

Nb

UNION of B.C. INDIAN CHIEFS



0012670

WEST COAST OIL PORTS INQUIRY

A PUBLIC INQUIRY PURSUANT TO ORDER-IN-COUNCIL  
PC 1977-597 DATED MARCH 10th, 1977.

(Before Dr. Andrew R. Thompson, Commissioner)

Vancouver, B.C.

July 20th, 1977.

---

PROCEEDINGS AT INQUIRY

---

Volume 4

UNION OF B.C. INDIAN CHIEFS  
P.O. BOX 86003  
NORTH VANCOUVER, B.C.  
V7L 4J5 (604) 986-2236

Nb  
129

BRIAN  
DEER  
v. 4

UNION OF B.C. INDIAN CHIEFS RESOURCE CENTRE

i

I N D E X

Dr. J. Tyhurst	- Islands Trust	463
George Manuel	- Union of British Columbia Indian Chiefs	471
Ron Richards	- Second District of Clallam County	487
W. Peter Fischer	- West Coast Environmental Law Association	492
Ms. Kathleen Anderson	- Coalition Against Supertankers	499
Lavina Lightbown	- Haida Nation	506
Maxine Pape	- Kitamaat Band Council	517

EXHIBITS:

<u>No.</u>	<u>Description</u>	<u>Page</u>
26	Report, "Northern Frontier, Northern Homeland", Mr. Justice T.R. Berger	474

Vancouver, B. C.

July 20th, 1977.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COMMISSIONER: Good morning, ladies and gentlemen.

The first presentation this morning will be by Dr. Tyhurst, representing the Islands Trust.

DR. TYHURST: Mr. Commissioner, my name is James Tyhurst. I'm an elected Trustee of the Islands Trust, and I would like to sketch in some background of the concerns of the Islands Trust in this area, and to raise some of the questions in which we would probably be interested.

The Islands Trust is responsible for a trust area that extends from the border in the Gulf of Georgia, north to include Lasqueti and Thormanby Islands, roughly in that line, but not Texada. It includes all of the large islands in line with the Strait of Georgia, between the border and that northern point, together with thousands of small islands, reefs, et cetera, et cetera.

The Islands Trust was established by an Act of the Provincial Legislature in

1 1974, following an Inquiry by the Select Committee of the  
2 Legislature. The object of the Trust is to preserve and  
3 protect the Trust area, as I described it, and its unique  
4 amenities and environment, for the benefit of the residents  
5 of the Trust area, and of the province generally.

6 So that is the Act under which  
7 the Trust operates, and that is the legal area of its con-  
8 cern. The enlargement of the terms of reference of the  
9 Inquiry are very welcome as far as we're concerned, and  
10 on that basis, the involvement of the south coast area  
11 clearly involves concerns to the Trustees and to the Trust  
12 generally.

13 Now, I would like to describe  
14 very briefly, the Gulf Islands as they stand and their  
15 vulnerability. It has been said in a recent study of the  
16 Gulf Islands, that the Islands Trust area as part of the  
17 Strait of Georgia-Puget Sound region, can readily be con-  
18 sidered the most important area for outdoor recreation in  
19 North America. Few other areas of the world offer such a  
20 diversity of recreational and aesthetic values.

21 In addition, the area's dry,  
22 mild climate, outstanding marine resources and unique  
23 flora and fauna, make it one of the most interesting  
24 environmental regions in Canada, and that is one of the  
25 reasons why the Trust was established, and why any environ-  
26 mental activities or effects are of very considerable

1 concern to the Trustees.

2 Now, the basis of the vulner-  
3 ability of the Gulf Islands, and the Trust area generally,  
4 is based obviously, first of all, upon its location. That  
5 is, that it sits -- the Islands are situated in the Strait  
6 of Georgia, and any spills or anything of that sort would  
7 immediately involve, certainly to begin with, the southern  
8 Gulf Islands, and eventually probably all of them.

9 Furthermore, the meteorological,  
10 tidal and marine characteristics of the area are very likely  
11 to lead to an extensive effect throughout the Islands. For  
12 example, the flood tide in the Gulf sets north, and further-  
13 more, the flood tide also does not pass around, so to speak,  
14 the outside of the Islands, but passes up between them.

15 For example, the tide set  
16 in Gabriola Pass, and in Active Pass, and Poirier Pass,  
17 between those Islands, sets out into the Straits meaning  
18 that the flood tide sets north and flows out from between  
19 the Islands, out into the Strait.

20 Furthermore, this can be  
21 reinforced considerably in the winter, or at any other time  
22 of the year, by strong southeast winds which are the pre-  
23 vailing winds in the winter season.

24 Furthermore, the islands are  
25 islands. That is, that their whole perimeter is vulnerable.  
26 The water that washes their full perimeter, can also

1 -- can obviously also carry other pollutants, which do the  
2 same thing.

3 Furthermore, the Islands con-  
4 sist of highly indented rocky foreshores, with narrow coves,  
5 small islands, thousands of small islets, and reefs.

6 Furthermore, the rock, the  
7 geological formation is sandstone. It's extremely porous,  
8 and the weathering over years, has produced a situation in  
9 which there are numerous small holes and porosities which  
10 obviously would absorb any spilled oil.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1                   The removal under these  
2 circumstances would seem to us to be extremely difficult, and  
3 the spread extremely hard to control. Furthermore, there is  
4 a considerable tidal range, as there is in the gulf generally  
5 ranging between twelve and fifteen feet, and which between  
6 high and low tides exposes clam beds, particularly oyster  
7 beds, and so on which are throughout the Gulf Islands.

8                   In the wintertime and in the  
9 late fall and spring, there are thousands of wintering  
10 birds located in the coves and bays of the Gulf Islands.  
11 Finally, I've mentioned also that the recreational value  
12 and so on of the Gulf Islands has been internationally  
13 appreciated.

14                   Under those circumstances,  
15 it seems to us that the Islands are considerably and  
16 highly vulnerable and in all respect to that described.  
17 So, that is the basis for our concern.

18                   Next, I'd like to refer to  
19 those areas which we would particularly be interested in  
20 and would hope to follow as the data are developed. First  
21 of all is a question, of course, of need. This is prior  
22 and we would hope that the need for any such development  
23 proposal would be clearly established.

24                   Secondly, we would be interested  
25 in the whole question           of alternative sites, whether  
26 these Islands need to be exposed, and to what degree on the

1 basis of siting.

2 Thirdly, we would be interested  
3 in various estimations and various factors that would bear  
4 upon the estimation of hazards. For example, the types of  
5 installation; the traffic generated, by this I mean the  
6 marine traffic generated; the statistical probability of  
7 escapement from both carriers and facilities of different  
8 kinds, onshore.

9 We would like to know a good  
10 deal about the estimation of rate and extent of spread  
11 through the marine environment of spills of various sizes  
12 occurring at different times of the year and so on. We  
13 would like to know about preventive measures and more  
14 particularly, because scenarios for prevention are so easy  
15 to develop, we would be concerned more particularly about  
16 enforcement and the feasibility of enforcement.

17 We would be interested loosely  
18 in treatment measures, in cleanup; not just what is possible,  
19 again in terms of scenario, but more particularly what can  
20 and what would realistically be provided and what really  
21 can be done within the practical, physical and budgetary  
22 constraints of those responsible.

23 We would obviously be interested,  
24 given the vulnerabilities that I have described in the question  
25 of compensation, which in our view would be extremely  
26 difficult to deal with because of the geological and topographi



1 characteristics of the trust area. In all of these areas  
2 we would hope that hard data and specifications and  
3 justifiable forecasts would be presented and that they  
4 would be open to questioning.

5 Finally, there is one area  
6 that we are concerned about now and that is that we're  
7 not entirely clear whether or not the terms of reference  
8 of the Inquiry include what we regard, to a certain extent  
9 as existing oil ports, and these are Vancouver and to a  
10 certain extent Nanaimo and Victoria.

11 By existing oil ports, what  
12 we mean is, that there are oil carrying vessels going into  
13 those areas, and to start with, one of the major problems  
14 that we are having, is oil appearing, that's all I can say,  
15 in the water. From what source it is in these ships is  
16 unclear.

17 Certainly recurrent bilge  
18 cleanings and so on and so forth or cleaning of storage  
19 tanks can produce incrementally an enormous amount of oil  
20 in the water, and these effects have already been noted  
21 and there has been a significant increase in the last  
22 few years, particularly throughout this area.

23 But speaking more specifically  
24 to crude oil delivery systems, it seems to us that Vancouver  
25 is already an oil port; that there are plans to move a  
26 significant tonnage of crude oil into Vancouver, and certainly

1 right now, from our point of view. The dangers of a spill  
2 would immediately affect these vulnerable and valuable  
3 islands in the Strait already exists.

4 We don't know now what the  
5 probability of escapement is. We don't know what storage  
6 is going to take place and so on. It may be that there are  
7 plans somewhere for oil storage for the Vancouver area or  
8 oil delivery in the vicinity of Roberts Bank. In any event,  
9 it is obvious that the traffic in crude oil up through the  
10 Strait of Juan de Fuca, through the Strait of Georgia  
11 and into the Port of Vancouver represents a very considerable  
12 concern and a very considerable potential hazard.

13 Finally, in general, Mr.  
14 Commissioner, we would like to offer assistance to and  
15 participation in the Inquiry. We would like to be given  
16 an opportunity to provide more detailed and specific  
17 information on various aspects of the islands, where  
18 appropriate during the course of the Inquiry.

19 For example, a good deal of  
20 work has already been done in such things as the--by the  
21 Nature Conservatory of Canada with natural areas inventory,  
22 recreational studies, fishery studies, et cetera.

23

24

25

26

1 We would like to participate  
2 more particularly in those phases dealing with environmental  
3 impact, fishing industry impact and social and economic  
4 impact.

5 We would also, finally, like  
6 to provide direct assistance, both in informing the people  
7 potentially affected in the Trust area, which is most of  
8 them, and in arranging hearings that would provide an  
9 opportunity for the Commissioner to have the benefit of  
10 local knowledge and information and evaluation.

11 We would hope that there would  
12 be an opportunity during the course of the Inquiry, in  
13 respect of the community hearings, for there to be hearings  
14 on the Gulf Islands, perhaps one in the south and one in  
15 the north, because of the different areas, difference in the  
16 areas.

17 Thank you very much, Mr.  
18 Commissioner.

19 THE COMMISSIONER: Thank you,  
20 Dr. Tyhurst.

21 Mr. George Manuel for the  
22 Union of B.C. Indian Chiefs.

23 MR. MANUEL: Mr.  
24 Commissioner, are we ready now?

25 THE COMMISSIONER: Yes,  
26 certainly, Mr. Manuel, go ahead.

1 MR. MANUEL: Thank you very  
2 much.

3 Mr. Commissioner, the Union  
4 of British Columbia Indian Chiefs is making this introductory  
5 statement to your Commission.

6 The Union of British Columbia  
7 Indian Chiefs is participating in this West Coast Oil Ports  
8 Inquiry, in order to assist the Indian people of British  
9 Columbia in communicating to you, Mr. Commissioner, their  
10 historic and long held concerns for their lands, water,  
11 food and economic livelihood. Before your Inquiry is  
12 completed, you will have heard a great number of Indian  
13 people expressing in a variety of ways and languages, their  
14 many concerns.

15 It is the purpose of this  
16 opening presentation to you to paint, in broad strokes, the  
17 basic threads which we feel will run through all that you  
18 are about to hear from Indian people over the next several  
19 months.

20 There are sixty bands on the  
21 British Columbia coast, controlling 615 Indian Reserves  
22 that touch tidal water, comprising 136,084.4 total acres.  
23 The names of these Bands are attached to the brief.

24 These sixty bands represent  
25 less than a third of the total number of Bands in the  
26 Province. Of the remainder, most are Bands that have

1 hundreds more reserves that touch river systems frequented  
2 by Pacific salmon. We speak as strongly for the Interior  
3 Indians as we do for the coastal area Indians.

4 At this point in the history  
5 of resource development in North America, it will come as  
6 no surprise to this Commission that our views of the  
7 establishment of an oil port on or near B.C. shores is a very  
8 critical one.

9 Our objections are founded on  
10 the principle : Firstly, and most importantly to our  
11 people, we object to any consideration of these types of  
12 large development until we have obtained a just settlement  
13 and affirmation of our land claims in this Province. This  
14 claim goes back over 100 years.

15 Secondly, the two applications  
16 presently before the National Energy Board offer no advantage,  
17 nor fill any need of British Columbia or Canada. In  
18 fact, they represent a real threat to our waters, our  
19 lives, our food and the fishing industry in which many Indians  
20 make their living.

21 The feelings of the Indian  
22 people of British Columbia with respect to the land claims  
23 and pipeline and terminal development are represented very  
24 well by Mr. Justice Berger in his introductory remarks in  
25 the report of the Mackenzie Valley Pipe Line Inquiry,  
26 Volume 1, and I would like to quote:

1 "Native people desire a settlement  
2 of native claims before a pipeline  
3 is built. They do not want a  
4 settlement - in the tradition of  
5 the treaties - that will extinguish  
6 their rights to the land. They  
7 want a settlement that will  
8 entrench their rights to the land  
9 and will lay the foundations of  
10 native self-determination under  
11 the Constitution of Canada."

12 End of quotes, Mr. Commissioner.

13 At this time, I would like  
14 to submit as Exhibit 1, the Report that I'm talking about  
15 to you, Mr. Commissioner, as evidence from the Union.

16 THE COMMISSIONER: Exhibit  
17 Number 26 is the Report, "Northern Frontier, Northern  
18 Homeland, Report of the Mackenzie Valley Pipeline Inquiry,  
19 Volume 1, by Mr. Justice Thomas R. Berger".

20  
21 (REPORT, "NORTHERN FRONTIER, NORTHERN HOMELAND,  
22 REPORT OF THE MACKENZIE VALLEY PIPELINE INQUIRY,  
23 VOLUME 1", BY MR. JUSTICE THOMAS R. BERGER,  
24 MARKED AS EXHIBIT NUMBER 26)

25  
26 MR. MANUEL: There is now

1 in the possession of various commissions within Canada, a  
2 surplus of submissions made by a large number of native  
3 and non-native groups, dealing with both land claims and the  
4 need to settle these claims in advance of any resource or  
5 industrial development.

6 The Union of B.C. Indian  
7 Chiefs will have available to this Commission, much of  
8 these materials. There is, as well, the recent Berger  
9 Commission Report. The whole of Chapter 11 in the Report  
10 of the Mackenzie Valley Pipeline Inquiry, Volume 1, deals  
11 with the native claims. It is the longest chapter in Justice  
12 Berger's long report.

13 The geographical, environ-  
14 mental and national consequences of the area under study in  
15 Justice Berger's Report are not identical to those under  
16 examination by this Commission. However, Mr. Commissioner,  
17 the philosophies of social, cultural and economic impact  
18 and the principles of land claim settlement before develop-  
19 ment are one and the same as those so eloquently portrayed  
20 in Chapter 2 of the Berger Report.

21 For that reason, we ask that  
22 you become totally familiar with the chapter. Trusting  
23 that you will refer to that excellent Report in its  
24 entirety, we will not deal further with the Berger Report  
25 at the introductory appearance before your Commission.  
26

1                               Your Inquiry, Mr. Commissioner,  
2   is different from those that have come before in one very  
3   significant respect; neither the Berger or the Alcan Inquiries  
4   were concerned with the marine terminals, supertankers and  
5   oil spills related to problems on the water.

6                               It is our submission that in the  
7   consideration of the factors, terminal and pipeline, it is  
8   the oil port aspect that has the most sinister implications  
9   for the Indian peoples of British Columbia. It is the  
10  transshipment of oil over water in our coastal area and  
11  the unloading of that oil at facilities in or near British  
12  Columbia that serve as the gravest threat to our culture  
13  and livelihood, and to the environment and livelihood of  
14  everyone on the coast.

15                            A pipeline while it would pose  
16  very serious threats to interior peoples and their lives,  
17  witness the explosion of the pipeline station 8 on the  
18  Alaska pipeline that killed one and injured five, and  
19  while we don't wish to minimize for one moment the fears  
20  we have about the social and cultural damage that is done by  
21  these transient work crews in small towns, our main concern  
22  before this Commission is for the marine environment and  
23  our relationship to that environment.

24                            There is a myth floating around  
25  the coast that there has never been a recorded instance of  
26  an oil spill in B. C. waters that has caused critical damage



1 to the marine environment. It is difficult to get records  
 2 on this sort of thing for the past, but there is a recent  
 3 case right on point. The Seaspan International Ltd. this  
 4 month made an out of court settlement with two Haida Indians  
 5 from Skidegate on the Queen Charlotte Islands for  
 6 \$30,000.00 for a mere ten gallons of oil spill. A Seaspan  
 7 barge under charter to Imperial/Esso was off-loading  
 8 diesel fuel at the small tank farm at Skidegate Landing  
 9 and spilled the ten gallons into the water. The fuel  
 10 drifted over and fouled a commercial herring roe-on-kelp  
 11 production operation that was producing the food products  
 12 for the Japanese market.

13                   Spills do occur, and even  
 14 little spills can have large economic consequences. The  
 15 Skidegate spill of April 30, 1975 was worth \$30,000.00 per  
 16 gallon. The "Agro Merchant" grounded on a sandbar some  
 17 twenty miles off Cape Cod on the eastern United States  
 18 seaboard last year and lost seven million gallons of oil.  
 19 A spill of only one million gallons on a Skidegate spill  
 20 ratio would result in damages of three billion dollars.

21                   We are confident that you will  
 22 receive submissions from various sources during your Inquiry  
 23 pointing out to you, in much greater detail than is required  
 24 here, precisely what the consequences on all forms of marine  
 25 and inter-tidal life an oil spill will have. You will also  
 26 undoubtedly receive submissions from quarters interested in

1 attempting to convince you that there are safeguards to keep  
2 any spill from happening or to lessen its damages in the  
3 event that there is a spill. It is the history of the  
4 Indian people in this Province that the agencies of  
5 Government established to protect our resources have been  
6 a total and dismal failure, particularly when it comes to our  
7 salmon. The salmon we now have on this coast are but a sorry  
8 fraction of what our people once knew.

9 All during this tragic decline  
10 in the salmon, one of the Native's most protein rich foods,  
11 the government has been pretending to protect it. Is it any  
12 wonder, Mr. Commissioner, that our people view government  
13 regulatory agencies as merely servants of the resource  
14 extraction industries?

15 It makes little sense to us  
16 to see the Federal Government spend hundreds of millions of  
17 dollars for salmon enhancement on one hand, and entertain  
18 allowing supertankers to invade those same fish grounds  
19 on the other.

20 Any damage done to the  
21 estuaries and coastal areas on or near B. C. shores will not  
22 only harm the social and economic base of coastal Indians.  
23 Damage to the coastal Native environment could result in  
24 serious harm to any of the numerous runs and species of  
25 Pacific salmon. Pacific salmon run up most river systems  
26 in the Province.

1 Salmon is the crucial food source  
2 of the interior Indians. It may in fact be that interior  
3 Indians would suffer more from the damage to the salmon  
4 food fishery than coastal tribes, because coastal tribes  
5 can resort to other streams or the ocean, in the event of  
6 the river system is destroyed.

7 But interior nations have  
8 limited and traditional river systems from which they can  
9 gather this most important food stock. The Union of B. C.  
10 Indian Chiefs is therefore concerned on the Province-wide  
11 basis about the consequences of tanker action. It is the  
12 constant minor spill, and the steady dripping of the oil  
13 unloading at terminals that kills estuaries. A dead estuary  
14 will kill the entire river system that flows into that  
15 estuary.

16 No technology is foolproof.  
17 No degree of precautions can guarantee against disaster.  
18 Therefore, even if the Commission is satisfied on such  
19 issues as tanker construction, double hulls, storm areas  
20 and pilotage and tug problems, twin screws and dock side  
21 safety procedures and so on, we still object and are against  
22 any oil terminal in or near our waters. The risk is always  
23 the same.  
24  
25  
26

1 We are Canadians, and therefore  
2 just as concerned as any other group of Canadians with the  
3 wide question of energy and future supplies in energy.  
4 We are not unaware of the economic consequences oil has in  
5 its abundance or scarcity.

6 We hope that you, Mr. Commiss-  
7 ioner, will look into such areas as the impact that cheaper  
8 tidewater crude will have on the eventual development of the  
9 Syncrude Project on the Alberta tarsands. The Syncrude Pro-  
10 ject has a great deal of taxpayers' dollars in it.

11 The governments of Alberta  
12 and Ontario have money in it. Our federal government,  
13 through Petro-Canada, acquired a 15 per cent interest in  
14 the Syncrude Project. Petro-Canada's contribution to the  
15 project was 170 million dollars, with a total contribution  
16 expected to reach approximately 315 million dollars, of the  
17 total expected cost of 2.1 billion dollars.

18 It is estimated in some oil  
19 quarters, that almost half of the world's conventional oil  
20 supplies are to be found in the tarsands. Should this be  
21 the case, it makes little sense to argue that Canada will  
22 need a West Coast Oil Port to import crude oil for some  
23 time to come. There is no immediate rush that we have  
24 been made aware of, for such a terminal to meet any present  
25 or near future needs.

26 Our waters and lands must

1 not be an open road for the Americans to use to solve  
2 problems they have created for themselves.

3 The present demands and  
4 systems of logic that have produced this Inquiry can be  
5 simplified as follows: The American midwest needs fuel  
6 to heat all manner of machines and homes. In other words,  
7 they need food for machines. We need fuel to heat our own  
8 bodies. We need food to eat. To meet the food needs of  
9 American machines, do we risk our own human food needs?

10 The whole question of West  
11 Coast Oil Ports has become the urgent question it is today  
12 for the Americans because of their Alaska oil. It would be  
13 an irony of tragic proportions if the Indians of British  
14 Columbia suffer, as our brothers and sisters have in Alaska,  
15 when the United States government set about extinguishing  
16 their rights to the land and rights as Indians, just to  
17 clear the way for the almighty pipeline.

18 In her book "The Alaska  
19 Pipeline: The Politics of Oil and Native Land Claims",  
20 author Mary Clay Berry outlines vividly the problems and  
21 conflicts associated with oil and Indian claims. As well  
22 as the State of Alaska never being the same again, she  
23 writes:

24 "The Natives will never be the same  
25 again either. The land claims  
26 settlement has ended, once and for

all, the possibility of their continuing to live as their ancestors lived. To succeed under the settlement, the villagers must begin to think like white men. Thus, the settlement is probably the death knell for Native culture, despite careful attempts of the Natives to preserve it, and this is indeed a high price to pay for assimilation into the white man's world of land deeds and land development."

The Indians of British Columbia, in varying degrees, have already assimilated to much of the white man's world. But it is not the traditional Indian respect for nature and all her delicate sensibilities that is only now being understood by the non-Indians on this continent.

Is not this very Inquiry some proof that European man and his unbridled development ethic has fallen, at least in part, under the sway of our historic respect for the balance between economic systems if all people are to survive on this planet we call home?

Our land claim must be

1 settled and our sovereign rights as Indian nations within  
2 Canada recognized and given added legality and strength  
3 under the Constitution.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1                   The British North American  
2 Act permits actual implementation of this principle within  
3 the present terms of Confederation. Section 91 (24) gives  
4 to the Federal Government power and the same sort of ability  
5 to set up Indian nations and bands with autonomous powers  
6 that Section 92 (8) gives to the Provincial power to set  
7 up municipalities with certain autonomous powers.

8                   The Indian Act and the present  
9 Band Council form of government are weak beginnings, but  
10 beginnings nonetheless, towards what could be developed into  
11 meaningful sovereignty for Indians within Confederation.

12                   Such sovereignty would, among  
13 other things, give Indians actual power of determination  
14 over the development of those resources within their  
15 jurisdiction. Only then, when we as an Indian peoples have  
16 legal powers and status in any decisions affecting our  
17 marine resources, would we feel that our participation in  
18 resource development decision-making was anything other than  
19 token.

20                   If we were to come to this  
21 Inquiry with the power of government, we would still remain  
22 against any oil port on our coast. The benefits of all  
23 peoples in British Columbia and Canada are negligible. The  
24 risks are real and the damage inevitable. It makes  
25 neither economic nor common sense to support such a scheme.

26                   We assume then, Mr. Commissioner,



1 that your terms of reference include the right for you to  
2 recommend no oil port or oil tanker traffic off our coast  
3 to the Government of Canada.

4 The Indians of British Columbia  
5 have been expressing for more than one hundred years, what  
6 has only recently been broadcast across Canada to the non-  
7 Indian majority. Energy related projects such as the hydro  
8 project at James Bay, the Berger Inquiry and the Alcan Inquiry  
9 examining the proposals to ship Alaska natural gas along the  
10 Alaska Highway, have brought our views to the public eye.

11 Mr. Commissioner, what you hear  
12 in this brief or in the future briefs from Indians and  
13 friends of the Indians may sound familiar. It is not  
14 merely repetition of what has been said in earlier inquiries,  
15 but is rather a reaffirmation of what Indians in British  
16 Columbia have been saying in both levels <sup>of government</sup> all these past  
17 decades. It is only now, in the late twentieth century  
18 that the collective wisdom of the first citizens of this  
19 land has been given the attention it deserves by the rest  
20 of Canada.

21 Mr. Commissioner, I suggest  
22 what has happened to us over the past hundred years, of  
23 subtle expropriation of our rights by Europeans, is happening  
24 to all Canadians, by the United States, and I just want to  
25 qualify by explaining, if you permit me. I think, from  
26 my experience and the the experience of my great grandfather

1 have seen how our way of life has been expropriated by one  
2 way or another. Our fishing, our hunting, our culture  
3 of many kinds, our economic ways of life, our political  
4 system, by the encroachment of the Europeans, and I see that  
5 very same thing happening now, to all Canadians; I, as a  
6 Canadian, you as a Canadian.

7 We are not, as Indian people,  
8 prepared to ignore that kind of encroachment by other  
9 nations, and I think this is what is happening in Canada  
10 today and what I mean is, I think there's a lot of American--  
11 by putting a pipeline, for instance, from Kitimat to  
12 Edmonton, is a form of a subtle expropriation; is a form of  
13 subtle take-over of our sovereignty, and I submit to you,  
14 Mr. Commissioner, that this is something that we have to  
15 carefully examine in the course of these hearings and  
16 carefully examine in the future of Canada's sovereignty,  
17 because the Indians definitely have a concern here of historical  
18 background and we intend to look into it and fight it.

19 Thank you very much, Mr.

20 Commissioner.

21 THE COMMISSIONER: Thank you,  
22 Mr. Manuel. Mr. Skelly, Robert Skelly and Graham Lea for  
23 the N. D. P. Caucus. It wasn't clear whether they would  
24 be available this morning or not. Mr. Richards, for Clallam  
25 County, Washington.

1 MR. RICHARDS: Mr. Commissioner,  
2 I'm Ron Richards, County Commissioner from the Second  
3 District of Clallam County, within which lies the City of  
4 Port Angeles, Washington.

5 I appear here today as the  
6 authorized representative of Clallam County, the address  
7 of which, for the purposes of the record, is care of Clallam  
8 County Prosecuting Attorney, 116 West 8th Street, Port  
9 Angeles, Washington.

10 It is certainly a pleasure  
11 to visit your fine nation, province and city, and on behalf  
12 of Clallam County, I wish to thank you for the opportunity  
13 to be present at these proceedings, which we are sure will  
14 be of mutual benefit.

15 Clallam County wishes to be  
16 a participant in these proceedings, to protect its govern-  
17 mental interest, which is adequately expressed in the  
18 provision of this comprehensive plan which reads as  
19 follows:

20 "The Clallam County coast and offshore  
21 water and underwater areas constitute  
22 a unique and important geographical  
23 resource, utilized for shipping,  
24 industry, commerce, residences and  
25 recreation.

26 The coastline and waters and

1 upland areas should be protected  
2 from the recognized problems and  
3 depreciation which could be  
4 brought about by development  
5 associated with an oil port, oil  
6 storage and oil pipeline.

7 Since there is no possibility  
8 of fully protecting the amenities,  
9 resources and existing economic  
10 base of Clallam County if an oil  
11 port and related facilities are  
12 constructed, the County, through  
13 this Comprehensive Plan, declares  
14 such an oil port and related  
15 facilities are incompatible with  
16 existing uses and prohibits their  
17 location in all areas under the  
18 jurisdiction of the Plan."

19 To this end, Clallam County  
20 would like to participate in this Inquiry, as much as its  
21 resources permit, and would seek to appear on a sustained  
22 basis to call witnesses and cross-examine evidence of  
23 other parties.

24 Clallam County will present  
25 evidence to substantiate its position that an oil port  
26 should not be located within its boundaries, and to show

1 other, more viable oil port locations. It will specifically  
2 provide evidence to show that the Northern Tier Pipe Line  
3 Company proposal is not the best alternative to solve  
4 either the west coast surplus problem, or the Montana/Dakota  
5 crude shortfall problem.

6 Clallam County will also  
7 show that a major northern trans-shipment pipeline should  
8 not be considered a necessity, and that other alternatives  
9 can be utilized without putting any of the unique and  
10 precious resources of the North Pacific Coast at risk.

11 Indeed, it would be our hope  
12 that this Inquiry will reach that conclusion.

13 The evidence to be presented  
14 will take the form of expert testimony related to the  
15 issues involved, as well as documentary evidence accumulated  
16 from numerous studies by private and governmental organ-  
17 izations.

18 Clallam County feels that it  
19 is unfortunate that certain groups, especially the Coalition  
20 Against Oil Pollution, have chosen to divorce the Strait of  
21 Juan de Fuca from their concern that Puget Sound be pro-  
22 tected from oil trans-shipment. We feel that any arguments  
23 advanced to ban oil trans-shipment from Inner Puget Sound  
24 apply equally or greater to the Strait of Juan de Fuca.

25 Because of economics, con-  
26 struction time requirements, on land as well as air and

1 marine environmental considerations, and absurdity of circ-  
2 ling the Puget Sound and crossing its numerous anadromous  
3 fish spawning streams with an oil pipeline, we further  
4 believe that, among the North Pacific Coast alternatives,  
5 the Port Angeles oil port site is the least preferable by  
6 far.

7 It should also be noted that  
8 in light of the United States District Court ruling in  
9 Arco versus Evans, and pending Supreme Court proceedings  
10 in that matter, any decision to put an oil port at Port  
11 Angeles, in the name of protecting Inner Puget Sound from  
12 all tanker traffic, would not accomplish that objective.  
13 Instead, it would be condemning a significant segment of  
14 Puget Sound to overwhelming burdens of trans-shipment,  
15 without accomplishing any change in existing and projected  
16 tanker traffic to British Columbia and Washington refineries.

17 Concerning the procedures of  
18 this Inquiry, we would suggest that consideration of  
19 proposed solutions to any projected Montana/Dakota crude  
20 shortfall, be separated from consideration of proposed  
21 solutions to the projected West Coast surplus problem, to  
22 avoid confusion of the issues and to assure that the best  
23 answer to each problem is determined.

24 We would further suggest  
25 that procedures be instituted for soliciting and accepting  
26 the written comments of public interest groups that are

1       unable to attend through representatives.

2                       Finally, we extend an invit-  
3       ion for this Inquiry to hold a session at Port Angeles,  
4       which we remind you, is just one oil slick away from  
5       Victoria.

6                       I would like to express my  
7       concern that Northern Tier Pipe Line Company chose not to  
8       participate in these proceedings. It is merely another  
9       example of that company's reluctance to present their pro-  
10      posal openly and publicly, a habit which they have pre-  
11      viously demonstrated by their grossly deficient application,  
12      submitted to the Washington State Energy Facility Site  
13      Evaluation Council, and their total failure to respond to  
14      requests for information by Clallam County.

15                      I would further like to  
16      minimize the significance of legislation passed by the  
17      Washington State legislature concerning an oil port  
18      location, inasmuch as said legislation was vetoed by our  
19      Govenor       and was passed only through an unprecedented  
20      expensive lobbying effort by Northern Tier Pipe Line  
21      Company, and without proper study of the need for the  
22      facility or other alternatives.

23                      Thank you.

24                      THE COMMISSIONER: Thank you,  
25      Mr. Richards.

26                      Mr. Fischer for the West

1 Coast Environmental Law Foundation.

2 MR. FISCHER: Mr. Commissioner,  
3 the West Coast Environmental Law Association is a non-  
4 profit society, incorporated under the laws of British  
5 Columbia, composed of lawyers and laymen, interested in  
6 protection of the environment through law.

7 Our Association is a member  
8 of the Kitimat Oil Coalition, and we support that group and  
9 plan to participate in this Inquiry primarily through  
10 assisting the Coalition in their presentation.

11 The West Coast Environmental  
12 Law Association takes no position before this Inquiry on  
13 the question of where an oil port should be built, or  
14 whether an oil port should be built at all. These, we  
15 believe, to be questions for you, Mr. Commissioner, which  
16 you will decide upon the evidence which you will hear  
17 over the coming months. These are questions outside our  
18 area of expertise as an association.

19 But we are in agreement with  
20 the Kitimat Oil Coalition when it says that these are  
21 questions for serious and critical deliberation, not to  
22 be undertaken without adequate information.

23 We believe, however, that  
24 our Association can assist this Inquiry by our participation  
25 in specific parts of the Inquiry. In the process of  
26 assisting the Kitimat Oil Coalition over the past months,



1 we have compiled marine legislation in Canada and throughout  
2 the world. A consideration of this material has led us to  
3 the unfortunate realization that Canada is not among the  
4 world leaders in protection of her coastline, nor is she  
5 prepared, with legislation, to cope with the risks inherent  
6 in oil tanker traffic.

7 Our task, the task for which  
8 we have requested participant status, is to bring the facts  
9 of this inadequacy to your attention, Mr. Commissioner, and  
10 to the attention of the Canadian public.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1                   We hope that it is not necessary  
2 for Canada to risk her waters and her coast to satisfy the  
3 energy hunger of Canada and the United States. However, we  
4 acknowledge with great regret that the realities of energy  
5 use may become such that we are forced to accept oil tankers  
6 moving along our coast, leading to the consequent possibilities  
7 of environmental damage.

8                   But if we are some day forced  
9 to accept this gamble, we must at least demand that the odds  
10 be placed as much in our favor as possible. In this Inquiry,  
11 we shall attempt to show that the current state of Canadian  
12 legislation leaves the odds at this moment stacked heavily  
13 against us. We believe that before our shores are subjected  
14 to the threat contained in oil tankers, in oil ports, our  
15 laws should be strengthened so that all contingencies are  
16 taken into account, and all loopholes and inadequacies now  
17 existing are removed.

18                   We shall be participating  
19 directly only in phase one. In other phases, we shall be  
20 satisfied to assist the Kitimat Oil Coalition. Since we  
21 requested no separate funds from the Inquiry, our participation  
22 must be supported from our own resources. We expect that we  
23 will call no witnesses, but we anticipate that we extensively  
24 cross-examine the Commission's witnesses. Should gaps  
25 appear, we anticipate that the Kitimat Oil Coalition will  
26 want to call witnesses to fill them.

1 I would like to outline, Mr.  
2 Commissioner, the subject areas which this Association has  
3 become concerned about, the subject areas which we will attempt  
4 to deal with as the hearings progress. We are concerned that  
5 measures for the prevention of discharges from tankers which  
6 affect the Canadian environment are inadequate. We hope to  
7 show this inadequacy by comparing Canadian and foreign  
8 regulations governing intentional discharges and accidental  
9 spills.

10 On the subject of accidental  
11 spills, we will show that Canadian laws relating to the design  
12 and construction of tankers, to the improvement of navigational  
13 aids, to ship routing, to traffic control, and to training  
14 of crews are surprisingly weak and lacking in detail.

15 We will show that the law  
16 relating to deliberate discharges is well intentioned but  
17 difficult to enforce. This problem of enforcement is only  
18 one of several that we will discuss. The lack of equipment  
19 and personnel make enforcement of the various regulations  
20 uncertain. Furthermore, we will demonstrate that some  
21 existing regulations are virtually unenforceable as written.

22 These enforcement problems are  
23 compounded by the fact that ships are not required to report  
24 their entry into Canadian waters. The prevention of spills,  
25 we submit, is the most significant aspect of tanker regulation,  
26 and must not be passed over lightly.

Distinct from the substantive

1 issues, we will deal with the procedural issues of creating  
2 regulations. This Association is concerned that the methods  
3 used to formulate regulations are too narrow. Rather than  
4 regulations being solely the responsibility of one department,  
5 the statute should provide for formal input from the various  
6 environmental agencies. Public input is also essential  
7 in this process. The enabling statute should also specifically  
8 lay down the criteria, guidelines and policy by which regulation  
9 are to be made.

10 In summary, this Association  
11 is concerned about the inadequacies of Canadian legislation,  
12 dealing with the prevention of spills, the control of the  
13 effects of spills, compensation for the victims of spills,  
14 and the procedures for creating regulations for all these  
15 subjects.

16 In conclusion, Mr. Commissioner,  
17 it will be you who will be considering the adequacy of  
18 existing Canadian legislation, and you will weigh the  
19 evidence which will be put before you in this Inquiry. At  
20 the end of this Inquiry, you may be drawn to the conclusion  
21 that Canada's legislation can be improved.

22 If so, we will urge you to  
23 recommend that it be changed. We will urge you to make  
24 these recommendations both strong and specific, and we trust  
25 that you will not shrink from recommendations for wide-ranging  
26 and substantial changes, where those are required. Ultimately,

1 an improvement in Canadian legislation could be the most  
2 important and concrete benefit to come from this Inquiry.

3 Thank you.

4 THE COMMISSIONER: Thank you,  
5 Mr. Fischer. These are the participants that I have left  
6 on the list. Mr. Skelly and Mr. Graham Lea for the N.D.P.  
7 Caucus; a representative from the Kitimat Band Council and  
8 Kathleen Anderson for the Coalition Against Supertankers  
9 and Lavina Lightbown for the Haida Nation.

10 I understand--have Mr. Skelly  
11 and Mr. Lea appeared? No. Is there a representative from  
12 the Kitimat Band Council ready to speak now?

13 I guess we're ready to proceed  
14 then with the Coalition Against Supertankers. Are they  
15 ready?

16 MS. ANDERSON: Mr. Commissioner,  
17 we're not ready yet. We want to give our presentation after  
18 the break, if we could.

19 THE COMMISSIONER: All right.  
20 Well, in that event, we'll take the break right now. We'll  
21 reconvene in fifteen minutes.

22  
23 (PROCEEDINGS ADJOURNED)  
24  
25  
26

1  
2 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

3  
4 THE COMMISSIONER: Ladies and  
5 gentlemen, we will come to order.

6 Kathleen Anderson, for the  
7 Coalition Against Supertankers.

8 MS. ANDERSON: Mr. Commissioner  
9 can you hear me? I have to get close to the mike.

10 My name is Kathleen Anderson.  
11 On behalf of C.O.A.S.T., The Queen Charlotte Islands Coalit-  
12 ion Against Supertankers, I would like to thank the  
13 Commission for this opportunity to appear before you today.

14 C.O.A.S.T. is a member group  
15 of the Kitimat Oil Coalition, and our own membership  
16 consists of virtually all Island groups and organizations.  
17 The list appears on the brief that we presented.

18 The 6,000 people of the  
19 Queen Charlotte Islands are overwhelmingly opposed to any  
20 movement of crude oil by tanker within 200 miles of  
21 Canada's shores. Canada's west coast and especially the  
22 coast of the Charlottes, will be directly affected by any  
23 of the oil port proposals, whether it be Kitimat Pipe Line,  
24 Trans Mountain/Arco at Cherry Point, Northern Tier at  
25 Port Angeles, or Sohio at Long Beach, California.

26 The Charlottes comprise an

1 archipelago of more than 150 islands lying on the edge of  
2 the Continental Shelf, approximately 60 miles northwest of  
3 British Columbia. They lie adjacent to the paths of all  
4 the proposed tanker routes referred to these past few days.  
5 The unique, unspoiled beauty of these Islands is enhanced  
6 by the flora and fauna which have evolved, due to their  
7 relative isolation and specific ecological factors. Scient-  
8 ists have referred to the Charlottes as the Galapagos of the  
9 North Pacific.

10 Dr. Thompson, it is impossible  
11 to separate an island or archipelago from the ocean/land  
12 interface that surrounds it. Island people live a life  
13 dependent on the sea and shore. Our livelihoods, our  
14 recreation, our health and general well-being depend on  
15 the quality of the sea that surrounds us intimately. We  
16 are islanders, and as newcomers soon discover, we move on  
17 island time, with feelings constantly tempered by the  
18 motion of wind, wave and tide.

19 Southern politicians point  
20 to our low population, fewer voices to raise against the  
21 shortcomings of large scale development. As northerners,  
22 we see our population as millions, an incredible diversity  
23 and abundance of fish, sea birds, shell fish, land and  
24 marine mammals, plant life and people. The lives of all  
25 Island creatures are so delicately interwoven with a  
26 coastal environment, that the threat of an oil spill



1 immediately becomes a challenge to their continued survival.  
2 Alas, for the millions, only the people have a voice in  
3 this Inquiry.

4 We hope that the Inquiry will  
5 make all attempts to avoid operating solely within the  
6 straitjackets of political and economic thought, with  
7 little or no regard for Nature's ways or laws. For  
8 instance, how are the rights of the gray whale to be  
9 represented when their epic migration route extends from  
10 Baja, Mexico to the Bering Sea? Only a small portion of  
11 that journey is covered by the Inquiry's terms of refer-  
12 ence, and yet, their feeding behaviour off Vancouver Island  
13 and the Queen Charlotte Islands, suggests that this part  
14 of the journey may be critical to the rest.

15 How are the many species of  
16 waterfowl that crowd the Pacific flyway each spring and  
17 autumn to be represented? It is believed that the entire  
18 species of black brant, for example, stages on the  
19 Charlottes during their migration. An oil disaster at  
20 such time, could result in extinction of a species with  
21 immediate and drastic consequences to prey and predator  
22 relationships through the bird's entire range. And how  
23 are salmon and other anadromous fishes to be represented  
24 at this Inquiry?

25 Will the Commission be deal-  
26 ing merely with the economics of the B.C. Commercial

1 fishery, or the realities of international migration and  
2 food chain dynamics? Sea lions, orca whales, eagles and  
3 bears are as dependent on the health of this resource as  
4 humans are.

5 Indeed, of all the myriad  
6 life forms existing along this coast, none are restricted  
7 to British Columbia waters, and none recognize the national  
8 boundaries arbitrarily imposed by humans. Ironically, the  
9 same must be said of oilspills.

10 Oil is a global resource.  
11 The energy dilemma we find ourselves enmeshed in is a global  
12 dilemma. The words "local" and "regional" seem to dominate  
13 the terms of this Inquiry, and yet the reality of nearly  
14 every aspect, from energy needs to environmental protection,  
15 are global in scope.

16 Mr. Commissioner, we would  
17 like to express our concern that this Inquiry fulfill its  
18 obligation to include the realities of wildlife movement  
19 and inter-relatedness of all species. We would ask that all  
20 coastal life that will be adversely affected by oil spills,  
21 be granted standing in these proceedings, regardless of  
22 commercial value.

23 We urge that plankton, the  
24 very foundation of marine life support systems, be accorded  
25 an equal or greater consideration than the specific  
26 proposals submitted by oil companies.

In reiterating what numerous groups have already stated, we would again stress that more time and more funding must be made available to carry out full scale environmental, hydrographic and socio-cultural studies. Without these studies, the investigations of this Inquiry would be made incomplete, and hence, a judicious recommendation could not be made.

1                                   At the preliminary hearing  
2 held in Kitimat, C.O.A.S.T., supported by the Kitimat  
3 Oil Coalition and the Skeena-Queen Charlotte Regional  
4 District asked for some formal stages of the Inquiry to be  
5 held on the Queen Charlotte Islands. This would have  
6 brought the Commission and the oil port proponents into  
7 direct contact with the people and the environment most  
8 likely to be affected by their decision. We have  
9 heard that these proponents will be invited by the Commission  
10 to attend the community hearings to answer questions from  
11 the public. We strongly urge that they be compelled to  
12 attend all of the informal community hearings.

13                                   Part of C.O.A.S.T.'s formal  
14 presentation to this Inquiry will be composed of the latest  
15 scientific information available concerning marine, intertidal  
16 and shore life forms that are threatened by supertanker  
17 movement off our shores. At the appropriate stage of the  
18 formal hearings, we will bring forth a panel of expert  
19 witnesses, those scientists most knowledgeable of the Queen  
20 Charlotte archipelago.

21                                   For most of us though, Inquiry  
22 evidence means only technical studies, something concrete  
23 and cold, the black and white facts that appear to mean so  
24 much when governments, corporations and the public sit down  
25 to discuss and eventually make far-reaching decisions. Human  
26 feelings are too often ignored by those ruled by statistics

1 and the balance sheet. It is impossible, however, for us  
2 to divorce our feelings and emotions from this issue.

3 Our formal presentation will  
4 feature a colour slide showing and our brief will include  
5 photographs of distinctive features of the Islands.

6 A continuing part of our  
7 presentation will be to offer to members of the Commission  
8 and to participants, small samples of natural foods. Razor  
9 clams, abalone, smoked salmon, kelp pickles, halibut, red  
10 snapper, cockles, herring roe, scallops and seaweeds, all  
11 of which are part of our diet gathered on the Charlottes,  
12 and all of which would be threatened as a result of oil  
13 spills.

14 Decisions resulting from  
15 this Inquiry will have long range effects for generations  
16 of coastal residents and other life forms to come. The  
17 life-crippling effects of oil pollution on the northwest  
18 coast would not only destroy what is possibly the most  
19 protein-rich area of the world, but further endanger the  
20 already threatened life support systems of this planet.

21 Mr. Commissioner, we request  
22 that this Inquiry never lose sight of the gravity and  
23 far-reaching implications of the task before it.

24 Thank you.

25 THE COMMISSIONER: Thank you,  
26 Ms. Anderson.

1 MS. ANDERSON: We are going  
2 to be passing out samples of razor clams that were dug by  
3 local people on North Beach in the Queen Charlotte Islands.  
4 North Beach is adjacent to the pipeline route that is planned  
5 for Kitimat.

6 THE COMMISSIONER: I hope this  
7 isn't to be regarded as an exhibit because you have to  
8 preserve exhibits. Thank you. I think from the last  
9 statement, we can anticipate a rich diet throughout these  
10 proceedings.

11 Lavina Lightbown, the Haida  
12 Nation.

13 MS. LIGHTBOWN: Thank you,  
14 Mr. Commissioner. I am Lavina Lightbown, elected president  
15 of the Council of the Haida Nation of the Queen Charlotte  
16 Islands, located approximately eighty miles offshore south  
17 of Alaska, and approximately eighty miles offshore from  
18 the British Columbia mainland.

19 I speak for the people that  
20 elected me last December as president of their nation. I  
21 do not speak for the Skidegate Band Council.

22 I somehow wish, Mr. Commissioner,  
23 that I could address you from our lovely beaches on the  
24 Queen Charlotte Islands. I find this atmosphere very  
25 energy-oriented. As we are completely surrounded by the  
26 sea with its gale winds, strong tides and other navigational

1 hazards, we strongly oppose any movement of oil by tanker  
2 in our northern waters.

3 In fact, we strongly oppose  
4 any oil port on our coastline and also the northern part  
5 of Washington. We intend to be involved in this Inquiry  
6 for as long as it is necessary to prevent any port from  
7 developing in these areas. In our aboriginal rights and  
8 land claims issue, the sea surrounding our Island is a  
9 very large part of our claim and these rights must not  
10 be violated or altered in any way, especially by supertanker  
11 traffic, until a just and final settlement of this long,  
12 outstanding grievance.

13 Any supertanker traffic would  
14 surely destroy forever our renewable resources of the sea,  
15 which is also the heritage of the Haidas yet unborn. The  
16 one thing I did want to say at the beginning was that I  
17 speak for the Haidas that have gone on, for their spirit  
18 still remains with us. I also speak for the Haidas yet  
19 unborn.

20 Just remember not too long  
21 ago, in the history of human life, mankind lived and flourished  
22 without oil. I want to thank the person that wrote that on  
23 my notes. That wasn't mine. That was someone in this group  
24 here. It occurs to me in this hearing that only man can  
25 solve one crisis by creating another.

1 I am deeply concerned about  
2 the lack of discussion dealing with alternatives. If,  
3 indeed there is a vital crisis, then a large portion of our  
4 energies, time and funds must go into finding alternatives  
5 to energy resources or to conservation.

6 When I speak of conservation,  
7 I do not mean conservation by increasing the price of oil  
8 and other forms of energy, in order to put it out of the  
9 reach of the average person. This form of action will only  
10 create an elitist type of energy user, based upon the  
11 ability to pay and will eliminate the rights of the majority  
12 of the population. A form of rationing in Canada and the  
13 United States, until such time as we are positive that the  
14 energy problem has been resolved, without environmental or  
15 social damage, is the only acceptable solution.

16 The day must come when we  
17 must stop exploiting needs; automobiles are a good example.  
18 A new model comes out every year with its built in  
19 obsolescence and the parts are very seldom interchangeable.  
20 Planes fly on schedule whether or not there are passengers.  
21 Bumper to bumper automobiles pollute the air until one  
22 can hardly breathe.

23 Transportation and all energy  
24 users must become involved, otherwise, how can you expect  
25 the person who lives in a tent in the North, with a drum  
26 stove for heat, with other adverse living conditions, to



1 give up the little he has. The Natives of the north cannot  
2 be asked to give up their culture and way of life that they  
3 have maintained for many generations, just so that extremely  
4 wasteful energy users in the south may maintain their  
5 luxurious lifestyle to which they have become accustomed.  
6 To suggest that the requirements of one group of people makes  
7 the destruction of another group of people acceptable, is  
8 totally unthinkable.

9 There must be some way, by  
10 law, if necessary, to force the oil companies to disclose  
11 just how much oil there is in storage in the ground. We  
12 have some grave doubts as to the validity of the energy  
13 crisis relating to oil. Millions of dollars have been spent  
14 by the oil companies to create a situation where the general  
15 public is being brainwashed into believing that our lights  
16 will cease to shine, and our motor vehicles will cease to  
17 run, and all industry will come to a grinding halt, if their  
18 northern oil is not brought immediately to market.

19 We further resent their  
20 attempt to create a situation in which the people of  
21 British Columbia would be convinced that the oil companies,  
22 as a necessity, are prepared to threaten our existence  
23 within our coastal environment, in order to get this oil  
24 to the refineries. We believe that this is nothing more  
25 than an attempt to make us struggle to ensure that our  
26 environment survives by supporting instead, an overland

1 delivery system. They have almost convinced us that the  
2 destruction of one environment and people must take place  
3 in order that another may survive.

4 Is our Federal Government being  
5 subjected to tremendous outside pressure, including economic  
6 blackmail? Is it becoming more obvious every day that  
7 because of this pressure, our Federal Government is likely  
8 to make some very adverse decisions dealing with energy?  
9 Will our government then call for an election to receive  
10 support for their actions with energy and not unity becoming  
11 the election issue?

12 Is this whole process the  
13 biggest fraud that has ever been perpetrated against the  
14 North American population? Only sometime in the future  
15 will the history of what has taken place in this decade  
16 become known. The onus is on this Inquiry to prove other-  
17 wise.

18 We, the Haida people, once  
19 known as the Vikings of the North, would rather go back to  
20 sails, if necessary, before we will let oil spills damage  
21 forever our sea resource, which is the very backbone of  
22 our culture. Our legends tell us that we have been on our  
23 Island since the time of creation, that our very life came  
24 from the sea and so it still does.

25 When Raven, who is the symbol  
26 of the creator in our legends, finished creating the world,

1 he found he was lonely, so he wandered out onto Rosespit,  
2 and there discovered

3 People in a clam shell. He enticed  
4 them out of the clam shell, and that was the beginning of  
5 mankind. In other words, this beautiful Island is where we,  
6 the Haidas originated, and that our very life came from the  
7 sea, as it does to this day. And by the way, we always  
8 thought with all the men and women that came in that clam  
9 shell, that we found that there's another story that says  
10 the woman came out of a mussel shell further south on the  
11 Island, and they were vicious, mean looking creatures, so  
12 there was male chauvinism even then.

13 This is where we came from,  
14 this is where we always intend to be. Most of the populace  
15 of North America have a double heritage, we have only one  
16 and we intend to defend and protect this heritage as we  
17 have already lost more than can be asked of anyone.

18 As Indian philosophy was  
19 and still is, of sharing, it has taken us a long time to  
20 realize that our strongest philosophy has proven to be our  
21 downfall, as it made it possible to take control of our  
22 lands and waters and its resources, until we are now  
23 trespassers in our own land.

24 On first contact, we wel-  
25 comed our visitors, with our traditional eagle down cere-  
26 monial dance, and in return, our visitors would plant a

1 flag, fire a cannon and declare the land theirs, which our  
2 people did not understand. Our laws and traditions were  
3 ignored, our unwritten laws were called superstition. Our  
4 religions and ceremonies were outlawed, our educational  
5 system, which was in practice and not in theory, was made  
6 obsolete, and a new system imposed on us.

7 In our system, your grand-  
8 mother and your grandfather teaches you your philosophy in  
9 life, and your uncles teach you the practical things of  
10 life, for how can a mother or a father be objective about  
11 teaching one's children?

12 Our hereditary system with  
13 lineage through the female line was replaced by an elective  
14 system, by an elective system; pass the buck, no responsi-  
15 bility system.

16 Where our leadership had  
17 been taught from the cradle, that leadership was one of  
18 responsibility and not for power or prestige, because the  
19 conditions of one's people was a reflection of his leader-  
20 ship and ability. This new system, foreign to us, brought  
21 us to a state where we no longer had a right to live on our  
22 own terms, because there was no continuity.

23 We also had no control over  
24 our own food resources, with the high protein foods that we  
25 harvested freely since the time of creation and which  
26 built us strong sons and daughters, thus a strong nation,

1 was no more. All of our responsibilities were taken over  
2 by the Department of Indian Affairs until now we are called  
3 irresponsible.

4 We were confined to reserves  
5 and called bands, the inference is obvious. We were not  
6 allowed to speculate off our reserves, we weren't even  
7 allowed the privilege of homesteading like everyone else.  
8 Our traditional hunting and trapping areas have been stripped  
9 so that bureaucrats can shuffle paper.

10 The Churches replaced our every  
11 day religion of living in harmony with nature, with a  
12 Sunday religion. Our harmony has been disrupted time and  
13 time again.

14 Our respect for all living  
15 things of the sea and of the air and of the land was  
16 impressed on us right from the cradle. Our unwritten laws  
17 were called superstitions; for instance, we had an unwritten  
18 law that forbid us harvesting seaweed by cutting with any  
19 metal. The same law applies for the cutting of kelp, these  
20 were called superstitions, but in fact, for instance,  
21 Japan lost its seaweed stocks and Alaska lost a great deal  
22 of its kelp stocks because they harvested it with metal  
23 knives. The harvesting of kelp had to be stopped in  
24 Alaska eventually as the resource had almost been depleted  
25 by harvesting with metal knives.

1 Even our monuments and our  
2 artifacts were taken away until, as my grandchildren used  
3 to say, there was no apparent indication that the Indians  
4 had ever owned this land. Our traditional cloak of sea  
5 otter has not been seen by several generations because of  
6 exploitation to depletion. Our close family ties were  
7 disrupted by taking all of our children far away for  
8 education in boarding schools, thus causing a breakdown  
9 in communication, family life, and also caused a generation  
10 gap.

11 All of the responsibilities  
12 of parenthood were taken away. Indian children were forbidden  
13 to speak their own language, the quickest route to cultural  
14 genocide. Some of the children did not see their parents  
15 again until they were young adults.

16 You may rightfully question  
17 why I have gone into all of these sad facts, but the reality  
18 is that Indians are no longer going to be exploited. In our  
19 culture, a man's word was his bond, as we did not have a written  
20 language, with the result that we were easily exploited.  
21 A piece of paper with a signature being worth more than a  
22 man's word was foreign to us and a piece of paper stating  
23 title to ownership of land being more binding than what  
24 we consider legal and moral ownership since the beginning  
25 of time, and still is foreign to us. All of this has come  
26 to an end.

1 In the last two days, I have  
2 heard mention of compensation. How does one put a dollar  
3 value on a heritage that began at the time of creation and  
4 continues to the end of time? There are alternatives for  
5 energy, not so with our culture. How does one compensate  
6 for the loss of the quality of life?

7 Mr. Jack Davis' comment about  
8 only a few Indians on the coast being affected would be  
9 almost comic if it were not so sad, that even in these  
10 times we are still being regarded as being very insignificant  
11 by our politicians. Obviously we haven't yet reached a time  
12 when human concerns take precedence over dollars in everyone's  
13 minds. How urgent would the need of transporting oil  
14 through these treacherous waters be, if the profit motive  
15 was removed? How many of these oil companies are American  
16 owned?

17 We are concerned about the  
18 timeframe. We believe this hearing would be a sham, unless  
19 we are given the time necessary to have a full study. We  
20 also consider the funds and participation by Indians as  
21 being inadequate, as this affects our heritage and our  
22 culture. We need full participation. The funds allocated  
23 to Indians smacks of tokenism.

24 The Indian people in this  
25 country, because they are at the bottom of the economic scale,  
26 would be the last to benefit, if at all, from tanker traffic

1 in our waters. The services that the rest of society takes  
2 for granted have not even reached some of our people. So,  
3 if there was a shortage, we would be the last ones to know.  
4 Of course, we are concerned about the rest of society,  
5 but we would rather share with you our high protein foods  
6 for man can live without oil but he cannot live without  
7 food. One major oil spill in our area would destroy these  
8 foods forever.

9 Our land claims and aboriginal  
10 rights issue has been going on for a period of about one  
11 hundred and fifty years and if the Haida people allow any  
12 major development before settlement, will it be another  
13 hundred and fifty years? In order to get a just settlement,  
14 we, the Haida people, must oppose any development that would  
15 jeopardize our settlement or our way of life. We can no  
16 longer be satisfied just to survive. We have a right to  
17 live and the right to determine our own social and economic  
18 future.

19 Our economic future on our  
20 traditional territory depends entirely on the sea. Therefore  
21 we must emphatically oppose any tanker traffic through our  
22 waters.

23 As a last point I would like  
24 to make, I would remind you that the oil companies who  
25 constructed the Alaska Pipeline assured us all, loudly and  
26 often, that there would be no oil spills or ecological damage



1 in that operation.

2 Well, if the oil spills that  
3 have occurred to date is any indication, then I would shudder  
4 to visualize the reluctant damage from any of those tanker--  
5 resultant damage from any of those tanker spills that they  
6 say are not likely to take place.

7 Mr. Commissioner, in closing,  
8 I would like to ask you how it feels to be God, because  
9 at this moment I leave the future of the Haida people in  
10 your hands. Thank you.

11 THE COMMISSIONER: Thank you.  
12 Do we have a spokesperson for the Kitimaat Band Council?

13 MS. PAPE: Mr. Commissioner,  
14 I'll make this presentation to you on behalf of Chief  
15 Heber Maitland and Kitimaat Village. He's the chief  
16 councillor of the Tribal Council there.

17 The Haida<sup>31</sup> Indians of  
18 Kitimaat had not intended to present this statement at  
19 this opening session, preferring instead to concentrate their  
20 efforts on researching a detailed brief which will be  
21 delivered at the later phases of the Inquiry.

22 Certain statements in the  
23 presentation of the Kitimaat District Council so disturbed  
24 members of the Native community that it was decided to speak  
25 out today in order to clarify any confusion.

26 The people who live in the South

1 have, I think, a lot of reasons to be confused when we hear  
2 three different namings for three different kinds of  
3 governments in northwestern B. C.

4                   There's two levels of non-  
5 Indian governments up there and there's also the Indian  
6 Tribal Council and as southerners, it's very easy for us  
7 to be confused and that's why I'm here to clarify on  
8 behalf of the people there. First, we would like to make  
9 a clear distinction between the two Kitimaats. Mr. Thom's  
10 Kitimat is an industrial city situated at the head of  
11 Douglas Channel. It is the location of an aluminum smelter  
12 and a pulp mill, and is already committed to heavy industry.

13                   This city's council has  
14 chosen to endorse the oil port proposal.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Kitamaat Village Council,  
however, whose people would not see one cent from the proceeds of the port, look fearfully at the prospect of the tankers travelling up the channel from the outer coast, everywhere threatening the environment that means so much

1 to the communities. Thus, the City Council's support  
2 centres around the terminal itself, while the Village  
3 Council's opposition stems from its concern about the  
4 environment of Douglas Channel and the surrounding region.

5 It is for this reason that  
6 the Haisla people resent the apparent believe of the District  
7 Council that it can speak for the channel and neighbouring  
8 environments. Kitimat District Municipality extends about  
9 5 miles below the head of Douglas Channel, and no further.

10 The District Council's  
11 responsibility and jurisdiction end there. The Haisla,  
12 therefore, believe that the Council cannot justifiably  
13 claim as it did, that

14 "Clean-up procedures, should they  
15 be necessary, will be more success-  
16 ful and less costly environmentally  
17 in the Channel approaching  
18 Kitimat."

19 Their conception of what is  
20 less environmentally costly is totally unrealistic from  
21 the Native point of view. Consider what the Municipal  
22 Council claims will need protection:

23 "Particular attention for  
24 Kitimat's recreational resources  
25 and salmon and trout of the  
26 Kitimat River, and protection of

1 aesthetically pleasing pleasure  
2 boat cruising and fishing areas  
3 of the Channel."

4 Recreational resources and  
5 aesthetically pleasing areas of the Channel do not begin  
6 to catalogue the richness and diversity of the region.  
7 To the Indian of Kitamaat, there are more than 30 salmon  
8 streams in his traditional territory, supporting over 100  
9 separate runs of the five species of salmon.

10 In addition, there are several  
11 other fisheries as well, such as shell fish, seaweed and  
12 dozens of species of marine life that comprise a significant  
13 part of the Indian diet.

14 It is the Native people who  
15 make their living from the environment along the tanker  
16 route, and who stand to lose the most from a devastated  
17 shoreline. To begin, as the District Council did, with a  
18 statement that the environmental risks in the Kitimat  
19 region are not so high as elsewhere, without considering  
20 the Native interest, is insulting.

21 It also disturbs the Haisla  
22 that the District Council's concern for the environment  
23 seems to be expressed largely in financial terms. We hear  
24 that the existing Oil Compensation Fund will be enlarged  
25 to cover the costs of any clean-up of private and public  
26 property, and will compensate those persons who suffer

1 financial loss resulting from the development of an oil  
2 terminal at Kitimat.

3 Financial loss. As if every-  
4 thing in the area has its price, how does one assess the  
5 financial value of a lost way of life? How can one mend a  
6 shattered culture with a dollar? To speak of compensation,  
7 for that is to remind us of those who know the price of  
8 everything, and the value of nothing.

9 The deep division between the  
10 attitudes of the two councils is best shown in a revealing  
11 comment on the District Council's presentation, they say,  
12 and I quote:

13 "Although people in Kitimat have  
14 a high regard for the environment,  
15 Kitimat is by no means an environ-  
16 mental wonderland, but on the  
17 contrary, Kitimat is the major  
18 industrial city of the northwest."

19 Kitimat is, by no means, an  
20 environmental wonderland, that says it all. Those who  
21 have lived and worked on the water of Douglas Channel and  
22 the surrounding regions, know that indeed the region is  
23 an environmental wonderland. Once out of sight and smell  
24 of the industries of Kitimat, the region is clean,  
25 astonishingly beautiful, and most important of all, it is  
26 still productive.

1                   It has supported the Haisla  
2 people well for uncounted centuries, and to a considerable  
3 extent, continues to support them today. We wish only that  
4 the land and the water be left undisturbed, so that it can  
5 continue to support our children and our children's  
6 children in a way that we find honest and decent, in harmony  
7 with both nature and our fellow man.

8                   We do no one no harm in living  
9 this way. We ask, in turn, only that others do us no harm.  
10 We deserve no less.

11                   THE COMMISSIONER: Thank you.

12                   Is Mr. Robert Skelly or  
13 Graham Lea present? It was understood that because of the  
14 legislature sitting that they might or might not be able  
15 to attend. I guess they are not here.

16                   MR. ANTHONY: Mr. Commissioner,  
17 if I might, there's one other communication to this Inquiry  
18 that I would like to put on the record, and that's from  
19 the Skidegate Band Council, and they have advised in a telex  
20 to the Inquiry as follows:  
21  
22  
23  
24  
25  
26

1                    "The Skidegate Band Council  
2       proposes to submit a brief at the appropriate time, either  
3       directly to the Inquiry or through an Indian organization.  
4       Our submission will be under phase 6, the socio and economic  
5       impact as it relates to the Indian community", and that was  
6       sent by the Skidegate Band Council, Philip Gladstone,  
7       Chief Councillor.

8                    THE COMMISSIONER: That, I  
9       think, completes the opening of the formal hearings. These  
10      hearings will resume in Vancouver on September 7th for  
11      phase 1 which will deal with statutes and regulations and  
12      the administration of them.

13                   The hearings will resume in  
14      the form of community hearings on Friday of this week,  
15      July the 22nd at 12:30 P.M. in Namu.

16                   I might say that I've noted  
17      a number of invitations in the statements on the part of--  
18      suggesting that the Commission should hold community  
19      hearings. These are noted and we will endeavor to hold  
20      community hearings at the appropriate places in the  
21      Province, so that we can hear all submissions.

22                   Thank you. This hearing  
23      is adjourned.

24  
25      (PROCEEDINGS ADJOURNED TO SEPTEMBER 7, 1977)  
26