

**IN THE MATTER OF
NATIONAL ENERGY BOARD
HEARING ORDER GH-003-2015
NOVA Gas Transmission Ltd.
TOWERBIRCH EXPANSION PROJECT**

AFFIDAVIT OF DONOVAN CAMERON

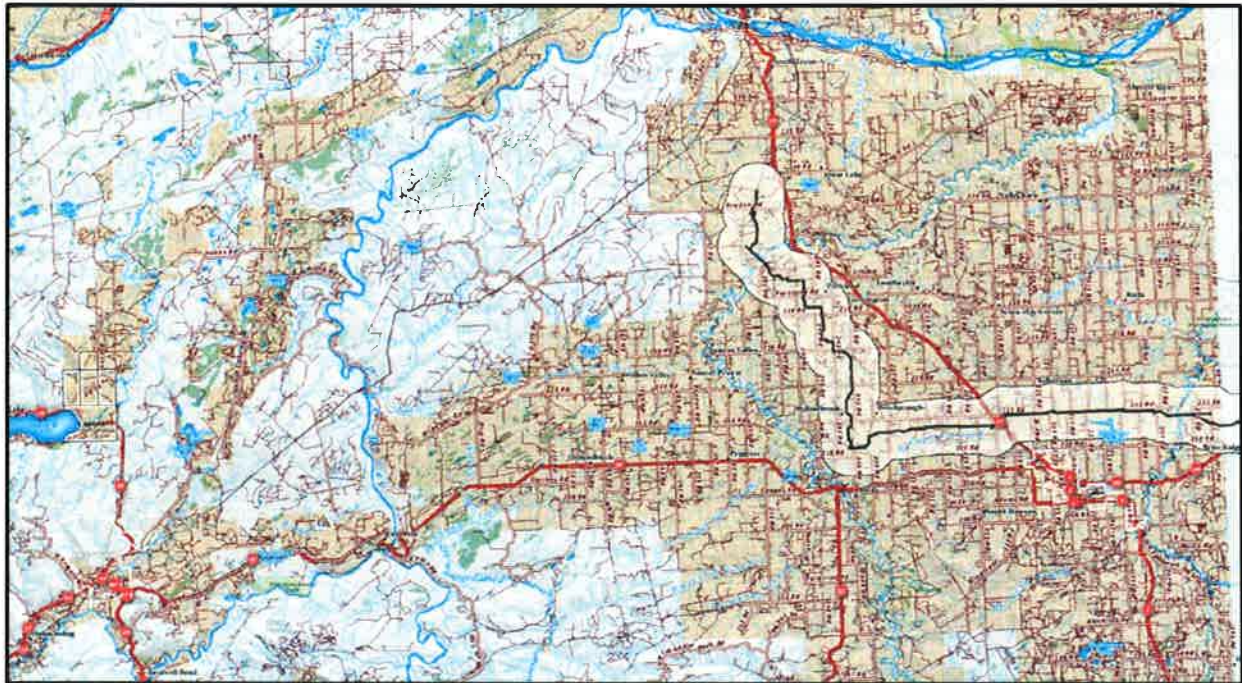
I, Donovan Cameron, Geographic Information Systems Advisor for Saulteau First Nations ("SFN") Treaty and Lands Department of PO Box 1020, Chetwynd, in the Province of British Columbia, AFFIRM AND SAY AS FOLLOWS:

1. I prepared evidence on behalf of SFN, an Intervenor in the National Energy Board ("NEB") hearing GH-003-2015 for the NOVA Gas Transmission Ltd. ("NGTL") Towerbirch Expansion Project (the "Hearing"). As such, I have personal knowledge of the facts and the matters deposed to in this my Affidavit, except where stated to be based on information and belief, and where so stated, I verily believe the same to be true.
2. I am told by counsel for SFN and verily believe to be true that the evidence that I prepared was filed as evidence in the Hearing on March 15, 2016, April 18, 2016, April 25, 2016 and May 5, 2016.
3. The evidence that SFN filed and that I hereby adopt consists of the following:
 - (a) Report titled 'Saulteau First Nations written submission for the proposed TransCanada's Towerbirch Pipeline in North Eastern British Columbia' and filed March 15, 2016 as SFN written evidence, attached to this my affidavit as Exhibit "A";
 - (b) SFN Response to NEB Information Request ("IR") No. 1.1 filed April 18, 2016, attached to this my affidavit as Exhibit "B";
 - (c) SFN Response to NGTL IR Nos. 1.2 and 1.3 filed April 25, 2016, attached to this my affidavit as Exhibit "C"; and
 - (d) SFN Updated Response to NGTL IR No. 1.3 filed May 5, 2016, attached to this my affidavit as Exhibit "D".

Saulteau First Nations written submission
for the proposed
TransCanada's Towerbirch Pipeline in North Eastern British Columbia

This is Exhibit " A " referred to in the
affidavit of Donovan Cameron
sworn before me at Chetwynd
this 16 day of June 2016
Dorothea Swain
A Commissioner / Notary for taking Affidavits
for British Columbia

Dorothea Swain
Commissioner for Taking Affidavits
in the Province of British Columbia
Chetwynd, BC - (250) 788-2239
Non-Expiry



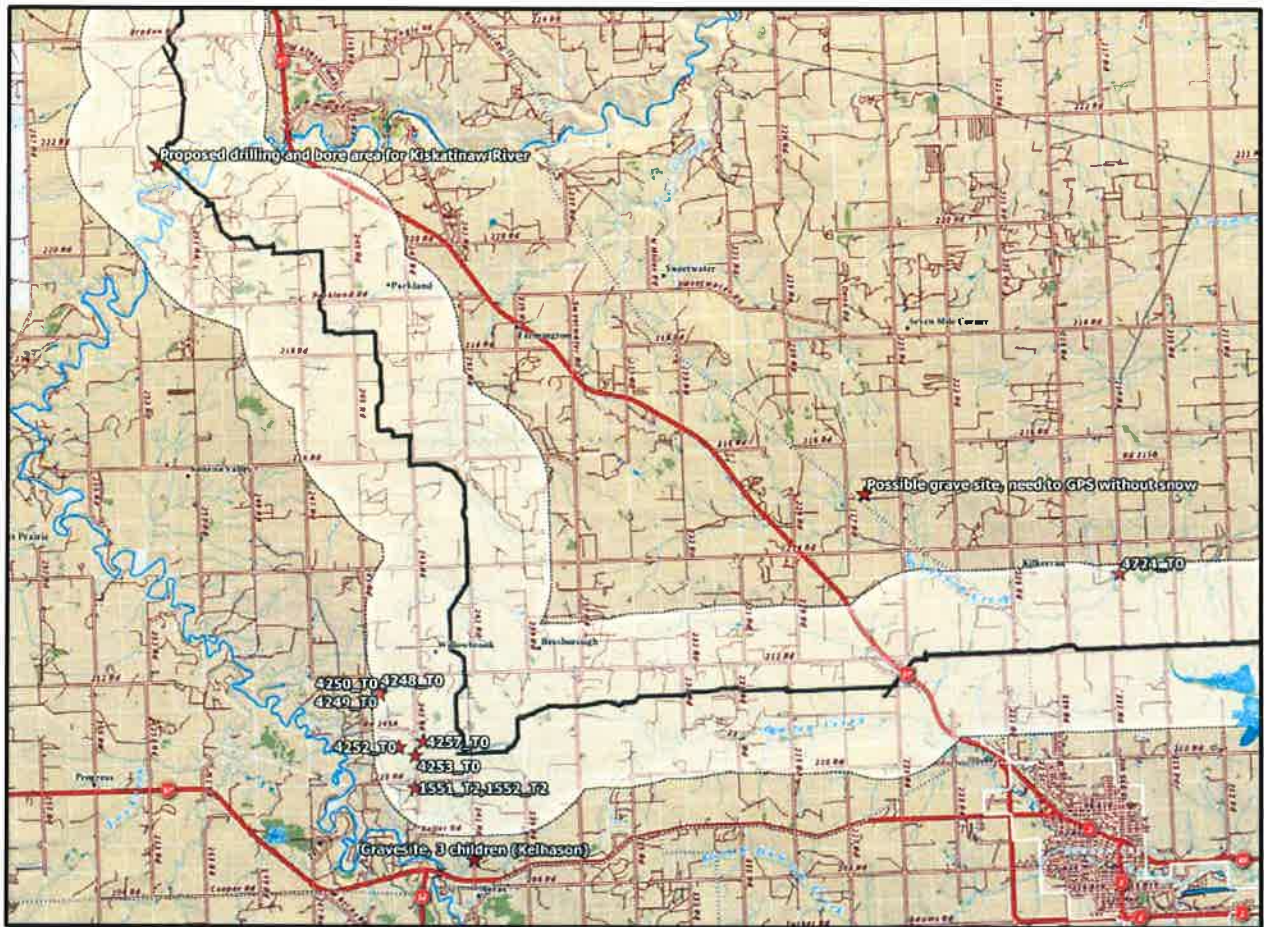
Map showing the proposed Towerbirch project (in black, far right) with the Study Area (black dotted outline) and Saulteau First Nations (seen far left/vert. centre) on east end of Moberly Lake.

Sources

SFN has conducted several Traditional Land Use Studies (TLUS) where members were interviewed and asked to share the locations of their land use activities. A majority of that information has been recorded digitally via audio (with transcripts), video, and geo-referenced spatial information for a Geographic Information System that SFN uses to capture, store and manage, analyze, query and visualize or distribute internally. Interviewees are encouraged to share only sites that they can recite from their living memory (ie, happened in their lifetime and they were present) or significant spiritual, cultural or ecological sites.

The TLUS are the basis of the information used to form the content of this report and were queried based on proximity to the project (within 2.5 km) then used to scope a field visit to verify locations of features.

Prior to the field visits, individuals who had previously documented use in the 2.5 km study area were invited for a one on one interview with SFN Treaty and Lands Department Staff to discuss any proposed mitigation or avoidance of the sites and whether they would like to accompany a field visit with qualified SFN Cultural Monitors to share TEK and verify the location.



Map showing GPSd locations. 8 out of the 25 TLUS sites were verified in the field, 2 additional incidental features (grave sites) were recorded and a proposed location for the Kiskatinaw River crossing (see Appendix B) location. The grave site features are outside the study area.

Cultural/Environmental Monitor Field Notes

Attached as Appendix A is a copy of the field notes provided by the SFN Cultural/Environmental Monitor who conducted the field visits and who was accompanied by a Wildlife Monitor for safety and SFN Knowledge Holders who could contribute information where needed. Names of individuals in the notes have been redacted or obfuscated for privacy and confidentiality purposes.

[APPENDIX A]

A copy of the notes from a SFN Cultural Environmental Monitor describing field visit observations, efforts and recommendations.

Attached

Recommendations:

Leave as much shelter for the animals, minimal disturbance, do not open up too much this is a part of a predator control for the moose and deer. Do not open too much for easy access for hunters, it would be advisable to have control management for all terrain vehicles, better to block off road probably with a steel gate when job is completed.

Site 4614 – Tapped Birch tree –

Met with _____ who gave us the go ahead to do what we need to do, she was friendly to us and was supportive.

This area has a strip of young forest cover about 100 yards wide, approximately 400 yards long. It is a shelter for moose and other ungulates, and has seen much use. It is a shelter for the game....as there are tracks around, old and fresh. There is poplar, few alders, some sparse of spruce with farmers fields on either side. There really is not too much to report on this one and we didn't see any birch trees, basically it's all new growth.

Site 4614 – Tapped birch trees –

_____ the owner and she gave us the go ahead on what work we need to do, as she doesn't have any concerns. There is aspen, diamond willow, balsam, lots of alder on both sides of the creek, very minimal for wildlife, the strip of bush follows the creek. There are fields on either side of the bush and creek. No concerns that we can see here.

We drove as close as we can, but it needs to be walked to if necessary, however it is out in the open field, where there are no more Saskatoon bushes around, the field is used for crops by the farmers. There might be a possibility of some Saskatoon bushes along the strip of thin bush separating the two fields, it even looks sparse for animal shelter.

Sites – 4245 – 4248 – 4249 – 4250 – 4251

4245 – Camp –

4248 – Moose kill – .

4249 – Burial site –

4250 – Burial Site – '

N 55.80577

W 120.57787

4251 – Camp –

Farmers fields on either side. A strip of bush, wider than all the others we've seen already, there are two small creeks running through it. It consists of aspen, shrubs, pine, balsam, all young growth. It is a moose habitat as there are plenty of tracks all over, lots of old and new tracks. A good shelter for moose and deer and even elk, but we didn't see any elk tracks. The bush line follows the creeks, both heading east and west bound, there are big farmers fields on either side.

Recommendation(s) : Do not open up any more land, in this area, the shelter and feed are needed by the moose, deer and elk....use as much caution as to not impact it any more than necessary.

Site – 4253 – Ghost site (spiritual)

This site is along a thin strip of brush and bush with farmers fields on either side, it runs east and west bound, the fields are in use during the summer and we told them that we will follow our truck track in and out as not to do any damage.

Site 4256 – Special Spiritual Site -

This site is out in the open field

Sites – 1551 – Dreamer story sites -

1552 – Special spiritual sites –

We talked to the owner of this area [redacted] he wasn't aware of any spiritual sites, not that he can remember. These two sites were suppose to have been north of his house just a few yards and it's all covered with new growth of trees, nothing big, only aspen and some willows, there is no wild life habitation here, it's too small of an area. We came into a conclusion that this might have been the same site as those special spiritual sites on [redacted] property as they are within the same vicinity, and that they might not have been properly recorded.

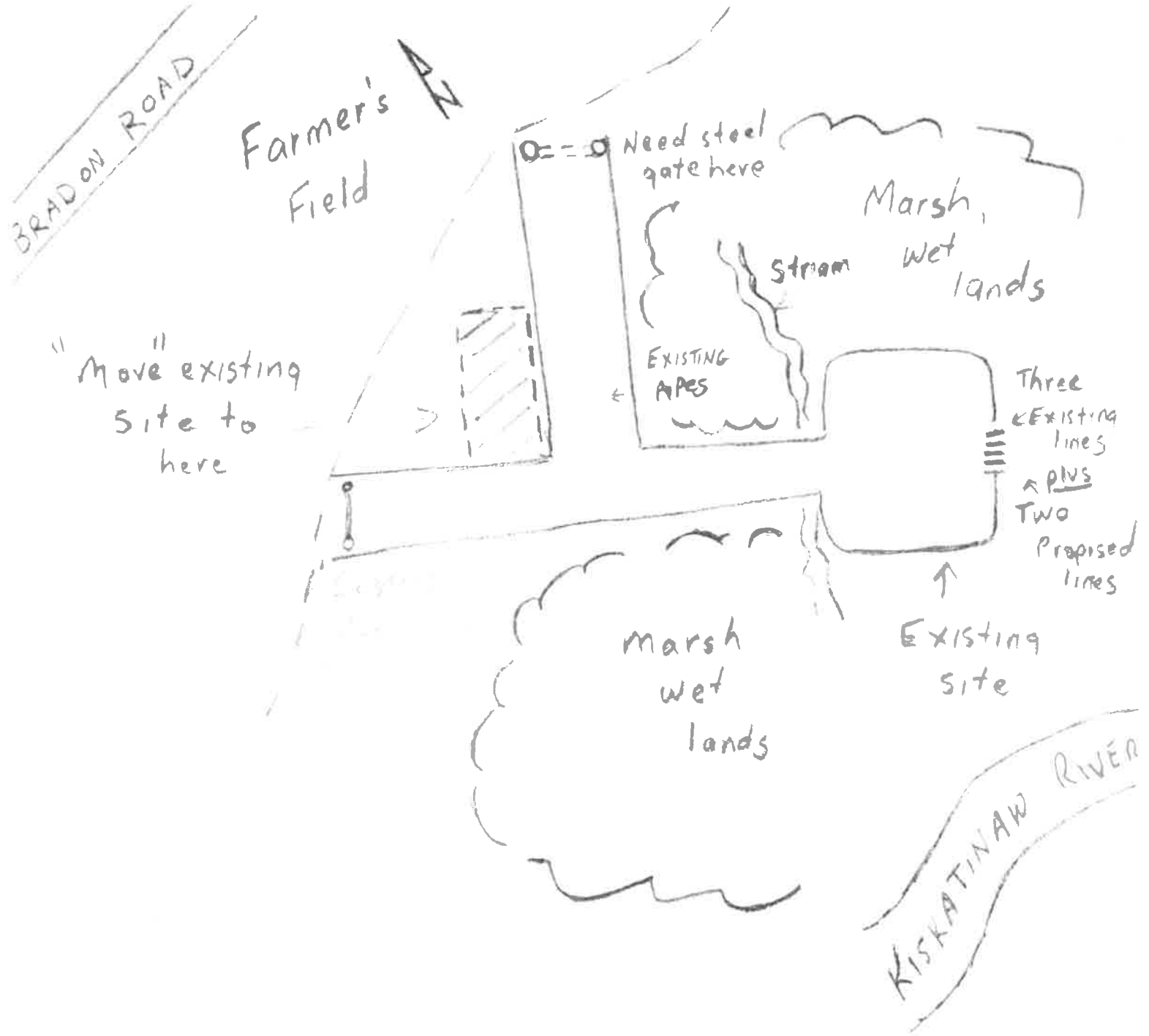
Note: mentioned of an old log building just across from his house, that was built mainly for travelers who used it as a form of a hostel when they traveled through, it was mainly used by white settlers who traveled through and was used for many years....a good historical site, should be revisited during the early spring

Recommendations:

I can see horizontal drilling that is needed and about 30 meters more that needs to be cleared, my recommendation is to move this site still farther north (drawing attached, Appendix B) and away from the wet lands, it's a filtering system that needs to be protected. THE MAIN CONCERN HERE, IS THAT THE BANKS OF THE KISKATINAW RIVER ARE UNSTABLE AND MUST BE BORED FARTHER UP NORTH. Even farther than where is now proposed.

This wildlife corridor needs to be protected, we should not bother the animal shelter, strong mitigation measures needed, less impact more protection for the wildlife. We recommend that there be a steel gate to block off all access for sports hunting or hunting period, should save this area from further destruction, there is already one steel gate there, but one more would do just fine.

Conclusion: Pretty all through these sites have new growth of forests, when it is there, MOST of the sites were out in the open fields. We found that there was no real need to take any elders to identify these areas and to make any recommendations. The only one we thought we could have used was but he was too busy at work and as for elder we did not want to take a chance at taking her out in the cold, we were worried about her health. Most of the sites were accessible through a vehicle as many of the sites were out in the open farmers fields and we really did not need to use a side by side, it was not needed. However, we were fortunate to have to help us find the northern part of the river, as he was raised around this area and was familiar with the whole area as well. There was only one site that we could not access to, as there is a metal gate and too much snow to drive through, it is near sites 4245 – 4251, we already gps them, only one site we didn't visit.



APPENDIX "B"

Note: I've shown the approximate area of where Bradon Road exists. This site is approximately 1 mile south of this road.

NATIONAL ENERGY BOARD
Hearing Order GH-003-2015
NOVA Gas Transmission Ltd. ("NGTL")
Towerbirch Expansion Project
OF-Fac-Gas-N081-2015-16 02

SFN Response to NEB Information Request No. 1

IR Number:	NEB 1.1
Topic:	SFN – Written Evidence
Reference:	(i) A75960-2 , Written Evidence of SFN, Submission 2 dated 15 March 2016, Preliminary Report on Ground-truthing and Knowledge and Use Study.
Request:	Please clarify whether SFN is willing to share the locations of the sites described in Reference (i) with NGTL.
Response:	<p>The locations of the sites described in Reference (i) are not generally shared with non-SFN members. All of the sites are extremely important to SFN culture, and hence SFN wants to preserve them by limiting knowledge of their whereabouts as much as possible.</p> <p>That said, and in an effort to further ensure the protection of these sites, SFN is willing to share their locations with NGTL, provided NGTL will in turn agree to the following conditions:</p> <ol style="list-style-type: none">1. NGTL will commit to involving SFN in the decision making process surrounding Project impact mitigation measures in respect of these sites; and2. NGTL will commit to signing a Confidentiality Agreement with respect to the provision of the site locations, setting out that the information provided to NGTL will not be used for any purposes other than this regulatory review, and further setting out that the location of the sites will not be disclosed to third parties. <p>If NGTL agrees to the above, SFN will seek to file the site locations confidentially with the Board, so that only the Board and NGTL have access to the information.</p>

NATIONAL ENERGY BOARD

**Hearing Order GH-003-2015
NOVA Gas Transmission Ltd.
Towerbirch Expansion Project
OF-Fac-Gas-N081-2015-16 02**

**Saulteau First Nations (“SFN”) Response to NOVA Gas Transmission Ltd.
(“NGTL”) Information Request (“IR”) No. 1.1**

IR Number:	NGTL-SFN-1.1
Topic:	Traditional Ecological Knowledge
Reference:	(i) SFN Written Evidence dated March 8, 2016: Towerbirch Expansion Project – Technical Review of Wildlife and Wildlife Habitat Component Final Report, pages 14 and 15 (NEB Filing ID A4Y6D1).
Request:	<p>Provide the following information in regards to the environmentally sensitive wildlife features discussed in Reference (i):</p> <ul style="list-style-type: none">(a) Which of the sites in Reference (i) are located within the Project footprint?(b) The location (including the distance and direction) of each identified site relative to the closest Project component.(c) Confirmation of whether the location of the site has been groundtruthed.
Response:	<p>(a) Based on the available information, it is not possible to say which of the sites in Reference (i) are located within the Project footprint.</p> <p>LGL Limited’s report referenced above (NEB Filing ID A4Y6D1) (the “LGL Report”) provides an evaluation of the baseline information presented by NGTL for the wildlife and wildlife habitat component of the Towerbirch Expansion Project (the “Project”), as well as a discussion of how this information was used in the assessment of potential residual and cumulative effects. In</p>

NATIONAL ENERGY BOARD

**Hearing Order GH-003-2015
NOVA Gas Transmission Ltd.
Towerbirch Expansion Project
OF-Fac-Gas-N081-2015-16 02**

SFN Response to NGTL IR No. 1.2

IR Number:	NGTL-SFN-1.2
Topic:	Traditional Land Use ("TLU")
Reference:	(i) SFN Written Cultural Sites Evidence dated March 15, 2016 (NEB Filing ID <u>A4Y7Q2</u>).
Request:	<p>For each site alluded to in Reference (i), provide the following:</p> <ul style="list-style-type: none">(a) Which of the sites in Reference (i) are located within the Project footprint?(b) The location (including the distance and direction) of each identified site relative to the closest Project component.(c) The nature of the current use of each site.(d) The season(s) and frequency of the use of each site.(e) Confirmation of whether the location of the site has been groundtruthed.(f) A description of how the use of each site may be affected by the Project.
General Response and Caveat:	<p>As set out in SFN's Written Submissions (NEB Filing ID <u>A4Y7Q3</u>) (the "SFN Submissions"), SFN has not undertaken a TLU study for this Project, due to both limited internal capacity and the lack of funding for such a study. The evidence on TLU sites in the Project Radius is therefore considered incidental in nature because it was recorded during TLU studies for other projects with different footprints.</p>

	<p>A number of the sites listed in the SFN Submissions can be, or continue to be, used directly or indirectly by SFN for traditional purposes, including: purposes related to hunting, trapping, and the maintenance of culturally significant wildlife populations; and purposes related to the harvesting and collecting of plants.</p> <p>Additionally, the act of <u>not using</u> land that needs to regenerate is also part of SFN's "current use" of the land. Thus, the fact that a particular TLU site may not see regular activity at present does not mean that it is not currently "used" by SFN. Impacts on such lands and sites are therefore a loss to SFN.</p> <p>Other sites listed in the SFN Submissions have been used in the past for traditional and spiritual purposes. As such, whether or not those sites have a "current use", they remain extremely important cultural sites and must therefore be protected. For example, numerous ghost and spiritual sites were identified in the SFN Submissions, as were a number of culturally important burial sites. Several traditional habitation sites were also flagged.</p> <p>SFN legal counsel further notes that the Supreme Court of Canada established in <i>R v Van der Peet</i> that a First Nation is not required to show the "continuous existence" of an activity since time immemorial in order to prove an Aboriginal right. Rather, the First Nation need only show "substantial continuous" use of land for a particular purpose at some point in time. As already indicated, several of the sites in the SFN Submissions have been used by SFN members in a substantial and continuous manner (including habitation, burial, and spiritual sites). The fact that these sites may not have a "current use" (as suggested by NGTL) does not therefore undermine their importance, nor does it undermine the need to protect these sites as part of SFN culture.</p>
Response:	<p>(d) In the absence of a TLU study for this Project, only general observations can be made in response to this request.</p> <p>Some of the sites listed in the SFN Submissions are used, directly or indirectly, on a regular and seasonal basis. The sites that provide animal shelter and that support SFN hunting and trapping practises are examples. The sites related to the harvesting and collecting of plants present other examples.</p>

- Disturbance of wildlife and wildlife habitat, as a result of clearing natural vegetation that provides shelter for wildlife;
- Impacts on ecosystem components and functions, including wetlands and water filtration, particularly along the Kiskatinaw River and as a result of the proposed drilling site;
- Reduced quiet enjoyment of the land and ability to undertake traditional practises at the sites;
- Disturbance of sacred and ceremonial sites;
- Reduced hunting, trapping and gathering opportunities, due to increased traffic and altered landscape;
- Reduced access to and use of lands, due to altered access controls and increased traffic; and
- Possible contamination of TLU sites.

Additionally, several of the areas where the TLU sites are located have already been developed for agricultural purposes, with obvious impacts on SFN cultural, spiritual, and traditional use sites. If the Project is approved and appropriate mitigation or avoidance measures are not put in place, the Project has the potential to further endanger what little remains of the sites in these areas. In other words, the Project has the potential to further impact important remaining pieces of SFN's culture in an already heavily impacted area.

NATIONAL ENERGY BOARD

**Hearing Order GH-003-2015
NOVA Gas Transmission Ltd.
Towerbirch Expansion Project
OF-Fac-Gas-N081-2015-16 02**

SFN Response to NGTL IR No. 1

IR Number:	NGTL-SFN-1.3
Topic:	Kiskatinaw River Crossing
Reference:	(i) Saulteau First Nations written submission for the proposed TransCanada's Towerbirch Pipeline in North Eastern British Columbia, Appendix B (NEB Filing ID: A4Y7Q3).
Request:	<p>NGTL requests that SFN provide specific locations (e.g., spatial file or coordinates) for the following features identified in the sketch included in reference (i).</p> <ul style="list-style-type: none">(a) The "existing site" SFN recommends be moved.(b) The location to where SFN recommends the "existing site" be moved.(c) The steel gate SFN recommends NGTL install.(d) The existing steel gate as shown in the schematic.
General Response:	<p>In the course of drafting a response to this request, SFN discovered that more fieldwork was required to accurately respond. However, due to a lack of capacity, the relevant persons were not available to carry out this additional field work in advance of today's filing deadline. That said, they anticipate being available to do so in the near future. As such, SFN will endeavour to do provide NGTL with a response to this request in advance of NGTL's May 9, 2016 Reply Evidence filing deadline.</p>

NATIONAL ENERGY BOARD

**Hearing Order GH-003-2015
NOVA Gas Transmission Ltd.
Towerbirch Expansion Project
OF-Fac-Gas-N081-2015-16 02**

Updated SFN Response to NGTL IR No. 1.3 (May 5, 2016)

IR Number:	NGTL-SFN-1.3
Topic:	Kiskatinaw River Crossing
Reference:	(i) SFN written submission for the proposed TransCanada's Towerbirch Pipeline in North Eastern British Columbia, Appendix B (NEB Filing ID: <u>A4Y7Q3</u>) (the "SFN Submissions").
Request:	<p>NGTL requests that SFN provide specific locations (e.g. spatial file or coordinates) for the following features identified in the sketch included in reference (i):</p> <ul style="list-style-type: none"> (a) The "existing site" SFN recommends be moved; (b) The location to where SFN recommends the "existing site" be moved; (c) The steel gate SFN recommends NGTL install; and (d) The existing steel gate as shown in the schematic.
Response:	<p>Please see the map attached as Appendix "A" for the location of each of the aforementioned sites.</p> <p>In addition to this map, the following are the GPS coordinates for each of the above sites:</p> <ul style="list-style-type: none"> (a) Assumed site of existing bore/drill location: 55.951, -120.6723; (b) SFN proposed drilling and bore area: 55.9535, -120.6766;

location that is as close to the River as SFN deems acceptable. SFN's preference, however, would be to move the bore/drill site even further from the River than the location proposed by SFN.

Additionally, SFN seeks to have another gate (Gate 2) installed on the north side of the River, to reduce access to and disturbances of the wetland area. As noted above, this area is extremely sensitive.

Moreover, SFN notes that the failure to minimize access on the south side of the River (by gates or other means) has resulted in a significantly reduced wildlife presence, increased vegetation clearing, and general degradation of that area. SFN hopes that adding an additional gate will protect against a similar occurrence on the north side of the River.

Finally, SFN seeks to have the existing gate (Gate 1) maintained, for all of the reasons provided in respect of Gate 2.

