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PROPERTY OF
LAND CLAIMS SECRETARIAT

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
David Estrin

for the Plaintiffs

L.P. Chambers
D.T. Sgayias

for the Minister of Indian
Affairs and Northern
Development

W.C. Graham, Q.C.
R.W. Cosman
(as agent for C.T.
Thomson)

for Essex Minerals Company
Limited

W.C. Graham, Q.C.
R.W. Cosman

for Pan Ocean Oil Limited,
Cominco Ltd., and Western
Mines Ltd.

T.G. Heintzman

for Urangesellschaft
Canada Ltd. and Noranda
Exploration Co. Ltd.

VOLUME VI

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INDEX OF WITNESSES

	<u>Name</u>	<u>Page</u>
5	SIMON TOOKOOME	
	Cross-Examination by Mr. Cosman	594
	Cross-Examination by Mr. Heintzman	600
	Re-Examination by Mr. Golden	612
10	EDWIN EVO	
	Examination in Chief by Mr. Golden	616
	Cross-Examination by Mr. Graham	641
	Cross-Examination by Mr. Heintzman	654
	Cross-Examination by Mr. Chambers	667

INDEX OF EXHIBITS

15	JOHANSSON	
	I-4 Map showing general representation of Baker Lake in 1975.	657
20	C	
	S	
	R	
	O	
	T	
	A	
	W	
	A	
25	O	
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--- UPON RESUMING AT 9.00 A.M. ON MAY 19, 1979

SIMON TOOKOOME, Recalled

THE COURT: Mr. Estrin has finished his examination yesterday, so we have Mr. Cosman.

MR. GOLDEN: Before Mr. Cosman examines, there was a matter Mr. Estrin was going to clean up for the record this morning. In a discussion with the interpreter last night she indicated to both himself and myself an error in Mr. Tookoome's answer in relation to "I do not hunt the other birds because they are protected." That is not how the thought came out in the translation. It was that he did hunt some of the other birds, but less because they were protected. If my friend would confirm that is his understanding, we might get that part of the record straightened up at least.

MR. GRAHAM: That is exactly what the interpreter spontaneously came up and told us.

THE COURT: Perhaps just as well.

CROSS-EXAMINATION BY MR. COSMAN:

Q. Mr. Tookoome, I understand that you were employed by Pan Ocean Oil Limited back in 1973-74, is that correct?

A. That's right.

Q. And I understand also that you applied for a job with Urangesellschaft, another mining company, just this past year; is that correct?

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Q. Did you agree to work for a company called Urangesellschaft this past year?

A. The reason why I agreed to work with that company was that I wanted to find out about whether they were abiding by the law in regards to the animals -- the different species -- and the reason why I wanted to work for that company was to find out whether there was some changes in the lifestyle of the different species.

Q. And did your son work as a driller for one of the mining companies?

A. Yes, he was a driller.

Q. And are there other Inuit people in the Baker Lake area who work for mining companies?

A. You probably know that there were some other Inuit people working for the various companies. Probably have a report.

Q. Yes, I just want to know from Mr. Tookoome if he knows other people who had worked for mining companies.

A. Yes, I know some of the people because I am residing with them in Baker.

Q. And you have ten children, Mr. Tookoome?

A. Yes, and two or three of them are adopted.

Q. And there are many young people in Baker Lake, are there not?

A. Yes, there are.

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Q. And are there enough jobs in the community for these young people?

A. The younger people might have jobs around this area, but it seems the way it is going right now, the future jobs for the younger people are taken by the mining companies, like the younger people might have a chance to learn the Baker Lake area but this has been taken away by the mining companies.

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Q. Sorry. Go ahead.

A. And they don't just want the younger people to stay here in Baker Lake, and like myself, I have never just stayed in Baker Lake. I had a chance to travel so, in that sense, I would like the younger people to have a chance to travel.

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Q. Would you also like to have jobs available for the younger people in the Baker Lake area?

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A. Yes, and I would like them to have a chance to get a job in Baker Lake area, and I would like them to learn.

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Q. All right. You have hunted caribou in the Baker Lake area in the past ten years, have you not?

A. Yes, I have been hunting caribou.

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Q. And is it not true that in the past 10 years that hunting has been good for you in the Baker Lake area?

A. Yes.

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Q. Now, you mentioned an experience with a water crossing, and you indicated that when you were working for the mining company you saw caribou come up to the water crossing and turn back. Is that what you said?

A. That's correct.

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Q. Is it not correct that these caribou cross over in other parts of the area?

A. In some other areas if there were not any human beings around, they would cross over.

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Q. And do you know that these caribou did cross over?

A. Wherever there is not people around, they cross over the water crossing.

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Q. I am going to refer you to one of the answers you gave. Maybe this is just a question of language, Mr. Tookoome. You were examined for Discovery at page 16 of the transcript of April 26, 1979. I am going to read you the questions that were asked and the answers given at that time, and ask you if you what you said then was correct.

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MR. COSMAN: Starting at line 9,
My Lord:

Q. For how long did you work for a mining company?

A. For one month.

Q. Was that Pan Ocean Oil Ltd.?

A. I don't know the name.

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I will put this in front to let the interpreter have it and read it to him.

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Q. And did you see any caribou while you were working at Kazan Falls with the mining company?

A. Yes, I saw some caribou and I witnessed the caribou as soon as they came up to the Kazan Falls area they would change their route. They would turn back and change their route.

Q. Did you see any caribou cross over the Kazan Falls while you were working there for the mining company?

A. Well, they came up to that area but they were going to cross over and they crossed over in other parts of the area.

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Perhaps the interpreter could read those questions and answers.

MR. GOLDEN: I don't think that is inconsistent with what the witness said today.

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MR. COSMAN: The witness indicated they had crossed over when he was examined. I want to establish that the caribou he saw did cross over in other parts of the Kazan River.

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MR. GOLDEN: I don't know if my friend realizes the Kazan area is huge. You are looking at 1,000 square miles. If that is the inconsistency maybe it goes to weight, but I don't know if it goes to credibility.

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MR. COSMAN: I don't know if my friend is giving evidence in this. The question is the witness indicated when he was examined that the caribou did cross over and today he has not clearly indicated that, and I want to establish if that is what he saw and if that is what he knew.

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THE COURT: Start at line 12. What line did you finish at?

MR. COSMAN: At the end of the

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page, My Lord.

THE COURT: Line 12 to the
bottom of the page.

THE INTERPRETER: The first
question is right:

Q. For how long did you work for the
mining company?
A. For one month.

That is correct.

The next question, that is
correct, because at that time I didn't know the
name of the company.

The next question is correct
about "... did you see any caribou while you were
working at Kazan Falls with the mining company?"
and the answer to that is correct.

Then they came up to the area
and they were going to cross over but they crossed
over in other parts of the area. That's correct.
They would cross over in the other areas.

MR. COSMAN: Thank you.

THE COURT: I am not sure that
we can expect too much precision here.

MR. COSMAN: Those are my
questions.

THE COURT: Thank you, Mr.
Cosman.

You are next, Mr. Heintzman.

CROSS-EXAMINATION BY MR. HEINTZMAN:

Q. Mr. Tookoome, where were you
born?

601.

Tookoome, cr.ex.
(Heintzman)

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A. Near Gjoa Haven area.

Q. We have on the map P-6, I think, a better picture of that area.

A. I cannot locate the area where I was born, but this general area.

Q. At the top of map P-6 we have the Arctic Ocean. And it is shown on the map as Queen Maude Gulf. Do you know if your home at Gjoa Haven was somewhere in that vicinity?

A. It was on the general area where I am pointing to.

MR. HEINTZMAN: Your Lordship may be able to see Chantrey Inlet coming down here.

THE COURT: I can't see much on that map from this distance except for red lines.

MR. HEINTZMAN: This is an inlet coming down here into which the Back River flows, and I think Mr. Tookoome is pointing north -- up here.

THE WITNESS: Yes, I was pointing north.

MR. HEINTZMAN: I believe your father was an Illinlingmiut.

A. Yes, you are correct.

Q. And did those people live on the sea and hunt the sea animals?

A. I have heard that they used to hunt, but my father died.

Q. Did your father die before you came to Baker Lake or after?

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A. He died just before I was born.

Q. I understand your mother was an Ukkusiksalimiut, is that correct?

A. Yes, that's correct.

Q. And those are the people, as we have heard in evidence, who came from the area near the Back River.

A. Yes, they came from that area.

Q. And so far as you know the Ukkusiksalimiut go down to the sea sometimes and stay with people in that area.

A. They would go to the sea to buy some goods -- trade some goods.

Q. Was there a trading post in that area in those days?

A. Just in Gjoa Haven.

Q. Is Gjoa Haven on the island or is it on the mainland?

A. It is on the island.

Q. I believe that you came to the area near Baker Lake in about 1936, is that correct?

A. Yes, that's correct.

Q. How old are you?

A. If I gave you the figure, it wouldn't be quite correct.

Q. Well, it doesn't matter if it is quite correct. Just approximately.

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A. They give me -- it is around 44, but that is just approximate figure because there is a person that is younger than me and he has a figure that is a little larger than 44, so you can see for yourself some figures have an error.

Q. You think you may be older than 44?

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A. So I would think that I would be younger than 44.

THE COURT: Not much. It is 45 years since 1936, so he can't be much younger than 44.

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THE WITNESS: I'm sorry. The person that is older than I am has an age like he is actually older than I am but the figure is younger than I am -- with the figure.

THE COURT: I suppose the point is, Mr. Heintzman, he was a baby when he came here.

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MR. HEINTZMAN: Q. Do you remember how old you were when you came to the Baker Lake area?

A. I don't know how old I was when they brought me to this area.

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Q. When you came to this area, did you live in a camp?

A. We lived in the tents.

Q. In the tents in the summer and igloos in the winter?

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A. Yes, that's correct.

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Q. And how many tents would there be in your particular camp?

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A. The tents would be numbered. They would vary in number. There would be two tents in one camp or three or six, and once in a while they would split up and come together, so it varied.

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Q. And in your particular camp, when you were young, who was living with you?

A. It was mostly consisting of my parents and my older brothers.

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Q. And were your older brothers married?

A. Yes, they were married.

Q. So they had their children and wives in the camp as well?

A. Yes, they did.

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Q. If I may go back to P-2, I have been asking some of the witnesses about the different groups that have lived in and around this area, and I just want to ask you some questions about them as well. We have heard of a group called the Harvaqtormiut. And, as I understand it, they live in Chesterfield Inlet area and would fish on the sea shore and then move inland to hunt the caribou at different times of the year, is that correct?

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A. I am not from that area, so I am not very familiar. But the people you are

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referring to might have been from that area . I would assume that they are from that area because we don't have any records -- just passed on. Like I wouldn't depend on the records themselves, but I would depend on more of the records that were passed on through the head.

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Q. You would depend more on the stories and what people would tell you than what is on paper?

A. Yes.

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Q. That is why I am asking you these questions. Did you meet people from the Qaernermiut as they came in to hunt the caribou in the old days?

A. I used to live in the general direction of Gjoa Haven area. I didn't really meet the group from that area.

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Q. You said that you came to live in the Baker Lake area when you were quite young.

A. Yes, I was a child. When I was growing up I was living around this area, and I think the group from Chesterfield area came to Baker Lake before I came to Baker Lake.

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Q. I see. So what you are saying is up in the north of Tehek Lake and going upwards to the top of the map, is that correct?

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A. I lived around this area -- this general area.

MR. HEINTZMAN: All right. And

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the witness has drawn a line running north from
Baker Lake --

MR. GOLDEN: No. I am sorry.

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The witness was starting his line well north of
Baker Lake.

MR. HEINTZMAN: Q. All right.

Where would the southern limits of your area be?

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Would it be in the Whitehills Lake area? Where did
you come down to?

A. Just before I arrived in

Baker Lake I used to live around this general area
where I indicated.

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MR. HEINTZMAN: The witness
seems to be coming down fairly close to Baker Lake.

MR. GOLDEN: This time --

MR. HEINTZMAN: And up around

Tehek, then going up to the word Back River, up

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around 98 degrees longitude and then coming back
down towards Baker Lake again. Is that correct?

THE WITNESS: That is the area

I lived in when I started hunting.

MR. HEINTZMAN: For the record,

My Lord, the witness is referring to Exhibit P-2.

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That was not mentioned before.

THE COURT: It was earlier.

MR. HEINTZMAN: It is also

98 longitude.

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Q. Did you, on your travels,
meet other groups coming from other areas?

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Tookoome, cr.ex.
(Heintzman)V
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A. Yes, I met other people as well.

Q. And I heard there were some people living or coming from the Kazan River area, and I understand that they would also hunt up towards Aberdeen Lake and Shultz Lake. Did you hear of those people and meet those people?

A. Yes, that's correct.

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Q. And sometimes did you camp at the same campgrounds?

A. Yes.

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Q. And you would be hunting the same caribou?

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A. Inuit people hunt the same caribou.

Q. Just going back to the other groups that I was talking about, the Qaernermiut, did you meet some of them coming inland to hunt?

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A. I have never met the group from Chesterfield area because I have never been around that area.

Q. Did you hear that they would come inland to hunt caribou?

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A. They probably did hunt inland because they always depend on the caribou.

Q. And then, just one other group that I understand lived southeast of Baker Lake called the Hauneqtormiut -- down in this area running from Baker Lake or south of Baker Lake towards

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the seashore -- towards Rankin Inlet. Did you meet or hear of those people?

MR. GOLDEN: If the witness says he doesn't know the answer, perhaps my learned friend could accept that answer and go on to something else.

MR. HEINTZMAN: I haven't asked about these people at all.

MR. GOLDEN: I have a feeling I know what is going to happen, but I don't want to push it or pursue it.

MR. HEINTZMAN: Q. Did you hear or meet with the people called the Hauneqtormiut who, I understood, lived south and east of Baker Lake down towards the seashore?

A. I have never met those groups from that area, but seen some people in Baker Lake.

Q. You have met some of those people in Baker Lake who were the Hauneqtormiut?

A. No, I met them here in Baker Lake itself.

Q. After you moved into the community?

A. Yes, when I resided in Baker Lake.

Q. Many of the lines on this map were put on by Mr. Peryouar. He seems to be quite a traveller. Did you travel as much as he did, or did you stay more in this area which you indicate?

609.

Tookoome, cr.ex.
(Heintzman)

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MR. GOLDEN: I would like my friend to indicate what time period he is speaking of.

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MR. HEINTZMAN: Q. Before moving into Baker Lake, when you lived on the land.

A. Well, I did travel by dog team.

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Q. You told us that most of your travelling was in this area that you have indicated. Did you at other times go out of the area to hunt in other parts?

A. I have just hunted in some areas, but I mainly stayed around this area towards Gjoa Haven.

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Q. I see. When your family moved from Gjoa Haven in the north down and lived and hunted in the area north of Baker Lake, did the other people in that area accept that and allow you to do that?

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A. They were accepted because they were with their relatives.

Q. Was the trading post at Baker Lake formerly on an island in Baker Lake?

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A. It was said that it was on the island, but I have never witnessed it.

Q. That was before your time, was it?

A. It is probably before my time that they moved up to Baker Lake area.

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Q. Did you go to any other trading post other than Baker Lake?

610. Tookoome, cr.ex.
(Heintzman)

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of our rivers.

A. Yes.

Q. Which one was that?

A. In Gjoa Haven and in one

Q. I am sorry. The one in Gjoa Haven. So that is while you were still living in the north.

A. So at that time, when my father would be travelling and I would be with him.

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Q. And you said there was one other trading post on a river. Where was that?

A. I think it would be on the west side of Gjoa Haven.

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Q. Further along the Arctic coast to the west?

A. Yes, along the Arctic coast.

Q. Do you know the name of that trading post?

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A. I don't know the name of that trading post because I left it when I was a child.

Q. And did the people from Back River and Garry Lake trade down at that trading post?

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A. The people from Back River area would go down to the trading post because it was closer.

THE COURT: This, Mr. Heintzman, is getting quite confusing. The witness has said his father died before he was born, and now he is

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telling us where he traded with his father.

As I understand it, we are either talking about an adoptive father or he is telling us about where his father traded and not about where he traded.

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MR. HEINTZMAN: Mr. Tookoome, you told us that you went into one of these trading posts with your father. Was this on the coast -- on the Arctic coast? Did you have another father after your father died -- an adopted father?

A. He would probably understand that when my father died, my mother would get married.

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Q. I see. That clears that one. And when you were hunting in the north area of that map, did you meet the people from the Garry Lake area on the west part and the Back River people on the north part?

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MR. GOLDEN: In hunting in what area? I am sorry. Your question is not clear.

MR. HEINTZMAN: I'll walk over to the map.

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Q. You indicated that your main area of hunting was in the area northwest of Baker Lake. When you were hunting, did you meet the people from the Garry Lake area or the people from the Back River area?

A. Yes, I used to meet the both groups.

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MR. HEINTZMAN: Those are all my questions. Thank you, My Lord.

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THE COURT: Mr. Chambers.

MR. CHAMBERS: I have no questions of this witness.

THE COURT: Re-examination, Mr. Golden.

RE-EXAMINATION BY MR. GOLDEN:

Q. Mr. Tookoome, you said you were employed by Pan Ocean. For how long were you employed?

A. One month.

Q. You were asked about younger people and you said that you would like the younger people to have a chance to travel and then you said that you would like them also to get a job in the Baker Lake area. Would you tell us, please, what you mean by a job in Baker Lake area?

A. When I mentioned about the younger people, I mentioned that the younger people should get an education like they get now, and also they should be educated by their parents in how to hunt.

The reason I mentioned that was the different companies that are coming up into our area are claiming land over those areas and they might say that they owned those areas, so I would like to get the younger people to get an education. The area belongs to the younger generation as well.

Q. Why? What do you think they will do with the education they get? Or, perhaps to

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rephrase it, what do you want them to do with the education they would get?

A. The reason I want them to get an education is that they would have a chance to govern themselves, and they would have a chance to look for the minerals if they get an education. And the reason behind my thinking was that Inuit people might want the job, but they would have an obstacle like the mining company would already have those areas.

Q. You were asked about the hunting of the caribou in the past ten years, and you were asked whether it has been good for you in the Baker Lake area in the last ten years. Can you tell us, in the last ten years, whether it has been better in some years than others?

A. Yes, that's correct. Each year it varies from other years.

Q. If you go back ten years to before ten years -- in the early years in, say, 1960 to 1970, was it better in those years than it was since then?

A. Yes, at that time it would be better to hunt caribou because you would know that you are going to catch caribou.

Q., And now?

A. Well, now you have -- you can't really predict that you are going to catch caribou.

614.

Tookoome, re-ex
(Golden)

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Q. When you lived in Gjoa Haven or out in the Gjoa Haven area, did you hunt sea animals only or did you also hunt caribou?

A. Both.

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Q. And as far as you know, did your father and your father's father also hunt caribou?

A. Yes, I remember because I was also carrying on the shoulders.

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Q. When you were living in the area, starting at Garry Lake and coming down towards Baker Lake, before you moved into Baker Lake, living in this area here, did you hunt in this area? And I am indicating the area running in an elongated circle from Garry Lake down towards the Baker Lake region which the witness indicated earlier.

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A. Yes, I have mentioned earlier that I hunted around that area.

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Q. When you said that other people came from other areas to or from the northern areas, and I want to get the question right: from the northern areas and they hunted with you, you said that you did not mind because they were relatives.

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MR. HEINTZMAN: That's not what he said at all.

MR. GOLDEN: I am willing to have the question put correctly. I think that is what he said.

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THE COURT: He mentioned because they were relatives was in connection with the welcome

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they received when they moved south.

MR. GOLDEN: I don't understand that.

Q. Where were the relatives that you were talking about?

A. My relatives and relations were around this area, as well.

Q. You have many relations?

A. Yes, I have a lot of relatives.

Q. Would you ask him to explain what he means by relatives, if he can?

A. The way I could explain it is my relatives were from the Ukkusiksalimiut and also Illinlingmiut.

Q. They were from the Illinlingmiut as well? I was told that if you mispronounce it that you say an awful thing. Why was that? Why did you have relatives from both?

A. The reason why I have relatives in both areas is that my father is from Illinlingmiut area and my mother is from Ukkusiksalimiut.

MR. GOLDEN: Those are all the questions I have.

THE COURT: Thank you. We will take a five-minute break while the next witness is getting organized.

--- SHORT RECESS

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THE REGISTRAR: May I have your name and occupation, please?

EDWIN EVO, BAKER LAKE, NWT: SWORN

EXAMINATION IN CHIEF BY MR. GOLDEN:

THE WITNESS: Vice-President of Hunters and Trappers and Manager of Hunters and Trappers Association.

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MR. GOLDEN: I wonder if you could advise the audience that the evidence of Edwin Evo will be in English and if they want to listen they put on their earphone. Mr. Pudnak will be translating for us.

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The name is misspelled in the fourth line. It is Evo.

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Thank you for agreeing to testify in English. Feel free at any time to use Inuktutuk. The interpreter is here to help you with either a word or switch if you feel more comfortable.

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BY MR. GOLDEN:
Q. Where do you live?
A. Baker Lake.
Q. And you have already told us that you are Vice-President of the Hunters and Trappers Association, and you are the Manager of that organization?

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A. That's correct.
Q. And what are your general

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617.

Evo, ex-in-CHF
(Golden)

duties in relation to that organization? What do you do there on a day-to-day basis?

A. My work is sort of looking after the papers for Hunters and Trappers, answering the letters and translating the English letters into Inuktutuk for the Executive.

Q. And without giving us names, who is the Executive of the Hunters and Trappers Association? What kind of people are they? What do they do?

A. These people, the executives, are the President's advisors and the executive officers meet and decide on matters that they do not agree with.

Q. Well, do they have meetings to decide on questions that they want to get resolved? Is that the idea?

A. Yes, that's correct.

Q. Before we talk more about the Hunters and Trappers, I would like us to learn a little more about you personally. Do you know where you were born?

A. I was born at Garry Lake.

Q. And how did you come to Baker Lake and when?

A. I came to Baker Lake in 1958 for taking school.

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Evo, ex-in-CHF
(Golden)

Q. How did you come here?

Did your parents bring you or did you come
some other way?

A. My father took me down
by dog team.

Q. Did your parents live
with you in Baker Lake when you first came
here, or what was the arrangement?

A. No, I did not live
with my parents.

Q. Where were they?

A. I was staying over
at the old man Tapatai's place during the
school year.

Q. And where were your
parents?

A. Out on the land.

Q. Did they eventually
come in to Baker Lake?

A. Seven years later
they came.

Q. And after you came
to school -- I don't know if I asked you,
but how old are you at the present time?

A. Thirty-four.

Q. And do you remember
the year that you came into school?

A. 1958.

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619. Evo, ex-in-CHF
(Golden)

Q. In the seven years that your parents lived on the land, before they came to live at Baker Lake, where did you spend your summer or time you weren't in school?

A. After school I used to go back to the land with my parents.

Q. They came here then around 1965?

A. Yes.

Q. At that time you were nineteen years old?

A. Yes.

Q. How did you learn? Do you hunt?

A. Yes, I do.

Q. I will ask you about that in a moment as well, but how did you learn to hunt?

A. From my father, grandfather and two uncles.

Q. Do you continue to hunt at the present time?

A. Yes, I do.

Q. Will you tell us what your basic food is?

A. My basic food, sir, is mainly caribou and the fish. That is the best food I like.

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620. Evo, ex-in-CHF (Golden)

Q. Do you buy meat from the Bay?

A. No.

Q. You have a younger brother, I understand, who is how old? You have a younger brother?

A. Yes.

Q. How old is he?

A. He is ten.

Q. And you have other brothers and sisters?

A. Yes.

Q. Are they older than you or younger?

A. They are all younger.

Q. They are all younger

than you?

A. Yes.

Q. What do they eat?

A. They eat mostly caribou meat and fish.

Q. Can you tell us how often you hunt?

A. Whenever I am in town I like hunting more than being in the office.

Q. Do I take it from that that you hunt as often as you can?

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621.

Evo, ex-in-chf
(Golden)

A. Yes.

Q. How do you feel about hunting? Can you tell us in your own words? Describe how you feel about it?

A. I do the hunting. It's not just for fun. I do the hunting for seriously -- trapping, hunting because mainly I was going with the caribou meat and the fish.

Q. Do you know John Avaala, who testified here earlier this week?

A. Yes, I know him well.

Q. Do you know what he is doing?

A. Yes.

Q. Are you familiar with the activities of people who want to go back to the land -- live out on the land?

A. Yes.

Q. Do you yourself have any thoughts about that?

A. Last January I just filled out the application. It is really similar to what John Avaala is doing right now.

Q. And what do you hope to do?

A. I hope to do some trapping for trapping season and do my own

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Evo, ex-in-CHF
(Golden)

hunting.

Q. Do you have a specific
place planned where you would like to live?

A. Yes.

Q. Can you tell us
where that is?

A. At the Pelly Lake.

Q. Pelly Lake?

A. Yes.

Q. Is that on the map,
Exhibit P-2?

A. Yes.

Q. Could you show it
to us, please?

A. (Indicating).

MR. GOLDEN: Mr. Evo is
indicating an area to the west of Garry Lake.

BY MR. GOLDEN:

Q. How far is that from
Baker Lake?

A. Air miles it is
a hundred and eighty.

Q. How will you travel
back and forth?

A. " I don't hope to travel
back and forth. That would be a waste of time
of trapping unless there is any emergency at
the camp.

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Evo, ex-in-CHF
(Golden)

Q. You plan to stay
there then?

Q. You plan to stay

A. Yes.

Q. Will you trade your
furs?

A. Yes.

Q. How will you do that?

A. At the end of the
season, in April, I will come into town.

Q. The Hunters and Trappers
Association, first of all, can you tell us
whether or not it is -- we already have an
admission on this so perhaps I can lead on
it. It is an incorporated body, is that right?
It is a company? It has a charter from Yellowknife
from the Territory Government?

A. That's correct.

Q. Can you tell us
why it was set up? What its purpose is?

A. Their main purpose
-- the main reason behind becoming a committee
or an association was to try and meet the
needs of the hunters, keep an eye on the
animals and also to make sure that the land
is kept as carefully as it can be.

Q. Can you tell us,
please, what the Hunters and Trappers Association
does? What are the various things it does to

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carry out this purpose?

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A. One of their aims is to help the people in general areas of hunting or making orders for them like nets or making ammunition parts -- things like these things that the hunters need.

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Q. Does the organization talk to the government -- that is the federal government or the Territories government?

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A. Yes, they do. One of their helpers is the Economic Development Officer here in Baker Lake.

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Q. And what are the kinds of things that you discuss with the government?

A. One of the things we do talk about is making ammunition, making available hooks, nets, welding equipment.

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Q. Under the game ordinance which is now in effect, the Hunters and Trappers Association must make recommendations before certain kinds of licences can be granted to non-Inuit hunters. Is that Trappers Association that we are talking about for hunters and trappers -- is that a general hunter's licence or a business licence.

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A. In the game law there

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Evo, ex-in-chf
(Golden)

is, for example, the statement is that for any person who is not raised in the territory to get a general hunting licence it must be recognized by a hunting association. That is correct.

Q. Is that Hunters and Trappers Association within the meaning of this regulation?

THE COURT: As you put it, it is a question of law. But I think we understand what Mr. Golden is getting at. Is this the association that does that in Baker Lake?

THE WITNESS: That is correct.

BY MR. GOLDEN:

Q. Specifically do you have dealings with younger hunters in the community?

A. Yes, we do.

Q. What do you do with the younger hunters?

A. Younger hunters, they come in themselves and claim for a general hunting licence or a map, like.

Q. Do you do anything to help them learn?

A. Ones that got parents,

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they are sort of on their own. That is the only way to learn how to hunt. You cannot have instructors all the time because you are one way or the other with the older folks going to learn ways, so you are going to have to be on your own and you got to learn it.

Q. Does the Hunters and Trappers Association do anything to encourage hunters who do not have parents or who need advice?

A. Yes, we have been looking at that and we hope to start it out with the business that we are trying to apply for.

Q. And what is that?

A. With the earlier statements I said that we are trying -- we are hoping to start selling and providing nets, hooks and other equipment that hunters need. As soon as this all starts there will be training or advising those who have no fathers and no mothers.

Q. In addition, do you perform any function or do any work with hunters who have complaints?

A. Yes, we have taken some of these complaints and talked about them, but having no real office to work in

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Evo, ex-in-chf
(Golden)

and also not being sure who to talk to about these complaints we are not doing very much about their complaints.

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Q. Over the past couple of years, can you give us some idea of the number? Not the exact number, but roughly the number and kinds of complaints you have been getting?

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A. The first two years before last year I cannot tell you exactly what they used to do because I was only put in last year.

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Q. Can you tell us from last year what the type of complaints were? We don't want details so much. We just want to know what kind of things are complained about?

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A. One of the biggest complaints that the hunters have are the areas in which the mining companies camp. They are leaving their oil drums and some of their equipment out in the land and I can even tell you roughly how many people have complained about that and also I can tell you exactly -- I can tell you roughly how many camps there are set up by these companies.

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Q. Please go ahead.

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Evo, ex-in-CHF
(Golden)

We are going to be asking you some specific questions about things you personally saw later. I wanted to get a general idea of the kinds of complaints you deal with.

MR. HEINTZMAN: Is this evidence not hearsay? I don't like to make objections but --

THE COURT: It is not hearsay. The Hunters and Trappers Association, of which he is Manager, have received complaints about such and such and so and so. It is certainly not evidence that the debris is in that spot.

MR. GOLDEN: What I really want to do is lay the groundwork about what happens with complaints, but it is important to know what kinds of complaints they are and what the volume is, roughly.

BY MR. GOLDEN:

Q. Can you tell us the kinds of complaints you got last year and then go on from there?

A. Those people that came to complain were roughly about fifty.

Q. In the past year?

A. Yes.

Q. And when you received their complaints what did you do with them?

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Evo, ex-in-chf
(Golden)

What further action did you take?

A. Sometimes some of the complaints we took to the local game officer because he was the only one readily available.

Q. Yes, and others?

A. This coming summer -- as of this coming summer we are now going to take these complaints to the hamlet office to the Fish and Wildlife Officer and also to the Land Use Supervisor with copies of our own.

Q. Why are you doing that?

A. I believe it would be a lot easier to handle these complaints and try to do something about these complaints if we take them to the people who are heading these organizations.

Q. In the last year, when you took these complaints to the Fish and Game Officer, what happened?

A. He said that he would be speaking to his boss, but he was also advised that these companies already have land use permits and that these people could not touch them.

Q. I take it from what you

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said that this year you hope to be able to do something about some of the complaints by this new system you described to us?

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A. That is correct.

Q. Have you ever personally investigated some of these complaints?

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A. I have seen some of these areas that the companies have pitched their tents and also seen where the oil drums are.

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Q. Can you tell us, please, what you have seen?

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A. I would like to use the map to point out where these places are.

Q. Please go ahead.

Are you talking about last year's camps?

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A. There is more than a year, I think, sir.

Q. If you tell us where

you saw a camp and, if you can, roughly when you saw them and what you saw as you go through this I would appreciate it.

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A. In that area there was a lot of oil drums that were put there some years ago.

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Q. That is the area between Schultz Lake and Aberdeen Lake?

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A. Yes.

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Evo, ex-in-chf
(Golden)

Q. And that is encircled by William Noah in his evidence as WN-13?

A. There was also a lot of oil drums just outside of the area immediately to the one that I pointed.

Q. You are indicating an area to the north and east of the border at the northwest corner of Schultz Lake?

A. Yes, that's correct. Also there last fall I saw three different areas in which there was oil drums.

Q. Can you tell us where they were?

A. On the Thirty Mile Lake on about the shore.

Q. You are indicating an area to the north shore of Thirty Mile Lake with your finger and it is the area just east of ninety-six degrees, thirty minutes longitude?

A. And also I saw that there were a lot of oil drums all along the route from Kazan Falls right to the mouth of the Kazan River and also there was oil drums and propane containers. Some of them had sort of floated away to the shore.

I also saw where the company, Cominco, had worked and the drills are

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Evo, ex-in-CHF
(Golden)

still there.

Q. Where is that? Is that in the general area that you have been indicating with your finger?

A. Yes.

Q. That is the area to the north or north and south, you indicated, of Kazan River and that is the area approximately zoned by ninety-five degrees thirty to sixty-nine degrees. And are there any other areas where you have seen material from mining camps where you have inspected it?

A. We also saw, last April, a lot of old oil drums that apparently had been there for quite some time up and around that area that I had just pointed.

THE COURT: That one being the Cominco camp?

MR. GOLDEN: The Cominco camp was down here.

BY MR. GOLDEN:

Q. Cominco has a camp where?

A. Amer Lake.

MR. GOLDEN: Amer Lake is marked on the map just off the north end of the study area.

BY MR. GOLDEN:

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Evo, ex-in-chf
(Golden)

Q. Did you personally inspect that camp?

A. Yes.

Q. Were any of these camps you described that you were at being actually used at the time or were they areas that had been used as a camp previously?

A. They were there over five years ago and it is really messy and very dirty.

Q. Are the people in the mining companies still there now?

A. No.

Q. What about the areas that you have shown us between Schultz and Aberdeen Lake -- the two areas there. Are those camps that are being used at the present time or camps that have stopped being used?

A. According to what I hear, the lake northwest of Aberdeen, I mean, Schultz Lake, they said they are going to clean up that area this summer because apparently the Fish and Wildlife Officer wrote to someone and someone did that.

Q. Back to the question. You described a number of campsites with oil drums and in some cases propane bottles. I would like to know if any of those camps, to

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Evo, ex-in-chf
(Golden)

your knowledge, are being actively used or are they what we call abandoned, not being used?

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A. Apparently, according to hearsay, they were supposed to be used sometime and had been used sometime but when the river opened up and flooded, these oil drums and propane bottles started floating down the river.

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Q. Well, at the places where you saw the oil drums and propane bottles on the Kazan River, were there mining camps actually there on that same spot?

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A. At the time that I saw them, no. There was nobody there. But back in 1970 there were actually people there, especially in the area that I saw at Kazan Falls and Kazan River.

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Q. I want to make sure I have covered all the areas with you that you have described. You have described what we will call the Thirty Mile Lake area. Are the mining camps still being used there or are we finished with them?

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A. I was told that in one of those areas that the companies are going to return, but I have not heard of any other area that is going to be returned to.

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Q. In the Thirty Mile Lake

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Evo, ex-in-CHF
(Golden)

area, where you saw the oil drums, was there any active mining camp there at the time you saw them?

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A. No, there were no people there at that time.

Q. When was it you first saw the oil drums in the Kazan area? What was the first year you saw oil drums?

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A. Back in 1970 was the first time I started seeing them both when there were people there and also when there was no one there.

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Q. When was the first time you made a complaint? I'm sorry. Did you make a complaint or any complaint to anyone about these drums that you describe on the Kazan River?

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A. As soon as we started seeing these camps and these oil drums we started reporting them to the local game officer.

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Q. The thing about the Kazan River, for the moment, can you tell us about the first year you made a complaint to the game officer?

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A. It was 1970.

Q. And have you complained -- and I am talking about the Kazan now -- about

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the Kazan since 1970?

A. Every year.

Q. In November of 1978

did you go back to the Kazan and make an inspection?

A. Yes.

Q. Last November?

A. Yes.

Q. And tell us what you

saw there then?

A. Just as I described

earlier, the oil drums that had been apparently floating around in the flood were still there and also the same situation in Thirty Mile Lake.

Q. What was the last

inspection you made of Amer Lake, to the north? When was the last time you made an inspection there?

A. We made an inspection

in Amer Lake.

Q. What year?

A. This year, last month.

Q. Just last month?

A. Last month.

Q. What was the situation

there?

A. It is still, to this

day, in the same condition.

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Evo, ex-in-chf
(Golden)

Q. I think you told us something about Amer Lake. You had some information. Had you made any complaint about Amer Lake before this year?

A. Yes.

Q. When did you first make your first complaint about Amer Lake?

A. 1974. Around 1974.

Q. And have you made any complaint since 1974 about Amer Lake?

A. Every year.

Q. What I will call the Schultz-Aberdeen Lake area, the west side of the Schultz Lake within two lakes and to the north, considering that as one area, when was the last time you saw that area?

A. September was the last time I saw them.

Q. Which September?

A. Last September.

Q. Last September?

A. Yes.

Q. What was the condition of the area at that time?

A. They had not been touched or cleaned up around that area.

Q. When was the first time you saw that area where you saw that

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Evo, ex-in-chf
(Golden)

material in that area?

A. August was the first
time I had seen that camp.

Q. Schultz and Aberdeen?

A. Yes.

Q. You described more
than one camp in there. Had you seen the other
one any other time or had you seen them both
at the same time?

A. Yes, I had seen all
three at the same time.

Q. And did you make a
complaint about them?

A. We did make a complaint
to our game officer.

Q. Do you make complaints
as well to any other person?

A. Since we did hear at
one point that we are to make complaints to the
Land Use Inspector and have made complaints to
that person since and quite possibly that area
has been inspected now.

Q. And you said you saw
it, I think, in September of 1978?

A. Yes.

Q. When you go hunting --

THE COURT: Before you
go on, excuse me, Mr. Golden. Would you clarify

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Evo, ex-in-CHF
(Golden)

this for me: I believe I am correct. The game officer is an official of the Territorial Government?

MR. GOLDEN: Yes.

THE COURT: Who is the Land Use Inspector?

MR. GOLDEN: The Land Use Inspector works and reports to the Engineer who is in charge.

THE COURT: Under the mining regulations?

MR. GOLDEN: No, under the Territorial Land Regulations Act. Under the Land Use Regulations and about a year ago there was a Land Use Inspector appointed to reside in Baker Lake. I'm sorry. I don't know when she was appointed, but she was given some new functions, apparently, in that period.

BY MR. GOLDEN:

Q. In your personal hunting have you had any occasion to have a problem as a result of aircraft and helicopters?

A. Yes, there has been a lot.

Q. Can you tell us, please, first of all, and I refer you to a particular situation and ask you to think back to August of 1977 in the Schultz Lake area?



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Evo, ex-in-CHF
(Golden)

A. In that area that you described and that year I was going to shoot a caribou when a helicopter came along and made it run out.

Q. Can you describe what the helicopter did?

A. I cannot describe it exactly because it was right in line with the sun.

Q. Did you get the caribou?

A. No.

Q. Have there been any other occasions on which you have had your hunting interfered with -- you, personally?

A. This one and the one I had just described is the one I most remember.

Q. Mr. Evo, why did you decide or why did you pick a place to live in your application on the land that is so far away?

A. Because in that area there is not too much disturbance by mining companies and exploration companies and it is not as noisy, so it should be a lot easier to go trapping and hunting.

MR. GOLDEN: Thank you very much, sir. No further questions.

Your witness.

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THE COURT: We are left with an hour, for all practical purposes. Can you agree somehow to parse that amongst you?

---Short Recess

---CROSS-EXAMINATION BY MR. GRAHAM:

Q. Mr. Evo, would you tell us how you came to be Vice-President of the Trappers and Hunters Association? Were you elected by the members?

A. I was elected by the public.

Q. Were they members of your association, as an incorporated body?

A. Yes.

Q. How do you know someone is a member of your association?

A. Because they buy membership cards.

Q. How do you, as a rule, decide to do something: not as a bunch, but the association -- the Hunters and Trappers Association? How does it decide to take an action?

A. (Interpreter) We can hardly hear you.

Q. How does the Hunters and Trappers Association decide whether it

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is going to do something in its own name
such as send a letter to the government, a
complaint, or something of that nature?

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A. This committee that
has been formed were elected by the people
-- by the members. So, when the members
start complaining or make issues of certain
things, then the association starts to try
to do something.

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Q. And if you are going
to decide to do something, do you take a
vote among the Executive that you have?

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A. These people that
are elected are elected by the public, so
that whatever the public wants, the Executive
has to try and do.

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Q. And when it came
for you to be a Plaintiff, the Hunters and
Trappers Association, in this law suit --
in this action we are now in -- tell us how
that decision was made?

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A. The route that we
took was that -- there are only eight committee
members, so they themselves cannot take the
whole responsibility, and when the people wanted
to take action, the eight people decided to
take action.

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Q. Do you have a resolution

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Evo, cr. ex.
(Graham)

or something written to show that you decided to become a Plaintiff in this action?

A. I don't have the resolution -- the written piece of paper with me right now.

Q. Do you remember there being a written piece of paper?

A. Yes, I remember very well.

MR. GRAHAM: Then perhaps my friend will produce that at some point.

MR. GOLDEN: My friend did advise me that he was going to pursue this line of questioning, and the document is here.

MR. GRAHAM: You didn't tell me that this morning. It could have saved us time.

My Lord, I am satisfied then.

THE COURT: There is no necessity to mark that as an exhibit.

MR. GRAHAM: No, I am prepared to accept it.

BY MR. GRAHAM:

Q. You told us about the concerns of the Hunters and Trappers Association. Is one of their concerns-- or

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Evo, cr. ex.
(Graham)

one of your organization's concerns -- the state of the Inuit hunting and fishing camps as well as other camps that might be in this area?

A. From here on they are not going to watch only the oil company camp areas; they are going to be watching the hunting areas, including the crossing points. They are going to keep an eye on all of this because their members wish it so.

Q. Are they going to be watching hunting campsites and fishing campsites to make sure there is no pollution there -- no tin cans left and things like that?

A. That's correct.

Q. Has that been a bit of a problem in the past?

A. It is not as bothersome because Inuit hunters do not leave oil drums floating around and such a big mess with a lot of equipment, so it is not as bothersome.

Q. But it can be bothersome if there are tin cans and stuff like that left around?

A. Only if they really start leaving behind a big mess like that.

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Evo, cr. ex.
(Graham)

Q. Have you taken steps to have any camps cleaned up lately? Has the Hunters and Trappers Association taken any steps to have any camps cleaned up recently?

MR. GOLDEN: Inuit camps?

MR. GRAHAM: Yes.

THE WITNESS: It is just now that people are beginning to realize their responsibilities, especially these Executive Committee. They are just learning there are rules and regulations that they have to live by. And one of the things that you mentioned, cleaning up the camp areas, is also going to be looked after.

BY MR. GRAHAM:

Q. So far as the exploration companies' camps are concerned, do you receive a copy of the land use permit that is sent to the government by the exploration companies?

A. This year was the first year we started receiving copies of these land use permits.

Q. You are speaking there as the Hunters and Trappers Association. Do you know if anyone else, any other body, in Baker Lake receives copies of those

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applications this year?

MR. GOLDEN: The witness said, "permit". My friend said, "application".

MR. GRAHAM: The question was "application", and the answer was "permit". So there is a little confusion. I had not put that significance on my question.

BY MR. GRAHAM:

Q. Do you see the application before it is actually granted by the government?

A. I have never seen an application form itself.

Q. You receive the copy of the permit, then, do you?

A. Yes.

Q. Do you circulate that information to the members as to where the camps are located?

A. Yes.

Q. Do you know if anyone else in the Hunters and Trappers Association receives copies of the applications rather than the Plaintiffs?

A. What do you mean?

An individual?

Q. Yes. Does any other

person or representative of the Hunters and

Evo, cr. ex.
(Graham)

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Trappers Association receive a copy of the application?

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A. (Interpreter) Other

than himself?

Q. Yes.

A. No.

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Q. You told us about

going out to look at some of the camps. How did you get there, Mr. Evo? How did you get out to these camps?

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A. By canoe and by

ski-doo.

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Q. And the camp on the

Kazan River, did you say there was still a drill located down near the Kazan River?

A. That's correct.

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Q. I'm sorry. Was

your answer that it is correct?

A. That's correct.

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Q. And when did you

last see that drill?

A. November was the last

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time I saw it.

Q. November of 78, is

it?

A. Yes.

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Q. And could you tell

me again more precisely where it was located

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648.

Evo, cr. ex.
(Graham)

exactly -- which camp location where you saw the drill?

A. (Indicating).

Q. It was near the falls, was it?

A. Yes.

Q. Within a mile of the falls?

A. Two miles. Half

a mile.

Q. Half a mile?

A. Yes.

Q. Up or down stream?

A. Down.

THE COURT: Below the falls?

THE WITNESS: (Indicating).

THE COURT: Fine.

BY MR. GRAHAM:

Q. When you were there did you make an inspection all along that area to see what problems, if any, were there?

A. Yes, I definitely looked all around because I noticed that that area had not been cleaned up so I was looking for dirt and pollution -- garbage.

Q. How many campsites had there been in the Kazan Falls area that

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Evo, cr. ex.
(Graham)

you went to look at?

A. Five.

Q. Five. And were any of them that you did look at that had been cleaned up?

A. One area that was especially dirty and messy was one right below -- just below the falls, the one that had five tents around it.

Q. And were the tents still there?

A. There were no tents pitched there at that time. We -- I especially looked around that area because the older people say that that is a crossing point, and the older people were especially concerned about that spot in particular.

Q. Tents had been taken away, had they?

A. There were no tents.

Q. How did you know there were five tents there at one time?

A. I can tell where the tents have been pitched.

Q. And what else did you see there then when you were there, and this is still in November of 78 you were there the last time?

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Evo, cr. ex.
(Graham)

A. Yes, that is correct.

The ones that I did mention were empty oil drums, a drill -- some drills there -- and empty propane bottles that had been floating around in the spring time.

Q. The other four camps -- you said there were five. The other four were also in that same region, were they?

A. There were three camps along that Thirty Mile Lake.

Q. There were three of the five that were in that area that you went to look at?

A. Sorry. There were four.

Q. There were only four camps that you actually inspected?

A. That is including the one just below the Kazan Falls. There were four camps rather than five camps. There were five tents.

Q. Five tents?

A. Four camps.

Q. In that particular inspection of four camps you looked at you told us of the one near Kazan Falls. Now, of the other three was there anyone of them that was actually cleaned up to your

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Evo, cr. ex.
(Graham)

satisfaction?

A. The oil drums --

there were some two by fours, there was also
some plywood and they were all around and
messy.

Q. Was that at one of
the camps?

A. There were three
camps.

Q. And there were oil
drums and plywood at each camp?

A. Yes.

Q. The Schultz Lake
and Aberdeen Lake camp, Mr. Evo -- the last
time you were there was in September of 1978,
is that correct?

A. That is correct.

Q. And do you know
whether any efforts have been made to clean
up that site this winter by UG?

A. They were not cleaned
up this winter.

Q. How do you know that?

A. John Navala saw them
again after I did.

Q. What month do you
say that happened?

A. I can't hear you.

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652. Evo, cr. ex.
(Graham)

Q. What month did you say that happened?

A. (Interpreter) Which one? John saw them? Or he saw them?

Q. John saw them?

A. He saw them in the month of April and as soon as he came back to Baker Lake he would report them.

Q. He did make a report, did he? Do you know whether he made a report or not? Let me be clear on the report thing?

A. It was verbal report.

Q. Was that report made to the Hunters and Trappers Association?

A. Yes, Navala said.

Q. Did you make a report to the Fish and Game Officer or to anyone else? The land permit people?

A. No, only the Hunters and Trappers knew of this.

Q. Why didn't you report that one to the Land Use Permit Inspector?

A. The Land Use Inspector was outside at the time that John Navala would come in.

Q. Who is the Land Use Permit Officer?

MR. GOLDEN: I think you

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Evo, cr. ex.
(Graham)

mean Inspector.

MR. GRAHAM: Inspector,

here in Baker Lake.

THE WITNESS: Joan

Scottie.

BY MR. GRAHAM:

Q. Is she one of the
Plaintiffs in this action?

A. Yes, very definitely
because she wanted to hear of these unkept
camps.

THE COURT: She is on
the list. There is a Joan Scottie named
as a Plaintiff.

MR. GRAHAM: I just
wanted to know. The chances of there being
two is unlikely.

BY MR. GRAHAM:

Q. You told us about
a helicopter incident when you were hunting.
Did you happen to note the markings on that
helicopter? Did you note who it belonged to?

A. No, I do not know
because he was right in direct with the sun.

Q. And did you happen
to note its altitude -- how high it was?

A. Roughly around eight
hundred feet.

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Evo, cr. ex.
(Graham)

Q. Did you report that incident to anyone?

A. I did report, although I did report it to the game officer here.

Q. You did report it to the game officer?

A. Can you speak higher?

MR. GRAHAM: I'm sorry. I didn't hear you either. We are having trouble here.

BY MR. GRAHAM:

Q. Did you report it to the game officer?

A. That's correct.

MR. GRAHAM: Thank you.

---CROSS-EXAMINATION BY MR. HEINTZMAN:

Q. Sir, we are going to be leaving Baker Lake today, and I have a map of what Baker Lake looks like. I would like you to look at it and tell me if this map accurately sets out what the town looks like today. I notice that since this map was prepared in 1975 that the hotel is not there and the new Co-op building is not on there and maybe some other things not shown. But, I would like to get your agreement that basically it does show what the

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town looks like.

A. The curling rink is not here anymore.

Q. The curling rink is not here. So we will ignore that. What happened to the curling rink?

A. They took it apart.

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Q. Does it give us a general representation of what houses are in the town today?

MR. GOLDEN: The report was done some years ago. It was not done today.

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MR. HEINTZMAN: It was done between 1975 and 77. I appreciate that.

THE WITNESS: There are some that are not -- that are not here now. That are not on this map.

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BY MR. HEINTZMAN:

Q. Well, you pointed out the curling rink. Is there anything else?

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A. This map is so small that it is very hard to distinguish.

Q. Well, if you can tell me that it is a generally proper representation of the town, that would be helpful. If you say it is not, then we will

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Evo, cr. ex.
(Heintzman)

just put it away.

A. Yes, in 1975 it

was so.

MR. HEINTZMAN: All right.

We will mark it as being representative as
what was here in 1975.

MR. GOLDEN: I would

object to that, My Lord.

My friend should not

be so quick to mark it an exhibit. I don't

think it is properly identified. My friend

is sliding a piece of paper in front of the

witness and he is not prepared. If my friend

wants to put a map of a town in, there are

many ways of doing it. A witness coming here

for an entirely different purpose and to

look at a xerox copy out of somebody's report

--

THE COURT: The witness

does say it is representative of what the

town looked like in 1975, for what that is

worth.

MR. GOLDEN: My friend

is not getting a lot of information. He

thinks he is getting a lot of information,

but I don't want the record cluttered with a

lot of really unproved documents that have

basically not been proved.

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Evo, cr. ex.
(Heintzman)

THE COURT: I think,
again, it is said to be a general representation
of the town, aside from the curling rink,
of course, in 1975. I am not sure what use
one makes of a general representation of the
town in 1975, but I think that is I-4.

EXHIBIT NO. I-4: Map showing
general representation of Baker
Lake in the year 1975.

BY MR. HEINTZMAN:

Q. From my observations
of the town, there appears to be some new
buildings since this plan was prepared and,
for instance, right at this corner where
it shows the Craft Shop, there is now a new
Co-op at the corner here, is that correct?

A. Yes, in the
exact place.

Q. So, the Craft Shop
shown on this map -- shown running this
way across the plan when I look at the top,
now it seems to run the opposite way.
Am I correct on that?

A. Correct.

Q. I wonder if
I could just mark on this map then right
in that corner where the Co-op is. Could
you mark where the Co-op is now on the map?

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Evo, cr. ex.
(Heintzman)

MR. GOLDEN: Surely,
My Lord, there is a better way of getting
this on the record.

MR. HEINTZMAN: I
should have thought at some time in the
proceedings my friend would put in a map
of Baker Lake.

MR. GOLDEN: This is
not a case about the streets of Baker Lake.
It is a case about the country around it,
and I don't care to put a map in of Baker
Lake. If my friend wants to put a map
in there are different ways of proving it
that is far superior than this one, I
think, looking at the best evidence and
not some third-hand way of dealing with
the question.

THE COURT: Again,
the witness has said it is general
representative of what the town looked
like in 1975. The man lived here. If
he can help, fine. It is certainly far
from a good map. I have no idea where
this ties in, yet. That is my problem.

MR. HEINTZMAN: I
think it is the cornflakes argument --
that they are getting the benefits of the
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MR. GOLDEN: That is not
the point, My Lord.

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THE COURT: What the
physical layout of the community has to do
with it, whether the Co-op is on one corner
or another, does not much matter.

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MR. GOLDEN: My concern
is that my friend negotiates placement of
buildings with the witness and all of this
under the guise of cross-examination.

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MR. HEINTZMAN: Do I
have your permission, My Lord, to have the
witness indicate where the Co-op is?

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THE COURT: He already
said so verbally.

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BY MR. HEINTZMAN:
Q. Can you just write
on the map where the Co-op is for us, and
we will put a letter C in the middle of that
or beside that -- right where the Craft Shop
used to be. Now there is the hotel, is that
correct?

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A. The hotel is right
beside where the Co-op used to be.

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Q. That would be just
right in this area here, is that correct?
Do you mark in where the hotel is then?

A. Fine.

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660.

Evo, cr. ex.
(Heintzman)

Q. Fine, and we will put an H there. On the map, P-2, can you just indicate where near Garry Lake you came from in 1958?

A. It doesn't show on the map.

Q. Whereabouts, from the map -- can you point in some direction from the map where it would have been? You are pointing just above the letters 'O' and 'U' in "Resources", at the top of the map where it says, "Engery, Mines and Resources".

A. That is correct.

Q. All right. That is the direction. Can you tell me where your father came from?

A. My father was originally from Gjoa Haven, around that area.

Q. And your grandfather? Do you know where he came from?

A. The same area.

Q. And when did your father move up into the Garry Lake area?

A. I cannot tell you because I do not remember the year.

Q. Was it before you were

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661.

Evo, cr. ex.
(Heintzman)

born?

A. He had lived there

before I was born.

Q. Did he used to

trade down to the Artic Coast?

A. He used to trade

in both areas -- both in Baker Lake and also
up the coast.

MR. HEINTZMAN: When I

use the word "down" in my exam I assume

that everybody understands that I am talking
about "up".

MR. GOLDEN: Of course.

MR. HEINTZMAN: "Up"

to the coast, which is up.

BY MR. HEINTZMAN:

Q. Let's look at

P-6. We are talking about going down to
the coast from the Garry Lake area. We
are talking about going up to Queen Maud
Gulf, is that correct?

A. That's correct.

Q. And do you know

the outpost that he would trade to in that
area?

A. I cannot exactly

locate where he used to go trading.

Q. I believe you acted

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as one of the interpreters with respect to
the study that was done of hunting and fishing
in the Baker Lake area on which a Mr. England
was working, is that correct?

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A. I have never
interpreted for a Mr. Ingram.

Q. Are you Edwin Evo?

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A. That last name is
spelled wrong.

Q. Is there another

Edwin Evo in Baker Lake?

A. No.

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Q. In this report
that I have in my hand -- called the IDS
Study by some -- there is a reference to
you being one of the interpreters on the
interviews that were done in Baker Lake,
is that correct?

A. Is it "Ingram"

or "England"?

Q. England?

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A. I was acting interpreter

for someone who had a different name from the
one that is on that report. That man was
researching or studying the campsites, the
fishing points, the trapping areas.

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Q. What was his name?

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A. Ward Hayden.

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663. Evo, cr. ex.
(Heintzman)

Q. Mr. Hayden?

A. Yes.

Q. Ward Hayden. All right.

A. That's correct.

Q. And did you assist

Mr. Hayden in interviewing the residents of Baker Lake with respect to the caribou and the fish and things like that?

A. That's correct.

Q. And in this report

Mr. Hayden and the people he was working with have estimated the number of caribou that residents of Baker Lake take each year. Are you aware of that?

MR. GOLDEN: If my friend wants to know if the witness has an estimate of the number of caribou, perhaps he could get it from asking him; not this rather circuitous route.

THE COURT: I don't see how one of the interpreters for one of the people in that report could have an opinion as to agreeing or disagreeing with the report.

MR. HEINTZMAN: He is also a member of the Hunters and Trappers Association.

THE COURT: In that

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Evo, cr. ex.
(Heintzman)

capacity he would have nothing to do with the report, as such.

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MR. HEINTZMAN: He would have, I assume, some knowledge of the same sort of statistics.

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THE COURT: But surely the question should be put to him rather than the form of confirming or denying something in somebody else's report.

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MR. HEINTZMAN: I would prefer to put in terms of confirming or denying the material in the report.

THE COURT: Go ahead and put it. But, the witness is perfectly at liberty to say he does not know anything about it, if he wishes to, of course.

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BY MR. HEINTZMAN:
Q. In this report, on page 166, there is an estimate -- Baker Lake Inuit, forty-one hundred caribou per year. Can you assist us on that figure as to whether it is correct or not?

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A. I cannot answer that because I can only say that there were a lot of people that we interviewed and I did not make any additions.

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Q. Well, from your own estimates, can you tell me if that figure

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Evo, cr. ex.
(Heintzman)

is correct?

A. I already said that I cannot tell you the estimates.

Q. I see. Was one of the questions which you asked the residents of Baker Lake the number of caribou taken by them in each year?

A. I already stated that there were a lot of people that we interviewed. I cannot tell you the exact questions that were asked.

Q. Can you tell me if a large proportion of the people who are active hunters in Baker Lake come in from the Garry Lake and Back River area?

A. You have gone beyond my knowledge far too much. I cannot. I do not know how to answer you.

Q. Do you know, or do you keep in contact, with the other Inuit communities in the Keewatin as to where the caribou herds are located?

A. The hunters and trappers that live close to each other know roughly what the other know.

Q. Do you know if a large part of the Kaminuriak herd has wintered this year outside of Eskimo Point?

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Evo, cr. ex.
(Heintzman)

A. Yes, I know that.

Q. How many campsites

has the Hunters and Trappers Association inspected in the last year?

A. Which campsites?

Q. Mining campsites?

A. I cannot tell you exactly because I do not have the map that we used.

Q. Would it be a large

number?

A. I am trying to remember.

Those that are not going to drill there were about ten -- that are going to drill. I'm sorry.

Q. Can you give us a total number, approximately?

A. There were ten drills.

Q. How many old sites?

A. I do not exactly remember the old ones.

Q. Did you inspect any Inuit campsites in the last year?

A. There is no need to inspect them because they do not take along big equipment and other such things. There is no need to look.

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Evo, cr. ex.
(Heintzman)

Q. Can you tell me, after a land use permit has been used by the mining company, whether the government inspector goes in to determine that all materials have been taken out of the site?

A. Yes, I know Fish and Wildlife Officers are asked to go and look.

MR. HEINTZMAN: Thank you.

---CROSS EXAMINATION BY MR. CHAMBERS:

Q. I just have a few questions, Mr. Evo. You mentioned, sir, that your basic food, if I understood you correctly, is caribou meat and fish; is that correct?

A. That's correct.

Q. And I also understand that you do not buy food at the Hudson's Bay Company?

A. Are you asking about those little pieces of meat or --

Q. Tell me, do you buy any food at the Hudson's Bay Company?

A. Yes, we buy food.

Q. I see. What you meant then, I guess, is that you do not buy any meat at the Hudson's Bay?

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Evo, cr. ex.
(Chambers)

A. No, I never buy them.

They are too expensive.

Q. Can you just tell me what other types of food you buy at the Hudson's Bay Company?

A. I cannot tell you exactly what foods we buy.

Q. Do you buy bread?

A. Yes.

Q. Do you buy canned food?

A. We do not buy canned food.

Q. Do you buy vegetables?

A. Dry.

Q. Dry vegetables?

A. Yes.

Q. And bread?

A. Yes.

Q. Flour?

A. Yes.

Q. Tea, coffee, sugar and things like that?

A. Naturally.

Q. You buy your clothes that you wear -- I see you wear -- at the Hudson's Bay Company, too?

A. That's correct.

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Evo, cr. ex.
(Chambers)

Q. I suppose there is no other store in town, is there, but just the Hudson Bay Company?

A. Sometimes, if I want warmer clothes than the Bay has, we order them.

Q. Do you mean from catalogue houses, or what?

A. From companies like Army Surplus.

Q. I see. And you have it shipped in, do you, by plane or boat?

A. The ones that we order?

Q. Tell me, sir, --

MR. GOLDEN: He is asking a question.

THE WITNESS: Do we ship in the ones that we order?

MR. CHAMBERS: Yes.

THE WITNESS: Yes, these clothing are very late, so they come in by airplane.

BY MR. CHAMBERS:

Q. Do you have any clothes or garments made from caribou hide?

A. I have got parkas and coats.

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Evo, cr. ex.
(Chambers)

Q. And who made those?

A. Some my father's
sister and others by my cousin.

Q. How often do you
and your wife and your family eat caribou
meat?

A. We want to eat
caribou every day.

Q. I'm sorry. I didn't
get the answer. They eat it every day?

A. That's correct.

Q. If they want to eat
it every day?

A. That's correct.

Q. Do you in fact
eat it every day?

A. Whenever there is
caribou, yes.

Q. When did you last
eat caribou meat? Can you tell me?

A. Yesterday.

Q. And did you eat
caribou meat every day before that?

A. (Interpreter) Back
to when he was born?

Q. In the last month
did you eat caribou meat every day?

A. Not every day,

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Evo, cr. ex.
(Chambers)

because since we run out of caribou.

Q. I see. Where do you
get your caribou?

A. Sometimes I go
hunting myself and get the caribou, and other
times I get it from my uncles because my uncles
take some caribou meat, when they got some,
from my father.

Q. How many caribou did
you kill in the last year -- from this time
last year up to now?

A. I can't tell you the
exact number.

Q. The approximate number?

A. I cannot just
approximate.

Q. When did you shoot
them?

A. I go hunting throughout
the winter whenever I can.

Q. Did you go hunting a
lot in the last winter?

A. Last winter or this
winter?

Q. This past winter did
you go out hunting many times?

A. I do not hunt that
often this past winter because I am translater

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for the Hunters and Trappers.

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Q. You did not do much hunting this past winter, is that correct?

A. That's correct.

MR. CHAMBERS: Thank you.

---RE EXAMINATION BY MR. GOLDEN:

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Q. You were asked about a drill on the Kazan River, and I just ask you, sir, whether or not you can tell us whether it is a complete drill or some parts?

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A. There was the whole frame on it, but there were parts missing in it.

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Q. And you said that you circulate to the hunters all the locations or the places where the camps are located -- that is the mining exploration camps. Why do you do that?

A. Circulate what?

Maps? Information?

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Q. Information I guess was the answer.

A. (Interpreter) I

don't think he said maps.

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Q. Location?

A. I can tell you.

Q. Please do.

A. Because these oil

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companies and mining exploration companies
are a hindrance to the caribou route and
to their crossing points.

MR. GOLDEN: Thank you.

I have no further questions.

THE COURT: Thank you.

I guess that's that --
thank you very much -- as far as witnesses
here are concerned.

There was some discussion
about Exhibits P-2 and P-6.

MR. GOLDEN: If we could

have them entrusted to us for safekeeping
until we reconvene, I intend to have the
information on them taken off and made more
readily useful.

THE COURT: Is there
any objection to that? Would it be helpful
if it were done?

MR. GRAHAM: I'm sorry,
My Lord?

THE COURT: Mr. Golden
would like to take Exhibits P-2 and P-6 and
try to get them in a form more useful in the
future.

MR. GRAHAM: He could
perhaps consult with us. We would like to
get copies, if we could, as well, My Lord.

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THE COURT: Mr. Golden would like to have them and take them with him to Toronto, and that is the main thing. As to what information all of you wish to extract from them and perhaps put in a different form, that's fine.

That is on the record, so you can do that.

---COURT ADJOURNED UNTIL 2:00 IN THE AFTERNOON, MONDAY, MAY 28th, 1979, TORONTO, ONTARIO, COURTROOM 2 AT THE CANADA LIFE BUILDING.

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HAMLET OF BAKER LAKE
ET AL & MINISTER OF IAND
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C IAND Fed Ham 1979 v.6

In the Federal Court of Ca
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