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Order of Appearances

Government of Canada Panel 4

Aboriginal Engagement and Consultation Framework and Approach

Mr. Bruno Steinke Mr. Dean Stinson O’Gorman Mr. Terence Hubbard

Examination by Ms. Virginia Mathers for Gitxaala Nation 26617

Examination by Mr. Benjamin Ralston for Heiltsuk Tribal Council 26839

Examination by Ms. Lisa Fong for Heiltsuk Tribal Council 27075

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Examination by Ms. Virginia Mathers for Gitxaala Nation 26617

Noting DFO claims of numerous meetings with coastal Aboriginal groups over the past few years, Ms. Mathers asked for agreement that the Department had not met with Gitxaala in relation to NGP. Mr. O’Gorman discussed the Government’s consultation process in general, noting that numerous meetings had taken place with Aboriginal groups.

Ms. Mathers asked if the meetings were regarding the JRP process, not about NGP impacts to rights. Mr. O’Gorman explained that early stage meetings were to explain the JRP process and consultation activities, while later meetings through the JRP process had involved consultation about the impacts of the project and potential mitigation measures. Similar discussion continued with Mr. O’Gorman stating that he wasn’t aware of whether Gitxaala had met with the DFO, stating that Phase 4 of the project would involve further meetings with Aboriginal groups. 26624

Ms. Mathers followed up with the same question in regards to Environment Canada, and Mr. O’Gorman supplied a similar answer, speaking again about the whole of government approach to consultation. 26638

The Government’s assessment of Aboriginal claims related to the Project

Ms. Mathers asked what steps the Government had taken to assess Gitxaala’s claim to areas affected by NGP. Mr. O’Gorman spoke in general about the Government’s legal duties to consult First Nations and explained that evaluation of Aboriginal claims was an ongoing process, with full analysis scheduled to be conducted following the JRP report. 26640

Ms. Mathers noted that Gitxaala Nation had requested a strength of claim assessment from Canada in December 2011, but was informed that the Government wasn’t able to provide such information at the time. She noted that since its request, Gitxaala had submitted a traditional use study and expert reports on rights and interests, in addition to multiple days of witness evidence at the JRP community hearings. She asked if the Nation’s strength of claim had been assessed given the evidence provided to the JRP. 26653

Mr. O’Gorman explained that a team of federal officials are reviewing information submitted to the JRP “in an ongoing manner”, and are “continuing to develop our understanding of the issues that are brought forward and put on the record and the information about potential rights and established rights”, pointing out that it is too early to have completed an assessment given that information is still being gathered. 26656-26659

Ms. Mathers asked for further details of the Government’s assessment of impacts to Gitxaala, and Mr. O’Gorman continued to explain that assessments were incomplete. Similar discussion continued. 26660

Ms. Mathers asked how the Government had made use of Gitxaala’s traditional use study and Mr. O’Gorman again stated that the panel couldn’t speak to particular asserted impacts. 26683

Consideration of Aboriginal perceptions of risk

Ms. Mathers asked if Canada planned to take into account Aboriginal perspectives of risk of the project, in its assessment of impacts. Mr. O’Gorman explained that the Government was waiting to read the JRP report and understand how the Panel had considered Aboriginal perceptions of risk, in an effort to understand and consider such perspectives “before decisions are made”. 26692

Ms. Mathers asked if the Government would be considering impacts to non-biophysical elements such as harvesting activities or loss of fishing gear in its assessment of impacts to Gitxaala’s rights. Mr. O’Gorman again stated that the evidence the panel was speaking to didn’t speak to the subject. He again spoke about Phase 4. 26695

The responsibility of First Nations to identify impacts to rights and interests

Ms. Mathers asked if Canada’s position was that “the onus is on First Nations in this process to identify potential impacts to their rights and interests”. Mr. O’Gorman answered that Canada was not submitting First Nations’ concerns of impacts on their behalf, and that “it’s the role of the groups to bring that to the JRP...through the nature of the open transparent process”. 26706-26711

Ms. Mathers asked if the Government itself would be collecting additional information on potential NGP impacts to First Nations. Mr. O’Gorman reiterated previous responses, again stating that Phase 4 would allow opportunity for groups to voice outstanding concerns. 26712

Ms. Mathers asked if Canada would conduct its own assessment of impacts to First Nations if NGP’s evidence on the subject “fails to adequately assess impacts to Gitxaala’s rights and interests”. Mr. O’Gorman answered that the Government is not “only relying on the adequacy of what the Proponent has offered to the Panel”, noting that it was looking at the record from all parties involved in the JRP process which will be further validated through Phase 4 of the project. 26719-26725

Mr. O’Gorman explained the process and responsibilities of the MPMO, including reference to the [Project Agreement](#), which clarifies roles and responsibilities of federal departments and agencies throughout the project’s regulatory process. 26734

Continuing with discussion related to NGP’s assessment of potential impacts to Gitxaala’s rights and interests, Ms. Mathers called up [Exhibit E9-20-23](#), Adobe 12, pointing to the statement, “*The proponent will identify any effects on Aboriginal rights and interests, including treaty rights and current land uses for traditional purposes*”, again asking of the Government would conduct its own assessment if the Proponent’s assessment contained gaps. 26748

Mr. O’Gorman referred to the JRP Terms of Reference which points to the requirement of the Proponent “*to provide evidence regarding the concerns of Aboriginal groups*” while also considering evidence produced by Aboriginal peoples and government authorities. Ms. Mathers continued with similar questions, and Mr. O’Gorman reiterated

that the Government was waiting for the JRP determinations before going back to Aboriginal groups in Phase 4 for continued dialogue. 26754-26765

Ms. Mathers asked about Canada's understanding of First Nation concerns around an oil tanker moratorium and Mr. O'Gorman answered that the issue wasn't part of the panel's evidence. 26769

Ms. Mathers asked about availability of Government science teams to assess the effects of ocean contaminants impacting coastal First Nations. Mr. O'Gorman again described the Government's process to hearing concerns and later determining necessary actions. He noted that the panel didn't have the names of the science teams that would be engaged. 26798

Ms. Mathers asked, "is it Canada's position that the JRP hearings constitute engagement between Canada and the Gitxaala Nation in relation to this project?" Mr. O'Gorman spoke about the JRP's process of engagement as "a pretty extensive consultation process with all potentially concerned Aboriginal groups for years now", he noted that the Government views the process as "an effective means to gather and distribute and assess information regarding the potential adverse...impacts of the Proposed project on Aboriginal and treaty rights". Discussion on the subject continued. 26808-26816

Examination by Mr. Benjamin Ralston for Heiltsuk Tribal Council

26839

Determining the scope of consultation

Mr. Ralston asked what information was initially used by Canada to scope the First Nations consultation process. Mr. O'Gorman explained that the government examined initial project information and "spoke to groups extensively to understand who might be impacted by the project...and took advantage of the information that we heard then to allow those meetings to help us determine how we would use this process to deliver a meaningful consultation process." The government then determined that a JRP process would afford "meaningful, deep consultation" to all parties that could potentially be impacted by the project, by integrating the environmental assessment with the consultation process. 26840-26856

Mr. Ralston asked for agreement that the JRP process "is one in which information may come to light that could change the scope of consultation necessary with respect to this project". Mr. O'Gorman again stated that the scope of consultation is "high, deep consultation" which the Government is using "to understand the impacts that the project might have on asserted or established rights of Aboriginal groups." 26860-26866

Assessing Aboriginal strength of claims

Calling up the [Aboriginal Consultation Framework](#), at Adobe 8, Mr. Ralston asked if the Government would be making a final determination on the strength of First Nations' claims prior to completing the Crown Consultation Coordinator's Report on adequacy of consultation for the project. Mr. O'Gorman answered that the government would not be making such determinations, and explained that Phase 4 of the process will provide input

to the final assessment of adequate consultation, before final decisions are made on the project. 26867

Following up, Mr. Ralston asked “without a final strength of claim determination in place, how can the Crown Consultation Coordinator accurately assess the adequacy of consultation in its report?” Mr. O’Gorman explained that the Coordinator’s Report will summarize results of Phase 4, which will be used to ask groups if they agree with the characterization of impacts to their rights and the recommended mitigation measures, as written in the JRP report. The report will be used in final decision-making along with the Government’s determinations of the strength of claim. He added, “the modalities and format of such assessment of strength of claim remain to be determined”. 26872-26878

Mr. O’Gorman added further details of the process, pointing out that it was not yet determined whether or not the Crown’s evaluation of strength of claim would be shared with Aboriginal groups. He also explained that the JRP is not required to make determinations on strength of claims. Discussion continued. 26879

Rationale for allocation of funding to Aboriginal groups

Calling up the [Aboriginal Funding Review Committee reports](#), at Adobe 7, Mr. Ralston noted that one of the tenants to determining the amount of funding allocated to Aboriginal groups was an applicant’s ability “*to represent the interests of Aboriginal communities that might be impacted by the project*”. He asked what information the Review Committee used to assess an applicant’s competency in this regard. Mr. O’Gorman spoke about the independence of the Review Committee, which made funding recommendations to the CEAA primarily based on information from the Aboriginal groups’ applications. 26923-26937

Similar discussion continued around other factors for determining funding such as sensitivity to environmental impacts, and potential consequences of accidents or malfunctions. 26938

Mr. Ralston asked if the same types of information would be used to determine levels of funding allocated to Aboriginal groups for participation in the upcoming Phase 4 of the consultation plan. Mr. O’Gorman responded that groups would be informed about the funding application process for Phase 4 in the near future. 26946

Mr. Ralston asked further questions about funding amounts, this time around restrictions to allocations for legal fees. Mr. O’Gorman only had limited knowledge of details on the subject. He indicated that \$3 million had been given to Aboriginal groups for participation in the process so far, and that the terms and conditions of funding can be viewed online. He explained that the funding is only meant to supplement groups’ participation in the JRP, as is not intended to make up the complete costs for such participation. 26949

Lack of adequate funding for meaningful engagement

Calling up [Exhibit C-157-1](#), page 4, Mr. Ralston noted a statement from Kitimat Village Council to the CEAA, indicating that the Government’s funding allocation “*prohibited us*

from using more than \$30,000 of the funds provided on legal representation”. Mr. Ralston asked if Canada revised the legal cost allocation limit at any point. Mr. O’Gorman answered that the question wasn’t related to the panel’s evidence. Mr. Ralston noted that legal costs may limit the ability of First Nations to participate in the consultation process and Mr. Hubbard pointed out that legal counsel is not required for participation, describing the various mechanisms facilitating participation such as oral statements, letters of comment and intervener status. 26992-27007

Mr. Ralston raised the withdrawal of the Coastal First Nation Organization (CFN) from the JRP process on February 4th, 2013, citing insufficient funding for meaningful engagement, as referred to in [Volume 133](#), paragraph 18. Mr. O’Gorman reiterated that federal government funding was intended to supplement funding coming from the Proponent and provincial governments for participation. 27030

Discussion continued around general points of the CFN withdrawal and the Government’s response, including Mr. Ralston’s inquiry as to whether the CEAA offered individual members of the CFN funding for continued participation in the JRP. Mr. O’Gorman reiterated previous statements, pointing out that CFN could receive funding for participation in Phase 4 of the process. He disagreed that the withdrawal of the group prevented it from being able to influence the Government’s decision making on the project, again pointing to the opportunity to participate in Phase 4. 27042

Examination by Ms. Lisa Fong for Heiltsuk Tribal Council 27075

Concerns about the integration of the consultation and hearing processes

Calling up the [Aboriginal Consultation Framework](#), at Adobe 3, Ms. Fong asked if the witnesses were aware of concerns of some First Nations about the integration of the hearing and consultation process. Mr. O’Gorman indicated that the Government had heard and responded to such concerns, noting that evidence on the matter was not submitted. Ms. Fong inquired why correspondence between the Crown Consultation Coordinator and First Nations was not included in the JRP registry. Mr. O’Gorman answered that correspondence related to consultations is not normally submitted as evidence to the JRP. 27026

Mr. Fong asked for agreement that providing the JRP with evidence of First Nations’ concerns would be important for the JRP’s considerations. Mr. O’Gorman again stated that the Government had extensive conversations with Aboriginal groups to hear concerns around the process, “and made adjustments to the early version of the draft JRP Agreement”. He noted that [Exhibit E9-6-09](#) provides examples of the comments that were made by Aboriginal groups on the draft Agreement, and also shows how the Government was “being very responsive to how we were going to ensure that the process...delivered a meaningful consultation process”. 27101-27105

Ms. Fong asked if the Government considered that the integrated process potentially limited First Nations participation because of its length and practical requirement for legal expertise. Mr. O’Gorman spoke about the Government’s confidence in the open and transparent process which “provides a meaningful and responsive way” for consultation

and consideration of concerns, and “provides the best tool to ensure that the impacts are mitigated to the extent possible” Discussion continued. 27117-27146

How many First Nations groups were involved in the process?

Ms. Fong asked about the number of Aboriginal groups in correspondence with the Crown Consultation Coordinator, pointing out that [Exhibit E9-6-3](#), Adobe 4, identifies “82 Aboriginal groups were initially identified and included in initial mail-out in October 2008. Other groups self-identified as having an interest in the project”. Mr. O’Gorman estimated that the total number of groups that indicated an interest in the Project was “on the range of a hundred”. 27169-27189

Ms. Fong indicated that by her own tally, only 12 First Nations participated in the hearing portion of the JRP. She asked for agreement that this represented a small percentage of groups. Mr. O’Gorman responded that the final questioning at the hearings represents only one of many ways for groups to participate in the process. 27191

Ms. Fong asked if Canada had concerns about the low level of participation by First Nations in the hearing process. Mr. O’Gorman again indicated Canada’s confidence in the “very open, transparent, meaningful” consultation process, adding that the Proponent also conducted consultation work with Aboriginal groups. Discussion on the subject continued. 27196-27224

Ms. Fong noted that 20 First Nations groups utilized other forms of participation in the process, such as providing written submissions and attending community hearings, totalling 32 groups having participated in Phases 1,2, and 3 of the process. She again asked if the Government was concerned about such a low percentage of First Nations groups participated, questioning whether sufficient information has been provided to substantiate any claims about Aboriginal interests around the project. Mr. O’Gorman provided a similar response to those above. 27226

Ms. Fong noted that Mr. O’Gorman had stated that he didn’t know the reasons that First Nations did or did not participate in the process, and asked if the Government would assess the reasons. Mr. O’Gorman again stated that the Government’s consultation and accommodation guidelines point to the JRP process as an appropriate mechanism for meaningful consultation, and that First Nations cannot be forced into participating. Similar discussion continued. 27247

Phase 4 consultation

Ms. Fong asked for details of the Phase 4 process and Mr. O’Gorman explained that after the JRP report has been released, Aboriginal groups will be asked three questions: whether their concerns are accurately captured in the report, whether recommended mitigation measures address their concerns, and if there are additional concerns. Based on the feedback, the Government will decide if in-person meetings will be required. At the same time, an analysis of strength of claim of the various Aboriginal groups will be conducted and fed into a final assessment of the adequacy of consultation, to be presented to Governor in Council. 27268

Mr. O’Gorman also confirmed that any First Nation potentially impacted by the Project is eligible to participate in Phase 4, not only those who have participated in the first 3 phases. As well, new information can be brought to the attention of the Government during this phase, not only that which was included in the JRP. 27296

Phase 4 timeline

Ms. Fong noted the six-month time frame for completion of the Phase 4 consultation. She asked what basis such a timeline was determined. Mr. Hubbard explained that Bill C-38 which was introduced in July 2012, established requirements for projects subject to the CEAA Act and NEB Act. 27330

Mr. Hubbard confirmed that Phase 4 would include the period of time from submission of the JRP report, to the Government decision on the regulatory process. Mr. O’Gorman pointed out the importance of groups submitting their views early on in that six-month process to allow adequate time for follow-up. 27340

Ms. Fong asked if the Phase 4 timeline could be expanded in the event that the six-month period is insufficient to obtain responses from all interested Aboriginal groups. Mr. Hubbard indicated the Government’s confidence in the timeline, and stated, “there are provisions in the legislation that provide flexibility if required”. He added that if Cabinet approves the Project, consultation would continue as part of additional regulatory requirements. 27348-27357

Examination by Ms. Carrie Humchitt for Heiltsuk Tribal Council 27370

Ms. Humchitt began by acknowledging her traditional name, Takvagila’avgva and her father, Hereditary Chief Wilfrid Humchitt as well as her Gitxsan relatives.

Ms. Humchitt asked about Government records of consultation meetings with First Nations. Mr. O’Gorman again indicated that meeting notes or records hadn’t been submitted as evidence. Ms. Humchitt asked if the Panel had “no evidence that it has engaged in meaningful consultation with the Heiltsuk Nation specifically”. Mr. O’Gorman again indicated the Government’s confidence in the consultation process. 27372-27391

Ms. Humchitt referred to a record of a meeting between the Federal Government and Heiltsuk Nation in 2011, [Exhibit D85-3-18](#), which was one of two meetings between the two parties. She asked for agreement that this did not constitute meaningful consultation. Mr. O’Gorman spoke about the opportunity for groups to ask questions of the Government as they were currently doing, and pointed out that the early-stage meetings were used to explain how the JRP process would be used to deliver the Government’s duty to meaningful consultation. 27392

Adequacy of the consultation process and delegation of consultation to the Proponent

Ms. Humchitt asked if the Panel was aware that the Heiltsuk Nation considers the process to be “insufficient in terms of providing adequate consultation and accommodation of this

process”. Mr. O’Gorman indicated his inability to confirm or deny Ms. Humchitt’s views, and again stated the Government’s confidence in the process. 27406-27408

Further discussion continued around the consultation process and the appropriateness of delegating consultation to the Proponent. Ms. Humchitt asked about the distinction between the Crown’s reliance on the Proponent’s consultation efforts, and the delegation of consultation to the Proponent by the Government. Mr. O’Gorman spoke about the Government’s attempt to use as many processes as possible to gather information about potential impacts and First Nations rights. 27441

Ms. Humchitt asked if the panel realized that the Heiltsuk Nation viewed the Government to be delegating its duty to consult, to the Proponent, which is a government responsibility. Mr. O’Gorman answered that the Crown “understands that it cannot and nor has it in any way delegated its legal responsibility to consult”. 27444

Referring to the [Aboriginal consultation framework](#), Ms. Humchitt asked why Coastal First Nations were not consulted on the framework. Mr. O’Gorman answered that he could not speak to which communities provided input on the draft JRP Agreement. 27446

Referring to a [legal case](#) regarding government’s duty to consult the Haida Nation, at page 2, Ms. Humchitt noted that the Supreme Court of Canada found “third parties cannot be held liable for failing to discharge the Crown’s duty to consult and accommodate”. She suggested that in the current case, the Government is effectively delegating such duty to NGP. Mr. O’Gorman stated that the Crown understands its duty to consult on the project, and hasn’t asked the Proponent to fulfil that duty. 27453-27469

Ms. Humchitt asked, “is it not true that the ...Crown is relying to a large extent for the Proponent to provide funding to First Nations on this project?” Mr. O’Gorman answered that the government had provided funding through the CEEA participant funding program. 27471-27472

Ms. Humchitt asked if the witnesses realized that Heiltsuk Nation had received inadequate funding for participation in the process, having received only \$82,000. Mr. O’Gorman answered that he could not speak to the allocation of funding to individual groups. 27473

Impacts to treaty and commercial fishing rights

Discussion continued around the Government’s priority to adequately fund CFN to participate in the consultation process and the group’s withdrawal of the process because of inadequate funding. 27479

Ms. Humchitt asked if the witnesses could confirm whether First Nations were consulted on the impacts of Bills C-38 and C-45 with respect to the current project. Mr. O’Gorman answered that the legislative changes had not impacted the Government’s approach to the current project. 27491

Similar discussion continued. Ms. Humchitt asked if the witnesses recognized that recent *Fisheries Act* changes impacted Heiltsuk Nation's Rights and Title, which would be impacted further by a possible NGP spill. Mr. Hubbard responded that the intent and focus of the consultation process was to understand such impacts. 27497

Disagreement over the appropriateness of the consultation process

Discussion continued around location of the JRP hearings and the low turnout of CFN represented in the process. Ms. Humchitt also asked about "proactive consultation". Similar responses as to those previous were given. 27503

The witnesses indicated that the Government is interesting in learning about potential impacts to commercial fishing rights to Heiltsuk and other Aboriginal groups. Of note, Mr. Steinke stated, "this project—we knew that it would impact Aboriginal or Treaty rights, so therefore we designed a process to take that into consideration right from the beginning". 27528-27547

Ms. Humchitt again asked for agreement that no meaningful consultation had been conducted with Heiltsuk Nation, and Mr. O'Gorman again answered that the JRP process provides an opportunity for groups to voice their concerns and be meaningfully consulted. Similar discussion ensued. 27548

Calling up the [Heiltsuk Nation submission](#) at page 15, Ms. Humchitt spoke about alternative consultation processes that "would have recognized the full scope of Aboriginal rights and title". She asked whether the Government had considered alternative processes during their planning. The witnesses again reiterated the Government's confidence in the current consultation process as being deep and meaningful. 27561-27610

Discussion continued at length around consultation and impacts to treaty rights, and the Government's understanding of such rights. The witnesses again stated that all concerns and impacts would be looked at during Phase 4 of the process. 27611

Adherence to the project guidelines

Ms. Humchitt asked for an undertaking from the Government to provide a Crown record of meetings or consultation with First Nations- Heiltsuk Nation in particular- to provide sufficiency of the consultation process. She noted that the [Project Guidelines](#) at page 51, Step 7 provides a guide of the information Heiltsuk was seeking. An undertaking was not committed to and discussion moved on. 27636

Ms. Humchitt mentioned the current mediation between the Crown and Heiltsuk Nation over the loss of herring stocks. Mr. O'Gorman indicated that he couldn't comment on individual impacts to rights and that the subject falls outside of the panel's evidence. Ms. Humchitt again asked if the witnesses realized that the consultation "is not in accordance with the updated guidelines" for duty to consult. Discussion continued and Mr. O'Gorman stated that the consultation approach being used is consistent with the guidelines. 27699-27710

Ms. Humchitt reiterated that the Government hadn't provided proof of the fulfillment of the Project Guidelines in relation to consultation. Discussion continued. 27711

Ms. Humchitt asked if the Government had a schedule of consultation activities to be undertaken towards fulfilling its duty to consult with CFN. Considerable discussion ensued, and Mr. O'Gorman reiterated that further Phase 4 consultation process details would be finalized after receipt of the JRP's report. 27737

Ms. Humchitt asked that the panel consider "that consultation with the Heiltsuk community be undertaken as soon as possible in accordance with the early duty to consult". 27756-27762

Could timelines be extended to allow for meaningful consultation?

Ms. Humchitt asked if the Panel would consider extending the timeline for the Project to allow for more meaningful consultation, particularly with Heiltsuk Nation. Mr. O'Gorman answered that the Government is confident in the process timelines. Ms. Humchitt again asked, "can you point in your evidence as to where meaningful consultation has occurred with the Heiltsuk Nation?" Mr. O'Gorman again stated that Heiltsuk had been afforded the opportunity to be meaningfully consulted through the JRP and NGP's consultation. Discussion continued. 27764-27786

Ms. Humchitt raised further questions about the distinction between the Government and NGP in terms of legal obligations to consult First Nations. Similar discussion to those previous continued. 27788

Ms. Humchitt pointed out current treaty negotiations between the Government and the Coastal First Nations could be impacted by the outcome of the current project hearing. She noted Thomas Berger's recommendations from the 1977 Mackenzie Pipeline inquiry that a 10-year moratorium be put in place so that land claim settlements could be dealt with. She asked if the Government would be willing to take similar actions to allow time for current treaty negotiations. The witnesses explained that it would be premature to speak about mitigation or accommodation measures. 27796

Ms. Humchitt asked if consideration had been given to how the project would impact pre-existing government-to-government plans such as reconciliation protocol, strategic land-use planning, and marine use plans. Mr. O'Gorman stated that if the concerns she pointed to had been put on the record, they would be considered by the Government. 27813

Discussion continued on the Examiner's statements about absence of consultation and the witnesses' confidence in the current consultation process.

Ms. Humchitt's earlier request for an undertaking was again discussed, and Mr. O'Gorman explained why the Government was not in a position to offer the undertaking, stating, "the records that are being asked for right now simply are premature to being able to inform, as I understand the point that the questioner wants to make, the adequacy of the Crown's consultation". 27884-27900

An unjustifiable infringement of Aboriginal rights and title

Ms. Humchitt's last question was for the Crown, "do you realize that the Heiltsuk Nation and other coastal First Nations consider this whole process to be an unjustifiable infringement upon our rights and title as Aboriginal people in violation of Section 35 of the Constitution, and that any decisions that come out of here which result in tankers on our territory is an act of trespass and is in violation of our sovereignty?" 27902

Mr. O'Gorman again stated that the JRP process is providing First Nations with an opportunity to voice their concerns, which will be further considered during Phase 4 before final decisions are made. 27903

Re-examination by Mr. Kirk Lambrecht for Government of Canada 27914

Mr. O'Gorman explained his understanding that he responded to Ms. Humchitt's request for an undertaking, and provided an explanation as to why the information would not be provided.