

In the Matter Of:
The Chippewas of Saugeen First Nation et al v.
Attorney General of Canada et al

DAY 14/ VOL 14
May 29, 2019



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Toronto, ON M5K 1A2
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Court File No. 94-CQ-50872CM

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

THE CHIPPEWAS OF SAUGEEN FIRST NATION, and THE
CHIPPEWAS OF NAWASH FIRST NATION
Plaintiffs

- and -

THE ATTORNEY GENERAL OF CANADA,
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
THE CORPORATION OF THE COUNTY OF GREY, THE
CORPORATION OF THE COUNTY OF BRUCE, THE CORPORATION
OF THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA,
THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA,
THE CORPORATION OF THE TOWN OF SAUGEEN SHORES, and
THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS
Defendants

Court File No. 03-CV-261134CM1

A N D B E T W E E N:

CHIPPEWAS OF NAWASH UNCEDED FIRST NATION and
SAUGEEN FIRST NATION
Plaintiffs

- and -

THE ATTORNEY GENERAL OF CANADA and HER MAJESTY THE
QUEEN IN RIGHT OF ONTARIO
Defendants

-- This is the VOLUME 14/DAY 14 of the trial proceedings
in the above-noted matter, being held at the Superior
Court of Justice, 330 University Avenue, Courtroom 5-1,
Toronto, Ontario, on the 29th day of May, 2019.

B E F O R E:

The Honourable Justice Wendy M. Matheson

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A P P E A R A N C E S :

Christopher Evans, Esq., for the Plaintiffs,
& Renée Pelletier, Esq., The Chippewas of
& Cathy Guirguis, Esq., Saugeen First Nation,
and the Chippewas of
Nawash First Nation.

Michael Beggs, Esq., for the Defendant,
& Michael McCulloch, Esq., The Attorney General
& Barry Ennis, Esq., of Canada.

Jennifer Lepan, Esq., for the Defendant,
& Richard Ogden, Esq., Her Majesty the
Queen in Right of
Ontario.

REPORTED BY: Judith M. Caputo, RPR, CSR, CRR

I N D E X

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WITNESS:

JAY JONES; Sworn

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NO.	DESCRIPTION	PAGE NO.
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	Points Exhibit N annotated by Jay Jones.	

09:52:38 1 -- Upon commencing at 10:03 a.m.

10:06:29 2

10:06:33 3 THE COURT: We're just trying to get
10:06:34 4 our setup. So this gentleman is going to use the
10:06:37 5 map?

10:06:37 6 MR. EVANS: Yes, that's right.

10:06:38 7 THE COURT: Are there also electronic
10:06:42 8 exhibits?

10:06:42 9 MR. EVANS: No, he will only be using
10:06:44 10 the map.

10:06:45 11 THE COURT: Maybe what we should do is
10:06:47 12 put this all the way over there, because I really
10:06:50 13 can't see counsel well.

10:06:52 14 MR. MC CULLOCH: Your Honour, there
10:06:53 15 will be a use of the electronic exhibit for the
10:06:55 16 cross.

10:06:56 17 THE COURT: For the cross? Well, for
10:06:57 18 the chief, anyway, let's just maybe move it here.
10:07:01 19 We'll manage one way or the other.

10:07:06 20 That is perfect. And we'll move it for
10:07:08 21 the cross-examinations.

10:07:32 22 Okay. Mr. Evans, please go ahead.

10:07:35 23 MR. EVANS: Thank you, Your Honour.

10:07:38 24 The next witness for the Plaintiff is Jay Jones.

10:07:47 25 THE REGISTRAR: Good morning, sir.

10:07:56 1 JAY JONES: Good morning.

10:07:57 2 THE REGISTRAR: Would you like to make

10:07:59 3 an oath on the Holy Book or make a solemn

10:08:02 4 affirmation to tell the truth?

10:08:02 5 JAY JONES: I didn't understand.

10:08:02 6 COURT DEPUTY: How would you like to

10:08:12 7 swear? On the bible, affirmation or other method?

10:08:12 8 JAY JONES: I'll do it on the bible.

10:08:17 9 THE REGISTRAR: Can you state and spell

10:08:18 10 your first and last name for the record.

10:08:20 11 JAY JONES: Jay Jones.

10:08:23 12 THE REGISTRAR: Can you spell it for

10:08:24 13 us.

10:08:24 14 THE WITNESS: J-A-Y, J-O-N-E-S.

10:08:29 15 THE REGISTRAR: Thank you.

10:08:31 16 JAY JONES: SWORN.

10:08:49 17 EXAMINATION IN-CHIEF BY MR. EVANS:

10:08:49 18 1 Q. Good morning, Mr. Jones.

10:08:50 19 A. Good morning.

10:08:51 20 2 Q. Now, you just gave us the name for

10:08:53 21 the record of Jay Jones; but you usually go by

10:08:56 22 "Tattoo"?

10:08:56 23 A. That's correct.

10:08:57 24 3 Q. So could you just put us out of

10:09:02 25 our suspense and explain to us how you came about

10:09:05 1 with the name "Tattoo"?

10:09:06 2 A. When I was younger, when I got
10:09:08 3 married, my wife was slightly taller than me. And
10:09:13 4 my one cousin gave me the name Tattoo -- because
10:09:16 5 she was quite larger than I is -- on Fantasy
10:09:20 6 Island, because he was short.

10:09:23 7 4 Q. All right, thank you. It's good
10:09:26 8 that we've established that you're a good sport
10:09:28 9 about your height, because behind you we have a
10:09:30 10 blown up of version of Exhibit N, which is
10:09:33 11 Ontario's lakebed claims map. And we made it as
10:09:36 12 large as possible, but just within reach for you to
10:09:39 13 be able to mark it up.

10:09:44 14 I'm going to start by asking some
10:09:46 15 questions about your experience as a commercial
10:09:49 16 fisherman.

10:09:50 17 You're a member of Chippewa of Nawash
10:09:52 18 Unceded First Nation?

10:09:53 19 A. Yes, I am.

10:09:53 20 5 Q. Where do you currently reside?

10:09:56 21 A. Chippewa's First Nation.

10:09:58 22 6 Q. The reserve?

10:09:59 23 A. Yup, on reserve.

10:10:01 24 7 Q. How long have you lived there?

10:10:02 25 A. About 37 years.

10:10:04 1 8 Q. And you're a commercial fisher?

10:10:07 2 A. Yes, I am.

10:10:08 3 9 Q. When did you start commercial
10:10:10 4 fishing?

10:10:12 5 A. About when I was 20 years old.

10:10:13 6 10 Q. And how old are you?

10:10:15 7 A. I'm 57.

10:10:19 8 11 Q. So that's 37 years?

10:10:20 9 A. Yes.

10:10:21 10 12 Q. SON has a Commercial Fishing
10:10:22 11 Agreement with Ontario?

10:10:24 12 A. Yes, we do.

10:10:25 13 13 Q. And it gives SON exclusive
10:10:28 14 commercial fishing rights in a particular area?

10:10:30 15 A. Yes, we do.

10:10:32 16 14 Q. All right. And that area roughly
10:10:36 17 lines up with the area on Exhibit N marked in the
10:10:39 18 yellow lines?

10:10:40 19 A. Yes, it does.

10:10:41 20 15 Q. All right. And do you fish
10:10:44 21 commercially in those waters?

10:10:45 22 A. Yes, I do.

10:10:46 23 16 Q. Okay. And where in those waters
10:10:50 24 do you fish?

10:10:51 25 A. Wherever I please at any one time.

10:10:53 1 As long as it's between, in those yellow lines.

10:10:57 2 17 Q. All right. What kind of boats do
10:11:01 3 you use to commercially fish?

10:11:02 4 A. I can use a punt, that's a small
10:11:05 5 steel boat, probably about 16 to 22 feet, 24 feet
10:11:10 6 long, and fish tugs. Those are much bigger,
10:11:15 7 they're enclosed, bigger crew on them.

10:11:18 8 18 Q. Can you give us a ballpark of how
10:11:20 9 long a tug might be?

10:11:22 10 A. A fish tug can be right down to
10:11:25 11 like 42 feet by 13 wide. It could be up to
10:11:29 12 110 feet, 26 feet wide. With a turtle on it, like
10:11:32 13 they're enclosed.

10:11:34 14 19 Q. All right. And how far out from
10:11:35 15 the shore can you go on a punt?

10:11:37 16 A. It depends how brave you are on
10:11:41 17 what day. But normally we go out about a mile,
10:11:46 18 mile and a half, and that's about it. That's about
10:11:48 19 your limits. We try to stay close to shore.

10:11:51 20 20 Q. And what about a tug?

10:11:53 21 A. A tugboat, you can go from shore
10:11:56 22 to line -- on Lake Huron, you can go from shore to
10:11:58 23 international border, because that's where the line
10:12:01 24 is at, and no problem with it.

10:12:04 25 21 Q. Thank you, Mr. Jones.

10:12:05 1 So now I'm going to take you to Exhibit N
10:12:09 2 behind you. I'm going to ask you to identify the
10:12:13 3 places on the coast in SON's territory, where you
10:12:16 4 can access fishing areas.

10:12:18 5 So you have the marker, I'm going to
10:12:21 6 ask you to map each access point with a dot and
10:12:25 7 then put a number beside it, all right?

10:12:28 8 Let's start from the east side of the
10:12:30 9 territory and work our way west.

10:12:32 10 A. Okay.

10:12:33 11 22 Q. So what is the access point in
10:12:35 12 SON's territory, furthest to the east?

10:12:38 13 A. All right. So the first one that
10:12:41 14 we access normally would be Craigleith.
10:12:45 15 Collingwood you can go into, but we don't go in
10:12:50 16 there too often.

10:12:52 17 So Craigleith is right here, this is
10:12:55 18 No. 1 (indicating). This is where you launch off
10:12:57 19 with the punt, and you can fish it either
10:12:59 20 direction. You don't go too far out there, maybe a
10:13:04 21 mile or two. It's the same way, it's a mile or two
10:13:06 22 in each direction, east or west.

10:13:07 23 23 Q. Can you make the "1" bigger? I
10:13:07 24 think it would be difficult for her Honour to read
10:13:15 25 it.

10:13:15 1 A. (Witness complies).

10:13:16 2 So that's a punt launch. That's where

10:13:18 3 you take a little boat, you trailer it and you can

10:13:19 4 launch it in there, there's a ramp right there.

10:13:21 5 The next one is, I do believe, Thornbury.

10:13:31 6 24 Q. That's No. 2?

10:13:33 7 A. Thornbury is No. 2, and that's a

10:13:33 8 launch area for a punt (indicating). There's a

10:13:33 9 launch there.

10:13:35 10 Tugboats have to boat into it, and they

10:13:38 11 can tie up in there, there's a harbour. And we can

10:13:40 12 go all the way over toward where this "No. 1" spot

10:13:42 13 is over here with the tugs. You can go all the way

10:13:46 14 out to the line if you choose to go fishing

10:13:47 15 (indicating).

10:13:47 16 25 Q. Sorry, what do you mean by "the

10:13:48 17 line"?

10:13:49 18 A. What do you call, for the

10:13:55 19 Agreement Line.

10:13:55 20 26 Q. So the middle of Georgian Bay?

10:14:01 21 A. Yeah, approximately, wherever they

10:14:03 22 want to set that line at. So wherever we made the

10:14:05 23 agreement on, we can actually go out that far with

10:14:07 24 our tugs, it's easy enough. The punts, it's kind

10:14:09 25 of a long trip.

10:14:10 1 27 Q. All right, and I cut you off
10:14:12 2 there. You said the tugs could go out to the line
10:14:15 3 in the middle of Georgian Bay, can they go anywhere
10:14:17 4 else?

10:14:17 5 A. They can go east and west of this
10:14:19 6 launch area, or the tie-up area with the tugs.
10:14:22 7 They just travel a bit further, like you have to
10:14:25 8 take time, because that's the only place you can
10:14:27 9 get a tug in, tie it up safely, and head out for
10:14:31 10 the day.

10:14:32 11 So the punts are at the bay, so they
10:14:35 12 can go over to Craigleith and launch. They can
10:14:37 13 come out here, too, and do the same thing. These
10:14:38 14 are short shoreline runs (indicating).

10:14:41 15 No. 2 -- or No. 3 is Meaford. Tugs and
10:14:46 16 punts come out of there, they fish out of there.
10:14:50 17 Great tie-up for the tugs, because we have two
10:14:53 18 harbours that we can tie up in; either the river,
10:14:56 19 or the other little parking lot off to the side for
10:15:01 20 the boats. And it's the same thing, we can go as
10:15:03 21 far out as we want up to the line.

10:15:08 22 Meaford, we'll travel all the way
10:15:10 23 around to Vail's Point. So we travel all this
10:15:13 24 little area to here (indicating), it's actually
10:15:14 25 quite a long run. There's a Meaford Tank Range

10:15:18

1

that we have to stay out of in that area.

10:15:20

2

28

Q. And what is the Meaford Tank

10:15:23

3

Range?

10:15:23

4

A. It's a Military training base.

10:15:25

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Q. For the record, it's on the

10:15:27

6

Peninsula coming east out of Owen Sound, it's a

10:15:30

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square shape on the map, and I think it's sort of a

10:15:35

8

pale orange.

10:15:36

9

A. The pink area.

10:15:37

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Q. Pink. And you mentioned Vail's

10:15:41

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Point is a point on the west edge on the coast?

10:15:44

12

A. That's right yeah.

10:15:44

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31

Q. The west of edge of the --

10:15:44

14

A. Tank range.

10:15:44

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Q. -- tank range, all right.

10:15:16

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A. And there's pins out in the water,

10:15:50

17

so we have to make sure we stay as close to those

10:15:53

18

pins as we can.

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And the punts will travel out in this

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little area (indicating), they just go either to

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the north of it a little bit, or to the east of it

10:16:03

22

a little bit.

10:16:05

23

So then we go all the way around

10:16:06

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(indicating), punts can land in there, but you have

10:16:10

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the Military Police come on you really quick. So

10:16:13 1 they come all the way around to Owen Sound, is next
10:16:16 2 one.

10:16:16 3 33 Q. That's No. 4?

10:16:17 4 A. That's No. 4 (indicating).

10:16:21 5 Tugs tie up, punts can come out of
10:16:25 6 here, but they really try not to. But I've done it
10:16:27 7 with my tug, and I've fished the Owen Sound
10:16:30 8 Harbour, all the way up to Vail's Point.

10:16:34 9 Punts have fished in this little area
10:16:36 10 here (indicating), on the --

10:16:37 11 34 Q. That's the west end?

10:16:39 12 A. West side of Owen Sound Bay, and
10:16:43 13 that's Cape Commodore. There's a launch actually
10:16:47 14 just around the corner, I think it's called Cedar
10:16:53 15 Point Park. And there's a little launch area there
10:16:56 16 that the punts come out of, if they choose to. And
10:16:58 17 they can run down into Cape Commodore or they go
10:17:01 18 over to Vail's Point and fish it.

10:17:04 19 In a punt, I would say it's about a
10:17:06 20 10- or 15-minute ride across the lake to get to
10:17:10 21 Vail's Point.

10:17:11 22 35 Q. Did you want to mark Cape
10:17:14 23 Commodore as an access point?

10:17:23 24 A. Yeah. It's actually up here a
10:17:23 25 little further, that would be No. 5 (indicating).

10:17:24 1 It's just north of -- it's sort of hard
10:17:27 2 to explain unless you drive the road and see where
10:17:30 3 it's at. It's just a small little camp area, day
10:17:35 4 camp area, and the punts can launch out of there.

10:17:39 5 36 Q. Did you say that was Cedar Park
10:17:42 6 Point?

10:17:42 7 A. Cedar Park Point I do believe is
10:17:42 8 what it's called.

10:17:48 9 Another one for us is Big Bay, No. 6.
10:17:51 10 That you can launch a punt in there all the time,
10:17:53 11 because they have a big ramp there, nice government
10:17:56 12 dock, parking lot, the whole bit.

10:17:58 13 So when the punts do it, they can run
10:18:01 14 the whole gamut here along -- so back in towards
10:18:06 15 Wiarton, they can run around to Cape Commodore,
10:18:09 16 they can run to Vail's Point (indicating).

10:18:11 17 The fishing islands -- not the fishing
10:18:13 18 islands, but the islands up there is Griffith,
10:18:15 19 White Cloud and Hay. And the punts will fish
10:18:19 20 around, launching out of there, they will do all
10:18:20 21 that inner part there.

10:18:23 22 The tugs have to go a little bit
10:18:25 23 further. Either they have to come out of Owen
10:18:27 24 Sound, or -- this will be No. 7, and that's
10:18:36 25 Colpoy's dock.

10:18:37 1 The tugs and the punts can launch out
10:18:39 2 of here (indicating). And they will do the bay,
10:18:42 3 Wiarton Bay, either side, east and west.

10:18:46 4 The tugs will go all the way out. They
10:18:48 5 will travel as far out as -- they have to go out
10:18:50 6 all the way to the border, there is the Agreement
10:18:53 7 Line. And the islands are just common to fish from
10:18:57 8 there.

10:19:00 9 No. 8 is Cape Croker dock. Punts
10:19:07 10 launch -- that's our community, so the punts will
10:19:10 11 launch out of there, and they will run all the way
10:19:13 12 back to the islands, Big Bay, Bradley Bay, that's
10:19:17 13 where they all run, up to the lighthouse, that's
10:19:20 14 where all the punts run, in there (indicating).

10:19:21 15 37 Q. That's the lighthouse on the north
10:19:23 16 end of the Cape Croker Peninsula?

10:19:25 17 A. Yes. The Cape Croker Peninsula at
10:19:28 18 the top end there. The punts will run in there.

10:19:31 19 The tugs, the same thing. They'll run
10:19:34 20 over, they'll do Wiarton Bay, Vail's Point, all the
10:19:36 21 way around the islands, and they can run as far out
10:19:39 22 as the Agreement Line.

10:19:43 23 No. 9 is -- that's McGregor Harbour.
10:19:53 24 There's a point, we call it "the Point". There's
10:19:55 25 no dock, so you just have to bump the tugs up

10:19:58 1 against the land, and the punts get pulled up
10:20:00 2 against the land. And we can come out of there.
10:20:03 3 Punts will fish this whole bay area,
10:20:06 4 it's not very far across from the park and that.
10:20:11 5 Barrow Bay, Hope Bay, they'll go back, fish towards
10:20:14 6 the lighthouse, out of that area.
10:20:19 7 And another area on the Cape is the
10:20:21 8 park, that's No. 10?
10:20:23 9 38 Q. Does the park have a name?
10:20:25 10 A. Cape Croker Park. It's right in
10:20:28 11 the park, they have a nice, little launch pad they
10:20:31 12 launch off of, and we can get in and out of there.
10:20:34 13 And they do the same thing, they go up
10:20:35 14 through McGregor Harbour. This map doesn't show
10:20:39 15 the island, it's called Barrier Island way out
10:20:40 16 here. They'll run out to there, they mainly just
10:20:43 17 fish the sound here (indicating). Barrow Bay, Hope
10:20:49 18 Bay.
10:20:49 19 39 Q. You may have mentioned it, for the
10:20:51 20 record, that's No. 10?
10:20:52 21 A. Yes, that's No. 10.
10:20:54 22 No. 11 is actually in Hope Bay. We
10:20:58 23 actually -- the Band doesn't own it, it was a
10:21:02 24 private dock at one time, and the guy actually made
10:21:05 25 a decent ramp, and we can ramp off there with the

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10:21:55 19
10:21:57 20
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punts.

Tugs don't, because they got to wait for the big docks. And then they fish, the punts will fish all through here (indicating), the same with the tugs.

40 Q. That's north of Hope Bay?

A. That's right in Hope Bay, up to Barrow Bay. They'll go all the way from Hope Bay to Barrow Bay, it's a couple miles run along the shoreline.

When you get into Barrow Bay, we call this No. 12, and that would be Rush Cove. Punts come in and out of there, it's a nice, little harbour. You don't have to run very far to go anywhere, you can run across to the Lion's Head side north. That's where you fish the south side of that, along that lakeside.

41 Q. And that's Barrow Bay?

A. That's Barrow Bay. And there's a little one in here, that would be 13 (indicating). And the punts come into it, and it's actually in -- it's a little man-made little river, goes to a little bay in there, and they can launch right off the roadway, the punts.

There's a small little spot they can

10:22:13 1 tie up to and everything in there. And they fish
10:22:16 2 Barrow Bay, the north side; Jackson Shoal, is out
10:22:22 3 here on the map, it's not shown on the map. It's
10:22:25 4 Jackson Shoal up, next Lion's Head Point (indicating).

10:22:27 5 42 Q. Sorry. How far out does the
10:22:30 6 Jackson Shoal go?

10:22:31 7 A. It goes out from the mainland, I
10:22:33 8 think it runs out about three miles --
10:22:35 9 three kilometres. It's a fairly lengthy shoal that
10:22:39 10 sticks out in the lake.

10:22:40 11 43 Q. And that's three kilometres
10:22:42 12 towards the middle of the lake from the Lion's Head
10:22:45 13 Peninsula?

10:22:45 14 A. Yes.

10:22:46 15 44 Q. Did you give No. 13 a name?

10:22:48 16 A. No. 13 is actually Barrow Bay,
10:22:51 17 it's an inlet.

10:22:52 18 45 Q. Okay, thanks. What's the next
10:22:54 19 one?

10:22:54 20 A. The next one would be Lion's Head,
10:22:57 21 that would be No. 14 (indicating).

10:22:59 22 And the punts come out of there, the
10:23:02 23 tugs tie up in there, it's a fairly big harbour.
10:23:05 24 And the punts can all run out to Jackson Shoal,
10:23:08 25 they'll run all the way up here to White Bluff,

10:23:15 1 Head White Bluff (indicating). They'll run all the
10:23:17 2 way up here from there; and that's about a three or
10:23:22 3 four kilometre run with the punts. The tugs will
10:23:26 4 do the same thing, they'll fish up.

10:23:27 5 Tugs actually have no choice when
10:23:30 6 they're fishing out of Lion's Head. If they want
10:23:33 7 to go fish Winfield Basin, they have to come out of
10:23:36 8 Lion's Head and do the 10 mile or 12 mile run with
10:23:40 9 the tugs.

10:23:40 10 The punts are a little bit more
10:23:42 11 fortunate, because there's a spot for them to
10:23:44 12 launch up that way.

10:23:45 13 46 Q. You said there's a point north of
10:23:47 14 Lion's Head about three kilometres on the shore?

10:23:49 15 A. Yeah.

10:23:50 16 47 Q. What is the name of it?

10:23:52 17 A. I think it's "Smoky Head Bluff".

10:23:54 18 48 Q. Or did you say "White Bluff"?

10:23:56 19 A. I think I called it "White Head
10:23:58 20 Bluff". I think it's actually "Smoky Head Bluff".

10:24:01 21 49 Q. All right. And then the next
10:24:02 22 point after that, at the northeast end of the
10:24:06 23 Peninsula was --

10:24:07 24 A. This one up here is Winfield Basin.

10:24:10 25 50 Q. Okay.

10:24:10 1 A. There's a lighthouse there.

10:24:13 2 So the tugs have to run all the way up
10:24:15 3 there, they have no choice if they want to fish
10:24:18 4 this area. They fish the shoal, the punts will do
10:24:20 5 the shoal. Punts only run up to here, because
10:24:24 6 number 15, is Dyer's Bay. It has a nice, big
10:24:32 7 cement dock, has a nice, big ramp there.

10:24:34 8 The punts will fish back south to --
10:24:37 9 what you do you call? Smoky Head Point, and
10:24:40 10 they'll fish all the way up to Winfield Basin.
10:24:44 11 It's a decent little run, maybe two kilometres up
10:24:48 12 to Winfield, maybe a kilometre and a half, or two
10:24:51 13 kilometres back to Smoky Bluff. So the punts
10:24:54 14 actually have an easier time than the tugs do up
10:24:57 15 there, gas savers.

10:24:59 16 There's a spot you can land at Winfield
10:25:03 17 Basin, if you're punt. If you get in trouble,
10:25:06 18 there's a spot you can pull into a harbour in
10:25:08 19 there, and it's a fairly big pond; same as a tug
10:25:26 20 (indicating). All the sailboats and that big will
10:25:14 21 tie up there for the night, and that's there big
10:25:17 22 area to go hang out for a couple of days if they
10:25:20 23 want.

10:25:20 24 51 Q. Can you mark that on the map?

10:25:22 25 A. I didn't mark it. It's sort of a

10:25:24 1 safety, call that No. 16.

10:25:28 2 Punts can do the work out of there,
10:25:30 3 it's just kind of hard getting the fish back up to
10:25:34 4 your truck, that's all.

10:25:35 5 Then from there, you have to go all the
10:25:37 6 way to Tobermory, which is No. 17. Tobermory
10:25:45 7 Harbour is fairly big, so there's three harbours
10:25:48 8 there, so we can -- basically, we have to pull into
10:25:51 9 one that's called "Big Tub Harbour". The others
10:25:54 10 we're not allowed to pull in because they have
10:25:56 11 other private stuff and Coast Guard young guys.

10:26:00 12 Punts come in and out of there. On the
10:26:03 13 map here, it shows this triangle (indicating) --

10:26:06 14 52 Q. North of Tobermory?

10:26:08 15 A. North of Tobermory. It's a
10:26:10 16 National Park. There's a bunch of islands there,
10:26:18 17 White -- Doctor Island, Cove, Flowerpot, Bears
10:26:22 18 Rump, there's a bunch of islands out there. The
10:26:25 19 punts fish all those islands, like it's not a
10:26:28 20 problem.

10:26:28 21 You come down the coastline, fish in
10:26:30 22 the next bay, just east of Tobermory, Dunks Bay and
10:26:39 23 Big Dunks Bay, fish all those, all along that
10:26:41 24 shoreline going east.

10:26:41 25 The tugs can do the same thing, but we

10:26:43 1 usually end up going because we set more nets on
10:26:44 2 the tug, we end up going from Bears Rump out to
10:26:47 3 half moon, whatever. We can travel all the way up
10:26:49 4 to this line here.

10:26:50 5 53 Q. And that's the northern end?
10:26:53 6 A. That's the northern end of the
10:26:54 7 agreement.

10:26:54 8 54 Q. Also the area claimed by SON in
10:26:58 9 this action?
10:26:58 10 A. Right.

10:26:59 11 55 Q. Okay. Thank you.
10:27:03 12 A. So the punts will come out to Lake
10:27:08 13 Huron side, that's west of Tobermory. They try to
10:27:10 14 stay, we call it "Baptist Point". They try to stay
10:27:14 15 in that area (indicating), they don't try going out
10:27:16 16 very far, they try to stay shallower.

10:27:19 17 The tugs can leave Tobermory, and they
10:27:22 18 can fish going towards the North Shore, they'll
10:27:25 19 fish right to the boundary on Yeo Island, there's
10:27:31 20 some good fishing up in that area.

10:27:35 21 If you choose, you can run all the way
10:27:36 22 out to the International Line where the agreement
10:27:38 23 goes to with the tug, it's a long run (indicating).

10:27:42 24 56 Q. For the record, Baptist Point is
10:27:45 25 the point on the northwest edge of the Peninsula?

10:27:48 1 A. Northwest edge, in Lake Huron.

10:27:52 2 57 Q. Okay. Did you want to mark that?

10:27:53 3 A. Yeah, I'll mark this one.

10:27:55 4 A punt can actually launch out of here,

10:27:58 5 this would be No. 18 (indicating). There is a

10:28:00 6 little -- just a road access right to the lake. So

10:28:04 7 you can actually drive down the road and look right

10:28:07 8 on the lake, and it's a nice, big smooth rock you

10:28:10 9 can launch a punt in there. And then he'll fish

10:28:12 10 the shoreline.

10:28:13 11 Eagle Point, is just a little bit

10:28:17 12 further south. So if the tugs fish this area, too,

10:28:22 13 so you have to start out of Tobermory, and you have

10:28:23 14 to come all the way down to Johnston's Harbour,

10:28:27 15 we'll get to that in a minute.

10:28:28 16 So Eagle Point will be No. 19. Punts

10:28:33 17 go in and out of there.

10:28:35 18 Singing Sands, that would be No. 20.

10:28:41 19 Punts launch there, the fish tugs have to come out

10:28:46 20 of Tobermory, all the way down that shoreline to

10:28:48 21 fish it.

10:28:49 22 Johnston's Harbour, it's another one

10:28:52 23 just down a little bit (indicating).

10:28:53 24 58 Q. It's No. 21?

10:28:54 25 A. It's No. 21.

10:28:56 1 A tug can go in there to take refuge,
10:29:00 2 it's a really hard spot to unload, because there's
10:29:03 3 no actual dock there at all, it's just a ramp. The
10:29:09 4 punts come out of there, and they fish the
10:29:11 5 shoreline here, wherever they want.

10:29:14 6 They come down a mile south, or maybe a
10:29:16 7 mile north up to Singing Sands; the punts will just
10:29:20 8 fish everywhere in that direction. They don't go
10:29:22 9 too far offshore. But I said if you're a tug
10:29:26 10 owner, you're usually coming out of Tobermory,
10:29:29 11 because it's the easiest place, and you're running
10:29:31 12 down, oh, I think it's like a 40-minute run with a
10:29:35 13 tug down the lake.

10:29:36 14 The next one is -- I forgot the name of
10:29:42 15 it.

10:29:42 16 59 Q. You just did Johnston's Harbour.

10:29:45 17 A. Yeah, Johnston's Harbour. I think
10:29:47 18 the next one is -- I can't remember where Pine Tree
10:29:49 19 is. I think Pine Tree is north of that. I forgot
10:29:54 20 the name of one of the harbours there. There is a
10:29:58 21 cement ramp in there.

10:29:59 22 60 Q. Where is Stokes Bay?

10:30:04 23 A. Stokes Bay is way down here
10:30:06 24 (indicating).

10:30:07 25 So there is Deadman's Bluff. I'll call

1 Pine Tree Harbour No. 22. It's a cement ramp, it's
2 easy to launch off of, and it's good fishing just
3 outside there. You only have to go out there maybe
4 a mile, and you're in that perfect zone where the
5 fish are going to be on the sands. Easy fishing
6 for a punt. Tugs are still coming from Tobermory
7 all the way down to there.

8 Bradley, I think it's Bradley Harbour,
9 it's No. 23. It's a punt, you just launch -- same
10 thing, you go down the back roads, and there's a
11 road allowance that drives right out onto the lake.
12 And you just launch a punt out of there, it's a
13 nice rock to launch off of.

14 Tugs now are going to start coming in.
15 Stokes Bay has a government dock, that's No. 24
16 (indicating). The tugs come in and out of there.
17 Punts will come in and out of this area, too,
18 they'll fish all the way up to Bradley Point on the
19 shoreline out on Lake Huron, and they'll go down as
20 far as North Pike Bay.

21 And the fish tugs will come out of
22 there, and if they choose so, they can fish all the
23 way out to the International Line where the
24 agreement says we can travel with the boat. It's a
25 long ride, but you can do it.

10:31:24 1 The next one would be North Pike Bay,
10:31:31 2 that would be 25.
10:31:32 3 61 Q. Is there another name for North
10:31:35 4 Pike Bay?
10:31:35 5 A. I forgot the name.
10:31:37 6 62 Q. Little Pike Bay?
10:31:38 7 A. Little Pike Bay.
10:31:40 8 63 Q. Okay.
10:31:42 9 A. That's number 25. It's a punt,
10:31:45 10 you can come in at the same thing, like I said,
10:31:47 11 when you come down the Lake Huron shoreline, they
10:31:50 12 have little access roads that drive right out onto
10:31:53 13 the lake. So it's a good little spot to save you
10:31:56 14 travel time if you have a punt, just to go north or
10:31:59 15 south a mile or two.
10:32:01 16 The next one would be Pike Bay, that
10:32:06 17 would be No. 26. It's a punt, the tugs travel all
10:32:12 18 the way from Stokes Bay, where they come up from
10:32:16 19 Howdenvale, in order to fish outside of Pike Bay.
10:32:19 20 Really good fishing for the punts and the tugs
10:32:22 21 outside there.
10:32:24 22 The next one is Howdenvale, it's No. 27
10:32:32 23 (indicating). It's a government dock, they rebuilt
10:32:34 24 it so it's a nice, wood dock again. Tugs come out
10:32:39 25 of there, they'll fish all the way up to just

1 outside of Pike Bay north and Little Pike Bay.

2 Same way, the tugs will travel all the
3 way out, if they wanted to, to the International
4 Line where the agreement says we can travel.

5 Punts do the same thing, there's
6 fishing islands there, and they'll fish just
7 outside the fishing islands. Whitefish will come
8 in there in the spring and the fall.

9 The next one is, Red Bay, that's No. 28
10 (indicating). And that's just a punt. If you had
11 to tie a tug up there for a couple of hours, you
12 could. Same thing, same as Howdenvale, they're
13 only like a mile apart, so you'd be fishing the
14 same areas.

15 64 Q. That's the fishing islands?

16 A. Yes, that's the fishing islands.

17 Then the next one was Oliphant. Has a
18 government dock, No. 29 (indicating). Tugs will go
19 into it, punts come out of there quite often. And
20 they fish down, with the punts, they'll go all the
21 way down to the south end of Sauble Beach to fish
22 (indicating).

23 65 Q. Which is the north end of the
24 Saugeen Reserve?

25 A. Yeah. Both right smack in the

10:33:51 1 middle of the Saugeen Reserve, and that's French
10:33:55 2 Bay Point. And we'll, as I said, that's a really
10:33:58 3 good fishing area for the punts.
10:34:00 4 Tugs can go in there and they'll do the
10:34:02 5 same thing. Most of the tugs that are fishing in
10:34:04 6 Sauble are either coming out of Howdenvale, or
10:34:07 7 they're coming out of Southampton. They travel up
10:34:09 8 and fish the sands of Sauble.
10:34:11 9 Then we go in, Chief's Point, then
10:34:16 10 there's Sauble River, and that will be No. 30
10:34:19 11 (indicating).
10:34:20 12 It's a punt launch, it makes it just a
10:34:23 13 nice, little, short run for the punts to jump out
10:34:26 14 onto the lake and fish out on Chief's Point, Sauble
10:34:31 15 Beach Sands, they do it there. As I said, the tugs
10:34:33 16 have to come from up above, or come from
10:34:36 17 Southampton (indicating).
10:34:37 18 Now the next one is Southampton, that
10:34:41 19 is No. 31. Tugs, they'll run out of there nice,
10:34:49 20 big government dock on the river. They'll run all
10:34:52 21 the way up to Chief's Point, Howdenvale. The punts
10:34:56 22 come out and they just stay close to the shoreline,
10:34:59 23 they don't go very far along there. And they can
10:35:01 24 fish north and south of Sauble, and down towards
10:35:06 25 Port Elgin (indicating).

10:35:08 1 66 Q. How far out from the shore do the
10:35:10 2 tugs go?
10:35:11 3 A. The tugs can travel all the way,
10:35:13 4 over out to the International Line where the
10:35:15 5 agreement is. They can travel, basically, travel
10:35:18 6 up pretty far once you start fishing out of there.
10:35:22 7 You can travel from Southampton all the way down to
10:35:25 8 the Bruce Nuc, Baie Du Dore, you can be travelling
10:35:32 9 down to there (indicating).
10:35:32 10 Port Elgin, if you're going to travel
10:35:33 11 any distance, you'll stop in at Port Elgin
10:35:35 12 (indicating), that will be No. 32.
10:35:37 13 The punts come out of there, same
10:35:40 14 thing, depends what you're fishing. Tug will come
10:35:44 15 out of there and fish a couple of miles offshore,
10:35:48 16 whatever they're targeting that time.
10:35:51 17 Tugs travel all the way down to Baie Du
10:35:51 18 Dore, in order to get just a little bit closer. It
10:35:55 19 gives you another, I think, seven miles closer on
10:35:57 20 your long run from Southampton. And you can travel
10:36:01 21 from there all the way out to the line, if you
10:36:03 22 want. It's just a long boat ride.
10:36:07 23 The next one is, I forgot, Bay of -- I
10:36:16 24 forgot the name of the bay now. It's got a French
10:36:19 25 name.

1 67 Q. Baie Du Dore?

2 A. Baie Du Dore, that's No. 33.

3 Punts will use it. Can't get a tug in
4 there, that I know of. You might bump bottom a
5 little bit, there's an old dock there (indicating).

6 The punts can use it, and they'll
7 travel -- depends what season it is, and it's just
8 north of the Bruce Nuc, so it's just a small little
9 area, and it's a long ways to go. Even if you got
10 a car, and if you're coming from Cape or Saugeen,
11 that's a long drive down there. I've used it,
12 Cape's used it in the past.

13 The next one is, Kindcardine. I do
14 believe Kindcardine is right here (indicating),
15 that will be No. 34.

16 Tugs go in, I haven't seen any small
17 punts go out of there yet, but it's possible. And
18 they'll travel all the way back up towards the
19 Bruce Nuc, or they'll travel down just south of --
20 I forgot the name of that point now.

21 Anyhow, they travel about 20 miles
22 south, just north of Goderich. They'll go down
23 like really close to Goderich where the agreement
24 says we stop. And they'll travel all the way out
25 to the International Line. As we go south it gets

1 shallower, so we can travel further out on the lake
2 and still stay in the same depths.

3 The next one would be -- so we've
4 fished that area. I've done it, I've parked my
5 boat in Goderich, and then have to run back up just
6 to see how long the run is. Usually Kindcardine is
7 the last stop for our tugs.

8 68 Q. And that brings us to the south
9 edge of the fishing area?

10 A. Yes.

11 69 Q. Okay. Thank you.

12 MR. EVANS: Your Honour, I'd ask that
13 this be marked as the next numbered exhibit with
14 the title "SON Fishing Territory Access Points".

15 THE COURT: Are you proposing to mark
16 the physical enlargement of the map, sir?

17 MR. EVANS: What we'll do is we'll
18 bring it back to our office and scan it, and then
19 add it to the database in the usual way.

20 THE COURT: Is there any objection?

21 (No response).

22 Mr. Registrar, can we describe this
23 exhibit as an annotated copy of Exhibit N? Perhaps
24 we should call it Exhibit N annotated by this
25 gentleman.

10:38:54 1 MR. EVANS: Jay Jones.

10:38:55 2 THE COURT: Jay Jones. What will the

10:38:57 3 number be?

10:38:58 4 THE REGISTRAR: Exhibit No. 3999.

10:39:01 5 THE COURT: 3999?

10:39:05 6 THE REGISTRAR: Yes, Your Honour.

10:38:16 7 EXHIBIT NO. 3999: SON Fishing Territory

10:38:17 8 Access Points Exhibit N annotated by

10:39:07 9 Jay Jones.

10:39:07 10 THE COURT: Counsel, you'll have to

10:39:09 11 have the enlargement available for this trial in

10:39:12 12 case it is needed. But you should also have a scan

10:39:15 13 of it made.

10:39:17 14 MR. EVANS: Thank you, Your Honour.

10:39:18 15 We'll keep the physical copy on hand.

10:39:23 16 BY MR. EVANS:

10:39:24 17 70 Q. Mr. Jones, going back to the map,

10:39:31 18 you mentioned "Bruce Nuc"; what is "Bruce Nuc"?

10:39:35 19 A. That is the nuclear power plant

10:39:39 20 for Ontario, in our territory.

10:39:41 21 71 Q. And where is it located?

10:39:42 22 A. It's just north of Kindcardine,

10:39:44 23 and it's halfway to Port Elgin, it's just on the

10:39:49 24 point (indicating).

10:39:50 25 72 Q. So you're pointing just south of

10:39:52 1
10:39:52 2
10:39:55 3
10:39:57 4
10:40:00 5
10:40:00 6
10:40:03 7
10:40:07 8
10:40:10 9
10:40:14 10
10:40:17 11
10:40:21 12
10:40:25 13
10:40:29 14
10:40:34 15
10:40:41 16
10:40:46 17
10:40:49 18
10:40:51 19
10:40:54 20
10:40:58 21
10:41:00 22
10:41:01 23
10:41:01 24
10:41:06 25

No. 33?

A. Yeah, just south of No. 33.
Like 33 is right on the edge of the Bruce Nuclear Power Plant, because it's a small bay.

73 Q. Thank you. Just a few more questions about the territory. Of all the access points you've mentioned, where can you rod fish?

A. Oh, I've had lots of fun in our territory. I've gone over to Nottawasaga River, there's a park there. My mom took me there when I was a kid, I've taken my kids there, and we've rod fished over here at Nottawasaga River. We've done perch fishing, Collingwood. All the docks along the area that are fairly big docks, like Thornbury, Meaford, Owen Sound, Colpoy's dock (indicating), we fish anyway around the Cape area.
Big Bay, we've rod fished all those. We've gone down for a day tour to Goderich to go perch fishing. It's a laugh when you're down there with rods perch fishing, because everybody gets mad because they stood there for an hour and didn't get any. And all of a sudden, you just show up and cast and get two of them right away. Luck of fishing.

10:41:06 1 74 Q. So you jumped from Cape Croker
10:41:09 2 down to Goderich?
10:41:09 3 A. Yeah, you can fish all the way
10:41:12 4 along these shorelines, if you can get in deep
10:41:14 5 enough water. This is kind of a shallow area. But
10:41:17 6 there's a government dock, or if you can find a
10:41:19 7 drop off that's 20 feet deep, you can perch fish
10:41:23 8 all the way along the shorelines.
10:41:25 9 Georgian Bay is really good, you can go
10:41:28 10 almost anywhere along the shoreline and cast in
10:41:30 11 60 feet of water, it doesn't take very far to get
10:41:33 12 to 60 feet.
10:41:34 13 75 Q. For the record, the shore
10:41:35 14 Mr. Jones is referring to is the West Coast of the
10:41:38 15 Peninsula?
10:41:38 16 A. Right.
10:41:39 17 76 Q. All right. And once you reach the
10:41:43 18 Saugeen Reserve --
10:41:45 19 A. Yup.
10:41:46 20 77 Q. -- where do you rod fish between
10:41:48 21 there and Goderich?
10:41:51 22 A. We do the, what do you call?
10:41:53 23 Southampton River, Saugeen River, we fish on it.
10:41:55 24 There's a government dock there that makes it
10:41:58 25 pretty easy.

10:41:59 1 Port Elgin has a nice, easy dock for
10:42:02 2 perch. Then you have to go all the way down to
10:42:05 3 Kindcardine and fish off the Kindcardine dock and
10:42:09 4 they're all perch fishing areas.

10:42:11 5 78 Q. Can you explain the difference
10:42:12 6 between rod fishing and commercial fishing?

10:42:15 7 A. Well my rod, my -- commercial
10:42:19 8 fishing is for a sale. When I'm rod fishing,
10:42:23 9 it's -- I could probably sell it, but it's usually
10:42:26 10 just for my sport and fun. Something for me and
10:42:28 11 the kids to go out and do.

10:42:30 12 79 Q. Thank you.

10:42:33 13 Now at the places you've identified,
10:42:36 14 where can you take shelter if you're on the water
10:42:40 15 in bad weather?

10:42:41 16 A. If you're in a punt and you get in --
10:42:44 17 basically from the whole territory, along the
10:42:50 18 shoreline, if you're a punt, you could land
10:42:52 19 anywhere along the shoreline on the Lake Huron side
10:42:57 20 (indicating).

10:42:58 21 Tobermory might have like a mile of
10:43:00 22 places where you actually couldn't land, because
10:43:02 23 it's just a straight wall of rock.

10:43:08 24 Resting territory, you know on Georgian
10:43:10 25 Bay, along the North Shore of the Peninsula, you

10:43:12 1 can land anywhere along there (indicating). You
10:43:13 2 can basically just crash up on the land, there's
10:43:16 3 gravel.

10:43:16 4 You might come to a couple of steep
10:43:19 5 spots from Winfield Basin to Lion's Head, you can
10:43:26 6 land anywhere on the shoreline. Lion's Head Point,
10:43:29 7 it's kind of rough landing, but you can land it and
10:43:32 8 be safe.

10:43:32 9 From there, all the way over to Meaford
10:43:36 10 (indicating), anywhere along there, except for the
10:43:39 11 tank range, basically, you can land anywhere along
10:43:41 12 the shoreline.

10:43:42 13 And tank range, if you got blown in
10:43:44 14 there, you can actually land on the shore, because
10:43:46 15 it's just a nice, flat, gradual to the lake. It's
10:43:49 16 not a problem landing there, you just might have a
10:43:52 17 long walk out.

10:43:53 18 80 Q. And those areas that you
10:43:55 19 described, those were landing areas for punts?

10:43:57 20 A. Yes. Some of the punts areas that
10:44:01 21 -- like I said, you can land a punt anywhere along
10:44:04 22 there.

10:44:04 23 81 Q. And what about tugs?

10:44:05 24 A. Tug, you really broke down you
10:44:08 25 really want to try getting anchors out and wait for

10:44:11 1 the weather to calm down.

10:44:12 2 82 Q. Thank you, Mr. Jones.

10:44:14 3 I just have a few last questions about

10:44:18 4 your travel through the middle of Georgian Bay and

10:44:22 5 Lake Huron.

10:44:23 6 How many times have you traveled from

10:44:26 7 SON's territory across Georgian Bay to the east

10:44:29 8 end?

10:44:30 9 A. I've made my trip from Tobermory

10:44:34 10 to Parry Island twice with a tug. I have family

10:44:38 11 over here on the islands (indicating), so I took my

10:44:40 12 family on a vacation there. And it was fun. Just

10:44:45 13 a long, long ride across, that's all.

10:44:48 14 83 Q. What do the weather conditions

10:44:49 15 have to be to make that trip safely?

10:44:51 16 A. It would be -- well, if you're

10:44:54 17 going on vacation you want the best weather. So

10:44:57 18 anything under 20 knots, if you have a five- or

10:45:01 19 six-foot wave, it's nothing. You just cruise

10:45:03 20 across the lake, or cruise back across the lake.

10:45:04 21 84 Q. And 20 knots referring to?

10:45:09 22 A. So a 20-knot wind could be -- I do

10:45:14 23 believe it's about 18 miles an hour for a wind

10:45:16 24 speed. That will probably bring a four- to

10:45:20 25 eight-foot wave, depends where you're at; how far

10:45:24 1 you get off the shoreline. It still will be a
10:45:28 2 decent ride, just big rollers.

10:45:30 3 85 Q. How many times have you traveled
10:45:32 4 from SON's territory through Lake Huron to the
10:45:35 5 international border?

10:45:37 6 A. I've made this trip, so from here
10:45:39 7 leaving out of Tobermory (indicating), I've gone
10:45:41 8 here to the International Line once. It wasn't
10:45:43 9 that I couldn't do it any time I wanted to, I just
10:45:46 10 did it to see how far it was, and if it was
10:45:52 11 worthwhile.

10:45:53 12 So we took my crew, on my boat, and we
10:45:56 13 sat out here overnight. We just anchored off
10:45:56 14 because we got a late start, we were there late.
10:45:58 15 So we planned on anchoring off, staying overnight
10:46:03 16 and running back the next day after we lift the
10:46:06 17 nets.

10:46:08 18 We lifted our nets and ran back. And I
10:46:11 19 never did it again, because the catch wasn't there
10:46:14 20 to do it.

10:46:14 21 86 Q. What do the weather conditions
10:46:15 22 have to be to make that trip safely?

10:46:17 23 A. It's the same thing. I would like
10:46:20 24 to have under 20 knots, the flatter, the better.
10:46:23 25 If you get caught out in the storm, you ride it

10:46:26 1 out. Put some anchors down and hang on.

10:46:29 2 MR. EVANS: Thank you, Mr. Jones.

10:46:31 3 Those are my questions.

10:46:32 4 THE COURT: You could have a seat, sir.

10:46:35 5 Who is examining this witness for Canada?

10:46:38 6 MR. MC CULLOCH: I will be, Your Honour.

10:46:39 7 THE COURT: Please go ahead.

10:46:41 8 MR. MC CULLOCH: I'll just put

10:46:42 9 something on the screen, if I may.

10:46:45 10 THE COURT: Sir, are you also going to

10:46:48 11 use the big map?

10:46:51 12 MR. MC CULLOCH: Yes.

10:46:52 13 THE COURT: Yes, okay. So we'll just

10:46:53 14 make a small adjustment.

10:47:28 15 CROSS-EXAMINATION BY MR. MC CULLOCH:

10:47:29 16 87 Q. Good morning, Mr. Jones.

10:47:30 17 A. Good morning.

10:47:30 18 88 Q. I am Michael McCulloch, I will be

10:47:33 19 asking a few questions on behalf of the Attorney

10:47:37 20 General of Canada. And I would like to ask a few

10:47:39 21 general questions, because fishing is yet another

10:47:44 22 thing I don't know very much about. So I'd like to

10:47:47 23 get a sense of what you mean by some of the terms

10:47:51 24 you've used.

10:47:55 25 You've talked about "punts", and how

10:48:00 1 they're 16 to 22 feet, right?

10:48:03 2 A. That is correct.

10:48:04 3 89 Q. I assume that they're outboard
10:48:06 4 motors?

10:48:06 5 A. Yes.

10:48:07 6 90 Q. How many horsepower?

10:48:09 7 A. Oh, whatever you could afford to
10:48:13 8 put on the back. It could be a 10 horse, it could
10:48:16 9 be a 200 horse on the back of some of them.

10:48:19 10 91 Q. And for the tugs, which could be
10:48:22 11 up to 110 feet --

10:48:24 12 A. Yup.

10:48:25 13 92 Q. -- how many horsepower do they
10:48:27 14 need?

10:48:27 15 A. It depends how big your tug is.
10:48:34 16 If you have a 42-foot tug, you can have a small
10:48:40 17 371 in there, that's like 86 horsepower.
10:48:44 18 If you get a 100-foot tug, like I had,
10:48:45 19 the Getty, it's 540 horsepower. And they're diesel
10:48:49 20 run, usually not a gas engine, usually a diesel
10:48:55 21 engine in them.

10:48:56 22 93 Q. And how fast can a tug go?

10:48:58 23 A. Probably between -- a small engine
10:49:05 24 will run you about 8 knots, maybe the AR Getty
10:49:12 25 would be able to run up as high as 15 knots. But

10:49:15 1 you'd be running, average, around 10.

10:49:18 2 94 Q. And could you explain for me and
10:49:20 3 for the Court what "knots" mean?

10:49:25 4 A. "Knot" is the speed that's used on
10:49:28 5 water. So if I convert it back to kilometres or
10:49:32 6 miles per hour, so a knot is one point -- I do
10:49:35 7 believe it's 1.2 miles per hour is 1 knot. And
10:49:41 8 it's 1.25 for a kilometre, or vice versa, it could
10:49:47 9 be either of those.

10:49:48 10 95 Q. Okay. Now, you've mentioned that
10:49:51 11 when you're rod fishing, which I gather is
10:49:56 12 recreational fishing?

10:49:56 13 A. Yeah.

10:49:56 14 96 Q. You've mentioned perch and fish
10:49:58 15 like that. What kind of fish do you fish for
10:50:01 16 commercially?

10:50:02 17 A. Commercially, we do with the
10:50:08 18 whitefish, lake trout, pickerel, perch, couple of
10:50:15 19 other -- pike. A couple of other species in there
10:50:19 20 that we can fish commercially. And the big one is
10:50:22 21 whitefish and the lake trout and pickerel.

10:50:26 22 97 Q. And who buys the fish from you?

10:50:29 23 A. We have commercial buyers that are
10:50:31 24 down here in Wheatley, Port Dover, Tommy Howell,
10:50:35 25 our local buyer. And then basically whatever you

10:50:39 1 want to process to sell to flea markets.

10:50:45 2 98 Q. Now, I would to draw your
10:50:47 3 attention to the map that I've put on the screen.
10:50:49 4 I have a paper copy if anyone needs one.

10:50:52 5 THE COURT: Sir, can you see the map
10:50:54 6 well enough?

10:50:55 7 THE WITNESS: Yes.

10:50:55 8 THE COURT: All right. Please go ahead.

10:50:57 9 BY MR. MC CULLOCH:

10:50:58 10 99 Q. This is Exhibit B-2. Kindly
10:51:03 11 supplied by my friends from Ontario.

10:51:08 12 In your testimony, you mentioned some
10:51:12 13 places that were particularly good for fishing.

10:51:16 14 You mentioned for example, Stokes Bay?

10:51:22 15 A. Right.

10:51:22 16 100 Q. Could you locate that on the map?

10:51:26 17 A. It's sitting, I do believe this is
10:51:30 18 Stokes Bay here (indicating).

10:51:32 19 101 Q. That's on the east or west side of
10:51:35 20 the Peninsula?

10:51:35 21 A. It's on the west side of the
10:51:38 22 Peninsula, about halfway down.

10:51:39 23 102 Q. About halfway down.

10:51:40 24 And I believe you also mentioned Pike
10:51:45 25 Bay as being good?

10:51:47 1 A. Yes, it's just south of the Stokes
10:51:50 2 Bay, about maybe four or five kilometres.

10:51:54 3 103 Q. So they're all in that area that's
10:51:56 4 sort of the lighter blue?

10:51:59 5 A. Yes, that's the shoreline.

10:52:01 6 104 Q. Okay. And at one point you
10:52:06 7 mentioned that, as you go south, the water -- I'm
10:52:11 8 paraphrasing -- the water gets shallower, that's
10:52:14 9 why you can get to the International Line there
10:52:17 10 near Goderich?

10:52:18 11 A. That's correct.

10:52:19 12 105 Q. How deep is the best water for
10:52:22 13 catching that whitefish and lake trout?

10:52:25 14 A. Depends what time of year it is.
10:52:29 15 Summertime, you're going from about 90 to 500 feet,
10:52:35 16 depends what part of the summer you're in.

10:52:38 17 August, I would say you're going to
10:52:41 18 fish 50,000, at about 300 feet, and you're going to
10:52:48 19 be five or six miles offshore.

10:52:52 20 And come fall time, all the guys will
10:52:56 21 be fishing right tight to shore. If the boat
10:53:00 22 touches the bottom, that's close enough to start
10:53:03 23 setting.

10:53:03 24 So punts are better -- when you're
10:53:05 25 fishing shallow, the punts are way better way to do

10:53:08 1 it because they can get in spots where the tugs
10:53:10 2 can't get in.

10:53:12 3 106 Q. Okay. That's more complicated
10:53:15 4 than I thought. I didn't realize that fish went up
10:53:18 5 and down, is it because of the temperature of the
10:53:20 6 water?

10:53:20 7 A. Temperature of the water, feed.
10:53:23 8 Sauble Beach has a lot of sand all the way up to --
10:53:26 9 well, once you get to Sauble south, it's basically --
10:53:31 10 in the further south you get, there's more sand.

10:53:34 11 So if you get down to Goderich, outside
10:53:39 12 of Goderich is all sand, for as far as you want to
10:53:42 13 drive. You have little rock piles here and there,
10:53:45 14 but I think it stays like -- once you get a mile --
10:53:48 15 I'll say about two miles offshore, it just stays
10:53:52 16 one constant depth right until you hit the border.
10:53:55 17 And it goes across the border, it's the same depth,
10:53:58 18 I think it's like 200 feet of water, it doesn't get
10:54:02 19 any deeper, it just stays there.

10:54:03 20 107 Q. Now a number of times you said
10:54:06 21 that you could take a tug at least to the
10:54:09 22 international boundary if you wanted to, right?

10:54:12 23 A. Right.

10:54:13 24 108 Q. You said, though, you've only done
10:54:16 25 it once?

10:54:17 1 A. That's correct.

10:54:17 2 109 Q. Just to see if you could?

10:54:19 3 A. I knew I could. I just wanted to

10:54:22 4 see if it was economical to go fish way out there.

10:54:26 5 110 Q. I gather it wasn't.

10:54:27 6 A. It was not economical to go fish

10:54:30 7 way out there.

10:54:31 8 111 Q. I'd like to now turn you back to

10:54:36 9 the map that you've been annotating, the annotated

10:54:39 10 map?

10:54:40 11 A. Yup.

10:54:41 12 112 Q. You've been telling us about all

10:54:43 13 the places where you can access the land from the

10:54:46 14 water, right?

10:54:47 15 A. That's right.

10:54:48 16 113 Q. Now, let's travel, as you have

10:54:53 17 done in the past, to visit family, a little east.

10:54:59 18 Can you access the land from the

10:55:03 19 eastern part of Georgian Bay? Say, Wasaga Beach.

10:55:08 20 A. Wasaga Beach is on a territory.

10:55:12 21 114 Q. I'm just asking, can you land

10:55:15 22 there?

10:55:15 23 A. Yes, you could. You could

10:55:16 24 basically land anywhere across that whole eastern

10:55:20 25 shore of Georgian Bay. Like there's inlets and

10:55:23 1 outlets, and if you're brave enough to go in
10:55:26 2 through the rocks, you could launch. There's a
10:55:29 3 thousand of marinas in that area, too, everywhere
10:55:33 4 you go there's a marina around every cove.

10:55:37 5 115 Q. And, of course, anywhere where you
10:55:40 6 can access the land from the water, you can access
10:55:43 7 the water from the land?

10:55:45 8 A. True.

10:55:47 9 MR. MC CULLOCH: Those are my questions.

10:56:02 10 THE COURT: Thank you, sir.

10:56:07 11 Ontario.

10:56:08 12 CROSS-EXAMINATION BY MS. LEPAN:

10:56:08 13 116 Q. Good morning, Your Honour.

10:56:09 14 Good morning, Mr. Jones. My name is
10:56:11 15 Jennifer Lepan, I am counsel for Ontario and I have
10:56:11 16 a few questions for you today.

10:56:14 17 If you can't hear me at all, just tell
10:56:16 18 me, I'll speak up. If you don't understand the
10:56:19 19 question, let me know and I'll repeat it.

10:56:21 20 A. Okay.

10:56:21 21 117 Q. Make sense?

10:56:21 22 A. (Witness nods).

10:56:25 23 118 Q. You mentioned that the tugs have
10:56:27 24 bigger crews. Can you tell me how many people are
10:56:31 25 on the tugs; what is the maximum capacity?

10:56:34 1 A. In most of the time of running a
10:56:37 2 tug, we run a four-man crew and the captain. So
10:56:41 3 whoever owns the boat is the captain, and so it's
10:56:43 4 five people on a tug, most of the time. Some are
10:56:47 5 four crews, some are three crews, depends on how
10:56:51 6 big your tug is.

10:56:52 7 119 Q. And is their navigation on the
10:56:57 8 tugboats?

10:56:58 9 A. Yes. There's compass, GPS, radar.

10:57:01 10 120 Q. I understand from what you were
10:57:05 11 saying, that the tugs can't get in as close to
10:57:08 12 shore; is that right?

10:57:08 13 A. It depends where you are. Like
10:57:10 14 the tugs and the punts will fish the same waters.
10:57:14 15 It's just some of the spots that it's easier for a
10:57:17 16 punt, because they got a smaller dock they can
10:57:19 17 launch on. And the tugs don't want to run ten
10:57:23 18 miles to be in that same little area, because it's
10:57:25 19 just too long a run. So you try keeping your
10:57:27 20 travel time as less as possible.

10:57:29 21 121 Q. Okay. And on a good day, what's
10:57:32 22 the catch on a tugboat?

10:57:35 23 A. Depends on what time of year it
10:57:37 24 is. It could be 500 pounds of fish, it could be
10:57:41 25 1,700 pounds of fish, or 17,000 pounds of fish.

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Q. What would you say the tons per year is that you're catching on a tugboat?

A. I forget the total that we had last year. I think it was like 200 -- 200,000 pounds or 250,000 pounds.

Q. And how many people -- what's the maximum capacity of a punt boat?

A. Punt boat is usually two.

Q. And the punts you mention they don't go out into, for example, the international boundary, or into the middle of Georgian Bay; why is that?

A. It's just -- what do you call? Our punts are 22 feet long, and it's just not safe. You play -- you play it smart, it's simple as that. If you're going to go fishing, you fish smart. More than likely, the depth -- you couldn't pull the nets by hand at that depth, because you're going into 300, 400 feet of water, and I don't think you can pull whitefish gear out of the bottom of the lake on a punt off the bottom. Tugs have power, so they can do it.

Q. So the punts are just too small to go out there, and they don't have the right equipment?

10:58:59 1 A. That's right.

10:59:00 2 126 Q. And with a punt, what would you
10:59:03 3 say, can you estimate, the tons per year?
10:59:08 4 A. Depends on how good a fisherman
10:59:10 5 you are. You can catch a hundred thousand pounds a
10:59:14 6 year out of a punt.

10:59:16 7 127 Q. So you mentioned the nets on tugs,
10:59:19 8 you can't pull them up by hand. What kind of nets
10:59:22 9 do you use when you're on tugs?
10:59:24 10 A. We're using gill nets.

10:59:28 11 128 Q. And are those motorized then to
10:59:30 12 pull them up?
10:59:30 13 A. No. We have a puller on the tug
10:59:32 14 to pull the nets up.

10:59:33 15 129 Q. Alright.

10:59:34 16 A. They're monofilament nets, leads
10:59:39 17 and corks. Corks on top, leads on the bottom,
10:59:41 18 monofilament in between. Variable sizes, anywhere
10:59:43 19 from four and a half for whitefish up to five and a
10:59:46 20 quarter.

10:59:48 21 130 Q. And on the punts, what type of
10:59:50 22 nets do you use?
10:59:51 23 A. Same nets, same gear, just not as
10:59:54 24 many. So a punt might fish 1,500 to 2,000 yards in
10:59:59 25 a day. Where a tug will set 10,000 yards of net in

11:00:05 1 a day.

11:00:06 2 131 Q. And the fish that you catch with
11:00:09 3 both the punts or the tugs, to clarify, you are
11:00:13 4 only selling those, or using those to sell
11:00:16 5 commercially?

11:00:17 6 A. No, not necessarily. That's our
11:00:20 7 main goal is to sell them commercially. But if
11:00:23 8 anybody in our community, or whatever, needs it for
11:00:26 9 a feast or whatever, the tug owners and the punt
11:00:30 10 owners will more than happily give up fish for
11:00:33 11 them.

11:00:34 12 132 Q. Right. You mentioned that SON has
11:00:40 13 commercial fishing licenses, I believe in this
11:00:43 14 area; is that correct?

11:00:44 15 A. Yes.

11:00:49 16 THE COURT: Yes.

11:00:49 17 MR. EVANS: Your Honour, I think his
11:00:51 18 evidence was they have commercial fishing rights.
11:00:53 19 I don't think he said anything about a licence.

11:00:55 20 THE COURT: Well, I thought he did, but
11:00:58 21 let me just go back in my notes.

11:01:01 22 MS. LEPAN: I can also rephrase my
11:01:03 23 question.

11:01:04 24 THE COURT: All right. Just give me a
11:01:05 25 moment, Counsel.

11:01:07 1 Well that is what my note says,
11:01:09 2 "commercial fishing licence". But if counsel can
11:01:12 3 rephrase her question, let's do it that way.
11:01:15 4 Please go ahead, Counsel.
11:01:17 5 BY MS. LEPAN:
11:01:17 6 133 Q. You mentioned that you have
11:01:18 7 commercial fishing rights in that area?
11:01:20 8 A. Yes.
11:01:21 9 134 Q. Is that through an agreement with
11:01:22 10 MNRF?
11:01:24 11 A. Yes.
11:01:24 12 135 Q. Am I correct to say that SON has
11:01:28 13 all of the commercial fishing rights in that area?
11:01:31 14 A. Yes, we do.
11:01:33 15 136 Q. And have there been disputes with
11:01:35 16 non-Indigenous fishermen regarding the fishing
11:01:39 17 rights in that area?
11:01:40 18 A. A couple of them. Sportsman have
11:01:43 19 arguments with us all the time. Most of the
11:01:46 20 fishermen that were in there, gave up a little bit
11:01:49 21 of an argument, but once they got the money in
11:01:52 22 their hand they didn't say nothing.
11:01:54 23 137 Q. Were those disputes in the past?
11:01:55 24 A. Yes.
11:01:56 25 138 Q. Are there some disputes still today?

11:01:57 1 A. There are small little disputes
11:01:59 2 today that are -- doesn't bother anybody.
11:02:02 3 139 Q. And through the agreement with
11:02:08 4 MNRF, is there an agreement about recording catch?
11:02:14 5 A. Yes, there is. We report to SON
11:02:17 6 only. We don't do the MNRF.
11:02:21 7 140 Q. So you report to SON and SON
11:02:23 8 reports to MNRF?
11:02:25 9 A. That's right.
11:02:25 10 141 Q. And what are you reporting on?
11:02:28 11 A. On fish, area we caught the fish.
11:02:33 12 How many hours the nets were in the water, and
11:02:37 13 that's it.
11:02:37 14 142 Q. All right. You mentioned up near
11:02:47 15 Tobermory, there was a private harbour. Are there
11:02:51 16 other private harbours?
11:02:53 17 A. Not really. They're just -- what
11:02:56 18 do you call? You shouldn't call it a private
11:02:59 19 harbour, it's just tugs aren't meant to go in there
11:03:04 20 because there's no docking facilities in that
11:03:05 21 harbour. So the docks that are there are made for
11:03:09 22 smaller boats, and the Coast Guard. And Tobermory
11:03:13 23 has got what they call day boats, and they tour all
11:03:20 24 over the place, and that's one of their tour areas.
11:03:20 25 Big Tub Harbour has a great, big --

11:03:20 1 Chi-Cheemaun docks there, we have great facilities
11:03:31 2 to tie up our tugs there.

11:03:31 3 143 Q. Do you ever take out a rowboat to
11:03:33 4 fish, one that doesn't have an engine?

11:03:35 5 A. Yes, I have.

11:03:36 6 144 Q. How is that different in terms of
11:03:38 7 where you can go?

11:03:39 8 A. Depends how strong you are and how
11:03:41 9 far you want to row.

11:03:42 10 145 Q. Let's use you for an example.

11:03:45 11 A. Use me as example? So, I didn't
11:03:50 12 like going any more than about a mile, and that was
11:03:53 13 it. And that was good enough for me to sit down,
11:03:56 14 and set the nets, go back the next day rowing, pull
11:04:00 15 the nets by hand, then turn around set them, then
11:04:04 16 row back. It takes a little bit long.

11:04:07 17 146 Q. So you mentioned that the tugboats
11:04:30 18 can go out to the international border to the
11:04:33 19 midway point with Georgian Bay. How long about
11:04:35 20 does it take for you to go there, in terms of
11:04:39 21 hours?

11:04:39 22 A. It depends where you're launching
11:04:42 23 from. If you launch from Meaford with the tug, it
11:04:48 24 takes you, I'm going to say approximately about an
11:04:51 25 hour and 15 to 20 minutes.

11:04:53 1 If you're coming out of Cape Croker, it
11:04:56 2 would probably take you about two and a half hours.

11:04:58 3 147 Q. So if you're coming out of Cape
11:05:05 4 Croker going to the international border, it would
11:05:05 5 take you about two half hours?

11:05:05 6 A. No, to the Agreement Line. That's
11:05:06 7 the international border, that's like on the
11:05:09 8 Georgian Bay side.

11:05:09 9 148 Q. Sorry.

11:05:09 10 A. If you come out of Lion's Head,
11:05:11 11 it's the same thing, about three hours to the
11:05:15 12 Agreement Line.

11:05:15 13 Tobermory is like three and a half
11:05:17 14 hours out to the Agreement Line. You can hit the
11:05:20 15 northern end of it in about an hour.

11:05:27 16 149 Q. Are you familiar with the 1993
11:05:29 17 decision of Jones and Nadjiwon?

11:05:31 18 A. Yes.

11:05:31 19 150 Q. And prior to that decision, so
11:05:33 20 prior to 1993-'94, were there non-Indigenous
11:05:37 21 fishermen who were fishing commercially in this
11:05:40 22 area?

11:05:40 23 A. Yes, there was.

11:05:41 24 151 Q. And was there quite a few; is that
11:05:46 25 fair to say?

11:05:47 1 A. I can't say how many there was;
11:05:50 2 but there was. I do believe there was like 15 or
11:05:53 3 20 commercial fishermen.

11:05:54 4 152 Q. And currently, there's also
11:05:59 5 recreational fishing that goes on for
11:06:02 6 non-Indigenous fishermen; is that right?

11:06:03 7 A. That's correct.

11:06:04 8 153 Q. And they can land at the same, or
11:06:07 9 they fish at the same places?

11:06:08 10 A. Yes, they do.

11:06:09 11 154 Q. And prior to 1993 or '94, with the
11:06:14 12 Jones and Nadjiwon decision, the commercial
11:06:17 13 fishermen could also land at the same places?

11:06:21 14 A. Yes.

11:06:21 15 155 Q. You mentioned earlier that you
11:06:22 16 made trips across Georgian Bay or across Lake
11:06:29 17 Huron, and you did that in a tug boat; is that
11:06:31 18 right?

11:06:31 19 A. That's correct.

11:06:32 20 156 Q. Would you ever do that trip in a
11:06:34 21 punt boat?

11:06:35 22 A. I would probably make the attempt
11:06:37 23 to go across Georgian Bay in a punt. Do I want to
11:06:40 24 go to the International Line in a punt on Lake
11:06:44 25 Huron? I don't think so.

11:06:45 1 157 Q. And why is that?

11:06:46 2 A. It can be a little bit too chancy

11:06:49 3 if a storm blew up. Lake Huron has the fastest

11:06:53 4 changing weather of anywhere. You can be nice and

11:06:56 5 sunshine on shore, and you can be six miles

11:06:58 6 offshore, and there could be a hailstorm out there

11:07:01 7 and 50 mile an hour winds, and you'd never know it.

11:07:11 8 158 Q. Okay.

11:07:11 9 MS. LEPAN: A moment's indulgence.

11:07:11 10 Thank you, Mr. Jones, those are all my

11:07:13 11 questions.

11:07:13 12 THE WITNESS: Thank you.

11:07:25 13 MR. EVANS: Your Honour, I have no

11:07:27 14 questions.

11:07:27 15 THE COURT: No re-examination.

11:07:29 16 Thank you, sir. That concludes your

11:07:31 17 examination. You can return to the back of the

11:07:35 18 courtroom.

11:07:36 19 (Whereupon, Jay Jones was excused from

11:07:42 20 the witness box).

11:07:43 21 THE COURT: Now, Counsel, looking at

11:07:44 22 the time. I had asked Mr. Townshend yesterday to

11:07:47 23 let me know what we were going to hear tomorrow and

11:07:51 24 he has done that. He's not here, so I'm reluctant

11:07:56 25 to change it at this point.

11:08:00 1 We have another Rule 36 witness
11:08:02 2 tomorrow. And our next in-person witness, as I
11:08:06 3 understand it, Plaintiffs' counsel, just simply
11:08:09 4 unable to be here until Friday; is that correct?

11:08:16 5 MS. GUIRGUIS: That is correct, Your
11:08:18 6 Honour.

11:08:18 7 THE COURT: So I think we're stuck,
11:08:19 8 which is not desirable, but I do understand in this
11:08:22 9 week in particular, the Plaintiffs' counsel have
11:08:24 10 been working hard to deal with the scheduling
11:08:29 11 challenges.

11:08:30 12 So I think I'll leave things as they
11:08:35 13 are. Which means we'll adjourn now, and we'll have
11:08:39 14 Rule 36 testimony tomorrow. And then our next
11:08:43 15 in-person witness who I believe is Doran Ritchie;
11:08:47 16 is that correct, Counsel?

11:08:48 17 MS. GUIRGUIS: Yes, Your Honour.

11:08:50 18 THE COURT: Will be Friday.

11:08:52 19 Before we adjourn. Counsel, can
11:08:55 20 someone give me an update on the status of what I'm
11:08:58 21 expecting as a supplementary trial record? Because
11:09:01 22 I haven't heard anything about that recently.
11:09:04 23 Certain pleadings were being amended on consent and
11:09:07 24 once that was completed they were going to be
11:09:09 25 assembled into a supplementary.

11:09:11 1 I think the last time I heard about
11:09:12 2 this, it was out for service or something like
11:09:15 3 that.

11:09:15 4 MS. GUIRGUIS: Yes. I believe, your
11:09:18 5 Honour, that has been --

11:09:18 6 THE COURT: If you can come up to the
11:09:20 7 microphone.

11:09:21 8 MS. GUIRGUIS: I have somewhat limited
11:09:23 9 knowledge that I am getting from our legal
11:09:25 10 assistant in the back, but I believe it is served
11:09:28 11 and it is out for filing as well.

11:09:31 12 THE COURT: Okay. Well, that's great.
11:09:33 13 But I need someone to bring a second copy of that
11:09:38 14 for me, and the one for filing also doesn't need to
11:09:41 15 go to the court office, because I think that's
11:09:44 16 going to be circuitous where it's Mr. Registrar who
11:09:51 17 needs it.

11:09:52 18 THE REGISTRAR: Sorry, Your Honour.
11:09:53 19 It's filed already.

11:09:53 20 THE COURT: It has been filed?

11:09:55 21 THE REGISTRAR: Yes, I have a copy.

11:09:56 22 THE COURT: And it's made its way to
11:09:59 23 you?

11:09:59 24 THE REGISTRAR: Yes.

11:09:59 25 THE COURT: Okay, good. So we only

1 need that second copy.

2 MS. GUIRGUIS: I understand now I've
3 been corrected that it is coming to you today.

4 THE COURT: Thank you, Counsel.

5 Just looking at my own notes, I'm not
6 seeing anything else.

7 Is there any other matters that we can
8 address this morning before we rise? Any other
9 administrative matters?

10 (No response).

11 No. I think Mr. Registrar is still
12 missing the odd image for lettered exhibits, which
13 he'll talk to you about directly. I would like to
14 keep those as current as possible.

15 All right. Is there anything else
16 anyone wishes to raise?

17 (No response).

18 No. So we'll rise at this time then.

19
20 -- Court adjourned at 11:11 a.m.
21
22
23
24
25

REPORTER'S CERTIFICATE

I, JUDITH M. CAPUTO, RPR, CSR, CRR,
Certified Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein set
forth, at which time the witness was put under oath
by me;

That the testimony of the witness
and all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and
correct transcript of my shorthand notes so taken.

Dated this 10th day of June, 2019.

NEESON COURT REPORTING INC.

PER: JUDITH M. CAPUTO, RPR, CSR, CRR

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