

**EXTRACTS OF MCFN  
COMMUNITY WITNESSES**

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ALBERTA ENERGY REGULATOR

Application Nos. 1749543, 1749567, 1749568 1749569, 1749570,  
1749572, 1749605, 1749607, 1749620, 1751999, 1752756,  
1763318, 1763325, 1763326, and 1763327

TECK RESOURCES LIMITED

UNDEFINED FIELD

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P R O C E E D I N G S

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Volume 4

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Fort McMurray, Alberta

1 Proceedings taken at the Chateau Nova, Airport Road, Fort  
 2 McMurray, Alberta.

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4 Volume 4

5 August 22, 2013

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Mr. R. McManus	Chair
Ms. B. McNeil	Board Member
Mr. A. Bolton	Board Member

8

Ms. K. Cameron	Board Counsel
Mr. G. Perkins	Board Counsel

9

10 Ms. M. Alboiu	Board Staff
Ms. J. Stewardson	Board Staff
11 Mr. D. Miles	Board Staff
Mr. B. Greenfield	Board Staff
12 Ms. S. Youens	Board Staff
Ms. C. Tobin	Board Staff
13 Ms. E. Johnson	Board Staff
Ms. S. Cook	Board Staff

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Mr. M. Ignasiak	For Teck Resources Limited
15 Mr. S. Duncanson	

16

Ms. J. Biem	For Athabasca Chipewyan First Nation
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Ms. K. Brooks	For Mikisew Cree First Nation
18 Mr. M. Gustafson	

19

Ms. C. Bertolin	For Fort Chipewyan Metis
20 Ms. K. Lambert	

21

Ms. D. Gerbrandt, CSR(A)	Official Court Reporters
Ms. L. Mercer CSR(A) RPR	
22 CRR	

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24 THE CHAIR: Please be seated.

25 Good morning, everyone. Before we get started

1 I have one housekeeping update. I just wanted to advise all  
2 the parties that the Board did complete an aerial review of  
3 the study area yesterday afternoon by helicopter. Or the  
4 Panel had completed -- did that last night. And we had  
5 planned on doing that this evening at 5:00. You remember in  
6 my opening remarks I noted that we had a commitment for today  
7 at 5. We no longer have that commitment. So I just wanted  
8 to make sure everyone understood we do not need to break at 5  
9 today.

10 So with that, let's proceed. I guess

11 Mr. Gustafson.

12 MR. GUSTAFSON: Indeed. Good morning,  
13 everybody. My name is Mark Gustafson. I will be assisting  
14 Mikisew with their evidence. I have two housekeeping items  
15 to raise off the start, at the start. One is that we have  
16 one substitution on our panel. Chief Courtoreille could not  
17 be here, but has asked Councillor Willie Courtoreille to take  
18 his place. We didn't provide a will-say statement, but I  
19 have run Mr. Courtoreille's presence past counsel for Teck,  
20 and I understand there are no concerns.

21 Okay?

22 THE CHAIR: That's fine.

23 MR. GUSTAFSON: The other issue is that it's  
24 customary for Mikisew to start meetings and presentations  
25 with a prayer. So with your permission I will ask

1 Councillor Marten to say an opening prayer.

2 THE CHAIR: We would be pleased for that.

3 Pleased to have Ms. Marten do that.

4 (Councillor Marten says an opening prayer)

5 MR. GUSTAFSON: So I think I will have the  
6 panel introduce themselves, but this may be an appropriate  
7 time to do the swearing in, and then they can introduce  
8 themselves afterwards.

9

10 R. MARTIN, A. MARTIN, T. MARTEN, W. COURTOREILLE, M. LEPINE

11 (For Mikisew Cree First Nation), sworn

12 MR. GUSTAFSON EXAMINES THE PANEL:

13 Q. So I will just ask each of the panel members to  
14 introduce themselves and give their name and any other detail  
15 you think the Panel should know at the start.

16 Start with you, Councillor Marten.

17 A. MS. MARTEN: Good morning, everyone. I'm  
18 Councillor Terry Marten for Mikisew Cree First Nation, and I  
19 am here today to represent Mikisew Cree and to be able to  
20 give our evidence, our concerns so people can understand  
21 exactly where we're coming from. And that I am a mother. I  
22 was born and raised out on the land. I was born in a tent  
23 November the 25th. And that just shows that we were out on  
24 the land. And I'm very proud of who I am, Mikisew Cree, and  
25 I will -- that's how I'm going to die because that's the

1 nationality that's the gift the Creator has bestowed upon me.  
2 With that I would like to thank you all.

3 Q. Willie, can you just introduce yourself to the Panel?

4 A. MR. COURTOREILLE: Good morning, members of the  
5 Board, ladies and gentlemen. My name is Willie Courtoreille.  
6 I've been a Mikisew member since the day I was born, and I've  
7 worked in the parks for many years. Since 1972 to 2002, when  
8 I retired. I've got a little bit of knowledge about bison  
9 and wood buffalo. With that I thank you for giving us the  
10 opportunity to represent our Band here. Thank you.

11 Q. Melody?

12 A. MS. LEPINE: Good morning, Mr. Chairman,  
13 members of the Panel, ladies and gentlemen, elders,  
14 councillors. My name is Melody Lepine, and I'm the director  
15 for the Government and Industry Relations Department for the  
16 Mikisew Cree. I've been the director for about seven years  
17 now for the GIR and been the environmental coordinator before  
18 that for about three years. So I've been involved in  
19 consultation for about ten years for the Mikisew Cree.

20 I have a bit of background in environmental  
21 science, studied at the University of Alberta, and this fall  
22 looking forward to undertaking my masters of science at  
23 Royal Roads. And I'm very passionate about the work that I  
24 do and I am a Mikisew Cree First Nation member as well and  
25 grew up in Fort Chip as a young girl and have seen and

1 incorporated a lot of understanding about the land and the  
2 changes from my grandparents and learned at a very young age  
3 the importance of the preservation and protection not only of  
4 our environment but of our culture as well.

5                               So thank you for having me.

6 A. MS. MARTIN:                       Good morning, my name is  
7 Alice Martin. I am a Mikisew Cree member. I was also born  
8 on the land in the Fort Chip area. My passion is traditional  
9 knowledge. I'm one of the keepers of traditional knowledge,  
10 and in that role we take very seriously how we teach the  
11 younger generation about what's important to us and our  
12 traditional knowledge, our people as people of the land and  
13 what that translates for us to the people that are here  
14 listening to us.

15                               I really appreciate this opportunity to  
16 participate in this type of situation because we've been in  
17 different forums that have attempted to take the traditional  
18 knowledge, our knowledge of experience on the land. And to  
19 try and translate that or apply it in any kind of different  
20 forum within the system, it's been -- it's been a challenge  
21 and a continuing challenge.

22                               So I see that as my role to help provide as  
23 much information as we can to the Panel so that, you know, it  
24 leads to making an informed decision for us who are going to  
25 be impacted, not only the people but the land and the bison

1 as well. But that's why I'm here and I'm really glad to be  
2 here. Thank you.

3 A. MR. MARTIN: Good morning, everybody. My  
4 name is Ryan Martin, and I am a traditional land user and I'm  
5 here to voice my concerns about the impacts of everything  
6 that goes on on our treaty lands and stuff like that. So I  
7 just want to help out as much as I can for MCFN. So thank  
8 you.

9 Q. Just to clarify the Panel, I understand, Ryan, that you  
10 are Alice's son?

11 A. MR. MARTIN: Yes.

12 Q. Also for the transcript, we do have two Ms. Martins so I  
13 will try my best to remember to refer to Terry as  
14 Councillor Marten and Alice as Ms. Martin. I may end up  
15 having to slip into first names.

16 Just as a starting matter for you, Ms. Lepine,  
17 I understand that the GIR has led Mikisew's efforts to  
18 consult and raise concerns with Teck about the applications;  
19 is that correct?

20 A. MS. LEPINE: Yes, that's correct.

21 Q. So I'm going to list for the record the exhibits that  
22 were prefiled by Mikisew with the Board that were prepared by  
23 Mikisew or its consultants. Those are Exhibits 8.1 to 8.5.

24 Ms. Lepine, can you confirm that those  
25 exhibits were prepared under your overall direction and

1 control?

2 A. MS. LEPINE: Yes, that's correct. That's  
3 true.

4 Q. Are those exhibits accurate to the best of your  
5 knowledge and belief?

6 A. MS. LEPINE: Yes.

7 Q. And do you adopt this evidence on behalf of the Mikisew  
8 Cree First Nation in this proceeding?

9 A. MS. LEPINE: Yes.

10 MR. GUSTAFSON: Excellent.

11 With that, I understand a number of the  
12 panelists have prepared some opening remarks and so I would  
13 like to open the floor to Ms. Councillor Marten.

14 A. MS. MARTEN: Good morning everyone. Good  
15 morning, Mr. Chair, members of the Board, ladies and  
16 gentlemen. I am Terry Marten, councillor of the Mikisew Cree  
17 First Nation. I am here as an elected official for the  
18 Mikisew Cree to fully support our submission and intervention  
19 in this hearing.

20 Our council provides direction to Mikisew Cree  
21 Government Industry Relations Department to manage all  
22 aspects related to Mikisew Cree consultation efforts  
23 regarding resource development in the region, including our  
24 environment in this application -- our involvement in this  
25 application.

1                   Let me try to describe Mikisew Cree to you.  
2 Mikisew Cree First Nation is sacowwenoowak, meaning people of  
3 the bush, undisturbed land. That's who we are. We are, have  
4 been, and always will be, stewards of the land.

5                   All of us, all of us, the people, the animals,  
6 the species, vegetation, water, air need and uses land for  
7 survival in our sacred holistic well-being.

8                   We have always made it known to the Government  
9 and Industry that environment is and always will be our main  
10 concern. Anything that will impact our -- or disturb our way  
11 of life is not acceptable.

12                   We have been occupying this region for the  
13 past 10,000 years. Today we make a path over the total  
14 First Nation population in this region. We have  
15 approximately 2700 band members, most of which live in the  
16 community of Fort Chipewyan and many right here in  
17 Fort McMurray.

18                   Most, if not all, of the Mikisew Cree subsist  
19 a good portion of our time occupying and exercising our  
20 treaty rights out on the land, including the land being  
21 impacted by Teck. It is important for you, Mr. Chair, to  
22 understand that we are impacted by this project to explore  
23 for oil.

24                   We saw the first -- the start of the first oil  
25 sands plant in 1967 and we will be here long after all the

1 oil has been extracted out of the sands. Our interests are  
2 both immediate and long term.

3 The alarming rate of resource development is  
4 of serious concern to the Mikisew people. We are here again  
5 to voice our concerns, much like we have done in the past at  
6 seven regulatory interventions. We wish to ensure integrity  
7 and health of our environment is protected.

8 The Mikisew Cree have serious concerns about  
9 the intense rate of resource development on our traditional  
10 lands. We are not opposed to development but only request  
11 that it is done responsibly and in a sustainable way.

12 I am sure many of you are wondering what is  
13 Mikisew Cree asking for? We are simply asking for certainty,  
14 certainty and evidence that the Ronald Lake bison herd be  
15 protected for Mikisew Cree use, that our rights be protected  
16 as they were promised to us in 1899 as we signed Treaty  
17 number 8 with the Crown.

18 Mr. Chairman, we ask you to please seriously  
19 consider our concerns as you make the decision for this  
20 project. And with that, I will now ask Melody Lepine, our  
21 GIR director to further describe our concerns.

22 Thank you, Mr. Chair and Board members.

23 Q. I think Ms. Martin may have something to add as well.

24 A. MS. MARTIN: Yes. As part of our tradition,  
25 we appreciate and honour the different people in this team,

1 and all of us have different roles.

2                   So in this instance, the reason why the  
3 community people are here is because they have their own  
4 expertise. They have gained that expertise through living on  
5 the land and that expertise is very important today when we  
6 give our evidence and our experiences, when we share what's  
7 important to us. How that is being understood is what we are  
8 trying to do. We are trying to give you as much information  
9 as possible so it will help you with what -- in understanding  
10 why we are saying the things that we do.

11                   It is very different from scientific knowledge  
12 and fact -- in the fact that it's not acquired through doing  
13 experiments on the land and experiments with any kind of  
14 project or anything like that. It's gained from our  
15 experience. And it's -- it's us that have to live on that  
16 land. It's us people in the community who have to go on the  
17 land -- do the hunting and see the changes on the land and  
18 everything that's going on and especially what happens to us  
19 after this hearing.

20                   So I wanted to express my concerns as well so  
21 that in the end, whatever comes forward, at least the  
22 community people have done their best to give you the  
23 evidence that we can. Thank you.

24 Q. Ms. Lepine?

25 A. MS. LEPINE:                   Good morning. I think -- I

1 believe I've introduced myself already. Melody Lepine. I'm  
2 the director of the Government and Industry Relations  
3 Department for Mikisew Cree.

4 I tend to talk a little fast, so I will be  
5 conscious of the recording.

6 First of all, Mr. Chairman, this hearing is  
7 very important to us. It's very important to Mikisew Cree.  
8 And I would first of all like to thank the Board for  
9 initiating the very first exploration hearing in this region  
10 and for recognizing the Mikisew Cree's concerns by granting  
11 us standing and to be here today.

12 You are likely already aware that the rapid  
13 rate of oil sands development in this region is escalating at  
14 an alarming rate and that exploration is a cumulative  
15 addition to the existing significant impacts; all of which  
16 are also increasing the impacts on the Mikisew.

17 My role as the GIR director is to oversee and  
18 manage resource development, consultation with the Mikisew  
19 Cree First Nation. We primarily deal with referrals from  
20 government, government of Alberta, to proponents to consult  
21 with the Mikisew regarding their oil sands regulatory  
22 applications.

23 One important aspect of our work is to  
24 communicate Mikisew's concerns, issues and concerns, revealed  
25 from the screening of those applications to the proponent and

1 to regulatory agencies. We try to describe the Mikisew's  
2 concerns regarding exploration as effectively as possible,  
3 despite the limited information provided to us regarding  
4 those projects' impacts as they do not contain any type of  
5 assessments.

6                   We are usually just sent a letter with a map  
7 and asked to provide site-specific concerns within 21 days.  
8 We try to do this with the hundreds of exploration  
9 applications we receive on a yearly basis. Sadly in this  
10 severely flawed Alberta consultation process, many of our  
11 concerns are largely ignored. And we repeatedly receive the  
12 same responses from every single proponent: that the  
13 exploration program is small, it is temporary, it will have  
14 no impact on the Mikisew Cree's treaty and Aboriginal rights.  
15 And that consultation is then complete.

16                   We disagree with these conclusions, as we have  
17 disagreed with Teck's conclusions. Our rights are being  
18 impacted and we need to determine how. We are always willing  
19 to work with companies such as Teck to understand what these  
20 impacts are. However, we are told that our concerns are not  
21 site specific before the impacts to our rights are understood  
22 and that our concerns are therefore not valid.

23                   This is all done in the absence of any type of  
24 assessment. My question to many proponents and to the  
25 government is why place the onus on the Mikisew people or on

1 the First Nation to do the company's site assessments. Most  
2 importantly asking us to undertake a very important  
3 assessment by describing impacts on our constitutionally  
4 protected rights.

5                   Every company we work with requests for a  
6 positive and constructive relationship with the Mikisew Cree.  
7 They say this in the same sentence where they say they will  
8 only look at impacts they consider important.

9                   A nation's culture, land uses and identity  
10 don't seem to count. As such, no one has described how we  
11 can continue to exercise our rights in balance with  
12 development.

13                   Unless we can prove bison are standing on a  
14 core hole waiting for Mikisew hunters, they won't consider  
15 that our rights are impacted.

16                   Finally, at this hearing we can describe how  
17 ineffective this process is; now that we have an opportunity  
18 for decision-makers to hear our perspective on how we are  
19 being directly and adversely affected by this program. We  
20 have done our best to inform Alberta and Teck what our  
21 concerns are in regards to this program. In fact we have  
22 stressed repeatedly one very critical concern, which is the  
23 fear of losing the Ronald Lake bison herd. Impacts to the  
24 herd would seriously impact the Mikisew Cree's culture and  
25 rights.

1                   Our panel today will describe why bison are  
2 important to us. And we are troubled that Teck does not  
3 consider our concerns about the herd to be site specific,  
4 despite Alberta reaching this conclusion. We don't know how  
5 Teck can draw that inadequate conclusion without fully  
6 assessing impacts on the herd.

7                   Teck has always never attempted to incorporate  
8 traditional knowledge on their attempted mitigation plans.  
9 Regarding this hard as this information can be available in  
10 the absence of western science. We understand from Alberta  
11 that some western science information is just now being  
12 collected. However, it's not a comprehensive study looking  
13 at impacts. It is merely just to determine if the disease is  
14 free -- or if the herd is disease free. That will then  
15 determine if it shall permit any further attention by  
16 Alberta.

17                   It is important for the Board to fully  
18 understand that not only impacts to resources impacts our  
19 rights, but that the actual program itself also impacts our  
20 rights. A study or assessment on impacts to our rights would  
21 be very helpful in this regard.

22                   Teck indicates that since ESRD gave them  
23 approvals to do this work that the Board should assume there  
24 are no impacts. And if there are, they will be mitigated as  
25 described by Teck. This has all been done with both parties

1 ignoring Mikisew's valid concerns. We have attempted to meet  
2 with Alberta to describe our concerns, but were denied.

3 We had no one request our input into the  
4 mitigation measures for the bison, despite both Teck and  
5 Alberta clearly knowing our concerns about the herd.

6 In closing, we request an outcome of the  
7 hearing to warrant a comprehensive bison study and management  
8 plan to protect the Ronald Lake bison herd prior to  
9 exploration and approvals being granted and that all  
10 activities in the herd's habitat be ceased. We also wish to  
11 send a message to all other exploration proponents to take  
12 notice of our issues raised here and to undertake exploration  
13 work in a sustainable way with the inclusion of the  
14 Mikisew Cree and site assessments and mitigation strategies.  
15 Exploration is an appropriate time to start understanding  
16 impacts so they can see and be avoided at a very early stage.

17 For the Ronald Lake bison herd it may be too  
18 late if we are told to wait for their Frontier mine hearing.  
19 They have nowhere else to go. Neither do the Mikisew Cree,  
20 as the struggle to hunt bison continues.

21 Thank you, Mr. Chairman.

22 Q. That actually is a nice lead into what we would like to  
23 talk to about now, which is the importance of bison.  
24 Councillor Marten -- so I understand, Willie, you have some  
25 opening remarks about bison that you can share.

1 A. MR. COURTOREILLE: Thank you, Mr. Chair, for  
2 giving us this opportunity to do our presentation.

3 First of all, I would like to start off with  
4 who are we, Mikisew Cree. You have to understand that  
5 Mikisew Cree First Nation does a lot of interrelationship,  
6 intermarriages with other First Nations, as of ACFN.

7 Just for information for you, the chief of  
8 ACFN is married to my niece, which is a Mikisew member. And  
9 there's intermarriages in Fort McKay that -- there's about  
10 500 members live in Fort McMurray and about -- maybe about 50  
11 live in Fort McKay with marriages and children. And also in  
12 Fort Chipewyan, when you look at the Metis association, or  
13 the Metis people, the majority of them are intermarriages.

14 So when you affect one person, you affect  
15 three different, four different communities in this region.  
16 It's not just one Mikisew. You affect all First Nations and  
17 Metis people that live off the land. That's what I would  
18 like for you to understand why we're sitting here. For us  
19 it's something that's really important.

20 And also maybe I would like to do a little  
21 history of -- go back history about Wood Buffalo. I started  
22 off as a young lad in the early 50s do a trap in the south  
23 end of Lake Claire, which is strapped to the 70s.

24 In 1970 I went to work for Wood Buffalo  
25 National Park. First of all, I was a fire control for

1 17 years, and I transferred to the maintenance department and  
2 down to the warden's service. I finished off my career in  
3 2002. With that I got a little bit of knowledge about Wood  
4 Buffalo. When they brought in the bison in 1922 to start off  
5 Wood Buffalo National Park, they brought in buffalo from  
6 Wainwright, 6,000 plus, to over a place called Hay Camp on  
7 the Peace River.

8 By 1926 they started moving into the delta --  
9 they extended the park -- which was our traditional area at  
10 Mikisew Cree First Nation area. This was our traditional  
11 lands. So when they extend the park, they asked the Chief at  
12 the time to take reserve land, but the Chief then didn't want  
13 to take land. He was used to going trapping anywhere in that  
14 area without being restricted. So he didn't want to take no  
15 land.

16 So when the bison moved there and didn't take  
17 no land -- the government promised our First Nation that when  
18 the bison were healthy and expand, a small place or great or  
19 give us access to meat; which didn't materialize until the  
20 late '80s.

21 But in the meantime, about 19 -- I think the  
22 early 50s, a person caught poaching bison. He was thrown in  
23 jail and the rest of the family was kicked out of the park  
24 for indefinite. So those kinds of things did happen. It's  
25 really sad.

1                   Today our treaty rights say that we can hunt  
2 for subsistence at any time with any kind of animal, but at  
3 that time we didn't know the law so we were unfortunate that  
4 person had to go to jail for that.

5                   But in 1974 we had a major flood from highland  
6 to highland. There was -- from the Peace River and the  
7 Athabasca River. There was 12,000 head before that, and they  
8 lost about two-thirds of the herd. The majority of them were  
9 drowned down in the Lake Claire area.

10                  You see, they used to migrate back -- they  
11 come to the delta, for people who have no map here, but they  
12 come to delta around Fort Chipewyan and the lowlands and they  
13 come for winter grazing.

14                  But that particular year, 1974, the flood came  
15 on the 28th of April, which is not normal. The normal time  
16 of the floods in that region that we know of has always been  
17 about the 20th or 15th of May. It came about two or three  
18 weeks earlier that year. And there were caught in their  
19 migrating path going back to their highlands for their  
20 calving area. So that's why they lost the majority of the  
21 herd.

22                  The reason I'm bringing this up, since that  
23 time, the bison -- after that year, the big flood,  
24 the pattern of the bison changed. They haven't come down to  
25 the southwest corner of lake there because of the drought and

1 drying -- the vegetation changes. All the meadows and sedges  
2 that used to be buffalo grass, it's all thistles now. They  
3 won't eat that. That's why they quit coming into that  
4 portion of the area.

5                   Just for you to understand, I heard someone  
6 saying there was movements of bison from the park to  
7 Ronald Lake. Since that time, like I know for sure. Before  
8 that I wouldn't know, but I know before -- since that time,  
9 there was no movement all.

10                   There was a person that still lives off the  
11 land, a trapper named Mag Berdanski (phonetic). He lives by  
12 the river. He traps that area right through McKay River.  
13 That's the only place they'd have to cross quarters. There's  
14 all lakes there. There's no movement at all at this time.

15                   One other thing I would like to bring out is  
16 when I was working with Parks Canada, we used to do our  
17 flights through -- doing the bison count. We found out that  
18 in 1985 they counted 30 head in Ronald Lake area but then  
19 they were so skittish. When they hear that whine of the  
20 aircraft, they're gone in the bush. So they couldn't get an  
21 actual count.

22                   In the old days that's how we used to count by  
23 head by observing through the airplane. Nowadays, they use  
24 cameras.

25                   Another place is between the -- between the

1 Peace River and the Birch River system. It's about a big  
2 range of area. There's pockets of a herd of bison, the same  
3 thing. They're not used to humans. As soon as they hear a  
4 whine of an aircraft, we could see the tracks and lose our  
5 count. We're lucky counting far enough out, we'd be able to  
6 count, but the majority of them we won't see at all. They're  
7 in the bush.

8                   Just for you to understand why it's important,  
9 the noise really important and also the grazing areas. They  
10 have -- they have their winter grazing and their summer  
11 grazing. We took away the area now that their winter grazing  
12 this area at Ronald Lake, you're taking away half their life,  
13 their life support, their food source. You start taking that  
14 away, they will be impacted.

15                   How much of a territory do they have? We  
16 don't know. So you've got to have more -- a better study on  
17 the animals to really understand -- understand them.

18                   With that, I thank you.

19 Q. So with that, I would like to stay on the topic of why  
20 bison are important to Mikisew.

21                   The Mikisew has raised a number of concerns in  
22 consultation on this winter program, but a particularly  
23 critical concern that's been identified is the direct and  
24 adverse impacts on the Ronald Lake herd.

25                   So I'm wondering if you all -- and maybe,

1 Mr. Martin, you are the right place to start -- could  
2 describe for the Panel why bison are important to Mikisew?

3 A. MR. MARTIN: They are very important. I use  
4 them for hunting a lot, meat purposes. I give lots of the  
5 meat to family members. I use it -- I have a buffalo head at  
6 home. I sleep with it; it's my blanket.

7 But it's an important food source. It's our  
8 way of life. It's what we know. It's just part of who I am,  
9 where I go, what I do, everything that -- everything that I  
10 grew up with is -- buffalo is all part of it.

11 So it's very important to me and my family  
12 that we keep that and I don't --

13 The impacts on this are huge. I've been  
14 around drilling projects for years and years and years and  
15 watched how it has absolutely diminished the population of  
16 animals where I have hunted before. Like there's nothing.

17 I used to -- where I live in Anzac now, the  
18 caribou herd behind there is absolutely gone. There's  
19 nothing, zero, all due to drilling projects back there. And  
20 I don't want that to happen to the bison herd that we hunt  
21 there all the time.

22 Q. So you mentioned sharing of meats. Can the Panel  
23 describe for the Chairman and the hearing Commissioners how  
24 many people can be fed by a bison, and how is bison meat  
25 shared in the community?

1 A. MR. MARTIN: It feeds everybody, the  
2 whole -- one buffalo could feed 20, 30 people. It's not just  
3 personal use; it's for the whole -- everybody in the  
4 community.

5 Q. Councillor Marten, can you elaborate on that?

6 A. MS. MARTEN: We have -- I have my other  
7 nephew -- Ryan is my nephew, Alice is my sister. Then I also  
8 have another nephew.

9 Because we were born and raised out on the  
10 land, our traditional way of life is very important to us.  
11 We love it and we know it.

12 I have another nephew that got a trapline on  
13 Athabasca River and when he makes -- when he goes out to do  
14 anything out in the bush, he's got 11 people, just his  
15 immediate family, his siblings and his nieces and nephews.  
16 There's 11, 13 of them. That's just one nephew with his  
17 immediate brothers and sisters. That's not including the  
18 brothers and sisters that I have, the big family that I have.  
19 And then they have -- they share, they share the meat and  
20 it's very important that we have the meat and also that we --  
21 buffalo is very important to us because it's part of my  
22 family. It is one of our spiritual significance and we do  
23 use the buffalo in our spiritual significance.

24 When I go out to the other reserves in and  
25 around Alberta -- because I do being on a leadership. I've

1 been on a leadership for the last three consecutive  
2 elections. That is about nine years.

3                   And when I go out to meetings to other  
4 reserves, I notice buffalo heads, the buffalo, the  
5 significance of spiritual vality (phonetic) that they have  
6 within them. So I can relate to it.

7                   So buffalo is not only used for eating, it's  
8 also spiritual significance to my family anyway.

9 Q. Ms. Martin, is there anything you would like to add  
10 about the cultural importance of bison or cultural practices  
11 associated with bison?

12 A. MS. MARTIN:                   Yes, like Ryan and Councillor  
13 Marten alluded to, it's very important because that's how --  
14 that's one of the many opportunities for us to pass on our  
15 traditions to the younger generation.

16                   The hunting itself is -- encompasses a lot of  
17 teachings. It's about how the families get together, how the  
18 families plan for the hunt, how the families respect all the  
19 different roles within the hunting party. When they go out  
20 there, how the hunting party plans on where the herd is going  
21 to be located, how they're going to go about locating the  
22 herd, what's going to happen at that point.

23                   The environment, the herd itself is all  
24 considered, and the people themselves are all considered. So  
25 there's a lot of teachings that go on, even with just the

1 hunting party.

2                   Then when -- when hunting is completed, then  
3 the hunters go back to the community. The method of sharing  
4 as well is another teaching that we pass on to our younger  
5 generation. It's -- like I alluded to this morning, how we  
6 learn is through experience.

7                   We experience an oral tradition and that's the  
8 kind of practice that we have since time immemorial, and  
9 that's what we still do today. It's just something that we  
10 do when we are out on the land. It's not through training  
11 and any kind of institution; it's our way of life. It's  
12 very, very important and that's what I wanted to say. Also  
13 the other aspect of the spiritual component that comes with  
14 that.

15                   Many times, many of us don't show because we  
16 have -- a lot of us are Catholics now or any kind of  
17 denomination, so our traditional practices, our rituals, we  
18 do that individually. And a lot of the times we don't do  
19 that just openly, but when we are out there, there are still  
20 certain practices that we do out on the land. And we do that  
21 based on each respective family and each -- and I can say  
22 that for sure that each family has their own way of doing  
23 things when they do a kill site and how they prepare the meat  
24 and how they share the meat. And all of that is so  
25 important. That's why these things are very, very sacred to

1 us.

2 Q. Thank you. I may get myself in some hot water here,  
3 but, Ms. Martin, can you describe the role of bison in sweat  
4 lodges?

5 A. MS. MARTIN: Of course most important is the  
6 buffalo skull that's -- a lot of people use it in the sweat  
7 lodge and they put it inside the sweat lodges and that's  
8 where it stays. It's a protector of the sweat lodge and the  
9 people that go in there, the buffalo spirit.

10 And also the meat. The meat is prepared as a  
11 feast after the -- after the sweat lodge is completed, then  
12 you have a feast to honour everyone that has participated  
13 within the sweat lodge and also with the people that have  
14 passed on. And the ceremonies include all of these  
15 teachings.

16 Q. Thank you. I would now like to shift or narrow the  
17 focus a little bit.

18 Can you explain to the Panel why the  
19 Ronald Lake bison herd is important to Mikisew?

20 A. MR. MARTIN: That's one of the last and only  
21 herds left in all of Alberta, for one. Two, that's the only  
22 buffalo that we can hunt legally. If it's gone, we will have  
23 to turn into poachers, I guess, and poach in Wood Buffalo  
24 National Park. But like Willie said earlier, people go to  
25 jail for that, so I don't really want to go to jail.

1 Q. Thanks. Based on your traditional knowledge, is this a  
2 healthy herd?

3 A. MR. MARTIN: Absolutely. I have never seen  
4 a sick buffalo. I've been there for years. I know  
5 outfitters in the area. I know lots of people that hunt  
6 there, lots of MCFN people, ACFN, Metis people that hunt  
7 there and I have never ever heard of any of them finding a  
8 sick buffalo or shooting one or anything like that.

9 A. MS. LEPINE: I think the specific herd is  
10 extra important because of the comments that Ryan made, and I  
11 believe that I only became aware of this herd about -- maybe  
12 about six years ago when my brother brought home one of the  
13 bison from the herd.

14 But it's not a herd that we brag about and get  
15 the information out there because it's highly protected. We  
16 want to keep the herd as protected, and it's a very sacred  
17 herd in that regard. So it's not something that's advertised  
18 a lot by Mikisew because of how important of a resource it  
19 is.

20 But just on the comments of what everybody was  
21 sharing their stories about, about the herd and the  
22 importance of it. So when my brother brought home the herd,  
23 and we were pretty, I think, excited and when my mother told  
24 me that we had to save every part of the herd, I asked if I  
25 could keep the hide and the buffalo skull, much for the

1 reasons that Alice has mentioned, because the skull is very  
2 important for ceremony. But at that time it was actually  
3 the -- I think the last time that we had bison meat from  
4 there because it's -- again, it's not a herd that you want to  
5 run the populations down. It's hunted in a very sustainable  
6 way.

7                   So I look forward to the next opportunity to  
8 have a bison from there for my family.

9 Q. Thank you. So one of the questions I was going to ask,  
10 but it's been somewhat answered, is whether there are any  
11 other bison within Mikisew's traditional territory?

12                   Councillor Marten, you're nodding?

13 A. MS. MARTEN:                   Yes, there is. We have buffalo  
14 in Wood Buffalo National Park. But because it's illegal to  
15 hunt the buffalo there, we do have consequences. And like  
16 Elder Councillor Willie said, there was a family that killed  
17 a buffalo. They had to do some time in jail for that. Not  
18 only that, they were also not allowed to go into the park  
19 anymore. So they haven't been in the park all these years.  
20 And they are Mikisew Cree members. There are consequences  
21 that you have to meet when you take the buffalo from Wood  
22 Buffalo National Park.

23                   So the Ronald Lake, like my nephew Ryan  
24 stated, is the only free -- or only disease-free that we are  
25 able to kill legally.

1 Q. Mr. Courtoreille?

2 A. MR. COURTOREILLE: If I may, the Ronald Lake herd  
3 is the only existing wild buffalo left outside the park.  
4 There's another -- there's Zama herd, there's Tall Cree herd.  
5 That's the ones west of the park that are free roaming.

6 That's why it's so important for us people.  
7 We were taught as young lads when we were out in the bush you  
8 do not take everything, you only take what you need. And,  
9 also, we were taught by our elders how to respect the land  
10 and the animals while you have to live with -- you have to  
11 live by them or with them. That's really really important  
12 for us as First Nation people.

13 We don't -- out there, that's our Safeway. We  
14 look at the herd out there. You don't see the whole  
15 First Nations going out there and killing them all. The only  
16 people that are within the area that uses them, that's what  
17 you look at the young people like Ryan and a few others that  
18 go out there to hunt, is for the families. We know they're  
19 there. It's easy for us to access, to get there, but we  
20 don't go there because of... We have to protect those herd.  
21 We have to make sure they be there for years, thousands of  
22 years to come.

23 You push them out today, take off their  
24 vegetation, their food source, you're practically kill them.  
25 What could that herd of area could be sustainable for them

1 for their future? Back in 1985 we counted 85. Now there's  
2 182. I know there's no movement from the park. These are  
3 the animals that are production. In the Wood Buffalo we  
4 count -- we do our calf and cow ratios 30 to 100. With that  
5 there's only 11 percent survival rate. So this herd is  
6 increasing quite drastically. So you take the vegetation  
7 from them and it could be a major thing to look at.

8 First of all, let's study, do a proper study  
9 on the animals before any decision be made.

10 With that, thank you.

11 Q. Now, Ms. Martin, I have a question for you following up  
12 on this. So we've heard that this herd is important for  
13 Mikisew and it's the last herd the Mikisew can harvest  
14 legally. What would the consequences be for Mikisew's  
15 culture if they couldn't harvest this herd or if this herd  
16 was impacted?

17 A. MS. MARTIN: Like the two other Aboriginal  
18 panels that came before us the last two days, they've  
19 expressed that if there's any kind of disturbance to the  
20 land, it will cause the bison to leave the territory or in  
21 fact have no place to live because there's only a certain  
22 piece of land where they go and -- they've chosen their home  
23 in that little piece of land that's there. They're there for  
24 the winter. And the panel will also talk about that as well.

25 The eventual, I guess, impact that will be on

1 the bison is that they're going to be gone because it's just  
2 common sense: that with any level of disturbance, any wild  
3 animal is not going to feel safe no matter how many tests and  
4 how many things are being done on the herd. The traditional  
5 knowledge and people of the land are all saying that they  
6 have the knowledge to conclude that indeed the herd is going  
7 to be gone with any kind of disturbance. There has been a  
8 change for sure between when the land was not disturbed to  
9 where it is today, and with more disturbance that's what  
10 we're talking about. They're not going to be there anymore.

11                   So that's what is going to happen, and that's  
12 just common sense.

13 Q. Fair enough. So in assessing impacts of this project,  
14 Teck states that it is only a fraction of 1 percent of your  
15 territory that they will be using. Leaving aside whether you  
16 agree whether it takes up that amount or not, are you even  
17 able to use your entire territory at this point in time?

18 A. MS. LEPINE:                   No, I would -- I mean, the  
19 1 percent, if you think about it, doesn't sound like much;  
20 but when you look at the specific area, it's actually  
21 100 percent of our sustenance and cultural and treaty right  
22 needs for harvesting bison. So from 1 percent to  
23 100 percent, I think that's pretty significant.

24 Q. Can you describe a little bit about the cumulative  
25 effects of other places of the territory? Ms. Lepine?

1 A. MS. LEPINE: Sorry, can you repeat that?

2 Q. Can you give the Panel a sense of the extent of the  
3 cumulative effects that are happening in other parts of your  
4 territory?

5 A. MS. LEPINE: Well, where do I start?  
6 Cumulative effects is, as I mentioned in my opening,  
7 development is at a very alarming rate. Not only are we  
8 seeing the growth of exploration in the south, we are looking  
9 at a lot of active mine -- oil sands mining projects that are  
10 just moving ahead. Some are just within their 30-year stage  
11 and some are just commencing, like Kearl. Then you have the  
12 in situ, the oil sands projects that are also growing just  
13 outside of the mineable area. And those are increasing as  
14 well. Then you add up all of the ancillary activities to  
15 support the growth of those projects, which are pipelines,  
16 roads, camps, utility lines. It's -- I think you heard from  
17 Dr. Komers the overall disturbance from a land user's  
18 perspective, there's really nowhere to go. The cumulative  
19 effects are just -- they're taking over and there really is  
20 nothing left; very little, if any.

21 Q. Mr. Martin, did you want to add something?

22 A. MR. MARTIN: Yeah. Like I said before,  
23 around Anzac, where I grew up, the caribou herd went through  
24 the same projects that they're going through, and it's gone.  
25 Everything -- there's no herd left at all there because of

1 the core projects and stuff like that. That's the same thing  
2 that's going on here.

3                   It's just something that's totally -- you  
4 can't let it happen just for the fact that it's going to  
5 absolutely impact the herd that's there and take away all  
6 their grazing -- everything. It's hard to explain how much  
7 of an impact it is because you have to be out there to  
8 actually see what goes on out there and how much it really  
9 takes away from the land and how much of everything is gone.  
10 There's no -- nothing left out there.

11 Q. Thank you. Ms. Martin?

12 A. MS. MARTIN:                   The cumulative effects have  
13 really impacted us as people of the land, as keepers of  
14 traditional knowledge because that's our way of life. I've  
15 been here for the last 40 years. I've watched the  
16 development in this region. I've watched the land being  
17 destroyed and it's not a good thing for us when we --  
18 especially when we have to take the plane and fly from here  
19 to Fort Chip and you fly over all the destruction and  
20 Syncrude, Suncor, Albian Sands, CNRL and all the different  
21 plants that are coming up.

22                   It's not a good feeling to see all the  
23 disturbance on the land because, as stewards of the land, we  
24 see what's happening to Mother Earth and that really makes us  
25 feel sad. And that's why it's so important to us.

1                   A lot of times people don't really understand  
2 because they say that all of this -- when they do these kind  
3 of hearings, people say that it's all just fluffy stuff. It  
4 doesn't really matter because it's not scientific, it doesn't  
5 prove anything in the whole scheme of things because there's  
6 no infrastructure that sustains, that allows traditional  
7 knowledge and how important it is within a decision-making  
8 process, within the justice system, within the education  
9 system, and this kind of forums as well. That's why we're  
10 here to say that this is very, very important.

11                   We are the people of the land. This is our  
12 traditional territory and all the Aboriginal -- the three  
13 Aboriginal groups that have gone -- that are at this hearing  
14 are here because of that reason, the cumulative effects that  
15 we see -- we have seen, that we see and we anticipate.  
16 That's why we're here, to express to you why that's so  
17 important to us.

18                   In the end, like Ryan is saying and everybody  
19 else on the panel, whatever happens in terms of our  
20 experiences in looking at the cumulative effects of this  
21 land, we see the destruction around our home and it's slowly  
22 moving north. And, you know, we're relating to you what  
23 happens when you even start --

24                   When people talk about "site specific," to us,  
25 site specific means it's our land. So there's really no

1 definition for us when you say "site specific." Site  
2 specific for us means the whole territory.

3 Q. So just to pull it back a little bit.

4 So in assessing the impacts from this project  
5 and for the understanding of how this project would impact  
6 Mikisew, between the existing level of cumulative effects and  
7 the uniqueness of this herd in this area, it wouldn't be  
8 accurate to assume that the entire territory is available for  
9 you to use, in particular with respect to wood bison. Is  
10 that a fair assessment?

11 Microphone.

12 A. MR. MARTIN: Oh, yes, it is.

13 Q. So Teck has told Mikisew that its use of the area as  
14 reflected in traditional use maps is not site specific and  
15 Teck's materials calculate some of the distances to various  
16 identified kill sites. So I would like to take the Mikisew  
17 panel to some of those maps. And Mr. Miles, the first map  
18 would be at page 539 of the Mikisew submission.

19 Does everybody have those maps or that map, I  
20 suppose?

21 So Ms. Martin and Ms. Lepine and other members  
22 of the panel, are any of the circles on this map bison kill  
23 sites?

24 A. MR. MARTIN: Yes, they are.

25 Q. Can you explain what time of year Mikisew members

1 harvest bison in this area?

2 A. MR. MARTIN: Mostly in the wintertime.

3 Q. Can you explain why that would be?

4 A. MR. MARTIN: Just for grazing -- grazing  
5 purposes, buffalo. They have migration patterns and stuff  
6 like that. Wintertime, they can only access areas just like  
7 people can because it's frozen. They can get there. That's  
8 the only food source they have.

9 Everything is based on a rotational kind of --  
10 they're a migrational kind of animal. Wintertime they go  
11 here, summertime they go to different areas. This area is  
12 important because this is the only food source they have in  
13 the wintertime. There's no grass anywhere else for them to  
14 get. It's pretty much their only food source during the  
15 whole winter that they have.

16 Q. So we know the bison are in this area in the winter  
17 because of habitat. The second piece of the harvesting  
18 puzzle is Mikisew members showing up there. So is there a  
19 reason why you go there in the wintertime?

20 A. MR. MARTIN: It's pretty much the only time  
21 you can access the area.

22 Q. Can you elaborate on that a little bit?

23 A. MR. MARTIN: It's -- like I said, everything  
24 is marshland, it's wet. You can probably get there in a  
25 helicopter in the summer, but I can't really afford that.

1 Yeah, that's about it. It's just accessibility for the area.

2 Q. So just to clarify. So this is an area that's really  
3 only accessible in the wintertime?

4 A. MR. MARTIN: Yes.

5 Q. Thanks.

6 Can you explain how you get to this area in  
7 the wintertime?

8 A. MR. MARTIN: Drive from here, go up north,  
9 snowmobile from the Fort Chipewyan road across the river and  
10 then back into the prairies.

11 Q. Thank you.

12 Ms. Lepine, there's a hatched zone on the  
13 left-hand side of this map. Can you explain what this  
14 environmental zone depicts?

15 A. MS. LEPINE: The pink area?

16 Q. No. It's a -- I'm told it's fuchsia. We may have a  
17 slight debate. I'm not sure what colour is in season this  
18 year.

19 A. MS. LEPINE: I believe that's the area of --  
20 the habitat area for the bison.

21 Q. Mr. Martin, as someone who has been there, can you  
22 confirm whether there is winter habitat for this herd?

23 A. MR. MARTIN: Absolutely, there is total  
24 winter, all along there.

25 Q. So when you pointed to all along here, can you describe

1 that?

2 A. MR. MARTIN: That pink-striped area.

3 Q. We're going with pink.

4 A. MR. MARTIN: Yeah, the whole area. They're  
5 all over there. Buffalo, they roam everywhere. Wherever  
6 there is a food source for them is where they go, and this is  
7 the main area that they stay and they feed during the  
8 wintertime.

9 Q. Thank you.

10 I forget to ask one question of Ms. Martin.

11 Are there other reasons why Mikisew members  
12 harvest bison in the wintertime that you can elaborate on?

13 A. MS. MARTIN: Well, like Ryan is saying, it's  
14 one of the only times that you can access the land for sure.  
15 But also the other reason is the hide for all fur-bearing  
16 animals is the best during the winter season.

17 So in taking hides, that's when you hunt the  
18 buffalo and that's when you are able to take the hides. It's  
19 easier because you drive right up to the animal and you  
20 prepare the meat and you put it in your sleigh and it's  
21 easier to pack and bring home.

22 Q. Thank you.

23 Mr. Martin, you've pointed out the left side  
24 of the map as good winter habitat. Do you rely on the herd  
25 to move west to east for your harvesting activities?

1 A. MR. MARTIN: Yeah. Mostly during the winter  
2 though. They're only concentrated in one area. Like I said,  
3 they move a lot. Summertime they're in a different area.  
4 Wintertime they're in the marshlands and stuff because that's  
5 what they eat in the wintertime and stuff like that. There  
6 isn't really anywhere for them to go. On one side is the  
7 river. On the other side is Birch Mountains. They're kind  
8 of stuck in the middle and that's their one and only place  
9 for their food sources, right there.

10 Q. Thanks. Can you describe for the Panel generally how  
11 far you travel when you're on a bison hunting trip?

12 A. MR. MARTIN: Well, you can't say I travel 10  
13 kilometres. You travel as far as you have to go to find  
14 them. They could be here one day and there the next day.  
15 You never know how far you have to travel. It's just -- as  
16 far as you've got to go to get one is as far as you go.

17 Q. Which brings me to another point where Councillor Marten  
18 and I had a little chuckle.

19 The map identifies past identified kill sites.  
20 Do Mikisew members go to the same spots to get bison every  
21 year?

22 A. MR. MARTIN: Yeah, there's a bison under the  
23 tree every year.

24 A. MS. MARTEN: No, they don't, because -- Ryan  
25 said people -- the buffalo roam, the buffalo are roaming and

1 then when we talk -- when we went over this and we talked  
2 about the kill site every year, no, they don't because the  
3 buffalos are not tied to that one particular spot.

4                   When people go out hunting, people that live  
5 off the land, it's a skill to be able to carry out our  
6 traditional cultural ways out in the land. It's an acquired  
7 skill that we have learned or at least from our parents,  
8 grandparents, passed down where we're able to do this. We  
9 never find the animal in the same particular spot year after  
10 year because they roam around. Thank you.

11 Q. I think the expression used to me was "they're not  
12 chained to a tree?"

13 A. MS. MARTEN:                   Yes. And they're not chained  
14 to a tree there where you can find them again next year.

15 A. MS. LEPINE:                   These thoughts are here because  
16 of -- they're collected based on interviews with land users.  
17 So at any given point in time, they can change.

18                   Land use changes because of the resource,  
19 movement. And I believe that's what the Panel is trying to  
20 describe that when Teck asked for site specific, site  
21 specific can vary. They can be specifically on a core hole  
22 at any given time.

23 Q. Ms. Martin.

24 A. MS. MARTIN:                   To add with all these comments,  
25 the other fact is that these kill sites are not

1 comprehensive. The studies that have been done are not --  
2 have not talked to everybody. So there's a lot of missed  
3 information. So there's still a lot of information that we  
4 can get. And that's why everybody is asking for further  
5 studies and further information so when we do, hopefully in  
6 the future, make a conclusion that it's reflective of all the  
7 people that go and hunt on this land.

8 A. MS. LEPINE: I mean, you consider Mikisew  
9 being 2800 members. You know, this is a small portion of  
10 land users that we are able to interview and ask information  
11 in this area. It's based on the limited budget and this is  
12 basically just -- like Alice is saying, just a few that we  
13 could interview and talk to about this area.

14 So if we were to talk to all 2800 members, I  
15 can guarantee this whole area would be completely filled with  
16 dots.

17 Q. On the subject of dots, I would just like to take you to  
18 one passage from the November 9th letter that Mikisew wrote  
19 to Alberta about Mikisew's concerns with Teck too narrowly  
20 construing or defining site specific. So, Mr. Miles, if you  
21 can pull up page 536 of Mikisew's materials.

22 I would just like to read the first -- or the  
23 passage starting with the first full sentence on that page:

24 "We note that site-specific values,  
25 such as cabins or kill sites, are

1           correctly understood as specific  
2           instances of use that anchor the wider  
3           practice of livelihood within a  
4           particular landscape. For example, a  
5           particular moose kill site may be  
6           mapped with a precise point, but that  
7           value is correctly interpreted as an  
8           anchor or focal point for a wide  
9           spectrum of other related livelihood  
10          practices and values. Each mapped  
11          site-specific value implies a much  
12          wider range of activities in a wider  
13          geographic area upon which the  
14          meaningful practice of that use  
15          relies."

16   Mr. Martin, is that a fair depiction of your kill sites and  
17   how you use this area?

18   A.   MR. MARTIN:                Yes, it is. There's -- yeah.

19   Q.   The one-word answers I think are stumping the microphone  
20   folks. You need to repeat that.

21   A.   MR. MARTIN:                Yes. Yes, it does.

22   Q.   And, Ms. Martin, from a traditional knowledge point of  
23   view, is that a correct depiction of Mikisew use of the land?

24   A.   MS. MARTIN:                Yes, it is. Because, like I  
25   said before, any kind of disturbance to the land not only

1 affects the landscape itself but it also affects the herd  
2 and, of course, us to practice our constitutionally protected  
3 treaty right to go hunt.

4                   When we talk about, you know, site specific  
5 like I'm saying, it includes the whole region. And any kind  
6 of level of noise or any kind of disturbance is going to  
7 cause effects to the land, the animals, and the people.

8 Q. Just while we're at this letter, if we can go to  
9 page 543. There's another map that Mikisew provided to  
10 Alberta and Teck -- Mr. Courtoreille, go ahead.

11 A. MR. COURTOREILLE: I would like to bring up  
12 something. Right now to be accessible for the herd, it's the  
13 winter months that they can get to there. It's by a trapline  
14 coming out like Mike Martins' trapline. They're all going up  
15 to Ronald Lake. That's the only accessible way they get  
16 there in the winter months.

17                   But now with winter drilling coming on there  
18 will be a road going in there of other people. Others like  
19 hunting. There could be thousands coming this winter with  
20 the accessible road to come out with the roads opening up.  
21 You open up the territory for -- which they will be  
22 accessible for hunters.

23 Q. Thank you. Ms. Lepine, for the map on 543 of Mikisew's  
24 materials, which is provided to Teck and Alberta to emphasize  
25 the importance of this particular location to Mikisew, could

1 you describe for the Panel what this map --

2                   And, Mr. Ignasiak, I don't know if you have a  
3 comment on the colour being shown here, but that's being  
4 shown in, I think, pink?

5 A.   MS. LEPINE:                   Yes, it's pink. This is --  
6 this map comes from our submission to the Government of  
7 Alberta for the Lower Athabasca Regional Plan. So we were  
8 asked by Alberta to provide areas of interest for  
9 conservation and protection. So we submitted a submission,  
10 and that's where this map comes from; which is based on  
11 traditional use as described in this area earlier as well as  
12 intact forest. So it's somewhat of a pristine landscape.  
13 And the bison primarily is what we're trying to protect here.

14 Q.   Thank you. I will just note for the record that the  
15 description of why this area was selected for conservation is  
16 set out in Mikisew's materials Appendix D, Tab 3. I believe  
17 it's section 6.3 and 6.4 of that document. That would be  
18 Mikisew's initial LARP submission.

19                   So we've been explaining what the dots on the  
20 map mean to Mikisew and why the areas around the dots on the  
21 map are important for Mikisew's use. The correspondence  
22 that's in the record seems to show that Teck and Mikisew were  
23 not of the same mind about what site-specific impacts meant.

24                   Ms. Lepine, did you ever feel like you  
25 understood exactly what Teck was looking for with respect to

1 site-specific concerns?

2 A. MS. LEPINE: No. It's never really been  
3 explained. We request information, not only from Teck but a  
4 variety of companies, as to what exactly that they're looking  
5 for. As well as we ask for information in exchange to help  
6 us provide them with the information they're seeking. So  
7 things like assessments. In this case any information on  
8 bison, any information on habitat. So that would really --  
9 any information provided to us could really help us  
10 determine, but it's really unclear.

11 Q. Thank you. In your view, Ms. Lepine, did the  
12 information you provided to Teck and to Alberta, both through  
13 maps and the descriptions of those maps in the materials,  
14 show site-specific concerns?

15 A. MS. LEPINE: Yeah. I would assume they are  
16 site specific. If we're there and we're using the land and  
17 trying to struggle to exercise our rights, then I don't know  
18 if, Panel, you would consider that site specific, but I  
19 believe if we're there, then it is site specific.

20 Q. Thank you. I'm cognizant that we have some elders on  
21 this panel. So this is a logical break in my questioning. I  
22 would just ask the panel, do you want to take a break or are  
23 you good to go for a little while longer? Willie?

24 A. MR. COURTOREILLE: Don't matter. We're okay.

25 Q. We're plowing ahead. So I would next like to shift to

1 the topic of some of the concerns that Mikisew has raised  
2 with Alberta about this project. Teck takes the position  
3 that this Board should not consider environmental impacts  
4 that it says have already been considered by ESRD through  
5 what Teck describes as a "comprehensive regulatory review  
6 process."

7 I would like to ask you a few questions about  
8 whether, in your view, your concerns about Teck's drilling  
9 program were considered by ESRD through their process.

10 So I guess the first question, Ms. Lepine, for  
11 you is when Alberta is purporting to consult with Mikisew,  
12 what did you understand it was consulting about?

13 A. MS. LEPINE: Alberta consulting?

14 Q. I believe --

15 A. MS. LEPINE: I don't believe Alberta  
16 consulted with us on this project. They refused to even meet  
17 with us.

18 Q. Thank you. Even though Alberta directed Mikisew to Teck  
19 for its concerns, did you inform Alberta of your concerns  
20 with the drilling program?

21 A. MS. LEPINE: Yes. I wrote -- we submitted  
22 two letters to Alberta expressing our concern -- specifically  
23 with this project land use, impacts to rights, concerns about  
24 the herd -- and got a standard response. Alberta often gives  
25 standard template letters back saying refer to the Alberta

1 consultation policy. Teck is doing -- has submitted a record  
2 of consultation, but there is really no description from  
3 Alberta in understanding our concerns. Until their final  
4 last letter, I believe, of November 28th, where they did  
5 actually admit there could be potential impact to the  
6 Ronald Lake bison herd. But it was actually in that same  
7 letter where they admitted potential impact to the herd where  
8 they refused to meet with us.

9                   And our attempt to meet with Alberta regarding  
10 this was because the privilege we have today is to give you  
11 the oral explanation, to sit down and explain our concerns.  
12 Alberta refusing to do that and only reading letters, without  
13 attempting to understand, ask us questions about our  
14 concerns, and having meaningful meeting, it was denied. For  
15 what reason we don't know. But how can Alberta attempt to  
16 consult when they're unwilling to even try to understand our  
17 concerns.

18 Q. Thank you. I'm just going to back up a little bit to go  
19 through the progression of events in a little more rigorous  
20 detail. So if we can pull up the letter at Mikisew 551,  
21 which is Mikisew's October 19, 2012, letter to Alberta. I  
22 would like to review with you, Ms. Lepine, some of the main  
23 concerns that you raised during that initial letter.

24                   So I guess we can start with the top of  
25 page 553, where you say: (as read)

1           "As set out in my letter to Teck  
2           yesterday regarding consultation on the  
3           winter work program, a copy of which is  
4           attached, Teck's restrictive timeline  
5           for consultation is unreasonable  
6           because..."

7   And then you go on to raise a number of concerns.

8           Could you elaborate on some of the concerns  
9   you had with the timelines for consultation?

10   A.   MS. LEPINE:           The timelines are very -- very  
11   short, and to be expected to give information on again site  
12   specific, generalizing or attempting to describe Mikisew's  
13   concerns about the program within a very short timeline is  
14   very difficult and challenging for us.

15           So I mean we feel that the information and the  
16   concerns that we did provide were very important and very  
17   legitimate within the time frame we were allowed.

18           Again, we're doing this with -- in the array  
19   of numerous other applications, and this one of importance we  
20   express to Alberta the need for more time, the need for  
21   studies, the need for us to collect more information, given  
22   the significance of concerns we're raising about impacts to  
23   rights, impacts to culture, impacts to people's way of life,  
24   impacts into future generations to come, impacts to a very  
25   important herd.

1                   And so 21 days, or whatever the short window,  
2 just is really inadequate for such significant concerns.

3                   So that's regarding the timeline and how we  
4 think the timeline is really -- it's not a fair timeline  
5 within Mikisew's -- given the context of the concerns we're  
6 raising.

7 Q.   Thank you. I will just quickly run through some of the  
8 places in this letter where you raised all of the concerns  
9 with Alberta that you just mentioned.

10                   So we have at the bottom of page 555:

11 (as read)

12                   "The winter work program is in close  
13 proximity to harvesting areas used for  
14 the exercise of Mikisew's rights and  
15 culture."

16 Is one concern.

17                   If we flip over to 556 at the top: (as read)

18                   "The winter work program is proposed  
19 for an area in and near the only wood  
20 bison habitat outside of the Wood  
21 Buffalo National Park."

22 And then just below that: (as read)

23                   "The winter work program is proposed  
24 for an area in and near important  
25 habitat for resources Mikisew --"

1 or I guess MCFN members

2                   "-- still rely on for the exercise of  
3                   their rights and culture."

4 Then on page 556 -- actually it's just the next bullet point:  
5 (as read)

6                   "Mikisew's traditional territory is  
7                   already severely affected by the  
8                   cumulative effects of winter work cut  
9                   lines, drilling, habitat fragmentation  
10                  and degradation, among others."

11                  Ms. Lepine, what was Alberta's response to you  
12 raising these specific concerns?

13 A.    MS. LEPINE:                Their response was a very short  
14 response, short letter, again, just generalizing the concerns  
15 about consultation that we raised and referring us to taking  
16 the concerns about this project's consultation to the  
17 Aboriginal consultation policy, First Nations's consultation  
18 policy and guidelines office which is, I believe, under the  
19 Department of Aboriginal Relations.

20                  So we sort of -- they just deflected our  
21 concerns specifically about this project and the consultation  
22 specifically about this project and deferred to the policy.  
23 We're already aware that the policy is flawed and we reject  
24 the policy, so why push us to the policy? We don't  
25 understand.

1                   Another response from Alberta was consultation  
2 is adequate, it's complete because we received the record of  
3 consultation from Teck which is "notification sent,  
4 notification received, no site-specific impacts, follow-up  
5 email, follow-up letter. Again, no site-specific impacts  
6 from Mikisew. Consultation complete."

7                   So that was basically the record of  
8 consultation that Alberta referenced.

9                   In terms of our concerns on the bison, the  
10 first letter, they completely missed the concerns we were  
11 raising there. I believe they didn't even reference the  
12 concerns or acknowledge the concerns about the bison in that  
13 letter.

14 Q. I will just take you to that letter. That's at Teck's  
15 materials pdf page 1184. It's a November 1 letter to  
16 Ms. Lepine, starts "Dear Melody." And if you take a look at  
17 the letter, it essentially just sets out the consultation  
18 process as you described?

19 A. MS. LEPINE:                   So when you read the October  
20 19th letter to Alberta and us attempting to describe our  
21 concerns, articulated as well as we can to Alberta, when you  
22 read the November 1st response, Alberta has completely missed  
23 the mark here in attempting to -- trying to characterize our  
24 concerns, understand our concerns. The response is, you  
25 know, go to the policy.

1 Q. I believe at the end of the letter there's actually an  
2 offer to meet, not to discuss any of the concerns about the  
3 project but for Alberta to provide a presentation on its  
4 consultation policy. That's at the last paragraph on page 2,  
5 1185 of Teck's record.

6 Then I see there's a -- immediate response  
7 from Mikisew, there's a November 2nd letter which is at page  
8 544 of Mikisew's materials. I believe that's in the package  
9 in front of you.

10 Can you just read that paragraph?

11 A. MS. LEPINE: So after receiving the November  
12 1st letter, you can understand we were quite upset that  
13 Alberta is just failing to recognize our concerns. So we  
14 write this letter on November 2nd and state that their letter  
15 ignores the significant information we have provided to both  
16 Alberta and Teck relating to the use of area of the winter  
17 work program and the importance of that area for the exercise  
18 of our rights and culture.

19 So, again, we're trying to indicate, like,  
20 your response was just inadequate. You failed to attempt to  
21 understand our concerns about this project. You failed to  
22 attempt to understand the impacts to Mikisew.

23 Q. Ms. Martin, I believe you wanted to add something on the  
24 timeline issue or has the moment passed?

25 A. MS. MARTIN: Well, it was more about the --

1 there was a third bullet in one of the letters you were  
2 reading and it talks about meaningful consultation. I was  
3 just going to add that meaningful for us means that not only  
4 do we gather the traditional knowledge that's required to  
5 help make a decision as to what is important to us and what  
6 is meaningful, but to also look at the huge gap that exists  
7 within any system again that has any kind of procedure when  
8 it comes to traditional knowledge. There's no procedure to  
9 apply traditional knowledge into any kind of decision-making  
10 process.

11                   And, you know, it's only fair for us to be  
12 requesting that that consideration be, you know, upfront when  
13 dealing with Aboriginal people and their traditional  
14 knowledge at all times.

15 Q. Just to keep the progression going of Mikisew's efforts  
16 to engage Alberta.

17                   Subsequent to the November 2nd letter, Mikisew  
18 writes a rather comprehensive letter on November 9, 2012, to  
19 Alberta which is the letter that had the maps that we've just  
20 looked at. It starts at page 533 of Mikisew's record.

21                   So in this letter, Melody, you expand on and  
22 identify further concerns with the winter work project. I  
23 will just take you through a couple of the passages.

24                   Page 535, the first full paragraph after the  
25 bullet points: (as read)

1           "The clearing of land associated with  
2           drilling, the proposed drilling  
3           activities, noise and air disturbance,  
4           increased human and industrial  
5           presence, among other impacts from the  
6           winter work program, suggest that the  
7           winter work program will not only  
8           disturb but may permanently impact or  
9           eliminate the ability of Mikisew  
10          members to hunt bison freely in their  
11          traditional territory."

12 Letter goes on to identify that bison are a rare and  
13 culturally important species. Reiterates that Mikisew  
14 provided considerable use information about this area in its  
15 June 4th, 2012, statement of concern. Reiterates concerns  
16 about the timing of the program because it coincides with  
17 Mikisew's preferred hunting period. It has the passage  
18 explaining Mikisew's understanding of site-specific values  
19 and what the points on the map show, and then attaches the  
20 maps as well.

21                           I would like you to read for the Panel the  
22 very last paragraph on page 537.

23 A.   MS. LEPINE:                   Page 537?

24 Q.   Yes. It should be the final paragraph of the letter.

25 A.   MS. LEPINE: (as read)

1            "It is important that Alberta meet with  
2            us to discuss our concerns about the  
3            winter work program and how to ensure  
4            that meaningful consultation takes  
5            place before Alberta assesses the  
6            adequacy of consultation or makes any  
7            decisions in relation to the winter  
8            work program. Please contact my office  
9            at the earliest convenience to arrange  
10           that meeting."

11 Q.    And I believe you may have already mentioned this, but  
12    what was Alberta's response to that request?

13 A.    MS. LEPINE:            Again, that's the -- I believe  
14    the November 28th letter. Yes, it's here.

15 Q.    I just note that's at Exhibit 16.07 of Teck's materials  
16    or reply materials.

17 A.    MS. LEPINE: (as read)

18            "Alberta acknowledges the invitation to  
19            meet with MCFN with respect to Teck's  
20            2013 winter drilling program; however,  
21            Alberta takes the position that such a  
22            meeting will not bring forward any  
23            additional information regarding the  
24            project or concerns from MCFN that have  
25            not already been communicated."

1 Q. So just to be clear, Mikisew writes a letter requesting  
2 to meet to raise additional concerns and to clarify concerns,  
3 and Teck's -- Alberta's response is there will be no  
4 additional information brought forward by Mikisew?

5 A. MS. LEPINE: That's correct. And this is  
6 not -- it probably sounds shocking to some of you that  
7 Alberta refuses to meet with us, but this is actually very  
8 standard. We request to meet with Alberta regarding numerous  
9 applications. We typically get this response.

10 Q. Just to stick with this letter for a moment. On page 2,  
11 there's the bullet point number -- I guess it's not a bullet  
12 point. It's a numeric point 3 and at the very last sentence  
13 of that section 3, there's the sentence: (as read)

14 "Concerns related to the project's  
15 impacts on bison are site specific;  
16 however, the impacts of the proposed  
17 winter drilling program will have  
18 minimal and temporary impacts on  
19 bison."

20 Did Alberta ever explain to you how it made that  
21 determination?

22 A. MS. LEPINE: No, no. They now seem to --  
23 despite the numerous concerns we raised from the statement of  
24 concern on the Frontier mine project to the last two letters  
25 and through our LARP submission, whatever means necessary to

1 communicate our concerns about the bison, this is the first  
2 we've ever seen where now they are stating they kind of see  
3 potential impacts to the bison, and it's a concern of  
4 Mikisew.

5                   So in one case it's encouraging to see that  
6 they -- some light bulb went off in somebody's head to  
7 realize that, you know, bison are of concern here. However,  
8 they have ruled out that there are going to be impacted by  
9 this program. But without explaining how there's going to be  
10 no impact, how are they basing this decision that there's  
11 going to be minimal to no impact?

12 Q. And we'll talk about Alberta's bison study in a moment,  
13 but were the preliminary results of that bison study in front  
14 of ESRD at this point in time, when they determined there  
15 would be no impacts?

16 A. MS. LEPINE:                   November 2012, I believe -- no,  
17 I think this is the -- the study was still in its early  
18 stages.

19 Q. Thank you. Now just to continue through Alberta's  
20 process, the letters of authorization for the drilling  
21 programs were issued on December 6th, 2012. The first of  
22 those is at Teck's materials, the AER application binder at  
23 pdf page 14.05, I believe.

24                   Were you ever provided with an opportunity to  
25 comment on the letter of authorizations that were issued on

1 December 6th?

2 A. MS. LEPINE: No.

3 Q. Were you ever provided with an opportunity to comment on  
4 any other approvals?

5 A. MS. LEPINE: No. Regarding this project,  
6 no.

7 Q. As a result of the ESRD regulatory process, did you feel  
8 as though Mikisew's concerns were addressed with respect to  
9 the activities associated with this drilling program?

10 A. MS. LEPINE: No.

11 Q. And the rest of the panel, before you nod off, do you  
12 feel like Mikisew's concerns were ever addressed by Alberta?

13 A. MR. MARTIN: No.

14 Q. Microphone.

15 A. MR. MARTIN: No.

16 Q. Ms. Martin?

17 A. MS. MARTIN: Definitely not.

18 Q. Thank you. Councillor Marten?

19 A. MS. MARTEN: No, we don't; and that's why  
20 we're always asking for meaningful consultation. That is  
21 very important for us. Meaningful consultation does not  
22 only -- a letter stating that there's minimal or no impacts  
23 to a certain traditional territory is not meaningful  
24 through -- by letter is not meaningful consultation. We need  
25 to be able to sit and dialogue back and forth. We are --

1 Mikisew Cree has always been willing to sit, talk, and work,  
2 build relationship with whoever is out on the land with us.  
3 That's meaningful and consultation for us, where we can have  
4 that opportunity like we're having today, Mr. Chair. That's  
5 what we want by meaningful consultation, is being able to  
6 understand and being able to work together, building a  
7 relationship and looking after the land. All parties working  
8 together and how we can best work with the land.

9 Q. Councillor Courtoreille, do you feel as though Mikisew's  
10 concerns were addressed by Alberta?

11 A. MR. COURTOREILLE: No. Any time -- meaningful  
12 consultation to us is sitting together, looking at all the  
13 issues and trying to get to the centre of the issue and how  
14 we can work it out and how both parties can work together in  
15 order to comprehend what they're trying to do. A lot of  
16 times the government will say we consulted and the industry  
17 will come to our community and say we consulted, meet our  
18 elders. That's not consultation. The elders don't really  
19 understand. To them, to us, English is a second language.  
20 If we spoke Cree to you people, you wouldn't understand us.  
21 So it's this misinformation a lot of times it comes from. To  
22 us consultation is having a real good leadership with the  
23 people involved, where the government come in there with open  
24 minds and talk to us and find some solution how to accomplish  
25 what we're trying to do.

1 Q. Thank you. Now I would like to shift gears a little bit  
2 to some of the concerns that Mikisew raised with Teck.  
3 Melody, could you turn to Mikisew's October 19, 2012, letter  
4 to Teck, which is at page 546 of Mikisew's materials.

5 My colleague Ms. Brooks went through this  
6 letter with Teck's panel and flagged all the information  
7 requests that were made in this letter. So I for the sake of  
8 time won't run through every one of those, but I will flag  
9 that some of the requests that were made were for Teck to  
10 explain the steps it took to identify impacts to rights and  
11 culture, to identify information gaps, to provide studies and  
12 methodologies respecting the assessment of impacts to rights  
13 if that impact assessment was being undertaken by Teck.

14 Did Teck ever provide you with any of that  
15 information?

16 A. MS. LEPINE: No, not that I'm aware of.

17 Q. Now, I think this is an opportunity for the whole panel  
18 to jump back in because I would like to go through some of  
19 the specific concerns that you have with Teck's activities  
20 and their impact on bison so that you can provide some  
21 further clarification for the Board.

22 One of the concerns that Mikisew has raised to  
23 Teck is about the impacts of the drilling activities on the  
24 movement of the Ronald Lake herd. I guess this may be a  
25 place for you, Mr. Martin, to jump in first. Based on your

1 experiences and traditional knowledge, can you explain to the  
2 Panel some of the concerns you have about impacts to the  
3 movement of the herd?

4 A. MR. MARTIN: It's huge. Impacts on the herd  
5 are it's all the drilling, the noise, the roads, the access.  
6 Everything is huge. When I was out doing this -- I actually  
7 built leases before and the beginning of the year you would  
8 start seeing animals. We did surveys where we did animal  
9 counts beginning of the year. November we would be out.  
10 Every day we would see 20 caribou, a couple of moose.  
11 December came. We would see one caribou, a couple of moose.  
12 The next month it would be absolutely nothing where we've  
13 been seeing them before.

14 So all these cards we've had shows that the  
15 animals move out of the area because of the work that's going  
16 on there. So everything -- it totally impacts everything  
17 that's in the area, all the wildlife that's there. It pushes  
18 them out of the area from where they usually are.

19 Q. Based on your description of how you harvest in this  
20 area, I understand that the ability of the herd to move from  
21 the west area, where there's the prime winter habitat, to the  
22 east is important for how you harvest. Do you think given  
23 this drilling program there would that west-to-east movement?

24 A. MR. MARTIN: No. If you put a drilling rig  
25 in the middle of it they're not going to walk through it.

1 They're not going to go there. They're animals. They don't  
2 like noise. They don't like interaction with vehicles and  
3 trucks and everything. So if you're sitting in the middle of  
4 where they're travelling, they're not going to travel there  
5 anymore. It's basically blocking their corridor between one  
6 area and another.

7 Q. Thank you. What would it mean to the survival of this  
8 herd if they were pushed to the north?

9 A. MR. MARTIN: It would probably wipe them  
10 out. Disease is a big thing. Like you said before, this is  
11 the only herd that doesn't have all the diseases that most of  
12 the buffalo in the park have. TB and anthrax and stuff like  
13 that is -- like TB is -- the only way you catch it is with  
14 interaction with the other animals, and this herd doesn't  
15 interact, from what I've seen, with the herds in Wood Buffalo  
16 National Park, which are infected with everything and stuff  
17 like that.

18 So if they go in there and push them north,  
19 eventually they're going to interact with the herds that are  
20 infected with it and then they themselves will probably get  
21 infected, and that makes a huge impact on the herd itself and  
22 ultimately they all die from it and it's -- there won't be --  
23 that's what happens.

24 Q. Councillor Courtoreille, based on your knowledge of the  
25 terrain at the south end of the park or -- sorry, I will

1 speak up. So based on your knowledge of the area at the  
2 north of the herd's range, or at the south of the park, could  
3 this herd survive if it was pushed into that area?

4 A. MS. LEPINE: He's having a hard time  
5 understanding the question. Maybe repeat it slower.

6 Q. Maybe the way to go about it, can you describe the  
7 drying and the change of vegetation that's taking place at  
8 the south end of the park?

9 A. MR. COURTOREILLE: Yeah. The 1974 flood, that was  
10 the last big flood we had till -- 1997/98 was the next --  
11 extra 30 years of dryness. The vegetation, the meadows and  
12 the sheds have changed from -- it used to be good buffalo  
13 grass where the wood bison would normally come in the winter  
14 months to winter graze. They haven't come back down anymore  
15 because, like I said, the vegetation has changed. The  
16 thistles are taking over. Anybody in Fort Chipewyan will  
17 know that -- that use the delta will know that. You can't  
18 even get off the boat anymore to walk even to pick berries.  
19 But the thistles come right through your pants and they poke  
20 you. What's more, the buffalo don't eat that stuff. So that  
21 time on because of drought, the flood probably brought in --  
22 those are foreign. Those thistles, they're not natural for  
23 Wood Buffalo. They're foreign species that come down with  
24 the flood. Probably from agricultural land or some place.  
25 I'm not sure where they come from. But that's a big change

1 in the food source.

2                   The bison will not come there as often as they  
3 used to. Like, you can see right now even today, as of this  
4 year, all of the -- last count they had five years ago, the  
5 bison was 5,000 plus. Out of that maybe 1,000 -- I am just  
6 counting. A high number would be 1,000 come into the delta  
7 to winter range. They don't come there anymore because of  
8 the thistles and the food source not there anymore.

9 A. MS. LEPINE:                   If I could just add, I'm  
10 looking at another application, BC Hydro Site C application  
11 as they're proposing on the Peace River which is going to  
12 cause even more downstream impacts to Mikisew in the  
13 Peace-Athabasca Delta. And there's already significant  
14 drying that Councillor Courtoreille is referring to. And one  
15 of the big concerns we're raising regarding the Site C  
16 project is the cumulative, again, drying within the delta and  
17 the loss of bison habitat in a lot of the areas Willie is  
18 describing.

19                   So if we're losing habitat to the south and  
20 now we're losing habitat even further south, specifically in  
21 this area, and then we have the Caribou Mountains, as Ryan  
22 said. And there is really nowhere else for this herd to go.

23 Q. Thank you.

24                   And now, Mr. Martin and Mr. Courtoreille,  
25 based on your knowledge and experience with bison, how

1 sensitive are they to sound and how much can they be impacted  
2 by noise from industrial activities?

3 A. MR. MARTIN: Well, like I said before, no  
4 animal likes noises. It affects them hugely. Like, their  
5 feeding patterns won't be the same. If they get less food,  
6 the calving ratio for the herd is way less. They starve most  
7 of -- they could starve because there's not enough food for  
8 them; the vehicles going up and down the roads and stuff like  
9 that.

10 Access roads. Everything that they put --  
11 that you need for a drilling program hugely affects the  
12 animals. Windrows. Everything like that. Predation. All  
13 these roads that are made.

14 Wolves and stuff like that, they have a more  
15 likely chance of killing the animals than they would if there  
16 were no roads there just for the fact that they've run the  
17 animal down and it's easier for them.

18 Noise is a really big thing. Nothing -- like,  
19 no animals like noise. Drilling rigs are extremely loud.  
20 They just won't be in the area. Everything that's noisy  
21 there -- like, where we were doing our drilling projects and  
22 stuff like that, the animals, they were driven out of the  
23 area just for the fact of the noise and the traffic and stuff  
24 like that.

25 Q. Just to stay on that theme, one of the things that's

1 been suggested is that the bison will just weave in and out  
2 of -- in active drill sites between some of the active drill  
3 sites. Based on your experience with bison, is that  
4 something that you will see?

5 A. MR. MARTIN: No, they don't weave in and out  
6 of anything. They go where there's nobody there. They go  
7 where there's no noise. They go where there is food and  
8 stuff like that. And if you take that away from them, well,  
9 they're just not going to be there. That's all there is to  
10 it.

11 Q. I would like to ask some questions about stress. Do you  
12 have any concerns about stress on the herd?

13 A. MR. MARTIN: Well, stress levels on the  
14 animals, especially the cows when they're pregnant and stuff  
15 like that, if they don't have enough food, they don't calve,  
16 and if they don't calve, well, then, the population doesn't  
17 go up.

18 These roads and stuff that they build, they  
19 have moose blinds -- areas where they have little turnoffs  
20 for animals to cross and stuff, but they're supposed to be  
21 every 400 yards or 500 yards down the road. There's an area  
22 where they clear so animals could come off.

23 So basically if an animal comes on the road  
24 there, they've got to chase it down the road 400 yards before  
25 it can run off again.

1                   And animals -- they run so far. They abort  
2 their calves and stuff just for the fact that they're  
3 stressed out and that's the way they work.

4 Q.    Thanks.

5                   Councillor Courtoreille, would you like to  
6 add?

7 A.    MR. COURTOREILLE:       Yeah, to my knowledge, any time  
8 any animal, if they're stressed or lack of food source, they  
9 will not reproduce. That's my observation for wildlife.  
10 I've hunted all my life with different animals. I was a  
11 trapper my young days. I worked, but I still observed. I  
12 still hunt moose. If lack of food source for them, for an  
13 animal, a female will not produce.

14 Q.    Thank you.

15                   While we are on you, Councillor Courtoreille,  
16 can you talk about how important winter habitat is to bison?

17 A.    MR. COURTOREILLE:       It is really important for any  
18 animal, like, any human. We have our Safeways. We have our  
19 Wal-Mart's. They have their certain -- the different type  
20 of -- every animal has a different food source. You start  
21 taking that away from them, they're going to feel it,  
22 especially in the cold winter months. You know, they've got  
23 to have the right proper nutrients in order for them to  
24 survive.

25 Q.    Thank you. Ms. Martin?

1 A. MS. MARTIN: I wanted to go back and try and  
2 explain how you apply our traditional knowledge when it comes  
3 to noise.

4 I was listening to the questions yesterday, to  
5 the technical experts and they were talking about the level  
6 of noise and what was acceptable when the drilling rigs would  
7 be at the site, and in relation to our traditional knowledge  
8 and how our traditional knowledge is applied in that  
9 instance.

10 When you talk about the level of noise, there  
11 is no acceptable level of noise for a wild animal because  
12 it's going to disturb not only the land where they've made  
13 their home, something that's familiar to them, some place  
14 where they feel safe.

15 Any kind of noise, it doesn't matter if it's  
16 the smallest kind of noise, is going to affect them.

17 So in that instance when you do a scientific  
18 study to determine the level of noise -- and I'm not -- I'm  
19 no expert in that area for sure, but as far as traditional  
20 knowledge, there is no -- how do you measure the level of  
21 noise that's acceptable to a wild animal? Do you go and ask  
22 the bison, "Is the level of noise that's going to be  
23 acceptable to them? Are you going to stay here if it's going  
24 to be this loud or is this too loud for you? Sorry, but you  
25 have to move."

1                   So those kind of things that need to be  
2 considered when we talk about what is important, it is not  
3 only the scientific information that's important in this  
4 instance. It's what the traditional knowledge experts say as  
5 well. And that's what we're asking the Board, the Panel, to  
6 consider when they're making these decisions that will lead,  
7 indeed, to an informed decision in the end.

8 Q. Thank you. Mr. Martin, I believe you have some  
9 experience where wildlife comes back in an area of  
10 exploration for a few years but then has a precipitous drop.  
11 Could you describe that for the Panel?

12 A. MR. MARTIN:                   Wildlife never really comes  
13 back a hundred percent after exploration. When they do  
14 drilling projects, they clear a lease. Everything that's on  
15 the lease is cleared. The mulchers come in, they mulch  
16 everything up. Everything is pushed off. It's frozen. They  
17 put everything back on and then they do their drilling and  
18 they leave it.

19                   But when they do this, they freeze the ground  
20 because they have to put a 90-ton drilling rig on there. And  
21 for them to do that, they need four feet of ice to put there.  
22 So everywhere else there's only a foot of ice. It takes  
23 longer for that to thaw.

24                   The plant life that grows there takes longer  
25 for it to grow. It usually takes a couple of years for it to

1 grow back. And it never comes back 100 percent, ever.

2 Q. So if I understand it, the animals will come and go and  
3 come and go, but, ultimately, they decide maybe three years,  
4 four years?

5 A. MR. MARTIN: They come and go. They come  
6 and go over the years, but they stop going there. There's  
7 too much traffic there. There's not as much food there.  
8 They just stop going there because there's nothing there.  
9 Like, I don't go to a grocery store if there's no food there.

10 Q. Are you concerned that this area may be hitting that  
11 point after so many years?

12 A. MR. MARTIN: Absolutely it is. It totally  
13 is. Like they've been there for years already and now  
14 they're moving further and further and further north. So  
15 it's going to -- it is going to impact it. That's the way it  
16 is. If you do that, it impacts everything in the area. The  
17 herd -- everything that's there it impacts. And if they're  
18 going further and further north, well then, the animals are  
19 going to get pushed further and further north. That's what  
20 happens. Once they keep going there, they're not going to  
21 come back.

22 Q. Now, to put the shoe on the other foot, how about for  
23 you and your use of the area?

24 A. MR. MARTIN: Well, I'm not going to go there  
25 anymore if the buffalo aren't there. That's our traditional

1 hunting lands. And if it's gone, well, we can't use it  
2 anymore. That's what we grew up on. That's where we hunted  
3 all our lives and stuff like that. If they push all the  
4 animals out of there, it's gone. We'll never get it back  
5 again.

6 Q. Mr. Courtoreille?

7 A. MR. COURTOREILLE: I was just coming up with a  
8 thought here. I don't know what research has been done on  
9 the animals, but how much land do they need to sustain a herd  
10 of 183 at this time? How much land do they need in order for  
11 them to survive? Are they like cattle? They need so many  
12 acres per animal or so many bales of hay per animal? I don't  
13 know if any research has been done on that.

14 A. MS. LEPINE: I can answer that. No, there  
15 hasn't been.

16 Q. But has there been a recommendation to gather that  
17 information recently?

18 A. MS. LEPINE: Yes. Willie is raising a  
19 really good point, and those are the types of questions we've  
20 been asking Teck and Alberta, is provide us with information  
21 about the herd: its range, its habitat, its mortality, its  
22 growth. I mean, Willie is saying 183 because he heard that  
23 the other day. Is it really 183? It's our understanding  
24 that there could be overcounting because of how they are  
25 counting the bison. If they're counted by helicopter or by

1 plane, they're obviously under stress. Like Ryan is saying  
2 there's noise, they're running around. Is that an exact  
3 count? We don't even know. So there are so many unknowns.

4 Q. Just on the overcounting point, I understand you have a  
5 basis for that concern, that there may have been  
6 overcounting. Could you describe that for the Panel?

7 A. MS. LEPINE: The basis for -- well, we  
8 actually heard that from Alberta directly. We had a meeting  
9 on August 15th, which I believe is just last week, with  
10 Alberta about the study, and they admitted that there is a  
11 highly -- high probability that they did overcount.

12 Q. Now, I have an exhibit to mark, which I will pass  
13 around. I believe this is the letter that you sent to  
14 Alberta following up and confirming your understanding of  
15 that meeting.

16 MR. GUSTAFSON: What is the next exhibit  
17 number?

18 MS. CAMERON: It would be Exhibit 27.01.

19 EXHIBIT 27.01 - LETTER FROM MIKISEW TO  
20 ALBERTA FOLLOWING UP AND CONFIRMING  
21 THEIR UNDERSTANDING OF THE AUGUST 15,  
22 2013 MEETING

23 Q. MR. GUSTAFSON: So just to pick up before I did  
24 my jaunt around the room. So I understand that this is the  
25 letter that you sent to Alberta to follow up on the meeting

1 that you had that was to discuss the preliminary study that  
2 has been talked about quite extensively in this hearing; is  
3 that correct?

4 A. MS. LEPINE: Yes.

5 Q. Could you take the Panel through some of the headings in  
6 this letter? And I suppose the information contained under  
7 the headings as well.

8 A. MS. LEPINE: So basically we tried to  
9 summarize what we learned from the meeting with Alberta. And  
10 so, to my knowledge, it's our understanding that the  
11 Ronald Lake bison herd is not protected under any provincial  
12 law and that one of the purposes for the study is to  
13 determine if the herd is diseased or disease-free.

14 So if -- how Alberta described it is if they  
15 are diseased, then it's highly unlikely that they will make  
16 any attempt to provoke any provincial management plans or  
17 initiate any attempts to try to protect or give any  
18 application or any attention to this herd.

19 If they are disease-free, then we don't really  
20 know what will happen, but our assumption is they will  
21 receive some level of attention from Alberta, perhaps a  
22 management plan. We're not sure because then they are  
23 considered unique and important, I would assume, to Alberta.  
24 And bison are pretty important in this region. As you know,  
25 our municipality is named Wood Buffalo. So I think in

1 significance to this herd that's an appropriate name for the  
2 municipality.

3                   But, anyways, so they have culled some  
4 animals, 11 I believe, and so far have determined there's no  
5 disease found. Unfortunately they have to do more testing.  
6 They said at least another 130 serum samples have to be  
7 collected.

8                   And again this is -- when I was meeting with  
9 Alberta, I expressed concern in how they really didn't  
10 incorporate any traditional knowledge in this study, and  
11 basically it's traditional knowledge that triggered the  
12 study. It was traditional knowledge that told Alberta this  
13 was a disease-free herd in the first place, which allowed  
14 them to perhaps go and collect some samples.

15                   So they have to continue to collect more  
16 samples. And my concern was it's almost like you want to  
17 find a diseased animal so you don't have to do anything about  
18 them. How much do you have to test? It's not like these  
19 bison are going to be on the commercial market and we're  
20 going to actually be selling them at Safeway. So why such  
21 rigorous testing to determine disease or disease-free has to  
22 happen when they are such an important species to  
23 First Nations and Aboriginal users in the region?

24                   The population of the herd was raised. So,  
25 again, that's where Alberta indicated the exact population is

1 unknown. That they are assuming it could be around 150 as an  
2 average, but then they're not 100 percent sure.

3 Q. Just to jump in --

4 A. MS. LEPINE: And that they may have double  
5 counted.

6 Q. Thanks.

7 A. MS. LEPINE: The distribution of the herd.  
8 So, yeah. They have collared some cows and have tried to  
9 understand where the cows are moving to. However, that data  
10 would really not be available for another two years, roughly,  
11 which we feel would actually be really important in  
12 understanding a lot of the ranges of where the cows are going  
13 and possibly calving. So we won't know that for another two  
14 years. It might be right in the project area. Right on a  
15 core hole, perhaps.

16 We understand that they're able to collect  
17 some genetic samples as well, but that the results are not  
18 in. So, again, we don't know whether or not genetically this  
19 herd is unique. Our understanding that it is.

20 So we also outlined a number of things that is  
21 not incorporated in the study. Natality, mortality, impacts  
22 to the herd from past and current industrial activities is  
23 not part of the study, which is very important; impacts to  
24 the herd from noise is not incorporated in the study, and  
25 obviously really important for this program, given Ryan's

1 indicated with how sensitive bison are to noise;  
2 identification of critical bison habitat is not part of the  
3 study. Although we understand that they would be collecting  
4 some information from the collaring, it's still not specific  
5 to identifying the habitat.

6                   The predator/prey relationship is not part of  
7 the study and how those relationships may change because of a  
8 loss of habitat or because of activity in the area. Hunting  
9 by nonAboriginal hunters. Nobody knows how many  
10 nonAboriginal hunters are out there. And traditional  
11 knowledge, as I mentioned earlier, should be part of all of  
12 the studies.

13                   So that sort of summarizes it, I believe,  
14 Mark.

15 Q. If you could --

16 A. MS. LEPINE:                   And information sharing is  
17 another heading in the letter. That it would be our  
18 understanding and we would hope that Alberta would continue  
19 to share information with us. However, we haven't been  
20 provided a lot of information on just a lot of the questions  
21 we've been asking and a lot of them, we understand the  
22 information, it's just not possibly available.

23 Q. Thank you. And what is your understanding of the  
24 consequences that may flow if Alberta is able to determine  
25 that this herd is disease-free?

1 A. MS. LEPINE: They've indicated that -- well,  
2 first they said they were going to be meeting just to  
3 internally decide what their next steps are. It's my  
4 understanding they're not looking to do a comprehensive  
5 study. I think they may not even have funding to do more  
6 studies. I'm not sure, unless other -- I'm not sure -- they  
7 mentioned Teck was funding the study. But in terms of  
8 Alberta funding studies, why that isn't happening, we don't  
9 know. But in terms of next steps, I believe they're going to  
10 be just concluding this study on the collaring within the  
11 next few -- within the next year, is my understanding.

12 Q. Is it your understanding that there would possibly be  
13 protective measures triggered if Alberta came to determine if  
14 the herd is disease-free?

15 A. MS. LEPINE: That's not clear. It's  
16 still... We did ask Alberta for follow-up meetings and to be  
17 a part of whatever proposed management plan they are looking  
18 at. But ACFN mentioned yesterday that bison are listed  
19 species under SARA. They're listed as threatened. So if  
20 this is the last free-range, disease-free herd, then it's our  
21 understanding that they should be protected, at least under  
22 federal legislation.

23 Q. And that provides a nice segue. If you could describe  
24 for the Panel some of the recent recommendations of the Shell  
25 Jackpine joint review panel that relate to bison. I

1 understand that the Regulator here was part of that joint  
2 review panel, and I will just flag it. At page 1245 of  
3 Mikisew's materials there is a letter that is from Mikisew to  
4 Teck that includes those two recommendations. I'm not sure  
5 if you have that letter in front of you, Melody.

6 A. MS. LEPINE: I believe it's on the screen.

7 Q. So on page 1246 of the letter from the consultation  
8 coordinator at the GIR, the two recommendations from that  
9 federal panel are set out.

10 A. MS. LEPINE: We just reviewed the federal or  
11 the joint panel report for the Shell Jackpine Mine Expansion,  
12 the decision report that just came out, and there are some  
13 recommendations to Alberta and Canada to work with  
14 First Nations or Aboriginal groups in the region on the  
15 attention of the bison.

16 Is that what you're referring to?

17 Q. Yes. Specifically relating to identification of  
18 critical habitat, I understand?

19 A. MS. LEPINE: Yes.

20 Q. So I'm just going to ask our witnesses, are you okay to  
21 sit for another 15 to 20, or is this a time for a break?

22 A. MS. MARTIN: Break.

23 MR. GUSTAFSON: Break?

24 Mr. Chair, I hear a recommendation for a  
25 break.

1 THE CHAIR: It sounds unanimous. So let's  
2 come back at 10:30, please.

3 (ADJOURNMENT)

4 THE CHAIR: Please be seated.

5 Mr. Gustafson, go ahead, please.

6 MR. GUSTAFSON: Thank you. I've been informed  
7 by I think everybody in the room that I have an extremely  
8 soft voice. So I will for the last four questions try and  
9 remedy that.

10 Q. So I guess if we can jump back to concerns. I would  
11 ask, I guess Ryan, whether he would have concerns about  
12 safety for himself either hunting in the area while activity  
13 is going on or using any of the access roads to get to  
14 harvesting sites while this activity is going on?

15 A. MR. MARTIN: Yeah, I've been told I was  
16 talking pretty quietly too. But access to the area, drilling  
17 rigs, all the traffic and everything makes it very dangerous.

18 Like I said before previously, I've worked on  
19 drilling projects where snowmobilers have been in accidents  
20 due to the road access, the snow berms. One guy was actually  
21 hit -- his quad was run over by one of the pieces of  
22 equipment that was out there. There's lots of risk.

23 The drilling rigs that go out there, they're a  
24 hundred and some feet long and they weigh 90 tonnes. So if  
25 you get hit by that, that's it. It's really dangerous.

1                   The amount of people that go out there, you  
2 don't want to be hunting around them just for the fact that  
3 maybe you might shoot one of them by accident. Not only the  
4 equipment, there's lots of surveyors out there that have to  
5 go in before anything even happens out there. They could be  
6 in the bush. You don't know they're there. One of them  
7 could get shot. The safety issue is very high out there.

8 Q.   Thank you. Councillor Marten, I believe you also had  
9 concern about safety, particularly on the roads, for Mikisew  
10 members?

11 A.   MS. MARTEN:               Yes, we do. We use that road  
12 as our success of coming to Fort McMurray south. Our cost of  
13 living, cost of food is extremely high in Fort Chip because  
14 it's all flown in. So, therefore, we come out to  
15 Fort McMurray to come shopping. And the road, we need it as  
16 safe as possible. We've always maintained as Mikisew Cree  
17 people, sacowwenoowak, people of the bush, we've always taken  
18 safety. You have to have safety as number one in your life  
19 to be able to do things out in the bush with guns or whatever  
20 you have because you are away from medical help. Therefore,  
21 that road is extremely important for us to have it safe.

22                   There was an incident that happened this  
23 winter with one of my nieces again. I come from an extended  
24 family. And where there was a vehicle that hit her, and it  
25 was not a vehicle from Fort Chip. And she had a hard time

1 proving that the accident was caused by the other driver,  
2 another bigger truck where she had her children in there.

3                   So that road we need safety. We need people  
4 to take safety as high importance on that road where the  
5 drilling and everything is happening. Thank you.

6 Q. Councillor Courtoreille?

7 A. MR. COURTOREILLE: The concern I have is, probably  
8 speaking for all the First Nations, is having a proper study  
9 done on the animals. Not only if they're diseased, also the  
10 genetic strain. Are they pure Wood Buffalo? If they are,  
11 that would be the last roaming Wood Buffalo in this world.  
12 Plus in the Wood Buffalo National Park they're all hybrids.  
13 There is no such thing as pure Wood Buffalo up there.

14                   We did all kinds of studies the last years.  
15 We found out all of them are all hybrids. Even when they  
16 were taken from Wood Buffalo to the highland, the seven they  
17 took out there, they were all hybrids.

18                   If they are Wood Buffalo, that would be the  
19 last roaming Wood Buffalo in the world. So it would be  
20 important I think to do a proper study on them, and also look  
21 at their territory. Is there enough food for them for the  
22 future for them to survive?

23 Q. Thank you. Now I would like to take a quick turn into  
24 the world of mitigation. Teck takes the position that its  
25 mitigation measures will address the concerns that you've

1 raised. The question is whether you agree with Teck's  
2 position. I think Ms. Lepine would start.

3 A. MS. LEPINE: I would say no, we cannot agree  
4 to the attempted mitigation measures by Teck, primarily  
5 because they haven't done the assessment to understand what  
6 the impacts are. So what are they really mitigating?

7 Q. Mr. Martin?

8 A. MR. MARTIN: Impacts are huge, I think. How  
9 they say it's minimal impact, that's crazy to say that  
10 because it's a huge impact. It's 100 percent of an impact on  
11 them. It's not minimal at all.

12 Q. Thank you.

13 Now, I think before we open up for wrap-up  
14 questions and closing comments, I would just like to point  
15 out that you've shared a lot of information with the Panel  
16 today, and I think it would be very helpful if you could  
17 explain to the Panel why it's important to deal with these  
18 concerns now.

19 A. MS. LEPINE: Well, I think now -- actually  
20 it should have been done already, but we are where we are and  
21 there's no time better than now. Before any more  
22 disturbance, before any more added stress or impacts on the  
23 herd, I think we're at a critical stage to do something.  
24 Whether or not it's a two- or five-year study, whatever is  
25 necessary, but our position is that there should be no -- no

1 further impacts, no further activities in that area until we  
2 have some certainty that the protection of that herd is  
3 granted.

4 Q. Mr. Martin?

5 A. MR. MARTIN: Yeah. It's really important.  
6 I'm here because I care about the land and their traditional  
7 use. It's super important to me that we save this area and  
8 the buffalo that are there for future use and stuff like  
9 that.

10 Q. I understand one of the future uses you would like for  
11 that area is to take your kids there; is that correct?

12 A. MR. MARTIN: Absolutely. My daughter is 10  
13 this year and she wants to shoot her first buffalo.

14 Q. Councillor Courtoreille or Ms. Martin, either of you  
15 would you like to take a stab?

16 A. MS. MARTIN: Yes. I think right now is very  
17 timely considering looking at the past cumulative effects and  
18 what they've done to the land and the animals and the  
19 vegetation in the south. It's the same thing that's going to  
20 be happening where we are. So we always say that we need to  
21 be there. We need to be understood when things are at the  
22 beginning. And in this case, it's very, very timely that  
23 we -- we are part of this whole process.

24 The other concern I have is as keeper of our  
25 traditional knowledge, as a mother and grandmother and how we

1 pass on our teachings to the younger generation, it's timely  
2 that these things are very -- are heard and held as an  
3 important part of all these decisions. The land is our  
4 teaching environment. Learning is done through oral  
5 tradition and experience.

6                   So we lose this part of our teaching  
7 environment. We lose our treaty right to hunt. We lose the  
8 only opportunity to hunt buffalo legally in this region.

9                   So that's why this is so timely, and these  
10 things need to be considered when making these decisions that  
11 are going to affect our life in the future.

12 Q. Thank you. Councillor Marten?

13 A. MS. MARTEN:                   Yes. Again, I cannot stress  
14 how important it is for us to be able to raise our concerns  
15 here. And I'm really -- at the same time, I'm really  
16 thrilled about having the other two Aboriginal groups from  
17 Fort Chipewyan area raising the same concerns who are the  
18 Metis, First Metis Nation and Fort Chip, the ACFN, and the  
19 Mikisew Cree. I'm really thrilled to see that.

20                   But, Mr. Chairman, again I cannot stress how  
21 important it is for us for you to be able to listen and to  
22 give us a certainty and evidence that Ronald Lake bison herd  
23 will be protected for our use so we can -- as our rights to  
24 be protected as they were promised to us in the 1899 Treaty 8  
25 that we signed with the Crown.

1                   So we ask you, Mr. Chairman, to please  
2 seriously consider our concerns to make -- as you make a  
3 decision for this. And I cannot stress this anymore that the  
4 two -- the three groups from Fort Chipewyan are here giving  
5 their evidence, giving their concerns. Please take into that  
6 consideration.

7                   Thank you.

8 Q.   Melody, I would just like to draw you back for a moment  
9 to the pink map, the LARP map.

10                   Am I correct that Teck's exploration  
11 activities in this area are really the first development  
12 within the ungulate's habitat that's directly connected with  
13 the park?

14 A.   MS. LEPINE:                   With the ungulate? Sorry, can  
15 you repeat that?

16 Q.   Whether Teck's exploration in this area is the first --  
17 I guess the simplest way to put is whether the northernmost  
18 development that's now within a habitat connected to the park  
19 and habitat that Mikisew has identified is supporting --

20 A.   MS. LEPINE:                   Yeah, this whole area is very  
21 important. And since the very beginning stages in  
22 understanding the Frontier Project and exploration, any  
23 activities in this area, basically I was mandated to inform a  
24 lot of proponents in this area of how important this area is.

25                   I can remember a number of years ago when Teck

1 applied for a ten year -- a water licence and was in that  
2 meeting that I said we're concerned with ten year water  
3 licences for exploration. That's unusual.

4 And they've been hearing the concerns for  
5 years, and this shouldn't come to a surprise to them that  
6 we're here today to express those concerns. Whether or not  
7 it's on water licences for explorations, to core hole  
8 drilling, and next for the mine that's proposed in this area.

9 This is a very important area. There is no  
10 lands available for use. This little area that is left is of  
11 critical importance for the survival of the Mikisew people.

12 Q. Thank you.

13 Just to jump off that, Ryan, I understand that  
14 you view this not only as an issue for Mikisew but it's one  
15 that all Albertans should care about. Could you describe  
16 that?

17 A. MR. MARTIN: Yes, absolutely. Buffalo  
18 aren't protected in this area from anybody. They're  
19 free-ranging. You don't need a licence to hunt them. Every  
20 other herd around here is protected by a park. Zama is under  
21 ASRD regulations where you have to have draw tags and stuff  
22 like that.

23 Nobody really knows about this herd. This is  
24 one place that nobody really has much access to. It's quite.  
25 People always say "I'm going to go there," but nobody other

1 than -- the only people I've seen out there is fellow band  
2 members or ACFN or Metis people that have been out there.  
3 And building access roads gives accessibility to everybody to  
4 go in there other than nonAboriginal people. It's the last  
5 herd that's there for anybody at all to harvest animals and  
6 it's important that we keep that.

7 Q. Thank you. Ms. Lepine?

8 A. MS. LEPINE: I just want to add, just in  
9 terms of this area of importance to Mikisew, we're actually  
10 undertaking a small study looking at Mikisew's concerns just  
11 in general with development. And, so far, I just have  
12 preliminary information shared with me from our researchers  
13 and hope to have the study completed sometime. But a lot of  
14 the Mikisew people are expressing, if not all, the importance  
15 of this area and the proposed projects put forward by Teck.

16 Q. Thank you. And I guess just to follow up with that, are  
17 you concerned that if this exploration happens, you'll lose  
18 the opportunity to raise concerns about this herd in future  
19 hearings, and could you describe that?

20 A. MS. LEPINE: Yes. I mean we look forward to  
21 every opportunity provided to us to express concerns, whether  
22 or not it's asking Alberta for a meeting and being refused to  
23 meeting with proponents and expressing our concerns. But  
24 we're here today to allow the Panel and you, Mr. Chairman, to  
25 understand what our concerns are, and if we were here in the

1 Frontier Mine hearing, the buffalo may be gone by then and be  
2 impacted severely. And we all know the irreversible damages.  
3 Once the bison are gone, they're gone.

4 Not only that, but if we were asked a question  
5 from, say, a panel such as yourself "why didn't you guys  
6 raise these concerns previously," we've been raising concerns  
7 but now it's just a matter of those concerns -- you're the  
8 first to acknowledge them.

9 So if we're asked in the Frontier Project and  
10 if we're sitting in a mine hearing right now and we were  
11 granted standing and refused, I think, you know, you could  
12 basically ask us, "Well, why didn't you participate if these  
13 concerns were so important to you?"

14 So we don't want to lose any opportunity.  
15 But, again, going back to the timing, we know that the bison  
16 are there and I think we just need to take a precautionary  
17 approach to how we want to protect the integrity of that  
18 bison herd today.

19 Q. Thank you.

20 I think with that, my questions are done. So  
21 I would just ask whether the Panel -- our witnesses have  
22 closing statements or any additional concerns that they would  
23 like to raise here in this hearing.

24 A. MS. MARTIN: Yes. First of all, I would  
25 like to commend my team, our team, for their courage in being

1 here and accepting their role to come here and share what  
2 they believe and what is important to them.

3 I also want to commend the panel for their  
4 listening skills and their attentiveness in looking at how we  
5 are going to present -- we have presented our traditional  
6 knowledge. However, there is -- I have a great concern to  
7 see that we have not arrived at a place where we are even at  
8 the initial stage of including traditional knowledge in a  
9 meaningful way in any kind of procedure.

10 I say this because I've been working in this  
11 region for the last 40 years, and I've seen the changes and  
12 I've been to different forums where we've met the same  
13 challenge.

14 There's nothing in place to assist the  
15 open-minded people to consider how they can make an informed  
16 decision that's fair to applying our traditional knowledge  
17 within the decision making in this forum and in other forums.

18 Unfortunately the requirement for people to  
19 feel compelled to use is exclusive to scientific processes  
20 and information. It excludes in a meaningful -- it excludes  
21 our traditional knowledge. It does not give us an  
22 opportunity to apply our traditional knowledge in a  
23 meaningful way. It's only seen as an addition within the  
24 system without that infrastructure, without that traditional  
25 knowledge procedure.

1                   So all the information that our people are  
2 sharing and have shared in the last two days is almost -- I  
3 feel that it's not going anywhere. I feel that we have done  
4 something that's almost -- you can say dishonouring our own  
5 people, our own people who have the expertise in the  
6 communities through their traditional knowledge and their  
7 experience on the land, who have acquired this knowledge  
8 through their life experience.

9                   It seems to me that we've dishonoured them by  
10 asking them to be here because -- and I can't tell the  
11 future, but, from my experience, I feel the concern that  
12 somewhere, somehow the importance that we want to express,  
13 that we want to share is not going to be understood when  
14 decisions are made.

15                   So I hope that this is -- I hope that I'm  
16 wrong, and I ask this Panel to be our champions, to take the  
17 information that we have shared and to include it in a  
18 meaningful way in a decision that they're going to reach at  
19 the end of this hearing so that it is a fair process, that  
20 it's an informed process. After all, you have asked us to be  
21 here to share our traditional knowledge.

22                   So I want to say that because for me, you  
23 know, this is one of the first opportunities, I would say,  
24 to -- for me to come here and share this. But I chose to  
25 come here today at this hearing for the first time because,

1 you know, even though I have seen that what has happened to  
2 our traditional knowledge, I still believe, I still believe  
3 in my honour and my duty to come here and express my concerns  
4 and to ask the Panel to consider our traditional knowledge,  
5 our way of knowing in a meaningful way.

6 Thank you.

7 Q. Ms. Lepine?

8 A. MS. LEPINE: I would just like to maybe  
9 summarize. I've now been involved in about seven  
10 interventions for Mikisew. And if I could summarize, in all  
11 of our interventions, including this one, we're never asking  
12 for a veto. We're never asking, you know, for that. I think  
13 all we're asking for is some certainty. Some certainty that  
14 our treaty and Aboriginal rights would be protected, as they  
15 should. It's recognized in this Constitution.

16 And we're also asking for some certainty of a  
17 small herd of bison that are of extreme importance not only  
18 to the Mikisew, to the Aboriginal groups, the ACFN and the  
19 Metis and the Fort McKay residents, but for Albertans,  
20 Canadians. As Willie has said, this could be the last herd  
21 in the world. What does that mean? It's got to mean  
22 something to all of you as it does to us.

23 We're feeling that some of our concerns are  
24 starting to be recognized. We just finished meeting with  
25 Canada and Alberta last week and reviewing the decision

1 report on the Jackpine expansion project. And it was good to  
2 see that finally they're paying attention to our issues and  
3 concerns. It's at least being recognized.

4 Have they been dealt with? No. We need some  
5 actions. And that's exactly what we told Alberta and Canada  
6 last week. It looks good on paper, but when are we actually  
7 going to see things done. LARP does not fulfil in addressing  
8 cumulative effects.

9 So it is now a perfect opportunity to do  
10 something. The oil is not going to go anywhere. It's going  
11 to sit there and wait for Teck. So don't rush. Make an  
12 informed decision and make sure that when you make your  
13 informed decision that you have the certainty to protect that  
14 herd and protect Mikisew's interests and rights to continue  
15 to harvest that important animal.

16 Thank you.

17 Q. Who's next? Councillor Courtoreille?

18 A. MR. COURTOREILLE: I would just like to the Panel,  
19 we shouldn't have to be here today if the proper consultation  
20 was done upfront with the government and industry side by  
21 side in a forum like this to talk about the issues. And it's  
22 trade-offs of things that we could talk about, you know. We  
23 know industry is going to come. We're not going to stop them  
24 regardless of what happens.

25 But let's get industry to do it wisely in the

1 future because we have -- once we're gone I'll be dead.  
2 We'll all be dead here 100 years from now, but what will be  
3 left behind for our children? great grandchildren? We have  
4 to look that far ahead too for us. There wouldn't be  
5 anything up there for them. There will be a hole in the  
6 ground.

7                   If industry has got to extract their minerals  
8 or oils, whatever, do it wisely and invest money into  
9 research in order for them to do it properly. Let's not ruin  
10 the world and water for future generations. This could be  
11 avoided if we sat down together with industry, government,  
12 and the right people. Let's do it right for future  
13 generations.

14                   With that I'll leave it to you.

15 Q. Councillor Marten?

16 A. MS. MARTEN:                   Thank you. Once again  
17 thank you, Panel. Thank you for everyone for sharing the  
18 information. And the traditional knowledge, the elders we  
19 have at home are scientists to us. We call them our  
20 scientists. They live, they breathe the ground and air.  
21 That's where they come from. They know it. They lived it.  
22 When they want light, they don't flick a switch. They have  
23 to make their own light. They have to make their own  
24 accessibility. They have to make their own fires. So they  
25 have full knowledge because they've lived it. So they are

1 our scientists, even though they don't have the title behind  
2 them. They are our scientists.

3                   And I really want you, Mr. Chairman, to really  
4 consider our concerns and our certainty. Like Melody said,  
5 it's not to veto the projects, it's to be able to work  
6 together. To be able to work together, to be able to listen  
7 to one another and know exactly where we're coming from and  
8 where we're going to be able to use this land that the  
9 Creator has given us, for all of us, in a decent and  
10 respectful way.

11                   Thank you.

12 Q. I believe I'm going to be in the hot seat with your mom  
13 if I don't give you the floor.

14 A. MR. MARTIN:                   Yeah, I'm not here -- I'm not  
15 getting paid at all to be here. I'm sure everybody from Teck  
16 is getting paid to be here. I'm here because I'm concerned.  
17 I'm here because I think our treaty rights are being  
18 violated. That's our treaty, our hunting grounds. Not  
19 Teck's, ours. So I'm here to say that I'm concerned about  
20 it. I don't want anybody in there. I want this buffalo herd  
21 to stay there for me, for my kids and, yeah, that's why I'm  
22 here. I'm concerned about it.

23 MR. GUSTAFSON:                   Thank you. Unless anybody has  
24 anything else to add, I think I am done with my questions.  
25 Thank you.

1 THE CHAIR: Thank you, Mr. Gustafson.

2 Mr. Ignasiak.

3 MR. IGNASIAK: Thank you, Mr. Chairman.

4 MR. IGNASIAK CROSS-EXAMINES THE PANEL:

5 Q. Good morning, panel. My name is Martin Ignasiak. I'm a  
6 lawyer for Teck, as you probably know by now.

7 Ms. Lepine, nice to see you again. I wanted  
8 to start with Exhibit 27.01. That's the letter from you to  
9 ESRD regarding the August 15th meeting that you were speaking  
10 to a little while ago?

11 A. MS. LEPINE: What's the date of the letter?

12 Q. August 16, 2013. This is the one we entered today as an  
13 exhibit.

14 A. MS. LEPINE: Okay.

15 Q. So, Ms. Lepine, I take it this is a pretty accurate  
16 record of a meeting that you had with ESRD on August 15; is  
17 that right?

18 A. MS. LEPINE: Yeah, if you could see the  
19 dates. I mean, we wrote this letter and submitted it the  
20 very next day. So it's the best that we could summarize our  
21 notes from the previous day.

22 Q. That's great. And how long was that meeting?

23 A. MS. LEPINE: We had two meetings with  
24 Alberta that day. So this was the second one, which started  
25 at approximately 1:00, and I believe it ended close to 3 or

1 4. I don't remember.

2 Q. Now, I understand that one of the things -- and it's  
3 referred to in this letter. One of the things is Alberta  
4 indicated during that meeting that they were aware of Teck's  
5 program and that they were aware that it raises concerns with  
6 bison and that they have to look at that. Is that fair?

7 A. MS. LEPINE: I believe so, but you would  
8 have to ask Alberta.

9 Q. One of the things that you indicated during your  
10 testimony was there was a mention of -- I think you switched.  
11 You said double counting a few times and then you said  
12 overcounting.

13 A. MS. LEPINE: Well, double counting could be  
14 overcounting. So if you're counting something twice, then  
15 there's an overcount.

16 Q. But what I couldn't find in this letter -- I looked at  
17 the population of the herd section. I haven't seen any  
18 reference in this letter to overcounting or double counting.  
19 And what I did see at page 2 was that: (as read)

20 "The studies have provided new  
21 information on the size of the herd  
22 that did not exist previously. There  
23 is no definitive size of the herd."

24 So as I take your meeting notes, as I take your testimony, I  
25 just want to make sure it's accurate. They said there may

1 have been overcounting, but not necessarily, but they  
2 acknowledge that the population estimates aren't definitive.  
3 Is that fair?

4 A. MS. LEPINE: Yeah. They acknowledged that  
5 the population is not definitive, as you're saying, and that  
6 it is highly likely to overcount -- or to double count,  
7 sorry.

8 Q. Can you tell us who at ESRD said that it's highly likely  
9 they overcounted?

10 A. MS. LEPINE: In this letter?

11 Q. Yes, at the meeting. Who was it who said that they  
12 think it's highly likely they overcounted?

13 A. MS. LEPINE: I can't remember her name, but  
14 it was the biologist.

15 Q. Ms. Skilnick?

16 A. MS. LEPINE: Yes. It was the first time  
17 meeting her.

18 Q. Thank you. And I take it -- I'm assuming this, but I  
19 take it it's a good thing Mikisew is glad it had an  
20 opportunity to meet with SRD on this issue? That's a good  
21 first step, you would agree with that?

22 A. MS. LEPINE: It was a good first step, yes,  
23 to finally understand what Alberta's attempts are in  
24 understanding the herd, yes.

25 Q. Thanks. I wanted to switch gears now to -- and

1 Mr. Gustafson covered some of this -- the map, the maps we've  
2 been talking about. And he referred you this morning to  
3 Exhibit 8.1, the letter from you to SRD dated November 9.  
4 That's at Exhibit 8.1 page 533. And attached to that letter  
5 is a map he referred to, and that map is at pdf 539. Do you  
6 have that in front of you?

7 A. MS. LEPINE: Yes. Is it the nice colourful  
8 map?

9 Q. Yes.

10 A. MS. LEPINE: Yes.

11 Q. Some of this may be a little repetitive with the  
12 questions Mr. Gustafson asked, but I'm just trying to get a  
13 sense of it.

14 As I understand it from the column on the  
15 left, this map was prepared by Firelight Group on November 5,  
16 2012; is that correct?

17 A. MS. LEPINE: If that's what it says, then  
18 that's correct.

19 Q. And Firelight Group is retained by MCFN, as I understand  
20 it, to help with these kinds of things?

21 A. MS. LEPINE: Yes. They are a consulting  
22 company that primarily do use and occupancy studies and  
23 traditional knowledge studies.

24 Q. So you used -- I take it, then, that you requested that  
25 Firelight prepare this map to help you support the letter you

1 wrote to SRD on November 9; is that right?

2 A. MS. LEPINE: Yes. So, again, we're trying  
3 to stress the importance of our concerns and Mikisew's use  
4 and interest in the area, so we thought this map would be  
5 helpful. It's the best that we could do at the time frame we  
6 had.

7 Q. Okay. And as -- let's start with the subsistence sites.  
8 The subsistence sites, the circles that are marked, they're  
9 not all with respect to bison, are they? Do they represent a  
10 whole range of different species?

11 A. MS. LEPINE: I would say that they are  
12 primarily bison.

13 Q. Primarily bison, okay.

14 A. MS. LEPINE: I don't have the raw data in  
15 front of me to confirm that or the interview transcripts.

16 Q. We've used the reference of subsistence sites, but are  
17 all of them like kill sites where a member killed an animal  
18 or is subsistence site broader than that?

19 A. MS. LEPINE: Subsistence means basically the  
20 harvesting of usually a source of food.

21 Q. So could it include berries and things like that as  
22 well, or is it just game?

23 A. MS. LEPINE: I don't believe this is really  
24 habitat for berries. It's pretty wet.

25 Q. Can you tell me these locations of subsistence sites,

1 can you tell me over what time period is represented on this  
2 map? Is it five years? Does it go back 5 years, 10 years,  
3 40 years?

4 A. MS. LEPINE: It could vary. We have an  
5 inventory of data and I -- if Firelight was here they could  
6 probably tell you exactly which studies they incorporated  
7 this data, but I really can't -- I'm not the author of this  
8 report and I did not do this map, so I can't answer that  
9 question.

10 Q. No, that's fair enough. I guess -- I'm looking at the  
11 environmental area. I still think it's purple and you will  
12 see around the number 2892 there's one environmental area,  
13 but then there's an environmental area that kind of goes down  
14 most of the left side of the figure. Do you see that?

15 A. MS. LEPINE: Yeah. That's the area along  
16 the -- sort of the pink shaded area.

17 Q. Okay. Pink it is. No, that's fair enough. I think we  
18 all know what we're talking about, the cross-hatched area  
19 coming down --

20 A. MS. LEPINE: Yes, that's the area, basically  
21 sort of the linear or the elongated area that's supposed to  
22 represent important habitat.

23 Q. So I heard the -- I heard the answer, Mr. Gustafson, but  
24 I just wanted to kind of zone in on it. Do you know what  
25 that represents? What makes an area an environmental area

1 versus another area not an environmental area? I'm just  
2 trying to get a little more definition around what that  
3 means.

4 A. MS. LEPINE: Again, if Firelight was here,  
5 they could really describe their methodology on undertaking  
6 this study for Mikisew. I'm not aware of how they  
7 represented some of this, but to the best of my knowledge and  
8 understanding, what they have done here, and by no means am I  
9 to be an expert in this study because I'm not the author  
10 again, but I believe it's the environmental area that's  
11 important to bison, which would be habitat.

12 Q. Okay. That's fair enough.

13 So yesterday your counsel -- or two days ago,  
14 I should say, your counsel Ms. Brooks referred the Teck panel  
15 to very much the same figure at Exhibit 15.01, pdf page 1455,  
16 and I just wanted to go through that with you briefly.

17 Mr. Chairman, what I've done is I've made  
18 copies of that. I don't think we have to enter this. It's  
19 just a printout of that page. But I think it will be easier  
20 for everyone to refer to.

21 Now, Ms. Lepine, this is a figure that your  
22 counsel referred to yesterday. This was attached to a letter  
23 from Teck to you and Ms. Brooks explained it as a letter that  
24 was provided by MCFN but then Teck overlaid those green dots  
25 to represent the program that's the subject of this

1 application.

2                   And I guess what I'm wondering about is when I  
3 look at this, and I appreciate there's some disconnect on  
4 what a site-specific impact is as between the parties and  
5 that's been the subject of discussion, but I'm just  
6 wondering, looking at this, does MCFN have any specific  
7 recommendations in terms of precise core hole sites or access  
8 roads or anything that are of particular concern?

9                   So, for instance, we have a member who has to  
10 get to this place, that road is a problem, can you move it or  
11 these two core holes are a problem because we have a cabin  
12 there. Like, are there any concerns of that nature? Maybe  
13 there aren't, but are there any concerns of that nature that  
14 MCFN has with the locations of these core holes?

15 A.   MS. LEPINE:                   One of the things we did  
16 request of Teck is to undertake a study to answer such  
17 questions you're asking; however, we were denied.

18                   So I would like to say we would be happy to  
19 provide you with the answers you're seeking, but, at this  
20 time, we haven't done a site-specific assessment looking at  
21 conflicting land uses between Mikisew and Teck.

22 Q.   That's fair enough. I think that's all I need.

23                   Now, I understand that MCFN has already filed  
24 a statement of concern with respect to the Frontier Project  
25 overall; is that right?

1 A. MS. LEPINE: Yes.

2 Q. And that statement of concern is at Exhibit 8.1, so  
3 that's MCFN's submissions, pdf page 1045, and that's a June  
4 4, 2012, letter. Correct?

5 A. MS. LEPINE: Yes, if you say so.

6 Q. To that -- and that SOC -- I don't recall -- if you need  
7 a few minutes to pull it up, I'm fine with that. It's a  
8 30-page statement of concern with a figure at the end of it.

9 A. MS. LEPINE: Yes. Is this the SOC that Teck  
10 did not want us to bring forward?

11 Q. What do you mean? At this proceeding or...

12 A. MS. LEPINE: Yes.

13 Q. I'm not aware of that, but it's attached in your  
14 materials.

15 A. MS. LEPINE: But, I mean, the concerns we  
16 raised in the SOC, Teck did not want us to raise those same  
17 concerns here because they felt this was about exploration,  
18 and not about the mine.

19 Q. Yes, that's a live issue. Fair enough.

20 So that SOC had attached to it a map that was  
21 provided as part of it, and it's at Exhibit 8.1. It's pdf  
22 page 1076 attached to MCFN's statement of concern. I'm just  
23 going to provide a copy of that.

24 Again, Mr. Chairman, I'm just doing it for  
25 ease of reference because I think we'll be looking at both

1 maps.

2 Now, Ms. Lepine, this was also prepared by  
3 Firelight, but, as I understand it, this was prepared by  
4 Firelight on May 29, 2012; is that right?

5 A. MS. LEPINE: Yes, that's the date on the  
6 map.

7 Q. You would have requested this from Firelight to support  
8 the SOC that you filed on June 4th; is that right?

9 A. Yes.

10 Q. About five months before the letter to SRD on the winter  
11 drilling program?

12 A. MS. LEPINE: Mm-hmm.

13 Q. Now, I guess, one of the things I was wondering is the  
14 environmental area that exists on the left side of the figure  
15 attached to the winter drilling program is not at all  
16 depicted on the map from May 2012.

17 Do you have any explanation as to what work  
18 led to this or what new information came to light in those  
19 five months that resulted in the creation of that new  
20 environmental area?

21 A. MS. LEPINE: Again, I think it's best that  
22 Firelight answer that question. I don't know what data  
23 sources they were relying upon for the generation of each  
24 map.

25 Q. Okay. So there's no information that MCFN can offer in

1 this proceeding to explain what led to the creation of the  
2 new environmental area?

3 A. MS. LEPINE: I believe through the source of  
4 information that was available to Firelight and the source of  
5 the data that was available for the purposes of generating  
6 the map, I would assume.

7 Q. But you don't have any knowledge of what that  
8 information is?

9 A. MS. LEPINE: All of the information comes  
10 from, as I cited earlier, interviews collected. But the  
11 information collected are stored and it all depends on what  
12 Firelight is drawing upon, what information.

13 Q. So they draw on different information for different  
14 maps?

15 A. MS. LEPINE: I would assume so, but again  
16 I'm not the author of this report. I cannot speak to this  
17 study.

18 Q. Thank you. I just have a couple of questions and I'm  
19 just asking this because Councillor Courtoreille and  
20 Mr. Martin, you made a number of statements about wildlife  
21 and I respect that's your traditional knowledge and it's to  
22 be respected. I think everyone agrees with that. But I just  
23 wanted to be sure that when you spoke about the reaction of  
24 bison to drilling and to exploration activities and things  
25 like that and what you've observed, that that's based on your

1 observations. But I just want to be clear, do either of you  
2 have any background education, formal education I should say,  
3 in wildlife ecology or anything like that? I'm just asking  
4 it because it's something I think we have to get on the  
5 record. Just to be clear on the context of your evidence.

6 A. MR. MARTIN: Drilling projects, before you  
7 do them, they give you -- well, when I did it, they gave  
8 me -- well, they had to let you know the wildlife patterns.  
9 So, yeah, I do have a bit of knowledge on it.

10 Q. So as part of your work on drill rigs, you get some  
11 knowledge about that?

12 A. MR. MARTIN: I did all the exploration. So  
13 I had to -- you have to know what animals do.

14 Q. That training, that's routinely given to people working  
15 on those exploration programs?

16 A. MR. MARTIN: Yeah. Well, we did it. I  
17 don't know if it's for everybody, but the project I was on,  
18 we did it.

19 Q. Who were you working for?

20 A. MR. MARTIN: Nexen.

21 Q. Nexen, okay.

22 Councillor Courtoreille, same question. I  
23 understand you have a lot of traditional knowledge. But,  
24 again, on the formal education, ecological, wildlife,  
25 biology, that's not something you've been through, I take it?

1 A. MR. COURTOREILLE: Yeah. By no means, I'm not a  
2 biologist. I went to school in the bush where I lived with  
3 the animals and harvested them. So I have that kind of  
4 knowledge.

5 Q. No, I appreciate that. Thank you.

6 Sorry, go ahead.

7 A. MS. MARTIN: I wanted to comment on -- this  
8 is an example of what I was alluding to when we say that we  
9 honour our traditional knowledge keepers to come to this  
10 table to come and share their traditional knowledge based on  
11 their experience.

12 There is no infrastructure on how traditional  
13 knowledge is applied within scientific knowledge. If you're  
14 going to apply scientific knowledge today, I believe that  
15 that's strictly traditional knowledge, and there's a  
16 procedure in place, there's a process in place on how you do  
17 that.

18 We, on the other hand with our traditional  
19 knowledge, have our own procedure, have our own way of doing  
20 that. So until the time that we do have this formal  
21 procedure, I don't think it's fair to compare scientific  
22 knowledge and traditional knowledge and, in any way, imply  
23 that traditional knowledge does not present a big part of the  
24 concluding statements or any kind of decision that's going to  
25 be made.

1 Q. Yes, and I didn't mean to do that. I just meant to make  
2 sure we understood we were talking about traditional  
3 knowledge and then we will let the two scientists battle it  
4 out separately.

5 A. MS. LEPINE: I just have a further comment  
6 about the maps.

7 I just realized actually that our study is  
8 incomplete at this time, so we are undertaking additional  
9 interviews and we're actively collecting more information for  
10 Teck. So it could be quite possible. Again, I would prefer  
11 if Mr. Candler was here, who's doing the study for us, to  
12 answer this.

13 But my understanding is that, as we're  
14 collecting information and given the different timeframes of  
15 the maps generated, there is likely that interviews were done  
16 and we're still doing interviews. We actually -- I think  
17 we're looking to schedule some more within the next few  
18 months.

19 So the map could look different at the next  
20 hearing regarding Teck. So we are actively collecting that  
21 information and that could be very well why they look  
22 different. It's an ongoing process as traditional knowledge  
23 becomes available. As you know...

24 Q. I understand.

25 A. MR. COURTOREILLE: Could I maybe -- working with

1 science, I worked with scientists quite a number of years,  
2 taking them out in the park. They have a lot of knowledge, a  
3 lot of how they collect knowledge, but they don't know where  
4 to collect. That's where we come in, Aboriginal people. We  
5 know where.

6 Give you an example, in Killarney National  
7 Park there were some scientists doing research on salmon  
8 spawning area. They were there for two months. They  
9 couldn't find out where the spawning area was. One day they  
10 asked, "Ask the old man living by the lake. Maybe he knows."

11 The same hour they told them exactly where to  
12 go. That's where the Aboriginal knowledge comes in. We know  
13 the wheres. You guys know how to collect knowledge; we know  
14 where to collect.

15 MR. IGNASIAK: Thank you, sir. Thank you,  
16 Mr. Chairman. Those are all our questions.

17 THE CHAIR: Thank you very much,  
18 Mr. Ignasiak.

19 Mr. Perkins.

20 MR. PERKINS: Thank you, Mr. Chairman.

21 MR. PERKINS QUESTIONS THE PANEL:

22 Q. Panel, I wanted to thank you for coming here today to  
23 share your information with us. I only have a few questions  
24 and I wanted to start first, if I could, with the map again.  
25 That's from Exhibit 8.1, pdf page 539 destined to become the

1 rock star of this hearing I think.

2 I understand from your comments, Ms. Lepine,  
3 that this work is being done or the map was prepared by a  
4 consultant, Firelight?

5 A. MS. LEPINE: Yes.

6 Q. You just said that this is an ongoing process. There is  
7 more work being done?

8 A. MS. LEPINE: Yes.

9 Q. What I was interested in, and I'm not sure you can  
10 answer, is if you can tell me how many members contributed to  
11 the information on this map and how those who did contribute  
12 were selected?

13 A. MS. LEPINE: I would say maybe about 40,  
14 which is a very small percentage of the entire Mikisew  
15 operation.

16 Q. And you have confidence in that number, or you're just  
17 sort of guessing at it? Either way is fine.

18 A. MS. LEPINE: I'm sort of guessing. I don't  
19 have the study in front of me, but -- I'm assuming it's close  
20 to about 40 so far, but we are trying to collect a lot more  
21 to understand this area a little bit more clearly.

22 Q. Is this work being done for the purpose of this winter  
23 drilling program application, or is it part of or related to  
24 something else?

25 A. MS. LEPINE: It's for the Frontier Project.

1 We requested for something specific for the winter drilling,  
2 but that was not entertained.

3 Q. I have a question about a statement in your submission,  
4 again Exhibit 8.1. This one appears on pdf page 18 and it's  
5 paragraph 37 (h). So there's an indication there that the  
6 Mikisew are concerned about effects on the Ronald Lake bison  
7 herd. We've heard that.

8                   There's a specific statement that you're  
9 concerned about - impacts from contamination, disruption or  
10 reduction of water sources for bison. And I wondered if you  
11 could say a bit more about that?

12 A. MS. LEPINE:                   I mean, it is a concern. It's  
13 my understanding there's going to be quite a bit of activity  
14 there and ice bridges. And with spring melt and runoff,  
15 there is source that contamination can enter into the  
16 surrounding water bodies and potentially contaminate the  
17 bison's drinking source.

18                   As well as there is a lot of industrial  
19 activity in the area that's transporting contaminates  
20 airborne. So there are a lot of upgraders and different  
21 sources of emissions that are having effect on water sources  
22 as far away as Fort Chipewyan some recent studies are  
23 finding.

24 Q. And what about the suggestion that there will be a  
25 reduction of water sources?

1 A. MS. LEPINE: I raised the issue earlier  
2 about just our concerns with the issuance of a 10-year  
3 licence for winter drilling. So there is a lot of water use  
4 and it's not clear to us how much water exactly and how  
5 much -- like the water balance, how much is actually  
6 returning back to the landscape. Again, there's no  
7 assessments done, so it's very -- we're just assuming because  
8 they are using water and a lot of water.

9 Q. Thank you. I don't know if this is for Councillor  
10 Courtoreille or maybe Mr. Martin.

11 You've already addressed the discussion in  
12 this hearing about bison counts and the Ronald Lake herd.  
13 And I think you probably heard previously that some of the  
14 witnesses have talked about a trend towards increasing  
15 numbers, maybe as high as 180. And I wondered what you  
16 thought the most accurate estimation of the numbers of the  
17 Ronald Lake herd would be?

18 A. MR. MARTIN: I don't think there's that many  
19 there personally myself. I have never seen more than 20 of  
20 them at a time. Like I said, they could have double counted  
21 them and stuff like that. But there is -- they are there.

22 Q. Councillor Courtoreille?

23 A. MR. COURTOREILLE: What's that?

24 Q. Do you think that the Ronald Lake herd is approaching  
25 180, or do you think it's something less?

1 A. MR. COURTOREILLE: That was the number brought up  
2 the other day from one of the people from your department  
3 here. Said they counted 183. That's a number you brought  
4 out. I didn't bring that out.

5 All I know is when we counted in 1985, we flew  
6 over the same area with Parks Canada in an aircraft. We  
7 counted 30 then, but somewhere in the bush it's hard -- it  
8 wasn't an accurate count.

9 Q. What about the suggestion that there may be movement  
10 between the Ronald Lake herd and the animals in the park? Do  
11 you agree with that? Do you think that's happening, or do  
12 you think that's --

13 A. MR. MARTIN: I don't think it's happening  
14 now. I don't think it's -- no, I don't. There's evidence  
15 that says they're not because they're not diseased. The  
16 buffalo in the park are diseased and they're not, so they  
17 can't be --

18 Q. Councillor Courtoreille, I think you addressed that  
19 already.

20 A. MR. COURTOREILLE: I can truthfully say there's no  
21 migration. If there was years ago, there might have been, I  
22 don't know. But since the '70s, they don't even cross the  
23 Gull River. Too bad we didn't have an Alberta map here.  
24 Because of vegetation changes, they don't even come to the  
25 south end of Lake Claire. So how could they migrate? They

1 don't fly.

2 Q. When the ACFN panel was up, we asked them about  
3 harvesting practices in relation to the herd, what are they  
4 doing or not doing, if anything, to ensure the proper  
5 continuation of the herd. Can you address that question? Is  
6 there anything that the Mikisew or you personally are doing  
7 or not doing for the good of the herd?

8 A. MR. MARTIN: Well, I'm sitting here right  
9 now. I don't know. It's important that they stay there.  
10 I'm sitting here telling you that it's a very important piece  
11 of our traditional use and our lands and we harvest the meat  
12 all the time and stuff like that. We don't go in there and,  
13 like, slaughter a whole bunch of them or anything.

14 I go there once a year maybe at the most just  
15 to get a buffalo out of there, but it's not overpressured  
16 or -- we don't -- yeah, we don't overpressure the herd and we  
17 just take what we need out of it.

18 Q. I think Mr. Cardinal said that they weren't taking big  
19 bulls; they were being careful about cows that may be with  
20 calf?

21 A. MR. MARTIN: Absolutely. You don't take  
22 breeding bulls out of anywhere -- anything.

23 A. MR. COURTOREILLE: You're asking me how do we  
24 protect the herd. One way is there's only one way in and one  
25 way out in the winter months. At Mike Martin's trapline,

1 there's only one road going into Ronald Lake. That's the  
2 only access they have. They can control it that way.

3 Q. Let's talk about access to the herd. How important is  
4 that for the sustainability of the herd?

5 A. MR. MARTIN: It's huge.

6 Q. Is that the most important thing to allow that herd to  
7 prosper, in your mind?

8 A. MR. MARTIN: No, it's not. It's a big part  
9 of it. Destruction of their food is another -- is the other  
10 big thing.

11 A. MR. COURTOREILLE: I think the most important part  
12 is the food. They don't eat, they starve.

13 A. MS. MARTIN: The other consideration also is  
14 the practices when it goes to -- like the ACFN mentioned in  
15 one of their panel members about the harvesting practices and  
16 how that's done. That's very important as well.

17 But also the access is not only the most  
18 important thing. It is one of the priorities, but the other  
19 thing is the disturbance on the land. And, like we alluded  
20 to, and we shared, any kind of disturbance will impact the  
21 herd in any way.

22 Q. Thank you, Ms. Martin.

23 A. MS. LEPINE: If I could just even raise a  
24 story that my grandmother told me when I was young.

25 We used to have barren ground caribou and they

1 were being disturbed in the shield in Fort Chip. And today  
2 we don't have barren ground caribou.

3                   So just a little disturbance of people  
4 settling in the area around Fort Chip has caused enough  
5 disturbance to move that important resource far north  
6 inaccessible. So we realize the importance of disturbance to  
7 important resources like caribou and moose and now bison.

8 Q. So maybe we could just talk about the analogy between  
9 caribou and buffalo.

10                   So buffalo have a herd mentality, right? They  
11 like to stay together? They like the protection of the herd.  
12 Do you agree with that?

13 A. MR. MARTIN:               Yeah. Caribou are the same  
14 way.

15 Q. So your belief is caribou are the same way?

16 A. MR. MARTIN:               They're a herd animal too.

17 Q. So they're not solitary creatures that individual  
18 animals or pairs need their space. You don't agree with  
19 that?

20 A. MR. MARTIN:               No.

21 Q. So, in your mind, it's a good analogy then. Disruption  
22 that drives caribou away, similar disruption will drive bison  
23 away?

24 A. MR. MARTIN:               It will drive anything away.

25 Q. Anything, okay.

1                   Ms. Lepine, I wanted to ask you about this.  
2   The issue has come up over and over with the panels and that  
3   is this question of whether it's regulators or developers  
4   looking for site-specific impacts. And I don't know if you  
5   were here for the discussion between Ms. Somers and  
6   Mr. Ignasiak, but it seemed to me there was a real disconnect  
7   between what was being asked for and what was being provided.

8                   Do you have a sense of what I'm trying to get  
9   at here?

10   A.   MS. LEPINE:                I don't necessarily know that  
11   there's a disconnect. I think there's a sense of  
12   interpretation differences.

13                   What we see as site specific, as Alice  
14   mentioned, is our use within that area. That's all site  
15   specific. Whether or not it's hunting bison or harvesting of  
16   other resources or going there for spiritual reasons, that is  
17   all site specific and that's what we tried to describe to  
18   Teck and to Alberta.

19   Q.   In your experience, when you offer that information up,  
20   has it been your experience that the response is that is not  
21   site specific? Is this what you're getting back, you're not  
22   being specific?

23   A.   MS. LEPINE:                That's correct. When I  
24   reviewed the record of consultation, repeatedly Teck is  
25   saying not providing site specific. We feel we're giving

1 them use information and information about our concerns to  
2 the specific area. Again, it may not -- there may not be a  
3 bison standing on that core.

4                   It's a challenge because their lack of  
5 understanding of our culture, their lack of understanding of  
6 our traditional knowledge, and the way we use the land and  
7 our relationship with the land could be that disconnect that  
8 you're describing.

9 A. MS. MARTIN:                   I also wanted to add that, in  
10 any given situation, procedures are based on precedents. And  
11 in this case, it's the same analogy, I would say, because if  
12 there's a lack of infrastructure to relate, to include, to  
13 apply our traditional knowledge, then that's a huge gap. So  
14 that misinterpretation will always be here until we design  
15 something that's going to be understood by both cultures.

16 A. MS. LEPINE:                   That could be the consultation  
17 key. If this panel could have Alberta do meaningful  
18 consultation to understand what our concerns and what the  
19 impacts on Mikisew Cree are clearly, then we could attempt to  
20 move forward in addressing those impacts and concerns.

21 Q. What about the matter of timing? That is, the time  
22 within which you're asked to provide information. Is that a  
23 strain on you to deal with that as an IRC representative?

24 A. MS. LEPINE:                   Yeah. It's a short window. I  
25 mean, we're looking at just a series of a few weeks, and to

1 provide such critical information that's going to have  
2 significant consequences and impacts on Mikisew is really  
3 unfair.

4                   And to put a lot of that onus and that  
5 pressure and responsibility on us to do assessments, to do  
6 studies, and to provide as much information as possible  
7 within 21 days, it's completely -- it's not only -- it's  
8 unfair but it's not democratic. We're in Canada. Where's  
9 the free will for us to properly assess impacts on treaty  
10 rights.

11 Q.    What would you suggest is either a more realistic time  
12 frame or a more realistic framework within which you can be  
13 asked for that information and provide it back?

14 A.    MS. LEPINE:                   Well, what would really help  
15 we've put forward a proposal called land resource use  
16 management plan which would help Mikisew along with ACFN. We  
17 provided a proposal to Alberta and Canada to help fund such a  
18 study that would look at identifying important resources  
19 within the region.

20                   So we would build upon a wealth of knowledge  
21 that could be there and collected, important traditional  
22 knowledge about a relationship with the resources in terms of  
23 quality and quantity, lands, et cetera.

24                   So if we had such a study done, it would  
25 really help in terms of meeting important timelines within

1 the regulatory. But in the absence of that, we're taking on  
2 a project-by-project basis with no information and no  
3 assessments done on those specific projects.

4                   So an adequate timeline would be for us to do  
5 that study which could take a number of years, but in  
6 specific cases like this and some form of environmental  
7 assessment, assessment done on the bison that we've asked  
8 for. So if we have all of that information, and Alberta said  
9 it could take up to two years before they understand -- or  
10 complete the study that they're sort of in the middle of  
11 doing.

12                   So as long as it takes. There shouldn't be a  
13 forced timeline placed upon us.

14 Q. And I understand that. Thank you.

15                   I did want to ask you about the request that  
16 the Mikisew have made, that the project not be approved until  
17 a study of the Ronald Lake herd is complete. I wanted to ask  
18 you what information would you want to have collected and  
19 produced as a result of that study? And, in particular,  
20 Exhibit 27.01 -- and that's your letter, Ms. Lepine, of  
21 August 16, 2013.

22                   On the third page there are seven bullets, and  
23 those bullets indicate what you believed were areas not being  
24 researched. Is that what Mikisew is interested in a study  
25 producing information about?

1 A. MS. LEPINE: I think the inclusion of all of  
2 these bullets would be really helpful in understanding  
3 potential impacts on the herd, yes.

4 Again, we did not consult or do any analysis  
5 on determining -- like, a terms of reference for a study, but  
6 we would be happy to sit down with Alberta in forming a terms  
7 of reference to determine what the study could look like.

8 Q. And the last bullet on that list is traditional  
9 knowledge of the herd or its importance for MCFN.

10 So, obviously, you're proposing to participate  
11 in the study. Can you say anything more about the nature of  
12 your participation?

13 A. MS. LEPINE: I think the panel has a lot of  
14 knowledge as they shared here today about the herd. We have  
15 an enormous amount of traditional knowledge which is  
16 absolutely critical for Mikisew's involvement in the study,  
17 and being supportive of the conclusions of the study.

18 If we're involved and we're engaged, I think  
19 we will feel better about the study and have a greater sense  
20 of confidence and that certainty that Councillor Marten has  
21 referred to.

22 So by the inclusion, definitely that is a must  
23 in terms of having our own scientific experts involved as  
24 well. There's obviously difference of opinions between a lot  
25 of experts out there, so we would like to draw upon our

1 experts as well, such as Dr. Komers, perhaps, or others.

2 Q. I assume you would propose to be involved right from the  
3 creation in terms of reference on down the line?

4 A. MS. LEPINE: Yes.

5 A. MS. MARTIN: I wanted to add a comment as  
6 well.

7 In doing this kind of work, I've been here and  
8 my experience with traditional knowledge and working on this  
9 challenge to provide or to design, let's say, traditional  
10 knowledge procedure, an infrastructure, to appreciate, maybe  
11 understand how traditional knowledge is applied.

12 When we say "participation," we need that  
13 first before Alberta government who does not have an  
14 appreciation, let alone understanding, of what that means.  
15 That's where we need to begin.

16 So in being fair in answering your question, I  
17 think what we need is to have the regulators tell us what  
18 exactly they need so we can provide that to them. Otherwise,  
19 if it's going to be a meaningful process, then we need to  
20 design that traditional knowledge procedure.

21 Q. So, Ms. Martin, when you say you want the regulators to  
22 tell you what they need, I'm trying to relate that to the  
23 study. You're not suggesting the Regulator say "Go do this  
24 study and find out these things," or is that your suggestion?

25 A. MS. MARTIN: Well, it's based on the way

1 society works, right? So right now, like I said, the  
2 information that's used at any hearing at any decision making  
3 is based on scientific knowledge. So if you don't have the  
4 numbers, if you don't have the experiments, if you cannot  
5 substantiate your -- I guess what you're trying to do in that  
6 fashion, then your traditional knowledge is not given that  
7 weight that it should because it does not have that  
8 infrastructure in place.

9 I've seen it. I've seen how it works. I've  
10 seen how the system works, and the injustice that has  
11 happened to us as Aboriginal people because of that lack of  
12 procedure is -- it's still a challenge for us.

13 So until that time for us -- we can say all  
14 these words, you can invite us to come here and present our  
15 cases and try and share with you what's important to us, but  
16 until the time that you -- that the regulators say to the  
17 lawyers, to people like Teck in this case, that you need to  
18 provide -- you need to put that traditional knowledge.

19 What they're saying at that table, that has to  
20 be included, and what kind of work. It has to be  
21 appreciated. It has to be part of the decision.  
22 Otherwise -- it's going to be another fight. And we have  
23 lost all our fights, obviously.

24 We've tried in different ways. There was  
25 fights, there was wars, and now we're here as concerned

1 people and Mikisew Cree members.

2                   And my sister, Councillor Marten has a  
3 different approach than I do. She's here based on speaking  
4 from the heart and saying, you know, in a soft way, I guess,  
5 to say what she really wants.

6                   But I think it's -- because it's time to do  
7 something, you know. We can't do it anymore. We need to  
8 tell you, you know, this work has to stop. We, as the  
9 traditional knowledge keepers, what's our honour and our duty  
10 to say what we care about, we cannot go ahead with this. We  
11 cannot accept something like this because it goes directly  
12 against our best interests.

13 Q. But I assumed you would agree with me, Ms. Martin, that  
14 if the Mikisew were involved right from the outset in a  
15 Ronald Lake herd study or something like that, including  
16 development of the terms of reference, you could, in  
17 developing those terms of reference, set the course for  
18 traditional knowledge; that is, who's going to provide it, on  
19 what terms, how it's going to be used, that kind of thing.  
20 There is an opportunity for you to do that if it's extended  
21 to you. Do you agree with that?

22 A. MS. MARTIN: I totally agree with that, yes.

23 Q. Thanks. I only have one last question and it relates to  
24 the alternative remedy that the Mikisew have set out in their  
25 submission. In the alternative, you ask for 50 percent

1 reduction -- sorry, let me just read it to you. (as read)

2 "Teck not be authorized to conduct any  
3 part of the winter work program in the  
4 area designated in Mikisew's evidence  
5 as 'critical bison habitat' and that  
6 the number of drill holes be reduced by  
7 50 percent given the lack of data  
8 regarding the Ronald Lake bison herd."

9 I'm curious about the 50 percent. Would you leave it to the  
10 Regulator to decide where that reduction comes from? Is  
11 there a specific half of the program that you don't want  
12 drilled?

13 Can you say something more about the 50  
14 percent?

15 A. MR. MARTIN: It should be zero percent 'til  
16 the study's done.

17 Q. But if not zero, Mr. Martin?

18 A. MR. MARTIN: There's no not if. It's zero.

19 Q. So you don't support the proposal in the alternative?

20 A. MR. MARTIN: No.

21 Q. Is there anyone who wants to speak to the proposal in  
22 the alternative?

23 A. MS. LEPINE: I suppose like 50 percent is  
24 just a number that was submitted given what we see outcomes  
25 usually. It's always 100 percent of disturbance. Ideally it

1 would be zero.

2 Q. And by the same token, 25 percent would be better than  
3 50 from your perspective?

4 A. MS. LEPINE: The less the better.

5 MR. PERKINS: Thank you. I think I  
6 understand that.

7 Those are all my questions, panel. Thank you.

8 Thank you, Mr. Chairman.

9 THE CHAIR: Thank you, Mr. Perkins.

10 Ms. McNeil.

11 MS. MCNEIL QUESTIONS THE PANEL:

12 Q. Mr. Courtoreille, did I pronounce your name right? I  
13 just need to know. Courtoreille, if I say it that way,  
14 that's right? Okay.

15 I'm curious. You had mentioned that most of  
16 your working career was spent in Wood Buffalo National Park,  
17 and I'm curious and interested to know what your role  
18 involved and what you did while you were working there?

19 A. MR. COURTOREILLE: I was -- first of all when I  
20 was a young lad, I started off trapping in a park until 1970.  
21 In 1970 I landed a job with Wood Buffalo National Park.

22 Like I say, I started out as fire controller,  
23 17 years. I thought I'd be a fire boy, one certificate out  
24 of that. They transferred me to maintenance department,  
25 which I did maintenance in the park or outbuildings and

1 looking after the park. I started with skidoos, outboards  
2 and then they transferred me to the warden service. That's  
3 the remainder of my career. And they did a lot of travel. I  
4 took a lot of scientists out there on the field, a lot of  
5 different people. Photographers.

6 I studied -- like we did a lot of anthrax  
7 work, a lot of collaring bison, looking at disease. And in  
8 1999 we did a last study on today's bison. There were  
9 60 percent had brucellosis then and tuberculosis. There was  
10 only about 40 percent were disease free. That was part of my  
11 job.

12 Q. Thank you. Thank you very much.

13 And, Ms. Lepine, I'm interested -- you had  
14 mentioned in the last exhibit that we just looked at which  
15 was 27.01, one of the things that was briefly mentioned in  
16 paragraph (d) is you expressed an interest in working through  
17 the MCFN's community-based monitoring program. I'm just  
18 curious to know more about and understand that program and  
19 how it might work.

20 A. MS. LEPINE: Well, we've undertaken a  
21 community based monitoring program based on the direction  
22 from the leadership in the community for us to actively go  
23 out and collect data and information on changes in the  
24 environment. So it's traditional knowledge based.

25 We basically asked a lot of active land users

1 where would they like us to monitor, what would they like us  
2 to collect information.

3                   It's very limited in funding. We've been  
4 doing it now for I believe since around 2006 and we've joined  
5 up with the ACFN in doing it because there are different  
6 areas in the territory that are of interest and we thought  
7 collaborating would make it a lot more community based. And  
8 sharing of resources, of course, makes it a lot easier in  
9 trying to move the program forward.

10                   So there's water quality samples taken and  
11 that's usually the primary. They collect some fish and weigh  
12 fish and measure fish and try to determine the health in some  
13 of the fish in the delta as well, and they monitor changes in  
14 water levels.

15 Q. One last question. Both the other panels had mentioned  
16 that they had been contacted by Teck about participating in  
17 dispute resolution prior to this hearing. I'm not sure that  
18 I heard that reference in any of your evidence. So I was  
19 just curious if that contact had been made and what your  
20 thoughts were about that?

21 A. MS. LEPINE:                   Yes, we put forward, I think, a  
22 list. I don't have it in front of me but a lot of it  
23 pertains to collecting information.

24 Q. Oh, I was thinking about the dispute resolution program,  
25 ADR?

1 A. MS. LEPINE: Yes. So we did exchange some  
2 information with --

3 Q. I understand. Thanks.

4 MR. GUSTAFSON: Just to clarify, Mikisew did  
5 attempt to ADR with Teck, and the parties were not able to  
6 resolve their concerns.

7 MS. MCNEIL: Okay. Thank you.

8 Those are all my questions.

9 THE CHAIR: Thank you, Ms. McNeil.

10 Mr. Bolton.

11 MR. BOLTON: I have no questions.

12 THE CHAIR: Thank you, Mr. Bolton.

13 THE CHAIR QUESTIONS THE PANEL:

14 Q. I have one. I'm not sure it's really a question. It  
15 may be just that I'm puzzled. We've heard over the last  
16 several days the importance of the Ronald Lake bison herd to  
17 a number of different communities - to ACFN, the Metis and  
18 now the Mikisew Cree. And, Mr. Martin, maybe you could  
19 comment on this. I'm really puzzled as to how the harvesting  
20 is managed in a sustainable way. And I think, Ms. Lepine,  
21 you made a reference to the herd is hunted in a sustainable  
22 way.

23 So I'm just mentally, quickly kind of going  
24 through my head. There would be at least 3,000 people as  
25 members of the various organizations that have appeared

1 before us, all of whom see this as a very important resource  
2 for their communities.

3                   How is it -- it just seems like such a small  
4 herd in order to sustain -- how does that work? Can anyone  
5 comment on that, either Mr. Martin or...

6 A. MR. MARTIN:                   Well, buffalo aren't the only  
7 thing we hunt. We shoot moose and caribou and everything  
8 else. Buffalo is just -- they're hard to access and when we  
9 get there, we don't overharvest them and stuff like that,  
10 just so they are there and we can preserve our traditional  
11 hunting rights and stuff like that.

12                   Like, a buffalo is 2500 pounds, so they're a  
13 large animal. One buffalo could feed a number of people so  
14 it's -- not everybody gets some. It's hard to get there.  
15 Not everybody can get there. Finding the time from work,  
16 family and stuff like that, it's difficult to get there.

17 Q. So is there a kind of general knowledge in the community  
18 about who hunts them and who doesn't?

19 A. MR. MARTIN:                   Yes, absolutely. There's only  
20 a few of us from where I am at that hunted, but up north from  
21 Fort Chip and stuff, there's a number of people that go  
22 there. There's certain people that know where they are and  
23 they're the only ones that pretty much go back there and  
24 they're the ones that harvest them -- harvest the buffalo.  
25 They take them back and then they distribute it the

1 community, whatever they can and keep what they can and stuff  
2 like that.

3 Q. So do you guys communicate with each other a bit to say  
4 -- so you sort of know how many have been harvested in a year  
5 or if you know that --

6 A. MR. MARTIN: If you're out there you can see  
7 kill sites where they were. People talk to other people, so  
8 you know what people have been in there.

9 It's not a very big community so if somebody  
10 shot a buffalo, you would know about it, where they shot it  
11 and everything, who got the meat.

12 Like, I go back there for my family. I have a  
13 huge family, really big. Like I share it with everybody.  
14 It's important to us.

15 Q. So it's a pretty informal process --

16 A. MR. MARTIN: Yes.

17 Q. -- that allows you to monitor what's going on with the  
18 herd?

19 A. MR. MARTIN: But you know if people are out  
20 there. There's not much access out there. So if you see  
21 snowmobile tracks out there, you know somebody's there.

22 Q. All right. Good.

23 A. MS. LEPINE: I never actually heard of any  
24 examples where indigenous peoples have ever overharvested  
25 their sources of food. Basically we would be exterminating

1 everything.

2                   What I meant by "sustainable" is some of the  
3 examples provided. Like never killing a cow that's carrying,  
4 being careful of how many bulls. So there's all of those  
5 observations that are made over time and how you harvest an  
6 animal such as a small herd like that.

7                   I did originally say that it's an important  
8 herd and somewhat of a sacred herd. For example, my family  
9 -- I'm lucky to have had one. I don't know when the next  
10 time is. It's rare and it's so rare and important for that  
11 matter.

12 Q. We've certainly heard how important it is, so I want to  
13 understand that.

14                   Mr. Gustafson?

15 A. MR. COURTOREILLE: Let me answer part of your  
16 question. Maybe I can assist.

17                   Like, Mikisew Cree know, we all know the  
18 community is -- the bison are there. We don't go and band  
19 hunt and try and kill them all off. We know our members are  
20 going out there. When they go and hunt, they come home to  
21 their family. We still have their sharing. That's our  
22 culture. Anything we get, we share. It's not that I won't  
23 eat because nobody else has it. No, that's a different  
24 society to do that. But we don't; we share everything.

25                   Like Ryan will go out. He'll take it back,

1 give it to his elders and his community and friends and  
2 family. But we know that bison are there. We don't go and  
3 kill them all off in one day.

4                   Maybe to answer part of your question.

5 Q. I guess my question is I understand that. I'm wondering  
6 how it is that you know when you've harvested enough each  
7 year or if you perhaps inadvertently taken too many or you  
8 might be aware that maybe this year we didn't take -- we  
9 could have taken more but we didn't.

10 A. MR. COURTOREILLE: As long as it keeps the First  
11 Nations, we're okay. Anybody could hunt them right now.  
12 It's the access that's the worst. It's scary part if they  
13 do.

14                   Like, Fort McMurray, there's a lot of people  
15 out here like hunting. So a matter of time they will go  
16 there.

17 Q. Given the fact that it's completely unrestricted,  
18 there's no season, there's no license requirements, there's  
19 nothing, it's kind of amazing in my mind that we're still  
20 having this conversation.

21 A. MS. LEPINE: The management plan is really  
22 important in managing that and controlling, I think, a lot  
23 of -- the integrity and the preservation of the herd.

24                   But I think Jumbo made an example yesterday on  
25 how much muskrats. To a normal person, when you look at how

1 much muskrats get tracked out of the delta, you'd think, oh,  
2 my gosh, that's a lot. But it's done sustainably.

3 It's not the decline in muskrats. It's not  
4 the hunting and -- or the trapping of muskrats that's causing  
5 the decline; it's the low levels of water and the drying up  
6 of the Delta caused by an industrial project.

7 So if the bison are going to be impacted, it's  
8 because of industrial impact, not because of overharvesting.

9 THE CHAIR: Thank you very much.

10 Mr. Gustafson, I think that concludes the  
11 Panel's questions. So I turn it back over to you.

12 MR. GUSTAFSON: Thank you.

13 MR. GUSTAFSON RE-EXAMINES THE PANEL:

14 Q. Ms. Lepine, I just wanted to clarify. And I think you  
15 actually clarified in response to Mr. Perkins's question.

16 When Mr. Ignasiak asked you to identify  
17 site-specific concerns looking at the map, you stated that  
18 you hadn't undertaken a site-specific assessment.

19 I just want to be clear that, in your view,  
20 the map does show site-specific use and this panel has  
21 explained the process by which that use takes place, the  
22 movement of the animals where they're coming from and to  
23 access to the area.

24 A. MS. LEPINE: Yes, that's correct. There's  
25 the habitat there, there's the movement, there's the access.

1 I mean, all of those things -- the map is attempting to  
2 describe that, which we see as all site specific.

3 Q. So when you said that there hadn't been a site-specific  
4 assessment, did you mean more of an impact assessment?

5 A. MS. LEPINE: Yes, yes. So we could  
6 understand, for example, noise, how will that impact the  
7 bison and hunting the bison.

8 Q. So is it your view the Mikisew has identified  
9 site-specific concerns but just hasn't been able to meet  
10 Teck's definition of site specific?

11 A. MS. LEPINE: That's correct.

12 Q. Thanks. I also -- there was a question about the  
13 environmental zone. So I would just draw your attention to  
14 page 535 of Mikisew's materials which is the November 9th  
15 letter from Mikisew to Alberta.

16 If you look at the second bullet point, it  
17 says that: (as read)

18 "Appendix A shows that approximately 25  
19 core/geotech sites are located in an  
20 area that Mikisew members have  
21 identified as core, in a sense of  
22 critical and unique bison habitat."

23 So is that a description of what that zone was meant to  
24 portray?

25 A. MS. LEPINE: Yes, you're looking at the

1 bottom of page 534?

2 Q. 535, the second bullet point.

3 A. MS. LEPINE: Okay. Yes. Yeah, that's the  
4 map with the core holes.

5 What was your question? Sorry.

6 Q. Just whether the description that's in this bullet  
7 point -- the identification of core in the sense of critical  
8 and unique bison habitat.

9 MR. IGNASIAK: Mr. Chairman, one of the key  
10 rules for redirect is that there can be absolutely no leading  
11 questions whatsoever. This is the textbook definition of  
12 leading questions.

13 MR. GUSTAFSON: Fair enough.

14 MR. IGNASIAK: So I do take some issue with  
15 this line of questioning, sir.

16 MR. GUSTAFSON: Fair enough.

17 THE CHAIR: Thank you, Mr. Ignasiak.

18 Q. MR. GUSTAFSON: I would have a few questions.  
19 I'm going to start with you, Mr. Courtoreille, and based on  
20 the colour of your hair, could you explain how old you are?

21 A. MR. COURTOREILLE: Oh, me? 16. 73. 73.

22 Q. 73. How many years in your life would you say you have  
23 harvested or observed bison?

24 A. MR. COURTOREILLE: I killed my first moose when I  
25 was 16 years old, so I've been harvesting since that time.

1 Q. How about bison?

2 A. MR. COURTOREILLE: Pardon?

3 Q. How about bison, buffalo?

4 A. MR. COURTOREILLE: Bison? I was probably one of  
5 the biggest poachers, so Parks hired me, couldn't catch me.  
6 I was just kidding.

7 No, I haven't killed a bison.

8 Q. That's going to be leading as well. Okay.

9 How about you, Mr. Martin, how long have you  
10 harvested and observed bison?

11 A. MR. MARTIN: I don't know, I can't remember.  
12 Years, years and years. Since I was 14 I guess, 15.

13 Q. Fair enough.

14 MR. GUSTAFSON: Sorry, I have multiple pieces  
15 of paper today. I forgot a notepad, so I've been writing on  
16 the back of various letters.

17 I believe that's all the questions I have  
18 actually. So we're in your hands in terms of scheduling.

19 THE CHAIR: Your timing is impeccable, so  
20 thank you.

21 I think with that, we can excuse this panel.  
22 And I would like to thank you, Councillor Martin, Councillor  
23 Courtoreille, Ms. Lepine and your panel for your  
24 participation this morning. And thank you very much.

25 (PANEL STANDS DOWN)

1 THE CHAIR: I guess now I would ask the  
2 panel -- the counsel how much time do you want before we  
3 reconvene or, Mr. Ignasiak, do you plan on reseating your  
4 panel before we go to file argument? Could you confirm that?

5 MR. IGNASIAK: We have no rebuttal evidence.

6 THE CHAIR: Okay. What time would you like  
7 to reconvene today to start final?

8 MR. IGNASIAK: 5 o'clock. I know Ms. Brooks  
9 has a flight so we're in your hands.

10 I don't think Ms. Biem's here, so if it's 1,  
11 that's fine. If the panel wants a little longer, I'm fine  
12 with that.

13 All I can tell you is our argument is about,  
14 give or take, an hour in length.

15 THE CHAIR: I think the panel is really in  
16 your hands in terms of what's convenient. And I want to make  
17 sure that you have sufficient time that you're comfortable.

18 So Ms. Brooks, what time -- how are you  
19 positioned?

20 MS. BROOKS: We would prefer a 1 o'clock  
21 start. We do have flights to catch, but if we miss them, so  
22 be it. But if we could try to catch them, that would be  
23 great as well. I anticipate probably being an hour and a  
24 half.

25 THE CHAIR: Okay.

1 MS. BERTOLIN: Good afternoon, sir.

2 THE CHAIR: Good afternoon.

3 MS. BERTOLIN: We're fine with proceeding at  
4 1 o'clock as well, and we anticipate our closing will be  
5 about an hour.

6 THE CHAIR: Thank you. It sounds like  
7 we're nearly unanimous again, so let's start at 1 o'clock.  
8 Thank you very much.

9 MR. GUSTAFSON: Before I get myself into lots  
10 of trouble, I believe there was a request to close with a  
11 prayer as well. So, with your indulgence, if Councillor  
12 Marten -- I think I may have to go catch one of our witnesses  
13 before that begins.

14 THE CHAIR: Let's give you a minute to  
15 catch your witness and we would be pleased to do that.

16 MR. GUSTAFSON: Thank you very much.

17 (Councillor Marten says a closing prayer)

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19 PROCEEDINGS ADJOURNED TO 1:00 P.M.

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TRANSCRIPT ERRATA SUBMITTED BY MCFN

ERRATA TO VOLUME 4

- P 656      Line 7 reads:  
Teck has always never attempted to incorporate traditional knowledge on their attempted mitigation plans. Regarding this hard as this information can be available in the absence of western science.”
- It should read:  
“Teck has always never attempted to incorporate tradition knowledge on their attempted mitigation plans regarding this herd as this information can be available in the absence of western science.”
- P 658      Line 23 reads: “...which is strapped to the 70s”
- It should read: “...which is trapped to the 70s”
- P 659      Line 8 reads:  
“By 1926 they started moving into the delta -- they extended the park -- which was our traditional area at Mikisew Cree First Nation area.”
- It should read:  
“By 1926 they started moving into the delta -- they extended the park -- which was our traditional area, a Mikisew Cree First Nation area.”
- P 659      Line 22 reads: “a person caught poaching bison...”
- It should read: “a person was caught poaching bison”
- P 660      Line 18 reads: “And there were caught in their migrating path...”
- It should read: “And they were caught in their migrating path...”
- P 662      Line 9 reads: “...the noise really important...”
- It should read: “...the noise is really important...”
- P 663      Line 5 reads: “I have a buffalo head at home.”
- It should read: “I have a buffalo hide at home.”
- P 665      Line 5 reads: “...the significance of spiritual vality (phonetic) that they have within them.”
- It should read: “...the significance of spiritual validity that they have within them.”
- P 670      Line 20 reads: “We have to protect those herd. We have to make sure they be there for years, thousands of years to come.”

It should read: "We have to protect that herd. We have to make sure they'll be there for years, thousands of years to come."

P 676 Line 12 reads: "Oh, yes, it is."

It should read: "Oh, yes, it isn't."

P 678 Line 24 reads: "Absolutely, there is total winter, all along there."

It should read: "Absolutely, there is total winter habitat, all along there."

P 681 Line 15 reads: "Those thoughts are here because of..."

It should read: "Those dots are here because of..."

P 706 Line 12 reads: "Windrows. Everything like that."

It should read: "Winter roads. Everything like that."

P 721 Line 11 reads: "We use that road as our success of coming to Fort McMurray south."

It should read: "We use that road as our access of coming to Fort McMurray south."

P 726 Line 12 reads: "...within the ungulate's habitat..."

It should read: "...within the ungulate habitat..."

P 727 Line 24 reads: "It's quite."

It should read: "It's quiet."