



COMMISSION OF INQUIRY
RESPECTING THE MUSKRAT FALLS PROJECT

Transcript | Phase 1

Volume 2

Commissioner: Honourable Justice Richard LeBlanc

Tuesday

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(Disclaimer: We are currently capable of transcribing testimony in English and French only. When Indigenous languages are spoken during testimony, it is indicated in the text. While transcribing these languages is not our expertise, we have endeavoured to properly transcribe key terms and place names when mentioned in English and French testimony. Any errors in this transcription are ours and can be reported to the Commission via Gerry Beresford, Chief Administrative Officer, at gerryberesford@muskratfallsinquiry.ca.)

CLERK (Mulrooney): This Commission of Inquiry is now open. The Honourable Justice Richard LeBlanc presiding as Commissioner.

Please be seated.

THE COMMISSIONER: All right. Good morning.

We'll start off this morning hearing from Ms. O'Brien with regard to the Commission's plans as we move forward during the inquiry.

Ms. O'Brien.

MS. O'BRIEN: Good morning, Commissioner.

Commissioner, this morning, on behalf of your legal team, I would like to take a few minutes to outline the evidence you may expect to hear over the coming weeks as we move through phase 1 of the Inquiry.

Since shortly after this inquiry was called in November, 2017, your legal counsel, very ably assisted by researchers, associate counsel and information management staff, have been collecting, reviewing and analyzing what is now a database of over two-and-a-half million documents. Additionally, to date, we have interviewed over 60 people.

The work is ongoing, but we are now ready to present to you evidence related to two of the terms of reference. And those are, term 4(a), the finding that the Muskrat Falls Project was the least-cost option for the supply of power to the province, and the December 2012 decision to sanction the project.

As well, term 4(c), the decision to exempt the Muskrat Falls Project from oversight of the Board of Commissioners of Public Utilities, or the PUB, as it is more commonly known.

While the decision has been made to present evidence related to the other two terms of reference at phase 2 of the Inquiry, it is important to highlight that the phases of the inquiry are not water-tight compartments and that evidence heard in either of the evidentiary phases may be considered in relation to any of the terms of reference. Likewise, information presented in phase 3 of the Inquiry, which is the phase that we have been referring to as the policy phase, may be considered with respect to all of the terms of reference.

Yesterday, we heard from our first witness, Professor Bent Flyvbjerg. Professor Flyvbjerg is not the only expert you're going to hear from. In the coming weeks you'll hear from the following: first, Dr. Guy Holburn of the University of Western Ontario, who will testify with respect to the impact of exempting the Muskrat Falls Project from the regulatory oversight of the PUB. Dr. Holburn will explore best practices and lessons learned from the experience of other major electricity infrastructure projects developed by Crown corporations and private corporations in other Canadian jurisdictions.

You'll also hear from Tom Brockway of Grant Thornton, who will present two papers on the commercial structure of the project. The first will explain the federal loan guarantee and the Power Purchase Agreement, and the second will explain the contractual relationships between Nalcor Energy and Emera Inc. and the effects of those agreements on the Newfoundland and Labrador ratepayers and taxpayers. That paper will also examine the Nova Scotia regulator's review of the Maritime Link Project and compare that process to the June 2011 reference question made to this province's regulator, the PUB.

And later this week, you will hear from two forensic auditors from Grant Thornton, David Malamed and Scott Shaffer, who will present Grant Thornton's investigative and forensic audit report into the sanctioning of the Muskrat Falls Project, including such matters as options

considered by Nalcor to address the future electricity needs of the Province of Newfoundland and Labrador, as well as a financial analysis conducted by Nalcor for the Muskrat Falls Project and for the Isolated Island Option.

However, Commissioner, before we go there we are gonna go back in time and present to you on the history of the Churchill River. Long before a dam was built at Muskrat Falls, or even at the Upper Churchill, this river was used by Indigenous people in Labrador. You will hear from members of those Indigenous groups today, as to how their people have used the Churchill River and its environs for many, many years previously.

You will also hear from historian Jason Churchill who will present a paper he wrote on the history of hydroelectric development of the Churchill River, going right back to Joey Smallwood in 1949 and continuing on to Danny Williams' early years in the Premier's office.

To give you some further context, Commissioner, Stan Marshall, current CEO and president of Nalcor Energy, will give a presentation on the physical components of the Muskrat Falls Project; how it was constructed, how it will operate and some other useful information to help set the stage for the evidence to come. Mr. Marshall will not be testifying at this time as to his experience with the project. He will be called as a witness in phase 2 for that purpose.

Next week, we will also hear from a panel of three Nalcor employees who will explain the CPW analysis, or the cumulative present worth analysis, that was used by Nalcor to determine that the Muskrat Falls Project was the least-cost solution for the province's energy needs, including how the load forecasts and other key inputs were developed.

Having presented that context to you, we will then pick up the Muskrat Falls story with former premier Danny Williams who will testify in St. John's. He will speak about his Conservative government's 2007 Energy Plan, the creation of Nalcor Energy and the decision to have the province lead the development of the Lower Churchill River in partnership with

Newfoundland and Labrador Hydro or Nalcor Energy. Mr. Williams, as well as others, will address the transition of the project from one where Gull Island would be the first hydro site developed to the current – the ultimately chosen scenario, which was Muskrat Falls development first.

We will next hear testimony about Nalcor and the Government of Newfoundland and Labrador's pre-sanction consultation with Indigenous groups and with community-based interest groups that were formed or united by their criticisms of the Muskrat Falls Project; namely, what is now known as the Muskrat Falls Concerned Citizens Coalition, the Grand Riverkeepers Labrador and the Labrador Land Protectors. We will also hear from other individuals who spoke publicly prior to the project's sanction, including Dr. Wade Locke, Dr. Jim Feehan and Dr. Stephen Bruneau.

Continuing through October we will hear further evidence about the project's commercial structure from people both within government and within Nalcor, again examining how it was financed and the commercial deals with Emera Inc. With respect to the PUB, Commissioner, we will hear from the commissioners of that body and its advisors. And they will testify about the reference question that the Government of Newfoundland and Labrador put before the PUB in 2011, and also with respect to the general exemption of the project from PUB oversight.

Continuing on the topic of oversight, we will hear from former members of Nalcor's board of directors and from members of the Independent Project Review team that was struck by Nalcor to do a cold eyes review of the project prior to sanction. Additionally, we will have testimony from Manitoba Hydro International, a company that was first retained by the PUB and then by the Government of Newfoundland and Labrador to review the project prior to sanction.

Moving into November, we will hear from key members of the project team, including Nalcor's vice-president of the Lower Churchill – now vice-president of Power Development – Gil Bennett, and Muskrat Falls Project director Paul Harrington. We will also hear from people from SNC-Lavalin Inc.; in particular, those involved in the capital cost estimates and also from

Nalcor's primary risk advisor on the Muskrat Falls Project, Westney Consulting Inc.

Two former members of – or sorry, ministers of Natural Resources will give evidence in phase 1, and that would be Shawn Skinner and Jerome Kennedy, as will several senior civil servants who are very closely involved with the project, including Todd Stanley, Terry Paddon, Robert Thompson and Charles Bown. As we wrap up phase 1 in December, we will hear from former president and CEO of Nalcor Energy, Edmund Martin, and former premier of Newfoundland and Labrador, Kathy Dunderdale.

Commissioner, it is an ambitious schedule and the information that we intend to cover is detailed and complex. The schedule is posted on our website, but I hasten to note that it is not set in stone, it is subject to change and updates will be posted regularly.

You have provided us with six guiding principles which, as co-counsel, Mr. Learmonth and I will endeavour to keep forefront in our minds as we move through this process. Those guiding principles are independence, co-operation, thoroughness, expeditiousness, openness and fairness. We will do our best to honour each of these.

As you previously noted in your remarks, this is a public Inquiry and not a court of law. Mr. Learmonth and I are not adversaries to any of the parties before you. We are acting in the public's interest and will be doing our best to give a full and fair presentation of the facts. We will be aided in this by counsel for the various parties with standing who, through their cross-examination of witnesses and their highlighting of particular documents, will help ensure that you have a thorough and balanced presentation of the evidence on which to base your conclusions and recommendations.

To date we have had tremendous co-operation from all parties and their counsel. We look forward to working with them through the coming weeks and the months ahead.

Thank you for your consideration, Commissioner.

THE COMMISSIONER: Thank you.

MS. O'BRIEN: Commissioner, before Mr. Learmonth calls the next witness I was going to ask to enter a number of exhibits into the public record.

It is a lengthy list of exhibits and I don't intend to name each one of them, but I can generally tell you that these are a number of, what we would call foundational documents. There's a number of background studies that were done on the site. There's the – some of the key news releases are in this set of documents, the most significant consultant reports that were done prior to sanction, papers that were published by the Government of Newfoundland and Labrador prior to sanction. The Joint Review Panel Report is included, as are the Government of Newfoundland and Labrador's and the Government of Canada's responses to that report. The PUB reference question is there, as well as the PUB's final report. As well, there's also documents in relation to the federal loan guarantee.

Unless you have any further questions, Commissioner, I would be seeking to enter new exhibits P-00016 through to P- 00073.

THE COMMISSIONER: All right.

Any objection to those documents being entered? I'm assuming all of you had notice. So those documents will be entered then as numbered, P-00016 through to P-00073.

MS. O'BRIEN: Thank you, Commissioner.

THE COMMISSIONER: Mr. Learmonth.

MR. LEARMONTH: Commissioner, the first witness today will be Carl McLean.

THE COMMISSIONER: All right. Carl McLean?

MR. LEARMONTH: Yeah.

THE COMMISSIONER: Good morning, Mr. McLean.

Just step right up here to the table. And if you could remain standing for a moment, once you get your documents out.

So, Mr. McLean, do you wish to be sworn before you give your evidence this morning or do you wish to affirm? Either one is equally acceptable.

MR. MCLEAN: Yeah, sworn is fine.

THE COMMISSIONER: Sworn.

CLERK: Could you take the Bible in your right hand, please?

Do you swear that the evidence you shall give to this Inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

MR. MCLEAN: I do.

CLERK: Could you please state your name for the record?

MR. MCLEAN: It's Carl Gordon McLean.

THE COMMISSIONER: You can be seated there, Mr. McLean.

MR. LEARMONTH: Good morning, Mr. McLean.

MR. MCLEAN: Good morning.

MR. LEARMONTH: Where do you live, Mr. McLean?

MR. MCLEAN: I live in North West River, Labrador.

MR. LEARMONTH: And what is your occupation?

MR. MCLEAN: I would call my occupation today semi-retired, but most recently up to two weeks ago I was deputy minister of Lands and Natural Resources with Nunatsiavut Government.

MR. LEARMONTH: Yes. And how long did you hold that position?

MR. MCLEAN: About seven years.

MR. LEARMONTH: Seven years. So you're semi-retired but still working for Nunatsiavut (inaudible)?

MR. MCLEAN: Yeah, I'm representing Nunatsiavut at this Inquiry and – but other than that, I'm retired.

MR. LEARMONTH: Okay.

Mr. McLean, as I have advised you, the evidence that I will ask you to present today will be restricted to an oral history of the Labrador Inuit people's connection to the Churchill River and the Lake Melville. As you're aware, the evidence of the Labrador Inuit people on consultation and accommodation and other related issues will be heard next month in St. John's, so it's just restricted to an oral history today. You understand that, do you?

MR. MCLEAN: Yes, yes.

MR. LEARMONTH: Okay.

Now, the oral history that you will be giving today, as I understand it, is based on three main components: Your own personal knowledge, the information that's been passed down to you by your ancestors and information that you've received from elders over the years. Is that correct?

MR. MCLEAN: Yes, for the most part it'll be – that's where I gathered the information, yes.

MR. LEARMONTH: Is there any – are there any other sources for your information?

MR. MCLEAN: Well certainly there's a lot of information – like, I often read *Them Days* magazine – there's certainly a lot of information that I gathered from those magazines that talked about the history of different parts of Labrador. But certainly in relation to this Inquiry, the – Lake Melville, Churchill River – downstream from the project.

MR. LEARMONTH: Yeah. Now what is the starting point for your historical – the historical account you'll be giving today. Is it before 1900, before 1920? Just give us some idea about how far the information that you have received goes back.

MR. MCLEAN: I would say in the last century, so certainly early 1900s, possibly into the 1800s. I know some of the places that I'm aware of had,

certainly, gravesites that – I recognize the names and they date back to late 1800s certainly.

MR. LEARMONTH: Okay.

Well – first I would ask you to give your oral history relating to the Churchill River – we'll deal with Lake Melville after, even though I know they're connected. But can you start off with your oral history for the Labrador Inuit people of the Churchill River?

MR. MCLEAN: Sure.

First I want to say that we do have a settled land claim agreement, Labrador Inuit – that's the Labrador Inuit Land Claim Agreement that identifies our Settlement Area, which does not include the Churchill River. But certainly the ancestors of Labrador Inuit have certainly used the Churchill River right up to the height of land – which is the western part of Labrador – Twin Falls, north of Twin Falls, west of Twin Falls.

MR. LEARMONTH: Is there a reason it's called the height of land, you just referred to?

MR. MCLEAN: Well that's what they used to call our ancestors that went up there – they were called the height-of-landers. They trapped up there, hunted up there certain times of the year. So that's – the height of land, I guess, was considered the area above the valley – the Churchill River valley, which includes the Smallwood Reservoir now – area – and I guess northwest – west and north of that.

MR. LEARMONTH: Okay, thanks for clarifying that. You can continue on.

MR. MCLEAN: So many of ancestors of Labrador Inuit used to get their livelihood from the Churchill River by trapping and hunting. They used to – most of them resided in the Lake Melville area – whether that's like Mud Lake, this area, certainly Mulligan, North West River.

A lot of, I would say, you know, up to a couple dozen trappers used to go right from the mouth of the river up to the height of land. They used to have their own – set their own rules about which territory was theirs to trap. That was agreed to amongst themselves, and they certainly respected that. So they used to leave

probably – I would say in September month – by the end of September and paddled and portage up to their trapping grounds, which could take weeks. Certainly the height-of-landers took the longest on – that was the farthest distance they had to travel.

And – so they'd go in there to set their traps. They would basically take enough provisions to get them by with regards to flour, sugar, tea – those type things. But for the most part, they lived off the land, and they did that to be able to provide for their families and to be able to feed their families. That was their livelihood at the time.

MR. LEARMONTH: And what would they hunt? What –?

MR. MCLEAN: Well, from regards to trapping – so anything right from the smaller animals like squirrels, weasels, muskrats, beaver, fox, lynx. At one time there were some wolverines, but very few. Very few martens at the time, but they have since come back. So, you know, any fur-bearing animal, really, that had value.

MR. LEARMONTH: And in what type of quarters would they live or spend their nights when they were involved in this activity?

MR. MCLEAN: So their traplines usually had a certain section of the river or the river system above that. So they had a main tilt that they used to utilize, which is a log-type structure, probably – no more than 10 by 10 probably that had one or two bunks – the main tilt – with a woodstove. In addition to that, a day's travel from the main tilt, they normally built travelling tilts that are probably a little smaller than the 10 by 10, but had a small door and probably one bunk and a woodstove.

MR. LEARMONTH: Yeah.

MR. MCLEAN: And – so they'd travel between tilts, and sometimes instead of tilts, they might've had tents, but most of them that spent, you know, every fall, winter up there would have a main tilt and secondary tilts along their trapline, probably one day apart.

MR. LEARMONTH: So there'd be a main tilt which would hold – accommodate, say, two people?

MR. MCLEAN: Yeah, probably a maximum of two people. A lot of times they were on their own but –

MR. LEARMONTH: Yeah.

MR. MCLEAN: – you know, the main tilt probably held two people.

MR. LEARMONTH: And then there'd be other tilts, smaller in size, built along the traplines?

MR. MCLEAN: Yes.

MR. LEARMONTH: Yeah.

And just as a matter of interest, I understand that there is a replica of a tilt in the Hudson's Bay Trading Post Museum in Northwest River, is that correct?

MR. MCLEAN: Yes, in the Labrador Heritage Museum in Northwest River there's a replica of the tilt.

MR. LEARMONTH: Yeah.

And what – can you just describe generally the construction materials that went into a tilt?

MR. MCLEAN: It was basically the materials that they could find in that area where they built it. It's usually spruce logs for the walls, usually brush floors. They didn't have wooden floors or lumber floors. The roof often was just the logs too with sometimes moss and other type material put on the roof so they'd be watertight.

But, they lived in these during the cold part of the winter so – or fall, winter, the colder part of the fall and winter. So, and they had tin woodstoves for heat in each of them and usually just candlelight for light. Certainly, no generators or anything like that we see today.

MR. LEARMONTH: Now, what was the season in which the height-of-landers first left to go up to the height of land?

MR. MCLEAN: They usually left anywhere from mid-September to mid-October, I would think, depending which part of the river they trapped. Certainly, the height-of-landers were the first to leave because they had the farthest to travel and then, you know, soon after that you had the trappers that used the river valley. They would leave shortly after to make sure they got to the trapline in time, you know, when the fur was prime and, you know, to start making their living.

MR. LEARMONTH: They wouldn't have as much distance to travel as the height-of-landers would?

MR. MCLEAN: The height-of-landers travelled furthest so they had the farthest to travel. They – some of them went to, certainly, you know, near, certainly as far west as – well, the height of land, Labrador City's the farthest one.

MR. LEARMONTH: Yes.

And how would the – the people feed themselves?

MR. MCLEAN: Well, they'd take their tea and their flour and their sugar and maybe a bit of salt pork, but for the most part they lived off the land. So partridges, rabbits, lynx they would eat at times, beavers – whatever they could gather from the land – fish, they would eat. They lived off the land really.

MR. LEARMONTH: When would they come back?

MR. MCLEAN: Some of them would return for Christmas and go back up in January after Christmas. Some of them certainly – it is my understanding – some of them would stay in there until the full trapping season was over and probably start heading back in March when – before the river got dangerous I guess. They wanted to make sure they could get back to their home here in the Lake Melville area before the river, the Churchill River, got too dangerous to travel on.

MR. LEARMONTH: Yeah.

MR. MCLEAN: So they'd come back with – sometimes they had a dog, others didn't have a

dog, but they'd tow their – the fur that they caught and other things. Like go up in canoe in the fall, paddle up, and then on the return trip certainly, well they'd tow a sled – usually a toboggan-type sled – with their fur and provisions, and they'd walk back on snowshoes.

MR. LEARMONTH: So they'd leave their canoes up there?

MR. MCLEAN: For the most part, they left their canoes up there and they'd build another one the next year. But, because it was – some – I've heard tell of some people would go back up and get their canoes sometimes, but for the most part they'd build a canoe every year.

MR. LEARMONTH: These would be birch bark canoes?

MR. MCLEAN: No, I would think wooden canvas canoes that would be –

MR. LEARMONTH: Wooden canvas, all right.

And how long were these canoes and big – how many people could they – would travel in them?

MR. MCLEAN: I would say the majority of the canoes that they built were approximately maybe 15-16 feet. The smallest would probably be 14 feet. They could take up to two people I could imagine, but for the most part a lot of the trappers were on their own so they'd paddle themselves. But a lot of times there'd be two in a canoe.

MR. LEARMONTH: Now, were there other Indigenous groups that would be trapping at the same time and in the same areas as the Labrador Inuit people as you described?

MR. MCLEAN: Yeah, certainly. You know, talking to my ancestors, certainly they would encounter Labrador Innu people periodically that travelled through the areas, and certainly people that today identify as NunatuKavut certainly also used – some of their ancestors used the river also.

MR. LEARMONTH: And can you tell me or give some idea of the nature of the relationship

between the Indigenous groups while they were trapping in the areas you described?

MR. MCLEAN: Yeah. I think – as far as I know, it was certainly respectful and cordial. And, you know, most times when you see someone else on the river, because you're there all alone and you're glad to see them – someone to talk to and exchange, you know, stories. You know, I think it was certainly respectful. They shared the territory, so they were certainly respectful of that.

MR. LEARMONTH: Yes.

So, in March I take it, or around March, the people would come back with their furs. Correct?

MR. MCLEAN: Yes.

MR. LEARMONTH: And then they'd sell the furs. Is that correct?

MR. MCLEAN: Yes. They would sell their furs to – it's my understanding there was two options to sell their furs in this area. One was the Hudson's Bay Company – was at the time Hudson's Bay Company in Northwest River and across the river was another trader, I guess – the French trader. I can't recall the name now but there's another trading company that was on the – what we call the Sheshatshiu side of the river now in Northwest River that had another trading company, so there was two options to sell their fur.

MR. LEARMONTH: So there was a little bit of competition, was there?

MR. MCLEAN: There was for a while. I'm not sure exactly – I know the Hudson's Bay Company was there longer than – well, later than the French trading company. But there was two trading companies for a portion of that period.

MR. LEARMONTH: So after these people came back with their furs and sold them, what did they do during the summer?

MR. MCLEAN: A lot of them –

MR. LEARMONTH: Spring and summer, I should say.

MR. MCLEAN: Yeah. A lot of them – well, in the spring a lot of them hunted migratory birds. You know, certainly because they were gone all winter, they had a lot of things to do. They had, certainly, to make sure their family was cared for, their small houses were looked after. But a lot of them went fishing in the summer, probably to the lower part of Lake Melville. A lot of my ancestors went to the lower part of Lake Melville fishing, whether that's for salmon or trout or both. That's probably from June up to August. And they hunted migratory birds in the spring – enough to feed their families, certainly.

But, you know, they had their family – that's the short period of time they were back with their family. They had a lot of those – household maintenance, the wood, all of that to do.

MR. LEARMONTH: Yeah.

So I take it that they're – the main source of income for these people would be the money they got from selling their furs when they returned in the spring?

MR. MCLEAN: That's correct, yes.

MR. LEARMONTH: Yeah.

And that would be enough to sustain them and their families?

MR. MCLEAN: Yeah, they certainly made do. And there's – there was certainly lean years but there was also some good years, I understand.

MR. LEARMONTH: All right.

Now the activity and – that you've just described was affected, I understand, by the development of the Upper Churchill River. Is that correct?

MR. MCLEAN: Yeah.

I have some first-hand experience at that because I lived in Twin Falls and Churchill Falls for – you know, all my school-age days and – or prior school days too, and I remember my father

and one of his cousins from Upper Lake Melville came in for a visit and we went looking for his tilts. Father – my father used to go up around Flower Lake and Jacopie Lake and those areas, that – which is now the Smallwood Reservoir.

And several of his tilts were flooded; they could not be found. But we did find two of them at the time that were above the flood line. But a lot of the height-of-landers certainly were affected by the Smallwood Reservoir, and certainly the flow of water after the dams were built in the Upper Churchill affected the river part – the valley part of the river also, and downstream into Lake Melville.

MR. LEARMONTH: So when did this way of life come to an end? Are you able to say that – give an approximate –

MR. MCLEAN: Well, it varied –

MR. LEARMONTH: – range of years?

MR. MCLEAN: – right? Some people continued on 'til, certainly, the 60s and 70s, but very few. The majority of them, when the Goose Bay airport – the base was built, a lot of them took those jobs to – they found they could make a better living; there's more certainty to having an income. A lot of them chose to give up that lifestyle and go work on the base – what we call the – we used to call the base – still call the base, here in Goose Bay.

MR. LEARMONTH: So the – there was a decrease in the number of people that went trapping as – in the manner that you described. Is that correct?

MR. MCLEAN: That's my understanding, yeah.

MR. LEARMONTH: And there's a big decrease when the Goose Bay air base was constructed?

MR. MCLEAN: Yeah.

Certainly the activity certainly decreased when the base was being constructed because they went to work on the base.

MR. LEARMONTH: Okay.

There's a (inaudible.)

MR. MCLEAN: Some chose to work on the base for part-time and then go back to trapping, but a lot of them chose the base work over trapping because, you know, they were able to provide for their families with more certainty with that, you know, steady income.

MR. LEARMONTH: All right.

Is there anything, in addition, you'd like to say about the height-of-landers and the trappers? We'll deal next with the Lake Melville part of your evidence, but is there anything further you'd like to add to the oral history you've given?

MR. MCLEAN: No, just to say that certainly, you know, they certainly valued that lifestyle. It was certainly very important to them. It was how they provided for their families.

Now, as times go on – it was a tough life, so, you know, people continued on as hobby trapping in some instances but to make a living on it, probably ended with the activity around the Goose Bay area, with regards to the base.

MR. LEARMONTH: Okay, we'll now turn to the Lake Melville part of your evidence. Can you give similar oral history of the connection, the Labrador Inuit people to the Lake Melville area as opposed to the Churchill River? Although, I know they're interconnected.

MR. MCLEAN: Sure.

MR. LEARMONTH: They're not separate systems, but you understand what I'm saying?

MR. MCLEAN: Sure.

They're certainly inextricably linked, the river and Lake Melville. You know, it's the highway. Lake Melville is our highway in summer or winter. The road in Labrador ends at Northwest River so in order to travel to, you know, most of Lake Melville, you use boats or snowmobiles these days. At the time, earlier years, it was dog team or walking.

For example, my grandfather who trapped on the (inaudible) portion of the Churchill River lived in Mulligan, that's not a settlement anymore, but I know my mother went to school in Mulligan. There used to be a lot of families that lived there.

MR. LEARMONTH: Just explain, where is Mulligan?

MR. MCLEAN: Mulligan is in the Labrador Inuit settlement area, it's on the north side of Lake Melville, probably 20 miles east of Northwest River. It's in a bay, Mulligan Bay, and the Mulligan River enters the bottom of the bay. At that time, when my grandfather trapped on the river there was a school down there, a lot of – well, small houses were built there for the families that lived there. I would say even today there's probably – I call them cabins but some people call them cottages are still there.

The school is now gone. It was when North West River – I guess a lot of people brought their children back to North West River to go to school. After that, that school was moved to another place on Lake Melville to be relocated for someone's cabin or someone's house. But, you know, for a lot of years, you know, I would say up to probably 1950 there was a school there with a – there was a one-room school with a teacher. So all the kids that lived in Mulligan went to school there.

We use Lake Melville, it feeds us; so we hunt and fish on Lake Melville. It's our transportation routes. We berry pick on the shores. We hunt migratory birds. We hunt seals. Lake Melville certainly is a prime breeding ground for ringed seals, certainly, I would think, in Eastern Canada. Ringed seals is really very important to Labrador Inuit for their diet and we continue to hunt ringed seals today.

Back during the trapping days, many of those ancestors I spoke about set seal nets in Lake Melville to get seals for their dogs and also food for their families. But, today, very few seal nets are set. I would say most people harvest seals in the spring, and in open water, but the majority of the seal hunting is done in the spring on the sea ice.

MR. LEARMONTH: Yup.

MR. MCLEAN: On the ice on Lake Melville.

MR. LEARMONTH: You used the term ringed seals. Can you just give a short description of the difference between a ringed seal and a, say a, harp seal or different species of seals?

MR. MCLEAN: Yeah, a ringed seal is generally smaller than a harp seal or hood seal that you see caught in the Gulf. An adult ringed seal is probably up to five feet long, maximum, I would think – the length of this table possibly. And the seal that we prefer to eat certainly is the young ringed seal, which we harvest these days after the white coat has gone, probably, you know, we start harvesting in the later part of April and we go into May to harvest those seals.

MR. LEARMONTH: Yeah.

So the trapping activity and – well, the height-of-landers is more or less past tense, but you're speaking in the present tense now, aren't you?

MR. MCLEAN: Yes, but you know –

MR. LEARMONTH: No, no what I'm saying is –

MR. MCLEAN: On Lake Melville?

MR. LEARMONTH: – if this activity continues, you're –

MR. MCLEAN: The activity continues, it was back then and it continues today, like the way of life, the – our transportation routes: boats and snowmobiles. Prior to that it was dog teams, prior to my days it was dog teams, actually.

MR. LEARMONTH: Hmm.

MR. MCLEAN: And I still have a cabin in Mulligan that's built on my grandfather's property there and I go there as often as I can to get country food, to pick the berries, to be happy, I guess, to – for my mental state, it helps me a lot when I'm out on the land.

MR. LEARMONTH: The – to what extent do the Labrador Inuit people rely on the – on Lake Melville and the, you know, things like the harp seal for their diet?

MR. MCLEAN: Well, very few harp seals now, we used to see a lot more harp seals in Lake Melville, very few in certainly in my lifetime, certainly – you know, back when I was teenager I remember seeing a lot of harp seals in Lake Melville, but, you know, since I probably turned 50 and I see – we see very few harp seals. Now, I'm not sure why that was, but we prevalently see ringed seals now, there are what we call square flippers and lassies around at times, but not a lot of harps.

So – ask that question again, please. Just make sure, I want to capture it.

MR. LEARMONTH: Well, I wanted to know the extent to which Labrador Inuit people continued to rely on Lake Melville as a source of food.

MR. MCLEAN: Okay.

MR. LEARMONTH: Yeah.

MR. MCLEAN: Well, I would suggest that it's their main source of food, the Labrador Inuit that reside anywhere from this part of Lake Melville right out to Rigolet. Lake Melville is one of the main areas they go to harvest country food and that includes all of those things: seals; black bears; moose now; migratory birds; fish; salmon, as a bycatch these days; smelt; trout; tom cod, you know, that's – beavers. You know, some people still trap on Lake Melville and certainly on the river, I think some people still trap, but I'm not too familiar with who traps on the river these days, but I know some people still trap on the shores of Lake Melville to supplement their income.

MR. LEARMONTH: What do they trap?

MR. MCLEAN: Oh, all those same species I mentioned earlier. Marten is more prevalent these days, foxes. Very few people harvest beaver these days, some wolves possibly. People don't bother with squirrels or weasels too often any more, but you know, lynx, all those types of animals that are prevalent in the area.

MR. LEARMONTH: Yeah.

And what, if any, concern do you have about the future of the food supply in Lake Melville?

MR. MCLEAN: Well, that's been our concentration from the start of the environmental assessment, is what impact the project and the flooding of the land for the project would have on the food supply. And you know, that's what we concentrated on through the environmental assessment and still concentrate on today, to try to do what we can to mitigate impacts to the Lake Melville system and downstream from the project to ensure that we can continue to feed ourselves, continue to enjoy the lifestyle that we do today. And that's mostly around the methylmercury impacts to the food supply.

MR. LEARMONTH: Okay.

MR. MCLEAN: And I understand we'll be talking a bit more about that in future sessions, but that's been our main concern. I can elaborate on that now if you like, but –

MR. LEARMONTH: Oh, I think we can leave that 'til the next session. I just wanted to know what your concern is about the (inaudible) –

MR. MCLEAN: Yeah.

It's mostly around the impacts from methylmercury, but not only that. We're certainly – because Lake Melville is our highway, really, in summer and winter, we're certainly interested to know – concerned, I guess, about any impacts to sea ice and things like that, whether our regular travel routes would be impacted. You know, it's not only the food supply, but the way we get to travel around Lake Melville, too, whether that'll be impacted.

And you know, any changes to that will certainly be significant to Labrador Inuit.

MR. LEARMONTH: And what comment would you make to any suggestion, if one were to be made, that the Lake Melville separate from the Churchill River in terms of considering environmental impacts and effects on your food supply.

MR. MCLEAN: Well, you know, in the research that we had commissioned, had organized, found that 80 per cent of the fresh water that goes into Lake Melville comes from the Churchill River, so I'm not sure how you can

separate the Churchill River from Lake Melville. I don't see how you can do that.

MR. LEARMONTH: All right. Is there anything else you'd like to add to your oral history, Mr. McLean?

MR. MCLEAN: No, other than to say that our Labrador Inuit Settlement Area has been defined through our Land Claim Agreement that's constitutionally protected. It was put in place in 2005, and our settlement area starts actually just this side of Mulligan, west of Mulligan, but we also have harvesting rights in an area we call schedule 12-E, which is west of our settlement area.

So we think that any changes to Lake Melville could certainly impact Labrador Inuit.

MR. LEARMONTH: Okay, that's fine. Thank you very much. I'll ask other counsel, in the order to be determined by the Commissioner, to ask any questions that they may have.

Thank you very much, Mr. McLean.

MR. MCLEAN: Thank you.

THE COMMISSIONER: The Province of Newfoundland and Labrador?

MR. RALPH: No questions, (inaudible).

THE COMMISSIONER: Nalcor Energy?

MR. SIMMONS: No questions for Mr. McLean, thank you very much.

THE COMMISSIONER: Concerned Citizens Coalition?

MR. BUDDEN: No questions, thank you.

THE COMMISSIONER: Edmund Martin?

MR. SMITH: No questions, Mr. Commissioner.

THE COMMISSIONER: Former government officials, 2003 to 2015?

MR. T. WILLIAMS: Just one quick question.

THE COMMISSIONER: Okay.

MR. T. WILLIAMS: Good morning, Mr. McLean. Tom Williams on behalf of former government officials.

Just there at the end of your evidence, you spoke about the Land Claims Agreement, and I was just wondering if you could elaborate. Was that – did you say the date was – that was in 2005?

MR. MCLEAN: Yeah, it officially became – it was enacted in 2005, so that established the Labrador Inuit Settlement Area and the Nunatsiavut Government.

MR. T. WILLIAMS: Okay.

MR. LEARMONTH: If I could just – when you were describing – and I'm sorry to interrupt you –

MR. T. WILLIAMS: Nope.

MR. LEARMONTH: – Mr. Williams, but the presentations today will be restricted to an oral history.

MR. T. WILLIAMS: Okay, and that's fine. If we're gonna address – I don't want to get into –

MR. LEARMONTH: No we're gonna –

MR. T. WILLIAMS: I just wanted to hear –

MR. LEARMONTH: – get into that –

MR. T. WILLIAMS: – hear the witness –

MR. LEARMONTH: – later on, yeah.

MR. T. WILLIAMS: Okay, fine, if the – if we're gonna address that, that's fine. We'll address that at a later point. Okay.

MR. MCLEAN: Okay, thank you.

THE COMMISSIONER: Kathy Dunderdale?

MS. E. BEST: No questions, thank you.

THE COMMISSIONER: Edmund Martin?

MR. SMITH: I've already indicated –

THE COMMISSIONER: Oh sorry.

MR. SMITH: – no questions –

THE COMMISSIONER: Sorry.

MR. SMITH: – Mr. Commissioner.

THE COMMISSIONER: Julia Mullaley and Charles Bown?

MR. FITZGERALD: No questions, Commissioner.

THE COMMISSIONER: Robert Thompson?

MR. COFFEY: No questions, Mr. Commissioner.

THE COMMISSIONER: Consumer Advocate?

MR. PEDDIGREW: No questions, Commissioner.

THE COMMISSIONER: The Innu Nation?

MR. LUK: Good morning, Commissioner.

There are certain details of Mr. McLean's evidence that we would like to explore with him further.

THE COMMISSIONER: Certainly.

MR. LUK: However, we have discussed the matter with Commission counsel, and we are in agreement that when Mr. McLean is recalled in October that may be a better time for us to cross examine him. So we will say for the record now that we will forgo cross examining Mr. McLean on this day and reserve the right to do so in Mr. McLean's subsequent appearance in the Inquiry.

THE COMMISSIONER: Is the plan for your examination of Mr. McLean related to the history of the use of the river?

MR. LUK: There are certain elements of it that we would like to – I mean, there are questions that we would like to pose that are related to the history of the use of the river, but after the discussing the matter with Commission counsel

there was a discussion about how those questions might be better posed in October.

THE COMMISSIONER: Hmm.

MS. O'BRIEN: If I could just clarify, Commissioner?

Mr. Luk got in touch with me, and it was – there was – he had some questions or concerns about the – one of the schedules to the Land Claims Agreement, I believe. Mr. McLean just referenced it and Mr. Luk had asked if he could question Mr. McLean in that area as we understood today's evidence would really be just the history of how the river was used historically as opposed to the legal categorization of the land in more recent agreements with the various Indigenous groups.

I asked Mr. Luk if he could wait until we get to the area of the testimony where we'll be covering consultation with the Indigenous groups, and at that time, we expect to leave more evidence in terms of what agreements are in place, how the land has been legally classified. Mr. Luk graciously agreed to do that. That's the reason for it. It's really talking – what I understood, his questions would be related more to legal – how it has been categorized legally as opposed to historical use of the river and its environs.

THE COMMISSIONER: So Mr. McLean was aware that this is was going to be – arise at a later – at the next time he's called?

MS. O'BRIEN: Yes. Mr. Learmonth is saying yes.

THE COMMISSIONER: Okay. All right. Good.

Thank you, then you can reserve the right to cross-examine at that time. I appreciate you letting me know.

MR. LUK: Thank you, Commissioner.

THE COMMISSIONER: Thank you.

NunatuKavut?

MR. COOKE: No questions, Commissioner.

THE COMMISSIONER: Conseil des Innus de Ekuanitshit?

MR. SCHULZE: I apologize, Mr. Commissioner, I just wanted to explain. I have no questions, but I'm seated with my client in order to translate.

THE COMMISSIONER: Okay.

So you've just advised me that you're seating with your client and you have no questions?

MR. SCHULZE: That's right, Commissioner.

THE COMMISSIONER: Grand Riverkeeper Labrador/Labrador Land Protectors?

MS. URQUHART: Thank you, Justice. We have no questions.

THE COMMISSIONER: Former Nalcor board members?

MR. GRIFFIN: No questions, Commissioner.

THE COMMISSIONER: Thank you.

Manitoba Hydro International?

MS. VAN IDERSTINE: No questions.

THE COMMISSIONER: Thank you.

Mr. McLean, I hope you don't mind me asking this question, but how old are you?

MR. MCLEAN: I'm 57.

THE COMMISSIONER: Fifty-seven. Are your parents still alive?

MR. MCLEAN: No, unfortunately not. Both of them have passed.

THE COMMISSIONER: So, much of what you've told us today would relate to things that were told to you as a child and as you grew up?

MR. MCLEAN: Yes, and not only from my relatives, my parents and grandparents, but from others that – other relatives. Certainly, I'm – certainly have been interested in the past

lifestyles, so I try to learn as much as I could over the years.

THE COMMISSIONER: Okay.

So am I gathering from what you're saying that, at least for the purposes of the river, aside from fishing, which you – which would obviously be done for sustenance, the river was used for transport?

MR. MCLEAN: Certainly transportation to the trapping and hunting grounds, yes.

THE COMMISSIONER: Right. And then the trapping and hunting grounds would be on the shores of the river or more in the back area?

MR. MCLEAN: On the shores and the back areas, often the trappers would have day paths that would go in over the – you know, away from the waterways, in over the hills and the valleys to set additional traps away from the river and the watershed.

THE COMMISSIONER: Can you tell me about approximately how many people we're talking about at various times? So, say, for instance, in the late 1800s, early 1900s do we know approximately how many Inuit people would've been living in this area?

MR. MCLEAN: Inuit? At the time, I can't say for certain back then, but I know the number today.

THE COMMISSIONER: What is it today?

MR. MCLEAN: It's about 27,000 Labrador Inuit residing in Lake Melville area, which is North West River, Happy Valley-Goose Bay, Mud Lake and with an additional, I think, around 250 in Rigolet.

THE COMMISSIONER: Okay, so 2,700 plus the 250?

MR. MCLEAN: Yes, yes.

THE COMMISSIONER: Okay.

And just so I can understand a little bit more, with regards to Lake Melville itself, was there a

closer relationship between the Inuit and Lake Melville than there was – the water, I'm talking about – than there was the Churchill River?

MR. MCLEAN: Well, a lot of the – there were smaller numbers using the Churchill River than would use Lake Melville, but the same people that use the Churchill River, most of them resided on the shores of Lake Melville. So depending on what time of the year we're talking about, they used both for that group. I would say a number of trappers, not all of them were ancestors of Labrador Inuit, but I would suggest that from the mouth of the river to the height of land, there was probably 20 trappers that used – 20-plus possibly but – used different sections of the river.

But, certainly, Lake Melville today, because it's our highway, because it's – you know, it's the – we use it for travel, we use it for feeding our families, there are, you know, a much larger number than that that use Lake Melville, past and present. You know, Lake Melville has been very important to Labrador Inuit that live in this area, you know, for a long time, and continues today.

THE COMMISSIONER: Right. So you've referred to the fact that you have a settled land claim area.

MR. MCLEAN: Yes.

THE COMMISSIONER: And a land claims agreement.

MR. MCLEAN: Yes, the Labrador Inuit Land Claims Agreement.

THE COMMISSIONER: Right. So in order to have obtained that, you would have had to establish use from – well, what's normally referred to as time immemorial. So there would be historical documentation that would go back even before the late 1800s and early 1900s, I assume.

MR. MCLEAN: Yeah, they're certainly the main resource – my understanding, I wasn't around when the land claim was being negotiated, but the main resource document that

was put together was a document called *Our Footprints Are Everywhere*. That was very important to Labrador Inuit in establishing the Labrador Inuit Land Claims Agreement.

THE COMMISSIONER: Mr. Learmonth, do we have that document?

MR. LEARMONTH: I don't have it readily available. We were going to put that into evidence at the next phase of the –

THE COMMISSIONER: Okay. I would like –

MR. LEARMONTH: Mr. McLean would (inaudible).

THE COMMISSIONER: – to have that entered as an exhibit for the next part of the Inquiry, if possible.

MR. LEARMONTH: Yeah, that'll be in October.

THE COMMISSIONER: Okay. That's fine. Thank you.

All right, anything else from you, Mr. Learmonth?

MR. LEARMONTH: No.

THE COMMISSIONER: No redirect?

MR. LEARMONTH: No further questions.

THE COMMISSIONER: All right, Mr. McLean, thank you very much for taking your time to come this morning. I appreciated hearing from you.

MR. MCLEAN: Okay. Thank you, Commissioner.

THE COMMISSIONER: All right, I think what we'll do, because the next witness is going to be – require interpretation, we'll take our morning break now. And we'll get that organized and we'll begin in about 15 minutes.

CLERK: All rise.

Recess

THE COMMISSIONER: All right.

Before we begin, I owe an apology to counsel for the Nunatsiavut Government. I had meant to ask you last – if you needed to – if you wanted to ask any questions of Mr. McLean and actually I forgot. So my apologies, and I won't forget Mr. Luk when we finish this one.

All right, good morning.

UNIDENTIFIED FEMALE SPEAKER:
Good morning.

THE COMMISSIONER: First of all, I understand our next witness – maybe, Ms. O'Brien, you could introduce us where we are.

MS. O'BRIEN: Yes. Thank you, Commissioner.

Our next witness is a member of the Innu Nation, Mr. Sebastian Penunsi. He is here with an interpreter, Denina Andrew. And Mr. Penunsi has been excused from rising. And we're gonna ask first to have the – Madam Clerk take his oath and, as well, she'll also swear in the interpreter.

THE COMMISSIONER: Right. Well, I'll take care of the interpreter.

So, Ms. Andrew, do you affirm that you will well and truly interpret the evidence today from the Innu language to the English language and from the English language to the Innu language to the best of your skill and ability?

MS. ANDREW: Yes, I do.

THE COMMISSIONER: Okay.

And so I understand that Mr. Penunsi wishes to be sworn?

MS. ANDREW: Yes.

THE COMMISSIONER: Or affirmed? Do you want to check with –?

MS. O'BRIEN: Sworn, sworn –

THE COMMISSIONER: Sworn?

MS. O'BRIEN: – Commissioner –

THE COMMISSIONER: Okay.

MS. O'BRIEN: We had a (inaudible).

THE COMMISSIONER: All right.

MS. ANDREW: (Inaudible.)

THE COMMISSIONER: So –

MS. O'BRIEN: Could you take the bible in your right –

THE COMMISSIONER: So the, so what'll happen here now –

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

THE COMMISSIONER: It's, just take the –

MR. PENUNSI: Mm-hmm.

THE COMMISSIONER: So just go – bits of the – slow, yeah. And it's going to be translated by Ms. Andrew.

CLERK: Do swear that the evidence you shall give –

MS. ANDREW: (Innu-aimun spoken.)

CLERK: – to this inquiry –

MS. ANDREW: (Innu-aimun spoken.)

CLERK: – shall be the truth, the whole truth –

MS. ANDREW: (Innu-aimun spoken.)

CLERK: – and nothing but the truth, so help you god?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: Yeah.

CLERK: Please state your name for the record.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Sebastian (Innu-aimun spoken.)

MS. ANDREW: Sebastian Penunsi.

THE COMMISSIONER: Okay.

We're – I'm concerned about making sure that everybody hears what is being said. So Ms. Denina – or Ms. Andrew rather – when you translate, maybe what we could do is just try to move the microphone a little closer to you.

MS. ANDREW: This one?

UNKNOWN MALE SPEAKER: Yeah, and – perfect.

THE COMMISSIONER: All right. We'll proceed then.

MS. O'BRIEN: Thank you, Commissioner.

Mr. Penunsi, thank you for coming here today.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. O'BRIEN: I understand that you are a member of the Innu Nation. Is that right?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm (Innu-aimun spoken.)

MS. ANDREW: Yeah.

MS. O'BRIEN: Mr. Penunsi, what year were you born?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: 1930.

MS. ANDREW: 1930.

MS. O'BRIEN: And where were you born?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: In the country, in Labrador.

MS. O'BRIEN: Okay.

So were you – was your mother living on the land when you were born, not in a community?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Yeah, he was born in the country.

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: On the west – I mean, the Coast of Labrador.

MS. O'BRIEN: Where do you live now?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Sheshatshiu.

MS. O'BRIEN: We'd like you to tell us what – in Innu-aimun, what do you call the Churchill River?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: It was always to us Mishta-shipu.

MS. O'BRIEN: Can you tell us how the Innu people have used Mishta-shipu?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: We use it for hunting, trapping, and we used to go on the shore. And we – sometimes we leave our families to the shore and then the men would go hunting for like fur, trapping.

MS. O'BRIEN: When did your family first move to Sheshatshiu?

When did his family first move to Sheshatshiu?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He was born in the country but he settled in Sheshatshiu. But his family was always in the country, he said.

MS. O'BRIEN: So when they started living more time in Sheshatshiu, did they still leave Sheshatshiu in the fall and then go to the country to spend the winter?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He said that the Innu travel everywhere; there was no boundaries back then. He travelled from north, south, east, and he knows very well about the land in Labrador. That's what he's saying.

MS. O'BRIEN: And when you were travelling – when the Innu people were travelling on the land, were full families travelling together – moms, dads, children?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: When the Innu travels, hey sa, they don't travel together. Like, some families went north, some families went east, and they go, like, different ways. But they go there for trapping and mostly for hunting, and all the Innu families have to go together.

MS. O'BRIEN: And so they might travel in smaller groups of just a couple of families together, is that right?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Yeah, it was always like that. Family groups and – like, when the school was starting, like, some families went, and some families went with their families.

MS. O'BRIEN: So when the Innu people – when families were living together in the country, what did they eat?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: When the Innu are together with their families, he said, they trap and hunt, and, what they got, they shared with the other families. Because some of the Innu families were, like, maybe, three groups of them, and they still have to share everything, he said, and, like, what he remembered being – growing up in the country, he said, it was always like that. He always was in the country. He lived in the country, and when he goes to get supplies, he only get – go there to Sheshatshiu for just, maybe, sugar or some thing like supplies – to get supplies, and then he goes back in again, he said.

MS. O'BRIEN: Okay.

MS. ANDREW: It was always like that, he said.

MS. O'BRIEN: Okay.

So when you came back in – when the families would come back in to Sheshatshiu, they would maybe go to the store and buy some things at the store like tea and lard, those types of things, flour, is that right?

MS. ANDREW: That's what he's saying, yeah.

MS. O'BRIEN: Okay.

MS. ANDREW: Mm-hmm.

MS. O'BRIEN: Would they bring some furs with them to trade at the store to get the tea and the flour and the sugar, those things?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Yes, he said, it was always like that. Like, when they go in and sell the furs and then they pick up supply, whatever they need, the – (inaudible) material for the clothing of the children, and it was always like that, he said. He always bring the fur then sell it to the Hudson Bay and pick up their supplies from that money because there was no jobs anywhere to be found when they were in their years.

MS. O'BRIEN: What types of animals did you hunt or trap for their furs?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He said that – like, the Innu used to kill a lot of animals like porcupine. It's for the food, the porcupine, and the beaver is for the fur, and the otter is for the fur. Like, the Innu ate all kinds of animals, he said, in those days. So people used to kill a lot of beavers, all kinds of animals like I said. This is the way – their way of life in those days.

MS. O'BRIEN: And did the Innu fish too?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Hmm.

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He's saying that, yes, there was fish in the – like, in the country there's different fish, like lake trout, you can find in the country, he said. And some of those fish as he calls – like whitefish, it was found in the country. And all of those other fish, he said, we had it in the country, and maybe some of the fish he may forget because he's – right now he's,

like, hard remembering as he's getting old. And that's what he say.

MS. O'BRIEN: When you went to the country did you sometimes go in canoe over the Churchill River?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Yeah, he travelled by canoe in the years and, like, right now they can use planes and all that, but that wasn't – they didn't use planes, they just used canoes, he said.

MS. O'BRIEN: Okay.

Did the Innu build their own canoes?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: In those days when the people, the Innu people, want to go to the country they make their own canoes. They, like, used their travel packs, what they're going to use out in the country and with the gun shells they had to buy from the store, he said. And people used to buy stuff from the store to go to the country.

MS. O'BRIEN: And when you're in the country, what did the Innu live in?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: The Innu, when they travelled in the countries, they were always in the tent. They never lived in the cabins or – they just lived in a tent. And the Innu people spread out in Labrador, they go to (inaudible). Some of them go up north. He said they were everywhere, but they always lived in the tent.

MS. O'BRIEN: How did you keep warm in the tent in the winter?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: The Innu people knows how to heat up their tents with stoves. And they cut wood, they know how to supply their wood with the – like a – how many, like, when they stayed there they have to use some wood to cause that to, I guess to – I'm having a hard time – to – for their supplies of wood. They know how to cut wood and that's what the Innu used to do. They supplied their heat with wood and they – that's what they done, like.

MS. O'BRIEN: Would they have a little stove in their tent that would take wood, a little tent stove?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Hmm.

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: The Innu used to make their own wood stoves. That's what they used, they said, for the heat in the Innu tent. And, also, that people used to make wood stove, he said, and whatever they need, that's just axe and they got it in the store, he said.

MS. O'BRIEN: So, at first, the Innu people just came to the store when they needed provisions, but I know maybe that one – eventually, a school was built in Sheshatshiu. And did people then start to stay longer in the community to go to school, the kids – for the children to go to school?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: In those days, for him – like, he's talking about himself. He's saying that I never went to school. I have no education. And from what I learn, I learn from life skills from just watching what the elders are doing. That's how he learned.

And that was his – like, his situation with – a long time ago. He said then, for now, like, this is so modern, everybody got everything. Like, he said, this is new stuff, like, chainsaws and all that, he said.

MS. O'BRIEN: And when people first started – when the Innu people first started living longer in Sheshatshiu, at the beginning did they live in tents in Sheshatshiu?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Yes, he said. They – when they went – gone back to Sheshatshiu, they had their tents. They live in the tent. Like, the children starts school, but they still lived in the tents because as they go they were building the modern houses, I guess. And for him, he's saying that he never seen modern houses or schooling, he said.

MS. O'BRIEN: Do you remember when you – how old you were when you first moved into a modern house?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He's explaining that as they were in Sheshatshiu, as the children were going to school, that's when they were in to housing. He don't remember the year, though, because there was a lot of – long time ago, and he said – he's continuing saying that, like, he doesn't have any schooling, education. It's just – like, it was like that in his days.

MS. O'BRIEN: That's fine. He knows lots of information to give us.

Could you tell us about some of the spiritual or sacred places near Mishta-shipu?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm. (Innu-aimun spoken).

MS. ANDREW: He –

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: 'Cause he remembers, he said, the Innu people were very spiritual when they were in Mishta-shipu and – like, there used to be church services and sometimes – especially in Christmastime, he said, it was really a spiritual thing. And he can remember that, from what he's saying, that he can sing and he can understand in his own language how the spiritual, like, songs he sung, and people were doing that when they were travelling and that.

MS. O'BRIEN: Can you tell us a bit about mantutsheu, or the scared mountain?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mantutsheu?

MS. ANDREW: Mm-hmm.

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: What kind of questions do you want to ask me about mantutsheu?

MS. O'BRIEN: Well, if he could – Mr. Penunsi, please tell us anything you would like the Commissioner to know about that sacred place for the Innu people?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He can remember the elders, they respected Muskrat. They respected the land and they used it for travelling back and forth to go to the country, because there was a trail there. People used to travel on the trail and on the water and – when they go up to the country,

'cause from what he says, that the elders respected the land and was spiritual for them.

MS. O'BRIEN: Mr. Penunsi, do you want to tell the Commissioner anything about the shaking tent in 1969?

THE COMMISSIONER: Just before we do that, I wonder could we find out where the sacred mountain is.

MS. O'BRIEN: Can you tell us where mantutsheu is, the sacred mountain?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He can explain that mantutsheu. He said that the elders – the elders seen a reptile in that vicinity and he said that they respected the land, and that's all he can hear from the elders saying, that there was something in that Muskrat Falls.

And from what he experienced, he went – one time he went there and he said there was four – I think it was four inches of ice there and he saw something there. It was like going up, he said. And I think that was the elders – that's what they were seeing in that area, and that Muskrat Falls was what they – he can explain it that way.

MS. O'BRIEN: And, Mr. Penunsi, do you want to tell the Commissioner anything about the shaking tent?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: From his experience, he said, I cannot explain what a shaking tent is because in his experience he never seen one, he said. From his time, he never seen any shaking tents but he heard of them. But that's all he can explain it, he said. Like, nowadays it's so modern you don't see them anymore, he said.

MS. O'BRIEN: Can he tell us how the Innu used shaking tents or what they used the shaking tents for?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: In his experience, he said, I cannot explain to you what it was used for because he doesn't – he never seen it. He never seen one or he never seen anyone, like, going into the shaking tent. And he said he respects it and he don't like to talk about it. He said it's –

MS. O'BRIEN: That's fine, thank you.

When the Innu people were in the country, did you ever see other people from Labrador, like the Inuit or settler people? When you were in the country, did you ever come across other people?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Uh-huh.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: From his experience he can only remember seeing the people, the English people, going up and doing their traps, and hunting and using the Mista-shipu. And he said that's all he can see, those people, the English people in there.

MS. O'BRIEN: Do Innu people still like to go to the country?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Yes, they hear the hunting he said. But in those – in his years he's talking about, like, people used the land and used the caribou and mostly with the – their clothing, especially with the moccasins they use in the country. And he's talking about also what it was like in nutshimit and how they feed their families and how much they love it in the nutshimit, in the country. That's what he was talking about, but he said they go to the country.

MS. O'BRIEN: And how has life for the Innu people changed in recent years?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He said he see a lot of changes now because some of the young people go to school. Since they started going to school, things have changed. He's seen a lot of changes in the families, in the community. And since the school starting, he said, he doesn't see much young people in the country and they don't know about their way of life. He said, what the – what has been done in the country, what was taught in the country – because they are busy in the community, they are busy, like, making money, jobs, and he's saying that there's a lot of changes. He's seen a lot of changes in his time.

MS. O'BRIEN: Mr. Penunsi, do you remember when the Upper Churchill was built? Do you remember when the reservoir was built on the Upper Churchill?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Nobody ever, like, confront the Innu people about the Upper Churchill, he said. That's all he can say.

MS. O'BRIEN: Mr. Penunsi, is there anything more that you would like to tell the Commissioner about how the Innu have used Mista-shipu and the area around Mista-shipu?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He's saying that Mistashipu was used all the time for Innu people to travel, like hunting and go trapping. And it was mostly used for that, he said, from what he can remember from his – when he was younger days.

And he said that's what it was used for, that river, he said. And he also mentioned about in – when they go in the country, they started in September and they go in in September and

come back around December just to get their supplies, to sell the fur. And from what they have, they sell it and then they buy supplies and then go out again. That was their – that's what their way of what they were doing out in the country, that was used for that river, he said.

MS. O'BRIEN: Thank you very much for answering my questions. Other people may have questions for you, and the Commissioner may have some questions. So I'm going to step down, but if you could stay there, there may be a few may be a few more questions to come.

Thank you.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. O'BRIEN: Thank you.

THE COMMISSIONER: The Province of Newfoundland and Labrador.

MR. RALPH: I have no questions.

THE COMMISSIONER: Nalcor Energy.

MR. SIMMONS: No, I have no questions for Mr. Penunsi.

Thank you.

THE COMMISSIONER: Concerned Citizens Coalition.

MR. BUDDEN: No questions, thank you.

THE COMMISSIONER: Edmund Martin?

MR. SMITH: No questions, Mr. Commissioner.

THE COMMISSIONER: Kathy Dunderdale?

MS. E. BEST: No questions, thank you.

THE COMMISSIONER: Former Provincial Government Officials 2003-2015?

MR. T. WILLIAMS: No questions.

THE COMMISSIONER: Julia Mullaley and Charles Bown?

MR. FITZGERALD: No questions for this witness.

THE COMMISSIONER: Thank you.

Robert Thompson?

MR. COFFEY: No questions.

THE COMMISSIONER: Consumer Advocate?

MR. PEDDIGREW: No questions, Commissioner.

THE COMMISSIONER: The Nunatsiavut Government?

MR. GILLETTE: No questions, thank you.

THE COMMISSIONER: NunatuKavut Community Council?

MR. COOKE: No questions.

THE COMMISSIONER: Conseil des Innus de Ekuanitshit?

MR. SCHULZE: No questions, Mr. Commissioner.

THE COMMISSIONER: Grand River Keeper Labrador/Labrador Land Protectors?

MS. URQUHART: No questions, Commissioner, thank you.

THE COMMISSIONER: Former Nalcor Board Members?

MR. GRIFFIN: No questions, Commissioner.

THE COMMISSIONER: Manitoba Hydro?

MS. VAN IDERSTINE: No questions, thank you.

THE COMMISSIONER: All right, the Innu Nation?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. LUK: Thank you, Commissioner.

I just have a few follow-up questions for Mr. Penunsi.

MS. ANDREW: (Innu-aimun spoken.)

MR. LUK: Mr. Penunsi, thank you for answering my questions; I'm the lawyer for Innu Nation.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MR. LUK: I just wanted to ask you a few more questions about the Innu people's history with the river.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mmm.

MR. LUK: Now, the – Ms. O'Brien – Kate O'Brien, the lawyer for the Commission asked you about mantutsheu.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MR. LUK: Can you tell me a bit about when the Innu Elders identified mantutsheu, what did they tell Nalcor?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm. (Innu-aimun spoken.)

MS. ANDREW: What was the question you ask?

MR. LUK: What did the Innu Elders tell Nalcor about mantutsheu?

MS. ANDREW: About the – that’s the river.

MR. LUK: Manitu –

MS. ANDREW: Yeah. (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He saying that, like, he have a memory problem, but he said what was – what did the Elders say? Like, what did Nalcor ask about the Elders? That’s what he’s trying to say.

MR. LUK: I guess – I’m asking about when the Elders told Nalcor about mantutsheu – what – about the sacred mountain. What did Nalcor – how did Nalcor respond?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Nalcor mentioned to the Innu Elders that it was a hydro thing. That’s what they were told – the Elders, he said. That’s all he can say.

MR. LUK: So did the Muskrat Falls dam – did that destroy mantutsheu?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: Yeah, he said yes, it did. Like, there’s gonna be two dams – he’s talking about two dams now. Like Muskrat and Gull Island, and he – they did do damage he said.

MR. LUK: I guess a question for the translator. I’m asking specifically about mantutsheu, not about the river, generally. Just about the sacred mountain.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

(Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He's talking about, yeah, his – everything is destroyed, the fish and all that's in the river, he said. He – destroyed and some of the things like the trails and all of the – what people use to – the Innu people used to use, the river, it's all gone now he said. And that's his opinion.

MR. LUK: And can he talk a bit about when he visited mantutsheu in the helicopter?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: When he went to see the Muskrat Falls he was with an elder, another elder. He said they talked about the dam and like they talked about the depths of the water and how it's gonna, like they said it was only a little bit they was going to use – the land, but they continue making it more big and, like – you said they didn't mention anything about the expansion of the Muskrat Falls, like destroying all the land and from what he continues saying that he – that's all he can recall. Like (inaudible) saying that, Nalcor saying that to them.

MR. LUK: So can he talk a bit about – Mr. Penunsi, can I ask you about what the Innu people used the Muskrat Falls dam site and the parts that are going to be flooded by the reservoir, what did the Innu people used to do there?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He's saying that the river was used by many Innu people from going in and out of the country, like from canoes and there was a portage in the trail there, like in (inaudible) area. And people used to use that trail when they do a protest. They go up river and when they go into the, like (inaudible), come back again spring

time when the ice is – like when it's breaking, that's when the go on the water, they go down and then go back in the town, like in the country.

And that's what it's used for, he said. Mantutsheu was very useful and people really depended on that river.

MR. LUK: Is mantutsheu the same thing as Muskrat Falls?

MS. ANDREW: (Innu-Aimun spoken.)

MR. PENUNSI: (Innu-Aimun spoken.)

MS. ANDREW: The Innu called mantutsheu, that's the mountain, the sacred mountain, he said. And like the English calls it Muskrat because the falls, it's the falls, the Muskrat Falls. And there was an island there, he said, it was called (inaudible), that's what it was called, he said. But there was an island, he's talking about the island and now he said that the English called that Muskrat Falls, just the falls, and the people call it mantutsheu, the mountain that's there. That's the way he describes it.

MR. LUK: Thank you.

And my colleague, the lawyer from the Commission, asked you about the 1969 shaking tent. And I know you said you didn't see it but you heard about it.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MR. LUK: Can you tell me where it took place?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: From –

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: From what he's saying he said, like, he didn't see the actual going on, like, what's – what was going on in that area. But he said some were nearby this where they had the shaking tent that was performed in –near the area, he said. That's from what he's saying is hearsay.

MR. LUK: It's near the area of Muskrat Falls? Is ...?

MS. ANDREW: Yeah, the Muskrat Falls. Yeah.

MR. LUK: Now, you told my colleague, the Commissioner – I mean the lawyer for the Commissioner – about seeing English trappers come in to the land. Can you talk a bit about what it was like for Innu trappers when that happened?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: He can also remember the Innu from Quebec because there was no boundaries, borders anywhere that time. He can see Pukutshipit and Unemeinshipit and all those Quebec North Shore people. They seen them – sometimes they come and trade furs with the Hudson's Bay, I guess. And that's why now they saw them in the country while they were travelling. And those were the people besides the English they seen, other than the other people there, just another Innu people from Quebec.

MR. LUK: Has he ever heard stories about Inuit people being on the land?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: From their – from his experience of all those years he said he have never seen any Inuit people using the Mista-shipu. He never seen any Inuit people there, he said.

MR. LUK: Thank you very much, Mr. Penunsi, for taking the time to answer my questions.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

THE COMMISSIONER: All right, thank you very much.

I appreciate your coming here today and giving us your evidence, Mr. Penunsi. Thank you.

I think what we'll do at this stage is break now as opposed to calling our next witness. And we'll come back at 1:30 this afternoon and we'll start at 1:30.

MR. LUK: Mr. –

THE COMMISSIONER: All right, yes, go ahead.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MR. LUK: Could I just ask one follow-up question to the last bit of testimony by Mr. Penunsi, Mr. Commissioner?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

THE COMMISSIONER: I'm not going to make this a practice but, yes, you can.

MR. LUK: Thank you.

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

THE COMMISSIONER: So there's one other question that's going to be asked of the witness.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MR. LUK: Good morning, Mr. Penunsi.

I just have one question; I hope it's simple. You named some Quebec North Shore communities from where you saw people. I thought I heard one community. Could you just name those communities again, please?

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: (Innu-aimun spoken.)

MS. ANDREW: From his experience he said there was a lot of people he met, like, Quebec North Shore people. But he can't name, like, where they're from because it was in the country and they were just hunting, trapping, going to sell their furs. It was just like a great meet in the country and some of them, like, they didn't say where they're from or – but they knew that these are Quebec North Shore people. That's how the experience he had with them.

MR. LUK: Thank you.

MS. ANDREW: (Innu-aimun spoken.)

MR. PENUNSI: Mm-hmm.

THE COMMISSIONER: Okay, so we'll take a break now. And we'll return this afternoon at 1:30 and we'll start then.

Thank you.

MS. ANDREW: (Innu-aimun spoken.)

CLERK: All rise.

MR. PENUNSI: Mm-hmm.

Recess

THE COMMISSIONER: All right, good afternoon.

CHIEF PIÉTACHO: (Inaudible.)

THE COMMISSIONER: Mr. Learmonth?

MR. LEARMONTH: Jean-Charles Piétacho, who is present in the witness box. Could Mr. – Chief Piétacho be sworn?

THE COMMISSIONER: Okay. So Ms. Andrew, you continue to be affirmed to translate for us today.

MS. ANDREW: Mm-hmm.

THE COMMISSIONER: And I'll just ask Mr. Piétacho to stand please.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

THE COMMISSIONER: Okay, and go ahead.

CLERK: Take the Bible with your right hand.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CLERK: Do you swear that the evidence you shall give –

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

CLERK: – to this Inquiry –

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

CLERK: – shall be the truth, the whole truth –

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

CLERK: – and nothing but the truth, so help you God?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

CLERK: Please state your full name for the record.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)
Jean-Charles Piétacho.

THE COMMISSIONER: Okay, you can be seated, Sir.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: Good afternoon, Chief Piétacho.

Could you advise the Indigenous group that you are representing? The name of the group that you are representing?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said he's from Ekuanitshit. (Innu-aimun spoken)?

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mingan, Quebec. There's 700 Innu group in his community. That's why he's here.

MR. LEARMONTH: And where in Quebec is your – are your people – is the reservation that you live on?

MS. ANDREW: (Innu-aimun spoken) –

MR. LEARMONTH: Where is it, like, geographically in Quebec?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said Mingan is 200 miles from Seven Islands and is about a two-hour drive from Seven Islands to Quebec.

MR. LEARMONTH: And that's east of Seven Islands, is it?

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah.

MR. LEARMONTH: No, sorry, west, I should say. West.

MS. ANDREW: West, west. That's right.

MR. LEARMONTH: West of Sept-Îles, or Seven Islands, yes.

Chief, I understand that you were band manager from 1975 to 1991. Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yes.

MR. LEARMONTH: Yes, and then you were elected Chief in 1991, and you've been elected on numerous occasions since then, and you're still the Chief. Is that correct?

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yes.

MR. LEARMONTH: Yeah.

And I further understand that your father Pinip Piétacho was councillor and chief and that he served as – in that capacity for about 30 years. Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Thirty years altogether, he said.

MR. LEARMONTH: Thirty years.

And before your father Pinip was – served in that capacity, I understand that your grandfather, Peter Piétacho, was Chief of your – the Ekuanitshit people. Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yes.

MR. LEARMONTH: All right.

Chief Piétacho, what I'm gonna ask you to do today is to give an account, or a statement, of the history of your people's connection with the Churchill River. What use did you make of the Churchill River? Did you travel to the Churchill River? A full explanation of what the history is of your involvement, or connection with the Churchill River, could you provide us that, please?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: Can I just stop you for a minute. Maybe it would be better, for the translator, if – or, translator, if you could advise the witness to speak just for – in fairly short terms, and then you can do a translation, it might be a lot easier to –

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: So if he pauses every once in a while that will give you a chance to remember what he is saying.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: From his experience as a Innu from his grandfather, to his father and the one that he has adopted by another Innu –

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: – he did travel – (inaudible) travelled the Churchill River, as a – river to go, where they wanted to go, to go hunting, to go

trapping. Like, they use many rivers, they said, but the Innu people used to use rivers to go from there to there to all of the country where they were.

MR. LEARMONTH: Okay.

When during the year did you and your ancestors, travel to the area of the Churchill River? Was it in the summer, the spring, fall, winter? Can you give some explanation for that?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: They get ready by fall, which is in September, that's when they get ready. All the Innu people that are in their community, that's when they mostly use all the rivers that were there.

MR. LEARMONTH: You'd paddle in a canoe? Your people would paddle in canoes from the Mingan River to the Churchill River, is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

When they travel they usually travel on canoes, and some of them were like – there were many on the canoes and some of them travel on a different canoe going – like, they go another way, some go the other way using the Churchill River.

MR. LEARMONTH: So some would take different routes and travel up different rivers to get to the Churchill River?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Uh-huh.

MS. ANDREW: Yup, yup.

MR. LEARMONTH: And what percentage generally of the people in your community would go to Labrador on an annual basis, a

yearly basis? Was it everybody, or was it just a small group or a medium-size group of people?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

He's saying that many of his people – like, he said there are many rivers. They use different rivers, and half of those – his people come this way using the Churchill River. And that's when they come to Labrador, those people, a lot of them, he said.

MR. LEARMONTH: What size of canoes would the people travel to Labrador in?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said, I'm out in the canoes, they have been – may have been 11 feet, and they were – 11?

CHIEF PIÉTACHO: Fourteen.

MS. ANDREW: Fourteen feet, he said, and there were a lot of (Innu-aimun spoken).

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm. Okay.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: They're families; one family, like man and woman and children and a lot of supplies on that canoe.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: And maybe sometimes a pet or a dog.

MR. LEARMONTH: So how many people could travel in one of these canoes?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm. Okay.

Some of families, the Innu families, maybe there's four families going to Labrador and then there's another family going another way.

MR. LEARMONTH: Hmm. Yeah.

I understand that when you got to where you're going you would live in a shaputuan? Is that correct?

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yup.

MR. LEARMONTH: Yeah.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yup.

MR. LEARMONTH: And the shaputuan would hold, roughly, 15 people. Is that right?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah, 15.

MR. LEARMONTH: Fifteen. All right.

After travelling from the Mingan River to the area of Churchill River, and after setting up your camp, your shaputuan, what activities would you involve yourself in? What would you do when you got there?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He's explaining about the shaputuan, he calls. He said it's a big – like a big tent you go through it, and then there's a lot of families going in the shaputuan, but then there were tents there. Oh, there was one family living in it and then the shaputuan was many families, he said.

MR. LEARMONTH: So many families, up to a maximum of 15, would live in the shaputuan and there were also tents where a smaller group of people would live? Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah, he said, maybe 15. And the shaputuan is big. It may have been 15 or more, like, families living in it.

MR. LEARMONTH: Yeah.

And what was the shaputuan made of? What materials, wood, moss? What – how would it be constructed?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He's explained that the shaputuan was made like a canvas. They used canvas, he said. And sticks and canvas. And he's talking about, like, maybe 60 years in time.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He explains that, like, they used sticks. And some of the people used to use birch as a cover, like, their tents or the shaputuan. They used birch, he said.

MR. LEARMONTH: And would there be a source of heating in the shaputuan?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: They used to make a, like a – they put rocks around it and they heated it up with rocks. That's where the heat come from, from that fireplace.

MR. LEARMONTH: Inside the shaputuan?

MS. ANDREW: Yeah, inside the shaputuan.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Then they used a woodstove later on.

MR. LEARMONTH: And what did you do for food?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: The people, the Innu people, started hunting, the way of life was always the hunting and the caribou was the main food in the Innu people.

MR. LEARMONTH: In addition to caribou, were there other animals that were taken?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: And other food source was the porcupine, the beaver and the partridge, the fish and the rabbit. That's the way of the food back then.

MR. LEARMONTH: Yeah. And what heard of caribou would you be hunting? Would it be the – I think it's Red Wine or the George River? Would he be able to advise on that?

MS. ANDREW: Yeah.

(Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He's saying that, like there wasn't no boundaries back then. And the Innu people killed caribou, we didn't look, like – which is just the caribou or the – what do you call those? The north – the Mealy Mountains. We cannot say that because caribou is only

caribou for us, he said. We cannot say where we get this, we just got to taste it, he said. It's the – it's what the Innu people done. Like they – when they hunt, the just hunt caribou. They don't say this is coming from that or that, he said.

MR. LEARMONTH: Yeah, there's no –

MS. ANDREW: Like God gave us the caribou to hunt them so we hunt them, he said.

MR. LEARMONTH: Yeah. So there's no distinction between different herds? A caribou is a caribou, is that right?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah, there is no distinctions.

MR. LEARMONTH: Yeah, all right.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: And you would also, in addition to taking animals for food, you would also fish. Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah, the Innu fished like all kinds of fish, he said, in the country and in the other rivers there. They did get all kinds of fish for their food, is what the Innu use, he said.

MR. LEARMONTH: Would the fishing take place in the Churchill River as well as other rivers?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah, many people use Churchill River as a source of food. Like they put their nets out and that's where they get their fish and as they travel they get all kinds of fish coming from their community, from here to Churchill River, he said.

MR. LEARMONTH: In addition to the fish and wild game, would there be a, you know, a

gathering of berries – wild berries and other items of food, or would it be just on the meat and fish?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah, the Innu was very familiar in berry picking because Innu people like berry picking, so as they go along those rivers they pick berries as well, he said, because this is their really source of food that they had berries and fish and all that, what they can have all of that land.

MR. LEARMONTH: Yes.

Did you ever travel to the area of the Churchill River with your mother Agathe?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: From his experience he never had – he never travelled on Churchill road but he's saying that he heard his mother, parents and his family travel there all the time.

MR. LEARMONTH: All the time.

Did you ever travel yourself to the Churchill River and live as the way – in the way that you've just described or are you just getting this information from ancestors, elders and other members of your Indigenous group?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He's saying that his parents and grandparents and his family was using Churchill River, like travelling and hunting. But, in this experience, he never experienced to go to Churchill River because, at that time, he was in a residential school and he couldn't go anywhere because of the residential school he was in, but his parents did travel over there, he said.

From his experience, he said, they travelled from – this is their parents saying that they travelled from Grand Lake here in Northwest River. There's a place there called (inaudible). I don't know what they call it in English, but that's how far my parents travelled, he said.

MR. LEARMONTH: All right.

So, the information you're giving was based on what your parents and grandparents told you, as well as elders in your community and other members of your group. Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said that it's a – this is coming from the parents, his parents and his family. But there is a book –

MR. LEARMONTH: Yes.

MS. ANDREW: – like one of the Elders wrote it, he said. And he mentioned how the rivers he travel and what rivers and how much he went on to –

MR. LEARMONTH: Mm-hmm.

MS. ANDREW: – as far as Davis Inlet. That's how that old man write it in his book.

CHIEF PIÉTACHO: Mmm.

MR. LEARMONTH: Was that Comtois. Was that the author of the book?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah, that's the name of the person who wrote it, Mathieu Mestokosho.

MR. LEARMONTH: Yes.

CHIEF PIÉTACHO: Mmm.

MR. LEARMONTH: And I believe he described the traditional territory of the Innu of Ekuanitshit, including the Winokapau Lake?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

He says it's in French, he said, but it's – I think that's how he – it sounds like, he said.

MR. LEARMONTH: Yes.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: And to his knowledge –

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: – did other Innu groups from Quebec travel to the area of the Churchill River and live as he has described his group as having lived when they went there in the fall? Were you the only group from Quebec that went to the Churchill River area or were there other groups that you are aware of?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He would like to explain that he said, like, I'm Innu, just Innu; I'm not from Quebec, I'm not from Newfoundland and Labrador and I don't see any boundaries. Like, there was no borders or boundaries back then, he said. Innu goes in and out where they wanted to go, he said. And he explains that, again, he's Innu and he's not from anywhere, just Innu, he said.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: And he's saying that there were other people, like Quebec, like from Seven Islands, they're, as a people, are using that Churchill River.

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: And it mentions that that person who wrote the book mentioned that in the book, he said. He mentions other people, other Innu people, who used that river he said.

MR. LEARMONTH: And to his knowledge, to your knowledge, were there Innu from – that lived in Labrador that your group would come into contact with when you went there in the fall of the year?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said that there were a lot of Innu people meeting together in the country. Sometimes they would be there, like, with them. Sometimes they go to get supplies at the stores

where – at maybe the Hudson’s Bay. They would go there and, like, all Innu people were just – they weren’t separate, there were no – like I said, there were no boundaries, he said. It’s just a get together and they’d go to the country. They see each other again. That’s what it was like, he said.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: And at the – I take it that in the spring of the year, after spending the fall and winter in Labrador, that your group would return to your home. Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: And he’s saying that the Innu people, like, they – when they travel they tend to be in the country for a year. Sometimes they don’t come back in the community for a year; they stay out there, so they live out there. And he was mentioning a river; he calls it the, in Innu, (inaudible).

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: That’s where they travel right to the norths, he said. I don’t know what the location of that river, but I didn’t ask him for English.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Oh, he’s saying that it’s almost, like, up in (inaudible) that way, that –

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: – a little bit, like, maybe in the middle of (inaudible) and the place they were in.

MR. LEARMONTH: Yes.

MS. ANDREW: It’s called (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: So some of the groups would – of your groups would stay in Labrador – what’s now Labrador, I realize there was no boundary at the time, but I’ll just refer to it as Labrador. You would – some of the members of the group would stay for a full year; whereas others would go up in the fall of the year and then come back in the spring of the next year. Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: In the springtime they would travel back because it’s easier in the springtime, he said, to go back to the – in their hometown.

MR. LEARMONTH: All Right, so I thought he said that some people would stay for a full year, but I take it he didn’t mean, like, 365 days. It –

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: He’s saying that they stay out there one year and when they want to come

back, it's usually the springtime they come back. That's what he's saying.

CHIEF PIÉTACHO: Uh-huh.

MR. LEARMONTH: All right, thank you.

Now, while you were in – your people were in Labrador, in the manner that you described, did you also – was there also trapping of animals – I mean, to get furs for – that you could sell when you returned to your home?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Uh-huh.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Uh-huh.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said that the people, like his people, would come and come here in Labrador to hunt and to fur. It was like this all the time, he said they go and they hunt and they trap.

CHIEF PIÉTACHO: Uh-huh.

MS. ANDREW: And like he said, we never heard Labrador, in those days – his grandfather never heard of Labrador. It was just –

MR. LEARMONTH: Yes, I know there were no boundaries. Yeah.

MS. ANDREW: Yeah. There was nothing there, they were just going in and fur and kill what they have to kill, and stay in the land. That's what their –

CHIEF PIÉTACHO: Hmm.

MS. ANDREW: – intentions were when they were in that land.

MR. LEARMONTH: And when they would return home in the spring, would the people bring with them the furs that they had from the animals that they had trapped and then sell them in Ekuanitshit?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Hmm. Yeah, they would come and sell their fur; there was a store there, he said.

MR. LEARMONTH: Yeah, I believe there was a – the Northwest Company had an outlet there, is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: There was a French guy who used to sell – I mean, buy fur and then this Northwest –

CHIEF PIÉTACHO: Uh-huh.

MS. ANDREW: – Northwest –

MR. LEARMONTH: Now, this way of life gradually came to an end, I understand. Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah. It was always the way of life, he said, in their community. And as the children started school and everything was going in their community, that's when it was gradually – like, they don't go there anymore.

MR. LEARMONTH: And when did that end? When did this way of life end?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He's saying that he can say, like as – there were doing reservations that's when it started, like, I say 1950s, he said, that year. But in their – in what he's saying, he said (inaudible) never agreed going into reservation. He always thought that it was – they were against it, going into reserve and that's what he's saying.

MR. LEARMONTH: Yes.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He's saying that when he was around three or five years old, he –

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: – himself – they wanted to separate us. Some wanted to be taken to Natashquan and some wanted to go to (inaudible). They wanted to be separated – they wanted to take us and separate us and take us to that – these reserves because they were already making reserves, he said. And at that time the people say: We disagree, we cannot go, we disagree on this. That's what he's saying.

MR. LEARMONTH: And when would that have been? Perhaps Chief Piétacho can tell us his age?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He's saying that he was born in 1953. (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

Yeah. And maybe fives years back, that's when they wanted to take us to other reserves – they want to separate us and divided us to the other reserve, he said.

MR. LEARMONTH: Yeah.

And I presume that the residential school, the fact that children were taken from their parents and put into residential schools, would have deprived those children of the – how to learn the way of life that their parents and ancestors had lived? Is that correct?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He say that his uncle, when he was in his age two, like, he was taken to residential school – his uncle, he's talking about his uncle – and he was taken by – there was a boat there, he said.

CHIEF PIÉTACHO: Hmm.

MS. ANDREW: They got into a boat – a lot of kids were in there and they were taken away. And at that time he's five, six years old, he said, and the plane came again and took us – all the Innu children, they were taken to the airport, and they were sent off to go to school.

MR. LEARMONTH: Okay.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: That would have been in what year? Just to be clear.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. LEARMONTH: You were born in '53, so you would have been very young at that point when these children were taken off – taken away and put in a plane, taken to a residential school? What year would that have been, roughly?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He's saying that he thinks that it's 1950 when his uncle was taken and other kids there. He's saying that his uncle mentioned that they built a school? A school. But they didn't know that they were building the school for the other generation. That was them, right? He was six-, seven-years old when they were taken to that school.

MR. LEARMONTH: And how far away from the Ekuanitshit community were these residential schools? Was it a long distance?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Mm-hmm.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said it's near Seven Islands.

MR. LEARMONTH: Yes.

MS. ANDREW: It's called right now – the settlement is called Mani-utenam.

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: That's where the resident school was.

MR. LEARMONTH: All right.

Do you have any information on the effect or impact that the construction of Churchill Falls power plant, in or about 1969, had on the way of life that the Ekuanitshit people had in the Churchill area – Churchill River area? Did it have any effect on the hunting and the trapping and the gathering, the construction of the Churchill Falls power plant?

Can you give us any information on that?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: There was a lot of impact on the Innu people, on his people, and that flooding of the Churchill, he said, because there was – they used the river and that there was a portage –

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: – trails there that they used, and it had a great effect on them, on the Innu people from his community, and that's when everything changed, he said, from, like, the Innu

going in there and coming out. That's the (inaudible) effect on them, he said.

CHIEF PIÉTACHO: Mm-hmm.

MR. LEARMONTH: Okay.

Those are my questions, Commissioner.

THE COMMISSIONER: All right.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

THE COMMISSIONER: Do we have any cross-examination? Province of Newfoundland and Labrador?

MR. RALPH: No questions.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

THE COMMISSIONER: Nalcor Energy?

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. SIMMONS: No questions.

MS. ANDREW: (Innu-aimun spoken.)

THE COMMISSIONER: The Concerned Citizens Coalition?

MR. BUDDEN: No questions, thank you.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

THE COMMISSIONER: Edmund Martin?

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MR. SMITH: No questions, Mr. Commissioner.

THE COMMISSIONER: Kathy Dunderdale?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. E. BEST: No questions, Commissioner.

MS. ANDREW: (Innu-aimun spoken.)

THE COMMISSIONER: Provincial – Former Provincial Government Officials '03 to '15.

MR. T. WILLIAMS: No questions, Commissioner.

THE COMMISSIONER: Julia Mullaley and Charles Bown?

MR. FITZGERALD: No questions, thank you.

THE COMMISSIONER: Robert Thompson?

MR. COFFEY: No questions.

THE COMMISSIONER: Consumer Advocate?

MR. PEDDIGREW: No questions, Commissioner.

THE COMMISSIONER: The Innu Nation?

MR. LUK: No questions, Commissioner.

THE COMMISSIONER: The Nunatsiavut Government?

MR. GILLETTE: No questions, thank you Commissioner.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

THE COMMISSIONER: The NunatuKavut Community Council?

MR. COOKE: No questions, Commissioner.

THE COMMISSIONER: Grand Riverkeeper Labrador and Labrador Land Protectors? Not there?

MS. O'BRIEN: Commissioner, counsel for the – for that group has been in touch with us. She's detained in court but she advises she has no questions for this witness.

THE COMMISSIONER: Okay.

Former Nalcor Board Members?

MR. GRIFFIN: No questions, Commissioner.

THE COMMISSIONER: Manitoba Hydro International?

MS. VAN IDERSTINE: No questions, thank you.

THE COMMISSIONER: Okay. The Conseil des Innus de Ekuanitshit?

MR. SCHULZE: I would have a few questions with the Commissioner's permission.

I wondered – I apologize for not asking before – would it be possible to show the witness Exhibit P-00053, or any map of the whole project? That's where I found one quickly. Is that feasible?

THE COMMISSIONER: What don't you come up – over to the table, and we'll see if we can't – can we get the P-00053?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

THE COMMISSIONER: In P-00053, you're looking for the map?

MR. SCHULZE: Yes, page 8.

THE COMMISSIONER: Page 8.

MR. SCHULZE: Oh, thank you.

Page 8, Mr. Commissioner, and I apologize for starting sitting down.

Can the witness see this? I'm – oh – I think everyone can see it except the witness. Or –

THE COMMISSIONER: No, the witness has a screen there.

MR. SCHULZE: – does he have it there – thank you.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah.

MR. SCHULZE: Excellent, thank you very much. And maybe go down a bit more so that we can see – that's perfect, thank you.

So Chief Piétacho, you said that you did not go to Churchill River with your parents and grandparents, but did you go on the land with your parents and grandparents as a child?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah, he went to the land, but he didn't go to that area, he said.

He says he went with his grandfather, his parents, but on the local area, not to that land, he said.

MR. SCHULZE: Okay, but when you described life, going from the community in the fall, being – living in the Shaputuan, is that from your own childhood?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Yeah, he's – coming from his parents, his grandparents.

MR. SCHULZE: Okay.

And Chief Piétacho, you mentioned the creation of the reserve as having an effect on people from your community travelling onto the land and up to the Churchill River.

Could you explain a bit more to the Commission why the creation of the reserve changed the life of the people?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said that, to this day, he never agree with, like, borders or boundaries. Innu is the land and the people have great effect on the – when the Churchill River was (inaudible), some of his people, his grandchildren – I mean, grandparents and the parents, they didn't go there anymore because of what's happening there.

And he's saying that of all this, I guess, it's the reserve too that the people were affected by the put in – they were put in reserves and it's – to them it felt like some kind of a prison to them. Not to go there, you have boundaries there. It is all the – all this connection with all of this affected their people and their grandfathers, their parents.

And, again, he said, I have no boundaries. I, still today, I have no boundaries. I'm Innu. I can go anywhere I want. There is no Labrador. To him, Labrador is just new thing, he said. It's just new.

MR. SCHULZE: And do people from Ekuanitshit – do they, now, in these years – in recent years or even this year – to your knowledge, do they hunt or do they fish in the area of the Churchill River?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said that his people still hunt on the Churchill area. They come and hunt and they fish, and the main thing is caribou. But there's government policies that they cannot hunt there anymore. And it's all this government policies, he said, that they stop but they cannot stop. He said, they continue on doing it. They continue to hunt there –

CHIEF PIÉTACHO: Hmm.

MS. ANDREW: – because they don't see Labrador as a boundary. It's just Labrador. To them it's just Innu land.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said he was born in (inaudible). He was born in – he wasn't born in the country or anything like that and he's very proud that he was born in (inaudible). And to this day he said, if I wasn't taken to residential school I would still be living on the land. I would still be hunting. I would still be doing what my ancestor did, he said.

And he said that he respect the land, he respect all the people and like, to this day, he said, he visit 67 portage trails that the Quebec Innu and the Innu youth, he said, I have seen them and I am very proud that I have seen them all he said and he respect everything, everything about the land itself including all the Big Land.

MR. SCHULZE: I'll try and make my last questions quite short.

Is it possible now for an Innu to live – to earn a living from trapping?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said the (inaudible) people, like, were first, but it's different now because the furs has gone down over – they might not want to fur hunting but it's the land. They want to go out there and live on the land. Because he respects the land, he said, and he would rather be on the land, to live there, to go there. But now there's all kinds of government regulations, he said, that we cannot go to this land or to that land. We cannot hunt there.

All this really have an impact on the Innu people now, he said, but definitely, he said, he would love to be on the land; not just because of fur trading but hunting and just being there. He really likes it when he's out there and he loves the country, he said.

MR. SCHULZE: Hmm.

My last question is just to do it, connected to the map, because we talked about the Churchill River and the Churchill River Valley, but I just ask for the map so that you could also look at the route that the transmission line takes. So that's the line from Muskrat Falls to where it's marked Forteau at the bottom.

To your knowledge, either about Ekuanitshit or about other communities to the east, is the area of transmission line also an area where Innu who – from Quebec, what we call Innu from Quebec – is it an area where Innu from Quebec also hunt or fish or carry out other activities?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm. (Innu-aimun spoken.)

MS. ANDREW: He said that he's gonna state again that, like, he is not a Quebec Innu, he is not a Big Land Innu, but he's just an Innu, he said. I just want to state that and I want you to understand that, he said. And, yes, there was a lot of impact on the Churchill River, especially on the hydro lines there.

MR. SCHULZE: Hmm.

MS. ANDREW: The people hunt up there. They use that land too, he said, his people. And used to go in and out and some of the things that were in it –

MR. SCHULZE: Hmm.

MS. ANDREW: – like, they're gone and they'll never be seen again. Some of the animal – some of the stuff that was there that they were using, it would be gone. And, he said, he just want to

express that he's Innu, not from anywhere else, just in that land.

MR. SCHULZE: Now – thank you, I understood that.

I just – maybe I'll, just one – just so to be clear. You understand – your understanding, Chief Piétacho, is that if we look at that area of the line, it's areas where, for instance, people from Natashquan or Uniam-Mitshu-shipu or Pakuashipi would go to hunt.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: Mm-hmm.

Yeah.

MR. SCHULZE: Thank you.

THE COMMISSIONER: You're (inaudible), Mr. Learmonth?

MR. LEARMONTH: No.

THE COMMISSIONER: I feel like I have to ask you a question.

So, Ms. Andrew, you might translate – you can tell –

MS. ANDREW: (Innu-aimun spoken.)

THE COMMISSIONER: – Chief Piétacho that –

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MS. ANDREW: Okay.

THE COMMISSIONER: So while you never, yourself, experienced hunting or trapping in Labrador – in what is now Labrador, what we recognize as Labrador – you're indicating that your parents, your grandparents did hunt in this area?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: Mm-hmm.

MR. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He said that his parents used that area all the time when they were there, when they were travelling, and he's saying that, to this day, he don't hunt there. Whenever his people want to hunt in Labrador, they get, like get arrested and they got to go to court. And he said, to this day – another day, he's going to court for that, for his people because of people hunting in that area, where there's no hunting, I guess.

THE COMMISSIONER: So, what did your parents or grandparents call – what was the name they put on the river, the Churchill River?

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He's saying that his parents and grandparents called that river Mishta-shipu. It was always Innu people called that Mishta-shipu. There was never any name, he said. And in history there's another place, it's called (Innu-aimun word) which is Innu to they travelled there and they stayed there and that's how far they travelled down that Grand Lake area there.

THE COMMISSIONER: Mm-hmm.

MS. ANDREW: That's where that place is he said and this is the river where our people used and hunt there, he said.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: He wants to add on too, he said that the today the elders that passed on, they wouldn't recognize that border and how it's separated now.

CHIEF PIÉTACHO: Mmm.

MS. ANDREW: He said they would not recognize that because the land is –

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: – just a land for the Innu to hunt and to do trapping there.

THE COMMISSIONER: All right, good. Thank you very much.

Thank you, Sir.

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: (Innu-aimun spoken.)

CHIEF PIÉTACHO: (Innu-aimun spoken.)

MS. ANDREW: Oh, okay. He's saying that – he saying thank you very much and he said he wish I could speak to you in English.

THE COMMISSIONER: Tell him he did very well, I'm glad he could speak in his native language.

CHIEF PIÉTACHO: (Innu-aimun spoken.)

THE COMMISSIONER: Thank you, Ms. Andrew, as well, for your –

MS. ANDREW: Yeah –

THE COMMISSIONER: – assistance today.

MS. ANDREW: – okay.

THE COMMISSIONER: And I don't think we need translation further today. So, thank you very, very much.

MS. ANDREW: Okay. Thank you very much.

THE COMMISSIONER: I think we'll take a break here now for 10 minutes and we'll come back with our last witness for the day.

CLERK: All rise.

Recess

THE COMMISSIONER: All right, Mr. Learmonth, your next witness.

MR. LEARMONTH: Todd Russell.

THE COMMISSIONER: Todd Russell.

Right up here, Mr. Russell, please. And I'd ask you just to stand.

Before you give your evidence, do you wish to give your evidence under oath, or do you wish to affirm? Either one is equally acceptable.

MR. RUSSELL: Oath is fine.

THE COMMISSIONER: Okay.

Just place your right hand on the Bible, please.

CLERK: Do you swear that the evidence you shall give to this Inquiry shall be the truth, the whole truth and nothing but the truth so help you God? Please state your name for name for the record.

MR. RUSSELL: Todd Russell.

THE COMMISSIONER: (Inaudible.)

Mr. Learmonth.

MR. LEARMONTH: Good afternoon, Mr. Russell.

MR. RUSSELL: Good afternoon, Sir.

MR. LEARMONTH: Could you please let us know the name of the Indigenous group that you represent and the position that you occupy in that Indigenous group?

MR. RUSSELL: I'm the president of the NunatuKavut Community Council which represents approximately 6,000 Inuit, of which I am one.

MR. LEARMONTH: All right.

And how long have you occupied that position, Mr. Russell?

MR. RUSSELL: As president, I was elected in 2004, and I was there until 2005. Then I was elected to the House of Commons from 2005 until 2011, and I resumed the presidency in 2012 and currently still holds that position.

MR. LEARMONTH: Okay.

Mr. Russell, today, I'm gonna ask you to provide an oral history of the connection of your group – your people to the Churchill River and Lake Melville. We've already discussed that. That's the boundaries that we're gonna talk about today.

Could you start off by telling us – giving us some information on that?

MR. RUSSELL: Well, in broad strokes, let me say welcome. Welcome to NunatuKavut, which is a traditional territory of our people. It's shared territory, and it's also territory now which has, in some regards, welcomed a lot of other people into this traditional – the traditional places.

Inuit occupied the Coast of Labrador for hundreds and hundreds of years, and the stories of our people also talk about how Inuit occupied Lake Melville – what we called Groswater Bay, the beginning of Lake Melville – coming into Lake Melville proper. And yes, even to what we now refer to as Upper Lake Melville, and our presence was also in the Churchill River – what people call the Churchill River, and into the tributaries, and it extended for great distances. Hundreds of miles, in fact, our people travelled the rivers. Followed sometimes the caribou trails. So our presence has been vast in terms of geographic area. It has been deep in terms of time. And it has been pervasive in terms of our relationship with our traditional lands.

MR. LEARMONTH: Okay.

Now, how far back are you going?

MR. RUSSELL: Well, there's a – we can't remember – when you talk to our people in our communities, they don't talk about being from somewhere else. They only ever talk about being from here – the places that they currently live or have lived. If I wanna talk about occupation and you wanna get into dates and things like that, the only thing I can say to you is we were here before the church came. We were here the Hudson Bay Company came. We were here before residential schools. We were here before those who came to seek the resources – what they call the resources of this land. We were here before the base began. We were here before the Upper Churchill began. We're certainly here

before Muskrat Falls began, and we we're still here.

MR. LEARMONTH: And how many people are in your group at this time?

MR. RUSSELL: Approximately 6,000.

MR. LEARMONTH: Six thousand.

MR. RUSSELL: Of about – out of that, about 1,400, 1,500 people live in, what, Goose Bay, Northwest River, Mud Lake and the Upper Lake Melville region.

MR. LEARMONTH: Yeah.

The information that you're giving, and will give later on in your evidence, I take it it's based on information that's been – well, some of it is your own personal information but also information that's been passed on by ancestors and older people in the community. Is that correct?

MR. RUSSELL: Absolutely.

You know, I've had an extraordinary opportunity to listen the stories of our people –

MR. LEARMONTH: Yeah.

MR. RUSSELL: – our connection with our lands, with our way of life. So, much of it has been about us telling our own story from our own place. And I've also had the opportunity to sometimes commission studies. We've done our own research as well so that we could document for you or – when I say you, sometimes those on the outside who want that type of documentation, we go out and we get it and we provide it for people.

So there are studies. There's our own people's story and information. There's also the accounts of others. Some people – explorers, travellers. So there's the outside accounts, there's our inside accounts and, of course, there's our own story.

MR. LEARMONTH: Okay.

What you can tell me about – in a little more – with a few more specifics about the hunting and

fishing that your people have traditionally carried out on the land in the area of the Churchill River and Lake Melville?

MR. RUSSELL: Oh, they were varied and there seems to be – of course, there was trapping, but there was trapping before there was commercial trapping. There's evidence of stone fox traps, for instance. So there was trapping or snaring of animals before there was a commercial trapping sort of activity that was – that our people participated in. And, of course, our people did participate in a lot of trapping on the Churchill River and the tributaries and the streams and the sort of smaller rivers that ran into it.

We talked to the trappers and we talked to those, the families of the trappers. And if you look at a map and you see all of these rivers, they're like veins that run through the land, the rivers, the – and sort of like the Churchill is a big river, it's almost like a main vein. And those waters are like the blood that flows through this land. And that water carried our people to all kinds of different places.

And when we were on the trapline, it wasn't – it was trapping, yes, obviously, but people were hunting, too. They were harvesting, they would gather medicines – plants for medicines. So all of these they would hunt. All of these types of things were happening while people were trapping or out on the land. And the river was a travel route and there was caribou trails; that people told us that they use sometimes the caribou trails to move along the river as well. So it was quite extensive.

And what does that tell us? Like, you know, we can have an activity hunting, fishing, trapping, getting medicines, all of these types of things, but what was happening – we have to ask ourselves what was happening when these activities were taking place? There was a transfer of cultural information, transfer of the stories so that the connections were never lost.

How is it that people can go back to the same places – almost virtually the same places – after hundreds of years to know what to pick, what plants to pick, to know what – when to kill the birds or to take the birds. There was more than just an activity; there was a relationship that people had with the lands that they were on,

with the waters and, yes, with the ice. And so there was many, many different species of animals, many different species of plants and birds, all of these types of things.

And then we got to think, that activity that was taking place, what was happening with the women, the children at the same time? In our case, when primarily almost solely the men were off trapping for commercial reasons in later times, I mean, it was the women – the women in our communities who were the healers, who were also out harvesting and hunting and fishing and gathering as a part of the family's survival, as a part of sustenance, as a part of who they are.

So there was a lot happening when we participated in these activities. And I also would like to say to the Commission that this wasn't by happenstance, it was more by design than choice too, that people knew where to go, but they knew where to go because of a long history of use of occupancy. And so when I say it was pervasive, it was. When I say it was wide, it was. And when I say it was deep in terms of time, it was.

MR. LEARMONTH: You mentioned commercial trapping. You mentioned, I think, that the – there was a time when commercial trapping came into existence. Can you give me any indication when – the time that you're referring to in terms of year – the year? I know you can't –

MR. RUSSELL: Can we say century instead of year?

MR. LEARMONTH: Yeah.

MR. RUSSELL: You know, probably the 18th – 19th century.

MR. LEARMONTH: Nineteenth century.

MR. RUSSELL: Primarily.

MR. LEARMONTH: Now, do you know what your people – what animals your people trapped?

MR. RUSSELL: Oh my, I mean, well, there's – there was the beaver and the fox, the lynx, marten, you know, it was sometimes a wolf,

some people talked about the carcajou or the wolverine, I mean, muskrat: all of these types of things were trapped. And then, of course, you know, depending on the time of year and where you were, I mean you would be hunting – you could be hunting ducks, you could be hunting geese, you could be hunting partridge.

Depending, again, where you are and the time of year, you could be also harvesting trout, pike, if you're on the river. And we're kind of situating ourselves on the river right now. And of course people who knew would pick, you know, certain berries and they would harvest certain plants for medicine.

So it was a very, like – some people concentrate on just the trapping, but it was more of a holistic type of participation and relationship with the land that was happening at that particular time.

MR. LEARMONTH: Yeah. What plants were used for medicines? Do you know?

MR. RUSSELL: Bog root, juniper berries, sometimes the turpentine, some people say, from the tree. So there were various ones that people used. Labrador tea was sometimes used as a medicine as well.

MR. LEARMONTH: And I understand you're saying that this goes back hundreds of years. Am I correct in saying that, this activity that you're describing?

MR. RUSSELL: Oh, yes.

MR. LEARMONTH: Yeah.

During that – the period that you're referring to going back hundreds of years, do you have any knowledge as to whether other Indigenous groups, or non-Indigenous groups, were using the land in the area of the Churchill River in the same way that your people were?

MR. RUSSELL: Yes.

You know, we do have stories of when our people were in the country meeting up. Albeit it seemed like, to me, very – in a very itinerant way, with some Innu who were also in there trapping or travelling in the country.

More times, though, the stories our people tell are of when people came out of the country and congregated, say, around a trading post, whether it be North West River, Cartwright, the – wherever people could go to get supplies and sell their furs, at least in the context of trapping.

So people did meet up more in those places. There's lots of stories of our people having Innu overnight in their homes as they came out to the heads of the rivers and the streams. So, yes, there is stories and there were other people who were using the land as well.

MR. LEARMONTH: Yes.

And did the – did your people tend to live in communities and, if so, what communities would they be?

MR. RUSSELL: Well, I would say that communities is a more modern construct.

MR. LEARMONTH: Yes.

MR. RUSSELL: If you looked at where people were living prior to, say, the incorporation of towns, or where people congregated and stayed in one locale – if you looked around Lake Melville, there – you could put dots almost all around the shoreline. And there would be a family or two here, and a family or two there and a family or two there, on the south shore, on the north shore: all the way, basically, out to current-day Rigolet.

And if you go to the – talk to the people even in Rigolet, they'll tell you that they have all kinds of other places that they used to go – and still do – and the same with our people here in Lake Melville. It's very, very – it's not a coincidence that our people are basically living in the same places that they've lived for a long, long time.

And it's no coincidence, either, that they're still there. Even in those – even though we have a lot of people in, say, in North West River or Happy Valley-Goose Bay now and some – a smaller population in Mud Lake, but if you go down, they almost all got the cabins. They're still on that land. They're still attached to that place. They're still connected to that place, and they're still doing things like they did many, many generations before them. And I think that goes to

show the power and the depth of people's connection.

We say sometimes –

THE COMMISSIONER: My main concern here, Mr. Russell, is, to be quite frank, I – you know, I'm very cognizant of the differing views in Labrador with regards to who has what or whatever, and I'm not getting into any of that.

What I'm interested in is, primarily, people's use, historical use of the river, in particular in the area of where Muskrat Falls is. So I'd like to try to focus us on specifically those areas – that'll include Lake Melville as well – but I'd like us to primarily focus on those areas as you respond to the questions, because as I've made very clear earlier to all the parties, particularly to the Indigenous parties, I'm not resolving land claims or anything of that nature. I got a big enough job to do right at the moment.

And my task right now is I wanted to hear about people's use and connection to that river, to where Muskrat Falls, the dam is constructed, and you know, that's primarily my focus right at the moment. So let's try to see if we can narrow the focus a little bit more. Appreciate your answers, I just wanna try to get us, now, talking about – more about Churchill River and the Muskrat Falls area.

MR. RUSSELL: (Inaudible.)

THE COMMISSIONER: Go ahead, Mr. Learmonth.

MR. LEARMONTH: Yes. All right.

Now, we've heard some evidence from the Labrador Inuit that their people would, on an annual basis, this is some time ago, would go up the river and would stay there, stay on the height of land, for example, beginning in the fall and then some people returning for Christmas and then going back, and others staying right through 'til March of the following year.

So this was a – we understand this was a practice that was carried on by the – members of the Labrador Inuit group for many, many years.

Do you have any evidence as to whether your people used the area, geographical area, in the same way?

MR. RUSSELL: Absolutely.

MR. LEARMONTH: Okay, can you –

MR. RUSSELL: And –

MR. LEARMONTH: – expand on that –

MR. RUSSELL: And –

MR. LEARMONTH: – please?

MR. RUSSELL: – it's – this is where there's a lot of cultural overlap, we would say, between ourselves and Nunatsiavut Inuit.

In some cases, we're the same families. There are some members of families in Northwest River, for instance, that are members of Nunatsiavut, and there are other members of the family who are members of NunatuKavut. So when you heard that evidence, that evidence and that information is very much a part of our story, too, in terms of the height-of-landers, of trappers that went hundreds and hundreds of miles over many months. Yes, that is – that use and that relationship is something that has been documented with our people as well.

MR. LEARMONTH: Can you just expand a little bit on that – we've used the term height-of-landers and height of land. Can you tell me – tell the Commission what your understanding is, the history of your people's use of the height of land and the trapping and so on, hunting, that was carried out in that area?

MR. RUSSELL: It was very similar to earlier testimony that was provided. And people did travel the Churchill River. It was a travel route as I've said. It was a – the waters, the land surrounding it, all of that was a part of what our people participated in and yes, the height of land, as I understand it, is very close to, sort of like, where – and my good friend, the Chief from Ekuanitshit, was talking about we don't have borders – but it's kind of like where the rivers flow westward into Quebec and where the rivers and waters flow, sort of, eastward into what is now Labrador. That was kind of like the

height of land – a, sort of, almost like a natural demarcation, if you want. Not necessarily perfectly following the border but, certainly, that was as far as people went.

MR. LEARMONTH: So are you saying that your people would have travelled to the height of land in the fall and returned in the spring? Or –

MR. RUSSELL: Yes, they would have. Yeah.

MR. LEARMONTH: Yeah.

MR. RUSSELL: Almost – it's basically identical.

MR. LEARMONTH: Are you speaking of Carl McLean's evidence?

MR. RUSSELL: Yes, I am. Yeah.

MR. LEARMONTH: Okay.

So you're saying that you believe that what he said about the Labrador Inuit people's travel to the height of land and areas around there and the experience that they had during the winter, returning in the spring – are you saying that you would say that that type of use of the land would apply to your people as well?

MR. RUSSELL: Absolutely.

MR. LEARMONTH: Yeah.

Would you have any – make any exceptions or advise us of any qualifications to that position?

MR. RUSSELL: Well, the only thing I would say to you is – and I come back to the Commissioner's question – there was a time in history, you know, when we had a family of Hopes that lived at Muskrat Falls. And I'm –

MR. LEARMONTH: A family of –?

MR. RUSSELL: A family of – the Hope family lived very, very – was right at the falls. Not far – a little bit further downstream –

MR. LEARMONTH: You're talking about Churchill Falls?

MR. RUSSELL: Yes – no, Muskrat Falls.

MR. LEARMONTH: Muskrat Falls, okay.

MR. RUSSELL: Then there was Goudies and Michelins. All these people are part of our community, a part of our society. And so while you have these height-of-land trappers who went vast distances, described to you very eloquently in earlier testimony by Mr. McLean, people were also doing what we would call trapping a little nearer to where people were living, one- or two-day walks and things of that nature. And people were hunting at Muskrat Falls. People were harvesting at Muskrat Falls.

I could show you a beautiful slide of people picking berries at Muskrat Falls and harvesting plants at Muskrat Falls.

MR. LEARMONTH: When would this have been?

MR. RUSSELL: This would have been – oh, a few weeks ago, but it's also something that's been done over time and over time and time and time again.

Sometimes it's difficult to describe always in a linear fashion about people's relationship with the land or the resources and how they lived, because it was always a connection and a reconnection in the things that you were doing, and in the way you were doing it.

And so it's hard – it might be difficult for some people to understand, in the sense, but our way of being is really tied up into our relationship with the land and what we do.

MR. LEARMONTH: And you're speaking about the land in area –

MR. RUSSELL: And I'm talking about the land –

MR. LEARMONTH: – of the Churchill River.

MR. RUSSELL: – at Muskrat. I'm talking about the land further up the river. I'm talking about out in Lake Melville, you know, and the importance of Lake Melville as well.

You know, there were different species, obviously, in Lake Melville that could be impacted by developments like Muskrat Falls: salmon, seals, trout, these type – so you know – and it's hard to separate the river itself from Lake Melville. I mean, it flows into Lake Melville. It is a part of an eco system, and so, like, that particular dynamic is also really, really important to understand our people's use, our people's connection to Lake Melville.

MR. LEARMONTH: Okay, well, you know, we heard Carl McLean give his evidence as to the Labrador Inuit people's use and reliance on the bounty of the – Lake Melville. Can you address that question on behalf of your people?

MR. RUSSELL: Well, they fished, they hunted, they harvested, they were born on the banks of the river – or on the coast of Lake Melville – the shorelines of Lake Melville. They died – some on the river.

MR. LEARMONTH: Mr. –

MR. RUSSELL: On the shores of Lake Melville, they – you know, there was a seal harvest, there was a salmon and trout harvest, there's hunting in the fall and hunting in the spring. There's trapping in the winter, snowmobiling, wood harvesting – all in tune with the seasons and our way of being. And it's remarkable that so much of that still survives today, in the present context.

MR. LEARMONTH: Yeah.

The – there's a reference to a community called Mulligan. Did your people have any connection to Mulligan?

MR. RUSSELL: Absolutely, yes, Mulligan and Mulligan Bay, yeah. And it's a river that runs out there, Pearl River, then there's Mulligan that runs out into that particular bay. People lived along that shoreline. I've had an occasion myself to go down and trout and ice fish and taste the beautiful trout that comes out of that particular area. It's a place that our people lived historically and where our people continue to live today – people have cabins there.

MR. LEARMONTH: Yeah.

Now you may recall that Carl McLean gave evidence of the reliance that the Labrador Innu people have placed over time and continue to place on the – harvesting ringed seals.

MR. RUSSELL: Mm-hmm.

MR. LEARMONTH: Can you give an account of your people's –

MR. RUSSELL: Yes, we –

MR. LEARMONTH: – use.

MR. RUSSELL: – we have a lot of families that go out on the ice in the spring. And in Lake Melville in particular, they continue to hunt sometimes with a dart or a naulak which is like – sort of like a harpoon. Some people still use it, even to this day. So there's been lots of accounts of our people harvesting seal – using seal meat, using seal oil – in the old days, using seal oil for the kudlik or the seal oil lamp, using the skin for clothing, using – sometimes, you know, making little strips to put a komatik together, they would lash a komatik together.

They would even make seal sleeping bags. They would have – some people call them seal lashes where they would dry the seal and take it on their hunting trips. The seal was such a fundamental – so fundamentally important, and, of course, you know, it reinforced people's roles in the family. The woman preparing the meat, sewing the skins – these are also activities that are vitally important.

Kids, or I suppose, young adults, some people say, going out hunting with their uncle or with their father and learning that tradition that way – that also was – is a part of our connection.

MR. LEARMONTH: Yeah.

And you're talking – speaking now about Lake Melville?

MR. RUSSELL: Lake Melville, yes.

MR. LEARMONTH: Lake Melville area.

MR. RUSSELL: And certainly further out too.

MR. LEARMONTH: Yeah.

Do your people continue to rely on the ringed seals for food and sustenance?

MR. RUSSELL: Yes.

MR. LEARMONTH: Yeah.

In a like manner to what Carl McLean said?

MR. RUSSELL: Yes, and in a manner I kinda described that time. I mean, you know, people continue to hunt seals right to this day. They eat the meat, they – some people take the, you know, the pelt and use it for different purposes; more now it's for sewing clothing and making, you know, things that are important to the household, still to – even to this day.

MR. LEARMONTH: All right.
All right.

Do you have anything further that you'd like to add to your oral history, Mr. Russell?

MR. RUSSELL: Our connection was also – I know it's about use, Mr. Commissioner –

THE COMMISSIONER: Mm-hmm.

MR. RUSSELL: – I know you asked me to concentrate on use, but, you know, there's songs written about our places, there's poetry written about our places, it has inspired carvings. These are the places where, you know, people still go out with their families and camp.

There's a very deep connection and the only thing I can say is that in our connection and in our relationship with these lands and waters and ice, that – the developments that are done as they were done, often provide a sense of separation between people and what's important to them –

MR. LEARMONTH: Yeah.

MR. RUSSELL: – in their lives.

MR. LEARMONTH: So are you saying that those developments have impacted the traditional use that your people have made of the land?

MR. RUSSELL: Well, absolutely.

MR. LEARMONTH: Around the Churchill River and Lake Melville?

MR. RUSSELL: Well the Upper Churchill impacted our people, the Lower Churchill has impacted our people. Yes, absolutely these developments have impacted our people.

MR. LEARMONTH: How did the Upper Churchill development in the late '60s impact your people?

MR. RUSSELL: Well people did have traplines. There were hunting areas. There were travel routes. And when – when of course the reservoir was created, it flooded that. So all of that changed. But it didn't just change for us, it changed for the caribou. It changed for the wildlife as well. And once that changes the wildlife, it also changes us because of that relationship. You can't go to the same place and hunt the caribou where you might have hunted them. Or you can't go to the same place and trap where you once trapped. You can't go to the same place and hunt where you used to hunt or to harvest the berries where you used to harvest the berries.

This is what happened on the Upper Churchill. And this is what's destined, it seems, to – going to happen on the Lower Churchill.

MR. LEARMONTH: Okay. Okay, that's your concern.

Okay. Well, thank you very much for answering my questions. And I'll request the Commissioner to ask the other parties with standing if they have any questions.

MR. RUSSELL: Yeah.

THE COMMISSIONER: Okay. The Province of Newfoundland and Labrador? Nalcor Energy?

MR. SIMMONS: No questions for Mr. Russell, thank you Commissioner.

THE COMMISSIONER: The Concerned Citizens Coalition?

MR. BUDDEN: No questions, thank you.

THE COMMISSIONER: Edmund Martin?

MR. SMITH: No questions Mr. Commissioner.

THE COMMISSIONER: Kathy Dunderdale?

MS. E. BEST: No questions, thank you.

THE COMMISSIONER: Former government, Provincial Government Officials '03 to '15?

MR. T. WILLIAMS: No questions Mr. Commissioner.

THE COMMISSIONER: Julia Mullaley and Charles Bown?

MR. FITZGERALD: No questions Mr. Commissioner.

THE COMMISSIONER: Robert Thompson?

MR. COFFEY: No questions, thank you.

THE COMMISSIONER: Consumer Advocate?

MR. HOGAN: No questions Commissioner.

THE COMMISSIONER: Innu Nation?

MR. LUK: Good afternoon Commissioner. We'd like to state clearly and succinctly for the record that the Innu Nation's position is that NunatuKavut Community Council is not an Indigenous people. We realize that this inquiry is not the ideal forum for dealing with this issue or fully exploring the weaknesses in Mr. Russell's evidence.

THE COMMISSIONER: I think I have already received communication from you that indicates that you wanted to make the point that you had decided – or your client had decided – because I had made the decision that I was not dealing with land claims that you were not going to be inclined to do much cross-examination with regards to historical use. So I've got that and so if you do have any other questions you'd like to ask in the meantime, that's fine. I do understand the position that you're about to put forward to be because it's already put forward in the letter.

MR. LUK: Yes. Thank you, Commissioner.

We do believe that some limited cross is justified and is –

THE COMMISSIONER: Yeah.

MR. LUK: – it would be helpful to the Commissioner in understanding the evidence, as well as for the public.

THE COMMISSIONER: Hmm.

MR. LUK: But we have discussed the matter with Commission counsel and we are, I believe, in agreement that a better time to cross-examine Mr. Russell would be when he's recalled in October. And we are prepared to forego cross-examining him now if we can reserve the right to do so in – during Mr. Russell's subsequent appearance.

THE COMMISSIONER: Right. That's fine with me.

And I'll just give a reminder to all counsel that what I say today, with regards to the issue of land claims, applies in October, November, December, right through 'til the time we finish. So if there's an issue that needs to be discussed, with regards to the type of examination or cross-examination, my suggestion would be that you would discuss that with Commission counsel so that we can get this all resolved beforehand. Because I don't want us to be losing time discussing something that I'm not gonna deal with. All right?

Thank you, Mr. Luk.

MR. LUK: Thank you, Commissioner.

THE COMMISSIONER: Nunatsiavut Government?

MR. GILLETTE: No questions for Mr. Russell.

Thank you.

THE COMMISSIONER: Conseil des Innus de Ekuanitshit?

MR. SCHULZE: No questions.

Thank you, Mr. Commissioner.

THE COMMISSIONER: The Grand Riverkeeper Labrador/Labrador Land Protectors?

MS. URQUHART: No questions.

Thank you.

THE COMMISSIONER: Former Nalcor Board Members?

MR. GRIFFIN: No questions, Commissioner.

THE COMMISSIONER: Manitoba Hydro International?

MS. VAN IDERSTINE: No questions.

Thank you.

THE COMMISSIONER: NunatuKavut Community Council?

MR. COOK: I don't have any questions, Mr. Commissioner, but I just wanted to briefly address, my friend, Mr. Luk's comments.

I don't wanna get into it, and it's certainly the position of NunatuKavut Community Council that this is not a form to address issues, as you raised. I did wanted, though, note for the record that any suggestion that my clients are not Indigenous people is, number one, offensive, and number two, it's already been covered by the Newfoundland and Labrador Court of Appeal and recognized by all forms of government. So I'll just leave it there.

Mr. Commissioner, thank you.

THE COMMISSIONER: All right. Thank you.

All right. Thank you, Mr. Russell. You can step down. Thank you.

Okay, it's 25 to 4, we have another witness in the wings, but I think we will stop for the day because I think we'll have enough time tomorrow.

So the plan tomorrow will be that the discussion related to the development of the – along the Churchill River will be – that testimony will take place tomorrow morning. In the afternoon,

or as soon as the – that testimony is finished, we will be having a representative of Nalcor, Stan Marshall, basically showing us the physical plans, so to speak. And also then on Thursday, as most of you know, many of you are going on a tour of the actual facility at Muskrat Falls.

So I think it's a good place to break this afternoon. It's a bit early. So I'll just say this: The time we take off now, if we have to sit a little late further on, I'm sure you'll recognize that there's going to be a bit of give and take here as we move along.

So anyway, good afternoon and thank you very much.
We'll be back tomorrow morning at 9:30.

CLERK: All rise.

This Commission of Inquiry is now concluded for the day.