

MACKENZIE VALLEY PIPELINE INQUIRY

IN THE MATTER OF THE APPLICATIONS BY EACH OF

(a) CANADIAN ARCTIC GAS PIPELINE LIMITED FOR A  
RIGHT-OF-WAY THAT MIGHT BE GRANTED ACROSS  
CROWN LANDS WITHIN THE YUKON TERRITORY AND  
THE NORTHWEST TERRITORIES, and

(b) FOOTHILLS PIPE LINES LTD. FOR A RIGHT-OF-WAY  
THAT MIGHT BE GRANTED ACROSS CROWN LANDS  
WITHIN THE NORTHWEST TERRITORIES  
FOR THE PURPOSE OF A PROPOSED MACKENZIE VALLEY PIPELINE

and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL  
AND ECONOMIC IMPACT REGIONALLY OF THE CONSTRUCTION,  
OPERATION AND SUBSEQUENT ABANDONMENT OF THE ABOVE  
PROPOSED PIPELINE

(Before the Honourable Mr. Justice Berger, Commissioner)

**Old Crow, Y. T.  
July 11, 1975.**

PROCEEDINGS AT COMMUNITY HEARING

**Volume 14**

**The 2003 electronic version prepared from the original transcripts by  
Allwest Reporting Ltd.  
Vancouver, B.C. V6B 3A7 Canada  
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Gas Pipeline Limited;

Mr. Ron Veale                   for Council of Yukon  
Indians;

Mr. Glen W. Bell               for Northwest Territories,  
Indian Brotherhood and Metis  
Association of the Northwest  
Territories;

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1 Old Crow, Y. T.

2 July 11, 1975.

3

4 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

5

6 THE COMMISSIONER: Well,  
7 ladies and gentlemen I will call the meeting to order.

8 MR. SITTICHINLI: Now that  
9 the meeting is in order, we want the Minister to say a  
10 word of prayer before we begin.

11

12

13 (REVEREND WATT ASKS BLESSING)

14

15

16

17

18 THE COMMISSIONER: Well,  
19 ladies and gentlemen, I am Judge Berger, and I am  
20 conducting an inquiry to consider what the impact will  
21 be of the pipeline that Arctic Gas wants to build to  
22 bring natural gas from Alaska and the Canadian Arctic  
23 to markets in the south.

24 I am holding hearings in  
25 every community in the Mackenzie Valley, the Mackenzie  
26 Delta, and the northern Yukon. I want to hear from the  
27 people of Old Crow, the native people who live here,  
28 the white people who live here, the old people and the  
29 young people.

30 I want to know what you think,







1 | very much, Chief.

2 | (WITNESS ASIDE)

3 |

4 |

5 | PETER NUKON Sworn:

6 |

7 | THE COMMISSIONER: Yes, you  
8 | can translate your own statement, if you wish, or have  
9 | the interpreter do it, whatever.

10 | THE WITNESS: First of all, I  
11 | would like to say that we are glad to welcome you here  
12 | My name is Peter Nukon.

13 | Judge Berger, I want to tell  
14 | you that my people thank you for coming to Old Crow to  
15 | listen to us. I hope you will know when you are in Old  
16 | Crow how strong we feel about our land. I am going to  
17 | talk to you about one problem that pipeline will bring  
18 | to Old Crow, that is the problem of forest fires.

19 | Wood is very important to the  
20 | people of Old Crow. They use wood to build our houses.  
21 | Last winter we cut more than 800 logs. We are now  
22 | building two houses, two garage and one workshop. With  
23 | the logs we cut last winter, this made jobs for us last  
24 | winter when we cut the logs and also this summer with  
25 | the building. The people of Old Crow use wood to heat  
26 | our homes, and heat our school.

27 | Last winter our people cut  
28 | 600 cords of fire wood for the old people and the  
29 | school This made jobs for many of our people. On top of  
30 | that, we all cut our own fire wood. As you can see when







1 | very much, Mr. Nukon.

2

3

4

(WITNESS ASIDE)

5

6

LAZARUS CHARLIE, Sworn:

7

8

THE WITNESS: My name is

9

Lazarus Charlie.

10

THE INTERPRETER: My name is

11

Lazarus Charlie. Judge Berger, I am glad you have come

12

to our village to listen to us. We are the people of

13

Old Crow and I remember many things that have happened

14

during my life here in Old Crow, and that is what I

15

want to tell you about. This land that we are living

16

on, our ancestors have lived on it, same as we are

17

living on it and growing on it today. When I was young

18

I remember well that many people used to live away up

19

the Porcupine. My uncles, who have lived up in that

20

area at that time, they all done very good trapping in

21

that country. The people that were living here in Old

22

Crow also went out into the Crow Flats, amongst the

23

lakes, and done their fur trapping.

24

I remember places where the

25

people made their living at that time. They didn't have

26

very much a lot of times. They go out to hunt, but

27

there's nothing to get and many times people didn't

28

have too much to work on.

29

Now later on in the year when

30

it warms up and time to go out hunting rats, that's the



1 | because we like our land, we don't want the lakes and  
2 | the creeks and the rivers to be spoiled, and especially  
3 | our caribou and be destroyed especially by fire.

4 | Judge Berger, this is all I  
5 | would like to say to you.

6 | THE COMMISSIONER: Thank you,  
7 | very much, Mr. Charlie.

8 | (WITNESS ASIDE)

9 |

10 |

11 |

12 |

13 |

JOHN ROSS TIZYA, Sworn:

14 |

15 |

16 |

17 |

18 |

19 | THE INTERPRETER: Judge  
20 | Berger, me too, I would like to say a few words. Now  
21 | you have come here to listen to us, to the problem that  
22 | we bring before you. This land, our great grandfathers  
23 | or ancestors have lived on it for many years, and now  
24 | today we are living on it and we expect that our  
25 | children and their children will be living on this  
26 | land.

26 |

27 |

28 |

29 |

30 |

Now, about the caribou. The  
caribou is our main food for this part of the country,  
and we know that the caribou migrate every year. It  
goes down to where they have their calves in the  
spring, and then during the winter they migrate up



1 Now, the proposed pipeline,  
2 they come into our country and we know that it will  
3 destroy this land where we live now, and that is the  
4 reason why nobody is in favour of it. For myself, I am  
5 not in favour of the pipeline. We know that it will  
6 destroy a lot of our country on which we live a e now.  
7 It would even make it hard for us to get our meat which  
8 we live on.

9 This is all I have to say to  
10 you now, Judge Berger, because there is so many people  
11 that would like to speak also.

12 THE COMMISSIONER: Thank you,  
13 Mr. Tizya.

14  
15 (WITNESS ASIDE)

16  
17 STEPHEN FROST Sworn:

18  
19 THE WITNESS: Judge Berger,  
20 ladies and gentlemen, my name is Stephen Frost. I want  
21 to start off by saying that I have an awful lot of  
22 feeling about this land that I was brought up on.

23 THE INTERPRETER: This is  
24 Steven Frost, Mr. Judge Berger, and ladies and  
25 gentlemen.

26 THE WITNESS: I am not going  
27 to say very much to start off, maybe later on I'll say  
28 more, but we do understand that the United States  
29 and Canada have a strong appetite for gas. Myself I am  
30 just not too sure, I think about a lot of things. I

1 think in terms of jobs but Mr. Berger, I'm sure that it  
2 would be very sad for us to see our nice, green country  
3 destroyed and we think a lot of it.

4 I know very little about what  
5 a pipeline will do, except from what I've heard from  
6 different people and seen a little bit of it, Old Crow  
7 T is one of the very few last places that -I don't know  
8 the word for it, sort of unspoiled and in times of  
9 money, like jobs, well I think there will always be  
10 jobs we have. We have always made out and we make a  
11 nice living. Most of us -- most of us have a lack of  
12 education and sometimes that's not everything, but we  
13 are really afraid to see the long effect after the  
14 pipeline is built, there is no more jobs, but the  
15 pipeline is still there and everything else is spoiled.

16 What I mean by spoiled is we  
17 can't hardly -- could see so many people coming into  
18 this small community here if this pipeline is going to  
19 go, we think there might be two routes that they would  
20 like to put it, we are not sure, but we are fighting  
21 for them not to put it near Old Crow because it's so  
22 close to Old Crow, I know where it's going to go, it's  
23 about probably not more than eight air miles from Old  
24 Crow.

25 THE COMMISSIONER: North of  
26 Old Crow.

27 THE WITNESS: -- north of Old  
28 Crow and there will be no more Old Crow as it is now.  
29 The other route, I think, goes up near -- gets north of  
30 here again near the cost, but again that's a breeding



1 | ground for caribou and whatnot. A lot of us think that  
2 | when they built the Alaska Highway, they did a lot of  
3 | damages there and I-don't want to be asked what kind of  
4 | damages, because I'm not good at answering questions  
5 | but since the Alaska Highway is already there, why  
6 | can't they put it there?

7 | THE COMMISSIONER: Excuse me,  
8 | Mr. Frost. You're saying why can't they take the pipe-,  
9 | line from Prudhoe Bay south to Fairbanks and then along  
10 | the Alaska Highway to southern Canada and the United  
11 | States?

12 | THE WITNESS: Yes, I couldn't  
13 | quite explain it like that, but that's what I meant.  
14 | Now, I should say that I don't know what the people  
15 | think about it on that side, but --

16 | THE COMMISSIONER: Well we  
17 | are going to -- I am going to hold a hearing in  
18 | Whitehorse on August 11th. We'll start August 11th and  
19 | we'll hear what the people there think of bringing the  
20 | pipeline south to Fairbanks and then along the Alaska  
21 | Highway to southern Canada and the United States But  
22 | I'm certainly interested in hearing your views on it  
23 | too.

24 | THE WITNESS: I Pretty near  
25 | ran out of something to say now, so I think I will let  
26 | somebody else talk and maybe I'll talk again.

27 | THE COMMISSIONER: Fine,  
28 | thank you, Mr. Frost.

29 |  
30 |

(WITNESS ASIDE)

1 PETER LORD Sworn:

2

3 THE WITNESS: I would like to  
4 say first to Judge Berger to come up to Old Crow to  
5 listen to us and I would like to thank everybody to  
6 give me an opportunity to say a few words.

7 I am sorry I didn't mention  
8 my name there, my name is Peter Lord, born in Old Crow,  
9 brought up in Old Crow.

10 First, number one, I would  
11 like to say a few words about the country that we live  
12 on. It's north of Old Crow, and this is in the Crow  
13 Flat area. The reason why Old Crow people have so many  
14 concerns about Crow Flats, the Crow Flats is the  
15 migrating ground for caribou, and also it's a breeding  
16 ground for moose in summer, moose goes into Crow Flat  
17 in summer to breed up.

18 And also we use it for  
19 muskrat it is a good breeding ground for muskrat, and  
20 it's a good breeding ground for fur bearing animals  
21 such as fox, lynx, mink and sometimes marten,  
22 wolverine. They say that it's many streams, such as  
23 those little tributaries that run through the lake, all  
24 carry fish, and it's a very good spawning place for  
25 fish in the summer.

26 All fish goes up Crow River  
27 and into the little creeks and up to the little lakes.

28 This is the reason why the  
29 people talk so much about Crow Flats is that it's so  
30 close to the town. they can always load up their



1 | people live right now, they don't make too much money,  
2 | it's very few who have jobs to make money and other  
3 | people have part time jobs, maybe a couple of jobs at a  
4 | time like that and the rest is all trapping, hunting  
5 | and fishing.

6 | I do think that the people are  
7 | still happy the way they live right now. And perhaps if  
8 | the money they are spending in Old Crow during as long  
9 | as the job lasts on this pipeline project, the people  
10 | will be happy too, making money and spending it, but  
11 | after that is gone, the people will, be gone, and the  
12 | people who made the big money will probably go back down  
13 | south and say good-bye to Old Crow, that's all the money  
14 | they would take to the good country when they made it  
15 | and said good-bye to their good friends.

16 | I do think that after all the  
17 | job is done, supposing the pipeline goes through here,  
18 | all the jobs will be done and there will be nothing  
19 | left. That made the people happy but after there is  
20 | nothing left, there is very few old Crow people who is  
21 | going to stay, because there are sad things that will  
22 | come to Old Crow.

23 | Perhaps the young people,  
24 | after they have seen all this activities near Old Crow,  
25 | and then nothing left behind, and this place with what  
26 | few people are living there now, would be just like a  
27 | ghost town to them and they would feel very sad. They  
28 | are going to have to leave, where there is more  
29 | activities going on, going into cities.

30 | We have a school here in Old

1 Crow, after they get through Grade 8, then the children  
2 go to Whitehorse. They will probably go up to Grade 9  
3 and Grade 10, after they go through that, some of them  
4 go through Vocational School, but still they know they  
5 have got a good country up here, the parents are here,  
6 and most of them come back to their home.

7 Now, the reason why I said  
8 the kids are coming back to Old Crow is because they  
9 know they could make their living out of the land here.  
10 Now, when the young boy come back from school from  
11 Whitehorse, he's in Grade 10, but he quit school  
12 because he likes to come home, he feels sad about his  
13 home, but the country is still here and home, and he  
14 knows that he could take a boat, set of fish net go  
15 three or four miles out of town, he's sure he's going  
16 to get something to eat.

17 When the caribou come, he  
18 could take a boat upriver and kill a few caribou, all  
19 he needed is a pot to boil the meat and a frying pan,  
20 that's all he needs, and he can -- they don't go  
21 hungry.

22 This is the reason why we  
23 would like to keep our country like this, without so  
24 many people coming to the country and starting  
25 pipelines and bringing good things into the village and  
26 then leave everything bad, nothing left for the rest of  
27 the people in Old Crow. And I do think the native  
28 people in Old Crow are very happy the way they are, the  
29 way they are living right now.

30 And I would like to say we

1 | don't like to cut our friends' throat way down south  
2 | and make them sad, we don't make them happy because we  
3 | don't like the pipeline near Old Crow, the cheapest way  
4 | they could build their pipeline. We don't want to have  
5 | people have hard feelings against us because we only  
6 | have the right to protect ourselves and our children in  
7 | this country.

8 | I would like to bring up to  
9 | Judge Berger that we had a three year project here.

10 | Renewable Resources was up  
11 | here studying the caribou and we know how the caribou  
12 | reacted, all this period of three years, they didn't  
13 | stay a whole year's time but they stayed here from the  
14 | 1st of March until the last part of October. And we  
15 | know the caribou have done a lot of travelling, they  
16 | run all summer long, they travel until late in  
17 | December, the caribou settle somewhere else. The  
18 | caribou didn't stay near Old Crow.

19 | The reason why I bring this  
20 | up is that we know we already had effect with the  
21 | caribou when there was too much traffic for the animals  
22 | and start chasing them all over the country.

23 | Now I suppose there's a  
24 | pipeline and there's a lot of people up here in this  
25 | area here, probably they are going to disturb some  
26 | animals such as caribou, moose, because these animals  
27 | that live in this country never heard much of this kind  
28 | of noise and it is probably going to disturb the  
29 | animals and start leaving the country.

30 | The last word I would say, the

1 | people in Old Crow are very few and most of them are  
2 | closely related together and when a few white people  
3 | come in they are very friendly with the people, but  
4 | supposing 2 or 3,000 or 10,000 people start to mix up  
5 | around here, then nobody is going to care for each  
6 | other, sister or brother, cousin or not, big traffic and  
7 | a lot of people, crowded, people who don't care too much  
8 | for each other. All this is going to happen. Again I say  
9 | thank you to -- for Judge Berger to come up and listen  
10 | to Old Crow people and myself and thanks very much for  
11 | giving me the opportunity to make a speech this long.  
12 | Thank you.

13 | THE COMMISSIONER: Thank you,  
14 | Mr. Lord.

15 |  
16 | (WITNESS ASIDE)

17 |  
18 |  
19 | THE COMMISSIONER: I think we  
20 | are tout half-way through the afternoon, so maybe we  
21 | will just take 5 or 10 minute break and just get a  
22 | little fresh air for a few minutes.

23 |  
24 |  
25 | (PROCEEDINGS ADJOURNED)

26 |  
27 |  
28 |  
29 |  
30 |

1  
2  
3 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)  
4

5 THE COMMISSIONER: Ladies and  
6 gentlemen, I think we will call our meeting to order  
7 and those of you who wish to say something will have  
8 that opportunity this afternoon.

9 I thought that what we would  
10 do is we'll just carry on now until 5 o'clock, and at 5  
11 o'clock we will stop for supper and then we will come  
12 back at 8 o'clock tonight and hold the hearing tonight  
13 for as late as you want me to remain, and then we will  
14 start again tomorrow afternoon at 1 o'clock and go till  
15 5 tomorrow afternoon and then come back at eight  
16 o'clock tomorrow night and go along tomorrow night  
17 until we have to go to bed.

18 So, we'll just carry on now  
19 then till about 5, if that's all right.

20 Would you swear this witness.  
21 please?

22 CHARLIE PETER CHARLIE, Sworn:  
23

24 THE WITNESS: Judge Berger, I  
25 would like to say a few words of what both women and  
26 men are saying, I would like to put in a little piece  
27 at the same time.

28 THE INTERPRETER: Judge  
29 Berger, everybody is talking about the land, our land  
30 on which we live for many years. We know that this















1 -- there will be roads coming into, along the pipeline,  
2 and this will make lots of traffic and it will bring  
3 lots of people and-it would also bring a lot of alcohol  
4 which would be given to the young people, both boys and  
5 girls, and this would cause a lot of problems for many  
6 families.

7 MR. VEALE: Charlie Peter, I  
8 would like to ask if you remember when the winter road  
9 came through Klo-Kut, maybe you could tell the judge  
10 about that?

11 THE COMMISSIONER: Maybe  
12 someone could point out Klo-Kut for my benefit, before  
13 we go any further.

14 MR. VEALE: Now, Charlie  
15 Peter, do you remember when the winter road came through  
16 Klo-Kut and if you could tell the judge about it.

17 THE INTERPRETER: He says  
18 when the road came through a few years back, this--  
19 through this Klo-Kut, he says they hit the river not  
20 too far up here, where the animals were on the river  
21 and that is where they came and hit the Porcupine, and  
22 from there, the foreman came down here and visited them  
23 in the school here in the furnace room, and that's  
24 where they mentioned about just where they hit the  
25 river and also where this old camp was many years ago.

26 They hit the Porcupine, it was  
27 a stopping place for many people many years ago, because  
28 it's a place where the caribou migrate across the river,  
29 and that's where they used to hunt caribou by -- mostly  
30 by spearing them or shooting them with a bow and arrow,

1 | and so it's not just few families that have lived there,  
2 | but many families, and it used to be a great stopping  
3 | place for the people of this north land.

4 |   He says that is where they  
5 | hid the river and so they said that is where they would  
6 | cross the river. The people here didn't want that old  
7 | stopping place to be disturbed so they told them that  
8 | further down the river would be a good place to cross  
9 | because it's not deep water, but still they didn't  
10 | listen and they went and crossed that river where that  
11 | old stopping place was.

12 |   He says there are many people  
13 | working there now, they are digging up things that the  
14 | people lived with many years, many years ago, by losing  
15 | it or forgetting it and that is what they are working  
16 | on right now. They got several people working up there.

17 |   Now, by finding what they are  
18 | working with now, they know how long ago that these  
19 | people have lived there. The foreman in that camp, the  
20 | people here wants him to be here so he could give or  
21 | help out in the date how long that this stuff has been  
22 | in that ground.

23 |   MR. VEALE: He will be  
24 | coming. Charlie Peter, you might also tell the judge  
25 | about Caribou Lookout and Caribou.

26 |   THE INTERPRETER: Further up  
27 | the river, where they call the Caribou Lookout, where  
28 | they watch for caribou. Now, this is during -- after  
29 | break-up, spring time that these people do that. Now,  
30 | this was done by people many years ago, but today he



1 | says we are still doing that, but today we go up by  
2 | scow and kicker , we go up there and hunt caribou the  
3 | same way the people did, but I don't believe it's not  
4 | the same way, because Peter, I think he use rifle. In  
5 | the old days he used to spear them, but they still do,  
6 | that's what the old people done with spears, they go  
7 | and hunt meat to put up for the spring, spring time.

8 | MR. VEALE: Charlie Peter,  
9 | maybe you could tell the judge about this map that is  
10 | behind him, about the people who made it.

11 | THE INTERPRETER: Now this  
12 | map here that you see was made by a person named Bob  
13 | Sharpe. John Stager and Bob Sharpe, which were working  
14 | with the people around this part of the country. There  
15 | was four of us, there was Neil and Charlie and Peter  
16 | Charlie and Peter Lord here that were asked to help to  
17 | make this map.

18 | He said we a lot of work to  
19 | make this map here, what you see. Now, the map is made  
20 | across to Rampart where the Alaska line is and all the  
21 | way up the Porcupine. Now, we also put the names on the  
22 | map of what the places were called. Many different  
23 | names and many different places. You will find out by  
24 | the numbers that we have on the names and places on the  
25 | map and it took a lot of work to maker what you see  
26 | here.

27 | The four of us that make this  
28 | map, there were some younger - he mentioned three more  
29 | names, went over this map and wrote down -- had to  
30 | write down all the names that you see here on the side,



1 | the reason why we just put the name that we know, we  
2 | don't put down the name if we don't know.

3 |                               THE COMMISSIONER: Well, I  
4 | understand; the point is that you gave names to all of  
5 | the places, these lakes and rivers and hills and  
6 | mountains because the people used them, have used that  
7 | land and all of those places for many years, I  
8 | understand that.

9 |                               THE INTERPRETER: Yes.

10 |                              MR. VEALE: Charlie Peter.  
11 | you also sometimes go into the school and teach younger  
12 | children. Could you tell the judge about that?

13 |                              THE INTERPRETER: For the  
14 | past four years I have been teaching the children here  
15 | in the school, and mostly in their own language, and  
16 | what I would teach them in their own language, I would  
17 | write it on the blackboard and from there they would  
18 | put it into their books of their own language.

19 |                              And that is the way I have  
20 | been teaching that. After they have put it in their  
21 | book, only then I would go back and tell them what it  
22 | means, the meaning of the language that I have put on  
23 | the blackboard for them to put into their books.

24 |                              And many times too, between  
25 | that I tell them some of the very old time stories that  
26 | I know of. Now, I notice from this last winter, when I  
27 | start writing down on the blackboard of the words that  
28 | I have been trying to teach them, I see -- I notice  
29 | that they read them just as soon as they see it written  
30 | on the blackboard.

1 I try and help them in many  
2 ways to learn and through my teaching theme I give them  
3 -- I ask them to ask questions, so in that way I would  
4 want them to ask me what they want to know, and they  
5 are willing to do this and ask questions about what  
6 they want to learn.

7 That's all.  
8 THE COMMISSIONER: Thank you,  
9 Mr. Charlie.

10  
11 (WITNESS ASIDE)

12  
13 WILLIAM SMITH, Sworn

14  
15 THE COMMISSIONER: Would you  
16 like to sit down?

17 THE WITNESS: I prefer to  
18 stand up, if you don't mind, sir.

19 THE COMMISSIONER: I think it  
20 is about 4:30 and I understand Mr. Smith's presentation  
21 will take a little while, so I should say that I think  
22 Mr. Smith is the last person that I will hear this  
23 afternoon, but we will adjourn about 5 and we will back  
24 here at 8 o'clock tonight and I'll hear others then,  
25 and of course tomorrow afternoon and tomorrow night as  
26 well.

27 And I have been asked to say  
28 that the Co-op will be open from 5 o'clock to 6 o'clock  
29 tonight, so that -- I guess that's good news, I don't  
30 know, I'm sure it must be.

1 PETER LORD, Sworn as

2 Interpreter:

3 MR. SMITH: My name is  
4 William Smith, I am a resident of Old Crow. I appear,  
5 although I am married to Tabetha Kiakavitchik (?)  
6 Smith, I appear on this occasion on my own behalf, and  
7 I appear to put before the Commission information in  
8 the form of documents and my observations and  
9 conclusions based on these documents which touch upon  
10 the question of sovereignty, property and possession of  
11 the lands in which the applicant seeks to acquire  
12 interests.

13 It's my thought that this,  
14 these facts -- this information which I hope to lay  
15 before the Commission clearly will -- may take a place  
16 and have some value in the deliberations leading to the  
17 report they give to Mr. Buchanan.

18 I think the best point for me  
19 to start is with the debates and I will put this in  
20 evidence, Mr. Commissioner, debates of the House of  
21 Commons of the Dominion of Canada, fifth Session, Third  
22 Parliament, 41 Victoria 1878 Volume 5, Second Volume of  
23 the Session, and this has to do with the northerly  
24 boundaries of Canada, the northerly boundaries of  
25 Canada, and when I use the word "Canada" in this  
26 appearance, Mr. Commissioner, I use it in the strict  
27 sense, the sense in which it is presented in Section 4  
28 of the Act of 1867. Canada is Canada as constituted by  
29 the provisions of this Act.

30 So we are concerned here with



1 removed with as little delay as possi-  
2 ble".

3 Resolution 3.

4 "That correspondence has taken place  
5 on the subject between the Government  
6 of Canada, the Government of the  
7 United Kingdom of Great Britain  
8 and Ireland which, through the  
9 Right Honourable Secretary of  
10 State for the colonies has inti-  
11 mated",...

12 intimated

13 "...willingness to transfer to the Do-  
14 minion of Canada all the territories  
15 in question and has invited the ex-  
16 pression of the views of the Govern-  
17 ment of Canada respecting the propri-  
18 ety of legislation for that purpose".

19 I stress here the words "has  
20 intimated willingness to transfer". The point that I am  
21 driving at, or the message which I desire to leave with  
22 the Commission is that the transfer has not transpired.  
23 In other words, the government has expressed a  
24 willingness to transfer something to the Dominion of  
25 Canada which, as of the Order-in-Council of 1870, had  
26 not been transferred to Canada.

27 The fourth resolution is,  
28 "It is expedient that the right of Can-  
29 ada to all British North America  
30 and the islands adjacent thereto, not









1 | table. These are the documents relating to the oil  
2 | correspondence referred to before between the Colonial  
3 | and the Government of Canada.

4 |                                   THE COMMISSIONER: What year  
5 | did Sir John make his statement that you are about to  
6 | read, what year was that again?

7 |                                   THE WITNESS: This is May 3,  
8 | 1878.

9 |                                   THE COMMISSIONER: Was he  
10 | then Prime Minister?

11 |                                   THE WITNESS: Prime Minister,  
12 | Sir John A. was Prime Minister at that time.

13 |                                   He states in this document,  
14 | he had read last night the papers laid on the table. He  
15 | thought that the Ministry had acted with due discretion  
16 | in laying them before the House in a semi-confidential  
17 | way. The less publicity was given them, the better,  
18 | because there were suggestions in them which might be  
19 | used against us if they fell into unfriendly hands.  
20 | Therefore, the government had acted prudently. The  
21 | implication there is that -- the implication that I  
22 | derive from this, from my observation here is that it  
23 | might have been the common, understanding that by the  
24 | act -- the Order-in-Council of 1970, all of British  
25 | North America beyond the Rupert's Land possession, the  
26 | Hudson's Bay Company possession was included or  
27 | admitted into the union, but in fact this may not have  
28 | been so, and it is my opinion that this is why Sir John  
29 | A. MacDonald stated that, as you will see if you this,  
30 | -- these resolutions were presented to the Parliament



1 aries of the Northwest Terri-  
2 tories",  
3 and I insert in parentheses here, In my estimation  
4 this is an inaccuracy, it should state as in the language  
5 of the Act, the Act of 1867, the Northwestern Territo-  
6 ries.

7 "The northerly and northeasterly  
8 boundaries of the Northwest Terri-  
9 tories and Rupert's Land trans-  
10 ferred to Canada by your Majesty  
11 and by order of Your Majesty in  
12 Council of the 23rd of June, 1870  
13 incorporating the territories of  
14 Hudson's Bay Company and the  
15 Northwest Territories with Canada  
16 "

17 I was disregarding that.

18 "That it is expedient that the  
19 right of Canada to all British  
20 North America and the islands ad-  
21 jacent thereto, (not including the  
22 Province of Newfoundland') should  
23 be placed beyond question, and the  
24 offer of Your Majesty's government  
25 to transfer the said territories  
26 to Canada be accepted.

27 That to avoid all doubt in the  
28 matter, it is desirable that the  
29 Act of an Parliament of the United  
30 Kingdom of Great Britain and Ireland



1           which are not already included in the  
2           Dominion of Canada",  
3 and I halt once again parenthetically to stress  
4 the fact that there exists Territories , Posses-  
5 sions and islands which are not already included  
6 in the Dominion of Canada. This instrument, and I  
7 go on to say,

8           "These Territories and Possessions  
9           which are not already included  
10          in the Dominion of Canada should,  
11          (with the exception of the colony of  
12          Newfoundland and its dependencies,) be  
13          annexed to and form part of the said  
14          Dominion".

15 Of the said Dominion, I stress this.

16                               I skip a paragraph and I go  
17 on to the -- I skip a paragraph in the instrument, Mr.  
18 Commissioner and I proceed to the effective section:

19           "AND WHEREAS Her Majesty is graciously pleased  
20           to accede to --"

21                               MR. COMMISSIONER: Like, Mr.  
22 Smith. Everything that -- all the people who are  
23 speaking here today is taken down and of course that  
24 applies to you as well. Could you just go a bit slower  
25 when you are reading these documents so that the court  
26 reporter can get it down.

27                               THE WITNESS: Yes,  
28           "AND WHEREAS Her Majesty is graciously  
29           pleased to accede to the desire ex-  
30           pressed in and by the said address",

1 | which has been presented in evidence,  
2 | "Now therefore it is hereby or-  
3 | dered and declared by Her Majesty  
4 | by and with the advice of Her Most  
5 | Honourable Privy Council as fol-  
6 | lows: From and after the 1st day  
7 | of September, 1880, all British  
8 | Territories and Possessions in  
9 | North America, not already in-  
10 | cluded within the Dominion of Can-  
11 | ada , "and all adjacent islands  
12 | thereto, "and all islands adjacent  
13 | to any of such Territories or Pos-  
14 | sessions shall, (with the excep-  
15 | tion of the colony of Newfoundland  
16 | and its dependencies) become and  
17 | be annexed to and form part of the  
18 | said Dominion of Canada and become  
19 | and be subject to the laws for the  
20 | time being enforced in the said  
21 | Dominion insofar as such laws may  
22 | be applicable thereto".

23 | Now, I have indicated in my  
24 | opening remarks to you, Mr. Commissioner, that I am  
25 | bringing forth material which I think bears on the  
26 | sovereignty, the property and possession of these  
27 | lands through which the proposed pipeline will , I  
28 | bring to your attention, in view of the fact that  
29 | the address desired from Her Majesty, an Act of  
30 | Parliament which would define specifically certain













1 | is what I mean to say. Within that royal reserve,  
2 | and that is the land of north of Rupert's Land, that  
3 | would be the Athabasca, Mackenzie, Porcupine River,  
4 | Yukon River drainage, within that land which is  
5 | reserved until Her Majesty, she reserves it for  
6 | herself, but she bestows it -- possession of it,  
7 | possession of it on the Indian people, as long as they  
8 | have not ceded -- ceded unto her or she has not  
9 | purchased their interest.

10 |

11 | (ACT FOR REGULATING FUR TRADE GEORGE IV c66 (1821)  
12 | MARKED AS EXHIBIT C-66)

13 |

14 | THE WITNESS: What I say now  
15 | is this land has not been acted upon except  
16 | proprietorial manner, except by the Royal Proclamation  
17 | of 1763, and I quote in here, in this respect, Campbell  
18 | versus Hall, 1774, Chief Justice Nansfield, in this  
19 | decision refers to the Royal Proclamation u 1763 with  
20 | respect to the newly acquired possessions of Her  
21 | Majesty, acquired by the Paris Treaty of February, 1763  
22 | as the first and material instrument, That instrument  
23 | and this instrument. The Order-in-Council -- of 1880  
24 | are the only Royal instruments bearing upon the  
25 | territory north of Rupert's Land, that is to say,  
26 | Athabasca, Mackenzie, Porcupine River and the  
27 | Yukon River. There are no others. The  
28 | instrument that I have presented in evidence, the  
29 | Act for Fur Trade, this grants a fur-trading  
30 | right, but there is no proprietorship granted

1 here, the proprietorship that Hudson Bay had was  
2 restricted to that granted by Charles the 2nd, in  
3 the charter to the Company.

4 Now, the question comes out  
5 now, the question now arises, what is the geographical  
6 location and extent of the Northwestern Territory,  
7 granted that Her Majesty by Order-in-Council of July  
8 the 23rd, 1870 says this:

9 "That Parliament of Canada shall have  
10 full power and authority to legislate  
11 for the future welfare and good govern-  
12 ment of the Northwestern Territory".

13 There is no question that Parliament and Her Majesty of-  
14 ficers of Canada have legislative authority and T execu-  
15 tive authority in the Northwestern Territory and in  
16 Rupert's Land.

17 But now we come to the  
18 question: What is the geographical location and extent  
19 of the Northwestern Territory, and I point out here, I  
20 will point out here that in the conferences leading  
21 Confederation, in the Quebec conference, the London  
22 conference, in the draught, those -- the resolutions  
23 accepted in those conferences, the word "Northwestern  
24 Territory" only applies -- occurs. In other words, let  
25 me put it this way. The words "Rupert's Land" never  
26 occur. The words "Rupert's Land" never occur, and in  
27 this document here, which I will - I don't know how to  
28 present this, put this in evidence, but I would like to  
29 put this in evidence and maybe I can refer to it.

30 THE COMMISSIONER: Go ahead.

1 THE WITNESS: It's called  
2 "The Struggle for Responsible Government in the North-  
3 West Territories, 1870-1897", "written by Lewis Herbert  
4 Thomas, who was provincial activist of Saskatchewan and  
5 it was written, published by University of Toronto  
6 Press, 1956. He has something to say about this, in  
7 this matter.

8 He says here as I have been  
9 saying, and as has been said in the Parliamentary  
10 debates, the boundaries of the two areas had never been  
11 authoritatively settled, that is the Northwest  
12 Territory and Rupert's Land.

13 I will read a page 6 out of  
14 this document, part of page 6:

15 "There are several important features  
16 of this Section of the Act",  
17 and this is Section 146 that he is referring to.

18 "In the first place, the existence of  
19 two different territorial units in  
20 the northwest was recognized.  
21 Rupert's Land, the domain of Hudson's  
22 Bay was recognized and the Northwest-  
23 ern Territory. This distinction had  
24 not been observed  
25 in the Quebec resolutions of 1864, or  
26 the London resolutions of 1866, and  
27 more significant, did not appear in  
28 the earlier drafts of the British  
29 North America bill prepared by the  
30 London conference".







1 | the 12th, 12th day of May, it was served on the 12th  
2 | of May, on the Deputy Attorney-General of Canada. (   
3 | the 11th, according to Federal Court Rules, we are  
4 | at liberty to apply for a default judgment. The --  
5 | the Attorney-General of Canada has not appeared to  
6 | enter a defence. We have moved the Federal Court to  
7 | give us an order in default of pleadings, and this  
8 | is the order we are seeking and this will answer  
9 | your question.

10 | THE COMMISSIONER: Fine.

11 | THE WITNESS: They are asking  
12 | that the Court order and adjudge that the defendant,  
13 | not having shown that the lands in the Northwestern  
14 | Territory admitted into the Union of Canada by and in  
15 | the Order-in-Council of the 15th of July, 1870, extend  
16 | northward beyond the northern height of land of the  
17 | North Saskatchewan River-English River-Churchill River  
18 | drainage, and in view of that fact, the plaintiff is  
19 | entitled to relief in the form of a declaration by the  
20 | court that the acts complained of are not intra vires  
21 | Her Majesty acting in her right of Canada and to  
22 | clarify I should specify the acts complained of, if you  
23 | will allow me.

24 | THE COMMISSIONER: All right.

25 | THE WITNESS: Complained of  
26 | in Section 7 of the Statement of Claim.

27 | THE COMMISSIONER: M'hmm.

28 | THE WITNESS: Acting in Her  
29 | Majesty's behalf by virtue of the power of executive  
30 | Government of Canada vested in Her Majesty by the Act

1 of 1867, certain officers of Her Majesty's Government  
2 of Canada have.

3 (a) Taken possession of land between  
4 Dawson City on the Yukon River and  
5 Fort MacPherson on Peel River near  
6 its junction with the Mackenzie  
7 River by causing the construction  
8 of a highway.

9 (b) Taken possession of land near the  
10 junction of the Old Crow River  
11 with the Porcupine River by  
12 causing the construction of an air  
13 strip, facilities for its  
14 maintenance.

15 (c) Granted licences and rights to  
16 seek, produce, procure and possess  
17 minerals in lands of the Porcupine  
18 drainage to the benefit of Canada  
19 and the grantees.

20  
21 And she claims that these activities injure me by  
22 disturbing my peace of mind and reducing the pleasure I  
23 was taking from my life when these activities began.  
24 And that is the substance of it, and if you will allow  
25 me to recap for one second

26 THE COMMISSIONER: All right.

27 THE WITNESS: -- the message

28 I desire to leave with you, Mr. Commissioner, is that  
29 in view of the fact that your -- part of your  
30 assignment or responsibility is to assess the economic

1 | impact of this application, if we are sustained in this  
2 | action and get this order, it will appear that the  
3 | Governor General has no authority to grant, nor any  
4 | other officer of Her Majesty's Government of Canada,  
5 | any authority to grant the application for lands in fee  
6 | simple or title by notification sought by the  
7 | applicant, and if this should happen, any title granted  
8 | would be defective and should people, commercial people  
9 | throughout the area as happened in Alaska, commit  
10 | themselves to expenditures based on the assumption that  
11 | Her Majesty's Government of Canada has a valid  
12 | authority here when it may not have, there may be  
13 | serious economic consequences.

14 | Thank you, sir.

15 | THE COMMISSIONER: Thank you,  
16 | Mr. Smith. I think that --

17 | THE WITNESS: Can I say one  
18 | more --

19 | THE COMMISSIONER: Yes.

20 | THE WITNESS: In view of the  
21 | fact that this, these lands are yet, in my opinion,  
22 | prerogative lands, in, other words, these lands have  
23 | not been acted upon in the royal domain, not the public  
24 | domain. In view of this fact, and the fact  
25 | that these lands are still under the protection,  
26 | sovereignty and dominion of Her Majesty, feel  
27 | that the Indian organizations, and I am a sincere  
28 | believer in the belief that there should be a  
29 | sovereignty established for them and by them,  
30 | but in view of this presentation here, my

1 | feeling is that they are applying to the wrong  
2 | authority.

3 | THE COMMISSIONER: All right,  
4 | I think I have got it.

5 | Well thank you, very much.  
6 | Mr. Smith. It's 20 after 5:00 and I think we will top  
7 | for supper, and in view of the technical nature of Mr.  
8 | Smith's presentation, I really don't think that we can  
9 | ask Mr. Lord to translate it. It's on the record, Mr.  
10 | Smith, it's a part of the permanent record of the  
11 | proceedings of the Inquiry, and it's a matter that Mr.  
12 | Carter, one of the lawyers for Arctic Gas and who's  
13 | here will be able to take up with his client and one  
14 | that Mr. Veale, who is here representing the Indian  
15 | Brotherhood -- I mean the Council of Yukon Indians,  
16 | will be able to take under advisement, and it is also  
17 | there for my own consideration.

18 | THE WITNESS: Can I add the  
19 | court number?

20 | THE COMMISSIONER: Yes,  
21 | please do, yes.

22 | THE WITNESS: It's -- so  
23 | that it's going to be available for whoever wishes to  
24 | get --

25 | THE COMMISSIONER: Yes,  
26 | please do.

27 | THE WITNESS: This is Federal  
28 | Court, this is filed in the Ottawa Registry of the  
29 | Federal Court, Court Number T-1514-75, Tabetha Smith  
30 | versus Her Majesty the Queen.

1 THE COMMISSIONER: Right.  
2 Thank you, Mr. Smith, so I don't think it will be  
3 necessary, Mr. Lord to translate that presentation by  
4 Mr. Smith, and we will adjourn until 8:00 o'clock  
5 tonight and we will hear the other people then and I  
6 hope you are all back here at 8:00 o'clock and we will  
7 have some supper in the meantime.

8

9

(WITNESS ASIDE)

10

11

(PROCEEDINGS ADJOURNED)

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1 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

2 THE COMMISSIONER: Ladies and  
3 gentlemen, I think we are ready to proceed and so w(W.4  
4 will just -- we will just go right ahead. Would you  
5 swear Mr. Abel, please?

6

7

8

CHARLIE ABEL, Sworn:

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THE INTERPRETER: Ladies and  
gentlemen, I will call his name out, Charlie Abel and  
Mr. Berger, I want to say a little bit too, but first  
of all I want to thank you for your visit and your  
staff here to Old Crow people.

I also want to thank the  
people from MacPherson who are visiting us here at this  
time. Everybody is now taking turn and talking about  
whatever they want, and I am very happy about it.

Now, this afternoon I see as  
the people bring their briefs before you, it's mostly  
older people but I heard at MacPherson there are also  
young people that brought briefs before you and I would  
like to see it done here too. I like to hear from the  
young people because most young people are well educated  
more than the older people, but it's hard to make them  
talk at times. The older people, we talk, it's not that  
we think we know more, but we like to see the young









1 I know the people over there, they live mostly on fish  
2 and the way it looks, that the pipeline will spoil a  
3 lot of their fishing areas in that part of the land.

4 As I remember, that the oil  
5 company showed up around here since 1954, ever since  
6 then there have been working, especially on these  
7 seismic lines, and they are destroying a lot of good  
8 land that they are travelling on.

9 I used to trap up the river  
10 during that time and I saw the way they worked. They  
11 had their blades down and tore up more of the road  
12 wherever they went and where in the spring time,  
13 wherever they went, it is more like a creek and in that  
14 way they spoiled a lot of good land where we used to  
15 trap. All the way up this Porcupine River. The oil  
16 companies have work for seismics, and you can see their  
17 lines I all over the land that they have travelled on.  
18 What they done in that land where they work with the  
19 they never once told any of the native people of the  
20 project that they were going to work on.

21 I know that on the other side  
22 in the Northwest Territory, the seismic people work the  
23 same way as they did on this in the Yukon. Now, since  
24 they have worked in this land of ours, the caribou are  
25 beginning to travel around where they never migrate  
26 before. They migrate in different places rather than  
27 what they used to in the old days.

28 Before then we knew where to  
29 expect caribou at the time when the caribou is  
30 migrating. We never seen no caribou all winter. The ice



1 JOHN MOSES, Sworn:

2  
3 THE INTERPRETER: He didn't  
4 mention his name but his name is John Moses.

5 THE WITNESS: John Moses.

6 THE INTERPRETER: Now he  
7 says, I am very glad, I am very glad that you have come  
8 here to listen to us, and to listen to what we have to  
9 tell you.

10 So I want to tell you some of  
11 the things that have happened away back many years so  
12 and I will try and tell you right up-to-date. He says,  
13 further up on the other side of the Crow Flat along the  
14 foot of the mountains, there are places for corrals.  
15 Now, this is where people used to make their living by  
16 this -- by these corrals. At that time, the people had  
17 only bow and arrow and they had for axes, stone axes.  
18 This they did during the time of the caribou migrating,  
19 that they stay with the corral and get their meat by  
20 driving the caribou into the corral and shoot them with  
21 a bow and arrow and also they have snares on these  
22 corrals and that's how that they get their caribou and  
23 dry the meat and then later on they come down to Crow  
24 Flat where there is a lots of creeks to hunt their fish.

25 It's the way that the old  
26 people used to make their living until later on, and  
27 then later on people live a little easier because they  
28 start getting guns, fish nets, steel traps and all  
29  
30 the things that they need to hunt with. Ever since then



1 THE COMMISSIONER: Thank you  
2 very much, Mr. Moses.

3  
4 (WITNESS ASIDE)

5  
6 MRS. PETER CHARLIE, Sworn:

7  
8 THE INTERPRETER: Mr. Berger,  
9 this is Mrs. Peter Charlie, and now although I am an  
10 old woman now, I would like to speak to you a little,  
11 and I hope that you will listen to me.

12 I would like to tell you  
13 about how I was brought up when I was a child. She  
14 says I am not young any more, I am very old, and I  
15 remember how the people made their living when I was  
16 brought up as a child. The Hudson's Bay were in at  
17 that time and later on they left. They left because I  
18 don't think they were doing too good at that time, but  
19 when they were in this land when they first started,  
20 that was the only way that people used to get anything  
21 that they want.

22 This was done even before I  
23 was born. This is told by my dad. I was born 1894.  
24 There was, as I remember, when I was growing up, that  
25 because of no trader in the country here, people didn't  
26 have a very easy time, but still there were people here  
27 that made their living out of the land.

28 When they get lots of caribou  
29 they used the skin for their clothing. She remembers  
30 they even make bone needles to make their tents with.













1 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNED)

2

3 THE COMMISSIONER: We will  
4 call the meeting to order again, and Mrs. Charlie, I  
5 apologize for adjourning in the middle of your  
6 statement, but it was getting quite warm in here and I  
7 thought we needed a bit of fresh air.

8 Would you carry on in your  
9 own way now?

10 THE INTERPRETER: She wants  
11 to tells us a little story of a very smart man that she  
12 had ha known, called Charlie Tetlichi, When this old  
13 man went out hunting or trapping, he didn't have a dog  
14 team, he just had one dog and she -- this dog had a  
15 little kind of a caribou skin sleigh which it pulls  
16 along with? this old man.

17 So that old man went out  
18 trapping or hunting, he never went out - he didn't  
19 have a sleeping roll or a tent to live in, he just  
20 built himself an open fire, whether it was winter or  
21 summer and that's where he went around hunting and  
22 trapping. And when he went out trapping, he didn't  
23 have no steel trap, all he done was build wooden traps  
24 which we call dead falls, that's the kind o trap that  
25 he worked with.

26 When this old man went out  
27 trapping, although he trapped with just only dead falls  
28 he kill a lot of fur, and this -- when he catch a frozen  
29 marten, he put the marten under his shirt so it would  
30 thaw out. So when he come in the evening to camp,



1 well that help out a lot on the trip and in that way we  
2 were able to go along distance to trap. And a lot of  
3 times too we run into a big bunch of caribou and  
4 whenever we run into a big bunch of caribou, well, we  
5 try and get all we can and sometime we would dry meat  
6 and bring back heavy loads.

7 Now, these Tetlichi  
8 brothers that were trapping up in Johnson Creek,  
9 they all in different directions and sometimes it  
10 take the a long time to run over their trap lines.  
11 Then in tie spring, after they are through with  
12 their winter trapping, they move back down here and  
13 over to the Crow Flats to trap, to hunt rats or to  
14 trap rats And after trapping rats, they make boats  
15 up in the Crow River and then come down here for the  
16 summer season.

17 Now, I haven't any more and  
18 that's where I make my living all my life out of this  
19 land and now today I want the same thing for my  
20 children and the rest of my people., to carry on the  
21 way I have made my living all my life. These young  
22 people now-days, they are used to a life of what we  
23 have n this land, and so even though they go to school  
24 and get education, they are always willing to come and  
25 live the same as we did.

26 All these years, as I lived  
27 in this land, almost every year I see the caribou  
28 migrate in the same way. They go down in the ring, up  
29 to around the coast line to have their calves and  
30 then in the month of August, again they migrate up







1 MR. NUKON: Yes.

2

3 THE COMMISSIONER: Do you  
4 want to translate those and then we will ask Arctic Gas  
5 to answer them? Can you translate those?

6 THE INTERPRETER: Yes, I will  
7 try.

8 THE COMMISSIONER: Mr.  
9 Carter?;

10 MR. CARTER: Sir, I will have  
11 Mr. Rowe answer Mr. Nukon's questions.

12 THE COMMISSIONER: Mr. Rowe?  
13 Yes, you had better come forward here and be sworn and  
14 you can sit at this seat.

15

16 DOUGLAS ROWE, Sworn:

17

18 MR. ROWE: In Attempting to  
19 answer Mr. Nukon's questions, I may change the order  
20 around a little bit, it would be perhaps more clearly  
21 explained that way.

22 Mr. Nukon asked if Arctic Gas  
23 will patrol the pipeline to determine fires or other  
24 events which might affect the pipeline. It is indeed  
25 the intent of Arctic Gas to patrol the pipeline as  
26 often as they deem it necessary, and this is current  
27 practice on most other pipelines which are installed.

28 The pipeline would be pat-rolled  
29 by aircraft, and also by people walking on foot. The  
30 idea of the patrol would be to determine any detrimental

1 effects which might cause damage to the pipeline or if  
2 there were fires which may have been incurred. The only  
3 times when the- company would propose not to patrol the  
4 pipeline would be during certain periods where there  
5 would be environmental sensitivities, for during the fall  
6 staging of the snow geese on the north coast, should the  
7 coastal route be employed, the geese are very sensitive  
8 to overflights by aircraft and Arctic Gas would not  
9 patrol this pipeline while the geese were moulting on the  
10 north slope.

11 In the event of a break in  
12 the pipeline, which is very infrequent with the  
13 technology which is employed today, but should there be  
14 a break there would also be a possibility that there  
15 would be a fire at the same time. When there is a fire  
16 like this at a pipeline break, usually it doesn't start  
17 the surrounding grounds on fire, because it burns very  
18 high, up in the air, it doesn't burn on the surface of  
19 the ground, but the gas goes up and it burns in the  
20 air.

21 THE INTERPRETER: Could you  
22 just explain a little bit on the natural gas and liquid  
23 gas, could I say that --  
24 -- to say that the fire would  
25 be up in the air?

26 MR. ROWE: To answer Mr.  
27 Nukon's question about equipment, fire bombers in  
28 particular but fire fighting equipment in general, the  
29 company will have fire fighting equipment which would  
30 work in the particular type of terrain where this

1 equipment was stored.

2 THE INTERPRETER: You have  
3 this fire equipment stored?

4 MR. ROWE: There would be  
5 different equipment for different regions.

6 This equipment would be used  
7 to fight fires in conjunction with the local forestry  
8 personnel or whoever else might be involved in fighting  
9 the fires, it would be a cooperative effort.

10 Not only would the company  
11 intend to try and contain fires which were caused  
12 should a break occur in the line, but also they would  
13 be interested in fighting any fires, no matter how the'  
14 were caused, which were in the region of the pipeline.

15 In response to the specific  
16 question about the fire bomber, the aircraft that is  
17 used to fight these fires, I doubt very much that  
18 Arctic Gas would own such an aircraft but would  
19 probably lease one at such times as it was needed.

20 I think that covers the quest  
21 ions, Judge Berger. I could elaborate on the pipeline  
22 breaks a little more if people were interested.

23 THE COMMISSIONER: Well Mr.  
24 Nukon didn't ask about that, in fact he said he didn't  
25 want to hear about that, he wanted to know what  
26 happened if it broke and a fire resulted.

27 MR. ROWE: Mm-hmm.

28 THE COMMISSIONER: I think you  
29 have covered that. I should say that I -- Mr. Nukon  
30 said we do not want them to tell us the pipeline won't

1 | break. He went on to say that he wanted to know at  
2 | would happen if it did.

3 | MR. ROWE: Okay.

4 | THE COMMISSIONER: Thank you,  
5 | Mr. Rowe.

6 | (WITNESS ASIDE)

7 | KENNETH NUKON, Sworn:

8 |  
9 | THE WITNESS: Excuse me, I  
10 | forgot my name. My name is Kenneth Nukon.

11 | THE INTERPRETER: Now, he  
12 | says I don't know you people name very well, but ladies  
13 | and gentlemen, I would like to say a few words at this  
14 | time.

15 | It's hard for me to speak but  
16 | as I am here now, everyone is saying what they want, so  
17 | I am going to do the same thing, I am going to try and  
18 | say something that I want to say at this time. And  
19 | again I want to say, we are all about the same.  
20 | There's lots of silly Indians and there's lots of silly  
21 | white man. He doesn't live in town too much, he always  
22 | stay out of town.

23 | Now, he stays a little way up  
24 | the river, I suppose you have seen his camp just a few  
25 | miles up the river, that's where he stay.

26 | THE COMMISSIONER: We saw it  
27 | on our way here this morning. Chief John Charlie of  
28 | MacPherson pointed it out to us.

29 | THE INTERPRETER: So he  
30 | says we have heard of your visit on the matter of







1 Even sometimes we put on fur clothes, we freeze some  
2 parts of our body.

3 Mr. Berger, this is all I  
4 have to say now. I may come back and talk some more  
5 tomorrow but right now if I talk more, I might get mad.

6 THE COMMISSIONER: Thank you  
7 very much, Mr. Nukon.

8 MR. VEALE: Mr. Berger, we  
9 have a number of statements to be read. Some people  
10 are present, should they come up and be sworn and then  
11 Peter Nukon read their statements for them?

12 THE COMMISSIONER: Yes, tell  
13 Miss Hutchinson where they are and then she will go  
14 where they are seated and swear them.

15 MR. VEALE; We have a statement  
16 from Neil McDonald who can't be with us at this time and  
17 Peter Nukon will read that into the record.

18 THE COMMISSIONER: Yes,  
19 certainly. This will be treated as an unsworn  
20 submission in the same way as the Inquiry treats  
21 unsworn submissions that are received from many people.  
22 So I am anxious to hear it, just as if Mr. McDonald  
23 were here.

24 MR. PETER NUKON: "How the  
25 pipeline will affect the Old Crow people, and the Old  
26 Crow area. We all know before the white man came some of  
27 the people that had caribou fence wait for the caribou to  
28 come. When the caribou comes they try to get all they  
29 can and dry their meat during the summer and some of the  
30 people on the rivers where the fish trapped, fish



1  
2 (STATEMENT OF NEIL McDONALD MARKED AS EXHIBIT C-67)

3  
4 ALFRED CHARLIE, Sworn:

5  
6 THE INTERPRETER: Judge  
7 Berger, ladies and gentlemen. Before the oil company  
8 came in this country to do their -- get ready for oil  
9 and doing some, seismic work, he said the country  
10 through the area around here wasn't marked that much.  
11 He said you have probably flown over that country today  
12 and saw some of that seismic work and a lot of marks  
13 through that country.

14 Before we find out they were  
15 doing any damage to our land, he said they come as far  
16 as Crow Fiats, that's when the people found out they  
17 were doing the damage to the country. He said he also  
18 worked three different times, three winters there, he  
19 had been working for the oil company and he know quite  
20 a bit of what kind of work they are doing in this  
21 country. Not only they are scraping the ground up with  
22 bulldozers, but they are also blowing dynamite in the  
23 ground.

24 He said one time they started  
25 writing letters out for complaining about the damage  
26 that the oil company had done in this country, so they  
27 finally got some people from Old Crow to stay with  
28 those people, one in each camp from old Crow to look  
29 after them, what kind of work they are doing so they  
30 could report back to the people in Old Crow.





1 Chretien told him that it was  
2 impossible, so he told Chretien that it's very  
3 impossible for me to give up my ground for the people  
4 who's looking for oil too.

5 And now he wants to say  
6 something about the land claims. He is thinking very  
7 strongly about the land claims. He said he is thinking  
8 about the pipeline and he don't even think about the  
9 pipeline. He says he doesn't even like to talk to  
10 someone about the pipeline, that's how much he don't  
11 like to see pipeline coming through near Old Crow.

12 He says he heard lots of good  
13 things about pipeline from different people from the  
14 oil companies, and he said we already heard good things  
15 about the pipeline and other things but we don't hear  
16 no bad things, everything is going to be perfect. But  
17 he says there's going to be trucks, there's going to be  
18 bulldozers and other vehicles that travel over the  
19 land, and all these travel by power, oil power and gas  
20 power and they will be refueling different places and  
21 they are going to spill a lot of oil on the ground,  
22 nobody's mentioned that to us. There's vegetation grow  
23 over this again and the animals that roam the land come  
24 across this place and start feeding on this. They will  
25 pollute the water with it.

26 Perhaps fish will get sick  
27 from this too. Suppose we eat fish like that and  
28 people don't expect to live healthy with that kind of  
29 food.

30

1  
2  
3  
4 He said our main food in Crow  
5 Flat is muskrat too, when we trap muskrat and  
6 supposing we eat sick muskrat from this polluted water,  
7 and he says rats, they feed from under the lake, their  
8 food grows under the water and they feed on this.  
9 Supposing the weeds from underwater grow this and then  
10 I this animal gets sick and the people start eating  
11 them.

12 He said he is very happy to  
13 have a talk with you here, and you will probably be  
14 here for another day and he said perhaps if he had h  
15 anything more to say by that time, he probably will say  
16 a few words again.

17 THE WITNESS: Thanks very  
18 much.

19 THE COMMISSION: Thank you,  
20 very much, sir.

21  
22 (WITNESS ASIDE)

23  
24 THE COMMISSIONER: It's about  
25 11 o'clock, and I think it would be the best thing to  
26 stop now for today, and we will start again tomorrow at  
27 1:00 o'clock.

28 Before we adjourn today, let  
29 me thank you for the map that was discussed -this map,  
30 the Loucheux map of the Old Crow country. Miss

1 | Hutchinson, that should be marked as an Exhibit, and  
2 | made a part of the permanent record of the proceedings  
3 | of the inquiry. You can mark it and leave it up on the  
4 | wall until we leave Old Crow.

5 |  
6 | (LOUCHEUX MAP OF OLD CROW COUNTRY MARKED AS EXHIBIT  
7 | NUMBER C-68)

8 |  
9 | THE COMMISSIONER: And I want  
10 | to thank Chief and members of the council and Chief  
11 | Elijah Smith and the others who spoke today. I certain  
12 | y found what each of you had to say interesting, and  
13 | helpful to me. My job is to listen to what you've got  
14 | to say, and I find that I am learning a great deal from  
15 | all that you have told me.

16 | So, maybe you would translate  
17 | that, Mr. Lord.

18 | THE INTERPRETER: Yes.

19 | THE COMMISSIONER: We have  
20 | been asked to announce that there is going to be a  
21 | dance at the community hall tonight and all of us on  
22 | the C.B.C. and the Inquiry are glad to know that,  
23 | because we like going to dances. Some of the people  
24 | that travel with me stay up all night dancing, so we'll  
25 | see you at the dance tonight at the community hall and  
26 | then we will come back here to continue the hearings at  
27 | 1 o'clock tomorrow.

28 |  
29 | (PROCEEDINGS ADJOURNED)

30 |