

## **Appendix I – Notice of Intent to provide oral traditional evidence**

To assist those Intervenor providing oral traditional evidence, the Board recommends that this evidence focus on how the Project would impact their community's interests and rights. In addition, the Board does not consider the following types of information to be oral traditional evidence, and should not be included in any oral presentation:

- Technical and scientific information.
- Opinions, views, information, or perspectives of others, whether obtained from news clippings, personal discussions, or written materials.
- Detailed views on the decisions the Board should make and opinions about the Project.
- Recommendations to the Board on whether or not to approve the Project or the terms and conditions that should be applied if the Project were to proceed.
- Questions that require an answer from either the company or the Board, or rhetorical questions.

The Board requires the following information from those Aboriginal Intervenor planning to present oral traditional evidence:

- Name of Intervenor.
- Name of presenter(s).
- Confirmation that the evidence to be provided aligns with the description of oral traditional evidence as explained above
- Any other information the Board should consider in relation to the notice to present oral traditional evidence.

This information must be provided using the attached form and appropriately filed with the Board using the Participation Portal.

A Process Advisor will contact all groups who provide a Notice of Intent to provide oral traditional evidence. A Procedural Directive with details on the process and schedule will be provided after all groups have been contacted and logistical arrangements are made.

## Instructions

Step 1: Complete the attached form and save it as a PDF.

Step 2: Login to your NEB Account at [this link](#) using the same user ID and password you used to submit your Application to Participate form.

Step 3: Click on "Submit Documents Electronically" and fill in the information required in the eight (8) listed steps.

Step 4: Print the receipt, sign it and fax or mail it to the Board at the following address:

National Energy Board  
517 Tenth Avenue SW  
Calgary, Alberta  
T2R 0A8

Facsimile 403-292-5503

Toll-free facsimile: 1-877-288-8803

Note: If you are not able to use the Participation Portal, please contact the Process Advisory Team for assistance in filing your Notice of Intent.

If you have questions or require assistance in filing your Notice of Intent, please contact the Process Advisory Team at 1-800-899-1265 (toll-free) or by email at [EnergyEast.ProcessHelp@neb-one.gc.ca](mailto:EnergyEast.ProcessHelp@neb-one.gc.ca).

**Form: Notice of Intent to Provide Oral Traditional Evidence**

Date:	<b>November 5, 2015</b>			
Name of Group or Individual as it appears on the List of Aboriginal groups	<b>File Hills Qu'Appelle Tribal Council - 7 First Nations</b>			
Names of those Individuals who will be providing the oral traditional evidence	1. <b>Little Black Bear's Band of Indians - TBD</b>  5. Muscowpetung First Nation - TBD	2. <b>Starblanket First Nation - TBD</b>  6. Piapot First Nation - TBD	3. <b>Okanese First Nation - TBD</b>  7. Wood Mountain Lakota Nation - TBD	4. <b>Peepeekisis First Nation - Tbd</b>  8. File Hills Qu'Appelle Tribal Council - TBD
<input checked="" type="checkbox"/> I confirm the evidence to be provided aligns with the description of oral traditional evidence as explained above				
Additional Information:	<p><b>Include here any other information you wish the Board to consider in relation to your Notice of Intent to provide oral traditional evidence.</b></p> <p>The FHQTC, in concert with the First Nations, have identified the following issues relevant to this application:</p> <p>#7 The potential environmental and socio-economic effects of the Project, including the environmental effects of accidents or malfunctions that may occur in connection with the project, and any cumulative effects that are likely to result from the Project.</p> <p>The cumulative effects of past industrial development have added to the devastating and broad-ranging impacts on the ability of the First Nations' to practice and uphold their rights and interests, as well as their cultural integrity as First Nations people. This includes environmental degradation to their water sources, the fish, animals and plants upon which they rely for their hunting, fishing and gathering and particularly upon species the First Nations have relied on for cultural and spiritual purposes. The knowledge maintained with the individuals within the First Nations communities will be gathered to provide additional insight into how the areas identified above, in addition to others, have been contributing, as a cumulative effect, to the degradation of First Nations identity, culture and rights.</p> <p>#9 The appropriateness of the general route and land requirements for the Project.</p> <p>The route of the proposed project will bisect Treaty 4 and impact the traditional territories of not only the FHQTC First Nations, but nearly all the First Nations of Treaty 4 who are located in what is now the southern part of the Province of Saskatchewan. This situation leads to comprehensiveness impacts upon all the First Nations of the proposed project.</p> <p>#10 The engineering design and integrity of the Project.</p> <p>The First Nations are concerned about the design and integrity of the proposed project. This includes that bitumen with chemical additives is a very volatile and corrosive product and the integrity of the pipeline is called into question. Further, the changing climate conditions, which have seen considerable flooding of lands along the pipeline route, bring into question the stability of the terrain of the pipeline route and in turn the design and integrity of the project.</p> <p>#11 Potential impacts of the project on Aboriginal interests.</p> <p>The First Nations not only have interests in the project that include the impacts to their Treaty, Aboriginal and Inherent rights, but also cultural and spiritual concerns. The cultural and spiritual concerns relate to the cumulative impacts to their archaeological, heritage and sacred sites. Industrial activity such as this proposed pipeline to the First Nations continues to erase the First Nations' history and culture from their traditional territory landscape. The First Nations, through the collective representation of the FHQTC will outline how governments, the NEB, the current project proponent and future projects must address these issues to ensure there is appropriate consultation, reconciliation and accommodation of First Nations' legal, constitutional, Inherent, Aboriginal, Treaty, as well as their cultural and spiritual rights as peoples.</p> <p>#13 Safety and security associated with the construction and operation of the project, including emergency response planning and third-party damage prevention.</p> <p>Similar to those identified in #10, the First Nations are concerned with the ability of the proponent and the government of Canada to ensure safety and security of the pipeline during its construction and operation.</p> <p>#14 Contingency planning for spills, accidents, or malfunctions during construction and operations of the project.</p> <p>The potential impacts of the security, safety of the construction and any potential spills or malfunctions is of great concern, including how the NEB and the project proponent will deal with the ongoing destruction of First Nations' cultural heritage, to water sources, and land upon which First Nations continue to rely for their hunting and gathering activities. The FHQTC will discuss additional measures that should be enacted to eliminate or mitigate construction accidents, spills or malfunctions that would add to the cumulative effects upon First Nations rights, interests and cultural integrity.</p> <p>#16 The terms and conditions to be included in any recommendations or approval the Board may issue for the project.</p> <p>The First Nations wish to provide recommendations for terms and conditions to the NEB regarding the current proposed project, as well as any proposed future projects that may come before the Board for review.</p>			