

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

DAY 16/ VOL 16
May 31, 2019



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1 Court File No. 94-CQ-50872CM

2 ONTARIO
3 SUPERIOR COURT OF JUSTICE

4 B E T W E E N:

5 THE CHIPPEWAS OF SAUGEEN FIRST NATION, and THE
6 CHIPPEWAS OF NAWASH FIRST NATION
7 Plaintiffs

8 - and -

9 THE ATTORNEY GENERAL OF CANADA,
10 HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
11 THE CORPORATION OF THE COUNTY OF GREY, THE
12 CORPORATION OF THE COUNTY OF BRUCE, THE CORPORATION
13 OF THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA,
14 THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA,
15 THE CORPORATION OF THE TOWN OF SAUGEEN SHORES, and
16 THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS
17 Defendants

18 Court File No. 03-CV-261134CM1

19 A N D B E T W E E N:

20 CHIPPEWAS OF NAWASH UNCEDED FIRST NATION and
21 SAUGEEN FIRST NATION
22 Plaintiffs

23 - and -

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

27 -----

28 --- This is the VOLUME 16/DAY 16 of the trial proceedings
29 in the above-noted matter, being held at the Superior
30 Court of Justice, 330 University Avenue, Courtroom 5-1,
31 Toronto, Ontario, on the 31st day of May, 2019.

32 -----

33 B E F O R E:

34 The Honourable Justice Wendy M. Matheson

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

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

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

David Feliciant, Esq., for the Defendant,
& Jennifer Le Pan, Esq. Her Majesty the
& Richard Ogden, Esq., Queen in Right of
Ontario.

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

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25 February 2010.

09:52:38 1 -- Upon commencing at 10:01 a.m.

09:52:34 2
10:01:45 3 THE COURT: Good morning. Counsel,
10:01:46 4 please go ahead.

10:01:49 5 MS. GUIRGUIS: Thank you, Your Honour.
10:01:50 6 So today the plaintiffs would like to call
10:01:53 7 Mr. Doran Ritchie.

10:02:08 8 THE REGISTRAR: Good morning, sir.

10:02:09 9 THE WITNESS: Good morning.

10:02:10 10 THE REGISTRAR: Would you like to make
10:02:11 11 an oath on the Holy Book or make a solemn
10:02:14 12 affirmation to tell the truth?

10:02:16 13 THE WITNESS: An affirmation, please.

10:02:18 14 THE REGISTRAR: With your eagle
10:02:21 15 feather?

10:02:21 16 THE WITNESS: Yes.

10:02:22 17 DORAN RITCHIE: AFFIRMED.

10:02:22 18 THE REGISTRAR: Can you state and spell
10:02:24 19 your first and last name for the record.

10:02:26 20 THE WITNESS: Doran Ritchie.

10:02:28 21 D-O-R-A-N R-I-T-C-H-I-E.

10:02:31 22 THE REGISTRAR: Thank you.

10:02:51 23 EXAMINATION IN-CHIEF BY MS. GUIRGUIS:

10:03:00 24 Q. Good morning, Mr. Ritchie.

10:03:02 25 A. Good morning.

10:03:02 1 Q. Thanks for being here with us this
10:03:05 2 morning. I would like to start off with some
10:03:07 3 questions to introduce you to the court.

10:03:09 4 What is your Anishinaabe name?

10:03:11 5 A. Keetosawah.

10:03:16 6 Q. What does that mean?

10:03:18 7 A. It means "Spirits from all
10:03:19 8 around".

10:03:20 9 Q. When did you get that name?

10:03:21 10 A. I earned that name six years ago
10:03:23 11 through ceremony.

10:03:25 12 Q. Can you tell us a bit about that?

10:03:28 13 A. Yes, I had never received an
10:03:32 14 Anishinaabe name prior to that and I inquired, I
10:03:37 15 was invited to ceremony, where I took place, for a
10:03:41 16 day long and observed some cultural protocol and at
10:03:44 17 the end, the ceremony conductor was given that name
10:03:48 18 for me.

10:03:50 19 Q. What is your clan?

10:03:51 20 A. Bear clan.

10:03:55 21 Q. And you're a member of which First
10:03:58 22 Nation?

10:03:58 23 A. Saugeen First Nation.

10:03:59 24 Q. When were you born?

10:04:01 25 A. January 14th, 1984.

10:04:06 1 Q. Were you raised in Saugeen?

10:04:07 2 A. Yes, I was.

10:04:08 3 Q. Where do you currently live?

10:04:11 4 A. I live in Southampton, Ontario.

10:04:14 5 Q. Where is Southampton in relation

10:04:17 6 to the Saugeen Reserve?

10:04:18 7 A. Approximately a five-minute drive

10:04:21 8 heading due south.

10:04:23 9 Q. Let's talk a little bit about your

10:04:25 10 education and work history.

10:04:27 11 Where did you go to school growing up?

10:04:30 12 A. I grew up going to school in

10:04:33 13 Southampton at G.C. Huston Public School.

10:04:36 14 Q. That was elementary school?

10:04:39 15 A. That is correct.

10:04:39 16 Q. Where did you go to high school?

10:04:41 17 A. In Port Elgin at Saugeen District

10:04:43 18 Secondary School.

10:04:44 19 Q. After high school, what did you

10:04:46 20 do?

10:04:46 21 A. I took a little bit of time off

10:04:49 22 and I worked after that for a number of years with

10:04:51 23 Parks Canada.

10:04:58 24 Q. How long were you at Parks Canada?

10:04:58 25 A. About six years.

10:05:01 1 Q. And for which park did you work
10:05:03 2 with, with Parks Canada?

10:05:05 3 A. Bruce the Peninsula National Park
10:05:08 4 and Fathom Five National Marine Park.

10:05:11 5 Q. So that's in Tobermory?

10:05:13 6 A. Correct.

10:05:13 7 Q. What was your position with Parks
10:05:17 8 Canada?

10:05:17 9 A. I started off as a resource
10:05:20 10 management technician and eventually, after a
10:05:22 11 number of years, I moved to the warden services.

10:05:25 12 Q. Let's start with the resource
10:05:28 13 management technician. What does a resource
10:05:30 14 management technician do?

10:05:32 15 A. So my position as a resource
10:05:35 16 management technician was mostly fieldwork. In the
10:05:38 17 wintertime we did weather severity, predator
10:05:42 18 abundance, white tail deer monitoring; in the
10:05:47 19 spring we did bentech surveys in streams and lakes.
10:05:53 20 We did colonial water bird surveys, other bird
10:05:54 21 surveys, Massassauga rattlesnake research,
10:06:00 22 including black bear research.

10:06:02 23 Q. When you were a warden, what did
10:06:04 24 you do?

10:06:04 25 A. Mostly compliance and some law

1 enforcement. A lot of public education, and
2 patrolling the back country of the National Parks.

3 Q. When you say "compliance" you mean
4 where the National Park is at?

5 A. That's correct.

6 Q. And that's even though it's not an
7 official National Park?

8 A. Yes, that is correct.

9 Q. What year did you leave your job
10 with Parks Canada?

11 A. I believe it would have been
12 around the year 2008.

13 Q. Why did you leave your job with
14 Parks Canada?

15 A. It's funny you mention that.

16 I left -- so my time as a park warden,
17 I had learned a bit of the indifferences regarding
18 First Nations rights and interests, specifically
19 around harvesting. I pursued a career like that to
20 make some sort of change, in that landscape. My
21 grandfather was subject to a lot of, I would say,
22 harassment. I went down that road thinking that,
23 you know, I want to be a law enforcement officer to
24 make that change.

25 I was privy to information in the law

1 enforcement division that I guess otherwise not a
2 lot of law enforcement officials would have. What
3 I noticed over time, what I felt was a profiling of
4 our members, including the former Chief Paul
5 Nadjiwon, and other members of SON, that were
6 observing their rights and utilizing their rights
7 within the non-gazetted National Park.

8 And to my knowledge, these individuals
9 were being targeted like criminals. And they were
10 being pursued quite often. I wasn't privy to
11 meetings about potentially laying charge to those
12 members and as a SON member I had a very hard time
13 dealing with that.

14 Q. Can you give me an example of what
15 you mean by profiling of Paul Nadjiwon?

16 A. Sure. So I was aware that Paul
17 Nadjiwon and other members in Saugeen and Chippewas
18 of Nawash Unceded First Nation were harvesting in
19 the National Parks. That was a known thing at that
20 time. They had a large white board and it said "be
21 on the look for. And it named their hair color,
22 their eye color, if they were wearing glasses or
23 not, their skin tone, what vehicle they were
24 driving, what weapons they were using, of the
25 vehicle, make, model and color, licence plates, and

10:09:00 1 that was -- to me, that was for every person that
10:09:06 2 was suspected of hunting.

10:09:09 3 And I recall numerous times they would
10:09:12 4 often follow the SON harvesters and many different
10:09:19 5 discussions about whether they would press charges
10:09:22 6 or not. So that's my example that I can provide.

10:09:25 7 Q. After leaving Parks Canada, what
10:09:29 8 did you do then?

10:09:30 9 A. I started, I looked at going to
10:09:36 10 school. And at the same time, I had an opportunity
10:09:41 11 to move to the Ministry of Natural Resources.

10:09:44 12 So I started off there. In the fall I
10:09:49 13 would go to school, and then I'd continue my
10:09:53 14 employment with the Ministry of Natural Resources.

10:09:55 15 Q. And where did you attend
10:09:57 16 postsecondary school?

10:09:58 17 A. Sir Sanford Fleming in Lindsay.

10:10:04 18 Q. What did you study when you were
10:10:05 19 there?

10:10:06 20 A. Fish and wildlife and fish and
10:10:10 21 natural resource law.

10:10:14 22 Q. When did you attend these two
10:10:14 23 programs at Fleming?

10:10:14 24 A. From 2008 to 2011.

10:10:18 25 Q. During that whole time you were

10:10:19 1 working with the Ministry of Natural Resources as
10:10:22 2 well?

10:10:22 3 A. That's correct.

10:10:23 4 Q. Which Ministry of Natural
10:10:28 5 Resources office did you work out of?

10:10:29 6 A. I worked with the field office in
10:10:32 7 the Midhurst District in Owen Sound.

10:10:35 8 Q. So you would attend school in
10:10:37 9 Lindsay and come back to the territory?

10:10:38 10 A. Correct.

10:10:39 11 Q. What did you do for the Ministry
10:10:47 12 of Natural Resources?

10:10:47 13 A. My first job was a black bear
10:10:49 14 management technician. Where I'd -- took on
10:10:55 15 another position as a fishing modern tech.

10:10:57 16 Q. Let's start with the black bear
10:11:00 17 management technician, what does a black bear
10:11:03 18 management technician do?

10:11:04 19 A. We were in charge with dealing
10:11:05 20 with a unique population of black bears on the
10:11:09 21 Bruce Peninsula, in Northern Ontario you can move
10:11:12 22 problem bears 200 or 300 hundred kilometers from
10:11:16 23 where the problem exists. Unfortunately, on the
10:11:19 24 Bruce Peninsula, we didn't have that opportunity,
10:11:20 25 so we had to develop a program that would deal with

10:11:25 1 the problem and save the bear.

10:11:28 2 So a lot of our job was educating the
10:11:31 3 public on how not to encounter black bears and how
10:11:35 4 to avoid growing conflicts, but our position was
10:11:38 5 education, and sometimes trapping and dealing with
10:11:44 6 bears using what we call a technique of hard
10:11:48 7 release. So it's reinstating the natural fear of
10:11:52 8 humans back into the bear.

10:11:54 9 Q. Can you describe what a hard
10:11:56 10 release looks like?

10:11:57 11 A. Well, it's basically as it sounds.
10:12:01 12 The bear goes through a negative conditioning
10:12:05 13 process where we tranquilize the animal, we then
10:12:12 14 tag the animal, both sides of the ears. And what
10:12:15 15 we do when the bear came to, there was a long fence
10:12:21 16 all the way the width of the trap and myself and
10:12:23 17 other trained technicians were armed with nonlethal
10:12:27 18 rounds using shotguns, very loud bear bankers, a
10:12:31 19 series of fireworks and the idea was once the bear
10:12:36 20 exited the trap, we start hitting him with all
10:12:40 21 these projectiles, nonlethal, mind you, and again
10:12:44 22 our theory behind that was to reinstate the natural
10:12:50 23 fear of humans through a very negative experience.
10:12:51 24 So that was the majority of our job.

10:12:54 25 Q. And then you moved on to become a

1 fish and wildlife technician?

2 A. Correct.

3 Q. Can you comment on what your
4 duties were in that position?

5 A. A lot of it was problem animal
6 responses. Whether animals are injured, or ill, or
7 if there's an issue with coyotes, again, still with
8 black bear, if fish were trapped we were dealing
9 with a lot of that. We also did a lot of research
10 as well for the Ministry as a whole. A few times I
11 had been to Northern Ontario to collar moose and
12 participate in other wildlife studies. I
13 participated in the Chronic Wasting Disease
14 Surveillance Program and general public education.

15 Q. After you finished college at
16 Flemming in 2011 did you continue working for the
17 Ministry?

18 A. Yes, I did.

19 Q. For how long?

20 A. Just over a year, that was my
21 capacity as the fish and wildlife technician.

22 Q. And why did you leave the Ministry
23 of Natural Resources?

24 A. The reason why I left the Ministry
25 of Natural Resources is similar to my experience at

1 Parks Canada. During that time in 2012, I was
2 aware that there were many issues on the lakes and
3 the bays where Saugeen Ojibwe Nation has a court
4 proven right to the fishery.

5 I was aware that information was being
6 circulated around the office that conservation
7 officers in Ontario were accessing these boats and
8 pulling nets. I don't specifically know why. But
9 at the time there was a great deal of tension in
10 both the First Nation community and at the Ministry
11 of Natural Resources offices.

12 I should also mention that at that time
13 I was pursuing a career to become a conservation
14 officer as well. To my surprise, I took a private
15 meeting with a gentleman at Natural Resources, and
16 we had a conversation, he asked me if I was
17 interested in becoming a conservation officer? And
18 I said, yes, of course, that's why I was in school,
19 and that's why I'm here.

20 I was aware that there was a position
21 on the land base in my area where I grew up, and I
22 said that would be a great fit for me. To my
23 surprise he said, no, no, I do not want you on the
24 lake -- or rather, I do not want you on the land.
25 I want you to deal with these issues that we're

10:15:32 1 having right now in the waters.

10:15:35 2 And so it only made sense to me the
10:15:37 3 only reason why I was being fast tracked to become
10:15:40 4 a conservation officer basically immediately, was
10:15:44 5 to deal with the issues on the lake. So my
10:15:47 6 response to him, I said, oh, I get it, you need an
10:15:51 7 Indian to deal with your Indian problem. And I
10:15:54 8 said, no thanks. I think I'm done working for
10:15:57 9 natural resources. And immediately after that I
10:16:00 10 started pursuing other work.

10:16:07 11 Q. Where did you end up finding a
10:16:10 12 job?

10:16:10 13 A. A few months later I found a job
10:16:12 14 at the Saugeen Ojibwe Nation environment office.

10:16:16 15 Q. Tell us what the Saugeen Ojibway
10:16:19 16 Nation environment office is.

10:16:20 17 A. The environment office is a group
10:16:23 18 of technical people that are advisors to the
10:16:27 19 leadership of the Joint Council. So for the
10:16:30 20 record, it's Saugeen First Nation and Chippewas of
10:16:35 21 Nawash Unceded First Nation.

10:16:37 22 Collectively, they're known as the
10:16:44 23 Saugeen Ojibwe Nation, governing almost a million
10:16:45 24 and a half of traditional territory. We are the
10:16:49 25 technical bodies and advisors on resource

10:16:51 1 management and infrastructure decisions.

10:16:53 2 Q. What year did you start working
10:16:55 3 with the SON Environment Office?

10:16:57 4 A. November 2012.

10:17:03 5 Q. What was your role at the office
10:17:05 6 when you started?

10:17:06 7 A. My role at the office was a land
10:17:06 8 use planning coordinator.

10:17:08 9 Q. What did you do at that time?

10:17:09 10 A. During that time, I was generally
10:17:13 11 in charge of all the infrastructure in the
10:17:17 12 traditional territories, that's municipal housing,
10:17:20 13 provincial infrastructure and Federal
10:17:22 14 infrastructure. Parks Canada became a portfolio
10:17:26 15 that SON took over, that was also my file.
10:17:29 16 Official plan reviews, archeology and environmental
10:17:32 17 assessments, road infrastructure.

10:17:35 18 Q. And you still work there now?

10:17:36 19 A. Yes, I do.

10:17:37 20 Q. And what's your title right now at
10:17:40 21 the office?

10:17:40 22 A. Manager of resources and
10:17:42 23 infrastructure.

10:17:42 24 Q. So what additional duties have you
10:17:46 25 taken on in that role, or different duties?

1 A. Still all the same in my previous
2 title. Archeology is also a major component of my
3 job. Education on rights and harvesting.
4 Education to the non-First Nations people as well.
5 Resource development, like pits and quarries, any
6 shoreline development.

7 Q. All of your jobs that you've
8 described, you've worked in the territory?

9 A. Yes, that's correct.

10 Q. And just to be clear, when you're
11 talking about "the territory" are you referring to
12 the area that's illustrated on the map to your
13 left, Exhibit P?

14 A. This one here?

15 Q. Yes.

16 A. Yes, everything in that area
17 (indicating).

18 Q. When you say "everything in that
19 area" you mean both the land that's in -- that's
20 coloured in yellow and light green on the water?

21 A. Yes, that's correct.

22 Q. How did you learn about the
23 resources on the territory?

24 A. I'm going to assume the question
25 regarding resources is fish, water, wood, wildlife,

10:19:25 1 everything.

10:19:25 2 Q. Yes.

10:19:26 3 A. We learned about the resources at
10:19:29 4 the very, very young age. And I'm not going to
10:19:33 5 take up the Court's time and tell you have a lot of
10:19:35 6 stories about my childhood, but when we were
10:19:38 7 children, we grew up primarily in the bush.

10:19:42 8 We spent a lot of time on the land. I
10:19:49 9 can say there was some severe poverty so during
10:19:51 10 that time, we found the resources very quickly in
10:19:55 11 our home community. My parents and grandparents
10:19:58 12 told us where to harvest different wild edibles,
10:20:02 13 how the to catch a fish, where to swim, how to make
10:20:11 14 a basic trap.

10:20:11 15 So as children growing up, we just
10:20:12 16 played in the resources, as it were. In the
10:20:16 17 forests, down in the fields, down by the river, and
10:20:20 18 that became a part of our lifestyle. And those
10:20:24 19 resources over time, the knowledge of the resources
10:20:27 20 just came naturally as we grew up over time.

10:20:30 21 We were able to travel further, we were
10:20:32 22 able to know where the other resources are in the
10:20:35 23 territory; similar to where deer yards are, or
10:20:39 24 where the deer hunting is good in the fall. Or
10:20:42 25 where cold water streams are, because if you have

1 cold water streams, you can find a different
2 species of fish.

3 We learned where the chert outcrops
4 were to make stone tools. We learned where the
5 different medicines were and that knowledge
6 expanded over time.

7 Q. When you talked about your
8 grandparents telling you where to fish, where to
9 harvest, would they do that through stories?

10 A. Yes, directly to myself. My
11 grandfather is a man of few words and he's actually
12 the reason why I'm here today. We talked about
13 these things going over and saying that he wanted
14 to have a better future for us.

15 So he would tell me the stories of
16 where he went to fish, and where he went to
17 harvest, or how he used to hunt, being pursued by
18 the law enforcement as well. But those stories
19 began to grow, and that is the knowledge that he
20 was passing on to me.

21 Q. So I'd like to bring up Exhibit Q,
22 which is another map. It's also behind you, but
23 I'd like you to bring it up in the iPad, I think
24 it's in front of you, the iPad.

25 Mr. Ritchie, can you mark for us on

10:22:23 1 this map, what you've heard through oral history
10:22:26 2 about how your people used the territory?

10:22:29 3 A. Yes, I'd be glad to. You'll have
10:22:34 4 to bear with me I'm not used to using a pen and
10:22:39 5 iPad.

10:22:41 6 THE COURT: Did you say Q or U?

10:22:46 7 MS. GUIRGUIS: Exhibit Q.

10:22:48 8 THE COURT: Is there any difference? I
10:22:50 9 have Exhibit U handy.

10:22:54 10 MS. GUIRGUIS: I'm not sure.

10:22:54 11 MS. NERLAND: May I approach the
10:22:56 12 witness to help him with the iPad.

10:22:58 13 THE COURT: Of course you can.

10:22:58 14 Before you ask a question I'm just
10:23:00 15 going to see, I have several maps but I don't think
10:23:03 16 I have Q; I have it on screen obviously. Please go
10:23:32 17 ahead.

10:23:33 18 MS. GUIRGUIS: Thank you, Your Honour.

10:23:33 19 BY MS. GUIRGUIS:

10:23:34 20 Q. If you can just mark for us on
10:23:35 21 this map what you've heard from the oral history
10:23:37 22 about how your people used the territory?

10:23:39 23 A. Can I just give a bit of a segue
10:23:41 24 for everyone's references. What I'm about to mark
10:23:45 25 is where my knowledge started as a child. And

10:23:50 1 where it branched out from my knowledge in the
10:23:54 2 community, to knowledge of the resources in the
10:23:58 3 territory, and how our people accessed those. So
10:24:02 4 this by no means is a -- this is where we were.
10:24:06 5 But I just want to make sure that's clear for the
10:24:09 6 record before I start.

10:24:10 7 Q. Yes, thank you.

10:24:12 8 A. Technical difficulties. I lost
10:24:29 9 the "comment".

10:24:30 10 MS. NERLAND: Just one more time, Your
10:24:32 11 Honour?

10:24:33 12 Thanks.

10:24:45 13 BY MS. GUIRGUIS:

10:24:45 14 Q. Mr. Ritchie, you can also put it
10:24:47 15 flat if it's easier for you.

10:24:50 16 A. Yeah, that might be it.

10:25:48 17 So this is where I grew up in Saugeen
10:18:36 18 (indicating). What we learned around there was how
10:25:56 19 to harvest wild edibles, fish, access to water,
10:26:00 20 access to deer, access to small game birds like
10:26:06 21 rough grouse. Knowledge of medicines and that was
10:26:10 22 the basics that we learned when I was a kid growing
10:26:13 23 up, just being on our own generally. The reason I
10:26:17 24 point that out was food wasn't always readily
10:26:21 25 available at home with a family of eight, very hard

10:26:24 1 to do that.

10:26:25 2 Then our knowledge started extending to
10:26:29 3 the Saugeen River, as you see down here. And as
10:26:34 4 children, we'd go up the river and harvest
10:26:38 5 different things. We learned how to trap there,
10:26:41 6 mostly fishing, but also enjoying the river.

10:26:46 7 And then our knowledge transferred over
10:26:48 8 to this point here in lake, and again there's
10:26:55 9 patches of a -- big patch of wild rice down here,
10:27:00 10 the waterfowl hunting and fishing was excellent and
10:27:03 11 still is to this day.

10:27:08 12 And then as I got older I started
10:27:11 13 learning of different areas and different places to
10:27:14 14 go and hunt. And we heard of good fishing and
10:27:19 15 waterfowl hunting around these areas here
10:18:36 16 (indicating).

10:27:23 17 Q. When you say "these areas" now
10:27:25 18 you're on there --

10:27:26 19 A. Sorry.

10:27:27 20 Q. That's okay.

10:27:28 21 A. Yes, specifically that's the west
10:27:30 22 side of the Owen Sound Bay near East Linton and
10:27:34 23 getting up near Kemble and Sarawak.

10:27:38 24 Q. Thank you.

10:27:38 25 A. Then this area over here, we've

1 learned over time that this is a major deer
2 wintering area.

3 Q. And where, can you describe?

4 A. That's specifically the area of
5 Balaclava, east of the Meaford Tank Range.

6 Q. What is the Meaford Tank Range?

7 A. It's the Department of National
8 Defence.

9 You're going to have to forgive me.
10 I'm not savvy with this technical equipment. I
11 don't know how to move this map. I think it's
12 better if we have a more-scaled out map.

13 From that point out, so this is another
14 major harvesting area, this is the resources that
15 we were looking for were found. In the Meaford
16 area as well, there's a lot of deer habitat over
17 there.

18 And then you get over towards the
19 Beaver River, out of the Kimberly area in the Grey
20 Highlands, you have Lake Eugenia. This area was
21 known as a major deer yard, a lot of valuable
22 medicines are found there. A lot of Grey hunting,
23 a lot of chert outcrops, so that's the material
24 used for stone tools. I think I'm getting the hang
25 of this now.

1 And down in the Bells Lake area, and
2 again this area was primarily used for waterfowl
3 hunting, medicines as well as deer hunting as well.

4 Then we started getting down to areas
5 like the Brockton Swamp, this is the Greenock Swamp
6 in Bruce County. It is a major wetland area that
7 was used extensively for harvesting medicines,
8 harvesting white tail deer, and overall a very good
9 wildlife sanctuary.

10 Further to the south, this area here,
11 is known as the Teeswater River. That was a source
12 for cold water and a fish species known as brook
13 trout. So there was a lot of good drinking water
14 there and access to a good fishery.

15 You have the same patterning over the
16 Grey Highlands area, which is in this area.
17 There's a lot of cold water streams and tributaries
18 in this area that have that access. As a younger
19 kid I found some pottery working on a cold water
20 stream in the Markdale area. And after speaking
21 with a hobby archeologist at the time, his name
22 slips my mind, he confirmed that it was pottery
23 from about the 16th century. So an interesting
24 little find.

25 Q. Let me just stop you there and ask

10:31:18 1 you a question. When you say you were a kid, about
10:31:21 2 how old were you?

10:31:22 3 A. I was about 15. It was just with
10:31:25 4 an outdoor group that liked to work in streams.

10:31:28 5 Q. Uhm-hmm. And you mentioned also
10:31:31 6 Beaver Valley being a major wintering yard for
10:31:37 7 deer?

10:31:37 8 A. Correct.

10:31:37 9 Q. Are you talking about it currently
10:31:39 10 is or historically it was?

10:31:40 11 A. Currently and historically, yes.

10:31:42 12 Q. How do you know it was
10:31:44 13 historically?

10:31:53 14 A. As a kid growing up there was a
10:31:53 15 lot of Elders in our community that came by and
10:31:55 16 talked frequently in the language. As a kid I
10:31:59 17 understood the language very clearly. A lot of
10:32:02 18 conversations we would pick up on, hearing about
10:32:05 19 where they've hunted, where it was good, where
10:32:08 20 they've always gone, where they still go.

10:32:12 21 And I was able to pick up on those and
10:32:14 22 over time I would go to those areas as I was able
10:32:18 23 to either drive or get rides with other members to
10:32:21 24 go see where these resources are.

10:32:23 25 Because, something like the Beaver

1 Valley, this area, the ecological landscape has not
2 changed over a very long time. So the resources
3 are still there. That's generally where I first
4 started hearing about those resources in the
5 eastern part of the territory.

6 Does that answer your question.

7 Q. Yes, thank you.

8 A. I'm going to move back over to
9 these -- there's a lot of conservation lands in
10 here (indicating). And when you'll see these
11 smaller pockets of conservation lands, it's also
12 good hunting because a lot of it is protected, and
13 it's just generally used for the public. So,
14 again, we're aware of a lot of the resources in
15 these conservation lands.

16 The Luther Marsh, as well is down here
17 (indicating). You can see that was a major
18 stopover for waterfowl, so hunting for ducks and
19 geese, hunting deer. We spent a lot of time down
20 there hunting in the past. I've harvested here at
21 Inverhuron Provincial Park, that's going to just
22 south of Port Elgin and Southampton. I've
23 harvested at MacGregor Point, MacGregor Point
24 Provincial Park.

25 Q. Again, Mr. Ritchie, just in terms

1 of what you were just talking about with Inverhuron
2 and MacGregor Park, when you say you harvested
3 there, has it also been historically harvested?

4 A. To my knowledge, yes.

5 Q. And how do you know that?

6 A. It was confirmed -- I guess I've
7 hunted there and I've fished in both provincial
8 parks, growing up, through my work with SON, and
9 again the resources and the access to that stuff
10 doesn't change.

11 At Inverhuron, specifically, you will
12 find an entire chronology of time of First Nations
13 occupation, right up until pioneer settlement. And
14 that history we know, because there had been
15 projects proposed in Inverhuron.

16 And there's access to medicines,
17 resources, fish, clean water, so that was a natural
18 hotspot or long-term occupation from First Nations.
19 I've harvested in places like Chief's Point which
20 is one of our communities in Saugeen.

21 Along through here, we've harvested
22 fish in the near shore fisheries (indicating).
23 Black Creek Provincial Park, excellent for fishing
24 and waterfowl hunting.

25 Q. So, Mr. Ritchie, before we get

1 into the details, but this is a good start, we have
2 some other close up maps about certain areas of the
3 territory.

4 A. Right.

5 Q. But I just wanted to get a sense
6 is that when you're showing us these areas that
7 you've harvested on, we're also talking about what
8 you've heard in terms of from oral history as to
9 what's been harvested throughout the territory,
10 correct?

11 A. Right. I just want to point you
12 to one more point on this map here --

13 Q. Sure?

14 A. -- before I scale out and redo
15 something.

16 I'm having trouble moving this map
17 again.

18 Q. It always works so well before we
19 actually need it to.

20 MS. NERLAND: Sorry, Your Honour.

21 THE WITNESS: What I wanted to show you
22 as well, is there is a chert outcrop near -- it's
23 called Cabot Head Provincial Park, which is just
24 out of the screen. So that's our linkage --

25 BY MS. GUIRGUIS:

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10:38:12 25

Q. To the north, it's out of the screen?

A. It's on, yes, so it's north on the east side, so the Georgian Bay side, just north of Dyer's Bay, you'll see Dyer's Bay on the top of this map here.

That was a significant area. There is a ton of resources there from medicines to wildlife, to a very specific chert outcrop that I believe exists for making pipes. So the reason why I wanted to illustrate the resources that I've become aware of over time is because it's actually drawing a very particular picture. And I wish this map would move out.

You'll have to just bear with me on this so and again I wanted to start from Saugeen, because that's where my home community is. And you'll see access from the Saugeen community to places like Aaron Lake. Along the Saugeen shoreline, we have knowledge of a lot of ancestral remains and materials associated with hunting and occupancy, along this area (indicating).

We have what we now know as Highway 21. The stories that I was given as a kid that Highway 21 was a single footpath trail to Owen Sound where

10:38:15 1 the other villages existed. And history will tell
10:38:20 2 us that there was occupancy through Colpoy's Bay,
10:38:22 3 on the other side of Colpoy's Bay here, on the East
10:38:26 4 Linton areas Balmy Bay Beach.

10:38:29 5 So you see this trail that's beginning
10:38:32 6 to happen. And then they followed the shoreline to
10:38:34 7 areas where they've harvested white tail deer.

10:38:49 8 This pen here is giving me a hard time.
10:38:53 9 But the point that I'm trying to make is, you'll
10:38:55 10 see, based on the resources that we've utilized,
10:39:00 11 that I grew up knowing -- being passed down from
10:39:04 12 Elders and people that harvest it.

10:39:06 13 You'll see basically a web effect on
10:39:11 14 where the resources are. And what we were told
10:39:15 15 growing up as kids, that this is where these
10:39:19 16 trails, these provincial highways were established
10:39:24 17 on our harvesting trails and that's fairly common
10:39:27 18 when you see the intersection of 6 and 10, and
10:39:31 19 these are all resource-based.

10:39:37 20 And I have this map, and I apologize if
10:39:37 21 I had this map to cooperate with me, you'll see a
10:39:39 22 connection on the land to where the resources are.
10:39:42 23 And that's how I started learning the knowledge of
10:39:46 24 the resources in our territory.

10:39:48 25 Q. Thank you, Mr. Ritchie.

10:39:50 1 MS. GUIRGUIS: Your Honour, I'd like to
10:39:51 2 mark this as an exhibit.

10:39:53 3 THE COURT: Any objection?

10:39:55 4 No? Mr. Registrar.

10:39:57 5 THE REGISTRAR: Exhibit 4000.

10:39:59 6 EXHIBIT NO. 4000: Annotated Version of
10:40:01 7 the Map previously marked as Exhibit Q.

10:40:01 8 THE COURT: Thank you.

10:40:07 9 BY MS. GUIRGUIS:

10:40:07 10 Q. So with this in mind, and you
10:40:09 11 already started talking about your own harvesting
10:40:11 12 through the territory, I want to unpack that a bit,
10:40:14 13 Mr. Ritchie, about what "harvesting" means. What
10:40:17 14 would you define as "harvesting"?

10:40:19 15 A. When the earth was created, the
10:40:24 16 Creator gave us the land and the water, and the
10:40:29 17 air, and all the resources with that. And it's my
10:40:32 18 understanding that through all the resources that
10:40:35 19 are available through Mother Earth from the
10:40:37 20 Creator, everything from the soil, the water, the
10:40:41 21 fish, the fur bay mammals, the birds, the large
10:40:47 22 animals, both small, and otherwise, were all
10:40:52 23 harvested. Where there was firewood for heat,
10:40:56 24 there was water for drinking, fish for eating,
10:41:00 25 wildlife for eating, the harvesting of medicines,

1 the harvesting of wild plants for eating as well,
2 so harvesting to me is everything from the soil to
3 the waterfowl.

4 Q. And often we're talking about
5 quote/unquote "traditional harvesting"?

6 A. Correct.

7 Q. What does it mean when we say
8 "traditional"?

9 A. Traditional is just an easy word
10 for saying we've done something for a very long
11 time. Since I can remember, you know, these are
12 the beginnings of our story from the Creation
13 story, to the oral history that we grew up on as
14 children about what was right and wrong. So
15 traditional harvesting has always been there.
16 There was no such thing as pharmacies, few hundred
17 years ago. We never had access to doctors. You
18 know, that we know now.

19 We had to understand what plants and
20 medicines were out there, if we had a headache or
21 if we took sick to something else, we had to
22 harvest, in case of a long winter, if we didn't
23 have enough firewood, I don't think we would
24 survive, if we didn't have enough meat, we wouldn't
25 survive, if we didn't have enough water, we

1 wouldn't survive. So that is a normal every day
2 practice for First Nations. And that's, to my
3 knowledge, has been happening for a very long time.

4 So that's my definition of "traditional
5 harvesting".

6 Q. What role does Anishinaabe Law
7 play in traditional harvesting?

8 A. The role of Anishinaabe Law
9 dictates that we can only take what we need, and
10 nothing more. And Mother Earth has enough to
11 sustain as people if we abide by that law.

12 Q. I'd like to talk a little bit more
13 about how you learned harvesting practices, you've
14 touched on the fact that you grew up as a kid in
15 the bush?

16 A. Uhm-hmm.

17 Q. When did you start harvesting?

18 A. The first time I remember
19 harvesting a bird, I would have been about 11 years
20 old. I did some fishing prior to that, but things
21 really came to me when I harvested that bird on my
22 own. And the reason I say that is because I was
23 playing in the bush by myself and I'd fashioned
24 this bow and I had a little stick and this bird
25 flies up, and it was what we know now as a rough

10:43:38 1 grouse, and I shot it and I got it. I was very
10:43:41 2 proud to take that home to my grandmother.

10:43:44 3 Something clicked inside me that I
10:43:47 4 think was suppressed for a very long child. As a
10:43:50 5 child growing up I was forbidden to practice,
10:43:53 6 learn, and observe my own culture. I grew up in a
10:43:58 7 very strict Christian home, that had no room for
10:44:03 8 the idea of culture or practicing any part of that.

10:44:06 9 So being suppressed by that for a very
10:44:09 10 long time in my life, that natural occurrence has
10:44:13 11 happened I believe with the Creator to set me on my
10:44:17 12 path. Something became alive when that happened.
10:44:21 13 And since then, I had a keen interest in learning
10:44:26 14 what that actually -- what that feeling was? How
10:44:29 15 could I bring that feeling back to life.

10:44:33 16 It was a very special moment for me,
10:44:35 17 and I continue down that path. I realized that the
10:44:39 18 deer trails that I grew up running as a kid, was an
10:44:44 19 opportunity to learn how, where and why deer move.
10:44:48 20 The same thing with fish. The same thing with any
10:44:51 21 animal that, you know, you harvest for sustenance.

10:44:59 22 So a lot of my knowledge was inherent
10:45:01 23 knowledge that was dormant because of my
10:45:06 24 upbringing, because I was not allowed to teach
10:45:07 25 this. There is a lot of family members that were

1 part of the residential schools and that
2 suppression I believe came from that era.

3 That kept pushing at me, so I kept
4 learning myself. And initially, that inherent
5 knowledge was already there, and those teachings
6 started from the land. I had watched animals, I
7 learned how to pursue them, based on their own
8 knowledge. And over time, I was able to connect
9 with a lot of our knowledge holders in our
10 communities, who then basically pieced those
11 puzzles together that tell me why I was feeling
12 this, they told me the protocols, they told me the
13 stories that made sense.

14 So my inherent knowledge came to life
15 as a kid, I pursued that on my own. It was
16 solidified through the knowledge of our Elders.

17 Q. Who are the knowledge holders that
18 you learned from?

19 A. People like Vernon Roote, Dave
20 Roote and Ron Roote, Paul Nadjiwon, just to name a
21 few.

22 Q. You mentioned earlier that you had
23 trained in natural resources law when you were in
24 school. How did your training influence how and
25 where you harvested?

10:46:27 1 A. I would have to say, I don't think
10:46:37 2 it influenced the way I hunted. I pursued an
10:46:40 3 education in that field of work, to better
10:46:43 4 understand how the Government operated and why. As
10:46:49 5 a member of the Ontario Public Service at that
10:46:52 6 time, I was aware of the different laws and that's
10:46:55 7 what I wanted to educate myself in. How does
10:46:57 8 Ontario function and why? Why does the Fishing and
10:47:01 9 Wildlife Conservation Act exist?

10:47:03 10 But I was always very aware of who I
10:47:06 11 was as an Indigenous person. And that played a
10:47:10 12 profound effect on how I harvested. I was aware of
10:47:14 13 the laws, as a member of the -- as an employee of
10:47:18 14 the Ontario Government, when I wore that uniform,
10:47:22 15 or when I represented Ontario, that's who I worked
10:47:26 16 for. But I was always an Anishinaabe person. And
10:47:30 17 I observed and held those rights under our
10:47:32 18 Anishinaabe Law.

10:47:33 19 Q. In your role at the environment
10:47:37 20 office, do you do research about lands and wildlife
10:47:41 21 in and on the territory?

10:47:42 22 A. I'm directly involved in some
10:47:47 23 research, more recently black bear monitoring. So
10:47:51 24 the genetics of the population I mentioned earlier
10:47:55 25 that we're dealing with a genetically isolated

10:47:59 1 population of black bears. There's a coastal
10:48:03 2 waters monitoring program that was initiated a few
10:48:06 3 weeks ago for the SON traditional territory waters.

10:48:12 4 There's been studies on the health of
10:48:15 5 the inner harbour at Owen Sound, and there have
10:48:18 6 been numerous other studies that the SON
10:48:20 7 Environment Office have been involved in, including
10:48:22 8 food security. Those are just to name a few. I
10:48:25 9 know we've been involved in other studies but those
10:48:27 10 are the few that come to the top of my head.

10:48:30 11 Q. Has this research changed or
10:48:32 12 impacted your harvesting practices?

10:48:34 13 A. It would change -- that's a -- it
10:48:43 14 influences us on where the issues are. If there
10:48:48 15 was a decline in the fish species that we
10:48:51 16 harvested, I would certainly take that information
10:48:54 17 and share that with our community and our
10:48:56 18 leadership to advise them and inform them on the
10:48:59 19 resources that we use.

10:49:01 20 Q. Have you had a chance to learn
10:49:07 21 much about this litigation through working with the
10:49:09 22 SON Joint Council?

10:49:11 23 A. When I started in 2012 I was aware
10:49:14 24 that there was a land claim pending, my core
10:49:20 25 position at the Saugeen Ojibwe Nation Environment

1 Office was to review municipal infrastructure,
2 resource management decisions and provide
3 recommendations for leadership, how to move on some
4 of these projects. But yes, I was aware of the
5 land claim.

6 Q. Has that knowledge that you gained
7 through that work changed your traditional
8 harvesting in the territory?

9 A. I'm going to say, no.

10 Q. Your knowledge about this case
11 hasn't impacted where you harvest then?

12 A. No, prior to my -- can I give an
13 example of how that hasn't changed?

14 Q. Sure.

15 A. It hasn't changed. What I've
16 demonstrated here is that during my time as a
17 child, I had no idea that there was a boundary, or
18 whatever you want to call it, a line, as it were,
19 on a map where our territory was. My knowledge
20 came from where the resources are. And working at
21 SON only solidified I guess that knowledge through
22 archeology and studies like the land claim, I
23 guess, that I could argue and say, well the
24 territory is here based on where we've historically
25 used the land, where the deer are, where the cold

1 water streams are, where the chert outcrops are,
2 where the plants are. My understanding is that we
3 are quite nomadic in our movement in the territory.

4 So to answer your question, the
5 knowledge of the land claim has not changed my, or
6 influenced where I harvest because I harvested here
7 as a young person without knowledge of a map.

8 Q. Thank you.

9 So you still traditionally harvest
10 regularly, correct?

11 A. Yes, that's correct.

12 Q. Who do you hunt with?

13 A. Primarily by myself. For the last
14 while, we will harvest with other members, both
15 from Saugeen and Nawash.

16 Q. When you say "for the last
17 while"...

18 A. I would say probably for the last
19 decade at least.

20 Q. And how big are those groups that
21 go out?

22 A. Maybe 10 to 15 people.

23 Q. So I'd like to talk about hunting,
24 fishing and harvesting in turn and in a bit more
25 detail.

10:52:07 1 Much of this you've mentioned in
10:52:11 2 passing, but let's start with hunting.

10:52:14 3 What animals do you hunt?

10:52:16 4 A. Primarily white tail deer.

10:52:24 5 Waterfowl, upland game bird, like, rough grouse and
10:52:29 6 pheasant, wild turkey. I hunt for fish, those are
10:52:35 7 the primary food sources that I'll hunt fish for.

10:52:39 8 Q. What time of year do you hunt
10:52:41 9 deer?

10:52:41 10 A. We'll hunt deer in the fall.

10:52:44 11 Q. And why only in the fall?

10:52:45 12 A. In the wintertime, our own -- our
10:52:51 13 teachings, you know, they'll -- the animals need a
10:52:55 14 break. That's a time when everything is at a stop.
10:52:58 15 That's when we're really kind of forbidden to do a
10:53:01 16 whole lot. Plus the deer need a break. And by the
10:53:07 17 springtime, the male deer, referred to as bucks,
10:53:10 18 they'll drop their antlers. So it makes it
10:53:13 19 impossible to distinguish between a doe and a buck.
10:53:17 20 By the springtime the females are carrying fawns.

10:53:22 21 Q. When do you hunt waterfowl?

10:53:25 22 A. I prefer hunting waterfowl in the
10:53:31 23 spring.

10:53:31 24 Q. What do you do with the game that
10:53:38 25 you hunt?

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A. It's generally just for my own personal sustenance.

Q. Do you ever sell it?

A. No, I do not.

Q. Why not?

A. The Anishinaabe Law teaches that, take only what you need. For those reasons I will hunt generally for myself. But I also will hunt for people, I want to be clear, when I talk about hunting for other people I'm talking about Elders, and people that don't have the ability to harvest, that don't have the means to buy groceries. We will stock them with firewood, with fish, with deer, whatever they ask. That's my job as a hunter in the community, and a Harvester.

Q. Do you have a firearms licence?

A. Yes, I do.

Q. Have you completed firearms safety training?

A. Yes, I have.

Q. Can you describe the safety precautions you take when you are hunting?

A. I won't get into detail, but there is a acronym we learn during the firearms safety course and the first acronym is ACTS, the second

10:54:48 1 acronym is PROVE.

10:54:51 2 So quickly what that means is, "assume"
10:54:54 3 the firearm is loaded; "control" the muzzle
10:55:01 4 direction; the "trigger" safety area is clean and
10:55:03 5 clear; and the "S" stands for, "see" that the
10:55:10 6 firearm is safe.

10:55:11 7 So when we go into the second part,
10:55:14 8 which is PROVE, which is "point" the firearm in a
10:55:18 9 safe direction; remove -- "remove" the clip;
10:55:26 10 "observe" the chamber; "verify" the feeding path;
10:55:30 11 and finally, "examine" the bore.

10:55:35 12 When we go through those two acronyms
10:55:38 13 that makes sure that if I was handing a firearm to
10:55:42 14 somebody else they're required to do that. That
10:55:44 15 was principal of the firearm safety course. And
10:55:46 16 once you could demonstrate how to safely operate a
10:55:49 17 firearm, we got the licence. And I follow that
10:55:53 18 principle all the time.

10:55:53 19 Q. Do you obtain a hunting licence
10:55:55 20 from the Province?

10:55:56 21 A. I do for one purpose only.
10:56:00 22 Approximately seven years ago, I went hunting with
10:56:03 23 a non-First Nation person well outside of my
10:56:07 24 territory.

10:56:07 25 Q. Have you ever obtained a hunting

1 licence for hunting inside your territory?

2 A. No.

3 Q. Why do you comply with getting a
4 firearms licence but not a hunting licence?

5 A. The reasons I comply with the
6 Firearms Safety Act is I think it's reasonable to
7 demonstrate, that anybody should demonstrate that
8 they're competent and safe using a firearm. To me,
9 I distinguish it no different than actually earning
10 the right to drive a vehicle through a drivers
11 examination. I feel firearms can be dangerous in
12 the wrong hands and I find it completely reasonable
13 to demonstrate that your safe using criteria that
14 everybody else has to follow.

15 Q. And why don't you believe you have
16 to get a hunting licence?

17 A. Harvesting is an inherent right
18 that existed well before Crown law and I still
19 observe those rights.

20 Q. Let's talk about fishing. What
21 kind of fish do you catch?

22 A. In short, it's any fish that's out
23 there. But specifically it will be pike, bass,
24 perch, walleye, white fish, trout. I think that's
25 about it.

10:57:34 1 Q. What times of year do you wish?

10:57:36 2 A. Depending on the species you can
10:57:38 3 fish generally any year round. You'll catch some
10:57:42 4 trout in the spring time, you'll catch walleye in
10:57:44 5 the spring, bass in the early summer to late
10:57:47 6 summer, and you can catch pike in the summertime,
10:57:49 7 and again you can catch trout and perch through the
10:57:53 8 winter months. And in the winter months it's
10:57:56 9 limited because the lakes and the rivers are frozen
10:57:59 10 over, and at which point we can go ice fishing.

10:58:05 11 Q. What method do you use to fish?

10:58:07 12 A. Combination of sorts. I use a
10:58:10 13 bow, I use a spear, I use nets, we use fishing pole
10:58:16 14 and sometimes I'll use my hands.

10:58:18 15 Q. What do you do with the fish you
10:58:21 16 catch?

10:58:21 17 A. I keep them home for myself, share
10:58:24 18 with whoever asks.

10:58:25 19 Q. Do you obtain a fishing licence?

10:58:30 20 A. No.

10:58:31 21 Q. Why not?

10:58:31 22 A. Again, it's a resource and a right
10:58:36 23 that existed before settlement, and I still observe
10:58:40 24 that.

10:58:40 25 Q. Tell me about the other types of

10:58:44 1 harvesting that you do.

10:58:45 2 A. I will go to different areas in
10:58:53 3 the territory, where a lot of medicines don't exist
10:58:56 4 in Ontario anymore. For whatever reason, I've been
10:59:01 5 given the knowledge on where certain rare medicines
10:59:05 6 actually exist in our territory. And I keep that
10:59:08 7 as a Bear Clan member, that knowledge stays with
10:59:13 8 me. And to preserve that, to protect it, but also
10:59:17 9 to use it if I need to.

10:59:24 10 I will harvest different wild edibles,
10:59:27 11 like morels, fiddle heads, leeks, wild onions, wild
10:59:32 12 ginger, and these are found fairly abundant through
10:59:35 13 our territory, no matter where you go.

10:59:37 14 I'll harvest wood. I'll harvest
10:59:40 15 materials for ceremony. It's not just limited to
10:59:50 16 just deer and fish, but I used to do a lot of
11:00:01 17 trapping as well.

11:00:01 18 Q. What do you trap?

11:00:03 19 A. I used to trap coyote, a lot of
11:00:06 20 beaver, meaning, that's pretty much it.

11:00:13 21 Q. You say used to so you don't trap
11:00:13 22 much anymore?

11:00:13 23 A. No, I don't.

11:00:14 24 Q. Why don't you do it anymore?

11:00:24 25 A. Mainly because two reasons, I

11:00:25 1 don't have a lot of time to trap anymore. And a
11:00:28 2 lot of theft was occurring and if anyone has an
11:00:33 3 appreciation for traps, they're not cheap.

11:00:36 4 Q. But you still do on occasion?

11:00:38 5 A. I do, yes.

11:00:39 6 Q. When you have trapped in the past,
11:00:42 7 or when you still do, do you get a trapping licence
11:00:45 8 in the Province?

11:00:45 9 A. No.

11:00:46 10 Q. Why not?

11:00:47 11 A. I believe it to be my inherent
11:00:51 12 right.

11:00:51 13 Q. So we started with this map
11:00:57 14 talking about areas where you harvest. I have a
11:01:00 15 few more questions about where you harvest and I'm
11:01:03 16 going to take you to some other maps as well that
11:01:07 17 are more close-up snapshots of the territory.

11:01:10 18 So there's five maps that I'd like to
11:01:12 19 take you to in turn and ask some questions about
11:01:14 20 your traditional harvesting and what you harvest
11:01:17 21 for.

11:01:21 22 My colleague, Ms. Nerland, will assist
11:01:29 23 you in bringing up the appropriate maps.

11:01:32 24 THE COURT: Are these five maps already
11:01:34 25 exhibits, or are you asking to mark them?

11:01:36 1 MS. GUIRGUIS: I will be asking to mark
11:01:39 2 them as exhibits. They are in the ready database
11:01:41 3 and they have been provided to counsel.

11:02:04 4 MS. NERLAND: Let's go analog.

11:02:07 5 MS. GUIRGUIS: We've prepared for this.

11:02:56 6 BY MS. GUIRGUIS:

11:02:56 7 Q. So one thing, Mr. Ritchie, before
11:02:58 8 I start asking you questions and before you start
11:03:00 9 marking up the map, you mentioned that you had
11:03:04 10 gifted knowledge of where certain medicines are
11:03:06 11 located. And I understand that there is some
11:03:08 12 sensitive information that you have about where
11:03:09 13 certain things are located if that is the case and
11:03:12 14 you don't want to identify specifically what is
11:03:14 15 where, that's fine.

11:03:15 16 THE COURT: Even though it's obviously
11:03:18 17 fine for this gentleman to use a paper version,
11:03:21 18 you're still going to need to bring the map up on
11:03:24 19 the screen which is not presently on the screen
11:03:29 20 before you start your questions.

11:03:31 21 MS. GUIRGUIS: Yes, we will do that,
11:03:32 22 Your Honour.

11:03:33 23 THE COURT: So that everybody else can
11:03:34 24 see it.

11:03:39 25 What is the number, just for the

11:03:41 1 record?

11:03:42 2 MS. GUIRGUIS: So this first map is
11:03:45 3 SC0112 in the ready database -- oh, I'm sorry.

11:03:56 4 THE COURT: Just to be efficient. So
11:03:58 5 there are five of these maps. And I take it from
11:04:03 6 what you've said that no one is objecting to them
11:04:05 7 becoming exhibits. So, as you go, we will give
11:04:10 8 them exhibit numbers beginning with this one,
11:04:13 9 Mr. Registrar.

11:04:15 10 THE REGISTRAR: Exhibit No. 4001.

11:04:18 11 THE COURT: And are you marking
11:04:19 12 separately an annotated version of this or are you
11:04:23 13 only marking the annotated version?

11:04:25 14 MS. GUIRGUIS: We were only going to
11:04:28 15 mark the annotated version and have that added as
11:04:36 16 an exhibit.

11:04:36 17 THE COURT: Well, I think we should do
11:04:36 18 both.

11:04:36 19 This will be 4001, and when the witness
11:04:37 20 is finished with it you can have the annotated
11:04:39 21 version separately marked.

11:04:41 22 MS. GUIRGUIS: Thank you, Your Honour.

11:04:42 23 EXHIBIT NO. 4001: Map of the Northern
11:05:00 24 Peninsula Harvesting Areas.

11:04:48 25 THE COURT: Please go ahead.

11:04:49 1 BY MS. GUIRGUIS:

11:04:50 2 Q. Thank you.

11:04:51 3 So Mr. Ritchie, are you familiar with

11:04:53 4 this map?

11:04:53 5 A. Yes, I am.

11:04:55 6 Q. It's titled "Northern Peninsula

11:05:00 7 Harvesting Areas". Can you please describe what

11:05:03 8 this map is?

11:05:04 9 A. Yes, this is a map that I pulled

11:05:06 10 from Google Earth and it's the northern portion of

11:05:07 11 the Peninsula and which I've described as some of

11:05:12 12 my harvesting areas.

11:05:15 13 Q. And you added text at the top

11:05:18 14 underneath where it's titled "Northern Peninsula

11:05:22 15 Harvesting Areas"?

11:05:23 16 A. Correct.

11:05:24 17 Q. Can you read out that text?

11:05:25 18 A. Yes, so it says that private and

11:05:28 19 Crown lands are subject to harvesting, all Crown

11:05:30 20 lands need no permission for access. If private

11:05:34 21 lands are not posted as required, then those lands

11:05:37 22 are used as -- sorry, I can't pull the rest of that

11:05:43 23 up.

11:05:44 24 Q. Those lands are used?

11:05:46 25 A. Yes. I think what the intention

1 of that was, if it's private land I'll ask
2 permission.

3 Q. So I'd like to ask you some
4 questions about this map. The first start is what
5 are the green lines on this map, the outline?

6 A. I'd just make one clarification.

7 Q. Sure.

8 A. When I refer to the "private
9 lands" I meant the lands that are posted "private
10 lands" I do not access.

11 Q. So what are the green lines that
12 we see on this map?

13 A. The green lines that you see on
14 the map is a combination of provincial and Federal
15 lands. So the main portion, and sorry, I can't --
16 this area here is known as the Bruce Peninsula
17 National Park.

18 Q. And so those green lines that's
19 still there that's added through Google Earth?

20 A. Correct.

21 THE COURT: Sir, if you stand and talk
22 with your voice I think you'll be heard.

23 THE WITNESS: I'll be good, okay.

24 THE COURT: If there's a problem we'll
25 let you know.

11:06:52 1 THE WITNESS: Sounds good.

11:06:54 2 THE COURT: All right. Please go
11:06:55 3 ahead.

11:06:56 4 BY MS. GUIRGUIS:

11:06:56 5 Q. So it includes, you said, the
11:06:57 6 National Park, and what other types of lands?

11:07:00 7 A. Provincial reserve lands and
11:07:02 8 provincial Crown lands.

11:07:04 9 Q. And why are you using a map that
11:07:11 10 shows these areas, these provincial reserve lands
11:07:14 11 and Crown lands marked by the green lines to talk
11:07:17 12 about where you harvest?

11:07:19 13 A. For ease of access we don't need
11:07:21 14 permission from anybody to access those lands.
11:07:24 15 It's just easier to point our members and myself to
11:07:27 16 an area that's Crown land or held by the Crown,
11:07:30 17 rather than getting permission from a private
11:07:33 18 landowner, but we also do that as well.

11:07:35 19 Q. Please show me where you harvest
11:07:40 20 on this map?

11:07:40 21 A. Okay. The square box, just east
11:07:48 22 of Highway 6, I'm just going to put a single marker
11:07:52 23 on that because this is known as the "Saugeen and
11:07:55 24 Nawash hunting grounds". That's partial land
11:07:59 25 dedicated just for SON (indicating).

11:08:01 1 There's a bit of private ownership --
11:08:05 2 sorry, I'm going to move this map just a little
11:08:08 3 bit. Is that okay?
11:08:10 4 MR. MC CULLOCH: I can just make it up.
11:08:11 5 THE WITNESS: I'm trying to make sure
11:08:15 6 Her Honour can see what I'm trying to draw here.
11:08:17 7 This entire area southeast of the
11:08:23 8 hunting grounds up to upper and lower Andrew Lake
11:08:29 9 is also used for deer hunting -- I don't like this
11:08:33 10 marker. You can't see anything.
11:08:48 11 Up to this area (indicating), this is
11:08:50 12 upper and lower Andrew Lake, which has been
11:08:54 13 accessed for years for fishing and trapping and
11:08:59 14 deer hunting through this area and it follows
11:09:02 15 the -- this is known as Dyer's Bay Road, I believe.
11:09:10 16 So you can access these back country
11:09:13 17 sides, through all these roads, and we'll get deer
11:09:16 18 hunting and medicine gathering in this area. This
11:09:19 19 area here is used extensively for deer hunting and
11:09:22 20 just carries on through this area.
11:09:24 21 There's portage routes into this lake
11:09:29 22 which I believe is -- the name slips my mind now.
11:09:34 23 But that lake is also accessed through trails for
11:09:37 24 fishing. This is George Lake, primarily used for
11:09:43 25 fishing and hunting. There are camps set up here,

11:09:48 1 here, and here, and here, and that's accessed by
11:09:53 2 many points and trails through those hunting
11:09:56 3 grounds (indicating).

11:09:57 4 So a lot of this area has been
11:09:58 5 presently and historically used for mainly hunting
11:10:02 6 deer, catching fish and other medicine gathering.

11:10:05 7 BY MS. GUIRGUIS:

11:10:05 8 Q. So when you're saying "this area",
11:10:07 9 just to be clear for the record, we're talking
11:10:09 10 about north of Miller Lake on the west side of the
11:10:14 11 Peninsula, west of highway -- is that Highway 6?

11:10:16 12 A. East.

11:10:17 13 Q. East, sorry. East side of
11:10:19 14 Highway 6?

11:10:19 15 A. Yes.

11:10:20 16 Q. Thank you, go ahead?

11:10:24 17 A. This area I believe is known as
11:10:27 18 Gilles Lake. It's also been accessed for fishing
11:10:31 19 in the wintertime and in the springtime. It is a
11:10:36 20 lot of cottage development around there, we still
11:10:40 21 access through that just through verbal permission
11:10:43 22 to fish there because there's only so many access
11:10:46 23 roads into that.

11:10:48 24 Q. So you access Gilles Lake through
11:10:51 25 permission from private landowners that surround?

11:10:53 1 A. Yes, just asking, sometimes
11:10:55 2 they're not there, in the spring -- in the
11:10:57 3 wintertime.

11:10:58 4 Q. Okay.

11:11:01 5 A. This area here is known as Cabot
11:11:08 6 Head (indicating). It is a very significant area
11:11:10 7 because it is a very ecologically sensitive area.
11:11:15 8 It is great for black bears, it's great for white
11:11:18 9 tail deer. It's host to dozens of medicines. It's
11:11:21 10 also the place where we talk about this chert
11:11:25 11 outcrop that exists for making pipes; a lot of oral
11:11:27 12 history in that area.

11:11:29 13 Q. Cabot Head, that is the point
11:11:32 14 that's to the east?

11:11:33 15 A. Yes, yes. This is the area known
11:11:39 16 as Singing Sands National Park area. There's cold
11:11:43 17 water streams here for brook trout. There's
11:11:45 18 another stream called Will Creek, that is also
11:11:50 19 connected to our hunting grounds, that was accessed
11:11:53 20 for brook trout as well. There is a lot of
11:11:57 21 medicines along these portions of the shoreline.
11:11:59 22 So a lot of people talk about harvesting medicines
11:12:03 23 through this area.

11:12:08 24 Along through here, this entire reach
11:12:10 25 is known as Johnson's Harbour. When I refer to my

1 notes regarding the National Park and the issues
2 for First Nations, that's where a lot of those
3 issues took place in the Johnson's Harbour area.

4 Q. Can you describe for the record,
5 where Johnson's Harbour is, so we're on the west
6 side now?

7 A. We're on the west side of
8 Highway 6, on the Lake Huron shoreline. Let me try
9 and give you -- I guess this is north-northwest of
10 Miller Lake off of Highway 6.

11 Q. Thank you.

12 A. This is known as Miller Lake,
13 common area for warm water fishery. This is
14 Cameron Lake, as well, it is a great spot for
15 walleye, we'll fish there. We'll access that in
16 the summertime and in the wintertime.

17 Q. Sorry, Mr. Ritchie, going back to
18 Miller Lake warm water fishery, what kind of fish?

19 A. Sorry, that's walleye, that's bass
20 primarily.

21 Q. Thank you.

22 A. I have a lot of friends who live
23 along -- this is called the East Road. So this is
24 the junction of Dyer's Bay Road and the East Road.
25 I have a few friends that own a large chunk of this

1 entire property down to this existing pit and
2 quarry so a lot of that we use every year for
3 harvesting deer, for harvesting waterfowl, for
4 harvesting turkey, for harvesting medicines, for
5 harvesting cedar. Heavily used by First Nations
6 people in that area.

7 This area here is known as the Lindsay
8 Tract.

9 Q. Which area are you marking when
10 you say "this area"?

11 A. The area right here (indicating).
12 I'm going to say 15 kilometers north of Lion's Head
13 and it intersects Highway 6.

14 Q. Thank you. Go ahead. You were
15 saying the Lindsay Tract?

16 A. Again, that's also utilized
17 heavily by a lot of our members. It's easily
18 accessible. There's abundant resources there from
19 medicines to good hunting.

20 Q. Okay. Is there anything else that
21 you want to mark on this map?

22 A. I mean, the shoreline here, all
23 along through this entire area.

24 Q. The Lake Huron?

25 A. Yes, on the Lake Huron side from

1 Stokes Bay to the Miller Lake area is excellent for
2 bass and perch fishing. We've utilized that
3 through the years for a lot of fishing.

4 Q. Excellent, thank you Mr. Ritchie.

5 So, Your Honour, so I'd like to mark
6 this annotated version as the next exhibit.

7 THE COURT: Mr. Registrar?

8 THE REGISTRAR: Exhibit 4002.

9 EXHIBIT NO. 4002: Annotated Map of the
10 Northern Peninsula Harvesting Areas.

11 THE COURT: Did you say 4002?

12 THE REGISTRAR: 4002.

13 THE COURT: Thank you.

14 BY MS. GUIRGUIS:

15 Q. Just one more question while we're
16 on this map, Mr. Ritchie. You've noted at some
17 point in time in all the places that you've marked
18 you have harvested there personally?

19 A. Yes.

20 Q. Have you harvested in the Bruce
21 Peninsula -- sorry. Have you harvested in the
22 Bruce Peninsula National Park?

23 A. Yes, I have.

24 Q. What have you harvested there?

25 A. I've harvested everything from

1 mushrooms, medicines, deer, and antlers.

2 Q. In general, are people allowed to
3 harvest in the National Park?

4 A. The general public?

5 Q. That's right.

6 A. No.

7 Q. Why do you harvest there?

8 A. It's my inherent right to do so,
9 the National Parks, I guess were created long after
10 the fact my people were there.

11 Q. Have you ever been charged for
12 hunting in the park?

13 A. No.

14 Q. So I'd like to move to the second
15 map, which is SC0110. The title on this has been
16 corrected. It did say, "South Peninsula Harvesting
17 Area" but this is the "Central Peninsula Harvesting
18 Area"?

19 A. Yes.

20 Q. Are you familiar with this map?

21 A. I am, yes.

22 Q. Can you please describe what it
23 is?

24 A. It is a map that I provided to you
25 for the Central Peninsula harvesting area.

11:17:14 1 Q. And again, you made the markings
11:17:16 2 at the top, the sentence at the top?
11:17:18 3 A. Yes, I did.
11:17:19 4 Q. Can you describe what area of the
11:17:22 5 peninsula it roughly covers?
11:17:23 6 A. This will cover basically the
11:17:25 7 Lion's Head on the Georgian Bay side of the
11:17:29 8 peninsula to the Oliphant area. And I will
11:17:32 9 intentionally try to stop at the Wiarton area, I'll
11:17:37 10 mark only this area, because I think on another map
11:17:40 11 we'll get into that.
11:17:43 12 Q. Again, the green lines on this map
11:17:49 13 denote the same thing that they did on the last
11:17:49 14 one, that they're recreational areas, National Park
11:17:51 15 Lands, Federal Lands.
11:17:51 16 A. Just provincial lands on the
11:17:53 17 central map.
11:17:54 18 Q. Okay, just provincial park lands?
11:17:56 19 A. National Park lands only exist on
11:17:59 20 the north map that I provided.
11:18:04 21 Q. Okay, thank you.
11:18:04 22 MS. GUIRGUIS: Your Honour, I'd like to
11:18:06 23 mark this as the next exhibit.
11:18:07 24 THE COURT: Mr. Registrar.
11:18:08 25 THE REGISTRAR: Exhibit 4003.

1 EXHIBIT NO. 4003: Map of the Central
2 Peninsula Harvesting Area.

3 BY MS. GUIRGUIS:

4 Q. And again, Mr. Ritchie, can I ask
5 you to mark the harvesting, where you harvest and
6 describe what you harvest there.

7 A. Sure. To the water around here,
8 this is known as Black Creek Provincial Park, or
9 Stokes Bay. That's a good area for harvesting
10 deer, harvesting cedar brows, harvesting cedar
11 poles, the water around it is also, a lot of great
12 holes for like whitefish.

13 There's also perch and bass in there
14 which you can enjoy fishing there in the summer
15 months. So I'll hatch this area here, and this
16 will represent the fishing areas in which we will
17 utilize.

18 So going forward, any fishing areas
19 I'll just mark with a straight line.

20 Q. Sure, thank you.

21 Right now we're west of Stokes Bay?

22 A. That's right.

23 Q. Towards the Lake Huron shoreline?

24 A. Yes. This island here, I'm not
25 sure the name of it, but in the fall when the deer

11:19:24 1 are pressured by the overall hunting season, a lot
11:19:27 2 of these deer will move to the islands. And if
11:19:30 3 we're in those areas, that's where we go find the
11:19:33 4 deer.

11:19:34 5 A lot of these fields here in Lion's
11:19:43 6 Head are extensively used for agriculture. But
11:19:48 7 with agriculture comes waterfowl, so once the crops
11:19:54 8 are off it gets corn, once the crops are off, we'll
11:19:57 9 ask farmers permission to harvest waterfowl on the
11:20:02 10 harvested crop lands. All along through here, this
11:20:04 11 area is known as the Fishing Islands.

11:20:07 12 Q. So you're moving south on the Lake
11:20:10 13 Huron side, on the west side?

11:20:11 14 A. Correct, yes. So a lot of great
11:20:16 15 spawning habitat for lake whitefish. Also in the
11:20:20 16 summer months, again, that's where we fish for bass
11:20:24 17 and perch, on the shore fisheries.

11:20:27 18 A lot of these Crown lands, and again,
11:20:29 19 these are easily accessible lands. There's really
11:20:33 20 a lot of great deer hunting in these areas.

11:20:36 21 And this is when you get to bigger
11:20:39 22 party hunting, because it's a larger tract of land,
11:20:41 23 that's somewhere where you'd go with a group of
11:20:45 24 people to harvest in that area.

11:20:46 25 Q. Can you describe the geographic

11:20:48 1 location of that area that you just marked, those
11:20:51 2 Crown lands?

11:20:51 3 A. Specifically, I think this is the
11:20:53 4 area of Pike Bay.

11:20:54 5 Q. Pike Bay?

11:20:56 6 A. Sorry, north of Pike Bay, yes.

11:20:58 7 Q. And you've marked two parcels of
11:21:02 8 Crown lands that are outlined in light green?

11:21:04 9 A. Yes.

11:21:04 10 Q. Okay.

11:21:06 11 A. This entire ridge is a lake, a
11:21:17 12 lake system starts off with Isaac Lake, comes down
11:21:21 13 drains into Boat Lake. This area is all used for
11:21:28 14 fishing and waterfowl hunting.

11:21:31 15 Q. So Isaac Lake and Boat Lake are
11:21:33 16 right around between Oliphant and South Bruce
11:21:38 17 Peninsula?

11:21:38 18 A. Yes, it intersects Bruce from 13,
11:21:42 19 from Oliphant to Wiarton.

11:21:46 20 So there is a lot of Crown land. So
11:21:49 21 down here, is the Sauble River, and this is Chief's
11:21:55 22 Point (indicating), I'll get into that later. But
11:21:57 23 this entire area, is all utilized by our members
11:22:03 24 including myself, to harvest medicine, harvest
11:22:08 25 wood, harvest fish, harvest deer.

11:22:12 1 Q. So you've marked from the most
11:22:15 2 southern part of this central area?

11:22:17 3 A. That will encroach on the next map.

11:22:20 4 Q. No problem. And looped it around
11:22:22 5 the part that you marked -- looped around and kind
11:22:24 6 of included Oliphant; is that correct?

11:22:26 7 A. Correct, yes.

11:22:28 8 Now this area here is known as the
11:22:31 9 Chippewas of Nawash Unceded First Nation. So that
11:22:35 10 entire area is enjoyed by all members from Nawash
11:22:40 11 to harvest as they will. This area here, I believe
11:22:47 12 is the Hope Bay Reserve.

11:22:48 13 Q. Now this is just to the north on
11:22:50 14 the east side?

11:22:52 15 A. Correct.

11:22:53 16 Q. It's to the north of the Chippewas
11:22:55 17 of Nawash Unceded First Nation Reserve?

11:22:58 18 A. Correct. That's an area used for
11:23:01 19 medicine harvesting and hunting.

11:23:06 20 I just want to point out one thing
11:23:09 21 here. You'll see it's easily accessible to access
11:23:12 22 the Crown lands, from any point, so it's right off
11:23:16 23 of a road sometimes. There's not a lot of
11:23:21 24 harvesting that happens in this area (indicating).

11:23:22 25 Q. Which is Lion's Head?

11:23:23 1 A. Which is Lion's Head, yes, I
11:23:28 2 believe that's nature reserve lands. But if you go
11:23:31 3 there for the most time of the year, it's heavily
11:23:35 4 used by tourists. A lot of interferences, a lot of
11:23:41 5 changes, a lot of degradation of the natural -- I
11:23:44 6 guess if like deer were utilizing that area, they
11:23:51 7 use it less in these type of months, because of the
11:23:51 8 heavy presence of humans. So we'll try and stay
11:23:52 9 out of areas that are heavily occupied.

11:23:58 10 Q. So to be clear, we're talking
11:23:59 11 about the areas that are outlined in green, right
11:24:02 12 underneath the text that says, "Lion's Head"?

11:24:04 13 A. Correct.

11:24:05 14 Q. So even though those are areas
11:24:08 15 that are available and accessible, you try to avoid
11:24:10 16 them because there's too many people around?

11:24:12 17 A. That's right.

11:24:14 18 This is an area of what's called King's
11:24:18 19 Crescent, but there is a large tract of land that a
11:24:21 20 lot of the members from Nawash will use to access,
11:24:24 21 again, more Crown lands, this area (indicating).

11:24:27 22 Q. So that's just east -- that's just
11:24:30 23 west of the Cape Croker Reserve, the Chippewas
11:24:34 24 Nawash Unceded First Nation Reserve, but still east
11:24:37 25 of Highway 6?

11:24:39 1 A. Yes.

11:24:39 2 Q. Okay.

11:24:46 3 A. I just want to make one more point

11:24:48 4 as well. So if there's ever water quality issues

11:24:51 5 in Nawash, a lot of members -- I've utilized this

11:24:54 6 as well, we'll drive down to Berford Lake and at

11:24:59 7 this point they can access groundwater as a

11:25:05 8 drinking source.

11:25:05 9 Q. As a drinking source?

11:25:06 10 A. Yes.

11:25:07 11 Q. So if there's problems with the

11:25:09 12 drinking water on Chippewas of Nawash?

11:25:11 13 A. Some people prefer that, you know,

11:25:13 14 the groundwater because it's a natural source,

11:25:17 15 should there be an issue, that's where members

11:25:20 16 harvest water.

11:25:20 17 Q. To Berford Lake?

11:25:22 18 A. Yes.

11:25:29 19 MS. GUIRGUIS: So, Your Honour, I'd

11:25:30 20 like to have this annotated version marked as the

11:25:33 21 next exhibit.

11:25:34 22 THE COURT: Mr. Registrar.

11:25:36 23 THE REGISTRAR: Exhibit 4004.

11:25:37 24 EXHIBIT NO. 4004: Annotated Map of the

11:25:45 25 Central Peninsula Harvesting Area.

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BY MS. GUIRGUIS:

Q. The next map that I'd like to take you to, Mr. Ritchie, is the South Peninsula Harvesting Area, it's SC0113.

Are you familiar with this map?

A. Yes, I am.

Q. Can you describe what it is?

A. This is the map of the South Peninsula that I provided to you regarding harvesting areas and the territory.

Q. Again, you've made the notations at the top, the title, "South Peninsula Harvesting Areas" and the sentence underneath?

A. Yes.

Q. Can you describe, generally, the geographical area that it covers?

A. This would be north of -- I guess this is from the Oliphant area here on the Lake Huron side, down to Port Elgin, or now known as Saugeen Shores.

And over towards -- I'm going to say the Meaford area.

Q. So the Meaford area in the east?

A. Yes. Well, this area here is known as Balaclava. I referred to that in an

11:27:17 1 earlier map as a harvesting area, so I'll say the
11:27:21 2 east side is Balaclava.

11:27:24 3 Q. The east side of this map is Balaclava?

11:27:27 4 A. Yes, yes.

11:27:28 5 Q. Thank you. And, again, the green
11:27:29 6 lines on this map are the same as the others?

11:27:32 7 A. That is correct.

11:27:33 8 Q. So it marks off where there are
11:27:36 9 Crown lands?

11:27:37 10 A. Uhm-hmm.

11:27:41 11 MS. GUIRGUIS: So, Your Honour, I'd
11:27:42 12 like to add this map as the next exhibit.

11:27:46 13 THE COURT: Mr. Registrar.

11:27:47 14 THE REGISTRAR: Exhibit 4005.

11:27:50 15 THE COURT: Thank you.

11:27:50 16 EXHIBIT NO. 4005: South the Peninsula
11:27:52 17 Harvesting Area Map.

11:27:52 18 BY MS. GUIRGUIS:

11:27:55 19 Q. Please go ahead, Mr. Ritchie. And
11:27:56 20 show us and mark on the map where you harvest and
11:28:00 21 what you harvest there.

11:28:01 22 A. I'm just going to draw this line
11:28:06 23 again to make reference to where I stopped on the
11:28:09 24 last map.

11:28:09 25 Q. And what's the line that you're

11:28:12 1 drawing, from where to where?

11:28:13 2 A. Basically, the boundary from
11:28:15 3 Wiarton to Oliphant.

11:28:16 4 Q. And you're drawing that from west
11:28:18 5 to east?

11:28:19 6 A. Yes.

11:28:22 7 Just to reiterate, this is where Isaac
11:28:25 8 Lake starts, Boat Lake and all these lands here,
11:28:27 9 are heavily harvested by myself and SON members
11:28:31 10 (indicating).

11:28:32 11 This area here, is the Sauble River.
11:28:38 12 And the entire river, and I can't really see the
11:28:41 13 river on here, but it's utilized for fishing and
11:28:44 14 waterfowl. I apologize, I can't see where the
11:28:46 15 river is, so I won't mark it. But this is known as
11:28:50 16 Chief's Point (indicating).

11:28:52 17 Q. Can you describe where Chief's
11:28:54 18 Point is on --

11:28:55 19 A. Yes, it's immediately fall of
11:28:57 20 Sauble Falls, just west of County Road 13.

11:29:02 21 This is an access only area for SON
11:29:05 22 members only. And for matters I can't disclose, I
11:29:12 23 can tell you it's a very important area for SON.

11:29:15 24 I'm going to move along fairly quickly
11:29:21 25 on this, because there's going to be a lot of

1 information on this.

2 So from Silver Lake basically --

3 Q. Where is Silver Lake?

4 A. Silver Lake is approximately here
5 on the map, along County Road 13. Just south of
6 Sauble Beach.

7 So I'm going to draw a straight line
8 down to Highway 21 near Elsinore located between
9 Owen Sound and Saugeen First Nation. This entire
10 swath of land is used extensively by Saugeen First
11 Nation members, including Nawash, as well for
12 harvesting a host of everything that I mentioned
13 already, for medicines, to hunt, to fish.

14 This, of course, here is the -- so
15 between Saugeen First Nation and Southampton, you
16 know it as the Saugeen River, that's down and
17 around, and it proceeds south.

18 This area here is known as Aaron Lake,
19 that's known for --

20 Q. Sorry, that's just to the east of
21 Southampton?

22 A. East of Southampton, yes, yup.

23 Q. And south of Highway 21?

24 A. Yes. So there's multiple usages
25 on this. To the south of Aaron Lake, are large

1 tracts of wild rice. And in that, is where we
2 harvest wild rice and waterfowl.

3 Q. So you're saying in Aaron Lake --

4 A. In the lake itself.

5 Q. -- there's wild rice?

6 A. Yes. So it's basically used for
7 three things. Fishing, hunting for waterfowl, and
8 harvesting wild rice.

9 Now, I guess I want to be crystal
10 clear, because I'm going to mark up a lot of big
11 area, this is all very relevant. It's close to --
12 it's close to where I grew up. We know a lot of
13 local farmers, it's extensively used for
14 agriculture.

15 So farmers usually open their fields up
16 for harvesting. And one of the main reasons is,
17 farmers have problems with wildlife by crop damage.
18 So from Highway 21, basically to -- this is Grey
19 Road 10, this is known as Allenford, Ontario here
20 (indicating). So from this reach along here --

21 Q. Along Highway 21?

22 A. -- along Highway 21, yup. South
23 on Grey Road 10, down passed Tara, is primarily
24 agriculture fields.

25 And there is a tributary from the

1 Sauble River, it goes all the way down to this
2 area.

3 Q. To which area?

4 A. Into (indicating) this is
5 Allenford. This big, wetland complex here, is
6 connected up through here, and down through
7 Allenford. So you've got --

8 Q. So you said there's a tributary
9 that runs from the Saugeen River --

10 A. No, this is the Sauble River.

11 Q. The Sauble River, I'm sorry. That
12 was probably my mistake.

13 From the Sauble River comes down south
14 to where Allenford is, and you said Allenford is
15 the intersection of Highway 21 and Grey County 10?

16 A. Bruce Road 10, sorry.

17 Q. Bruce Road 10.

18 A. I don't know why this says "Grey",
19 but this is "Bruce", anyhow...

20 There's a very specific pattern for
21 hunting here that is observed between
22 Allenford and Saugeen.

23 There is a major flyway for waterfowl
24 from the Peninsula going north, heading south. In
25 this area you have Chesley Lake and then you have

1 another lake here called Gould Lake.

2 Q. And this area you're talking about
3 is to the west of the Road 10?

4 A. Yes.

5 Q. Right?

6 A. Yes.

7 Q. Okay. Sorry go ahead.

8 A. So the reason why I'm illustrating
9 this is because for these large tracts of water,
10 you have waterfowl stopover spots. A large wetland
11 complex here, and of course Aaron Lake.

12 So we'll see elevated numbers of
13 waterfowl moving through, basically, the heart of
14 Saugeen in just to the east of our community.

15 So a lot of these lands, from
16 Tara south, that Bruce Road 3 and east over here, a
17 lot of our members have access to these lands to
18 harvest.

19 Q. Even though they're private lands?

20 A. That's right.

21 MS. GUIRGUIS: So, Your Honour, I'd
22 like to mark this exhibit, this annotated map as
23 the next exhibit.

24 THE COURT: Mr. Registrar.

25 THE REGISTRAR: Exhibit No. 4006.

11:34:53 1 EXHIBIT NO. 4006: Annotated Map of the
11:34:54 2 South Peninsula Harvesting Area.
11:34:54 3 MS. GUIRGUIS: Your Honour, it's about
11:34:57 4 11:35, would you like to take the break now?
11:34:59 5 THE COURT: We can take the break now,
11:35:02 6 Counsel. How much longer do you think?
11:35:04 7 MS. GUIRGUIS: I have a few more maps
11:35:05 8 and a few more questions after that, so probably
11:35:08 9 another half an hour.
11:35:10 10 THE COURT: We'll take a 20-minute
11:35:12 11 break.
11:35:12 12 -- RECESS TAKEN AT 11:35 --
11:54:28 13 -- UPON RESUMING AT 11:56 --
11:56:14 14 THE COURT: Counsel, please go ahead.
11:56:16 15 MS. GUIRGUIS: Thank you, Your Honour.
11:56:16 16 BY MS. GUIRGUIS:
11:56:16 17 Q. Mr. Ritchie, I'd like to take you
11:56:18 18 to the next map which is document number SC0111 in
11:56:24 19 the ready database, and it's entitled "Eastern
11:56:27 20 Territory Harvesting Areas" are you familiar with
11:56:30 21 this map?
11:56:31 22 A. Yes, I am.
11:56:31 23 Q. Can you please describe what it
11:56:33 24 is?
11:56:33 25 A. It's a Google Earth map I provided

11:56:37 1 you of our eastern portion of our territory.

11:56:41 2 Q. And the eastern portion, can you
11:56:43 3 give me a geographic description of what it covers?

11:56:45 4 A. That's from Owen Sound to
11:56:47 5 Collingwood, Nottawasaga River area; south towards
11:56:53 6 Shelburne and then west towards Minto.

11:56:59 7 Q. Again, the green lines show where
11:57:01 8 the recreational areas, Crown lands are?

11:57:06 9 A. Correct.

11:57:07 10 Q. Please show me where you harvest
11:57:09 11 and what you harvest on this map.

11:57:14 12 MS. GUIRGUIS: I'm sorry, Your Honour.
11:57:15 13 I'd like to add this as the next exhibit.

11:57:21 14 THE COURT: Mr. Registrar.

11:57:22 15 THE REGISTRAR: Exhibit No. 4007.

11:57:24 16 EXHIBIT NO. 4007: Eastern Territory
11:57:25 17 Harvesting Areas Map.

11:57:25 18 BY MS. GUIRGUIS:

11:57:26 19 Q. If you can mark up the map.

11:57:28 20 A. So Ms. Guirguis, what I propose to
11:57:34 21 do instead of marking every single area, can I give
11:57:37 22 an overview, because it's a very large portion of
11:57:40 23 the territory.

11:57:42 24 So anywhere in the green areas, that
11:57:47 25 I'm describing here, are extensively used by a lot

1 of SON members for harvesting, any of which I've
2 talked about in the past, that includes harvesting
3 plants and medicines, firewood and sustenance
4 species; that's a very large area to cover.

5 If I could, what I will do in this,
6 I'll just mark this whole area here (indicating).

7 Q. Sorry, what is the area that
8 you've just marked if you can describe it.

9 A. From Owen Sound, down towards
10 almost Shelburne, which I believe is here.

11 Q. So down south towards Shelburne?

12 A. Yes. And if I had to guess, this
13 would be near Creemore, Ontario to Collingwood.

14 Q. Back up to Collingwood?

15 A. Yes. And then to Meaford along
16 the shoreline.

17 So this entire area is abundantly rich
18 in resources. This has many cold water streams,
19 many chert outcrops. The hunting is excellent in
20 this area. The harvesting of pretty much
21 everything. It is fairly left untouched, as you
22 can see on this map, there is a lot of conservation
23 areas through here. So a lot of natural intact
24 landscapes.

25 This is a preferred area, because there

11:59:07 1 is not a lot of residential development, there's a
11:59:12 2 lot of wooded areas, a lot of -- if you've been to
11:59:15 3 the area of the Grey Highlands, you'll be able to
11:59:18 4 appreciate that it's very -- I would almost want to
11:59:25 5 say mountainous; so a lot of rugged landscape. So
11:59:29 6 that's very attractive for wildlife in general and
11:59:32 7 natural ecosystems to occur.

11:59:34 8 Q. I just want to pause for one sec.
11:59:37 9 You said, "as you can see there are a lot of
11:59:39 10 conservation areas". So you're referring to the
11:59:42 11 fact that there's a lot of small outlined green
11:59:45 12 parcels?

11:59:46 13 A. Yes, yes.

11:59:47 14 In addition to that, there are a lot of
11:59:52 15 verbal agreements between landowners, and their
11:59:55 16 properties to access for harvesting as well.

11:59:57 17 This is a fairly regular occurrence in
12:00:00 18 this area. And so rather than going piece by
12:00:05 19 piece, this entire area is heavily utilized by SON
12:00:09 20 members.

12:00:09 21 There's a lot of really excellent lake
12:00:13 22 whitefish spawning habitat through here
12:00:16 23 (indicating).

12:00:16 24 Q. And that's right around Meaford on
12:00:19 25 the water?

12:00:19 1 A. Yes. From Meaford to Craigleith
12:00:23 2 would be about, I would have to guess about here.
12:00:25 3 There's a lot of spawning shoals through here, and
12:00:28 4 a lot of our SON commercial harvesters, they access
12:00:32 5 and utilize those waters along through there.

12:00:37 6 Q. So you marked Craigleith as being
12:00:39 7 pretty much between halfway through Meaford and
12:00:42 8 Collingwood?

12:00:42 9 A. Correct.

12:00:42 10 Q. Now earlier, in I think an earlier
12:00:45 11 map that we referred to, you had talked about the
12:00:48 12 Beaver Valley; is that here on this map?

12:00:50 13 A. Beaver Valley would be
12:00:52 14 approximately -- where is that now? Beaver Valley
12:01:03 15 will be approximately (indicating) this area right
12:01:05 16 here.

12:01:05 17 Q. Can you describe what you're
12:01:06 18 circling then?

12:01:06 19 A. That is what is known as the
12:01:08 20 Beaver Valley property. So again, it's almost
12:01:11 21 mountainous through this area. It is a large
12:01:14 22 valley, a cold water stream, abundant sources of
12:01:17 23 fish, and abundant sources of whitetail deer for
12:01:21 24 harvesting.

12:01:21 25 Q. And so again, it's just south of

1 Meaford, almost at the halfway point between
2 Meaford and Collingwood?

3 A. I would say it's directly south of
4 Meaford. And this is where Markdale would be.

5 Q. At the south point of what you've
6 circled, there is the Beaver Valley?

7 A. Right, yes.

8 MS. GUIRGUIS: Your Honour, I'd like to
9 mark this as the next exhibit; is that 4008?

10 THE REGISTRAR: 4008, Your Honour.

11 EXHIBIT NO. 4008: Annotated Map of the
12 Eastern Territory Harvesting Areas.

13 BY MS. GUIRGUIS:

14 Q. Mr. Ritchie, I'd like to take you
15 to the last map that we have, which is document
16 number SC0114. It's titled, "Western Territory
17 Harvesting Area". You're familiar with this map?

18 A. Yes, I am.

19 Q. Please describe to us what it is.

20 A. This is the western portion of our
21 territory, starting from the north end, Saugeen
22 Shores, down to the Goderich area, east over
23 towards Shelburne, and then north again towards the
24 Highway 6 and 10.

25 Q. And this is a screenshot of a

12:02:41 1 Google Earth map you provided me?

12:02:43 2 A. Correct.

12:02:43 3 Q. And again, the green lines on this
12:02:45 4 map show recreational areas, conservation areas,
12:02:49 5 provincial lands, and so on?

12:02:51 6 A. Provincial Crown lands, yes,
12:02:54 7 provincial parks, specifically.

12:02:56 8 Q. Okay. The sentence in the middle
12:02:58 9 of this map that we see, that refers to the
12:03:03 10 Greenock Swamp; you added this text?

12:03:06 11 A. I did, yes.

12:03:07 12 Q. Can you read out what it says?

12:03:08 13 A. It says: "The Greenock Swamp
12:03:10 14 historical and current major harvesting area."

12:03:14 15 MS. GUIRGUIS: Your Honour, I'd like to
12:03:16 16 add this as the next exhibit.

12:03:19 17 THE COURT: Mr. Registrar.

12:03:21 18 THE REGISTRAR: Exhibit 4009.

12:03:21 19 EXHIBIT NO. 4009: Western Territory
12:03:23 20 Harvesting Area Map.

12:03:23 21 BY MS. GUIRGUIS:

12:03:24 22 Q. Mr. Ritchie, I'd like you to show
12:03:26 23 us where you harvest and what you harvest on this
12:03:29 24 map.

12:03:34 25 A. Start off with the Saugeen Shores

12:03:35 1 area. So southwest of Saugeen Shores, this area is
12:03:40 2 known as MacGregor Provincial Park.

12:03:43 3 We have hunted for either turkey or
12:03:46 4 whitetail deer, harvested wild edibles, the same
12:03:52 5 consistent pattern that we've used for other parts
12:03:54 6 of the territory. That as a provincial park we've
12:03:57 7 had verbal agreements with their staff there, that
12:04:00 8 they recognize the traditional territory, and allow
12:04:03 9 us to do as such.

12:04:05 10 That's the same with Inverhuron
12:04:09 11 Provincial Park, which is located directly east of
12:04:12 12 the Bruce Power Operating Facility, for the same
12:04:15 13 reasons, including fish, there is a very nice creek
12:04:20 14 that flows through Inverhuron. This area is known
12:04:25 15 as Baie Du Dore.

12:04:26 16 Q. And that's on the other side of
12:04:28 17 the Bruce --

12:04:28 18 A. That's immediately north of Bruce,
12:04:30 19 the facility, yes.

12:04:35 20 Historically was a better harvesting
12:04:37 21 area, we've seen a lot of changes over the years.
12:04:43 22 And this area, referred to as the Greenock Swamp
12:04:49 23 has been extensively used by SON harvesters, again,
12:04:53 24 for all the same reasons I've mentioned earlier;
12:04:56 25 waterfowl, deer, harvesting medicines, resources,

12:05:03 1 and that's basically the same -- and I've talked
12:05:05 2 about this area already in the past in my map of
12:05:09 3 the south. So when we had the map showing Saugeen,
12:05:13 4 Saugeen River and Aaron Lake, this is all large
12:05:16 5 farming, agriculture community.

12:05:18 6 Q. And you're pointing to the area,
12:05:20 7 when you say you've talked about this area before,
12:05:22 8 it's at the north end of this map, and it's covered
12:05:26 9 by the words "Saugeen Shores"?

12:05:30 10 A. Correct. And if you would, I
12:05:32 11 guess this would be close to Chesley, Ontario, this
12:05:35 12 point here (indicating). Across from Chesley
12:05:38 13 heading west, that entire area is used extensively
12:05:44 14 for waterfowl hunting.

12:05:45 15 Q. And those are on private lands?

12:05:47 16 A. Correct, yeah.

12:05:50 17 I should probably mention, I'm not a
12:05:52 18 commercial fishermen, but the shoreline also is
12:05:57 19 used for commercial fishing.

12:05:59 20 Q. The shoreline on the Lake Huron
12:06:01 21 side?

12:06:01 22 A. Yes, yes.

12:06:02 23 Q. Okay. Thank you.

12:06:06 24 A. And finally, what I'll suggest is
12:06:10 25 that this area here is Saugeen Shores, from Saugeen

12:06:13 1 Shores down towards -- I can say this is Point
12:06:18 2 Farms, again, this is --

12:06:22 3 Q. You're drawing a line along a
12:06:24 4 highway there?

12:06:25 5 A. Along Highway 21, yes.

12:06:27 6 Q. Okay. And then I'm not sure what
12:06:31 7 this is, this might be Teeswater. This area is
12:06:38 8 used, again, extensively for waterfowl hunting,
12:06:40 9 because of the migratory birds that moved from
12:06:43 10 Northern Ontario down through the Peninsula.

12:06:52 11 MS. GUIRGUIS: I'd like to add this as
12:06:55 12 the next exhibit, Your Honour.

12:06:56 13 THE COURT: Yes, Mr. Registrar.

12:06:58 14 THE REGISTRAR: 4010.

12:07:00 15 EXHIBIT NO. 4010: Annotated Western
12:07:01 16 Territory Harvesting Area Map.

12:07:01 17 MS. GUIRGUIS: Thank you, Mr. Ritchie.

12:07:02 18 BY MS. GUIRGUIS:

12:07:03 19 Q. So I think we're done with marking
12:07:05 20 up the maps, so you can take a seat, and then I'm
12:07:09 21 going to ask you a few questions about what we
12:07:12 22 talked about harvesting on public lands and private
12:07:15 23 lands.

12:07:15 24 And putting all of these maps together,
12:07:18 25 this makes up most of the lands throughout the

12:07:21 1 territory?

12:07:21 2 A. Yes.

12:07:21 3 Q. I want to ask you a few follow-up
12:07:25 4 questions about harvesting on privately owned
12:07:28 5 lands.

12:07:29 6 How do you determine whether privately
12:07:31 7 held lands are open and available for harvesting?

12:07:34 8 A. Sorry, can you repeat the
12:07:37 9 question?

12:07:37 10 Q. Sure. How do you determine
12:07:39 11 whether privately held lands are open and available
12:07:43 12 for harvesting?

12:07:45 13 A. I take the assumption that if I
12:07:48 14 come onto a piece of land, if it's posted "Private
12:07:55 15 Lands", consistently around those lands, then I
12:07:59 16 will not trespass. If I see cattle in an
12:08:07 17 agriculture field, I won't trespass.

12:08:10 18 Q. But otherwise, if it's -- it looks
12:08:13 19 pretty much open and available?

12:08:15 20 A. Yes.

12:08:16 21 Q. Then you'll use those lands for
12:08:19 22 harvesting?

12:08:19 23 A. Correct.

12:08:19 24 Q. I'd like to pull up Exhibit 3968
12:08:24 25 on our screens. We'll pull it up next to the

1 witness in case it's additionally marked up.

2 Mr. Ritchie, are you familiar with this
3 map?

4 A. Yes, I am.

5 Q. Can you tell us what it is?

6 A. This is a map of Mr. Gary Harron's
7 property.

8 Q. And the commentary on this map,
9 did you add this?

10 A. Yes, I did.

11 Q. So this is a map that you created?

12 A. Yes.

13 Q. So we've heard from Mr. Harron
14 earlier in the trial about the farmlands that he
15 owns in the territory.

16 Please tell us about the understanding
17 that you have with Mr. Harron regarding harvesting
18 on his farmlands.

19 A. Approximately, a decade ago I
20 approached Mr. Harron to hunt deer on his property,
21 and he granted permission.

22 The following year I asked him again,
23 he also granted permission. At that point in time,
24 he had a conversation with me regarding some
25 flooding he was having near one of his wetlands.

12:10:02 1 And he asked if I knew how to trap beaver, and I
12:10:05 2 said "yes".

12:10:06 3 So Mr. Harron and I made an arrangement
12:10:09 4 that if I controlled the flooding issue that he was
12:10:13 5 facing at that time, that I would continue to have
12:10:16 6 access to his property for harvesting.

12:10:18 7 Q. Can you tell us where you harvest
12:10:27 8 on this map.

12:10:29 9 A. Yes, I'll refer to this map.

12:10:32 10 You'll see I don't harvest here, this
12:10:43 11 is not an area of harvesting.

12:10:44 12 Q. That's probably the southern
12:10:47 13 portion of his land?

12:10:49 14 A. Yes, this would be the south,
12:10:51 15 southeast portion of his property.

12:10:53 16 Q. Okay.

12:10:54 17 A. And the reason being, this
12:10:56 18 landowner here has cattle in this field.

12:10:59 19 Q. You're talking about the
12:11:00 20 neighbouring landowner?

12:11:01 21 A. Yes. So all my harvesting for
12:11:04 22 deer, turkey, any small game or trapping happens in
12:11:07 23 this wooded area, into this property here
12:11:13 24 (indicating).

12:11:13 25 Q. So that's the wooded area that we

1 see to the left of the large blue circle that's got
2 the text, "beaver trapping" on it?

3 A. Correct, yes.

4 Immediately I guess to the north,
5 northwest, this is a very large wetland, that's
6 where I do a lot of my waterfowl hunting, if I'm
7 back in that area.

8 You'll notice the wording here that
9 says, "Cattle Fields - No Hunting". So it's just
10 safe practice not to hunt near cattle for very
11 obvious reasons. Cattle are very large, and very
12 intimidating, so you don't want to upset them. But
13 also, for fear of actually accidentally wounding
14 one of Mr. Harron's livestock, it's just an
15 automatic no hunting agreement between him and
16 myself.

17 However, in this back field, was
18 typically used for cattle grazing --

19 Q. So you're referring to -- sorry,
20 just to locate this. Again, it's just above that
21 large, blue circle that says "Beaver Trapping"?

22 A. Correct.

23 Q. There's a light brown, or medium
24 brown patch there?

25 A. Yes. This area here would be used

1 for turkey hunting when the cattle were not
2 present.

3 Q. And is that at certain times of
4 the year?

5 A. Generally in the spring.

6 Q. Thank you. Your Honour, I'd like
7 to add this annotated version as the next exhibit.

8 THE COURT: Mr. Registrar.

9 THE REGISTRAR: 4011.

10 MS. GUIRGUIS: Thank you.

11 EXHIBIT NO. 4011: Annotated Map of
12 Gary Harron's Property.

13 BY MS. GUIRGUIS:

14 Q. Mr. Ritchie, how often do you go
15 out to Mr. Harron's property per year?

16 A. I'll go once a year to check on
17 the property. And again, with the understanding
18 that if there are any issues with flooding, that I
19 go out to reassess and make plans to trap, if
20 necessary.

21 For hunting, I might go in two to three
22 times a year in the spring and the fall, so a total
23 of six, perhaps.

24 Q. Do you notify Mr. Harron every
25 time you come on to his property?

12:13:33 1 A. I stop in every spring just to let
12:13:36 2 him know that I'm going to be checking on things
12:13:39 3 again and hunting, yes.

12:13:40 4 Q. So just once a year you'll check,
12:13:42 5 and then you'll access the property several times
12:13:44 6 throughout the year without letting him know each
12:13:47 7 time?

12:13:47 8 A. Yes.

12:13:47 9 Q. In the previous maps that we were
12:13:52 10 looking at, you talked about having access to
12:13:55 11 harvesting areas through understandings with
12:14:00 12 private landowners. So how many understandings
12:14:03 13 with private landowners, such as this one that you
12:14:06 14 have with Mr. Harron, do you have across the
12:14:08 15 territory?

12:14:08 16 A. As you've seen, it's quite a large
12:14:13 17 territory. If you want a number, I would say a
12:14:17 18 minimum of 50 arrangements.

12:14:22 19 Q. How do you come to these
12:14:26 20 understandings?

12:14:26 21 A. It's literally based on the wood
12:14:28 22 lot and the property. If I see good habitat, I
12:14:32 23 will simply knock on the landowner's door, have a
12:14:37 24 conversation with that individual about who I am, I
12:14:41 25 will let them know that I am a First Nations member

1 and I wish to harvest on their property.

2 Q. Do these understandings that you
3 have with landowners allow other members of the
4 Saugeen Ojibwe Nation access to harvest these
5 lands?

6 A. The only time other members would
7 be harvesting on those lands is with the
8 landowner's consent and they were with me.

9 Q. So I'd like to turn to a few
10 questions about how you share your own knowledge of
11 traditional harvesting with other members of the
12 Ojibwe Saugeen Nation.

13 A. Uhm-hmm.

14 Q. Who do you teach about traditional
15 harvesting?

16 A. I spend a great deal of time in
17 our home communities. And with that, I think
18 people have known that I am a harvester, and that
19 conversations will start in the street, will start
20 in a house, they will start in an educational
21 institute, like a public school, or a cultural
22 group. I love talking about our rights, I love
23 talking about harvesting. Sharing that knowledge
24 that I've acquired is important for me as an
25 Anishinaabe person, to share what I have. So any

12:16:01 1 opportunity, whether it's man, child, woman, adult,
12:16:06 2 especially non-First Nations people, that seems to
12:16:11 3 be where a lot of misunderstanding is, so I do
12:16:14 4 spend a lot of time educating environmental groups,
12:16:19 5 law enforcement, and any public agency that wants
12:16:24 6 to hear or educate themselves about SON rights.

12:16:27 7 Q. How do you share with other SON
12:16:31 8 members in the community about where to harvest?

12:16:34 9 A. I tell people my story. And
12:16:40 10 that's principles of our teachings, is that what's
12:16:45 11 mine, is mine to share. So I tell them exactly
12:16:49 12 what this Court heard today, that my story started
12:16:53 13 off as a child, growing up understanding what was
12:16:55 14 immediately around me. And then we start talking
12:16:58 15 about how the deer move in our territory; why and
12:17:01 16 where the waterfowl move; why medicine grows over
12:17:05 17 here; what are the stories why chert outcrops exist
12:17:09 18 in our territory; why our ancestors were buried in
12:17:14 19 certain places.

12:17:15 20 What I'm doing is painting a picture of
12:17:17 21 the resources that are available to them, so that
12:17:19 22 they can get an appreciation for their land and
12:17:22 23 where our people have moved. And that's how I
12:17:26 24 share my knowledge and say, this is where I've
12:17:29 25 harvested before, this is where your ancestors --

12:17:31 1 this is where our people have told us for a very
12:17:34 2 long time where to go. So it's through those
12:17:36 3 teachings that I share that knowledge with our
12:17:39 4 members.

12:17:40 5 Q. And do you do so using the same
12:17:42 6 kind of maps that we've looked at today?

12:17:44 7 A. I'll be honest with you, I wasn't
12:17:47 8 aware of these maps until I started actually
12:17:51 9 working for SON. And again, my knowledge comes
12:17:54 10 from the land.

12:17:55 11 I'm certainly aware of the map now, I
12:17:58 12 guess since I'm going to say the last decade or
12:18:03 13 more, that there was lines drawn around the
12:18:06 14 territory. But again, my knowledge comes from the
12:18:09 15 resources in the territory.

12:18:10 16 Q. Okay. Thank you. So I'd like to
12:18:17 17 talk now about interference with your harvesting
12:18:20 18 practices over the years.

12:18:21 19 When you were learning to harvest when
12:18:23 20 you were younger, did conservation officers or
12:18:26 21 other law enforcement officers interfere with those
12:18:29 22 harvesting activities?

12:18:30 23 A. As a kid, we were -- we met the
12:18:35 24 conservation officers quite a bit down at the
12:18:37 25 Saugeen River.

12:18:38 1 Q. When you say "as a kid" how old?

12:18:41 2 A. I would say from ten plus and
12:18:44 3 going up. On that river we met them fairly
12:18:47 4 regularly.

12:18:48 5 Q. And can you tell me about what
12:18:50 6 happened when you would meet them?

12:18:52 7 A. There was a combination of sorts.
12:18:54 8 They would confiscate our spears, some of our
12:18:57 9 equipment that we would use. Sometimes they would
12:19:00 10 confiscate all of our fish, sometimes they would
12:19:07 11 confiscate half of them. Most of the time we spent
12:19:07 12 running from them. And on top of that, if we're
12:19:11 13 dealing with that, we were dealing with the sports
12:19:13 14 fishermen as well. I guess they took a position
12:19:19 15 that we were not entitled to use other equipment
12:19:22 16 beside the fishing pole. So that carried on for
12:19:25 17 quite -- for most -- I'm going to say, for a lot of
12:19:32 18 my childhood, from ten onward.

12:19:37 19 Q. As an adult, have you been stopped
12:19:40 20 by conservation officers or law enforcement for
12:19:49 21 harvesting?

12:19:49 22 A. No, I haven't.

12:19:56 23 Q. So you've never been charged for
12:19:56 24 an offense while harvesting in your territory?

12:19:59 25 A. I certainly have never been

1 charged, not from a conservation officer, I've
2 never been charged. But I did deal with on
3 OPP officer at one point.

4 Q. So you weren't charged by the OPP
5 officer?

6 A. That is correct.

7 Q. Can you tell me what happened in
8 that instance?

9 A. It was mid-December, and I was
10 hunting south of Chatsworth. I was using a
11 270 rifle, and it was strung across my back, and I
12 was pulling this deer out. And there was snow on
13 the ground, and I was close to the road. And an
14 OPP officer pulled off and started chatting with me
15 about what I was doing, and proceeded to tell me
16 that I was hunting out of season.

17 And I said, "no, I'm not. This is who
18 I am." And when I put the deer down, reached for
19 my firearm to take my gun off my back, which wasn't
20 loaded, that officer drew their firearm on me, told
21 me not to move. And I erred on the side of caution
22 that I was moving in a way that was potentially
23 dangerous. So I had to stop and explain, I said,
24 "my intent is not to do anything negligent, I was
25 simply reaching for my wallet and taking my firearm

1 off my back."

2 So when that situation de-escalated, I
3 explained to this individual, who our nation was,
4 what our rights were. And that situation was
5 completely de-escalated, and that individual
6 thanked me for the information that was provided,
7 and I went away on my own.

8 MS. GUIRGUIS: Can I just have one
9 moment?

10 BY MS. GUIRGUIS:

11 Q. Mr. Ritchie, do you ever provide
12 assistance to other SON members that are dealing
13 with conservation officers?

14 A. Yes, I do.

15 Q. And how do you do that?

16 A. Let's say a year after I started,
17 I was aware that First Nations people were having
18 these interactions with law enforcement. At the
19 Saugeen Ojibwe Nation Environment Office, we have a
20 booklet, and it's a statement of our rights, and
21 territory, and what those rights mean.

22 So what I've decided to do is, put my
23 business card on that. So if members came in to
24 ask me where to harvest, or what are my, you know,
25 information about harvesting, then I would give

12:23:12 1 them this information to say, "should you encounter
12:23:16 2 a law enforcement officer, please hand them this
12:23:20 3 booklet. It's got my contact information and
12:23:22 4 information about the rights".

12:23:23 5 Everything the non -- you know, law
12:23:28 6 enforcement or education person would need to know.
12:23:34 7 And we've handed dozens of those out to our
12:23:38 8 members, mostly for their information, but should a
12:23:40 9 conflict arise, that was the mechanism that we used
12:23:43 10 to address any potential enforcement issues.

12:23:46 11 Q. Do you often hear from
12:23:48 12 conservation officers who have stopped members of
12:23:51 13 SON?

12:23:52 14 A. I've heard of one encounter since
12:23:56 15 then. And one encounter in the National Park.

12:24:00 16 Q. Okay. "Since then", you said; how
12:24:06 17 long have you been doing this, since you've been
12:24:08 18 handing this out?

12:24:08 19 A. Since 2013.

12:24:10 20 Q. So the one time that you got a
12:24:12 21 call, it was about an encounter in the National
12:24:15 22 Park?

12:24:15 23 A. The first one was and, again, in
12:24:19 24 the east portion of the territory near Markdale,
12:24:23 25 that information was conveyed to that officer. The

12:24:27 1 officer called us to confirm that this person was
12:24:29 2 in fact a member of the Saugeen Ojibwe Nation. And
12:24:33 3 that was the same case in 2017, a person ice
12:24:41 4 fishing in the National Park.

12:24:42 5 Q. As far as you know, it was
12:24:44 6 resolved that nobody was charged?

12:24:50 7 A. Correct.

12:24:51 8 Q. Thank you. Now I want to turn to
12:24:52 9 a few questions about the agreement that SON has
12:24:55 10 with respect to overlapping territory with some
12:24:58 11 other First Nations; so shifting gears.

12:25:01 12 We heard from Mr. Randall Kahgee
12:25:06 13 testimony about the Declaration which I'm going to
12:25:09 14 mispronounce the name now, Maawn-Ji-Giig-Do-Yaang.
12:25:12 15 I'm just going to refer to it as the Declaration of
12:25:15 16 overlapping territories, so I don't have to do that
12:25:17 17 again.

12:25:17 18 It's an agreement between the Saugeen
12:25:21 19 Ojibwe Nation, so Saugeen and Nawash, that they
12:25:24 20 have with Walpole Island, Omjinong and Kettle and
12:25:30 21 Stoney Point. And I'd like to ask you about the
12:25:33 22 ceremony that took place when the Declaration was
12:25:37 23 ratified. Did you attend that ceremony?

12:25:38 24 A. Yes, I did.

12:25:39 25 Q. When was it?

12:25:40 1 A. I believe it was in July of 2017.

12:25:43 2 Q. Where was the ceremony held?

12:25:46 3 A. Point Farms Provincial Park.

12:25:50 4 Q. What was your role in that
12:25:52 5 ceremony?

12:25:52 6 A. I had a very specific role in that
12:25:54 7 I was working for the SON Environment Office, but I
12:25:57 8 was offered tobacco for the reason that I carry a
12:26:01 9 gift of sacred fire. I was asked to light sacred
12:26:06 10 fire in preparation for that ceremony for the day.

12:26:10 11 Q. And what is it to be a fire
12:26:20 12 carrier?

12:26:21 13 A. The concept of fire has a lot of
12:26:27 14 teachings and a lot of protocol. I simply can't
12:26:31 15 convey at this, but I can give you some -- it's a
12:26:35 16 very important symbol in our traditions and in our
12:26:38 17 culture. And every person is given a gift.

12:26:43 18 There's two different things. There's
12:26:45 19 traditional ways that we talked about, hunting and
12:26:48 20 fishing; but then there's also teachings with that.
12:26:51 21 So this is a distinction between traditional
12:26:55 22 culture, and teachings.

12:26:58 23 So carrying a fire is a teaching that
12:27:01 24 I've been gifted through ceremony, through some
12:27:05 25 discipline, and through some fasting I was able to

1 carry this gift. The fire is present in all of our
2 ceremonies, it's a major component, it's a pillar
3 to any ceremony that we conduct. Does that answer
4 your question?

5 Q. Yes, thank you.

6 When these ceremonies are conducted
7 with regards to an agreement; what does that mean?

8 A. Sorry, repeat the question.

9 Q. When these ceremonies or a
10 ceremony like you've described are conducted with
11 regards to an agreement, such as the Declaration,
12 what does that mean?

13 A. When we ask that fire to be
14 present, we're calling on the ancestors to be part
15 of, and listen and guide our conversations.

16 So when a sacred fire is lit, there is
17 a process, a protocol that I had to adhere to. And
18 I am speaking to our ancestors, and I'm asking that
19 ancestor to come and be with us. When that fire is
20 lit, that ancestor has heard us and is present with
21 us.

22 Q. So when it's done in respect of --
23 ceremonies are done out of respect of an agreement,
24 it's fair to say that it seals the deal?

25 A. That would be part of sealing that

12:28:21 1 agreement, yes. There are other ceremonies that
12:28:27 2 occurred that day.

12:28:28 3 Q. Can you tell us about those other
12:28:30 4 ceremonies?

12:28:31 5 A. Yes. From all the nations that
12:28:33 6 were present, each nation was required to bring
12:28:36 7 pipe. And pipe carriers had their ceremony, they
12:28:40 8 lit and smoked the pipe, and there is a specific
12:28:43 9 protocol for that.

12:28:44 10 In addition to that, there was a
12:28:46 11 recognition of the waters from our women. And
12:28:49 12 those ceremonies were carried through; following
12:28:52 13 that, there was a traditional feast; and following
12:28:55 14 that, there was songs that were sung, ceremonial
12:28:59 15 songs, all of which, I guess you would call
12:29:03 16 sealed that deal, or that agreement.

12:29:06 17 Q. You said the water ceremony was
12:29:09 18 conducted by women?

12:29:10 19 A. That's correct.

12:29:11 20 Q. And that's because women have
12:29:13 21 primary responsibilities to water?

12:29:15 22 A. That is correct.

12:29:16 23 Q. Do you recall who was involved in
12:29:18 24 the water ceremony?

12:29:19 25 A. Shirley John, she's an Elder of

1 Saugeen First Nation.

12:29:22 1
12:29:30 2 MS. GUIRGUIS: If I can just have one
12:29:30 3 moment.

12:29:30 4 MS. GUIRGUIS: Thank you, Mr. Ritchie
12:29:31 5 those are my questions.

12:29:32 6 THE WITNESS: Thank you.

12:29:33 7 THE COURT: Is Canada cross-examining
12:29:36 8 this witness?

12:29:38 9 MR. BEGGS: Yes, Your Honour.

12:29:39 10 THE COURT: Please go ahead.

12:29:41 11 MR. BEGGS: Thank you. If I can just
12:29:43 12 have a moment to plug in the computer.

12:31:40 13 Thank you, Your Honour.

12:29:47 14 CROSS-EXAMINATION BY MR. BEGGS:

12:31:42 15 Q. Mr. Ritchie, my name is Michael
12:31:44 16 Beggs, I am counsel for the Attorney General of
12:31:46 17 Canada. I just have a few questions.

12:31:51 18 You mentioned earlier in your testimony
12:31:53 19 that your grandfather experienced some difficulty
12:32:00 20 with conservation officers, I think. Can you tell
12:32:05 21 me what the name of your grandfather was?

12:32:08 22 A. His name was Edward George.

12:32:09 23 Q. Is that the same grandfather who
12:32:12 24 helped teach you about locations for -- when you
12:32:16 25 were a youth?

12:32:17 1 A. Yes.

12:32:18 2 Q. Now, when you were referring to
12:32:36 3 harvesting, I noted that you referred to firewood
12:32:44 4 at various points as one of the possible harvesting
12:32:47 5 items.

12:32:48 6 Are there any other non-food related
12:32:52 7 items that would be harvested traditionally?
12:32:59 8 Besides medicine, I guess?

12:33:01 9 A. I referred to, yeah, non-food
12:33:07 10 substances. Specifically, chert which is the stone
12:33:11 11 tool used for flint knapping arrowheads, knife
12:33:16 12 tips.

12:33:16 13 Q. Can you think of anything else
12:33:18 14 that might be...

12:33:19 15 A. Water would be one.

12:33:20 16 Q. Right.

12:33:23 17 A. And for natural cover, if you're
12:33:26 18 hunting deer in close quarters, it would be
12:33:29 19 something like soil and smoke, combination of such.

12:33:32 20 Q. I think you also mentioned cedar,
12:33:34 21 was that just for firewood purposes or for other
12:33:36 22 purposes as well?

12:33:37 23 A. No, that was used for medicine.

12:33:39 24 Q. Okay. Now you mentioned you were
12:33:49 25 a member of the Bear Clan. And you've described

12:33:53 1 various work you've done with black bears on the
12:33:57 2 Peninsula.

12:33:58 3 I note that you, for example, didn't
12:34:05 4 mention ever hunting black bears. Do people hunt
12:34:10 5 black bears on the Peninsula?

12:34:12 6 A. I'm not aware that SON members
12:34:20 7 hunt black bear. And this, again, is my
12:34:24 8 recollection and my teachings. So as a member of
12:34:27 9 the Bear Clan, generally, I'm prohibited to hunt
12:34:30 10 bear. I would treat that as a member of my own
12:34:35 11 family. We learn from those animals, we are to
12:34:42 12 protect them.

12:34:42 13 I think that's why my job fit very
12:34:46 14 nicely with working with the Ontario Government on
12:34:48 15 black bear and resource management. But to my
12:34:51 16 knowledge, I'm not aware of people actively
12:34:55 17 harvesting bears for food.

12:34:57 18 Q. Okay. Now, when you talked about
12:35:13 19 hunting, and you describe what you had done in the
12:35:18 20 way of firearms training and safety. Do you hunt
12:35:22 21 exclusively with firearms?

12:35:24 22 A. If I may make a brief correction.
12:35:27 23 I prefer the word "harvesting" over "hunting".

12:35:30 24 Q. Oh, sure. Harvesting, yes.

12:35:33 25 A. Do I harvest more with a firearm?

1 The short answer is, "yes".

2 Q. And would that be a bow or --

3 A. That would be with a bow, a spear,
4 with traps. Bow, spear, traps and firearms.

5 Q. And you mentioned 270 rifle at one
6 point. Do you have a variety of rifles used for
7 harvesting?

8 A. I believe I have two 270s, three
9 shotguns, two 22s; I believe that would be it.

10 Q. Would that be typical of the
11 rifles used by other SON members for their
12 harvesting?

13 A. I would say so, yes, I mean
14 there's different calibers of rifles, of course.
15 Those are fairly standard.

16 Q. And some members would also use
17 the other items you mentioned, the bow and the
18 traps?

19 A. I would say so, yes.

20 Q. Now, with traps, do you set them
21 on private property or only on Crown land?

22 A. I would say a combination of both,
23 private land and Crown land.

24 Q. And do you advise the people there
25 are traps on their property?

12:37:09 1 A. The only way I would actually go
12:37:11 2 onto someone's private land is to deal with a
12:37:15 3 wildlife issue. I wouldn't go on someone's
12:37:18 4 property, set a trap and expect them to know that.

12:37:22 5 Q. So when you say there was theft
12:37:25 6 problems with your traps, those were traps that you
12:37:27 7 used on Crown lands?

12:37:28 8 A. Crown lands, yes.

12:37:29 9 Q. Now you mentioned Chief's Point as
12:37:53 10 one of the locations you described this morning, I
12:37:56 11 believe that was the location which you couldn't
12:37:57 12 provide us with much detail about?

12:37:59 13 A. Right.

12:37:59 14 Q. Now, am I correct that Chief's
12:38:03 15 Point is considered reserve land?

12:38:06 16 A. Correct.

12:38:06 17 Q. And is that also the case for the
12:38:09 18 hunting grounds you mentioned earlier in your
12:38:12 19 testimony?

12:38:12 20 A. Correct.

12:38:13 21 Q. And do you observe that there is
12:38:26 22 any difference between -- do SON members more
12:38:32 23 frequently use the reserve hunting territories, or
12:38:34 24 do they use any of the ones that you've identified;
12:38:39 25 there's no difference?

12:38:40 1 A. I believe there's no difference.

12:38:43 2 The only reason people would stay on reserve if
12:38:46 3 they didn't have access to a vehicle to travel.

12:38:48 4 Q. Do people live on the hunting
12:38:52 5 ground territory or reserve?

12:38:53 6 A. There are maybe a few people that
12:38:56 7 will stay there, I would say fairly short term.
12:38:59 8 When I mean short term, could be a few months --

12:39:02 9 Q. Okay.

12:39:02 10 A. -- yes. But rest assured there
12:39:05 11 are people that actually live on the land and not
12:39:07 12 just limited to the hunting grounds.

12:39:09 13 Q. Okay. I want to call up one of
12:39:33 14 the maps that you looked at this morning, and it
12:39:36 15 doesn't particularly matter, but just for ease
12:39:40 16 sake, I'll ask to call up Exhibit 4001 -- no, wait,
12:39:46 17 not that one. 4003.

12:40:32 18 Thank you. Now this was the map that
12:40:35 19 had the incorrect title; it's not actually the
12:40:38 20 South Peninsula Map, it was the Central Peninsula.
12:40:41 21 On the hardcopy it's corrected.

12:40:43 22 A. Okay.

12:40:43 23 Q. But actually my question is just
12:40:45 24 about the caption at the top, which I believe is
12:40:48 25 the same caption for all the maps; is that right?

12:40:51 1 A. That is correct.

12:40:52 2 Q. And you made this map, I believe?

12:40:55 3 A. Yes, I did.

12:40:56 4 Q. And was it made just for the

12:40:59 5 purposes of court this morning, or was it made for

12:41:02 6 a different purpose?

12:41:04 7 A. It was made for the purposes of

12:41:07 8 court.

12:41:07 9 Q. Okay.

12:41:08 10 A. Yeah.

12:41:08 11 Q. So the caption at the top, apart

12:41:15 12 from the title says, "all properties (private and

12:41:18 13 Crown) are subject to harvesting. All Crown lands

12:41:22 14 need no permission for access. If private lands

12:41:24 15 aren't posted as required, then those lands are

12:41:28 16 used --" and it appears something was cut off.

12:41:32 17 A. "For harvesting".

12:41:33 18 Q. "For harvesting"?

12:41:34 19 A. Yes, yes.

12:41:35 20 Q. Okay. When you say "private lands

12:41:37 21 are posted", and you mentioned this a couple of

12:41:39 22 times in your testimony. What do you mean

12:41:42 23 "posted"?

12:41:42 24 A. I'm referring to the trespassing

12:41:44 25 act. The Trespassing Act requires that any lands

12:41:47 1 that are posted appropriately, and I believe
12:41:49 2 it's -- don't quote me on this -- I believe it's
12:41:53 3 50 metres around the entirety of their property,
12:41:55 4 then that person, that individual or that
12:41:59 5 landowner, is within their rights to not allow
12:42:03 6 access in addition to that. Agriculture fields of
12:42:09 7 cattle are also the same restricted.

12:42:11 8 Q. But the fields of cattle; is that
12:42:17 9 something -- that's your own commonsense and
12:42:20 10 courtesy, isn't it?

12:42:21 11 A. Well, that's just a general
12:42:22 12 practice of safe harvesting. But I would probably
12:42:26 13 say it's likely in the Trespassing Act as well.

12:42:28 14 Q. So when it says "as required",
12:42:31 15 that means under the Trespassing Act?

12:42:33 16 A. Correct.

12:42:34 17 Q. And to post -- I'm not asking you
12:42:40 18 to cite the act or to -- if you don't have a better
12:42:46 19 idea, that's fine.

12:42:47 20 For posting, does it have to say "stay
12:42:50 21 out"? Or does it have to say "private property"?
12:42:53 22 What does it have to say?

12:42:55 23 A. There are numerous signs, but the
12:42:55 24 minimum requirement is a red dot visible, I
12:43:03 25 believe, at eye view.

12:43:12 1 Q. So is it your understanding -- I'm
12:43:17 2 not asking you for a legal interpretation of it --

12:43:19 3 A. Sure.

12:43:20 4 Q. -- that Harvesting Rights exist on
12:43:26 5 all properties, but the Trespassing Act might
12:43:35 6 prevent people from exercising those rights in
12:43:36 7 certain areas; is that fair to say?

12:43:38 8 A. I would say -- can you repeat that
12:43:46 9 question one more time, please?

12:43:47 10 Q. Sure. Is your understanding that
12:43:53 11 Harvesting Rights exist on all properties, both
12:43:56 12 private and Crown, but the Trespass Act prevents
12:44:02 13 Band members exercising those rights on certain
12:44:05 14 properties?

12:44:05 15 A. My answer to that, it avoids a lot
12:44:08 16 of unnecessary conflict.

12:44:11 17 Q. Right.

12:44:12 18 A. I'm aware that -- the reason I
12:44:16 19 suggest, you know, avoiding those areas is
12:44:19 20 primarily for avoiding unnecessary conflict.

12:44:22 21 Q. Okay. And you mentioned that
12:44:29 22 sometimes property owners weren't around, perhaps
12:44:35 23 they're absentee owners or something. Would you
12:44:40 24 stay away from those territories, or would you
12:44:42 25 proceed ahead harvesting?

12:44:44 1 A. We would proceed to harvest.

12:44:47 2 Q. Okay. One last question I guess
12:45:13 3 is, you referred to Highway 21. Is that the
12:45:23 4 boundary, essentially, of where the Treaty No. 72
12:45:29 5 claim begins? Like on the map of P, which is on
12:45:31 6 the floor there, is that where the white line is of
12:45:35 7 Highway 21?

12:45:36 8 A. To my knowledge, yes.

12:45:37 9 Q. Okay. And so for when you were
12:45:54 10 trapping, is it mostly for, you know, eliminating
12:46:03 11 pests or do you use it for sustenance?

12:46:06 12 A. I started for sustenance, yes,
12:46:09 13 when I first started. And now it's mostly for
12:46:15 14 these arrangements that I have with landowners.

12:46:17 15 Q. And none of that is for commercial
12:46:23 16 sale of animals or anything?

12:46:25 17 A. No.

12:46:27 18 MR. BEGGS: Thank you, Mr. Ritchie,
12:46:28 19 those are my questions.

12:46:29 20 Thank you, Your Honour.

12:46:31 21 THE WITNESS: Thank you.

12:46:32 22 THE COURT: Counsel for Ontario, you
12:46:35 23 may proceed.

12:46:40 24 CROSS-EXAMINATION BY MR. FELICIANANT:

12:47:31 25 Q. Good afternoon, Mr. Ritchie.

12:47:33 1 A. Good afternoon.

12:47:34 2 Q. My name is David Feliciant, I am
12:47:38 3 one of the counsel for Ontario. I just have a few
12:47:41 4 questions for you.

12:47:45 5 I'd like to ask you first about the
12:47:47 6 SON, Saugeen Ojibwe Nation Joint Council. My
12:47:51 7 understanding is that it's comprised of the two
12:47:54 8 chiefs of the respective First Nations, SON and
12:47:56 9 Nawash, along with their respective Council, so
12:48:02 10 it's nine councillors each; is that correct?

12:48:04 11 A. That is correct.

12:48:06 12 Q. So the SON joint committee
12:48:13 13 consists of two chiefs and 18 councillors?

12:48:13 14 A. That is correct.

12:48:13 15 Q. Do you know whether the Joint
12:48:14 16 Council makes decisions based on a majority rules
12:48:17 17 model, or some other model how it makes its
12:48:20 18 decisions?

12:48:21 19 A. Sorry, I don't really understand
12:48:22 20 the question.

12:48:23 21 Q. How does SON Joint Council make a
12:48:26 22 decision? Is it an entire consensus, is it
12:48:30 23 majority rules, meaning, you know, ten councillors
12:48:34 24 will carry the day?

12:48:35 25 A. It's usually -- I'm going to have

12:48:43 1 to think about this one for a second. It's a
12:48:50 2 majority vote.

12:48:51 3 Q. Okay. Now I understand the
12:48:57 4 Saugeen Ojibwe Nation Environment Office is a
12:49:01 5 department, so to speak, of the SON Joint Council
12:49:05 6 and you exist to serve and provide advice to the
12:49:09 7 Joint Council; is that right?

12:49:10 8 A. Yes, that's correct.

12:49:11 9 Q. Okay. Do you personally report to
12:49:14 10 the Joint Council?

12:49:18 11 A. Yes. As part of my duties are to
12:49:22 12 take the information from our project, take them
12:49:25 13 through a process, work with our experts, knowledge
12:49:30 14 holders to bring an informed decision or
12:49:32 15 recommendation to the leadership, at which point
12:49:35 16 they will decide whether -- on how to vote for that
12:49:39 17 particular project.

12:49:40 18 Q. Okay. So you'll investigate
12:49:43 19 something, or assess something; is that right?

12:49:46 20 A. Yes, that's correct.

12:49:48 21 Q. And then after you've had a chance
12:49:50 22 to investigate it and assess the information,
12:49:53 23 you'll make a recommendation and Council will vote
12:49:58 24 on it?

12:49:58 25 A. Yes, that is correct.

12:50:00 1 Q. But the ultimate decision is not
12:50:02 2 the environment offices, it will be the Joint
12:50:05 3 Council?

12:50:05 4 A. Yes, the SON Environment Office
12:50:07 5 staff are not the decision makers.

12:50:09 6 Q. Okay. And is the environment
12:50:12 7 office responsible for consulting on projects
12:50:15 8 proposed to be carried on in the claim area that
12:50:19 9 may affect your treaty or Aboriginal Rights?

12:50:21 10 A. I'm sorry, I don't really --
12:50:23 11 You're asking if the SON Environment
12:50:27 12 Office staff are consulting, who? Sorry.

12:50:33 13 Q. I'm thinking of consultation and
12:50:35 14 the duty to consult sense. So if a proponent wants
12:50:38 15 to build something within the claim area, is it
12:50:40 16 your office that would be responsible for leading
12:50:48 17 the consultation?

12:50:48 18 A. So you're talking about Crown
12:50:48 19 lands or unopened road allowances that are subject
12:50:49 20 to the claim? Or municipal, like someone wants to
12:50:54 21 build a house on --

12:50:55 22 Q. Anything.

12:50:56 23 A. -- on Treaty 72 our municipally
12:51:01 24 owned lands?

12:51:01 25 Q. Any lands within the Treaty 72

12:51:04 1 area, would you be engaged in consultation?

12:51:07 2 A. I think we're engaged in any line
12:51:11 3 of work, whether it's just an information sharing
12:51:13 4 piece; whether it's a plan of subdivision. Sorry,
12:51:18 5 I'm not really understanding the question as it
12:51:20 6 relates to the land -- sorry, the Treaty 72 claim
12:51:24 7 in development.

12:51:25 8 Q. If somebody, a proponent, wishes
12:51:32 9 to construct something within Treaty 72, or for
12:51:36 10 that matter, Treaty 45½?

12:51:38 11 A. So anywhere in this map area.

12:51:41 12 Q. Anywhere in that map area.

12:51:43 13 A. Okay.

12:51:44 14 Q. Is SON, the environment office,
12:51:47 15 the body responsible for engaging in consultation
12:51:51 16 with the Crown and that proponent; or is it some
12:51:54 17 other body?

12:51:54 18 A. Yes, that would be the environment
12:51:56 19 office staff.

12:51:57 20 Q. And how many staff does the
12:51:58 21 environment office have?

12:52:00 22 A. You'll have to bear with me here
12:52:07 23 on this one. Our numbers fluctuate quite a bit.

12:52:22 24 I believe currently there is ten.

12:52:24 25 Q. And is it fair to say you'd be

12:52:26 1 required to familiarize yourself with matters that
12:52:29 2 may be relevant to the environment as it pertains
12:52:32 3 to Georgian Bay and Lake Huron?

12:52:37 4 A. Sorry, I missed the last part.

12:52:39 5 Q. Sorry. Is it fair to say it's
12:52:42 6 necessary for you to familiarize yourself with any
12:52:45 7 matters that may be relevant to the environment in
12:52:49 8 Georgian Bay and Lake Huron?

12:52:51 9 A. So the environment as it relates
12:52:53 10 to the waters, correct?

12:52:54 11 Q. Yes.

12:52:55 12 A. Yes.

12:52:56 13 Q. And are you aware that the Great
12:53:01 14 Lakes, including Lake Huron, are the subject of
12:53:05 15 agreements with the United States Federal
12:53:07 16 Government and the eight surrounding states?

12:53:10 17 A. I am not the person to ask that
12:53:13 18 question to, I apologize. My core role is the
12:53:19 19 land-based infrastructure. We have other qualified
12:53:22 20 staff at the SON Environment Office to answer that
12:53:25 21 question more readily for you, apologies.

12:53:28 22 Q. Okay. And perhaps I can just ask,
12:53:31 23 though, in a general basis. Based on meetings you
12:53:34 24 may have attended, within the SON Environment
12:53:38 25 Offices as a manager, has it ever been discussed

12:53:43 1 that there are in fact a number of agreements with
12:53:46 2 the United States Government and the eight
12:53:49 3 surrounding states, that pertain to the waters of
12:53:53 4 Georgian Bay and Lake Huron; is that something
12:53:55 5 you're aware of?

12:53:56 6 A. At a very high level. I couldn't
12:53:59 7 speak to any substance of that.

12:54:00 8 Q. Okay. And who would be the person
12:54:02 9 who would know that information?

12:54:04 10 A. I would probably defer that
12:54:08 11 question to our energy manager, or -- it's Cathleen
12:54:14 12 Ryan. Or the leadership themselves, I'm not
12:54:18 13 directly involved with any fisheries-related
12:54:21 14 matters.

12:54:23 15 Q. Okay. Now given I'll now restrict
12:54:44 16 my questions then to the land-based portion of
12:54:47 17 this.

12:54:47 18 Has your office considered whether or
12:54:58 19 not you would -- if you were successful in this
12:55:03 20 litigation with respect to some of the Crown lands
12:55:09 21 in the Bruce Peninsula -- so are you following me
12:55:12 22 so far? If you're successful in this litigation,
12:55:16 23 and you obtain some order that provides you with
12:55:21 24 greater control over Crown lands within the Bruce
12:55:26 25 Peninsula, have you considered whether or not you

12:55:28 1 would, for example, restrict public access to
12:55:32 2 parks?

12:55:38 3 MS. GUIRGUIS: Your Honour, I would
12:55:40 4 object to that question as being highly speculative
12:55:43 5 and also bordering on legal, in terms of what they
12:55:47 6 can and can't do.

12:55:49 7 THE COURT: Well, it wasn't a question
12:55:51 8 about what they can and can't do, Counsel.

12:55:54 9 It was a question about whether this
12:55:57 10 gentleman or his office has considered something.
12:55:59 11 So I'm not going to grant your objection.

12:56:03 12 MS. GUIRGUIS: Okay, thank you, Your
12:56:06 13 Honour.

12:56:06 14 Perhaps for the benefit of the witness,
12:56:08 15 you can repeat the question.

12:56:10 16 THE WITNESS: And I'm probably going to
12:56:12 17 ask if you rephrase it.

12:56:14 18 THE COURT: Well, one thing at a time.

12:56:16 19 THE WITNESS: Yes.

12:56:17 20 THE COURT: What I wrote down is that
12:56:20 21 if this litigation is successful, has your office
12:56:25 22 considered whether it would restrict public access
12:56:28 23 to parks; is that the question?

12:56:30 24 MR. FELICIAN: Yes.

12:56:32 25 THE COURT: Considered in the past

12:56:34 1 tense, sir.

12:56:35 2 THE WITNESS: Right, right.

12:56:37 3 My involvement with the land claim, in
12:56:39 4 terms of resource management, is not about
12:56:42 5 restricting access.

12:56:44 6 It's about protecting and preserving
12:56:47 7 ecological, cultural heritage values on those
12:56:53 8 parcels of properties.

12:56:53 9 I have had no discussions with our
12:56:56 10 leadership or legal counsel about restricting
12:56:58 11 access to any parcels of land, Provincial or
12:57:01 12 National Park lands. Does that answer your
12:57:03 13 question?

12:57:04 14 BY MR. FELICIAN:

12:57:04 15 Q. Yes. You've had no discussions
12:57:08 16 about restricting access. So can I take it from
12:57:11 17 that, that no decisions have been made to -- by the
12:57:17 18 council to either restrict or modify public access?

12:57:20 19 A. I have not been a part of any
12:57:21 20 discussions about restrictions to access to any
12:57:24 21 lands.

12:57:24 22 Q. Okay. Now you gave some evidence
12:57:43 23 earlier today about accessing private properties.
12:57:48 24 And when you were answering questions from my
12:57:51 25 colleague, Mr. Beggs, you mentioned that you

12:57:56 1 considered private party, that you wouldn't access,
12:58:01 2 to be posted in accordance with the Trespass Act?

12:58:06 3 A. Yes.

12:58:07 4 Q. This may seem obvious, but because
12:58:09 5 you said it that way, I'm going to ask it anyway.

12:58:11 6 What about properties that are fenced?

12:58:14 7 A. From what I understand about the
12:58:17 8 Trespassing Act, a fence merely separates one
12:58:21 9 property to another. Explicitly says at a minimum
12:58:24 10 requirement, it's supposed to be posted with a red
12:58:27 11 dot. Or a sign that says "No Trespassing", unless
12:58:33 12 there's numerous signs to indicate that there's no
12:58:36 13 trespassing on a property. So I do not consider a
12:58:39 14 fence a limitation to access the property.

12:58:41 15 Q. And so is it fair to say then, in
12:58:43 16 those circumstances, you're not even seeking the
12:58:46 17 owner's permission, you're simply entering the
12:58:49 18 property?

12:58:49 19 A. Correct.

12:58:49 20 Q. And what do you consider to be a
12:58:53 21 safe distance between the outer perimeter of a
12:58:58 22 property and a home on the property?

12:58:59 23 A. Safe distance, I guess in terms of
12:59:04 24 harvesting on someone's land, that might not know
12:59:07 25 I'm there; is that the understanding?

12:59:08 1 Q. Yes.

12:59:09 2 A. The standard operating procedures
12:59:13 3 for fire and safety, if you can see a house, don't
12:59:17 4 even bother. And those are your own safety rules.
12:59:21 5 And a standard rule of thumb that I follow, for
12:59:24 6 harvesting is, safe shooting. I have to look well
12:59:29 7 beyond my intended target, and if I see anything
12:59:34 8 that could influence an issue, it's a safe shot or
12:59:37 9 no shot.

12:59:38 10 Q. Now, if we could bring up SC0212,
12:59:48 11 please.

12:59:51 12 Now from your -- I'm bringing up a
12:59:56 13 document called the "Interim Enforcement Policy -
12:59:59 14 Amended February 2010". I take it from your work
01:00:03 15 at the Ministry of Natural Resources, you'd be
01:00:06 16 familiar with the interim enforcement policy?

01:00:08 17 A. Extremely vague, my knowledge of
01:00:14 18 this policy.

01:00:15 19 Q. Are you aware then that beyond --
01:00:18 20 as it says that -- can we just scroll down to
01:00:25 21 Item 1:

01:00:26 22 "The application of the policy --"
01:00:28 23 I'll just read it to you:

01:00:30 24 "-- an Aboriginal person who
01:00:31 25 identifies himself or herself as

01:00:32 1 such, harvesting or transporting
01:00:34 2 wildlife or fish as food for
01:00:36 3 personal consumption and for social
01:00:38 4 and ceremonial purposes, shall not
01:00:41 5 be subject to enforcement procedures
01:00:43 6 except as set out below."

01:00:47 7 So were you aware that there was a
01:00:50 8 policy that the Ontario Government was not in fact
01:00:55 9 prosecuting Aboriginal persons harvesting?

01:01:01 10 THE WITNESS: The only knowledge I
01:01:03 11 really had of this was that I understood it to be
01:01:08 12 safe harvesting practices.

01:01:12 13 BY MR. FELICIANANT:

01:01:13 14 Q. So if we scroll down, there is a
01:01:15 15 section on safe harvesting practices. So it says
01:01:18 16 in Item 2:

01:01:19 17 "The policy set out above will
01:01:21 18 not apply in the following circumstances:
01:01:28 19 Item 2 (a) says:

01:01:29 20 "Where an Aboriginal person is
01:01:30 21 hunting in an unsafe manner."

01:01:32 22 Is that what you're referring to?

01:01:34 23 THE WITNESS: Yes.

01:01:36 24 BY MR. FELICIANANT:

01:01:37 25 Q. So when you're teaching members of

01:01:39 1 the First Nation about harvesting, you don't
01:01:42 2 reference the Ministry's position that, yes, you
01:01:47 3 can harvest, provided you're doing it safely and
01:01:50 4 you won't be subject to enforcement; is that not
01:01:54 5 something you're telling your membership?

01:01:56 6 A. What I tell our membership is
01:01:58 7 specifically that, here is your land, here is your
01:02:00 8 resources. If you use a firearm, you are subject
01:02:03 9 to firearm safety requirements. Anything short of
01:02:07 10 that, you are within your rights as a First Nations
01:02:11 11 persons to harvest whatever it is you may, for your
01:02:15 12 own purposes.

01:02:21 13 MR. FELICIAN: Could we make this the
01:02:22 14 next exhibit, please?

01:02:24 15 THE COURT: No objection?

01:02:25 16 Yes, please go ahead, Mr. Registrar.

01:02:28 17 THE REGISTRAR: Exhibit No. 4012.

01:02:31 18 EXHIBIT NO. 4012: Interim Enforcement
01:02:40 19 Policy - Amended February 2010.

01:02:40 20 BY MR. FELICIAN:

01:02:41 21 Q. One last item.

01:02:42 22 You mentioned various ceremonies. And
01:02:44 23 one of the ceremonies you mentioned was a water
01:02:47 24 ceremony.

01:02:48 25 You've probably been to -- I appreciate

01:02:50 1 you don't conduct them, and it would be the women
01:02:53 2 who conduct them; is that fair? That's what you said?

01:02:56 3 A. That's correct.

01:02:57 4 Q. You've probably been to enough to
01:03:00 5 know what's involved. Are you able to tell us
01:03:02 6 what's involved in a water ceremony?

01:03:04 7 A. The majority of times I've been
01:03:06 8 around water ceremony, I've actually been doing
01:03:09 9 other things. I probably couldn't give you an
01:03:11 10 informed opinion or an overview on what happens
01:03:14 11 specifically at a water ceremony. And again, only
01:03:18 12 for the reason I've been asked to do other things.

01:03:23 13 In the case, as I mentioned earlier, I
01:03:26 14 was charged with watching the sacred fire.

01:03:29 15 Q. And you also mentioned that at
01:03:34 16 times you've harvested water. Does that mean
01:03:38 17 you're drinking it? Sorry if I sound like I don't
01:03:43 18 know what I'm talking about; but what does it mean
01:03:46 19 to say that you've harvested water?

01:03:48 20 A. Merely for the purpose of either
01:03:50 21 cleaning my equipment or drinking, yes.

01:03:52 22 Q. And in circumstances where you may
01:03:54 23 be drinking it, I mean not out of the tap purified,
01:04:01 24 I mean out on the land.

01:04:02 25 A. Uhm-hmm.

01:04:03 1 Q. Is it only water in certain places
01:04:07 2 that you'd feel comfortable drinking, or is it just
01:04:09 3 you'd go out to a stream and have a drink; how does
01:04:12 4 it work?

01:04:13 5 A. There's very few places in Ontario
01:04:15 6 that you can actually drink from the source. So
01:04:17 7 it's very specific on where I can do that, if I'm
01:04:21 8 consuming it.

01:04:22 9 Q. Sorry.

01:04:23 10 A. If I'm consuming it, yes.

01:04:25 11 Q. And it's fair to say two of those
01:04:27 12 places would not be directly from Lake Huron or
01:04:30 13 Georgian Bay. You wouldn't go up to Georgian Bay
01:04:32 14 and put in a cup and have a drink?

01:04:35 15 A. I have never thought to do so, no.

01:04:41 16 MR. FELICIAN: Thank you.

01:04:43 17 Your Honour, those are my questions.

01:04:45 18 THE COURT: Thank you.

01:04:46 19 Any re-examination, Counsel?

01:04:49 20 MS. GUIRGUIS: No, Your Honour, thank you.

01:04:50 21 THE COURT: Sir, that completes your
01:04:53 22 testimony. So you can now step down from the
01:04:55 23 witness box.

01:04:57 24 THE WITNESS: Thank you.

01:04:59 25 (Doran Ritchie, excuses himself from

01:05:03 1 the witness box).

01:05:06 2 THE COURT: Now, Ms. Guirguis what is
01:05:07 3 the plan for your next witness, please?

01:05:10 4 MS. GUIRGUIS: Your Honour, I believe
01:05:11 5 that we're scheduled to call Mr. Paul Nadjiwon
01:05:15 6 starting on Monday. Mr. Townshend will return on
01:05:19 7 Monday and he will be calling Mr. Nadjiwon.

01:05:22 8 THE COURT: I take it he is not here to
01:05:24 9 start this afternoon.

01:05:25 10 MS. GUIRGUIS: He is not here to start
01:05:26 11 this afternoon.

01:05:27 12 THE COURT: Thank you, Counsel.

01:05:28 13 Counsel, I want everyone to prepare for
01:05:31 14 next week's schedule. And it would be after the
01:05:35 15 gentleman that counsel has just spoken about is
01:05:38 16 completed.

01:05:40 17 I will be willing to have a case
01:05:43 18 conference with counsel over the upcoming schedule
01:05:46 19 and the draft fall schedule, all right? So I want
01:05:51 20 you all to take a hard look at those schedules and
01:05:54 21 think about filling in the gaps, and the time
01:05:56 22 estimates; and we'll speak about that next week.
01:06:02 23 I'm not going to affix a time for it right now.
01:06:04 24 We'll make sure that everyone who needs to be
01:06:08 25 available, is available. So I'm imagining it would

1 be sometime toward the middle of next week.

2 Is there anything else anyone needs to
3 raise?

4 (No response).

5 THE COURT: Okay, we're adjourned for
6 the day.

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8 -- Court adjourned at 1:06 p.m.
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REPORTER'S CERTIFICATE

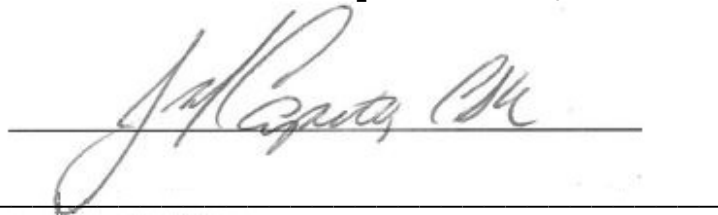
I, JUDITH M. CAPUTO, RPR, CSR, CRR,
Certified Shorthand Reporter, certify;

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;

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 at my direction;

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

Dated this 13th day of June, 2019.



NEESON COURT REPORTING INC.

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

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