





T-1628-78

IN THE FEDERAL COURT OF CANADA  
(TRIAL DIVISION)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

BETWEEN:

THE HAMLET OF BAKER LAKE, et al

Plaintiffs

- and -

THE MINISTER OF INDIAN AFFAIRS AND  
NORTHERN DEVELOPMENT, et al

Defendants

Held before The Honourable Mr. Justice  
P.M. Mahoney, at Baker Lake, N.W.T. on  
May 14-19, 1979, inclusive.

APPEARANCES:

Aubrey E. Golden	for the Plaintiffs
David Estrin	
L.P. Chambers	for the Minister of
D.T. Sgayias	Indian Affairs and
	Northern Development
W.C. Graham, Q.C.	
R.W. Cosman	
(As Agent for C.T. Thomson)	for Essex Minerals
	Company Limited
W.C. Graham, Q.C.	
R.W. Cosman	for Pan Ocean Oil
	Limited, Cominco
	Ltd., and Western
	Mines Ltd.
T.G. Heintzman	for Urangesellschaft
	Canada Ltd. and
	Noranda Exploration
	Co. Ltd.

VOLUME II

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
3  
0  
7  
0  
3

INDEX OF WITNESSES

	<u>Name</u>	<u>Page</u>
	WILLIAM NOAH	
	Examination in Chief Continued by Mr. Golden	36
5	Cross-Examination by Mr. Graham	58
	Cross-Examination by Mr. Heintzman	80
	Cross-Examination by Mr. Chambers	118

INDEX OF EXHIBITS

	<u>Number</u>	<u>Description</u>	<u>Page</u>
15	P-3	1972 Co-op catalogue	49
	P-4	Co-op 1973 catalogue	51
	P-5	Co-op 1974 catalogue	52
	I-1	Letter dated March 16, 1978, from D. Simailak to Doctor G. Bundrock	76
20	I-2	Letter dated February 16th, 1978, to Norman Attungale from G. Bundrock	77

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
-  
0  
7  
0  
3

--- UPON RESUMING AT 9.00 A.M., MAY 15, 1979

WILLIAM NOAH, Recalled

MR. GOLDEN: My Lord, before  
Mr. Noah continues with his evidence, we have been  
able to secure, through the co-operation of the  
Department of Indian Affairs and Northern Development,  
a smaller map which has a plasticized surface, and  
I have tested marker pens on it. They seem to work  
quite well.

Before we begin, I should like  
if Mr. Noah would transfer the lines he drew, as  
accurately as he can, to the new map so we can have  
one consistent map.

EXAMINATION IN CHIEF BY MR. GOLDEN (Continued):

Q. Mr. Noah, using a marker  
pen, could you identify the areas again using that  
map and perhaps using as fine a line as you can get  
and still make it easily seen.

Perhaps, Your Lordship, we  
may have to tolerate the numbering being changed.  
It is almost impossible to read what was put on there  
last night.

THE COURT: Perhaps you can  
number them and we can get on the record what the  
new numbers denote.

MR. GOLDEN: For the record,  
Mr. Noah has identified with numbers and initials  
areas that he has hunted caribou, and I should like  
this map to be marked, if Your Lordship pleases, as

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

Exhibit P-3 and that we continue to use it.

It will, for all intents and purposes, replace Exhibit P-2, which we do not intend to relate to any longer.

5

THE COURT: Exhibit P-2 is a rather bulky document. It is obviously of some value to the local office of Indian and Northern Affairs. If it is of no value and not to be used, I would suggest that we eliminate the exhibit and substitute this as P-2 because it costs a lot of money to replace a map of that scale.

10

As soon as you are finished cross-referencing it, and as soon as people are satisfied that the markings on the new map are accurate and so on, return this to the people that lent it to us.

15

MR. GOLDEN: It came off the wall. Last night we were stripping walls of other things.

20

As soon as you are satisfied what was put on that map yesterday is now reflected on the new exhibit, perhaps we could just discharge that one.

25

One of the principles we try to honour is we try to leave Baker Lake pretty well as we found it.

30

MR. GRAHAM: I do not want to interrupt my friend's questioning, but I have one objection I would like to put on the record at this

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

time that is in respect of Mr. Noah's marking  
Exhibit No. 1.

You will find on the map  
Meadowbank River and Back River at the top. You will  
see from reference to the map it is outside of the  
Baker Lake Study area as defined and on this map  
shown as a black line on the map.

Our position is that the  
plaintiffs are not entitled to lead any evidence of  
hunting and fishing activity outside of the Baker Lake  
Study area as defined in the Order in Council, as  
defined as the area he is claiming in the prayer for  
relief.

THE COURT: That is where he  
hunted when he was 14 and 15 years old, before he  
moved to Baker Lake, and I can appreciate the  
objection as to relevance.

MR. GRAHAM: Perhaps, My Lord,  
for yourself and the record, in order not to be  
interrupting all the time, if I may put that on the  
record at this time and leave it at that so when  
other references or activities are outside that area,  
we will understand the same objection stands.

MR. CHAMBERS: If I may also at  
this point state the position on behalf of the  
government in this regard.

Your Lordship will see from the  
pleadings that we have admitted use and occupancy by  
the plaintiffs in the Baker Lake area. We took it to

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

5

10

15

20

25

30

mean at the time that Baker Lake area meant the Study area so, therefore, I would just like to put on the record that we have not admitted or should not be taken to have admitted any of the plaintiffs or the ancestors have used or occupied any area other than the Baker Lake area.

THE COURT: The Baker Lake area being the Baker Lake Study area.

MR. CHAMBERS: Yes, as defined by the Order in Council, My Lord.

THE COURT: Both objections are noted.

MR. GOLDEN: Without wasting time unduly, I think it is important to stake out the fighting ground on this.

Your Lordship will note paragraph 2 of the Statement of Claim defines the Baker Lake area as follows:

The Hamlet of Baker Lake (hereinafter referred to as the Hamlet) serves as the centre of a large geographic area (hereinafter referred to as the Baker Lake Area), ...

That was capitalized as part of a place name

... in which its residents and their ancestors have lived and have sustained themselves by hunting and fishing prior to the 13th century A.D.

Then, in the prayer for relief, and I am referring now specifically to subparagraph (a) at the top of page 9, we refer to the area --

within the Baker Lake Area, and in particular within the geographic area described in the schedule to Order-in-Council PC1977-1153 ...

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
30 7  
0  
3

The two are set up in distinction to each other.  
It has always been our position that the Baker Lake Area, as such, was something wider than the so-called Study Area. I should not say "so-called" -- in the Study Area which was defined for the purposes of an Order in Council and a freeze.

I think Your Lordship is familiar with some of the history on that. That area was defined for purposes other than hunting and fishing, and the caribou do not have a copy of the Order in Council and, indeed, the Inuit hunters do not have one.

THE COURT: And certainly did not in the 13th century.

MR. GOLDEN: We will be arguing about that later on. We don't accept that position, and our silence on that should not be taken to mean we do, My Lord.

THE COURT: All right.

MR. GOLDEN: Q. Mr. Noah, for the record, you have put on the map, Exhibit P-2, which is to be substituted for the old Exhibit P-2 and now referred to as Exhibit P-2, the areas in which you recall having hunted caribou.

I should like, if I may, to ask you about the mining activity of which you are aware in the areas which you visit or have visited since 1969. Would you help us about the mining activity?

A. Yes, I can mark on the map in the areas where I have hunted where some mining



Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
I  
-  
0  
7  
0  
3

explorations are going on.

Q. Perhaps, to avoid having the map marked up more than it will be, we might just indicate where you personally have observed mining exploration activity, and I will ask you more questions about that. You can, if you like, go over to use the map and point to it.

THE COURT: Perhaps, Mr. Golden, again just for the clarity of the record, if you could indicate them as being within the area marked WN1 and so on.

MR. GOLDEN: Q. Would you show us, Mr. Noah, where you have personally seen mining activity?

A. In the area marked WN13, during the year 1973 there were a number of caribou in that area. In fact, I had some caribou caches there, numbering to 10. That was in 1973.

Shortly after the year 1973 there was a mining company camp in that area, and since then there have not been any caribou coming into that area after the year 1973.

They have moved some of the camping equipment that was in there last year, but there are, unfortunately, a number of gas drums that are still in that area.

Again, in the WN9 area, on the Christopher Island, in the south end of that area, and we people hunt caribou there, and I did some hunting in that area -- and again just across the

5

10

15

20

25

30

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M

island there was a company mining there. There was a fairly large one. Once that camp was in that area, there have not been any caribou come into that area again.

5 R  
E  
P  
O  
R  
T  
I  
N  
G

And again in the area of WN6, at the Kazan Falls, during the early 1970s, there was a mining company camp set up in there. In fact, that camp was set up right where the caribou crossing is and, of course, that disturbed the caribou that used to come in that and cross in that area. That is in the early 1970s. They set up their camp right where the caribou crossing is.

10 S  
E  
R  
V  
I  
C  
E  
S

R  
E

And again in the same area -- down around the Kazan Falls area -- there are a number of large equipment such as large generators that have been left over there. I don't know whether they are too heavy to be moved or other people have to help to get them from that area. Unfortunately, a number of large generators have just been left in the old camp there. There is a large pile of garbage left there right where the caribou crossing is.

15 J  
O  
H  
A  
N  
S  
S  
O  
N

20 C  
S  
R

O  
T  
T  
A  
W  
A

25 O  
N  
T  
A  
R  
I  
O

And again in the area of WN17, Prince Lake area, there have been some caribou hunting that I have done in that area, but since there has been some mining activity going on in this area and again, of course, there has not been anything coming close by to this Prince Lake area.

5  
2  
1  
-  
0  
30 7  
0  
3

As you can see clearly on the map, it is indicated very clearly. You see the circles where I have marked in the areas where I have

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
-  
0  
7  
0  
3

hunted. It is indicated very clearly that caribou are moving farther away from the community. There has been some indications on the maps that indicates that there are a number of caribou in certain areas but, unfortunately, those markings are not true because people who have travelled inside those have seen a number of caribou on the north side of Baker Lake. Gjoa Haven, same as people who travel towards the coast, Rankin Inlet, Chesterfield Inlet, they have seen caribou close by but, unfortunately, nothing has come close to the community. There are, of course, sometimes some caribou in some of these areas during the summer season on a yearly basis, but they are getting further and further every year. They only come in very small groups because the land is being disturbed, and these caribou will not use the same areas that they have travelled before.

Q. Mr. Noah, I would like you to compare the last few years as to how available the caribou are as opposed to the earlier years. I would like you to give us some idea -- if any changes occurred -- how it has changed.

A. In the numbers of caribou from the earlier years to the latter years, I believe that there has not been that much change in the numbers except they are moving now in different areas -- moving away further and moving into different directions. Perhaps that seems to make the numbers of caribou are getting fewer, but I don't believe there are changes in the numbers of caribou from

5  
  
10  
  
15  
  
20  
  
25  
  
30

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
30  
7  
0  
3

earlier years than later years except that they are moving in different directions now.

Q. Looking back on the last year -- since a year ago, April, 1978, how has the hunting been in the Baker Lake area? How has the hunting been for the Baker Lake people?

A. Well, if it is the facts you want, then I shall give them to you.

Compared to last year -- April of 1978, as indicated on this map, there has not been that much caribou in the close by area and, of course, last year there were more mining activities in the Baker Lake area, and it looks like there are going to be a number again next summer. From last year up to now most hunters who have gone hunting for caribou have travelled a long distance towards this side of Baker Lake and also to the south side much farther than they normally travel to hunt caribou.

Q. The first side you indicated was the east side of Baker Lake?

A. Yes, I indicated the first area to the east side of Baker Lake.

Hunters who hunt specifically in the winter season go hunting to the east side of the lake in the winter season and, of course, during the summer season most hunters go down to the south side of Baker Lake or to the west side.

Q. I was going to ask you, Mr. Noah, what about the differences in hunting at different times of the year. Can you tell us, please,

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
5  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
15  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
30 7  
0  
3

how you hunt in the summer and how you hunt in the winter?

A. During the summer seasons, when we travel to hunt, we travel mostly by canoe towards the Kazan Falls area on the south side of Baker Lake and again by canoe on the west side of Baker Lake towards Aberdeen Lake -- in that area by canoe in the summer season.

Of course, in the late fall we hunters want to go and get some caribou for the winter. Many of the hunters will walk inland towards the north side of Baker Lake. Again a lot of hunters from Baker Lake hunt over to the east side of Baker Lake.

Q. And in the winter time how is it different?

A. Usually during the winter season -- during the winter time -- hunters who go out to hunt caribou normally travel towards the east side of Baker Lake and to the north side. Some will travel by skidoo to the south side of Baker Lake or to the west side. Normally we people in the winter time travel by skidoo so they will go in different directions.

MR. GOLDEN: Thank you. I have more questions, but I just want to address some remarks to His Lordship first.

My Lord, for many practical reasons it is impossible to bring in as exhibits actual evidence of Baker Lake art. It is important

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M

5

R  
E  
P  
O  
R  
T  
I  
N  
G

10

S  
E  
R  
V  
I  
C  
E  
S

R  
E

15

J  
O  
H  
A  
N  
S  
S  
O  
N

20

C  
S  
R

O  
T  
T  
A  
W  
A

25

O  
N  
T  
A  
R  
I  
O

5  
2  
1

0  
7  
0  
3

to the evidence of this witness, and we have been able to reproduce, in the form of catalogues from prior years, some sampling of the art we want to discuss with this witness. These are booklets which contain, of course, historically descriptive material about the community and so on. I know no way to deal with it except to ask Your Lordship to consider nothing but the evidence given through the witness and use the books to illustrate that purpose. There are commentaries. I don't think any of them relate to mining or particular issues in this case, in any event.

So my friends do not object, I thought I should address those points to Your Lordship at this time.

Q. Mr. Noah, I have, out of a number that we have available, produced three catalogues from the Baker Lake area. You have already told us about the fact that you are the President of the Co-operative. What is that Co-operative called?

A. The Co-op. The present Co-op in Baker Lake is called the Sanavik Co-op. "Sanavik" meaning the place where people work. That is the meaning of the Co-op.

Q. Mr. Noah, you have already told us that you make prints. Do you draw, as well?

A. Yes, I have done some painting of my own. I have done a number of paintings on different sheets of papers. I have also done some oil paintings on canvas. I had done some paint

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
30 7  
0  
3

illustrations on the caribou bones -- either on the caribou antlers or the bones.

At the moment I am preparing a bone that I am going to be using to make some illustrations on. Those are the items that I work on at the Co-op, along with the screen prints. I do other prints as well.

Q. Is your mother an artist?

A. Yes, my mother does some printing. In fact, she has been one of the first persons in Baker Lake that has done drawings.

Q. What is her name?

A. Jessie Oonark.

Q. Does your wife also work as an artist?

A. My wife does printmaking. She tries some drawing, but at the moment she is doing printmaking at the Co-op.

Q. Mr. Noah, I would ask you, if you would, please, to show us in the 1972 book, first, some of the work which you -- I don't think your wife has any in that particular book -- some of the work which you and your mother have done.

A. The cover design on this book is done by my mother, and my wife did the printing -- the actual printing on this design. Again, this one. This was also designed and the drawings -- the actual drawing was done by my mother. The actual printing done by a different person.

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S

5

10

15

20

25

30

7  
0  
3

Q. Can you identify the print number?

A. Print number 2. And again the design from the print number 3 was originally done from a wall hanging -- originally done from a wall hanging. The actual print was done by another person. Again, print number 4, the original wall hanging design was done by my mother. It was transferred into a print by another person. Again the print number 5 was the original drawing -- was based on a paper and transferred into a print.

Q. These are not in colour in the book, but it is my understanding there are various colours, and the colours are listed in the catalogue to show what they are.

A. It is not as good as seeing it in colour.

Q. Can I ask you then -- to speed things up -- to turn to print number 14. Print number 14 is the one on the right hand side. That is a print of the owl.

A. Print 14, the original drawing was done on a paper and I did the actual printing of print number 14.

Q. Can you turn then to print number 23.

A. Print number 23, to your left, I did the actual drawing of this print. The actual printing was done by my wife.

Q. And print number 24?



Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
30 7  
0  
3

5

A. Print number 24, I did the actual drawing on this -- the drawing for this print. I also did the actual printing of that. It is a picture of a Shaman in the early years. It is a picture that is being seen by a Shaman that illustrates how they see other people.

I would just like to make one other comment on this print, if I may.

10

Q. Certainly.

A. It has been said that in the old days that people who were called Shamans had the power to hurt people who were sick, people who had disease or whatever, and they also had the power to eliminate people who they perhaps felt were not needed or not wanted.

These people have such power in those old days that it has been said that they were able to see right through a person.

20

Q. I remember, Mr. Noah, that in last year's catalogue you also have a picture of a man showing all the bones. Is that something you draw often?

25

A. If I had a similar drawing that I did last year, it was printed on a silk screen -- a similar print to this one here. It was a person cutting a snow block.

MR. GOLDEN: Perhaps, My Lord, if we may, we could file the book as Exhibit P-3.

30

EXHIBIT NO. P-3: 1972 Co-op catalogue

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

MR. GOLDEN: Q. If you look with me at the 1973 catalogue, I should like you to look at print number 11.

A. Print number 11, this one on this page --

Q. Print number 11, "Flying over the camp". Is that a print? What did you have to do with that print?

A. I am afraid I can't recall making that actual print. It seems that they have changed the name. When they put the names of the people here, they may have changed the names. It may have been done by a different person. I can't recall making the drawings or the actual print of this one.

Q. Did you make the print?

A. No, I have not made the print or the drawing on this.

Q. Can you look through the catalogue, please, and tell us which print you did either print or draw or both?

A. The print number 13 on this page is one I did the actual drawing on and also the printing on it.

Q. That is of two caribou.

A. Two caribou.

Q. Can you look further, please, in the book and see if there are any others?

A. Also the print number 14. I had did the actual drawing on this print number 14.

Noah, in ch  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

In the printing -- the actual printing was done by my wife.

MR. GOLDEN: As we go through the book, I noticed -- and I am just stating this to you -- that there are a number of prints by your mother, Jessie Oonark. We can find those ourselves by the names on them.

May I mark the 1973 catalogue as Exhibit P-4?

EXHIBIT NO. P-4: Co-op 1973 catalogue

MR. GOLDEN: Q. Just before we leave Exhibit P-3, just as a matter of interest, I understand this is a picture of your family.

A. Those photographs are taken of me and my family.

MR. GOLDEN: The rather large group photograph in there, My Lord, following 28.

Q. The 1974 catalogue, can you look with us, please, at number 19? I would like very much if you would tell His Lordship about that.

A. I did the actual drawing on this as well as the printing on it.

I mentioned earlier about the drawings that I did on the Shaman which illustrate having the power of being able to see through people. This is a similar illustration except it is taken in the point of view of a hunter. When one hunts, one can actually know what a caribou is like -- whether a caribou is a good caribou or not so good. It is

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
I  
O  
7  
0  
3

an illustration of a hunter being able to see and it illustrates a hunter being able to see if it is a good caribou or it is bad. It is an illustration of that nature. It is actually just an illustration of people who hunt -- people will know when they go hunting caribou -- they will know the kind of caribou they want to get just by looking at these animals. They will know which ones are good and which ones are bad.

Q. Can you look with us, please, at number 20?

A. The print number 20 -- I did the actual drawing on this print. My wife did the actual printing on it.

Q. And number 21.

A. Again I did the actual drawing on this print number 20, but me and my wife had to do the actual printing because it was a very difficult one to print.

Q. What is it about?

A. It is an illustration of a story that had been told by people from many years ago. It is a well-known story all across the north. It is well known by many people.

MR. GOLDEN: May that be Exhibit P-5?

EXHIBIT NO. P-5: Co-op 1974 catalogue

MR. GOLDEN: Q. I will not ask you to look at the catalogues since then, but will you

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
I  
-  
0  
30 7  
0  
3

tell us whether or not you have continued to draw and make prints?

A. Yes, I will continue to do drawings and printmaking as in the past, but it looks like in the future most of the prints and drawings that are done now may start to slowly die away. There may be less and less to draw.

If the land we live in now continues to be destroyed, there will actually not be that much to think about drawing or making prints of and perhaps again the printmaking and the drawing will slowly die away in the future.

If, of course, the caribou will continue to move away from the Baker Lake area or if some day that there is no caribou that we can't hunt any more, that is going to be very difficult on all of us. The caribou do have a great use for our people. We use the skin, the meat and the bones. Everything within these animals are used for different things. It doesn't matter where you live in the community or outside the community, people who hunt caribou will bring back a whole caribou rather than just bring back part or some of it. They will bring back everything -- the skin, the meat, the bones and all. Each of these parts have a use. They are used by people.

Even now, especially with the older people in the community, when it is difficult to get caribou, when there are no caribou and some years a lot of the older people will break these bones

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
0  
7  
0  
3

into pieces and they will boil them and eat what they get from these caribou bones. They are very nice for people who are used to having them.

5 Q. I would like to come back to the art again for a moment. The people who are artists in Baker Lake, do these people also hunt?

10 A. People who are involved with art work such as printmaking or drawings or carvings, that is a lot of work just to do prints -- just to make prints or to make drawings -- and there are a number of people who do that sort of art work, so at the same time these people like to go hunting so, therefore, they are free to go when they want to go hunting. Artists, people who make prints or  
15 drawings, still go hunting, as well.

20 Q. You said before that the art work may die out and not be as good as it was. Can you tell us why the art work may change if the land changes?

25 A. Yes, I can explain why I believe the art work will die away in the future. I feel that people who do that sort of work -- people who make up drawings and people who do prints -- I am sure the reason why this sort of thing will die away in the future will have a great impact on the animals we have now such as fish and caribou.

30 People who do art work do it by remember seeing or having seen these animals. If the caribou continue to move away, in the years to come, they may make it to the point where there is not

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E

5

going to be enough fish -- not enough game for people to hunt and see, let alone hunt. People are not going to have the same kind of willingness to draw and make prints as they have now because people draw and make prints of what they see on the land -- the kind of animals they see around them.

10

Once these animals are gone or have been destroyed or have moved on, it is difficult to draw something that you don't see. It is more difficult to try and draw something or make a print of something that you only recall that is in the past. But it is easy to draw and make prints of something that you can actually see around you.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. Thank you very much. I should like to turn now to another topic. Mr. Noah, you may recall being shown a sheet listing all of the plaintiffs, and it was shown to you so we could determine, to the best of your knowledge, what the place of origin was of these plaintiffs. Using that sheet, can you tell us, please, if you know, whether those persons on that sheet either hunt or fish -- from your own knowledge -- and can you tell us, please, if any of those persons do not hunt or fish?

20

C  
S  
R

25

O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O

I should explain, before we go any further, that there is one plaintiff since deceased, Mr. Basil Scottie, so we eliminate him.

30

S  
2  
1  
-  
0  
7  
0  
3

A. That name has been taken off the list. Looking at the list of names of people on there, I cannot see anyone that does not hunt or fish. Each one listed on here either hunts or fishes. The

Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
O  
S  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

5

only reason a person may not be able to do either one -- hunt or fish -- is perhaps if the person is sick he can't get away from the community or the house or has been asked to remain in the house because of some disease or sickness -- asked by a nurse. Other than that, each listed on here either hunts or fishes.

10

MR. GOLDEN: Before I turn Mr. Noah over to my learned friend for cross-examination, there is a matter that we had some discussion on, and Your Lordship will note that I have stolen from the wall of the Hamlet the proclamation of the Corporation of the Hamlet as a municipality under the Northwest Territories Municipal Ordinance.

15

My friends, I understand, are now satisfied that the Hamlet is indeed as stated in paragraph 1 of the Statement of Claim, which I understand is now being admitted.

20

If I am in error on that, I am sure they will correct me. This all came about when the witness was testifying. I didn't want to leave Mr. Noah without proving that fact. Of course, it is admitted.

25

MR. HEINTZMAN: As I understand the position, my friend has produced the charter of the municipality. He also advised me, Mr. Graham and Mr. Cosman, that in fact the municipality has been incorporated.

30

I rely on that, and I have no knowledge of it, but I rely on that information admitting that the municipality is incorporated by



Noah, in ch.  
(Golden)

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
5  
2  
1  
-  
0  
7  
0  
3

5

10

15

20

25

30

virtue of that charter, and there is a corporation.

THE COURT: You are not admitting its locus standi.

MR. HEINTZMAN: Locus standi is not alleged in paragraph 1, but implied in the action.

THE COURT: That is your position.

MR. GRAHAM: As well, that is our understanding, that locus standi --

THE COURT: I am not sure, when you have 50 or 60 plaintiffs, if one is in locus standi it can do an awful lot to the action.

MR. GOLDEN: Anyway, the incorporation of it is admitted.

THE COURT: I think perhaps that we should take a 10-minute recess before starting cross-examination.

--- RESUMING AFTER SHORT RECESS ---

--- WILLIAM NOAH, Recalled

CROSS-EXAMINATION BY MR. GRAHAM:

V  
E  
R  
B  
A  
T  
I  
M

5

R  
E  
P  
O  
R  
T  
I  
N  
G

Q. You testified that when you first came down to Baker Lake in 1957 that you would have been about fourteen years old at that time, sir.

10

S  
E  
R  
V  
I  
C  
E  
S

A. Yes, I first came to the settlement of Baker Lake when I was at the age of thirteen-fourteen.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. Do you recall what the population was of Baker Lake at that time?

A. The population would have been in the neighbourhood of one hundred to perhaps two hundred.

20

C  
S  
R

Q. And what is the population of Baker Lake today?

A. The present population of Baker Lake is now in the area of one thousand people.

25

O  
N  
T  
A  
R  
I  
O

Q. Am I correct that you came here in December of 1957?

A. Yes, I first came to the settlement of Baker Lake near the end of December of 1957.

30

5  
2  
1  
0  
7  
0  
3

Q. And do you recall what the hunting was like in the winter of 1957 or 1958? Was it a good year or a bad year?

A. I can't recall whether that specific year-- the winter of 1957-- was a good year or a bad year because I went to school

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

when I first came here. I went to school right away.

Q. And what about the following year of 1958-- do you remember whether that was a good year or a bad year in the 1958 season?

A. Yes, I can recall very clearly during the year 1958. I was able to go hunting caribou during the off-school seasons. As I mentioned before, there used to be a number of caribou in very close by the area here.

Q. What about in the areas farther away from Baker Lake in 1958-1959, Mr. Noah?

A. Because for the fact that there were caribou close by here near the cemetery, there was no need for us to travel a long distance, so I wouldn't say whether there was lots of caribou farther from the settlement or not.

Q. Do you recall whether in the year 1958 more people moved to Baker Lake or were brought to Baker Lake by the government?

A. During the year 1959, 1960 and 1961 the school-aged children were then encouraged by the government to move into the community and go to school, so there were more children in the community going to school during those years.

Q. What about adults, Mr. Noah?

A. Again during the year 1960 and 1961, because of the fact that the school-aged children were asked to go to school in the

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

settlement, a lot of the parents had to move into the community to be with their children at the school.

Q. Do you recall how much the population would have increased then between 1958 and 1960?

A. During the early sixties there were a number of families that had moved in from a number of communities such as Rankin Inlet and Eskimo Point. Other families moved into the community from the land. Perhaps the number of people in the community increased somewhere in the neighbourhood of eight hundred people then.

Q. Do you know whether the reason why some of these people moved into the community was because of lack of caribou in the area? In fact, I am informed there was general starvation in the Baker Lake area at that time. Can you comment on that for me?

A. There were, of course, a number of families that starved during the year 1959, but certainly that does not discourage the people going back and living on the land. People are used to living on the land. It has always been people who have had in years before, which doesn't discourage people living out on the land. Even if there were a number of families starved because of a bad year, the main reason people had to move into the community was because the school-aged children were asked to go to school by the government and asked by the settlement to go to

5  
10  
15  
20  
25  
30

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
-  
0  
7  
0  
3

school. Many of the families moved in to be with their children.

Many of the parents were told that if they did not send their children to school, they would not get family allowance. People were pressured to move into the community and a number of more people had to move into the community when children were asked to go to school.

Q. You do not agree that 1959 was a bad year, then, Mr. Noah?

A. Yes, the year 1959 was a bad year. There were a number of things happening that particular year. There were more people moving into the community; there were more children asked to attend school; and more people encouraged to move into the community by government departments. It was a bad year for people all around.

Q. And was it particularly a bad year because there was lack of caribou for hunting for people living on the land?

A. It didn't have that much effect on the people at that time living on the land. It did have a lot of effect on people who had recently moved into the settlement or people in the process of moving into the community, but didn't have that much effect on the people at that time who were living on the land in different camps.

Q. How long have you been mayor of Baker Lake, Mr. Noah?

A. I have been going on now

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

on the second year as the mayor of Baker Lake.

Q. How long have you been president of the co-op?

A. I have been a president of the co-op for over four years now.

Q. And before you became mayor of Baker Lake, were you sitting on the Baker Lake Council?

A. I have not been a member of council or a member of that council before I became a mayor to the Hamlet of Baker Lake.

Q. With your other occupations, have you had a chance to go hunting as much as you would have liked to?

A. Being mayor of the Baker Lake and president of the co-op-- being in those offices does not allow me to hunt as often as I may like to. The only time I am able to hunt is on the weekends-- Fridays and Saturdays and on the weekends. Other than that I have not been able to get out as much as I have wanted to.

Q. Have you hunted or fished this year, Mr. Noah?

A. During the month of December of this year I went hunting down towards the east of Baker Lake, and this past Saturday, on the weekend, I went fishing just up north-- about eight miles up north from the settlement.

Q. December would have been last year. Would you agree with that? December

30

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
T  
I  
-  
O  
7  
0  
3

would have been 1978.

A. Yes, December of 1978.

Q. You have not gone hunting this year?

A. Yes, I have not gone hunting this year, 1979.

Q. You have been fishing one time in 1979?

A. Yes, I have gone fishing once this year in 1979.

Q. Where was that?

A. About eight miles from the settlement-- northwest of the settlement.

Q. Did you catch anything, or is that a professional secret?

A. Two of my boys-- one of them got two and my oldest one got one.

Q. What about last year, Mr. Noah? Can you remember how many times you were able to go hunting in 1978, last year?

A. Last summer, the summer of 1978, I went twice out west of the settlement of Baker Lake, towards the Aberdeen Lake area.

Q. And that is WN14, marked on Exhibit 2?

A. Yes, within that area-- in that immediate area.

Q. In other years have you hunted in that area, Mr. Noah?

A. Previous to the years

5

10

15

20

25

30

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
  
0  
30 7  
0  
3

1975 I have not been coming into this area, but I did during-- from 1975 on to 1978. I first came to this particular area during the year 1976.

Q. And in the last few years have you hunted in the area marked WN13 on the map, between Schultz Lake and Aberdeen Lake? Did you hunt there in the last couple of years?

A. Yes, I did some hunting in this area before there was a mining camp in that area.

Q. What year was that?

A. That mining camp was established in this particular area during the year 1976-1975. I can't recall the exact date or the time, but I noticed there was a camp site up there during the year 1975 and 1976.

Q. Subsequent to that time you have hunted in the area marked WN14, have you?

A. Yes, I have started doing hunting in that particular area during the year 1977.

Q. Was that in the summer of 1977 or in the winter?

A. That was during the summer of 1977. I have not been up in that area during the winter.

Q. You also hunt there in the summer, would you?

A. Yes, only during the summer seasons.

Q. How did you get there? By



V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
S  
I  
S  
S  
O  
N  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
-  
0  
7  
0  
3

canoe?

A. Yes, by canoe.

canoe?

Q. Do you have a motor on your

A. Yes.

horsepower?

Q. What size is it? What

A. A thirty horse Mercury

outboard motor and a thirty-five Johnson outboard motor.

Q. Do you ever get out on the land outside of Baker Lake settlement when you are hunting?

A. The only time I get to get outside of the settlement at all is when I am out hunting or fishing. I have not been able to get out on other activities other than hunting or fishing.

Pardon me, I recall last year on one occasion we visited a mining camp in this area last year-- the Sissons Lake.

Q. Last summer, was it?

A. Last summer-- the summer of '78.

Q. How did you get there?

A. We flew in there with a single Otter.

Q. Is that a government single Otter?

A. It was a single Otter used by this mining company.

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
I  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
I  
-  
0  
7  
0  
3

5

Q. Did you request the mining company for them to fly you in there?

A. There was an agreement with the Hamlet Council of Baker Lake and the mining companies to go in to see these mining companies' camps to see how much-- was happening in those camps or whether these camps were being kept clean and that.

10

Q. When you were doing those visits, did you go to the Kazan Falls area last summer?

A. No, we didn't include the Kazan Falls area on that particular trip, but I have been in the Kazan Falls area on hunting trips.

15

Q. When was the last time you were in the Kazan Falls area?

A. The last time I was in the Kazan Falls area was during the last part of August of 1978.

20

Q. Is that when you saw the generators you described to Mr. Golden in your evidence?

A. Yes, that was the time, and other times I have seen these generators that I just mentioned yesterday.

25

Q. Have they been removed since that time?

A. I haven't been back in the Kazan Falls area, like I say, since the last part of August, but I don't see whether they have been removed

30

V  
E  
R  
B  
A  
T  
I  
M  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
O  
S  
T  
R  
O  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
T  
I  
O  
R  
Y  
  
O  
F  
T  
H  
E  
C  
O  
U  
N  
T  
Y  
O  
F  
D  
E  
L  
A  
W  
A  
R  
E

or not. I don't believe they have been removed from that area yet.

Q. Where are the caribou crossing in the Kazan Falls area now, Mr. Noah?

A. (Indicating).

MR. GRAHAM: For the record, the witness has indicated with his finger one place due east of Kazan Falls where the river narrows after the small lake at the bottom of Kazan Falls and a second place on the Kazan River within the circle marked WN6 by the second river.

BY MR. GRAHAM:

Q. Is that where they were crossing just last summer, Mr. Noah?

A. I can't recall any caribou crossing in those areas last summer or the summer before, but normally those are the basic areas where they cross-- where I have indicated on the map. Of course these caribou will cross on any area in that river, but I can't recall any caribou crossing last year or the year before.

Q. When was the last time you recall caribou crossing in that area?

A. The last time I can recall some caribou crossing in those particular areas was in the year 1976.

Q. Was that when you were hunting there yourself?

A. Yes, this was one of my hunting trips during that year.

5

10

15

20

25

30

3

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
7  
30  
0  
3

Q. What happened on that trip?  
Were you out there in your canoe?

A. Yes, I was up there by a canoe.

Q. The one with the motor on it?

A. Yes.

Q. And can you tell us what happened-- how you saw these caribou? Were they crossing the river when you saw them?

A. Yes, I actually saw those caribou crossing in those areas during that time.

Q. How many would you say were crossing at that time?

A. During that particular time I did see a number of caribou there.

Q. When you saw them, were they on the land or in the water?

A. I was on the land, not the water.

Q. Were you able to shoot any?

A. Yes, there were four of them. I got two of those and two of my brothers-in-law got the other two.

MR. GOLDEN: If I may interject, perhaps if my friend is finished using the map he might move back a little bit.

We rely on Mr. Noah to speak Inuktutuk loudly so he can be understood by everyone.

MR. GRAHAM: If I stand here,

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
30 7  
0  
3

is that all right? I am not finished with the map.  
When I am finished with the map, I will retreat.

THE COURT: Perhaps if  
Mr. Noah and the interpreter could aim their remarks  
out that way.

BY MR. GRAHAM:

Q. The previous time you were  
hunting you said was in 1974 in the Kazan Falls area.  
Were you hunting there in the summer of 1974, as well?

A. Yes, a lot of the hunters  
go to that area-- to the Kazan Falls area-- during  
every summer season because that is one of the only  
areas where people can get to when they hunt so,  
naturally, like everybody else, I have been in those  
areas every summer season.

Q. Did you get caribou in  
those seasons-- those times that you were there?

A. Yes, usually there are  
some caribou on some years. There are not that  
many. There are some caribou. There are some  
caribou sometimes up above the falls-- quite a ways  
inland from the falls.

Q. And you yourself have  
shot them there during those trips?

A. Yes, I have got some  
caribou in those areas during those years and, of  
course, a number of other hunters from Baker Lake  
have been in that area and there has been mention now  
that there used to be more caribou in those areas  
before the mining activities took place in and

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
7  
0  
3

around the Kazan Falls.

Q. Tell me, Mr. Noah, what about WN18 that you have marked on the map-- what season were you hunting there?

A. Yes, I do hunting in that area during the late fall. It would be during the months of November and December.

Q. You hunted there in the winter of 1975?

A. Yes, I have been hunting in those areas, like I said, during the late fall and November and December and, of course, during the winter season on a yearly basis.

Q. Does that mean every year for the last few years?

A. Yes, every year.

Q. For the past how many years?

A. I have been going hunting in that particular area since the time I moved into the community of Baker Lake.

Q. I am talking of the years 1975-76. Isn't it true that part of the Kaminuriak herd has been wintering up in the north part of Baker Lake, Mr. Noah? Can you help us with that?

A. There was a number that was mentioned during that winter during 1975-1976, but that was a very small portion of that caribou herd. We understand the large portion of that herd had moved out toward the east.

30

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
I  
-  
0  
30 7  
0  
3

yourself?

Q. Did you see this herd

A. Yes, I did.

5 hunting trip, then?

Q. That would have been on a

trip.

A. Yes, this was a hunting

Q. What year was that?

10 1976.

A. That was during the year of

15 many times you would have hunted, say, in the winter of 1976?

Q. And do you remember how

15 A. I can't recall the exact number of times I was out hunting because Inuit tradition is that we go and we hunt and when we fish we don't have the custom of counting the number of times we are out.

20 Q. Would you have been out a great many times during that year? Would you remember?

25 A. I think I have very clearly stated already when Inuit persons hunt they go out and hunt when they require food. They have no need to account to them every time they hunt. Perhaps if you are interested in that, I could try to give you the number of times that I was out hunting during that year, but I can assure you it will confuse you more than anything else.

30 Q. More than I am confused

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
7  
30  
0  
3

already? Thank you very much, Mr. Noah. I will return to another question, then, and let you get away from the map for a minute. What type of hunting licence do you hold, Mr. Noah?

5

A. Yes, I have a hunting licence that is required by all the people, called a general hunting licence.

Q. You get that every year?

10

A. Yes, we get those every year.

Q. Do you have to pay anything for that licence?

15

A. The general hunting licence may be paid for by other people, but I can't recall having to pay for the one that I get.

Q. How long have you held a licence, do you remember?

20

A. I have had a general hunting licence ever since the very first time that they were issued.

Q. Do you remember when that was?

A. I can't recall when the first time these hunting licences were issued.

25

Q. Does that licence allow you to hunt musk-ox?

A. In regard to what a person is allowed to get a musk-ox with that kind of a general hunting licence, I couldn't say. That would be something-- something of that nature would have



V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

to be worked out with the Hunters and Trappers Association.

Q. You are not familiar with any limitations on the number of musk-ox that can be hunted out of the Baker Lake area?

MR. GOLDEN: That is not my friend's question. The question was whether or not it permits him to hunt musk-ox, not whether or not there is a limitation.

THE COURT: He is asking that now.

BY MR. GRAHAM:

Q. That is the first question asked, but the second question is, are you familiar, Mr. Noah, with the limitations on the number of musk-ox to be hunted by the people in Baker Lake? Is there any regulation?

A. The residents of Baker Lake are now allowed to get a number of six musk-ox per year. People who live out on the land depend on living on the land and I believe there is a different arrangement with those people living out on the land on a permit basis.

Q. And who administers this quota for the number of musk-ox allowed to be shot by the residents of Baker Lake, Mr. Noah?

A. That is looked after and administered both by the Territorial Government Section of Wild Life and the Hamlet Trappers Association.

30

V  
E  
R  
B  
A  
T  
I  
M

Q. So one who wants to shoot musk-ox gets a permit from the Northwest office here in town, do they?

5

R  
E  
P  
O  
R  
T  
I  
N  
G

A. Yes, one can get such a permit providing it has been worked out with the local Hunters and Trappers association.

10

S  
E  
R  
V  
I  
C  
E  
S

Q. What about yourself, Mr. Noah, what calibre do you use when you go hunting caribou?

A. At the present time I have one 250 calibre rifle and a 30-30 which at this time I have not been using.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. Are there any regulations which determine what size of gun you can use when you are caribou hunting?

A. I don't know. I am not able to answer that.

20

C  
S  
R  
O  
T  
T  
A  
W  
A

Q. When you talked to my friend Mr. Golden about mining activity since 1969, Mr. Noah, do you know if there were any mining activities in this area prior to 1969-- any prospecting?

25

O  
N  
T  
A  
R  
I  
O

A. In 1969 I can't recall many mining activities going on within the different areas around Baker Lake prior to 1969, but I can recall clearly that starting during the year 1969 there were more mining activities going on-- more mining camps set up.

30

5  
2  
1  
-  
0  
7  
0  
3

Q. To your knowledge was there ever any protest of any kind from the community of

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

5

10

15

20

25

30

Baker Lake or the people of the community about any mining activities prior to 1969?

A. There has been on a number of occasions mention about these mining activities-- mining exploration-- prior to 1969 by people in the community. There has been some concerning these activities but it has not been brought out in the sense that everybody was either concerned about it or there were, of course, a number of people who talked about it. But, it was really never brought out to a general meeting or anything of that nature to the community as a whole.

Q. Specifically, were there any protests of which you are aware?

A. If you are asking if there were any protests by the community of Baker Lake during those years, unfortunately there was nothing of that nature. But, of course, if this thing continues to get worse as it seems to be getting worse on a yearly basis, something of that nature will perhaps happen one day.

Q. Mr. Noah, I would like to show you a letter dated March 16, 1978, from the secretary-manager of the Baker Lake Council to Doctor Bundrock, Vice-president of Urangesellschaft Canada Limited.

MR. GRAHAM: This is the Plaintiffs' production number 51. I think on that basis I can have it marked as an exhibit.

THE COURT: Is it English?

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
-  
0  
7  
0  
3

And can he read English?

BY MR. GRAHAM:

Q. Can you read that letter, Mr. Noah?

A. Yes, I can read the letter.

MR. GRAHAM: May we have that marked as an exhibit, my Lord.

EXHIBIT NO. I-1: Letter dated March 16, 1978, from D. Simailak to Doctor G. Bundrock.

BY MR. GRAHAM:

Q. Mr. Noah, can you tell us the circumstances that the letter was sent? Was that sent after the Council received a letter from Urangesellschaft from Doctor Bundrock dated the 16th of February, 1978?

A. If both of these letters were written last year, the year of '78, and fortunately both of them were written shortly after I was selected as mayor of the Hamlet of Baker Lake, I vaguely remember seeing both letters but I can't recall the exact date or recall which letter was sent and when.

Q. You do recall having seen this letter of the 16th of February to Mr. Norman Attungale, councillor, Baker Lake Settlement Council, signed by Doctor Bundrock, do you?

A. I don't recall seeing this particular letter. Of course when you are just a newly elected member of Council you don't normally see

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
-  
0  
7  
0  
3

correspondence that was prior to your selection.

Q. Do you see on the bottom a stamp, referred to in the Affidavit of William Noah with a stamp? Is this not something that you, through your counsel, submitted to the Interim Injunction proceedings last year?

A. Yes, I can recall this. Perhaps the date confused me on this particular correspondence. I can recall clearly having seen this correspondence.

MR. GRAHAM: May I then mark this.

EXHIBIT NO. I-2: Letter dated February 16th, 1978, to Norman Attungale from G. Bundrock.

BY MR. GRAHAM:

Q. And the letter dated March 16, 1978, to Doctor Bundrock is an answer to the letter we have just marked Exhibit 2, is it not, Mr. Noah?

A. Yes, that correspondence was an answer to the other correspondence that preceded.

Q. This letter, marked Exhibit I-1, is signed by Mr. Simailak as secretary-manager of Baker Lake Hamlet Council. Was he instructed to sign that by you or by the Council?

A. The only time the secretary-manager signs the correspondence is when they are authorized to sign correspondence.

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
-  
0  
7  
0  
3

5

10

15

20

25

30

Q. Was this matter discussed in the Council before this letter of March 16 was sent back to Doctor Bundrock?

A. I mentioned previously that I cannot recall clearly this correspondence, particularly as I mentioned before I was a newly elected Council member at that time. But I assume that the Council members did talk about this correspondence or the issues that were raised in the correspondence. Normally when any correspondence of that nature has arrived, the Council will deal with it and talk about it and no doubt that has happened in this case.

Q. Mr. Noah, you told me, sir, how long you have been president of the co-op. Would you remind me of that?

A. It would be close to four years now. This will be the fourth year this year.

Q. And in the period since you have been president, have the revenues from the co-op from the sale of art been increasing or decreasing?

A. Naturally over the past years now they have been increasing gradually and that, of course, by the number of things produced by the co-op. There are certain items we produce that may not sell well or not too popular or some of the prints might not be done well and in those cases there is some revenue lost, but in the past few years now it has increased steadily.

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

Q. What proportion of the art done in Baker Lake would be sold through the co-op, would you know?

A. Could you repeat that question again? Are you asking on a yearly basis? Per season or per year?

Q. No. In the community do all the artists who work in the community sell through the co-op or some sell through other people? Does the co-op sell everything made at Baker Lake or are there other places that sell art in Baker Lake?

A. Yes, the people who do art work in the community such as carving, drawings and other forms of art work-- carving done in soap stones and carving in bones or antler-- a lot of this type of art work is bought from the people-- the community-- by the co-op. Mainly that is the only place where people can bring in their art work.

Q. Would you tell us what the revenues from the sale of art work were, say, in the last four years?

A. Yes, I would gladly tell you the amount of revenues that were made but, unfortunately, the old co-op was burnt down last year, which included all the books and everything we had in the co-op. All the records we kept were burnt down when the co-op burnt last year. Without those records I am not able to give you the kind of answer you request.

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

5

10

15

20

25

30

Q. From your general recollection, would this year be higher than last year from the sale of art and so on?

A. Yes, compared to last year. This year now, compared to last year, is better. Now, mainly due to the loss of the previous co-op we had 1 st year, it took some time to get it going again. But this year now it has been much better than last year.

MR. GRAHAM: Thank you very much, Mr. Noah.

CROSS-EXAMINATION BY

MR. HEINTZMAN:

Q. Mr. Noah, you told us that you came from an area near the Back River, which is north of the area shown on Exhibit P-2, is that correct?

A. Yes, that is correct.

Q. And I think you told us that from the age of about nine until about the age of thirteen that your father had died and you were age nine and you hunted with your brother.

A. That's correct.

Q. Will you go back before your father died and tell us how many people were living in your camp.

A. During those periods of time there was only our immediate family and I cannot say-- they were no more than twenty people at that time.



V  
E  
R  
B  
A  
T  
I  
M

Q. And those twenty people would consist of what-- your mother and father and your sisters and your brother-in-law and who else?

5

R  
E  
P  
O  
R  
T  
I  
N  
G

A. This would include our families. As I mentioned before, my six sisters, my brother-in-laws and also includes their children.

10

S  
E  
R  
V  
I  
C  
E  
S  
R  
E

Q. So you say you had a brother-in-law living in the group, is that correct?

A. Yes, my brother-in-laws. On some occasions they would travel to other areas, but most of the time they would spend a great majority of their time perhaps with our families. But, a lot of time they were out to different areas.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. Can you tell me where your father came from?

A. My father came from the coast, towards the other side from here. But I can't give you the exact place where.

20

C  
S  
R  
O  
T  
T  
A  
W  
A

Q. That is the coast of the Arctic Ocean?

A. Yes, the coast on the Arctic Ocean.

25

O  
N  
T  
A  
R  
I  
O

Q. Do you know where your father's father came from?

A. Yes, he would have come from the same general area but again I cannot give you the exact place.

30

5  
2  
1  
0  
7  
0  
3

Q. Did your father's father come from Gjoa Haven?

A. I can't say where he would

V  
E  
R  
B  
A  
T  
I  
M  
5 R  
E  
P  
O  
R  
T  
I  
N  
G  
10 S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
15 J  
O  
H  
A  
N  
S  
S  
O  
N  
20 C  
S  
R  
O  
T  
T  
A  
W  
A  
25 O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
30 7  
0  
3

have come from-- an exact area such as Gjoa Haven.  
But I would assume from the area around Gjoa Haven.

Q. Mr. Noah, during the course of my examination I am going to be using some of the words that I understand describe various language dialect groups. I apologize to you for my mispronunciation. Can you tell various peoples living in Baker Lake now and in various areas around Baker Lake apart by their language dialect, their customs and their dress?

A. Yes, I can tell the different groups of people from different areas by listening to the dialect they use and, of course, in earlier years it was very easy to tell where a person was from simply by the way the person was dressed or the way the person speaks.

Q. And in using these kinds of ways is that one of the ways you arrived at the conclusions set forth in what we have marked as Exhibit P-1?

A. Yes, that is how that list was made up.

Q. I understand that if we follow the Back River down, the Back River flows into the Arctic Ocean at Chantrey Inlet, is that correct?

A. Yes, that flows into the mouth of Chantrey Inlet.

Q. Do these various places like Back River and Chantrey Inlet have their own name in Inuktutuk?

V  
E  
R  
B  
A  
T  
I  
M  
5 R  
E  
P  
O  
R  
T  
I  
N  
G  
10 S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
15 J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
20 R  
O  
T  
T  
A  
W  
A  
25 O  
N  
T  
A  
R  
I  
O  
5  
2  
I  
-  
0  
30 7  
0  
3

A. Yes, they have different names provided by the people that used to live in those areas.

Q. When you first came to Baker Lake what was it called in Inuktutuk?

A. What was it called? Would you repeat your question again?

Q. What was the town of Baker Lake called in your language when you came here? What did you think of the name of it when you lived in Back River?

A. Yes, the community in Baker Lake was called just like everybody else called it, Baker Lake.

Q. Was there a name for the Hudson's Bay called Kablooni? I am not good at pronouncing your language.

A. No such name. I would have to see the writing.

Q. "The place where white people live"? Was it called that in those days?

A. I'm afraid I can't answer that because you are getting more confusing. Get your question across.

Q. I understand there were at least two groups of Inuit living in the vicinity of Back River and Chantrey Inlet back in 1957, is that right?

A. Yes, that is correct, prior to 1957.

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
0  
7  
0  
3

Q. I understand that one of those groups was called-- and I will try to pronounce it-- Ukkusiksalimiut.

A. That's correct.

Q. Did your father and grandfather consider themselves to be part of that group?

A. My mother was part of that group of people. My father was part of a different group of people again.

Q. Was the part your father came from Illinlingmiut?

A. Yes.

Q. Prior to your father's time were these group more distinct groups than they were in your time?

A. Yes, perhaps during about the time my mother and my father were born-- during that time-- these different groups of people did start to come together as a group or did visit one another as such.

Q. This was more than they had in the generation they had in years before.

MR. GOLDEN: I don't mind a little hearsay now and then. We know the group came together because Mr. Noah was here. But--

THE COURT: Your Statement of Claim says you are going to establish a few things back before the thirteenth century. I would be cautious of objecting to hearsay of this nature if I

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
30 7  
0  
3

were you.

I recognize it is hearsay. I suppose it is family legend and known within the family.

MR. GOLDEN: I have not objected to earlier questions. The witness may try to help out. He may know stories. Whether they were more or less something or other in that period might be a little difficult.

THE COURT: Certainly the Court appreciates that when people start to recount as facts what their grandparents and parents experienced before their birth, it is open to some question.

I think, though, that this type of evidence is clearly put in issue by the pleadings and we perhaps must do our best.

I don't know how much more you have in this particular line of questioning.

MR. HEINTZMAN: This would perhaps be a good time to adjourn, if you wish to. I will be a long while on this line.

--- LUNCHEON ADJOURNMENT ---

--- RESUMING AT 1:30 P.M.

NOAH CONTINUED CROSS-EXAMINATION OF WILLIAM

MR. GOLDEN: My Lord, before we start, I have been asked by the registrar to perhaps have the exhibit which we have on the board marked as P-2. I think everybody is agreeable to



V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
I  
-  
0  
30 7  
0  
3

that.

The one originally marked P-2 can be returned to the office from whence it came.

BY MR. HEINTZMAN:

Q. Mr. Noah, was there another group living near where you used to live in the Back River in Chantrey Lake area called the Nattillingmiut?

A. Yes, they would be people -- there were a number of people from Gjoa Haven area, Spense Bay and people from Pelly Lake area. There would be another group of people there.

Q. So, as I understand it, presumably the Nattillingmiut came from Spense Bay and Pelly Bay.

A. That is correct.

Q. And did people from that group come from time to time to hunt in the area where you and your father would hunt?

A. Yes, they would come to the area where we were living, but not very often.

Q. What times of year would they come?

A. These people used to come in a number of times before I was around. In fact I can recall very vaguely a group of people came in, but I would not be able to recall the exact time of year.

Q. Would they be coming there to hunt the caribou?

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

A. Yes, on occasion these people would come mainly to visit other people-- other groups of people such as theirselves and on occasion they would come to hunt caribou, as well.

Q. Were they welcome by your people to come into that area and hunt caribou?

A. Yes, they were definitely made welcome. This was the custom of our older people that any new numbers of people you see you make them welcome.

Q. Was there any feeling that other people could not or should not come into that area to hunt?

A. No, there was no such feeling towards other groups of people-- a feeling that these people were not welcome or were not supposed to enter certain areas. Anyone who came up to any areas where people lived, they were made welcome-- welcome to hunt or visit or whatever they wished, whether they were Inuit or not Inuit.

Q. Was there for a time in that area where you grew up any white person living in that area as well? Would you like me to repeat the question? Were there any white people or any white persons living--

A. Okay. Yes, there was the white person used to live in the Back River area. In fact someone lived in that area before I was around and lived with our people for up to two years.

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
30 7  
0  
3

Q. Did he go out and hunt and fish?

A. Unfortunately, I am not able to answer you directly on this matter because I have only heard of this person living with our people because this happened before I was around.

Q. Was there any piece of land that belonged to your father but could not be used by other people in that area?

A. No, this was not the case that any land we live upon was a land for everyone. There was nothing that one person owned everything. The land we live on was shared by everyone.

Q. When you came to Baker Lake did anybody say to you that you could not hunt or fish there?

A. I have never been told that I cannot hunt in any certain areas in Baker Lake when I came to the community.

Q. Can you tell me why your father and your grandfather moved from the coast to the area near Baker Lake?

MR. GOLDEN: The witness said that.

THE COURT: His father came from the Arctic coast and his grandfather came from the same general area.

MR. GOLDEN: I am sorry.

BY MR. HEINTZMAN:

Q. Can you tell me why your



V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

father and your grandfather moved from Gjoa Haven and the coast to near the Back River?

A. Yes, the reason why they moved from the coast to the Back River area was that my father and my grandfather were told that the Back River area was a good area to live in because it had lots of caribou and the fishing was good, so they decided to move in that area and remain there.

Q. Did your father or your grandfather go down to the sea to fish or to go after sea animals?

A. They would go to hunt on the coast on some occasions, but not very often. They would go to hunt sea animals and when they felt they should. But they didn't go to the coast that often.

Q. I would like to talk to you about the various groups of people and in particular the people who live in Baker Lake and where they come from. We start with people who came from the Gjoa Haven, Chantrey Bay, Back River area. It is my understanding that people from that area would be the largest group of people living in Baker Lake now who came from that area before. Would that be correct?

A. I couldn't answer you directly whether that figure is correct or not. As far as I am concerned, it does not interest me to know how many groups of people are living in the community.

Q. May I ask this question:

30

V  
E  
R  
B  
A  
T  
I  
M

I understand the people, again from the Back River, Chantrey Bay, Gjoa Haven area are considered to be the best hunters in Baker Lake.

5

R  
E  
P  
O  
R  
T  
I  
N  
G

MR. GOLDEN: My friend said Chantrey Bay, Gjoa Haven and Back River as though it was one area. The question might need a better definition.

10

S  
E  
R  
V  
I  
C  
E  
S

THE INTERPRETER: There is no such place as Chantrey Inlet Bay. Sorry.

BY MR. HEINTZMAN:

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. Mr. Noah, when I am talking about the people who came from the north, can I talk about the people from the Back River, Chantrey Inlet and Gjoa Haven area? I realize they are separate groups, but one group to talk to you about.

20

C  
S  
R

A. In regard to the different groups of people that you have mentioned time and time again, possibly from the Back River area people who are from different areas, as I mentioned earlier, that doesn't concern me. It doesn't matter where people were from or where people are from. Inuit hunters, all hunters, they hunt the same as everybody else does. There is no difference in the way they hunt-- in the animals they hunt-- so it really doesn't matter to me whether people living now in the community are from different areas or were previously from different areas. To me they are hunters and that is all they are, just hunters like everybody else.

25

O  
N  
T  
A  
R  
I  
O

30

S  
2  
1  
0  
7  
0  
3

Q. I appreciate that from

V  
E  
R  
B  
A  
T  
I  
M

your standpoint that would be true, but I have to ask you questions. So when I refer to those people, I am going to talk about them just as people from the north, if that is okay with you.

5

R  
E  
P  
O  
R  
T  
I  
N  
G

MR. GOLDEN: It is not okay with me. My friend is making assumptions. He is examining Mr. Noah about his father, his father's father's generation and saying these people from the Back River area are the same as people from Gjoa Haven.

10

S  
E  
R  
V  
I  
C  
E  
S

MR. HEINTZMAN: I am not supposing that at all.

R  
E

MR. GOLDEN: The form of the question presupposes that. I prefer, if my friend is going to delineate sources, that he do it accurately.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

THE COURT: You will have to delineate it in a way that the witness can comprehend or appreciate. If they reach some common ground on it, I do not suppose, Mr. Golden, your preference has much to do with it.

20

C  
S  
R

MR. GOLDEN: I was worried about the clarity of the question. The question assumed the two communities were one. They are not. I was trying to be agreeable and ignore the assumption which, of course, is a dangerous thing.

25

O  
N  
T  
A  
R  
I  
O

THE COURT: The witness has, in preparing P-1, arrived at a certain number of places or origin which he understands. Can you work from that.

5  
2  
1

BY MR. HEINTZMAN:

30

0  
7  
0  
3

Q. Do you have Exhibit P-1 in

V  
E  
R  
B  
A  
T  
I  
M  
5  
R  
E  
P  
O  
R  
T  
I  
N  
G  
10  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
15  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
20  
R  
O  
T  
I  
A  
W  
A  
25  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
30  
7  
0  
3

front of you, Mr. Noah? When you listed people under Back River, do you include in that people of the group or tribe which we have called the Ukkusiksalimiut? Are all the people from the Ukkusiksalimiut origin in that list?

A. Yes, the list, as it established the names of people listed under the Back River area are people called Ukkusiksalimiut.

Q. In addition, are there in that list of people, people from the group Illinlingmiut?

A. There are groups of people you can call Illinlingmiut, Ukkusiksalimiut and, of course, this depends on the ancestors of these people.

My father may be from one area, my mother from a different area. These people you listed under one group such as Back River still may have ancestors in different areas. It would depend whether the person may have parents or grandparents in one area and grandmother and grandfather in different areas.

Q. Are there any in that list you would classify as coming from the group Nattillingmiut?

A. Not on this list.

Q. Are there people in Baker Lake who are Nattillingmiut?

A. Perhaps there are. There will be other witnesses who will be able to answer

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
I  
-  
0  
7  
0  
3

you on that.

Q. Do you know or not?

A. I do not know that

particular question.

Q. All right. Let's just

talk about people which we call the Back River people as including at least two of the groups we have defined. Can you tell me if they constitute the largest group of people of one single-- coming from one single area in Baker Lake?

A. Perhaps if the number of these people were counted, name by name, they may come to a large number of the people in a community but, unfortunately, I have never taken the time to count the number of these groups of people.

Q. I have a report that was done, as I understand it, in conjunction with the Hamlet Council and Polar Gas, which your lawyer has also produced and which indicates that the people from the Back River are thirty-three percent of the people in Baker Lake, which is the largest single group. I understand it is not a single group, but the largest group. Would that be approximately correct?

MR. GOLDEN: Before he answers, I want to clarify that as I understand it there is no connection between the Hamlet itself, that is the body which Mr. Noah is chairman of, and that study. He is being cross-examined on the study, but there is no sponsorship of any sort.

5

10

15

20

25

30

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

5  
10  
15  
20  
25  
30

I do not know what the connection with the witness is. I suppose he can put the proposition to him, but not as some sort of Hamlet document.

MR. HEINTZMAN: As I understand it, it was done in conjunction with the community.

MR. GOLDEN: Some sociologist might have walked around the street. This doesn't necessarily mean the Hamlet was involved with it.

MR. HEINTZMAN: I am more interested in the answers.

BY MR. HEINTZMAN:

Q. Can Mr. Noah assist us with that question?

A. In regard to the particular question you are asking, it seems to me like you are putting this into a position where you want to divide the community into different little groups.

As I mentioned earlier, I am not interested in that. That does not concern me. I look at the community as one group of people. I am afraid, you know, if you want to divide the community into little groups such as you seem to be doing now, I am not going to be in a position to give you the kind of answers you are requiring.

Q. I don't want to divide the community into groups. All I want to do is find out if you can assist me on that point. If you can, I would like your assistance. Can you tell me whether

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

about thirty-five percent of the people living now in Baker Lake, of the people who are active hunters in Baker Lake, would I be correct that there would be about forty people who devote their full time to being hunters?

A. Of the thirty-three percent of that people or all of the members in the community?

Q. Of all the people in the community I understand there are about forty people who are full-time hunters. Would that be a correct figure-- around that area?

A. That figure of forty people you mentioned, that is incorrect. Perhaps it would be more about seventy or seventy-five people actively involved with either hunting, trapping or fishing. This would include people who take time off on weekends to hunt and even these people do trapping, as well.

Q. I want to separate from that seventy the people who hunt full-time. Not just on the weekend, but people who hunt full-time and do nothing else. Can you tell me if I would be right at about forty?

A. Your interest in finding out the number of people-- you mentioned earlier forty people actively involved with nothing but hunting on a full-time basis. That figure I am afraid is still low. I would say there are a number of other people who hunt on a full-time basis who

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
30 7  
0  
3

also take their older son or older children out.

I would still think from living here and knowing the people in the community that at least seventy-five people are doing hunting and fishing and trapping on a full-time basis.

Q. Whatever the figure is, would I be correct that about half of those people would be people from the Back River area?

A. Once again, perhaps I should make myself a little more clear. I mentioned earlier that at having to answer that I was not in a position to answer the question you asked about something about different groups of people. Perhaps I should make that a little more clear.

My reason for not wanting such questions when it comes to the time where you seem to want to divide the people into different groups is that being mayor of the community of Baker Lake puts me in the spot where I should make the people feel we are together. We are not divided into different groups.

Perhaps if you have a specific question directed to me that I can understand specifically what you want to know, I think what you want to ask in regard to different groups of people-- I think there are others better prepared to answer these kinds of questions.

Q. This evidence is important to me. I would ask you to assist me to the extent you can. If you cannot answer the question, please



V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

feel free to say so; if you can answer the question, I would like an answer. Tell me whether it is considered in the community that the Back River people are the better hunters or the people who do most of the hunting.

MR. GOLDEN: Perhaps you should ask Mr. Noah if he knows whether, from his own knowledge, if they are better hunters. I don't know if he should reflect the opinion of the community.

THE COURT: I appreciate that obviously Mr. Noah is reluctant to consider the community anything but a unit, and I think you might just ask him precisely if he knows rather than what the community thinks. I think maybe that is the source of the problem here.

BY MR. HEINTZMAN:

Q. Mr. Noah, to your knowledge, are the people from Back River who live in Baker Lake actively involved in hunting?

A. Yes, there is a large number of people that are from that area who are now living in the community who are active in hunting-- mostly hunting or trapping. Of course most of these people are now employed either by the Hamlet of Baker Lake or others.

Q. To your knowledge, are the people from the Back River area more actively involved in hunting than, say, people from some of the other areas who have moved into Baker Lake?

A. I can't answer that.

V  
E  
R  
B  
A  
T  
I  
M  
5 R  
E  
P  
O  
R  
T  
I  
N  
G

Q. I would like to ask you about whether people from some other areas have moved into Baker Lake and, again, my pronunciation will not be very good, so I hope you will bear with me. First of all, if we could look at Exhibit P-1, you have listed under people from Baker Lake Mr. Tagoona. I understood that Mr. Tagoona came from Repulse Bay. Is that not correct?

10 S  
E  
R  
V  
I  
C  
E  
S  
R  
E

A. My only understanding is that Mr. Tagoona was born as a child and lived on the coast as a child and moved into Baker Lake some years ago, and perhaps he is going to be one of the witnesses. You may clarify that with him.

15 J  
O  
H  
A  
N  
S  
S  
O  
N

Q. Well, Mr. Tagoona's book indicates, as I understand it, that he was born in Inuvik, lived as a child in Repulse Bay and then in Chesterfield Inlet; is that correct to the best of your understanding?

20 C  
S  
R

A. Again I am not in a position to say whether that is correct or not. Perhaps your best answer to that would be for you to ask him directly.

O  
T  
T  
A  
W  
A

Q. In any event, he does come from the coast, is that correct?

25 O  
N  
T  
A  
R  
I  
O

A. That is correct.

Q. And you have listed him under the heading of Baker Lake because while he comes from the coast, he has been living in Baker Lake for a number of years, is that correct?

30 5  
2  
1  
-  
0  
7  
0  
3

A. As far as this list is

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

concerned, people you see under the heading of people of Baker Lake, of those you will find in this list most of these people may have come from different areas but once they move into the community they have lived here since.

Q. Yes. Well, in fact, Baker Lake did not exist as a community fifty years ago, did it?

A. Yes, there were-- of course there were people living fifty years ago in this area.

Q. I appreciate that. Well, let's look at another. You have under Baker Lake Hugh Tulurialik. I understand that Mr. Tulurialik's father and grandfather came from the Back River area and Gjoa Haven, is that not correct?

A. Perhaps if I answered you directly on that I may not give you the correct answer. I rather not give you any specific answer to that one.

Q. I am a bit concerned that this list be explained, so can you give me whatever explanation you have with respect to Mr. Tulurialik.

A. In regard to the background of Mr. Tulurialik's parents, I do not have all the information and I do not know from which areas they came from. I would not be prepared to give you any length of background in regard to Mr. Tulurialik's father, parents or mother. Perhaps there will be other witnesses later on that will be

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
I  
0  
7  
0  
3

5  
10  
15  
20  
25  
30

able to provide you with that information.

Perhaps Mr. Tularialik will directly give you that information himself.

Q. He was examined for discovery and that is, as I understand it, where he indicated he or his ancestors came from. You do not know that to your own personal knowledge, is that correct?

A. Yes. Like I know the parents, yes, but perhaps again your answers to that question would be best obtained from Mr. Tularialik himself.

Q. To your knowledge of his parents, do you know that they come from the Back River area?

A. Again as I mentioned earlier, I don't have that information because I do not know exactly where his parents were from and again perhaps your best way to get an answer to that would be getting it directly from Mr. Tularialik himself.

Q. How about--

MR. GOLDEN: Perhaps we should interject here. This list was prepared at the request of an associate of my friend on discovery and it reflected the place of origin of the people who are named as Plaintiffs, not their parents, not their grandparents.

My friend is cross-examining on the list. Surely he should stick to the list. I

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
7  
0  
3

5

can understand his desire to probe the veracity of that list. I don't know for what purpose. I assume he has an argument to be based on it. Not having pleaded it, I assume he has an argument to make to which this list is related.

I am not going to make an argument as to its relevance.

10

MR. HEINTZMAN: By his use of the word "origin", does he mean where they were born?

15

MR. GOLDEN: Where they come from did not include their parents, as far as I knew. I must admit I don't know exactly on what basis Mr. Noah prepared the list. I know he was asked to do it on discovery as to the origin of the individuals who were Plaintiffs.

MR. HEINTZMAN: Let's ask that question.

20

BY MR. HEINTZMAN:

Q. Mr. Noah, does this list, Exhibit P-1, show where these people were born or where their fathers and grandfathers came from?

25

A. Perhaps I would be able to provide you with that information, but I would have to go through a list of these people individually in order to tell you what year or where they were from.

30

Q. No, no. I want to understand what the list demonstrates. Does it show-- what does it show? Does it show where you think of these people as coming from?

A. In regard to the way this

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E

5

10

15

20

25

30

J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O

5  
2  
1  
-  
0  
7  
0  
3

list is made up, when I made it up, this list I made up in a way I know nothing where different people were from-- where certain people were from-- where people used to live. This is the way that the list is made up. It provides you with the information of different numbers of people, where they were from or where they had lived before moving into the community, and in regard to specific information such as their parents or their parents' parents, where these people were born and that kind of information, you would have to get from the individuals, as I do not have that information.

Q. With respect to those areas other than Baker Lake, are you not generally showing there the areas they lived in when they lived on the land?

A. This information provides you with the kind of information that you would get-- it tells you the people that used to live in different areas before moving into the community.

Q. If we look at the list under Baker Lake, would you not agree with me that a number of those people came from other areas to live in Baker Lake such as Mr. Tagoona?

A. That is correct. As I mentioned earlier, people that are listed under the Baker Lake area, the settlement of Baker Lake, are listed under there for the purpose of the fact that these people were perhaps the first people that settled or moved into the community after being living

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
30  
0  
3

in other areas.

Q. Let's look at another person under that heading, Mr. Thomas Tapatai. Is he not from Wager Bay?

A. My understanding is that Mr. Tapatai used to live in the area somewhere near Chesterfield Inlet. I only heard that.

Q. Chesterfield Inlet is on the coast, is it not?

A. Yes.

Q. Mr. Noah, I would want to ask you if you could tell me or assist me where some other people or some other names came from before they moved into Baker Lake. First of all, people called Padlermiut. Did those people use to live south of the area shown on Exhibit P-2?

A. They would be from the south side of the lake and towards this area but, unfortunately, it doesn't prove-- we don't have that. The map doesn't show that area. It doesn't show on this particular map.

Q. Can you tell me if any people from that area now live in Baker Lake?

A. Yes, there are people that used to live in that particular area that are now living in the settlement of Baker Lake.

Q. There is one group down there I understand that has the name Ahearmiut. Is that a group from that area called the Ahearmiut?

A. I assume it is one of these

V  
E  
R  
B  
A  
T  
I  
M

names here. People who are from the coastal areas, such places as Eskimo Point, Rankin Point, Chesterfield are all called Tareumiut.

5

R  
E  
P  
O  
R  
T  
I  
N  
G

Q. Have some of those people moved into Baker Lake?

A. Yes, there are a number of people now living in the community from those areas.

10

S  
E  
R  
V  
I  
C  
E  
S

Q. I understand there is a group that used to live around the Kazan River called the Harvaqtormiut.

A. Yes, that is correct.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. Do some of those people live in Baker Lake.

A. Yes, that is correct.

Q. There is another group that lived near Rankin Inlet called Hauneqtormiut. I understand those people lived near Rankin Inlet and inland from there, is that correct?

A. That's correct.

20

C  
S  
R

Q. And do some of those people live in Baker Lake?

A. There are some people living now in the community, but I would not be able to provide you with the full information. Again I do not have the full information of the particular group of people that may have lived in that area.

25

O  
N  
T  
A  
R  
I  
O

Q. In other words, you don't know which persons, but there are some persons from that group who now live in Baker Lake?

30

5  
2  
1  
7  
0  
3

A. That is correct.



V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
0  
7  
0  
3

Q. And then another group which I understand came from near Chesterfield Inlet called the Qaernermiut, is that correct?

A. That is one of the names of the groups in that area, yes. In particular, on that question, I do not know whether there were people or may be people within that area that used to live in that area. Perhaps other people could provide you with that information.

Q. I see. And one other group from the Repulse Bay area that I understand there is a group called the Aivilimiut. Are you familiar with that group?

A. The name of the people-- the name of Aivilimiut, as far as that goes, I know that, yes.

Q. Do those people come from Wager Bay or Repulse Bay or in that area?

A. Yes, these are people from the Repulse Bay area.

Q. And have some of them come to live in Baker Lake?

A. Yes.

Q. I would like to discuss with you for a moment the use of the land around Baker Lake by people from other areas. Do people from Gjoa Haven come down from the north to hunt near Baker Lake?

A. People from Gjoa Haven area perhaps don't normally come down to the Baker Lake

V  
E  
R  
B  
A  
T  
I  
M

area specifically to hunt, but they do come to visit. No doubt during their travel either on the way to the community of Baker Lake or on their return home they would certainly hunt caribou there.

5

R  
E  
P  
O  
R  
T  
I  
N  
G

Q. Are they welcome to do so by the people who live in Baker Lake?

A. Yes, definitely.

10

S  
E  
R  
V  
I  
C  
E  
S

Q. People from Rankin Inlet, do they come inland and hunt the Kaminuriak Lake and other lakes between Baker Lake and Rankin Inlet?

A. Yes, people from Rankin Inlet area do travel inland to come in and hunt in that area.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. You may meet them hunting caribou when you are out hunting caribou in the same area?

A. People from the community have met people from other areas such as Rankin hunting in their travels.

20

R  
O  
T  
T  
A  
W  
A

Q. And would the same thing be true of people coming inland from Chesterfield Inlet or Wager Bay or Eskimo Point?

A. Yes, the people from other communities hunt inland from Chesterfield Inlet or other areas. They hunt inland just like other hunters do.

25

O  
N  
T  
A  
R  
I  
O

Q. Are there Inuit living, to your knowledge, up near the Coppermine River?

A. In regard to the people in and around Coppermine area, that area is so far away

30

0  
7  
0  
3

V  
E  
R  
B  
A  
T  
I  
M

that I wouldn't have the information. I would not be able to give you any definite reply to your question, but I understand there are people who are living in those areas, as well.

5

R  
E  
P  
O  
R  
T  
I  
N  
G

Q. Do you know if they come inland-- in this case moving south to hunt the caribou, as well?

10

S  
E  
R  
V  
I  
C  
E  
S  
R  
E

A. Again you are asking the questions now that I don't have the information on. I do not have any knowledge of that. I can only say that I have heard these people do hunt both on the coast-- Arctic coast and inland as well, but again I would not be able to provide you with the specific information you required.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. Have you met and talked to people from the Coppermine area?

20

C  
S  
R

MR. GOLDEN: He just got finished saying he doesn't know anything about it and can't answer the question and my friend persists.

O  
T  
T  
A  
W  
A

THE COURT: I think I know what the answer is going to be. He can answer the question.

BY MR. HEINTZMAN:

25

O  
N  
T  
A  
R  
I  
O

Q. Have you met and talked to people from the Coppermine area?

30

5  
2  
1  
0  
7  
0  
3

A. I haven't met people in my travels-- in my hunting travel-- from such areas as the Coppermine and that area. Of course we now meet other people from other communities in different meetings we attend such as community meetings or others, but nothing in our travel or in hunting on the

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
3

land or of that nature.

Q. In your meetings have you met people from the Coppermine area?

A. In travelling on business or meetings we most of the time, of course, naturally we talk about the reason for the meetings we attend. Normally that is not that much conversation about hunting and that. I would not be able to provide you with the specific information that again you request.

Q. One of the Plaintiffs-- I believe his name is Simon Tookoome-- I don't believe he is on your list or have I missed him?

A. It is not on the list.

Q. Are you related to Simon Tookoomee?

MR. GOLDEN: That may be an oversight on our part. My friend provided us with an alphabetical list of all the Plaintiffs. Mr. Noah endorsed the places as best he could. We then consolidated that list into another one. It is possible we missed it.

THE COURT: It would be a minor miracle for a list that long if the odd one was not omitted from various things.

BY MR. HEINTZMAN:

Q. Can you tell me where Mr. Tookoome is from?

A. Yes, first of all, in reply to your first question, you asked whether Tookoome was related to me in any way or not.

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

Tookoome is related to me, yes. He is a brother of my mother.

Secondly, Mr. Tookoome is from the Illinlingmiut area.

Q. I understand he is from Gjoa Haven, is that correct?

A. That is correct.

Q. On Exhibit P-1 you have a classification "western". Does that mean these people come from somewhere west of Aberdeen Lake, which seems to be the most westerly destination you otherwise provided?

A. Perhaps I could sort of indicate that to you on this map.

Q. You are indicating an area north of WN14 and WN13, is that correct?

A. Yes.

Q. And was there a name that group or those two groups had to describe themselves?

A. Yes, there was. Those groups of people from that particular area were called -- Kabluunaramiut.

Q. I wonder if the interpreter could write it down for us over the break or something. Were there two groups or one group, to your knowledge?

A. They were specifically just the one group of people there in that area.

Q. And then the Garry Lake list, were they one group? Did they come from one

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
30 7  
0  
3

group or more than one group?

A. Again these people from Garry Lake area were again one group of people.

Q. Does that linguistic group have a name?

A. That group from the Garry Lake area were again somewhat similar to these people that are indicated as the western groups of people-- pretty much similar to these people once again, but again they are again are all one group of people themselves.

Q. And the last item you have is Cambridge. Is that Cambridge Bay?

A. That is correct, that is Cambridge Bay.

Q. Where is Cambridge Bay?

A. Again it doesn't show on this map here.

Q. Is it on the sea coast?

A. Cambridge Bay is located close to the Arctic coast.

Q. When you have a husband and wife on this list, have you put the wife in from where the husband comes or have you made a separate designation for the wife?

A. Yes. If you look at this list, this list provided you with the people that were from different areas. Having done that, then there are certain areas where men and wife are provided in different locations-- different areas

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
30 7  
0  
3

and that is because the man may have come from one area and the wife may have come from a different area.

Take the top-- the top right information in regard to Eskimo Point. There are some changes that are required in that area now, but this list provided you with the people who are from different groups, different areas, and naturally when you provide the names of people you seem to divide the man and wife because that is the way it works now. A man may come from one area and the wife from a different area again.

Q. So when a wife comes from another area, have you indicated that on Exhibit P-1?

A. Yes.

Q. Do you know where Mrs. Peryouar comes from? Is she from Aberdeen Lake?

A. As you can see on the list here, Mrs. Peryouar has been included with her husband from the Aberdeen Lake. The reason I did that is because I did not know exactly where she may have been from.

Q. There are now a thousand people living in Baker lake, as you have told us, Mr. Noah. That is a large community-- would you not agree-- to live off the caribou?

A. That would be yes and no.

Q. I understand from some of the things I have read that the people of Baker Lake take about four thousand caribou each year. My question is, first of all, can you confirm that that

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

5

10

15

20

25

30

would be about the right total?

A. I believe that that figure of four thousand is too high. I don't know if there are even four thousand caribou that are available now around Baker Lake area, let alone people being accused of killing that many caribou. Of course there may be that many caribou in some other areas, but certainly not in the immediate close by area of Baker Lake.

I think that four thousand figure is very high. I don't think it is a very correct figure.

--- Continued on page 113



W. Noah, cr. ex.  
(Heintzman)

-1  
V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
I  
-  
0  
7  
0  
3

Q. I am taking that figure from what is sometimes referred to as the IpS Study. Are you familiar with the IDS Study?

A. Yes, I have seen that report.

Q. And on page 66 of that report, in their estimate of the caribou taken it says, "Our best estimate of the caribou harvest by Baker Lake Inuit is four thousand." Can you discuss as to the accuracy of that figure?

MR. GOLDEN: He already has.

THE COURT: He would say he already indicated it is far too high in his view.

MR. HEINTZMAN: I'm sorry.

All right.

BY MR. HEINTZMAN:

Q. Do you know whether the information the IDS Study obtained on the caribou harvest came from the residents of Baker Lake?

A. The people who have done that Study I assume have been asking people in the community or different agencies in the community, but I am afraid I do not know how they did the Study -- they talked to the people in the community or talked to

W. Noah, cr. ex.  
(Heintzman)

the agencies in the community.

Q. Perhaps I can ask you this question: do you think that amount of the harvest taken by Baker Lake residents has anything to do with the unwillingness of the caribou to come near Baker Lake?

A. I don't feel that the reason that perhaps the caribou is not coming into the community has anything to do with the people that hunt from the community simply because, say, twenty years ago each hunter would be able to get perhaps two hundred caribou a year. This would provide the food all year round and provide them with clothing and that. Today hunters do not kill that much caribou, and I don't believe it had anything to do with the hunters that hunt or go and hunt caribou. I don't believe that is the reason why these animals are not coming into the Baker Lake area.

Q. Does it not have to have an effect the fact so many people are living in one community rather than spread out?

A. The reason why perhaps there is not that many caribou coming in close to the community -- and if you talk to any hunters that go and spend their time hunting in and around the Baker Lake area -- all hunters

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O

5

10

15

20

25

30

3

C-2

C-3

W. Noah, cr. ex.  
(Heintzman)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

will tell you the reason for that is that there are so much activities going on outside the community. They are now beginning to have a large number of mining camps in different locations outside the Baker Lake area. These camps do have a lot of items in them. These camps make a lot of noise. There are a lot of things these people have to use in order to set up these camps. These camps are, unfortunately, located around outside the community.

Any hunters you talk to will tell you that is why a lot of the caribou are not coming in close to the community like they used to. You can tell if you ask any hunters or talk to the hunters. They will tell you the same thing. It has nothing to do with the fact that people are now in one community such as Baker Lake. People are now in the community are the ones that are having a hard time hunting and finding caribou because of the fact that there are too many activities outside of the community which clearly indicated the fact that it doesn't have anything to do with the people living in the community but rather the disturbances done by other people outside the community such as mining companies, camps or mining exploration activity that are now taking place outside the

C-4

W. Noah, cr. ex.  
(Heintzman)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

Baker Lake community.

The greatest disturbances are done out on the land by these mining companies are the fact that when a group of companies feel they find or want to find something, what do they do? They take up these stakes and a lot of these stakes are marked with an orange marker or whatever and these are the greatest things that disturb the animals from their movement. I would not even -- I would be wrong if I were to advise you that we are killing -- people in the community are killing too many caribou, because that would be wrong. But I would be willing to tell you the fact that more and more of these caribou are now moving away farther from the community -- from the close by area within the Baker Lake community, and the greatest disturbance is done outside the land -- out on the tundra by people who spend a lot of time out there putting up stakes and markers and these things do disturb these animals more than anything else that may disturb them in the community.

Q. May I just ask one last question?

MR. GOLDEN: Well --

THE COURT: You are probably sorry you asked now, but I would

C-5

W. Noah, cr. ex.  
(Heintzman)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
30  
7  
0  
3

disallow a question calling for a conclusion on the witness's part in any case. Perhaps you can avoid those types of questions?

MR. HEINTZMAN: Yes.

BY MR. HEINTZMAN:

Q. Just to take two examples, I take it that nobody is living on the land up in the Back River area where you came from, is that correct?

A. Yes, that is correct that there is nobody in the community of Baker Lake that now live in that area -- in Back River area. At the same time, there are people from Gjoa Haven who spend their time and live in Back River area from Gjoa Haven. But there is nobody from the community of Baker Lake.

Q. You mean people go out from Gjoa Haven and hunt and fish in that area? Is that what you are saying?

A. Yes, people from Gjoa Haven area do go down around the Chantrey Inlet area to fish and hunt, not within the Back River area, but towards this Chantrey Inlet.

Q. To take another example, at the bottom of the map, people used to live around Padlei. I take it they do not live their anymore? They do not live on the

C-6

W. Noah, cr. ex.  
(Heintzman)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

land anymore?

A. There may be some people living in the Padlermiut area, but you would have to get that information from those people in that area. I don't have that information.

MR. HEINTZMAN: Thank you very much.

MR. CHAMBERS: My Lord, I have a few questions. I am in Your Lordship's hands as to whether I do it after the adjournment.

THE COURT: I presume Mr. Golden may have some re-examination, as well.

---RECESS---

---UPON RESUMING---

CROSS EXAMINATION

BY MR. CHAMBERS:

Q. I have a few questions that I would appreciate you should answer. Let's go back to the time that you and your father lived in the Back River area. You lived on the land, is that correct?

A. Yes.

Q. Did you live exclusively on hunting caribou and fishing?

A. Yes, we mainly lived on caribou and fish at that time.

Q. I believe you indicated,

C-7

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

5

sir, that having regard to Exhibit P2 that if I understood you correctly that you and your family hunted in the area at the top of the map marked WN1, is that correct?

A. Yes, that is correct.

10

Q. Was that near a migration route for the caribou?

A. Yes, that was an area where a lot of the caribou migration took place.

15

Q. You did not have far to travel in order to hunt caribou when you were living in that area?

A. That is correct.

20

Q. And am I understanding it correctly that you confined your hunting to about that area that you indicated; mainly, WN1? Would I be right in saying it was about twenty-five miles from where you live?

A. Yes, when we were living in the Back River area we would travel no more than twenty or twenty-five miles in order to hunt caribou.

25

Q. Now, am I right in saying that in 1956 and 1957 there were no caribou in the area because the migration route or that route had changed?

30

A. Yes, during the year 1956 and 1957 there was not that much caribou

C-8

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

then.

Q. Because the caribou had gone somewhere else; had they?

A. Because the caribou had moved on to different areas or different directions.

Q. Was there any mining activity or exploration activity in the area at the time?

A. There were not that many explorations or anything of that nature during the year of 1956 in the Back River area; however, there was a new Dew Line Station in that area.

Q. To what do you attribute the change of the migration route of the caribou that happened in 1956 and 57?

A. Perhaps the main reason why the caribou started to take different routes and started to move in different directions was the fact that there were at that time during the year 1956 and 1957 more aircraft flying in and around the Back River area.

Q. Are the caribou back in that area now?

A. Yes, there are now caribou again in that area.

Q. Did you personally observe aircraft in 1956 and 1957 interfering with caribou in the Back River area?



W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
T  
I  
O  
N  
7  
0  
3

5

10

15

20

25

30

A. I can't recall specifically seeing an aircraft disturbing caribou in that area, but I can recall very clearly these aircraft landing at this Dew Line Station. There were a great many of these aircraft coming and going, and it was very noticeable that the caribou were starting to move away from the Back River area at that time.

Q. Did you personally observe caribou being frightened by aircraft in the area?

A. In the Back River area at that time it was very noticeable that as more of these aircraft were coming and going the aircraft used to be in and around the camp close by, were now starting to move very steadily. Instead of moving in and staying in one area, they were travelling more now and it was due to these aircraft coming and going.

Q. How close to where you and your family lived on the land was there a landing strip or otherwise a Dew Line Station near?

A. The Dew Line Station was situated no more than about twenty miles from where we had lived.

Q. Did the caribou go

W. Noah, cr. ex.  
(Chambers)

right through that area?

A. Once the station was set up there was no caribou coming in through that area. Nothing was coming in close by the land or area we lived in.

Q. Before the Dew Line work started, did the caribou go right through the area in which the Dew Line Station was established?

A. Yes, the caribou were moving right through that area where the Dew Line Station is now before that station was set up.

Q. Is the station still there?

A. No, there is no station there now.

Q. When did the station disappear?

A. The people that had the Dew Line Station in that area moved away from there during about the year 1957. They left the camp and everything they had up there and moved away from there, so there has not been anyone there since.

Q. In 1958 did the caribou go back to the area?

A. I wouldn't know during 1958 whether the caribou moved back in that area

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O

5

10

15

20

25

5

2

1

0

3

-10

-11

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M

or not because by that time I was back in the settlement and went to school.

5

R  
E  
P  
O  
R  
T  
I  
N  
G

Q. During what time did you and your family hunt caribou in the Back River area?

10

S  
E  
R  
V  
I  
C  
E  
S

A. Mainly during the month of August and September. This was the time that we had to prepare food for the winter and skin for the clothing for the winter, so we did most of our caribou hunting during most of those seasons.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. Were the caribou in the area during the winter months, as well?

A. Yes, also during the winter there were caribou, as well.

20

C  
S  
R

Q. Did you hunt them in the winter or not at all?

A. Yes, we also hunt caribou during the winter because the winter fur -- the winter fur on the caribou skins -- mainly from the caribou legs -- are used for making mitts so, therefore, we had to hunt caribou during the winter, as well.

25

O  
N  
T  
A  
R  
I  
O

Q. Did you complain to anyone on the part of the government about the Dew Line installation interfering with the caribou?

30

5  
2  
1  
-  
0  
7  
0  
3

A. There were no complaints made to the government, and, of

W. Noah, cr. ex.  
(Chambers)

course, at that time we didn't know who to talk to about these problems. We had not heard about the government during that time so nobody talked to anyone about the disturbance of that Dew Line Station in regard to the caribou.

Q. Did you complain to the people that were working in the area on the Dew Line Station?

A. No one complained to these people that were working at the Dew Line Station simply because these people didn't speak the Inuit language and there was no one at that time within our camp or our family to speak English. There was no one to communicate with these people, so there was no way we could complain to them.

Q. Did you try to chase them away?

A. Repeat that?

Q. Did you try to chase them away?

A. We didn't do anything in the way of chasing these people away because we know they were to do some work. They were there to do a job and, of course, in the earlier years people who used to come up here -- people were afraid of these people up here in those years because these people that came up here to do something felt that

C-12

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
30  
0  
3

C-13

W. Noah, cr. ex.  
(Chambers)V  
E  
R  
B  
A  
T  
I  
M

they had to tell the people up here that they are here to do what they are going to do sort of thing and therefore we couldn't tell them or chase them in any way.

5

R  
E  
P  
O  
R  
T  
I  
N  
G

What normally happened when the white people came up to the land up here to do a job they tell you this is the land. We are here to work. We are here to do a job. We are here to make money and therefore you have no right to tell us we can't do this or can't do that. That happened in the earlier years and the same thing is still happening today.

10

S  
E  
R  
V  
I  
C  
E  
S

15

J  
O  
H  
A  
N  
S  
S  
O  
N

Q. When you were in the Back River area did you also fish, besides hunt caribou?

20

C  
S  
R

A. Yes, we did a lot of fishing in the Back River area, mainly in the spring season, the summer and the fall season.

25

O  
T  
T  
A  
W  
A

Q. Can you tell me what methods of fishing you used?

30

O  
N  
T  
A  
R  
I  
O

A. The main methods used for fishing, of course, in those days -- a lot of the people had fish spears plus a fish hook that were made by the people who did the fishing. Either you are fishing through the ice in the early fall or fishing through the summer. They usually used fish spears to

5  
2  
1  
-  
0  
7  
0  
3

C-14

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

catch fish.

Q. That was the main method of catching fish?

A. Yes, that was the main method, and then, of course, during the summer seasons when the fish are coming up the river or the creeks, people would set up what you might call a fish -- people would set up fish traps where they would allow the fish to go in and block off one end of the fish trap and catch these fish with a fish spear.

Q. Do you recall how many fish were caught in a year?

A. This would be -- I can recall enough fish to last for the people as well as dog food. The fish was caught and used for dog food in the winter season. They cached -- some would be about the size of the table for areas you put away fish for the winter. A lot of the fish, of course, are dried during the summer seasons. These fish used both in wintertime for feeding dogs as well as for feeding people. A lot of this was used to provide the people during the winter season for fish oil that would be used for lighting lamps.

Q. Were there plenty of fish in the Back River area?

A. Yes, also that area is

C-15

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
I  
0  
7  
0  
3

also a good fishing area.

Q. Around Baker Lake --

I am referring now to the Baker Lake and also the surrounding lakes, how was the fishing in these lakes at this time?

A. Within the Baker Lake

area there are certain areas where fishing is done. One would have to know the specific areas to go fishing in order to catch fish or go fishing. There are areas within Baker Lake that are specifically good for fishing.

Q. Do you yourself fish?

A. Yes, I do fishing. In fact I mentioned yesterday that I was out fishing just this last Saturday.

Q. Can you tell me the method you employ?

A. The method we now used for fishing -- we use an ordinary fish line you buy in the store, a long fish hook you buy in the store and, of course, most of the ice -- you have to make a hole through the ice. In some cases it is seven to eight feet of ice. That is the method we use when we go fishing.

Q. How often have you been fishing in the last four months yourself?

A. Because of the fact that I have a number of responsibilities that I have to look after, I am not in a position to

5

10

15

20

25

30

C-16

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
3  
0  
3

5  
10  
15  
20  
25  
30

be able to get out fishing as often as I wanted to.

As I mentioned yesterday, I have been able to get away last Saturday but perhaps if I had less things to do -- to look after -- or if I had less responsibilities to carry, I would be able to spend more time fishing.

Q. How many fish have you caught this year in 1979?

A. Again, as I mentioned before, the only time I have been able to get away this year in 1979 was last Saturday and I got three fish that time, being this year, 1979.

Q. In 1978 throughout the year how many times did you go out fishing?

A. Unfortunately I don't make a count of the number of times I go fishing or hunting. Perhaps if I had thought of that I would have kept track of the number of times I had gone fishing or hunting, but I do go hunting and fishing.

Q. Approximately how many fish did you catch last year?

MR. GOLDEN: Your Lordship, my friend has admitted that the Plaintiffs pursue the traditional fishing and hunting rights. It is something he had admitted in his



C-17

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M

pleadings. I do not know what his purpose in cross examining is unless there is some other issue that I am not aware of.

5

R  
E  
P  
O  
R  
T  
I  
N  
G

MR. CHAMBER: Quite obviously to measure the extent of reliance on these activities. My submission goes to the question of fact, which we have not admitted.

10

S  
E  
R  
V  
I  
C  
E  
S

BY MR. CHAMBERS:  
Q. Approximately how many fish did you catch last year in 1978?

15

R  
E

A. As I mentioned earlier today, we go hunting for caribou or when we go fishing, normally we go hunting and fishing for food and therefore we don't try to keep track of the number of times we go fishing or the number of catches we get -- how many fish we get in a certain day or a certain time of year.

20

J  
O  
H  
A  
N  
S  
S  
O  
N

Again, as I mentioned earlier today, when we hunt we go hunting for food; we don't keep track of everything that we catch or every time we go.

25

C  
S  
R  
O  
T  
T  
A  
W  
A

Q. How many caribou did you take last year in 1978?

30

O  
N  
T  
A  
R  
I  
O

A. During the year 1978 I got four caribou and again, as I mentioned earlier, I think this is the fact that I got the number of responsibilities that don't allow me to get out as much as I liked to.

5  
2  
1  
-  
0  
7  
0  
3

-18

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
7  
30  
0  
3

Q. In 1977 how many caribou did you take?

A. I am not able to give you the exact number of caribou I caught in 1977. Again, I am not -- it is not my habit to keep track of what I get.

As I mentioned earlier, besides some one perhaps such as the Fish and Wildlife people may keep track of how many fish or how many caribou one gets, but I do not keep a record of the number of caribou I get, so I would not be able to give you the exact amount of caribou that I may have caught in 1977.

Q. Am I right that in 1978 the four caribou that you got, you and your family did not eat caribou meat all that often?

A. Yes, the caribou I caught in 1978 for the use of me and my family.

Q. That is not the question. I said would you agree with me that you did not eat it very often -- you only had four. How many are there in your family?

A. Yes, I have five children. If we include me and my wife, it would be seven of us in the family.

Q. What about the other members of the community? You said in answer

C-19

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M

to a question put to you by Mr. Heintzman that  
the number of caribou taken by the community of  
Baker Lake in 1978 was less than four thousand.

5

R  
E  
P  
O  
R  
T  
I  
N  
G

Am I right?

A. Yes, that is correct.

I am sure there were less than four thousand.

Q. How many less than

four thousand?

10

S  
E  
R  
V  
I  
C  
E  
S  
R  
E

A. Again, as I indicated,

there were less than four thousand that were  
killed during 1978, but I would not be able to  
give you the exact number.

Q. What makes you think

it was less than four thousand?

15

J  
O  
H  
A  
N  
S  
S  
O  
N

A. There wouldn't even

be that many caribou around Baker Lake area --  
four thousand caribou.

20

C  
S  
R  
O  
T  
T  
A  
W  
A

I mentioned that earlier

because of the fact that there are so many  
mining exploration areas going on now there is  
not even that many caribou coming close to  
Baker Lake area.

Q. Would you indicate

to me when you are saying there are not four  
thousand caribou in the Baker Lake area, is  
it in the areas you have indicated circles  
and numbers WNL through 16, I believe --  
this general area here that you are talking  
about?

30

O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
7  
0  
3

C-20

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

5  
10  
15  
20  
25  
30

A. I am saying there would not be that many caribou -- four thousand caribou -- within this particular area.

When I indicated the fact that I had hunted in these areas, on some occasions I may have got one or two or three caribou. Certainly there would not be that many caribou in these areas.

Q. By "these areas" by "this area", to confirm it for the record, "this area" means roughly the Baker Lake Study Area and the Baker Lake Study Area on the map is encircled by a black line?

A. Yes, that is correct.

Q. Do I take it from your previous testimony that this area with the extension of W and 16 just to the north of this Baker Lake Study Area as shown on Exhibit P2 -- that this area was your own hunting area?

A. Yes, these areas that I have indicated on the map are areas where I have hunted.

Q. Do you know if the other members of the community of Baker Lake have also hunted in this area so far as you know?

A. Yes, the people in Baker Lake. The hunters, who normally hunt,

C-21

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
3

hunt in the same general areas where I have been because those are the main areas where hunters will go. Whether they hunt back in those areas in the summer or not, I would say a lot of the hunters in Baker Lake would have gone in the same general places as I have indicated on this map.

Q. Would it have been unusual or is it usual for members of this community, hunters, to go as far as the coast to hunt caribou? By the coast I mean Hudsons Bay?

A. There have been people now from the past many years that have travelled either from the coast inland or either the people inland down towards the coast.

Q. Am I correctly understanding you when you say the usual hunting area of the members of the Baker Lake community is this area in which you have marked your circles?

MR. GOLDEN: I don't think the witness is qualified to answer that. Perhaps he might have a general knowledge, but there is going to be considerable evidence on that question.

THE COURT: As I understand the witness, the Baker Lake people

C-22

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
30 7  
0  
3

hunt the same area he does.

MR. GOLDEN: That does not necessarily mean the Baker Lake people's hunting area is limited to that area.

THE COURT: The witness has already said that, leaving out WN1, where he was before he moved down here, that is where he has hunted over the period of the last several years.

MR. GOLDEN: Yes. My concern was whether my friend is trying to limit the hunting activity of other persons to the activity of this witness.

I think he will have difficulty in doing that.

BY MR. CHAMBERS:

Q. To your knowledge, is it usual for hunters from the Baker Lake community to go as far as the Hudsons Bay coast to hunt the caribou?

A. As I mentioned previously, people have done travelling from either the inland down towards the coast or from the coast into the inland.

Recently that a lot of the caribou are starting to move away from this area, you would have to travel farther -- which includes travelling towards the coast -- to hunt caribou.

C-23

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
0  
7  
0  
3

5

Q. Say until two or three years ago, would I be correct in saying that while people from the Baker Lake community went to the coast to hunt caribou, they usually hunted in the area in which you yourself hunted?

10

A. Generally people would hunt in the general area that I have indicated on the map because of the fact that a lot of the mining activities start to come into the Baker Lake area and naturally people had to travel or hunt farther out in order to hunt caribou and in some cases they would go toward the coast.

15

Q. We have already heard that on the coast there are lots of caribou. You said that there were not four thousand caribou to be taken in the area, and I believe we agreed it was the area you had hunted. If you went to the coast you could get more than four thousand caribou, could you not?

20

A. Perhaps if there were a lot of caribou on the coast people who can travel long distances may be able to get caribou. But certainly they wouldn't be able -- there are very few people who travel long distance down towards the coast to get caribou.

25

30

There wouldn't be four thousand caribou killed even from the coast area and, again, even if you included the caribou

24

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

5

killed in this area alone with the caribou killed down towards the coast there, putting those caribou -- those number of caribou killed together -- it would still not come to four thousand.

10

Q. Would I be correct in saying it would be impractical for people from the Baker Lake community to travel all the way to Hudsons Bay coast to hunt caribou in that the distance is too far?

15

A. Some families go towards, say, to Chesterfield and from Baker on a once-a-year basis.

20

What I did try to indicate on this map is the fact that people hunt for food or hunt for caribou, so they may go down to this area here but not down to Chesterfield Inlet.

25

Q. You are indicating WN-10, for the record?

A. That is correct.

Q. Sir, I am informed that in 1974 and 1975 -- 1975 and 1976 there were large numbers of caribou situated north of the lake, Baker Lake and north of the community of Baker Lake. Would you confirm that or do you disagree with it?

30

A. Could you make that clear to the exact area? What area are you



C-25

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

talking about?

Q. I am pointing to the area north of the community of Baker Lake. In this area here. k I am indicating the area immediately to the north of Baker Lake.

A. There were caribou in that area, but not that large.

Q. I am also informed that those years -- 1974 and 1975 and 1975 and 1976 were some of the best years for caribou takes for the community of Baker Lake.

A. During those years of 1974-1975 that is correct; there were a number of caribou within that area indicated on the map and again during 1977 there were a number of caribou that were coming in closer to the community because of the fact that this study during the time there you had was taking place.

Q. So these were good years for caribou hunting for the members of the Baker Lake community?

A. That is correct.

Q. Kazan River Falls, you already testified that no caribou had been crossing there because of the presence of mining, is that correct?

A. That is correct.

Q. The mining camps in

30

C-26

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
  
R  
E  
P  
O  
R  
T  
I  
N  
G  
  
S  
E  
R  
V  
I  
C  
E  
S  
  
R  
E  
  
J  
O  
H  
A  
N  
S  
S  
O  
N  
  
C  
S  
R  
  
O  
T  
T  
A  
W  
A  
  
O  
N  
T  
A  
R  
I  
O  
  
S  
2  
1  
-  
0  
7  
3

that area were established in approximately 1969 or in 1969, is that correct?

A. There were some prospecting activities during the year 1969 in that Kazan River area. There was no permanent camp there at least until the early seventies -- 71 and 72.

Q. Were there any exploration activities prior to 1969 so far as you know?

A. Prior to 1969 there were not that many permanent camps -- permanent mining camps anywhere either within the Kazan area or other areas but at the same time there was some prospecting taking place during those years but no permanent large camp such as the one set up at Kazan Falls and some camps set up on the south -- the north side of the south end of the lake.

Q. What about the years 1966 and 1967? Were there any activities in the Kazan Falls area, mining activities, or exploration activities or prospecting activities so far as you know?

A. Yes, there were a number of mining companies that were doing some prospecting. There were, again as I mentioned earlier, no permanent or large summer camps that were used during those years.

5  
10  
15  
20  
25  
30

C-27

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

5

Q. Just a few questions that I forgot to ask you earlier. I will ask them now. Going back to this area WN-1, south of the Back River area where you and your family lived before moving to the Baker Lake community, you said you hunted in that area, WN-1 on Exhibit P2, while you lived in that area, is that correct?

10

A. That is correct.

15

Q. And when you moved down to the community of Baker Lake you then hunted in the areas you have circled and indicated as WN-2, through WN-16, is that correct?

A. That is correct.

20

Q. Since you have been living in Baker Lake did you go back to the area WN-1 to hunt caribou?

A. No, I have not returned to that area since I moved to Baker Lake.

25

Q. You mentioned caribou hides -- the skins of caribou -- that the Inuit had traditionally worked into clothing articles. Would you translate that, please? Can you tell me whether you yourself and your family -- your own family -- still use caribou hides or furs for clothing?

30

A. Yes, during the winter, when it is very cold these caribou clothing are very useful. Perhaps, if you want to try out my

W. Noah, cr. ex.  
(Chambers)

caribou-skin parka, you may find out yourself.

Q. Do you still hunt  
caribou for the purpose of making these clothes?

A. Yes, the caribou skins  
are still used for clothing like the winter  
seasons. We have had some instances in the  
past where people have gone out hunting not  
using caribou-skin clothing and have frozen  
to death because of the fact they were not using  
that kind of clothing during the winter seasons.

Q. Am I correct in saying  
you and your family and other members of the  
community do not rely upon caribou hide as  
much as they used to in the past for clothing  
purposes?

A. Yes, people now in  
the community are not using caribou skin as  
much as they used to for clothing for the  
simple reason that people are now living in  
the houses that you don't have to wear caribou  
clothing any time. People now have houses that  
they live in. Of course a lot of people would  
still like to get caribou skins for clothing,  
but there are not that many caribou and  
therefore you cannot afford to have caribou  
clothing all the time.

Q. When you have been  
going hunting in these areas that you have  
indicated on Exhibit P2 that you marked with

-28

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
30  
0  
3

C-29

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
30 7  
0  
3

circles numbered WN-1 to WN-16, on those occasions you always went to those areas, did you, from the community of Baker Lake?

A. Yes, that is correct.

Some during the winter and some during the summer seasons.

Q. How long would you spend in a particular area hunting?

A. It depends on the time of year that you go hunting. Perhaps you are travelling in the winter during the winter season and you may not be able to get back to the community as soon as you would like to. You might get stormed out or it may be blowing storm and you may not be able to get back in time to the community within two or three days. On some occasions, during the summer season, it is windy and you cannot travel across the lake as you may be away for more days than you had expected to.

If you were travelling on a good day, you may be able to get to anyone of these points within a day and in some cases within a day out and back again the same day.

Q. Do you usually try to reach a particular area you want to go to and return to the Baker Lake community on the same day?

W. Noah, cr. ex.  
(Chambers)

A. As I have indicated on this map, those of us employed in the community that cannot afford to be away more than perhaps a weekend, you cannot afford to go farther than some of these points if you are travelling in the summer or in the winter. You have employment -- you have a job in the community that you have to attend during the weekdays and if you are only able to get away on the weekend, Friday or Saturday, and that, you can only go so far.

But then, if it is earlier, a person doesn't want to have to get back by Monday, maybe, he is able to travel a longer distance or in different areas.

Q. Am I correct in assuming that in winter you travel to these areas by ski-doo?

A. That's correct. We travel by ski-doos in any direction during the winter.

Q. Do you usually travel alone or a group of other hunters travel together on other ski-doos?

A. Usually people will travel by a pair or two or three groups of people will travel at one time when they are hunting by ski-doo. On occasions people will

C-30

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

5

10

15

20

25

30

C-31

W. Noah, cr. ex.  
(Chambers)

travel just the person -- just the one person.

Q. And am I correct in assuming that when they do it alone or in a group of other people with other ski-doo's you would run over the countryside looking for caribou?

A. That's correct.

Q. When you site caribou would you then approach them and chase them?

A. Usually when you are hunting for caribou, if you see a group or number of caribou in the distance, you just don't take off right away and go after them. You decide what you want to do and you take your time. You decide on the best way to get to them rather than just taking off and going after them.

Q. Am I correct you would approach them on the ski-doo and try to get as near to them as possible in order to get a shot at them?

A. That is correct.

Q. When you approach them at close range, just before you fire, do some of the caribou run away?

A. Yes, certainly.

Q. And if you can't get close enough to one, say you are not in range

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

5

10

15

20

25

30

W. Noah, cr. ex.  
(Chambers)

of it and it starts to run away, you would chase after it, would you?

A. Yes, when the caribou is out of range, if you have to go after it -- like it has been mentioned a lot of times -- some people think the hunters will go and chase them with ski-doods. That may be the case. Now the hunters in the community have been advised by the Fish and Wildlife people that you don't go chasing caribou on ski-doods because for a number of years perhaps, we know the fact that if you chase caribou on ski-doo for a long period of time the taste of the meat is different after the caribou has been running a long distance, so normally when a hunter is going after caribou they use the best way to get at them and they try -- they don't try to chase them all over the place, but try to get as close to them as you can within range so you can take a shot at them.

Q. When you approach them you take the caribou you want to shoot and approach them and you are just about in range but the caribou takes off but you chase after it?

A. Yes, that is a fact. Perhaps rather than you and me trying to tell you how you go about chasing a caribou, perhaps it would be a good experience for you and me maybe

-32

V  
E  
R  
B  
A  
T  
I  
M5 R  
E  
P  
O  
R  
T  
I  
N  
G10 S  
E  
R  
V  
I  
C  
E  
SR  
E15 J  
O  
H  
A  
N  
S  
S  
O  
N20 C  
S  
RO  
T  
T  
A  
W  
A25 O  
N  
T  
A  
R  
I  
O30 5  
2  
1  
0  
7  
0  
3



W. Noah, cr. ex.  
(Chambers)

to go out together and try to get a caribou and try to approach them.

Q. I will take you up some other time on this offer, sir, but not tomorrow. Thank you. Mr. Noah, I have one final question about hunting of caribou. I understand that west of the boundary of Baker Lake Study Area, the black line on Exhibit P2, there is an area called the Thelon Game Reserve?

A. That is correct.

Q. Can you indicate about where this game reserve starts from this black line on the western portion of Exhibit P2?

A. The boundary of the Thelon Game Sanctuary comes in through this area -- somewhere within this area. At one time it used to be in this area, but now I understand it has been extended to include this part.

Q. For the record, you are indicating part of the Baker Lake Study Area -- the western most --

A. Pardon me. It was at one time in this area, but has been extended somewhere here now.

Q. Yes. In any event, this game reserve is immediately to the west of where you used to hunt. I am looking at

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O

5

10

15

20

25

30

3

-33

C-34

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M

circle WN-14. Immediately west is perhaps a misnomer. Somewhere to the west thereof the Thelon Game Reserve starts, is that correct?

5

R  
E  
P  
O  
R  
T  
I  
N  
G

A. That is correct.

Q. Do you hunt in that game reserve?

10

S  
E  
R  
V  
I  
C  
E  
S  
R  
E

A. I have not hunted in that game reserve area, the same as the other hunters in the community. We people were told not to go in that particular area and we don't go. I have not been in and I know other hunters have not been within that game reserve area.

15

J  
O  
H  
A  
N  
S  
S  
O  
N

It has been indicated by a number of hunters that there are -- I have seen a number of caribou and other game within the game reserve area but, unfortunately, people are not allowed to go in there to kill these animals. But hunters who have come close to that area have seen caribou and other animals within that game reserve area. Unfortunately people have not been able to go in there to kill these animals.

20

C  
S  
R

Q. So the members of

the community, including Mr. Noah, respect the game reserve?

25

O  
N  
T  
A  
R  
I  
O

A. That is correct.

Q. Just a small question

about fish. I asked about the fishing methods

30

5  
2  
1  
-  
0  
7  
0  
3

W. Noah, cr. ex.  
(Chambers)

-35

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

5

used in Back River area when you lived in the area. You said you used fish traps and used spears to catch them. In the Baker Lake area you mentioned that your used ordinary fishing lines. Did I understand you correctly that you use a rod and tackle for this purpose or just a line?

10

A. Yes, people who fish now -- if you are fishing during the summer, naturally you are going to use a fishing rod with the line and that. If you are fishing through the ice, you would still be using an ordinary fish line with the fish hook. But you don't use a fishing rod through the ice when you are fishing.

15

Q. If I understand that, I take it from that that this is the ordinary method of fishing by the members of the community?

20

A. Yes, that is correct. And, of course, other people in the community still fish through the ice all winter long.

25

Q. Are any nets used to catch fish on a large scale?

A. That is correct, fish nets are used.

30

Q. By many members in the community?

A. There are more people

W. Noah, cr. ex.  
(Chambers)

who fish with nets during the summer season when the weather is not that cold. Still there are people who fish with fish nets during the winter months, but not as many as people who put out fish nets during the summer.

Q. And what is being done with the fish that are being caught with fish nets? Are they being consumed by the fishermen or are they being sold to the outside world?

A. The fish that are caught in the nets by the people who fish with the nets, if you are fishing during the summer seasons, naturally you are going to try some of the fish for your use. Some are put away into the freezer for the future. People use them for themselves. There are no fish sold outside the community, let alone within the community.

Q. Some are sold in the community amongst the members themselves, is that right?

A. There may be a few people that somebody within the community that wants to buy it. If the next person has fish, normally people catch fish with the nets will share these fish with their immediate family or relatives within the community.

Q. In what area would people go out and fish -- in the same area where

-36

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

5

10

15

20

25

30

-37

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
I  
-  
0  
30 7  
0  
3

you have indicated where you and other members of the community have hunted caribou or is this a different area?

A. People who fish with fish nets in the winter season -- there are lots of fish nets within the whole of the north -- all the north of Baker Lake including the other side of the lake. There is a lot of nets along that area in the winter, including the Whitehills Lake -- a lake north of the community of Baker Lake and also including another small lake in between the community and the Whitehills Lake there are some nets used during all winter season.

Q. The Whitehills Lake is an area within WN-3?

A. That is correct.

Q. Are these two areas -- Baker Lake itself and Whitehills Lake -- the only areas in which fishing is done or are there other lakes?

A. Starting right about the time of the year now where the weather is warming up in the spring and summer seasons there is a lot of fishing along the lake itself which would include all the way down towards the end of Baker Lake itself, along the lake shore and also other areas including where people fish

C-38

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

during the summer season. The Thelon River, up along towards the west side -- towards Aberdeen -- in this other area as well as to the south side of Baker Lake -- within these areas during the summer season.

Q. Wouldn't this be about the extent of the fishing area or does it range farther?

A. When the weather is warming in the spring and summer seasons there are certain areas along the lake where people will spend their summers perhaps fishing -- fishing with fish nets and what not. There are other areas that could be indicated along the lake that people use for fishing.

Q. It is mainly, if I understand your meaning correctly, what you just said within Baker Lake, the lake itself, is that correct?

A. In the summer season, yes.

Q. Can you tell me, having regard to this black line which is the Baker Lake Study Area, whether you are aware of any fishing being done by members of the community outside of this area? I am pointing to all directions -- to the southwest, to the west, to the northwest, to the north, to the

30

W. Noah, cr. ex.  
(Chambers)

C-39

V  
E  
R  
B  
A  
T  
I  
M

northeast, to the east and to the east and to the southeast. Outside of this area is there any fishing being done by members of the community on any scale at all?

5

R  
E  
P  
O  
R  
T  
I  
N  
G

A. I don't know of any area outside there. Perhaps there might be other hunters who do a lot of travelling in long distance that may have. Personally I don't know of any.

10

S  
E  
R  
V  
I  
C  
E  
S

Q. Usually any fishing by members of the Baker Lake community is confined to the Baker Lake Study Area which is outlined in black on Exhibit P2?

15

J  
O  
H  
A  
N  
S  
S  
O  
N

A. (No answer)

MR. CHAMBERS: First of all, the witness said no.

20

C  
S  
R

MR. GOLDEN: No, he didn't say that. I'm sorry.

THE COURT: He said he knows of no one doing any outside. I don't know how he could conclude that usually they don't. I don't know how he could conclude they do it outside.

25

O  
N  
T  
A  
R  
I  
O

BY MR. CHAMBERS:

Q. Can you give an answer at all?

30

5  
2  
1  
-  
0  
7  
0  
3

MR. GOLDEN: Well --

MR. CHAMBERS: All right.

I will withdraw the question.

C-40

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

5  
10  
15  
20  
25  
30

I have one or two questions  
to you.

BY MR. CHAMBERS:

Q. You said when you  
were being asked by Mr. Heintzman that no  
particular Inuit in the tradition of your  
people owned a piece of land, is that correct?

A. Yes, that is correct.

Q. Can I take it from  
that, sir, that you yourself or parents, your  
father or mother, never bought or sold or  
traded a particular piece of land for another  
piece of land or for some other commodity?

A. Yes, that is correct.

Q. I am showing you  
Exhibit P1. Can you tell me, sir, whether  
all of these people listed on Exhibit P1  
actually hunt or fish? Do you know?

A. Yes, as I mentioned  
earlier today these people either do fish or  
hunt -- either hunt caribou or fish. And,  
again as I mentioned earlier, the only reason  
why one of these people or anybody may not be  
able to go fishing or hunting is perhaps if  
one is sick and unable to get away from home.  
Other than that, all of these people either  
fish or hunt caribou.

Q. Would you know whether  
these people hunt or fish in the same areas as



C-41

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
30 7  
0  
3

you do or can you enlighten us at all as to that?

THE COURT: Mr. Chambers, this was a line of questioning gone into in some length earlier -- unsuccessfully, I might say, from the point of view of the questioner.

MR. CHAMBERS: I do recall that answers have been made with regard to fish. I have a note here for myself, you know, where.

BY MR. CHAMBERS:

Q. My question to you now, sir, is where these particular individuals listed on P1 actually hunted or fished -- actually hunt or fish. I will put it in the present.

A. I have already indicated to you earlier where the hunters hunt -- where they go hunting. I already pointed out to you earlier where they go out and go fishing. Again I will just repeat that again.

Q. You apply to both the fishing and hunting. So far as you know the members -- pardon me -- all of the people mentioned on Exhibit P1 so far as you know hunted in the same area that you hunted in, is that correct?

A. Yes, again as I indicated earlier, the general area where people hunt and fish is pretty much the same

C-42

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
0  
7  
0  
3

5

area where each goes when they go fishing and hunting other than perhaps some people who may travel from here up north to Gjoa Haven who may want to travel on occasion from here south to maybe Chesterfield Inlet. Other than that, people do hunt in the same general area.

10

Q. I appreciate your answer earlier, sir, in response to my question where members of the community generally hunted or fished and I appreciated your answer but my question now is whether you would extend this answer to the persons listed on Exhibit P1?

15

THE INTERPRETER: You got me there that time.

MR. CHAMBERS: All right. I will rephrase that.

20

BY MR. CHAMBERS:  
Q. Mr. Noah, you said earlier, when I asked you where other members of the community hunted and fished -- you indicated to me the areas on Exhibit P2. Now I am now asking you whether you give the same answer that you gave earlier with respect to the people listed on Exhibit P1?

25

A. Yes, the people that are included on this list would be included in the general area where people hunt and fish.

30

Q. Would I be correct in

-43

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M

assuming that your answer is based on your  
knowledge of the community of Baker Lake?

A. Yes, that is correct.

5 R  
E  
P  
O  
R  
T  
I  
N  
G

Q. I take it from your  
personal knowledge or observations, too? Is  
that correct? You saw some or all of these  
Plaintiffs hunt or fish, have you?

10 S  
E  
R  
V  
I  
C  
E  
S

A. It would be foolish  
of me to answer things I do not know of --  
things I have not seen. So naturally the  
answers I have given to the questions are  
based on either personal experience or personal  
knowledge of what the questions may happen to  
be.

15 J  
O  
H  
A  
N  
S  
S  
O  
N

MR. CHAMBERS: Fine.

Thank you.

20 C  
S  
R

I have finished in the  
nick of time, My Lord.

O  
T  
T  
A  
W  
A

THE COURT: This is an  
awkward time to stop but, nevertheless, I feel  
that humane considerations demand it. The  
witness has had a long day and the interpreter  
a doubly long day.

25 O  
N  
T  
A  
R  
I  
O

I will ask you to help  
me here, Mr. Interpreter. Mr. Golden will be  
asking Mr. Noah more questions tomorrow. It  
would be wrong tonight for Mr. Noah to discuss  
anything with Mr. Golden or for that matter to

30 5  
2  
1  
-  
0  
7  
0  
3

C-44

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M

discuss his evidence at all with anyone else.

Thank you. You understand

that, Mr. Noah?

5 R  
E  
P  
O  
R  
T  
I  
N  
G

MR. GOLDEN: Before we

rise, My Lord, to clear my desk, a minor matter.

We now have admissions as to the corporate  
status of the Hunters and Trappers Association.

10 S  
E  
R  
V  
I  
C  
E  
S

I should like to indicate then that the

Defendant mining companies have admitted that

the contents of paragraph three of the Statement

of Claim -- the Fresh and Amended Statement of

Claim, and it is understood by the last sentence

15 J  
O  
H  
A  
N  
S  
S  
O  
N

in that paragraph which is that the Hunters

and Trappers Association is the person which the

Defendants or some of them looks to as the

representative body for the Inuit hunters in

the Baker Lake area. The reference is to the

20 S  
R

original Defendant and not the mining companies.

THE COURT: I see what you

mean.

O  
T  
T  
A  
W  
A

MR. GOLDEN: The reference

pleaded the addition of the mining companies

is not seen to include them. They did not

25 O  
N  
T  
A  
R  
I  
O

deal with the hunters and trappers.

THE COURT: The last

sentence does not include those that were

recently added.

5  
2  
1

30 0  
7  
0  
3

MR. GRAHAM: It is proper

C-45

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
-  
0  
7  
0  
3

5

to say we admitted the Hunters and Trappers Association is a properly constituted corporate body under the laws of the Northwest Territories but what it does or serves stated in paragraphs three and four, if the Plaintiffs want to prove that, it is up to them. That is fine.

10

THE COURT: It occurred to me from some of the questions this morning that the date of the Municipal Charter might be somehow pertinent and perhaps before it is returned to the Municipal Office we could ascertain that and get it on the record.

15

MR. GOLDEN: It is dated the sixth day of April 1977.

20

THE COURT: I suppose it is a question of law as to whether that date is the date the corporation came into existence or not.

25

MR. GOLDEN: It states that it is hereby established that the Hamlet, effective April 6th, 1977 --

30

MR. HEINTZMAN: With respect to the Hunters and Trappers Association so far as the mining companies that I represent are concerned, I am prepared to acknowledge that the association exists because my friend has shown me a letter from the government. The date on the letter is not clear. It is signed 1970 blank. So we do not have a date for that.

C-46

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
S  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
5  
2  
1  
0  
30 7  
0  
3

That is the only thing out of paragraph three I am prepared to admit.

Other than the last sentence, My Lord, amended the word "Defendants" to read "Government Defendants". If that is the case, then that lessens, of course, nothing I have to admit, but I acknowledge it.

MR. GOLDEN: Your Lordship will realize from the tone of the remarks my friends have made that we have been able to secure no further admissions that I am aware of, but we will try perhaps again.

The mining company Defendants have not admitted a number of the things the government Defendants have, and that may complicate things. This is a plea for expediency. We are at least a half day behind the proposed schedule of witnesses in a rapidly diminishing list. I did not have any idea how many I would call when we started. We are under constraints as to time. I would appreciate it if the nature of cross examination could be limited and my friends could make their point in a more brief way as I know they are capable of.

THE COURT: I note in cross examination some thought might be given to abandoning some of the recapitulation of previous evidence that seems to come as a prelude

C-47

W. Noah, cr. ex.  
(Chambers)

V  
E  
R  
B  
A  
T  
I  
M  
R  
E  
P  
O  
R  
T  
I  
N  
G  
S  
E  
R  
V  
I  
C  
E  
R  
E  
J  
O  
H  
A  
N  
S  
S  
O  
N  
C  
S  
R  
O  
T  
T  
A  
W  
A  
O  
N  
T  
A  
R  
I  
O  
S  
2  
1  
-  
0  
7  
0  
3

5

to the question that you want answered.

I realize it is hard to break old habits. When working through an interpreter we occupy three times as much time as if it was direct and all the verbiage is consuming an appreciable amount of time here.

10

On that note, unless some one else has something they want to say, we will adjourn until nine o'clock tomorrow morning.

15

--- COURT ADJOURNED TO MAY 16, 1979 at 9.00 A.M.

20

25

30

DATE DUE

DATE DUE			

A  
CAN 7  
1.01  
VOL II

HAMLET OF BAKER LAKE  
ET AL & MINISTER OF IAND  
ET AL

C IAND Fed Ham 1979 v.2

In the Federal Court of Ca  
00064-2155      02-0011720