

BY EMAIL ONLY

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Re: Pembina Pipeline Corporation
Application Nos. 1806873 etc.
Hearing Sessions in First Nations
Communities

Dear Counsel:

Thank you for your responses to the panel's letter of October 14, 2015 regarding the community hearing sessions. Alexander First Nation has decided that it will present all of its evidence at the main hearing venue. Driftpile First Nation will proceed with the community session to hear traditional knowledge witnesses.

You will find attached a revised Procedural Direction. It is intended to apply both to the session to be held in the Driftpile First Nation Community and, with any necessary modifications to timing, to the presentation of traditional knowledge evidence by elders of the Alexander First Nation and the Gunn Metis at the main hearing venue in Edmonton.

The parties' comments on the draft that was circulated were most helpful. The panel considered all of the comments in finalizing the attached Procedural Direction. Thank you for taking the time out of your busy schedules to provide your views to the panel.

If you have any questions please don't hesitate to contact me.

Sincerely,

<Signed by Robert J. Mueller>
Legal Counsel
Email:

Cc: Grassroots Alberta Landowner Association
Debbie Bishop
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Greg McLean, AER
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Procedural Directions for Hearing Traditional Knowledge in the Driftpile First Nation's Community

The panel will travel to the Driftpile First Nation's Reserve at Slave Lake, Alberta so that community elders and traditional knowledge holders may share traditional knowledge as it relates to Pembina's proposed project (please note: for ease of reference, in the rest of this document "elders" should be read to include traditional knowledge holders).

Community members should be made aware that these are not information sessions but formal hearing sessions. As a result certain procedures and rules intended to ensure a fair process for all parties will apply. Procedures specific to the community based hearings of traditional knowledge are described below. Procedures for traditional knowledge will also apply for the Alexander First Nation and Gunn Metis who will be presenting at the main hearing venue.

1. What is Traditional Knowledge for the purposes of this AER hearing

The term "traditional knowledge" is defined in many different ways. In order to provide guidance on what the hearing panel expects to hear, for the purposes of this hearing only, "traditional knowledge" will be considered to be information that is traditionally shared orally by elders in First Nation communities. It is information that is the result of years of observations and accumulated oral history. Traditional knowledge is information that reflects and reveals the culture and traditions of the community. Traditional knowledge is typically considered to be knowledge of the community as a whole.

The hearing panel will hear traditional knowledge that is relevant to the matters under consideration. Traditional knowledge that demonstrates how Pembina's proposed project may affect the culture and traditions of the community is relevant. As with any other evidence in the hearing, the panel will give more or less weight to traditional knowledge depending on how relevant it is to the issues in the hearing.

For the purposes of this hearing, the following types of information are not considered to be traditional knowledge:

- Information that is strictly technical and or scientific that was created or acquired for the purpose of this or another proceeding
- Opinions, views, information or the perspectives of others – whether the source is the news, personal discussions or written materials
- Specific or detailed views about the decision the panel should make or about the proposed project or application materials
- Recommendations whether or not the project should be approved or about terms and conditions for the project
- Questions that require an answer from the applicant

- Questions to the AER

Issues that require a decision of the AER may be raised in a notice of motion filed in accordance with the Rules of Practice

- Rhetorical questions

Are only to be provided as argument

The panel will respectfully ask anyone who includes information in their presentation that is not traditional knowledge as described for the purposes of this hearing to focus on and return to sharing traditional knowledge.

2. Locations and Dates

- Driftpile First Nation: November 5th, 2015; Driftpile First Nation Reserve, Driftpile Community Hall, corner of HWY 2 and Township Road 7346
- Alexander First Nation and Gunn Metis: dates to be determined; at the main hearing venue - Sandman Hotel Edmonton West, 17635 Stoney Plain Road, Edmonton, Alberta

3. Registration to Present Traditional Knowledge

- In order to finalize the logistics and procedure for hearing traditional knowledge, the AER requests the following information be provided in writing at least [5] business days in advance of the date set for hearing that information:

Name of the participating community *e.g. Driftpile First Nation*

Name of each elder who will present traditional knowledge on behalf of that participant and a description of their position in the community

- A brief, high level outline of the information to be presented by each elder
 - Confirmation that the information to be presented meets the description of traditional knowledge as explained in paragraph 1 and that this has been explained to the presenter
- Name of interpreter(s), if any, and whether interpretation will be simultaneous or serial
- Name of person who will be responsible to confirm accuracy of transcript if not the interpreter

4. Time Limits

- The Hearing Panel will spend up to one full hearing day in the community hearing traditional knowledge evidence - as set out in the Hearing Session Outline. The community can determine how many elders will present traditional knowledge within their day taking into account the

time required for preliminary introductions and any ceremony . If an elder will require translation and the translation will be serial (elder speaks, then translator translates) then that elder's sharing of their traditional knowledge will take longer and communities should take this into account in deciding how many elders will present.

n.b. Panel will establish time limits for presentation for traditional knowledge by members from the Alexander First Nation and Gunn Metis – who will be presenting at the main hearing venue – to ensure fair treatment of presenters from all the Aboriginal Participants

5. Panel Seating

- Elders who are presenting traditional knowledge evidence may be seated together as a panel

6. Swearing-in or Affirming Information

- Presenters will be asked to swear or affirm that the information they are presenting is accurate and true to the best of their knowledge and belief.
- Individuals who prefer to be sworn in will be asked to do so while placing their hand on a bible or while holding an item that is sacred to them. An individual who prefers to swear on a sacred item will need to bring that item with them.
- In some communities presenters may affirm the accuracy and truth of the information they will present through prior participation in a ceremony or ritual. In that case, the Hearing Panel must be advised ahead of time so that the Panel Chair may ask presenters who participated in such a ceremony or ritual whether they have done so and to confirm its significance on the hearing record.

7. Questioning

- To ensure fairness, Pembina must be given the opportunity to test all evidence given in the hearing, including traditional knowledge.
- Elders should know that immediately after all of the elders have presented their information, Pembina will be given an opportunity to ask questions. The Hearing Panel may also ask questions.
- Following the appropriate hearing practice means that elders and other community members will not have an opportunity to ask questions of the Hearing Panel at any time. It also means that they will not have the opportunity to ask questions of Pembina during the formal hearing portion of the community sessions. Questioning of Pembina's witnesses will take place at the main hearing venue.
- Pembina may choose to have representatives available to discuss the project with community members outside of the formal hearing portion of the community sessions.

- AER staff is available at any time to answer questions about the hearing process. Please contact Hearing.Services@aer.ca .

8. Public Access & Broadcast

- During the formal part of the hearing session as outlined in the Hearing Session Outline, presentations, questions and answers will be webcast and transcribed
- Transcripts will be posted to the AER's electronic proceeding system as soon as practicable.
- Subject to available capacity in each community, the public (including community members not presenting, individuals from other communities, other hearing participants and members of the public) must be permitted entry to the hearing venue during the formal part of the hearing session

9. Interpreters

- If traditional knowledge will be presented/shared in a language other than English or French, then the participants will have to provide their own interpreter
- Only the English translation will appear in the transcript and the relevant participant will be responsible to confirm its accuracy

10. Visual Aids

- Potential for use of visual aids must be discussed ahead of time with AER counsel so that the panel can establish an appropriate process to ensure fairness to all parties

Pembina Pipeline Corporation
Applications No. 1806873 etc.

Traditional Knowledge in the Community - Hearing Session Outline

TK hearing session in the Driftpile community is intended to progress as follows:

8:30 – 9:30 am Introduction and welcome – Off the record

- Elders, community leaders, AER counsel, staff and panel will be present as will Pembina counsel and staff
- Closed to the general public
- Welcoming statement by community leader(s) if any (to be discussed and determined in advance with community engagement team)
- Introductions: community leaders and elders
- Opening cultural ceremony as discussed in advance: expected to take the form of a spiritual or other culturally significant practice that may include a symbolic gift exchange [community engagement team to discuss specific steps in the exchange so that Panel and Pembina understand what is to be expected]

10:00 Hearing re- commences (from close of previous hearing day)

On the record: transcription and webcast begin

- Opening remarks by panel chair
- For the record introduction of panel and AER staff
- For the record introduction of elder witnesses
- Presentation by elders who were registered in accordance with the Procedural Direction
- After all of the elder's presentations are completed there will be a question period in which Pembina and the panel may ask questions of the presenters

12:00 Break for lunch

Formal hearing practice will be followed and the panel will not be available to talk about the hearing, Pembina's project or any other related matter with community members, the parties or representatives of the parties, or the public

10_20_2015

1:00 pm Hearing reconvenes

- Hearing elders' traditional knowledge evidence continues

4:00 pm Community based TK portion of hearing closes

- Closing comments by the panel chair