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T-1628-78

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  
D.T. Sgayias Indian Affairs and  
Northern Development

W.C. Graham, Q.C. for Essex Minerals  
R.W. Cosman Company Limited  
(as agent for C.T.  
Thomson)

W.C. Graham, Q.C. for Pan Ocean Oil  
R.W. Cosman Limited, Cominco  
Ltd., and Western  
Mines Ltd.

T.G. Heintzman for Urangesellschaft  
Canada Ltd. and  
Noranda Exploration  
Co. Ltd.

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---Upon resuming at 9:00 a.m., May 17th, 1979

THE COURT: Before you start, Mr. Estrin, I should say that we had a meeting and we decided to sit from seven to nine this evening in addition to the hours we have been keeping regularly during the week.

We will also sit from seven to nine tomorrow evening if that is necessary.

---HUGH UNGUNGAI, recalled

BY MR. ESTRIN:

Q. In continuing, Mr. Ungungai, I perhaps omitted to ask you to tell us about one of your other roles in this community. I understand that you are a Justice of the Peace?

A. Yes, I am also a Justice of the Peace in the community of Baker Lake but I cannot recall the appointment on that. Yes, I am also involved with that.

Q. How long have you been a Justice of the Peace?

A. Going on now for four - five years.

Q. Am I correct in my understanding you are the only Justice of the Peace for this settlement at the present time?

A. At the present time now



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I am the only Justice of the Peace. There was one other person -- the school principal -- but having to leave the community, he had to resign that position.

Q. You told us yesterday about back in the 1960s, and I think it was in 1965, you said, or 1964, that you told us about a large herd of caribou that you saw near the mouth of the Kazan River. Have I got that correctly?

A. Yes, as I mentioned yesterday this was during 1963 and 1964 when there was a lot of caribou herds in that area coming in travelling along the south side of the lake shore into towards the mouth of the Kazan River and going up along the river and they would cross just below the Kazan Falls. They would cross in those areas. There was a lot of caribou in those years during 1963 and 1964 during the time we had a fish camp there. Again in 1967, that was the last caribou herd I saw in the Kazan area-- this was during the year of 1967 --part of the caribou herd called the Kaminuriak Herd.

Q. Yesterday you mentioned that in 1978 a report was made to you, and you went out to investigate that with Mr. Darby, about a herd seen in the area of the Kazan Falls?

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A. That's correct. This was in 1978. A man just recently hunting from the Kazan area informed me there was a caribou herd in that area. I reported that to Bill Darby, doing the monitoring on the Kaminuriak Herd as well as the Beverly caribou herd, and we went out to see the herd that was reported to me. We went out to see this herd. This was in the summer of 1978.

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Q. And I think you told us yesterday that when you got there that there were no animals to be seen, is that right?

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A. Yes, that is correct. This was because of the fact this person I was out hunting with -- during that time of the year there was still ice on the lake and of course one, to travel, must travel up river with the canoe. It does take time to travel up and back to the community. By the time we got the report that there was caribou in that area -- we went out the next day with a helicopter taking along John Navaḷa, the then President of the Hunters and Trappers Association. By the time we got to where we were there was nothing there then. They moved on to another area.

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Q. Did you get out of the helicopter in that area and look around?

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A. Yes, we did get out of the

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helicopter to look around to see where the caribou had been, looking at the track recently made in the area where this caribou herd was.

Q. Did you form any conclusions as to whether or not this herd that had been reported was in this area recently in 1978?

MR. GRAHAM: Well, My Lord

THE COURT: This is precisely the evidence that you got yesterday, Mr. Estrin. I can appreciate your wanting to refresh the witness's mind if you want to continue from a line of questioning you did yesterday, but you have taken about twenty minutes to do that now. Is there something new?

MR. GRAHAM: I think a conclusion of the witness is appropriate if the appropriate ground work is laid, but I would not say that we have done that yet.

THE COURT: He said yesterday that he was on the ground and there were traces of caribou having been there.

MR. ESTRIN: Well, My Lord, I have just one more aspect that I wanted to continue with.

THE COURT: I just hope you realize it is consuming time that may be

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denied another witness as a result of asking  
this witness to repeat himself at length.

MR. ESTRIN: I do not  
intend to take it any further except I wish  
to continue it for one more small point.

BY MR. ESTRIN:

Q. Mr. Ungungai, did you  
report your conclusion that you told us about  
yesterday at that time? Did you report it  
to Mr. Darby -- as to the caribou being there  
recently?

A. Yes, I did make a  
report to Bill Darby saying that in fact there  
was a caribou herd in that area just recently.  
It was very evident. You could see the caribou  
tracks along the lake shore on the sand. One  
would know that there was caribou in that area  
very recently.

As I mentioned before,  
John Navala and myself have reported this to  
Bill Darby saying that there was caribou here  
in that area just recently. Unfortunately,  
he thought that perhaps those tracks were made  
a year ago or some time ago. Not recently.

Q. The herd that came  
to the Kazan in 1978, was it the first herd  
that has been there that you are aware of  
since 1967?

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A. No, there was a very small group of caribou that came through there during the month of August in 1976.

Q. Mr. Ungungai, I want to ask you about whether, in your experience, there have been changes in the migration routes or the location of wintering caribou herds in this area over the last ten years?

MR. CHAMBERS: If I may at this point raise an objection, the witness has not been asked how he would know whether there has been a change in migration routes or a change in calving grounds. It seems to me he is being asked a question without the groundwork having been laid.

THE COURT: As I recall the evidence, he travels north, east, south and west and usually in the course of his work as a game officer and I would think that he would be qualified, from that point of view, if he has noticed things in his travels to tell us about them.

MR. CHAMBERS: If this is the basis of what he is about to say, then I am content, My Lord.

THE COURT: Certainly Mr. Estrin predicated his question on his personal observations. Am I not correct, Mr.

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Estrin?

MR. ESTRIN: Yes, exactly,

My Lord.

THE WITNESS: As I mentioned yesterday, in the earlier years, when I was a young man, there was a lot of caribou close by the area here in Baker Lake. Once again, as I mentioned yesterday, I was able to get caribou right close to the MOT here, right up where the graveyard is now and again just down where the garbage dump is. That shows there was caribou very close by to the settlement in those years.

From my personal experience, there has been a great change from the caribou routes that have been changed and naturally so from even 1963 and 64 when a lot of the caribou herd were coming in and travelling along the south lake shore just on the other side of Baker Lake. Even that has changed now. These caribou do not travel the same direction -- the same area they used to travel. They are now either travelling farther inland or have moved away from these areas they used to travel.

Certainly I believe the cause of all that is the fact that there has been a lot of mining exploration and a lot of



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aircraft flying -- helicopters flying -- and I personally believe it is the disturbance being done by these enormous aircraft flying in that area.

THE COURT: I think, Mr. Graham, this is a pretty good time for you to get your objection on the record.

MR. GRAHAM: I think that while it is perfectly appropriate for these witnesses to be asked conclusions, to some extent, from what they have seen, since the commencement of the trial they have actually been asked questions leading them to give evidence or asked to give evidence as to the results in their opinion as to what has resulted from certain factors they have observed. While I think it may be appropriate in the particular circumstances in which we are hearing this evidence, I would like to draw your Lordship's attention to the fact that in our view, of course, it is the court's function and it will stay the court's function instead of the witness's.

THE COURT: I think, in fairness, that information was volunteered rather than evoked by his questions.

MR. GRAHAM: I just wanted to state that objection instead of our having to repeat that objection every time.

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THE COURT: Quite so.

BY MR. ESTRIN:

Q. Are you able to, with reference to this map, point out where the herd used to come in the late sixties and where they may be going now -- the ones you know about?

A. In the early 1960s, I am unable to give you any information as to which direction they would take when they are travelling inland, once again. But I can recall that we used to -- I was in charge of a fish camp at the mouth of the Kazan River and I know, from experience, that these animals, the caribou, used to travel along the shore of the lake -- the south side of the lake along the lake shore. They came into these fish camps on the other side of the mouth of the Kazan River and they travelled up along the river again, and again I can't tell you which direction they went through because there was no reason for us to travel any farther up the river to get caribou because they were travelling on the lake shore at that time.

I know from experience they used to travel along the lake shore and they travelled up the river again.

During the year 1967, I can recall seeing a caribou herd crossing the

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Kazan River on a crossing in this particular area and going across the river through these islands. I can remember we got some caribou on the island there. This was during the summer of 1967.

Q. Are you able to tell us, from your personal experience, where you go or where you look for finding the herd this year or last year around Baker Lake?

A. Yes, this is the type of thing we do on a yearly basis. Every year we travel looking for caribou herds and naturally you have to travel up the river now to see if there is any caribou. Even during the early summer, since there is still some ice on the lake, you travel along the lake shore. You occasionally travel over the ice to get up to the Kazan River to look for caribou herds every year.

In that general area, as I mentioned earlier -- this is what happened last year there -- there was a report that this caribou herd I mentioned earlier was seen in that Kazan River area -- last year during about the same time. This was during the month of June.

Q. And are there any caribou routes that you are aware of that the caribou have

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on the north side of Baker Lake?

A. I do not have any knowledge as to the caribou herds up on the north side of Baker Lake. As I mentioned, there used to be caribou close by, but I have no knowledge as to where they travelled from or which direction they were travelling. But I would prefer to leave that information with an older person who is better experienced in that field.

Q. Is the farther distances that you and other people go now to find the caribou a difficult experience -- more difficult than hunting in the past -- or is it one that is just accepted?

THE INTERPRETER: May I just say something. For some reason I am not in a position to concentrate on everything this morning. I am afraid I am not going to be a very good interpreter this morning. I have noticed already that there are some things I forgot to mention either in English or Inuktutuk. I would rather not carry on any further, if that is the condition I am going to be in.

---CONTINUING WITH INTERPRETER JOHN PATTERK, SWORN:

MR. HEINTZMAN: I wonder if the witness would state his answers in short parts so they can be interpreted in little groups. I

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think it might be easier on the interpreter.

THE COURT: The interpreter may ask him to do that, if that is what you want Mr. Patterk. If you would rather have the witness break his answers into short pieces so you can give them, you tell him to do that.

MR. GOLDEN: Perhaps the normal style of interpretation would be to have the interpreter use the style he would wish rather than have the witness shorten his answers.

I think perhaps my friend's observation was well intended but --

BY MR. ESTRIN:

Q. What I was asking you and you told us is that you and other people from Baker Lake are going farther than before, in earlier years, to find the caribou. Is this a difficult experience for yourself and other people?

A. They have changed from the earlier years. We have gone farther to hunt caribou. Each summer we have to go up to Thelon River and around the Half-Way Hills area and, in fact, we have to go up to Aberdeen Lake to hunt caribou and also down to Cross Bay, which is right near the sea. In fact, last year I had to go as far as Kazan Falls area around Thirty Mile Lake to hunt caribou.



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THE COURT: I do not think you got an answer to your question yet.

Could you explain to the witness that although he has to go farther, the question is, is it easier or harder to go farther?

THE WITNESS: The people in Baker Lake know that it is harder to go farther because we have to depend on the gas and snowmobile parts so, naturally it is harder to go farther.

BY MR. ESTRIN:

Q. Mr. Patterk, does the game office in which you work keep records of the caribou killed in the Baker Lake area?

A. (Interpreter) That's me!

Q. I'm sorry. Mr. Ungungai.

A. The game office keeps a record of how many caribou are killed in this area. Every three months there are young people going to each house and inquiring how many caribou are killed -- whether it comes from the Kaminuriak Herd or whether from the Beverly Herd, whether a male or female caribou, and so every three months these are recorded by visiting each house.

Q. Are the figures kept --



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as I understand, they are kept on a basis from July 1st on one year to June 30th in the next year, is that correct?

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A. Yes, that is correct.

Q. And can you tell us what the number of caribou was that were killed by Baker Lake residents in the period July 1st, 1977 to June 30th, 1978?

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A. Approximately sixteen hundred were killed.

Q. Can you give us the figure for the previous year, that is from July 1st, 1976 to June 30th, 1977?

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A. I'm not quite sure, but I think it is around the neighbourhood of sixteen hundred or a little more than sixteen hundred for that year.

Q. Do you know whether it was less in this past year than in the previous year?

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A. No, I can't answer that.

Q. I just have one more question. It has been said that if there are less caribou in the Baker Lake area than there used to be, that this is because the Inuit are hunting too many caribou. Do you have any reaction to that, from your personal experience on the land and being Assistant Fish and Wildlife

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Officer?

A. I can answer you from personal experience that the animals have changed and decreased in numbers. And from our history, people will tell you that there has been some changes and it does not affect -- well, I mean I have been Game Officer and that didn't --

THE COURT: Would you like the reporter to read the question back to you? I am not sure where you are lost here?

MR. GOLDEN: I am not sure how to cure the problem. I am sure there is one.

THE COURT: Have you lost part of his answer or lost part of the question or has he lost part of the question?

THE INTERPRETER: I got lost in the Game Officer area.

THE COURT: You mean the territory that he covers as a Game Officer?

THE INTERPRETER: Well, something to do with the Game Officer. He said he was also a Game Officer but didn't make any changes.

THE COURT: I wonder, Mr. Ungungai, we know you do speak English fairly well. Would you like to try to answer that in English?

THE WITNESS: Yes, I could

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try, but it wouldn't be very good.

THE COURT: It would be better than what we got now.

THE WITNESS: What I am trying to say is that in the past, ever since I remember, I have been dealing with hunting and trapping and so on, so I am a Game Officer. I work with game management. That really didn't give me any experience to learn more about hunting and trapping because it was my life right from the start.

Now I am confused too. Knowledge being a Game Officer didn't educate me in any traditional hunting.

MR. ESTRIN: I think we have got so far a sort of reaction to the first part of my question. The first part of the question was just an introduction to it.

If I may try the question again, perhaps we may conclude this.

BY MR. ESTRIN:

Q. My question really was what is your reaction to what has been said by other people that if the caribou are not here or around Baker Lake it is because the Inuit are over-hunting and the Inuit's fault that has caused this?

A. Contrary to that statement, I don't think we Inuit are over-hunting caribou

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because we don't have to feed the dogs like today that we used to, so I don't know how the people came to that position.

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MR. ESTRIN: Thank you, Mr. Ungungai. Those are all my questions.

---CROSS-EXAMINATION BY MR. COSMAN

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Q. Mr. Ungungai, you are now the Assistant Wildlife Officer for Baker Lake, is that correct?

A. Yes, correct.

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Q. For seven years, from 1964 to 1971, you were a patrolman for Canadian Wildlife?

A. I was employed by the game management and half of the time was spent at the office and the other half in the field.

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Q. And what were your responsibilities when you were in the field?

A. I already mentioned that yesterday.

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Q. I don't recall your answer yesterday as to what your responsibilities were while you were in the field. Can you tell us what they were?

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A. I was the guide for wildlife officers when they were first introduced

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to this area, just to get them acquainted with the job in the area.

Q. Was it part of your job to ensure that hunters complied with the regulations that protected wildlife?

A. At that time I was the interpreter for the wildlife officers when they had held their meetings and when they were discussing the regulations to the people.

Q. Was it the job of the wildlife officer to enforce and monitor those regulations, do you know?

A. The wildlife officer's duty was to make sure that these regulations were enforced, but I didn't have anything to do with it.

Q. You explained what those regulations were to the hunters, did you?

A. During the Hunters and Trappers Association meetings some of these regulations were explained to the people.

Q. And was one of those regulations that all hunters need a hunting licence to hunt caribou and other animals?

A. This has been the case ever since then.

Q. I'm sorry?

A. That they needed the

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licence.

Q. Is it the requirement of the licence that at the end of each year the hunter reports the number of caribou that he kills?

A. That is written in the licence, but it was not actually enforced.

Q. Did some hunters do it, and other hunters did not?

A. Yes, just some report the kill and some just ignore it. But, like I have said before, there are young people visiting each house and doing the surveys of how many were killed.

Q. Was it considered a problem in the game management office to determine the number of caribou that were killed?

A. Yes, it was a problem.

Q. Was one other regulation that you dealt with a regulation having to do with a restriction on the hunting of musk ox?

A. Yes, we are aware of the regulations on the restrictions.

Q. Until last year, I understand, there was a prohibition against hunting musk ox, is that correct?

A. Yes, that is correct.



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Q. Is it correct that as of last fall the people of Baker Lake now kill six musk oxen for the whole community?

A. Yes, that is correct.

Q. Are there restrictions on the killing of other animals? Do you know of any other such restrictions?

A. I am not aware about the restrictions. But one of them is -- how can I not know all these things. I am a game officer. I have to know the restrictions.

Q. Is there a restriction on the hunting of owls and hawks?

A. Yes.

Q. Is there a restriction on the hunting of bears?

A. Yes.

Q. Is there a restriction on the kind of gun a hunter may use?

A. Yes, there is also a restriction on that.

Q. Can dogs be used for hunting -- not to pull a sled, but are dogs permitted to be used for hunting?

A. Since we don't have any sleds now, we don't really depend on the dogs.

Q. Do you know if it is

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permitted to use dogs to assist in hunting?

A. Yes, I know.

Q. You mentioned the name of two caribou herds. You mentioned the Kaminuriak Herd and the Beverly Herd. Can you tell me where the Beverly Herd is located?

A. On the map?

Q. Yes, please.

A. At that time the herd would be migrating over this area, but it has been rerouted and they are migrating around this area.

MR. ESTRIN: Perhaps the record could show the two areas the witness has just referred to.

MR. COSMAN: Will you point out the first one?

THE WITNESS: Here.

MR. ESTRIN: The witness is referring to an area at the west end of Aberdeen Lake and has indicated they would be moving in a north-south direction.

MR. COSMAN: South-north.

THE COURT: South to north.

MR. COSMAN: If you could sit down, Mr. Estrin, I can do the same thing.

BY MR. COSMAN:

Q. You said the herd has been rerouted. Where is the herd migrating now?

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A. On the west side of Beverly Lake area -- the migration route.

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Q. So you have indicated that the herd is now migrating west of the area you indicated they normally migrated?

A. That's correct.

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Q. You have indicated that you hunt up in the Garry Lake area, and you have indicated an area marked in green and denoted by the initials JA-3 on Exhibit P2. Is that the Beverly Herd that you are hunting in that area?

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A. I am not sure which herd this would be, and the older people might probably tell you if it is the same herd as the Beverly Herd.

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Q. Do you know if there are any other herds in that area other than the Beverly Herd?

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A. There is the Bathurst Inlet Herd, but I am not sure if they come to this area.

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Q. So you are not sure as to the migratory routes of the caribou in the northwest area of the Baker Lake Study Area and outside that area, is that correct?

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A. No.

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Q. Could you indicate where

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the Kaminuriak Herd is located and describe its migratory route, if you can?

A. The Baker Lake residents and I have been in Baker Lake most of my life and I could not give you detailed information on the migration route of the caribou herd. Some of the people who have a knowledge of the migration route would have a better report on the migration route.

Q. Do you know if it is the Kaminuriak Herd that travels up the coast and into the Baker Lake area?

A. Yes, I am aware that the Kaminuriak Herd migrates along the coast up the Baker Lake area.

Q. Who hunts the Kaminuriak Herd in addition to the people of the Hamlet of Baker Lake? What other communities?

A. Baker Lake, Chesterfield, Rankin, Whale Cove, Eskimo Point.

Q. You indicated the people in Chesterfield. That is Chesterfield Inlet?

A. Yes.

Q. Can you locate that on the map, please?

A. (Indicating).

Q. You also indicated the

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people at Rankin Inlet hunt the Kaminuriak Herd.  
Where is Rankin Inlet located on the map?

A. (Indicating).

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Q. You have indicated that you, in your travels, travelled down to Rankin Inlet. What time of the year did you travel down to Rankin Inlet?

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A. I have been in Rankin on different seasons, but this is indicating the transportation by water.

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Q. On water. And is it true that the Kaminuriak Herd has been wintering in an area that is close to Rankin Inlet? Are you aware of that?

A. I am not aware of if they winter near Rankin.

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Q. You have also indicated that the people of Whale Cove have hunted the Kaminuriak Herd. Where is the community of Whale Cove.

A. (Indicating).

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Q. You are indicating a spot on the map, Exhibit P2, which is towards the south east corner of the land mass as shown on that map. It is on Hudson Bay, is that correct?

A. Yes.

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Q. Are there any other Inuit peoples or Inuit communities that you know

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of who hunt the herd?

A. I am aware that there are places I have indicated earlier where that community hunts the Kaminuriak Herd.

Q. In addition to the Inuit communities that hunt the Kaminuriak Herd, are you aware that the Chippewa community in northern Manitoba also hunts the herd.

MR. ESTRIN: I take it you are going to bring proof to that effect?

THE COURT: Is there some objection to the question?

MR. ESTRIN: Yes, we have not heard evidence of that. It is put forward as an assertion of fact.

THE COURT: I am not sure that a question in cross-examination to elicit fresh evidence is out of order.

MR. ESTRIN: I appreciate that, My Lord. With respect, I would say that Mr. Cosman asserted -- it sounds like an assertion of fact.

THE COURT: He is entitled to ask leading questions.

MR. ESTRIN: If he is going to prove it, it would be easier. I have no objection to the substance if he has any evidence.



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THE COURT: I think your objection has no foundation in practice, in law or anything. He is entitled to ask leading questions. If the witness does not know, he may say so. I take it you are not giving evidence, Mr. Cosman.

MR. COSMAN: I have not been sworn.

BY MR. COSMAN:

Q. Do you know if the Chippewa Indians in Northern Manitoba communities hunt the Kaminuriak Herd?

A. Yes, I know that. I am aware that they hunt that particular herd.

Q. Is it not correct that one of the concerns of the Wildlife Service is that there is too much killing of the Kaminuriak Herd from all the communities that hunt it? Is that not one of the concerns of the Wildlife Service?

A. Yes, that is correct. The Wildlife Officers have stated that there are too many killings in the Kaminuriak Herd.

Q. You mentioned a time, I believe in 1963-64, when you were on the south shore of Baker Lake at the mouth of Kazan River when you saw a large herd, is that correct? Is that your evidence?

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A. That's correct.

Q. You also indicated that you were surprised that someone in your group had been able to tell before the herd actually came that it was going to come. Had you not seen the herd before at that location?

A. I am aware that they migrate through that area.

Q. And have you seen the herd migrating through that area before 1963-64?

A. Before 1963 and 1964 I was a bit younger so transportation was a problem for us and I didn't hunt at that time around that area.

Q. You have mentioned that you had a fish camp at the mouth of the Kazan River. How many people were in that fish camp?

A. I am not quite sure, but I think there were about over six camps.

Q. Did you say there were over six camps or six people?

A. No, six camps.

Q. And how many Inuit fishermen would use those six camps at any one time?

A. There were six camps, and they each have people who were fishing.

A. At the time that you saw

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the herd in 1963-64 how many people were in the camps at that time?

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A. I didn't count them so, therefore, I am not quite sure how many there were.

Q. Were all the camps occupied?

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A. Yes.

Q. And can you give me an approximate number? Was there more than one person in each camp?

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A. There were approximately about five people in each camp.

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Q. And how close did the herd come to the camp?

A. They would come to as close as maybe one mile to the camps. As soon as the caribou see a person they would deflect from their route.

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Q. How long were the camps at that location? Were they very long before 1963-64, to your knowledge?

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A. I can't answer that. I am not sure if there were any fish camps before 1963-64.

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Q. Have they been there every year since?

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A. No.

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Q. When were those fish

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camps vacated?

A. I'm not sure when.

Q. At the fish camps did you have canoes?

A. Yes, there were canoes.

Q. And did these canoes have outboard motors on them?

A. There were not that many outboard motors, but some portion of the outboard motors were owned by the government and some by individuals.

Q. Do you know how many outboard motors there were or motorized canoes there were at that location?

A. I don't recall how many there were on each canoe, but there were about probably two owned by the government and some by the individuals, and at that time the motors were about three horsepower.

Q. You said that you had not hunted before that time because you were small -- or young. Had you been at the fish camps prior to 1963-64?

A. No, I haven't been there before that time.

Q. How do you know that the caribou migrated on the south shore of Baker Lake prior to that time?

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Ungungai, cr. ex.  
(Cosman)

A. Even though I was younger at that time, I have heard from the older people and from my parents that there was some caribou herds migrating on the southern area of Baker Lake and, in fact, we used to see some caribou herds migrating on the south end of Baker Lake. We couldn't get across because we had a transportation problem and there was this ice between.

Q. I'm sorry? Did you say you could not get across?

A. We were too young to cross over.

Q. You mentioned that you shot caribou when you were young on Blueberry Hill and in the area of the cemetery or just around the settlement of Baker Lake. Do you know what year that was?

A. I can't recall the date, but I would assume it was around between the fifties and sixties.

Q. Do you recall if there were caribou in the vicinity of the settlement of Baker Lake for ten years, approximately, in the 1950s to the 1960s? Is that what you are saying?

A. When we arrived in this area I remember that there were caribou



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311.

Ungungai, cr. ex.  
(Cosman)

around the area of Baker.

Q. How many people were there in the area of the settlement when you first arrived here, which I understand was 1951?

A. I'm not sure how many people were in there at that time, but I recall that there would be the MOT and the Anglican Mission and the Hudson Bay Company and also the RCMP post in Baker Lake when we arrived.

Q. Were there any Inuit people at that time in 1951 when you arrived?

A. At that time when we arrived at Baker Lake there were some Inuit people and we were travelling from the sea coast up to Baker Lake and we came around this area to see our relatives.

Q. Were there any other Inuit people other than your relatives in this area at that time?

MR. ESTRIN: What area are we now referring to?

THE COURT: The same one we have been referring to in the last several questions, Mr. Estrin.

BY MR. COSMAN:

Q. In the Baker Lake settlement were there any people other than your relatives when you first came in 1951 -- Inuit

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312.

Ungungai, cr. ex.  
(Cosman)

people?

A. Yes, there were other people in Baker Lake, as far as I can remember.

Q. Do you know how many families?

A. At that time, when I first arrived in Baker Lake, I was only seven years old so I wasn't about to count how many people were here.

Q. Was there an airport at Baker Lake?

A. Yes. It might be better if I should say that I don't quite remember if there was an airport.

THE COURT: I think that if we are going to take a break this morning -- I have been waiting for you to finish, but we had better take a ten minute recess now.

---Recess

---Upon Resuming

BY MR. COSMAN:

Q. In your experience as a hunter, I take it you have seen caribou many times swimming across bodies of water, is that correct?

A. Yes.

Q. And you have seen them

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313. Ungunçai, cr. ex.  
 (Cosman)

swim across rivers, have you?

A. Yes.

Q. Have you seen caribou  
 swim across lakes?

A. If the lake is not  
 too large.

Q. What is the largest  
 distance that you have seen caribou swim across  
 a lake?

A. I haven't seen any  
 caribou swimming across a huge lake, but I  
 have seen some caribou swimming across a small  
 lake.

Q. Can you point to the  
 map and show me some of the lakes that you have  
 seen caribou swimming across?

A. From my own experience  
 I have not seen caribou crossing over a lake,  
 but I have seen them crossing over this area  
 on the lake.

Q. You are pointing to  
 the east side of Aberdeen Lake, right where  
 your red line dissects with WN-14.

A. But the people who  
 have been around this area will give you  
 better information on the crossings.

Q. Why do you say the  
 people around this area can give us better reports

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314.

Ungungai, cr. ex.  
(Cosman)

on the crossings?

A. The elders would give you a better report.

Q. I see.

A. Because the younger people would have just heard about these areas, and the older people had been in that area so, therefore, they would have a knowledge about those areas.

Q. On Exhibit P6, which is right behind you, you have marked certain red lines as water crossings?

A. Yes, those are water crossings.

Q. Are these crossings that you have marked because the older people or other people have told you or are these crossings that you know from your own personal experience.

A. From my own experience I have seen these being crossed over.

Q. Let me refer you to a series of red lines extending along the Kazan River -- from just above the mouth of the river, into Baker Lake, down as far as or past Thirty Mile Lake. Have you seen caribou crossing over all of that area from close to the mouth of Baker Lake and past Thirty Mile Lake?

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315. Ungungai, cr. ex.  
(Cosman)

A. Yes, I have seen them crossing over around that area.

Q. When did you last see caribou crossing over in that area?

A. The last time I saw them crossing over just above Kazan Falls was in 1967.

Q. And before that when did you see them?

A. And before 1967 I had seen them crossing over in 1963 and 1964.

Q. You have already indicated you have not done any hunting prior to 1963-64 -- in that area -- is that correct?

A. Yes, that is correct.

Q. Where were you in 1967 when you saw the caribou crossing over?

A. I was residing in Baker Lake, but I went hunting with my father, my brother-in-law -- David Tagoona, rather, and now Alex Iglouyouak and we went across Baker Lake to the south of Baker Lake area and we saw them back in 1967. I remembered because the caribou herd were crossing over on an island.

Q. Yes.

A. And we killed caribou on that island.



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316. Ungunçai, cr. ex.  
(Cosman)

Q. Did you shoot many caribou on that hunting trip?

A. We probably killed about six caribou. That is enough for the canoe to carry caribou.

Q. Were there lots of caribou in the area at that time?

A. There was in the springtime, so there were a lot of caribou herds in July and August.

Q. Would you tell the court about the technique you used in shooting caribou at a water crossing? You mentioned you shot them on an island. Were they half-way across the river at that time?

A. They were on the island when we shot them. We were not shooting any caribou that were in the water because we didn't want any wet caribou and we don't just shoot any caribou in the springtime because you just select a certain kind of caribou.

Q. You select the fattest ones, do you?

A. Yes.

Q. Is it usual to hunt caribou at a water crossing area? Is that a good place to hunt caribou?

A. Since we are hunting,

317.

Ungungai, cr. ex.  
(Cosman)

we hunt caribou in different areas. We are not necessarily restricted to water crossings.

Q. And how long were you in the Kazan River on that particular hunting trip?

A. We didn't spend very long in the area. We stayed about one night.

Q. Where was your camp?

A. We didn't have a camp. As soon as we killed a caribou, we started hunting back.

Q. Had you hunted in that area before 1967?

A. I just mentioned that there were some caribou herd in 1963 and 64.

Q. Did you have a camp at that time?

A. You asked me that question before.

Q. You are referring to the same camp -- the fish camp?

A. Yes.

Q. If caribou do not cross in one area of a river, Mr. Ungungai, do they cross in another area?

A. Yes, they cross over in some other areas.

Q. Mr. Ungungai, do you know

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the distance from the mouth of the river, the Kazan River, to the line you marked down to the south of Thirty Mile Lake? Do you know how long the distance is?

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A. The length of the area?

Q. Yes.

A. In what terms?

Q. In miles.

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A. I am not aware about

the exact mileage but I would give you an approximate distance.

Q. That would be fine.

A. To here.

Q. Yes, please.

A. Twenty-five.

Q. Twenty-five miles.

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Okay.

A. Why did you ask that

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question?

Q. You mentioned that

when working for the Wildlife Service you had taken an airplane to assist in monitoring the caribou herd?

A. Yes, that's right.

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Q. Does the Wildlife Service regularly use aircraft to monitor the caribou herds?

A. Yes.

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Q. I believe that you mentioned that you flew in a Beaver airplane on the particular day that you referred to in your evidence in chief. What time of year was that?

A. Somewhere in the month of June -- around the beginning of June.

Q. Did you see the caribou herd from the aircraft?

A. Yes, we saw them.

Q. Do you know at what altitude you were flying?

A. No, I don't recall what the altitude was.

Q. What was the caribou herd doing when you saw them?

A. Well, I'm not quite sure what they were doing.

Q. Were they stationary?

A. It also depends on the altitude of the aircraft. In the month of June they are calving, so their could be various activities like some would be stationary and some would be somewhere else.

Q. All right. Did the movement of the herd change in any way when you flew over them on that occasion?

A. The herd changed. It

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changes when an aircraft is flying at a low level of altitude.

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Q. Do you know what altitude that is?

A. No.

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Q. Were you flying close to the herd that day -- close over the herd or were you flying at a height that did not bother the herd?

A. At that time when we were doing the survey I couldn't really tell from a high altitude so, therefore, we have to come down lower in order to find out whether they were calves or females.

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Q. Was the plane that you were flying so low that the herd was bothered?

A. As soon as the aircraft is at a low level, altitude, the caribou herd is bothered.

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Q. But I want to know on that particular day did the caribou herd react in any way to the airplane that you were flying?

A. No, I can't quite recall that day.

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Q. Is it fair, Mr. Ungungai, to say that if the airplanes maintain a certain altitude that the caribou herds are not bothered,

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based on your experience?

A. I can't answer that question. The caribou herd would be bothered by a low level aircraft, but I don't think they would be bothered by an aircraft that was flying as high as the jets go.

MR. COSMAN: Thank you very much, Mr. Ungungai.

THE COURT: I wonder, rather than have me remind him of that questioning later, if you would follow up the questioning with regard to whether he was using binoculars, aerial photographs and he would go home and count them later on or do they physically come close enough to distinguish whether the caribou is male or female, which he seems to be indicating.

BY MR. COSMAN:

Q. Could you explain, Mr. Ungungai, what the techniques are for monitoring a herd from an airplane? Do the Wildlife Officers use binoculars or photographic equipment?

A. On the aircraft we usually use the binoculars and sometimes you can't really tell whether it is female or male from an aircraft.

MR. COSMAN: Thank you very much.

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---CROSS-EXAMINATION BY MR. HEINTZMAN:

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Q. Mr. Ungungai, I think you indicated that you come from the coast at a place called Corbet Inlet, is that correct?

A. That's correct.

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Q. And did your father and grandfather come from that same area, as well?

A. Yes.

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Q. When you lived on the coast -- and you may not remember these details because you came here when you were so young, but if you can help us from what you learned from your parents -- did they used to hunt the sea animals?

A. Yes.

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Q. What sort of sea animals did your people hunt?

A. Seals and anything else that lives on the sea, I guess.

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Q. Whales?  
A. I can't remember the sea animals that were hunted when we were living on the sea coast, but I recall that we would travel towards the inland from the sea coast.

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Q. So from time to time you would go inland to hunt caribou, as well, is that correct?

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A. Yes.

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Q. And when you went inland  
would you go in and hunt what we call the  
Kaminuriak Herd?

A. At that time we weren't  
sure which herd it was, but it could have been  
probably that Kaminuriak Herd.

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Q. When you came inland  
would you meet other groups hunting the  
Kaminuriak Herd?

A. Well, at that time  
I was really too young, so some of these  
questions might be vague. At that time I  
was three and four, so you would probably be  
in the same situation if I asked you questions  
of what you did when you were three or four.

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Q. I appreciate that.

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Let me put it this way: was it the custom  
of the Inuit, for instance, that your people  
from the coast could come in and hunt the same  
caribou on the same land as groups from that  
area?

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A. Yes.

Q. Is it not correct,  
Mr. Ungungai, that in those days people would  
travel great distances to hunt the caribou?

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A. Yes, that's correct.

Q. In fact, in those days

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they would travel much greater distances than the hunters today would be used to?

A. Can you clarify on the distance?

Q. I have not gone hunting caribou myself. I am just asking you if it is not correct in those days that hunters would go distances that would seem far for hunters today?

A. At that time they probably did travel to farther distances because they weren't stationary like we are today -- like we are in Baker Lake so, therefore, we stay in Baker Lake area and it is just a matter of travelling probably down to Rankin Inlet and back.

Q. Today you are wearing clothes somewhat like mine. Do you wear those kinds of clothes through the months of the summer? I mean not like this. You wear the kind of clothes that I would wear when I am working on a farm. Is that the type of clothes you normally wear?

A. At that time we probably had some similarities. We were all dressed in traditional clothes like of caribou.

Q. I am talking about the clothes you are wearing today. Are they

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the kind of clothing you would normally wear in the summer?

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A. At that time?

Q. No, today. I want to know if the type of clothes you are wearing today is the type you would normally wear in 1979?

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A. Yes, that is the type of clothes I have been wearing in 1979.

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Q. And have you been wearing this type of clothes since you have been living in Baker Lake?

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A. Yes, in the summer.

Q. And do you ever wear clothes made of caribou?

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A. Not in the summer.

Q. At any time?

A. Today we still wear the traditional clothes when we are out hunting, like the caribou footwear and clothing.

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Q. Can you tell me, Mr.

Ungungai -- I just arrived in Baker Lake -- were the houses which are now in Baker Lake similar to those here when you arrived in 1951?

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A. No. Some weren't built

at that time.

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Q. Some were built at that



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time?

A. Were not.

Q. Some weren't. Were there a few that were built at that time?

A. There weren't that many at that time. They were just a few at that time.

Q. And were most of them built from 1958 and afterwards?

A. I don't recall the exact year, but some were built.

Q. And do you recall that a large number of people moved into Baker Lake around 1958 through to 1960?

A. Yes, I remember.

Q. And were the houses built by the government?

A. Yes.

Q. And can you tell me on what basis each family lives in each house? Is there a lease? Is there a permit? How exactly does each family occupy each house?

A. I am not quite sure on that question.

Q. The house that you live in is owned by the government, as I understand?

THE COURT: I think you may be dealing with concepts somewhat foreign to this witness. If this line of questioning is important,

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I am sure you can get that evidence from the Department of Indian and Northern Affairs.

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What does occur to me is what you were interested in finding out and did not, and that is what type of housing the natives lived in when he arrived at the settlement.

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I suppose the Anglican Missionary and the Mounted Police lived in houses of some sort or other.

BY MR. HEINTZMAN:

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Q. What type of houses did the Inuit live in when you arrived in 1951? Is it the type of houses we see today or were they different houses?

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A. When we first arrived in Baker Lake area the type of houses we lived in were igloos and the MOT, Anglican Mission, Roman Catholic Mission, had their own houses.

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Q. And in the summer you lived in what?

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A. In the summer we used to be in tents.

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Q. You have given your estimate of the number of caribou taken each year by Baker Lake residents. Are you familiar with the IDS Study which was done last year where an estimate of the number of caribou taken each year by the Baker Lake residents was made?

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A. When you are referring to IDS what is that?

Q. IDS, as I understand it, is a group that were hired by the government to come and make a study of the caribou and other animals in the Baker Lake area?

A. This group you are referring to -- I am not aware of that group that did the study.

Q. I understand that they came into the community --

MR. GOLDEN: Perhaps Mr. Heintzman should not be pursuing something with the witness that is obviously fruitless.

THE COURT: I don't think you can ask him many questions about the study until you find out if he knows anything about it at all.

MR. GOLDEN: It is hardly worth while when the witness doesn't know anything about it at all and he is not directly, I don't think, obstructing in any way.

THE COURT: I have the impression the witness does not have any idea what he is talking about.

MR. GOLDEN: I think my friend is pursuing obscure areas with the witness

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which are not obscure to us but obscure to the witness and taking a lot of time.

THE COURT: Maybe, but we are pretty close to noon, anyway.

BY MR. HEINTZMAN:

Q. It is my understanding, Mr. Ungungai, that a group came into Baker Lake, hired by the government, and one of the things they tried to do is estimate the number of caribou taken each year by the Baker Lake residents and they spoke to the Fish and Wildlife Officer and people in the community to try to determine that figure. Were you aware that was being done? I am thinking about 1977-1978?

A. I am still not clear which group you are referring to. Unless you state the name, and maybe I would --

Q. The name is called Interdisciplinary Systems or, short, IDS. In their report they say that they talked to Mr. Stewart, who I think you said was the Fish and Wildlife Officer in Baker Lake. Do you recall this group talking to Mr. Stewart?

A. No.

MR. HEINTZMAN: The witness indicates he doesn't. I will not pursue that.

Thank you. Those are all my questions.

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Ungungai, cr. ex.  
(Sgayias)

THE COURT: In that case  
we will recess now until 1:30.

---Luncheon Adjournment

---Upon Resuming at 1:30 p.m.

---CROSS-EXAMINATION BY MR. SGAYIAS

Q. Mr. Ungungai, would  
you refer to the map, Exhibit P2, please. Did  
I understand you correctly that you made this  
trip -- marked with a red line in the upper  
left hand corner -- to Garry Lake in 1979?

A. Yes.

Q. Is that the only trip  
you made to Garry Lake?

A. Yes.

Q. That was on business  
related to your job?

A. Yes.

Q. And Mr. Ungungai, looking  
at Exhibit P2, on the bottom left hand corner,  
the red lines extending through to Dubawnt and  
possibly beyond, was that trip made in 1979?

A. Yes.

Q. Is that the only trip  
you made to Dubawnt Lake?

A. Yes.

Q. Why did you make that  
trip?

A. I was wolf hunting.



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Q. Mr. Ungungai, on Exhibit P2, in the lower right hand corner, there is a red line extending from the settlement of Baker Lake down into Rankin Inlet and possibly beyond. Was that a visit to Rankin Inlet?

A. Yes.

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Q. Mr. Ungungai, you have told the court about a survey done by young people for the game office of how many caribou are taken by the people in Baker Lake. For how long had that type of survey been done -- the one which people go from house to house?

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A. I can't recall the exact time when this survey had started, as I have only been with the Fish and Wildlife office for the last two years. It may have started before.

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Q. When you were with the Fish and Wildlife as a patrolman, which I believe was up to 1971, did they have such a survey then?

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A. No, there were no such surveys. I can't recall of any.

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Q. Mr. Ungungai, you told the court about licences issued to the Inuit in Baker Lake to hunt caribou. Are those issued by the game office?

A. Yes, those licences are

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issued by the Fish and Wildlife Officers. In their absence they are issued by the RCMP.

Q. Are they issued each year?

A. Those licences are issued on a yearly basis. They expire on the last day of June of every year.

Q. In the last year do you know how many licences of that type were issued to the people in Baker Lake?

A. I can't say for sure exactly how many people got those general hunting licences.

Q. Do you know, approximately?

A. No, I'm afraid I cannot even guess it on a guessing basis.

Q. Mr. Ungunçai, were you residing in Baker Lake in 1975 and 1976?

A. Yes.

Q. Do you know whether there were caribou wintering north of Baker Lake in 1975-76?

A. I can't quite recall if it was around 1975-76 when they were wintering north of Baker Lake all along the shore.

MR. GOLDEN: For the record, the witness indicated the north shore of Baker Lake.

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Ungungai, cr. ex.  
(Sgayias)

BY MR. SGAYIAS:

Q. Were those caribou  
you have just described hunted by the people  
of Baker Lake?

A. Yes.

Q. Mr. Ungungai, do you  
know which herd of caribou those caribou belonged  
to?

A. I don't think anyone  
really knows what herd that caribou herd belonged  
to, but I think most of us thought it belonged  
to the Kaminuriak Herd.

Q. Mr. Ungungai, you  
told us yesterday about counting caribou when  
you were on the ground. I believe you said it  
was the Beverly Herd. When was that?

A. It was during the month  
of June of last year.

Q. Could you show us on  
Exhibit P2, this map, where you were observing  
those caribou?

A. (Indicating).

MR. SGAYIAS: The witness  
is marking an X with pencil at the extreme  
western end of Aberdeen Lake.

THE WITNESS: This X is where  
the cabin is. The marking on the map there is  
a cabin where they were stationed in that cabin.

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Then we travelled from the cabin, by helicopter, in this area. I cannot pinpoint the exact spot on the map there, but we did travel by helicopter in this area. Perhaps, if you require the exact information on that, we do have that in the office.

MR. SCAYIAS: The witness and the interpreter are showing the area on the extreme left-hand side of the map, near the middle.

THE COURT: Is that the game preserve?

THE WITNESS: Yes.

BY MR. SCAYIAS:

Q. Had the caribou had their calves when you were there?

A. Yes, they already had their calves when we were not there yet.

Q. What were you counting?

A. We were counting the numbers of the calves that had survived and also keeping a count of the calves that have not survived, along with the female caribou that have not given birth to calves.

Q. Am I correct that you are not counting how many caribou there were altogether, but how many of a different type of caribou there were?

A. Yes, that was my understanding

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and again, as I was only helping to count these caribou, I am not sure exactly what the specific idea was.

Q. Was that counting done for Mr. Doug Stewart whom you referred to before?

A. Yes, Mr. Stewart was one and we were mainly helping out Bill Darby doing this counting.

Q. And, Mr. Ungungai, you referred to the fact that you worked for the game office. Is that the game office for the government of the Northwest Territories?

A. Yes, because that is the only game office.

Q. Mr. Ungungai, I understood you to say yesterday that at this time of year you don't hunt cows because they are carrying calves. Did I understand that correctly?

A. Yes, that is correct. Not because we have been told not to kill a cow that is going to be giving birth to these calves, but, as hunters, we know it is important to save the number of animals and, therefore, we don't kill these because they are going to be giving birth to a calf in any given day now but rather we kill bulls.

Q. And at other times of the year -- are there times of the year when you do



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hunt cows?

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A. Yes, during the winter season -- during the wintertime we kill cows during that time of the year. The bulls are -- the meat does not taste as it should so, therefore, we go for the cows during the winter season.

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Q. And I understand that during the winter the bulls would not have very much fat on them, is that correct?

A. Yes, that is correct.

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Q. And the cows would have more fat than a bull would have?

A. Yes.

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Q. And are you aware that the cows are carrying unborn calves during the winter -- let's say January or February?

A. Yes, we know that, but then when would be the time for us to be able to kill female caribou?

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Q. Mr. Ungungai, you describe that when you were young and came to Baker Lake you hunted caribou at Blueberry Hill and near the graveyard. What time of year would you have hunted those caribou?

A. This would be during the early fall. It would be around during the month of August.

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herd those caribou would have come from?

A. No. No, I wouldn't be able to say.

Q. Mr. Ungungai, I am showing you Exhibit P6, a map on which you have marked in red certain crossing areas. Have you ever gone to any of those crossing areas for the purpose of hunting the caribou?

A. As I mentioned earlier, there is one specific caribou crossing that I have personally experienced and that is this particular area here where I mentioned earlier where I had some caribou crossing where the islands are. At the other areas where I have marked on the map are areas that I have heard from the older people that are used for caribou crossings. Just one other area on part of the Aberdeen Lake towards the west side of Aberdeen is another area where I have been in to help with the caribou tagging.

Q. Just for the record, the first area referred to -- the one with the islands, along the Kazan River, in the area south of Baker Lake --

A. As I mentioned earlier, there is one specific area where I mentioned earlier where there had been a large caribou crossing in this area. Again, in these other areas I have

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marked on the map, I have seen some caribou crossing but not in large groups.

Q. Looking at the area where you saw caribou crossing in large numbers, do you recall the time of the year you saw the large number cross?

A. That would be during the month of July-August.

Q. Would that be mainly cows, bulls or both?

A. They were all mixed.

Q. And from what direction were these crossings from -- east to west?

A. As I mentioned this morning, the caribou herd would move along the lake, going west, and along the river. Once they crossed, they would continue to move west.

Q. You told us about in 1978 when investigating a siting of caribou in the Kazan Falls area that you went out after you heard about a siting of caribou. Do you know where those caribou went?

A. I wouldn't be able to tell you exactly in which direction they may have gone, but I am sure that some of those caribou have crossed in some area of the falls there near the Kazan River -- have crossed and moved on west because later on that same year some of them were returning back again and those

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caribou were sited at the Kazan River -- I presume most of those have travelled back inland or towards the south side of the river.

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Q. I believe, Mr. Ungungai, that you told us that Mr. Darby went out to investigate that report of caribou, is that correct?

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A. That's correct.

Q. And did Mr. Darby, to your knowledge, send out four of his assistants to look for the caribou in that area?

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A. Yes. But, unfortunately they went in that area late. If I understand, they had a counting of somewhere in the neighbourhood of two thousand but, unfortunately, as I mentioned before, they went in there late.

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Q. So they missed the caribou?

A. Yes, they missed the caribou.

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Q. Mr. Ungungai, do you know where the Kaminuriak Herd has its calving ground or where the Kaminuriak Herd calves?

A. I have not personally experienced the Kaminuriak Herd when they are calving.

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Q. Do you know where the

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Ungungai, cr. ex.  
(Scayias)

Beverly Herd calves?

A. Yes. In regard

to the Beverly Herd, I know the general area where they calve, because I mentioned before we have been in there hunting these caribou. They would calve just immediately west of this Sand Hills -- Sand Lake area -- just this immediate area.

In the earlier years they used to calve closer to this area here. But now, unfortunately, they have started to calve in a farther area.

MR. SCAYIAS: The first area mentioned, for the record, was broadly between Sand Lake and the left edge of the map.

The second area appears south and east of Sand Lake and north of Aberdeen Lake.

BY MR. SCAYIAS:

Q. Mr. Ungungai, I believe you said that the migration of the Beverly caribou had moved west?

A. Yes, that is correct.

Q. In what year did you observe that migration move west?

A. Again I cannot recall the exact year they changed direction but I know



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for sure that during the early 1960s, when we used to tag caribou -- we had a caribou tagging area -- we used to tag them in this area and there used to be great numbers in there.

Q. How many years were you involved in caribou tagging?

A. I helped out with the caribou tagging on two summers during the early 1960s.

Q. When you were involved in the tagging, how many animals would be tagged by the people doing the tagging?

A. On most days, as I mentioned before, I was a person just helping with these jobs that have to be done. It wasn't up to me to count of how many caribou to be tagged. We were just doing what we were being told. I was not in a position to keep count of the number of caribou that were tagged.

But I found out later that we were able to tag anywhere -- the number of five hundred to eight thousand caribou in the early sixties. But in 1977 we were only able to tag twenty-five caribou because there were none that came by that year. Again, it is just a guessing number -- the five hundred to a thousand. It is not the exact figure.

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Ungungai, re ex.  
(Golden)

MR. SCAYIAS: Those are all  
of my questions. Thank you.

---RE-EXAMINATION BY MR. GOLDEN:

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Q. Mr. Ungungai, you  
were asked about what is called a general  
hunting licence. May I ask you, sir, do the  
Inuit get what is called a general hunting  
licence from your office?

A. Yes, they do.

Q. And does your office  
ever refuse to give a general hunting licence  
to an Inuit?

A. Not so far as I know.

Q. Is there any charge  
for a general hunting licence? Does it cost  
anything?

A. No, it is free.

Q. Does that licence  
in any way restrict the number of caribou that  
can be hunted by an Inuit?

A. No, there is no limit.

Q. Is there any time of  
year that the Inuit are stopped from hunting  
caribou?

A. I can recall -- I  
believe there was during the 1950s that people  
were asked not to hunt during the summer season  
a female caribou. I believe this was done for a

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period of a year. But since that time I can't recall anything that people have been told not to kill or not to hunt any time of the year. It is now since that time been open that one can hunt any time of the year.

Q. Is there a different licence given to non-Inuit hunters?

A. Yes, non-Inuit people are given different licences and these licences they pay for.

Q. Are they allowed to hunt all the caribou they want?

A. No, these licences only allow a person to get five caribou per year. That is up to a year ago or a little over a year ago now. But I believe now that number has been reduced since.

Q. You were asked about aircraft and flying over caribou in surveying aircraft. Based on your experience with caribou and aircraft, what happens to a herd of caribou when they see or hear an airplane?

A. As I mentioned, if an aircraft is flying low enough that it will have an effect on a large number of caribou, they will naturally take off in different directions.

Again, as I mentioned earlier this morning, if an aircraft is flying

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I assume that doesn't have as much effect as it would if it was flying lower. I know if an aircraft is loud enough that the caribou hear the sound of an aircraft, then they take off in different directions; for example, even a ski-doo -- a ski-doo could be a distance away from caribou and maybe the caribou can't see it, but they can hear the sound of a ski-doo travelling and if the ski-doo is travelling fast enough, it will disturb caribou.

I don't know why for sure why a group of caribou would take off just by hearing a sound of a ski-doo from a distance. Perhaps it may be that at one time or another they have been -- maybe somebody scared them with a ski-doo or perhaps they are now at a point where they are used to hearing the sound of an aircraft, but they feel it may be an aircraft. If a ski-doo is travelling fast enough, even if they cannot see it, they will take off.

Q. You were asked about where you once lived on the coast when you were a very young boy living with your family. Do you ever remember a time when you did not eat caribou?

A. No, I can't recall any time we were not eating caribou. I seem to

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Ungungai, re ex.  
(Golden)

remember that we always had caribou at that time.

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Q. And do you have brothers and sisters who were born other places than the coast?

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A. Yes, one of my brothers and one of my sisters were born on the coast and the rest of my brothers and sisters were born here on Baker Lake.

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Q. How many are the rest?

A. Three of them were born here on Baker Lake.

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Q. Were any born on the land?

A. No, they were born in the settlement here.

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Q. You were asked whether you travelled great distances to hunt caribou. Can you tell us, please, in the times before you lived in Baker Lake, before you actually moved to the settlement, did you live in any one place?

A. No, during the time we were living on the land we were not living in one area all the time. We were travelling from one place to another.

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Q. Mr. Ungungai, you were



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asked about your clothing. Do I see you wearing kamiks?

A. No.

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Q. Leather boots? Did you wear them yesterday -- Kamiks?

A. Yes.

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Q. What do you normally wear when it is not too muddy?

A. I usually wear anything. In town I wear something like that. Hunting I wear sealskin or caribou boots.

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Q. My friend was interested in your clothes. Do you have a parka?

A. Yes.

Q. Do you have more than one parka?

A. Yes.

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Q. It may interest you to know that we stole them from you. We borrowed the idea. We took the idea of a parka from you. In the south we wear parkas and we take them from the Inuit. Mr. Sgayias asked you about the trip you took to Garry Lake. Is that the only time you had ever been to Garry Lake?

A. Yes, I had no other reason to make a trip up to that area before.

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Q. You were asked about the herd that wintered to the north of Baker Lake.

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You indicated an area to the north shore of Baker Lake. You said that people thought that it is part of the Kaminuriak Herd but you don't really know to which herd it belonged to. Why do people think it is part of the Kaminuriak Herd? Are there any reasons?

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A. Yes, it is quite simple to tell if this caribou was part of the Kaminuriak Herd because during that time there were no caribou along the coast. In such places as Eskimo Point there was nothing there when we had caribou up here. In fact, we were told that a lot of the inland people were unhappy because they were accusing the Inuits of killing too many caribou that they were running out of caribou in the southern areas.

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Q. The rest of the Kaminuriak Herd or what is called the Kaminuriak Herd, just south of Baker Lake, do you know where it migrates to in the winter?

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A. Yes, these caribou herds -- most of the herd will spend the winter somewhere well inland -- perhaps in the area close by Eskimo Point, but I have always heard that some of these caribou will go down towards the tree line to winter.

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Q. And these ones to the north of Baker Lake, do they go to the south of

Baker Lake or do they stay to the north?

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A. Again, the caribou herd that winters just on the north shore of Baker Lake -- again, I am not sure exactly which direction they may have travelled. Perhaps there are other hunters who would be able to give you that information. But, of course, we were not there to watch which direction they were going to take, so I can't give you the exact location.

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Q. You were asked about a tagging program. You said that back in the early sixties -- I don't have the exact figure -- but it was in the early sixties that you tagged somewhere between five hundred and a thousand. Where was that tagging done?

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A. During the early sixties, as I mentioned before, when we were tagging caribou we would be tagging caribou in their crossing in this particular area. This area is called by most people Fox Crossing. This has been a name in that particular area where a lot of caribou were crossing where we did the caribou tagging.

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Q. Is it a water crossing?

A. Yes.

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Q. In 1977 you said you were able to tag twenty-five. First of all,

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where did you try to tag the twenty-five? Where did you try to tag the caribou that time?

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A. Again in the same area.

Q. I see. And why did you only tag twenty-five?

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A. The reason is we were only able to tag that many caribou. Again, there was nothing that came through that area last year and it was our understanding that from that time on they have moved away from this general area where they used to cross on a yearly basis back beyond the Beverly Lake.

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Q. From what time on -- after what time did they stop crossing there?

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A. Again I can't tell you the exact time of the year -- the time when they had stopped using this area for crossing. But, as I mentioned earlier, I have only been back to work with the Fish and Wildlife people for two years now, as I was not working with them before that time. But, again, as I mentioned

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before, this was during 1977 when we only tagged twenty-five caribou in that area. We learned that at least at that time -- at least that time we learned that they had moved on into a different direction and, again, during the same time, after we had tagged these twenty-five caribou, when we

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returned to the community I talked to the person who used to live in this area to try to find out whether there are some years when these caribou don't come through there. He advised me they don't come through there every year. In fact, they start coming through that area in the month of May and cross there on a yearly basis. We were told by the people who used to live in that area and other people in the community have advised us that they have moved away from that area now and they no longer cross through there, so they have moved farther away west.

MR. GOLDEN: Thank you very much, Mr. Ungungai. I have no further questions.  
THE COURT: Thank you very much.



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BARNABAS PERYOUAR, Baker Lake, N.W.T., Sworn

(Through Interpreter John Pudnak)

EXAMINATION IN CHIEF BY MR. GOLDEN:

THE WITNESS: I am now 56 years of age.

MR. GOLDEN: Q. Mr. Peryouar, I would like to ask you some questions, if I may, and ask you to help us. You are now 56 years of age. You told us that?

A. Yes.

Q. Will you say yes or no?

A. Yes.

Q. Do you know where you were born?

A. Yes, I can point it out to you on the map, if you wish.

Q. Would you, please?

A. (Indicating)

Q. Thank you. He is indicating an area to the western edge of the lake just at the line which is marked on the map already as WN4.

I won't mark the spot. We have a number of marks to make, and I don't want to abuse the markings.

Did you live with your parents and your family in that place for a while, or did you move around?

A. Up to the near 1943 we were moving in different areas along the lakeshore down

Peryouar, in ch.  
(Golden)

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towards the Kazan River. We did move into different areas when I was growing up right up until 1943.

Q. In 1943 you would have been 19 years old, is that right?

A. That is correct.

Q. When did you get married?

A. That same year, 1943.

Q. Did that change your life?

A. No, it didn't change my life. But then, of course, I had to work harder and I was able to travel on my own in any direction that I wanted to travel. I was able to go anywhere I wanted to go on my own.

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Q. How long have you hunted caribou?

A. I have not known other than the caribou meat since the time perhaps I was born up to 1958.

Q. And what happened in 1958?

A. During the year 1958, of course, I was travelling by dog team in those days. I was asked to put out poisoned bait to catch wolves and asked to come into the community to do this sort of work.

Q. When did you begin to live in Baker Lake?

A. That would have been during about the same time in 1958. Once I started working, my family started to stay within the community.

Peryouar, in ch.  
(Golden)

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since 1958?

Q. Have you continued to hunt

hunt since 1958.

A. Yes, I have continued to

Q. What do you hunt?

A. Because the Baker Lake area does not have the animals, naturally, when I am hunting for food, I have to hunt for caribou.

Q. Mr. Peryouar, I understand that you have kept a written record of your hunting trips. Can you tell us when you began to keep a written record of your hunting trips?

A. If I was to try to give you the exact time of when I started keeping these records, I would make a mistake if I try to tell you some of the events that had happened beyond 1937. But, I feel I would be able to give you some accurate details if I tell you from 1937.

Q. Do you have that record or the information written down with you?

A. Yes, I have.

Q. When you first started writing in the early years, where did you write it down? On what did you write it down?

A. Yes, unfortunately, the actual records that I have kept have been destroyed, but since that, what I have recorded though I have recorded the year but nothing in the way of a diary. Unfortunately, the records that I had before have been destroyed.

Peryouar, in ch.  
(Golden)

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Q. Does the paper you have here now -- was it made while you still had the other records and before they were destroyed?

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A. Again, I don't have the exact activities that happened in any of these particular dates during that year. But, as I mentioned earlier, I do not have the exact same records that I had before now with me. But I do have the years at the time some of the activities that happened in some of those years.

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Q. How did you make that record that you have here now?

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A. The record that I have now are the records that only indicate, as I have mentioned before, the years -- the changes that took place on certain different years. Again, these are only recorded and not as the original records that I had.

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Q. I would like you to tell me, please, how you made the record that you have here now. Where did you get the information from to write down what you have in front of you?

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A. The present records that I have now are taken from the original records but, unfortunately, some of the pages on the original records have been destroyed. I am not able to read some of the writing I have done before in the original records I have but I do have the years. I have the years and some of the activities that I was

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Peryouar, in ch.  
(Golden)

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able to read from the old records.

Q. Did you develop them from the original records?

A. Yes, I have developed them from the original records. As I said before, again, some areas are missing.

Q. I wonder if, Mr. Peryouar, you would be kind enough, from your own memory and from using your records to help your memory if you wish, to tell us where you have hunted as far back as you can remember, and will you show us, using this blue pen and making circles anywhere on this map that you would like, to show us where you hunted.

A. In 1937 -- as I mentioned previously, I will start in the year 1937.

Q. Is this the whole area you hunted or just where you shot something?

A. This indicates the areas where I have been during the period of one year. This would be during the period of 1937 as we went half of that year here and then we moved on to this area the other half of the same year.

Q. Are these camps you have lived in or are these where you have hunted? I don't want to lead, but I am trying to suggest that the area you hunt might be somewhat bigger than this little circle.

A. Again, during those early years in 1937, I was just starting to travel and hunt



Peryouar, in ch.  
(Golden)

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on my own, so I wasn't travelling long distances those years. But I can indicate to you on the map perhaps the area that I have travelled for hunting and trapping and whatnot.

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Q. I have written the date 1937 on the other line, and the blue indicates Mr. Peryouar. Perhaps he could indicate where he lived and where he hunted using a little circle for where he lived, and we will just keep on going that way.

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A. During the summer seasons it is more difficult to travel longer distances than it is during the winter. There are areas that we have spent summers we have indicated that are smaller -- will be indicated by smaller areas that we used for hunting areas.

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During the following year of 1938 we have moved on to a different area not far from the same location where we were previous to that year, but during the year 1938 we were able to travel longer distance, spend more time travelling, trapping and whatnot, and did much more trapping during 1938.

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In 1938, because of the travelling distance was greater, living in this area, it was farther to travel to the Baker Lake area during 1939 and we have moved back down to this area here.

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During 1940 we have moved in this area. And the reason for again moving into this

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Peryouar, in ch.  
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side of Baker Lake from the area where we lived in 1939 -- the reason for moving into this area in 1940 was the fact that there was not as much game in this area, so we moved to this side during 1940.

In 1941 we have moved back some to the south side of the lake because the trapping was good in that area.

Again, during 1942, we had moved the camp a little away from the previous camp but stayed within the general area.

During 1943 we moved back up to the north side of Baker Lake. We spent half of the winter there. During the same period of 1943 we had returned back to this area here.

In 1944 -- I will add a plus. Again in 1944 we moved into the south side of the lake here, still using the same travelling distance that we had used prior to that year.

There are so many markings on there that it is getting almost difficult to tell which areas are which.

In 1946 we moved up farther north from Baker Lake.

In 1947 we moved back to the same area where we had been before.

In 1948 we had moved into this area here, but still using the same general area for hunting and trapping area.

Again, during 1949, we moved into this area still travelling in the general area

Peryouar, in ch.  
(Golden)



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where it has been marked.

In 1951, again the same area was used for travelling.

We have moved here in 1950.

MR. GOLDEN: We may have to remark those dates with something a little heavier. I think it is starting to come off.

THE WITNESS: 1952, again still using the same general area for travelling.

1953, unfortunately, it goes beyond the map here.

MR. GOLDEN: Q. Does any part of it show on the map?

A. It doesn't show on the map.

MR. GOLDEN: Perhaps we could just write it here.

THE WITNESS: 1954 -- during the year 1954 it wasn't a very good year. It wasn't a good year for trapping or hunting, so we never stayed in one area.

During 1954 we did a lot of moving around. We did a lot of travelling in that area, not staying in one specific area at all.

MR. GOLDEN: Q. Then do not put a dot down to show your camp. Just put down where you hunted.

A. Within the general area of this marking. It wasn't a good year, as I mentioned before, so we did a lot of travelling through certain parts but within that general area.

Peryouar, in ch.  
(Golden)

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1955 I am not able to make any marking on the map. I was then in the hospital during the year 1955.

During 1956 I just returned from the hospital, so I didn't do much travelling. My wife was staying with her brothers during the time I was away in the hospital, so when I first returned in that area, I had not travelled very much then.

Again during 1957 the same general area was used for travelling.

Then during the year 1958 -- there is really not any other area I could mark on the map because that was the year I moved into the community on Baker Lake and I started to do some work, so I didn't find that either interesting or worthwhile making a marking on the map there starting from the year 1958.

I would just like to make one other clarification in regard to the year 1958. There has been mention of people living in this area during that year. There has been mention during the year 1958 there were a number of families that starved in this area. It has been the impression of a lot of people during perhaps this year 1958 it was a bad year all around including perhaps the south side of the lake and all around.

It was a bad year in this general area during 1958-1959. Because there was no

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Peryouar, in ch.  
(Golden)

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game in there, that doesn't mean there was no game in other areas, because people were still living on the land and still depending on game, and people who were living in this area had plenty of game there even though it was a bad year for this area right here.

Q. Even while you were living in Baker Lake, we would be interested to know where you hunted.

A. Yes, whenever travelling is possible it is possible to get away from the community and travelling in other areas to get caribou meat -- as long as one is able to travel.

Q. Were you able to travel after 1958?

A. Yes, I was still able to travel from the year 1958 on to 1960. In fact, because of the fact that I was still able to travel, I was able to travel in this area towards Yathkyed Lake. I ran into families living in this area and also families living up in this general area and also there were another group of families living there. This was during the year 1958 to 1960 I was still able to travel and I was able to run into families in the different areas.

Q. For what reason did you travel in those areas?

A. The purpose of those trips that I was able to take in those areas was during about that year there was about the great number of



Peryouar, in ch.  
(Golden)

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wolves in this area -- in all of this area. It appeared there was a large number of wolves, but they had to find a way to get rid of some of these wolves, and, as I mentioned earlier, we set out poisoned baits in these areas in order to get rid of some of the wolves that may have caused problems for the trappers for trapping and hunters on their hunting.

Q. You are indicating the areas on the west side of the Study Area line and including the Study Area and to the north, the Sandy Lake area, and in the south, the Yathkyed Lake area. I would like you to just tell us if there are any areas in which you have hunted since you have been in Baker Lake that you have not already shown us on the map. Please show us on the map where you have hunted, if you have hunted anywhere else.

A. Yes, there are many areas that I could mark on the map that I have travelled through on hunting expeditions since I have been in the community. There are many areas on this map I could indicate to you. Perhaps if I chose to do that, you would not be able to recognize this map because there are many different areas I have travelled on hunting expeditions since I have moved into the community -- all within the general area of the community.

Q. Can you try to show us some of the larger areas then -- not all of the little ones, but some of the larger areas you have hunted? Draw

Peryouar, in ch.  
(Golden)

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a circle around them.

A. After having moved into the community, I know that I myself, along with other hunters, there is one particular area that isn't far -- isn't too far from the community where people who do not have all that time to hunt during the winter would travel in this general area to hunt caribou.

Q. Perhaps I could mark that with BP-1 to indicate this is after he has moved into Baker Lake, and the next BP-2.

A. Again, as I mentioned before, there are so many areas that one is able to travel to hunt that one has a choice to travel to hunt. As I mentioned before, there are many areas I could mark on this map.

Q. I have marked that BP-3. I would like to have you mark as many as you can, please. What is that area you have just marked?

A. That area I have just marked is the Kaminuriak Lake. I have hunted in that area, too. This area is where I have hunted.

Q. BP-5 and BP-6.

A. As I mentioned before, there are many areas and some areas already marked by others. There are so many areas that if I were to indicate to you every spot where I have killed a caribou, it would cover the whole map. Perhaps it would be confusing to mark every little area or every little spot on this map.

Peryouar, in ch.  
(Golden)

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Q. Perhaps you could draw a circle around the whole area you hunted to show us, as best you can, where it is you go hunting.

MR. HEINTZMAN: I don't think that is going to be very helpful.

THE COURT: I suspect we are going to have a circle around the circumference of the map.

THE WITNESS: It is easier to show the areas I have travelled on hunting trips going out and looking for caribou and whatnot. It would be very simple to mark them starting from the two areas here going towards here all of the general areas that I have already marked on the map, but I would not like to mark other areas that have been indicated on the map -- other areas I have been to such as Chesterfield Inlet and Rankin Inlet. Those were done for other than hunting purposes. I wouldn't want to mark them on the map. Perhaps the areas I have hunted in should be marked generally as here on the map now.

MR. GOLDEN: Your Lordship, that might be the best way of doing it.

Q. Would you please go ahead and mark the one line to show us where you have gone hunting?

A. This only indicates these areas where I have travelled to hunt for food. It does not include the other trips that were taken other than hunting trips.

Peryouar, in ch.  
(Golden)

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MR. GOLDEN: This will be BP-7.

THE COURT: I think, Mr. Golden,  
this would be the appropriate time to take a break.

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--- DINNER ADJOURNMENT

--- UPON RESUMING

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MR. GOLDEN: Q. Mr. Peryouar,  
I hope you have had a bit of rest. I am going to  
ask you to go back and do some more work on the map.  
In the years that you were living on the land and  
after you came to Baker Lake, did you see the camp  
of other people?

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A. (Indicating)

Q. Were these the camps of  
Inuit who hunted caribou?

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A. Yes, these other people  
who had camps out on the land were naturally hunting  
caribou, as well. On occasions I have had some help  
from other people when I arrived at their camp in  
the way of being provided with food.

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Q. Do you know which of those  
other people eventually came to Baker Lake?

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A. Yes, I know them very well.

Q. What I would like you to do,  
if you would, is put on the map for me, using the  
blue pen, the camps of people who came to live in  
Baker Lake and can you do that by writing the letter  
C to show camp?

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Peryouar, in ch.  
(Golden)

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A. The areas I have marked on the map are the locations people have lived out on the land and have camped out on the land that I have run into -- that I have seen in my travels after I had moved into the community of Baker Lake.

Q. Do you know the names of the people that lived in those camps?

A. (Indicating)

MR. GOLDEN: I won't number them, My Lord. I will just indicate a general area. He is indicating the east of Yathkyed Lake.

THE WITNESS: The people who have lived in this area -- I would have to write them out and give them to you later. This will require me to spell out these names.

MR. HEINTZMAN: Excuse me. Is the Interpreter going to speak out loud as the witness is speaking?

THE COURT: The Interpreter is writing the names, and he proposes to give them to the Reporter.

MR. GOLDEN: The Interpreter will read them out as he does it.

THE COURT: I don't think reading them out will be enlightening. Let's get the list.

THE WITNESS: I will just give you the names. What I did is number them from 1 to 14(sic). I will roughly give you the names. You may not be able to spell the names now. I will rewrite them



Peryouar , in ch.  
(Golden)

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3. Peter Arnaluarq; Irene Niurtuq
4. Luke Tunguarq
5. Peter Arsiuarovic; David Tiktaalaaq
6. Hugh Aptaniq
7. Basil Tuluqtuq; James Kingalik
8. Thomas Quqimut
9. Samson Qiuinaqniaq; Joanah Nuilaalik
10. Peter Inukshuak; Silas Putumeraqtuq
11. Moses Nakyugulik; Silas Kadluuk

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Continued on page 367

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Peryouar, ex in chf.  
(Golden)

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Q. Are these the camps of people you saw after leaving Baker Lake, or before or both?

A. Yes, these are the people that I have seen at the camps before and after I have moved into Baker Lake. In other words, at both times. Before I moved into the community and after I moved into the community these are the people that I have seen in these camps.

Q. Did you see any camps or do you remember seeing any camps in the area of the Kazan River or Kazan Falls or the mouth of the Kazan Falls on the south side of Baker Lake?

A. Between the years of 1940 up to 1950 there were people living in the Kazan River area-- starting here and all the way through the Kazan River area and down towards the shore, down towards the mouth of the Kazan River.

Q. I hope I am using the right word when I say "camps". Were these people living the same as the other people were living that you have marked on the map?

A. Yes, these people were also living in camps along this area here.

Q. Are these people who came to live in Baker Lake after they moved out of the camps?

A. Yes, all of these people had also started to move into the community, and

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basically beginning in the early 1960's when a lot of people were moving into the community.

Q. Can you please mark on the map, again using a C, the camps of those people and give us their names.

A. All of these people that I mentioned on the Kazan River area.

Q. Yes.

A. Most of these people that used to live in that Kazan River area-- a lot of these people are deceased now, but I will give you the names just the same.

Q. Are these people who came to live in Baker Lake? Whether they are now living or not does not really matter as long as they were people who came to live in Baker Lake.

A. There are many people along this area that I have seen that used to live in these different areas. These marks I have just marked on here are the camps I have been to and people I have been in their camps.

Q. We were talking about Kazan.

A. There you see that is all part of Kazan River there.

Q. Were there any in the Kazan Falls area?

A. Again I can't recall the people living right at the Kazan Falls. There were people who used to live there. There was one

Peryouar, ex in chf.  
(Golden)

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camp before the falls and mainly down below the falls.  
But I can't remember people living in the falls area.

Q. That is good enough.

Thank you. Do you recall any camps in the area of  
Mallery Lake and Princess Mary Lake?

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A. Yes, before moving into  
the community of Baker Lake there were a lot of people  
that have camped and lived in this area. I have only  
marked on the map the people that I have seen--

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people that I have seen living in these camps after  
I had moved to the community of Baker Lake. There  
were a lot of people that used to live in this area  
here that I know in different areas which include all  
this area here.

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Q. Were those people that  
you saw before you moved into Baker Lake?

A. Yes, these were the  
people that I had seen before moving into Baker Lake.  
These people used to live a long distance. Most of  
these people are now not living. Some that are  
living have moved into Baker Lake.

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Q. Were these people who  
hunted in the area where they lived?

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A. It was a fact of life  
that in those days people who lived in camps, any  
camps, could get up in the morning and walk out,  
living in a tent, and walk out and outside the tent  
and you were able to see caribou close by.

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Naturally people hunted  
caribou from their camps. It doesn't matter where

Peryouar, ex in chf.  
(Golden)

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they were living because that is the way life was in those days. There was no disturbance of any kind. There was no noise of any type and there were a lot of game in those days.

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Q. Can you please mark for us-- and I hate to ask you to do it again, but I would like you to mark on the map the areas where you have seen camps before you moved to Baker Lake.

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A. There were many other people that used to live in this area here that I heard had camps or lived in this general area here, but I am not able to exactly pinpoint the spot where these people lived before.

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Q. You are indicating a general area to the north end of the study area, between the study area and the edge of the map and not far from WN1. Can I ask you whether there are any camps you can define in the Mallery Lake or Princesse Marie Lake area?

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A. I have indicated two areas on Mallery and one on the west shore of Princess Mary: Lake. I also heard people lived in this Pitz Lake area, but I can't mark the exact areas where these camps were. I only ran into people who lived here when they were away from their camps. I am not in the position to give you the exact areas.

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Q. Can you identify any camp sites in the Kaminuriak Lake area?

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A. I have marked on the map these areas where people had camps that I had seen or



Peryouar, ex in chf.  
(Golden)

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run into. I had seen their camps in the Kaminuriak area. One was on the north shore of Kaminuriak, three towards the south end of Kaminuriak and two others to the west side of Kaminuriak Lake and one to the north-east and another one down to the south end of Kaminuriak Lake. These are the camps that I have seen in that area. There are other camps I have heard of in the vicinity of that area, but I am not able to pinpoint the exact spot.

Q. Can you identify the names of any of the people who lived in those camps who later came to live in Baker Lake?

A. The people that had camps in that general area of the Kaminuriak Lake, most of these people have moved or are now living or have moved to Eskimo Point and Rankin Inlet, along the coast area. Some have moved back. Most of the people who used to live in that area are no longer now alive and some of the people that lived in these camps-- move in that area-- have moved towards the coast. To my knowledge, there are none that moved into the community.

Q. As a hunter of caribou, Mr. Peryouar, can you tell us what you do when you are hunting caribou on a snowmobile? Describe how you hunt caribou on a snowmobile.

A. As a hunter, I can tell you the fact that to hunt caribou with a skidoo, even the skidoo may be faster than that dog team, but it is not as good as using a dog team to hunt caribou if

Peryouar, ex in chf.  
(Golden)

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you are hunting caribou for food.

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A skidoo may be faster than a dog team, but if you are there to hunt caribou for food and you have no other choice but to use the skidoo now, it may be that the travelling time may be faster, but it is not as good as using a dog team to hunt when you are hunting for food.

Q. Can you tell us what you worry about or what are you careful about when you hunt caribou on a skidoo? What concerns you the most?

A. I feel it is not safe to hunt caribou with a skidoo. You can break down miles away from home and that sort of thing. That does not happen with dog teams. It is more dangerous now to hunt with a skidoo when you are a long distance away from home.

Q. Can you tell us, please, what happens when caribou hear noise?

A. Yes, in regard to the kind of reaction the caribou have when they hear a sound or a noise, I have experienced that on many occasions. There were times that caribou would run away-- would take off because of a sound that they hear that is not familiar to them. On a number of occasions that has happened to me because these animals are very sensitive to any sound or noise that they are not used to hearing, but they can take off very quickly.

Q. What does the hunter do to prevent the caribou from taking off quickly?

Peryouar, ex in chf.  
(Golden)

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A. Every hunter has his own way of approaching caribou. But when hunters are hunting caribou, each hunter-- each individual-- has his own way of approaching caribou. I have my way of approaching caribou. There are times that I don't get caribou perhaps if the caribou run away or have taken off, and it is simply because that after a caribou has been running for a certain period of time that the taste of the meat is different and the taste is not good to eat and, therefore, I don't like to see caribou being chased or have been allowed to run for a long distance.

Q. Does the noise of the skidoo disturb the caribou-- make them run away?

A. Yes, definitely caribou will move away or will take off by hearing the sound of a skidoo. I mentioned earlier that on a number of occasions I have seen caribou taking off even without a sound as big as the sound of a skidoo.

During the winter time the snow is hard enough. There are times during the winter that when you are walking on the snow that maybe the sound is not very much at that time, but it is enough sound that a caribou can tell there is someone nearby and they will take off on that. Naturally they will take off when they hear the sound of a skidoo.

Q. When you hunt on a skidoo, what do you do to prevent the caribou from running away?

Peryouar, ex in chf.  
(Golden)

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A. Yes, the caribou have a different way of reacting to sound. They don't all react the same way to the sound of a skidoo. Like I mentioned earlier, I like to kill a caribou that has not been running for a long distance because of the fact that it has a different taste to it. The best way I know of approaching a caribou to try to not allow them to run away or take off for a long distance is that if you approach them with a skidoo at a very slow speed you are able to get within the distance of shooting a caribou.

Q. Is there any way that you hunt differently because of the way the wind is blowing?

A. Yes, it is very important to know the direction of the wind when you are hunting caribou. Most hunters, when hunting, if they see a caribou in the distance you always try-- you always keep in mind the direction of the wind because you never approach a caribou from the wind if you are--

THE INTERPRETER: I am getting mixed up here.

You never approach a caribou the direction the wind is blowing in an area where the wind is blowing towards these caribou. You never approach them from that direction.

BY MR. GOLDEN:

Q. Why is that?

Peryouar, ex in chf.  
(Golden)

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A. The reason for that is that the caribou-- a lot of people think that caribou, when they are feeding-- whatever they may happen to be eating-- find their food by looking but, unfortunately, that is not so. Caribou find their food-- what they eat-- by smelling. They don't find their food by seeing it perhaps like you and I do.

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Say, for instance, if you go into a store and you want to buy something, you get what you want. You have a choice of getting what you want. Animals are the same way. They can travel in any direction. They can travel in different areas and they will find the kind of food they want to eat. Unfortunately, they find these foods by smelling them, not by seeing them.

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Many people think caribou will travel in different areas and find food to eat by seeing it. Unfortunately, that is not so. Caribou when moving and travelling will know the taste of different areas of land-- different hills and different areas-- as they move on. They will know the taste of the land itself because they find their food by smelling it, not by seeing it, as people think they do.

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Q. What happens when a caribou smells a human?

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A. A caribou, when he smells a human, never stays in one place. Naturally, he will take off in some direction or other.

Caribou will naturally take



Peryouar, ex in chf.  
(Golden)

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off when they smell a human, especially one that is clean-- one that has not hunted caribou or not dirtied himself on other parts of animals. People who are clean are easier to smell than others.

Q. What do you mean by "not clean"? What smells would the caribou not find it easy to smell?

A. There is a big difference between the way a caribou will smell a human. Take, for instance, years ago when people were not living in houses. People were not in a position where today you walk into a garage or handle a skidoo. People didn't do that in those years. All they did was live on caribou and other animals. They were not in a place like a community of Baker Lake where you walk into houses and where you handle different machines or walk into garages. That kind of smell, even to a caribou, is different.

Today, people who are living in houses-- people today handle skidoos and handle machines. The smell of a human now today is different just because of different things people now handle today different than they did years ago.

Q. When you kill caribou when you are hunting, do you cut them and skin them or do other things to them after they are killed?

A. Yes, as soon as one kills a caribou, one skins that caribou, and especially during the summer, as soon as the caribou is killed, that caribou is skinned right away.

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Peryouar, ex in chf.  
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There are other people that during the winter time, when it is cold in the winter, who prefer to have caribou that have not been skinned but been left to freeze. That is the kind of food some are used to eat.

Others will skin their caribou as soon as the caribou has been killed, especially during the summer.

Q. What does that do to the smell of the hunter? Does the hunter then smell differently after he has handled the caribou-- skinned the caribou?

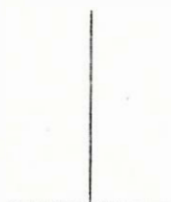
A. Yes, certainly a person who has killed a caribou, skinned a caribou-- handled a caribou by skinning and what not-- even another person will have a smell of a caribou, especially after a person has carried a caribou to a distance away from where he originally started off hunting. Even one can tell the person handling a caribou just by the smell of that person because a person who has handled a caribou will naturally have a different smell.

Q. Have the caribou in this area changed their routes, the migration routes, since you have come to Baker Lake?

A. Yes, there has been a great change in the migration of the caribou since I have moved into the community. Even before I moved into the community there were changes already, and much more so after having lived in the community of

Peryouar, ex-in chf.  
(Golden)

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Baker Lake.

For the first while after I moved into Baker Lake there were still some caribou coming in close, perhaps as close to the other side of the lake here. Now it is at the point where you are wondering if there are going to be any caribou on the other side of the lake itself.

Q. When the caribou are migrating in spring and fall, are they in big herds?

A. During the spring season when the caribou are moving, they normally move in large groups. Prior to that time, before they start moving, they are usually scattered in different areas, and then once they start moving they normally move in large groups.

Q. When they are moving in large groups are they more easily frightened or is it harder to frighten them?

A. When caribou are travelling or moving in large groups they don't frighten away as easily as they do when they are in small groups.

It used to be a custom of the people-- the older people in those earlier years -- that when caribou are moving in large groups it was a custom of the people that it did not matter where they lived, what kind of people they were, what groups of people they were, it was the custom of all Inuit people that when caribou are moving in large groups that you leave the first group alone. You

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leave the first part of the caribou herd alone. You never start killing them as they start coming; you let the first part of the large herd go by and if you are going to be killing caribou then you get perhaps near the last half of the caribou herd that are moving by. That was the best-- if you want to call it-- a regulation the people had.

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All the Inuit people knew that is the way you do when you are going to be hunting or killing part of a large caribou herd. All of the people-- all of the Inuit knew that. Not only one group of Inuit, but all the Inuit. It didn't matter where they were. Part of this is custom. You were taught never to kill the first part of the caribou herd coming by you, but you let the first part of them go and if you were going to be getting or needed food, you killed the last part of them or within that area.

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Q. What about the time of year-- is there any time of year when the caribou are harder to frighten or when they don't frighten so easily?

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A. Talking about caribou during the summer season, I am not going to say that all through the summer seasons they are harder to frighten away than they are other times of the year. There are summers-- perhaps it is a hot summer-- there are different summers every year and some summers are warmer than other years, but if it is a very warm summer, naturally, there are always mosquitoes up here. If one year it is a warm year,

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a very hot summer, maybe for a short period of time-- perhaps for a few days at a time-- caribou may not be as hard to frighten as they normally would be, but any time, it be summer or any other time of the year, as soon as the weather cools off, they are easier to frighten away as other times of the year.

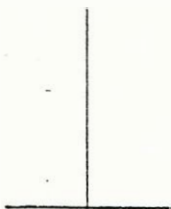
Q. Is there any reason for this that you know of?

A. Yes, it is very simple to tell why caribou may react as they do: because, as I mentioned before, it may be because of a hot summer, some years the feeding grounds are not as good as other times. When caribous are not feeding well or it is too hot a season, they are not easy to frighten away and that is because the animal is hungry and it doesn't really care which direction it takes when it is walking. And, for instance, I heard someone told a story about seeing a caribou walking very close by that wasn't afraid of anyone and didn't seem to be frightened away by anything. It is very simple to tell by the fact that particular caribou is very hungry or it was a bad summer, perhaps, that year and the caribou didn't have a very good feeding ground and perhaps there were too many mosquitoes that summer and it didn't really care which direction it walked.

Q. I would like to ask you about a herd of caribou that we have heard about that have wintered to the north of Baker Lake and in the area-- if I am correct-- of the northeast sector



Peryouar, ex in chf.  
(Golden)



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of Baker Lake. Do you know about this herd of caribou?

A. Yes, this caribou herd-- this large number of caribou that were on the north side of Baker Lake-- those particular caribou-- that particular caribou herd was a part of the caribou herd that normally is part of the caribou herd from Northern Manitoba that normally wintered or normally are in that area in the part of Northern Manitoba but, unfortunately, these caribou from that area-- from the northern part of Manitoba-- at one time have moved in one big group in this area and then split up and part of the caribou herd has moved on from this side towards the coast and on two occasions the same caribou in this one group again have moved in this area here and on two occasions, but normally these caribou now have been moving up and down, back and forth, in this area.

Q. When you are saying they are moving up and down and back and forth in this area, you are indicating the coastal area. You said then, unfortunately, they moved twice. You are indicating a motion from east to west and back to the east again.

A. On the north side of the lake.

Q. On the north side of Baker Lake. Mr. Peryouar, how do you know that these are the same caribou as in the Kaminuriak herd?

A. That particular question--

Peryouar, ex in chf.  
(Golden)

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it would be a very simple question. It would be simple to explain that to Inuit because the Inuit is able to tell where a caribou has been-- from what area a caribou is from. But it is very difficult to try to explain this to a white person. But Inuit are able to tell where a caribou is from-- from what certain area they are from just by looking at a caribou because Inuit will have a use for the whole of a caribou-- the skin, the meat and the bones and all. Naturally, caribou from different areas are in different sizes. Their bodies are in different sizes and it is simple to tell which caribou herd these different caribou are from.

It is not just a story why and how people know these caribou-- why and how they use different parts of caribou. It is not just a story. If we are still able to kill caribou today, we are still able to use them the way we used them before. We are still able to cook certain parts of caribou for certain days or for certain meals. These are not just stories. These are the things we continue to do today.

Just today, when I went home for lunch, I had caribou. Now, again, that is not just a story because that is what I had for lunch today. Naturally, these are not just stories. These are still the things we continue today.

Q. Is there any difference in the taste of the bone marrow of the caribou from one herd or the other?

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A. Yes, there is naturally a difference in the caribou in different caribou herds. You take one caribou, and it has a different taste in a different area. Different caribou parts taste different. Naturally, they are different in the groups or different groups of caribou-- different herds or different groups of caribou.

Q. I would like to ask you whether or not in any time in your hunting you have had any difficulty because of aircraft, helicopters or drills or any of the things that happen around mining exploration?

A. First of all, I normally don't hunt where mining exploration is going on because I am smart enough to know there is nothing in that area so why bother to hunt in that area when there is nothing there. Normally I don't hunt in areas where there are mining activities or mining exploration is going on. On occasion I can recall in other areas where I have hunted that there were some disturbances done by helicopters.

Q. Can you tell us about it? Describe what happened.

A. This happened at Kaminak Lake some time ago. There were a number of caribou there at that time. On one particular day I was hunting caribou. I was there to kill for food. After having to choose the caribou I wanted I went to approach it. I believe that certain caribou didn't see that helicopter, but there was a sound from it that

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frightened that caribou away from the area. I was just approaching it. Just by hearing the helicopter and not seeing it, it frightened.

Q. Has the same kind of thing happened to you just once or more than once?

A. This was one particular incident that happened on one of my hunting trips and, again, as I mentioned earlier, I normally do not go to hunt where there are mining activities going on. As I said before, I know well enough that there is nothing in those areas. But that was one particular incident that happened.

Q. Have you ever been employed to help tag caribou?

A. Yes, I have been involved in both kinds of caribou tagging-- one where you tag caribou by getting to them with a canoe and there is another method we use by going after them on foot.

Q. And you counted caribou from an airplane?

A. I can only recall on one occasion where I was on an aircraft where the counting was done from an aircraft, but I don't recall actually being involved with one.

Q. There was something I would like to do on the map. Before I do that, may I ask you how often you eat caribou?

A. Yes, I prefer to be able to eat caribou meat all the time when possible.

Q. Are you able to hunt and



Peryouar, ex in chf.  
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kill as many caribou as you would like to now?

A. Now I am not able to kill as much caribou as I have need of.

Q. Why not?

A. Again, as I have already mentioned before, the reason now that I do not get enough caribou as I used to before, as I previously mentioned today, one was able to go out from the tent and see caribou close by and today one hardly knows which direction to go today because one has to travel now to such a long distance it is almost impossible to even know which way you will be able to travel to go hunt caribou from here because now you have to travel such a long distance.

Q. How many caribou did you kill in the last year? Do you know?

A. Could you say what year-- seventy-eight? -- seventy-nine? There has been some confusion on that particular question.

Q. I am thinking about the period going back one year, say, to the last July 1st.

A. From last July up to now.

Q. Yes.

A. From July of last year up to now I have only got sixteen caribou. I cannot forget the number because I know that is not enough caribou-- as many caribou as I would have wanted to get. It is much less than the number that I would have wanted to get.

Q. Do you remember how much



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you got the year before that?

A. Again, a year before that I can recall that I didn't have a good season. I was not able to get out that often. I can recall I got five and, of course, that year we had enough caribou meat at home because also my son was getting some caribou meat, along with my brother-in-law. But, I can recall I only got five the year before that.

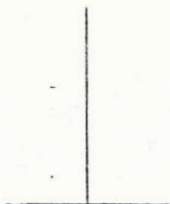
Q. Do you remember the last year you got enough caribou?

A. If I can recall correctly, I believe that the last time I got enough caribou-- enough to last our family for a year-- I can't recall the exact year, but I believe it was during the year 1965 to '66. Nineteen sixty-five or '66 was the last time I got enough caribou for my family's use for all year.

Q. I am going to ask you to come to the map again. On Exhibit P-6 I would like to ask you, first of all, if you know, from your own knowledge, about the crossing places where the caribou cross water in this area. First of all, did you help the Hunters and Trappers Association to find the crossings for the government?

A. Yes, I helped the Hunters and Trappers Association to mark those crossings on the map. I just recall recently that there are a number of crossings that I have forgotten to mark on the other map.

Q. Would you mind using



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this blue marking pen to mark the crossings on the map by drawing a line on the crossing so we can see which crossings you know about?

A. This map is very difficult to read. The printing is so small.

Q. The map is very faint and has very fine lines on it.

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A. I find it very difficult to tell the difference in the distances because this map is so difficult to tell which areas are which, but I have marked it on the map and, hopefully, they are in the right area. Some of them may be off a little, but those are the areas that I have marked on this map.

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Again, there are some areas that have already been marked there. If you want me to, I could re-mark them. But, again, I don't mark areas I know of that have been marked on the map.

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Q. We have not had to deal with that area yet. If you agree with the crossings already marked, you need not mark it again.

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A. Those areas that have already been marked are correct areas. Just some other areas that either were not known or have been forgotten that I recently marked on there. Those were the only areas that were not marked on the map. They were either forgotten or were areas that were not known that I know of.

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Q. The previous witness marked in red. Have you seen this map before?

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A. I can't recall having seen this map before. I can recall seeing some maps similar to this.

Q. May I-- just to make sure the witness understands the symbols-- the red marks are marked by a different witness. The dotted areas with the lines next to them that are black or dark grey are already on the map and shown as crossing areas. I want you to clearly understand which ones you are agreeing with and which ones you are not.

A. Yes, I can recognize all the areas that have been already previously marked either in red or in the original marking of this map.

I can recognize these areas as caribou crossings that I know of.

Q. Are there any marks there that you do not agree with?

A. I believe that all these marks that were originally marked on this map and they are marked and the marks that were made previously-- I believe those are all correct areas.

Some areas, if you look closely, it may seem that it is a fairly long distance for a caribou to cross, but I know for a fact that these areas are correct areas where these caribou have crossed or have been known to cross.

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

THE COURT: It is five o'clock. I propose to adjourn, since we are going to

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start again at seven o'clock, which is reasonably close.

--- DINNER ADJOURNMENT

--- Upon resuming at 7:00 p.m.

--- BARNABUS PERYOUAR, recalled

BY MR. GOLDEN:

Q. Mr. Peryouar, we were asking you about caribou and what they were sensitive to and when. I forgot to ask you about one area. When caribou are near the water-- near a crossing or near a lake or river-- can you tell me if they are any different than they are at other times?

A. Yes, caribou have a different way of acting when they are in different areas. Say a caribou herd was intending to cross a certain part of a river. They may seem like they want to cross in a certain area or in a certain body of water. They wander along the shore of a river and you can always tell that the group of caribou are going to be crossing that certain area within a short period of time by just the way they react. They do not spend much time either just resting or eating. They spend a lot of their time, if they are going to cross a body of water, looking and watching out to see what is on the other side. This is an indication of a group of caribou are going to be crossing either in that particular area where they happen to be now or somewhere near that area.

Q. At a time when they are near water, are they more or less easily frightened?



Peryouar, ex in chf.  
(Golden)

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I hope I put it clearly enough to translate.

A. When caribou are looking for a certain area where they want to cross, they are more easily frightened than they normally are.

MR. GOLDEN: Thank you, Mr. Peryouar. I have no further questions. Your witness.

--- CROSS-EXAMINATION BY MR. HEINTZMAN

Q. Mr. Peryouar, did your father come from the Kazan River area?

A. Yes, my father was one of the group of people who were called Qaernermiut.

Q. And your grandfather?

A. My grandfather, who was the father of my father not in a way that he was his father but he was a man that he grew up with when he was just a child, lived in the area. He was one of the people called Qaernermiut.

Q. As I understand it, the Qaernermiut were the people who traditionally lived in the Kazan River area or basin, is that correct?

A. Yes, that is correct, because people chose to live along the river-- along the Kazan River area where it was easier to hunt.

Q. Had your father been adopted by your grandfather?

A. Yes, my father was originally adopted by my grandfather. His father died when his father was a child and therefore was adopted by my father's-- my original grandfather's

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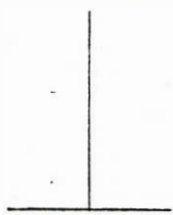
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Q. In the old days, when your father was living in the Kazan River area, how many people would have been living in his particular camp?

A. I am not able to tell you the number of people that used to live in those camps because these are the things that happened long before I was born and therefore I would not have that information. But, perhaps, if you are looking for information that had anything to do with caribou or game, that information I am able to provide you with.

Q. Right now I want to discuss people. When you were living with your father, how many people would be living in your camp?

A. People in those days-- when they were living in camps-- they were not living in such a large group in one particular area. In some cases there were people who were living-- families were living in one area. There may be another group of families, even though if they were not living right with another family, would be maybe living five or ten miles away-- possibly living in those areas they chose to live because it was easier for them in order to hunt what game they wanted to hunt so, therefore, people were not living in a large group in one camp.

Q. Could you tell me how many people would have been living in your camp when you were growing up?

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A. I can recall that when I was growing up within our immediate family there were two of my brothers, including myself, along with our parents, of course, and then my father got to the point where he was not able to on his own. During the month of August-- say from August 20 to the month of September-- even our immediate family would move away into different areas in order to prepare themselves for the coming winter. They would not move away or separate into a long distance. But, they would then during that time of the year. They would go into different directions to prepare their caribou for the coming winter.

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In one particular area there would be perhaps myself, two of my brothers, along with my parents.

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Q. What you are saying is that in one particular area there might be a number of camps, is that correct?

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A. They would be-- within our immediate family there would be, say, three tents. Then, as I mentioned earlier, during a certain time of the year-- during the early fall, we would split up and move into different areas for a short period of time in order to prepare for the winter.

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Q. So that during months of the year you would have, say, three tents or three igloos together and then some parts of the year you would split up into smaller groups.

A. Yes, there would be

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perhaps three tents within our immediate family, if you were living in one area. In the winter it would be different. Some years, if the snow is good for building snow houses, for example, there may be in one area one large igloo perhaps almost the size of this area of this building here-- providing the snow is good for building igloos. It would be one large igloo that is able to accompany a whole family.

Q. Would the people who live in that family include your father, mother, you and your brothers and sisters and other relations, or just your immediate family?

A. Just large igloos that I have mentioned to you are large enough that they are able to accommodate my parents, two of my brothers and all their families. They are made in the same way, so that they are able to accommodate all of their families in one large igloo.

Q. When you say your brothers, did your brothers have their wives and children in the camp or igloo, as well?

A. Yes, that's correct.

Q. Then I think you said at certain times of the year, for hunting, your brothers would go off in certain directions and your father would go off in another direction, is that correct?

A. Yes, as I mentioned before, during the month of August-- say from August 20 towards the end of September-- we would go into different areas. We would separate into

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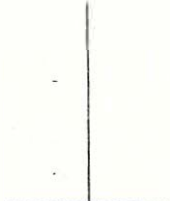
different groups in order to prepare ourselves to allow everyone is given a chance to be able to get caribou to prepare themselves for the winter and, of course, during the winter time it was much easier to travel by dog team. It didn't matter how far apart families were or whether they stay in one camp or were separated from their other families. During the winter it was easier to get around and to travel.

Q. In the summer, when you were hunting in a camp, I assume, or I take it that you could only hunt within a very small area because of the weight of the caribou to be carried back to camp, is that correct?

A. Our grandparents-- people who were born during those years-- have always made it a custom that during the summer seasons, when it may sound like it is difficult or more hard to travel and hunt caribou during the summer seasons, but it was the custom of our grandparents, people born in those years, that they know what areas are going to have caribou during those summer seasons and, therefore, there was no need for them to travel to find caribou because they were in the area that the caribou would come through and, therefore, they didn't have to travel any long distance to hunt caribou when they were living off the land during the summer seasons.

Q. Can you recall from when you were a child how many of these kinds of camps would be in the Kazan River area where the Harvaqtormiut were living?

Peryouar, cr. ex.  
(Heintzman)



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A. People in the Kazan River area called Harvaqtormiut-- there were a lot of these people in the Kazan River. They were not situated in one particular area but scattered along the Kazan River area. I don't think it would make much sense if I give you a name of every person. I don't think that is going to be very useful. But I know they were a group of people that live along that area. They were situated in different locations.

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Q. Excuse me. I am trying to get an idea how many people we are talking about. That is why I am asking you how many camps there would have been.

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A. People who had camps all along the Kazan River area, as I mentioned earlier, were situated in different locations along the river. If perhaps I were to try to give you an approximate number of camps that were situated I may not have the correct numbers. I would say that individuals camped along the river where people live-- those people were called Harvaqtormiut-- I would say within the number of twenty groups of people that were situated along the Kazan River area.

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Q. I want to just talk about your particular camp for a moment. How did you decide or who decided among the people in your camp as to whether you should go in one direction or in another direction?

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A. Within our immediate family, of course, there were many of us in our



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family. Naturally, it was up to the older people within our families such as fathers or grandfathers, people who knew and who have the experience of having been in other areas-- they were the ones that decided which direction or which location we should move to.

Q. Did you make your own decisions in your own camp or did people from other camps tell you what to do?

A. It was up to the people within the camp to make decisions and to decide where one must go-- where one should be located. No one people in one particular camp had to be told from a different camp of people from another camp. Even then the other people in different areas that were living in the nearby camps or farther away-- even other people in different areas have the same similar -- well, if you want to call it regulations or certain way of living that they normally go by on a daily basis. It is all the same among the Inuit people and it did not matter whether you were living in one particular area or living in a different area, people will do the same thing as you would do in one particular camp even if you were making decisions as to which direction to go or what location to move to.

Q. What would happen if two groups of people decided to camp or wanted to camp in the same place?

A. There was nothing wrong with two groups of people having to live in one

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particular area or one camp. As I mentioned earlier, people who were living in those days had nothing more than to live with the animals around them. They know which direction these animals were moving and to all people-- it does not matter whether they were living in other camps or not-- this was a way of life and therefore one was not needed or were not able to live with a group from another area.

Q. What I understand from what you are saying is that the group from Harvaqtormiut came into your area to hunt, and you could go to their area and that was fine.

A. Yes. Naturally, people from other areas-- such people as you mentioned-- that may have come from a different area would come to our camp and naturally they were made welcome to hunt and to do what they are there to do. Even if these people-- even if you have never seen these people before, you recognize them. They are people like yourself. They are Inuit people and they do what you do-- they hunt. They know how to go about hunting and therefore they were made welcome. Now I find it very difficult perhaps to try and make the white people understand. There are, I can assure you, tons of papers where people write regulations or whatever. There are tons of paper where stories and regulations are drawn up. I can tell you one thing-- that there are numerous land markings within the land itself. Even if it may not look to a lot of people-- a small stone put onto another

Peryouar, cr. ex.  
(Heintzman)

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stone may not have any meaning to you or another person, but to an Inuit person who may have come to a different direction in travel can read that. There is a certain message within that rock that has been put on perhaps another rock. It has a message. It tells a person what it means.

I find that very difficult to try and explain but there are messages where people can read these messages. If you travel along through the land you will find these landmarks and other markings in the land that have been put up by Inuit people and there are messages-- different meanings, different messages, within these certain landmarks.

Q. Can you tell me whether the travelling that you did and you described for us was similar to what other people from the Kazan Rimer area would have done or is your travelling unusual?

A. Those travels-- I have indicated the areas that I have travelled. It may sound perhaps to a lot of people that I seem to have done a lot of travelling. Again, that is not even half the time of other people that were there before me that used to travel. There were people that long before I was around that used to travel from the Hudson Bay coast up to the Arctic Ocean.

I may have done some travelling, but not as much as the other people there that were there before me.

Q. Was the amount of travelling you did a common thing for the people

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who came from the Kazan River area?

A. That was the usual way for the Inuit people to travel to different areas-- travel perhaps to different locations and travel long distances. It was also in those days. Travelling was something that people enjoyed doing. It was also nice to travel into areas that you have not been to before. This was part of life and, therefore, it was fun. People enjoyed travelling. It was also necessary to hear other people saying they have been in certain areas. It was normal for people to travel in different areas and different locations.

Q. From the examination of you of a couple of weeks ago I gathered one of the reasons you travelled is that you were hunting for fox and were trapping. Am I correct on that?

A. Yes, in my case a lot of the travelling was for the purpose of trapping because once I start travelling that was the period of time that a lot of our people had started trapping as well, whereas before, people, even though they may not have done trapping, had reason to travel as well. They had other reasons for their travel. In my case a lot of the travel I did has had to do with trapping.

Q. Where did you sell your furs?

A. From the time that I remember when people were selling their fur-- so far as I can remember people were bringing their fur into



Peryouar, cr. ex.  
(Heintzman)

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the community of Baker Lake to sell to trade their fur.

Q. Is that where the Baker Lake is now or where it was then?

A. I can recall when the present location where we are now was used as the trading post.

Q. And what was it called then to the Inuit back in those days?

A. Come again?

Q. What was this place called? This settlement? This trading post called?

A. It was Kamaniqtwa.

Q. What does that mean in English?

THE INTERPRETER: I am only interpreter. You get the meaning from him.

The meaning of Baker Lake-- I will call it Baker Lake. Kamaniqtwa. It is a lake where rivers flow into.

BY MR. HEINTZMAN:

Q. I want to talk about other groups. Would I be correct that the people living down in this area here would be the Hauneqtormiut in the old days?

A. Yes, people who were living close to the coast in this area were called Hauneqtormiut. But, unfortunately, I do not know the exact river that is called Hauneqtorma.

Q. They are named after a river, are they?



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A. The name Hauneqtormiut originally comes from a river called Hauneqtorma, meaning it was a good river for hunting-- people had good hunting there. The caribou was good in there. There is a river in there. The area Hauneqtorma. That is why the people were called Hauneqtormiut, named after that area that I cannot pinpoint on the map.

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MR. HEINTZMAN: I have been indicating the area from Baker Lake down towards the coast.

BY MR. HEINTZMAN:

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Q. I understand that in the old days there was another Hudson Bay post down here at Padlei, is that correct?

A. Yes, there was the Hudson Bay post there.

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Q. And the people who lived around the Yathkyed Lake area trade down to that post?

A. I can recall people who were living in the Yathkyed Lake area. Some would trade to the Padlei area and some, when they had good dog teams, would go from this area all the way to Eskimo Point to trade.

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Q. Did these people have a name they were called by the other Inuit?

A. We called them people from the Padlermiut area.

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Q. I heard another name used called the Ahearmiut.

Peryouar, cr. ex.  
(Heintzman)

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A. My understanding is people living within the area of Hanik Lake, not shown on this map, were people called Ahearmit.

Q. People living on the coast-- this area of Whale Cove-- and their families, were they called the Tareumiut?

A. That's correct.

Q. And have some of the people from these areas or groups come up to live in Baker Lake?

A. Yes, there are people now living in Baker Lake from those areas.

Q. I understand there are no people living in and around Padlei as they used to live, is that correct?

A. I am not able to answer that because I don't go into that. I don't travel into that area.

Q. Have you ever travelled down to Padlei?

A. I don't recall. I wouldn't say that I have been in the Padlei area. I've been flying within that distance-- within the Hanik Lake area on aircraft, but not travelling on a journey on my own.

Q. I mean on the ground-- have you been down to Hanik or Padlei area on the ground?

A. As I say, I have indicated on this map where I have travelled by land

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by dog team as far as the Yathkyed Lake area, but I have not travelled beyond that on land but I have, again, at the same time, been in other areas by air but not by land.

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Q. The area down at the south of the map here-- this area here-- how many times have you been down in this area? You marked one camp or one area here. I think that is P4. How many times have you been in that P4 area?

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A. I have only been in that particular area here two months at a time perhaps inside a few years.

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Q. What years were they?

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A. It would be somewhere within 1975.

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Q. And where you have marked letter C on the map, I understand it is where you have come across people living in a camp there, is that correct?

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A. Yes, these are the areas that are marked with the letter C that were the people that had their camps that I had seen in my travels. Those people might be there for a while and then they would move on to some other place.

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As I mentioned previously, people were never in one area for a long period of time at any time and, again, it may seem that I have been in a lot of places on this map which are indicated but, if you were to ask other people in the community, you would be surprised to know how often

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and in what areas people have been in.

Q. Can you tell me when was the last time that you saw those camps in the southern area of that map?

A. The last time that I was in this area was during the year 1961, and I have not been back in that area after the year 1961.

Q. And how about the camps in the other areas that you marked? When was the last time you saw people living in those camps?

A. All these areas that are marked with the letter C on this map-- all these areas would have, as I mentioned earlier, during the year 1960-61 most I have not been back in this area and, of course, this was during the year when the school was open in the community, so a lot of people have moved in the settlement.

Q. When you were living on the land did you see people without enough to eat?

A. I can recall-- I cannot recall any particular year when other people in different areas or different camps were having hard times or having a bad year. As I mentioned earlier, I can only recall one particular year when it was very bad in certain areas but not all of this particular area and, again, as I mentioned earlier, in fact my travel in these other camps-- I have received some help from other people who were living in these other camps which indicates to me that these people were well off. There was good game with these

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people so they were not having any hardships.

Q. In one particular year, in this area, I think you said there was no caribou, is that correct?

A. That one particular year, which was 1958, when there was a lot of people starving in this area it seems to me reflects that was the worst year at any time. I can't recall any similar years either before that or after that.

Q. I take it you moved around as much as possible to be where the caribou were?

A. Yes, as I have indicated on the map, I do not know what more I can tell you-- but, as I have illustrated on the map, that that is that.

Q. Can we look at the other side? On this side, Mr. Peryouar, we have an indication of some water crossings where the caribou have crossed the water. My question to you is do they cross in these areas every year or do we have here an indication that caribou have crossed some particular years at these locations?

A. During the period of time when people were living-- as I mentioned-- to hunt and nothing more, these crossings were used on a yearly basis. In other words, every year.

Q. Let's take it from 1958. Can you tell me if the crossings west of Shultz Lake have been used very much since 1958?

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A. Yes, definitely this area has been used for crossings even after 1958.

Q. I am talking about areas just to the west of Shultz Lake.

A. Yes, these crossings were still used even after the year 1958.

Q. How many years after the year 1958 were they used?

A. These particular crossings we are talking about, as I mentioned before, were still used after the year 1958. Obviously, I would say they were still being used up to the year 1960. There was this big change during the early sixties that these crossings were no longer used. The Canadian Wildlife Service people were coming into these areas. That is the time when some of these crossings were no longer used.

Q. Would I be correct in those crossings have not been used much since the early 1960's?

A. Again, if the Inuit people were given the chance to see these animals or return to this area, it would be the same again as before. These animals would be back in these areas-- these crossing areas. These caribou would cross just like they used to before. If the people were given a chance to allow these animals to cross once again, they would definitely return in the same areas.

Q. Do I understand from that, that these crossings have not been used since the

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early sixties very much by the caribou?

A. That's correct. These crossings were not used that much during-- starting during the early sixties and, of course, even before that happened people knew this was going to happen once the wildlife people were in there either tagging caribou or counting caribou. People knew this was all going to happen at a time before it happened. Unfortunately, the people that were in there felt that they were doing their job or felt they were doing something they had to do, but even at that time the Inuit people knew that this was going to happen long before it happened--- long before the caribou were stopped-- long before they stopped using the crossings.

MR. HEINTZMAN: Thank you very much.

THE COURT: I think we had better take a five minute break here.

--- RECESS  
--- UPON RESUMING

MR. HEINTZMAN: Some people asked me which water crossing I was discussing with the witness. It was the water crossing between Shultz and Aberdeen-- just for the record.

--- CROSS-EXAMINATION BY MR. COSMAN

Q. Mr. Peryouar, you mentioned, I believe, that you were ill in the sanatorium in 1955 and you did not go hunting that year.

A. That's correct.

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Q. And in 1956 you were recovering from your illness and you were not doing much hunting then either.

A. That's correct.

Q. Since 1958 I understand you have lived in the Baker Lake settlement.

A. Yes, that's correct.

Q. And for thirteen years-- from 1962 to 1975-- I understand you worked for the wildlife service, is that right?

A. That's correct.

Q. And it is true, is it not, that in the thirteen years that you worked for the wildlife service that you did not do very much hunting?

A. Yes, I didn't do that much hunting during those thirteen years, although I was able to hunt when I was able to get caribou.

Q. Up until 1958, until the time you moved into Baker Lake settlement, you moved around the Baker Lake area, as you have indicated on Exhibit P-2, almost on a seasonal basis, is that right?

A. Yes, that is correct.

Q. And in the years that you hunted from 1938 to 1958, do I take it that you lived in small camps with only a few families during that period?

A. Yes, we were not a large group during that period of time but, of course, there were other groups in other areas.

Q. With respect to those

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other groups, is it fair to say that there was a wide distance between the various groups of the various people that you have indicated on the map, P-2?

A. Yes, people were living in long-- they were in long distances apart from one another and, of course, at the same time there were other people that were living closely.

Q. And when did you start to travel to Baker Lake to sell your furs and to purchase bullets or other supplies?

A. The furs that were sold at the trading post were mainly the fur from the caribou skins that were sold during the last part of October and, of course, the fur that was sold-- fur from the fox-- were sold during a period any time from November on. Any time we people felt the need to go and trade this fur, we would travel into the community.

Q. In what year did you first start coming into the trading post to sell your furs?

A. As I have indicated previously today, once again, I mention that I didn't want to go beyond the year 1937. Even though I was learning to hunt-- to get around-- I was not on my own. Starting from the period from 1937 on, I was on my own then and that is an indication that I was able to come in on my own and travel on my own.

Q. Did you do that once or twice a year every year in 1937 up to 1958?

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A. I am not able to give you the exact number of times people were coming in to trade their fur because we were not-- we were not in a position where we make plans to come at a certain time or certain months of the year.

People would travel and trade their fur whenever they need. We are not like you white people who need the big, long plan to go certain places. When the need arises, we go into the community to trade fur. I am not in a position to tell you how many times this would happen.

Q. I understand that. Are you telling me that you don't know if you came in at least once a year?

A. I am saying that we would trade-- come into the community to trade fur a number of times in the year. I am not saying once a year. Perhaps it is a different thing for people living in farther areas-- Garry Lake area. These people had more distance to travel and, therefore, they were not coming in as often as we were coming into the community. With those coming into the Kazan River area we were able to come into the community more often than other people who were living in long distance away from the community.

Q. In 1937 what was here in Baker Lake? There was a trading post?

A. In the year 1937 there was a very small trading post here in Baker Lake. It was something that looked more like a warehouse



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than a trading post. The main items they had in that trading post were hard tack and flour because you couldn't put anything in there that was not meant to freeze. It was so cold that the trader himself had to be dressed up in caribou clothing. That is how cold it was. The trading post itself, at that time, looked no more than a little warehouse.

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Q. Was there a mission here at that time?

A. During that time there was the Roman Catholic mission and the Anglican mission, as well.

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Q. Were there any Inuit people living here?

A. During those years the only people that were living in the community, the existing community now, were the persons that were working for the Hudson Bay preparing fox skins and the persons who worked with the missions-- one person with the Anglican mission and the other with the Roman Catholic mission. They were the only people living in the community.

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For the rest of us there was no need to live in the community. We lived out on the land simply because we were in areas where it was easier to hunt caribou, so there were no other people living in this community other than those people who were working for the people-- the existing agencies at that time.

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Q. Do you know the year in

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which the majority of people came to the community--  
the Baker Lake community?

A. Yes, I can recall the particular year when the majority of the people moved to the community. There was a hard time. It was a bad year for a lot of people. This happened when the school first opened in the community. It was very difficult for a lot of people who wanted to live out on the land but their children were forced to go to school in the community and therefore a lot of the parents had no choice but to move into the community so they can be with their children who were asked to go to school.

This was a very difficult year for a lot of these families. Even for the families that did manage to stay out on the land, their children were picked up and brought into the community to go to school. That was even more difficult for those families who continued to live out on the land when their children were brought into the community to go to school.

Q. Was that in 1957 and 1958?

A. The majority of people moved to the community during 1960.

Q. When did people start moving into the community? Do you know that?

A. Again, as I mentioned before, when the school opened in 1960, that is the year when the majority of the people moved in. I

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can't tell you any more than I have already told you.

Q. Prior to 1960 do you know if people started to move into the community for any other reason, since the school had not opened at that time?

A. Nineteen sixty. I can't recall any number of people moving into the community prior to 1960. If there were people that were moving into the community, they were either moving to the community because they were offered employment of some sort or otherwise, but I can't recall any people moving into the community if they were not offered employment of some sort.

Again, as I said, I can't recall people moving into the community prior to 1960 unless, of course, these people were people who were offered employment in the community.

Q. Before people started to move into the community, was Baker Lake very similar to the place as you described it in 1937?

A. Again, as I mentioned previously, people had a custom where these animals were allowed to travel in the same areas they had travelled before. Again, this also includes the community of Baker Lake. Even during those years, before people started moving into the community, there were a number of caribou coming in close to the community which indicates the fact that the community, during that time, was pretty much similar to what I described it during the 1930's.

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Q. I am going to ask you about certain aspects of the community today and ask you if they are similar to what the community was like in the year 1960. Today there are a larger number of permanent wooden homes, are there not? Is that right?

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A. Yes, that is correct. There are more houses now. One thing you must remember is that a lot of these houses-- they only look like houses. If you were living in some of these houses you find yourself-- they only look like a house from a distance. They are no good during the winter. They are very cold.

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Q. The point I am making is I am asking you are there today a large number of permanent houses as compared to 1960?

A. Yes, there are more houses now than there were in 1960. That is correct.

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Q. And there are very few people living on the land today, is that correct?

A. That is correct. There are now less people living out on the land than did during the 1960's. However, I think now we are getting to the point where more people are going to be wanting to move back out to the land. If one family or two families would move back out to the land, I feel there is going to be a greater number of people moving back out.

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Q. Do you know anybody in the Baker Lake area other than Mr. Avaala and

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Mr. Martee and their families living on the land today?

A. I do not know of any other families that are now living out on the land, but I know of a family who had been preparing to move back out onto the land but it takes so much work. When a family now wants to move back out onto the land it requires the okay of certain groups of people-- certain community and certain government departments that it just does not come as fast as people would like it to come.

Q. And today is there an air strip in Baker Lake that offers regular-- sometimes regular-- passenger service to Churchill?

A. Yes, there is now a landing strip that is large enough to accommodate regular aircraft coming into the community. Perhaps to a lot of people that may look as though it is a great improvement to the community. Unfortunately, during the time the landing strip was built it is also a part of all the disturbance that I mentioned to you earlier. I can recall in 1945 when there was no air strip in the community of Baker Lake that one was able to get out and see caribou just across the lake here where the air strip is now.

Again, even though there may be a large air strip, you see, there is no caribou now that you see.

Q. There is a large, modern school in Baker Lake now, is that correct?



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(Cosman)

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A. Yes, there is a school now-- a large school in Baker Lake. Again, that changed the life of the people in the community.

Q. And there is a volunteer fire department which has a tracked water pumper, is that correct?

A. Those such as the fire department or firefighting equipment now exist because of the case of danger of fire. Because of the case of fire in the community we do now have this firefighting equipment.

Q. Do you know how many families live in Baker Lake today?

A. I would not know the number of families that are now living in the community. That is the job of people who work in the offices and keep track of the number of people in the community. It is not mine.

Q. Are there a large number of skidoos and snowmobiles in the community today?

A. Yes, there are a large number of skidoos now in the community. Again that only creates a problem whereas before all this happened we people were out hunting and you didn't worry about them. Now when people go hunting with skidoos, you wonder and worry about these people being away from the community. Again that only creates a problem.

MR. COSMAN: I am aware that

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Mr. Peryouar does not like all the changes that have taken place, but I would like him to answer the question and if he has a comment to make and his Counsel wishes to ask him further questions, he is entitled to answer those questions.

MR. GOLDEN: Well--

THE COURT: It has been a long day, Mr. Cosman, but I do not think we can demand that type of precision in the circumstances as they exist. He obviously does not approve of many of these changes.

BY MR. COSMAN:

Q. Is there a modern nursing station offering health care service today in Baker Lake?

A. Yes, that is correct.

Q. And is there a library today-- a small library operating in Baker Lake?

A. When it comes to the point of libraries, I have no knowledge of that sort of thing whatsoever, so it is useless asking me that question.

Q. Since 1975 have supplies been coming to Baker Lake from Churchill by barges across the lake?

A. I am not clear whether that was the specific year when these barges were coming in. I am not certain which year they started arriving in the community. They may be earlier. These years may be not farther away than the other

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years I was talking about but I am not sure whether those were the specific years when these certain things happened.

Q. You are aware that the community is supplied by barges that come in across Baker Lake, is that right?

A. Yes, I am aware of these barges coming into the community bringing supplies but, unfortunately, what supplies they bring in is not my concern. It certainly does not supply me greatly with my supplies so, therefore, I am not in a position to keep a watch on the kind of supplies they bring in. But, at the same time, I am aware of the fact that the community is growing and these supplies are coming in.

Like I said, what type of supplies, what sort of supplies they bring in, does not concern me.

Q. And are you aware that the Hamlet Council has trucks and loaders and tracked vehicles that serve the community?

A. Again in regards to all this, the things such as the equipment that are used for different types of jobs-- heavy equipment in that nature-- I am not in a position to-- I am aware of all these things coming in. I can tell they are here. Again, I am not in a position to say what type of equipment are going to be needed for any part of the year. I am not in a position to tell you or tell anyone how much equipment is going to be needed. At

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the same time, I am aware of all this happening.

Q. And do you know that the Inuit people in Baker Lake have three-wheeled Hondas which operate on the tundra?

A. Naturally I know people are using three-wheeled Hondas. But, again, you know, I don't drive a three-wheeled Honda, so that doesn't interest me. But certainly I know people are driving three-wheeled Hondas in the community.

Q. All right. That is all I want to hear. Now, Mr. Peryouar, you mentioned a helicopter incident in which you indicated that a helicopter, in your opinion, had frightened a caribou. Did you personally see any other incidents other than the one you mentioned involving an aircraft frightening a caribou? I want to have your personal experience.

A. I can tell you other than that experience that I mentioned-- before that there are other instances when it involved the sound of a helicopter. I don't have to personally experience a great number of these noises to know they disturb the caribou.

I'll tell you why. When I was a child growing up, my father used to tell me it wasn't right for me to laugh out loud because it would disturb the caribou. Imagine how much louder a helicopter is than a child laughing. There is a great distance there. I can assure you that any sound of an aircraft is certainly much louder than a child

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playing and laughing outside.

Yes, certainly there are a number of disturbances that are done by the noise of these aircraft.

Q. What I would like to have you tell the Court is whether you know or whether you have seen, yourself, personally, any other incident than the one that you have described.

A. Again, as I have stated before, none from that particular experience, instance, that has happened.

As I have stated before, it is very simple to tell that a sound-- again I don't have to tell you from personal experience that these sounds are very disturbing to these caribou. Even if they are not going to chase the caribou, a sound of that nature disturbs these animals whether they may be passing by or going in any direction. I know for sure that the sound of these aircraft does disturb the caribou.

THE COURT: Mr. Cosman, we have arrived at nine o'clock. Unless you are within a moment or two of finishing, I think we should recess.

MR. COSMAN: Very good, my Lord.

--- COURT ADJOURNED TO MAY 18, 1979.



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HAMLET OF BAKER LAKE  
 ET AL & MINISTER OF IAND

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