAIRPERSON:** If I could everyone to take their seats please so that we can get underway.
4153. Would everyone please take your seat so that we could get underway?
4154. If I could ask everyone to settle down so we could get underway, please. Thank you very much. If you are having a conversation and you want to continue it, could you take it outside please?
4155. Thank you very much everyone. Thank you.
4156. Ms. Griffith, I think we are ready to continue.

MARILYN FULAN: Resumed
CLIFFORD SMITH: Resumed
ROD BOLTON: Resumed
SAM ROBINSON: Resumed
HENRY AMOS: Resumed

KEN HALL: Resumed

ELLIS ROSS: Resumed

4157. **MS. GRIFFITH:** Thank you, Madam Chair.

4158. And the next witness to speak for the Haisla Nation is Henry Amos.

**--- ORAL PRESENTATION BY/REPRÉSENTATION ORALE PAR CHIEF
HENRY AMOS:**

4159. **CHIEF AMOS:** Thank you very much.

4160. Gupsalupus, (speaking in native language). Again, Gupsalupus is my Chief name, Chief of the Eagle Clan, a name that was transferred to me from my grand-father Jeff Legay (ph) and those that remember him, was a very prominent speaker, a very knowledgeable man in our language and our culture, a man who would share his wisdom on all walks of life, including stories, songs, whatever came up, he would share with anyone who would listen.

4161. That's what I remember of this name that I carry for over approximately forty years, a name that I've treasured for the same length of time because I know who it came from.

4162. Henry Amos Senior is my adopted name, English name. And I want to share with you a little bit about what I was taught by my parents. I want you to know who I am, who's speaking to you.

4163. I was taught well by my parents on how to conduct myself and hopefully I didn't disappoint them, because I -- that person I treasure use the words honesty, accountability, responsibility. And probably the strongest word that I think personally is the word "respect". Again, that's how I try to conduct myself to my people when I address them. Those words that I was taught, I was told you'll never go wrong, to be open and transparent. I'll get back to that.

4164. Those words that I suggest to you, the Panel, to reflect on when you make a decision down the road, I know it's a long way but I suggest to you to reference those words when you make a decision on this project that I've just mentioned and that's all I can ask of you, what my parents said, you'll never go wrong.

4165. All day we heard my friends here make mention of the resources that we

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use to survive, and I'm no exception. I won't go into details but I want it on record that Henry Amos Senior still does depend on the resources that is provided to me by Mother Nature, our land, our water.

4166. But I want to share with you an experience that I had as a youngster gathering -- one trip that I went with my parents and his parents and some of my siblings. The first deer that I ever sought for our food, for our use, as a youngster, I'll never forget, when my father and myself, he lead -- he lead me to where they were. And when I did manage to shoot one of them, it went down and I jumped for joy, that's how happy I was -- memories that I have. But what I didn't know is that he didn't stay down.

4167. He took off into the bush. So my dad had to follow him. He didn't go far. And that trip alone we gathered that deer, we had berries, crabs and salmon in that one trip. Regulations weren't in place yet. Regulations for how much people you can carry, the hunting licenses, those weren't in place yet. That's one trip that I'll never forget, a trip with my parents to gather food for our survival.

4168. Those are the words that my parents taught me and I want it on record that I still depend on those resources.

4169. I'd just like to say a few words on your portion of the hearing relating to your position as a Joint Review Panel.

4170. The information that I got online, a concern of mine -- I have nothing against the Panel but I'm concerned. I'm concerned about the decision making of this project; that Ms. Leggett and Mr. Bateman both work for the National Energy Board, one as a Vice-Chair and the other one as a Chair of the Regulatory Policy Committee, I believe -- correct me if I'm wrong -- and Mr. Matthews, First Nation from the Eastern Province of Ontario.

4171. When I think about it -- and this is my own personal opinion -- that I am -- we are, the Haisla are already at a disadvantage. We have no representation from the Province of British Columbia.

4172. I realize your tasks. I also know that you're an independent body, which is good in a way, but what bothers me the most is that you're appointed, I think from your information it was from the Minister of Environment and the National Energy Board. You're appointed by the Federal Government and it's the same government that is telling the world that this project should go ahead. That is my biggest concern

right now, is that we are in a disadvantage.

--- (Applause/Applaudissements)

4173. **THE CHAIRPERSON:** Chief Amos, we're here today to listen to your oral evidence that wouldn't be able to be put in writing, and the example we've been using in the Hearing Order and the information we've been publishing is that it would be traditional knowledge.

4174. So I'm hoping that your comments will be along those lines because that is what we're here to listen to today.

4175. **CHIEF AMOS:** Thank you.

4176. **THE CHAIRPERSON:** Thank you.

4177. **CHIEF AMOS:** I will continue.

4178. The project that we're concerned about, the proposed, which is referenced -- this hearing is referenced as mother of all hearing. I've heard that comment. All three phases of this project is right in the middle of Haisla territory. You have the pipeline -- proposed pipeline. You have the Kitimat Marine Terminal, and you have the tanker -- tanker traffic.

4179. I find that the valley, Woodene (ph), Mount Elizabeth, Kitimat Valley -- I seen the beauty of the areas and all forms of life. That bothers me. The migratory birds that are there; you see swan; you see geese, ducks, beaver. You heard my -- this table talk about resources for their food, but there's another part of it that -- the beauty of the creatures out there the photographers take.

4180. I can still picture in my mind the amount of damage that was done in Mexico. Exxon Valdez. I don't want that to happen in my territory.

4181. I realize other communities are going to be doing the same process, the pipeline that will be criss-crossing the rivers. To me, Kitimat River is probably another one of my concerns.

4182. I hear some First Nations agree with the project, but some of them they won't be impacted. None of the pipelines will reach their territory. I understand that. What I don't understand is individuals and organizations that agree with this project

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that could hugely impact, and I'm referring to Kitimat River.

4183. If a spill occurs on top of the intake for City of Kitimat water system, what's going to happen? And these people -- organizations -- don't take that into consideration. And once it gets down to the mouth of the Kitimat River, there's nowhere else for it to go but through the channel. And I know how fast, how swift the tides can go in and out.
4184. The response time, we're lucky today that the weather -- I don't think you'll find a milder weather in January, but I've seen winter elements. I've seen heavy snowfall. I'll give you a good example, one I can think of, probably in the early '70's. I worked from eleven thirty to seven thirty. I left at probably ten thirty and I was out of there by seven thirty.
4185. The snow that had packed in those eight hours, eight and a half hours, when I parked my car at the parking lot, you didn't know whose car was there. There was so much snow it covered the whole parking lot. All you seen was a form of vehicles.
4186. The winter elements in our territory is a big concern. Freezing rain, there's times you won't be able to move, and that's on regular highways. If a spill occurs along the pipeline, how do they expect to reach if you can't even drive on a regular highway because of winter conditions. How do they expect to get to that point where there's a spill? I can't understand that.
4187. We always hear about: "Aw, we'll clean it up."
4188. The pipeline that I'm referring to, the proposed twin pipeline from Alberta to Kitimat, what you mentioned to is 1170 kilometres in length, I worked probably 40 years in the industry, 32 as a welder. I see a lot of incidences. I see a lot of accidents. I've repaired a lot of components, machinery, equipment and some of them, incidents, accidents, were due to human error but I do know how this pipeline that's supposed to be coming through, the twin pipeline, in a rugged terrain with B.C. -- this isn't Alberta, this isn't the Prairies where you can see for miles.
4189. I just heard that, along the route, there's going to be two mountains that has to be drilled because the terrain is so rugged.
4190. You know, the Kitimat Marine Terminal, from what I understand, there'll be -- excuse me -- the Kitimat Marine Terminal, I believe, there's going to be 14

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storage tanks. How big in volume? I don't know. Three were supposed to be for condensing and 11 for -- for oil and two tanker berths. It's probably where they're going to load them.

4191. And like everything else, Kitimat Marine Terminal is a concern of mine. As I've stated, I've seen accidents. I've seen incidences. If I knew the volume of one of them ...

4192. I just can't imagine the devastation that will happen in and around my community, the waterways, the tanker route. Approximately 200 supertankers, not just regular ships like what we have out here; twice as big as the ships that are coming in and out currently.

4193. They all talk about safety. You could be safe as you can. A good example is Queen of the North that just ran aground just down the channel and fortunate to have the community of Gitga'at there to help them. Human error. And that's a small-scale ship compared to the supertankers that are proposed to come in and out of Douglas Channel. Big concern.

4194. I've been part of our elected council, my third term now, and what I've seen is a big improvement on how we want to protect our environment. We're not dead set against employment. I've heard individuals: "Oh, we'll get jobs." My community has to fight tooth and nail to get any employment.

4195. I just heard there'll be 400 jobs along the pipeline route, another 1,000 jobs across Canada but I think the bottom line is, once this project -- depending on which way it goes -- will have 50 permanent jobs and, from our experience, we're lucky to get jobs for our people.

4196. But I want to make it perfectly clear those jobs, whatever comes with the project, no matter how much money that is put in front of me, I will never -- I will always go against a project that I know can wipe out our whole resource.

--- (Applause/Applaudissements)

4197. **CHIEF AMOS:** As I said, we'd love to have industries come in providing they don't affect our environment.

4198. I stated earlier about how council has improved, Kitamaat Village Haisla Nation Council is improving and that's including our Aboriginal Rights and Title case

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law. Hiring the right lawyers, the right consultants is what I see is the strongpoint for elected council and I think and I know the bottom line for us is to protect what our people want. I'd rather not have this project in our territory. Thank you.

--- (Applause/Applaudissements)

4199. **THE CHAIRPERSON:** If I could have everyone take their seats, please?

--- (Applause/Applaudissements)

4200. **THE CHAIRPERSON:** Thank you, everyone, for taking your seats.

4201. It's not helpful to the Panel when the oral evidence is continually being interrupted and we would ask people if you could refrain until the individual witnesses have presented their oral evidence to make any commentary.

4202. The Panel is here to hear from the witnesses who have registered with the Panel and that is the purpose of our community hearings at this point, and we would ask everyone to respect that.

4203. Thank you.

4204. Mr. Matthews, did you have any questions of clarification.

4205. **MEMBER MATTHEWS:** No, I don't have any comment.

4206. **THE CHAIRPERSON:** Mr. Bateman?

4207. **MEMBER BATEMAN:** I have no questions.

4208. **THE CHAIRPERSON:** Thanks very much, Mr. Amos. The Panel has no questions of clarification.

4209. Ms. Griffith?

4210. **MS. GRIFFITH:** Thank you, Madam Chair.

4211. And now for the seventh and last witness, on behalf of the Haisla Nation, we have Chief Councillor Ellis Ross.

--- ORAL PRESENTATION BY/PRÉSENTATION ORALE PAR CHIEF ELLIS ROSS:

4212. **CHIEF ROSS:** Thank you, Madam Chair. Thank you to the Panel. Thanks for coming to our territory today for this first hearing, for this very historic event.
4213. My name is Ellis Ross. I'm the recently elected Chief Councillor of the Haisla Nation Council back in July of this year.
4214. I have been on council since 2003 as a full-time councillor and I have held a number of different portfolios, including finance, community development, but I have always stuck close to the files that had economic development at its core and, more importantly, aboriginal rights and title at its core.
4215. As a Chief Councillor now, I now sit on basically every portfolio that is under council. So I am responsible for more than just this Enbridge project and there is more happening than just Enbridge.
4216. There is a lot of natural gas industries that wants to come here. There's a lot of forestry companies that want to come here. All of the spinoffs that are coming from the KM LNG project that want to come here, we've also got to deal with those.
4217. We are dealing with land issues, treaty issues. We're dealing with -- this is not -- this is one of the priorities, but it's not just one -- it's not one of the main projects that we have to deal with. We have like 10 main projects we have to deal with.
4218. So I really appreciate the fact that you guys came this far to listen to what our concerns about this project are.
4219. As a Haisla person, I'm born and raised in Kitamaat. I've only spent maybe one or two years at most outside that and that was only to search for employment elsewhere and search for training.
4220. And both my parents are -- lived in Kitamaat their whole lives off and on in Butedale and other fishing villages. They continue to reside in Kitamaat Village. My dad's name, hereditary title is Haanatlenok (ph). That is a very important name to remember. We submitted it as evidence, but basically that is the founder of

Kitamaat.

4221. So thousands of years ago, that name was -- he gave it to himself and it means archer and passed down through the generations, it finally came to my dad. That has a relevance to something I want to talk to you about later on.
4222. Throughout my experience since starting in 2003, I focused on aboriginal rights and title. I read the court cases. I read the summaries. I read *Mikisew Cree*. I read *Haida 1* and *Haida 2*. I've read just about every -- I've read *Gladstone*, *Sparrow*. A lot of that legalese I couldn't understand, so I bought a dictionary.
4223. That's how important I think Aboriginal rights and title are to our communities, not just our community, all the First Nation communities, an understanding of what case law means, because it's basically Canadian courts and provincial courts that actually rule on how the honour of the Crown has to be dealt with in terms -- in looking at projects like this.
4224. So I am here to talk about basically our history and our traditional knowledge and my personal experience. I think it is really important for you to hear because right now, we are making history and you are part of our history. Regardless of what happens here in the next 10 years, I'm going to recount to my grandkids what happened here today and the results.
4225. It will become traditional knowledge because, quite frankly, I don't have traditional knowledge in the same manner as Sammy Robinson does or in the same manner as Henry Amos. I was too young to go up the Kitimat River before the eulachon was wiped out. I missed out in that teaching.
4226. Hundreds of thousands of tonnes of eulachons annually, these are the stories that are passed down to me now. It's not about this is where you go to fish; this is where your fishing camp is. It's about this is where it used to be. This is what we used to do. That is my traditional knowledge that has been passed down to me.
4227. And if not that traditional knowledge; it's reviewing all the assertion letters that council has sent out in the last 40 years in trying to determine what the Haisla Nation goal was.
4228. And it all had a common theme: protect the environment; bring back the environment. It always had that.
4229. But in terms of the Kitimat River and the eulachon run, Henry and Sammy

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and Rod got to go up the Kitimat River and witness that and they also got the teachings, hands-on teaching on how to do things. Don't disrupt the environment. Don't spill any kerosene or gasoline into the river. Don't litter in the river. Respect not only the eulachon and the river itself, respect your neighbours because once you are done with a fishing spot, you are going to process your eulachon and somebody else is going to move into that spot. So leave it the way you got it.

4230. So as I was telling you, I missed out on all that, and it's a crime. It's an absolute crime.
4231. The last story I got from the Kitimat River was my dad with Ray Green Sr. going up there after everybody else gave up on the Kitimat River. They tried to harvest eulachon so they could boil it into eulachon grease, but the end product smelled like effluent coming from the Eurocan Mill, so they thought it was just a product of the water itself. So they went inland a few hundred yards and dug a hole and tried to get the groundwater out of that and try to see if they could boil the eulachons using that. The result was the same.
4232. That is my traditional knowledge. After that, there was no point because a run that estimated to be in the hundreds of thousands of tonnes annually got reduced to maybe 50 individual eulachons per year. And I know that because we're trying to struggle every year to find eulachon so we can test them for taint. If that's not a signal to Kitamaat, if not B.C. and not to Canada, something's wrong. I don't know what that is.
4233. If that was a commercially viable product, the whole country would have been up in arms demanding some sort of report and accountability from DFO. Nothing. We got nothing. Nobody came to our aid.
4234. So my traditional knowledge is basically trying to listen to these stories from past council members and elders and make sure that doesn't happen again.
4235. At the very least, I'd love to try to bring it back.
4236. So I told you about Haanatlenok (ph), the founder of Kitamaat. So he comes to this territory because nobody else would come here. Everybody else is terrified to come to this territory. Why? Because there's a monster living at the head of the Kitimat River. Everybody knows it so everybody clears away from here, steers away.

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4237. Well, Wamis (ph) and his hunting party are the only ones brave enough to come here and check it out and they find out it's not a monster. It's thousands upon thousands of seagulls all rising in unison every time an eulachon run goes up the river and then landing again to feed on the eulachon. That's what everybody thought was a monster.

4238. I can't imagine that. If there's thousands upon thousands of seagulls doing that at a distance of maybe greater than seven miles viewing it, imagine how much eulachon was in the river that those seagulls are feeding on.

4239. That is my traditional knowledge. That is a shame. So the comments you hear now, "Noosa", (ph), Nuyem, they all come from basically practical experience that was handed down from generation to generation to generation, all the way back to Haanatlenok, the guy that founded Kitamaat.

4240. Now, who am I supposed to look to because that line was broken? Who am I supposed to look to? Who am I supposed to blame? I can't very well blame my elders. I blame people that signed those permits and authorized those certificates. That's who I blame. I blame anybody that claimed to be managing that on behalf of Canada or B.C., but all the while bending to corporate interests.

4241. The personal experience I have with the Kitimat River in 2003-2004 was going down to Vancouver to meet with the Minister of Environment. So we were trying to save what was left of the Kitimat River, we were trying to save what was left of the eulachons.

4242. So the pulp and paper mill couldn't reach its intended targets in terms of effluent dumping and emissions so what was the provincial government's solution; let's amend the permit, let's make it larger so they can reach their targets. They didn't say anything about making the company reach those targets, fulfill its obligations, they just said let's make the permit bigger.

4243. Well, we told the provincial government "If that happens, if you do that against our wishes we're going to court". The Minister at the time had the gall to put it back to us and say, "Okay, the company has already said that if they're forced to abide by these permit conditions they most likely will have to close down. How will Haisla feel when you guys are the ones to blame for this pulp mill shutting down, how will you explain that to your people that working inside Eurocan".

4244. And we said "Go ahead and do it, I'm pretty sure for the six people out of

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500 working in Eurocan mill we can find other opportunities for them". Six people, and you look at every industry in Haisla territory over the years it was always started by Haisla people but they were slowly squeezed out for one reason or another.

4245. And it's all based on promises that we'll come in, we'll give you employment, we won't affect the environment, we'll listen to your wishes. Basically saying whatever they could to get their project approved and then guess what, less than 10 years later we find out that it was all a lie; they just said what they could just to get that permit, their certificate, whatever it was.

4246. So I was born in 1965 and by the time I was old enough to start joining the fishing party to go up the Kitimat River by 1975 it was starting to decline. It didn't take long; it didn't take long at all. Salmon weren't far behind it. There's a reason why that state-of-the-art hatchery was built right beside the Kitimat River not long after. There's a reason for just about everything that happened to Haisla in the last 60 years and it's all directly linked to industrial development.

4247. So instead of getting taught how to fish for eulachons, how to process eulachons, how to boil for eulachons, how to collect the right wood for burning for the eulachon pot, how to skim the grease, how to bottle it, no, I'm taught how the government issued permits that took it all away.

4248. And guess what, I'm going to have to pass on what I do here as traditional knowledge to my kids and my grandkids because I've witnessed the Kildalo River do the same exact thing, the Kildalo River was not even a fifth the size of the Kitimat River and that's where I went to harvest eulachons and the year that that disappeared, in the mid eighties, I wanted to cry thinking about what my parents went through and what my grandparents went through, thinking they lost hundreds of thousands of tons of eulachons in the Kitimat River and here I was maybe losing just maybe a couple hundred tons.

4249. The scale of it all is just astounding and that's just one example of the traditional knowledge that is now becoming part of our history.

4250. In relaying that story to you I really think that Henry Amos' comments about the federal government's intervention in this is entirely appropriate because quite frankly he's worried about this process now. It's the traditional knowledge where we have on government intervention like that that actually makes Haisla very wary of these types of processes.

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4251. We see it all across Canada; people don't trust environmental assessments because they can't see the disconnect between the governments that mandate them and the actual bodies that implement.
4252. So in this instance with all the comments coming from the federal government and the ministers I think Henry was right on, he was right on the money because we've seen this example over and over and over in the past 60 years.
4253. The other component of Aboriginal rights and title is the consultation accommodation exercise that we go through. Haisla Nation council and to a secondary point the Haisla people in general are well aware of environmental assessments but we're more acquainted with the B.C. assessment process than a federal process.
4254. It was there where we learned that technical expertise is absolutely crucial; technical, financial, environmental, it's not just a question of traditional knowledge. It's a fine line between environmental issues and Aboriginal rights and title; they're connected, they're absolutely connected at the hip.
4255. You cannot talk about a resource like salmon or herring or eulachon without looking at some sort of a scientific study to back you up because nobody really puts emphasis on traditional knowledge. If they did we wouldn't be where we are right now, we'd still have eulachon stocks.
4256. So my traditional knowledge is basically anything to do seven miles down channel; that's where my traditional knowledge starts. That's where I go to crab fish, harvest salmon, harvest seals, cucumbers, cockles -- well cockles and clams are more like 10 to 12 miles down channel. Any of you think of that's connected to the marine resource that's where my traditional knowledge started, that's where my teachings began.
4257. Why, because the Douglas harbour here is so polluted, confirmed by scientific reports, nobody here eats the crabs out of Douglas -- the harbour here. It was actually sent out in the flyer to community members, over 10-15 years ago, not to eat the crabs out of the harbour
4258. Then they changed that later on, not long after, say, okay, you can eat the crabs but don't eat the guts because that's where their contamination is. For the non-First Nations eating the guts out of the crab is the best part out of eating a crab.

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4259. The same goes for seals, there's a tremendous amount of seals there on (inaudible) Bay on the road coming in to the village, tremendous amount. You could feed your family for a year in that stuff but you can't eat it because you can smell the effluent inside them.
4260. So anything you harvest has got to be away from the effluent, it's has to be away from it, and the same goes for a seal as what I said about a crab; you eat the skin, the fat, the meat, the marrow, the lungs, the liver, the heart, the flippers, and the delicacy, the intestines.
4261. So you can't just think about a resource like a salmon or a seal or an eulachon and just think that just at face value that's what the Haisla are after because, you know, they take the best parts, no they don't; we were taught to utilize as much of the resources we could at every part of the year.
4262. Even after the spawn is done, for a salmon for instance, perhaps a coho, that's dead -- long dead in November, if you chop through the ice and you dig a coho out of the riverbed it makes good soup. You'll have to take my word for it because I've never tried it but the Elders tell me it's a delicacy and I just can't -- maybe some day I'll try it but...
4263. So that's what I'm really talking about when I talk about Aboriginal rights and title, I'm talking about they go out and harvest the resource like that and feed my family and friends. I'm talking about the ability to make decisions on land use.
4264. That's the entire reason for case law in the first place, to ensure that Aboriginals had a say. No longer do they get steamrolled, you have to listen. And it can't be a situation where you just listen to them spew off and vent some steam and just go do whatever it was you planned to do in the first place; it has to be meaningful.
4265. So basically everything that you heard tonight was a pretty sad story on what happened to our resources from people who experienced it firsthand. I didn't get to experience that, I can only imagine. That's the best I could do, I can only imagine. Imagine what my stories are going to be like when I have to recount how there are no more kelp beds lining our beaches here. No more kelp beds.
4266. I've never seen kelp beds in our territory, I've seen it down in the channel, but I've never seen them here, so how do I recount that story to my kids? I can't even begin to explain how thick it was, where it was, I can't begin to explain to them where

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my Elders used to go down and collect shellfish right off our front beach here. I can't do it. It will just be basically second-hand information based on what my Elders tell me, my parents tell me.

4267. Apart from what I do for Council, I had a previous life. I was basically born on the water, literally. I live -- my parents have a house down on the waterfront there down by the -- our little dock down there. And as soon as I was old enough to pack a five-gallon gas tank, I was old enough to go check the net. I was old enough to go hunting and get taught.

4268. So my teachings were a blend of how to live on the water, how to live in the bush, how to respect animals, how to respect the water. That translated just -- into about just about everything I did after that.

4269. I worked for the Department of Fisheries for about three years in the late eighties, walking streams and helping with enforcement. I also did a accrual census for the Department of Fisheries.

4270. I started up a business, hand logging and log salvage with my brothers through the nineties -- part of the eighties, part of the nineties. I also did some hand logging with a local hand logger here -- out of Kitimat here for a few years, and I also spent the better part of 10 years being the pilot of a charter boat that basically covered off almost every square inch and including beyond Haisla territory, all the way out to Surf Inlet outside of our territory to Kitlope and all the other areas in between.

4271. I got a firsthand look at every inch of our territory. The sites were amazing. The amount of killer whales that are out there and sea elephants and sea lions and you name it; it's out there and I just can't understand why those sights aren't right outside my front doorstep any more.

4272. The Elders tell us about how the whales used to come into the harbour here, and for the kids to have to listen to that, imagine that, I gotta confirm it that yes, I've seen that. I've seen it out in Wright Sound, I've seen it on the Surf Inlet. I've seen these areas where you can just walk along a beach or dig down and you'll find clam beds. It's amazing. So I had that context to imagine what Douglas -- the harbour here looked like.

4273. In that past experience I also had about four different incidents on spill response. Working for Department of Fisheries, a Coho creek that crossed underneath Kitimat Highway from Kitimat to Terrace, an excavator that was put

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down there to deepen the pool so fish could jump into a culvert, the excavator tipped over, dumped all its diesel into this little creek. This little creek's no wider than eight feet, and you could walk in it with gumboots, it doesn't even go past your knee. It doesn't -- barely goes out over your ankle.

4274. So I was called in because I was basically low man on the totem pole at the Department of Fisheries office to go there and help place absorbent booms and absorbent pads. This is late eighties. Nobody cares about spill response, nobody -- it wasn't a big issue, not like today, but it was a big issue for DFO because it was in a salmon-bearing creek.

4275. So I went there, and you know what, the only words I can describe what I thought about myself after that is basically useless, helpless, because it didn't matter what I did. In a creek that small, that accessible, literally, just walk off the highway, there's nothing I could do to stop that diesel from going further and further down that creek.

4276. So I just basically just stood around. If I saw a drop of diesel pop out, I'd throw an absorbent pad on it, but it was a bit of a joke. It was -- I was just basically biding my time until 4 o'clock came around because there's nothing you can do. There's nothing I could do then.

4277. Interesting note, they brought down a bulldozer to upright the excavator. The bulldozer tipped over, too.

4278. At that point, I went back to creek walking. I never -- I never dealt with that again, it was too silly.

4279. The other incident I had was when I was working for a charter boat company out of Kitimat, District of Kitimat. And a tugboat down at our dock here sunk, dumping all its diesel into the water. Well, we were called in because we were the representative Berrard (ph) Spill for our region.

4280. Optimal conditions; the water's calm, you're working off the dock, you got every gear that you can think of, you can pack it down. We still couldn't pick that diesel up. In fact, most of it got under the dock and it took a year for it to all leech out, but we spent a couple days down there trying to do what we could, basically mopping it up.

4281. When we were done with the absorbent pads and booms, the first thing we

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found out is that, actually, nobody wanted to deal with that product. Our company had an agreement with the pulp and paper mill to burn the product in their furnace, natural gas furnace, so the higher-ups agreed to it, but when we got to the door, their workers refused us. So we were stuck outside the pulp and paper mill with these bags and bags of booms and absorbent pads.

4282. So they came down with a condition. You guys can burn it in our furnace, but you guys have got to pack it up there yourselves.

4283. So covered in diesel, soaking wet, stink, and nobody wanted to come near us, we had to do it ourselves. Nobody would touch that.

4284. The last two incidents I had was at a pulp and paper settlement pond. Technically, those -- the DFO and government officials said that after the water came out of the settlement pond that water was fit to drink, but when a glass of water was produced for them to drink it, that came out of the effluent pond, they wouldn't drink it because it's brown, it stink. But they said it was okay. Now we know better.

4285. But they wouldn't accept traditional knowledge to say the eulachon was tainted with this, or the fish or the trout; they had to have scientific evidence.

4286. So when somebody in the effluent mill opened up the wrong valve then dumped too much black liquor into the settlement pond, again our company was called in down there. Settlement pond is basically a big swimming pool, 50 feet by 100 feet, so all you're doing is walking around this pool. Again, even better than optimal conditions, you're trying to pick up this black liquor. Again, we couldn't do it.

4287. We're not talking about rough water here. And again, it was a stink, dirty job. It was one of the ugliest jobs I ever had. I was quite glad that whoever was opening those valves stopped opening them because they did it twice.

4288. So when we're talking about projects like this I'm fully aware of what can go wrong and for the most part it always boils down to human error. It doesn't seem to matter how idiot proof you can make something because they just keep building better idiots.

4289. I think the one topic that we missed here in terms of impacts is the amount of heat coming out of these projects. You heard testimony from some of our Elders to say that life is coming back. I'm absolutely grateful that there not dumping

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chemicals into the Kitimat River anymore, 100 percent grateful, but I'm also grateful that they are not dumping heated water into that river anymore.

4290. I think highering the temperature of the water in the river and the channel itself has got a lot to do with why shell fish aren't in our area anymore, or kelp beds. I think it's a big reason why herring don't come back in big numbers, which last year we did have a big herring return. I also think that's why whales don't come back. But whales are coming back.

4291. Last summer around midnight during the summer I could hear a whale. Now, I spent a better part of 10 years getting close to whales on my charter boat job, so I understood how to get close to humpbacks and great whales and killer whales. Well, midnight I hear this whale and it's right outside the soccer field, so my wife's house is right down the soccer field, it's waterfront, but I can hear this whale, and I can't understand why it's so close, something's got to be wrong.

4292. So I walk down there with my daughter, my youngest daughter, and I try to flash a light down there, and quickly figured out it's not in trouble, it's sleeping. It's resting right outside our soccer field.

4293. You can't imagine what that means to a First Nation's that's watched his territory get destroyed over 60 years. You can't imagine the feeling. Then to see a herring run return. And not based on anything we'd done. There's nothing that the federal government did that brought that back. There's nothing that we did as a First Nations that brought that back. It was just a simple exercise of closing an effluent mill that was dumping a product that shouldn't have been dumped in the first place.

4294. And how did they get there? Well they promised that there'd be lots of jobs. Well that didn't work out too well. They promised there'd be no negative impact on the environment. That worked out worse than the jobs promise did. It's a cliché to make promises and then break it to First Nations but in our territory it happened over and over and over again.

4295. Forestry activity, unchecked. Well it produces slides into the river which then changes the course of the river, provides sediment that blocks up spawning channels, and all with promises of jobs and that we won't affect the environment. Well 40, 50 years later of unchecked forestry the Kitimat River is a good example of what to do -- what happens when forestry activities go unchecked.

4296. So we have 19 reserves in our territory -- 19 reserves. Some of those

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reserves are characterized back in the day as useless and worthless, so yeah, go ahead and give it to them. Well one of those reserves is on the Kitimat River. It's Indian Reserve #1. And it's one of our biggest reserves. We only got three big reserves, what we call big reserves.

4297. If you went into the interior of B.C. you'd call these postage stamps. So R#2 being here is one of our biggest reserves. R#5 up by the head of Mitibiz (ph) is a fairly big reserve. And then R#1, the sight of our old fishing village up the Kitimat River for eulachons is R#1, that was one of our bigger reserves.

4298. It was made a reserve because that was where our people fished for eulachons. That's where the camp was. That's where our potato farm was. Well the Kitimat River over the years has been diked so many times that the river has changed its course. Now R#1 is cut in half because of the river changing its course. And the spawning bed where the eulachons used to spawn, where our people used to fish, it's now just a dry rock bank. It's all it is. There's no spawn -- there's no such thing as spawning ground for eulachons there anymore.

4299. Because somebody issued a permit without considering Haisla Nations' interests or concerns diking was allowed to happen.

4300. It's even gotten to the point now where Haisla Nation Council considered hiring a hydrologist to try to pin-point exactly where the damage is coming from in terms of diking. But that costs money.

4301. So all of these impacts -- and that's not all of them, there's more, there's lots more, there's lots more impacts, but I think I've given you a good idea of why Haisla people think the way they think and why they behave the way they behave and why they don't trust anybody. When you look at that, how many Haisla people were affected by these decisions and permits? Absolutely every generation in the past 60, including the ones yet to come, that's how many people.

4302. Why? Because not all 1,600 band members go out there and harvest fish. Not all 1,600 band members go out there and harvest crabs. Certain members go out and feed their family and friends. Twenty (20) crabs can feed three families. Fifty (50) salmon can produce 10 cases of salmon and that gets shipped all over B.C. to friends and family all across B.C.

4303. Half dried is only preserved for the sake of making sure that other Haisla members get a taste of it. And there are a lot of members here that still use it as their

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main source of sustenance. So how many people get affected by these types of projects? Absolutely everyone one of them -- every one of them.

4304. And it's not just the physical impact; it's a mental one as well. It's one of pride, dignity. Can't say how much I really thank the Niska people for providing my people with eulachons, but just for the simple fact that they have to do it, that they're risking their own stock so that my people can get a taste of eulachons, when we used to have the highest producing eulachon rivers in the northwest, I don't think that's right. And there's a little bit of shame in me when I've got to deal with people that either I ask for or they offer eulachons for my people.

4305. Two years ago when we first got one of our shipments from Niska we actually rendered it into grease and we put them into little court jars. Historically our eulachon camps used to come out with barrels upon barrels of eulachon oil to sustain them through the winter; so putting them into little quart jars and then having our people line up so that everybody can a little bit of taste of eulachon oil is demeaning.

4306. You got to swallow your pride and, quite frankly, a little quart jar of eulachon grease can get used up in one meal for your family whereas, before, we used to have eulachon grease there that could sustain a family for an entire year. So it affects you mentally.

4307. How much of our territory would be impacted by some of these projects? Well, it depends. In terms of the Douglas Channel, in case of a crude oil spill, depending on where it is and what the tide is doing, what the prevailing winds are doing, you can't really tell where that oil is going to go.

4308. And even if it's just at the terminal, you can't say that that oil is not going to go up the river. Tidal currents carry saltwater up rivers, it's confirmed. That's why the Department of Fisheries has boundaries at the mouth of rivers. Kitimat River, for instance, you can go up by speedboat to harvest logs there when the tide is going in because the tide will carry you in.

4309. So if you can't stop a crude oil spill from hitting a rock -- a rock embankment, how are you going to stop it from going up the Kitimat River or Bish Creek or Emsley Cove or Wathdo (ph), our own Wath (ph) Creek right here? How do you do it?

4310. So I don't think we really want to answer that question about how much of Haisla territory would get impacted, we don't want to see that at all. It's not worth it

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to see it. This shouldn't be a testing ground. We already know what environmental degradation does, we know what the impacts are, do we need a new one for a case study? The Haisla just don't want to see that.

4311. So I've been asked over the last couple of days here what this means for Haisla in terms of jobs. Like, my priority is jobs for my people, it is a priority but it's not the top priority.

4312. Every public meeting I've been at, ever since 2003, everybody always said: "Make sure the environment is protected first". And up to two years ago, our employment -- unemployment rate was always hovering from 55 to 60 percent. So my heart doesn't bleed for the federal standard when they talk about 7 percent or 8 percent unemployment when, historically, I've got to try to deal with 55 to 60 percent unemployment, knowing that our people are getting squeezed out of all the jobs that are surrounding them.

4313. More than once I've been in that unemployment line, looking for Welfare, looking for UIC, looking for stamps for UIC, looking for money under the table, looking for some way to keep the money going.

4314. But in terms of jobs, overall, the amount of people working right now, even with the modernization project going ahead and getting approval and the K LNG project getting us word that they might give notice to proceed in the spring of next year -- this year, we still have approximately 300 people that are still looking for jobs; 300 Haisla people still looking for jobs.

4315. Contrary to popular belief, just because we sign an Impact Benefits Agreement with something with the natural gas project or somebody like RT Alcan, it doesn't mean we're guaranteed jobs; we still got to fight to get those jobs.

4316. We get hung up on details, we get hung up on qualifications or we haven't done the Notice to Proceed or we haven't done the final investment decision yet, or no, this is a union job or -- we get all the reasons thrown at us why our people can't work.

4317. So when my people complain to me that they're not working and asking why I don't approve the next project coming down the pike, it's because I've got to answer the environmental question fully and foremost first; that's what I got to do. I got to protect what we have in Haisla territory; I owe it to the generations 50, 100, 150 years down the line; I got to do my job.

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4318. It's mandated to me by my community and I think, more importantly, it's mandated by Nuyem and it's mandated by Nusa, the teachings. It's built into us. Something as simple as spitting in a graveyard is not allowed, you're not allowed to pick berries in a graveyard; that's how deep our laws go. And if there's a potential for environment degradation, don't do it. That's something that non-Haisla culture hasn't absorbed yet.
4319. So on top of all this experience we have, what can we expect? Well, we can expect that all those people that had jobs during a project in the golden years, once that dries up, they'll leave. They'll look for better, greener pastures. They'll go to Fort McMurray, they'll go to Vancouver, they'll go elsewhere. They'll just pack up and leave.
4320. Haisla don't have that option, we have to stay here. It's more than just a matter of choice, it's an obligation.
4321. So when the environmental mess is made and left, the history has shown us already that the ones to stick around and clean it up and try and make something out of it will be the Haisla. And by hook or by crook, through the federal government or provincial government, we know it'll be a hard fight to get some help from all levels of government, from all the corporations.
4322. And you want to know the terms "passing the buck", I think that term was invented in Haisla territory because nobody sticks around to take responsibility for environmental degradation.
4323. So that's what the Haisla have learned over the past 50 or 60 years. That's our new history. That's our new traditional knowledge.
4324. So I listened to what my colleagues here had to say tonight, including my counterpart here in council here, Henry Amos, and, in bits and pieces, you heard their fear of a crude oil spill and the damage it'll do based on their experience of other industrial developments and based on what they've seen in the Gulf of Mexico, based on what they see in Kalamazoo, based on Prince William Sound. That fear is warranted and I think it's justified.
4325. With that being said, the Haisla still consented to participate in this review knowing that the facts are already out there and, quite frankly, those facts are still being formed in areas like San Francisco Bay, Gulf of Mexico, Prince William

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Sound. And that's why they've spoken to how this project is unacceptable under any terms. I can understand why they're saying that.

4326. But the process you guys have put together here is a process that Haisla District Council will continue to participate in. We don't believe it's an adequate process to address our rights and title. We don't believe it's an adequate process. And we did ask for consultation from the federal government, but they refused us. They want to wait until you guys reach your decision in 2013.

4327. At that point, we'll make -- we'll have to make another decision as a community on what to do at that point.

4328. I thought about what I was going to say about this next point, but given what's happened in the last few days here, I thought about revising it. If there's one consistency in the last 60 years, one consistent process or initiative, it's that the Haisla have had to try fight for protection of their environment alone from day one. And we've had to find creative ways to try fund that fight, whether it be the Kitlope fight or the pulp and paper fight. We had no political support from anybody else. But I think that's starting to change.

4329. I was actually pleasantly surprised to find out that there's environmental groups, or at least specific groups set up in the District of Kitimat there that actually see the risks with a crude oil project in our territory and that they're gaining the courage to speak up.

4330. So Haisla being alone in protecting Haisla territory, I -- hopefully, within a couple of years, we can no longer say that. Hopefully, we have partners in the District of Kitimat that can help us because we're basically all neighbours here. We're all living in the same area. And I think a lot of people in the District of Kitimat want to keep the Kitimat as a home base for themselves.

4331. A lot of this, by the way, you can review it in my Affidavits that I submitted. I would have loved to submit my own personal experience in my Affidavits, but we felt it was my responsibility as Chief Councillor to swear to all the assertions that have been made in the past 40, 50 years, to swear that in as an Affidavit first, and that was before rights and title case law was established.

4332. So we didn't need rights and title case law to try to protect our environment and formal correspondence to the federal and provincial governments. We didn't need it. We were doing it long before rights and title came about.

4333. If the picture I painted was a pretty depressing, gloomy picture, it's because you can't really whitewash what happened to the Haisla in the last 60 years. There's no positive spin you can put on it. Every impact affected Haisla first, it affected them deeply and still continues to affect them today. You can't hide it.
4334. Try to be positive and think if things are going to change in terms of processes and listening to the Haisla people and, at times, it's hard to keep that positive attitude going. But with that said, I'm of the opinion that we're going to have to add some new traditional laws to our nuyem because case law basically says that Aboriginal rights and title and the First Nation communities can't be static.
4335. You can't characterize First Nations as being frozen in time. You can't say, "Why is that First Nation community not living the same way they did 100 years ago?" First Nations, to survive, have to evolve.
4336. So internally, as a community, based on what we've done in the past 60 years, I think that the teachings and the Nuyem has got to be revised to include remediation of the environment. We focus a lot on protecting, but now I see that, lately, we've been putting a lot of effort into trying to bring back the environment. And that's a component, I think, is needed in today's age.
4337. The last settlement agreement we had with the Eurocan mill was not about money. We didn't want money. We wanted measures for the pulp and paper mill to implement to stop them dump -- to stop them from dumping so much effluent into our river. And if they couldn't implement those measures, then we wanted a penalty in place in terms of compensation to the Haisla. But we really didn't want compensation. We wanted them to take money and invest it in their outdated machinery to stop polluting our environment.
4338. That didn't work. At the end of it, it seemed like they were -- the cost to upgrade the mill was more expensive than the compensation cost, so they just gave us compensation, so it backfired on the Haisla.
4339. But in that agreement, there was a clause in there for rehabilitation of the Kitimat River, and we made them commit seed money in the amount of \$150,000 to rehabilitating the Kitimat River. A hundred and fifty thousand dollars (\$150,000) can get spent in a day on one consultant, but it was the principle we were after.
4340. We were hoping other corporations would have jumped on board and

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other levels of government jumped on board and said: “Yeah, that’s a really good idea.” That plan went nowhere because nobody’s really interested -- until this year.

4341. The KM LNG project has to compensate for loss of habitat out at our Reserve out on Beese Reserve No. 6. They’ve asked if they could transplant the loss of habitat over to the Kitimat River to help rebuild the Kitimat River. We were ecstatic when we heard that. That’s a really good idea. That’s a really good idea. But it takes an American company, based out of Houston, to come up with the idea.

4342. So remediation in all its forms for what happened to Haisla territory the last 60 years, we’re hoping that we start to make that a priority as well. Just as much as these projects are coming in and talking about impact to the environment, get them to commit to help us rehabilitate the territory at the same time. It only adds value to all the people living in the Kitimat Valley, not just the Haisla.

4343. That’s a wish for the future based on our traditional knowledge of industrial development.

4344. We’d also like to see a commitment to cleaner industries. We’re glad that RTA actually committed to cleaning up all its emissions after all these years and actually committing to stop dumping all those emissions into our territory. They’ve still got some ways to go but the investment to modernize that plant is going to cut the emissions that are being dumped into our territory drastically. That’s the kind of mindset these corporations have got to have.

4345. This mindset that we have of chasing the almighty dollar and promising whatever we can just to get that certificate or permit has got to change. It has to change. What we’re talking about here as an example of what happened to Haisla territory is going to affect everybody in this planet. We’re connected, not just to the deer, we’re connected to all -- each and every citizen on this planet. It’s being proven every day because this world is getting smaller and more and more human beings are being born.

4346. Everything can’t just be for economic development. It can’t be just for that, there’s got to be a balance.

4347. You only need to look in the news to see examples: garbage washing up from Japan is washing up on the west coast of Vancouver Island now and they’re anticipating more. Where did you think it was going to go? It’s not going to dissolve.

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4348. The thinking of the First Nations Indians over the past Lord knows how many generations ago, it goes back thousands of years, is where we should be thinking about when we talk about environmental assessment about these projects.
4349. Embrace scientific reports. Embrace traditional knowledge because, sooner or later, it's going to come back and it's going to affect you as well; if not you, it's going to affect your kids. Haisla and non-Haisla alike. Aboriginals and non-Aboriginals alike.
4350. So when I'm asked to weigh the benefit versus the cost of a crude-oil terminal in our territory, I try to view it from every angle. I try to do it with an open mind. I try to do it as impartial as I can but I have no idea what the benefit is. I can't tell you what the benefit is because I don't know what the cost is going to be. I have no idea. I just know how sad I am when I look at a -- a four-hectare area destroyed for God knows how long, whether that be on the marine side or on terrestrial, I just don't know. I don't think you can put a price on it.
4351. If there's one thing that really relates that we have one thing in common between Aboriginal communities and non-Aboriginal communities, I think it's the idea behind the precautionary principle. We've seen too many incidents like this of what happens when crude oil gets into the environment and how it's impossible to pick up.
4352. You have examples. You have thousands of pages of data that came out of Prince William Sound. You have more than that come from the Gulf of Mexico. You got more coming from areas like Kalamazoo and those are living examples.
4353. There's still crude oil that you can go study that came out of Prince William Sound. It's still there. It's still gooey.
4354. You want to see the impact on nature, ask about their herring run that hasn't returned yet; ask about the killer whale pod that lost half its pod and they haven't reproduced since 1989.
4355. You have all this information. If I can get it on Google, you most likely can get it a lot quicker than I can and in a better form and they're coming from legitimate bodies such as yourself.
4356. At the very least, I'd like you to understand that there's options to get this

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product to Asia. There are options. Kitimat's not the only option. Kitimat was never just the only option for a smelter mill, it was never the only option for a pulp and paper mill and so on and so on and so on. There's always options.

4357. At the very least, the very least, in assessing this project, please, just don't regard Haisla as just this collateral damage ensuring that this product gets to Asia. Don't just consider the economics. Take what you've heard here. Take their pain and their emotions and apply that to your decision-making. Apply it like it was happening to your own family. Apply it like it's your heritage because, quite frankly, it is.

4358. In closing, I'd like to say that there was two things that my people asked me to do when I took on the Chief Councillor's position; stop using the word "hate" and be more patient.

4359. Well, I stopped using the word "hate". I did. I don't use it any more. My patience is -- well, that's work in progress. I came into this meeting today thinking I was going to rant and rave about the comments made by Harper and Oliver and then I found myself basically trusting you guys to assess everything we said here and take it into consideration.

4360. I hope I portrayed patience and calmness, but inside it's not, and I really thank you for coming here and listening to us today. Thank you.

--- (Applause/Applaudissements)

4361. **THE CHAIRPERSON:** Thank you, Chief Councillor Ross.

4362. Mr. Matthews, any questions?

4363. **MEMBER MATTHEWS:** No. I just want to thank the panel. It's been a real valuable experience for me listening to your comments and concerns with the land and the environment, so thank you. I don't have any points of clarification. Thanks.

4364. **THE CHAIRPERSON:** Mr. Bateman?

4365. **MEMBER BATEMAN:** I have no questions, but also thank everyone for today. It was very productive and informative.

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4366. **THE CHAIRPERSON:** From my own perspective, this has been a very powerful day. The Haisla Nation has welcomed all of us in this room. You fed us. And this panel has also shared with us some of your traditional knowledge.

4367. We're honoured that you chose to share this oral knowledge with us today, so from this Panel, thank you very much for taking the time and for giving us the commitment that you gave us to appear in front of us. You have set us off well on the path of our community hearings, and for that, we're very thankful.

4368. So with that, we'll finish for today and we will start again tomorrow morning back here where we started this morning at 9 o'clock.

4369. Thank you, everyone.

--- Upon adjourning at 3:54 p.m/L'audience est ajournée à 15h54