

# **AFFIDAVIT #8**

Deponent: Curtis Lupaschuk  
Date Sworn: March 11, 2013

**IN THE MATTER OF** the *Energy Resources Conservation Act*, RSA 2000, c  
E-10

-and-

**IN THE MATTER OF** Coal Valley Resources Inc.'s application for  
authorization to construct and operate the Robb Trend Project

**AFFIDAVIT**

I, Curtis Lupaschuk, of the Whitefish Lake First Nation #128 in the Province of Alberta, MAKE  
OATH AND SAY AS FOLLOWS:

1. I am a member of the Whitefish Lake First Nation #128 (the "**Nation**") and I am a hunter, gatherer within the Nation's traditional territory and as such I have personal knowledge of the matters deposed to in this Affidavit, except where stated to be based on information and belief and where so stated I verily believe the same to be true.
2. Now produced and shown to me and marked as **Exhibit "A"** to this my Affidavit is a true copy of a map depicting a portion of the Nation's traditional territory, the proposed Coal Valley Resources Inc.'s. ("**Coal Valley**") Robb Trend Project and the areas where I have and continue to hunt and gather. Attached to this my Affidavit and marked as **Exhibit "B"** is a true copy of a map depicting a portion of the Nation's traditional territory and the areas where I have and continue to hunt and gather.
3. I hunt and gather and have hunted and gathered on unoccupied Crown lands and lands to which I have or previously had a right of access within the Nation's traditional territory. I have hunted in the marked areas, as shown in **Exhibit "A"** and **Exhibit "B"** as a child and into my adulthood.
4. In these areas I have hunted the following animals, including, but not limited to:
  - a. Birds, which include, but not limited to grouse;
  - b. Moose;
  - c. Elk;
  - d. White Tail Deer;
  - e. Mule Deer;
  - f. Rabbit.

5. I have gathered the following in the marked area, including but not limited to:
  - a. Blueberries;
  - b. High Bush Cranberries;
  - c. Low Bush Cranberries;
  - d. Raspberries;
  - e. Gooseberries;
  - f. Huckleberries; and
  - g. Traditional medicines, which include, but not limited to, roots and bark.
  
6. As a hunter and gatherer, I am concerned that the activities conducted by Coal Valley for the proposed coal project will further impact the wildlife populations in the area. The activities of Coal Valley and the proposed coal project will also occupy lands to which I have previously had a right of access and will further restrict the area in which I can exercise my Treaty rights to hunt and gather.
  
7. I make this Affidavit in support of the position of the Nation in this matter and for no improper purpose.

**SWORN BEFORE ME** at the Whitefish Lake )  
 First Nation #128, in the Province of Alberta, )  
 this 11th day of March, 2013. )

<original signed by>

\_\_\_\_\_  
 A Commissioner for Oaths in and for the  
 Province of Alberta  
 Being a solicitor

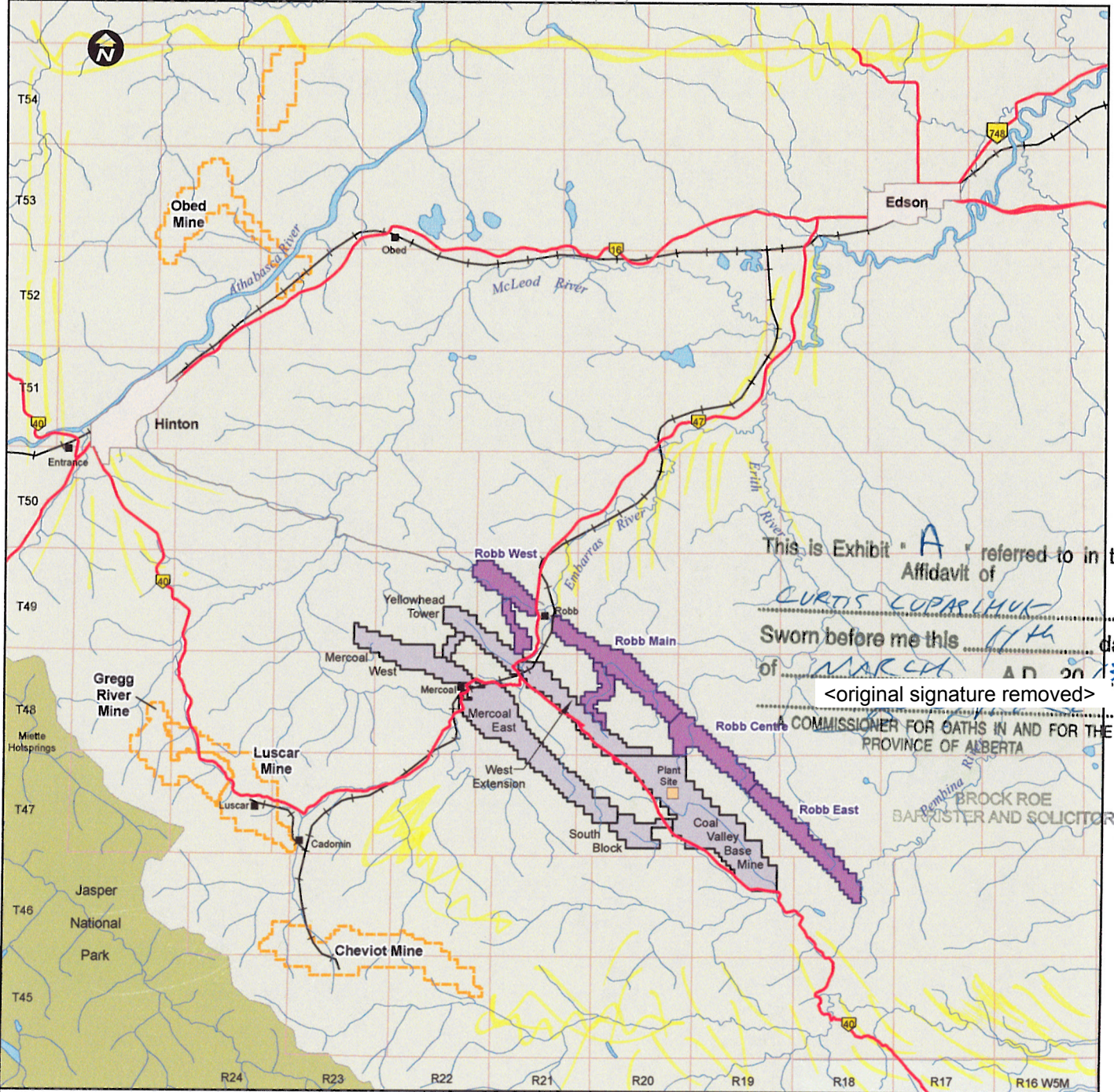
<original signed by>

\_\_\_\_\_  
 Curtis Lupaschuk

BROCK ROE  
 BARRISTER AND SOLICITOR

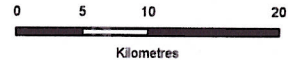


Whitefish Lake First Nation #128 retains ownership of all rights, title, intellectual property and other interests in and to the information contained herein.



**Legend**

- Proposed Robb Trend Mine Permit Boundary
- Existing Coal Valley Mine Permit Areas
- Other Mines



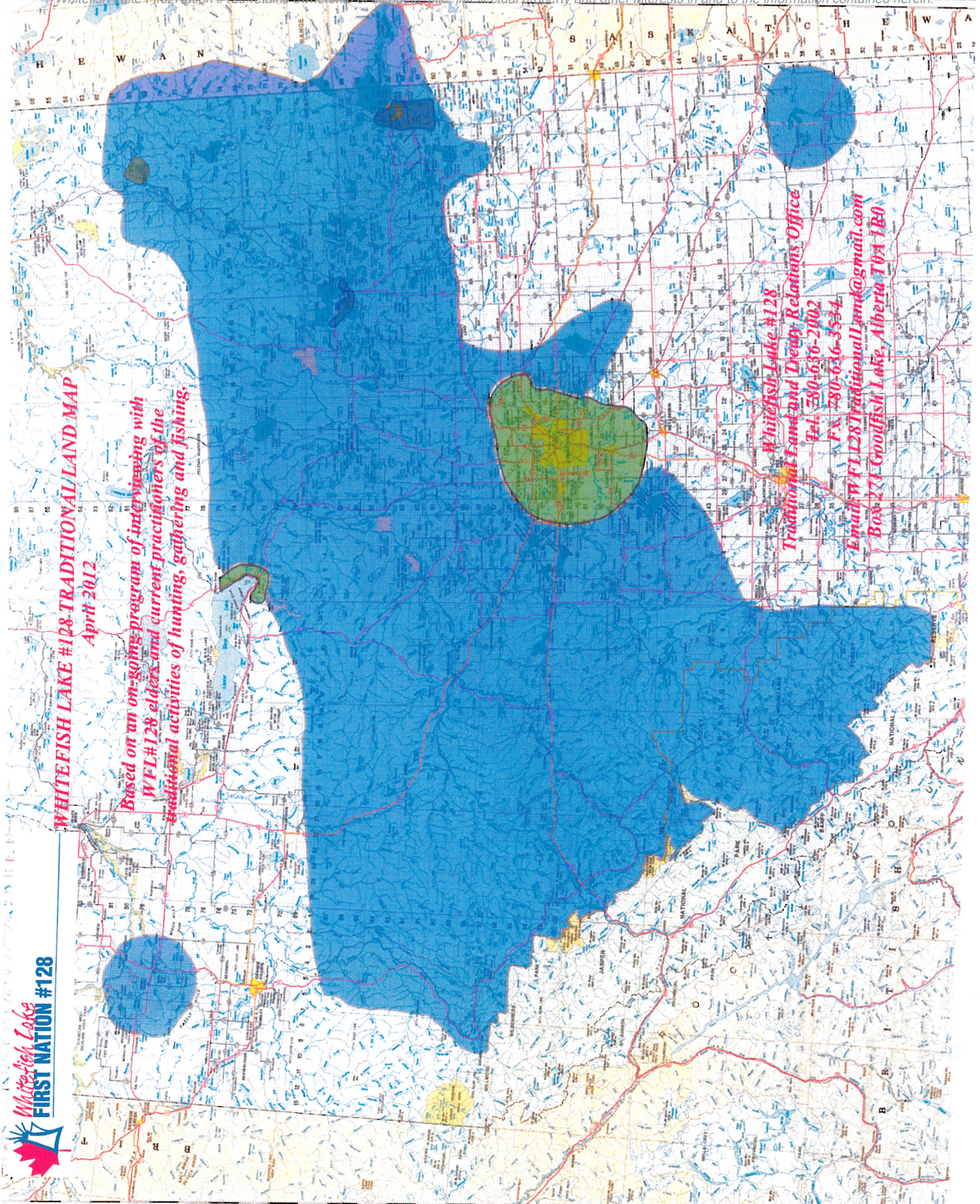
<p>PROJECT:</p> <p style="text-align: center;"><b>Coal Valley Mine Robb Trend Project</b></p>							
<p>TITLE:</p> <p style="text-align: center;"><b>Project Location</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">DRAWN: PS/JG</td> <td style="width: 50%;">FIGURE:</td> </tr> <tr> <td>CHECKED: KY</td> <td rowspan="3" style="text-align: center; vertical-align: middle;"><b>A.1-1</b></td> </tr> <tr> <td>DATE: Mar 25/12</td> </tr> <tr> <td>PROJECT: 08-041</td> </tr> </table>	DRAWN: PS/JG	FIGURE:	CHECKED: KY	<b>A.1-1</b>	DATE: Mar 25/12	PROJECT: 08-041
DRAWN: PS/JG	FIGURE:						
CHECKED: KY	<b>A.1-1</b>						
DATE: Mar 25/12							
PROJECT: 08-041							





**WHITEFISH LAKE #128 TRADITIONAL LAND MAP**  
April 2012

*Based on an on-going program of inter-viewing with  
WFL#128 elders and current practitioners of the  
traditional activities of hunting, gathering and fishing.*



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Traditional Land and Treaty Relations Office  
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Fx. 780-636-3554  
Email: WFL128TraditionalLand@gmail.com  
Box 271 Goodfish Lake, Alberta T0A 1B0*



This is Exhibit " B " referred to in the Affidavit of

CURTIS LIPPSCHEK

Sworn before me this 11<sup>th</sup> day  
of March A.D., 2013

A Notary Public, A Commissioner  
in and for the Province of Alberta  
Jaths

BROCK ROE  
BARRISTER AND SOLICITOR

<original signature removed>