

**Joint Review Panel
Public Hearing**

**Commission d'examen conjoint
Audience publique**

**Frontier Oil Sands Mine
Project**

**Projet de mine de sables
bitumineux Frontier**

Joint Review Panel

Commission d'examen conjoint

William (Bill) Klassen
Alex Bolton
Robert McManus

William (Bill) Klassen
Alex Bolton
Robert McManus

MacDonald Island
1 CA Knight Way
Fort McMurray, Alberta

l'île MacDonald
1, CA Knight Way
Fort McMurray (Alberta)

October 20, 2018

Le 20 octobre 2018

This publication is the recorded verbatim transcript and, as such, is recorded and transcribed in either of the official languages, depending on the languages spoken by the participant at the public hearing.

Printed in Canada

Cette publication est un compte rendu textuel des délibérations et, en tant que tel, est enregistrée et transcrite dans l'une ou l'autre des deux langues officielles, compte tenu de la langue utilisée par le participant à l'audience publique.

Imprimé au Canada

TABLE OF CONTENTS / TABLE DES MATIÈRES

	PAGE
Presentation by Mayor Don Scott	2748
Submissions by Ms Gladieu-Quinn	2764
Presentation by Elder Allan Powder	2778
AFFIRMED: EVELYN JONES (via videoconference)	2795
AFFIRMED: MAUREEN CARDINAL (via videoconference)	
Presentation by Evelyn Jones	2796
Presentation by Maureen Cardinal	2802
Presentation by Pete Malcolm	2810
Examination in chief by Ms Gladieu-Quinn	2812
Presentation by Chalres Beauchamp	2814
Examination in chief by Ms Gladieu-Quinn	2822
Presentation by Robert Gilbert	2826
Examination in chief by Ms Gladieu-Quinn	2833
Presentation by Acting Chief John Malcolm	2837
Examination in chief by Ms Gladieu-Quinn	2865
Cross-examination by Mr. Ignasiak	2869
Examination by Mr. Birchall	2875
Questions by the Panel	2880
SWORN: DARRYL SHEVOLUP	2882
SWORN: CHARLES SHEVOLUP	
SWORN: PETER HOFFMANN	
Presentation by Pete Hoffman	2889
Presentation by Charles Shevolup	2904
Presentation by Darryl Shevolup	2913
Examination in chief by Mr. McCargar	2925
Submissions by Mr. McCargar	2940
Cross-examination by Ms Chu	2950
Examination by Ms Doebele	2963
Questions by the Panel	2965

EXHIBITS / PIÈCES JUSTIFICATIVES

N°	DESCRIPTION	PAGE
624	Written submission by the Regional Municipality of Wood Buffalo	2748
625	The Clearwater River Band Exhibits	2784
626	Photographs submitted by Mr. Beauchamp	2822
627	Pictures from Dr. Robert Gilbert	2833
628	Thirteen pictures provided by Acting Chief J. Malcolm	2838
631	Four documents provided by Mr. McCargar	2885

1 Fort McMurray, Alberta / Fort McMurray (Alberta)

2 --- Upon resuming on Saturday, October 20, 2018

3 at 0901 / L'audience reprend le samedi

4 20 octobre 2018 à 0901

5 THE CHAIRPERSON: Thank you. Please
6 be seated.

7 Good morning, everyone. Welcome back
8 to Fort McMurray.

9 Just a couple of preliminary things.

10 Just a reminder that the proceeding is
11 being video webcast, so anybody in the room could be
12 captured on the webcast and if you have any concerns,
13 please see counsel at the Secretariat table.

14 Schedule for today. First, we are
15 going to hear from the Regional Municipality of Wood
16 Buffalo, Mayor Scott. Then we are going to hear from
17 the Original Fort McMurray First Nation and Clearwater
18 River Cree Band, followed by the trappers' group that
19 Mr. McCargar is facilitating.

20 Are there any other preliminary
21 matters before we get started?

22 MS DOEBELE: Mr. Chair, I think we
23 need to assign an exhibit number for the written
24 submission of the Municipality and the next number
25 will be 624.

1 EXHIBIT No. 624: Written
2 submission by the Regional
3 Municipality of Wood Buffalo
4 THE CHAIRPERSON: Okay. Thank you.
5 Mr. Scott, up to you.

6 PRESENTATION

7 MAYOR SCOTT: Thank you very much. I
8 really appreciate the opportunity to speak this
9 morning. My name is Don Scott, I am the Mayor of the
10 Regional Municipality of Wood Buffalo, and I am joined
11 today by one of my colleagues, who is Dennis Vroom.

12 I would like to begin by recognizing
13 that we are on Treaty 8 territory, an unceded Métis
14 territory. I am deeply grateful for the opportunity
15 to present and I am particularly grateful for the
16 chance to speak to you about this important project,
17 its potential impact and benefit to our region.

18 We have provided a comprehensive
19 written submission and we do have hard copies if
20 anyone requires that. In that event, if someone could
21 let us know if they do require that.

22 And I would ask -- we are just going
23 to supplement that written submission today very
24 briefly. If anyone would like to see our detailed
25 comments, I would just ask that you refer to that

1 written submission in the materials.

2 There's a comment that I want to make
3 right off the top that I think reflects how I feel
4 about the people of this region and how the people of
5 this region are faring these days given the economic
6 climate and all the things that have happened in this
7 region since the fire. The people in businesses of
8 this region have something I have not encountered to
9 the same degree anywhere else that I have ever been.
10 They have a deep longing to rise and succeed. We
11 believe those who extract resources from our region
12 should live in our region, support our businesses,
13 support our airport, support our social profit sector
14 and support our First Nation and Métis people in
15 businesses.

16 The Municipality has successfully
17 collaborated with the provincial government and our
18 industry partners to make many strides towards
19 achieving our vision of a vibrant sustainable region
20 that we are very proud to call home. We would not be
21 where we are today without the support of our many
22 stakeholders and partners that make up this region.
23 As the economic engine of our province, the
24 Municipality supports the development of the oil
25 sands. The responsible development of these projects

1 and the pipelines that bring their products to market
2 play a major role in helping create a stronger region,
3 province and country.

4 Regarding the Teck Resources Frontier
5 Mine, the Municipality supports this project as we
6 believe it presents a significant potential benefit to
7 our region, its people and businesses. The project
8 should bring additional employment and business
9 opportunities to all of Wood Buffalo. We look forward
10 to conversations with Teck about the construction and
11 operation of the Frontier Mine and how this project
12 can provide optimal benefits.

13 In light of this, I would like to
14 highlight five key points in terms of the Frontier
15 Mine Project and our approach as it relates to
16 projects of this nature:

17 - one is encouraging residency in our
18 region;

19 - two is the utilization of the Fort
20 McMurray International Airport;

21 - three is the opportunity to use
22 local businesses;

23 - four is the support of our First
24 Nation and Métis people in businesses;

25 - five is the importance of supporting

1 our social profit sector.

2 On the first point, residency, to be
3 clear, to achieve optimal benefits for our region, the
4 Municipality strongly advocates for the use of local
5 employment. The Municipality believes that local
6 employment will provide benefits to both the
7 Municipality and Teck. Much has changed in this
8 region since the use of the fly-in/fly-out workforce
9 model that became common in recent years and the
10 Municipality advocates that Teck employ a local
11 workforce as the primary means to operate the Frontier
12 Mine. Local employment is the driving force of a
13 region. The individuals who choose this region to
14 live, work and play are integral to the sustainability
15 of our communities and our region as a whole.

16 As a result, we want to make it clear
17 that the Municipality wants Teck employees to reside
18 in our region. And to work towards that goal, the
19 Municipality will work with Teck to showcase why
20 living in our region is the best choice for employees.
21 We will also work with Teck to ensure that it is the
22 best choice for Teck.

23 For background context on this point,
24 on June 27th, 2017, while presenting to the previously
25 elected Council of the Municipality, Teck Resources

1 said that they understand the importance of being
2 involved in local communities and their economies, in
3 part because it's their people that live in them. I
4 want to make it very clear that the Municipality
5 believes it is critical that a local workforce be
6 employed for this project and the Municipality looks
7 forward to having this conversation with Teck in the
8 future as the project continues to develop and we have
9 further opportunities to explore how local employment
10 can benefit both Teck and the region.

11 The next point is the airport.

12 Another key point that I would like to make this
13 morning is the use of the Fort McMurray International
14 Airport to support remote oil sands operations. The
15 airport is an important asset for this region and it
16 is critical that it is supported. It was completed in
17 2014 at a cost of \$258 million. That's a significant
18 investment for all Albertans and that was completed
19 just prior to the collapse in the price of oil. The
20 airport can accommodate 1.5 million passengers per
21 year and it is responsible for 1,860 direct and
22 spinoff jobs in the local economy. With the reduced
23 economic activity in our region since its opening, in
24 2017 there were just over 713,000 total passengers
25 through the airport. That's about half of its

1 capacity. This clearly shows that there is capacity
2 for additional industry-related flights if needed.
3 The Municipality looks forward to continuing
4 conversations with Teck on transportation options and
5 we would encourage the use of the airport if
6 necessary.

7 Local businesses. The Municipality
8 has heard from many local businesses, small, medium
9 and large, that since the beginning of the collapse of
10 the price of oil and the layoffs that occurred in our
11 region, they are struggling to stay in business in
12 large part because of the reduced flow of traffic
13 through their businesses. We believe that the use of
14 local businesses would be critical to the success of
15 the Frontier Oil Sands Mine and would provide benefit
16 to both the operation of the mine and our region.
17 Local businesses have encountered many challenges over
18 the past few years, including both the economic
19 climate and the 2016 wildfire. The chance to provide
20 services and goods to a project like the Frontier Oil
21 Sands Mine represents a significant opportunity for
22 the businesses of our region and we look forward to
23 discussing this with Teck in the future.

24 Our First Nations and Métis. Our
25 Municipality supports the First Nations and Métis

1 people and businesses of our region. We want strong
2 and vibrant Indigenous people, businesses and
3 communities. That is achieved in part by the strong
4 support of industry. This project is an opportunity
5 to showcase that commitment.

6 Our social profit sector. I would
7 invite Teck to consider a model of corporate social
8 responsibility that will support our local
9 non-profits. They often do the hard work in our
10 region that could not be accomplished without the
11 generosity of the industries in our region.

12 In summary, the Regional Municipality
13 of Wood Buffalo is presenting to you today in order to
14 serve as advocates for the residents of our region.
15 Encouraging employees of projects located in the
16 region to reside in the region contributes not only to
17 the fiscal sustainability of the region but to the
18 development and sustainability of our communities.
19 Utilization of the Fort McMurray International Airport
20 further contributes to economic sustainability and
21 securing the future of a key asset that provides a
22 direct benefit to residents of our region, including
23 employment opportunities. Local businesses have felt
24 the direct impact of the economic challenges our
25 region has faced and we advocate for them to ensure

1 that they can withstand these challenges and continue
2 to contribute to the region. We must advocate for the
3 best possible outcome and impacts for our region, our
4 non-profits, our First Nations and Métis people and
5 all of our residents.

6 We are pleased to see Teck Resources
7 applying for the Frontier Mine Project and we
8 anticipate the opportunity to engage in further
9 discussions as to how this project can positively
10 benefit both the current and future residents and
11 businesses of our region. We look forward to working
12 with Teck Resources in the future and I would like to
13 extend my gratitude to the Panel for the opportunity
14 to present today and to Teck Resources for their
15 proposed investment in our region.

16 As a Municipality, we care deeply
17 about what happens in our region and we look forward
18 to working with Teck and it would be great if we could
19 work together going forward. I would be happy to
20 answer any questions that you may have at this time.
21 Once again, I would like to thank you very much for
22 the opportunity to present.

23 THE CHAIRPERSON: Thank you, Mayor
24 Scott.

25 Does Teck have any questions? Yes,

1 okay, no questions.

2 Do staff have any questions?

3 MS DOEBELE: I am advised, Mr. Chair,
4 that we just need two minutes.

5 THE CHAIRPERSON: Okay. We are just
6 going to take a little break, Mr. Scott, while staff
7 confers.

8 MAYOR SCOTT: Thank you very much.

9 MS DOEBELE: Thank you.

10 --- Upon recessing at 0911 / Suspension à 0911

11 --- Upon resuming at 0915 / Reprise à 0915

12 MS LaCASSE: Good morning, my name is
13 Meighan LaCasse, I'm AER counsel. I just have two
14 questions from staff.

15 The first one relates to Teck's
16 position that their peak construction will occur in
17 2024 and that rebuilding related to the fire will be
18 largely completed by that date. What we are wondering
19 is whether the Municipality agrees that that will in
20 fact be the case with regard to rebuild, not peak
21 construction.

22 MAYOR SCOTT: Right. I do believe
23 that should be the case. We are about halfway there
24 and we are on track with where we anticipated that we
25 would be at this time. So by that period, by 2024, we

1 certainly should be well completed. There's a few
2 people that are still going through the insurance
3 process and I can only describe it as a nightmare that
4 they're going through, but I anticipate by that
5 period, by 2024, they certainly would be through that
6 process one way or the other. So we should be well
7 through it.

8 MS LaCASSE: Okay. So the second
9 matter that staff is wondering about is with regard to
10 Teck's plans that construction and operation workers
11 will be transported in and out of the region via
12 airplanes using the onsite aerodrome. So that's 90
13 percent of the operation workers will live outside the
14 region and be flown in. Does the Municipality see --
15 how does the Municipality see this being facilitated?
16 Does the Municipality have a view about whether the
17 McMurray workforce will be willing to be based in
18 lodge-based accommodations for their shifts and does
19 the Municipality have a view based on past experience
20 about whether the workforce would be willing to
21 commute by bus for distances or would they prefer to
22 fly?

23 MAYOR SCOTT: You know, there is no
24 good reason that the workforce can't reside in this
25 community and if people do need to fly into a remote

1 worksite, use our airport. The cost to Albertans of
2 building our international airport was considerable
3 and there's no reason that that airport, if necessary,
4 couldn't be used as a base. But I believe, just based
5 on the experience that I have had in this community,
6 that there is no reason that everybody can't reside in
7 this community and the Municipality will work with
8 Teck to certainly facilitate busing. So we would like
9 to see all the residents reside in the community,
10 whether they are being bused to site and then back,
11 depending on the shifts, but we can certainly help
12 coordinate that, or utilize our airport if you need to
13 fly employees to the remote site. We think that is
14 absolutely critical. This idea that everybody should
15 be flying in and flying out of remote worksites makes
16 no sense. The circumstances that we faced sometime
17 ago was high housing prices. That is no longer the
18 case. Our housing prices have dropped considerably.
19 This is an affordable community and we need to start
20 making sure it is a community. People need to make
21 this their home, not a community where people fly in
22 and fly out. Really, what started to happen is people
23 fly over and fly out. You know, they work in this
24 region but they don't make it their home in any sense.
25 We need to start changing that and this is a real

1 opportunity for that.

2 MS LaCASSE: Okay. Thank you very
3 much.

4 MAYOR SCOTT: Thanks very much.

5 THE CHAIRPERSON: Mr. McManus, any
6 questions? Mr. Klassen? No.

7 I just have I think one question. You
8 talked about, you know, how things have changed with
9 respect to the economic circumstances and the fire and
10 that. Do you have or have you seen any kind of local
11 or regional unemployment numbers? Do you have a sense
12 of that issue?

13 MAYOR SCOTT: Yes. We have kept an
14 eye on it. Our employment situation is there is an
15 available workforce in this community. People have
16 told me many times that the reason that people need to
17 fly in and fly out of the region is because we don't
18 have the workforce. I believe that we do have the
19 workforce and certainly if the companies base their
20 busing or their flights out of this region, the
21 workforce will come here to reside. The workforce
22 fluctuates. We lost about 10 percent of our
23 population after the fire, so I think that is a fairly
24 accurate number. I would say the unemployment has --
25 it's still -- we are one of the stronger communities

1 in Alberta as far as having an employed population,
2 but there is still an available workforce. And
3 certainly what companies used to do in the past is
4 they used to incentivize their employees to come to
5 this community so that they would take jobs and we
6 will work with, you know, any industry to make sure
7 that they have the opportunity. I mean we want to
8 make sure that the employees reside in this region and
9 we are going to work with any company that is willing
10 to work with us to make sure that happens.

11 THE CHAIRPERSON: Okay, thank you.
12 I'm sorry, I did have one other thing I was just going
13 to ask about, just a follow-up. You had mentioned
14 that housing prices had dropped. Do you have a sense
15 or can you tell me, you know, what kind of a
16 percentage drop we have seen in housing prices?

17 MAYOR SCOTT: It's considerable. I
18 would say the average house in this community has
19 dropped between \$75,000 and \$200,000 and it's a
20 considerable drop. There was a recent article that
21 came out that indicated that we are one of the most
22 affordable places in Alberta when you take into
23 consideration the wages. So this is a great -- and
24 it's a great community to live. I mean sometimes we
25 have to face the negative criticism and it is often by

1 people who have never been here. And that's the first
2 thing I always say when people criticize the
3 community, have you ever been there? And inevitably
4 the word that you hear is no, because people who come
5 here and see this community think it's a great place
6 to live and I certainly want to encourage as many
7 employees. And I would ask the Panel to consider that
8 as part of their deliberations and recommendations, we
9 want employees to live here, we think it's absolutely
10 critical to the future of this region.

11 THE CHAIRPERSON: Okay. Thank you,
12 Mayor Scott. Those are our questions.

13 MAYOR SCOTT: Thanks so very much.

14 THE CHAIRPERSON: Yes. Thank you for
15 your participation today.

16 MAYOR SCOTT: And thanks to the Panel.

17 THE CHAIRPERSON: Okay. Next on the
18 agenda is the Original Fort McMurray First Nation and
19 Clearwater River Creek Band.

20 MS GLADIEU-QUINN: Good morning,
21 Chair. Darlene Gladieu-Quinn on behalf of the --

22 THE CHAIRPERSON: Yes. Can you start
23 over, you started speaking before you got to the
24 microphone.

25 MS GLADIEU-QUINN: All right. Good

1 morning, Chair.

2 THE CHAIRPERSON: Yes.

3 MS GLADIEU-QUINN: Darlene
4 Gladieu-Quinn on behalf of the two Bands. We
5 apologize to this Panel. We thought that we were
6 starting between 9:30 and 10:00. We got an email last
7 night. It turns out that email was directed or
8 targeted towards the two witnesses we are going to be
9 having by videoconference call. So we apologize, our
10 panel is still showing up, but we anticipate they
11 should be here by 9:30. Our apologies once again.

12 THE CHAIRPERSON: Okay. We will take
13 a short break --

14 MS GLADIEU-QUINN: Thank you.

15 THE CHAIRPERSON: -- and we will plan
16 to start at 9:30.

17 MS CLADIEU-QUINN: Thank you.

18 THE CHAIRPERSON: Thank you.

19 --- Upon recessing at 0922 / Suspension à 0922

20 --- Upon resuming at 1006 / Reprise à 1006

21 THE CHAIRPERSON: Thank you. Please
22 be seated.

23 Ms Gladieu-Quinn, just before we
24 start, I think I understand Mr. Malcolm or one of the
25 others would like to do a prayer, so that -- that

1 would be fine.

2 Just a reminder that when the group
3 was rescheduled to this week we had set a timeline of
4 two hours for the direct, so I'm hoping that you'll be
5 able to stay kind of within that two hours.

6 MS GLADIEU-QUINN: Yes.

7 THE CHAIRPERSON: Sorry, Ms -- you had
8 something you wanted to say?

9 MS DOEBELE: Yes, I did, a comment
10 about the exhibits, and I will do that after the
11 prayer.

12 THE CHAIRPERSON: Okay. Thank you.
13 Okay. Go ahead.

14 MS GLADIEU-QUINN: Thank you, Chair.
15 We'll have an opening prayer.

16 ACTING CHIEF J. MALCOLM: (Inaudible -
17 no mic) and meet with the Alberta government, Alberta
18 energy regulators and to provide our concerns to them
19 and let them hearts open to us and truly see who we
20 are and for us to work together on making this world a
21 better place for all of us. Hai hai.

22 THE CHAIRPERSON: Sorry. Ms. Doebele.

23 MS DOEBELE: Sorry, Ms Gladieu-Quinn.
24 Just a couple of comments on the exhibits.

25 So we received a number of exhibits

1 from the Original Fort McMurray Nation Band as well as
2 the Clearwater River Band. And I've spoken with Ms
3 Gladieu-Quinn over the break, and what we propose to
4 do is assign them each a number as they are entered
5 and as they are discussed by the witnesses here today,
6 assuming no objections to that.

7 So that's our proposal in terms of
8 exhibit numbers.

9 THE CHAIRPERSON: Okay. Thank you.

10 SUBMISSIONS

11 MS GLADIEU-QUINN: Thank you.

12 Okay. On behalf of the Original Fort
13 McMurray First Nation and the Clearwater River Band,
14 we wish to thank the Panel for the opportunity to
15 present evidence as to the potential and cumulative
16 effects of the Teck Mine Project on their Aboriginal
17 activities, uses of land and resources for traditional
18 purposes, hunting, fishing, trapping and other
19 traditional uses of the land as well as on their
20 lifestyle, health and quality of life.

21 During our presentation, you will hear
22 evidence of displacement, loss of culture, loss of
23 land. Projects such as what Teck is proposing
24 continue to displace Aboriginal peoples. Members of
25 the Original Fort McMurray and Clearwater have lived

1 here for thousands of years on lands surrounding Lake
2 Athabasca and Ronald Lake and south along the Birch
3 Mountains and on both sides of the Athabasca River.

4 These lands include the site of the
5 proposed project.

6 When the Crown takes up land within
7 traditional territory, the Crown must inform itself of
8 the impact that incompatible use of the territory will
9 have on Aboriginal and treaty rights, both rights, and
10 ensure that Original Fort McMurray and Clearwater
11 members can meaningfully exercise these rights within
12 their traditional territory.

13 We would like to note that in the
14 Chairperson's opening comments for these proceedings
15 there's a statement that -- of an acknowledgement that
16 we are on the traditional territory of the indigenous
17 peoples of Treaty 8 and within the homeland of the
18 Métis people of the Métis Nation of Alberta Region 1.

19 We are also on the traditional
20 territory of those non-treatied Indians who, through
21 scrip and other legal machinations, were taken out of
22 treaty or left out of treaty but retain their
23 Aboriginal rights.

24 We must also be mindful that there are
25 two distinct Aboriginal entities before this Joint

1 Review Panel today. The members of the Clearwater
2 River Band are members of treaty, having a reserve
3 designated for them, but never having had the reserve
4 developed for their use.

5 Acting Manager John Malcolm will
6 provide an historical understanding of that reserve
7 and the panel members, who include Chief Maryann
8 Powder, will explain where they come from, what
9 traditional land they use and enjoy, and how they are
10 impacted by continued industrial development.

11 To be clear, the Fort McMurray First
12 Nation or Gregoire Lake Band, as it is legally called,
13 does not represent their interest in these matters.
14 They identify as Paul Crees Band of Indians.

15 The citizens of the Original Fort
16 McMurray First Nation, previously known to this Panel,
17 called the Wood Buffalo First Nation, are descendants
18 of the Aboriginal peoples of this territory extending
19 from Conklin upwards to Fort Chipewyan who were left
20 out of treaty, overlooked or were discharged from
21 treaty through the machinations of the *Indian Act* or
22 when scrip was offered to treaty half-breeds.

23 These citizens, some of whom had, at
24 one time or another, belonged to the local Society of
25 the Métis Nation of Alberta Association in this area,

1 have been left out of the poly definition of Métis and
2 have chosen to claim their *de facto* identity as
3 Indians under the *Constitution Act*.

4 They have chosen to be citizens of the
5 Original Fort McMurray who certify upon membership
6 that they do not belong to any other Band as Acting
7 Chief John Malcolm will testify to and as the members
8 of the panel here will also testify to.

9 They call themselves the Original Fort
10 McMurray First Nation for reasons which their Acting
11 Chief will also explain.

12 They have just as much a right as the
13 treated Indians, the *Indian Act* Indians and the Métis
14 Indians to be acknowledged as having traditional
15 territory and having a voice in these proceedings.

16 It is interesting how the Métis are
17 now recognized in this region in the opening comments
18 of the Chair, being non-statused and non-treated, yet
19 non-treated Indians are not acknowledged in those
20 words. And in the words of Harry W. Daniels, they
21 truly are the forgotten peoples.

22 As a comparison of what we are dealing
23 with, the Métis of the MNAA, a society incorporated
24 under the provincial *Societies Act* does not represent
25 the federal Aboriginal rights of all the Métis in its

1 regions, yet Teck and the provincial government, for
2 that matter, consult with them in a meaningful way.

3 Teck enters into agreements with them,
4 and who knows what members really included in these
5 agreements.

6 The members of the Fort McMurray and
7 other non-status Indians such as these have just as
8 much a right to form a Band as a collective entity to
9 give voice to their rights, and this body has their
10 authorization to represent their collective Aboriginal
11 rights under section 35 of the *Constitution*.

12 Their identity is Indian. These are
13 their traditional lands. And for the purposes of
14 representing their collection section 35 rights, they
15 have formed a Band.

16 They have no other Band. For the
17 purposes of today's hearing, the citizens of this Band
18 will give firsthand evidence of their traditional land
19 use and territory and how the cumulative effects of
20 oil-driven exploration in their traditional territory
21 has impacted their way of life, including massive
22 displacement.

23 In our legal submissions, we indicated
24 that in may 2018 the House of Commons passed Bill
25 C-262 which recognizes and requires Canada to:

1 "...take all measures necessary
2 and to develop and implement a
3 national plan to achieve the
4 objectives of the United Nations
5 Declaration on the Rights of
6 Indigenous Peoples."

7 This includes the Province of Alberta.
8 These rights include, in particular, Article 8(2)(b)
9 which states that indigenous peoples have the right to
10 prevent any action which has the aim or effect of
11 dispossessing them of their lands, territories or
12 resources, and Article 32, which states that
13 indigenous peoples have the right to determine and
14 develop priorities and strategies for the development
15 or use of their lands.

16 These rights require that there must
17 be free and informed consent to "approval of any
18 project affecting their lands or territories" by
19 indigenous peoples.

20 Prior to giving testimony, we note
21 that Alberta stated in correspondence that it does not
22 recognize Original Fort McMurray and Clearwater.

23 Alberta does not have the jurisdiction
24 to recognize these Bands. We simply ask for respect
25 in the spirit of reconciliation and appropriate Crown

1 consultation, which includes the Alberta government.
2 As Alberta does not recognize these Bands, it has made
3 it very clear to this Panel and to the project
4 proponent that it does not consider that it has a duty
5 to consult with these Bands.

6 We note that when we questioned Teck
7 on their Aboriginal consultation policy and having
8 initially placed these Bands under a Level 2 rubric of
9 consultation, a letter from Alberta was subsequently
10 issued to John Malcolm, cc'ing the company, that there
11 is no recognition of these Bands in Alberta -- or by
12 Alberta.

13 We submit that this had an impact on
14 how the company subsequently approached these Bands
15 having had contact with both a mere four times over a
16 period of 10 years, or perhaps two times for each Band
17 over a period of 10 years. Aside from the issue of
18 determining the extent of the duty to consult, which
19 this Panel is not empowered to do, how about we look
20 at how Alberta actively discouraged consultation?

21 Original Fort McMurray is currently
22 making an application to obtain official Band status.
23 If they are successful, they will be seeking to enter
24 treaty with the federal government, and if treaty is
25 obtained, Crown land will be sought to create a

1 reserve. A modern-day treaty is not unheard of.

2 Original Fort McMurray is a First
3 Nation. What else could they be possibly be? As Teck
4 stated under cross-examination, they are not defined
5 by the *Indian Act*, so essentially, why bother?

6 There's nothing in the Government of
7 Alberta's guidelines on consultation with First
8 Nations on land and resource management that restricts
9 the definition of First Nations to *Indian Act* Indians.

10 So we thank the Panel for our
11 participation here today, and if I could introduce the
12 panel.

13 We'll start with the Clearwater River
14 panel.

15 And Jean Powder is present. She's an
16 Elder. She's 89 years of age.

17 Ms Powder gave affidavit evidence in
18 the Federal Court of Canada sworn October the 25th,
19 2016 which is attached as Exhibit C to the affidavit
20 of Flora Powder, daughter and councillor of Clearwater
21 River, Band Number 175, Appendix 4, document 505-1,
22 and was cross-examined at a special hearing before the
23 Federal Court on March the 20th, 2018.

24 And that's attached as Exhibit D to
25 the affidavit of Flora Powder.

1 She testifies that she grew up on the
2 Clearwater Reserve. Her family would trap in the Fort
3 McKay area during the winters for the abundance of
4 furs and she moved to Uranium City during the sixties
5 and seventies, which is located on the mid-east end of
6 Lake Athabasca, about 172 kilometres from Fort
7 Chipewyan.

8 This is where she trapped as a child,
9 and the Frontier Teck Mine is where she trapped until
10 she married.

11 She testifies as to the hunting,
12 trapping and fishing in the area from birth in 1929
13 until easily into the 1980s.

14 As there's no Cree interpreter here
15 today, she will not be giving evidence today except
16 for what has been filed on the record. And if --
17 she's present to answer questions to the best of her
18 abilities as well based on what was filed.

19 We do have Chief Maryann Powder. She
20 will give evidence of the Band's existing Federal
21 Court claim and her father, Benny Powder, having
22 trapped west of Fort McKay.

23 And then we have Elder Allan Powder.
24 He will be giving evidence of taking his father,
25 Benny, to the trap line and what happened to it.

1 And finally, we have Councillor Flora
2 Powder. Actually, I shouldn't say "finally" because
3 Acting Manager John Malcolm will be giving evidence on
4 behalf of both Bands at the end of these
5 presentations.

6 Councillor Flora Powder will answer
7 any questions regarding the affidavit she swore and
8 filed on August the 31st, 2018.

9 We also have present for the Original
10 Fort McMurray Eva Jones, who will be appearing by --
11 oh, nee Robillard. She's an Elder. She will be
12 appearing by video conference call.

13 She is a citizen of the Original Fort
14 McMurray First Nation and will talk about where she
15 was born, where she grew up and what life was like.

16 Maureen Cardinal is an Elder. She
17 will be appearing by video conference call as well.
18 She was featured in the Wood Buffalo Elders Society
19 Traditional Knowledge Study found at Appendix 2 of our
20 written submissions of August the 31st, 2018 at pages
21 53 to 57, document 501.

22 She is a citizen of Original Fort
23 McMurray and will talk about where she grew up and
24 what life was like. She will not repeat her history
25 found in the study, but is available to ask any

1 questions that will arise.

2 And then we have Pete Malcolm, Elder.
3 He is a citizen of the Original Fort McMurray. He
4 will talk about where he trapped when he was younger
5 and what life was like growing up as an Indian in Fort
6 McMurray.

7 And Charles Beauchamp, who's a citizen
8 of the Original Fort McMurray. He will talk about
9 experience he's had hunting for moose or wood bison.

10 Then we have Dr. Robert Gilbert, who
11 is a veterinarian of Fort McMurray Animal Hospital,
12 and has been since 1976. His report and CV are found
13 at Appendix 3 of our written submissions of August the
14 31st, 2018, document 501.

15 He will give evidence on the
16 cumulative impacts of industrial development, fencing
17 and tailings ponds on the wildlife.

18 And then at the end of that, we'll
19 have John Malcolm present evidence to the Panel.

20 We wish to note that we had hoped that
21 Dr. David Schindler would give evidence. We attached
22 his email to us of August the 29th, 2018 at Exhibit E
23 of the affidavit of John Malcolm sworn August the
24 31st, 2018 found at Appendix 5 of our written
25 submissions, document 501.

1 His health was impacted by the forest
2 fires in B.C. this summer, but I wish to read out
3 excerpts of his email sent to me. He indicates that
4 in terms of the -- what Teck is basically doing is
5 that the problems will still remain, and they're
6 glossed over, things like the ridiculous claim that
7 end pit ponds will end up being beautiful fish-bearing
8 lakes.

9 As he has said in previous hearings,
10 there is no proof of this, and the claim defies any
11 logic based on science.

12 There will be toxic pollutants
13 diffusing into overlying area from the "process
14 water", read toxic sludge below. Most of the bottom
15 of these "lakes" will be covered by toxic sludge so
16 they will not grow the invertebrates upon which fish
17 depend.

18 But review panels have already
19 approved more than 30 of these despite the continuing
20 absence of evidence for success, so of course they
21 will be used again, and industry will continue to
22 claim that they will soon be beautiful lakes.

23 Mercury, climate change, artificial
24 river channels to divert streams around pits but which
25 are not a substitute for real streams -- as mere

1 ditches, they support nothing -- are other old tricks
2 that have no support in science. But in the hands of
3 slick consultants and their lawyers -- my apologies --
4 they have worked on past EIS panels so they will use
5 them again.

6 Air quality will be "modeled" using
7 the unverified CALPUFF model which has never really
8 been tested.

9 And these are concerns that are
10 paralleled and are outlined by legal counsel to the
11 Chair in correspondence -- our legal counsel to the
12 Chair dated April the 20th -- or 26th, 2018, document
13 number -- can't read my own writing -- 337, I believe
14 it was that we had. That was the document number on
15 that.

16 In any event, he is of ill health, and
17 he says the strong likelihood of another rubber stamp
18 Panel, "I do not think I could tolerate another round
19 of hearings."

20 So with that being said, I will start
21 with the panel from the Clearwater River Band. That
22 would be with -- we already Jean Powder is available,
23 so we would ask that Chief Maryann Powder give a
24 statement for the panel.

25 Thank you.

1 CHIEF M. POWDER: Hi. My name is
2 Maryann Powder. I am the Chief of the Clearwater
3 River Band, known also as the Paul Cree Band Number
4 175.

5 I, along with Jean Powder, Allan
6 Powder and Flora Powder, filed a claim in the Federal
7 Court for a declaration for the return of our reserve
8 lands wrongfully taken from us, a declaration of
9 recognition of the Paul Cree Band, AKA Clearwater
10 River Band, as a separate band from the Fort McMurray
11 First Nation and is actually legally known as the
12 Gregoire Lake Band.

13 We are seeking damages, among other
14 things, for breaches of Treaty No. 8.

15 We started taking legal action back in
16 1997 regarding issues surrounding this claim for
17 breaches of our Treaty 8 rights. Our claim is a
18 representative action and our ability to represent the
19 rightful descendants of the original inhabitants of
20 the Clearwater River Band has not been challenged.

21 Canada attempted to strike our claim
22 in 2016 unsuccessfully and the court determined that
23 our action discloses a reasonable cause of action and
24 sets out effective relief which it seeks to recoup.
25 Our action is still ongoing and in September of this

1 year we obtained an Order for Interim Litigation costs
2 to pay for an expert and for our lawyer.

3 As Jean Powder, our oldest living
4 member and my mother testifies, families from the
5 Clearwater River would travel to the Fort McKay area
6 to trap for the furs.

7 I have lived most of my life in Fort
8 McMurray. My father Benny Powder trapped west of Fort
9 McKay.

10 With all of the industrial
11 development, the open tailings pond, I will not drink
12 the water or eat the meat from this area any more. I
13 do not trust it.

14 And thank you very much.

15 MS GLADIEU-QUINN: Next we have Allan
16 Powder.

17 Allan, if you want to give a
18 statement, please.

19 PRESENTATION

20 ELDER A. POWDER: Good morning,
21 everyone. My name is Allan Powder. I would like to
22 share a story.

23 I'm 66 years old, born and raised in
24 Fort McMurray. My father, Benny Powder, used to live
25 in Moccasin Flats in a small trailer. And then we

1 were pushed out of Moccasin Flats and we had nowhere
2 to live after that. My father moved to his trapline
3 north of Fort McMurray.

4 My father moved north to his trapline
5 north of Fort McMurray and we were afraid to go north
6 where there's pollution by the industry. And the
7 water and the berries can't be eaten there. They're
8 polluted.

9 Our traditional lands were used to
10 increase development of industry.

11 Thanks for listening.

12 MS GLADIEU-QUINN: Can I ask him a few
13 more questions at this point?

14 THE CHAIRPERSON: Sure.

15 MS GLADIEU-QUINN: So, Allan, you
16 indicated that you were in Moccasin Flats, you were
17 living there?

18 ELDER A. POWDER: Yes.

19 MS GLADIEU-QUINN: And how long ago
20 was that?

21 ELDER A. POWDER: Well, back in '81,
22 May 14, that's when we were pushed out of there. I
23 was living there all those years before that, in the
24 seventies.

25 MS GLADIEU-QUINN: Who else was pushed

1 out of there? Your father, I understand.

2 ELDER A. POWDER: Pardon me?

3 MS GLADIEU-QUINN: Your father was
4 pushed out of there as well?

5 ELDER A. POWDER: Yeah, everyone that
6 had lived in that area at that time.

7 MS GLADIEU-QUINN: And why were you
8 pushed out of there?

9 ELDER A. POWDER: I was pushed out of
10 there by Syncrude apartments that were next door from
11 Moccasin Flats, which they are there today.

12 MS GLADIEU-QUINN: You said Syncrude
13 apartments. There were apartments to house their
14 employees?

15 ELDER A. POWDER: Yeah.

16 MS GLADIEU-QUINN: And what happened
17 during that time you were kicked out?

18 ELDER A. POWDER: Well they came in
19 there -- well, first, there was one old fellow named
20 Pat Shott. He stayed in his house and didn't want to
21 come out.

22 MS GLADIEU-QUINN: Pat Shott?

23 ELDER A. POWDER: Yes, the old Elder.
24 He was the first one that they demolished his house.
25 The RCMP went in there and they brought him out in

1 handcuffs and they put him in the back seat of a
2 police cruiser. And then they had a bulldozer that
3 walked over his house and demolished it.

4 MS GLADIEU-QUINN: Was there any other
5 place that you were relocated to after that?

6 ELDER A. POWDER: Everybody just went
7 on their own different places, instantly homeless.

8 MS GLADIEU-QUINN: And was there ever
9 any placement for you anywhere after that?

10 ELDER A. POWDER: No, nothing.

11 MS GLADIEU-QUINN: Any compensation?

12 ELDER A. POWDER: No.

13 MS GLADIEU-QUINN: Is your answer
14 "no"?

15 ELDER A. POWDER: No.

16 MS GLADIEU-QUINN: And you said that
17 you father went to go live on his trapline?

18 ELDER A. POWDER: Yeah, he moved
19 pretty much to his trapline after that.

20 MS GLADIEU-QUINN: And the trapline,
21 where was that located?

22 ELDER A. POWDER: It's somewhere
23 between Albion Sands and Firebag, in the middle there
24 somewhere.

25 MS GLADIEU-QUINN: Now, do you

1 continue to hunt and fish?

2 ELDER A. POWDER: Pretty much.

3 MS GLADIEU-QUINN: Do you hunt and
4 fish in this area?

5 ELDER A. POWDER: No, I don't hunt
6 north.

7 MS GLADIEU-QUINN: You don't hunt
8 north?

9 ELDER A. POWDER: No.

10 MS GLADIEU-QUINN: Where do you
11 usually hunt?

12 ELDER A. POWDER: Christina River,
13 I've got a trapline, I mean my reserve, is where I
14 hunt.

15 MS GLADIEU-QUINN: And is there a
16 reason why you don't go north?

17 ELDER A. POWDER: Well, that industry
18 and pollution, there's just way too many workers
19 around there to do any hunting.

20 MS GLADIEU-QUINN: Do you have
21 anything more to add, Allan?

22 ELDER A. POWDER: Not at this time.

23 MS GLADIEU-QUINN: Thank you, Allan.

24 Next we have Flora Powder.

25 Flora?

1 I understand that Flora submitted an
2 affidavit in this regard and if the Panel has
3 questions, or counsel, they can certainly ask Flora
4 questions. She is here for that.

5 Thank you.

6 We have a little bit more time left
7 before we bring on the videoconference witnesses. So
8 I'm thinking what we should do right now is I'm going
9 to ask a few questions of John Malcolm, as Acting
10 Manager of Clearwater, so that the Panel has a better
11 understanding of their history and why they are
12 considered traditional peoples in this area.

13 John, I'm going to refer you and ask
14 you some questions with regards to Clearwater.

15 Now we had submitted some exhibits to
16 the Panel with regards to the history of Clearwater
17 and why this is a claim in the federal court.

18 I think it's important for the test in
19 *Haida*, even though we know this Panel doesn't consider
20 the extent to consult or the adequacy of consultation,
21 but we do want to show that the Band meets the test in
22 terms of its claim.

23 We are not here to prove the claim. I
24 wish to put out that caveat.

25 But there are some documents that we

1 show that give this Clearwater panel -- well, there's
2 evidence that supports that they are a distinct Band.
3 And whether it's determined to be or not remains a
4 question in the federal court right now.

5 We provided documents to the Panel and
6 I wish to tender a letter as an exhibit.

7 It's dated April 20, 1917 from the
8 Department of the Interior.

9 I had indicated when I submitted these
10 documents to the Panel, I made them concise. So I
11 hope that we have those in some kind of order.

12 MS DOEBELE: Thank you, Ms
13 Gladieu-Quinn.

14 So that document I believe is entitled
15 "The Clearwater River Band Exhibits".

16 MS GLADIEU-QUINN: All right.

17 MS DOEBELE: We can pull it up here.

18 It's going to get the next number,
19 which is 625.

20 EXHIBIT NO. 625: The Clearwater
21 River Band Exhibits

22 MS GLADIEU-QUINN: Can you see that,
23 John?

24 ACTING CHIEF J. MALCOLM: Yes, I can.

25 MS GLADIEU-QUINN: All right.

1 I don't know if you have that letter
2 in front of you, but I want to point out the
3 second-last paragraph, or the middle paragraph of that
4 letter, basically saying that in this letter -- and
5 it's from the Assistant Deputy and Secretary back in
6 1917 -- that there are separate Bands established.

7 Perhaps you can explain that letter?

8 ACTING CHIEF J. MALCOLM: I'm sorry?

9 MS GLADIEU-QUINN: Can you explain
10 that letter, that there are separate reserves?

11 ACTING CHIEF J. MALCOLM: Yes. This
12 letter actually clarifies three separate reserves. It
13 was submitted not long after the lands were surveyed
14 back in 1915 for all five reserves from the Fort
15 McMurray Band-Fort McKay Band payroll. These reserves
16 were divided up from the members who signed into the
17 Fort McMurray-Fort McKay Band payroll in 1899. And
18 they are different tribes, nations, that were
19 amalgamated into the one Band payroll. And over the
20 years some of them have managed to get their reserves
21 back to their rightful nations.

22 The Clearwater River Band is still in
23 that process.

24 Here we have the list of Fort McKay
25 Band No. 174, Namur Lake and Namur River, Fort McKay

1 itself and we have the Clearwater River Band No. 175
2 and then we have the Gregoire Lake Band 176, A, B.

3 These Reserves were set aside. They
4 had Order-in-Councils recognizing them. They have not
5 been rescinded. The Gregoire Lake Band still has
6 their Order-in-Council. The Clearwater River Band has
7 their Order-in-Council and Fort McKay got theirs in
8 1948.

9 MS GLADIEU-QUINN: Okay. And what it
10 says in that letter also is that each reserve had
11 their own Chief.

12 Is that correct?

13 ACTING CHIEF J. MALCOLM: That's
14 correct. They're referred as Headmen.

15 MS GLADIEU-QUINN: This letter refers
16 to the different Chiefs, "one each of their different
17 reserves".

18 ACTING CHIEF J. MALCOLM: Yes, that's
19 correct.

20 MS GLADIEU-QUINN: Okay. And I've got
21 another exhibit which we wish to tender.

22 It's correspondence dated April 27,
23 1916 from the Assistant Deputy and Secretary to the
24 Crown Timber Agent in Edmonton, showing a reference to
25 lands reserved for the Indian Paul Cree and his sons

1 at Fort McMurray.

2 MS DOEBELE: I'm just confirming for
3 the record that this is also 625. It's part of the
4 same exhibit.

5 MS GLADIEU-QUINN: Okay, thank you,
6 counsel.

7 So, John, can you comment on this
8 letter?

9 ACTING CHIEF J. MALCOLM: Yes, this
10 letter would clarify who was eligible for lands from
11 each nation. Each member for the Clearwater River
12 Band was allotted 640 acres, more or less, a little
13 bit extra because it was on a hillside that the survey
14 agents thought they should give a little bit more.

15 But the reserve is set aside for Paul
16 Cree and his two sons only. The reserve was surveyed
17 back in 1915.

18 My parents and grandparents were
19 forced off their homestead to make it a reserve.

20 But this reserve was set aside for
21 Paul Cree, his two sons Alexander Alexis Cree and
22 Raphael Cree, which is Jean Cree's father, Jean
23 Powder's father. And it was for those three people
24 only. It was not set aside for anyone else.

25 The Gregoire Lake Band was surveyed

1 and had their Order-in-Council in 1916, which took the
2 remainder of the Cree Indians from the Band pay list.

3 In 1899 the Treaty was signed on
4 behalf of the Chipewyans, which was my great-great
5 grandfather, Adar(ph) Boucher, and Seapotakinum signed
6 on behalf of the Crees.

7 In 1912 Seapotakinum died and a fellow
8 named Joseph Milton took over as Headman, as Chief,
9 and he represented the Cree Indians.

10 Boucher passed away and Adam Boucher
11 took over and he represented the Chipewyan Indians.

12 That was how the Treaty was signed and
13 who they were signing on behalf when it started.

14 Paul Cree won his lands for his own
15 self and his sons only. It was called like lands in
16 severalty. He was awarded lands in severalty. He was
17 awarded his homestead or his reserve.

18 The Indian Agent and the Commissioner
19 decided to call it the Band because there was more
20 than one Indian and that's how Paul Cree Band of
21 Indians was established.

22 MS GLADIEU-QUINN: All right, that's
23 very good.

24 So the members of this panel here
25 today on behalf of Clearwater are descendants of Paul

1 Cree?

2 ACTING CHIEF J. MALCOLM: That's
3 correct. They're all direct descendants of Paul Cree.

4 MS GLADIEU-QUINN: Then the next piece
5 of correspondence that we've submitted as part of this
6 exhibit --

7 ACTING CHIEF J. MALCOLM: If I may add
8 that they are all Status Indians as well.

9 MS GLADIEU-QUINN: Yes, thank you.

10 The correspondence is dated June 15,
11 1916, again a letter from the Department of the
12 Interior, from the Assistant Deputy and Secretary to
13 the Controller, sorry, Lands Patents Branch,
14 Department of the Interior, indicating that there is a
15 blueprint copy of the plan of the Gregoire Lake Indian
16 Reserve and a blueprint plan of the Clearwater,
17 showing that these are two distinct reserves.

18 ACTING CHIEF J. MALCOLM: Is that a
19 question for me?

20 MS GLADIEU-QUINN: Yes. So you
21 understand these to be two distinct reserves. Is that
22 correct?

23 ACTING CHIEF J. MALCOLM: Yes, that is
24 correct, two different Chiefs.

25 MS GLADIEU-QUINN: We will move

1 quickly because we're going to get into more modern
2 times here.

3 A letter, actually the Privy Council
4 Order of 1570 that you were alluding to earlier,
5 another exhibit --

6 ACTING CHIEF J. MALCOLM: Yes, the
7 Order-in-Council is the validation of the Clearwater
8 River Band and Paul Cree's Band of Indians, which was
9 him and his two sons.

10 MS GLADIEU-QUINN: That is correct.

11 And at the bottom, if you could read
12 the very last statement of that letter?

13 Well, don't read the entire statement
14 because it's quite a lengthy statement, but if you can
15 point out that this reserve was created for the
16 purposes and uses of the Indians of the Clearwater
17 Indian Reserve No. 175.

18 Is that correct?

19 ACTING CHIEF J. MALCOLM: That's
20 correct.

21 MS GLADIEU-QUINN: And this was a
22 separate Order-in-Council than the Gregoire Lake
23 Order-in-Council. Is that correct?

24 ACTING CHIEF J. MALCOLM: That's
25 correct.

1 MS GLADIEU-QUINN: And a letter dated
2 July 27, 1921 from the Assistant Deputy and Secretary,
3 A.F. MacKenzie.

4 ACTING CHIEF J. MALCOLM: It clearly
5 shows different numbers and different reserves.

6 MS GLADIEU-QUINN: That's right.
7 The July 27th, 1921 letter to the
8 Indian Agent at Fort Smith, Alberta.

9 ACTING CHIEF J. MALCOLM: This clearly
10 shows that they are two separate reserves.

11 MS GLADIEU-QUINN: And finally, and
12 certainly not exhaustive of the evidence, but finally
13 an exhibit from the Department of Mines and Resources,
14 dated November the 6th, 1948.

15 ACTING CHIEF J. MALCOLM: Yes. The
16 Pacific Petroleum and the government allegedly went
17 around to each Band to have them sign away their
18 mineral rights, and Clearwater River Reserve was one
19 of them. They had to go to each separate reserve and
20 have each Chief and member sign away they mineral
21 rights, and it was alleged that the Clearwater River
22 Reserve also did it.

23 But there is some fraudulence in the
24 signatures where they weren't even placed in the right
25 place and it didn't happen. But the government at

1 that time figured that every Band in the Wood Buffalo
2 area signed away their mineral rights with these
3 documents.

4 MS GLADIEU-QUINN: All right. That
5 was my final submission on that bundle but I have two
6 more exhibits which I wish to point out.

7 There is a letter dated December 17th,
8 1957 from J.W. Stewart to the Superintendent of the
9 Edmonton Indian Agency.

10 ACTING CHIEF J. MALCOLM: Yes. There
11 is still confusion in 1957 of the reserves and the
12 fact that Clearwater River Reserve was still a
13 separate reserve under their knowledge. They never
14 did give up their reserve to anyone, never rescinded
15 the Order-in-Council. They were just like us in
16 Moccasin Flats. They were just forced into another
17 reserve or another regime, another nation, without any
18 voting or any proper process that it would take to
19 amalgamate two reserves. That never happened. It
20 still hasn't happened today.

21 And to do it properly that needs to
22 happen where they need to vote on their reserves to be
23 properly amalgamated, like Fort McKay did back in
24 1948.

25 MS GLADIEU-QUINN: And needless to

1 say, members of Clearwater ended up in Moccasin Flats,
2 as was pointed out earlier.

3 ACTING CHIEF J. MALCOLM: Yes. Some
4 of the citizens ended up in Moccasin Flats and in
5 Waterways area, basically now all part of Fort
6 McMurray. At one time Waterways was a mile, two miles
7 away from McMurray. McMurray had its own settlement
8 and Waterways was a bustling community from the
9 railroad.

10 Clearwater River Band members, some of
11 them lived in the Waterways area and Moccasin Flats,
12 because they were living here at the time the Treaty
13 was signed and some of the Indians didn't want to
14 leave McMurray. And lands were never surveyed for
15 them in Fort McMurray because the public did not want
16 any lands next to native lands because it depreciated
17 their property.

18 This is one of the reasons why we were
19 forced out of Moccasin Flats and forced out of
20 Waterways. And no native reserve was set aside,
21 albeit from discrimination and not being next to
22 native lands.

23 MS GLADIEU-QUINN: All right, thank
24 you.

25 And finally a 1996 letter dated

1 October the 3rd to Donna Morrison, Specific Claims
2 Research Analyst with field notes explaining why
3 Clearwater Indian Reserve No. 175 were asking for
4 notes, if you could take a look at that.

5 She's from the Department of Indian
6 and Norther Affairs -- responding to a request for
7 field notes.

8 ACTING CHIEF J. MALCOLM: I'm sorry,
9 it's not on the screen.

10 MS GLADIEU-QUINN: I'll wait.

11 ACTING CHIEF J. MALCOLM: Basically
12 the letter is self-explanatory.

13 MS GLADIEU-QUINN: Right. So needless
14 to say this is an ongoing claim in the federal court.
15 Is that correct?

16 ACTING CHIEF J. MALCOLM: That's
17 correct. And it was reactivated in court a couple of
18 years ago.

19 MS GLADIEU-QUINN: All right. But
20 it's in the courts right now. The exact claim, what
21 Chief Mary Ann Powder indicated earlier is underway in
22 the courts.

23 ACTING CHIEF J. MALCOLM: Yes, it is.

24 MS GLADIEU-QUINN: All right, thank
25 you.

1 So we have no further submissions on
2 behalf of the Clearwater River Band. We would like to
3 perhaps take a break and see how the video
4 conferencing is going. Then we can start with the
5 original Fort McMurray presentation.

6 ACTING CHIEF J. MALCOLM: Okay. I'm
7 hearing from the video guys that they're good to go
8 now.

9 MS GLADIEU-QUINN: All right. Well
10 then perhaps we should -- did you want to take a break
11 now or...? Okay.

12 MS GLADIEU-QUINN: Good morning
13 ladies.

14 MS DOEBELE: Ms Gladieu-Quinn, we just
15 need to swear or affirm the witnesses.

16 MS GLADIEU-QUINN: All right.

17 AFFIRMED: EVELYN JONES (via videoconference)

18 AFFIRMED: MAUREEN CARDINAL (via videoconference)

19 MS DOEBELE: All right. If we could
20 start with Evelyn.

21 MS GOLOSKY: My name is Patricia and
22 I'm Evelyn's niece. I just found out this morning
23 that my aunt dropped her hearing aid, so she's having
24 a hard time hearing. So I'm going to help with the
25 questions, if that's all right.

1 MS DOEBELE: Ms Gladieu-Quinn, if we
2 could just get introductions for all three witnesses
3 just before we proceed, that would be wonderful.

4 MS GLADIEU-QUINN: All right. We have
5 Evelyn Jones, née Robillard, she's an elder, and we
6 have beside her her sister Maureen Cardinal. The lady
7 behind them is going to be assisting, she's not going
8 to be giving evidence, and her name is Pat.

9 MS GOLOSKY: Only because my aunt
10 dropped her hearing aid and broke it.

11 MS GLADIEU-QUINN: All right. So I
12 understand she has a statement.

13 MS GOLOSKY: Yeah.

14 MS GLADIEU-QUINN: Did you want to
15 read that for her?

16 MS GOLOSKY: Yes, I will actually,
17 because she's having a hard time.

18 MS GLADIEU-QUINN: All right.

19 MS GOLOSKY: Are you ready for it?

20 MS GLADIEU-QUINN: Yes. Yes, please
21 proceed.

22 PRESENTATION

23 MS GOLOSKY:

24 "My name is Evelyn Selena
25 Robillard. I was born on March

1 2nd, 1934 in a tipi in old Fort
2 McKay, across from the Athabasca
3 River on the east side of new
4 Fort McKay.

5 I was raised on a trap line
6 about 30 miles north of Fort
7 Chipewyan on the Slave River, one
8 mile wide and [off microphone]
9 miles long. We trapped across
10 Poplar Point and Birch Mountains
11 right where the [Off microphone]

12 I am an Indian woman who was
13 denied status because my father
14 was [off microphone] and I was
15 born before [off microphone] I
16 am still trying [off microphone]
17 back. My mother's name, Rosalie
18 Robillard ..."

19 EDLER JONES: No, my grandmother.

20 MS GOLOSKY: I'm sorry, grandmother.

21 "Rosalie Robillard [off
22 microphone] Evelyn's grandmother.
23 She was number 56 on the Fort
24 McMurray/Fort McKay Band from
25 1899 to 1916. When she was

1 treaty, my mother received three
2 Hudson's Bay blankets and \$5 a
3 year. After the Indian agent
4 found out my mother was staying
5 with a white man, they cut her
6 off.

7 My grandmother, Rosalie
8 Boucher, died when my mother was
9 nine years old from a rare
10 disease that killed a lot of our
11 people. Her treaty number was
12 54. My cousin, Jim Boucher, is
13 the Chief of the Fort McKay Band.
14 I do not know where my
15 grandmother is buried. I
16 remember that a big ditch was dug
17 and they were buried there.
18 There could be oil companies on
19 some of that land they were
20 buried at, I don't know.

21 My mother's grandmother
22 taught her how to trap. We lived
23 off the land, we had four big
24 gardens, and we had eggs in the
25 spring from the nests we would

1 find. Everyday we had eggs. We
2 would put them in the cellar to
3 keep cool. They would keep cool
4 for one month.

5 We caught lots of muskrats.
6 I was on the trap line until I
7 was 16, when I went to work in a
8 hospital in Fort Smith until I
9 was 18 years old, then I
10 transferred to the Fort McMurray
11 Hospital.

12 The trap line we grew up on
13 is still there. We used to trap
14 muskrats each spring by Poplar
15 Point and Jackfish Lake in a
16 place called the Mud Flats,
17 everybody went there. We lived
18 right across from the Wood
19 Buffalo National Park on an
20 island. It wasn't that big, but
21 big enough to separate us from
22 the park. Since the oil company
23 started to come into our lands I
24 don't see as many muskrats
25 anymore, I'm scared to drink the

1 water, and I won't eat the fish."

2 This is the end of her statement. We
3 talked about our grandmother, and we always talk about
4 mom and Auntie Eva, like they're here together now,
5 and we always talk about their lives when they were
6 small. Hunting and fishing was just a normal way of
7 life for them. Trapping was also something that
8 provided them from year to year with staples such as
9 sugar, flour, things that they needed to keep them
10 sustained throughout the winters.

11 You don't see much of that now because
12 industry has -- a lot of the people, the peoples, Fort
13 Chipewyan, Fort McKay, the industry now has -- I don't
14 know how to put it exactly into words, but a lot of
15 the people are scared now, they don't want to eat the
16 fish. If you go out hunting, there's not many animals
17 around anymore.

18 EDLER JONES: Those that are are
19 polluted, they're polluted from the ground and the oil
20 company -- what your oil company has left, and moose
21 and deer --

22 MS GOLOSKY: My aunt is saying that
23 the animals -- the oil companies have polluted the
24 grounds and the air, and the animals now aren't any
25 good anymore from around those areas. That's why

1 people more south or even further north, where there
2 is no industry, to hunt and trap now.

3 Do you want to say any more, Auntie
4 Eva?

5 ELDER JONES: Not too much. I guess
6 I'm finished for now.

7 MS GOLOSKY: She said she's finished
8 for now.

9 MS GLADIEU-QUINN: Thank you.

10 Now, we'll go to Maureen Cardinal.

11 Just to remind the Panel, that she did
12 give a statement through the Wood Buffalo's Interview
13 Project dated March 2008.

14 Maureen.

15 MS CARDINAL: Dated when?

16 MS GLADIEU-QUINN: March 2008.

17 MS CARDINAL: March?

18 MS GLADIEU-QUINN: Maureen, do you
19 want to proceed? Please proceed.

20 MS CARDINAL: Yes, please.

21 MS GOLOSKY: Just a minute. Just
22 hold, I'm getting the report for her. Can you read
23 that, mom? They can hear you.

24 MS CARDINAL: Ready to go?

25 MS GOLOSKY: Say hello.

1 MS CARDINAL: Are we ready?

2 MS GLADIEU-QUINN: Yes, we're ready.
3 Yes, thank you.

4 MS CARDINAL: Okay. I'm going to
5 start reading.

6 MS GOLOSKY: Yeah, they can hear you.
7 Mom, go. They can hear you.

8 PRESENTATION

9 MS CARDINAL: Okay. I am Maureen
10 Cardinal. My mother was born at either Poplar Point
11 or McKay. I am not quite sure, because she was --

12 MS GOLOSKY: Wait, mom. Go ahead.

13 MS GLADIEU-QUINN: If I can interrupt.
14 Maureen, we don't want you reading what you have in
15 the report, because that could take some time. That's
16 about three pages. If you could just simply read the
17 short statement?

18 MS GOLOSKY: Here.

19 MS CARDINAL: Oh, which one? Does it
20 matter?

21 MS GLADIEU-QUINN: The shorter
22 statement. When I spoke with you, you added more
23 things to it.

24 MS GOLOSKY: Mom. Mom mom mom, mom
25 mom.

1 MS CARDINAL: (Off microphone)

2 MS GOLOSKY: Okay. Right here, that's
3 the one, "My name is Maureen Cardinal..." okay, and
4 then can you read that?

5 MS CARDINAL: Okay, I started out with
6 my name is Maureen Cardinal and...

7 MS GOLOSKY: They can hear you good.

8 MS CARDINAL: Okay. This is -- I
9 confirm -- what's that, I can't... I said in the Wood
10 Buffalo Elders Interview from page --

11 MS GOLOSKY: Let me start you off
12 here.

13 MS CARDINAL: -- 53-57 --

14 MS GOLOSKY: Do you want me to help
15 you?

16 I'm just going to start off for mom
17 here, and let her go from there on this statement:

18 "My name is Maureen Cardinal, I
19 confirm what I said in the Wood
20 Buffalo Elders Interview from
21 pages 53 to 57. I wish to add
22 that my grandmother, who raised
23 us on the trap line on Slave
24 River, was from Fort Chip and
25 Poplar Point along both sides of

1 the Athabasca River.

2 I need to make a correction
3 to spelling in the Golder Report
4 at page 54 it states that we set
5 nets and caught little fish
6 called chumps. That is a
7 spelling mistake. These little
8 fish are called chubs."

9 Okay, so you can start from here. See
10 the Golder report --

11 MS CARDINAL: I couldn't eat them,
12 they were too bony.

13 Okay. The Golden --

14 MS GOLOSKY: The Golder.

15 MS CARDINAL: -- report also did not
16 mention that we also picked --

17 MS GOLOSKY: Do you want me to read?
18 She's having problems reading.

19 MS GLADIEU-QUINN: Yes, please.

20 MS GOLOSKY: Then she can add to that.

21 MS GLADIEU-QUINN: Please, Pat, if you
22 could read please. Thank you.

23 MS GOLOSKY: Okay. Mom, give me this
24 here. Sorry about that.

25 MS CARDINAL: Yes.

1 MS GLADIEU-QUINN: No worries.

2 MS GOLOSKY: Okay.

3 "The Golder report also did not
4 mention that we also picked
5 raspberries and strawberries.
6 There was so much fruit, now it
7 is hard to find.

8 When we hunted caribou the
9 Golder report said I was riding
10 in a sleigh with my friend. This
11 is not correct. I was riding in
12 a sleigh with my sister, Evelyn.

13 There was so much caribou
14 back then it was our meat every
15 winter. We grew up fast, we had
16 to. Mom took me and showed me
17 how to set traps for muskrats and
18 how to shoot a gun. We set nets.
19 I helped her with the gardening
20 too. We had big gardens back
21 then. We used to also set big
22 bear traps.

23 Dad then moved everyone to
24 Fort Chip when my brother and I
25 were still living with him. He

1 kept the trap line, but not much
2 longer. The move to the town
3 caused our family problems. I
4 spoke about how bears attack
5 people these days. They never
6 used to back them. That's why I
7 don't like to go to the bush any
8 more. I get friends to collect
9 [off microphone] for me.

10 When I spoke about the story
11 of Big Foot, my mother did not
12 want us to go across the river
13 into Wood Buffalo Park because he
14 would be there. The real reason
15 she told us that story was
16 because the buffalo were there
17 and they would chase you. They
18 can be more dangerous than a
19 bear."

20 MS GLADIEU-QUINN: Sorry, I have a
21 question for Maureen. When we spoke, Maureen, you
22 talked about how you would like to be in the bush back
23 there again. Maureen?

24 MS CARDINAL: Yes?

25 MS GLADIEU-QUINN: You spoke about how

1 you wanted to go back to the bush --

2 MS CARDINAL: Yes.

3 MS GLADIEU-QUINN: -- and how you miss
4 it? Why can't you go back?

5 MS CARDINAL: Well, there's nothing
6 there anymore and, not only that, it's where we lived
7 and trapped it's also polluted. So there's no sense
8 in going back there anymore.

9 MS GOLOSKY: Tell them about your
10 nieces and nephews up there, mom. When they can't --
11 times when they fish and they trap still, but they
12 can't use any of the fish, it's just (off microphone)
13 --- Pause

14 MS GLADIEU-QUINN: Maureen, do you
15 have anything further to say?

16 MS CARDINAL: Oh, I was waiting for
17 you. Yes, I was going to say something else, yes.
18 Like, I have -- there's a big family, like my brothers
19 and my sisters have their children and they've also
20 got grandchildren, and they all have -- mostly now
21 they're all -- my children are all grown up, and my
22 sister's and brother's children are all grown and they
23 all have families of their own.

24 They like trapping too also. They
25 like going -- they like to go out to the bush too and

1 trap and do fishing and that.

2 But they just don't want to do that
3 anymore because the fish is no good to eat and the
4 trap line, well, it's -- around like -- it's not very
5 good -- it's not good anymore to go to the trap line,
6 so nobody goes there anymore because it's not --

7 MS GLADIEU-QUINN: I remember you told
8 me about the taste of the fish.

9 MS CARDINAL: Yes. Yes, when I caught
10 a fish down -- I used to live in Fort -- well, I lived
11 in Fort McMurray quite a long time, and I used to go
12 fishing down at the Clearwater River there close to --
13 right close to -- well, it's right in Fort McMurray
14 where we used to go and fish off the shore. So I
15 wouldn't...

16 I caught a fish one day, and it was a
17 big fish, and I wanted to eat it so badly. So I took
18 it home and cleaned it and we cut it all up and fried
19 it. But I couldn't eat it after because it smelled
20 like oil. It made my house smell like oil -- oil or
21 gas, either one.

22 MS GLADIEU-QUINN: All right. Thank
23 you, Maureen. I think if we have any questions, if we
24 can have them asked now and then we could take a
25 break? Then we could start with the original Fort

1 McMurray?

2 THE CHAIRPERSON: Okay. Does Teck
3 have any questions for the elders?

4 MS GOLOSKY: Do you have any
5 questions?

6 MR. IGNASIAK: No, sir. Thank you.

7 THE CHAIRPERSON: Does Staff have any
8 questions?

9 MS DOEBELE: No, Mr. Chair.

10 THE CHAIRPERSON: Okay. The Panel has
11 no questions for the elders.

12 Thank you very much for your
13 participation.

14 MS GLADIEU-QUINN: Thank you, Evelyn
15 and Maureen. Thank you, have a good day.

16 MS CARDINAL: Thank you.

17 MS GLADIEU-QUINN: So if we could take
18 a 10-minute break and then commence with the evidence
19 from original Fort McMurray?

20 THE CHAIRPERSON: Sure, yeah.

21 MS GLADIEU-QUINN: Thank you.

22 THE CHAIRPERSON: Let's take a
23 10-minute break. We'll come back at 11:20. Thank
24 you.

25 --- Upon recessing at 1108 / Suspension à 1108

1 --- Upon resuming at 1121 / Reprise à 1121

2 THE CHAIRPERSON: Okay, thank you.

3 MR. P. MALCOLM: (Off microphone)

4 MS DOEBELE: If we could have Pete
5 Malcolm give a statement on behalf of the original
6 Fort McMurray.

7 PRESENTATION

8 MR. P. MALCOLM: My name is Pete
9 Malcolm. My parents were both born and raised here.
10 My mother was born 157 miles north along the Athabasca
11 River.

12 MS GLADIEU-QUINN: My apologies Mr.
13 Malcolm, could you just start over and speak in the
14 microphone just so we can capture what you're saying.

15 MR. P. MALCOLM: Yeah.

16 MS GLADIEU-QUINN: Thank you.

17 MR. P. MALCOLM: My name is Pete
18 Malcolm. I was born and raised here, so were my
19 parents. My father was born right here on traditional
20 lands at the Snye. My mother was born 157 miles north
21 of McMurray here, along the Athabasca River on a
22 trapline.

23 I have trapped throughout this
24 country, all along the Athabasca and the Clearwater,
25 up the Abasand, up in Thickwood Heights, and on the

1 trapline 157 miles from here.

2 I seen a lot of changes here. I left
3 this town; I kind of got kicked out of here when I was
4 about 18. I was applying to go to work for -- to go
5 to school for operating equipment and I made a
6 statement to a woman on the phone that she was giving
7 me a hard time about getting this course, and I said,
8 "Why? Because I was born here? I'm not from Quebec
9 or Newfoundland or something like that, because I'm
10 originally from here?"

11 Well, my brother went to that course,
12 that same course. In that course there were two empty
13 chairs and the instructor made the statement that he
14 hated teaching that course with empty chairs. And my
15 brother told him, he said, "Well, I know a guy that
16 can be here tomorrow." And the instructor asked him,
17 "Well, who is that?" When he said Pete Malcolm he
18 said, "No, that man is not allowed in this course."
19 So I was pretty much run out of town. And I left here
20 there.

21 I have come back almost every year, I
22 think; I come back to visit the friends and family.
23 But this town has changed so much, it's not even
24 recognizable to me. When I come here people tell me,
25 "Well, we're going over here." And I'll tell them,

1 "Where is that?" "Well, it's beside this place."
2 "Well, where is that?" Then they'll tell me, "Well,
3 remember we used to pick blueberries? Remember we
4 used to do that? Remember we used to do this?" And
5 then I'd clue in, "Yeah, okay. Now I know whereabouts
6 it is." But, like you just -- you don't know.

7 I remember walking down the street one
8 day with my father; I was about seven, eight years
9 old. I asked him, I said, "Dad, what are we?" And he
10 looked at me and he said, "What do you mean?" I said,
11 "Well, are we English? Are we Norwegian? Are we
12 whatever, you know?" He laughed at me and he told me,
13 he said, "You're an Indian." I've been an Indian ever
14 since.

15 Like I say, I don't know really much -
16 have much to say because --

17 MS GLADIEU-QUINN: Pete, can I ask you
18 a few questions?

19 MR. P. MALCOLM: Yes, you may.

20 EXAMINATION IN CHIEF

21 MS GLADIEU-QUINN: You said when you
22 were younger you had a dog team?

23 MR. P. MALCOLM: I did have a dog
24 team. Here, it was right across the highway along the
25 hill, the bottom of the hill there going up to the

1 Abasand.

2 MS GLADIEU-QUINN: Okay.

3 MR. P. MALCOLM: I had my dog team
4 here. That's how I trapped. I ran my dogs and stuff.

5 MS GLADIEU-QUINN: And you said that
6 you would feed them a certain - what was it, chubs?

7 MR, P. MALCOLM: Chubs. Now, last
8 night I hear there's no chubs left up here; that
9 they're all gone. I used to feed my dogs off that,
10 chubs and rabbits and food from the Super-8, they used
11 to save their scraps for me at the Super-8.

12 MS GLADIEU-QUINN: And so what I hear
13 you saying is that you feel displaced from this area
14 because of the development?

15 MR. P. MALCOLM: Oh, I've definitely
16 been displaced; there's no doubt about it.

17 MS GLADIEU-QUINN: So you would -- do
18 you continue to hunt?

19 MR. P. MALCOLM: I hunt, but not
20 around here.

21 MS GLADIEU-QUINN: Okay.

22 MR. P. MALCOLM: I talk to people
23 around here and they tell me that they wouldn't eat
24 the meat or the fish and stuff around here, so I don't
25 come around here to hunt anymore.

1 MS GLADIEU-QUINN: And you explained
2 how your mother - where was your mother born?

3 MR. P. MALCOLM: 157 miles north of
4 McMurray along the Athabasca.

5 MS GLADIEU-QUINN: Right. And you
6 would trap with your father?

7 MR. P. MALCOLM: I trapped with my
8 uncle down there. I did a lot of hunting with my
9 father, not a lot of trapping.

10 I trapped with my older brothers up on
11 Thickwood; they both had traplines up there.

12 MS GLADIEU-QUINN: Right. Thank you,
13 Pete. We'll continue on because we're running short
14 on time.

15 MR. P. MALCOLM: Yeah.

16 MS GLADIEU-QUINN: Charles Beauchamp,
17 if you could, please?

18 PRESENTATION

19 MR. BEAUCHAMP: Yes. My name is
20 Charles Beauchamp, Birch Mountain Outfitter
21 Corporation.

22 I'm a citizen of the original -- hang
23 on, I need my glasses - Fort McMurray Native Band.
24 I've been a professional outfitter for 30 years. All
25 my clients are from overseas such as Germany, Austria,

1 Italy, Denmark, Republic of Czechoslovakia. I bring
2 them to the wilderness of Northeastern Alberta for
3 hunting and fishing.

4 On Dianne Lakes I have an outfitter
5 permit for a camp, Land Use Number TFA183417. In the
6 area of Dianne Lakes and Ronald Lake, I take clients
7 hunting for moose and wood bison. This is how I make
8 part of my income to support my family and sustain
9 food on my table.

10 The time of year that I hunt the wood
11 bison is in the winter so we can get to the areas that
12 the wood bison are in. There are large, natural
13 fields of grass that are frozen in the winter.
14 Marshes, they're actually a marsh or a muskeg, as we
15 would call them up here. The marshes we cross by snow
16 machine then proceed by snowshoe.

17 I was invited to attend meetings in
18 2014 and 2015 on closing the wood bison hunting in the
19 area of the Ronald Lake and Dianne Lakes because Teck
20 Energy wanted to open an open pit mine for the tar
21 sands in the area south of Dianne Lakes and Ronald
22 Lake. This is where the bison naturally feed on
23 certain types of native grass that grow in very wet
24 marshes, as we call it muskeg, in the area. This type
25 of grass is what the bison rely on in their winter

1 range. Then, again, the wood bison go north around
2 the lakes in May to have their calves.

3 The Teck Proposed Mine would cut off
4 the way the bison have in migrating south to these
5 marsh areas in the south of Ronald Lake and Dianne
6 Lakes for their winter feeding as far as for the --
7 this is when the bison can get into the areas. Due to
8 the areas, and the type of grass they like to eat is
9 in the marshes, a lot of the grasses are inaccessible
10 in the summer due to where the grasses grow.

11 The bison feed on this grass in the
12 summer around the edges of the marsh. In the
13 wintertime the bison are always on the move in these
14 areas so they naturally do not over-graze an area as
15 north of Ronald Lake there are not the large marshes
16 of grass they like to eat.

17 There is a natural barrier that keeps
18 the park bison, which are plains bison that were
19 introduced to the Park in 1925 to 1927 and the Ronald
20 Lake herd that is a natural herd of wild wood bison
21 that has always been there. The barrier is a band of
22 thistles.

23 The meeting I was at with Teck at Fish
24 and Wildlife's office on the closing of the wood bison
25 in the Ronald Lake area, the geneticist for Fish and

1 Wildlife was sitting beside me and she told me in the
2 meeting that the park -- she told the meeting that the
3 park bison and the Ronald Lake bison are not the same;
4 they are different DNA and have not crossed genetics
5 at all. The Ronald Lake bison herd colour is mainly
6 black and are much larger. These are he gatherings
7 through samples of lymph nodes, blood samples that
8 were from killed buffalo. And the only way to get the
9 lymph nodes is to shoot the bison because you have to
10 extract the lymph nodes out of the bison.

11 The Biology Department shot 10 bison
12 of the Ronald Lake herd in January of 2015 in order to
13 obtain samples needed for the test. They all came
14 back negative for TB and brucellosis and were deemed a
15 clean herd of wood bison. This is when the Ronald
16 Lake herd got wildlife status and the hunting was
17 closed.

18 Since March 2016 I have had to move
19 300 kilometers further north to keep hunting bison.
20 But they are not the same bison; they are bison that
21 wander outside of the park, and which has cost me a
22 great lot of money and time.

23 All the bison I have killed have been
24 tested for TB and brucellosis through the blood tests
25 and lymph node samples. These were sent to labs by

1 the Fort McMurray Animal Hospital, Dr. Bob. Out of 20
2 bison killed, one has come back positive to carry the
3 TB fungus, not full-blown TB -- and the bison that was
4 shot north of the Wood Bison National Park, not the
5 Ronald Lake herd.

6 The Ronald Lake herd are real wild
7 wood bison. Fish and Wildlife deemed the herd to be
8 TB and brucellosis free.

9 In Mach 2016 the Ronald Lake herd
10 gained wildlife status and the Fish and Wildlife
11 closed the hunting except for Aborigines.

12 In a very large area south of Wood
13 Buffalo National Park shows that fish and wildlife
14 know how large an area bison really need to live and
15 to survive in. I have had a map included, I don't
16 know if it is here. It was given to me. It is right
17 in the regulations from Fish and Wildlife. The map
18 shows an area of right from the Birch Mountains south
19 to just about McKay and up to the Park, not the small
20 area that Teck is trying to keep them in.

21 All the Native Bands that were
22 attending the meetings to close the hunting on the
23 Ronald Lake herd was where traditionally hunting would
24 be done. The Bands then agreed not to hunt the Ronald
25 Lake herd and would ask their members not to hunt the

1 Ronald Lake bison.

2 Since 2016 I have not hunted the
3 Ronald Lake bison.

4 In the spring, summer and the fall,
5 the Ronald Lake bison herd are limited to sections of
6 land travelled to and from feeding areas on high
7 ground and ridges due to the large area of marshes,
8 what we call muskeg.

9 Teck Energy is going to cut off some
10 of these paths. The bison naturally have to go from
11 one feeding area to another so they do not over-graze
12 and their feeding sources stay healthy; and, the wood
13 bison are always on the move.

14 Teck Energy and all the other oil
15 companies, gas companies in the area try to reclaim
16 land they dig up. They plant trees such as poplar,
17 pine, spruce and grasses not indigenous to the area.
18 What about the blueberries, high bush blueberries,
19 high bush and low bush cranberries, boysenberries,
20 cowberries, pin cherries, Saskatoons, chokecherries
21 and all the other berries and indigenous plants that
22 the birds and all the other animals in the area need
23 to feed on and survive?

24 If you look at a reclaimed area and
25 then go to the undisturbed forest across the road it

1 does not even look the same.

2 Tailings ponds: How will they affect
3 the groundwater supply since most of the area is
4 marsh, or what we call muskeg? When they reclaim the
5 marshland are they going to replace it back into a
6 marsh -- the grasses and plants that grow in the marsh
7 and are eaten by the bison and a great many of the
8 other animals as well?

9 When the ground work starts for the
10 Teck mine they will strip the trees off, dig trenches
11 to drain the water off the land. What will stop the
12 water from draining out of the marshes where the water
13 is needed to grow the type of grass that bison like to
14 eat? They will affect a larger area than just the
15 Teck mine. Also, what about the airborne hydrocarbons
16 landing in the watershed and the marshes?

17 In the meetings with Teck, U of A,
18 Environment Canada, Royal Alberta Museum, Environment
19 and Sustainable Development, Management Solutions and
20 Environment Sciences, Native Bands, Mike as a local
21 trapper, Charles Beauchamp, myself as the outfitter in
22 the area -- there were 22 people around the table and
23 only three of us had ever stepped foot on that land in
24 question.

25 I spent some of my time on my friend's

1 bison ranch to help run bison through his chutes to
2 separate the animals. I watched three young bulls
3 turn, run right over side by side and then out the
4 field and right over a fence that was 10 feet tall.
5 So, fences really -- if they wanted to, if they can
6 see through it they can go through it.

7 Bison cannot speak but the people on
8 the land and in the area can speak for them. If we
9 don't speak up, who will? It's time to start looking
10 at preventing the -- preserving the only known pure
11 wild wood bison herd and give them enough land to
12 flourish on. The best way I can think of to preserve
13 the wild wood bison would be to move the Park boundary
14 down by enough to engulf the Ronald Lake herd of bison
15 which the Park was actually named after.

16 Thank you.

17 MS GLADIEU-QUINN: Charles, a very
18 interesting presentation. You presented a few
19 pictures, if we could have those put up on the screen,
20 and particularly the first one being the head of a
21 Ronald Lake bison.

22 MR. BEAUCHAMP: Yes, that's --

23 MS DOEBELE: Sorry, sir, we're just
24 going to mark this very briefly as an exhibit.

25 MR. BEAUCHAMP: Yeah.

1 MS DOEBELE: So, it's 626, will be the
2 number.

3 EXHIBIT NO. 626: Photographs
4 submitted by Mr. Beauchamp

5 MS DOEBELE: Thank you, Mr. Beauchamp,
6 you can proceed.

7 MR. BEAUCHAMP: The picture on the one
8 side is my son with a head that was frozen. It's
9 frozen right at the moment, of a Ronald Lake bison.
10 It's very black, a lot blacker and hairier than the
11 Park bison, or the bison that are raised here in the
12 area. They are not the same colour. This is a true
13 wild wood bison, right here. It's not coming up very
14 clear on the other pictures.

15 This picture right there is actually
16 of Syncrude bison and they are a lot browner; they are
17 not as shaggy, and they are not to the same size as
18 the natural wood bison bulls, which are actually
19 bigger and heavier.

20 The wood bison are the largest land
21 mammal in the western hemisphere.

22 EXAMINATION IN CHIEF

23 MS GLADIEU-QUINN: All right, so those
24 Syncrude bison -- you called them Syncrude bison?

25 MR. BEAUCHAMP: Well, no, they're --

1 they claim to be a true wild wood bison but they don't
2 look the same as that animal right there.

3 MS GLADIEU-QUINN: No. Would you
4 consider them a hybrid?

5 MR. BEAUCHAMP: I would consider them
6 a hybrid.

7 MS GLADIEU-QUINN: So you had
8 indicated that there were these natural fields that
9 you're showing in one of the pictures here. There's a
10 picture of an open field?

11 MR. BEAUCHAMP: The other picture is
12 showing some bison from the Park, but it is not coming
13 out that clear.

14 MS GLADIEU-QUINN: So those are the
15 hybrid bison?

16 MR. BEAUCHAMP: Those are the Syncrude
17 hybrid right there, as far as I'm concerned. They are
18 not as dark, not as shaggy and the bulls aren't as big
19 as the ones that I have seen in the wild.

20 MS GLADIEU-QUINN: And where are they
21 grazing?

22 MR. BEAUCHAMP: Pardon?

23 MS GLADIEU-QUINN: Where are they
24 grazing? Where was that picture taken?

25 MR. BEAUCHAMP: Grazing? That's right

1 on the Syncrude site. That's where the viewpoint --

2 MS GLADIEU-QUINN: And these natural
3 fields, can you comment on them?

4 MR. BEAUCHAMP: Oh, that's a picture
5 of a natural field back in the -- between Dianne Lakes
6 and Teck. It took me an hour and a half to walk into
7 the centre of that field and that's what I call the
8 muskeg and it is where the grass grows that they feed
9 on in the wintertime. They also feed on a lot of the
10 bulrushes and they need that area to sustain
11 themselves through the winter. And in the summertime
12 they feed along the edges where it isn't so swampy.

13 MS GLADIEU-QUINN: So you indicated
14 that you were hunting the bison. But for the Teck
15 Project you found yourself moving up north now, at a
16 cost to you, a submission cost, economic cost to you?

17 MR. BEAUCHAMP: Yes. The cost is
18 still going on because I'm still having to figure out
19 the area and like I had the area where Dianne Lakes
20 is, I've been in there such a long time and it's I
21 know the area very well. Whereas, now I have had to
22 move just recently up to a whole other area; I have to
23 fly it over; I have to go on it by ground; I have to
24 again move my camp this winter to another area because
25 the area I went into was -- the access into where the

1 bison were, was inaccessible due to open water even in
2 the winter.

3 MS GLADIEU-QUINN: Now, you had seen a
4 Project Study Area --

5 MR. BEAUCHAMP: Yes.

6 MS GLADIEU-QUINN: -- of the wildlife
7 impact assessment that Teck has conducted. Do you have
8 any comments on that

9 MR. BEAUCHAMP: Yes. Teck has a study
10 area of where they studied the animals, but it doesn't
11 go very far -- they go very far south below their
12 intended mine, but they did not go very far north of
13 it. It's very adjacent, like they keep below the
14 lakes. They didn't go up into that area at all from
15 the map I saw of their study areas.

16 MS GLADIEU-QUINN: And so from your
17 experience and your hands on experience -- first-hand
18 experience with these buffalo which I understand there
19 are three types in the area, would it be something
20 that should be extended into the Park, or should be
21 extended --

22 MR. BEAUCHAMP: Well, yeah, it should
23 extend up to the Park and even into the Park because
24 that's the normal grounds for where this herd of bison
25 all are.

1 The park bison don't come down that
2 way because of this band of thistles.

3 MS GLADIEU-QUINN: Oh, interesting.
4 Okay. Okay, anything --

5 MR. BEAUCAHMP: And they don't cross
6 each other. They have not crossed genetics at all.

7 MS GLADIEU-QUINN: All right. I'll
8 ask Dr. Gilbert to follow up with what you presented.

9 And to be clear, Dr. Gilbert will be
10 giving evidence that we had indicated earlier on, on
11 separation and the tailings ponds.

12 DR. GILBERT: Okay.

13 MS GLADIEU-QUINN: And fencing.

14 PRESENTATION

15 DR. GILBERT: I've been here for 42
16 years and I guess I've been an oil sands veterinarian
17 for that length of time and the reason I'm here, I
18 think, basically is because wildlife has this ability
19 to breach the perimeters of these plants, all three of
20 them. We have had incidents of them coming in and
21 getting by security.

22 I was asked to talk about the Ronald
23 Lake herd and comment a little bit on tailings from my
24 experience as a veterinarian.

25 I don't have any experience with the

1 Ronald Lake herd per se but I should comment that, and
2 many people probably already know this, is, that they
3 are considered free of -- and he just mentioned two
4 very important diseases and they are both reportable
5 in zoonotic which means they transmit to people. So,
6 unfortunately, we really can't protect these animals
7 through the standard way of protecting wildlife
8 through vaccination because there's no suitable
9 vaccination available in Canada for either disease.
10 And this means that we're looking at preventative
11 medicine in a sense if you talk about avoidance of the
12 infected herd. Not only avoidance of the infected
13 herd, it's avoidance of the plant itself, too. You
14 know, we have to be sure that they don't come close to
15 the plant, and there's probably ways that we haven't
16 discovered yet to prevent this but some of the methods
17 that we're using now obviously aren't working by the
18 number of animals that we see in the plant from time
19 to time.

20 We have one submission of TB from that
21 other herd lately, through Chuck, so we know it's
22 still up there.

23 It is apparent that this new site will
24 occupy much of the habitat that occupied by the Ronald
25 Lake herd. And you know they're going to be subject

1 to sensory disturbances and you know I think that
2 could influence the location of this herd ultimately,
3 like noise, irritating odour, smoke, and we use the
4 example of Banff that just lost the bull who wandered
5 out the Park and away from the herd. This was
6 believed by some to be due to you know -- it's a
7 theory, I guess -- due to smoke from the BC wildfires.
8 They are herd animals so this was, I use the word
9 unusual, but it is unexpected, I guess, behaviour. It
10 could be pollution related. They actually jumped a
11 fence, one of them, and the one that didn't jump the
12 fence had to be destroyed. But that's all conjecture
13 as to why they actually got separated, but bulls are
14 often separated from the herds.

15 They can spread -- you know, they just
16 wander, I guess looking for other cows, maybe, I don't
17 know, but they can spread brucellosis reproductively
18 and of course reproduction, you know their breeding
19 involves numerous animals. So, I think they could
20 probably you know in order to keep the herd separate
21 both herds could be monitored. And they have -- I'm
22 sure there's people in this room that are familiar
23 with the radio callers and keeping track of where
24 these herds are at any given time.

25 I was going to comment on the water

1 quality. I know that there has been a lot of money
2 spent on that with the tailings ponds, and I honestly
3 believe that bison would likely avoid tailings ponds,
4 and I don't know of any incidents involving ungulates
5 in tailings ponds. But, unfortunately, I've had some
6 reports of that which I haven't been able to
7 substantiate personally.

8 Unfortunately, if that happened, you
9 know, if a bison theoretically got into the tailings
10 that you know obviously the solution would be putting
11 him down. There is no way you could treat that. And,
12 you know, I put emphasis on fences. Obviously,
13 there's some ways in which these wildlife are getting
14 into the plants and they are subject to trauma and of
15 course the tailings is probably the biggest threat.

16 It is hard to compare these wild bison
17 to the ones we have out at Syncrude. As Chuck has
18 mentioned, they are also fed, they are also fed
19 supplements and hay, good quality hay, and they're
20 vaccinated and dewormed, but -- and I think, you know,
21 these would be hard to implement, but it's possible in
22 a wild herd if we were going to protect them more.
23 Even vaccinating would have to be done -- if we had a
24 vaccine it would have to be done by helicopter or
25 net-gunning and that's just not practical.

1 So in retrospect, we know that these
2 bison are threatened and endangered by the federal
3 and -- considered threatened and endangered by the
4 federal and provincial governments and we have that
5 national wood bison recovery strategy.

6 Herd management plan is something that
7 would be good and I think the First Nations could be
8 involved in that and it could implement a buffer zone
9 and constant surveillance. And I'm talking about two
10 buffer zones, one for the plant and one for the other
11 herd. The idea is not to expose them to TB or
12 brucellosis and try to preserve the habitat which
13 support wood bison.

14 So what we can't do is vaccinate and
15 we can't treat, but what we can do is constant
16 surveillance from a herd perspective. And the goal is
17 keeping this herd apart from the infected herd. We
18 need to monitor and control movements of both herds so
19 that they avoid contact with each other and of course
20 I mentioned the buffer zone. I think Chuck is
21 probably an expert on looking at the dispersal
22 patterns. And also, we need to monitor for sick
23 animals and have the public report sightings. There's
24 supposed to be a 24-hour number for that. There's
25 also these hunter test kits which we used in Chuck's

1 case to diagnose any animals that were harvested or
2 found dead to try and see what this disease pattern is
3 taking.

4 So I mentioned some people that --
5 probably I mentioned some people that are experts at
6 this and could be consulted, Dr. Todd Shury and Adams
7 and Wes Olson, in my report. And the emphasis is
8 really bison-proof fences. As Chuck has mentioned,
9 they get through stuff, especially with the tailings,
10 and some of these tailings ponds are pretty
11 accessible. And the deterrents, I think some of these
12 deterrents, animals acclimatize to, especially ducks
13 and -- some of these deterrents I think they have
14 acclimatized to and they don't work after a while.
15 That's just an opinion.

16 And we have had fewer oil-soaked
17 animals in the past three years, but unfortunately,
18 there are some that are still occurring. So I think
19 that's an area that Frontier or Teck could, you know,
20 try and tweak a little bit and see if there are other
21 things that you can do.

22 And I'm the only clinic actually that
23 has dealt with these oil-soaked animals. And we had
24 one last summer that was a beaver that was found on
25 the highway, I don't know which plant it came from,

1 but it had to be destroyed. It was completely
2 covered. And of course birds carry a very poor
3 prognosis because of the reliance on feathers. Their
4 feathers are a very delicate structure and very, very
5 hard to treat. So we save some. The beavers we've
6 had to sedate a number of times to clean, but, you
7 know, it shouldn't happen really.

8 There are reports, as I mentioned, of
9 moose and deer, but again I have no firsthand
10 knowledge of this. Mainly muskrats, beavers, birds.
11 We had one fox and in the early years two dogs. So in
12 retrospect it would be a true disaster to have bison,
13 especially they are herd animals, we may see more than
14 at once, so we need to really -- we don't know where
15 these animals are going to go. I mean we can try and
16 displace them, but they are probably subject to lots
17 of variables and lots of unknown factors like fires,
18 predation, to name a few.

19 I think what I would do if I was to
20 make any recommendations about what I have seen over
21 the years is I would push the idea of in-pit
22 extraction where you've eliminated the pond concept,
23 where animals are attracted to something they think is
24 open water, especially when all the other things are
25 frozen. You know, that happened with those ducks, the

1 famous ducks that landed on the tailings pond. That
2 was just a bad set of circumstances environmentally
3 and we had bison calves that we had to put down as a
4 result of that. It was just it was cold and, you
5 know, the tailings ponds were still open according to
6 the -- and of course they can attract other animals
7 too, like beavers and muskrats if they are looking
8 like an open pond. So in-pit extraction would solve a
9 lot of those problems.

10 I think that's pretty much all I have
11 to say.

12 EXAMINATION IN CHIEF

13 MS GLADIEU-QUINN: Well, Dr. Gilbert,
14 you provided us with a few pictures, if we could put
15 them up, the one with the bear.

16 DR. GILBERT: Okay.

17 MS GLADIEU-QUINN: And if you could
18 explain -- yes?

19 MS DOEBELE: These will be marked as
20 Exhibit 627.

21 EXHIBIT No. 627: Pictures from
22 Dr. Robert Gilbert

23 MS GLADIEU-QUINN: Okay.

24 If you could comment on that.

25 DR. GILBERT: Okay. This is -- I

1 mentioned animals accessing the plant and tailings
2 ponds aren't the only concern. This was a bear that
3 was -- it's not true hibernation, it's a deep sleep,
4 but he was run over by heavy equipment and had a
5 fractured femur which I did orthopedic surgery on. It
6 took one pin -- actually, three pins and two wires to
7 fix. And I don't know how often that occurs, but it's
8 just something that is an unusual case, but certainly
9 if there's some way to detect when they excavate where
10 these dens are, that would be great.

11 MS GLADIEU-QUINN: And then you have a
12 second picture of the operation.

13 DR. GILBERT: Well, this is actually
14 six -- actually eight weeks. We didn't know how a
15 hibernating bear would heal. It's six weeks after --
16 or no, eight weeks after. Usually we wait six weeks,
17 but we waited eight weeks because we weren't sure how
18 it was going to heal. This is actually removing the
19 pin and then we released it back onsite, you know, in
20 the spring and he had some food, you know, in his den.
21 We put him in a den of straw and whatnot onsite. So
22 we released him again.

23 As far as releasing animals, if you
24 want to put the next one up --

25 MS GLADIEU-QUINN: Yes, right, the

1 next picture.

2 DR. GILBERT: -- we don't know -- we
3 do our best to clean up these animals that have been
4 in tailings ponds, we do our best but we really don't
5 know how they do after we release them.

6 You can put the next one up, if you
7 like. We can get them nice and clean, but they don't
8 come back for revisits and once we release them we
9 can't follow up and we don't know the effect of the
10 hydrocarbons and, you know, heavy metals that they may
11 have ingested. We have done some bloodwork on a fox
12 that we had and it looked like there was some liver
13 damage, which is not unexpected but, you know, I think
14 the best we can do is clean them up and set them free.

15 MS GLADIEU-QUINN: And you have a
16 recommendation also that you didn't mention, that we
17 had spoken about or you had mentioned earlier, maybe
18 that the plants keep data on the --

19 DR. GILBERT: Well, yes, they do and
20 it is a matter of public record. I'm not talking
21 about specific cases or specific details. These are
22 from the archives and this was years ago and I
23 honestly can't remember where that one came from, I
24 just know that it was one of the ones from the
25 tailings ponds.

1 MS GLADIEU-QUINN: All right.

2 DR. GILBERT: We have had -- we have
3 had moose get into the sites, and bears and deer and
4 of course a lot of migratory fowl --

5 MS GLADIEU-QUINN: Right.

6 DR. GILBERT: -- but mostly, tailings
7 is what we deal with.

8 MS GLADIEU-QUINN: And you have been
9 here since 1974 I believe you said?

10 DR. GILBERT: I'm still kickin'.

11 MS GLADIEU-QUINN: So what has been
12 your general observation with regards to the increases
13 in this activity in your practice?

14 DR. GILBERT: Well, you know, I am
15 concerned that we are going to have more tailings. I
16 mean this is going to be the largest plant ever, from
17 what I understand.

18 MS GLADIEU-QUINN: Yes...?

19 DR. GILBERT: So it would be -- and
20 it's supposed to be cutting edge and I'm not sure
21 exactly -- I'm not an expert on tailings, but it's
22 supposed to be cutting edge and I'm not really sure
23 what that means, but to me, not having something that
24 animals can swim in or land on because they think they
25 can swim in it or drink I think it would make a big

1 difference. I don't see a lot of these cases. I
2 probably see the tip of the iceberg. Fish and
3 Wildlife would know more and they are actually the
4 persons, the clients that I work for. They are the
5 ones that make the decision that either this animal
6 has to be put down or released because it -- or
7 somebody else can clean it up. I only get the ones
8 that they think I can help and unfortunately, I can't
9 help all of them.

10 MS GLADIEU-QUINN: All right. Thank
11 you, Doctor.

12 DR. GILBERT: Okay.

13 MS GLADIEU-QUINN: Next, John. I
14 should say Acting Chief John Malcolm.

15 PRESENTATION

16 ACTING CHIEF J. MALCOLM: Yes. Good
17 morning, Mr. Chairman, Honourable Panel and Alberta
18 Energy Regulator's panel, Teck, Mr. McFadyen and your
19 team. And to all our citizens who are here from Fort
20 McMurray First Nation, we thank you for coming and we
21 thank the Chairman for an opportunity to present our
22 concerns on Teck Frontier Mines Project. We
23 understand our rights are limited to what we can
24 address at this hearing, so we will try to focus on
25 the rights that we can address at this hearing.

1 If I may, I will start. If we could
2 get one of the figures that we presented, if we go
3 with the first one on the screen I can help start with
4 that and I can go in order as you present each picture
5 so I don't have to confuse anyone. But let me start
6 with the first one that you have in order, we could go
7 that way I guess.

8 MS GLADIEU-QUINN: Is this the one,
9 the historical picture in front of the teepee?

10 ACTING CHIEF J. MALCOLM: Well, we
11 could do that first I guess. I'm sorry, I was jumping
12 ahead to the environmental part.

13 MS GLADIEU-QUINN: Perhaps you can do
14 that, go to the environmental part.

15 MS DOEBELE: Acting Chief Malcolm, so
16 we've grouped all the pictures, there were 13 of them,
17 into one package --

18 ACTING CHIEF J. MALCOLM: Yes.

19 MS DOEBELE: -- and we will mark that
20 as Exhibit 628. So we will have all those 13 pictures
21 in that one package and you can just let us know which
22 one you would like to refer to, if that works.

23 EXHIBIT NO. 628: Thirteen
24 pictures provided by Acting Chief
25 J. Malcolm

1 ACTING CHIEF J. MALCOLM: Certainly.
2 We will go to the first one just in that order so
3 there is no confusion with anyone. But first, I will
4 do a little opening part here.

5 The traditional land use of our
6 citizens in north Fort McMurray to Poplar Point, it
7 has already been decimated for traditional land use.
8 We are unable to use that land anymore. It's
9 polluted, it's bare, it's full of industry and
10 pollution. When you fly over at night all you see are
11 cities where before it was dark and the animals were
12 undisturbed. Now all you see is each plant is like a
13 city. When you're flying north from Fort McMurray you
14 see all these plants are lit up and you can basically
15 walk from here to the North under street lights with
16 the amount of lights that are lit up and disturbed.

17 The pollution from the plants, the
18 particulate matters that fall out with heavy metals,
19 sulfur dioxide and ammonia are really past our
20 thresholds for traditional land use. If you were to
21 go and pick berries between -- around Fort McKay, when
22 you find them you would find them covered in dust and
23 the dust is from the tailings ponds or from
24 disturbance of clearing the mines. And this dust does
25 not taste good. It's toxic, it has naphthenic acids

1 and carcinogens. And they say, "Oh, wash the
2 berries." What good is washing the berries when they
3 grow up in soil that's contaminated? This is what we
4 are told and this is what we have to eat.

5 Now, if we brought them to anyone and
6 give them to our children or to your children, you
7 would be insulted for me to bring berries to you,
8 blueberries and say, "I picked these up by McKay,
9 would you like to feed them to your children?" I
10 don't think you would. We don't. So the oil sands
11 development and their footprint is much more, much
12 larger than what they portray in these environmental
13 impact assessments.

14 The wind knows no borders and the wind
15 used to be our friend, in the spring it would bring in
16 warm winds and in the fall it would bring in the cold
17 winds to know we are going to go out and trap and our
18 furs are going to be strong and they are going to be
19 productive and they are going to be the best quality
20 furs as they have been in the past. This is no
21 longer. The winds bring to us pollution. They bring
22 pollution to our friends in the north, to the south,
23 to the east and west from the stacks.

24 The study area has limited boundaries
25 in it, the regional study area, and the CALMET model

1 for the pollution for the disbursements of the
2 potential acid input and particulate matter, those
3 maps are wrong. The CALMET model does not cover the
4 plume disbursements of the stacks. The stacks when
5 they come down are known to come down 60 miles away
6 from the plant site itself. That's where the majority
7 of the plume comes down and it brings with it the
8 gases from ammonia, sulfur dioxide, carbon dioxide.

9 I live in Anzac, it's about 60 miles
10 away from Syncrude, and I compare -- Anzac is 60 miles
11 north on the same part and when I look up in the sky
12 in the daytime I see this green brownish haze coming
13 from the plants. That's saturating our homelands and
14 it's also saturating our homelands in the north. And
15 one of the concerns I have now with the climate change
16 and global warming is the blue-green algae. Our Lake,
17 Willow Lake where I live beside, has had algae blooms
18 in the past few years and blue-green algae, as you are
19 aware, is highly toxic, very dangerous to your
20 animals, to yourself and to your -- to us in general.
21 The ammonia coming from the stacks, from the furnaces
22 and the flares is saturating our lands where
23 blue-green algae blooms are going to be more prevalent
24 with this global warming. There is no retroactive, no
25 mitigation for the blue-green algae and it's something

1 that I am very concerned about.

2 If I may, to elaborate on old growth
3 forest and the lack of old growth forest that have
4 been burnt up in our area, most of the Wood Buffalo
5 region has been burnt up from forest fires due to
6 neglect of the Alberta government to protect us from
7 the forest fires. The forest fires have spread all
8 this particulate matter that has been saturated in the
9 ground and spread it around more so that these
10 diagrams that we have showing the potential acid input
11 and that are all wrong, because they don't take into
12 account the forest fires from 2015 and how much
13 particulate matter has come from those fires which
14 were mercury-laden. They don't include that in their
15 studies and it's disheartening to see all that.

16 Our wildlife corridors are gone.
17 There's supposed to be wildlife corridors to protect
18 the animals to move in between the plant sites and the
19 lease areas, but that's all burnt up and there's no
20 more wildlife corridors.

21 I live in an acreage that has old
22 growth forest and it's one of the few areas around
23 that still has that, but in the springtime the
24 pileated woodpecker, which is a threatened species,
25 has found a place in my place to be able to build a

1 home. And they're very shy and they don't normally
2 come around people's homes. It built a home and then
3 it moved out, built a new home on the same acreage and
4 the wood duck moved into its old home. And we have
5 mallards come in the spring and they nest down below.
6 And we're a mile and a half away from the lake and
7 from any water bodies, but there's water drainage that
8 the mallard ducks and the wood ducks use and they use
9 that to filter on their way to the creeks when they
10 are hatched.

11 And it bothers me to listen to the
12 experts on fish when they talk about the habitat for
13 the fish and the studies that they have done on Teck
14 Frontier Mine with Big Creek and Red Creek and Clay
15 Creek and then they're saying that the streams that
16 flow into them are no longer fish habitable because we
17 never found any fish in them. And my response to that
18 is they don't know how to find the fish. They have
19 never seen a proper fish spawning in the creeks. And
20 what I have watched, I have watched -- you have to
21 hide to watch the fish spawn to begin with, because
22 they send scouts up ahead and they will see you, then
23 they will go back and they won't come, but if you are
24 hiding what happens is you will see a big -- I watch
25 them spawn through a creek from here to there, to the

1 other bench, and you see a big dark cloud coming up
2 the stream and in that big dark cloud are thousands
3 of -- I call them jackfish, but they are northern
4 pike, and there's a beaver dam as high as that table
5 and that big cloud would just come right up to it and
6 it's just like one big wave and they all swim over
7 that together and there's a few left behind. That's
8 how they spawn. Experts that talk about the fish
9 spawning in the Teck Frontier Mine, it's "Oh, we've
10 seen a few fish, yes." They have never seen the
11 spawning. They have never seen it, that's because
12 maybe there's no fish left to spawn.

13 And the other thing is they see a
14 stream and there's no fish in there. Well, the fish
15 only spawn in that stream once or twice in the whole
16 year, one or two days of the whole year that they will
17 use that stream to spawn in. And they will swim up it
18 and lay their eggs down all in the same day. Now that
19 is not happening anymore, the streams are being
20 disturbed. If I use Willow Lake for example, we have
21 certain streams that the walleye spawn in, certain
22 streams that the jackfish spawn in, and we know the
23 whitefish spawn in the lake in the fall. This is not
24 mentioned in these studies. They are not even
25 mentioned what fish -- what creeks are for the fish.

1 We know which creek the jackfish spawn in, we know
2 what creek the walleye spawn in. If we go to Teck
3 Frontier Mine and ask the experts, "What creek do the
4 walleye spawn in, what creek do the jackfish spawn
5 into these lakes that are on this area", they can't
6 tell you because they don't know because they haven't
7 studied them enough.

8 And the regional study area that we
9 are talking about, it doesn't encompass Lake
10 Athabasca. Yet, the fish in the Athabasca River spawn
11 in -- come up here to spawn in the muskegs, it's their
12 nurturing grounds. That has all being diminished and
13 taken away. From Fort McMurray north the spawning
14 grounds of these fish have been gone, they wiped them
15 out.

16 And then the chubs -- the Lake
17 Athabasca dace I think is the technical word but we
18 call them chubs -- that's the main food source for the
19 walleye and the jackfish that we feed on. Now, the
20 chubs are disappearing, their food source is
21 disappearing. They spawn in the spring, all the fish
22 from Lake Athabasca, the migratory fish swim up
23 Athabasca River to spawn in the muskegs. That's gone,
24 so the fish that are already contaminated in Lake
25 Athabasca are diminished where there's hardly any

1 last. My cousin and Councillor Pete Malcolm used to
2 catch fish when he was young up at Poplar Point and he
3 went there this summer with his friends and they were
4 fishing all day long, they didn't catch one, and yet,
5 you know...

6 So the studies that they are doing I
7 believe are wrong. The dates that they do the studies
8 on, the fish studies they did, the expert came in
9 March, May and July, but the dates that they came were
10 wrong. We refer to being on time to do the right
11 thing, we call it Indian time and as Indians we know
12 when the fish are going to spawn and we're there on
13 time when they do that. These experts aren't aware of
14 Indian time or where or how the fish spawn.

15 When the ice comes off the lake, the
16 day after the ice comes off the lake the fish spawn in
17 the streams. That's when they spawn. There's no
18 specific date. And there's high seasons and low
19 seasons of the waters. They don't mention that in
20 their studies, whether they're doing their tests in
21 the high seasons or the low seasons and how that
22 impacts the spawning of the fish. That's not
23 mentioned.

24 The tailings ponds are known to leak
25 into the rivers. Naphthenic acids that come into the

1 river is a terrible thing for the fish. My wife and I
2 were fishing at McDonald Island a couple of years ago
3 and we caught some nice walleye, about five or six of
4 them, because we knew in the fall that they're
5 spawning up the river -- or not spawning, but they
6 migrate up the river in the fall and they go back into
7 Lake Athabasca. And we caught five of them and then
8 the sixth one was full of sores, pussy sores. We had
9 to throw them back, we didn't want to eat these fish
10 anymore. This is what we're catching in the river
11 here.

12 The water flows, the instream water
13 flow needs. Listen to the Elders from Fort Smith and
14 they're talking -- in Fort Chipewyan they're talking
15 about the river, the lake waters are all down. Well,
16 that's because of the Peace River Dam, the Charlotte
17 River Dam and the tailings ponds. When you add all
18 these lakes or these dams put together and how much
19 water is being taken from the river for these dams and
20 for the tailings ponds, that's why we're having the
21 lowest flows ever and it's severely impacting the
22 river.

23 In the wintertime we have the lowest
24 instream flow needs, the river is at the lowest flow
25 in the winter, and yet, Teck is going to bring in

1 7,000 employees and put them in their camps and
2 they're stopping all the water that's flowing into the
3 river now for their development. All the water that
4 flows from Birch Mountains is no longer going to flow
5 in. The streams that the fish spawn in are no longer
6 going to be able to spawn in those streams. And all
7 that water that's being blocked and no longer flowing
8 into the river is not included in their water licence.
9 They have their water withdrawal licence to withdraw
10 water from the river. I haven't seen any licence to
11 withdraw water from the lands that flow into that.
12 There's nothing there. So they're totally inaccurate
13 when they go for the water withdrawals. They should
14 include the waters that are not flowing to the rivers
15 anymore because of that lease development. I believe
16 that's not included and I think it should be.

17 So in the wintertime when we have all
18 these employees from all over the plant sites, Fort
19 McMurray regional sewage lagoon is the main source for
20 all this sewage that goes into the river. Thousands
21 of people bring in their sewage and they dump it in
22 the river during the lowest low -- during the winter
23 we have the highest sewage flow needs. And the
24 Regional Municipality has no polishing unit on their
25 sewage plant. They only remove the solids and they

1 have a black light for some of the bacteria. They
2 don't remove the hepatitis and the diseases that come
3 from humans. The pharmaceuticals like birth control
4 that wiped out the clams, maybe they wiped out the
5 muskrats now because they're not able to reproduce.
6 This stuff is not removed. If they had a polishing
7 unit at the end of their sewage lagoon that would be
8 much better, but for now there is none and the sewage
9 pollution just propagates in the winter I would say
10 because there is a lot more sewage than there is water
11 in the river. So this is what we're faced with in the
12 wintertime and what people in the north have to deal
13 with.

14 We talk about the end pit lake and the
15 end of the developments. 2081 is when they're looking
16 at when they can start utilizing the end pit lakes
17 where they think that we could eat the fish. Now,
18 these lakes are so mercury-laden it takes over 100
19 years for the mercury to diminish. We are never going
20 to be able to eat that fish for another 100 years.
21 Our generations are going to be gone. We are impacted
22 by this and we are being told not to eat the fish, but
23 you are not impacted.

24 If I could call up diagram Figure 214,
25 Volume 2 -- Volume 3, section 2, and I would like to

1 show the impacts of development in our Wood Buffalo
2 region. You can see all the lines, all the
3 developments and all the plants in our area. And I
4 ask you, do you see a place where we can practise our
5 traditional livelihood without being disturbed?

6 I pray to the Northern Lights, to me
7 it's sacred. We call it in Cree [speaking Cree],
8 which are dancing spirits, and if you whistle to them
9 they will come to you, and they will even whistle back
10 if you listen. And if you do certain things like make
11 some noise, you can bring the Northern Lights right
12 down to you. They will come down like a sparkle.
13 I've split wood in the cold and I've had the Northern
14 Lights come right down and circle me right to the
15 ground, lit up the area that I was cutting wood. And
16 I could smell brimstone. This stuff to us is sacred
17 and to declare them as ice particles is wrong. We
18 know different, we know better.

19 Let's talk about other sacred stuff,
20 sacred sites. I'm holding up here what's called
21 pipestone. This was harvested 200 years ago at Pierre
22 au Calumet, which is now Fort Hills. And there's a
23 site there and there's quarries in Calumet Creek,
24 which is just south, about 10 kilometres south of Teck
25 Frontier Mine's lease area. This pipestone was

1 used -- it was the best quality pipestone in the world
2 in the early 1800s, it was shipped all around the
3 world, and they came to Pierre au Calumet by Fort
4 Hills and they harvested this stone, because the
5 Indians showed them how it was used and the long-stem
6 peace pipe is what came out of it. They would stick
7 the stem in the pipe. And they also made fertility
8 dolls with it. The Indians would make -- the women
9 would make fertility dolls out of the pipestone and
10 pray for a good childbearing and a good life for the
11 child.

12 This pipestone is -- I believe there's
13 a couple of quarries on Calumet Creek and there could
14 be some on Teck Frontier Mine's lease, on the rivers,
15 and I don't believe anyone from the federal department
16 or the provincial department can identify pipestone if
17 they were to see it. So they have never looked in the
18 area and I think that there could be some that should
19 be protected and we would like to have someone work
20 with us so that we can go over there and identify any
21 sites that need to be protected before they disturb
22 it.

23 There was a battle during the fur
24 trade wars in the 1700 and 1800s. In the mid-1800s
25 there was a battle between the Crees and the

1 Chipewyans. The Crees moved in, they had the Hudson
2 Bay Company and they had muskets. The Chipewyans only
3 had bows and arrows. And there was a battle down
4 below Fort Hills, between there and Teck's lease site,
5 and many men were killed and that battlefield should
6 be protected and should be preserved. I'm afraid that
7 the bridge that they're going to put over there, or
8 the water intakes are going to disturb this
9 battlefield and it hasn't been identified by nobody
10 other than our Indigenous group, along with the
11 pipestone. We're the only ones that can tell you
12 about this stuff. I haven't seen any other groups
13 talk to you about it. And we want that battlefield
14 preserved as well. Your experts should be able to
15 identify that if they're aware of it.

16 Now, I would like to move on to the --
17 if we could get this screen put up with their
18 monitoring wells. It's Figure 32-C, Volume 2, section
19 3, Groundwater. And it shows your monitoring wells on
20 one side of the lease site and they figure that's
21 going to monitor all the leakage from the tailings
22 ponds. They're already identifying that there's going
23 to be leakage because there's no liners in them. They
24 don't put liners in these tailing ponds. So their
25 monitoring wells are only going to show some of the

1 leakage that would flow towards the river, but it
2 doesn't show the leakage that's going to flow north or
3 south, and there's no monitoring wells there. I
4 haven't seen them in the sites where they are going to
5 put any on any of their EIAs. So there's insufficient
6 monitoring wells is what I'm saying. They need to do
7 better placement of their monitoring wells.

8 And as Mr. Beauchamp has indicated,
9 when they start draining their lease site, because
10 they are going to drain the lease site to develop it,
11 that whole area north and where the lease site sits is
12 on one plane, one flat level plain, so when they start
13 draining it, like Charles said, it's not only going to
14 drain the lease site but it's going to drain the area
15 north and around there, which is going to disturb the
16 habitat of the bison. And we are hoping that that is
17 not going to happen, that there are some solutions put
18 forward to prevent that.

19 If I may talk a little bit more about
20 the bison.

21 A stampeding herd of bison, if there
22 are wolves in the area, if they happen to chase the
23 bison and there's a herd coming through, they're going
24 to get chased into the tailings pond. What's gonna
25 happen? The bison are going to be wiped out, they're

1 not going to be able to be preserved.

2 And the fences they build, I don't
3 even know if they have any fences planned that they
4 build or any, say, digging a hole, a trench along the
5 area so that the bison can't get in.

6 I haven't seen any mitigating
7 suggestions to that to protect the tailings pond from
8 the bison getting into it. You know, a trench could
9 be dug or a fence, or even drones with cameras that
10 when something comes into the tailings pond area the
11 drones go right to the -- and prevent it from coming.
12 You know, different new technologies that they could
13 use.

14 If a forest fire was to happen and
15 burn that way, the bison are going to stampede. They
16 could stampede right through the plant site, there's
17 no protection.

18 Prime Directive 74 for the tailings
19 management I believe was instilled a while ago, where
20 any new technology, the new oil sands developers would
21 have to use it. So we are asking you to ensure that
22 prime Directive 74 -- maybe it has changed to 85, I'm
23 not sure of the number now -- but CNRL with their
24 in-pit mine high temperature fine tailings that
25 they're working on for in-pit mines, I ask you to

1 require Teck to do the same. If we can eliminate the
2 tailings ponds we have eliminated half the problems
3 that are developed on the environment and it makes it
4 a lot safer for the migratory birds and everybody
5 else, along with the rivers. There would be no longer
6 any seepage into the rivers that flow north with the
7 minimum flows. So we're hoping that Teck works with
8 CNRL to develop that and to make it better. It would
9 sure put Teck into the forefront of being
10 environmentally friendly and a smart developer in our
11 region.

12 Along with that, we are also hoping
13 that they find ways of shipping it safely across the
14 ocean, as we have suggested. We also have a patent,
15 the Clearwater River Band has a patent that they
16 signed with Vapor-Vac back in 1950 that turns the tar
17 sands into pellets so they can be shipped on the
18 railroad or across the ocean like coal is. It's much
19 more environmentally friendly. If you had a spill of
20 pellets or dried bitumen into the ocean, it would be a
21 lot less hazardous than diluted bitumen, 100 times
22 less hazardous. And it's something that we would
23 recommend that Teck takes advantage of and we would be
24 happy to help them with any designs. With my
25 experience as a process operator and a power engineer

1 I am very familiar with diluent recovery units, how
2 they operate and how to improve them.

3 If I may touch a little bit on our
4 socioeconomics that we face.

5 As Pete mentioned, you know, some of
6 us are blacklisted from industry. I am a third class
7 power engineer and a process operator, but they won't
8 hire me. They won't hire my cousins. My sisters are
9 unemployed. All kinds of employments promised to
10 people, but our citizens are unemployed. And we're
11 forced out of our homes, we have nowhere to go. Our
12 situation is tragic. We call it our curse of the tar
13 sands because we have been cursed. Everybody else
14 comes here to develop, to benefit from the tar sands,
15 and we are here to deal with all the nastiness of the
16 tar sands developments.

17 If I was to get into the climate
18 change, what's been happening with us and the storms
19 that are happening down -- the hurricanes are getting
20 a lot more intensified, the floods are getting more
21 intensified and the forest fires are a lot more
22 intensified. I recall a hearing back with TrueNorth,
23 with Mr. Cook(ph) and Mr. Delais(ph). I'm not sure if
24 Mr. Bolton was at that hearing, but the scientists
25 came in and they talked about climate change and how

1 it was going to impact the globe, and their
2 predictions were for 20 years that these storms and
3 these floods and these forest fires of B.C. would
4 start to happen. They were right about the climate
5 change that was going on, but they were wrong about
6 the timeframe. They said it would take 20 years, it
7 has only taken 10 years for all this to start
8 happening. And when we see it happening down south I
9 just relate it to it's our curse of the tar sands
10 because we're causing that, we're causing the global
11 climate change and we could do better.

12 Woodland caribou. Climate change is
13 bringing in warmer climates, which brings in warmer
14 tropical diseases that your children and our children
15 are going to have to deal with, the tics and the bugs
16 that -- I call it benthic invertebrates. Well, the
17 tics that are going to come up with Lyme disease and
18 other diseases that come from tropical areas, warmer
19 areas are going to infect our lands. Lyme disease is
20 already moving north and the white-tailed deer are the
21 major contributors to spreading these tics. The
22 white-tailed deer are detrimental to the mule deer and
23 they're detrimental to the woodland caribou because
24 the tics they have kill off these animals. They chase
25 away the mule deer, they will kill them off and they

1 will kill off the woodland caribou.

2 Chronic wasting disease is another
3 disease that is coming from the climate change that we
4 are now going to be faced with, and I don't see any
5 mitigating factors to prevent this from happening to
6 us.

7 Socioeconomics. When you come into
8 camps, what we have experienced, what we have seen in
9 other camps, people bring in bedbugs, cockroaches,
10 scabies, SARS, rats, STDs and suicides over STDs, and
11 now it's fentanyl and heroine. All this stuff is
12 coming in from outside and it comes into our area and
13 our kids and our families have to deal with it. We
14 never had to deal with cockroaches and bedbugs in our
15 town before. Now it's the norm. You go in the low
16 rental or low income places and you have to worry
17 about that now. Our Elders have to worry about it,
18 set out cockroach and bug traps on their doorways so
19 they can sleep better at night. We never had to do
20 this before.

21 We never had homelessness before. Now
22 we have people -- I've had to watch people die on the
23 streets, which is very disturbing to me to do as a
24 leader. And when we tried to do something to stop
25 them, we tried to set up at 56-man camp and brought it

1 here to help our homeless so they wouldn't be dying on
2 the streets, and our mentally challenged citizens, the
3 government took it away from us. The Alberta
4 government and Canada and the Regional Municipality of
5 Wood Buffalo came and took it away. You know, you
6 can't help your citizens, we will do that, while they
7 watch them die on the streets and chase them away.
8 This is what as a leader we have to deal with. It's
9 very difficult to remain peaceful and honour the peace
10 treaty when we have to deal with this.

11 Our nation is the only nation that's
12 from Fort McMurray. No one else can say that. None
13 of these other Bands can say that they're from Fort
14 Murray originally. Our families are and we're from
15 here. Yet, we have been deprived, ostracized and
16 discriminated. Not much different than the Rohingya
17 from being forced out of Burma. If we were to fight
18 back, we would be killed, there's no doubt about it.
19 If I was to raise an arm when they took our camps away
20 or when they came and bulldozed my father's neighbours
21 and they took his home from Moccasin Flats, if we
22 would have fought back, we wouldn't be here today to
23 talk about it.

24 MS GLADIEU-QUINN: You want to those
25 pictures up, John, the Moccasin Flats newspaper

1 clippings?

2 ACTING CHIEF J. MALCOLM: Sure, if
3 that's possible, if we have time.

4 MS GLADIEU-QUINN: Those are exhibits,
5 they should be entered.

6 THE CHAIRPERSON: Just in terms --

7 MS GLADIEU-QUINN: Yes. And we are
8 getting short on time as well.

9 THE CHAIRPERSON: Yes. We are kind of
10 at about two and a half hours now, so --

11 MS GLADIEU-QUINN: All right.

12 THE CHAIRPERSON: -- if you could kind
13 of wrap this up.

14 ACTING CHIEF J. MALCOLM: Okay. We
15 could just leave that one, sir, and I could wrap it
16 up, and thank you for the extension.

17 MS DOEBELE: And just to confirm,
18 these pictures are all part of 628.

19 MS GLADIEU-QUINN: Thank you.

20 ACTING CHIEF J. MALCOLM: This is a
21 picture of my father back in around 1977. He is 53
22 years old, he was born in 1924. The same area where
23 he's standing now today, Moccasin Flats, that's where
24 he was born. He mentions it in his article. He was a
25 World War II veteran. He was landed second day in

1 D-Day near Caen, France. He survived the assault, the
2 D-Day assault, made it into Caen and got wounded and
3 came home with his medals. He was a volunteer. He
4 had all his medals.

5 And he was also a residential school
6 victim. When you offered him fish, he would refuse to
7 eat no matter how you cooked it, made it smell good,
8 look good. He would refuse to eat it because in
9 residential school he was raised on rotten fish.
10 That's all he was fed through the whole 12 years. It
11 was an experiment they used on the children in the
12 missions. They were fed rotten fish for breakfast,
13 for lunch and for supper. And that was part of the
14 treatment that he went through in residential school.

15 Then World War II. Then he came back
16 home to his trapline, which is across the river where
17 Thickwood Heights is today, and he started trapping
18 there, and Syncrude employees came and started
19 springing his traps. So he gave his trapline to his
20 nephew and his nephew ended up catching some guys
21 springing his traps. One was stealing his beaver. So
22 he smashed the traps through the windshield of the
23 company truck, it was a Syncrude truck, and he got
24 charged with it. The Syncrude employee who stole my
25 cousin's beaver got away scot-free.

1 My father also had all his guns stolen
2 from his cabin. Because at one time you would leave
3 your cabin open. Anyone that was lost or needed a
4 warm shelter, that's the reason why you left it open.
5 But the people that came in to work for the plants
6 took advantage of that and stole all his guns.

7 While he was living there in Moccasin
8 Flats, on his birthday, May 14th, 1981, prior to that
9 happening there was some incidents with the citizens
10 in the area dealing with the oil company employees and
11 the workers. They would throw chunks of rebar and
12 cement on the Elders' homes from the towers above. In
13 the article there it talks -- he talks about Michelle
14 Gladue and Christine Gladue, Elders who were in their
15 eighties, lived there by the river all their lives,
16 never had to experience none of this, and they have
17 these big towers built up right beside them and stuff
18 and people calling them names and throwing stuff down.

19 The last straw was when my niece Allan
20 Powder's father was in her trailer and a Syncrude
21 employee named Bill Thorne fired a hunting arrow, a
22 steel arrow. It went through the trailer walls and
23 just missed Benny Powder and his friends, stuck in the
24 floor. Allan seen the arrow, he was living next door
25 to his dad. Benny Powder took the arrow to my father,

1 they looked up to him as the Chief of Moccasin Flats,
2 and my father fired a couple of shells from a .30-30
3 at the crane lights that was built in the tower.

4 It was the last straw for him. And
5 the RCMP came in and arrested him. He had -- Shott
6 threw the shell cases into the Nye, so there was no
7 evidence, and they had to release my father and give
8 him back his gun.

9 A couple weeks later, SWAT team came
10 in and the RCMP came in, and they arrested Brad Shott
11 and they bulldozed all the homes away, all for the
12 sake of developing for industry so the oil company
13 employees could have a place to live.

14 My father live there all his life. He
15 was an Indian. His mother was supposed to get land
16 set aside for him back in the early 1900s when the
17 lands were being surveyed for the Indians. They
18 denied to survey the lands for them, and still to this
19 day we have claim to this area.

20 This is our home. We're not from
21 anywhere else.

22 I'm not from Gregoire Lake. The
23 Gregoire Lake Band has our name, Fort McMurray 468.
24 And we're not from there. We're from Fort McMurray.

25 The Gregoire Lake Band doesn't even

1 have a legitimate name under Fort McMurray 468 First
2 Nation 'cause there is no Order in Council for the
3 Fort McMurray Band per se.

4 To have an Order in Council, you have
5 to have lands and reserves set aside to make it
6 official. That hasn't happened for the Fort McMurray
7 Band.

8 It happened for the Gregoire Lake
9 Band, Fort McKay Band, the Chipewyan Prairie Band and
10 the Clearwater Band. All have Order in Councils
11 recognizing them as legitimate Bands, yet us citizens
12 from Fort McMurray are denied it.

13 And we're ostracized and shunned. The
14 oil companies encourage, so I'm told. I talked to Mr.
15 Bill Lutet (phon) from the McKay Métis local "Why won't
16 you support us?"

17 They said, "Well, the oil companies
18 don't want us to".

19 And I talked to the Chiefs about the
20 same thing. They go silent.

21 This is what we're treated -- this is
22 how we're treated, and we're from here. It's a damn
23 shame. I hope some day it will stop.

24 We can't even argue our rights here at
25 this hearing because Alberta has put a block on it, so

1 all we can argue about is how we're impacted by the
2 developments cumulatively and by Teck's project.

3 EXAMINATION IN CHIEF

4 MS GLADIEU-QUINN: And just quickly,
5 John, on that, how do you determine your membership?

6 We entered as an exhibit as part of
7 638, the -- it's a -- it starts with (Native word).
8 Is that how you determine your membership, you go to
9 the membership list of that?

10 ACTING CHIEF J. MALCOLM: Yes. The
11 majority --

12 MS GLADIEU-QUINN: That pay list list,
13 I mean?

14 ACTING CHIEF J. MALCOLM: The majority
15 of our members are descendants from the Band pay list,
16 Fort McMurray-Fort McKay Band pay list from between
17 1999 till 1915.

18 After 1915, though, the members from
19 Gregoire Lake Band of the Cree Indians got signed into
20 there, and McKay and the other reserves -- our family
21 were left out. My mother's side and my father's side
22 were both left out of the reserves when they were
23 surveyed, and my grandmother's husband was number 4 on
24 this one here, Alexie Cree.

25 My grandmother was married to him

1 until he passed away, then she married my grandfather.
2 She was a widow of the Band. And my mom's mother, her
3 grandmother, was Rosalie Boucher. She's number 56 on
4 this same pay list. There'd be another page.

5 So we're descendants of the treaty
6 signatories, and we should be entitled to our own
7 reserve.

8 We're working with Indian Affairs on
9 this to resolve this issue. We're in dialogue with
10 them. They're sending us a proposal for a
11 newly-constituted Band that we're to fill out and send
12 us up to work with the registries office.

13 So we've been working with Canada for
14 the past two years on these issues, and we've also
15 worked with the Regional Municipality of Wood Buffalo
16 where now they've relented and they understand that
17 Moccasin Flats was wrong and there's a public inquiry
18 being done about it to see what they can do to resolve
19 it.

20 We're participating in that -- in that
21 public inquiry, and we hope to some day live on our
22 lands where we won't be forced off of again.

23 We're claiming part of MacDonald
24 Island and the riverfront. We've let Canada know. We
25 let the municipality know that as of July 11th of this

1 year, and they're not balking. They're not saying
2 nothing. They're not saying no.

3 We had a tepee set up on the riverbank
4 here for 49 days. They couldn't move us.

5 The RCMP came and asked us what we
6 were doing. I told them who we are, where we're from,
7 and this is our home and we were forced off of it.
8 And they understood that the Gregoire Lake Band was
9 established in 1916 and we weren't included. And they
10 understand that we're from here and we have a valid
11 claim.

12 So the RCMP wished us a nice day and
13 wished us luck on resolving our issues.

14 THE CHAIRPERSON: We do need to wrap
15 it up. We're spending quite a bit of time on the
16 claim and, as we've talked about, that's not really
17 the purpose.

18 So five minutes, and we need to wrap
19 it up.

20 ACTING CHIEF J. MALCOLM: So we would
21 like to be included in any bison studies that go on
22 with Teck Frontier Mine. We want to be included with
23 the team.

24 We'd also like to be included in any
25 environmental studies that go on. We feel we have

1 much more to offer. We know when the fish spawn, and
2 we know where the wildlife are.

3 We have people who have hunted the
4 bison who know the bison better than most of the
5 experts 'cause they live it. Twenty (20) years
6 Charles has been hunting his bison. And yet we're
7 being ignored and saying, "Oh, you guys -- we can't
8 talk to you guys", yet we have the most experience and
9 the most knowledge of the area.

10 No one's talked to you about Pipestone
11 or sacred sites, and we have -- we know about the
12 sacred site with Cree Burn Lake where my uncle -- my
13 grandmother's husband and (Native name) got burned to
14 death, what they call Cree Burn Lake.

15 That's where my mother was born. She
16 was born in the same area, just down the hill by the
17 river bank.

18 So we have a lot to offer and a lot to
19 contribute, to participate and be included in these
20 studies and environmental studies with the bison and
21 the fish, so we ask that the Panel makes
22 recommendations to include us in these studies, not to
23 ignore us.

24 Thank you.

25 THE CHAIRPERSON: Thank you, Mr.

1 Malcolm.

2 Any questions from Teck?

3 CROSS-EXAMINATION

4 MR. IGNASIAK: Just a couple, Mr.
5 Chairman. Just a minute or two, I hope.

6 Thank you, panel, for your evidence.

7 Dr. Gilbert and Mr. Beauchamp, I think
8 these questions are for you.

9 Mr. Beauchamp, you referred to a study
10 area. Do you know precisely which study area you were
11 referring to?

12 MR. BEAUCHAMP: Yes, it was on one of
13 the maps that I was showing there.

14 The map is Figure 9-3, Wood Bison
15 Study Area.

16 MR. IGNASIAK: Okay. And did you
17 refer at all to the JRP information package, Teck's
18 responses to information package 7?

19 MR. BEAUCHAMP: I was showing this map
20 just the other day.

21 MR. IGNASIAK: Okay.

22 MR. BEAUCHAMP: But I know that the
23 University of Alberta is studying them further north,
24 but I don't know how far north they're studying them.
25 And the -- the area that's shown here, I don't know if

1 it's the full square.

2 Okay. The --

3 MR. IGNASIAK: That's fine.

4 MR. BEAUCHAMP: -- study area is
5 actually -- you're containing it to just a certain
6 area. The area is actually larger. It should be
7 larger than that, in my perspective, because the
8 bison -- there's a lot of small -- they're not all one
9 big herd of bison. They're all a lot of small little
10 pods of bison that make up the Ronald Lake full herd.

11 MR. IGNASIAK: Sure. So you didn't
12 take a look at Figure 7.3 -- 7.5 C-1 from the package
13 7 that showed the winter bison study area that extends
14 into the Park?

15 MR. BEAUCHAMP: No, I haven't.

16 MR. IGNASIAK: Okay. Now, you
17 indicated you were a -- you've been a guide in the
18 area for about 20 years? I did I get that right?

19 MR. BEAUCHAMP: Thirty (30) years.

20 MR. IGNASIAK: Thirty (30) years.

21 So you would guide --

22 MR. BEAUCHAMP: I'm the outfitter.
23 I'm the guy who hires the guides. I'm the owner of
24 the company.

25 MR. IGNASIAK: Okay. And so

1 approximately how many groups would you bring through
2 in a year to hunt bison?

3 MR. BEAUCHAMP: It will depend on the
4 year. Some years I'll have three, four groups, and
5 some years there won't be any. It all depends on your
6 clientele, right.

7 MR. IGNASIAK: So three or four groups
8 a year, that -- like how many bison would a group take
9 out?

10 MR. BEAUCHAMP: One.

11 MR. IGNASIAK: Just one. So --

12 MR. BEAUCHAMP: I take out small --
13 very small groups of people. I don't take out large
14 groups at all.

15 MR. IGNASIAK: So based on your
16 knowledge, there's maybe between one and four bison a
17 year that are harvested?

18 MR. BEAUCHAMP: Yeah.

19 MR. IGNASIAK: And that stops in --

20 MR. BEAUCHAMP: I wouldn't take any
21 more than four or five in a year because it's -- you
22 start to over-harvest stuff, right.

23 MR. IGNASIAK: And I guess you don't
24 do that any more since the *Wildlife Act* prohibition.

25 MR. BEAUCHAMP: No. I go further

1 north. I hunt to the top end of the Park just below
2 the Northwest Territory borders. I've had to move up
3 there now.

4 And I'm still figuring out the area
5 and I've got to move my camp again this year because
6 it was -- I put it in the wrong spot for access. I
7 figured I could get up this one river and I couldn't
8 because of open water.

9 MR. IGNASIAK: Okay. So less Ronald
10 Lake Bison Herd that's being harvested as a result.

11 MR. BEAUCHAMP: No. This was the --
12 this year it was the herd of bison that come out of
13 the Park on the north end. It's not the Ronald Lake
14 Bison Herd.

15 MR. IGNASIAK: Yeah, okay. Thank you.
16 You mentioned something that's of some
17 interest to our team because it's something they've
18 looked at.

19 You mentioned your view is the two
20 herds don't mix, that the Park herd and the Ronald
21 Lake Bison Herd don't mix because of a thistle
22 barrier.

23 MR. BEAUCHAMP: Yes.

24 MR. IGNASIAK: Can you tell me on what
25 you're basing that conclusion?

1 MR. BEAUCHAMP: Through walking the
2 area and being out on the land and one of the other
3 trappers, Mike -- I can't remember his last name off
4 the top of my head. He's -- they've got the trap line
5 just below the park.

6 He has mentioned to me a number of
7 times about this big band of thistles, and in some
8 areas we've ran into a high amount of thistles that
9 you don't want to walk through, right, because -- and
10 the bison aren't going through it because it gets
11 stuck in their fur and it's very irritating to them.

12 MR. IGNASIAK: Okay. Now, I may have
13 heard you wrong, Dr. Gilbert. I'm not sure. But I
14 thought I heard you say that some bison had to be put
15 down at Sincrude because of the bird event that
16 occurred there. Did I get that right, or did I
17 misunderstand that?

18 DR. GILBERT: You misunderstood it.

19 MR. IGNASIAK: Okay.

20 DR. GILBERT: What did I say that
21 implied that?

22 MR. IGNASIAK: No, I thought you
23 mentioned the bird event and then I thought --

24 DR. GILBERT: The bird event?

25 MR. IGNASIAK: Yeah.

1 DR. GILBERT: Oh. What did I say that
2 implied that?

3 MR. IGNASIAK: No, I thought you
4 mentioned the bird event and then I --

5 DR. GILBERT: The bird event.

6 MR. IGNASIAK: Yeah, and then I
7 thought you mentioned something about bison.

8 DR. GILBERT: I guess what I meant,
9 and it's probably my fault -- I said that if large
10 animals get in there, there's nothing you can do and
11 we have to put them down.

12 MR. IGNASIAK: Into the pond.

13 DR. GILBERT: And bison, you know,
14 obviously they present a special problem because
15 they're -- for one, they run in herds and they're very
16 good at destroying fences, and the fences should be
17 strong enough to withstand bison. It's just it's a
18 wildlife type of fence, but as happened in Banff,
19 they're still able to breach it.

20 MR. IGNASIAK: Do they like water?

21 DR. GILBERT: Yes. All animals have
22 to have water.

23 MR. IGNASIAK: And so they swim?

24 DR. GILBERT: Potentially, yeah.

25 MR. IGNASIAK: You've seen them swim,

1 Mr. Beauchamp?

2 MR. BEAUCHAMP: Yes.

3 MR. IGNASIAK: They swim? Thanks.

4 Those are all our questions, sir.

5 Thank you.

6 THE CHAIRPERSON: Thank you.

7 Do staff have any -- actually, sorry.

8 Before I do that, does Canada have any questions?

9 Okay. Canada has no questions. Does
10 staff have any questions?

11 EXAMINATION

12 MR. BIRCHALL: Good morning, panel.
13 My name is Charles Birchall. I'm one of the counsel
14 for the Panel.

15 I just have a few questions just for
16 clarification purposes.

17 I was very interested to hear your
18 testimony this morning. And as it was unfolding, we
19 had a question just to clarify so we understand,
20 because of oil sands developments you say that neither
21 of the Original Fort McMurray First Nation nor the
22 Clearwater River Band members practise their
23 traditional land uses in the project development area
24 or north of Fort McMurray. Is that correct?

25 ACTING CHIEF J. MALCOLM: That's not

1 correct. But the panel you heard from here, a lot of
2 them desire not to hunt any more due to the fact that
3 they're being told that they're polluted, they're not
4 safe to eat.

5 Lake Athabasca's been closed because
6 the fish are contaminated, the river's contaminated,
7 and why would we eat that?

8 But there are members who have to. We
9 have citizens who live in Fort Chipewyan still live
10 off the land, and they're required to eat some of the
11 foods.

12 And could you say that they're safe to
13 eat?

14 MR. BIRCHALL: I'm not suggesting that
15 it -- about the safety. I'm just wondering if they,
16 in fact, practise in the --

17 ACTING CHIEF J. MALCOLM: So it's a
18 loaded question, then.

19 MR. BIRCHALL: Well, it's just to
20 clarify. It's not intended to be loaded. It's just
21 to understand what your members are doing in the
22 project area or in other areas north of Fort McMurray.

23 Okay. But your question is a bit
24 deceiving. In fact, there's nothing safe to eat any
25 more, according to your experts, and you're asking us

1 if we still eat it.

2 MR. BIRCHALL: Okay. Well, let me try
3 another question, then.

4 Sacred sites. You indicated, Mr.
5 Malcolm, that there's pipestones been identified in
6 Fort Hills and that there may be more sites --

7 ACTING CHIEF J. MALCOLM: Yeah.

8 MR. BIRCHALL: -- there may be more
9 sites that exist in the project area.

10 And I'm assuming that you have a
11 pretty good idea as to where they may exist, so it
12 would be relatively easy to identify other sites, if I
13 understood that?

14 ACTING CHIEF J. MALCOLM: Well, I'm
15 holding up two -- one's pipestone, one is petrified
16 tar sand. They look very similar. But if you were to
17 feel the texture and hold them and look at them, you
18 would be able to identify it. But it's hard to
19 identify from me to you away.

20 You really have to get there, feel the
21 rock and look at it and identify it that way.

22 So I would say that not everywhere you
23 could find this, but I do know of two quarries that
24 we've had protected, and I know that there's other --
25 they're found along the rivers and the cliffs on the

1 banks, so wherever you have that, there's a good
2 chance you have some pipestone.

3 So if there's rivers and banks and
4 cliffs on the lease site, then there's a chance that
5 there's some pipestone there.

6 MR. BIRCHALL: And you can identify
7 it, so that would be of assistance.

8 ACTING CHIEF J. MALCOLM: Yes. I
9 don't know of anyone else that can in this planet.

10 MR. BIRCHALL: Mr. Malcolm, you also
11 mentioned the existence -- the potential existence or
12 the existence of a battlefield in close proximity to
13 the water intake and that it needs to be delineated
14 and protected.

15 ACTING CHIEF J. MALCOLM: Yes.

16 MR. BIRCHALL: Have you found any
17 artefacts or evidence that would indicate precisely
18 where this battlefield is, or the extent of it?

19 ACTING CHIEF J. MALCOLM: We have
20 Elders' knowledge.

21 MR. BIRCHALL: So it would need some
22 investigation to --

23 ACTING CHIEF J. MALCOLM: Well, we
24 could have an Elder identify the sites and we could do
25 some digs.

1 MR. BIRCHALL: Okay. Thank you.

2 Dr. Johnstone when he was testifying
3 back on September the 28th spoke about Fort McMurray
4 First Nation and Clearwater River Band concerns about
5 family cabins near the project site.

6 Could you tell us a little bit more
7 about the family cabins, or did I get that right? Are
8 there family cabins located near the site?

9 ACTING CHIEF J. MALCOLM: Not that I'm
10 aware of. Just maybe Charles Beauchamp might --

11 MR. BEAUCHAMP: Cabins near the Teck
12 site? I'm not sure.

13 ACTING CHIEF J. MALCOLM: You
14 mentioned Dianne Lakes?

15 MR. BEAUCHAMP: Yeah, Dianne Lakes
16 there's -- there's an old cabin there, but that'd be a
17 trapper's cabin.

18 ACTING CHIEF J. MALCOLM: We still
19 have members who still use the land.

20 MR. BIRCHALL: Understood.

21 Mr. Chair, I have no further
22 questions. Thank you, panel.

23 THE CHAIRPERSON: Thank you, Mr.
24 Birchall.

25 Mr. McManus?

1 MEMBER McMANUS: Thank you, Mr.
2 Chairman. I didn't have any questions, but I did want
3 to thank the panel for coming and sharing their
4 stories with us this morning on a Saturday morning.
5 So thank you very much.

6 THE CHAIRPERSON: Mr. Klassen?
7 QUESTIONS BY THE PANEL

8 MEMBER KLASSEN: Thank you, Mr.
9 Chairman.

10 I have a question for Dr. Gilbert, and
11 just so that I understand clearly, have there been
12 instances of wood bison getting into tailings ponds
13 and becoming hurt?

14 DR. GILBERT: No, this would be
15 potentially a new experience. The other plants to
16 this point I've had to deal with white-tail deer and
17 moose, but you know, the herds in proximity are quite
18 a bit further north, and that's all going to change
19 somewhat with the new plant.

20 So we haven't had any encroachment
21 from wood bison that I know of, but Chuck tells me
22 that he has seen them fairly far south.

23 MR. BEAUCHAMP: We've had -- we've
24 been following buffalo on the -- what's now called the
25 Shells lease back before it was called the All Sands

1 lease, and it was before Aurora. We were chasing a
2 bison around on the open lease there.

3 This fall there was a buffalo spotted
4 on the Aroster Road, a young bull. And they've been
5 seen as far down as Anzac.

6 DR. GILBERT: So this would be a new
7 experience. They've had to deal -- I was told, and I
8 can't substantiate it, that they've had to deal with
9 moose and white-tail deer. And that's all news to me.

10 But mostly it's been beavers and
11 muskrat.

12 MEMBER KLASSEN: Okay, thank you for
13 that clarification.

14 THE CHAIRPERSON: Thank you.

15 I don't have any questions for the
16 panel.

17 Ms Gladieu-Quinn, any re-direct
18 arising?

19 MS GLADIEU-QUINN: Nothing on
20 re-direct.

21 THE CHAIRPERSON: So I would also like
22 to extend our appreciation on behalf of the Panel to
23 you, John, Malcolm and the two panels that you
24 presented today for your participation. Thank you
25 very much.

1 It's a couple minutes to 1 o'clock.
2 I'm wondering about the prospect for maybe shortening
3 lunch a bit to 1:30.

4 I see Mr. Ignasiak nodding. Is that
5 fine with Teck?

6 MR. IGNASIAK: Yes, it is, Mr.
7 Chairman.

8 THE CHAIRPERSON: And Mr. McCargar, is
9 that okay with your clients if we break until 1:30 and
10 then we'll resume at that time?

11 MR. McCARGAR: Yes, Mr. Chair, that's
12 fine.

13 THE CHAIRPERSON: Thank you.

14 So we'll take our lunch break now and
15 come back at 1:30.

16 --- Upon recessing at 1257 / Suspension à 1257

17 --- Upon resuming at 1331 / Reprise à 1331

18 THE CHAIRPERSON: Thank you. Please
19 be seated.

20 Whenever you are ready, Mr. McCargar.

21 SWORN: DARRYL SHEVOLUP

22 SWORN: CHALRES SHEVOLUP

23 SWORN: PETER HOFFMANN

24 MR. McCARGAR: Good afternoon, Mr.
25 Chair and Panel.

1 My name is Don McCargar and I'm
2 representing the following trappers per your order and
3 direction.

4 They will giving only an oral
5 presentation today. There will be no written
6 submissions or affidavits in support of their evidence
7 they are going to provide.

8 The RFMA areas that we will be
9 representing will be 2346 and RFMA 2932, which
10 consists of approximately eight townships.

11 These areas are directly downstream
12 from the Teck mine site. They would be the first
13 areas to be impacted from the mine site in regards to
14 anything that would go wrong.

15 They will also be indicating to the
16 Panel today that they are indigenous families and an
17 indigenous community. I will let them speak to that.

18 We are not asking for you to recognize
19 them. They are already recognized as such and that
20 they are the stewards of these lands for the last 40
21 years, approximately. A long time.

22 I have been partaking with the hearing
23 from the 25th on and I find it interesting that these
24 are, other than Charlie Clark representing himself
25 here briefly, that these three individuals and their

1 families are the only families that are affected by
2 this mine directly downstream.

3 As I said, they would be the first
4 impacted families with a long-standing history.

5 To my right I would like to introduce
6 them.

7 It's Mr. Peter Hoffmann. He's the
8 junior partner of both Traplines RFMA 2346 and 2392.

9 Next to him would be Charles Shevolup.
10 He's the junior partner of RFMA 2346.

11 And right to his right is Darryl
12 Shevolup. He's the senior partner of RFMA 2346.

13 Wolfgang Hoffmann is not here.

14 As per your directions, only the
15 Shevolups and the Hoffmanns could speak. I did ask
16 Teck for some direction with Mr. Wolfgang Hoffmann,
17 whether he could speak or not, and I never received
18 any comments back on that.

19 So he will not be here today. But he
20 did supply a couple of e-mails and would like them to
21 be presented to the Panel today.

22 So I would like to refer to them, if I
23 could. I gave them as exhibits 1 and 2.

24 MS DOEBELE: Mr. McCargar, as per our
25 conversation at the break, you had provided four

1 separate documents. So Exhibits 1 through 3 you had
2 referenced and then 4.

3 What we've done is we've included them
4 all in one PDF document that we will now mark as
5 Exhibit 631.

6 So all the documents, subject to any
7 objections, have been given that number. And you can
8 just refer to it for the specific pieces of
9 information you need.

10 MR. McCARGAR: Thank you.

11 EXHIBIT NO. 631: Four documents
12 provided by Mr. McCargar

13 MR. McCARGAR: So I would like to -- I
14 guess we could ask that Exhibit 1 of Number 631 be
15 brought up on screen, if that's possible.

16 It's an e-mail from Mr. Hoffmann,
17 Wolfgang Hoffmann. I have to make sure I say their
18 first names because we've got the two brothers.

19 I would like to read it to the Panel
20 and even Teck.

21 It says here:

22 "I would also like to be at the
23 next session. I can say though
24 that Teck Resources and their
25 exploratory forerunners, UTS,

1 Silver Birch, and others, have
2 always communicated well with me
3 and been good neighbours in the
4 field and respectful in all
5 aspects. I cannot say anything
6 negative about my experience with
7 them to this point. For
8 instance, they helped me forward
9 a Sea Can in on their access,
10 which was a great help, and
11 always informed me of what they
12 were doing. The only thing I
13 didn't find out anything about
14 the hearing until Pete..."

15 (As read)

16 Pete would be Pete Hoffmann.

17 "... told me about it just
18 recently."

19 In that same e-mail he says:

20 "You have my authorization to act
21 on behalf of my Trapline RFMA
22 2932. Wolf Hoffmann." (As read)

23 It's interesting to note that he's
24 very supportive of Teck and his experience with them,
25 but again he reflects here in this e-mail that he knew

1 nothing of the hearing.

2 And that's of great importance here to
3 be noted, I think.

4 In Exhibit No. 2, it says here -- and
5 I'm just going to read the entirety of it:

6 "Without question the mine will
7 be built in the name of progress
8 for changes to the fabric of the
9 landscape. Like I said before,
10 look further south. You will see
11 it. And I don't like it coming
12 but it will happen. Collectively
13 we'll have to move out of the way
14 or what little is left move it
15 into the far corner where the
16 impact of the disturbance will
17 take a little longer to be
18 noticed. You asked about
19 protection compensation. Put a
20 fence and a gate beyond the mine
21 and hope that that works. That
22 is laughable." (As read)

23 So there's a little bit of a jest
24 there on his behalf, because he knows what these
25 buffalo will do to a fence.

1 "Price to pay when you get kicked
2 out. We start to run out of such
3 places of wilderness. My
4 trapline still has wolverine on
5 it. They (and grizzlies) are the
6 species that strive to hide away
7 from man. In true wilderness my
8 trapline is that now before the
9 mine. It's like good health.
10 You cannot buy it with money.
11 Wilderness is no different. I
12 don't want to leave. I want to
13 spend the winter in the same
14 pristine wilderness I love. Look
15 to the Arnie Hermanson settlement
16 of a few years back. Even though
17 it was a gag order, we all know
18 the payout price. Yet he is now
19 in very poor health in a care
20 facility on death's door instead
21 of enjoying the fruits of his
22 trapline, homestead and windfall.
23 He might have been better had he
24 stayed out in the bush.
25 Sincerely, W. Hoffmann."

1 (As read)

2 So that's his thoughts on it. He's
3 very discouraged and you can tell by the e-mails.
4 He's really just putting his hands up and it's
5 unfortunate that I couldn't get a feedback from Teck
6 because I would have liked him to be here with his
7 brother and friends, other trappers that he's known
8 for all his life. That just won't happen.

9 No. 3, I would like to point out --
10 and I know Pete is here but I thought I would put it
11 in. It shows that Pete is a registered partner on
12 RFMA 2932 and a junior partner with his brother.

13 Pete will explain a little bit more
14 about that trapline as he goes through his
15 presentation.

16 I think for now, as directed by the
17 Panel, I'm going to ask Pete to start off in his
18 presentation and facilitate some questions probably as
19 he goes through it toward him so that he can be a
20 little bit more detailed, if the Panel allows me to do
21 that, or the Chair.

22 And we'll go from this point forward.

23 Pete, go ahead, please.

24 PRESENTATION

25 MR. HOFFMANN: Good afternoon, Mr.

1 Chairperson and Panel Members.

2 My name is Peter Hoffmann and I'm a
3 trapper on RFMA 2932 and RFMA 2346. These traplines
4 are in the immediate proximity of the proposed
5 Frontier Tar Sands Plant and I'm deeply concerned over
6 the detrimental effect that this mine will have on
7 this area, both currently and in the future.

8 I would like to start by expressing my
9 sincere gratitude to Tara Wheaton and other members of
10 this hearing that facilitated the participation of my
11 trapping partners and myself with the assistance of
12 consultant Don McCargar and his solicitor Darlene
13 Gladieu-Quinn, especially considering that we arrived
14 late for the sign-up when this hearing began back on
15 September 25th due to inaccurate scheduling
16 information we were given and the lack of information
17 regarding this hearing.

18 I was born and raised in the Edmonton
19 area and first travelled to Fort McMurray in 1973,
20 employed as a telecommunications electrician
21 apprentice with the then named AGT. We installed the
22 phone lines in the newly being constructed Syncrude
23 site.

24 That was the first time I saw dog
25 teams tied up along Highway 63 just south of Fort

1 McMurray. I knew back then that I would be back,
2 wanting to experience the vast wilderness and all it
3 had to offer me.

4 It wasn't until the mid-eighties that
5 my dream became a reality. Since then I've been
6 trapping with Darrel and Chuck Shevolup, my partners,
7 on Trapline 2346. We have known each other for over
8 50 years and our mutual appreciation for the
9 wilderness allowed us to form a mutual friendship that
10 continues to this day.

11 In 1993 I became the senior holder of
12 Trapline 2932, which is directly adjacent to 2346 on
13 the west side. I relinquished that trapline in 2008
14 to my older brother, Wolfgang Hoffmann.

15 Currently I am junior partner on both
16 traplines.

17 I will be discussing some of the
18 adverse effects that the Frontier tar sands plant will
19 have on the water and the water-dependent ecosystems
20 in what I consider to be the affected area, along with
21 other environmental concerns to the flora and fauna,
22 drawing on the first-hand knowledge that I gained by
23 living in this trapping area for over 30 years.

24 Many of those years were spent living
25 year-round in the wilderness with several being

1 seasonal excursions travelling to the trapline on the
2 Athabasca River by boat in spring, summer and fall,
3 and in the winter by skidoo and four-by-four, using
4 the winter road east of the Athabasca River, and then
5 approximately 28 kilometres in on the logging road
6 constructed in the mid-eighties by Northland Forest
7 Products.

8 In the summer I travelled from Fort
9 McMurray to Fort McKay via Highway 63 and then to the
10 trapline by boat. When I cross the Athabasca River on
11 Highway 63 just north of Fort McMurray, I always pay
12 particular attention to the river side channel, using
13 it as an indicator of water depth.

14 I have learned through the years that
15 when a large volume of water flowing -- excuse me, a
16 large volume of water is flowing in that river side
17 channel, that the travelling conditions will be
18 enjoyable without having to worry about navigation
19 issues, such as sand bars, floating debris, etc.

20 Also it tells me there shouldn't be
21 any issues with docking at our trapline cabin site,
22 such as low water or exposed sand bars.

23 In the fall time just before
24 freeze-up, this time of year, the river is at its
25 lowest. This past week my partner and I made a trip

1 to the trapline and, as always, I observed the river
2 water level at Fort McMurray.

3 Although the level was quite low, it
4 was still flowing adequately, an indicator that there
5 should be no issues on the other end concerning water
6 depth.

7 We had planned on travelling by boat
8 with Mike Marten, an indigenous trapper south of our
9 trapline, but ended up having to abandon that plan and
10 use the Fort Chip winter road due to mechanical issues
11 that Mike encountered.

12 We were ferried across to the west
13 side where our cabin is located by indigenous friends
14 that were staying at Poplar Point.

15 Although the water level was quite
16 low, we managed to dock the boat at Mike's cabin site,
17 which is approximately 600 metres south of our own.
18 The next day I went over to the riverbank at our cabin
19 site to check out the conditions in relevance to water
20 depth.

21 This time of year we can normally
22 navigate our boat right up to our landing and tie up
23 there. The water level was so shallow that we
24 couldn't even launch a 12-foot aluminum boat.

25 The river is approximately a kilometre

1 in width at this location with a large island in the
2 middle. With normal water levels we can usually
3 travel north around that island and then re-enter the
4 main channel going that route.

5 I was astounded to see that the island
6 was completely sand-barred in with no water flowing
7 around the north end of it. I was not expecting to
8 see that water level this low even this late a time of
9 the year.

10 The indicator that I always use to
11 judge water depth in Fort McMurray was for the first
12 time in 30 years inaccurate. This showed me that
13 there was an inexplicable high loss of water between
14 Fort McMurray and Poplar Point, which is approximately
15 90 miles north.

16 The only logical explanation that I
17 could come up with is that huge volumes of water were
18 being taken from the Athabasca between Fort McMurray
19 and Poplar Point. With the existing three pump houses
20 already drawing water out of this river, used for the
21 existing tar sands, extraction plants located between
22 Fort McMurray and Poplar Point -- I'm sorry, I reread
23 that.

24 This additional stress on the
25 Athabasca -- this additional pump house proposed to be

1 installed in the proximity of Poplar Point will
2 undoubtedly put additional stress on the Athabasca
3 River and I believe that the possibility of it
4 combined with the already large amounts of water being
5 drawn by the other tar sands plants south of Poplar
6 Point will possibly cause irreparable damage to the
7 ecosystems downstream from that location.

8 It will also make river navigation
9 much more difficult, with increased risk of damaging
10 outboard motors by plowing into sandbars, or at least
11 wrecking propellers on gravel or rock shoals.

12 I understand that the Frontier mine
13 will produce 260,000 barrels of oil a day once in full
14 production, using 1.9 to 2.5 barrels of water per
15 barrel of oil produced. Therefore, it will require
16 from 494,000 to 650,000 barrels of water a day.

17 That information concerns me.

18 Having travelled lakes, rivers and
19 creeks that are within the boundaries of the two
20 traplines I've been trapping, I am deeply concerned
21 about the negative effect that the large water usage
22 will have on the ecosystems. These waterways include
23 Dianne Lakes and the interconnected streams, Ronald
24 Lake and the interconnected streams, the Buckton Creek
25 Watershed, the McIvor River and numerous other unnamed

1 watersheds and tributaries.

2 There are also numerous underground
3 streams that surface creating artesian wells and
4 creeks that flow year-round. One such artesian well
5 is located within approximately 500 metres of our
6 cabin site on the west side of the Athabasca River.
7 Not only do we trappers depend on that water for
8 drinking and cooking, but several indigenous groups
9 living in the immediate area also depend on this water
10 source.

11 I do not consider the water in the
12 Athabasca River safe to drink and will be forced to
13 haul in our drinking and cooking water if this
14 underground spring went dry. It has provided us with
15 high quality water for over 30 years that I have been
16 at this location. Losing that water source would be
17 unimaginable.

18 In the early years and up until around
19 five years ago my partners and I have witnessed
20 migratory waterfowl on Ronald Lake in such large
21 numbers that the noise they created was so loud that
22 it would make it difficult to speak to each other,
23 whether in the canoe or even on the shore of the lake.

24 In the past few years those bird
25 numbers have diminished to such an extent that it is a

1 rare occurrence to see flocks, large flocks of
2 waterfowl numbering more than a dozen birds on the
3 entire lake.

4 Reduction of water levels in the
5 Dianne Lakes will also negatively affect numerous
6 diverse ecosystems downstream of that watershed.
7 There are numerous small lakes and sloughs connected
8 to this lake, most prominent on the north and
9 northwest location on this lake.

10 A creek flowing northwest toward the
11 Buckton Watershed has on it one of the longest beaver
12 dams in the world, extending over three kilometres in
13 length. Also, the longest beaver dam is located
14 within this same Buckton Watershed, just south of Lake
15 Claire.

16 Another tributary flows north from
17 Dianne Lakes along a high prominent sand ridge and
18 flows into the south end of Ronald Lake. These
19 tributaries and lakes are of paramount importance,
20 providing us with the majority of the aquatic fur
21 species, including beaver, mink, otter and muskrat.

22 Any large drop in water levels or flow
23 would be catastrophic to those marine mammals.

24 I believe that the water usage plans
25 for the proposed Frontier sands plant will have an

1 irreversible and permanent damaging effect on those
2 ecosystems that rely on those watersheds. Because all
3 of these tributaries flow north into the Wood Buffalo
4 Park and the Lake Claire Watershed, those ecosystems
5 and beyond will be affected.

6 It has already been shown in other
7 presentations that other trappers and users of this
8 land, both indigenous and non-indigenous, have already
9 witnessed the damage caused by the low water levels in
10 the past 30 to 50 years in the Athabasca Delta and the
11 Peace River regions.

12 The proposed water usage by Frontier
13 will seriously affect the accessibility to our
14 traplines, increasing the cost to maintain equipment
15 as well as making it more difficult to sustainably
16 trap, hunt and fish; much more difficult to maintain a
17 respectable lifestyle that we have had the privilege
18 to enjoy for more than 30 years.

19 One doesn't require a degree in
20 biology or wildlife management to realize where
21 there's water, there's life.

22 I will add now that that was part of
23 the speech that I was able to prepare for and due to
24 the lack and shortage of time, the rest of my talk is
25 going to be more or less on a real rushed basis. So

1 it's going to be nowhere near as formal as what I
2 presented so far.

3 In the early years of our trapping
4 endeavours we were blessed with unspoiled wilderness,
5 no logging roads, no seismic cut lines, no oil and gas
6 roads or exploratory well-heads and no access
7 corridors for development. Basically the two
8 traplines that we've been involved in were as
9 unspoiled and undeveloped as they would have been 100
10 years ago.

11 This allowed us to experience nature
12 as unspoiled as the way God created it.

13 In the mid-eighties that began to
14 change. Northland Forest Products constructed
15 numerous logging roads and began operations that
16 resulted in large tracts of forested habitat being
17 clear-cut. Their main objective was to harvest large
18 tracts of mature white spruce that were up to 150 to
19 250 years old.

20 Back then we spent entire seasons from
21 Grey Cup to freeze-up without encountering any other
22 humans, but for the occasional visiting neighbouring
23 trapper or on occasion having indigenous travellers
24 making a rest stop travelling the Athabasca River from
25 Fort Chipewyan to Fort McMurray.

1 Those logging roads now permitted
2 access to prime buffalo habitat that existed within
3 the boundaries of our trapline. First we would see
4 low-flying fixed-wing aircraft, followed the next day
5 by skidoos. The buffalo hunt was on.

6 With the increased development
7 activity on both traplines, we were presently
8 encountering these major intrusions on a regular
9 basis, were seriously interrupting and impeding our
10 trapping endeavours, especially in the winter when we
11 are most active.

12 Regarding the bison study of the area
13 showing -- and what I'm going to refer to now is Map
14 Figure 11-3, Ronald Lake Bison Study Area, Project
15 Update, Volume 3, Assessment Update Section II
16 Wildlife.

17 Could you bring that up on the screen,
18 please?

19 MR. McCARGAR: I believe he is making
20 reference to Section 11, not to Section 2.

21 MR P. HOFFMANN: I'm sorry, that's
22 right, Section 11. I thought it was Roman Numeral II.
23 Thank you.

24 --- Pause

25 This map is of extremely poor

1 accuracy.

2 First, it does not show all the waters
3 in the study area. Dianne Lakes is not shown on this
4 map at all. This missing lake contains not only large
5 areas of bison habitat but also numerous examples of
6 ecosystems diversities that cannot be overlooked.

7 In reference to buffalo Dianne Lakes
8 and the numerous large meadows on the south,
9 southwest, west and northwest around the lake are
10 critical habitat that support the buffalo, not only in
11 winter but year-round.

12 These bison rely heavily on this
13 meadow habitat from south of Dianne Lakes continuously
14 all the way north to Ronald Lake and even farther to
15 the north and west from Ronald Lake exceeding a
16 distance of over 40 kilometres.

17 And I notice I forgot to add that
18 those buffalo travel farther south than Dianne Lakes,
19 all the way down to Arnie Hermanson's trapline, as was
20 pointed out earlier today.

21 On this map it shows the vegetation
22 and wildlife regional study area on the south line of
23 RFMA 2346. In order for the map to be accurately
24 representing the most sensitive ecosystem, it must be
25 expanded farther north to ensure it includes the

1 entire area of RFMA 2346.

2 It is the most sensitive area because
3 the entire drainage tributaries flow north from Dianne
4 Lakes into Ronald Lake.

5 This map also shows numerous buffalo
6 populations south of RFMA 2346 but none north of
7 Dianne Lakes and none along the shores of Ronald Lake
8 and west of Ronald Lake.

9 Why then are they labelled as the
10 Ronald Lake Buffalo Herd?

11 Now I'm going to address another issue
12 I was concerned about, and that's noise.

13 In reference to acoustics I will refer
14 to Frontier Project Update Volume 3, Assessment Update
15 Section 2E1(a), Methods, Figure 2.16.

16 Assessment Update Regional Study Areas
17 and PAI Study Areas for Acoustics doesn't go far
18 enough into RFMA 2346.

19 The acoustics line is only one
20 kilometre away from RFMA 2346. The Teck property is
21 seven kilometres to the south of the southern boundary
22 of 2346.

23 And in my past experience with other
24 mines, in the operation from active, in the operation
25 in the bitumen area, I've experienced how far the

1 noise from active operation of heavy mine equipment
2 can travel.

3 I was staying at a trapper's cabin at
4 Canstar located approximately 10 km from the mining
5 going on east of the old historic bitumen site and had
6 no trouble hearing the noise created by the mining
7 activity. It was loud enough to interrupt my sleeping
8 patterns.

9 The loud noise of operation of heavy
10 equipment carried extremely well, largely due to the
11 fact that a large part of that 10 km was aquatic, the
12 Athabasca river, and also supported by extensive
13 growths of marsh habitat such as the willows and other
14 small shrubbery.

15 This is comparable to the habitat
16 between the Teck mine study as far north as Ronald
17 Lake, which contains waterways and tributaries along
18 with the large tracts of marsh and small shrub growth.

19 I will conclude by stating that
20 there's absolutely no doubt that if the Teck Frontier
21 Mine proposal is accepted it will have such serious
22 negative consequences on RFMA 2346 that one will no
23 longer be able to trap, fish, hunt on a sustainable
24 basis.

25 That's pretty well where I ran out of

1 time. I don't want to say too much more, because I
2 want to leave some of it for my other two partners, so
3 I'll conclude with that.

4 Thank you.

5 MR. McCARGAR: Thank you, Peter. The
6 next person to speak will be Charles.

7 PRESENTATION

8 DR. C. SHEVOLUP: Chuck.

9 MR. McCARGAR: Chuck -- aka Chuck.

10 DR. C. SHEVOLUP: Good afternoon. I
11 followed my brother to the trap line the same winter,
12 in 1983. It was there that I learned the ways of
13 nature and how close all living things are intertwined
14 with each other.

15 I do not have any degrees on paper,
16 but did follow the writings of Dr. Dewey Soper, and
17 he -- never mind that.

18 Under close observation for 37 years I
19 have witnessed the wonders of nature, and every time I
20 step into the bush I strive to learn more.

21 Living on the trap line is where I
22 also found my God. The statement by Teck, that after
23 reclamation the land will be better than it is now, is
24 an insult to my intelligence and my God.

25 The four things needed to start and

1 sustain life in order are: sunlight; water; plants;
2 and, then animals. Man has shot holes in the
3 atmosphere that protects us from the harmful rays,
4 poisoned nearly all of our natural drinking water,
5 bulldozed vast tracts of land that supply us with
6 food, shelter and medicine, and the very air we
7 breathe, and annihilated countless animals into
8 extinction.

9 We have taken millions of tons from
10 one place on the earth and placed it in a different
11 place and then put millions of people there. To me,
12 this has caused the earth to wobble off its axis and
13 since then the jet stream is like a rollercoaster, and
14 we're in for a rough ride.

15 All waters in this Athabasca ecosystem
16 from the river to the Birch Mountains flow north into
17 the Wood Buffalo Park. I had read an article in a
18 magazine that the park is already in danger of low
19 water. If Teck uses mass amounts of water from these
20 places it will be devastating to the park.

21 I have drank from all these places
22 without any ill effects. Will Tech guarantee me I
23 will still be able to do this not only when the plant
24 starts up production, but when it starts building?

25 The Birch Mountains, heart of the

1 moose. There used to be a moose migration from the
2 base of the mountains to the river every winter, and
3 have counted five bull tracks crossing Ronald Lake in
4 one night. This, I have not seen since Frontier camp
5 and the exploration into the country.

6 I have guided big game hunters to help
7 pay for bills and buy things for my family. But it
8 became apparent that this is not the natural order of
9 things, for taking the biggest and strongest is not
10 the way. This disrupts the rule of survival of the
11 fittest. My brother and I agreed to forsake the money
12 instead and try to keep a healthy population to feed
13 our families.

14 Since 1988 the word got out that the
15 buffalo were not protected and it became a
16 free-for-all, just like it was back in the 1700s and
17 early 1800s. Only in the north-eastern part of
18 Alberta was this allowed.

19 Hunters from around the world came and
20 shot as many as they wanted, not having to take
21 anything but the head if they wished. High-ranking
22 wildlife officials joined in on this hunt, and members
23 of Associated Mining. This became a buffalo
24 slaughter.

25 With quads and snow machines and

1 helicopters, they tried to wipe them out. But the
2 buffalo kept showing back up. These are not the
3 Ronald Lake herd, but free-ranging wild animals that
4 wander at will.

5 I have seen these maps from the study
6 by Teck, and after a 10-year study they are very vague
7 in information. The dots show buffalo numbers in
8 proposed mine site are many, but none on Ronald Lake,
9 and do not even show Dianne Lakes, which was spoken to
10 earlier.

11 This is very strange to me, because
12 these two lakes are where all the so-called hunters
13 would show-up and kill more buffalo. This map does
14 not show the winter feeding grounds that start from
15 the west side of Ronald Lake down to Mike Marden's,
16 George Clark's, and Arne Hermansen's trap lines. I
17 talked many a times with Arne about opening a trail on
18 the Jackpine pressure ridges that run along these
19 meadows.

20 This map that Teck drew up tells me
21 that the 10-year study that was done was not done
22 properly. If it was done with fish and wildlife out
23 of Fort McMurray, this study was nothing more than one
24 big buffalo hunt.

25 Living the Indigenous way it is

1 natural to explore new country, and the best way is on
2 foot. My brother and I walked from Athabasca River to
3 the McIvor River in the summer months and used these
4 big beaver dams, close to the biggest one on earth.
5 Some people call it the eighth wonder of the world.
6 This was the only way to cross the Buckton Basin and
7 the muskeg it forms.

8 There, we found a spiritual place in
9 the McIvor River that the natives knew about many many
10 years ago and had walked the same route. The alarming
11 loss of species on the trap line is apparent. In the
12 early days when we would travel to the lakes in summer
13 we would flush-up many grouse with their brood of
14 chicks. I made a trip in August of this year to
15 Ronald Lake, 20 km one way, and did not see one
16 grouse.

17 In the 1980s and 1990s when we made
18 summer camp at our lakes we had to speak loud to hear
19 each other because of the waterfowl quacking and
20 splashing that they made. This time when I got to the
21 lake, it was silent.

22 When I was back at the river the
23 prevailing wind shifted from northwest to southeast
24 and I woke up to the smell of diesel fuel and burning
25 tires. A bad headache and burning eyes followed.

1 When we were exploring the base of the
2 Birch Mountains years ago we were met by the great
3 grey owls. They would fly ahead of us and wait for us
4 to get closer with our snow machines. This would
5 scare up game for them to catch. Bears used a
6 scratching tree to mark their territory, and we had to
7 stand on our skidoo seat to reach the height. We both
8 said that it must be grizzlies.

9 The McIvor River is truly a special
10 place and there is a small corridor that the woodland
11 caribou use or they have protected, and it should be
12 expanded immensely.

13 I am concerned about Teck's use of
14 gravel on the McIvor. I do believe they need to use
15 that to build up roads, and that is the closest place.
16 No other place from the Athabasca River until the
17 McIvor River has any gravel that I have seen.

18 Teck talked about the Richardson Fire.
19 Other people called it the Firebag Fire. In these
20 fires we lost everything: main cabin; line cabins;
21 boats; motors; guns; et cetera. This fire was in
22 2011. Slave Lake Fire took precedence. That started
23 24 to 48 hours before our fire.

24 Media coverage was almost non-existent
25 about the northeast part of the province. I contacted

1 every number I could to find out more about these
2 fires that took my home. In doing so, I have an arson
3 tips file number, and found out that there were not
4 one or two fires, but seven fires started in the same
5 timeframe.

6 I gave the people in charge of the
7 investigation two eye witnesses that seen one of the
8 fires erupt on the other side of the Athabasca River.
9 The men that seen this described to me what it was; a
10 huge black cloud of smoke puffed on the east side of
11 the river, and then in the high winds the fire took
12 off. When I asked them if anyone contacted them about
13 what they had seen, they told me no.

14 He soon became surrounded by the fires
15 on the west side of the river, and not one finger was
16 lifted by the forestry division to extinguish or save
17 his cabin, or anybody else's.

18 Two helicopters sent in to take him
19 out when the fire had gotten too close and his family
20 had to leave, and they did not use them, they jumped
21 in their boats and left. Thousands of dollars spent
22 to air-lift them out that he did not use. That money
23 could have been used to water down his cabin and yard
24 and save his place, and it didn't burn down anyway.

25 That's all I have. Thank you.

1 MR. McCARGAR: Chuck, could you give
2 me a little bit more description or a little bit more
3 detail about your family and them participating with
4 the trap line?

5 DR. C. SHEVOLUP: Yes. I was never
6 married, but I lived with the same lady, Métis, Donna
7 Tuele(ph), and she had two kids that I raised as my
8 own, and she died of ALS three years ago. I have
9 taken the boy up, and he shot his first moose up at
10 the trap line. The girl is in poor health, and she
11 can't do very much.

12 MR. McCARGAR: Chuck, if this mine
13 proceeds to go in, would it have a great effect, a
14 negative effect, on your lifestyle, on your children's
15 lifestyle, and the ability to enjoy what you've
16 enjoyed for the last 40 years?

17 DR. C. SHEVOLUP: Yes, it would. It
18 would devastate me. If this mine comes in, I do not
19 wish to stay there anymore.

20 MR. McCARGAR: Why don't you wish to
21 stay there anymore, Chuck?

22 DR. C. SHEVOLUP: Because there's 15
23 plants already running in that country, and the
24 biggest one would be just too close for me to bear.

25 --- Pause

1 MR. McCARGAR: Chuck, would you
2 categorize yourself as an Indigenous family or a
3 non-Indigenous family?

4 DR. C. SHEVOLUP: I would be living
5 that lifestyle since I was early-20s, and know no
6 other.

7 MR. McCARGAR: Are you Indigenous?

8 DR. C. SHEVOLUP: In my heart, yes.
9 People label me as white, but I have native friends
10 that look at me and ask me, you are not white, but
11 you're not native, and they don't know what to make of
12 me. I call myself independent.

13 MR. McCARGAR: Was your wife and your
14 children Indigenous?

15 DR. C. SHEVOLUP: Yes.

16 MR. McCARGAR: Do you consider your
17 involvement with your brother and your friends of 60
18 years a part of this Indigenous community that you
19 formed out on the trap line?

20 DR. C. SHEVOLUP: I sure do.

21 MR. McCARGAR: I'd like you just to
22 touch a little bit on notification of this hearing,
23 Chuck. Have you ever received any kind of
24 notification from Teck or any documentation in the
25 past from Teck as a junior partner of RFMA 2346?

1 DR. C. SHEVOLUP: No, I have not.

2 MR. McCARGAR: No notification, no
3 interaction with Teck at all?

4 DR. C. SHEVOLUP: Not as a junior
5 partner, no.

6 MR. McCARGAR: Thank you, Chuck, for
7 your presentation.

8 I'd like to go to the last individual,
9 his nickname's Dode. I'm just going to call him Dode,
10 but his real name's Darryl Shevolup. He is the
11 senior, as I said, partner of this trap line, RFMA
12 2346.

13 Just go a head, Dode, whenever you're
14 ready.

15 PRESENTATION

16 MR. D. SHEVOLUP: Thank you for the
17 opportunity to testify today, Mr. Chairman and Panel.

18 I set my first trap when I was five
19 years old with my grandfather. Back then a seed was
20 planted and I knew in my heart what I wanted to become
21 in life, a trapper. As I grew-up I was a trapper
22 after school and on weekends. I had a resident
23 licence every year and proudly displayed it on the
24 wall.

25 My dream came true when I had the

1 opportunity to be a junior partner in 1982 with the
2 then senior holder Gary Godberson. We were both 21
3 years of age at that time. The elders in the area
4 were more than impressed with my enthusiasm and
5 commented, "Why can't more kids be like that these
6 days?"

7 Travelling the river, I couldn't help
8 but notice the huge stacks at Syncrude and Suncor, and
9 was told the elders at the time were told not to worry
10 about the pollution concerns, as it is going to be 97
11 per cent steam.

12 The early years, from 1982 to 1986,
13 were wonderful, with solitude and interrupted trapping
14 and general life. In 1985 and 1986 forestry started
15 to land along the Athabasca River and ribbon-off areas
16 when we were absent on our line, further inland.

17 When Chuck and I came out to send our
18 catch to action we went into the forestry office at
19 Fort McKay and asked, "Are we getting logged on?" The
20 reply was, "No, maybe in 10 years or not at all," as
21 we are too far north.

22 The very next year, in 1987, a logging
23 access road was cut from Fort Chip winter road west to
24 Poplar Point (Reserve 201G). An ice bridge was used
25 to cross the river into our line, past our home, and

1 beyond. The solitude was over. We felt violated and
2 deceived.

3 When we went back to talk with
4 forestry about it, everyone was transferred out. When
5 we found out that Northland was conducting the logging
6 operation, we attempted to talk to them. We had a
7 hard time to get any answers from anyone, and
8 eventually got two pallets of culled lumber to build
9 our cabin. Not much compensation from a company owned
10 solely by Syncrude.

11 Buffalo were not protected with this
12 access to the herds. My trails and livelihood were
13 affected big time. No longer were woodland caribou
14 sighted and tracked along the river.
15 Two-hundred-plus-year-old white spruce were gone along
16 with the old man's beard lichens that support the
17 caribou. For years we have witnessed man's
18 ill-attempts to reforest the flood plains and
19 intermitted river that were affected.

20 When the bush was healing in its own
21 way life was returning. Raspberries and kinnikinnick
22 were supporting bears, birds alike. Round-up was
23 sprayed no vast areas. Working with ACE Vegetation,
24 getting ground personnel around up Grayling Creek and
25 the 100-Mile Island, which is a breach, was never

1 supposed to be logged in the first place, we couldn't
2 help but notice all the small fish, frogs, bugs and
3 life forms killed and floating belly-up in the water.

4 The time of year was early June, all
5 the nesting bird life was wiped out. The next spring
6 the whole area was a dead zone. Outfitters and the
7 hunting pressure further affected lifestyle
8 drastically.

9 When oil and gas exploration was
10 conducted in 2006/2007 season through the west end of
11 my line no notice or consultation was done at all. A
12 company called Associated Mining was all we could find
13 out who was involved with the many road cut lines done
14 behind our back.

15 After countless phone calls and red
16 tape UTS Energy was the only company to admit to any
17 work done. The only compensation we received was an
18 insult. Using Fort McKay matrix for access now in
19 from the west multiplied the problems 10-fold.

20 The untrampled and natural balance
21 needed to run a traditional life was now shattered.
22 Even after dealing with Cam Bateman, then with UTS,
23 Shell Canada and Total still to this day will not
24 admit to their involvement.

25 After unearthing who was responsible,

1 a conference call was made involving myself, Bob Cox,
2 a fellow named Murray Hubscher, I believe it is, with
3 Boreal Land, and some kind of lawyer.

4 UTS LOC-070509 access road, Total
5 campsite MLL-070070, Buckton Remote Sump Total,
6 MSL071194 and two roads, Total LOC070880 were
7 discussed.

8 Many other cut lines from the river
9 branching off in different directions were never
10 admitted to, along with government approved LOC's and
11 MLL's, etcetera.

12 After this call I put up my own
13 blockade at every access through my line and kept out
14 a lot of people because of my dispute with industry.
15 And for a brief -- it was only for a brief time.
16 While in the far west end of my line I passed by huge
17 piles of poplar logs properly labelled all the way
18 through UTS LOC Road, Access Road 070509 Road, with
19 many drill sites, etcetera into Frontier camp on Arnie
20 Hermanson's line.

21 When Outfitter's men and the same
22 group of buffalo hunters that for years hunted from a
23 camp on Island Lake -- they're firefighters and
24 paramedics from Fort McMurray here in town; they
25 hunted for years and killed many buffalo there. They

1 were the only ones in my trapline at this time when I
2 had this blockade.

3 My wolf snare and trap sets were
4 chain-sawed apart and ran over by skidoo. No one
5 bothered my blockade from the east at all. A
6 bulldozer was used to flatten my blockade and snare
7 sets at the junction of these illegal roads, Total
8 LOC's 070880.

9 The next day I contacted Trevor
10 Saline, Senior Officer Fish and Wildlife in Fort
11 McMurray. He is the person responsible for a huge
12 amount of hunting on my trapline. And I could write a
13 book on him.

14 While waiting for him to show up at
15 the west end of my line, I noticed a fisher, a few
16 hundred yards away on the road, in the boundary of my
17 trapline 2346. When investigating I was astonished to
18 see that a cow moose was hit on the road and died on
19 the road and the salvable meat taken. Clearly a knife
20 was used to do this and the broken hind leg bone and
21 haemorrhaged meat was left proving impact.

22 When Trevor showed up and I showed him
23 the proof of not just the moose, but also the breach
24 of the *Wildlife Act* to my trap and snare sets he
25 didn't even unload his skidoo. The Outfitters men

1 were camped at Diana Lakes and the other group of men
2 were camped at Island Lake, as usual. The breach of
3 trust, breach of protocol and complete disregard for
4 legislative law further made me lose any respect for
5 government professionalism.

6 I had pictures of this, however all
7 evidence was destroyed in the tragic loss to our home
8 due to the manmade fire of 2011. Nevertheless, there
9 are many witnesses to this due to our private
10 communication system we have in use in the north.
11 Play by play broadcast was heard by man.

12 At this time I noticed at breakup in
13 spring the water clarity and life forms looked well in
14 our gravel bar in front of our main cabin at the
15 river. The dragonfly nymphs were ready to come out of
16 the water, frogs, small fish, back swimming water
17 beetles, water skimmers, and as well many minute forms
18 of life abundant. Within two days a complete
19 turnaround happened. Zero clarity in the water. No
20 life forms of any kind were evident in the exact same
21 spot I stood two days earlier. Not one dragon fly
22 hatched. A greyish-brown foam was floating by,
23 sometimes up to 10 inches high. It still happens and
24 I have been told that if the foam is dried it will
25 ignite.

1 The age-old migration of moose in and
2 out of the Birch Mountains; a pattern broken due to
3 the oil and gas industry as well as the hunting
4 pressure. Every form of transportation into my area
5 is used to invade my livelihood. The conflict of
6 interest intensified by the same senior official in
7 Fish and Wildlife. He doesn't even have the decency
8 to open up the many buffalo he takes and harvest the
9 whole kill properly in an ethical manner. We use
10 every bone in a buffalo. We killed very few, only as
11 a necessity. And this man who is supposed to be a
12 game guardian leaves a mess, an awful, tragic mess, a
13 bloated mess that is really sight for sore eyes;
14 there's just excrement coming out. It's all bloated.
15 It's all wasted. Now, is that any way for a game
16 guardian to act with any animal? Like I say, very
17 poor ethics for a person in his position.

18 The air quality has gotten worse
19 ten-fold since 1982. Living close to the land I
20 became close to the ecosystem and water tables. The
21 mine will affect this drastically into Wood Buffalo
22 Park and beyond, like as has been aforementioned.

23 Not once was I made aware of my lake
24 systems on my line used as an alternate source of
25 water for this proposed mine until now at this

1 hearing.

2 Going through custody of all my
3 children took precedence over a number of years, in
4 and out of courtrooms constantly for years, but I did
5 manage to get full custody of all my children, all
6 three of them -- sole custody.

7 My backup in life and traditional way
8 of life for my children in the bush are shattered
9 forever. The traditional and spiritual life needs
10 untrampled areas. I will be asking for relocation
11 from Fish and Wildlife through somebody above Trevor
12 Saline. At this time all three of my children attend
13 Ashmont School where they are taught their Native
14 tongue and culture. This is only a small part of the
15 traditional ways.

16 It saddened us all knowing it can no
17 longer be achieved because of the pollution and
18 progress on -- so-called progress on our family
19 trapline. Everyone in my little family wants to say
20 goodbye to our place, and our chance of a good life
21 for us is over.

22 While getting custody of my son
23 Richard from a PGO our home and livelihood was lost
24 from the fire of 2011. We lost everything and
25 received peanuts for compensation. False and

1 misleading information was provided from Fish and
2 Wildlife. Still, to this day, a cabin is set up at
3 Ronald Lake without any prior consultation. Buffalo
4 are being shot from there and right now a Metis man
5 has just guided in two Caucasian men and shot a
6 buffalo there. And there's witness to that. This is
7 going on now without consultation.

8 Sorry for my aggravation but it is
9 frustrating from accumulated decades of this going on,
10 Panel.

11 We expect a lot more of this to come
12 with endless disturbance. The rare and endangered
13 plants, birds, and wildlife are not mentioned
14 specifically because government and industry
15 considered us as useless overburden and an obstacle in
16 the way of progress.

17 The trade-off of climate change versus
18 economic gain for Canada is not worth it to anyone who
19 is informed of the specifics. There is no way
20 industry can provide me with an uninterrupted life
21 when there will be more people, as well as access to
22 it, than ever before.

23 The term Ronald Lake herd is false, as
24 they are free roaming bison that know no borders.

25 The Buckton Creek muskeg and water

1 shed is essential for winter forage. The mine will
2 change this forever.

3 Some of the testimony I heard today,
4 Mr. Chairman, was from Charles Beauchamp and I locked
5 horns with him on my trapline. Any man that
6 singlehandedly shows up without even talking to me
7 about using any of my trails or interrupting my life
8 and single-handedly with one German fellow shot and
9 peppered a whole herd of buffalo -- eight were shot
10 dead, four were wounded in one day from that man, my
11 respect for him and guiding in general goes right out
12 the window where it belongs.

13 Many times my brother and I didn't
14 have two pennies to rub together and we turned down
15 the buffalo hunt because -- the guiding -- because we
16 believe they are sacred as we do with every other
17 animal and blade of grass on that land, and we
18 believe, spiritually, that everything has a right to
19 life -- everything, every bug, not just the buffalo;
20 that's a small thing. We witnessed water shrews on
21 Stickleback Lake, and so many rare things, and there's
22 lots to be learned of Wood Buffalo Park. Just read
23 Mammals of Alberta written by Dr. Dewey Soper who has
24 travelled extensively by dog team in the '60s.

25 DR. C. SHEVOLUP: Thirties.

1 MR. D. SHEVOLUP: Was it the '30s?

2 DR. C. SHEVOLUP: Yeah.

3 MR. D. SHEVOLUP: Well, he went there
4 on two sojourns.

5 DR. C. SHEVOLUP: Yeah. Yeah.

6 MR. D. SHEVOLUP: But, anyway, it's a
7 wealth of knowledge and perhaps Teck biologists should
8 have a good look at that, of what they are wiping out
9 here if this proposed mine, another mine, goes
10 through.

11 To me, industry is all the same. It
12 is. I have to take my family now and find where the
13 waters are clean, the air is clean, there's not a big
14 disturbance -- and I've never been a greedy man; we
15 don't have to kill a whole bunch of furs to feed
16 ourselves -- just to practise traditional Native ways.

17 And, yes, I am white, but I have been
18 told I'm a backwards apple, I'm more Native than a lot
19 of Natives out there, and I've been told that by
20 Native people many times.

21 It's not the colour of us; it's how we
22 conduct ourselves and how we respect the land and
23 everything upon it.

24 Thanks for the opportunity to speak.

25 MR. McCARGAR: Thanks Chuck. I've got

1 a few questions for you, if you could just answer
2 them, or Darryl - Dode. I've been calling Dode Dode
3 for about 60 years, so for me to call him Darryl in a
4 public format is very difficult. I just --

5 MR. D. SHEVOLUP: It can't be 60
6 years, Donnie, I'm only 57.

7 --- Laughter / Rires

8 EXAMINATION IN CHIEF

9 MR. McCARGAR: Well, 57. I'm 60 -- a
10 long time. But some of my questions for you is, how
11 many bison did you actually kill in 38 years, 40 years
12 there?

13 MR. D. SHEVOLUP: Between the three of
14 us, or myself, personally?

15 MR. McCARGAR: Between all three of
16 you.

17 DR. C. SHEVOLUP: I shot three.

18 MR. HOFFMAN: I shot one last year --

19 MR. D. SHEVOLUP: I shot two -- three.
20 Three. No, three. Correction, I shot three.

21 MR. HOFFMAN: -- three for me, also,
22 yeah.

23 MR. D. SHEVOLUP. Since 1982.

24 DR. C. SHEVOLUP: So the total amount
25 would be eight bison were shot in 38 years?

1 MR. D. SHEVOLUP: Also I'd like to
2 add, Donnie, that the skulls ended up in special
3 ceremony for sweat lodges like the Coyote Club where
4 young Native offenders are helped, and also inmates
5 that are released from Stan Daniels, that's where one
6 of my kill skulls ended up, not for sale and painted
7 up. The hide ended up made into a drum for the
8 pow-wow circuit. I've had numerous furs made into
9 dress for the pow-wow. It was all in a good way. Not
10 one dime was made off that kill. That's between the
11 Creator above, myself and the spirit of the buffalo
12 itself, and money should never be entered in that, I
13 believe, the true Native way.

14 MR. McCARGAR: So just to add to that,
15 you used the buffalo one hundred percent for
16 traditional, cultural and spiritual uses?

17 MR. D. SHEVOLUP: Exactly.

18 MR. McCARGAR: Did yourself and your
19 communities support the changes to the hunting of the
20 bison in 2016 that no longer can non-Indigenous people
21 hunt them?

22 MR. D. SHEVOLUP: Oh, it's a good
23 thing, of course, but it is still not going to stop
24 people from coming in there and shooting. There's
25 living proof right now. You know, meat was given to

1 an elder at Poplar Point and it was harvested by a
2 Caucasian, so -- and this is just implemented. What's
3 going to happen down the road, you know? And this
4 isn't hearsay; this happened. All of this happened.

5 MR. McCARGAR: And Dode are you or any
6 of you associated with the McKay Trappers Association?

7 MR. D. SHEVOLUP: Never.

8 MR. HOFFMAN: No.

9 DR. C. SHEVOLUP: No.

10 MR. McCARGAR: In living off the land
11 for the last 38 years, Dode, have you ever come across
12 any fish species or animals that have been deformed or
13 diseased, or --

14 MR. D. SHEVOLUP: Yes, in the river.
15 My neighbour was escorting a biologist and they were
16 netting and some of the fish that were caught in those
17 nets are completely deformed. It's even -- it's
18 unbelievable that something can swim around and try
19 and live like that because it couldn't even be
20 identified. There was no scales on it; the entrails
21 were dragging in the water. And there's been like
22 northern pike caught with deformities such as lips
23 like a human, and it's documented; this happened.

24 It's not just the tar sands plants
25 that are to blame for this poisoning. Don't forget

1 Daishowa Pulp Mill that produces some of the -- you
2 know the bleached craft paper process produces some of
3 the worst dioxins man ever came up with.

4 Farm land itself. I'm living in
5 farmland but in the St. Paul area. My family was
6 farmers since 1902 in Alberta, but today it is not
7 farming, it's industrial agriculture and it is not
8 safe to even eat the bread anymore there's so much
9 chemicals used on such a vast scale in such a way that
10 it is just wanton greed.

11 All those fertilizers and pesticides
12 and herbicides all get leached into the water systems.
13 So, we can't just point our finger about the
14 deformities of these fish only to the oil industry.
15 Of course, it contributes to it, but what about
16 everything else man does? You know, in this day and
17 age we should be ashamed of ourselves; we should all
18 be striving for green energy, renewable energy, and
19 the government should be giving it to us for free, not
20 every time I go to the gas pumps I can't even afford
21 to fill my tank. And my province is in peril, and we
22 all know it.

23 MR. McCARGAR: Dode, thank you for
24 that. Dode, are your children -- just over to your
25 children, are they registered status in Canada?

1 MR. D. SHEVOLUP: My son Richard Paul
2 Shevolup-Baldhead is Metis.

3 MR. McCARGAR: Okay.

4 MR. D. SHEVOLUP: Okay. But my two
5 daughters Lily-Ann and Clara Shevolup, well, Clara has
6 the hyphen Lapatak, the legal name. They are full
7 Treaty 6 because I lived for six years on Goodfish
8 Lake Reserve and when we registered them it was not
9 very common for a white man to be able to live on a
10 reserve, but I had no problem with it, and so because
11 of that, they are full Treaty 6, yeah. And I got
12 their cards.

13 MR. McCARGAR: Was their mother Treaty
14 8 or Treaty 6?

15 MR. D. SHEVOLUP: Their mother is
16 Treaty 6. She's from Saddle Lake area, also.

17 MR. McCARGAR: Goodfish -- Saddle
18 Lake, okay.

19 MR. D. SHEVOLUP: My son's mother is,
20 her reserve is in One Arrow, Saskatchewan, so he is
21 Metis, you know.

22 MR. McCARGAR: I'd like to ask you --

23 MR. D. SHEVOLUP: Oh, one thing --

24 MR. McCARGAR: Sorry, go ahead.

25 MR. D. SHEVOLUP: My son's Native name

1 was done in the old traditional way from his Moshum,
2 from his grandfather, and it's Kiwetin Nonohktin (ph)
3 It means north wind.

4 MR. McCARGAR: Thank you. Now, I'd
5 like to touch base with you a little bit, Dode, about
6 any notice of this hearing. Have you ever received
7 any notice in regards to this hearing, today?

8 MR. D. SHEVOLUP: Yes, there was some
9 a while -- quite a few years ago, when I -- I've had
10 my hands so full with legal battles, you know, I
11 phoned my brother about it and I said, "Well, there's
12 going to be a huge plant," and we all knew that;
13 what's new?

14 But this hearing, we did talk briefly
15 of it and it was notified once, but it was years ago
16 and we knew -- like, I should have been aware of it
17 more than what I am today.

18 MR. McCARGAR: The documents you gave
19 me and the years that all the dates are listed on
20 these documents, the last time that I can see that
21 you've been notified is 2013.

22 MR. D. SHEVOLUP: Yeah, that would be
23 about right, yeah.

24 MR. McCARGAR: Five years ago?

25 MR. D. SHEVOLUP: Yeah.

1 MR. MCCARGAR: And so from 2013 until
2 this day, you have received no other notifications of
3 the process of this mine?

4 MR. D. SHEVOLUP: No. No.

5 MR. MCCARGAR: How did you find out,
6 Dode, about this hearing?

7 DR. C. SHEVOLUP: It started with the
8 cabin (off mic).

9 MR. D. SHEVOLUP: Oh, yeah, it started
10 with this unauthorized cabin that's there on Ronald
11 Lake right now, and then it escalated from there
12 talking with AFTN and -- is that how it is, the Chip
13 Band?

14 MR. HOFFMAN: Shakes head no.

15 DR. C. SHEVOLUP: Shakes head no.

16 MR. HOFFMAN: ACFN.

17 DR. C. SHEVOLUP: Yeah.

18 MR. D. SHEVOLUP: ACFN. And then
19 they -- Lisa informed me that there's this hearing and
20 I'm welcome to attend, so here we are.

21 MR. MCCARGAR: Has any of the trappers
22 ever lived in Fort McMurray, resided here?

23 MR. D. SHEVOLUP: Not me, no.

24 MR. HOFFMAN: No.

25 DR. C. SHEVOLUP: No.

1 MR. D. SHEVOLUP: No, I've never lived
2 in Fort McMurray. I could never stand the place, to
3 be honest with you.

4 MR. McCARGAR: Have you experienced,
5 and maybe I'll open this up to Peter, also -- have you
6 experienced any other pre-existing existence of facts
7 of this mine going forward recently such as the ACFN
8 cabin that was placed on your trapline without your
9 notification and approval; would that be correct to
10 say?

11 MR. D. SHEVOLUP: Yes.

12 MR. McCARGAR: Is there any other
13 items or any other situations that arose recently,
14 Peter, in regards to this mine having an influence on
15 your lives already?

16 MR. D. SHEVOLUP: It's just going to
17 wreck what's left and there isn't much.

18 DR. C. SHEVOLUP: Say that again, Don?

19 MR. McCARGAR: Has here been any other
20 kind of effects from this mine going forward that -- I
21 think you do know that there's been 14 agreements
22 signed with First Nations with Teck.

23 There is no agreements with
24 yourselves, is that correct?

25 DR. C. SHEVOLUP: Yeah, that's

1 correct.

2 MR. D. SHEVOLUP: That's correct,
3 yeah. I'd like to say that perhaps First Nations
4 should maybe -- maybe start standing up for the land
5 instead of the payout and the jobs and let's look a
6 little bit what kind of legacy we are leaving all our
7 grandchildren and animals and plants; everything has a
8 right to live.

9 You know, let's smart -- clean up our
10 act and mankind should be able to be better to this
11 earth than what we're doing here, globally.

12 MR. MCCARGAR: Has there been anybody
13 in your recent past that tried to undermine your
14 presentation today -- interfere with your
15 presentation?

16 MR. D. SHEVOLUP: No.

17 MR. HOFFMAN: Yes, when Chuck and I
18 went last-- we spent last week and made a visit down
19 to the trapline and we encountered the Metis
20 individual over at Poplar Point, and I'm -- just I'm
21 terrible with remembering names.

22 DR. C. SHEVOLUP: Bill Luiott (ph).

23 MR. HOFFMAN: Bill Luiott, and we -- I
24 didn't know him at all, but we walked into a couple of
25 the Indigenous friends that lived across the river and

1 he was in the cabin and when we started talking he
2 interrupted me and immediately started -- actually,
3 I'll say it, I'll speak my mind on this.

4 When he heard what we were up to and
5 attending -- planning on attending these hearings and
6 that, he, for lack of a better way of putting it, he
7 really put you down for some reason, and I didn't like
8 him talking badly behind your back so I tried shutting
9 him down and let him know what my opinions were of
10 you; if it wasn't for your assistance to this we
11 wouldn't be here today.

12 MR. McCARGAR: So it would be fair
13 that you are taking some peer pressure from the
14 communities and such people as Bill Loutitt, that is
15 the CEO of the MNAA for Region 1?

16 MR. HOFFMAN: Well, that as well. And
17 I will add one thing. When Chuck Beauchamp gave his
18 speech there today, I've had several negative
19 encounters with him also on the trapline in the Diana
20 Lakes area and when he recognized me and seen that I
21 was there he had quite a look of horror on his face,
22 and I think I understood what he was getting at but we
23 didn't have the opportunity to talk.

24 MR. McCARGAR: Thank you, Peter.

25 Last question and I think we can wrap

1 it up with a little bit of a summary or a conclusion
2 on recommendations.

3 I had indicated -- or you had
4 indicated to me, Dode, in that book that is before
5 you, on the burial grounds that are located on your
6 property. There are supposed to be 15 to 30 burial
7 grounds located on RFMA 2346; is that correct?

8 MR. D. SHEVOLUP: That's correct.
9 I've been told that from day one. Even my ML -- when
10 I had an MLP number -- I have it written down
11 somewhere. Late Sidney McKay, Michael Marten's dad,
12 that had the trapline before him, we both got MLP
13 numbers because of the logging activity and we felt
14 that the graveyard should be protected as well as our
15 water rights and it is actually an umbilical cord
16 connecting the two when we did have an MLP. I was
17 told to watch what I'm doing around there, chain
18 sawing or cutting trail, to try and avoid the area out
19 of respect and we did so all this time.

20 MR. MCCARGAR: Can you tell me what
21 MLP means?

22 MR. D. SHEVOLUP: It's a registered
23 cabin site that's -- it's a lease. It's very, very
24 hard to get. Only oil companies possess them now.

25 MR. MCCARGAR: But you've seen this

1 MLP?

2 MR. D. SHEVOLUP: We've had our own
3 for years and then we tried paying up on it and they
4 said you don't have to. I think it's just a ploy so
5 that we don't have it anymore, because it is -- I do
6 have the number in that book I gave you, that blue
7 book with my notes.

8 MR. McCARGAR: Yes.

9 MR. D. SHEVOLUP: Yes. We paid it for
10 years and they want us not to pay it anymore, and yet
11 he's getting hammered taxes for the place and it's
12 nothing there.

13 MR. HOFFMAN: I still owe taxes on it.

14 MR. D. SHEVOLUP: Yes.

15 MR. McCARGAR: On that MLP it shows a
16 burial site --

17 MR. HOFFMAN: No. No.

18 MR. McCARGAR: -- connecting
19 between --

20 MR. D. SHEVOLUP: The burial site is
21 between our MLP. We are actually right on our borders
22 where our cabins were.

23 MR. McCARGAR: And have other Elders
24 spoke to you about these burial sites?

25 MR. D. SHEVOLUP: Oh, yes. Yes.

1 There's 40 graves across the river and then they said
2 there's 15 for sure on our side. They're very old and
3 very hard to find, but they're there.

4 MR. McCARGAR: You had indicated in
5 the book that you are holding at this time, it was
6 produced in 1996, it shows two gravesites west of the
7 Athabasca River right on this mine site, does it not?

8 Excuse me, can I ask you to bring up
9 Exhibit 4, your number 631 I think it is. Thank you

10 MR. D. SHEVOLUP: Yes, it is.

11 MR. McCARGAR: And this exhibit that
12 we have up on the laptops, it shows two cemetery sites
13 on Teck's mine, right on the mine itself?

14 MR. D. SHEVOLUP: It does, yes.

15 MR. McCARGAR: And within those
16 circles, do they have any numbers in them?

17 MR. D. SHEVOLUP: Yes. One has a
18 number 3 on it.

19 MR. McCARGAR: And the other one?

20 MR. D. SHEVOLUP: It's empty.

21 MR. McCARGAR: And an empty one
22 signifies one grave, in my understanding of that book?

23 MR. D. SHEVOLUP: I believe so, yes.

24 MR. McCARGAR: And the location of the
25 graves you are talking about on your site, or on your

1 trapline --

2 MR. D. SHEVOLUP: Right...?

3 MR. McCARGAR: -- where roughly would
4 that be on that site plan? Closer to the river there?

5 MR. D. SHEVOLUP: Directly across from
6 Poplar Point.

7 MR. McCARGAR: Right across from the
8 graves --

9 MR. D. SHEVOLUP: Yes.

10 MR. McCARGAR: -- the gravesite
11 across --

12 MR. D. SHEVOLUP: Right across from --

13 MR. McCARGAR: -- beside Poplar Point.

14 MR. D. SHEVOLUP: -- 201G, yes.

15 MR. HOFFMAN: I think I would like to
16 add, if I might be permitted, when there are no
17 numbers in the circle, I think that designates unknown
18 numbers, they are not sure of how many were there --

19 MR. McCARGAR: Okay.

20 MR. HOFFMAN: -- instead of none.

21 MR. McCARGAR: Thank you.

22 This is a question for all three of
23 you, if you don't mind. If we could have had other
24 representation from the other trappers that have given
25 me the authority to speak for them, do you believe the

1 other trappers would know of other gravesites
2 throughout this area that mine is looking at putting
3 their project into place?

4 MR. D. SHEVOLUP: Yes. Arnie
5 Hermanson if he was able to. He's drank himself into
6 two major strokes and he's --

7 MR. HOFFMAN: I don't know if
8 anybody --

9 MR. D. SHEVOLUP: -- unable to.

10 MR. HOFFMAN: -- that's trapping
11 beside me that might know. I just can't say.

12 MR. D. SHEVOLUP: And I would add that
13 I have spent time with Michael Marten's father. His
14 name was Sidney McKay and I remember -- and this had
15 to have been in the mid-90s when him and I spent
16 several -- the better part of a day and we were trying
17 to locate that cemetery on the west side of the river.
18 And everything had grown in there so much and the
19 cemetery site was of such old age, and Sidney knew
20 where it was and we spent several hours looking for it
21 and we finally got frustrated and we gave up. But I
22 know that Sidney McKay, that he would have
23 communicated that with his kids, one of them being
24 Michael Marten. And I know for a fact that there is a
25 cemetery there, with the amount of graves I have heard

1 other Indigenous Elders speak about, where they figure
2 there's somewhere around 15 burials there. But we
3 looked for it and weren't able to find it because of
4 the amount of years that have elapsed since anything
5 was done to it.

6 MR. McCARGAR: Thank you.

7 I think that concludes my questions
8 for my panel.

9 I would like just to follow up with
10 some recommendations, Mr. Chair. We don't want to
11 leave on a sour note, you know, we would like to put
12 forward a few recommendations.

13 THE CHAIRPERSON: Sure, go ahead.

14 SUBMISSIONS

15 MR. McCARGAR: My first recommendation
16 of course is for the Joint Review Panel to consider
17 what it states -- I have it in here -- in an agreement
18 to establish a Joint Review Panel for the Frontier Oil
19 Sands Mine Project between the Minister of Environment
20 Canada and the Alberta Energy Regulator of Alberta.
21 And I'm sure you have heard this many times:

22 "The Joint Review Panel shall
23 consider:

24 - Evidence presented concerning
25 any likely project effects to

1 asserted or established
2 Aboriginal or treaty rights, such
3 as:

4 - Any potential effects on
5 current uses of lands and
6 resources by Aboriginal persons
7 for traditional purposes;

8 - Any effects (including the
9 effects related to increased
10 access, fragmentation of habitat
11 and displacement of the exercise
12 of traditional activities) on
13 hunting, fishing, trapping,
14 cultural and other traditional
15 uses of the land (e.g. collection
16 of medicinal plants, use of
17 sacred sites), as well as related
18 effects on lifestyle, culture,
19 health and quality of life of
20 Aboriginal persons;

21 - Any effects of alterations to
22 access into areas used by
23 Aboriginal persons for
24 traditional uses;

25 - Any adverse effects of the

1 project on the ability of future
2 generations to pursue traditional
3 activities or lifestyles;
4 - Any effects of the project on
5 heritage and archaeological
6 resources in the project area
7 that are of importance or concern
8 to Aboriginal groups."

9 And finally:

10 "Evidence presented concerning
11 the measures proposed to manage,
12 mitigate and compensate any
13 identified effects on asserted or
14 established Aboriginal rights and
15 interests."

16 As stated by the trappers, they simply
17 haven't been provided with efficient notice of this
18 hearing. It has really made them -- or these
19 proceedings prejudiced to them in many different
20 forms. I'm not saying that we do not appreciate the
21 Panel and Teck's allowance of us to speak for this two
22 hours instead of 30 minutes and cross-examining Teck
23 for 30 minutes. We just didn't have the opportunity
24 in the last three weeks to submit proper written
25 reports and affidavits to support some of the comments

1 we are making orally right here now and I think that
2 should be noted by the Panel.

3 I have individuals on my team and we
4 were slated to go out and mark these graves on the
5 land themselves and GPS them out for yourselves.
6 Unfortunately, because of the conditions of the rivers
7 and the access, we just weren't able to do that in the
8 timing of this hearing.

9 For my consulting team, I am still
10 going to go forward and help and support my panel here
11 of trappers and try to find some more of that
12 information, whether we are successful in getting any
13 kind of support funding at all from AER or from Teck.
14 It is an important issue, burial sites, and I don't
15 believe that Teck was too successful in locating any
16 information on burial sites. I asked Teck to forward
17 me areas within their documentation in respect to
18 burial sites and there was just so much documentation
19 I really appreciate the support they did show this
20 morning, because I didn't get this book on burial
21 sites until last night and this information. But
22 their response was basically that the historical
23 resources baseline section, Volume 2, section 10
24 discusses archaeological sites in the PAD. However,
25 it doesn't specifically discuss burials, because none

1 are known or were found to occur on the PAD. That is
2 a pretty important aspect and I would hope the Panel
3 takes note of that and that the recommendation that
4 would come back is that these sites are determined
5 where they are. It's very specific.

6 In all fairness, I have to read the
7 next section of this email.

8 "The traditional land use
9 baseline section, Volume 2,
10 section 11, also discusses burial
11 sites as identified by Indigenous
12 communities." (As read)

13 I had an older report done 10 years
14 ago by the Indigenous communities and on their map
15 site it didn't show no graves in the area of the mine
16 site or of course on the trapline RFMA 2346. So there
17 is again some real huge miscommunication going on here
18 and we are going to need the Panel's assistance to
19 make sure that we uncover, if you want to use that
20 term, any burial sites or ceremonial sites right at
21 ground zero. We are not talking a long ways off here.
22 So that is something that we would be very supportive
23 of.

24 We would ask that myself and my
25 corporation be provided any information on the ongoing

1 of the hearings or the process of this mine so that I
2 can properly notify the trappers. They simply don't
3 have the technology -- the technical abilities as far
4 as laptops are concerned. Texting, they don't do
5 that. The only one that does any kind of laptop work
6 is Peter and I think that's where some of the
7 confusion came in over the years, and we have that
8 handled now. So as long as the information from Teck
9 or the Panel comes through me, I will make sure they
10 get notified of that and we can move forward in more
11 of an informed way.

12 Some of the recommendations that we
13 could suggest, it's just recommendations, is that you
14 are not going to put game fence around bison and hold
15 them in. You know, you are never going to do it to
16 this type of buffalo or bison. And, if anything, put
17 a game fence around the mine site, fence it in. At
18 least the mine site can't get out with no access
19 points through that fence except for the trappers to
20 get through, not the public. You have 7,000 people
21 moving in on this site, it's going to influence this
22 whole area, you are just not going to be able to stop
23 them, but I am talking about the wildlife, protecting
24 its wildlife. At best a game fence around the whole
25 site, which is roughly 50 -- I think it's 50

1 kilometres of fence line you would have to put in. I
2 would like to have that contract thrown into the deal
3 for my trappers.

4 I would also support and I believe --
5 I have to take that away, I don't support it. I
6 believe my trappers would support that their land be
7 put into a conservation area or actually move the
8 provincial park, Wood Buffalo Park down to encase the
9 remaining land in between the mine and their lands.

10 Some thought has to be put to the
11 replacement of winter feeding for the areas for these
12 bison. This mine is going right in on areas, as they
13 stated, that are the winter feeding areas for these
14 bison. If you are going to take those areas away,
15 those vast grass areas and bogs and meadows, what do
16 you replace them with? You know, some thought has to
17 be put here to that aspect of it.

18 Protection of the bison herds has been
19 started. The trappers were in support of that, to
20 stop non-indigenous people from hunting these bison,
21 which is a good thing. I mean we don't have to be
22 flying around in helicopters and shooting, you know,
23 eight buffalo a day and wounding four. That is just
24 barbaric. And I am an avid hunter. But the
25 protection of the bison herds needs to be put in place

1 by the Indigenous people themselves and, as I say, but
2 on a draw system only by Indigenous people over the
3 years based upon the herd growth, and overseen by
4 Council, not only Council but the trappers themselves
5 that live on these lands.

6 A monitoring station needs to be put
7 at Ronald Lake and those water levels are so critical
8 to that area that that needs to be done. An education
9 program needs to be put in place for the trappers.
10 Why don't Teck offer the trappers education on how to
11 use or how to monitor them with that equipment and
12 instead of paying somebody else, pay the trappers to
13 monitor it. And of course you need a log cabin for
14 the trappers to monitor that system and the water of
15 the area. These aren't huge costs. The monitoring
16 system is, but these other aspects aren't.

17 As Dode had said, he doesn't want to
18 be next to 7,000 people working on his site or on the
19 mine site 7 kilometres away from him. That noise is
20 going to come right through and his trapline will no
21 longer exist as it is and as they have experienced
22 over the last 40 years, it's gone. They would like to
23 have a payout, a fair payout for their trapline by
24 Teck. And it would not be based on the Fort McKay
25 matrix, they are not part of that association. And

1 there are other compensation packages that have been
2 paid out that, as they said, had gag orders on it, but
3 we know what the amounts were. They need to sit
4 down -- Teck needs to sit down and do a mitigation
5 plan with the trappers on how this is going to affect
6 their land and all the land around them and come to
7 terms, really come to terms. I know it's in Dode's
8 heart to have another trapline and he would be willing
9 to relocate and he has an area and we would have to
10 talk to Fish and Wildlife on that, the Province of
11 Alberta, and see if we could do that, or if they are
12 even willing to do that, but maybe that is another
13 avenue that Teck could help and this Panel could help
14 in dealing with the trappers. Because Dode loves --
15 they all love that, that lifestyle. That is all they
16 have ever known and they want to pass that on to their
17 children. Also, there would have to be a compensation
18 plan in place, of course a relocation compensation
19 plan, because it takes anywhere from 5 to 10 years to
20 set up a trapline properly and to get it working
21 correctly.

22 These are just some of the
23 recommendations that could be implemented in regard to
24 the trappers and to the wildlife in the area. They
25 all say they -- they just don't want the mine there.

1 That's the best thing, just go make your money
2 somewhere else and leave our wildlife alone. And they
3 are not the only ones that think like that. But
4 progress has to take place and if you feel that the
5 mine should go forward, then make sure people are
6 taken care of, and not just the people but the
7 wildlife. You know, we are not going to get another
8 second kick at the can here. Once it's done, it's
9 done. And the impacts of this mine are far-reaching
10 in what they are proposing. Have no doubt of that.

11 And I would like to say thank you to
12 the Panel for giving the trappers the opportunity to
13 speak and best of luck with your decisions on this.

14 THE CHAIRPERSON: Any questions for --
15 yes, thank you. I will just poll to see if there are
16 any questions for your panel.

17 Mr. Ignasiak...?

18 MR. IGNASIAK: Mr. Chair, so given we
19 didn't really have written outlines of the evidence
20 that was going to be given, if we could maybe take a
21 15-minute break just to consult as a group and then
22 come back?

23 THE CHAIRPERSON: Sure, let's do that.

24 MR. IGNASIAK: Thank you.

25 THE CHAIRPERSON: So we will take a

1 15-minute break. It is 10 after 3:00, so we will
2 resume at 3:25.

3 --- Upon recessing at 1509 / Suspension à 1509

4 --- Upon resuming at 1529 / Reprise à 1529

5 THE CHAIRPERSON: Thank you. Please
6 be seated.

7 CROSS-EXAMINATION

8 MS CHU: Thank you Mr. Chair, and
9 thank you, Mr. Hoffman, Mr. Chuck Shevolup and
10 Mr. Darryl Shevolup.

11 My name is Danielle Chu, I am with
12 Teck, although Mr. Darryl Shevolup, if I can call you
13 Dode, you may call me Danny. I much prefer we all be
14 friends here.

15 So the first thing I want to say is
16 just a clarification on the October 13 email that
17 Mr. McCargar mentioned at the beginning of his
18 submissions, just that Teck was under the impression
19 that this was addressed to CEAA and the Panel and that
20 was our understanding of who would be responding.

21 Now, over to my questions. So the
22 first thing I wanted to ask you, and it is a question
23 to all three of you, is whether I am correct in
24 understanding that trapline RFMA 2346 and 2932 don't
25 actually overlap with the project disturbance area; is

1 that correct?

2 MR. C. SHEVOLUP: That's correct.

3 MS CHU: Okay. Now, my next question
4 is regarding bison hunting. So my understanding is
5 that the *Wildlife Act* changed in 2016, which prevented
6 hunting of the Ronald Lake bison herd. Is that kind
7 of your understanding of how the Act changed as well?

8 MR. C. SHEVOLUP: Yes.

9 MS CHU: And were you affected by that
10 change in any way? Could you elaborate a bit on how
11 you were affected?

12 MR. C. SHEVOLUP: After the Act
13 changed?

14 MS CHU: Yes.

15 MR. C. SHEVOLUP: Not too sure. There
16 was still hunting going on.

17 MR. HOFFMAN: I'm not sure, but my
18 understanding is the Act still -- the Treaty,
19 Indigenous Treaty people are still allowed to hunt
20 those bison was my understanding. I thought that just
21 applied to *moniyaw* or white people.

22 MS CHU: Okay. But in terms of how it
23 actually affected your trapping/hunting practices, did
24 it have any material change?

25 MR. HOFFMAN: Well, we now know that

1 we can't shoot buffalo, but like it was explained at
2 this hearing, that in the 30 some years I mean Chuck
3 Beauchamp himself shot that many buffalo in one day,
4 what the three of us combined took in the 30 years, we
5 have been there.

6 MS CHU: Right. Right. I remember
7 you saying it was about eight between the three of you
8 combined.

9 So would you have an idea or an
10 estimate of how many total bison would be killed
11 between Indigenous and non-indigenous hunting, say in
12 a year?

13 MR. C. SHEVOLUP: Oh, it would be
14 many, because that group of hunters that always stay
15 at Island Lake we call it, it's another fair-sized
16 lake just west of Ronald Lake, they have a camp there
17 and when I was attending my trapline there was two
18 gentlemen there, the other ones were out and about,
19 and one was intoxicated and he said way too much to
20 me. I said, "Well, how many have you guys taken over
21 the years?" And this was quite a few years ago
22 already. And he said, "44", all proud of it. And
23 then the other guy piped in and kind of quieted him
24 down and then he mentioned that hardly any of those
25 gentlemen -- I will put that lightly -- even enjoy the

1 meat. And I said, "Well, why are you killing them?"
2 And to me it just is wrong.

3 MS CHU: Yes.

4 MR. C. SHEVOLUP: You know, that's
5 just wrong.

6 MS CHU: Yes. So the 44 a year was
7 what this gentleman said to you that he had taken?

8 MR. C. SHEVOLUP: Not 44 a year, that
9 they had over the years --

10 MS CHU: Over the years.

11 MR. C. SHEVOLUP: -- counted 44, I
12 believe.

13 MS CHU: Okay.

14 MR. HOFFMAN: Total 44.

15 MR. D. SHEVOLUP: A tally of 44. But
16 there was many other people sent to our trapline as
17 far as Drayton Valley. In order to get this trapline
18 I had a really hard time possessing the senior holder
19 title. I had to be a junior partner for three years
20 back to back and then they said I still have to take a
21 trapping course. And I did so in Drayton Valley and I
22 ended up instructing the course with another gentleman
23 because the instructor had a death in the family and
24 he had to leave and he left us in charge. But I had
25 pictures there of live buffalo, you know, in the

1 meadows and whatnot and there was hunters sent with
2 even horses all the way to Poplar Point to hunt at
3 Ronald Lake from Fish and Wildlife, and to me that's
4 conflict of interest. They couldn't have cared less
5 what it was doing to our livelihood. It was a
6 free-for-all, like my brother said, and it has been
7 going on for a long, long time, you know.

8 MS CHU: Okay. Okay. But in terms of
9 a general figure of how many bison are hunted per
10 year, you wouldn't be able to take a guess?

11 MR. D. SHEVOLUP: Well, in 2008 when
12 Teck did their buffalo ungulate count they called it,
13 there was over 70 buffalo on my trapline just around
14 Ronald Lake area in that one set of wallows and grassy
15 meadows. Not the big, huge meadows in Diana Lakes,
16 I'm talking they showed up from the park, 70 plus, and
17 no thistles are ever going to hold out a buffalo.
18 They can hit a willow flat and it looks like a freight
19 train hit it, there will just be little shatters of
20 wood everywhere. Nothing can stop them when they make
21 up their mind to go somewhere, they're so massive and
22 powerful, you know. But they did that ungulate count
23 and I'm almost positive it was in conjunction with
24 Fish and Wildlife. There were many, many hunters
25 showed up and I couldn't even have shot one for meat

1 after two days of all the aircraft and at least 20
2 some skidoos and many of them were hunting. So use
3 your vivid imagination how many were actually taken.
4 It's impossible to fathom, but it was awful, you know.
5 It's like history repeating itself, but technology is
6 used.

7 MS CHU: Okay. I would like to switch
8 gears a bit now. You made a statement that you did
9 talk to a Cam Bateman at UTS and a Murray Hubscher
10 from Boreal. Is that correct, Dode?

11 MR. D. SHEVOLUP: Yes. It was a
12 conference call and I didn't even know what that
13 meant, but they wouldn't admit to any of the -- all
14 the work being done there. Cam Bateman wasn't in on
15 that conference call. He's the only one in industry
16 that ever came clean with the work being done on my
17 trapline, six miles of road. I got \$600 and two
18 barrels of gas, whoop-ti-doo, for all this commotion
19 and --

20 MS CHU: But you did --

21 MR. D. SHEVOLUP: -- change, you know.

22 MS CHU: Okay. But you did speak in
23 person to Cam Bateman then?

24 MR. D. SHEVOLUP: On the phone, yes.

25 MS CHU: On the phone.

1 MR. D. SHEVOLUP: I have never talked
2 to the gentleman in person, only on the phone. And he
3 did phone after we lost our home --

4 MS CHU: Okay.

5 MR. D. SHEVOLUP: -- and felt for us.
6 He's the only gentleman that had any kind of empathy
7 for us at all in industry.

8 MS CHU: Okay. And how many times
9 would you say that you spoke to Cam Bateman?

10 MR. D. SHEVOLUP: Over the years
11 altogether probably at least 10 times.

12 MS CHU: Ten times. And when was the
13 earliest that you spoke to him?

14 MR. D. SHEVOLUP: It would have been
15 2008 and that was after all that work was done and
16 when I was making inquiries into who had done all
17 this, he's the only one that came forward and admitted
18 anything. But yet, there's government-approved LOCs,
19 roads and everything. I got the map, luckily. I lost
20 everything we owned, every -- we used to live year
21 round in the bush, everything I owned was there and,
22 unfortunately, pictures of buffalo slaughters and you
23 name it was in my possession, but it all burned in the
24 fire. But it doesn't mean that it didn't happen.

25 MS CHU: Okay. Thank you for that.

1 Mr. Hoffman, I believe this question
2 is for you. So you mentioned that there were changes
3 in water levels on the Athabasca and other water
4 bodies and you noticed that there was a sandbar
5 phenomenon. You mentioned that in your testimony.
6 Can you tell me, when did you start noticing these
7 changes?

8 MR. HOFFMAN: Well, it's a natural
9 thing for the Athabasca -- for the water levels to
10 fluctuate. That's what rivers are all about, they go
11 up, they go down. The peak times for the Athabasca up
12 here are usually mid to late July when they're at
13 their highest due to runoff where the Athabasca gets
14 its start in the Columbia Icefields in Jasper and by
15 the time that main runoff comes in, depending on
16 whether we have a wet summer or a dry summer, that
17 will affect the height. But usually around the middle
18 of July is when it's the highest time of the year.

19 And this time of year, like I stated
20 earlier, when Chuck and I went down last week, late in
21 the fall just before freeze up it's at its lowest and
22 of course under the ice I don't have any idea of
23 what's happening to it, I'm not a biologist, but it
24 was -- the point I was trying to get across there,
25 that in 30 years of observing that river I have always

1 used that side channel. As you're crossing the
2 bridge, you're heading north, there's a side channel,
3 you can see all the rocks, and through the years I
4 have learned if I keep an eye on that channel it will
5 give me an advance indicator of what to expect when we
6 arrive at Poplar Point to pull the boat up to get into
7 our landing.

8 And it has been faithful to me for the
9 major time that I have ever travelled that river until
10 when I was watching Chuck trying to launch a 12-foot
11 aluminum boat and I looked out to that large island we
12 have about 600 yards from shore and I followed it to
13 the north and there was no water. It was dried right
14 up. All that was left was a sandbar and I've never
15 seen that. And with the amount of water I've seen
16 flowing here, that indicator was incorrect. It was
17 inaccurate, because if it would have been correct
18 there's no way that channel would have been dry like
19 it was, using this as an indicator.

20 And the only explanation, logical
21 explanation I could come up with what happened to that
22 water between Fort McMurray and Poplar Point and
23 whatever happened to it, a lot of water vanished is
24 all I could say. I'm not a biologist, I'm not a
25 scientist, I just know what I have witnessed over

1 many, many years, is that to me that channel was an
2 indicator of what to expect and I was way out to
3 lunch. And it hit me so hard, it just floored me. I
4 remember I mentioned it to Chuck. I said -- you know,
5 I reminded him of that and it just totally blew me
6 away and I thought, where is all this water going? I
7 can't answer that question, all I know is it went
8 somewhere.

9 MS CHU: Okay. Now, I want to talk a
10 little bit about your Exhibit 4, which was the
11 identification of the gravesites. Now, where did you
12 get this information from?

13 MR. D. SHEVOLUP: He's passed away,
14 late Fred McDonald did all the interview work. He's
15 my neighbour 12 miles south at Lobstick Point, and a
16 very close, dear friend. We know his whole family,
17 okay. And he talked with all of these Elders in this
18 book to put this together and I believe Alpac was the
19 one that sponsored him for this, right?

20 MR. HOFFMAN: Yes.

21 MR. D. SHEVOLUP: Yes. And even my
22 virgin year there in '82, the Elder Boniface Tripp de
23 Roche, he told me to watch it for the graveyards on my
24 side as well, like to mind them, that they're there,
25 eh, out of respect of course, you know.

1 MS CHU: Okay. And do you know when
2 that was published?

3 MR. C. SHEVOLUP: It was copyrighted
4 in '96.

5 MR. HOFFMAN: I don't know. I need my
6 glasses.

7 MR. D. SHEVOLUP: I only got a grade 7
8 education.

9 MR. HOFFMAN: Just bear with me. It
10 says:

11 "Fort McKay First Nations 1994,
12 second edition 1996." [As read]

13 MS CHU: Okay. So that is a document
14 that is specific to Fort McKay First Nation published
15 in 1996; is that --

16 MR. HOFFMAN: Yes.

17 MS CHU: That's right?

18 MR. HOFFMAN: It's titled, it says,
19 "There is still life out there", there's the title,
20 and then the subtitle it says, "A traditional land use
21 and occupancy study of the Fort McKay First Nations,
22 October 1994". And then below that it says, "Fort
23 McKay First Nations".

24 MS CHU: Okay. Perfect.

25 MR. HOFFMAN: And I can provide you

1 with the ISBN number if you want to try and get it.

2 MS CHU: That's fine, I believe you.

3 And are you aware that Fort McKay
4 First Nation did do a project-specific TLU in 2011?

5 MR. HOFFMAN: I'm not sure what a
6 TLU is.

7 MS CHU: A Traditional Land Use Study
8 that would have identified -- that did identify
9 cultural and spiritual sites.

10 MR. HOFFMAN: And when was that done?

11 MS CHU: That was in 2011.

12 MR. HOFFMAN: No, I'm not aware of
13 that.

14 MS CHU: No? Okay. So you -- sorry,
15 just a second.

16 --- Pause

17 MS CHU: So would it be fair to say
18 that you didn't come across it in reviewing the
19 project application before us today?

20 MR. HOFFMAN: Yes, it would.

21 MS CHU: It would be. Okay.

22 Now, I just have one more topic of
23 questioning. I believe this is for you again, Dode.
24 The 15 gravesites that you mentioned through your
25 testimony, these aren't gravesites that are on your

1 trapline; correct?

2 MR. D. SHEVOLUP: It's right at the
3 boundary, right at the boundary of my -- southern
4 boundary of my trapline and the northern boundary of
5 Michael Marten's trapline. That's why the MLP had an
6 umbilical cord connecting the two, just to make sure
7 it encompassed possibility of where that gravesite is
8 actually located because it's so ancient. Fred
9 McDonald had mentioned it in that book, that it was so
10 old back then that all he found was the square
11 outlines of moss where the wooden crosses fell and it
12 was just moss. And that was years ago already, so,
13 you know, it would be -- but that's why we have that
14 MLPs were connected. I have never seen that anywhere.
15 And also our artesian spring, we wanted to protect
16 that, because there was a dot on a map that was going
17 to turn our whole yard and everything into a stump
18 ranch from Forestry and we had to protect that.

19 MS CHU: Okay. But in terms of the
20 actual gravesites, their boundary on your trapline as
21 well as --

22 MR. D. SHEVOLUP: Both.

23 MS CHU: Yes.

24 MR. D. SHEVOLUP: Yes.

25 MS CHU: And I just wanted to clarify

1 a couple of numbers. The RFMA trapline 2346 is 7.6
2 kilometres away from the project site and 2932 is 9.1
3 kilometres; is this correct?

4 MR. HOFFMAN: That makes -- that
5 sounds about right, yes.

6 MS CHU: Okay. Okay. Those are all
7 my questions, thank you.

8 THE CHAIRPERSON: Thank you.

9 Does Canada have any questions? No?
10 Okay, Canada doesn't have any questions.

11 Does staff have questions?

12 EXAMINATION

13 MS DOEBELE: We do just have a couple,
14 Mr. Chair, thank you.

15 Thank you to the panel. My name is
16 Alison Doebele, I am counsel for the Joint Review
17 Panel, and I just have a couple of questions for you
18 today on behalf of some of the AER staff who are in
19 attendance and these will be directed to Mr. Hoffman.

20 So, Mr. Hoffman, you mentioned a
21 flowing artisan well near your cabin and I'm wondering
22 whether that was specifically in relation to RMFA 2346
23 or 2932.

24 MR. HOFFMAN: No, that was in relation
25 to 2346.

1 MS DOEBELE: Two-three-four-six, thank
2 you. And I'm wondering whether you can show or
3 describe the location of this well or estimate it in
4 terms of both the distance as well as the direction
5 from Teck's mine lease. Now, I do have a map I could
6 potentially bring up, but it doesn't quite show the
7 northern part of the area very well.

8 MR. HOFFMAN: Okay. Well, the best
9 way I can explain it -- then you can do your own
10 calculations, or Teck can -- is that it is within I
11 would guess 300-400 yards of the southern -- north of
12 the southern boundary of Darryl's line and it would be
13 600 to 800 yards west of the edge of the Athabasca
14 River. Would that be close?

15 MR. D. SHEVOLUP: What, our drinking
16 water?

17 MR. HOFFMAN: Yes, our drinking water,
18 600 to 800 yards west of the river?

19 Yes, about 600 to 800 yards west off
20 the riverbank.

21 MS DOEBELE: Off of the river bend?

22 MR. HOFFMAN: Of the Athabasca River,
23 right.

24 MS DOEBELE: Okay. So it's up north.
25 Would you say north, northwest or --

1 MR. D. SHEVOLUP: Southwest.

2 MR. HOFFMAN: From the mine? From the
3 mine?

4 MS DOEBELE: From the mine, yes.

5 MR. HOFFMAN: Yes. From the mine it
6 would be north -- northeast, because I don't think the
7 mine boundary goes right to the edge of the river, the
8 Athabasca. So it would be more north, but northeast.

9 MS DOEBELE: Northeast, okay. Okay.
10 About 600 to 800 yards west of the Athabasca --

11 MR. HOFFMAN: That's right.

12 MS DOEBELE: -- the bend in the river?

13 MR. HOFFMAN: That's right.

14 MS DOEBELE: Okay. All right. Thank
15 you. I'm just going to confirm, I believe -- okay,
16 those are all my questions. And thank you very much
17 to the panel, we appreciated your information today.

18 MR. HOFFMAN: Thank you.

19 --- Pause

20 MS DOEBELE: Thank you. Those are all
21 my questions.

22 THE CHAIRPERSON: Mr. McManus

23 QUESTIONS BY THE PANEL

24 MEMBER McMANUS: Thank you. Thank
25 you, Mr. Chairman. I think I got those answered.

1 So Darryl Shevolup, Darryl, you had
2 mentioned the Fort McKay matrix. What is that? Is
3 that a compensation formula?

4 MR. D. SHEVOLUP: Yes, it was put
5 together, from what I understand, from Bob Cox and a
6 few others, and it's a compensation package when
7 they're doing exploration or any kind of thing on
8 their traplines.

9 But none of us ever agreed with that.
10 It's really, really -- a lot of the trappers around
11 Fort McKay that we knew never had anything to do with
12 their traplines for decades. And any money to them
13 was a bonus, you know.

14 It should never have been agreed upon
15 anyways because in the past -- I've talked to trappers
16 all my life and in the past on anything like a
17 pipeline or any kind of disturbances done to the
18 trapline, you were compensated well and there was
19 never a need for a courtroom or anything. It was a
20 handshake and a good word.

21 And because of the money involved with
22 the oil industry, they didn't have any qualms about
23 paying the trapper well.

24 But now it's not like that at all, you
25 know, not if you follow that matrix. Look at six

1 miles of access road into my trapline, and it only
2 amounted to \$600 and two barrels of gas. That's
3 nothing compared to what's changed, you know.

4 The access there, it's never-ending
5 now. It's very unfair.

6 MR. HOFFMANN: If I may be allowed to
7 add a little bit to that matrix.

8 THE CHAIRPERSON: Sure.

9 MR. HOFFMANN: happened to be in Fort
10 McKay at the time that matrix was being set up and
11 there were several different parties involved in that.

12 But I do want to sum up by stating
13 that that matrix was basically engineered to set up a
14 standard guideline for compensation to trappers that
15 were affected in a detrimental way for a given amount
16 of funds for so many kilometres or so many yards of
17 road or cut-line allowance and set up in that regard.

18 But I do want to add that that matrix
19 was paid out not only by the companies but by Fort
20 McKay Group of Companies had a lot of involvement as
21 well.

22 For example, even to this day, the
23 Group of Companies on Treaty days, the Treaty people
24 in Fort McKay get a paltry payment from the government
25 -- a paltry \$5.00 payment from the government. But

1 the larger payment that every citizen gets, if I'm not
2 wrong, I think it's around \$5,000.

3 And that payment is paid out by the
4 Fort McKay Group of Companies because it has such
5 heavy influence in the entire area, whether it be
6 employing some of the people, sub-contracting some of
7 the people, huge sub-contracts, through the benefits
8 or the earnings are collected in by the Fort McKay
9 Group of Companies. And then once a year the Fort
10 McKay Group of Companies pays out this benefit package
11 to every citizen in Fort McKay, registered Band
12 members, of \$5,000 a year. And that's paid out
13 annually.

14 And that just makes it much easier for
15 them where they only have to say okay, they're going
16 to get that payment every year, instead of having to
17 sit down and do all the calculations and stuff like
18 that and pay out those packages.

19 But the three of us were not involved
20 in any of that.

21 MEMBER McMANUS: Thank you for that.

22 The other question I had was for Mr.
23 Hoffmann.

24 When we had the map up on the screen
25 showing the gravesite, I thought I understood you to

1 say that there were gravesites on the Teck site.

2 I couldn't tell from that map where
3 the Teck site was because the scale was pretty large.

4 MR. HOFFMAN: Yeah, I wasn't aware of
5 that because we hadn't looked at this for a long time
6 until last night. And we realized by looking at it, I
7 think we noticed that we identified two sites on this
8 map, two gravesites that were definitely on the mine
9 site property.

10 MEMBER McMANUS: And when you say mine
11 site property, you are talking about the Project
12 development area that's illustrated on many of the
13 figures in the materials.

14 MR. HOFFMAN: That's right. That's
15 the way I understand it, yes.

16 MEMBER McMANUS: Okay.

17 I don't know, for the record, if there
18 would be a way for you to indicate on the map that we
19 could capture, or describe it verbally in a way that
20 the transcript would reflect that?

21 DR. C. SHEVOLUP: I'll look at that
22 for you.

23 MEMBER McMANUS: All right. Thank
24 you.

25 DR. C. SHEVOLUP: What we did is from

1 our trapline every square is six miles, a township.
2 So we counted from our trapline down to the
3 gravesites, how many miles -- because we go by
4 miles -- how many miles that took to get to the two
5 gravesites.

6 So the way we did it is from Ronald
7 Lake, we used that. That's the top end of our
8 trapline, the north end. And we count one, two,
9 three, four. So four times six is 24 miles. And
10 that's how we figured out that that puts it on George
11 Clark's line; that it's on the mine's proposed site.
12 It made it down.

13 The way we got it counted, those two
14 gravesites are included in the mine site because of
15 how many miles down it goes and where the sites are.

16 MEMBER McMANUS: Okay. So I'm not
17 seeing a circle with gravesites if I follow that four
18 townships down.

19 DR. C. SHEVOLUP: Can you help us with
20 that?

21 MR. McCARGAR: Excuse me. Maybe I
22 could help out a little bit on this.

23 Just give me a minute, please.

24 MEMBER McMANUS: I think I understand
25 where those gravesites are basically.

1 MR. McCARGAR: Okay. They're counting
2 from the north end of their FMRA 2346, four townships
3 down to the lowest cemetery gravesites. And then
4 there's one at three also, just on the west side of
5 Athabasca River there.

6 If you use the maps from Teck here
7 that I'm looking at, that we had put up, if you go
8 down --

9 MR. IGNASIAK: Mr. Chair, it's quite
10 unusual. I think we're at a state in the proceedings
11 where it's really for the Panel to talk to the
12 witnesses.

13 And I think my role and his role are
14 kind of done at this point.

15 MEMBER McMANUS: I think I'm clear
16 now.

17 THE CHAIRPERSON: Are you okay?

18 MEMBER McMANUS: Yes. And Mr.
19 Ignasiak has a point. We're trying to get evidence
20 from the panel as opposed to from you, Mr. McCargar.

21 MR. McCARGAR: Okay, I apologize.

22 MEMBER McMANUS: Thank you, Mr. Chair.
23 Those are all my questions.

24 THE CHAIRPERSON: Mr. Klassen, do you
25 have any questions?

1 MEMBER KLASSEN: No.

2 THE CHAIRPERSON: I just have a
3 couple, just clarification questions.

4 Just to follow up on the question Ms
5 Doebele asked, Mr. Hoffmann, I think I understand your
6 cabin is kind on the west side of the Athabasca River
7 and it's more or less across from Poplar Point.

8 Would that be right?

9 MR. HOFFMANN: Well, no, that log
10 cabin that we stated was burnt in the fire.

11 THE CHAIRPERSON: Okay.

12 MR. HOFFMANN: And when Chuck went
13 down, we have lodging now where we can stay. But
14 basically it's just a camper off a truck. Then Chuck
15 built a ransack addition which he did some amazing
16 carpentry work on and it's very comfortable to live
17 in. But it won't hold a candle against the cabin we
18 had there before that fire.

19 THE CHAIRPERSON: Okay, thanks for
20 that clarification.

21 The other question I had was just
22 based on comments I heard from Chuck Shevolup, as well
23 as Darrel, about moose migrating out of the Birch
24 Mountains. You both referred to it and I think I
25 heard you say, you know, there's a number of moose

1 tracks across the lake.

2 But when you come out of the
3 mountains, do you have a sense of where they go? Do
4 they just come out on the flats and spread out? Do
5 they cross the Athabasca River?

6 DR. C. SHEVOLUP: All the tracks start
7 from the Birch Mountains and they all point in the
8 same direction, towards the river.

9 I always thought that maybe they do
10 some calving there along the river. I always thought
11 it was to disperse and find new country. But the
12 tracks were always pointing towards the river when
13 they were travelling.

14 So that's why we kind of called it
15 migration because there was no back and forth. It was
16 always from the west heading east. So that's where we
17 got the idea that it is some sort of migration that
18 they do.

19 MR. D. SHEVOLUP: I would like to add
20 something, if I may.

21 THE CHAIRPERSON: Sure.

22 MR. D. SHEVOLUP: Off of our trapline
23 and not on Pete's either, his 2932, Frank Lacaille's
24 trapline has an extensive big, big, we call it moose
25 meadows. The buffalo don't prefer it but the moose

1 do. There's whole big areas that's solid moose beds
2 in the rut in the fall and in spring.

3 After the rut along the river, those
4 moose they were along the river, years ago you
5 couldn't find a track. In the whole two and a half
6 townships we possess on our line there wasn't a moose
7 anywhere. They travelled right into the Birch
8 Mountains and stayed there until late February and
9 then they slowly make their way back out. We found
10 where they go.

11 There isn't a time you don't go to
12 these moose meadows that you don't see moose all the
13 time there. It's rated as ten out of ten for hunting
14 in the guiding world. It should never be disrupted.

15 But if you want to go moose hunting,
16 that's the place to be if you want to kill a great big
17 bull. I've talked to guides that were in there, from
18 one call three or four big moose come out and start
19 fighting right in front of your face.

20 It used to be a steady migration back
21 and forth. If we missed the rut in October, we were
22 in a bad way. We had to eat animals out of traps and
23 eat a lot of fish and everything just to survive
24 because we weren't aware that buffalo were allowed to
25 be hunted. We were told they weren't until '87 and

1 then that changed.

2 I wish it was the old way where they
3 were left alone, to tell you the truth.

4 THE CHAIRPERSON: Just a follow-up
5 question then.

6 Did you or have you ever followed the
7 moose tracks to the river to see did they just stay
8 along the river? Did they cross the river? Or do you
9 know?

10 MR. D. SHEVOLUP: Some would cross and
11 go to the other side. Some would stop earlier. There
12 was no real set migration like the old caribou days
13 with the barren ground. Once they did their moving,
14 they would find a quiet spot and then the tracks would
15 disappear again.

16 So I'm not really sure. They just
17 found eating habitat there as they went. But most of
18 them would make it close to the river and some would
19 cross and keep going.

20 But it was always that same pattern;
21 that it would be start at the base of the Birch
22 Mountains and make their way towards the river. That
23 would be a dispersal of new animals into different
24 country, I guess.

25 THE CHAIRPERSON: Okay, thank you.

1 Those are our questions.

2 Mr. McCargar, is there any redirect
3 you would like to do? And it needs to arise from the
4 cross-examination.

5 MR. McCARGAR: No, there's no
6 redirect.

7 THE CHAIRPERSON: Okay, thank you very
8 much.

9 With that, I thank you gentlemen for
10 attending on a Saturday and making your presentation.
11 It was very helpful for us.

12 DR. C. SHEVOLUP: Thank you.

13 MR. D. SHEVOLUP: Thank you.

14 MR. HOFFMANN: Thank you for the
15 opportunity.

16 THE CHAIRPERSON: We are adjourned
17 until 9 o'clock on Monday morning. Thank you.

18 --- Whereupon the hearing adjourned at 1601, to
19 resume on Monday, October 22, 2018 at 0900 /
20 L'audience est ajournée à 1601 pour reprendre
21 le lundi 22 octobre 2018 à 0900

22

23

24

25

