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PROPERTY OF
LAND CLAIMS SECRETARIAT

T-1268-78

IN THE FEDERAL COURT OF CANADA
(TRIAL DIVISION)

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 Indian Affairs and Northern Development |
| D.T. Sgayias | |
| W.C. Graham, Q.C. | for Essex Minerals Company Limited |
| R.W. Cosman | |
| (As agent for C.T. Thomson) | |
| W.C. Graham, Q.C. | for Pan Ocean Oil Limited, Cominco Ltd., and Western Mines Ltd. |
| R.W. Cosman | |
| T.G. Heintzman | for Urangesellschaft Canada Ltd. and Noranda Exploration Co. Ltd. |

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--- UPON RESUMING AT 9.00 A.M., WEDNESDAY, MAY 16, 1979

--- WILLIAM NOAH, Recalled

RE-EXAMINATION BY MR. GOLDEN:

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Q. Mr. Noah, yesterday you were asked about the number of people who devote their full time to hunting, and you said there were about 70 to 75 people either hunting, trapping or fishing. Can you estimate how many people in the community that are doing it full-time, whether they are employed elsewhere or not engaged in hunting, trapping or fishing?

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A. Talking about people who hunt on a full-time basis, as I mentioned yesterday, 70 to 75 people, including the people that go out on the weekend who are employed in the community. To give you an exact figure of these people, it would almost be difficult for me to give you an exact number of hunters who go hunting and also go out on the weekend who are also employed at the same time. If I were to give you an exact number of these people, I may give you the wrong figure. But, at the same time, I can tell you that all able men in the community do hunt either if they are working on a full-time or hunting on a full-time basis.

Q. You were asked about being moved to Baker Lake and you said earlier in your evidence that you had originally come here to go to school. Can you tell us who decided where you should come to school?

Noah, re-ex
(Golden)

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A. During those years -- during the earlier years -- the 1950s, there were no government departments of any kind in the community, so such children going to school during those years were asked to go to school or the parents were asked by the R.C.M.P. because the R.C.M.P. were looking after most of what was happening in the community because of the fact there were no government departments of that nature. Most of what was happening in the community was either done or asked to be done by the R.C.M.P. In this case, when I was asked to go to school, I was asked to go to school by the R.C.M.P., which I did.

Q. Did you have any choice as to where you went to school?

A. There was only one classroom here at that time, so we had no other choice but to go to that one classroom that was here then.

Q. I suppose I am not making my question quite clear enough. Could you have decided to go to school in Rankin or somewhere else? Were you given a choice between Baker Lake and some other place?

A. At that time I was not asked whether I would be prepared to go to school to other communities or other places other than Baker Lake. At that time there were not that many schools in the other communities. Since that was the first school here in Baker Lake and not too far from our family, we had to go to school here in the community

Noah, re-ex
(Golden)

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in Baker Lake in order not to be too far from our family.

Q. You were asked a number of questions about people having come from other areas, and I won't go through all the questions, but it all had to do with what groups people came from and where they moved to. When you were on the land, before everybody came to live in Baker Lake, what decided where people lived? What made you decide to stay in one place or move to another?

A. In the case of our family, I mentioned yesterday that we lived in one specific area -- such places as Back River area and that area. In the case of our families there were times we had to move to different areas. That is simply because my brother had a brother or sister in different areas that lived in different areas. For those reasons, because of relatives of our family, people were able to move from one area to another area. In most cases it had to be with other relatives of our families.

Q. You were asked the names of a number of groups of persons who lived together. Your group lived to the north and there was another group living in Aberdeen Lake and another group living in the Kazan. Can you show us on the map where the different peoples who have come to live in Baker Lake lived before they came to Baker Lake? Just do it by rough areas. Just give us an idea where they all came from.

A. First of all, as I mentioned

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(Golden)

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yesterday, our families used to live up in this area, which is the Back River area, up on the north -- almost straight north of the community of Baker Lake. Again, there was another group of people that lived in this area between the Back River area and the community of Baker Lake and again almost directly north of the community of Baker Lake. The group of people that used to live in this area were a similar group of people to our people who were living up farther north.

Q. You are indicating a group of people that lived near the area shown as your hunting area, WN16, and to the south or on Meadowbank River and Tehek Lake.

A. Of course, there was a group of people that used to live in the Garry Lake area, which is on this side. There were families that used to live in this area that moved into the community of Baker Lake for a short time and the majority of these families went and moved down to Rankin Inlet.

Then again there was a group of people that lived below this Garry Lake area, on this side.

Again there were similar groups of people who lived in the Garry Lake area. Then again these people also moved into the community.

Q. Can I just identify that area. Is it Garry Lake area or south of Garry Lake area?

A. South of Garry Lake area.

Noah, re-ex
(Golden)

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Q. That is Sand Lake and in the farthest quadrant of the line indicated by the Study Area.

THE COURT: Northwest, I think.

MR. GOLDEN: I am sorry.

Northwest. That is the best we can do for that.

THE WITNESS: And there is a group of people who lived in the Aberdeen Lake area and Shultz Lake area for a number of years. Again these people moved into the community of Baker Lake. Later on some of these people returned to the same area again, but once again moved back to the community.

Again, to the immediate south of the community, along the Kazan River area, there were a group of people who used to live in that area and then, of course, these people moved into the community. I also understand that these people from the Kazan River area and the people from the Aberdeen Lake area quite often used to either visit one another or take trips between these people on a number of occasions.

Again there were a group of people that were living in the Ferguson Lake area. In fact, these were the last people that lived out in this area that moved into the community.

MR. GOLDEN: Q. Ferguson Lake area is on the southern portion of the Study Area. Did any people from Kaminak Lake area come to live in Baker Lake?

Noah, re-ex
(Golden)

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A. That one I do not know.
Perhaps some other people may have that information.

Q. When the people lived in these areas, did they hunt in those areas?

A. Yes, these people that lived in these different areas naturally did hunting in those different areas.

MR. GRAHAM: Perhaps a bit late to object, but just so we will recognize the nature of the evidence.

THE COURT: Yes, although we know they didn't live off cocoanuts either.

I think the court will take judicial notice of some things.

MR. GOLDEN: I almost did not ask the question so I could argue it.

Q. You were asked about your own personal fishing. Is there any special time of the year when people like to fish or when they start fishing in the Baker Lake area?

A. Starting about this time of year now, when the spring is here, once again, there are a number of areas within the lake itself where people will be doing a lot of fishing. Some people will be just across the lake -- just across the lake over here. Some people will be moving in down towards the north side of the lake -- down towards the end of the lake. This time of year, when the spring is here, there will be a lot of people who will be fishing.

Noah, re-ex
(Golden)

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Again, during all summer season, people will fish at the Kazan River area and again on the Thelon River area, all the way up towards the Shultz and Aberdeen Lake area.

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In the winter, during the winter season, people will usually fish anywhere within the vicinity of the community of Baker Lake.

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Q. Do they travel differently in the winter time?

A. Because it is easy to travel in any direction in the winter, some people are able to fish more in different areas rather than in the summer season when it is difficult to travel in different areas in the summer.

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Q. You were asked about how many caribou you killed in 1978, and you said you killed four. You and your family, Mr. Noah, how often do you eat caribou? How many times in a period of a week or a month do you eat caribou?

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A. Getting back to the four caribous that you had asked about that I got in 1978, if there were more than four caribou -- if I was able to get more than four caribou during the year of 1978 -- perhaps I would have been able to get 20

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caribou just for me and my family for us for the whole winter -- for the whole year. Those four caribou I got during 1978 lasted me and my family for a long while. We used them for food but tried not to use them on a daily basis in order to make them last longer. I think maybe 20 caribou would do

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Noah, re-ex
(Golden)

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me and my family for a year.

Q. Is it possible for you to get caribou from anyone else?

A. Yes, it is possible to get caribou meat from other people. It is a custom of our people that when one has caribou meat, it is one's duty to give caribou meat or such meat to other people that don't have none. But, unfortunately, people are not getting that much caribou that they are able to share it with a large number of people.

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

I have no further questions.

THE COURT: That's fine. Thank you, Mr. Noah.

MR. GOLDEN: We have been fortunate, My Lord, to be able to acquire the services of another interpreter who has been here for a different purpose. Since there is somewhat less stress in the other function, we thought it a good proposal to alternate with Mr. Pudnak with Cathy Towntongie, who has been here interpreting and we would like to have her as an interpreter.

We also hope a third interpreter will end up here by the end of the day.

THE COURT: It is a heroic effort on your part, Mr. Pudnak. We look forward to hearing from you again and you will surely appreciate a rest.

MR. GOLDEN: Our next witness

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is Mr. James Avaala, and he will be examined by Mr. Estrin.

--- JAMES AVAALA, SAND HILL, N.W.T., Sworn

(Through Interpreter C. Towtongie)

EXAMINATION IN CHIEF BY MR. ESTRIN:

Q. Mr. Avaala, how old are you?

A. Thirty.

Q. Where are you living?

A. Right now I live out on the land in Sand Hills.

Q. There is a map behind you. Would you point out where you are living?

A. (Indicating)

Q. Are you living there with someone?

A. There is someone else living with us.

Q. Could you mark this on the map with your initials?

THE COURT: Perhaps, Mr. Estrin, you can put his initials beside it.

MR. ESTRIN: Q. There is a green dot then that has been placed on the Exhibit P-2 and the initials JA placed beside it.

Mr. Avaala, are you living at Sand Hills with your family -- your wife?

A. I am living there with my wife.

Avaala, in ch.
(Estrin)

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Q. And do you have any children?

A. I have two children.

Q. How old are they?

A. One child is about 10 years old and the other child is approximately one and a little older.

Q. And I understand your children live with you and your wife out at Sand Hill?

A. I'm living there with my wife and my children.

Q. And how long have you been living there?

A. Last winter in about the month of January we went there.

Q. When you say last winter you mean January of '79 -- this year?

A. Yes, in the year of 1979.

Q. Mr. Avaala, where were you born?

A. I was born about the area where I am living now -- around about there.

Q. And have you ever lived in the settlement of Baker Lake?

A. When we were told that we had to go to school I came to Baker Lake. I started coming here for school.

Q. What year was that?

A. That was in 1958.

Q. You were told -- who told you

Avaala, in ch.
(Estrin)

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you had to come here for school?

A. When my father came to Baker Lake for a while, he came back to where we were living and he said that they told him from Baker Lake I had to go to school -- possibly by the teacher or both the teacher and the R.C.M.P.

Q. And you came into Baker Lake in 1958. Did your parents move to Baker Lake at the same time or did they stay where you were born?

A. They came here to bring me to Baker Lake, but after they brought me here they went back to the place where they were living.

Q. Did your parents move into the settlement of Baker Lake at some point later on?

A. In the year of 1968 they moved here to Baker Lake.

Q. And in that ten-year period between 1958 when you came to Baker Lake for school and 1968 when your parents moved into the settlement, did you go back to the area where your parents were living?

A. We went to school until the spring and at spring time we went back to the place where my parents were living.

THE COURT: Excuse me, Mr. Estrin. Did he say that his family moved in 1960?

MR. ESTRIN: '68. I would be happy to clear that up, My Lord.

Q. When did your parents move into the settlement? What year?

Avaala, in ch.
(Estrin)

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A. They moved here for the first time in 1968.

A. They moved here for the

THE COURT: Thank you.

MR. ESTRIN: Q. In addition to while you were living with your parents in the area of Sand Hills Lake, did your family hunt or trap or fish?

A. What you have asked me is a good question. When they were up in Sand Hills Lake they fished and hunted. That's right.

Q. And was there an area in which it was usual for your family to hunt and fish? If there is such an area, can he show us on the map?

A. I can. In about that area. (Indicating) Moving up towards Back River. That is where our hunting grounds were.

MR. GRAHAM: I wonder if -- before my friend marks it on the map -- he could qualify whether this witness is also a plaintiff or not and, therefore, the purpose of this evidence.

MR. ESTRIN: His name appears on the pleadings.

MR. GRAHAM: I couldn't find it. I was looking in the pleadings.

THE COURT: It is about the 11th one from the bottom.

MR. ESTRIN: I believe there is a mistyping. Instead of the "U" there should be a "V". Someone said this is a secretary's nightmare.

MR. ESTRIN: Q. Could you draw

Avaala, in ch
(Estrin)

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it in this map? You will have to press hard on this pen. Can you draw the area you and your family hunted in, the area you have just described?

A. (Indicating)

MR. ESTRIN: You have drawn two circles. If I may mark them, My Lord?

THE COURT: Yes.

MR. ESTRIN: Q. The first you have drawn is around the lake in the area you have previously indicated you are previously living.

A. That is where I am presently living and also when I was a child that is where we used to hunt.

Q. If I may then put the number 1. And the second area I will put your initials on as well and a figure 2. Are those the only areas which you and your family hunted in or were there others?

A. We hunted in other areas such as the Back River area, but we would have moved back to those areas.

Q. Is the Back River area in which you hunted on that map?

A. It is here on the map.

Q. Would you show us please which area you mean?

A. We often used those areas all the way up to there -- all of that.

Q. Would you please draw another line, then, showing us these other areas that you have

Avaala, in ch.
(Estrin)

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just mentioned? This third area you have just drawn on the map -- I will put your initials and the number 3. And this area you have just drawn includes a portion of the -- what is called on this map Garry Lake. Is that name, Garry Lake, a name that you use?

A. I often use that name, Garry Lake.

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Q. In the areas that you have drawn on the map -- the three areas -- would you tell us, please, whether you and your family hunted caribou in any of these areas or all of these areas?

A. In those areas I have marked -- in all of those areas I have hunted caribou.

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Q. And what about your parents?

A. Also my parents -- that is where they hunted caribou.

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Q. And after your family, your parents, moved into Baker Lake settlement in 1968, did they continue to hunt caribou?

A. Since '68 they did not move up there but in this winter, 1979, they have been moving back and forth to that area.

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Q. He said "they". Is he talking about his parents?

A. My father only and also my brother.

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Q. Since your parents moved to Baker Lake settlement in 1968, were there any other areas where they hunted?

Avaala, in ch.
(Estrin)

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A. In Baker Lake when they moved here, they only hunted around and close to Baker Lake.

Q. Did you hunt with your parents after they moved to Baker Lake?

A. I have always hunted with them.

Q. Can you show us where you hunted with your father or other members of your family around the Baker Lake settlement area?

A. Yes.

Q. Would you please do that by referring to the map?

A. We have hunted together around these areas which are marked around here. This area up here and up here. Around there.

Q. So you are referring to what has been marked on this map as WN4?

A. Yes, I have.

Q. And you also said WN17?

A. Yes, around there.

Q. And what other areas did you indicate? You are now pointing to an area marked WN10.

A. Yes, I am pointing to that area. And all of these areas which are marked.

Q. You are referring to WN14?

A. Yes.

Q. WN13?

Avaala, in ch.
(Estrin)

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A. Yes.

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Q. WN12?

A. Yes.

Q. WN11?

A. Yes.

Q. And are there any other areas?

A. Almost all of those areas.

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But all this area -- we also hunted here.

Q. You are referring to an area between WN16 and running southeasterly in the Tehek Lake area.

A. You are correct in that.

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Q. Any other areas?

A. That was with my parents.

But at the present time, myself, I hunt alone up here where I have marked.

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Q. I understand. We were talking about areas that you and your parents or other families lived and hunted when they were in Baker Lake. I wonder, before we leave the map, if you would mark the area in this area around Tehek Lake that you and your family hunted in.

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A. If you really want to find out, I will have to mark all of this area.

Q. Well, then, do that. I am going to put your initials on this last area -- YA4.

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A. Yes.

Q. Mr. Avaala, what is your father's name?

Avaala, in ch.
(Estrin)

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A. Silas Puturiraqtuq.

Q. When you hunted in the area of Baker Lake, you mentioned a brother you hunted with. What is his name?

A. Philip.

Q. Avaala?

A. Philip Puturiraqtuq.

MR. ESTRIN: My Lord, we have found Silas and found Philip.

Q. In the areas you have just discussed where you and your father hunted from the Baker Lake area, were you hunting caribou?

A. We hunted caribou.

Q. Did you and your father do any fishing or trapping?

A. He did fishing, yes, and trapping.

Q. I understand that after you entered school in Baker Lake, you went to Churchill for two years for school, is that correct?

A. That's correct.

Q. And after that you went to school in Rankin Inlet for one year?

A. That's correct.

Q. So that, as I understand it, you finished school in 1967?

A. That's correct.

Q. And what did you do after you finished school in 1967?

A. 1967 -- in 1967 I went back

Avaala, in ch.
(Estrin)

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to Baker Lake from Rankin Inlet, and when I came back here to Baker, I started working at the Hudson's Bay.

Q. How long did you work at the Hudson's Bay?

A. I stopped working in 1969.

Q. Is there any reason why you stopped working in 1969?

A. The reason I stopped working was because I wanted to go out hunting and go out on the land.

Q. And did you do that?

A. When I stopped working that is what I did.

Q. And did you go out to the land hunting and trapping full-time at that point?

A. When I stopped working, I went hunting and trapping and I went with my parents out on the land with my children and my wife out in the summer -- out on the land. In the winter I would leave my wife here in the settlement and go out on the land.

Q. And in what areas were you hunting at that time? Are those areas on the map already now?

A. Where I have marked. Where you have put the number 2 down, that is where we would go out on the land.

Q. And while you were working for two years in Hudson's Bay Company, did you hunt or trap?

Avaala, in ch.
(Estrin)

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A. When I was working I would also trap and I would also try to do some trapping.

Q. And what about fishing?

A. I would also do some fishing.

Q. How often would you try to hunt and trap or fish during this period of time you were working with the Hudson's Bay Company?

A. I would have to work five days a week, but during the weekend I would go out hunting and come back when it is time to go to work again.

Q. Did you do this one weekend a year, one weekend a month or how often?

A. I can tell you I went out hunting as much as possible -- as I can go out hunting.

Q. After you quit the Hudson's Bay and were living on the land full-time, what kind of shelter did you have? What did you live in in the summer and in the winter?

A. In the summer we would use a tent; in the winter, when there was snow, we would use igloos.

Q. How did you travel in this time that you were on the land after you left the Hudson's Bay Company?

A. When I stopped working at the Hudson's Bay, my father would also have dog teams, so we would use dog teams.

Q. And in the summer time were you on the land all the time or did you come back into

Avaala, in ch.
(Estrin)

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Baker Lake for supplies?

A. In the summer we would always live on the land. It is quite far from Baker Lake, so we would live on the land all the time.

Q. For how many years did you live on the land as you have just described, starting in 1969 with your father?

A. Ever since 1969 until about 1974 we would live on the land and after 1974 we would move back to Baker Lake.

Q. During that period of 1969 to 1974, would you tell me, please, whether it was good or bad hunting caribou?

A. Ever since 1969 to 1979 hunting caribou was good.

Q. Did he say 1974 or 1979? My question was from 1969 to 1974. Did he mean 1979 or 1974?

THE COURT: You asked 1974 and the interpreter asked 1979, as a matter of fact.

THE INTERPRETER: To clarify that statement he said to the year 1974.

MR. ESTRIN: Q. In what area are we talking about in this period between 1969 and 1974 when you say the hunting for caribou was good? What area or areas? Can he just point them out on the map?

A. 1969 to 1974 -- from 1969 to 1974 the area I have marked 2 was good for caribou.

Avaala, in ch.
(Estrin)

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Q. And what about trapping and fishing in that time, 1969 to 1974?

A. In that area I have marked 2, the fishing and the trapping was good.

5 Q. In that time period of 1969 to 1974 did you notice any mining activity in that area?

A. I had not noticed any from 1969 to 1974 when we were out in that area.

10 Q. What about airplanes or helicopters? Did you see any or many or few?

A. From the year 1969 to 1974 once every so often -- not close to each other -- I would notice a plane, but that would be in wide intervals between.

15 Q. When you were living on the land during this period, is there a time of the year -- certain months -- when you would do most of your hunting for caribou?

A. In the summer, around August, near the end of August, we would try to make caches and prepare caribou for food.

Q. And would you do most of the shooting of the caribou there in certain months?

25 A. Starting around September to October to April we would hunt caribou in the winter.

30 Q. And what about in May, in the calving season -- did you hunt in the calving season for caribou?

Avaala, in ch.
(Estrin)

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A. Starting from May, because I have parents who advised me since caribou are having their fawns, I would not hunt caribou because following my parents' advice that the meat was not that good and that would be around July.

Q. In 1974 you came back to Baker Lake?

A. That is right.

Q. And for what reason did you come back to Baker Lake in 1974?

A. As I said before, in the winter I would bring my wife back to Baker Lake. In 1974 when I brought her back to Baker Lake, somebody told me there was a job, so I started working.

Q. Where were you working?

A. The Economic Development Officer -- that is who I started working for. I am trying to remember the name.

Q. I think the name is Municipal Services contractor, is that who you started working for?

A. That is who I started working for.

Q. You worked in the Hamlet and what did you do?

A. I was a truck driver.

Q. And I understand that after the Hamlet became incorporated, the Hamlet took over the services and you worked for the Hamlet doing the same thing?

Avaala, in ch.
(Estrin)

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A. That's correct.

Q. And how was the pay?

A. I was paid well. Good.

Q. Did you like that job?

A. When I was working on it, I was happy about it.

Q. And you stopped working, I understand, in November of 1978?

A. That's correct.

Q. Why?

A. As I have said earlier, I told you that when I was working for the Hudson's Bay I wanted to go out hunting on the land and live on the land. That is the same reason why I stopped work.

Q. While you were working in the Hamlet between 1974 and 1978, did you hunt?

A. Yes, I went out hunting.

I am sure the secretary manager is here who I used to go ask him if I could have time off so I could go out hunting.

Q. And how often did you go?

A. As much as possible. Whenever I could go out hunting on the weekend I would go out hunting and whenever I had the chance to ask the secretary manager if I can go out hunting, and if he said yes, I would go.

Q. But now you are hunting full-time?

A. Yes, I am out hunting

Avaala, in ch.
(Estrin)

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full-time now as much as I please.

Q. You have just told us you hunted as much as possible while you were working and you were making a good salary. Why did you decide to go out on the land?

A. Feeling and thinking in my mind how much I missed the land and since I was brought up and born in that area on the land, I really felt I had to go back because I belonged there.

Q. Do you like to eat caribou?

A. Very much so.

Q. What is it about the land that you like so much?

A. First of all, I was born and brought up there with hardly any people around me. It was in that situation I was brought up and I wanted to go back to the place where I was born so I could experience the fresh air and clean place. There were too many people in Baker Lake for me, having been brought up in a place where there were hardly any people. I felt there was hardly any more caribou around Baker Lake and there were some up there, so I went back.

Q. Is there another family living where you are now living?

A. What do you mean? Right now? Now at the area where we are living?

Q. Yes.

A. That is correct.

Q. Will you give me the names,

Avaala, in ch.
(Estrin)

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please?

A. The other family that is living with us is Bill Martee and his wife and their one child.

Q. How old are his children?

A. That child is a year and a little older.

Q. How old is Bill Martee?

A. Possibly around 31.

Q. And when did Bill Martee and his family move out to the area where you are living?

A. January, 1979. We moved there the same time with him in January, 1979.

MR. ESTRIN: My Lord, Mr. Martee is listed as one of the plaintiffs.

Q. And what did Mr. Martee do before moving out to Sand Hills where you are living now?

A. Bill Martee was working for the Hamlet as the assistant for the secretary manager.

--- SHORT RECESS

--- UPON RESUMING

MR. ESTRIN: Q. Mr. Avaala, over the last four and a half months that you have been living out on the land, how many caribou have you hunted?

A. Approximately 20 to 25.

Avaala, in ch.
(Estrin)

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Q. And what other animals have you killed in this period?

A. In that area where I am living now I have killed a muskox and wolves.

Q. How many wolves?

A. I have caught nine wolves.

Q. And what about fox? Have you trapped any fox?

A.

A. Around 30. A little over 30.

MR. GOLDEN: As Your Lordship may be aware, we intend to identify crossing sites.

Many of them are the subject of productions that the government has made and are agreed. Some, however, are not.

We are now hitting the difficulty of trying to determine, because my friends have asked us not to put a document before a witness that would indicate to him where it already is -- the only maps we have are prepared with the crossing sites mentioned on them. We may have to go to this map for the purpose of identifying crossing sites and we may have to seek our friends' agreement on those that have already been agreed to in order to avoid having the witness identify them and ask the witness to identify those that have not been agreed to.

It is sort of difficult, also, without a bit of negative leading. I shall now ask if my friends will agree that the crossing sites that have been produced to us can be entered on this map by some agreed-upon symbol such as a wiggly line or

Avaala, in ch.
(Estrin)

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something to indicate it and then ask the witnesses to identify crossing sites on this exhibit.

MR. GRAHAM: If we are not going a little bit backwards, why does my friend not have these witnesses put on the ones they are identifying and we can put the ones we are agreed to afterwards?

MR. GOLDEN: That is my dilemma. I do not intend to prove a bunch of crossing sites that we have already agreed on. That would be unnecessary.

MR. CHAMBERS: My Lord, I would think that it might be useful to have this witness swear where he thinks crossing sites are in order to determine or probe the credibility of this witness.

MR. GOLDEN: We are looking to prove crossing sites. If my friend wants to examine credibility, that is his problem. He can do it some other time. My concerns are different.

THE COURT: It sounds to me that you are getting no agreement out of people. You are going to have to mark this map -- as lengthy a time as it takes to do it.

MR. GOLDEN: We have a map that has been admitted. Perhaps we can move to another area in the witness' evidence, and I think, to complete in-chief before we reach that, what I would then perhaps propose we do is have this witness mark crossings he knows of on this map with the hope that

Avaala, in ch.
(Estrin)

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we will be able to avoid doing that with every other witness and we can confine ourselves to crossings not agreed upon.

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What has been admitted is crossings on a map which was part of the IDS study. Maybe we can make that map a second map for the purposes of crossing sites with those admitted and not try to prove those again and go on to other ones.

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THE COURT: That seems to be the opposite of what other people are suggesting. If this witness knows some crossing sites, you will have to identify them. Let's have him mark them.

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MR. GOLDEN: I want to make it very clear right now that I don't really care whether the mining companies admit them or do not. They have not admitted anything worth talking about. If my friend from the Department of Justice intends to rely on it, I just go on my right and I will take whatever consequences may flow from the mining companies.

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THE COURT: The mining companies presumably will be faced with the obligation of bringing in reliable witnesses that will deny or offset this witness' statement that the crossings are here or there. That may be a rather difficult chore for them.

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MR. GOLDEN: I am thinking of the ones already agreed to between the two initial parties to this litigation -- these are the people

Avaala., in ch
(Estrin)

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that study these questions.

THE COURT: Casting my mind back a year ago, it seems a peculiar consequence that the prime mining locations were at these crossings. I can see the difficulty they are faced with with this coincidence, at least. That is a real problem area.

MR. GOLDEN: If you look at the overlay, it looks as though it is decided that way. I think that is coincidence when we are not relying on it, really. Perhaps we will reserve on this question and ask the witness to identify crossing areas of which he is aware.

THE COURT: Certainly in the area in which he hunts regularly.

MR. GOLDEN: That map is going to be subject to a number of witnesses. I suppose that if we stick with the green -- that is this witness' colour at the moment.

MR. ESTRIN: Q. Mr. Avaala, perhaps a simple X on each spot -- in green -- and we will know what it is. I want to ask you about places where caribou cross water during migration. I want to ask you if you have seen caribou crossing water in their migration season.

A. What do you mean? The fawns? When they have their fawns?

Q. Are there times of the year that you know of, from your own experience, in which the caribou are going in numbers of caribou and moving

Avaala, in ch.
(Estrin)

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generally in one direction north and at other times
of the year moving in another direction?

A. In the area where I am
living I have seen once many caribou crossing.

Q. Could you show us where on
the map that was?

A. Yes.

Q. Would you please point that
out?

A. Right here where there is
a river -- across the river. They cross this area.

Q. Can you make a mark there?
Or I will make a mark there. If I do it right here,
is that right? I am going to put an X there and it
is the circle marked JA2. As a hunter who has lived
on the land and who has spent many years on the land
is there a way you can tell whether or not a certain
area is used by caribou for crossing water even if
you do not see them cross?

A. I don't quite get the
meaning.

Q. Are there any signs that
he uses to know where the caribou were that he might
expect the caribou to cross water?

A. Yes, I think so.

Q. Can he tell us what those
signs are?

A. What signs do you mean?

Q. I think that since it is
going to prove difficult to proceed on that, I will

Avaala, in ch.
(Estrin)

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ask him about something else. I would like to ask you, Mr. Avaala, in the area where you now are living, have you seen mining activity in that area?

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A. In that area where I am living now I know of two sites: one already occupied and one being prepared so people can occupy it.

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Q. Can you show us where those camps are on the map?

A. Yes, I can.

Q. Please do so.

A. (Indicating)

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Q. Can you point your finger?

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A. Right here. There is a house there.

Q. You are pointing to the southern end of the circle JA2, and are you pointing to the shore of this lake?

A. Right here at the tip here.

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Q. I am going to put a square. And you said there is a second one.

A. The one that they are preparing for right now -- the one they are preparing in this area and also within JA2 and it is near the shore of this body of water in here. It is on the shore.

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MR. ESTRIN: I will put another square there, My Lord. The one to the west of the circle JA2 is the second one Mr. Avaala has identified as being the one being prepared now.

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THE WITNESS: Yes, I believe it

Avaala, in ch.
(Estrin)

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is since they are bringing barrels up to that area right now.

MR. ESTRIN: Q. And how are the barrels being brought to the camp?

A. The barrels that are being brought to that area were brought by truck -- a truck called Nodwell.

Q. Which has tracks on it like a tractor?

A. Yes, that is true.

Q. And in the area near where these mining camps are, what can you tell us about whether these areas are used by the caribou at any particular time of year?

A. The one south of JA2 I know for myself is an old caribou site. It has been used by caribou before and that is where they have their house now.

Q. That is where they have the camp?

A. The camp is now.

Q. Have you hunted caribou in the area close to where the camp is?

A. When we lived on the land -- when we used to go out on the land in the years 1969 to 1974, we would go hunting caribou at those areas which I have pointed out.

Q. And how was the hunting at those locations?

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Avaala, in ch
(Estrin)

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A. During that time in which we were hunting there was always caribou.

Q. And when did you first notice the camp?

A. I noticed especially in the summer of 1978 that camp in the south of JA2. I noticed it that summer that there was a house put up in that area.

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Q. When did you notice the other camp now being established?

A. Yes, it is just being established.

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Q. And have you tried to hunt in the area of the camp that was built in 1978?

A. We have always hunted in that area marked WN13, up the river to that area. I noticed that in 1978 -- before that year -- before the summer of 1978 there was always caribou. After 1978 -- the summer, we found it difficult to look for caribou in that area. We have always hunted in that area before for caribou.

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Q. The caribou that you have killed in the last four months, in what areas did you find them?

A. The caribou which I have got in these four months were from Garry Lake area.

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Q. Is that within the area that is marked in green as JA3?

A. Yes.

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Q. And how far is that from

Avaala, in ch.
(Estrin)

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later months -- I would see helicopters. We would see helicopters up around that area where I told you where I was out hunting.

Q. When you say the later months, can you tell us what months?

A. Around the end of July and August.

Q. And are you referring to seeing these helicopters in the area you have marked JA1 or JA2?

MR. HEINTZMAN: My Lord, I think the witness is being led. I think he should be asked where he has seen them.

THE COURT: The witness certainly is being led and a certain amount of leading is essential if we are ever to finish this.

MR. HEINTZMAN: I agree, My Lord, but I think on those points --

MR. ESTRIN: My Lord, he already indicated it was in the vicinity where he lives. I was trying to pin it down. I gave him a choice.

THE COURT: Perhaps you may just ask him.

MR. ESTRIN: Q. Where were the helicopters you saw in July and August?

A. In the area marked WN13. That is where I saw helicopters.

Q. Can you tell us where in the area of WN13?

Avaala, in ch.
(Estrin)

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A. Around the shore -- around the beach.

MR. ESTRIN: I wonder if we can put an H there.

THE COURT: Why not?

MR. ESTRIN: The H appears just below the letter E in the word "Thelon" And the word "Thelon" printed on the map is pretty close to the top of the water body in question.

Q. Did you see one or several helicopters? Can you tell us how many you saw?

A. That was in 1970 when I was not working that I would go to that area and I would see one helicopter. It seems like it was one helicopter, but we didn't have enough time to observe if there were several others.

Q. Did you see this helicopter only once or did you see this helicopter on different hunting trips?

A. I vividly remember that helicopter in the summer of 1978 and I have seen other helicopters in other earlier years prior to 1978, but that helicopter I have seen -- I vividly remember it.

Q. The question that I would like him to answer is, did he see that helicopter -- did he see any helicopter in 1978 one time only or more than one time?

A. In 1978 I believe that I have seen it more than once. I have seen it far away, too.

Avaala , in ch.
(Estrin)

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Q. When a helicopter is far away, can you hear it?

A. I can hear the noise of the helicopter very much and even without seeing it I would hear the noise after it is preparing to take off down. I can hear the noise without seeing it.

Q. Can you tell me, are caribou bothered by noise? Do you have to be careful, as a hunter, about noise?

A. Knowing that the caribou are living in a silent world, they live out there without any noise. As a hunter, I really feel I know that they do not want any noise because they can really pick up noise because they live in a world where it is silent.

Q. Have you noticed what reaction the caribou have if noise comes near them?

A. The reaction of the caribou whenever there is noise -- it can run away anywhere it wants to.

Q. Are there any times of year when caribou are more sensitive to noise than others?

A. It is almost any time of the year, but it is especially in the month of August to October and even sometimes they don't even want to hear geese or anything -- any noise of that type.

Q. Are there any locations -- any places where the caribou are more sensitive to noise than other places?

A. On the land they don't want

Avaala, in ch.
(Estrin)

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to hear noise.

Q. Are they any different near water?

A. I don't know how to answer that.

Q. That's fine. Have you seen caribou bothered by noise?

A. In the year 1978, when I told you I saw that helicopter and it wasn't close, I have seen it during that time.

Q. And were there any caribou around?

A. There was a caribou quite close to us.

Q. And did the helicopter -- did the noise from the helicopter bother the caribou?

A. Of course the caribou don't want any kind of noise around them. When the noise of the helicopter came, the caribou started walking away.

Q. I understand that in 1977 you were President of the Hunters and Trappers Association.

A. That's correct.

Q. And did the Hunters and Trappers Association receive any complaint from the members or from other people about aircraft -- airplanes or helicopters interfering with hunting?

A. We have received complaints

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Avaala, in ch
(Estrin)

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about airplanes and the problems they were causing.

Q. And how often or how many do you remember in the year that you were President?

A. I can't really say how many but I have -- there was a large number of hunters who complained about that problem.

Q. And did you or other officers of the Hunters and Trappers Association speak to anyone about these complaints -- speak to government officials?

A. We have often spoken to the Game Warden about the problem. He would just tell us that he would look into the matter, but he would not tell us the results of what he has found.

Q. Who is the game officer that you are referring to?

A. Doug Stewart.

Q. At the present time -- living on the land -- I understand that you hunt with the skidoo.

A. That's right.

Q. And how do you like that as compared to when you used to hunt with the dog team?

A. There is a difference. The skidoo might be fast and efficient, but it often breaks down.

Q. And do you know of any people who are hunting today with a dog team?

A. At the present time I don't know of anyone who hunts by dog team.

Avaala, in ch.
(Estrin)

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Q. And do you plan in the future to continue hunting by skidoo?

A. At the present time I am thinking of going back to using dog teams.

Q. Why?

A. The prices of everything is going up, and I know for a fact that dog teams are more reliable and when it is stormy they can bring back a person home.

Q. I understand that. Tell me why you are in Baker Lake now.

A. At the beginning of the trapping season, when I came here, we heard that this court was coming to Baker Lake, so we waited for the court to come here.

Q. Were you on your way somewhere else?

A. Yes, I was going to move on to Whale Cove at that time.

Q. Why were you going to Whale Cove?

A. In Baker Lake there was no parts for my skidoo and I was going to take my wolf skins down to Whale Cove.

Q. For what reason?

A. The wolf skins. I know that in Baker Lake the prices were low and I heard that in Whale Cove prices were good, and I wanted to take them down to Whale Cove.

Avaala, in ch.
(Estrin)

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Q. And after you go to Whale Cove, where will you be going?

A. After I go to Whale Cove, I am going to go back to the place where I am living.

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Q. And you have told us already that you and your family live in the Sand Lake area and Bill Martee and his family. Do you know of other people going back to live out on the land?

A. I know of one who wants to go to Garry Lake, and at the present time he is not quite positive where he wants to go back up north.

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Q. Can you tell us about the kind of living that you are doing now as compared to when you were making a good living in Baker Lake? Are you able to make a good or worse living off the land?

A. Yes, I can tell you a little bit.

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Q. Would you, please?

A. Living up in that area, it is a lot better living than here in Baker Lake now because I was brought up in that kind of condition. It is my way of life, my culture, and I belong there.

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MR. ESTRIN: Thank you, Mr. Avaala. The lawyers who are acting for the mining companies and the government will ask you questions.

--- LUNCHEON ADJOURNMENT

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Avaala,

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--- UPON RESUMING AT 2.00 P.M.

MR. GOLDEN: Before the cross-examination begins, we were able to obtain a map which was produced on Discovery of the government defendant on the 28th of February, 1979. This is Exhibit 58 in the Examination for Discovery. The map is entitled Caribou Protection 1979.

This map incorporates the so-called A and B areas of which Your Lordship will hear more as the trial progresses. It is referred to in a study which took place last year over the past 12 months. It also identifies the river crossings that the government have been willing to indicate as part of the caribou protection program. Those are the crossings to which we are all agreed.

What I propose to do is file this map as an exhibit at this point and mount it in some way so that the crossings that are not already on this map may be identified by other witnesses.

I understand my friend, Mr. Chambers, has some concern about it, and I make this remark in the way of a beginning statement. I understand he has some objection to this.

MR. CHAMBERS: My Lord, the map which my learned friend, Mr. Golden, intends to introduce into evidence is a map which, as he says, has crossings marked which the government has agreed or has conceded in the Examination for Discovery constitute crossings.

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My learned friend wants to put this map, with the crossings marked, to his witnesses. In my respectful submission, one of the matters that is in dispute, of course, is the hunting areas where the particular witness has hunted. We also heard testimony that crossing areas are critical, and a lot of hunting takes place at the crossing area. If one were to show a witness the map and ask the witness where crossings are, the danger is that the witness might be induced to identify those crossings that have been marked and, therefore, thereby identify the hunting area.

I am not saying it would necessarily follow, but it might. For that reason, putting a map with the crossings marked to the witness would be leading the witness.

The witness could, as this witness has, be asked where crossings are and they would be identified, as this witness has done. If there is a certain amount of duplication as a result of new marks not on the map which my learned friend wishes to put in now, so be it. I fail to see how it would save anyone any time if the map with some crossings marked were shown to the witness with the idea or suggestion to mark in the additional ones which he might be aware of. The witness may have to examine in great detail the crossings that have been marked on the map.

For that reason, from the point of view of saving any time, in my respectful submission,

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none would be saved. The device about which I am afraid is that any marked crossing might be suggestive to witnesses as they are being asked where they hunt.

This is my objection to my learned friend showing this map to the witnesses. I would have no objection to the map going in, but that the map not be shown to witnesses or at least to witnesses of this nature.

Thank you, My Lord.

MR. GOLDEN: That is precisely the reason I wanted it in, so I could have one map.

Actually, my friend's objection, now that I have heard it, doesn't concern me quite as much as I thought it might. We are not trying to establish hunting areas by reference to this map. That was to continue to be done by map P-2. We want to show crossings and there are numerous crossings. The difficulty is that map is becoming extremely cluttered. It is a matter of being able to understand at the end of the trial.

What I propose to do is have the witness identify crossings of which he is aware on a separate map. If he points out a crossing already existing -- already agreed upon and shown on this map -- we will say, "No, not that one" and ask him to go to the next one. When he goes to the next one not shown on the map, we will mark it.

MR. GRAHAM: My objection would be the same as Mr. Chambers', My Lord. I can understand my friend's position that he wants to

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save time in wanting to put it in. I don't see why we can't put it in when the witnesses are through their evidence.

This has been a subject of evidence in Discovery, so it can come in sometime. I see no great problem so long as the questions with regard to that map are strictly limited to water crossings and not expanded beyond that to get either migration routes defined other than where they obviously cross the water or where the people hunt.

I think it might be useful to have it in for that purpose only.

MR. GOLDEN: Thank you, My Lord.

EXHIBIT NO. P-6: Map

MR. GOLDEN: I propose to use one colour to show crossings and the area of the crossing would be identified consistently with one colour and the witness' initials could be placed next to it.

I would like at this point, as Mr. Estrin will be continuing the examination, if he could ask Mr. Avaala to perhaps --

THE COURT: Perhaps he can transfer the ones he has to this one. Perhaps he can do that while Mr. Estrin is getting himself into a position to carry on.

MR. GOLDEN: Mr. Avaala, you have already shown us on the other map a crossing site which you were able to identify. I wonder if you could look at that map, Exhibit P-6. Now, using

Avaala

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this red pen, would you show us again where that crossing site is and mark it in red pen?

THE WITNESS: I can hardly see it.

MR. GOLDEN: Can you put your initials next to that, please?

THE COURT: Mr. Estrin, I take it you are going to continue this examination?

MR. ESTRIN: I have completed my examination, My Lord.

CROSS-EXAMINATION BY MR. GRAHAM:

Q. Mr. Avaala, you have told us that you came to Baker Lake with your family in 1958.

A. In the year of 1958 my parents brought me to Baker Lake, but they went back to the land.

Q. Do you know Mr. Peryouar -- Barnabus Peryouar?

A. Yes, I know him.

Q. Mr. Peryouar has told us that there was starving of people around the Garry Lake area in 1958. Did you know anything of that in the Sand Hills area where you live?

A. In 1958 I was not aware of the things that were going on. I was not too concerned. I kind of remember that there was starvation, but not that much remember it.

Avaala, cr.ex.
(Graham)

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Q. What do you remember? Was it because of the caribou herd?

A. Not being very many caribou being available that year.

MR. GOLDEN: The witness only said that --

THE COURT: He remembers a little. He can find out how much or how little it is.

THE WITNESS: From being told that there were hardly any caribou in any other place, I sort of remember just from being told.

MR. GRAHAM: Q. Were there other people, other families, living in the Sand Hills areawith you at that time?

A. I kind of remember living with my uncles, but there was no one else.

Q. Did your uncles come down to Baker Lake when you came down to Baker Lake in 1958?

A. No, they were still out on the land.

Q. Do you remember whether your uncles had a good year in the number of caribou they killed that year in 1958?

A. In 1958 we lived by eating fish. There was no caribou at that time.

Q. For all of 1958?

MR. ESTRIN: My Lord, the evidence is that he was not there all of 1958. He

Avaala, cr.ex.
(Graham)

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came into Baker Lake for school. We should also keep in mind he was eight years old.

THE COURT: Eight or nine, yes.

MR. GRAHAM: Q. When you were living on the land in 1958, before you came to the school and up until the time you came to school, you say there was no caribou, that you had to fish?

A. I can only say that I hardly remember before I came to Baker Lake to school. All I remember is that there was no caribou.

Q. Is that one of the reasons that you came down to Baker Lake or your family came to Baker Lake?

MR. ESTRIN: His family didn't come to Baker Lake except to bring him to school.

THE COURT: Look, I have heard the evidence. We will get along a lot quicker without unnecessary interruptions.

MR. ESTRIN: I appreciate that we know it, except what Mr. Graham said should be literally translated.

MR. GRAHAM: It was not my intention to mislead the witness. My intent was to find out when his family brought him to Baker Lake if one of the reasons was that --

Q. Do you know whether one of the reasons your family brought you to Baker Lake to live, Mr. Avaala, was because there was no caribou?

A. That was not one of the reasons why my parents took me here for school. My

Avaala, cr.ex.
(Graham)

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parents were told that if their kids did not go to school here, myself -- I myself wanted to be with my parents there out on the land because I love them and I wanted to be with them very much, but they were told that if they did not bring me here to school, they would stop the allowance, the family allowance. No, the caribou was not one of the reasons why we moved -- why they took me here.

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Q. I wonder if I may just turn the map around. Mr. Avaala, I wonder if you would look at the map with me, sir, and tell me if you can indicate where the Thelon Game Reserve starts on that map.

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A. I don't understand what your question means.

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MR. GOLDEN: If I might be of assistance, I remember noting it marked on Exhibit P-6. Maybe we turned too soon.

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THE COURT: Ask the witness if he has ever heard of it.

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MR. GRAHAM: Q. Is there a place near Sand Hills where you are not allowed to go hunting, Mr. Avaala?

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A. It is not that close to Sand Hills -- to the area where I am living, but I have heard it is farther up there where I can't go hunting.

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Q. Is that to the west of where you were living?

A. That is where I can't go

Avaala, cr.ex.
(Graham)

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hunting -- to that side.

Q. You are pointing to the west side of Sand Hills?

A. Part of it is in the lower part.

Q. Do you know why you can't go hunting there?

A. Only from what I have heard. I have been told that it is where the animals reside and it is a sanctuary for animals and that is why we can't hunt.

Q. Is it the government that says you can't hunt there?

A. Perhaps we have only -- we were aware of it only after they put a rule there. I know for a fact that the Inuits themselves did not do it, though.

Q. Who put the rule there?

A. I really would like to answer you, but I really don't know the answer to that.

Q. When you were living with your parents, before you came to Baker Lake, did they hunt with the dog team in the winter?

A. When we were out on the land, they would only use the dog team.

Q. And until what year did your father continue using the dog team?

A. Up to the year of 1973 he

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would be using the dog team.

Q. What did he start to use in 1973?

A. He started using skidoos.

Q. Do you know how he got his skidoo? Did he buy it or how did he obtain it?

A. My sister was working, and she was working so she bought the skidoo.

Q. You have moved back to the land yourself since January of this year?

A. That's correct.

Q. And when you moved back to the land, did you make an application for the government assistance to go back to the land, Mr. Avaala?

A. That's correct.

Q. And what does the government give you when you go back to the land, as you have done?

A. What did you say?

Q. When you applied for the assistance from the government, what did they give you? Do they give you money?

A. When I wanted to go out on the land, the government gave me money.

Q. Will they continue to give you money every year?

A. Only for practical uses such as oil and gas.

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Q. And for ammunition, as well?

A. All the other items I miss I buy them because that is what they said.

Q. And where do you come for the oil and gas?

A. We come to Baker Lake to buy gas.

Q. And you are presently using your skidoo to get from Sand Hills to Baker Lake and back home again; are you?

A. That is correct.

Q. And are you using your skidoo for hunting?

A. That is correct.

Q. And the 20 or 25 caribou you have killed this year so far, you have killed when you were hunting with your skidoo.

A. That is correct.

Q. Could you tell His Lordship, the court, how close you can get to the caribou when you are hunting now in the winter?

A. There are different techniques to hunting to different Inuit people. One being get close slowly and then, at times, if you really want to get a good shot, it will have to be close and not too far away, and sometimes it has to be a little close and yet kind of far away.

Q. Are you able to get close with the skidoo or do you leave the skidoo and walk to get close?

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A. I often use the skidoo.
With the caribou you have to be careful, as I said
before, as a hunter, to try to figure out whether
he is going to stand up or not.

Q. But do you walk up to the
caribou?

A. Only when the caribou is
dead I walk up to them.

Q. I can understand that. What
type of rifle are you using, Mr. Avaala?

A. .243.

Q. Do you have a telescopic
sight?

A. It did not have it, but at
the moment I am trying to learn to use a scope.

Q. On the land where you are
living now, are you living in an ice house that you
built there?

A. No, we are not using ice.

Q. Snow house?

A. Right now we are temporarily
using a house, but we are not always there. Sometimes
we use a snow house.

Q. And how is the other house
you are sometimes in? What is it made from?

THE INTERPRETER: There are two
terms. A house is an igloo. A snow house is an igloo.
Which house do you mean: made out of wood or made out
of snow?

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MR. GRAHAM: Q. Is the other house made out of wood?

A. Yes, it is made out of wood.

Q. Did you take it out there from the town?

A. We took it by plane.

Q. What kind of a plane? Was it a government plane?

A. We chartered a plane from Churchill and that is how we took the house up to that area.

Q. How big is the house?

A. Twenty by twelve feet.

MR. GRAHAM: I am not going to try to calculate the size of the plane that would take to get it out there.

THE COURT: Perhaps it was not entirely assembled.

MR. GRAHAM: Q. Did you pay for the plane, Mr. Avaala, or was that paid for by the government?

A. As I said earlier on, we got some money from the government and we used that money for this purpose of bringing the house up there.

Q. Have you a radio in order to keep in contact with the community?

A. I have a radio.

Q. Is it a two-way radio? Can you speak on it yourself to talk to Baker Lake or to anyone else?

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A. Yes, I can speak that way.
Q. You told us of Mr. Martee who also moved out to the land with you, and I think one other person who is thinking of moving out.

Do you know of anyone else in Baker Lake who is living on the land like you at this time?

A. No, there is only me and Bill.

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Q. You shot a muskox this year?

A. That's correct.

Q. Did you ever shoot muskox when you were living in Baker Lake?

A. When I was living in Baker Lake, we did not hunt for muskox. That is why I never got a muskox.

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Q. Do you know whether you were allowed to hunt for muskox when you were living in Baker Lake?

A. Ever since that time -- this is the first time we have been allowed to hunt for muskox. It was open either in October or November.

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Q. That was the first time it has been allowed -- in October or November of this last year?

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A. That's correct.

Q. You marked on the map with an X a place where you saw a caribou crossing water.

A. That's correct.

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Q. What time of year was that?

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A. In 1972. In the summer of 1972 or '73 in the month of July they started crossing.

Q. Do you remember how many caribou you saw?

A. I would like to give you the right answer, but I can only say that the caribou were crossing in that crossing for caribou -- it went on for seven days.

Q. Could we take it that would be a great number?

A. To myself that is; many Inuit have a custom of never counting.

Q. Were you on a hunting trip at that time, Mr. Avaala?

A. At that time I would only get bull, but nothing else.

Q. Were you shooting bulls at that time?

A. That's correct.

Q. Did you stay there all of the seven days the caribou were crossing?

A. We were there at that time because that was the area in which we were living.

Q. How close did the caribou cross to where you were living?

A. Perhaps a little over five miles.

Q. And when they were crossing, did you go over to where they were crossing?

A. When they were crossing, we

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did not go to the crossing because our parents had always told us that whenever there was a caribou crossing we should not disturb that place.

Q. Which side of the water were you on when you started to shoot the bulls you were shooting?

A. I would like to tell you perhaps I just shot wildly at the caribou and got lots. I just took about enough. That was perhaps two or maybe one.

Q. Was this on the first day you saw the caribou crossing that you shot the bulls?

A. On the first day we did not try to shoot caribou at all. Maybe perhaps on the third day we started trying to get caribou.

Q. And did you try to get the caribou on the side that the caribou were going from or the side they were going to on the water?

A. We did not disturb them when the caribou was crossing. After they crossed we tried to get them.

Q. You started to shoot them after they had crossed?

A. That's correct.

Q. And what about the caribou that were coming behind? Did they just keep coming?

A. There were lots of caribou. They kept coming. For a fact, they would have gone back, but they kept coming.

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Q. And what did the caribou do on the side of the water where you were shooting after you killed the bulls you had shot?

A. I will say this, that if there are lots of caribou, they are not afraid. But if there are fewer caribou, they would be afraid. But there were lots and they kept on crossing.

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Q. And the ones that had already crossed over, what did they do?

A. There were lots of caribou, as I have indicated, and they stopped for a little while, but they kept on going after the shooting.

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Q. Have you seen caribou crossing at that place in any other area, Mr. Avaala?

A. Since I have seen those caribou crossing there, I have not seen caribou crossing there since that time.

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Q. And did you see them crossing there in any other year before the time that you have just described to us?

A. No, I have not seen them.

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Q. You told us about seeing a helicopter at a spot where you marked with an H on the Thelon River between Aberdeen and Shultz Lake. Were you able to find out who that helicopter belonged to -- whether it belonged to the government or to the mining company?

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A. I have never been able to find out because we could not reach the helicopter.

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(Graham)

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We were crossing the river at that time and when I wanted to go to it -- to see what it was for and to find out what it was all about -- that helicopter took off.

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Q. Could you show me where you were crossing the river on the map?

A. We were hunting and we were going by canoe, and we were going this way.

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Q. The witness is indicating following the course of the Thelon River into the mouth of the Aberdeen Lake close to the place where the H is shown on the map.

What month was that?

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A. August. When the month of August -- in the month of August.

Q. What about in the month of July? Have you ever seen any aircraft around caribou in the month of July?

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A. When I was working here I would go out on weekends and I would not see helicopters, but I know they took off from Baker Lake from the airport here.

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Q. What about the caribou in the month of July, Mr. Avaala, when the mosquitoes are bad; are they bothered by mosquitoes at that time?

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A. In the month of July, when there are lots of mosquitoes, the caribou can run -- try to shake off the mosquitoes and that seems to be the month when the caribou is not that afraid.

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(Graham)

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Q. They are really not bothered by anything in that month except the mosquitoes, are they?

A. Can you rephrase that?

Q. In the month of July, it is really only the mosquitoes that -- nothing else bothers them because they are so worried about the mosquitoes, isn't that right?

A. I do not understand. I would prefer not to answer.

Q. In your experience, when the caribou are being bothered by the mosquitoes, what do they do?

A. When there are a lot of mosquitoes, the caribou would run anywhere.

Q. If you were near them, would they just keep coming towards you or would they be afraid of you?

A. A caribou has never kept on coming towards me.

Q. Have you never been near the caribou when you saw them running from mosquitoes?

A. When a caribou is running away from mosquitoes, they would get kind of close to me, that is only occasionally.

MR. GRAHAM: Thank you. No further questions.

Avaala

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CROSS-EXAMINATION BY MR. HEINTZMAN:

Q. Is there a name the people living in Garry Lake area had for themselves before they came to Baker Lake?

THE INTERPRETER: Excuse me. I don't know the people around here or the area. I would prefer another interpreter from this area. I do not know the different dialects or terms which they use for themselves.

MR. GOLDEN: My Lord, I am advised that Mr. Pudnak is at the Hamlet office. It will take a few minutes.

THE COURT: Do you have any other line of questioning?

Perhaps Mr. Chambers would like to go ahead. Mr. Chambers, would you like to conduct your examination of this witness?

MR. CHAMBERS: It is going to be brief this time. Whether I succeed on that remains to be seen, but I will try.

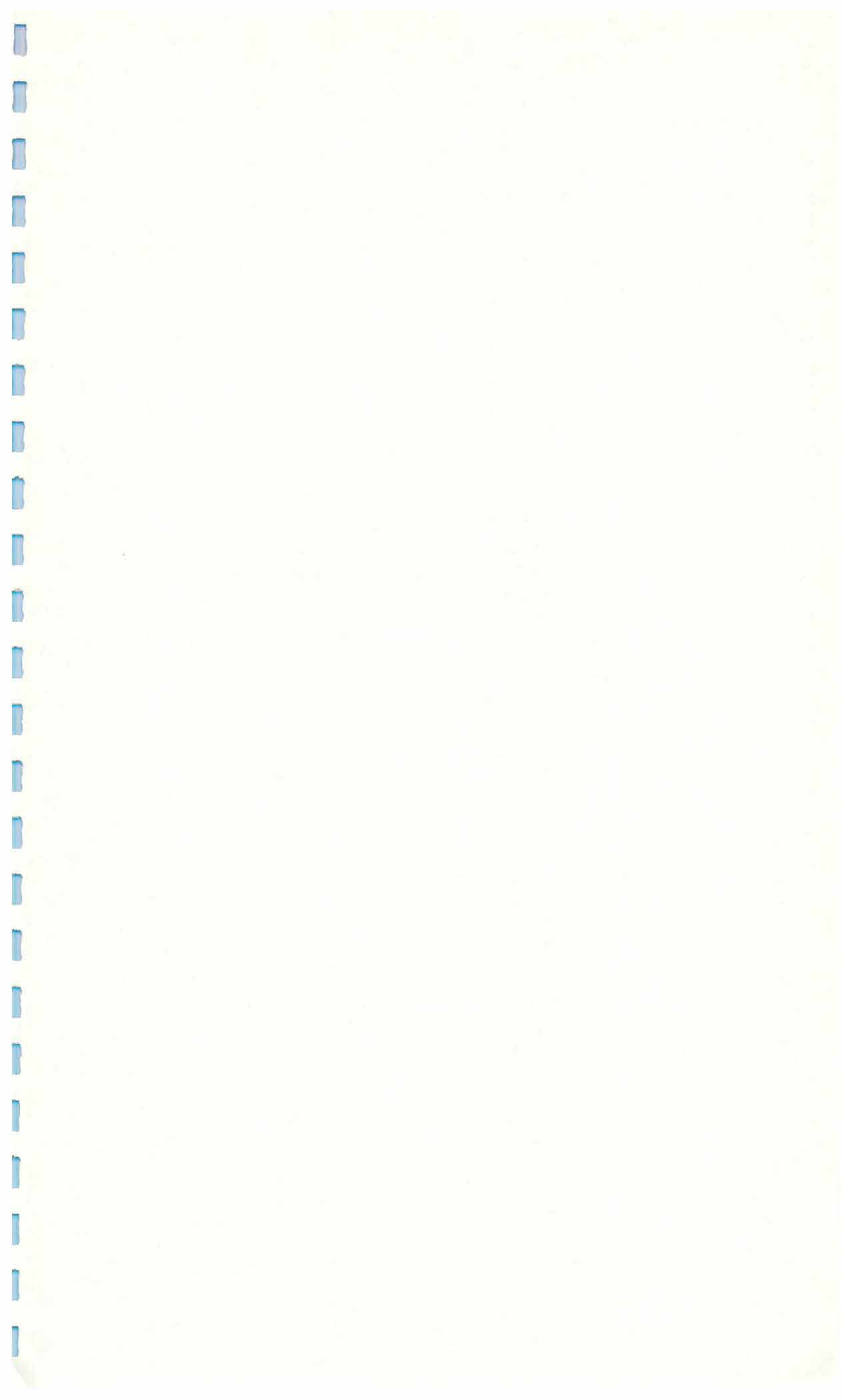
CROSS-EXAMINATION BY MR. CHAMBERS:

Q. Mr. Avaala, you mentioned -- if I understood you correctly, that you shot those 20 or 25 caribou this year in the Garry Lake area or about 70 miles from here, in the area of JA3.

A. That is correct.

Q. You also mentioned, sir, when you were living in Baker Lake last year, you made

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Avaala, cr.ex.
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frequent hunting trips.

A. Yes.

Q. Did you go into this area, JA2?

A. Part of that area -- a little to the south of that area.

Q. You indicate the south of area JA2, is that correct? Did you go to JA1, to the area in which you live now?

A. Yes, sir.

Q. Did you go also into this area here where you hunted the caribou this winter, JA3?

A. Last year I didn't go into that area at all.

Q. Last year you did not go into this area at all, is that what you said?

A. What year?

Q. 1978 in the area JA3. Is that what you said?

THE COURT: It is what he said.

THE INTERPRETER: He didn't go into that area at all.

MR. CHAMBERS: Q. When you hunted in area JA2 and JA1 last summer, were there lots of caribou in that area?

A. Last year there were no caribou at all.

Q. In area JA2 and JA1 --

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A. In those areas.

Q. And what month of the year were you there, sir?

A. I was there in the month of January to April.

Q. Were you there in the summer in July and August?

A. As I said this morning, I was working at Baker Lake in the summer and in November I stopped working.

Q. So I just want to make it clear, you were not in areas JA2 or JA1 in July or August of last year.

A. '78?

Q. '78.

A. I did not go to those areas.

Q. I see. Had you hunted in those two areas in other years in the months of July or August?

A. I did not used to go there. I was there when I was a child, but later on I did not go there for a while.

Q. So it is before 1968, is that correct?

A. 1968?

Q. I meant before 1978 did you go into those two areas before 1978 in the month of July and August?

Avaala, cr.ex.
(Chambers)

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A. Before 1978 I did not go to those areas.

Q. At all, or just in the months of July and August?

A. I did not go to those areas in the months of July or August.

Q. Did you go into those areas at other times during the year?

A. I did not go there either.

Q. Are there a lot of wolves in the Sand Hills Lake area?

A. At the present time there are no wolves.

Q. You mentioned that you shot these nine wolves. Can you tell me where you got them?

A. I got them from Garry Lake area.

Q. Are there a lot of wolves in the Garry Lake area?

A. I cannot say there are lots of wolves. I can only say there is enough.

Q. As a hunter, would you, in your experience, say in an area in which there is a large wolf population, that there are also lots of caribou?

A. I cannot really answer that.

Q. Did you find the hunting where you took the 20 to 25 caribou this year -- did

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(Chambers)

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you find the hunting difficult or easy?

A. When you are hunting, nothing is ever easy. So, I can't say that it is easy.

Q. Did you see lots of caribou when you shot the 20 to 25?

A. There were not too many.

Q. How big were the herds when you shot the ones in question?

A. How are you thinking? Are you thinking how many?

Q. Yes.

A. I can't really say how many. I could only tell you there is enough that I have seen.

Q. When you shot the ones in question, were they by themselves or were there several with them or were there 50 or 60 with them? Approximately how many?

A. They were not all together. They were sort of spread apart. If they had been all together, maybe perhaps 50 around there.

Q. Did you notice, while you were hunting this winter in the Back River area, any aircraft?

A. Garry Lake, you mean?

Q. I am sorry. Garry Lake. Not Back River area, but Garry Lake. You're right. Did you notice any aircraft?

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(Chambers)

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A. In Garry Lake area we did not see an airplane at all.

Q. No helicopter?

A. There was no helicopter. There are never any helicopters in the winter time.

Q. Do you know if there is a mining camp in the Garry Lake area?

A. I have not seen it for myself, but the person I am with now, Bill, has said that he has seen it. It is close to our trailer and there is a camp there.

Q. Has this camp in any way interfered with your hunting?

A. It is close to the area where we have hunted caribou -- where we have hunted caribou and right now there are no tracks of caribou in that area.

Q. Did you state what in particular that you may have observed interfere with the caribou around a mining camp?

A. I cannot say that.

Q. When you live on the land, is it usual that you and other Inuit live in small groups, say, no more than 20 or 30?

A. Around this area it is the custom to be like that. That is their way.

Q. Am I right that if you had more than that there would be too many hunters?

A. We do not think of them as many hunters, but it is that Inuit has always lived

Avaala, cr.ex.
(Chambers)

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apart from each other -- have lived by themselves.

Q. But am I right that one of the reasons for this is that if there were more living together in greater numbers, since all eat lots of caribou meat, they would kill too many caribou in one area?

MR. ESTRIN: My Lord, before the witness answers the question, I think he already has and, in any event, I am sure Mr. Chambers will make that argument at the conclusion of the case. But I think the witness has answered to the best of his ability.

THE COURT: I think you are asking the witness for a conclusion.

MR. CHAMBERS: True. I am asking him for an opinion. I am asking his opinion as a result of his experience.

THE COURT: He says they always have lived this way. If he thinks this is the reason for it, he can say so. But you are really asking him for that broad conclusion.

MR. CHAMBERS: Thank you.

CROSS-EXAMINATION BY MR. HEINTZMAN:

(Through Interpreter J. Pudnak)

Q. Mr. Avaala, do the people who come from the Garry Lake area have a name that is used to describe them?

A. People from Garry Lake area -- people who live in that area are called

Avaala, cr.ex.
(Heintzman)

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Hainingayormiut.

Q. Was your father from the same area?

A. That's correct.

Q. And your grandfather?

A. Yes, that's correct.

Q. And Mr. Chambers asked you about how many people would live in one camp, and I think you said maybe up to 30 people. How many camps would there be of Hainingayormiut in the Garry area before 1958?

MR. ESTRIN: As long as Mr. Heintzman remembers that the witness was eight or nine years old.

THE COURT: As long as the court remembers that. I think you should appreciate you can clear things up in re-examination, if you wish.

MR. HEINTZMAN: Q. Can you help us on that question?

A. I have mentioned previously that I don't have any knowledge of what may have been taking place or I can't recall anything beyond 1958.

Q. Did you hear your father or mother tell you how many different camps of the same people were living in that area?

A. I can recall very vaguely that being mentioned by my parents -- my father and my mother. In the earlier years beyond 1958 people

Avaala, cr.ex.
(Heintzman)

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used to be in groups. Sometimes brothers and sisters or one or two people in some areas. That is about all I can recall from what I have heard.

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Q. Did people in these camps live and make their own plans or did they take directions from somebody in another camp?

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A. Again, from what I have heard, people in camps would make their own arrangements. They would organize their own movements. If they were moving from one camp to another camp or they were moving into different areas, these people would make their own arrangements among themselves.

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Q. And if they met -- let me ask the question again. Were people from other areas welcome to come in and hunt in the same area?

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A. Yes, these people from other areas were made welcome.

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Q. Sir, you are wearing galoshes, shirt and pants, something like I am. Do you normally dress that way in the summer or do you wear caribou clothing?

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A. You see me as I dress now. I wear galoshes. I wear the clothes that I wear now. This is the way I dress in the summer, and that is naturally during the winter I wear caribou clothing.

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Q. Also, during the winter, do you wear parkas that can be bought at the Hudson's

Avaala, cr.ex.
(Heintzman)

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Bay Company and other clothing that can be bought at the Hudson's Bay Company during the winter?

A. Yes, I also wear those clothes in the winter.

Q. When you were living in Baker Lake for some periods of time, you were hunting as well as working, I believe. Were there many people living in Baker Lake who did nothing but hunting and trapping?

A. Yes, when I was working in the settlement of Baker Lake, there were many, many hunters that would do nothing but hunt.

Q. How many would you say?

A. There would be many hunters that were hunting on a full-time basis. Perhaps well over 50 people.

Q. Are there many people of the Hainingayormiut that live in Baker Lake?

A. There are people that used to be in that area in the settlement now, but very few people.

MR. HEINTZMAN: Thank you.

--- SHORT RECESS
--- UPON RESUMING

RE-EXAMINATION BY MR. ESTRIN:

Q. Mr. Avaala, you were asked by Mr. Chambers, the lawyer for the government, if you hunted in July or August in the areas JA1 and 2 and 3

Avaala, re-ex
(Estrin)

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in the time you were living in Baker Lake. I believe your reply was that you did not and arising out of that, can you tell us where you did hunt, if you did hunt, in July and August when you were living in the Baker Lake area.

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A. July and August of '78?

Q. And the period 1974 to 1978

when you were living in the Baker Lake area.

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A. I have previously mentioned

that I did not hunt during July and August in the area marked 1 and 2, but that does not mean that I did not go hunting anywhere. I did hunt during July and August in an area marked 13. Also in the Kazan

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River area during the time I was here during the month of July and August.

Q. Can you tell us where you hunted then in the two areas you just mentioned?

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A. Along the Thelon River travelling towards easterly through Shultz Lake and Aberdeen Lake and down through the shore and also down through the Kazan River area up to Kazan Falls -- in that area to the south end of the settlement.

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MR. CHAMBERS: I don't want to sound obstructive, but how does this arise from my cross-examination?

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THE COURT: As far as I can see, the only connection is July and August.

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MR. ESTRIN: I merely asked if the witness hunted in those two areas and not anywhere else.

Avaala, re.ex.
(Estrin)

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THE COURT: I am not going to let it go too far. I will tell you that. I am somewhat mystified at the moment. You did mention July and August. He said he didn't hunt there in July and August.

Mr. Estrin asked him where he did hunt in July and August. That is as far as we are now.

MR. ESTRIN: Q. I would like to ask you if these areas you mentioned along the Kazan are shown in these areas shown by Mr. Noah or if there are other areas you hunted in which are not shown.

A. I was referring to the same areas that have been marked by Mr. Noah on this map.

Q. And the same is true for your description of hunting along the Thelon and Shultz Lake?

A. Yes, again it is true in the same general area that has already been marked -- I have hunted in those areas as well.

Q. Mr. Avaala, is there any particular reason why you hunt in those areas in July and August?

A. My reason for hunting during July and August in those particular areas was mainly to hunt caribou as well as fishing.

Q. How do you travel in those areas in that time of year?

Avaala, re-ex
(Estrin)

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A. We travel by canoe during the summer.

MR. CHAMBERS: At this point I must respectfully renew my objection. This does not arise out of cross-examination.

MR. ESTRIN: I have no further questions on those points Mr. Chambers raised and I wanted to clear up.

I have one area left, and I will be very brief.

Q. You were asked by Mr. Heintzman whether the clothes you are wearing were bought, and what I would like to ask you is are any of the clothes you wear -- not necessarily today but during the year -- made by your wife or your mother or mother-in-law?

A. It is true that the caribou clothing that I wear before I was married, those caribou clothing were made by my mother. After I was married, my wife has been making the caribou clothing for me.

MR. ESTRIN: Thank you.

--- Continued on page 235

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--- HUGH UNGUNGAI, Sworn

EXAMINATION IN CHIEF BY MR. ESTRIN:

MR. ESTRIN: Mr. Ungungai,
you have told me that you will try and answer
some of my questions in English but that you
want to be able to answer in Inuktutuk when you
feel it would be easier for you. Is that correct?

THE WITNESS: That is correct.

BY MR. ESTRIN:

Q. What is your present
job?

A. I am Assistant Wildlife
Officer.

Q. And you work for the
Wildlife Service of the government of Northwest
Territories?

A. That's right.

Q. How long have you held
that position?

A. Since 1977 -- the spring
of 77.

Q. And you live in the
settlement of Baker Lake?

A. Yes.

Q. And you live here with
your wife and three children?

A. Yes.

Q. How old are the children?

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Ungungai, ex-in-CHF
(Estrin)

A. One is seven, one is ten
and one is eleven.

Q. Before you became an
Assistant Fish and Wildlife Officer, I understand
you were in the settlement as a Heavy Equipment
Operator?

A. Yes.

Q. What period was that
for? What years?

A. Four years.

Q. Would that be beginning
in about 1974?

A. That's right.

Q. And prior to 1974
can you tell us what you were doing? Were you
working in the settlement or what else were you
doing?

A. I think in 1971, 1972
and 1973 I was living off the land. I was a
trapper.

Q. And did you take your
family with you on the land?

A. No, I did not. I was
trapping alone with my father.

Q. You said in this
period of 1971 to 1973 you were hunting and
trapping with your father?

A. Yes.

Ungungai, ex-in-chf
(Estrin)

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Q. Can you show us the areas on the map behind you where you hunted and trapped in this period? Can you speak up?

A. We were hunting and trapping -- stayed at the cabin -- Andrews Lake -- and stayed at the cabin. Parker Lake, Bissett Lake up to Macquoni Lake and north from Andrew Lake and then I had a trap line from Baker Lake towards Aberdeen Lake.

Q. And I wonder if you could take this red pen and indicate the areas that you just described where you trapped in this period 1971?

A. Where I trap or the whole --

Q. Right now -- just where you trap and hunted in this period?

A. In 1971 to 1973, this whole area I hunted in here. Do you want it broken down?

Q. Can you break it down?

A. Those are the areas where I trap.

Q. You have drawn three circles on this Exhibit P2 in red, and if I may, I will put your initials on them. The one on the east we will put HU-1. The middle one we will put HU-2 and the one most westerly

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Ungungai, ex-in-chf
(Estrin)

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I will put HU-3. In this time period of 1971 to 1973, when you were hunting and trapping, can you tell us how it was? Were you making a living doing this? Were you able to feed your family? How good or bad was it living off the land in this period?

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A. Yes, in 1971, 1972 and 1973 -- those three years -- I was a trapper and I was very happy. I was running my own life making my own decisions and nobody was telling me what to do, so I got up whenever I wanted to and my family were happy because -- well, of course, the head man is happy then, of course, the family have to be happy, too, and moneywise it was pretty good. The only reason I stopped trapping was because my children were growing up and I had to stay away so long -- two to three weeks -- and when I came back I was a stranger to them and therefore I stopped trapping only because of that.

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Q. Were there seasons in the year that you did more trapping than other seasons -- like certain months of the year, or did you trap all year?

A. Yes, we usually trapped all year from November on.

Q. I'm sorry.

A. We used to start trapping

Ungungai, ex-in-chf
(Estrin)

around November 15th to April 15th. In December-January we still go out there a lot but not as much as February-March.

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Q. And what about during the spring and summer? Did you go out to trap at this time or did you do something else?

A. Well, in summer I used to do odd jobs here and there like doing heavy equipment for the settlement council. That is before they became a hamlet. They were called a settlement council.

Q. This is the period of 1971 to 1973?

A. Yes.

Q. And while you were doing these odd jobs for the settlement council, would you go out on the land at certain times or not?

A. Yes, I used to go out weekends or whenever I can get a day off to go out hunting.

Q. And what about fishing during these years -- did you fish at any time?

A. No. Well, in the springtime, if we don't have a dog team we don't have any reason to do any real fishing. I used to take my family out just to get away from town.

E-6

Ungungai, ex-in-CHF
(Estrin)

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Q. And where would you go fishing?

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A. Anywhere along the shore of Baker Lake. Nearby. Maybe down to Long Island.

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Q. Long Island?

A. Yes.

Q. That is in Baker Lake?

A. Yes.

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Q. And what about caribou hunting during this time -- 1971 to 1973? Can you tell us where you did your caribou hunting?

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A. Yes, we used to go hunting from Baker Lake down towards -- along the north of Baker Lake, anywhere. If we don't see any in there, we will go on across Bay Quartz River (?) but in 1971, 1972 and 1973 we didn't go that far. We can still get it right here -- the Thelon River -- anywhere along the shore of Baker Lake.

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Q. Can you indicate

with perhaps a different kind of marking -- perhaps a diagonal marking -- where you hunted?

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THE COURT: Perhaps a circle with a different number in it would do.

BY MR. ESTRIN:

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Q. Circle, as you did before, where you hunted caribou in 1971 to 1974?

Ungungai, ex-in-chf
(Estrin)

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A. That is in the summer,
eh?

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Q. We will start in the
summer, if you like. Where else have you hunted?
We want to know everywhere you hunted in those
years.

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A. I'm sorry. It is pretty
hard for me to say exactly where I hunt, you
know, because I went so many different places
that I couldn't really say.

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Q. Perhaps we can come back
to that question after I have covered a greater
time period. I understand that between 1974
and 1971 you worked as a patrolman for Fish and
Wildlife?

A. Yes.

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Q. And is that similar
or different than your present job?

A. It is very much similar

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to what I am doing now, but it is -- you can
call this an Assistant Wildlife Officer. It
is a little higher than patrolman in a way.
You are involved in some paperwork, but not
very much.

Q. I don't know if that

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makes it a higher position or not. Can you
describe for us what you did as a patrolman
in the period of 1964 to 1971? What kind of

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Ungungai, ex-in-charge
(Estrin)

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things did you do?

A. I was paid -- I couldn't quite say who paid me on behalf of game management and part of it was to do with some office work such as filing and looking after welfare people and so on. When I was a patrolman I was doing a lot of it -- getting equipment ready for trips and looking after equipment.

Q. And as a patrolman did you also do a lot of travelling?

A. Yes.

Q. And when you were working as a patrolman in the earlier part of this period from 1964 to 1971, did you come across people who were living on the land and who were not living in the settlement?

A. Between 1964?

Q. Yes.

A. Yes.

Q. Do you remember where?

A. Aberdeen Lake.

Q. Can you point that out?

A. One right here. The other camp right here.

Q. Would you mark those with an X -- let's put a C.

MR. GOLDEN: Mr. Ungungai has marked Exhibit P2 with two C's and red letters

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Ungungai, ex-in-CHF
(Estrin)

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both along the shoreline of Aberdeen Lake.

THE WITNESS: Yes.

BY MR. ESTRIN:

Q. And do you recall how many people were living in these camps at that time.

A. There was, I believe, three families. There was a man, the family and the father and there was another man living at the end of Aberdeen Lake.

Q. And can you tell us whether you learned whether they were hunting, trapping or what they were doing?

A. Yes.

Q. What were they doing?

A. They were trapping and hunting. They were living off the land.

Q. Do you know the names of these families?

A. Yes.

Q. Can you give them to us?

A. The one at the end of Aberdeen Lake was Thomas Oaqimut.

Q. And the other family?

A. Basil Tuluqtuq.

Q. When did you first come to the settlement or the area of Baker Lake to live?

Ungungai, ex-in-CHF
(Estrin)

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A. 1951.

Q. And was there any particular reason why you came to this area?

A. Well, I was a bit young myself and I don't quite remember what reason we came up here, but I believe it was just to come up in the summer to see our relatives in Baker Lake.

Q. Where were you coming from?

A. Corbet Inlet (?).

Q. Is that on the Hudsons Bay coast?

A. Yes.

Q. Did you go to school in Baker Lake?

A. Yes.

Q. Can you tell us what period of time you went to school here?

A. That is a good question. I can't remember because I was just learning and I --

Q. Did you start school as soon as you came to Baker Lake?

A. Yes, it wasn't a real school. It wasn't a government school. It was run by the Anglican Minister. It was sort of a basic English and syllabic sort of --

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Ungungai, ex-in-CHF
(Estrin)

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not like a school today.

Q. If it has anything to do with the way you speak English, it is certainly a very good school. Do you remember when you first began to hunt and trap in the area where you began to hunt and trap? How old were you? Do you remember the year?

A. I don't remember the year. I was quite young. We used to start really young, you know. From when we started moving we started practicing. As soon as we were old enough, to, you know, move around, play games and so on, we used to practice setting trap lines and so on, even without real traps. Whenever we were old enough we started trapping a mile or two miles from the settlement.

Q. When you first started to go out to do these things, who were you going out with? Was it your father or your family?

A. Yes, I used to go out with my father, but not too far, though. Down around Prince River area. It is the only time he would take me is when we would go between twelve miles from the settlement.

Q. And when do you remember you made your first trip on your own?

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E-12

Ungungai, ex-in-CHF
(Estrin)

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A. I remember it was in the early sixties. I used to have a team. It was not a real team like other dog sleds. I had three dogs and the others were my father's. I went down -- I used to have a trap line down on the Prince River.

Q. The Prince River?

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A. I used to go there in a day and back. It was Saturday.

Q. The Prince River is east of the settlement of Baker Lake?

A. Yes.

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Q. And then when did you get married?

A. I think 1966.

Q. And can you tell us, is there any year between 1966 and 1979 in which you have not hunted or trapped?

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A. No. I always hunted ever since I remember.

Q. I would like you to then show the court the areas -- all of the areas on the map behind you in which you have hunted caribou or anything else? Could you do that?

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A. What do you want me to do?

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Q. If there are areas

E-13

Ungungai, ex-in-chf
(Estrin)

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you can show by a circle, that perhaps would be the best way of doing it.

A. Do you want me to mark it?

Q. Yes. If it goes off the map, you tell us.

A. Just in winter or in summer, too?

Q. Both.

THE COURT: I suppose he would take anything along the way, but the bulges at the end is where he would spend his time.

THE INTERPRETER: He is wondering what you were saying.

THE COURT: No, carry on.

THE WITNESS: Do I have to mark right down to Rankin Inlet where we were hunting. We don't go to particularly one place. The only thing that stops us, now, you know, is the Thelon Sanctuary.

BY MR. ESTRIN:

Q. If you have hunted in this area, place a mark on it.

A. Down to Churchill. Okay. There is a mining camp here. That is where the little trees are. We went to the MacKenzie district.

Ungungai, ex-in-chf
(Estrin)

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Q. How far off the map would that be that you went in a southwesterly district?

A. That way.

Q. Yes.

A. About another thirty-five or forty miles. That is not all of it, you know.

Q. Perhaps you could clarify for us when you have drawn certain of the bulges at the ends, such as the one up to the north, northwest, what does that circle there mean as opposed to the single line?

A. Just to show, that you know, going home we take a different route to meet our trail and so on. You know, it is to cover the area.

Q. Mr. Ungungai, these are areas which you have hunted and I have asked you to indicate since 1966. Can you show the areas that you have hunted in the last year?

A. In the last year.

Q. Let us say 1978 and this part of 1979.

A. I took this one recently in 1979.

Q. I'm sorry.

A. I took this trip down

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Ungungai, ex-in-chn
(Estrin)

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to Dubawnt Lake in 1979.

Q. Yes.

A. And this one in 1979

to Garry Lake.

Q. To Garry Lake. You

are indicating two routes you have already marked on this exhibit. One goes to the extreme southwest edge of the map on Dubawnt Lake and the other one in a northwesterly direction up to the Garry Lake area, is that correct?

A. Yes.

Q. Those you both did

in 1979?

A. Right.

Q. Are there any others

in 1979?

A. Yes, down to

Thirty Mile Lake area in 1978 and 1979, and down to Tehery Lake, Quoich River area. Schultz Lake and Aberdeen Lake in 1978.

Q. Are there any others?

A. Down to Tehery --

I already said that. Of course I made a trip to Sand Hill Lake in 1979.

Q. When you would go

on one of these hunting trips that you have indicated on this map, are you going only in

E-16

Ungungai, ex-in-CHF
(Estrin)

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a straight line or do you go back and forth?
Or how many times would you use anyone of those
routes that you have indicated on the map?

A. It is hard to answer
that question because we never go one way
every trip. We usually go different directions
where the game is. Sometimes we have to turn
one way and then come back the same way. We
don't always go the same route all the time.

Q. Well, the areas that
you indicated in red, what should we understand
by them? Do they indicate only one trip in the
period 1966 to the present time, or have you
gone back to those areas each year or what can
you say about them?

A. Yes, a lot of these
areas I went many, many, many times such as
a trip down to Tehery Lake, Quoich River area.
I don't know how many times a year we make
it. And this trip down to Bissett Lake,
Parker Lake area, every year we do that. You
know, Tehek Lake, Schultz Lake, Aberdeen Lake,
Mallery -- all of these areas we hunt almost
every year because we don't always go back
there if there are no caribou.

Q. You told us your
present position is that of Assistant Wildlife
Officer. The hunting you have indicated on the

E-17

Ungungai, ex-in-CHF
(Estrin)

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map, is this done as part of your job or
do you do this otherwise in a private capacity?

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A. This trip to Whitehills,
Sand Hill camp, was done -- it was a government
trip. I was assisting John Owala in setting
up his camp in taking his gas and some fuel
oil and supplies for him which were left by
the plain. I guess they didn't have time, or
whatever, it was. This trip to Sand Hills Lake
and the one up to Garry Lake, again, it was a
government trip. It was with my own machine.
Of course the government didn't have a good
machine. It was done to see the old cabins
which were owned by the Fisheries, I guess,
before because there is a man interested to
set up an outpost camp in Garry Lake area.

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Q. Let's say in the last
two years, while you have been an Assistant
Fish and Wildlife Officer, do you hunt while
on these trips for the government?

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A. While I am on the
government trip I don't usually hunt even
if I like to.

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Q. Mr. Ungungai, you
have examined a list of all of the individual
Plaintiffs in this action -- the other people
who are involved in the law suit. Are you able
to tell us whether there are any people on this

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Ungungai, ex-in-CHF
(Estrin)

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list whom you have hunted with?

A. Yes.

Q. Could you please tell us who you have hunted with?

A. Do I name everybody?

Q. Tell us the truth. If you feel it is easier to say who you have hunted with, you can do that.

A. I can't really say by name. A lot of these are women. I don't go hunting with them. But all the men you have listed there I have hunted with before.

Q. Can you remember whether you have hunted with any men who are Plaintiffs in particular? I know that this is a very difficult question. If you can tell us -- if you have any memory about where some of those people have hunted with you, and what areas, I would like to know.

A. I never went alone, really. When I am out hunting I am always hunting with some other guy. In all these areas where I showed you, I hunted with those men listed on there. I can't -- there are so many that I can't really say exactly where we went.

Q. Is there anyone on the list of the Plaintiffs who you know does not

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Ungungai, ex-in-chf
(Estrin)

hunt or fish except for Scottie?

A. No, I can't say. Some of these women do a lot of fishing more than men but don't go hunting long distances. They do a lot of fishing around Baker Lake. A lot of them are older women who have hunted before. They are getting too old today.

Q. You have to be careful. They may not agree with you. When you first started to hunt in the Baker Lake area that you can remember you told us that you used to hunt around the north shore of Baker Lake for caribou, is that right?

A. Yes. Could you repeat that question?

Q. Can you tell me where you began to hunt caribou in the Baker Lake area? Where did you do your first hunting for caribou in the Baker Lake area?

A. Just by MOT.

Q. By MOT?

A. Yes.

Q. That is in the area of the present hamlet?

A. Yes, where the garbage is now. I used to pass many a day in that big area past that big hill there in that area.

Q. How many have you shot in

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Ungungai, ex-in-CHF
(Estrin)

that area?

A. I can't say the number.

Q. A few? A number?

A. Yes.

Q. Which?

A. I don't know. I can't really say.

Q. Do you recall when is the last time you saw caribou in that area?

A. Quite a long time ago.

I was quite young. It would be in the late fifties or early sixties, I guess. I can't really say. I was just a young boy then when the caribou used to come back there.

Q. Did you shoot caribou any other places close to the Baker Lake settlement area or other places around the town or near the town?

A. Yes, the graveyard, Blueberry Hill.

Q. Blueberry Hill is where the airport is?

A. Yes.

Q. The graveyard is just up the hill?

A. Yes.

Q. To the north?

A. Yes.

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Ungungai, ex-in-CHF
(Estrin)

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Q. From where we are?
A. Yes.
Q. When did you start going farther than those areas for caribou?

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A. I can't really say exactly the year.
Q. You have been hunting all these years and you were married in 1966. Can you tell us the average amount of caribou that you have hunted and killed in the years 1966 to the present time, or has that changed?

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A. Yes, it has changed. Since then - well, did you say after 66?

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Q. Maybe you can start about 66 and tell us about since then?
A. It hasn't changed very much -- the number of caribou I kill each year since 1966. But before that it was different.

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Q. How many caribou would you kill each year from 1966 to the present time?

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A. I would say anywhere from forty-five to fifty caribou.

Q. And before 1966 you said it was different?

A. Yes.

Q. Why was it different?

E-22

Ungunçai, ex-in-CHF
(Estrin)

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A. Because we were feeding ourselves as well as our dogs for dog sleds.

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Q. I'm sorry.

A. We were feeding our dogs as well as the people before 1966.

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Q. In the years before 1966 how many caribou would you kill?

A. I couldn't really say the number. I would say it would double what I did today. Before 1966 I wasn't very old. I was more or less depending on what my father hunted.

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Q. Can you help us with regard to whether the caribou hunting has changed over the years?

A. Yes.

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Q. Can you tell us what you have in mind, what you are thinking of, when you say it changed?

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A. Yes, to go to say 1950 or say about anything before 1966, every hunter had to kill more caribou for the people and the dogs; therefore, they were used to killing a lot more caribou. I was talking to my father. He said that hunters sometimes killed a hundred and fifty - two hundred. That is for the winter -- over the winter -- just to keep the people and the dogs.

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E-23

Ungungai, ex-in-CHF
(Estrin)V
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Q. Would the forty to fifty caribou that you have been killing each year, or whatever the number was you gave us -- in that area -- what do you do with that meat? Who does it feed?

A. I usually share it with my relatives.

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Q. How many families would that mean?

A. Five. To make it more clearer, like me and my relatives, we share things. I am not the only hunter for them. They often hunt, as well, so we share together.

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Q. This sharing, do you know whether this sharing is done amongst other families?

A. Yes.

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Q. Is that a common practice among the Inuit of Baker Lake?

A. Yes.

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Q. You have already marked on the map behind you a mining camp. You made a mark. I think we should identify that for the record. Can you show us again, Mr. Ungungai, that mining camp?

A. This one is over a hill at the little point.

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E-24

Ungungai, ex-in-chf
(Estrin)

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Q. You are pointing to a point on the east shore of the lake on this map. Do you want to make a mark there? Put an X. When did you first see that was there?

A. This is a shack there and a big tent -- I guess where they store their equipment. There are some empty drums there as well.

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Q. And when did you first come across that?

A. That was in April.

Q. Of this year?

A. Yes.

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Q. Of 1979?

A. Yes.

Q. And you told us that you saw some oil drums and a tent?

A. Yes.

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Q. Anything else there?

A. A shack.

Q. Any kind of equipment or machines?

A. No equipment. Just drums and tents, and a shack.

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Q. As part of your job as Assistant Wildlife Officer have you been involved in programs in this area in which there is an attempt made to count the number of

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E-25

Ungungai, ex-in-chf
(Estrin)

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caribou?

A. Yes.

Q. Can you tell us about any experience you personally have had with regard to the program in which caribou are counted and whether or not, in your view, this is an accurate program that is being undertaken?

A. To my knowledge I would say that I believe that it is not correct.

Q. What are you speaking of and why do you say that?

A. Because I myself and other people usually have tape recorders when we are doing a survey. We usually have quite a number of different numbers and numbers of calves and cows and so on.

Q. First of all, tell us, how do the biologists that you are working with -- where are they when they count the caribou?

A. I never actually worked with biologists. I worked with others.

Q. Where are the officers when counting the caribou?

A. We usually go inside the sanctuary -- take a trip there by helicopter. In this area we were doing a caribou survey on the Beverly Herd.

Q. You are saying a tape

E-26

Ungungai, ex-in-CHF
(Estrin)

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recorder is used?

A. Yes.

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Q. For what purpose?

A. When we are doing a survey we stand by the caribou herd and we go by and we try to pick out how many calves and how many cows and so on. We record everything we see.

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Q. Are you saying that

not all animals are counted?

A. That's right.

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Q. Which animals are not

counted?

A. I believe sometimes little calves are missed out and they are there actually but hidden by their mothers.

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Q. And have you said

anything about this?

A. Not to anybody else but to the man himself.

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Q. To the man in the plane, you mean?

A. Up there, yes. We usually have disagreements.

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Q. How difficult or how easy is it to see caribou from a helicopter?

A. Well, if you are quite low you can see caribou -- only if there are very

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Ungungai, ex-in-CHF
(Estrin)

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few. If there are many, you could never count them. They are moving all over the place. It is confusing.

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THE COURT: Is it your impression that this count is done in the helicopter? We had better clear that up. I thought he said he went over by helicopter and watched the herd go by.

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MR. GOLDEN: I believe the evidence introduced by some party is that these are aerial counting.

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MR. GRAHAM: I have the same impression, My Lord, that the count was being done from the helicopter.

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BY MR. ESTRIN:
Q. Have you been involved in programs -- maybe you can translate that -- have you been involved in caribou counting programs in which the counting has taken place on the ground or from the ground?

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A. Yes.
Q. Have you also been involved in programs where the counting has taken place from the helicopter?

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A. Not really. By plane.
Q. By plane?
A. Beaver.
Q. Beaver?
A. Yes.

Ungungai, ex-in-CHF
(Estrin)

Q. Are you saying that is when there is this problem of counting? Is the counting problem when the records are being made on the ground or from the plane, or both?

A. From the ground.

Q. Is there anything else you want to tell us about this problem?

A. No.

Q. If you feel you wish to switch to Inuktutuk, you can do that. I know it is getting later in the day and you have been standing. Do you know Mr. Bill Darby?

A. Yes.

Q. Was he in Baker Lake last summer?

A. Yes.

Q. What was he here for?

A. I believe he was doing caribou surveys. Well, he was surveying on the Beverly Herd as well as the Kaminuriak Herd. He was monitoring caribou in that area.

Q. Did you have occasion to give some information to Mr. Darby about caribou that had been seen in the Kazan Falls area?

A. Yes.

Q. Can you tell us about that?

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Ungungai, ex-in-CHF
(Estrin)

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A. Yes. Here is what happened. Once there is a man, a hunter came back from Kazan River area who had recorded a great herd of caribou just below the falls -- the Kazan Falls. Myself and another hunter went to see Bill Darby and told him there is a herd by Kazan Falls and the next morning myself and Joe Awana, we got on the helicopter with Bill Darby He didn't believe us because he was in the area and didn't see any caribou. The next day we took off down towards Kazan and we stopped by the crossings to see if the caribou had crossed down river and I mentioned -- I told him how the caribou used to move in around Kazan River area back in the early 1964s when I was working down there and I told him I had a tape back, you know, back in 1964 so he wanted that information from me and for some reason I never got the information to him until he got back to Yellowknife and he phoned me long distance.

Q. What about the herd that was in the Kazan Falls area?

A. Yes, they were there.

Q. When you went up with Mr. Darby in the helicopter were they there?

A. They were gone, but the tracks were there.

Ungunqai, ex-in-CHF
(Estrin)

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Q. Did Mr. Darby record that group of caribou?

A. I couldn't say.

Q. And can you tell by looking at the ground -- can you tell whether caribou have walked over an area?

A. Yes.

Q. And what kind of signs do you look for to tell you if caribou have been in an area?

A. Usually caribou trails are very easy to see even during the summer. Normally caribou trails you can find are areas where most of the fresh grass, if you want to call it, doesn't grow. There are marks where a caribou have walked along perhaps in single file in that major. It is very simple to tell even on the ground.

Q. And do you look for anything left by the caribou after they have been there to tell whether they were there?

A. It is very easy to tell if the caribou have been in a certain area. If the caribou have crossed, say, during the summer season, say during the early part of the summer, the fur on the caribou is changing and, therefore, coming off when changing and they are putting on a new coat of fur. If the

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Ungungai, ex-in-CHF
(Estrin)

caribou cross in a certain area there is always the old coat that has been left behind from the caribou skin itself. A mark can tell you a group of caribou or herd of caribou have been in that area. Otherwise, if you are looking for an area on land other than along the shore or along the river, you can tell the caribou have been in those areas, especially at sandy beaches you can see tracks or you can see caribou waste. You can always tell by that there have been a group or herd of caribou in those areas.

Q. Mr. Ungungai, we are going to turn this map around. And I would like to ask you to mark on this map, if you will, all of the crossing areas that you know of from your own experience. I am talking about crossing sites you have seen or know from your observations of the signs that caribou have used a crossing site. Could you do that for us?

A. Yes.

Q. I would like you to put a line across the river. Can you do that -- or one on either side of the river -- whichever is easiest. Mark it right on the map P6.

A. I am not going to mark the areas where I haven't been before.

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Ungungai, ex-in-CHF
(Estrin)

MR. ESTRIN: I don't want you to do that. I don't know, My Lord, the first crossing put on was marked with someone's initials. I am wondering if we do that with the rest if we will create confusion.

THE COURT: I think that is going to depend how many more witnesses you have who will be marking things like that on there.

MR. ESTRIN: There will be a few more.

THE COURT: I guess we had better identify them somehow. I mean if all we are marking on this map is crossings of caribou we can change colours as well.

MR. GOLDEN: We might just code the bottom of the map with one line and initials of the witnesses so we have a clear identification of which witness is which colour.

THE COURT: Well, this witness is red except for the one that the previous witness marked in red.

BY MR. ESTRIN:

Q. Mr. Ungungai, what information or understanding do you have about the regulatory or unusual manner, if it is one, in which caribou, when they are migrating, may come to certain areas at certain times of the

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Ungungai, ex-in-CHF
(Estrin)

year? Are Inuit able to tell about these things?

A. If you repeat it, I
can get it. I just want to make sure I hear.

Q. Are Inuit hunters
able to predict when the caribou are going to
come and where they are going to come usually?

A. Yes.

Q. Have you seen this
happen?

A. Yes.

Q. Can you tell us about
that?

A. I don't know really
if I could speak good enough in English.

Q. All right. We will
wait for the interpreter. Have you seen the
Kaminuriak Herd crossing at Kazan Falls?

A. Yes.

Q. Do you remember when
is the last year you saw the Kaminuriak Herd
crossing at or near Kazan Falls?

A. 1967.

Q. Have you been back to
the Kazan Falls area since 1967?

A. Yes.

Q. Every year?

A. Yes.

Q. Every summer?

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Ungungai, ex-in-chf
(Estrin)

A. Yes.

Q. And have you any
reason as to why the Kaminuriak Herd has not
crossed the Kazan Falls since 1967?

A. Yes, I almost believe
the mining company has something to do with it.

Q. Have you seen any signs
of mining company activity in the Kazan area?

A. Yes.

Q. Can you tell us what you
have seen? There is also a camp in Bissett Lake
area and just below the falls -- Kazan Falls.
I guess -- I'm not sure if it is the same company
or not. What do you call that company? Could
I ask?

THE COURT: I think the
name of the company can be ascertained in a
different way such as who has the permit and so
on, which will not doubt appear.

BY MR. ESTRIN:

Q. Well, do you want to
tell us what you saw at Kazan Falls in that
area Bissett Lake?

A. Yes, there is a
camp there. I don't remember exactly the year
or when they moved to Kazan River camp, but
we also believe that had something to do with
the caribou are not crossing there anymore.

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Ungungai, ex-in-CHF
(Estrin)

Q. Can you tell us what you have seen by way of objects -- things that are in the area of Kazan Falls that are not natural: things that have been put there by man, by mining companies? What kinds of things have you seen there?

A. Well, there is that camp. One time when we went there, in the freezer were fish, rotten and some leftovers. They were inside the freezer. The freezer was outside, unlocked. They left it. I can't remember the year. That was a few years ago.

Q. Were you ever there when there were men working at that camp?

A. No.

Q. You have to say yes or no.

A. No, I have never been there.

Q. Have you been in the area of Kazan Falls at any time when you have seen or herd aircraft or helicopters?

A. Yes.

Q. Can you tell us about that, say it in Inuktutuk?

A. It might be easier at this time of day. I have not actually seen men working in those camps, but I can recall

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Ungungai, ex-in-chf
(Estrin)

clearly during 1978, during the summer of 1978,
when these men that were working there were
closing up the camp there were a number of
aircraft flying there such as twin otters.
I can recall these twin otters were disturbing
any of those caribou in that area. Correction.
1977.

Q. And is there anything
else that you can tell us about that Kazan Falls
area in terms of mining company activities or
planes or helicopters in any year?

A. No, I can't. No,
not at this time. But I know other people have
heard or seen aircraft or people working in
that area.

Q. You were going to
tell us before when the interpreter was out
of the room about how Inuit could predict the
migration of the caribou. Can you tell us
about that?

A. I was going to say
that during the year of 1963 and 1964 I was
involved with a fish camp during those years.
I have heard people talk about you can tell
when a caribou is going to be coming in or
coming through. One such is that you can hear
a sound similar to thunder. People normally
are able to tell a herd of caribou coming in

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Ungunçai, ex-in-çhf
(Estrin)

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your direction by hearing the sounds. The sounds are pretty much similar to a thunder and these sounds will continue for two or three days before you can actually see the caribou herd coming in. In fact, I can tell you there is a man now living in the community who is able to tell you of this. I can recall very clearly that this man has told us that there is going to be a caribou herd coming in within two or three days. For a while we thought this was not true. In fact, we thought he was just joking. Unfortunately, inside of two or three days a caribou herd came into where we were. Because of the fact that we didn't believe this man was telling us the truth, that this caribou herd was coming in, of course, it was also during the summer and it was hot and we were not expecting any caribou coming our way so what we did is we were swimming and having a good time and were not expecting anything. It was during the summer season when it was warm. At that particular time -- like I thought like most of us that didn't believe that there was anything coming our way and we were not prepared for anything except for this one person who knew there was this caribou coming in and he was prepared. Most of us didn't believe anything of that nature. We didn't believe it was

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Ungungai, ex-in-CHF
(Estrin)V
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happening and we were not prepared to either go after the caribou when they were coming in or not. Some of us that were not prepared were not ready when the caribou herd arrived.

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Q. Was the number of caribou that did come a large number?

A. Yes, it was a very large number of caribou.

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Q. For how long did the caribou go by where you were?

A. I can't recall the exact limit of time they were passing through, but I can recall it was at least a good week when we were still able to get to this caribou herd.

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Q. Can you show us on the map where this occurred?

A. We were camped on this part -- on the south -- on the east side of the Kazan River, on the other side of the river towards the east side along the shore there.

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Q. And do you know where the caribou went after they passed by where you were camped?

A. Yes, they would travel along the river looking for a crossing along the river -- going up along the river.

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Q. Have you seen caribou in

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Ungungai, ex-in-CHF
(Estrin)

this area in the last few years from 1969 to the present time?

A. No. They don't no longer go the same route. They changed. They no longer travel the same way they used to along the lake shore. If they are coming in, they are coming in directly from inland.

Q. Can you tell us where the migration routes of the caribou were in the 1960s and if they have changed since that time?

A. I can tell you what I know. Perhaps there are other people that know better or have better experience on this. I will tell you what I know.

Q. In the early sixties the caribou would travel along the south side of the lake, along the lake shore and then they were moving along the river again. But I am not in a position to tell you what direction they would travel if they were travelling through the inland area.

MR. ESTRIN: The record can show, My Lord, that the interpreter was referring on the map and the witness, as well, to the south shore of Baker Lake and the river was the Kazan.

My Lord, I believe if we were to go a few more minutes that I could complete

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Ungungai, ex-in-chf
(Estrin)

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my examination. I would just like a few moments though, if I could. I am at Your Lordship's pleasure.

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THE COURT: I certainly

think that if you can finish your examination in chief in a few minutes that you might as well do it. We may be in the position of working overtime here in a day, anyway, so we might as well get used to it.

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BY MR. ESTRIN:

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Q. As a very experienced hunter, can you tell us if there is any special way to hunt caribou on a ski-doo?

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A. Yes, there is.

All hunters who hunt by ski-doo know that there is a best way to hunt caribou with the ski-doo. You don't just hunt any way you feel you want to. All hunters have a special way of hunting caribou with a ski-doo.

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Any hunter -- any person

hunting has to have a better knowledge than the caribou or the game. If you are hunting with the ski-doo any form of game, you may happen to be hunting, whether they can see you from a distance or not, will know that you are in the general area by the sound of the ski-doo. If you are going after caribou or happen to be going after any form of game with

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Ungungai, ex-in-chf
(Estrin)

the ski-doo, you never go after a caribou directly. If the caribou is going away from you, you don't directly go after it from the back. You either have to -- if you are going after it, you follow it along with the ski-doo. You don't travel at a fast speed.

People have also said that usually a caribou, if it has been running or travelling, if you eat it -- if you kill it -- the old people have indicated the fact that you can tell by the taste of the caribou meat if a caribou has been either chased by a wolf or by other means or if the caribou has been previously wounded.

Even in the earlier years when they had these Canadian Wildlife Service people that used to kill some of these animals, the taste of this caribou meat was not -- the meat didn't taste properly as it should because these caribou were being either chased by helicopters or being chased away with some form of a machine.

There are of course many things that a lot of other people could tell you.

Q. What about the season in which you and other Inuit hunt caribou? Is there a certain time of year that you do not

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Ungungai, ex-in-CHF
(Estrin)

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hunt caribou?

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A. Yes. If you want to put in this form of a regulation, or whatever, the Inuit people have ways of hunting caribou at certain times of the year. About this time of the year the female caribou are not hunted unless absolutely necessary -- if there was no other form of food you can eat. You do not kill the female caribou because they are expecting a calf within a short time.

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At about this time of the year the bull -- the meat is good on the caribou bulls -- so you go after them or kill them this

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time of the year. During the early part of the summer, just shortly after the female caribous have had their calves, their meat are not as good as they were during the winter seasons.

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It is because the female caribou are feeding their calves at the same time, and therefore, the meat is not all that good.

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But the meat on caribou bulls is good during that time of the year. Again, of course, in the winter season it is the other way around. The bulls are not that good. It is tough and not good. The female caribou are better during the winter seasons.

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Q. Is it possible to

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tell which is a female and which is a male caribou

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Ungungai, ex-in-chf
(Estrin)

from the distance from which you shoot the
caribou?

A. Yes, hunters --

real hunters are able to tell the difference
between a male caribou and a female caribou
from a distance. I can recall when I was
just learning to hunt caribou, one time I
argued with my father because he told me
to shoot a certain caribou and I didn't want
to because I thought it was a small calf.
Unfortunately, it was a good fat caribou
and, of course, I, too, learned along the line
how to tell the difference between a good
caribou and a bad one from a distance.

When a caribou is good
and fat you can always tell, even from a long
distance. They either look like they have
very short legs or look small to you from a
long distance. You can always tell the
difference. I would think that all of the
white people in this room -- none of you would
get a good fat caribou during the winter.
Naturally you would go after the ones that got
the big horns. This got nothing to do with
me being against anyone in this room, but it
is just an example.

THE COURT: You got an
awful lot of information in response to that

E-44

Ungungai, ex-in-
chf
(Estrin)

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question, Mr. Estrin.

MR. ESTRIN: Yes, My Lord.

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I'm afraid I am not going to be able to finish
my questions before we must go, as I understand
it.

THE COURT: We will recess

now until 9:30 tomorrow morning.

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--- COURT ADJOURNED TO THURSDAY, MAY 17, 1979

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