

Expert Panel Indigenous Presentation Session
Review of Environmental Assessment Processes

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Ramada Hotel Downtown Calgary, Calgary, AB

Expert Panel:

Johanne G elinas, Chair;

Doug Horswill;

Rod Northey;

Ren e Pelletier.

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PRINCIPAL(S)/PRINCIPAUX: Kelly McGee, Executive Director
Johanne Gélinas, Panel Chair
Doug Horswill, Panel Member
Rod Northey, Panel Member
Renée Pelletier, Panel Member
Tracy Campbell, Michel First Nation
Jim Tanner and Chief Elsie Jack, Carry the Kettle
First Nation
Tonya Crowchild, Tsuu T'ina Nation
Donny Rain and Raymond Cardinal, Paul First Nation
Greg Brady
Norine Saddleback, Louis Bull Tribe

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Opening Remarks

Kelly McGee: Good morning, everyone. Welcome to the Indigenous presentation session with the Expert Panel on the Review of Environmental Assessment Processes.

I first want to point out the emergency exists; to your far left corner, as well if you go out to where you came in, down the stairs, out the lobby to avoid the elevators in case of emergency or fire.

Before the presentations begin today, I would also suggest that if you have your cell phones if you can put on vibrate or silent, please.

There will be an audio recording of today's presentations and a written transcript will be provided on our website in the coming weeks. So the recording won't be available but the transcripts of the recording will be available on the website.

If you are presenting today, please make sure to check in with the secretariat staff at the sign-in desk just outside the door of the room. They'll let you know what time you'll be presenting, et cetera.

Today, Madam Johanne Gélinas will be our Chair of our Expert Panel — is going to oversee today's events and I'll hand it over to her.

Johanne Gélinas: Thank you very much. Good morning, everyone. Who was with us yesterday? Okay. So I apologize, I will repeat myself a little bit for our new participants. My name is Johanne Gélinas. I have the pleasure to Chair this Panel on Environmental Assessment Processes. The other members of the Panel are Renée Pelletier, Doug Horswill, and Rod Northey.

So today we — in fact yesterday we started our ninth week and today is our special Indigenous Day Event. We will go through four or five presentations — two before breakfast — no lunch — and two — yesterday was a long day.

(Laughter).

So two before lunch and two after lunch. We may have what we call walk-in. We don't know yet. We will let you know.

So let me tell you just a little bit about what this process is all about. First of all, the mandate that was given to us by the Minister of Environment and Climate Change is to achieve three things. First of all, consider the goals and purpose of modern-day environmental assessment; second, to communicate and engage directly with a broad section of Indigenous People, organizations, individuals, and interested groups; and, finally, to develop recommendations to the minister with — we shall be able to do sometime early next year.

So this is open to whomever would like to participate in our discussion. I just want to let you know that as we have started our journey, which in fact started on the east coast in September and will end in December on the west coast, we have been able to meet a lot of people and you can, yourself, access the summaries of those discussions that we have had which are available on the website. Also, as we get formal submissions we put them on the web also, so you can access that.

Two more things that I would like to share with you is that we have had — we had two what we call technical briefing sessions in Ottawa last month. One was with provincial, responsible for EA, and also another one with federal authorities and departments who are involved somehow in the process. And you can also have access to the summaries of those discussions.

We also have something which is called the Choice Book that you can also see on our website. It is similar to — for those of you who participated

yesterday at our workshop it's similar — these are questions that we are asking to people who cannot meet us or join us where we are travelling, to answer those questions and send back their responses to us which will be factored into our own analysis.

We have set up a date for final submissions which is December 23rd. So even though if you make a presentation in front of us today and you don't have a written document or you haven't planned to produce the final submissions, you can still have time to do so if you want to before that date.

So, I will turn to Renée to make a formal welcome and then we'll start with our first presenter who is Tracy Campbell.

Renée Pelletier: Thank you. Before we begin today we would like to recognize that we are in Treaty #7 Territory and acknowledge and chiefs, community members, or elders who may be in the room. Thank you.

Johanne Gélinas: So, Mr. Campbell?

TRACY CAMPBELL, MICHEL FIRST NATION

Tracy Campbell: Good morning. I'm so happy to be here. I assume you have a printed copy of our presentation? Awesome.

Johanne Gélinas: Yeah.

Tracy Campbell: So where are here on behalf of Michel First Nation, presenting on their behalf. My name is Tracy Campbell. I'm the principal of a company called Calliou Group. We're a firm based in Calgary who provides aboriginal consultation, support and advice to three different groups of clients: to aboriginal governments across Canada, to crown regulators involved in the regulatory review process and to industry proponents across a suite of resource development sectors when they're entering the regulatory review process.

Kevin De Carteret: Bonjour, Madame la presidente. Hello, Panel. My name is Kevin De Carteret. I've been working with Tracy Campbell at Calliou Group for the last three years approximately. My formal description is senior consultation specialist. I have a biology degree, a law degree and a master's in the crown aboriginal relationship based mostly in Indigenous water rights in Treaty #7 area. I'll be pitching in with any contribution I have as Tracy goes through the panel presentation.

Johanne Gélinas: I should have — and I apologize because I said Mr. and it's Ms.

Tracy Campbell: No worries.

Johanne G  linas: You have half an hour. We would like to keep some time to ask you questions. We haven't had a chance to go through your presentation. So I will let you know when you have gone through 15 minutes. Is that okay with you?

Tracy Campbell: I'll be zippy.

Johanne G  linas: Thank you.

Tracy Campbell: I've had about 25 years in the field of aboriginal consultation with a specialization in Aboriginal and Treaty Rights reflected in the regulatory process. So I heard that topic come up many times yesterday so I'm happy you have a day dedicated to this subject matter.

Calliou Group specializes in three areas of expertise; one is the Environmental Assessment Process itself, one is the Regulatory Review Process which is a different area of expertise, and a third is aboriginal consultation or the duty to consult which requires an understanding of Aboriginal and Treaty Rights, specifically for the client who we're engaged by. Where we sit in the — is in the — in that confluence of those three subject areas.

We work with clients who have capacity to understand and be experts in one area of those three areas. It's awesome to find an expert in two of those areas. But to work in this field you need an understanding of those — of the three areas. I think that's sometimes missed, is that experts within the environmental assessment field or process, practitioners of environmental assessment, delve into the identification or dabble in the identification of aboriginal — effects to Aboriginal and Treaty Rights and their — it poses challenges.

So we'll start with an introduction to Michel First Nation. We won't spend a lot of time there.

Kevin De Carteret: Michel First Nation signed Treaty #6. It was an adhesion in 1878. They're a group of approximately 1,200 Status Indians — but without a collective organization that's recognized by the federal government or by the provincial government, due to an enfranchisement in 1958, just two years prior to Aboriginal People who lived on reserve gaining the right to vote in federal elections — they're a very interesting example of Canada's assimilationist policies and result in discriminatory effects. They're recognized in the Royal Commission on Aboriginal Peoples and they have a society incorporated under the Alberta Societies Act, the Friends Michel Society.

Just by way of a side, they did participate and — or attempt to participate in the Indian Claim Commission Process, but as a result of not having Band Status, they were not permitted to seek redress for anything that had happened in the past just because of a difference in — with Bill C-31. It didn't reinstate their Band Status so they could not access redress that way and seeking recognition by any of the government's in Canada has been on their plate since 1996 I think approximately — the

early 90s when the society was incorporated to provide a collective voice to this group of Status Indians without that collective voice.

Tracy Campbell: But we understand addressing any of the specific issues associated with Michel First Nation is not a mandate of this Panel so we're just raising it with you that it will be included in the submission that we provide the Panel later in December but we won't make it the topic for discussion for today.

So what we will talk about is three things, and a smart man yesterday asked me if I could boil down my presentation to the Panel in one sentence it would be this: environmental assessment methodology is appropriate for identifying impacts to Aboriginal and Treaty Rights. So what we'll talk about today is how EA methodology can credibly identify adverse effects to the exercise of Aboriginal and Treaty Rights.

You've heard a lot of opinion that it should occur outside or somehow occur in parallel crown consultation process, and our position that we've operationalized on several different federally regulated projects, is that you can identify and quantify negative effects to Aboriginal and Treaty Rights specific to that nation. So it can be done.

The second thing we'd like to touch on is how the regulatory review process can facilitate the reconciliation of those negative effects once identified in the EA Process.

The third thing that we'd like to touch is how the aboriginal consultation process can improve both the execution of an environmental assessment process and the regulatory review process administered by the crown. So those are the three topics we'd like to touch on.

Identifying effects to rights is basically like a — kind of a fork in the road — where on the one side EA methodology would be used to identify effects to Aboriginal and Treaty Rights; and on the other, EA methodology is not used.

What we're going to focus on is the one fork in the road where EA methodology is used. On that other side, I would argue that it happens the majority of times in EA process, or a regulatory review process is engaged, when there is a potential for negative effects to Aboriginal and Treaty Rights — and it looks like loading elders up in a van and taking them out to the site and asking what's your opinion on the — what do you think the effects of this project are going to be? Or getting them in a community meeting, setting and putting a map on the table and say, tell me where you go, tell me what you think the effects of the project are in the absence of any project details, in the absence of how that opinion works with other disciplines making conclusions about any other valued components in that regulatory process. So

we're — that happens all the time and it's not credible. It doesn't lead to an identification of effects. And yet it's commonplace in the industry.

So what we're going to focus on is when EA methodology is used. So if you — the conduct of an EA — because it's done in a professional scientific practitioner arena is — the way those EAs are conducted is proprietary to the company, you know, carrying out the assessment. But broadly, the methodology is common to those companies with, of course professional variations, but it basically is an 11 step process that involves scoping; it involves the collection of baseline information; it involves the identification of effects and identification of mitigation measures to off-set, eliminate or reduce those effects once identified. There's cumulative effects analysis as well as monitoring and follow-up requirements in that process.

But when you're sitting down with an aboriginal government talking about how the regulatory process is going to proceed and how an EA process occurs within that regulatory process, we boil down this 11 step process and the nuances amongst the companies into three basic steps. Pick something you want to study, collect information on the thing you picked, and identify the changes to the thing you picked to study based on the project decision at hand. So if you can simplify the EA process into those three main categories, you can have a discussion with those involved in the regulatory review process on how the EA process can identify impacts to rights.

So let's start with the first one: pick something to study. You heard yesterday — and I'm sure since September you know, many, many times — that scoping and environmental assessment processes is the most critical phase of an environmental assessment process.

So, the number 1 rule of scoping an environmental assessment is you can't study everything. Everything is on the table to study but it is not the proponents responsibility to study everything of importance to the public, the rules to follow of picking something to study, follow high probability for change resulting from the project at hand, information has a prospect of being collected to identify change to the thing you picked, that information is available, that it's feasible to collect it in the regulatory timeline at hand. So even though everything is on the table to be picked, you cannot pick everything.

So I think in the biophysical disciplines that that scoping is well understood, that that narrowing of what you picked to study focuses on valued components that is routinely and expertly chosen.

A distinction I'd like to make is the use of the word environment. So environment, particularly in the legislation is used interchangeably and I think erroneously with the word biophysical. So when you say impacts to the environment, people conceptualize that it's a biophysical effect and not something else.

So, the biophysical experts are very careful and to say — when you initiate a wildlife study, for example, you don't study all wildlife. You have to compartmentalize and narrow down the choice of something to study within that broader discipline. So you have to pick key indicators and measureable parameters of how the change to that indicator is going to be described in the application. So no self-respecting biologist would say he's doing a wildlife study. There's something — you have to compartmentalize that even further to identify change to that thing.

So, along comes public involvement in an environmental assessment processes and socio-economic — whoops — yeah, so people enter the arena of environmental assessments where biophysical indicators don't describe changes to people or the systems amongst humans. So, valued components related to people become routine the execution of environmental assessment. But you don't just study employment, you study something about employment levels resulting from changes arising from a — the approval of a project, or something about property values, or something about non — what's termed in the discipline is non-traditional land use. So you don't just do a broad study, you pick something to study and you collect information on that thing you picked.

So with the advent of Aboriginal and Treaty Rights being protected by Section 35 in the Constitution in 1982 — oh sorry — so just a distinction that — socio-economic or human things is different than biophysical or non-human things.

So with the advent of Section 35 and the requirement of governments to pay attention to how their decision negatively impact Aboriginal and Treaty Rights, the advent of — or the realization that people things don't accurately describe changes or effects to rights held by Aboriginal People. So Aboriginal Peoples became a separate area for study. I think this area is where confusion lay — lies — exists. And I don't think the rigor of identifying impacts to things related to Aboriginal and Treaty Rights receives the same attention, or the same rigor, or scientific inquiry that any other element in an environmental process receives. So because it's difficult, because it's complex, because there aren't experts in the EA world in Aboriginal and Treaty Rights something else, that fork in the road is taken, and environmental processes aren't used to identify impacts to Aboriginal Peoples.

So we would argue, and we've done this in different regulatory processes, both provincial and federal in the last couple years, is that EA process — an EA methodology is appropriate for choosing something to characterize change to Aboriginal Peoples' interests. Information can be collected on those things. It can be further compartmentalized into key indicators, and selection of measurable parameters to identify and quantify that change to that right specific to that nation.

So broadly termed, the BC EAO process uses the word interests. However you'd like to categorize it, changes to Aboriginal and Treaty Rights

can be done using EA methodology and should be included in the applications submitted by proponents to the crown for consideration of effects arising from that project.

I can tell you that outside of the EA process, within the regulatory process, that information is not being collected in any credible fashion. So it does devolve into having a single meeting with a nation and asking them what their opinion is on impacts resulting from a project, or they — the consultant chooses to rely on previously collected traditional land use information as a substitute for doing that analysis. So it's not being done in a — and the regulators are not being required — or not requiring the consultants to employ the same amount of rigor as they do on everything else. I think because it's so complex and it's not well understood.

Johanne Gélinas: Five more minutes before we get into a discussion.

Tracy Campbell: Okay.

Johanne Gélinas: Is that okay?

Tracy Campbell: Okay. So EA methodology, that's not to say Aboriginal Peoples information and however you want to term their information, isn't critical in scoping, selecting valued components, selecting measurable parameters, defining standards or thresholds for determination of the size and the scope of the change to their rights or their interests, collecting baseline information from each nation potentially affected by the project, describing the change, being involved in mitigation measures to determine what's a reciprocal and appropriate corresponding mitigation measure to offset that impact to — specific to that impact, and then monitoring and follow-up plans.

So the purpose of the environmental assessment is to balance impacts once identified with proposed mitigation. It's the same model that the duty to consult uses. Once impacts to Aboriginal and Treaty Rights are identified, there should be corresponding accommodation measures used to offset, eliminate or compensate those impacts once identified.

Right now there is inconsistent information and inconsistent terms in the field of impacts to Aboriginal Peoples. Whether it's called a traditional — a standalone-traditional land use study that's appended to an environmental impact study, as a substitute for an assessment that's never looked at — that's looked at as an economic development exercise with the — or some sort of a benefit to the nation, indigenous knowledge, aboriginal, traditional knowledge — it comes with a variety of names — it's not consistent. There is no professional body governing the conduct of those studies the same way a biophysical association exists to monitor and sanction what happens in that field.

So our recommendation to the Panel would be develop an EA practitioners guide to facilitate the identification of impacts to Aboriginal and Treaty

Rights utilizing EA methodology. Because right now it's the wild west out there. It's everyone is — has their own version of what they're doing and everyone is dissatisfied.

So that EA practitioners guide should identify impacts for — specific to that nation with valued components, key indicators, and measurable parameters specific to that nation; collect baseline information on those valued components specific to that nation; disaggregate the effects assessment within the environmental assessment application using EA methodology; and identifying accommodation measures or mitigation measures that are reciprocal and responsive to that impact. Recognizing when you identify mitigation measures to offset an impact, it's kind of like whack-a-mole, your one mitigation measure may not address another impact that's identified for another valued component.

And don't substitute the duty to consult or the procedural aspects of aboriginal consultation for the identification of impacts to aboriginal on treaty rights. So having a meeting, sharing project information, providing capacity to a nation to be involved in the environmental review process is awesome, it should not be a substitute for identifying impacts to Aboriginal and Treaty Rights using the same rigor and accountability that's used for every other valued component in the process.

So just to — we'll provide more information on the suggested changes to CEAA. Because recognizing a whole cell — you know, let's start over again with what the legislation should look like is probably not on the table, so we think the regulatory review process with tweaking can support the first — that first objective of using EA methodology to identify impacts to rights; by tweaking the definition of environment to be absolutely clear that it includes humans and human systems. It's not a two step process, where an effect on a biophysical component has to happen first before an impact to a treaty or aboriginal right. And that can be accomplished by tweaking the definition section, the purpose of the act, section 5, and including Aboriginal and Treaty Right in Schedule 2.

So the third and last point I'll make is how aboriginal — how the aboriginal consultation process can improve the execution of an EA and improve the regulatory process. You can be clear about the delegation of procedural aspects of consultation to the proponent in either guidelines or consultation guidelines or the legislation itself; clear identification of crown responsibility — and someone has to make a determination of whether the impacts identified are acceptable or not acceptable to that nation — provide adequate capacity for the nation to be involved. It requires sufficient time for the regulatory review process to allow for that involvement, crown involvement in mitigation discussion and bring it into the light of day, and have reconciliation as the desired outcome of the EA process, the regulatory review process, and the duty to consult.

We'll expand on those points in the written — our written submission. We'll further describe Michel First Nations unique situation, and we'll also

touch on things that we didn't have time to talk about in our speed talk today — is the connection to the land use planning process and the responsibility of provincial authorities in relationship to joint review panels, and how that is not happening.

Johanne Gélinas: Thank you very much. I just want to clarify something, you present on behalf of Michel First Nation.

Tracy Campbell: Yes.

Johanne Gélinas: But at the same time you have, yourself, a lot of experience as a consultant, right?

Tracy Campbell: Yes.

Johanne Gélinas: So I suspect and correct me that — a lot of the things that you're saying on behalf of Michel First Nation can be applied across the board, right?

Tracy Campbell: Correct.

Johanne Gélinas: Okay. One question for you: you are right saying that what you have highlighted is something that we haven't heard only here in Alberta but so far in half of the country. The timeline issue is often identified by proponents in particular as being an issue. When you do environmental studies, the way that you think they should be done, including aboriginal rights, does it take much longer? And how much longer does it take?

Tracy Campbell: The official environmental review process starts at project disclosure and concludes when the project is approved. So think of that arc as the consultation process.

Every proponent knows that there is a dotted lined before the project is disclosed to the public where the scope of the environmental review process — or the environmental assessment process is done internally, a selection of a consultant is done. The budget for that environmental assessment is completed. So there could be two years of planning before that project is disclosed to the public and enters the environmental — or the regulatory review process. So there is nothing stopping a proponent to engage early, before they enter the regulatory review process, to initiate selection of valued components. Those are done by the time the project enters the regulatory review process; gathering of baseline information, initiation of relationships with the nations potentially impacted by the project; dissemination of the basics of that project to the nations so that they can help choose — help identify the valued components specific to them with indicators specific to them. So saying that the timeline would be extended, I think, is an excuse.

Johanne Gélinas: Okay, let me just — to be clear —

Tracy Campbell: Yeah.

Johanne Gélinas: — asking you the question differently. I'm a proponent.

Tracy Campbell: Yes.

Johanne Gélinas: And I'm asking you, Ms Campbell, why I should take you and would it be longer than the traditional method if I was to go with you on doing the environmental assessment? What would be your answer?

Tracy Campbell: Who am I representing? Am I working for you or am I working on behalf of a nation? Because the interest of the people involved in a consultation process are different. Your interest is to get your project approved. My interest, if I'm a nation, is to protect my Aboriginal and Treaty Rights.

So if I was working for you as a proponent my interest would be to craft a consultation program and an environmental assessment process that would withstand successful legal challenge.

So it depends on who I'm working for is how I answer that question. If I'm working for you I would say approach the assessment of Aboriginal and Treaty Rights with the same rigor as you allow your consultants to do any other component. It may be complex but so is identifying climate change issues. So it's —

Kevin De Carteret: I think it could end up saving time. If you're having a realistic conversation about Aboriginal and Treaty Rights and aboriginal interests within project design, within thinking about your consultation process as opposed to a euphemism like current use of traditional lands and resources, you're really deferring a lot of back and forth about what it is that — what specific rights and interests are going to be involved until that crown process happens. Many times that crown process doesn't end up achieving the results that it should. If you can end up using the EA process to feed into that consultation process, it could save time.

Johanne Gélinas: Thank you. And you heard about what was said yesterday so you also heard about the fact that we give homework sometimes to our presenters. One thing for sure and my colleagues will ask other things, but I will like very much if you were to clarify as much as you can the inconsistent information between land use plan and TK and TK and these kinds of things because it's something that we will certainly put in our report. And we heard different kinds of definitions so far. So yours will also be welcome. Renée.

Renée Pelletier: Thank you. Very interesting presentation. I'm especially interested in the role EA can play in identifying impacts to rights and that relationship with the duty to consult. So I wondered whether we could flip — you had a slide — it had three bullets. The last was should not substitute the procedural aspects of the duty.

Tracy Campbell: Yes.

Renée Pelletier: Could you — I'll start by just asking if you could say a little bit more about that because that was a bit unclear to me, what exactly you meant by that last bullet.

Tracy Campbell: So we review hundreds of applications and EIS — or environmental impact statements — from all across western Canada, from Ontario to British Columbia and into the Yukon, and it is routine to read an application from a proponent and their consultants that describe meetings, that describe — that include meeting minutes from those meetings, that describe attendance at pow-wows, that describe contributions to community groups and how they fund hockey teams of that nation to show that their involvement or their communication of the project with that nation somehow does something other than show that they shared project information or interacted with the nation.

Renée Pelletier: Right.

Tracy Campbell: So, rarely do you read an application where you can flip to the chapter on impacts to Aboriginal Peoples and read with the same criteria identified an impacts to right for each nation. They aggregate information and say impacts to Aboriginal People broadly.

In British Columbia, in the BC EAO process, they're starting to get proponents to disaggregate that information and have conclusions specific to that nation, but the — and in some projects they're getting better at showing an identification to right but that is few and far between. The consultation process is a proxy for — the results of meetings with that nation is a proxy for identification of rights.

Renée Pelletier: Right. Okay, so if — okay, thank you. That clarifies that. If it's done correctly —

Tracy Campbell: Yes.

Renée Pelletier: — what then is the relationship between properly, in an EA process, identifying effects to rights, like the impacts on rights, and addressing those within the EA process —

Tracy Campbell: Yeah.

Renée Pelletier: — and the formal crown duty to consult and accommodate?

Tracy Campbell: Using that arc of the duty to consult where it initiates a public disclosure of the application with it concluding at the project approval, everything that occurs in that process is information that the crown can use to determine whether

reconciliation of impacts to rights is met. So that information collected in the EA process, as one part of the regulatory process, is all part of the duty to consult.

So the crown utilizes information from a number of difference sources; directly from the nation, from the environmental assessment process, from public hearings in the regulatory process to gather information on whether the project has publically acceptable impacts to rights or not. So the —

Kevin De Carteret: I think a good specific example is rather a record of consultation, a record of communication of emails and phone calls going to a consultation office, you end up with, hopefully recognition that on 50 hectares of unoccupied crown land will be taken up and aboriginal use of that area will be restricted for these phases of the project so that there's more specific impacts on right or the ability to exercise those rights are identified, which can be incorporated into the consultation process so the crown can think and identify those appropriately responsive accommodation measures. Perhaps it is unburdening crown lands somewhere else to make it accessible in a preferred area for use.

Renée Pelletier: Okay. Do you have any views on what is to be done about those rights where the courts have said that an EA process is ill-suited to deal with, so aboriginal title, for example?

Tracy Campbell: I think currently the way the EA process is being conducted is ill suited to gathering the information that the crown needs to identify rights to — impacts to title but I think it is entirely possible that the EA process can.

But if you look at the examples currently in front of regulatory authorities, they are poor examples of how an EA process can identify, in a credible way, impacts to right.

I mean the crown utilizes the projects — the proponents knowledge of the project to gather information about what will result if this project goes ahead. It's a — Nigel Banks(ph) says it, there's a natural convergence between the conduct of an EA, the regulatory process, and the duty to consult. It's all part of the arc. It serves the purpose of gathering information, credible information that the crown can use in determining is this impact okay or not.

Renée Pelletier: Thank you.

Johanne Gélinas: Doug.

Doug Horswill: In terms of the actual execution of your idea, you have the notion that says it's not a two step process. I'm trying to figure out a little bit or understand better the kind of information that's being gathered in relation to biophysical issues, social issues, if it were to extend to then all of that, probably overlaps.

Tracy Campbell: Absolutely.

Doug Horswill: So have we got two parallel things that — there's just — within the frame of the consultation you want a rigorous pursuit of that, while at the same time there's a "rigorous" pursuit of the broader issues that would come into an EA. Is that how it works?

Tracy Campbell: No decision — or no conclusion in an environmental assessment process is made in isolation. So, for example, the conclusion on impacts to wildlife depends on information from their colleagues in determining impacts to habitat or impacts to water or impacts to air. So information within those consultants are shared.

Doug Horswill: Okay.

Tracy Campbell: So that they're each — we try hard to compartmentalize valued components into standalone things. The world doesn't work that way. So we're not suggesting that impacts to Aboriginal and Treaty Rights would require a separate study on caribou.

Doug Horswill: Okay.

Tracy Campbell: Caribou is already done. But what is required is a separate study on impacts to that nations harvesting of that caribou.

Doug Horswill: Right.

Tracy Campbell: Because there doesn't have to be an impact on the biophysical component for there to be an impact on the exercise of the right. If someone is scared to go near an industrial installation that will impact the exercise of their right because it interferes with their preferred means of exercising that right. So requiring a biophysical change first is incorrect.

Doug Horswill: Okay. I think I've got that. Second question: on the "two years" process you describe, where a proponent is developing an idea and building a concept and you rightly suggest, I think, that that's when a lot of early talk could occur. Should that be made in some fashion or form obligatory or mandatory?

Tracy Campbell: I think that'd be very difficult for a regulator to do, to require that sharing of some proprietary information before the proponent is ready to share that publically. I think there's — I think the way it occurs now is there are strong suggestions for the proponent to do that so that when they enter the regulatory process they're prepared.

Doug Horswill: Okay.

Tracy Campbell: And minimize delays.

Doug Horswill: I think you're probably right that there are some pretty substantial hurdles. But, maybe in your submission you can think about where there's way to incent that type of behavior, even if you can't demand it, right.

Tracy Campbell: Absolutely.

Doug Horswill: Because it has, I think you're right, potentially positive impacts.

When you talk about on a First Nation, and you were very insistent it's nation by nation, are there no cases where nations interests might not coincide sufficiently that they could be aggregated? I mean there's many projects where we see a number of First Nations at the same time — I have a personal example with Highland Valley in the Centre of British Columbia and there's 15 First Nations. There's — it's a very similar set up. So, are you saying it has to be one by one or would there be a process in your mind where First Nations themselves could agree in some fashion?

Tracy Campbell: I think that question has two different answers. If a nation chooses to engage in a regulatory process and in a — with several different groups — so, for example, Tsilhqot'in, they have five Indian Act Bands acting as one collective, representing collective rights for the five Indian Bands, because rights are held collectively at the nation level, until we're told differently, the requirement to consult is government to government with that group.

Now, I think there could — once this is accepted in the industry, the selection of valued components becomes — it could cover off more than one nation. But information has to be — baseline information has to be collected for each nation for that valued component.

Doug Horswill: I see.

Tracy Campbell: And it will get to the point where the charges of oh it's going to cost too much or take too much time, will dissipate in the same manner that it did for other components of study that seemed difficult and complex and impossible at the beginning. It just becomes routine. It's like safety requirements, people put up a struggle until it becomes part of their job.

Doug Horswill: Thank you.

Rodney Northey: Yes, thank you. I'd like to go back to your slide that has in red at the top, regulatory review. Yes. So, I've got a pile of questions. Let's see how far we get. First is what it looks like is you've got right under that CEAA changes and I'm really trying to — first question is — I thought you were trying to distinguish for us

the relationship of EA being first, regulatory second. You've got CEAA changes here under the heading of regulatory reviews. So what do you mean? I would have put this under how the EA process can facilitate and put the CEAA changes that you want to facilitate EA. So why are you calling this regulatory?

Tracy Campbell: So the conduct of an EA —

Rodney Northey: Yes.

Tracy Campbell: — should be independent. Should be done by a third party. It shouldn't play an advocacy role on behalf of the proponent, or the crown for that matter. So the conduct of an EA theoretically should happen in a black box.

Rodney Northey: Okay.

Tracy Campbell: And be free from interference, theoretically, from government interference of a minister standing up and saying this project is awesome and we should approve it before it goes through the process. And it should also be free from proponent interference where the conclusions of the practitioners are influenced either by budget provided to conduct the EA or conclusions that they may reach on the level of impact.

We know through practical example that it's not a black box. It's kind of like a semi-permeable — where regulatory requirements can influence the conduct of an environmental assessment process. CEAA is a good example of that by requiring minimums. So at minimum, things under federal jurisdiction are required to be included in the EA process; species at risk, migratory birds.

Rodney Northey: I see. That's — okay. All right. Okay now I understand better. And that first part of your answer is certainly interesting. I hadn't seen anything like that before.

Okay. Let's go to your bullets here. Environment does not mean biophysical. Now, you mean that you would like it expanded. And definition of environment, to your submission, it should be expanded. Because right now —

Tracy Campbell: It should be clarified. Because I've attended — we've attended CEAA presentations where environment was — said no it includes humans.

Rodney Northey: Yes.

Tracy Campbell: And if you look at the Manitoba legislation for environmental — their environmental protection act, it's explicit that it does include humans.

Rodney Northey: Yes. All I'm — yes. Okay, I understand your point and the point of its ambiguity has been raised for at least two decades. So, fine. I get what your point is though. All right. Then you say — so then it should be amended. Your second bullet is what it should be amended to include human and non-human systems.

Tracy Campbell: Correct.

Rodney Northey: All right. Now when you say a two step process, you're talking about the step in CEAA from environment to environmental effect or something else?

Tracy Campbell: I'm describing what's being applied.

Rodney Northey: Yes.

Tracy Campbell: Gateway is a really good example. Not an environmental affect, there had to be a biophysical effect first.

Rodney Northey: Yeah, okay.

Tracy Campbell: So it's a two — so in that —

Rodney Northey: Yes, I know what you mean now.

Tracy Campbell: Okay.

Rodney Northey: You have a direct effect on the environment — allows you —

Tracy Campbell: On the biophysical components —

Rodney Northey: On a biophysical — allows you to then look at the socio-economic.

Tracy Campbell: No. No. So currently the — because of the ambiguity in CEAA —

Rodney Northey: Yes.

Tracy Campbell: The application of that requirement is used by practitioners to require a biophysical effect first.

Rodney Northey: Yes.

Tracy Campbell: Before there is an indirect effect on —

Rodney Northey: That's what I was trying to say.

Tracy Campbell: — Aboriginal and Treaty Rights. But because environment includes everything, there is — to describe environment, socio-economic and culture is an incorrect distinction. Environment is an umbrella term that includes everything on earth. So there's either biophysical or — if you want to put it in two camps, biophysical and socio-economic. People. Not people. So beating a dead horse there.

Rodney Northey: I think we're having a violent agreement.

(Laughter)

Okay. Now, the point though then moving to the CEAA approach to environmental effect, so environmental effects, as you are well aware but for everyone else has four parts related to Aboriginal Peoples; health, socio-economic conditions, physical, cultural heritage, current use of lands and resources for traditional purposes, or any structure, site, thing of cultural importance, etcetera. Does not mention the word rights.

Tracy Campbell: It does not.

Rodney Northey: All right. You would like it to be very explicit that it do so.

Tracy Campbell: Correct.

Rodney Northey: All right. And what I want to try and understand this then is, if the EA process turns into a rights process from the outset, which is what I think you're advocating.

Tracy Campbell: Yes.

Rodney Northey: What happens when there is not recognition at the outset that there are rights in question?

Tracy Campbell: When our industry proponent clients ask us that question we say approach all rights as — whether they're asserted or not, as a thing. So pick valued components, pick indicators, pick measurable parameters to identify changes to that thing. It's up to the crown to determine whether that impact to that thing is a bonafide thing or not.

Rodney Northey: But you see this is where the complexity — and I'm not trying to minimize why you want this, what I am concerned is, how do you get a process early on — because this is really step one to EA.

Tracy Campbell: Yeah.

Rodney Northey: Where there is consensus by proponent to the crown, to the First Nation, of what the rights in question are, I don't think that's a small point. I

understand what you're looking for. I'm trying to figure out how you get there, if there's disagreement. I understand your point. You've said if you're the proponent the proponent can hear your prudential advice of — behave as if they are rights, but often we've seen jurisdictional arguments where provinces or others say there are no such rights, so you shouldn't do this. We're not — we don't want you to look at this.

Kevin De Carteret: One of the presentations that I've attended over the last few years included the advice that listening to government was never a good thing to do on that point.

(Laughter)

I think that potentially project proponents will save time and money by assuming that rights are as big and as broad — like take a liberal approach to what those rights are going to be. Fill it up. Do as much work as possible at the outset and proponent can tap out and leave it at the crown's doorstep. This is — if these rights exist, if my project goes ahead, these are the impacts that I could potentially have. Do some of that intellectual work ahead of time and I think it will make engaging with nations easier. It's much more respectful that way, then listening to a government that's going to bicker about whether or not First Nations have rights.

Rodney Northey: You're not into precisely the problem that I see. And sorry, I just really want to get the bottom of this. If you don't mention rights, a prudential proponent can do exactly what you say. If you do mention rights, the government can't move off that very first step without deciding that in fact rights are in play. Well — but —

Tracy Campbell: They do that anyway.

Rodney Northey: Go ahead. You can't whisper that comment and let's hear what your comment was.

(Laughter)

Tracy Campbell: They do that anyway.

Rodney Northey: Well I think that —

Tracy Campbell: In legislation — to be — I mean legislation is written for the worst actor playing in the field. So good companies go well beyond the regulatory requirements and set the bar very high. So —

Rodney Northey: I'm not trying to minimize that point but I am concerned about the implications for the government. And I'm not saying I — again, we're disagreeing, I'm just trying to work through the implications of this.

Tracy Campbell: Yeah.

Rodney Northey: If you put the word rights in here, the way you're suggesting, then it is not going to be just prudential proponents, everyone is going to have to agree. And there's going to be — I envisage it, as quite a lengthy process where they all trot off to the court to decide whether there is a right the government is going to acknowledge. You say no?

Tracy Campbell: I say no.

Kevin De Carteret: And I —

Rodney Northey: Okay.

Kevin De Carteret: Rights is already in the constitution. We shouldn't be afraid of —

Rodney Northey: I get that.

Kevin De Carteret: Yeah, but CEAA is already looking at — or it should be leading government and proponents to looking/thinking about what our Aboriginals should —

Rodney Northey: The should statement is correct. We have litigation because people don't follow it.

Kevin De Carteret: And we have CEAA endlessly repeating that Aboriginal Peoples — in the agency endlessly repeating that peoples need to be disaggregated, that proponents — that you're worried about — you say proponents can take whatever tact they want. A prudential proponent can do this rights assessment already. And some of them do. But I think that a lot more problem is created by allowing people to finagle — by proponents and practitioners to finagle out at looking at these rights.

(Laughter)

Rodney Northey: My Chair has said we have to stop. It's a very important point. I don't want to say we know where the landing is but I am trying to understand what your point is and how to deal with this. And needless to say, UNDRIP and the like, are adding more weight to this question of where rights fit into this. So I am trying to get it — but I was trying to make sure I understood what your suggestions were.

Tracy Campbell: Can I say one thing on UNDRIP?

Rodney Northey: No you can't. Please, proceed.

(Laughter)

Tracy Campbell: So UNDRIP doesn't provide any more power than currently exists in our constitution or treaties in case law coming out of the supreme court on rights. So there already exists the requirement that the crown has to pay attention on how their decisions negatively impact Aboriginal and Treaty Rights. We shouldn't be afraid of the word. We should all embrace that word. And as long as government's narrowly interpret what rights are and are not, we will not move to reconciliation.

So there are practical ways that the environmental assessment process can gather information that the crown needs, that they are required to have, in order to make a determination on whether a decision is going to negatively impact Aboriginal and Treaty Rights. And the proponent is in the best position to gather that information. They should pay for the collection of that information. It shouldn't be on the public to do that. This is a proponent driven process where they should collect the information just like everything else they have to do in the regulatory process. And it's scary. I know people are scared of doing it but we can — we've proven that it's — in the long run it's a successful and a good way to manage risk to successful legal challenge by doing the work ahead of time.

Rodney Northey: Thank you.

Johanne Gélinas: Thank you very much for your presentation, to both of you. Of course we are behind our schedule, but that was very interesting, so thank you very much. I will now invite our second presenter before lunch, Chief Elsie Jack and Jim Tanner. Good morning.

CHIEF ELSIE JACK AND JIM TANNER, CARRY THE KETTLE FIRST NATION

Jim Tanner: Good morning. Thank you for having this process.

Rodney Northey: You've got no red light on and we need —

Jim Tanner: I can turn it off? Can I turn hers off, too?

(Laughter)

Thank you for having this process. We're very interested in making a contribution. My name is Jim Tanner and sitting beside me is Chief Elsie Jack of the Carry the Kettle First Nation.

Today, we would like to present more or less a summary of two — what we believe to be two general areas which I think will help guide you in your deliberations in terms of trying to make a recommendation to the government. And those two areas are: traditional knowledge — the idea of traditional knowledge and how it can or should be used in an EA process and also cumulative impacts. So those two areas: traditional knowledge and cumulative impacts.

To start with I'd like to introduce Chief Jack. Chief Elsie Jack has been involved in the regulatory process for many years. She has worked with the Saskatchewan Federation of — what is it called? F —

Chief Elsie Jack: Indigenous Nations.

Jim Tanner: Indigenous Nations. And she has significant experience in participating in assessment processes. She also has a very keen understanding of her First Nations history and the use of traditional knowledge. We're kind of privileged to have Chief Jack here running that First Nation. As you can imagine with 3,000 and some members is a very, very time consuming process and she also is participating in many different boards and committees in Saskatchewan and nationally. So I would like to thank her for coming to this and agreeing to make a presentation.

I will be presenting as well. Most of my presentation will concentrate on cumulative effects analysis. And Chief Jack will also discuss some of the history of her First Nation, which certainly will be relevant to how environmental assessment can proceed or should proceed.

So, without further ado I'd like to turn the mic over Chief Elsie Jack.

Chief Elsie Jack: Thank you, Jim. First of all, I want to thank you for the opportunity to sit here and voice my concerns on behalf of my nation. Carry the Kettle has a unique history as many other First Nations across Canada. And with this unique history that we have, we were originally surveyed our reserve under — in our traditional territory under Treaty #6 that we — adherence to Treaty # — sorry, Treaty #4, in 1877.

The area that we signed treaties and were physically located, our traditional territory and reserve was the Elkwater Provincial Park in Alberta here. So it encompassed the whole Elkwater Provincial Park into the Many Island Lake across the #1 Highway, as it's currently situated today. Our unique history has a lot of bearing I guess on the duty to consult.

We were occupied in and were in our home territory for many years prior to signing the treaty. When the treaty provisions — and when Carry the Kettle First Nations signed treaty provisions, we were removed from our traditional homelands because — to make way for the railroad as well as many other areas that inflicted our nation; the atrocities of the 1873 massacre, which consisted of the removal of the North West Mounted Police into the Fort Walsh area in the Cypress Hills; the Sir John A. Macdonald policies, which removal from our traditional homelands and inflicted some genocidal issues on our nation, which were starvation policies and removal from our territory.

We were moved to the Prairies in an area that — which was not looked upon favourably by my people, my ancestors, for the simple fact that it was a

burial ground and that our reserve that was created there had — there was two reserves that was created there for my descendants, which was Chief The-Man-Who-Took-The-Coat and Chief Long Lodge. So an area where the treaty provisions that we — we tried to practice our livelihood which was, you know, hunting, fishing and gathering.

So when we were physically moved there over a period of three times, then we returned back to our homelands a period of three times, our population was starting to diminish. When one of our chiefs died, they physically put us onto the current reserve that it is now.

And that current reserve in — I believe in 1898 one of the chief had died which we were all part of the nation where we currently are now — they were physically moved onto our reserve and our reserve was illegally taken from us, or stolen from us, to make way for the settlers. So in 1898 the removal of all our population was put onto one First Nation.

In 1850 — sorry, in 1950, our First Nation had its land expropriated by the federal government in relation to — to make way for the pipeline to come through, which was at that time natural gas. So we had six lines of natural gas on our lands, which is currently now TransCanada Pipeline. But we have — we're the only First Nation I believe in Canada that has all six of TransCanada Pipelines on their land — on our lands. This was one in 1950 to 1953; there was negotiations that happened during that era.

In that same time, on our other lands that were taken from us and were never surrendered and were illegally taken from us, Enbridge Pipeline put their Line 3 through the southern portion of our former reserve. There was never, at any point, any consultation with our nation. There was never any point of a duty to consult. Only upon recently, and even through industry, they have contacted our First Nation — we don't believe that this process should be looked at as far as a duty to consult, as far as the eyes of the nation.

This summer, in which was a long, long last, the National Energy Board, NRCan, visited our community to engage with what I call as consultation, because, at that point, they heard from our nation, our elders, our council members, all the issues that affected our nation in relation to this; the erosion on our Aboriginal Rights, the erosion on our treaty rights as well too, and the effects of our removal from the Cypress Hills into currently now — because all those items are critical factors in our removal from our nation from one area of our traditional lands into the centre southern Prairies where it was not favourable.

And if we talk about cumulative effects, those effects have affected our nation in order to sustain our livelihood and to sustain our cultural practices. It took us from the abundance of our wildlife, our plantations, our herbs, our medicines

and took us into the Prairies where there was no buffalo and there, again, too, we had to sustain ourselves, and at points of starvation and sickness.

And so from in — so from the summer was an opportunity for us to express our concerns and our issues that have affected our nation over this last hundred and some odd years. So it's important for us to work together in listening to our Aboriginal People and our First Nation people in relation to how it has affected us in this current day with this regulatory process.

And I thank you for the opportunity to hear our issues. It has been a long time coming, and I'm privileged to indicate the areas that need to be addressed and we need to work on, and to hear our issues. Because I believe, firmly believe that First Nation people in this whole process — there needs to be a direct link between the regulatory process in relation to our issues.

We don't want to stand and have litigation over all the particular items that are in the future that affected us. But I believe that we've come through this process and we've learned a lot from our end as well too. We've learned that we need to talk about the whole process in relation to the traditional land use studies, the, you know, environmental assessment process, and that this whole area that needs to be — we need to have the First Nations environmental process and the knowledge.

We recently, with the National Energy Board — we made a presentation to them and it was somewhat disturbing that they would not allow our elders to base their knowledge versus scientific knowledge. So it was disheartening that our elders who share all those particular areas in their traditional knowledge, was — of course we know that the biggest environmentalists and that they — the plant species and the herbs and the medicines that they know — through this process that they can explain and we can hear what they have to say in relation to those. So those are all in a holistic gap together, because you can't do one without the other. In my years of working for my nation, basically in lands and — I've encountered many different aspects in relation to — with our provincial government and industry trying to identify plants and herbs and different species of plants and what are they used for, you know. And I was taken back by that because we've always tried to protect them instead of trying to commercialize those particular items.

So we have to look at those particular gaps as well too when we take a look at these, because they're sensitive and very sacred to our people, that we have to be very cautious on how we approach those particular areas. Because I was in a particular meeting when — we discuss things like this and there was a lot of people documenting, okay, what are they used for. What are they identified for. What medicines are they used for; all this type. So, you know, I have to stand up and say no, this is not the process that we should use. This is not the area that we should go into

because we're abusing the system. We're abusing our inherited right for our medicines of our elders. So I wanted to keep that sacred.

And I think it's important to take a look at our indigenous knowledge and keeping — looking at it from a perspective as holistic and not looking — the western society with a scientific knowledge versus our historical knowledge and our knowledge to the land and our livelihood to the land. Those are two different things. And we have to take a look at it from a different approach in order to be successful, in order for us to move on to an era where we need to be successful and have a dually respect for one another. And I think our aboriginal title and our Aboriginal Treaty Rights have to be respected in that concept. Sorry. Jim.

Johanne Gélinas: Thank you.

Jim Tanner: Well, thank you, Chief Elsie.

The traditional sector that the Chief is talking about in her very polite manner, did not mention things like traditional knowledge piracy which I think is an appropriate definition of what some of the First Nations go through.

The issue of traditional knowledge I think not being held with the same status — in the same status as western scientific knowledge is very important. I think we saw that with the way that the National Energy Board put some instructions in its section on how to present traditional knowledge in their process. They basically said that scientific knowledge will be received at another time and place. You people, you know, don't worry about it which, in fact, many First Nations across Canada found to be very insulting and inappropriate. But dealing with that is one thing, dealing with the general bias or the general racism, if you will, against traditional knowledge in our regulatory process I think is very important.

So in light of Chief Jack's comments and in light of the things that have happened with respect to involvement of traditional knowledge in EAs, we need to be very, very conscious of the role of traditional knowledge. And that leads me into the role of aboriginal evidence in general and how the whole process for an EA should work.

First, I'd like to say that the last presentation contained a lot of very worthwhile and interesting — an interesting framework for what I'm about to talk about. I only have one area that I wanted to differentiate a bit with the last presentation. The rest of it was absolutely wonderful.

What I want to concentrate — I want to talk a little first about my experience in Sarnia with the Aamjiwnaang First Nation when I was asked to do a traditional land use study and contribute to an environmental assessment with respect to aboriginal rights, which I know is an interesting topic of discussion that I'd like to have a contribution to.

Really without too much explanation, when I got there I started to get a sore throat and I thought I was going to get sick and when you travel and as much as I — you will know after this travelling, you don't want to get sick. You know, I did some elder interviews. I looked at what was going on in the community. I was amazed that the refineries were right next door to all the residences. I was amazed that many of the elders that I interviewed had cancer or respiratory illness. I was hoping I wasn't getting sick.

So I left, came back about two weeks later to finish up the interviews and do some more work. I didn't get sick the first time but when I went back I started to get my sore throat again. Ugh, okay. Hmm, so we got two data points here. I was suffering from the air quality and I went in 2014, not in 2011 when Sarnia's air quality was the worst in Canada. It was supposed to have improved up to number 30 of the population centre. So it's not longer number 1, the worst. It's number 30 which is much better. There's 29 other ones that were worse.

Johanne Gélina: I just want to make sure that you take time to get to your cumulative effect because you still have five minutes and we would like certainly to ask questions.

Jim Tanner: Sure. I'll try and hurry up then.

So the question that I have for Sarnia is how do we know the environmental effects? How can we tell how many environmental effects have effected their rights because the effects on them have been so significant. So I'll just leave it like that at this point.

The other thing that I have done in my career which I want to talk about is when I was up in Fort McMurray. In 2006, I remember when Dr. John O'Connor revealed that there were high rates of bile duct cancer in the Fort Chipewyan community. And what happened was — instead of the authorities really responding, like, oh my gosh, what can we do to help — they attacked Dr. O'Connor and challenged his medical license accusing him of being sensationalist. And that was the beginning of a huge negative process, the likes of which we haven't seen in Canada I think in many years.

They attacked him. They denied — they had denied in hearings that I had attended earlier — they denied seepage from the pits that they put their effluents in into the river. They've done a lot of public relations with respect to the oil sands. And, of course, as we know, those public relations efforts backfired on them. We had people talking about the problems in the Fort McMurray plant in New York and Washington and Europe. They went to tell their horrific stories about how they were being treated. So instead of really finding out what the effects were on the Aboriginal People, what the effects were of these massive developments, we had the governments in a defensive mode, the provincial government in particular.

At that time, I was involved as a consultant, as a key negotiator for what was called the Long Term Benefits Agreement. The Long Term Benefits Agreement involved five First Nations in the Athabasca Tribal Council, the federal government, the provincial government and 15 of the largest oil companies in the world. And basically we were at the point where we had developed a compensation package of a billion dollars, that's \$250 million for each First Nation. We had developed a process where it involved monitoring. The agreement included a monitoring clause. It included joint management or co-management process. It included consultation, a definition of a consultation process. That consultation process included a cumulative rights, cumulative effects assessment which analyzed the First Nations, all five First Nations cumulative rights and activities. So that agreement could have produced — could have made Canada an example of how to do this process. It could have been fantastic.

And then, of course, a new government came in wiped out the negotiation process as well as several other negotiation processes that I was involved in at the time, and we then had revisions in — of the act — in later governments we got revisions of the act were abysmal. I took a sabbatical during that time instead of working on these processes.

Okay, so get to the cumulative effects. Okay. The conventional process right now does not do a proper cumulative effects analysis. It does not. The reason it doesn't is because in order to define Aboriginal Rights there has to be a proper land use study. There has to be a proper rights study done before you can define their rights. Not even different members of First Nations know what their rights are until they speak to other people in their First Nation about where they hunt, where they trap, where they gather their berries.

So, your earlier discussion was a little bit about how do we know — how do we know what the rights are? Maybe the federal government will disagree about the rights or the provincial government will disagree about the rights. Well, it's hard for them to disagree when nobody knows what those rights are because the proper studies haven't been done to determine what those rights are. Not even within the aboriginal communities.

So what I've been doing over the last 19 years is I've been doing traditional land use studies. I've done studies all over Canada. This is the one that we've just recently completed for the Carry the Kettle First Nations. This study — as Chief Elsie mentioned this study goes over the history of the Carry the Kettle First Nation. It talks about their treaty rights in terms of what they used to do in the past and how they've been guaranteed to continue their right to their livelihood in the future. So, in order to understand what their rights are, you have to go into that history and you have to understand how and why their rights need to be defined by reviewing their history, by looking at what they need.

Now, we know that Aboriginal People in the best of cases are the first people to be exposed to environmental problems. They are the ones that are eating the fish more than any other group. They're the ones that are picking the berries and gathering herbs and eating the moose and the elk and the deer and all of the smaller fur bearing animals. They are the ones that are exposed more than anybody to environmental degradation.

So, we know that, but we also know that there's been huge socio-economic effects on the First Nations that are part of that cumulative effects process. In order to understand those rights, we have to understand those socio-economic effects and we have to understand the environmental effects that we preventing them or that are infringing on their rights.

So, the whole process —

Johanne Gélinas: I will invite —

Jim Tanner: Sure.

Johanne Gélinas: I will invite you to conclude, please, Mr. Tanner.

Jim Tanner: Thank you. I've run out of time, right?

Johanne Gélinas: We would like — but we have gone through half an hour and we haven't had a chance to even ask a few questions to Chief Jack, so we would like certainly to be able to ask some questions.

Jim Tanner: Absolutely. In fact, the — this is not a simple area as I'm sure you're aware. I've been working in it for a large part of my life and I've had experience over the last 20 years with exactly the — and dealing with exactly the questions that you're raising in this area. And Chief Jack is very familiar with all this material.

If you would like, perhaps it'd be better if you would like to go ahead and ask Chief Jack some questions and maybe we could have an opportunity to — I have several answers with respect to the questions that you were asking the previous panel.

Johanne Gélinas: But we for sure would like to, if you are interested, to get a written submission where you answer those questions in particular. Having half an hour is not enough to go through all your experience and moreover the suggestion that you may want to make to improve the process, certainly. So we will take the time still as you are there and we would like to very much to benefit from your presence to ask you a few questions, if you don't mind.

Jim Tanner: Perfect.

Johanne Gélinas: Thank you. Renée.

Renée Pelletier: Thank you, firstly, for your presentation, to both of you. Chief Jack, I wanted to ask you if you could say a little bit more about your comment around — with traditional knowledge some of the elders wanting to keep certain things sacred. I know one of the concerns that we've heard from a number of communities is a reluctance amongst knowledge holders in a community to share information because they fear that that information might get used against them or that they won't retain the intellectual property rights to that information. Could you tell me a little bit — tell us a little bit about what you meant by that comment about elders wanting to keep certain things sacred?

Chief Elsie Jack: Okay. Well, over a number of years — because we've been involved with TransCanada Pipeline and we've been involved with Enbridge Pipeline along with some other entities of industry over the course of time. It was in the last 25 years with my position in my First Nation. I was not always the Chief. I was a technical person.

Over that course of time — we've been engaged with Sask Environment over that course of time and we've purchased some lands for our nation. We looked at the particulars of those particular lands that we purchased, which were near the provincial park near the Cypress Hills, in the Cypress Hills Provincial Park I should say, and adjacent to the provincial park and the national park. There was a lot of — one of the key things that our people — since I've been a — I've been active within my Band over 25 years — every year our elders will go out into the Cypress Hills to commemorate and have ceremonies for the Cypress Hills massacres. During that they would go berry picking or picking of plants and all types of things. It was interested that when we purchased those lands, the Sask Environment wanted to know what particular plant species that we were trying to protect, which species of plantation and what were they used for.

There was different roots and herbs that were used for cancer. And they were specifically wanting to know, particularly where they were, what they contained, what type of — and so at that point they were — I guess somewhat naïve in thinking we were going to this process that — for protection but it's not to know the particulars because they had all — they had a whole pile of plants laid out with the names of them and some of our elders didn't know the names of the plant species, but were more interested on what they could do for herb — for medication, right.

So at the time and process — that's why, you know, I explained to them I think we need to be very careful. And after, you know, our elders talked about it they were — you know, they did not engage in any type of conduct like that.

Even though up until recently, like about five years ago — same as well too when the — we have lands as well too near the Alberta border, as well in that particular area there is industry with the methane companies coming through making a pipeline on the border there. And so, again, our elders were contacted to see what kind — and then wanting to know specifically what were those used for and how of importance is it.

I think that was the key thing is that — yes they are important to our people. That particular site and area where those lands are, is there's a hot springs there and that's where our people would go from early 1800s — that I know of — that would go there on an annual basis. So there are particular sites and landmarks that were important to our people and that were carried on generation after generation. So even though we are not physically there all the time now, in our traditional homelands, but our elders would on. So I now take my grandchildren to those sites. I know tell my grandchildren about what — the knowledge that I've gained through the elders' content.

So I think — I hope I answered your question.

Renée Pelletier: Absolutely. Thank you.

Rodney Northey: Yes, I think you've partly answered, at least the first question I was going to ask which is trying to follow the history and the displacement. I'm not sure I've got all the right terms and the like. But are you now then with some access to what is your traditional territory? What, if you could provide an overview, and I appreciate — I've got this. But, in just general terms, what portion is the land you purchased in your traditional territory? Are you still largely outside your traditional territory?

Chief Elsie Jack: We had a treaty land entitlement settlement and we were able — you're only able — at that particular settlement we were only able to purchase land in the Saskatchewan boundaries. So we did purchase some land in the Cypress Hills. Nothing compared to the size of our First Nation that we were originally selected under treaties. So we did purchase some lands in that particular area for specifically for that, for cultural issues.

I just want to make a comment because we had — I fought with this for quite a while. I had a board of trustees and one of my trustees was the former minister of finance and he worked with the Province of Saskatchewan — could not figure out why we were purchasing this land for the life of him, based on the economics. But there was a different approach, of course. It was a historical approach for our nation to have some cultural ties to our homelands, even though they weren't our homelands but they were in the vicinity of our homelands. So that was the tie, the tie to hunt on those particular properties, because that particular site was a breeding ground for the elk herd. So those ties that — we purchased those lands with specifically for

that. Not based on economics. You know, in relation to generating revenue for our First Nation, but based on cultural ties mainly.

So and that's what it's used for on an annual basis. We go there every year. And our hunters go there on an annual basis as well, too. So we maintain our ties in that particular area but it's not our former reserve but it's near our former reserve.

Rodney Northey: So will this study explain the whole history that you've summarized briefly for us?

Chief Elsie Jack: Yes.

Rodney Northey: And where the lands are?

Chief Elsie Jack: Yes.

Rodney Northey: Okay. In terms of getting to the bottom of traditional land use, which I guess this — were you able — how much constraint did you face trying to get access to even know what is in your traditional lands, or is it fair to say you have a sense of it now? I'm just trying to gain, understand. We have a notion in the statute saying somebody do a traditional land use study. We say oh let them do it. Were you able to do it?

Chief Elsie Jack: I worked in the lands department for pretty much over 25 years for my nation before prior becoming Chief. In that 25 years, right off the bat, I need — we get different gaps of knowledge, different gaps of particular things that we wanted to develop for our First Nation in relation to land management, in relation to land use studies, land use plans. And over the last, I'm going to say 20 years I've come to realize that we needed to get a land use plan in place. A land use study was one of the significant things that we recently contributed because it encompasses all of us. It encompassed our history. It encompasses our aboriginal rights. It encompasses our treaty rights to hunt and fish and trap and maintain our livelihood, which today, is still being exercised by my people.

And we're physically now where we have to go out to different areas in our — within our territory — I'm talking about Treaty #4 territory — in our territory to do the — exercise those because the water bodies that we had under treaty provisions were taken away from us. We were fish people. We ate fish. We consumed fish. And we didn't have that once we were removed from our traditional territories. So all those things were taken from us. You know, the buffalo diminished and we lived on wild game.

And even so, now, like we have to be careful too when our hunters go out and hunt there's — because we live in an area where our backdoor is the Bakken Fields. There's a lot of oil industry there. So we have to be careful with our

game because there's times we find game that is encompassed with cysts inside — meat. So we have to be careful because of things that are — even our game are starting to take effect on the industry. So we have to be careful in that matter. We all talk about it.

My grandson knows what to see and look for and don't eat it, you know, those types of things. It does affect us. And you have to go back and take a look at the effect — what we had previously to what we have now and it's diminishing. And those are our aboriginal rights, which were supposed to be protected under the treaties.

Johanne Gélinas: Thank you very much, Mr. Tanner, Chief Jack for your presentation. It was very much appreciated and you may have a written submission that you can present it to us before December 23rd. Thank you very much.

Rodney Northey: Is this for us?

Jim Tanner: Yes.

Johanne Gélinas: Thank you. I would like to know if the afternoon presenters are in the room. Are they? You are?

Okay. And others are in the room? No. Okay. So I guess all of you would like to have lunch and I apologize for being late. I will suggest that we get back here at 1:30 instead of 1:15 so it will leave us at least 45 minutes to have lunch. Thank you very much.

(BREAK)

Johanne Gélinas: Good afternoon. We're ready to start over. I would like to invite Tonya Crowchild. Wherever you want. Can you just pronounce for my own knowledge the name of your community?

Tonya Crowchild: I am from Tsuu T'ina Nation.

Johanne Gélinas: Thank you.

Tonya Crowchild: So I just start.

Johanne Gélinas: Yeah. Absolutely.

TONYA CROWCHILD, TSUU T'INA NATION

Tonya Crowchild: (Speaking Native Language). Welcome today to our traditional Territory of Treaty #7 in which is my home, my home territory. I would like to introduce ourselves to you. We are the Tsuu T'ina Nation. We are signatories to Treaty

#7. Our reserve borders the southwest city limits of the City of Calgary, here in Alberta. We come from the Athabaskan speaking family.

Our traditional territory consists far north to the Dene Nations and as far south to the Navajo and Apache Nations in southern United States. We were traditionally a nomadic group of people that hunted, fished, trapped, gathered and harvested off the lands from where our peoples have lived.

As signatory to Treaty #7, our nation would like to remind Canada about treaty. Treaty #7 is a peaceful treaty — is a peace treaty between two nations where Chief Bull Head agreed to set aside part of our traditional territory as a reserve for our exclusive use so that we may continue our way of life and to share our existing traditional territory with the Euro newcomers in exchange for a number of guarantees, including fiduciary protection from Euro newcomer encroachment, lifelong education and health services, continued rights to hunt, fish, trap and gather, and money for economic development. Our way of life was never supposed to be impacted by Euro settlers, nor were we to be restricted from the use of our lands.

Tsuu T'ina world view is based on respect and maintaining a harmonious relationship with the natural world and all living things. It means living a balanced life with the social, physical, intellectual, creative, emotional, and spiritual dimensions.

Our presentation today is to provide context as to who we are as Tsuu T'ina Nation and to remind your organization that we have always asserted our jurisdiction and sovereignty over our lands, territories, natural resources, and peoples.

First Nations role in Canadian history and today is very important. All lands in Canada is traditional territory for Indigenous People. Creator bestowed a responsibility to us to act in good faith with our mother earth. We have been taught to only take what we need from her abundance and to safeguard the blessings that she has given us for the next seven generation. This is our inherent right and obligation as Indigenous Peoples.

Our people have lived here for hundreds of thousands of years. The waters, lands, vegetation and air were always clear and healthy until the newcomers came here. In the last 140 years we have seen change to our environment and see the impacts it has on our wildlife and waters. As stewards of the land, we have always monitored our surroundings and have taken our responsibility to mother earth very seriously.

The Canadian Constitution, specifically Section 35, reaffirms that Canada recognizes our existing Aboriginal and Treaty Rights. In our interpretation,

we know that Canada understands that they should not act wrongfully to those said rights, and that they have obligations to uphold their responsibilities under treaty.

At the time of signing treaty, Chief Bull Head and his peoples only agreed to share the land with the newcomers to the depth of the plough. He did not know that a hundred years later that much of the lands would be taken away for the settler peoples' use. In addition, our natural resources were never discussed at treaty making time. Canada unlawfully claimed ownership and transferred the responsibility to the provinces with the 1930 Natural Resource Transfer Act.

Tsuu T'ina Nation never gave authority to Canada to enact this legislation or any legislation that impacts our treaty, treaty rights, inherent rights and aboriginal rights. Canada must be reminded that treaty is a living document for as long as the sun shines, the grass grows and the rivers flow.

The United Nations Declaration on the rights of Indigenous Peoples recognizes Indigenous Nations and outlines rights which we have always had. Canada accepted the declaration and the liberal government stated that we would — that they uphold it. Earlier this year, Minister Carolyn Bennett stated at the United Nation Assembly, we are now a full supporter of the declaration without qualifications. We hold Canada to those words.

The specific articles we reference in relation to our position is as follows: Article 10, free, prior and informed consent must be given by Indigenous Peoples prior to the removal of their lands or territories. At no point did Tsuu T'ina consent to relinquish their traditional territory.

Article 11, Indigenous Peoples have the right to practice and pass on their traditions and customs including historical sites, archaeological, artefacts and ceremonies. Identifying historical and other significant sites is challenging. Limitations of funding and resources and external timelines make that hard for Tsuu T'ina. Canada must accommodate us so that we can fully participate. Many of our findings are located in our traditional territory. It is imperative that we transfer our knowledge to the youth and share our rich and vibrant history.

Article 14, Indigenous Peoples have the right to establish language base and culturally appropriate education institutes. Tsuu T'ina is committed to the revitalization of our language and have established innovative methodologies to retain the language. Many of the language teachings relate back to the land. We have words in our original language that cannot be translated in English. Words also have a greater meaning in our language than in the English context.

Article 18, Indigenous Peoples have the right to their own decision-making process in institutions. Tsuu T'ina has never given consent to Canada to legislate over their peoples. We are a progressive — we are progressive in our own

legislation. Tsuu T'ina's legislation process has been established and we are actively working towards our own constitution. Canada must change its patrilineal approach and work government to government. Canada must also respect us in our contribution as equal partners when making decisions.

Article 19, Canada must obtain free, prior and informed consent from Indigenous Peoples before implementing legislative or administrative measures that impact them. Tsuu T'ina holds Canada and its ministries, organizations and responsibilities to their legal obligation to consult and accommodate. Adequate consultation must be done and participation from Indigenous Peoples must be incorporated. We take the duty to consult very seriously as it impacts our lands and our peoples. We are not afraid to legally challenge a legislation. We have learned to be pre-emptive.

Article 24, Indigenous Peoples have the right to traditional and modern day medicines and the conservation of vital medicinal plants and other living things. Tsuu T'ina is concerned of the availability of medicinal plants and as more projects are approved the ecosystem is impacted and plants are destroyed and not able to return. Traditional land use assessments are needed to identify plants and must be conducted before, during and after growing season. Indigenous environmental monitoring is important for our livelihood.

Article 25, Indigenous Peoples have the right to maintain their spiritual relationship with the natural environment and within their traditional territories. Tsuu T'ina elders and knowledge keepers have limited access to the lands as more encroachment occurs. That impacts their ability to mentor and pass on their teachings to the next generation.

Article 26, Indigenous Peoples have the rights to the lands and traditional territories and the rights to develop their lands. No project should limit Indigenous nations nor should impact any resources. Indigenous nations should be active partners in all aspects of any development.

Article 27, Indigenous Peoples have the right to participate in provincial and federal processes when it pertains to their rights. Canada, industry, and national decision-making organizations should provide financial means to allow for this participation. Tsuu T'ina participates on various provincial and federal processes at cost.

Article 28, Indigenous People have the right to redress in fair compensation when free, prior and informed consent was not done. Consent is required at all times by Indigenous nations. Canada, industry, and national decision-making organizations must not free themselves of this responsibility.

Article 29, Indigenous Peoples have the right to the conservation and protections of their environment. Tsuu T'ina requires that Canada allows for active participation when it relates to the lands and environment. Tsuu T'ina strives to maintain a harmonious relationship with mother earth and the more projects approved will limit access and force a disconnection and impact spiritual responsibility to care for mother earth.

Article 31, Indigenous Peoples have the right to maintain control and protect and develop their culture. Tsuu T'ina elders use nature as a teaching tool and as our land-base and traditional territories diminish so does opportunities for elders to pass on their knowledge and teachings.

Article 32, Indigenous Peoples have the right to determine their own priorities on the development of their land. Tsuu T'ina engages with its people on major land initiatives. We promote a grassroots awareness and strive to make informed decisions. This also goes for lands that are within our traditional territory.

Article 37, Indigenous Peoples have the right to hold their government to the treaty and its agreements. Tsuu T'ina exerts its traditional and inherent right at every aspect of its governance. Nothing can affect treaty both on and off reserve. Canada must understand our relationship with the lands and protect the treaty at all times as well.

Social determinants, the environment effects including cumulative effects on social determinants caused by projects are: A) dietary and health. Projects may destroy or introduce contaminants to the animal and plant species. There is already reduced availability of traditional foods. Our peoples have compromised diets moving from traditional to market food base. We have high diabetes rate, poor nutrition, obesity and general lack of exercise in our community. Dietary change and limited access to traditional territory is contributing to the decline of health and diet.

B) Employment and income. Our peoples are denied access to resources that are sources of income for their families. We have artisans who use natural elements to create products and others harvest trees for teepee poles. Having a sense of self-worth and productivity is crucial to the wellbeing of an individual.

C) Cultural education. There is Canadian education and there Indigenous cultural education. Our elders use nature as a teaching tool and everything we do relates back to the earth. Prior to the newcomers we had an education system in place which we still practice today. In order to learn the harmonious relationship with all living things you must be in nature. As land access diminishes and project impacts continue to become more frequent, opportunities for our elders and knowledge keepers to pass on cultural education and teachings will harm our nationhood.

Ceremonial. Our knowledge keepers and traditionalists practice specific ceremonies according to the seasons and moon cycles. Many are conducted on the land and as land diminishes it impacts our spiritual responsibility.

Stewardship. Several major projects impact our traditional ties to the land and our territory. In order for us to properly care for our environment and live harmoniously with the natural world, we must do our part in keep a balance on the land. Projects make it difficult for us and the disconnect forces us from the natural environment that once supported a healthy lifestyle.

Cultural continuity. Without a connection to the land the social cohesion we strive for is at risk. Many of our teachings are based on our connection and interaction with the natural environment. We teach our youth about herbal medicines, when to pick, and what the healing properties are for. They learn the language and hear the oral stories. They interact and are mentored by our elders and knowledge keepers. Family cohesiveness is reinforced and they participate in ceremonies. As we become more disconnected with the land, our youth become high-risk; loss of culture and language, and loss of identity can result in substance abuse, low education, gang affiliation, and to the extremes, suicide.

Nation to nation relationship. An important social detriment is the nation to nation relationship. Being an equal in decision-making and meaningful consultation is crucial to the healthy wellbeing of a nation.

In conclusion, Tsuu T'ina requests that the information that is presented during this process be recognized and that our words not be taken for granted. The importance of Indigenous knowledge must be incorporated within all projects. We want you to understand that we have never given up our rights to our lands, our waters and our environment. We want to have full participation and adequate consultation with all matters that pertain to us. We want to be a part of the decision-making process and help determine proactive solutions to help safeguard our mother earth. We do not want impacts to our waters, wildlife, medicinal plants and we want to have continued access to our traditional practices on the land. It is time for Canada and its regulators to step up and provide the necessary means to allow full participation from our peoples. (Speaking Native language).

Johanne Gélinas: Thank you very much. Renée.

Renée Pelletier: So (Speaking Native Language). Thank you for your presentation. It was indicated by your presentation, I'm sure you're aware we are looking at UNDRIP and trying to figure out how we, as a Panel, can make recommendations to reflect UNDRIP and how UNDRIP can be incorporated into an environmental assessment process. So I'm wondering — actually first I'll stop there. Are you intending to make a further written submission to the Panel?

Tonya Crowchild: Yes we did apply — well we did apply for the funding so we did get that funding for the environmental assessment process.

Renée Pelletier: Excellent.

Tonya Crowchild: Through CEEA.

Renée Pelletier: So you will be putting something in by the deadline of December 23rd?

Tonya Crowchild: My nation will be, yes.

Renée Pelletier: Excellent. Okay. So if you can't answer the questions I'm going to ask today now, that's fine. Maybe just something for you to reflect on when you're preparing your written submission.

Tonya Crowchild: Okay.

Renée Pelletier: Have you been a part of federal environmental assessment processes for your nation in the past?

Tonya Crowchild: Yes.

Renée Pelletier: Do you have ideas about how we can implement some of these concepts in UNDRIP in a federal environmental assessment process? So what would you like to see change to be a part of decision-making, to make sure that your consent is obtained? You know all the articles that you've listed. If you happen to have that answer off the top of your head, great, but otherwise if that's something you can maybe integrate into your written submission that'd be excellent.

Tonya Crowchild: We take great pride in who we are and the United Nations Declaration is a very important tool for our people. Because when Alaphant Martinez(ph) did the treaty study he said treaties are very much alive today as they were when they were first developed and when they first were agreed to.

So in saying that, we, as Indigenous Peoples — I mean no Indigenous nation in Canada is going to tell you that they gave up their land to Canada, you know, to the crown. I mean let's be realistic, \$5 a year is not acceptable for each individual — and each individual citizen.

So, I as a person, I can sit here and tell you meet with the First Nations, obtain free, prior and informed consent. Do not work from the top down. Work from the bottom up. Establish those relationships and build grounds to work together to come to a mutual agreement that's going to best serve, in our case, the environment and the impacts that it has. Talk with us. We're not here to be radicals

and say you have — you know, we don't want to work with you. Because that's not who we are. Like I said, the treaty is a peaceful treaty. We want to be active partners.

So, in the declaration, you know, there's 46 articles and by all means our nation would be more than happy to go through those 46 articles and tell you how — other than the ones that I provided you — to go further and greater in detail. At my nation we do have an environmental protection office that is being established right now. We have the consultation office and we have legislations that are developed or in development. We are very proactive. You know, we just want to be able to contribute as best as we can. So I invite, you know, Canada to come and sit with us, to learn from us. Because in order for Canada to implement and understand where we are coming from, you have to get the education first.

Renée Pelletier: Thank you.

Tonya Crowchild: You're welcome.

Doug Horswill: Great. Thank you. In terms of our — I guess our role we're kind of go between and communicators as opposed to Canada as you understand but your messages are interesting and clear. Would you elaborate a little bit on your legislation? What is your process for developing legislation and do you have legislation in the land use, environment, natural resource sort of area and would it be accessible to us?

Tonya Crowchild: Okay. Well, it's Doug?

Doug Horswill: Yes.

Tonya Crowchild: Can you give this to your Minister of Environment since you're the go to person, in between. Well one of you.

(Laughter)

I would have to say that we do have a legislative process that was developed by our nation and is adhered to by our chief and council. We have two streams. One is a stream A and one is a stream B. Stream A goes to the citizens and stream B goes through chief and council process.

We are in the — like I said, we are in the development of our environmental protections office. We have an act coming. Regulations coming. We have a land code. We have a consultation and traditional land use legislation in the works as well. We have a water act that's being developed. We have a lot of — we're trying to be proactive and bring forward a legislation that's going to protect our lands on reserve and off reserve. So the consultation and land use legislation will be for our traditional territory which is off. So we do have — did that answer all of your questions?

Doug Horswill: Yeah it does. One contextual point that would be helpful, how many people on — within the nation? Secondly, with respect to the legislation — you mentioned the two streams. Does that mean how the legislation is approved? One is chief and council and the other is some broader —

Tonya Crowchild: Correct.

Doug Horswill: — citizen participation?

Tonya Crowchild: Correct. We have about — approximately 2,300. Yeah.

Doug Horswill: Okay.

Rodney Northey: Yes. Thank you for the submission. I understand I think from some of the terminology you just gave us that you're probably using the First Nation Land Management Act to get yourself to a Land Code and enact legislation. Is that correct?

Tonya Crowchild: Yes.

Rodney Northey: So I'm interested in how you are moving forth to go from the reserve, which that act applies to, to the traditional territory and what you've been trying to do. Is it a consultation process you've developed? Just interested to hear how it works off reserve.

Tonya Crowchild: Yes. Off reserve on the — consultation, currently the consultation director — so my job entails traditional land use assessments within our traditional territory. We look for specific things that are historic in nature to us and that are actively used. We monitor the wildlife and the waters during those assessments. You know, we follow the direction of chief and council. That is what consultation is. So I am the middle person between government and industry and my governing body as well.

Johanne Gélinas: Thank you very much for your presentation and we look forward to have your submission.

Tonya Crowchild: Thank you.

Johanne Gélinas: Thank you.

Our next presentation will be made by Raymond Cardinal and Donny Rain from Paul First Nation. Good afternoon. You just have to press the button.

RAYMOND CARDINAL AND DONNY RAIN, PAUL FIRST NATION

Donny Rain: Good afternoon, Panel members, guests, fellow Indian people. I will begin by addressing — well first acknowledging that we are guests in Treaty #7. I will begin by addressing my people in the languages of my father and my mother.

(Speaking Native Language).

I will do my best — there is no literal translation for anything I've just said. To keep it simple, members of the Panel and guests, we as Treaty #6 people recognize and adhere to natural laws and our position is those natural laws give us our livelihood, our aboriginal and inherent rights and those natural laws supersedes all, all written doctrine.

Ladies and gentlemen of the Panel, our priorities are: protection of land and environment in all aspects, from the soil to the water, plant life, animal, bird, all levels of atmosphere.

Ladies and gentlemen of the Panel, our priorities also include: clarifying our position in that we are not given special right be treaty. The treaties in fact guarantee our aboriginal and inherent right and protect our livelihood.

Ladies and gentlemen of the Panel, I realize we have a limited amount of time to present so I give to you, my colleague, Raymond Cardinal.

Raymond Cardinal: Thank you, Donny.

We've taken a slightly different approach than the way Tsuu T'ina did. We appreciate their words and we echo and support a lot of the comments that they made this morning or this afternoon.

I guess for us the focus, as Donny said, is on protection of the land, protection of the environment. In our case it's also protection of our heritage and by heritage I refer specifically to the Alberta Historical Resources Act. There are at least a dozen different types of traditional use sites that are entitled for protection under the Historical Resources Act. One of the focuses of my department, my office, has been to identify those sites, go through the formal process to designate those sites and ensure they're protected from development. These things would include such things as gravesites. They would include gathering sites. They would be sacred sites and several others. We feel that it's important that any project prior to construction needs to take these things into account.

One of the biggest challenges every First Nation here in the Province of Alberta faces is the fact that the Government of Alberta provided minimal

funding to do traditional land use studies. It provided limited funding to allow us to designate our sites for protection. Just to use an example, the Government of Alberta provides \$2,000 a year to designate gravesites. We have hundreds of gravesites throughout our traditional territory. We simply do not have the resources to go out and map all of those. And I have yet to meet the government official or industry proponent that wants to voluntarily disturb a gravesite.

We have an important job to do and we feel that it's important that as part of any assessment that there is meaningful engagement between the proponent, between the crown and us, representing the Paul First Nation. Too often engagement seems to be a check the box exercise. People have their carefully scripted key messages that they need to deliver and it seems to be the whole exercise is how can we deliver all our key messages and then leave as soon as possible. We want meaningful dialogue. We want meaningful discussion about all aspects of projects and how those projects will impact our traditional land use, how those will impact our heritage. So I think that that's something that we've tried to stress to every level of government that we've dealt with, whether that's federal, provincial or municipal.

The other thing that we've stressed is that, you know — if you follow the case law, or read the case law, we, as First Nations, have a treaty right to hunt for food here in Alberta. We have a treaty right to fish for food. One of the biggest challenges we as Indian people have seen, is the fact that many of the big game that our people used to hunt are scarce. Many of the big game that our people used to hunt are no longer safe to eat. We've had numerous situations where our hunters from our community have taken big game and found them riddled with tumours and sores and identified as unsafe to eat. Our treaty right to hunt for food means nothing if we can't eat the game that we hunt. Our treaty right to fish means nothing if we can't eat the fish.

Our people are still actively involved in traditional gathering for subsistence, for ceremonial purposes and those are rendered meaningless if the berries, as an example, are contaminated and our people cannot eat them. This is something where too often our concerns are dismissed by both government and industry. Our people have a right to hunt. They have a right to fish. They have a right to gather. And we need to make sure that those are there in perpetuity for future generations. We need to make sure that they're safe for our people to eat, because it's no longer the case by and large throughout our traditional territory.

Donny, I'll turn it over to you.

Donny Rain: To conclude, ladies and gentlemen of the Panel, our position is Canada did not assume any right to amend treaty, or policy, or enact legislation without meaningful dialogue, without consultation. Canada did not assume the right to amend fiduciary responsibility. When the constitution came back to Canada from the crown, Canada became a delegate of that fiduciary responsibility.

When Canada attempted to offload that responsibility to the provinces, the provinces became a sub-delegate to that original fiduciary responsibility. We, as Indian people in this land, the original inhabitants of that land, have yet to see that fiduciary responsibility upheld by any level of government, all the way up to the crown.

Ladies and gentlemen of the Panel, Canada does not possess deed to this land. Our Treaty #6, and echoing the sentiments of our Treaty #7 relatives, it is a peaceful treaty, agreeing to share to the depth of a plough, resources. We have indeed seen that peaceful treaty disregarded, dismissed and minimalized by all levels of government and in subsequent discussion with proponents, pretty much all levels of industry as well.

Ladies and gentlemen of the Panel, this is no longer acceptable. This is not about today, it's not about next week, and this is no longer simply an Indian issue. Protection of land and environment and water resources are a human issue and that is our focus one hundred years from now. Thank you.

Raymond Cardinal: Okay. And then just I guess one last final point, I know that my colleague prior spoke about the United Nations Declaration and one of the things that we did want to see and we did want to stress, is that in the United Nations Declaration there are provisions for protecting, accessing heritage sites, and that's something where for far too long we've seen our heritage sites destroyed by development. We've seen them damage our heritage and that's something where — we have been stressing to the Government of Alberta and now to the Government of Canada, that there really needs to be a solid focus on how to implement section around heritage. Because our people were given this land, we were given the places that we use and we need to make sure that those are there for our future generations. And both Canada and the Government of Alberta have stressed they want to implement the United Nations Declaration. This is a key provision for the Paul First Nation, that heritage be protected. That our sites be protected. That when environmental assessments occur, that they engage us, not just the government but also the proponent to make sure that they're not inadvertently damaging or destroying or harming our heritage sites.

So, with that I want to thank you for your time and if you have any questions, we're here.

Johanne Gélinas: Thank you very much, gentlemen. My first question has to do with your involvement yourself and your community in some major projects over the last year. Have you been involved?

Raymond Cardinal: Yes we've been involved with several major pipelines here in the province of Alberta. We've been engaged on the Kinder Morgan. We've been

engaged on Line 3 and on the Northern Gateway. So we've been involved in those three.

We've also met with the CEAA a number of times at the Paul First Nation. We've also met with the NEB and other federal proponents. So we've been doing this for a while.

Johanne Gélinas: And how will you describe the consultation process that you have been part of?

Raymond Cardinal: This is where we've been — I think I mentioned it in my points that by and large it seems to be a check the box exercise. There is inconsistencies throughout the process. We ask about traditional land use studies in every meeting with every proponent, with every government that we meet with and so — we can have a traditional land use study for Kinder Morgan but Line 3 there's no process to allow or support that. And that doesn't make sense to us, you know. This is something where if you're going to do it with this project then there should be some consistency along the board to allow our people to participate prior to any disturbance so that we know what's out there, what's being potentially impacted by a project. And I realize that there are slight differences between the two projects but that's not enough in my mind to negate the need for a traditional land use study.

Johanne Gélinas: You started your presentation by mentioning that there was little funding. I thought it was at the provincial level to help you doing your land use mapping and study.

Raymond Cardinal: Yes.

Johanne Gélinas: Okay. Were you referring also to the federal government in that comment?

Raymond Cardinal: We were referring to all proponents, whether they be federal or provincial. I would say that based on my meetings with the elders at Paul First Nation — I would say that we have approximately 20 to 25 percent of our traditional land use identified and mapped. That's been something that we've stressed needs to happen, needs to occur, so that we are not caught in a situation where an elders traditional camp or an elders sacred gathering site or an elders ceremonial site is destroyed.

So this is something where we've stressed every proponent, every government, every project needs to support that effort. And provincially they've done a poor job but they have provided some funding. On the federal side we've received next to nothing. So I guess that would apply to both governments.

Johanne Gélinas: I have one last question, I don't know if you were with us before lunch but we had a presentation and there was a document that was given to us

which is basically the land use study. I would like to hear from you if you would have had that study yourself going through those projects, how your dialogue with the proponents would have been different?

Raymond Cardinal: Okay. I'll give you one concrete example that's occurred in the last month. We had a well site and an access road that we were engaged on. We sent our trained environmental monitor along with elders from the community to the site. The elders identified that the site was of extreme importance to the Paul First Nation and so we met with the proponent and the proponent agreed to cancel their project and move their well site to a different location so as to allow for that site to remain undisturbed.

We've seen this in a number of situations now where pipelines rights of way have shifted or moved so that they can accommodate our sites and make sure that they're not harmed from development. So this is something that can happen. It doesn't always happen. We require more information because, quite honestly, the biggest challenge is that the province requires us to have the level of detail with a level of technical processes, so we have to use specific data points and show them that exactly.

Using an example from my own community, I am from Sucker Creek First Nation which is in Treaty #8. Treaty #8 was signed on my reserve. I can take you to where Treaty #8 was signed but I couldn't tell you what the GIS points for that place are because that's not how we learn our traditional sites.

So that's the process now, where we now have to go and collect that data and that requires time, considerable time, and it requires money, and that's something that very First Nations have a lot of.

Johanne G elinas: Thank you very much.

Ren e Pelletier: Thank you. I wanted to ask some questions about the work you're doing with the Heritage Act. You made a comment that there are sites that are not being protected from construction and I wanted to clarify whether by that you meant the sites that you had not yet been successful in getting protected under the act, or whether what you were saying is that even after getting site recognized under the act, they were still not being protected from construction.

Raymond Cardinal: Well, I think to clarify, part of the challenge has been a lot of these processes have only started in the last few years from any First Nations and the problem is that development has been happening for decades in our traditional territory. So we have one site that we had designated that was a sacred site to the Paul First Nation and the development occurred and there was a pipeline that bulldozed everything on the sacred site and they built a pipeline through the middle of that sacred site.

So that's something where regardless of — whatever maybe that's a part of the time we didn't talk to First Nations people, we didn't ask them any questions, but that's still a sore point in the community, especially amongst our elders, that this type of thing has been allowed to occur. And that's not an isolated incident. So, in some sense, those types of situations we are not able to easily rectify but we are able to go out and now — now and to the future to identify those sites and get them protected.

The province has been supportive through culture and tourism of protecting those sites. So where we've identified sites, they have issued protection orders for those. So I think it'll be positive moving forward, but at the current time we have eight sites identified and that was just one elder and that was just a day and a half. So that's one of the issues.

Renée Pelletier: Thank you. I'm just trying to get a better sense of the breadth of the Heritage Act in Alberta. The sites that could get designated under the act and be protected, are they just burial sites or couldn't you get sort of sacred sites protected as well?

Raymond Cardinal: There would be sacred sites, ceremonial sites, prayer sites, oral history sites, historic trails, historic cabins. It would also be gathering sites and by gathering I don't just mean berries but also medicinal plants, minerals, quarries — that can be traditional quarries that can be protected. There are gravesites — obviously are an important. And the list is something like 10 or 12 culturally significant trees would be on that list, rock paintings, and things of that nature can be identified and protected but it required us going out into the field to do that.

Renée Pelletier: Okay. Thank you. That's helpful.

Donny Rain: Allow me to add to what Raymond has just said, given the fact that these processes have only been around since 2005 that will further clarify our complications with accomplishing the collection of geo-data, which is a requirement now at all levels of government. This also speaks to the dismissiveness on the parts of the government and proponents, is they are only willing to go so far as the geo-data will allow them, and dismiss our nation's entire pre-history on this land.

Raymond Cardinal: Yeah. And just to clarify what Donny said, proponents, especially under the Alberta process, we have to identify project specific sites, site specific concerns. Well if we don't have the geo-data specifically on hand, then they say well that's not a real concern then. But, you know, this is something that we've stressed in all our meetings with the CEAA and the NEB that this is something — it's not that they don't exist, it's just that they're not currently designated because we lack the resources to do that.

Doug Horswill: I'd like to pursue the matter of resources a little bit. You said 25 percent of your land is studied. I'd like to know how much that is. How much remains not covered? And how the work that has been done was done? How was it — was it funded by proponents or?

Donny Rain: First of all, to provide some real absolutely clarity here, we did not make such a definitive statement that 25 percent of our land was done.

Doug Horswill: Okay

Donny Rain: It's roughly 20 to 25 percent.

Doug Horswill: Okay.

Donny Rain: And pardon me, Mr. Horswill, but I will use this as an example of the discrepancies in the use of terminology between the government and our nations. We spoke generally. You spoke very definitively and there's a huge discrepancy which adds to further complications in achieving open dialogue.

Now, moving on from that, yes we have roughly 20 to 25, by our elders' estimation, mapped out in our traditional territory. We have also put in a great deal of work into improving our mapping of our traditional territory, working closely with the geo-data group of the provincial government with the understanding that that map will also continue to grow. So in that case, that 20 to 25 percent may remain constant. It may decrease. It may increase given how successful we are at mapping. That is not set in stone.

And to further emphasis, for as long as we have people on this land from our nation practicing our aboriginal and inherent rights, our traditional territory usage will only continue to grow. Thank you.

Doug Horswill: Okay. I apologize for mishearing the 25 percent, and I — it was in a sense figurative because what I was trying to get at in relation to our mandate of environmental assessment, one issue that we've spent a fair deal of time talking about and hearing about as we've gone across the country is something called regional assessment, which is a process and normally in advance of projects and it can define a region. It tries to get at establishing baselines and understanding the nature of issues prior to having to look at them from the point of view as project assessment. So in that context and thinking about that as a vehicle, I'm wondering what application it might have in relation to the issues you've raised around heritage and protection. And beyond that, what's in my mind is thinking about the kind of resources that would have to be devoted to that type of activity in order to get a satisfactory database in place.

Raymond Cardinal: Okay. I just want to I guess touch upon some of the questions you've asked. I mean when we're looking at this question from an overall perspective — you know, to address your previous question, by and large the focus was

on hunting, trapping and gathering and I would note to you that here in Alberta there are roughly 18 different types of sites. So by and large we didn't capture our history sites. We didn't capture a lot of our gravesites. We need to do that work. So that's part of the challenge. Where they were very good — in 2005 they didn't really give you a manual on what the nations needed to identify or how they needed to identify it. It was only since we've started at the Paul First Nation that people became aware that these other things actually need to be identified and we need to start designating them. So that's part of the challenge we're facing.

I guess with respect to overall planning, I would say, you know, simply this, whatever engagement you do on the planning side it really needs to involve our communities at the ground level. And I would use the heritage as an example. You can go to the Government of Alberta and do a historical resources review and it will tell you whether the site has any known or designated heritage sites impacting — your project is impacting.

So that's kind of the challenge for us, because we have eight out of several hundred that have been identified. So most people go to that, they do the search, they stop, and then okay, we talked to the government and the government said we're good. This has happened in our CEAA meetings as well. Well, we did this review; everything is good so we don't have to do anymore. And that's not the case.

We've told the CEAA numerous times you need to engage us directly asking us these questions specifically so that we have the opportunity to tell you that you know what, that search is a starting point, not an endpoint. And that's where we've been stressing we need to be involved as part of all of these regional planning assessments.

I mean this is where — we listened to our colleague from Tsuu T'ina just earlier and she was talking about cumulative effects. I mean where has been the cumulative effects studies and the cumulative impacts mapping that's been done by the CEAA. That's been one of our biggest challenges.

You take something simple like blueberries. Well, you know, they're abundant in general but to have them in a place that's large enough for people to harvest and make sure that they're safe enough to eat — those places are fewer and fewer every year. That's something where the government and every proponent needs to start looking at, those larger effects. They want to focus and minimize our discussion, only on project specific, site specific concerns, without realizing that we are facing major impacts a regional level. You know, it isn't just one kilometre of road here or one kilometre of road there. We will see several hundred kilometres of road. It isn't one well site, one well site there. We are seeing thousands of well sites.

And the Government of Alberta and the Government of Canada are very good at taking up land for their purpose and very, very poor at putting

it back. I would say that based on estimates we received from the forestry industry, over a third of the wells in our traditional area are not producing at all. So they're not being used by anyone. This is something where they could cap them, they could reclaim them but they choose to pay \$300 a year in their licensing so that they don't have to spend the money to fix those issues, to fix the contamination that they've caused. These are issues that we have at a regional level that need to be addressed and are not being addressed currently.

Johanne Gélinas: Thank you. Rod.

Rodney Northey: A couple of questions just to add to the things you're trying to cope with. One is we've heard some other presentations that provincial legislation designating sites is something not acknowledged by federal regulators. Have you had in your dealings on the pipelines any issue with the federal pipeline companies or the federal government knowing about a site that you have designated provincially and not respecting it?

Raymond Cardinal: This is one of the issues that — in all our meetings with proponents and with the CEEA and the NEB we've stressed the fact that we don't have a lot of sites designated. There are First Nations here in the province that have been good at designating sites. We are not one of them. That's something we're working to rectify.

I would say that if we did have a site that it — I would only hazard a guess that perhaps it would be recognized, but at the current time we haven't had the actual experience to say yes or no.

Rodney Northey: All right. It's just because your numbers are — at this point you need the opportunity and the resources to study.

So the second question relates to this whole idea of protecting the knowledge from people that want to use it for purposes other than your purposes. How well does the exercise go if a site is not merely sacred, meaning don't use it, but has some — let's say a valuable plant — I'm not sure if you were here for some of the testimony we heard this morning of — I guess not — of plant species being — having particular medicinal value and people wanting to know what it is so they can then use it and the First Nation wanting to protect that as part of its heritage. Are sites, when you seek to protect them — is an area around them protected sometimes?

To use an example — we put another mapping context — if the dot is this specific site the area protected is a circle quite a bit bigger than the dot so you don't know where exactly the very special value or feature is. I'm just asking what the nature is of — how successful that has been for you?

Raymond Cardinal: It's worked, you know, pretty much how you describe. You would go out and designate a site and then register it with the Government of Alberta.

By and large culture and tourism has been very supportive of respecting traditional knowledge and traditional — Indigenous perspectives on our intellectual property. So they don't ask too many questions. The main point is we have an elder there who will state that this is an important site to the Paul First Nation and any further data that needs to be provided would be up to the elder. They just need some elder saying that this will be important.

Rodney Northey: Okay.

Raymond Cardinal: So beyond that, they've been fairly supportive of the work we've done and I guess that — hopefully that that will continue. But that's where we'd like to go at least from the Paul First Nation and I know other communities are thinking the same way, so.

Rodney Northey: Thank you very much.

Johanne Gélinas: I will have one last question. The way I understand the time it takes to do the land use study — you have started and you will continue to do that for years to come, right? If a proponent is coming into your community with a project that will effect your rights, how do you see their involvement — and it's more than involvement — how in the EA process you could put something like a gate where they have to build with you a portion of this land use study? Where do you see that happening? And if you have talked sometime to some proponents about the need that you have, and I think you did, what kind of responses do you get?

Raymond Cardinal: Well we've been through two CEAA assessments to date. We started in our office April 1st, and so there were some pre-existing relationships with Kinder Morgan, with Enbridge to discuss their lines. The new ones that we've had since then one of the issues has been we requested every time we've met with the CEAA that we want to meet the proponent. We want to have a discussion and discuss this issue with them. And both times we've had these assessments, we've never contacted by either proponent and we raised it multiple times with the CEAA and we were told we'll get them to talk to you and we never heard from anyone, which is part of the reason why we wanted to be here today. You know, because it's important for not just the federal government to be at the table but the proponent needs to be there and they need to be listening to our concerns and addressing our issues.

There is a gap between the federal process and the provincial process and so we need to be able to work with the proponent to deal with those gaps. And so, that's kind of where — we don't see that as part of any of our new engagements. They're there for the pre-existing ones because those were longstanding. The new ones we haven't seen any involvement from the proponent or any discussions around any of these topics. And that's something we wanted to see, so. Anything else, Donny?

Donny Rain: No.

Johanne Gélina: Thank you very much for your presentation. Very much appreciated. Thank you.

Raymond Cardinal: Thank you.

Johanne Gélina: We have two more presentations. The next one will be by Greg Brady. Doing well.

GREG BRADY

Greg Brady: First off, I've got to apologize this morning, my name was on the list this morning and due to a bit of a scheduling problem I was removed. So my apologies for that.

Johanne Gélina: That's fine. We're happy to have you this afternoon.

Greg Brady: Thank you.

My name is Greg Brady. I work for a company and have worked in and with aboriginal communities for 20 years and I've seen the progression of things over time from lack of consultation and complete lack of understanding to things getting to a point where consultation is required and the crown is taking certain roles and the proponents are taking certain roles and the like.

Ultimately, my firm belief is Canadians and Canada, as a general rule, don't really understand their own history. I certainly never did. When I started working with communities I had no clue what the treaty was, treaty context and the like. So I firmly believe that the foundation for moving forward is awareness of our own history and the impacts of the residential school, the treaties, Sixties Scoop, you name it. And it's until you take that time and learn and understand — as a friend of mine says, walk a mile in another person's moccasins, you can't really engage meaningfully and do things from a perspective of understanding.

So I have had some CEAA engagement in my past but not a great deal but what I found at the — challenging for me at that point was that CEAA was moving forward with consultation and we were moving forward with consultation as a proponent as delegated. What I — I have fairly decent relationships with many communities and when these things started there was confusion as to who was who in the process.

So I guess my comment from a recommendation perspective would be that — that from a consultation perspective, that CEAA should be harmonized with the province for which the activity is to take place. And those things need to be

worked out in advance between the parties. What I found is the scope of consultation, and the depth of consultation, and the spectrum of consultation was completely different from a CEAA perspective than it was from a provincial perspective.

Then as a proponent, we have a different role. From the standpoint that, you know, we have to do consultation for your application and a decision is made on that application. But our relationship doesn't stop there. Our relationship is ongoing with the community. We have activities there. I will say some proponents are better than others and I'd like to think that we're — we handle it well in my organization. But our organization believes that — you know, we work with stakeholders on an ongoing basis through to the end of reclamation and make sure there's an opportunity to balance those interests.

So, for me, consultation and engagement should be meaningful. It's not a check the box exercise. It does take some time but when you establish those relationships and you take the time it can be a meaningful process for both parties.

The concern that I have with a comment and the presenter earlier today with respect to the CEAA would be a good mechanism for dealing with the rights side of the equation. I don't necessarily support that. The reason being is if I start a conversation with a community on tell me what your rights are, I'm going to have a very difficult conversation from the word go. And as someone who has to work with that community in perpetuity and someone who's not interested in dealing with litigation, if I start there that's — litigation is likely going to be my end result. It doesn't give us an opportunity to essentially to get to know each other, if you were starting from the beginning. But I think it would also erode existing relationships. So my concern there is it's — I think it's not within the mandate of CEAA to identify those rights and use those triggers for accessing those and making a determination on that. Because I believe the likelihood for litigation would be very high as a result.

Ultimately, for us, we believe that traditional knowledge and traditional land use are key components for the discussion between the proponent and a project. At the end of the day, Raymond's comments that there isn't a proponent out there that wants to hit a gravesite or disturb a sacred site is true. Ultimately, I certainly wouldn't be very happy if that occurred to my ancestors and be respectful of that.

So ultimately, though, there are some challenges with the TK TUS process. Each community does it differently. And then there's the issue of what can be shared and what cannot be shared. If you work with the community and you work long enough you can find the tool to deal with that and I think you mentioned the red dot and the red circle. That's an approach we take. I don't really necessarily want to know what is sacred or special in that area, I just want to know what I can do about making sure I don't impact that site.

I always make the claim right off the get-go when I work with communities, our project will impact you. If you are a land user and you use these lands then our project will have an impact. And so it's about how can we balance your interests and our interests to make sure that we can have a bit of a win-win situation.

So from my standpoint, we build — we try to mitigate those impacts. We try to develop capacity. Many communities their youth are looking for employment opportunity but don't have the skills so we work with those.

I've heard it mentioned that, you know, is appropriate that they come and check the box and throw some money around if you will and get your approval and move on. I would suggest to you that that is not the case. You've worked with a community to identify an opportunity to build areas of capacity. They have a need. The communities ultimately should benefit from resource development and we believe that that balance has to be two way.

So ultimately, for me, the TK TUS is a cornerstone but it has become — it is a challenge in that case because some will provide you with detailed information, some will provide you with little information.

So how we approach it is a community impact assessment perspective. So you would provide the funding and the opportunity for the community to collect the data on our project area and then we ask them specifically and work with them on an ongoing basis, not a come in and check the box and leave, but we go in multiple times, review maps and the like. Try to find mechanisms for ensuring that we can mitigate our impacts. And that community impact assessment is the tool that we encourage for the community to articulate back to us on what the social and other project impacts could be.

So, that's all I really meant to say today, is ultimately I think harmonization of consultation is key. Having the CEAA, the provincial government or the proponent all go have a conversation with the community is already taxing that capacity. It needs to be harmonized. It needs to be collaborative. It needs to be meaningful.

As far as the assessment side of the equation, you know, we may not be able to fill out a complete description of the potential impacts if we are not provided with the complete understanding of a TK TUS. So in many cases it's difficult — we actually aggregate those comments so that we're not specific to a community so we don't get into those issues around the treaty and rights.

From a proponent perspective, our goal is to understand what the impacts are and to see if we can't mitigate those impacts and make sure that they understand the project and ensure that they can meaningfully provide their support for those projects.

So beyond that, that's all I really wanted to say with respect to this.

Johanne Gélinas: Thank you very much. Questions?

Doug Horswill: Sure I'll start this time. I'd like to look a little closer at your notion around the rights thing that we heard earlier. I'm going to put my words into your position to start because it sounds to me that the approach you use to engagement is relationship building.

Greg Brady: Correct.

Doug Horswill: And that your engagement process comes through early and often and longstanding relationships.

Greg Brady: Correct.

Doug Horswill: The issues as I heard them this morning on the matter of rights, I didn't take them to be — that's where you started your engagement but rather that that there was a method of bringing rigor to the assessment of whether a particular activity was going to have an adverse effect on a right and could that adverse effect be mitigated. If that is the correct interpretation, do you think there's a meshing and an ability to be able to look to that discussion this morning as a potential idea while still enabling relationship building engagement of the sort that you are talking about?

Greg Brady: From my view — I try to avoid the discussion of rights. We know the communities have rights. We know that they have either treaty or aboriginal or whatever rights they are in the jurisdiction for which you're undertaking your activity. It is not for me to get into the debate as to whether or not an assessment of that impact can be evaluated using those tools.

Doug Horswill: Okay. That's fair. On the matter of capacity and building capacity within a community, what do you do on that front? How do you access whether the capacity is there and how do you go about determining what needs to be done to build it?

Greg Brady: All depends on the community that you are working with. Some communities actually have a fairly good understanding of the capacity within their community. But I would suggest to you that for capacity in my world it's — in relation to our projects, how can I build capacity for those individuals that are interested to participate in our projects and how do we build that capacity. So we would work with the community to identify the right people. We would support — we support educational institutions. Support scholarships, those types of things, and get to the folks to having the capacity to participate.

Unfortunately, we've had some I guess some average success. We've had some great success with some and others — we've trained other people to go work for other companies, so that's not necessarily good but it's good from a capacity development perspective.

Doug Horswill: Right. Sure.

Greg Brady: Again, each community is different and when I heard the comment you've got to work from the ground up I agree with that. I think you often get stuck with the leadership but you also have to take the time to go into the community and understand the community which is challenging because there is a different level of receptivity, depending on that structure and the health of those communities and those types of things.

Doug Horswill: Right.

Greg Brady: But I firmly believe that it is a relationship business. And we're in here for the long haul. Now, some proponents act differently than others, so.

Doug Horswill: My last question, I want you to pretend you're master of the universe. I second your point or agree with your point that Canadians don't understand their country's history and that impacts some processes that we are involved in and hearing about. What would you do about that as master of the universe?

Greg Brady: As master of the universe, well, I would make certainly education a key component of our school system. I remember when my kids that are now 18 and 20 and here in lies my hair loss — but the time when they were being taught about aboriginal rights in the country and the history and the like, I still thought it didn't go deep enough. I still thought it didn't really provide that understanding so I spent time with my kids and I would suggest that my kids have a greater understanding. I also believe that — so there's — I don't believe in aboriginal awareness. I believe in aboriginal history and the context and through that — and understanding those impacts of history, only can you go from there to being meaningful understanding of peoples' perspective.

And same for me, you don't necessarily know who I am and where I've come from and my experiences that put me here today, but if you spent time with me we could probably get there. And in the Canadian context, that's what they need to do. You need to spend time with the subject so you can get there.

Doug Horswill: Thanks.

Rodney Northey: Yes. Hi, I guess this morning I took this on, this thing of rights in EA from one angle and you're about to hear another because it seems to be a very awkward triangle and I am concerned as much of what I was hearing this morning but also from your perspective I'm concerned. This is the concern: if you don't put rights

on the table at the beginning and their approval can't be granted without the rights being acknowledged, somewhere between that approval and the beginning, rights come on the table.

The problem, you may not as a proponent want to talk about the rights, but the government, before it gives the approval, has to deal with the rights. So we either have a lot of people jockeying around very inefficiently, as we are now, because some people don't want to talk about rights and some people don't want to deal with it and so everyone — or we try and figure out how to come up with a framework that gets things happening sooner, perhaps more efficiently.

My worry is — I get why you don't want to talk about it, it would be awkward, but on the other hand, somewhere down the road that conversation is going to happen and it's going to impact on the project you're trying to develop. Somewhere that conversation is going to get introduced and if you don't know about what it means until months or years later, you could be hit by it as much as there is concern that the others aren't expressing it properly.

So if you don't want a surprise you would need to know early what the surprise could be. So, how do we get — I'm going to suggest that if everyone is at the table early and people are allowed to articulate in an informal way that they have rights and you're at the table, you don't have to agree with them but you can hear them. And governments don't necessarily have to agree but they can hear them. It strikes me that perhaps earlier the better we at least introduce the word, because at the end of the day, that word has to be sorted out very concretely or an approval won't work. So what's wrong with what I've just said?

Greg Brady: Well, again, ultimately — from my view, the crown has a responsibility to address rights.

Rodney Northey: Yeah.

Greg Brady: And as far as I understand it that you are not the crown in this context.

Rodney Northey: Right.

Greg Brady: So therefore in the context of this particular scope, I don't believe it's within the mandate of CEAA to deal with that issue.

Rodney Northey: Well, but CEAA leading to an EA to lead to an approval or a decision on a project. If the decision is a yes it's got to deal with the rights.

Greg Brady: Fair enough. So in the context of Alberta the consultation has been delegated to proponents. Basically what we do is we — we do ask the

question. I'm not saying that I shy away from it, but that's not the first conversation that I want to start with.

Rodney Northey: Okay. That's the subtlety.

Greg Brady: Yeah.

Rodney Northey: You're not making it the focus but you're not shying away from it?

Greg Brady: No.

Rodney Northey: Okay.

Greg Brady: At some point in the process, when we've looked at traditional land use and we've looked at the potential impacts of our project, then we talk about whether or not there's an impact on those rights. Then we work with those communities to ensure that they're comfortable within the space that, yes our project will have an impact and yes we are working with you in a manner where they can support that project.

Rodney Northey: That's very helpful. I'm sorry — I was just trying to get things —

Greg Brady: Yeah. I don't want to start there though.

Rodney Northey: No, and that I — I understand.

Greg Brady: Yeah.

Rodney Northey: I understand much better. Thank you very much.

Johanne Gélinas: Thank you very much for your presentation.

Greg Brady: Okay. Thank you.

Johanne Gélinas: Very helpful.

I will invite now our last presenter, Norine Saddleback.
Should we say welcome back?

NORINE SADDLEBACK, LOUIS BULL TRIBE

Norine Saddleback: (Speaking Native Language). Good afternoon. I am Norine Saddleback. (Speaking Native Language).

If you remember we spoke once before in Edmonton. Here, again, within traditional territory. First of all, I'd like to acknowledge the creator and our mother, the earth, who bring us together in their light and their love and to the Treaty #7 whose traditional territory we find ourselves within and the greater context, our mother, the earth, that we share these lands with.

My translation today of my name is Day Star Woman, Gift, Blessed, name I was given which means I am the star that you see day or night. My job and my role and my responsibility is to my youth, to my people, to our elders and to those future generations who aren't here yet. We say they're waiting behind the mountains waiting to come.

Today I want to share a little bit — I think they give me 20 minutes. I'd like to be able to use the full 20 minutes today to provide a connection to what I am going to share and some of the recommendations I think that the board will find themselves enlightened with.

I really believe in who I am and where I came from, and so I want to talk you back a little bit. I had to personally do protocols to understand our story, our place, our time, our origin. And because I come from a traditional family, and because I am a grandmother in three communities of four of the Maskwacis Cree and five with the Pigeon Lake community — I use that word very, very loosely because we're not communities — that's our home, fire. Being a grandmother today, it's important for me to help you as a board understand world views as Indigenous Peoples, for many different factors.

First of all, at an international level, Maskwacis Cree, including the Louis Bull Tribe who I am here to represent today, have transgressed themselves for many, many years. Thirty years plus we have stood at the forums. Today, at CERD, we were recognized for language inclusion as the Maskwacis Cree. It is through the international conventions that Maskwacis Cree are able to articulate themselves free of all forms of racial discrimination. We find ourselves entrenched today finding a process where Minister Wilson labelled herself — seven months ago promised Indigenous Peoples in Canada, we'll find a way. Today you are that board who has to find that way forward with us, as treaty partners. That's my full understanding, that from an international covenant, to a treaty relationship, we are treaty partners. And we are held to that accountability, whichever level we are responsible for.

As a traditional woman, and a grandmother in my community, and a mother of nine, soon to be ten, I take my roles and my responsibilities very, very seriously.

Looking at the outcomes that Indigenous People have strived for for 30-plus years — language inclusion, being free of racial discrimination,

having the right to practice our religions, our ceremonies — and today we find ourselves free of that and apologies and through commissions such as the Truth and Reconciliation. Cop21 spoke to that. Canada withdrew their opposition to the United Nations Declaration on the rights of Indigenous Peoples. This board need find a way to endorse and entrench those recommendations — you find before you in the articles, 46 articles that you're responsible to begin to entrench within Canada's constitutional rights, orders, acts, regulations and, more importantly, local policy, which means Alberta, who is not bound by any legal analysis — to ensure prevention and protection and conservation of our environment, which is our pharmacy, which is our meat market, which is our livelihood — that biosphere needs to be intact. It is not.

And it is not just Indigenous Peoples who are impacted today. All of you are impacted by global climate change. So we find ourselves at these discussions such as Cop 2017, 21, 22 coming up, that we just held, CERD 2017, which is coming, and Canada needs to be accountable. How have you enlightened Indigenous People and been inclusive in the environmental accountability measures and framework. I look to this Panel for this leadership to ensure First Nations here in Alberta and within Treaty #6, and more importantly today the Louis Bull Tribe, our part is not forgotten. Because many times the CEAA process has forgotten these little tribes.

Personally, I am a member of the Samson Cree Nation. I worked for my tribe for many years, faithfully committed. Came to understand through their good guidance your processes; what it means to be a good treaty partner. And they breed me to be a good advocate through the leadership, through the elders, through the youth, through my family.

So, today, you asked about rights. You asked about First Nation rights. All of these things the Maskwacis Cree have stood for and validated in the international forums; we've made health interventions, we've made language interventions. In fact, we've made seven global mechanisms on socio-economic prosperity and rights.

The United Nations says to be a nation you have to have seven elements. You have to have land. You have to have people. You have to have a military. You have to have an economic base. You have to have a language. You have to have a religion. All of these seven elements, we, as Indigenous People of Treaty #6 and the Louis Bull Tribe, have administered, we have lived it. It is our livelihood. We are part of greater society and a tribe by our own accord. We have governance systems there.

We are asked today to share what are impacts, environmental impacts and how do you govern yourself. We have always governed ourselves through the natural ordinances which are being altered through continued development. We have been able to sustain ourselves for many years. In fact, our Chief is a very avid hunter. He thrives on feeding the people in a traditional context.

Same with Todd Bull(ph), our councillor. Same with Telly(ph). Same with many of our managers. Our housing manager, Trevor LeRoc(ph), who served this great country of Canada, a veteran, is an avid hunter. Traditional hunting is something that the Louis Bull Tribe is very adamant to preserve, to protect, to share our knowledge.

It is not found just through generic traditional land use studies. But I'll tell you, when you cannot have the capability to validate usage, track it, report it; how are you exactly supposed to give you specific indicators, thresholds, triggers so you make sound environmental assessments, reviews and then report to us that you've mitigated a truthful — not only truthful accountable to our live — to our continued livelihood.

Because here's Line 3 Replacement — back to Louis Bull Tribe. The crown has met its duty to consult. I beg to differ. Here's Kinder Morgan. Again, the crown has met its fiduciary duty consult the Louis Bull Tribe. Two major project out of the five. Energy East, guess what? We mitigated that ourselves as soon as I came in in last — this past January. We are going to negotiations. Why, because there was real-time impacts along the Keystone since the beginning, since 2009 where Louis Bull Tribe walked the land.

Kinder Morgan, they got on three TEK studies. Line 3 Replacement, it was you as CEAA and NEB who determined no EIA required. Why, because it was disturbed lands already. Yet, you are just metres off many sacred sites. That, my friend's, is an infringement to the Louis Bull Tribe, it's peoples, it's religion, it's traditional land values. And now you are telling us that it's okay to come across sacred land and be terrorists. I don't think it's okay. In fact, the treaty is supposed to protect us as good treaty partners.

We are sometimes called upon by the City of Edmonton and EPCOR when they find human remains. But in major projects, such as the Bison Pound in Hardisty, there's been zero mitigation with the Louis Bull Tribe. Zero since the 1940s into the 1920, which continues today through Line 3 Replacement with the KXL, with the continued development of every tar sand stretch that comes through, exported tar sands.

I'm here today to remind you of a few things and hopefully provide some mechanisms for you to entrench into the EA review processes, because I could go on. I could talk about all the gravel pit operations just outside of Calgary here. And then validate it with some of the expert science wisdom that says those are some of the most pristine areas you shouldn't be digging up. What about the bodies that are being exhumed right now in Clearwater County because of more gravel pits near waterways. What about the Red Deer River and what about the Blindman River? What about the Pembina spill where we can't not pick rat root anymore because when we grade it all you smell is oil. And that, my friend's, was in 2004. Don't tell me there are

not long term impacts that you failing through your EIA processes to go back and review. There is no — there is a failed attempt for long term monitoring.

That is where Indigenous People are hit hard. You give us five years after a project. What about the 20 years after the project footprint is still there and the impact of our medicinal values, which, by the way, the international convention of elimination of all forms of racial discrimination includes us, us traditional land users.

So, today, I want to remind that also, as well, without intellectual property rights for Indigenous Peoples who share their traditional knowledge, to protect their vested rights, use, interests for a medial benefit which is not of long term values. Why do I talk like this? I'm very seasoned and experienced in mitigation.

When we don't protect our interests (Speaking Native Language) intellectual properties declaration. If we don't protect ourselves then we get what happened with Bayer and Aspirin. We saved the first settlers from Scurvy, from smallpox. We bathed you. We took the birch. We showed you our medicinal qualities. We don't see no benefit from Bayer today.

So it's very hard to share traditional knowledge with you, whether you call it ecological, TEK knowledge, traditional knowledge, traditional land use knowledge. You demand it but give us zero, zero in return. Not even historical place names to reconnect our children to our traditional land bases. Not even to include us in the history books of what we have contributed to greater society.

We can cure cancer. You cannot. Am I going to share those herbs with you? No, because then they'll become a commodity.

And, by the way, there's a governance process to that. I must seek permission from that man, that woman who holds that knowledge. If they choose to share with me and then I can trans-generate that knowledge into the future to whom I see fit and who will protect that knowledge.

We may not have the same government structures, the same academic necessities, but we can co-exist and that is what Treaty #6 world view says to me: we will co-exist. The Two Row Wampum Belt symbolizes that. Two canoes going down the rivers together into the future; don't jump in my canoe, we won't jump in yours.

And the treaties thereafter, Treaty #6 specifically mentions the Medicine Chest Clause and its protection, yet, our medicinal — our protected medicinal values are diminishing. There's tie downs. There's restrictions on medical for our peoples today, yet, the Medicine Chest Clause was supposed to protect that. Same with the EIA. No different. You are to protect our pharmacy. In return, if we couldn't have it, then the Medicine Chest Clause was to ensure that our medicinal needs were met. But now we lose both ways because we're not protecting the environment.

So that's what traditional land study is supposed to give you; borders, buffers. You don't need to know what's in there. We can be generic. Give you some of the names. Which, in many cases, I know CEAA and NEB have those names already through many of these forms of TLUs.

But to protect them, we need to understand the thresholds that we need to protect. And the triggers that cause impact. Those are the conversations that you're not having with us. You assume you know all of what we need.

I've learned that if I assume something it doesn't happen through experience. I learned that if I assume something I forget. I've learned if I assume it doesn't get followed through. Basic law of science.

So I ask you today, and I encourage you to come to understand your treaty partners. You know, when my friends' talk about cumulative impacts — I talked about that in Edmonton and I was hoping to have my notes before me but I understand that those aren't ready yet, through your process here — what I've come to understand is everything is double standard in EIAs. I'll give you a good example. CEAA and NEB can do so much to protect. Here in Alberta it has to be Albert Energy Regulator. But if we give them triggers and thresholds they don't apply because there's no legal enforcement mechanism for Indigenous Peoples in Alberta. So you get a gap. And how are you as a federal jurisdictional authority to enforce. It's a huge loss to us as Indigenous land users, traditionalists.

Carbon credits is a good example. Louis Bull Tribe is the second land largest — off reserve land holders in Alberta. We own a lot of partials off reserve. But they were never told by their leasers, by their predecessors, that carbon credits were applicable to their off reserve lands. But when we went back and applied for on reserve lands, carbon credits don't apply on reserve. So there's no benefit for being an agriculturalist, agri-business user on First Nation, on reserve. But because we own lands off reserve we benefit. If we apply — if you knew — you see double standards exist.

And to align yourselves on the EIA review and you're delegated a duty as the EIA advisory boards, approval processors, advise the crown, you, this board, will be advising the crown. And that concerns me because I see a lot of — I see a lot of different gaps. You can advise them all you want, but with no enforcement mechanisms, we are at risk as Indigenous Peoples and land users. And I am not afraid to say that.

Reason being, the glaciers are melting. Climate change is real. It is not just us, Indigenous People, at risk with global climate change, it's you and your children and your future generations. But Treaty #6 says we'll co-exist most peacefully and in good faith and in good friendship for as long as the wind blows, the

sun shines, the river flows and the grass grows. That's a long time we're supposed to be responsible parties for our future generations. Yet we're diverting the water. Then we see floods in High River and we go, what happened? Oh, the timber is not falling anymore as its natural course. So what do we get? We get no timber fall along the Riparian areas and, we are — you're going to get floods. The elders taught me this. Five years before High River clear cutting was real, no dead fall along the Riparian ways. And there came the flood five years later while we were monitoring our traditional territories, picking herbs, harvesting, getting ready for winter.

Now that the snow is here I am free to talk to you a little. A little bit I'll share because my time here is coming to a close based on your model of time. For Indigenous People, we're seasonal users. Please don't forget that as a major marker in triggers, indicators and thresholds. There's only certain times of the years we do something. We harvest season. There's hunting season. There's Indian school time season which is before us right now.

Back traditionally, when we were in our lodges, everything was harvested, everything was dried. We went to our winter camp and we began Indian school time, the orations of the landscape that symbolize our existence on this great mother earth. The guardian in Cypress Hills, the medicine wheels in Jasper National Park, Buffalo Mountain in Banff National Park — many of these symbols are here to remind us as Indigenous People once we came, our original story.

When our creator moulded the first one he took a piece of the earth. Then he called the thunderbird and the moulding came from the soil and the water. That's why we have 70 percent of our bodies as water, that's why 70 percent of mother earth is water to symbolize and remind us; our story, our place, our time.

When he did that he took it over here from Hand Hills (speaking native language). Hand Hills. Place name connecting us back to the beginning. Then we needed something to keep this mould together so we took the bark from the tree. That's why when you translate bone in Cree it means tree.

So, you see, the symbols have been there for us as traditional land users for eons, since the beginning. This is a little tiny part of our creation story. There was an Adam and Eve like your Bible says but we moulded him right from the land. Then he took a piece of the sun, the eternal spark of life is within every one of us. That spark continues on to the next life for God regretted he did not give us eternal life. It is that spark that continues. But it had to breathe and so we called (Speaking Native Language) came the breath of life.

These elements are all around us. They make up our biosphere. They make up the Indigenous and Innu, who is me. This is how I understand my lineage, direct lineage to the land. And if you didn't understand it, you understand it today. And by god we have the right to believe in our religion, to have

abundance of our pharmacy, because that's how we thrive, to have abundance in wildlife because that's where our meat market is.

So we need you to protect these things. We need you to protect water. Now you understand water is so important to us, why, a little bit. We don't need to go to church, us, because at birth there's water and that's natural law of baptism.

Before I came here I had to get permission from my uncles, from my aunts, from my mother, to share. They tell me it's important for you to understand who you are as treaty partners and why you should value us as your treaty partner. I've given you a little taste of our affirmed beliefs and some of the landscape that tells our story; why we strive so hard to protect those sacred sites where development takes place and were forgotten and were misinterpreted and were not protected through your EIA today.

Maybe you should consider an expert panel of Indigenous People advising you and co-approvals processes. Not maybe, you need to do it. Be accountable as Canada. If you're going to advise the senate, which I understand you do, it's very important that you open that door. Because you don't understand me to — I just gave you a little glimpse of Indigenous wisdom. A little glimpse.

There are many orations, many legends, many storytelling, that's why we spent the entire winter educating our children on this creation story. Why they are, what their role would be as they grew up; hunter, warrior, societies — through that whole winter. They spent the winter beginning to understand their role. We still do that today, my friends. Many of us.

I am here as a grandmother, as an advocate and I'm told I have to do it. Yet, much of your policy, which integrates environmental assessment reviews, is forgetting their international duty.

Johanne Gélinas: I will invite you, Madam, to come to conclusion, please.

Norine Saddleback: I wanted to share with you a little bit deeper than I did in Edmonton, because in Edmonton I talked a little technical about cumulative impacts and why they're important and water, why it's important. But today I came to you so that you get the next level, that next level, that the Louis Bull Tribe is part of the Maskwacis Cree and is based in lands around the towns of Ponoka and Wetaskiwin, central Alberta, Industry Alley.

So when the tar sands are depleted into the future, what will be left for the Louis Bull Tribe, their people and their future generations through a failed EIA process? I think involvement with the regulatory reviews is something you need to really full depth consider with First Nations. There is the duty to consult, but there is the

duty to accommodate and that, my friend's, is Supreme Court case law. Don't forget the duty to accommodate. That is your job and why you have this panel today.

So I invite you to give First Nations capability. My friend's from Paul Band talked about having the tools to do — to be involved in the EIA. But you don't enforce — making sure we're capable of having the capability to do these things. You just say do it.

As a crown's fiduciary duty, make sure we have the capability to answer the EIA questions, because Louis Bull Tribe does not. We don't even have the capacity to buy up to date GPS monitor, let alone do interviews, let alone have a database to hold this information and make it measurable, accountable reporting styles. No way.

I hope that you really consider these things because why for one as an advisor to the chief — one of the chiefs of the Maskwacis Cree will be going back to CERD to remind Canada. And if we don't do anything else in this EIA process that's where we'll remind Canada.

(Speaking Native Language) because, again, without a proper EIA there's no showing of impacts to Indigenous Peoples. If there is no impacts there's no benefit to us, which means we don't get capacity. They just walk away. And for a little tribe, like the Louis Bull Tribe who don't have the capacity, they walk away. So five out of the major projects, you allowed them, as CEAA and NEB, to walk away.

It's frustrating to go home and tell the elders we didn't get anything. To tell the youth there'll be no programs. There'll be no Christmas. Yet, Canada, Alberta and the company benefit to a great degree for many, many years. And what I understand, 60 plus years a pipeline, a development before maintenance, monitoring. We don't even get those contracts. So if I can't mitigate those because I can't prove impact — I think that's a failed attempt of the crown's duty to consult and accommodate. And that is how I'll be responding because no — by the way, is shut for Kinder Morgan. Their EIA as the crown is done. And they said you did a good job for Louis Bull Tribe. I fail —

Johanne Gélinas: Thank you.

Norine Saddleback: — to believe you.

Johanne Gélinas: Thank you. Just as a point of clarification for those who are in the room we are not CEAA. We are an independent panel and we hear you and we will take that into consideration. Thank you very much.

Renée Pelletier: Thank you for your presentation. I had one question about the need for accommodation. I think you've pointed out projects where there was a failure of duty to consult and I think you very correctly pointed out that it's not just the

duty to consult, it's duty to consult and accommodate. I'm wondering if in your experience with your nation — do you have any good news story examples? Do you have any examples where there actually has been accommodation for your community?

Norine Saddleback: I have one small project on one part of the land where the proponent came in — and being new there, since January — the proponent had had a 10 years lease. Nobody gets 10 year lease agreements. Well this guy did. So they came in we annulled the agreement. Went straight in to negotiations. We said when you talk to Louis Bull Tribe, A) you assess the land, whether it's a cultural impact assessment — because if you don't have the money to give us for a full blown traditional land use study then I'll do a cultural impact assessment with a small team of elders and a youth rep. Because Louis Bull Tribe has a youth council. We got that money. We assessed the project. Then we were able to mitigate some damage impact. Through that claim, Louis Bull Tribe received a one time benefit and into the future they get to apply annually for smaller capacity, like a hot lunch program through that same proponent. This year we did secret Santa with them.

What happened when we showed some impact was they mitigated. But for a large company, say like Enbridge or Kinder Morgan, whose come and gone and has been consistent with NEB timelines, they check the box and said that they accommodated Louis Bull Tribe. They did not.

So that's what I'm trying to help you understand is, if you can show impact you got a gateway. If you can't, like they can't, with no tools or capability or training, then you're forgotten.

Renée Pelletier: Thank you.

Johanne Gélinas: Thank you very much. Thank you, Ms Saddleback. That will conclude our Indigenous Day Presentation, Formal Presentation Session. Tonight we start at 6:30 to have this open dialogue discussion. Who is planning to come tonight? Two people.

(Laughter)

You're more than welcome. Thank you very much. Bye-bye.

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