

Appendices

The Inquiry and Participants

The Hearings

The Mackenzie Valley Pipeline Inquiry was established on March 21, 1974 by Order-in-Council P.C. 1974-641 (as attached). The Expanded Guidelines for Northern Pipelines, which were tabled in the House of Commons on one 28, 1972, form part of the terms of reference of the Inquiry.

Preliminary hearings were held in April and May 1974 (at Yellowknife, Inuvik, Whitehorse and Ottawa) and in September 1974 (at Yellowknife) to hear submissions from all interested parties on the scope and procedures of the Inquiry. On the basis of these hearings, preliminary rulings were issued on July 12, 1974 and on October 29, 1974. On March 3, 1975 a week of overview hearings began in Yellowknife consisting of the opening statements of each participant and presentations by experts, without cross-examination, on general subjects of importance to the Inquiry.

The formal hearings began on March 11, 1975 with witnesses called by each participant presenting evidence that was subject to cross-examination. The evidence was divided into the following general areas: engineering and construction of the proposed pipeline, the impact of a pipeline and Mackenzie corridor development on the physical environment, the living environment and the human environment (social and economic).

In addition to the formal hearings, the Inquiry travelled to all of the 35 communities in the Mackenzie Valley region, the Delta and Beaufort Sea region and the Northern Yukon to hear evidence from the residents in their own languages, in their home communities. The first such hearing

was held in Aklavik in early April 1975 and the last in Detah in August 1976.

Many written submissions and requests to be heard were received by the Inquiry from people and organizations in Southern Canada; consequently, in May and June 1976, hearings were held in ten cities from Vancouver to Halifax.

The hearings ended on November 19, 1976 in Yellowknife following a week of final argument during which the participants advanced their views on the terms and conditions for a pipeline and energy corridor across the Northern Yukon and along the Mackenzie Valley.

Documents and Records

A full record of the evidence presented verbally to the Inquiry is contained in the Inquiry transcripts. In addition, many reports, maps, pictures, and a few miscellaneous objects have been officially designated as Inquiry exhibits.

Perhaps the most important of all are the verbatim transcripts of the proceedings of both the formal and community hearings. The formal hearings have yielded over 906 exhibits and 32,353 pages of testimony bound in 204 volumes. The community hearings have been transcribed in 77 volumes with a total of 8,438 pages and 662 exhibits. The exhibits include such documents as the application and supporting materials submitted by Arctic Gas and Foothills (which run into many volumes), the Land Use and Occupancy maps prepared by the Indian Brotherhood of the Northwest Territories and by the Committee for Original Peoples Entitlement/Inuit Tapirisat of Canada, the 1974 report of the federal government's Pipeline Application Assessment Group,

publications of the Environment Protection Board, and a number of the reports prepared for the Environmental Social Program, Northern Pipelines and the Beaufort Sea Project.

Also included in the Inquiry documents are the final submissions of all the Inquiry participants, containing their recommendations supporting the terms and conditions that they propose should apply to the pipeline project. The Commission Counsel Submission is over 800 pages long, and has generated replies from several of the participants and from the Government of the Northwest Territories.

To assist in retrieval of information, the Inquiry has prepared a "key word" type index to the transcripts. This will be printed and distributed as a companion volume to the transcripts. Also, summaries of the proceedings cross-referenced to the transcripts were prepared by the Department of Indian Affairs and Northern Development, and published in six volumes.

Participants

Canadian Arctic Gas Pipeline Limited

Chairman: William Wilder

President: Vernon Horte

Counsel: Pierre Genest, Q.C., Michael Goldie, Q.C., Daryl Carter, Jack Marshall, John Steeves, G. Ziskrout.

Foothills Pipe Lines Ltd.

President: Robert Blair

Counsel: Reginald Gibbs, Q.C., Alan Hollingworth, John Lutes, Ian MacLaughlin.

Canadian Arctic Resources Committee (CARC)

Chairman: Andrew Thompson

Counsel: Russell Anthony, Alistair Lucas, Garth Evans.

The Canadian Nature Federation, the Federation of Ontario Naturalists, Pollution Probe and the Canadian Environmental Law Association were represented at the Inquiry through counsel for CARC.

Commission Counsel

Ian Scott, Q.C., Stephen Goudge, Ian Roland, Alick Ryder

Special Counsel

Michael Jackson, Ian Waddell.

Committee for Original Peoples Entitlement (COPE)

President: Sam Raddi

Counsel: John Bayly, Leslie Lane, Peter Cumming.

Inuit Tapirisat of Canada was represented at the Inquiry by COPE.

Council for Yukon Indians

President: Elijah Smith (until mid-1976) and Daniel Johnson (subsequently)

Counsel: Ron Veale.

Environment Protection Board

Chairman and Counsel: Carson Templeton.

Indian Brotherhood of the Northwest Territories/Metis Association of the Northwest Territories

President, Indian Brotherhood: James Wah Shee (until early 1976) and George Erasmus (subsequently)

President, Metis Association: Richard Hardy

Counsel: Glen Bell.

Northwest Territories Mental Health Association

Executive Director and Counsel: Jo MacQuarrie.

Northwest Territories Association of Municipalities

President: James Robertson

Executive Secretary: David Reesor

Counsel: Murray Sigler.

Northwest Territories Chamber of Commerce

President: Gordon Erion and Gerald Loomis (subsequently)

Counsel: David Searle, Q.C.

Imperial Oil Limited, Gulf Oil Limited and Shell Canada Limited

Counsel: John Ballem, Q.C.



P.C. 1974-641
21 March, 1974

CANADA

PRIVY COUNCIL - CONSEIL PRIVÉ



WHEREAS proposals have been made for the construction and operation of a natural gas pipeline, referred to as the Mackenzie Valley Pipeline, across Crown lands under the control, management and administration of the Minister of Indian Affairs and Northern Development within the Yukon Territory and the Northwest Territories in respect of which it is contemplated that authority might be sought, pursuant to paragraph 19(f) of the Territorial Lands Act, for the acquisition of a right-of-way;

AND WHEREAS it is desirable that any such right-of-way that might be granted be subject to such terms and conditions as are appropriate having regard to the regional social, environmental and economic impact of the construction, operation and abandonment of the proposed pipeline;

THEREFORE, HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, on the recommendation of the Minister of Indian Affairs and Northern Development, is pleased hereby, pursuant to paragraph 19(h) of the Territorial Lands Act, to designate the Honourable Mr. Justice Thomas R. Berger (hereinafter referred to as Mr. Justice Berger), of the City of Vancouver in the Province of British Columbia, to inquire into and report upon the terms and conditions that should be imposed in respect of any right-of-way that might be granted across Crown lands for the purposes of the proposed Mackenzie Valley Pipeline having regard to

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- (a) the social, environmental and economic impact regionally, of the construction, operation and subsequent abandonment of the proposed pipeline in the Yukon and the Northwest Territories, and
- (b) any proposals to meet the specific environmental and social concerns set out in the Expanded Guidelines for Northern Pipelines as tabled in the House of Commons on June 28, 1972 by the Minister.

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL
is further pleased hereby

1. to authorize Mr. Justice Berger
 - (a) to hold hearings pursuant to this Order in Territorial centers and in such other places and at such times as he may decide from time to time;
 - (b) for the purposes of the inquiry, to summon and bring before him any person whose attendance he considers necessary to the inquiry, examine such persons under oath, compel the production of documents and do all things necessary to provide a full and proper inquiry;
 - (c) to adopt such practices and procedures for all purposes of the inquiry as he from time to time deems expedient for the proper conduct thereof;
 - (d) subject to paragraph 2 hereunder, to engage the services of such accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants as he deems necessary or advisable, and also the services of counsel to aid and assist him in the inquiry, at such rates of remuneration and reimbursement as may be approved by the Treasury Board; and

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- (e) to rent such space for offices and hearing rooms as he deems necessary or advisable at such rental rates as may be approved by the Treasury Board; and
2. to authorize the Minister of Indian Affairs and Northern Development to designate an officer of the Department of Indian Affairs and Northern Development to act as Secretary for the inquiry and to provide Mr. Justice Berger with such accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants from the Public Service as may be requested by Mr. Justice Berger.

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL is further pleased hereby to direct Mr. Justice Berger to report to the Minister of Indian Affairs and Northern Development with all reasonable despatch and file with the Minister the papers and records of the inquiry as soon as may be reasonable after the conclusion thereof.

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, with the concurrence of the Minister of Justice, is further pleased hereby, pursuant to section 37 of the Judges Act, to authorize Mr. Justice Berger to act on the inquiry.

Certified to be a true copy



Assistant Clerk of the Privy Council

Bibliographic Note and Terminology

Bibliographic Note

This volume contains sufficient bibliographic information to enable the reader to locate published material that is cited. The full bibliographic references will be listed in Volume Two. Where transcripts of the Inquiry hearings are cited, they are identified by the page number preceded by F (formal hearings) or C (community hearings). The Inquiry exhibits are similarly cited with the exhibit number preceded by F or C.

Note on Terminology

Throughout this report I have referred to the land claims of the native people as *native claims*.

Often I have referred to native people meaning all of the people of Eskimo and Indian ancestry, whether they regard themselves as Inuit, Dene or Metis. They are, of course, distinct peoples, yet they have an identity of interest with respect to many of the issues dealt with in this report and have often, in such instances, been referred to collectively as *native people*. Where only one of these peoples is meant, that is apparent from the text.

I have usually referred to present-day Eskimo peoples as Inuit: this is in keeping with their wishes today. Although many people of Eskimo ancestry of the Mackenzie Delta call themselves *Inuvialuit*, I have referred to them also as Inuit.

The term *Dene* refers to the status and non-status people of Indian ancestry who regard themselves as Dene. Native people

who describe themselves as Metis and who see themselves as having a distinct history and culture, as well as aspirations and goals that differ from those of the Dene, I have referred to as Metis. I have dealt with the people of Old Crow separately because they live in the Northern Yukon, not in the Northwest Territories.

I have referred to the Mackenzie Valley and the Western Arctic. There is of course some overlap here, in that both geographical areas may be regarded as encompassing the Mackenzie Delta. The Mackenzie Valley includes the whole of the region from the Alberta border to the Mackenzie Delta, including the Great Slave Lake and Great Bear Lake areas. The Western Arctic encompasses the whole area on the rim of the Beaufort Sea, including the arctic coast of the Yukon.

I have referred to witnesses by their first name and surname when their names first appear, and thereafter by their surname only, except where the repetition of the first name is essential to avoid confusion. I have given the appellation "Mr." only to Ministers of the Crown. I have referred to witnesses holding doctorates as "Dr."

I have referred to government officials, the leaders of native organizations, band chiefs and others, by the offices they held when they gave evidence to the Inquiry.

I have often referred to *whites* and to the *white man*. It will be apparent that sometimes I mean western man and the representatives of the industrial system. Of course, in such a context the expression

white man can, in fact, include people of many races. However, the native people throughout the Inquiry referred to the white man. They knew what they meant, and although they no doubt adopted the expression because the representatives of the larger Canadian society who come to the North are almost entirely Caucasian, they have not been inclined to make any finer differentiation. I think the phrase is not at all misleading under these circumstances. The alternative, which I have rejected, would be constantly to use such expressions as *non-native*, *southern* or *Euro-Canadian*. Instead, I have used these latter expressions where, in the context, no other would do.

Unless I have indicated otherwise, the term *the North* refers to the Northwest Territories and the Yukon Territory. *The South* generally refers to metropolitan Canada.

I have used the expressions *we* many times. I have meant by it the non-native population of Canada, north and south, and have sought merely to remind readers that I view the North as one who shares the culture, perceptions and ideas of Canadians as a whole.

Throughout the report, Canadian Arctic Gas Pipeline Limited is referred to as Arctic Gas and Foothills Pipe Lines Ltd. as Foothills. I have treated each of these informal terms as plural, recognizing that groups of companies are involved.

Photographs and Diagrams

Colour Section Photographs

Front cover, clockwise from top right:

Drillers on arctic oil rig (GNWT);
Snowmobiles at Holman Island (E. Weick);
Muskrat skins on stretch boards
(R. Fumoleau); White whales (R. McClung);
Caribou on snow field (ISL-G. Calef);
Welding pipe (Arctic Gas); Johnny Crapeau
and grandson (R. Fumoleau); Teddy Tsetta
of Detah (R. Fumoleau).

Back cover: Drill rig on artificial island,
Beaufort Sea (J. Inglis); Hunter on arctic sea
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Title page, top left: Dogrib woman testifying
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Page xxviii: Bowhead whale (W. Hoek);
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Page xxix, clockwise from top left: Polar
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Mackenzie Delta (G. Calef).

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Page xxxii, top: Lac la Martre children on

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Tobie's beadwork (R. Fumoleau); Welder
(GNWT); Inuit seat catch (TravelArctic);
Judge Berger (A. Steen).

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DIAGRAMS

Colour map: Surveys and Mapping Branch,
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Maps and diagrams: Geological Survey of
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PHOTOGRAPHY

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National Museums of Canada (NMC):
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News of the North, Yellowknife.

Northern Environment Foundation, Winnipeg.

Northern Transportation Company Ltd.
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Ken Adam, Templeton Engineering Company,
Winnipeg.

Sam Barry, Edmonton.

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Thomas Barry, Canadian Wildlife Service (CWS), Department of the Environment, Edmonton.

Larry Bliss, University of Alberta, Edmonton.

Gary Bristow, Holman, NWT.

Juliet Burnford, Yellowknife.

George Calef, Yellowknife (formerly with Interdisciplinary Systems Ltd. (ISL), Winnipeg).

David Campbell, National Museum of Natural Science, National Museums of Canada, Ottawa.

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Tapwe Chretien, Yellowknife.

Michael Church, University of British Columbia, Vancouver.

Nancy Cooper, Yellowknife.

Diana Crosbie, Ottawa.

Charles Dauphiné Jr., Canadian Wildlife Service (CWS), Department of the Environment, Ottawa.

Elmer de Bock, Canadian Wildlife Service (CWS), Department of the Environment, Edmonton.

Jan Falls, Ottawa.

Whit Fraser, Yellowknife.

René Fumoleau, Yellowknife.

Richard Fyfe, Canadian Wildlife Service (CWS), Department of the Environment, Edmonton,

John Fyles, Ottawa.

Don Gamble, Ottawa.

R.O. Geddie, Hamilton.

Cy and Mary Hampson, Cymar Films, Edmonton.

Alan Heginbottom, Geological Survey of Canada (GSC), Department of Energy, Mines and Resources, Ottawa.

Wyb Hoek, Fisheries and Marine Service, Department of the Environment, Ste. Anne de Bellevue, Quebec.

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W.J. Hunt, Fisheries and Marine Service, Department of the Environment, Inuvik, NWT.

Julian Inglis, Department of Indian Affairs and Northern Development, Ottawa.

Michael Jackson, Vancouver.

Hank Kiliaan, Canadian Wildlife Service (CWS), Department of the Environment, Edmonton.

Peter Lewis, Geological Survey of Canada (GSC), Department of Energy, Mines and Resources, Ottawa.

Hugh Lloyd, Ottawa.

Don MacKay, Inland Waters Directorate, Department of the Environment, Ottawa.

Ian MacNeil, Parks Canada, Department of Indian Affairs and Northern Development, Ottawa.

A.L. Maki, Thunder Bay.

R. McClung, Fisheries and Marine Service, Department of the Environment, Ste. Anne de Bellevue, Quebec.

Gilbert Milne, Toronto.

Guy Morrison, Canadian Wildlife Service (CWS), Department of the Environment, Ottawa.

Ted Owen, Geological Survey of Canada (GSC), Department of Energy, Mines and Resources, Ottawa.

A.M. Pearson, Canadian Wildlife Service (CWS), Department of the Environment, Edmonton.

Everett Peterson, Western Ecological Services Ltd., Edmonton.

Roy Read, Templeton Engineering Company, Winnipeg.

R.H. Russell, Canadian Wildlife Service (CWS), Department of the Environment, Edmonton.

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The Inquiry has received full support and cooperation from the Department of Indian Affairs and Northern Development, and from the Ministers responsible for the Department: the Honourable Jean Chrétien, under whom the Inquiry was established, the Honourable Judd Buchanan, who succeeded Mr. Chrétien, and the Honourable Warren Allmand, to whom this report is submitted. Through their good offices the Inquiry was enabled to proceed with a full examination of the social, environmental and economic impact of the proposed pipeline and energy corridor. They saw to it that funds were provided to enable the native organizations, the environmental groups, northern municipalities and northern business to participate in the work of the Inquiry. They also used their good offices to ensure that all relevant government studies and reports were made available both to the Inquiry and to participants at the Inquiry. In addition, the Inquiry received the full cooperation of the Government of the Northwest Territories and the Government of the Yukon, as well as the Department of the Environment, the Department of Energy,

Mines and Resources, the Secretary of State Department, and other departments of the Government of Canada.

The Inquiry was given full support by all participants at the Inquiry: the pipeline companies, the oil and gas industry, native organizations, the environmental groups, northern municipalities and northern business.

I wish to extend special thanks to the following persons who, at one time or another, have served on the Inquiry staff or contributed to its work.

Commission Counsel:

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Special Counsel:

Michael Jackson (community hearings), Ian Waddell (administrative matters).

Secretary to the Inquiry:

Patricia Hutchinson.

Information Officer:

Diana Crosbie.

Yellowknife and Vancouver Offices:

Ruth Carriere, Valerie Chapman, Kay Trent.

Official Court Reporters:

Hugh Bemister, Ken Bemister, William Bemister; Dennis Baylis, Norma Bearcroft, Dawn Biden, Bim Bouchard, Rich Cartier, Alexandra Edlund, Lois Gillespie, Denise Graves, Ann Hardy, Sud Mann, George Mills, Beverley Parker, Alexis Passmore, Angela Ritter, Karen Smith, Ivadelle Trew.

Consultants:

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Ian McTaggart-Cowan, Steve Merrett, Graham Morgan, Larry Naylor, Thomas Pelton, Everett Peterson, Ron Pritchard, Michael Smith, John Sprague, Kenneth Torrance, Ian Whitaker, Peter Williams, Scott Wood.

Technical Staff and Public Service Advisors:

John Fyles (Head), Ed Weick (Socio-economic Advisor); Patricia Anderson, Kathy Arkay, Tom Barry, Kay Bowlby, Larry Burgess, Janice Falls, Sam Gelman, Daphne Greenwood, Vernon Hawley, Alan Heginbottom, Ellen Hughes, Owen Hughes, Herbert Inhaber, Hugh Lloyd, Fred McFarland, Sheila Meldrum, Richard Morlan, Robert Morrison, Mary Mussell, Christopher O'Brien, Phillip Reilly, Peter Rennie, Judy Rowell, Kay Shaw, Norman Simmons, Pamela White, Thomas Wood, Margot Young.

Ottawa Office:

Shirley Callard; Carolyn Bennett, Don Carter, Vicky Chase, Patricia Fournier, Leslie Gardiner, Betty Green, Barbara Jones, Sheila Kent, Anne-Marie Marion, Monika Plettenberg, Barbara Smith, Jean-Louis Vidal, Mireille Wensel, Annette Whyte.

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All the views expressed and all of the judgments made in this report are my own, and for them I bear complete responsibility.

