

# **AFFIDAVIT #17**

Deponent: Ben Houle  
Date Sworn: March 11, 2013

**IN THE MATTER OF** the *Energy Resources Conservation Act*, RSA 2000, c  
E-10

-and-

**IN THE MATTER OF** Coal Valley Resources Inc.'s application for  
authorization to construct and operate the Robb Trend Project

**AFFIDAVIT**

I, Ben Houle, of the Whitefish Lake First Nation #128 in the Province of Alberta, MAKE OATH  
AND SAY AS FOLLOWS:

1. I am a member of the Whitefish Lake First Nation #128 (the "**Nation**") and I am a hunter, fisherman, and gatherer within the Nation's traditional territory and as such I have personal knowledge of the matters deposed to in this Affidavit, except where stated to be based on information and belief and where so stated I verily believe the same to be true.
2. Now produced and shown to me and marked as **Exhibit "A"** to this my Affidavit is a true copy of a map depicting a portion of the Nation's traditional territory, the proposed Coal Valley Resources Inc.'s. ("**Coal Valley**") Robb Trend Project and the areas where I have and continue to hunt, fish, and gather. Attached to this my Affidavit and marked as **Exhibit "B"** is a true copy of a map depicting a portion of the Nation's traditional territory and the areas where I have and continue to hunt, fish, and gather.
3. I hunt, fish, and gather and have hunted, fished, and gathered on unoccupied Crown lands and lands to which I have or previously had a right of access within the Nation's traditional territory. I have hunted in the marked areas, as shown in **Exhibit "A"** and **Exhibit "B"** as a child and into my adulthood.
4. In these areas I have hunted the following animals, including, but not limited to:
  - a. Birds, which include, but not limited to grouse, ducks, geese and wild chickens;
  - b. Moose;
  - c. Elk;
  - d. White Tail Deer;
  - e. Mule Deer;
  - f. Grizzly Bear;
  - g. Black Bear;

- h. Coyotes;
  - i. Wolves; and
  - j. Rabbit.
5. In the marked area, I have fished the following, including but not limited to:
- a. Whitefish;
  - b. Walleye (Pickerel);
  - c. Suckers;
  - d. Trout;
  - e. Jackfish (Northern Pike);
  - f. Burbot (Freshwater Cod, Ling Cod, Mariah);
  - g. Goldeye; and
  - h. Yellow Perch.
6. I have gathered the following in the marked area, including but not limited to:
- a. Blueberries;
  - b. High Bush Cranberries;
  - c. Low Bush Cranberries;
  - d. Raspberries;
  - e. Saskatoon Berries;
  - f. Strawberries;
  - g. Gooseberries;
  - h. Huckleberries;
  - i. Chokecherries; and
  - j. Traditional medicines, which include, but not limited to, roots, bark, diamond willow fungus, lodgepole pine fungus/flowers, sage, sweetgrass, Seneca root, rat root.

- 7. As a hunter, fisherman, and gatherer, I am concerned that the activities conducted by Coal Valley for the proposed coal project will further impact the wildlife populations in the area. The activities of Coal Valley and the proposed coal project will also occupy lands to which I have previously had a right of access and will further restrict the area in which I can exercise my Treaty rights to hunt, fish and gather.
- 8. I make this Affidavit in support of the position of the Nation in this matter and for no improper purpose.

**SWORN BEFORE ME** at the Whitefish Lake )  
 First Nation #128, in the Province of Alberta, )  
 this 11th day of March, 2013. )

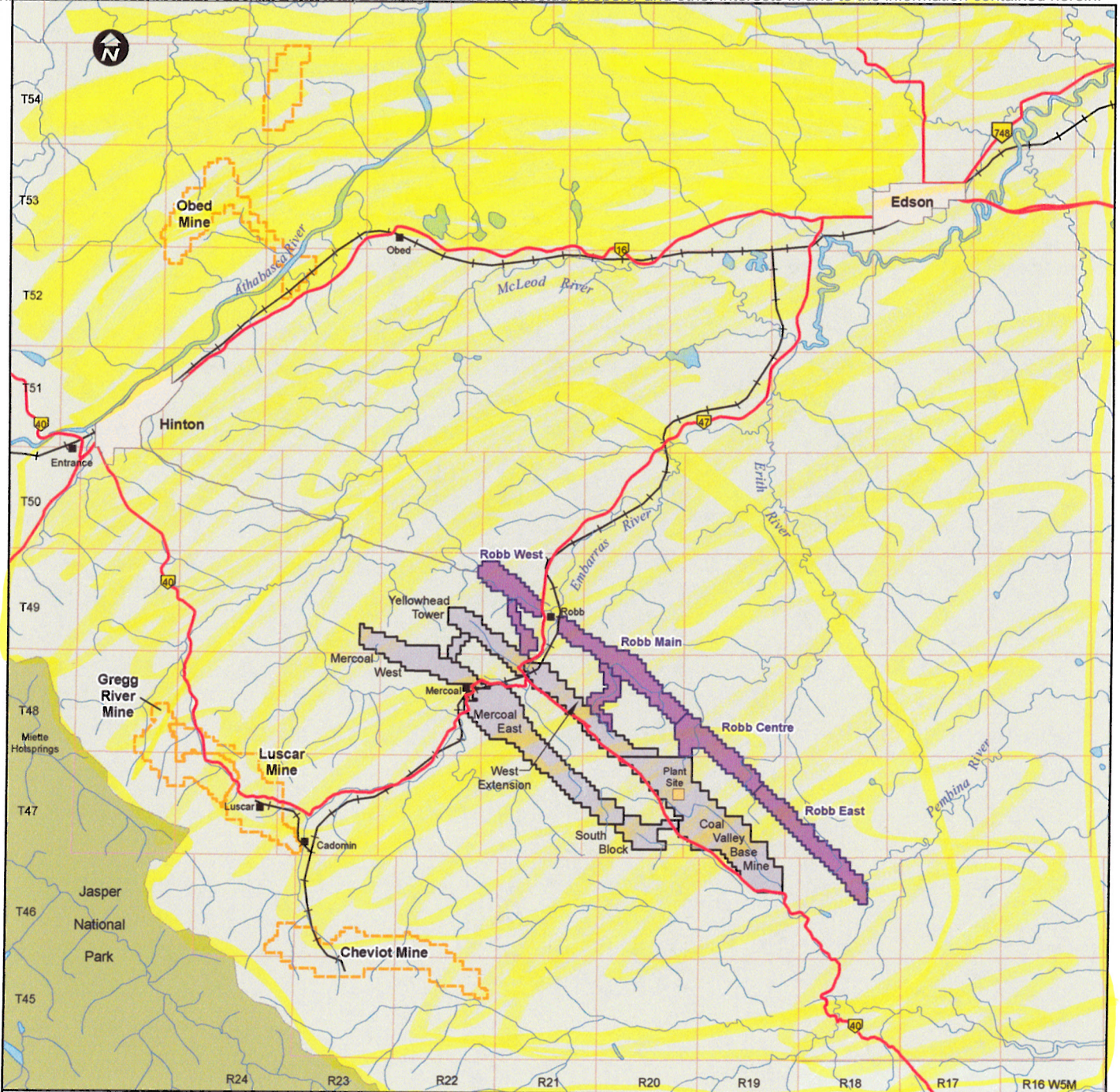
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 A Commissioner for Oaths in and for the  
 Province of Alberta  
 Being a solicitor

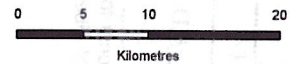
\_\_\_\_\_  
 Ben Houle

BROCK ROE  
 BARRISTER AND SOLICITOR



**Legend**

- Proposed Robb Trend Mine Permit Boundary
- Existing Coal Valley Mine Permit Areas
- Other Mines



PROJECT: <b>Coal Valley Mine Robb Trend Project</b>	
TITLE: <b>Project Location</b>	
DRAWN: PS/JG CHECKED: KY DATE: Mar 25/12 PROJECT: 08-041	FIGURE: <b>A.1-1</b>

This is Exhibit "A" referred to in the Affidavit of

BENS HOUSE

Sworn before me this 11<sup>th</sup> day  
of March A D 2013

A Notary Public, A Commissioner for Oaths  
in and for the Province of Alberta

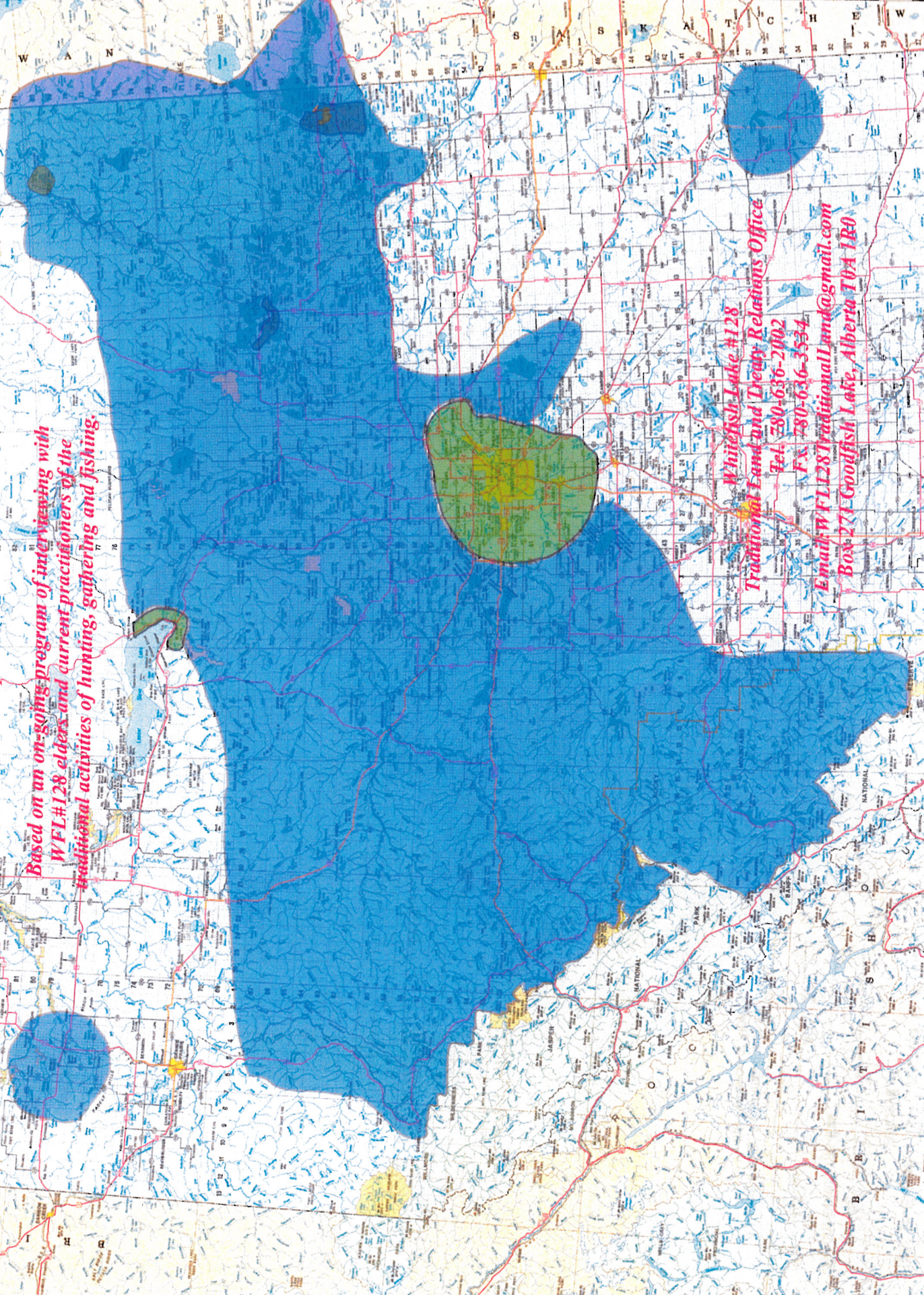
BROCK ROE  
BARRISTER AND SOLICITOR

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**WHITEFISH LAKE #128 TRADITIONAL LAND MAP**  
April 2012

*Based on an on-going program of interviewing with WFL#128 elders and current practitioners of the traditional activities of hunting, gathering and fishing.*



**Whitefish Lake #128**  
**Traditional Land and Treaty Relations Office**  
Tel: 780-636-2002  
Fax: 780-636-3534  
Email: [WFL128TraditionalLand@gmail.com](mailto:WFL128TraditionalLand@gmail.com)  
Box 271 Goodfish Lake, Alberta T0A 1R0

This is Exhibit "B" referred to in the

Affidavit of

BEN HOWE

Sworn before me this 11<sup>th</sup> day  
of March A.D. 2013

.....  
A Notary Public, A Commissioner for Oaths  
in and for the Province of Alberta

BROCK ROE  
BARRISTER AND SOLICITOR

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