

## **Nuu-chah-nulth Nations Conclude Presentation of Case**

After five months of testimony, witnesses presenting on behalf of Nuu-chah-nulth Nations have concluded their evidence in the fisheries litigation case against Canada and British Columbia. The trial began in April 2006, with Shawn Atleo, Stanley Sam, Barney Williams Sr., Robert Dennis, Francis Frank and Barbara Lane testifying on behalf of the Nuu-chah-nulth Nations. This initial session of the trial ran until early May 2006, and included three days of trial in Ahousaht. The trial then adjourned until February 4, 2008, when the Nations resumed the case to have their rights and title to sea resources respected and implemented. The Nations have been building the case through this phase of trial by calling Nuu-chah-nulth and non-Nuu-chah-nulth witnesses to testify.

Anthropologists including Alan McMillan, Daniel Boxberger, and Richard Inglis spoke about Nuu-chah-nulth fishing culture and economy both before and after British Columbia's entry into Confederation. Allen Wood, formerly of the Department of Fisheries and Oceans, testified on behalf of Nuu-chah-nulth Nations, providing information about Canada's regulation of the Pacific commercial fishery and the decline of Nuu-chah-nulth involvement in commercial fishing since the 1960s.

Nuu-chah-nulth witnesses including Julia Lucas, John Frank, Ray Williams, Alex Short, Christine Jules, and Lillian Howard emphasized the importance of fishing and ocean resources to their communities and ancestors, contrasting current situations with those in the past when Nuu-chah-nulth benefited from a thriving fishing economy. "We are an ocean people," said Lillian Howard. "Our lives as a people were totally dependent on the ocean. We're more connected to the ocean than to the land base ... because that was our primary resource extraction area."

Other Nuu-chah-nulth, including Edwin Jack, Benson Nookemis, Chuck McCarthy, and Simon Lucas gave evidence of Nuu-chah-nulth efforts to stay involved in commercial fishing despite the impact of changes to fishing regulations and fisheries related programs established by DFO. The witnesses also talked about the changes between fishing in the past and today. "At the time of my first boat," said Simon Lucas, "we could catch all the species that anyone could buy. And that is what—that is how we fished." Benson Nookemis spoke of the extent of Nuu-chah-nulth involvement in commercial fishing. "It wasn't only my family," said Nookemis. "It was the whole village. I would say 90 percent of our Huu-ay-aht people were commercial fishermen."

In the final month of testimony, Uu-a-thluk (NTC Fisheries) Program Manager Don Hall gave evidence of Nuu-chah-nulth attempts to increase access to economic fisheries and described the inadequacy of commercial fishing opportunities provided to the Nuu-chah-nulth through existing or past DFO programs. His examples of how requests to change licensing and quota rules to allow for community-based fisheries with greater Nuu-chah-nulth participation ranged from licence splitting for the salmon fishery to trap-sharing for crabs. He used the Makah Nation and their economic access as an example of how fisheries can be conducted to increase the benefit to community members.

Following Hall, Barney Williams Jr. entered evidence about the importance of fishing to Nuu-chah-nulth people. "I believe that fishing is in my blood," he said. "It's something that I was born with. I watched people. I watched my own family do it. I loved doing it. I still love doing it in my little boat." Williams' June 4 testimony marked the end of the first portion of the trial during which the Plaintiffs have entered evidence, which was cross-examined by Canada and British Columbia.

In the next portion of the trial, Canada will enter evidence through witnesses and the Plaintiffs will conduct cross-examinations. The trial is scheduled to continue until late in 2008.