



PUBLIC INQUIRY RESPECTING GROUND SEARCH AND RESCUE FOR  
LOST AND MISSING PERSONS

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Transcript

Volume 3

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*Commissioner: Honourable Justice James Igloliorte*

Tuesday

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**CLERK (Mulrooney):** All rise.

This commission of inquiry is now open.

Commissioner James Igloliorte presiding.

Please be seated.

**THE COMMISSIONER:** Good morning, everyone.

This is a long-awaited event for the community and the family, as well as people who were involved in the search for Burton so many years ago. I believe it is the wish of everyone here that the work we will do will help advance the work of the valuable Newfoundland and Labrador search and rescue that is done in this province.

Also, there will be an opportunity for everyone to see how the search and rescue system works, what the practices are, what the protocols are and how this particular incident may have impacted and changed, already, the way that search and rescue works in this province and this country.

The first point I have to make is one for your health, of course. Like myself, I'll ask that while you're seated in this room you wear your mask. If you are a speaker then you may remove your mask to speak.

I understand that later today there may be a directive from the province about how we do our work in light of some of the COVID changes. Hopefully, we'll be able to stay here for the remainder of the week and hear the testimony and the evidence that we want to do.

We recognize that this is a very trying experience. Time has not made the impact of Burton's loss any easier for anybody; not for the community, not for the family, not for the searchers who were involved and especially not for some of the officials also who were involved. The greatest impact, of course, is on the family and we respect that this kind of inquiry has to have a great degree of mental health support. It has to be guided by the trauma that has been experienced by everyone.

You will see over the next few days how we will be doing what is called an informal inquiry. We

won't be asking every person to take the Bible in their hand as if they were in a trial of some kind and swear on the Bible in order to testify. Rather, we'll be asking all of you with your expertise and your experience to tell us what you recall about this particular incident. Also, we will learn about the specific work of search and rescue and other activities that impact on how we want to give recommendations to the government about search and rescue.

You should be particularly mindful that this inquiry is limited by the authority that we have. We have the authority only to examine ground search and rescue, not marine search and rescue and not aeronautical search and rescue. But it is quite possible that in our discussions we will be talking about all of those things, but remembering my role and my counsel's role and the lawyers involved are to speak to the issue of recommendations for ground search and rescue.

Another one or two important points have to do with how different this is from a trial. We're trying to learn from this experience; we're trying to learn from what happened back in 2012. We are mindful that the Terms of Reference we have in this inquiry do not allow the Commissioner or the inquiry itself to make any findings or conclusions about any criminal or civil liability on any person or on any organization, and it is not to make any conclusions regarding any misconduct against any person or organization.

Why is that? Well, we simply want to allow the process of being able to exchange information respectfully and without the fear of having a finger pointed at you or feeling that you're under any pressure, that somehow something you say may impact what happens later on. No one will be found guilty of any misconduct. No one will be found guilty of any criminal liability arising from this hearing.

We're grateful that right from the moment this incident happened, the counsel for the family, as well as the family themselves, the community of Makkovik and all of the province continued to put pressure on the government to make sure this becomes a public inquiry. So recognizing that we have health supports here, that we have many experts, including the ground search and rescue volunteers, we have a facilitator and lawyers as well, I'm quite prepared to say that

we are well positioned to conduct a full inquiry about all of the incidents.

From Makkovik, we will be travelling to Hopedale to hear from the ground search and rescue teams from Hopedale and Nain. From there, we'll be travelling to Corner Brook to hear information about searches conducted there. We'll go to Grand Falls-Windsor and conduct another similar kind of round-table session and, at the end, we will do a session in St. John's, as well as wrap up with a round table on reviewing Richard Smith's work that he has done for us already: a discussion paper on how ground search and rescue works in Canada and how it works specifically in Newfoundland and Labrador.

People will have reviewed that; experts will have reviewed it. They will come back to us and say: In our discussions like this, we think you're on the mark here; in our experience, these things need to be changed; we would like to make these recommendations to you as we prepare the final report. And even the recommendations that the commission makes will be informed by people at the round table, by the lawyers who are sitting here, by people who write in to us and give us ideas about what ground search and rescue should be and exactly what we hear from you based on your experiences.

Finally, I want to say on behalf of Ruth Steele, our chief administrator, and Marcella Mulrooney here, the administrator for these hearings, that they're overwhelmed by the welcome that they have received from the Nunatsiavut Government, from the Inuit community governments and from individuals in this community. We are so glad that you have made the type of work that we've brought here so easy to do simply because of your kindness and the friendly way that you have received us.

I'm going to hand over the floor to Mr. Budden. I understand that he also has some comments and he would like to address some points that counsel for the family has as well.

**G. BUDDEN:** Thank you, Commissioner.

Can you – is the mic picking me up okay, Madam Clerk?

Thank you.

My role as commission counsel, for which I'm grateful to have the opportunity to be involved in such important work, is to assist the Commissioner in the carrying out of his duties to see that important evidence is before the commission and witnesses have the opportunity to be heard.

I have the secondary role to represent the interests of the public. One way that we'll carry out that interest is if anybody here at these hearings has a topic or a question that they don't feel is being asked in the way they wish to be asked, you can certainly approach me after the hearing, at the end of the day, during a break, or you can approach my colleague, Mr. Clair, here to my right. His particular role will be to try to pick up on such questions or such issues and bring them to my attention and I will do what I can to see that such matters are brought to the – thank you, Madam Clerk – to the attention of the Commissioner. That is my role and I'll speak in a moment to what will happen here today after other counsels speak.

The other thing I would like to say is we will, from time to time, be referring to what we call exhibits. Some of them will be brought up on the screen. What those are, are documents that we have identified and the lawyers involved have, over the past several months, identified as being important. For instance, the RCMP file that was put together over the course of this search has been entered – has been disclosed to us and has been entered as an exhibit.

There will be a number of photographs of the conditions on the ice that are entered as exhibits and will be referred to and so on. For anybody wishing to examine those for themselves, this is a public inquiry; they are available and posted on our website. They're up there already. Others will be entered as we go through this inquiry, but they are found – I believe I have the address correctly, if not, Madam Clerk can please correct me, but it's [nlgsarinqury.ca](http://nlgsarinqury.ca). I believe that's correct. Thank you. Anybody who wishes to examine in detail any of these exhibits, this is a public inquiry; they are available.

Those are my comments for now. Other counsel, I understand, may wish to make comments as well. Perhaps Mr. Ralph you could start.

**P. RALPH:** Yes, thank you, Mr. Budden.

My name is Peter Ralph and I represent the Government of Newfoundland and Labrador. It is the Government of Newfoundland and Labrador that's created this inquiry. Perhaps everyone in this community and the family would have liked to have it created much earlier. I acknowledge it's perhaps long overdue. It's been a long time coming, over nine years since we lost Burton. Obviously, there were many painful years during that period of time, and as the Commissioner states, this week may be challenging at times and painful at times to relive – that difficult period of those few days and weeks.

But the province believes that this may be a very important week and it's perhaps particularly important that we came to Makkovik and heard directly, sitting around this table, from the searchers and from yourselves. I have to, I think, point out that everyone that's here from outside of Makkovik, the welcome has been overwhelming. This is a beautiful community and the people have been absolutely wonderful in welcoming us.

So, you know, the province believes that this inquiry provides an opportunity to learn a lot. That even this week, hopefully, the lessons learned during our discussions in the next four or five days will save the lives of other brothers and sisters and sons and daughters. And, you know, I think that, certainly, Burton's determination those days when he walked 19 kilometres, I think that, you know, inspired a nation in terms of his determination to try and stay alive.

And so I think that – certainly I feel myself – I think all of us here, you know, have a sense of responsibility or duty to Burton to show the same kind of determination and courage to try and identify the ways that we can change ground search and rescue and prevent other people from dying in the way that Burton – that we lost Burton.

I think that the province believes that can be Burton's legacy; his sisters and brothers and siblings are saved by virtue of this inquiry can be Burton's legacy. Again, thank you for having us.

**G. BUDDEN:** Perhaps, Mr. Williams, you could speak.

**T. WILLIAMS:** Thank you, Geoff and, Mr. Commissioner, thank you for your remarks.

My name is Tom Williams; I am the legal counsel for the Winters family who are present – for those listening on radio – here in the hearing rooms today. And we are delighted to have had the opportunity to be able to sit here at the commencement of this very, very important inquiry.

I think I can say on behalf of the family that they are here with mixed emotions. It's almost a decade since they lost their son and grandson, and it has been a very, very troubling number of years. Obviously, the loss of any child is quite troublesome, but the circumstances surrounding this matter, obviously, inflicted even more harm. So they are delighted to see this inquiry get started.

They are grateful for the support that has been shown by the Commissioner and the staff and the support services that are here, but, as has been noted by Mr. Ralph, this is going to be a very difficult week for them as well. It's obviously going to stir up some very strong emotions and troubling memories, but they appreciate that is part of what needs to be done in order to try to get some answers to some of the puzzling questions that they have.

And, in fact, to their credit, they see this opportunity, not only as a matter of going back and revisiting the issues surrounding Burton's loss, but as all the family has said – and they stated very, very soon after this event – that they do not want to see any other family have to go through this. So while it's a great opportunity to, you know, get some answers to some questions that they do have, it's also an opportunity to see if we can improve the system that is presently out there so that no family has to go through this again. I think that will be the biggest legacy for Burton, to see that in some way we can all

contribute to making the search and rescue system in this province better so that no other family has to go and endure this.

So we thank the commission for allowing us the opportunity; we're delighted to have the matter up and running. I know one of the family members, Natalie, who have some remarks before we get started, and the other family members may have comments, so (inaudible) pass them along to myself and I will read them for the commission and ask appropriate questions.

So we thank everybody for their contributions in the course of the week here in Makkovik and in the next number of weeks as we travel across the province to try to improve the system.

Thank you.

**G. BUDDEN:** Perhaps, Mr. Freeman, you could now speak.

**M. FREEMAN:** Thank you, Geoff, and thank you, Mr. Commissioner.

My name is Mark Freeman and I'm a lawyer with the Department of Justice of Canada. I'm here representing the federal departments in this matter, in particular, the RCMP and the Canadian Armed Forces at this round table.

We're sad to be here because of Burton's death, obviously. I don't even dare think I could fully understand everything that his family and friends have been through. We're also honoured to be here to participate in the inquiry and to be your guests. You've been very generous right from the moment we arrived, so thank you.

Me and my clients are here to be as co-operative and as helpful as possible for the Commissioner, the inquiry and the family and we'll do anything we possibly can to be of assistance. We do hope and believe, as everyone said, that this inquiry can result in improvements to the ground search and rescue in Newfoundland and Labrador.

So thank you very much and we look forward to helping as much as we can.

**G. BUDDEN:** I believe, Mr. Williams, one of your clients wishes to now make a statement.

**T. WILLIAMS:** Yes, thank you.

I think we have a cord for the mic that I can bring down.

**CLERK:** No, Mr. Clair, the other one.

**M. CLAIR:** Oh, this one. Okay.

**UNIDENTIFIED MALE SPEAKER:** Maybe she can sit there at the table next to Mr. Andersen.

**T. WILLIAMS:** Do you mind just sitting here?

Mr. Commissioner, Natalie Jacque, Burton's stepmom, would like to have a couple of opening comments.

**N. JACQUE:** I did want to say nakurmiik to everybody for being here. Rod's heart is here with us. He said he's not able to be here, it's just too (inaudible).

As difficult as it is to be here, we feel it's absolutely necessary. We're shocked that nearly after a decade after losing Burton that we are here. No family should be here. It's Burton who should be here. He would be enjoying his mid-20s; figuring out who he wants to be and following his dreams. He should have experienced so much: high school, college or university, falling in love, getting into trouble, finding a job, living on his own and loving life to its fullest.

It seems so simple to fix something when it isn't working. When a service fails and a child's life is taken because of that failure, it requires immediate attention so that it won't happen again.

We're here discussing our most private feelings so that changes occur for others. Why hasn't the death of our child been enough to start implementing change? Land, sea, ice search and rescue – do we know what ice emergencies fall under today? Would it require additional time-consuming red tape to send for help? Would it require a second emergency phone call requesting for help? Do many truly understand how things are in the North?

After the initial shock of losing Burton, which was months later, we began our grieving process. We experienced denial quickly because of the nature of Burton's death. It did not seem real. It suddenly became quiet in the house without him and yet we felt he was simply away. And then the anger came and it hit us like a wave, an anger that actually having to fight for answers. Why? It's heart wrenching to have to put families through this process.

Would you fight for answers to come to some kind of understanding about what happened if you had lost your child? Would you keep fighting nearly a decade later? Of course. That's why we're here.

Bargaining is said to be the third stage of grief; however, it was in all the answers that the agencies were then bargaining with us. They were drowning in their faults, grasping for all kinds of bullshit answers – sorry for swearing – to see what would sit with us. Bargaining was not part of our grieving process; it was theirs. We fought to know the truth. Many, many Newfoundlanders and Labradorians began standing up and voicing their hopes to implement changes after hearing about Burton.

At what stage did Burton's rescue fail? We believe it was in between the agencies, a slip-up that all of Burton's family and friends will forever have to pay, and that Burton himself had paid the ultimate price. A child in need is dire always.

And, lastly, depression hits. Depression and acceptance are the final stages of the grieving process. It doesn't truly go away after losing a child. I don't think, personally, acceptance comes after what we've been through. Time simply keeps moving forward and you move along with it.

And all this time since January of 2012, we've had to explain over and over again details and timelines, interview after interview, and recall all those terrible days from losing Burton. Days turn into weeks and then months, and now nearly a decade, 10 years later, the family is still here looking for improvements, just for improvements. Does that resonate? It doesn't sit well with us. Burton deserved a chance at life. His life matters.

**THE COMMISSIONER:** Thank you very much, Natalie.

And, Mr. Williams, if you'd like to continue, please feel free to add any other comments you want at this time before I hand it over to Mr. Budden.

**T. WILLIAMS:** Thank you, Commissioner.

We have nothing else at this point. The family may – over the course of the week – have an opportunity, if they wish to, to have other comments, and we'd certainly let you or your counsel know.

**THE COMMISSIONER:** Thank you so much. Thank you very much to the family.

Mr. Budden.

**G. BUDDEN:** Yes, thank you, Mr. Commissioner.

This morning we are fortunate to have with us a number of the men who were active participants in the search over the period from late on January 29 until the morning of February 1. We will be proceeding in a panel form, and the five individuals who are part of that panel will answer questions and engage in a discussion really, I suppose, which would be facilitated by Mr. Michael Clair, who is to my right.

The manner of which we will proceed will be in chronological fashion for the most part. We will begin with where the official involvement began when the family of Mr. Winters reported him – that he was missing and that would've been approximately 7:30 p.m. on the 29th of January. And we will hear about the events of that night, of the following day, of the day after and of the day after that from the perspective of the searchers, what they did, what they experienced, what they saw. And perhaps they can inform us of some factors which will explain some of the other decisions or choices that other parties made over those days.

The – while Mr. Clair, who is a – who will speak to himself, to his own background, will facilitate the discussion today where Mr. Perry Dyson, Mr. Travis Dyson, Mr. Cyril Lane, Mr. Barry Andersen and Mr. John Andersen will speak to

their experiences, I will, from time to time, enter the discussion to draw a particular exhibit. We will, during this round-table discussion, be referring to exhibits, to a map, which is not yet an exhibit but will become one, which you see here on an easel and that the witnesses will be referring to. I will be asking Madam Clerk to call up particular exhibits, lists of places that were searched, lists of individuals who were involved and so on to help refresh the memories of the searchers and help them explain what they did and what they faced while they were doing that.

So, at this point, I will allow Mr. Clair to introduce himself and as this is – as Mr. Commissioner said – it's perhaps not as formal as a court process, though the matters involved are obviously as important as any court process ever will be, but the matter we will be proceeding is a little less formal.

At the end of it, I will have a couple of questions about another search that I will put particularly to Mr. Barry Andersen and Mr. Perry Dyson, I believe, and perhaps some wrap-up questions generally. The other counsel will have the opportunity to put questions to these witnesses, as may the Commissioner if he chooses to.

As I said earlier, if anybody following along in the audience wishes me to explore a particular topic, they're free to approach me on a break or approach Mr. Clair.

Thank you very much.

Mr. Clair will now speak.

**M. CLAIR:** Thank you, Mr. Budden.

Thank you, Commissioner, and thank you, Natalie, for your very heartfelt comments. It certainly resonated with me.

Thank you searchers for coming here today. We know this is totally voluntary on your part and you're doing this in order to help improve search and rescue in this province. We had a meeting already; we know how difficult this is for you. We greatly appreciate your being here this morning.

I may make a few opening comments from my seat and then I'll stand up and then we'll start the facilitation.

Our task today is to engage in a discussion with the first responders in order to help determine the facts surrounding the search for Burton Winters. As the Commissioner said, our task is not to seek fault or assign blame, but to seek to understand in detail what occurred during this event in order that we may suggest ways in which the search and rescue process in the province can be improved.

As we've all come to realize, search and rescue is a complex activity that involves a number of different organizations, including all levels of government, ground search and rescue teams, volunteers and others. There are lots of moving parts and it's challenging to coordinate all these different players, all of whom are diligent, well-meaning and empathic individuals who all seek a successful end to their searches. We're grateful for their activities and are meeting during this inquiry in part to see how we can make their jobs easier and more successful. And to do that, we need to understand what their job involves.

So today, we're hearing from those individuals who were the first to be mobilized in the search for Burton. These are the members of the Makkovik ground search and rescue team and the community volunteers, who, the evening he was discovered missing and the following days, searched the community and the surrounding area, often at great risk to their own well-being.

So we're going to start the discussion in a few minutes, but there's always a couple of housekeeping items we need to deal with. So these proceedings are being recorded and broadcast, so we need to make sure that when you speak that you do have the microphone. And, as I mentioned earlier, we'll be wiping down the microphone for COVID reasons as we exchange. We've got lots of time, there's no need to rush, so let's make sure that we – if there's anything in the back of your brain, make sure you have – you'll have a chance to say it.

The COVID protocol, as the Commissioner said, dictate that we keep our masks on unless we are speaking. Don't speak with the mask on because it will be too muffled for the broadcast. But

when you're finished speaking, please put your mask back on.

As the Commissioner said, this was a dramatic event for many of you and if, at some point, you need to take a break to just gather your thoughts and you need to step out of the room, by all means feel free to do so. This is a friendly audience. We want to hear your story and if you have trouble talking about it, talk to Louise in the back or go take, you know, a glass of water and have it outside and then come back when you feel ready and to tell us your story.

So for those of you who are here with me in the room, we're going to have a coffee break at 10:30 for about 15 minutes and we're going to pause again at noon for an hour for lunch. For those of you in the room here there will be sandwiches brought in, so you're very welcome to stay. If you have to go home for lunch, that's fine as well. But there will be sandwiches here. The washrooms are located downstairs in the arena.

And, as Mr. Budden has said, this is an official inquiry with formal protocol, but for our discussion, I do want it to be informal, so please address me by my first name, Mike, and I'll address you by your first name as well, so that we keep it conversational.

So our first order of business, I think, for those people who don't know you guys, would be to introduce yourselves. You don't need to give a long introduction but say who you are. What – you know, if you are a member of the search and rescue team, if you play another role in the community, on municipal council or in clergy or whatever, you know, just to give us an idea of who you are.

So I'll start with Barry – and Barry, just say a few words and then give me back the microphone so I'll wipe it down and we'll pass it on.

**B. ANDERSEN:** Thank you, Mr. Clair.

My name is Barry Andersen – Winston Barry Andersen for my full name. Presently, I am the AngajukKâk of Makkovik. I have spent the last 20 years as ground search and rescue coordinator here in Makkovik. I've been a

volunteer at the organizations in the community as well. I was also on the – part of the volunteer search and rescue as an ad hoc search and rescue team from 1994 to 2000, before we got organized under Newfoundland and Labrador Search and Rescue Association. Other than that –

**M. CLAIR:** That's good.

**B. ANDERSEN:** My professional career, I was a police officer for a number of years (inaudible).

**C. LANE:** Good morning, my name is Cyril Lane. I'm a volunteer in the Makkovik ground search and rescue team. I hail from Postville originally, where I, for a number of years as well, I actually chaired the ground search and rescue team in Postville (inaudible). Just like Barry here (inaudible) but also different committees, different groups in (inaudible). We got the local fire department (inaudible).

**M. CLAIR:** Thank you, Cyril.

**J. ANDERSEN:** Good morning, my name is John Andersen. I am the Ordinary Member for Makkovik in the Nunatsiavut Government. At the time, I was head chapel servant in the Moravian Church in Makkovik. I served 25 years as the recreation director for Makkovik and I do a lot of community volunteering.

**P. DYSON:** Good morning, my name is Perry Dyson. I'm also a member of the local ground search and rescue community. I'm hoping that the inquiry brings some good. It's going to stir up a lot of sadness but (inaudible) and I'm confident it will.

**T. DYSON:** Good morning, I'm Travis Dyson, ground search and rescue here in town. Same as the boys here, just involving many different – fire department and the junior ranger program, also part of the 5CRPG ranger patrol.

**M. CLAIR:** Thank you, Travis.

I thought we would start the proceedings this morning by having Barry – we prepared a map. So we met with Barry before. He's outlined a few of the areas where the searches were done,



et cetera. I thought we'd start with Barry, that Barry and I would go over to the map.

And, Barry – as an overview, because we're going to go through the details as we go along with morning. Just as an overview, can you show us on the map, let's say on the evening of the first day where you searched, the second day where you searched, third day, et cetera. Just in a chronological sequence like that. Just to give us a sense of where you looked, how hard you looked, et cetera, and then we'll take it from there.

Barry, I'll ask you to be on the other side of the map so that the camera can see where you are pointing. I think the Commissioner and the Clerk have copies of the map for reference.

**THE COMMISSIONER:** Yeah, feel free to turn the map a bit more towards the camera and the family so that they can follow along. We all got our own maps anyway.

**G. BUDDEN:** Sure.

Perhaps at this point Madam Clerk could call up Exhibit 017 and bring it to page 5. That carries over into page 6, but what that is, Mr. Commissioner, is a list of the places that were searched the first night of the search in what is called a hasty search, which I'm sure Mr. Andersen will explain what a hasty search actually is.

**CLERK:** Page 5.

**G. BUDDEN:** Page 5, near the very bottom, is a list of names. If it helps, Mr. Andersen, I could read those out one at a time and you could show where they are on that map.

Just scroll up a little more perhaps, Madam Clerk. Thank you.

So if you'd like, Mr. Clair –

**M. CLAIR:** Yeah. Yes, please (inaudible).

**G. BUDDEN:** Yes. The first item on the list, Mr. Andersen, is Makkovik Bay, Boat's Cove. Can you show on the map, for the benefit of the commission, where that is?

**B. ANDERSEN:** Yes, Counsellor.

Boat's Cove is actually off of this map, an area right at the bottom of the head of Makkovik Bay in position – probably right about in that area. Boat's Cove is – there are a number of cabins at Boat's Cove.

**G. BUDDEN:** And before we move to the next item, perhaps you could explain what a hasty search is, which is the term that was used in the notes describing what was done that night.

**B. ANDERSEN:** Thank you, Counsellor. Certainly.

A hasty search, Mr. Commissioner, is pretty much what the term refers to, it's a fast search. We send out usually two searchers to different areas to look for evidence that the person may have been – if they find signs that there was presence or evidence, maybe a pop can or a bottle cap, that sort of thing, then they would call back to the command post and we would concentrate on that search there. So we sent out patrol teams to Makkovik Bay to Bens Cove, to Killman Pond, to Hare Hill, Sharp Hill that night starting out; tried to cover as much ground as we could due to the deteriorating weather.

**G. BUDDEN:** Thank you.

Perhaps – we'll hear about the weather in a moment. But perhaps we'll go down the list, just it's – because it really is helpful, I believe.

Marks Bight: Where would Marks Bight be, Mr. Andersen?

**B. ANDERSEN:** Marks Bight is to the west of Makkovik – it's written on the map, Marks Bight.

Could I – Mr. Commissioner, if I could point out the topo map – for people not familiar with the topo map, the top of the map is due north, the bottom is due south, to the right is east and to the left is west. So for those people who are not familiar with topo maps, I just wanted to point that out as well.

**G. BUDDEN:** Thank you.

And each little block represents a square kilometre, I believe. Perhaps you could point to one of those little blocks.

Yeah. Thank you.

Next on the list – and I may not be pronouncing this correctly – Kaipokok Bay?

**B. ANDERSEN:** Yeah, Kaipokok Bay is further west from Marks Bight. It runs from Cape Makkovik basically, right on in to Postville, Postville Bay, Kaipokok Bay.

**G. BUDDEN:** Killman Pond.

**B. ANDERSEN:** Killman Pond is just to the south of Makkovik, a common hunting and fishing area and wood gathering – gathering firewood.

**G. BUDDEN:** Monkey.

**B. ANDERSEN:** Monkey Hill is right at the bottom of this map, it's pretty much due south of Makkovik. It's where the microwave power for our communication system is. It's a very high hill and it's about 2,200 feet above sea level.

**G. BUDDEN:** Sharp Hill.

**B. ANDERSEN:** Sharp Hill, on this map look to the right of Monkey Hill and it's another landmark from Makkovik that you can see on a good day.

**G. BUDDEN:** And perhaps you can point to it with the pen.

Thank you.

Big Island.

**B. ANDERSEN:** Big Island is an island in Makkovik Bay, which is very close to Makkovik, pretty much due west, northwest and it has one cabin there, which I forget the (inaudible). It's a common area for people to go (inaudible), especially in the springtime for boil-ups and that kind of thing.

**M. CLAIR:** Sorry, can you point out where that is (inaudible)?

**G. BUDDEN:** Bens island.

**B. ANDERSEN:** Bens Cove?

**G. BUDDEN:** Bens Cove, my apologies.

**B. ANDERSEN:** Bens Cove is down to the northwest of Makkovik, an area where there is a cabin owned by local residents in Makkovik. We had our (inaudible), both the gentlemen sitting to my left in that area that night.

**G. BUDDEN:** And those, gentlemen, for the record are – that would be Perry Dyson and Travis Dyson?

**B. ANDERSEN:** Sorry, Your Honour, that's correct.

**G. BUDDEN:** Thank you.

All cabins in Boat's Cove were searched?

**B. ANDERSEN:** Boat's Cove would be off of this map. But it's pretty much where I drew this pen circle on the bottom of the map.

**G. BUDDEN:** Ford's Bight.

**B. ANDERSEN:** Ford's Bight is this area east of Makkovik. It's another common area for wood gathering, hunting partridge. That's where we were meeting with the rangers that day for the (inaudible) Junior Canadian Rangers field training exercise.

**G. BUDDEN:** Makkovik – whole community.

**B. ANDERSEN:** Makkovik on the map, it is where my pen is. (Inaudible) that evening with a whole bunch of ground search and rescue searchers and local volunteers, including some of the Junior Canadian Rangers – senior Junior Canadian Rangers mappers to monitor Facebook, that kind of thing, just to see –

**M. CLAIR:** Was that the door knocking, house-to-house?

**B. ANDERSEN:** Door knocking, going out and asking people to look around (inaudible) activity, kindly go out and just ask them generally, have you seen Burton? Where did you last see him if you did see him? That was pretty

much the normal response – a lot of the response.

**G. BUDDEN:** Ranger Bight Pond.

**B. ANDERSEN:** Ranger Bight Pond, (inaudible) to the west or the south of Makkovik there and it's our main water supply for our communities. Is that good enough?

**G. BUDDEN:** Airstrip.

**B. ANDERSEN:** The airstrip is, again, just to the south of the community, or the (inaudible) community. It's – well, it's up on the hill. It's 430 feet above sea level, right next to a swampy area, by the weather station as well.

**G. BUDDEN:** Okay.

Hare Hill. H-A-R-E.

**B. ANDERSEN:** Hare Hill, again, is a little bit to the west of Makkovik, a few kilometres. That's a known area where the local young people will go up on their snowmobiles, climb up the hill, doing (inaudible) and that kind of thing that they like to do with their snowmobiles.

**G. BUDDEN:** Sure.

Tilt Cove.

**B. ANDERSEN:** Tilt Cove on the map is an area where the path ends and comes to sea ice. The snowmobile trail ends and hits the sea ice on the way to Postville (inaudible) area. It's an area where – it's a – any local travellers will wait for us and we'll take you through during the (inaudible).

**G. BUDDEN:** Okay.

Grassy Point.

**B. ANDERSEN:** Grassy Point is another area in Makkovik Bay just to the west of Makkovik. It's another place where – it's a nice, flat area where people would go up just to go there to hang out, I think, from time to time.

**G. BUDDEN:** Point la beat or la bight.

**B. ANDERSEN:** Point la bight, Makkovik, on the map here, it's (inaudible), but locally we call it Point of the Bight. It's just the point that straight out (inaudible) of the town. It's only about a kilometre from the community.

**G. BUDDEN:** The Slant.

**B. ANDERSEN:** The Slant is a hill. You can see it out through this window here, right behind the Moravian Woods – or I'm sorry– right behind Indian Head. The local children like to hang out there as well. There's a nice slanted area, you can snowmobile up there or on their sleds.

**G. BUDDEN:** Sure.

Indian Head.

**B. ANDERSEN:** Indian Head is a landmark in Makkovik. It has a place out there where a bunch of people, young people, hang out there as well. It's just a better (inaudible) the snowmobiles (inaudible) popular place for young people.

**G. BUDDEN:** Moravian Woods.

**B. ANDERSEN:** The Moravian Woods, again, is right behind the church area in Makkovik. It's the woods that you see as you look out this window to my right from the arena here. It's a collective area (inaudible) it's all woods. The young people – there's a path there called (inaudible) path and some people, most of the young people use that (inaudible) as well.

**G. BUDDEN:** Thank you.

Those are the list of specific points as we can see from that exhibit.

Mr. Commissioner, I note it's just gone to 10:30, when do you wish to take a break?

**THE COMMISSIONER:** Thank you.

Well, I think we have started the flow of information and we should go for at least another 10 or 15 minutes.

**G. BUDDEN:** Perfect.

**M. CLAIR:** These were all searches that were done that night, is that correct?

**B. ANDERSEN:** Yes, correct.

**M. CLAIR:** So then, the next morning, what was done the next morning? Where did the searchers go the next morning?

**B. ANDERSEN:** Well, due to some information came in later on that night about a possible snowmobile track sighting near Ford's Bight, we concentrated a search effort just to identify if that track – where they were other than in the area between Ford's Bight and (inaudible) Cove. It's (inaudible) Cove on the map – it's (inaudible) on the map but it is (inaudible) Cove, but it's not highlighted in the circle. So that's another group of people that drove across Makkovik (inaudible) to Cape Makkovik to (inaudible).

A few young people said that there was maybe a snowmobile track there. So we concentrated there to see if we could actually find that snowmobile track. It was snowing thick at the time so we had to (inaudible) or (inaudible) that were on the ice. There was thin ice there as well.

The next morning, we continued with our search efforts inland to the west and towards Postville as well.

**M. CLAIR:** So essentially, the same search that you had done the night before?

**B. ANDERSEN:** Yes, to a certain extent. We did go through the prior areas of Big Bight (inaudible) snowmobiles. We had helicopter light, which was owned by Mr. Woodward – Woodward Group of Companies.

From then, we sort of commandeered the aircraft, as it was the only one in the area. So we started a flight up to Makkovik Bay as far as Ikey's Point, where the open water was, to see if we could spot (inaudible) in that area from the aircraft. Due to (inaudible) conditions – we call it blinding conditions, we couldn't see very well to the ground.

**M. CLAIR:** So was that all that was done that day, you think?

**B. ANDERSEN:** Well, we searched as best we could with the helicopter to Makkovik Bay from Ikey's Point, from Strawberry Head and did a grid search of Makkovik Bay with the helicopter (inaudible). That included a grid pattern across from Makkovik Bay right back to Makkovik without any success. We didn't see any evidence of anyone travelling there. Once we got to Makkovik, we went back out to Jackos Island by helicopter. (Inaudible) location there, so we did a search of Jackos Island, with the Big Island and all over the shoreline.

Aboard the helicopter at the time was myself, Perry Dyson and Errol Andersen. On the way back, we directed the pilot to come back to Makkovik – I know it is certainly difficult for the family. But just shortly after leaving Jackos Island, and this is probably the first time you are hearing this, as we saw polar bear tracks. We did not want to disclose that to the family because of (inaudible).

So we – as we investigated the tracks a bit just to confirm that it was polar bear tracks – and it was, it was going out into the water and coming back up. As we headed back to Makkovik, the pilot informed us that it was a chip light indication with the helicopter. I just asked: What does that mean? And she said: The engine is chewing herself up and we got to land right now. All three of us said: Shit no, the ice was too thin to land there. So I directed her to come to Ford's Bight Point. She said: We can't make it there. Christa Drover – I'm sorry, I think – I'm not sure if I should mention her name, but she was the pilot at the time.

**P. DYSON:** Glover.

**B. ANDERSEN:** Hey?

**P. DYSON:** Glover.

**B. ANDERSEN:** Glover, sorry. Thank you, Perry.

We asked if she could try for Strawberry Head – can you see if you can make it there? And luckily we were able to land at Strawberry Head and that's where we stayed for the rest of the – well, pretty much the rest of the day.

**M. CLAIR:** But what time of day did you land?

**B. ANDERSEN:** The exact time – I don't have my (inaudible).

**M. CLAIR:** Roughly.

**B. ANDERSEN:** Midday.

**M. CLAIR:** Thank you.

**B. ANDERSEN:** So by that – (inaudible) there. We had the other search team came down around Ford's Bight shore – on the south side of Ford's Bight shore on Ski-Doos. They came out to us. They were on the ground talking to – well, I believe that Christa was talking to her people at the maintenance – the hangar in Goose Bay to figure out if it was an actual chip light problem or if it was a false alarm. But the light didn't go off.

So the boys came out, search and rescue. Two from here came right out to meet us. As we got there, Perry Voisey and his son, Andy Edmunds, made it out on to the ice, commuted the ice, and were walking back and forth. And Perry was adamant that they found a snowmobile track, very short snowmobile track on the ice, near the edge of the open water, going into the open water.

So myself, Perry Dyson (inaudible), we called back to Corporal Vardy (inaudible) to request a camera. We didn't have a camera with us at the time.

**M. CLAIR:** What kind of camera? What kind of camera?

**B. ANDERSEN:** A digital camera.

**M. CLAIR:** Okay. Not underwater or anything?

**B. ANDERSEN:** No. No, just a digital camera to document the snowmobile track leading back to the other snowmobile track.

Fortunately, the clouds did lighten up a bit after the camera arrived on scene and I was able to take a picture of the track and confirm that, yes, I could see where all tracks there and a snowmobile track – we couldn't tell which direction the Ski-Doo was going, whether it was going out or coming back, but we had to assume the worst, that it may end up into the water and

they could probably make more tracks – before (inaudible), I suppose, might be more accurately, but saltwater ice is very difficult to tell when there's fresh snow on top of the ice.

On the way out to the (inaudible) Bay, myself and Perry Dyson, I was out ahead of Perry, a few metres ahead of him, and I heard him say: Oh shit. When I looked back I could see him up to his armpits in the water, so I just went back and grabbed him, hauled him out of the water, and he rubbed himself off with fresh snow to get some of the water out of his clothes.

**M. CLAIR:** And you fell in as well? You fell in as well?

**B. ANDERSEN:** I mean, probably not as bad as him. I didn't fall through the ice – Perry didn't fall through the ice; he stepped in the wrong spot where the ice pans were floated apart, but snow had covered the open cracks in the ice. So when I got up to him (inaudible) I fell in. Perry grabbed me and hauled me out as well.

So we continued on, got out there. By that time, we had the fishery officer, Denley Jacque, who was also on the scene as well – on the search team, that is. And we used the anâk, or the dart used to hunt seals, to mark the snowmobile track so that people wouldn't walk over it and destroy the scene – to destroy the scene or the tracks before we had the camera and were able to take a picture to confirm that there was actually a snowmobile track there.

**G. BUDDEN:** Sorry, Mr. Andersen, I was just having a quick word with Mr. Clair.

**CLERK:** Your mask.

**G. BUDDEN:** I was going to direct some questions to the witness now, and the other witness, just covering some of the same ground, bringing up particular points. Do you wish to take a break before we do that?

**THE COMMISSIONER:** Sure. Fifteen minutes.

**CLERK:** Fifteen minutes?

**THE COMMISSIONER:** Yeah.

**G. BUDDEN:** Okay.

**CLERK:** All rise.

**Recess**

**CLERK:** All rise.

This commission of inquiry is now in session.

Please be seated.

**THE COMMISSIONER:** Go ahead, Mr. Budden.

**G. BUDDEN:** I believe, Mr. Commissioner, Mr. Williams still has a question of two for these witnesses. Am I correct?

**T. WILLIAMS:** No, I will – they're kind of unrelated to where we left off. So if you wanted to start off in a new area, that's fine.

**G. BUDDEN:** Sure. And how about yourself, Mr. Freeman?

**M. FREEMAN:** I have no questions at this time.

**G. BUDDEN:** Thank you.

Well, I'll move on. Mr. Clair will pick up the facilitation again.

**M. CLAIR:** Thank you, Mr. Budden.

**CLERK:** Your mask.

**M. CLAIR:** Sorry.

So where we left off before lunch in terms of the map was that we were now – we had a helicopter on Strawberry Head that was disabled. There was a team that had come in on snowmobiles, and then there were people who had gone on the ice.

So I'll just throw out the question to whoever wishes to answer: Who went on the ice and what occurred at that point?

**G. BUDDEN:** Barry Andersen is about to speak.

**B. ANDERSEN:** Thank you, Mr. Commissioner.

Before I will start this question, may I respond to Mr. Williams's discretionary item before lunch between Coast Guard and marine search?

For the information of the inquiry – the commission – the Canadian Coast Guard has recognized the need for an auxiliary unit in Makkovik and other communities on the North Coast and has responded by training (inaudible) or search and rescue team members as auxiliary – Canadian Coast Guard Auxiliary members by using their small speedboats, (inaudible) boats, (inaudible) speedboats as auxiliary Coast Guard vessels. So that's in the process.

And the Nunatsiavut Government, in partnership with the Canadian Coast Guard as well, have purchased two inshore search and rescue marine vessels. They are (inaudible) aluminum build and one of them stays here in Makkovik and the other one stays in Nain.

So I just wanted to bring that to the attention of the inquiry and to answer Mr. Williams's earlier question.

**THE COMMISSIONER:** Any follow-up on that point, Sir?

**T. WILLIAMS:** No, nothing.

**B. ANDERSEN:** So once we were at the scene, at the edge of the ice, myself and Perry Dyson, to my recollection Denley Jacque, Perry Voisey, Andy Edmunds, Dion Voisey – there may have been one or two more people, I'm not sure if I made notes in my police file, but we were at the scene at the edge of the ice and there was some discussion: Yes, it's snowmobile tracks and not it's not, until the sun (inaudible) a bit and I was able to take a picture of the track and (inaudible).

**G. BUDDEN:** And – sorry, perhaps the Clerk could call Exhibit P-018 at page 103 now, which is a picture that – when it's convenient to you, you might want to speak to – tie into what you are saying.

**CLERK:** Page 103?

**G. BUDDEN:** Correct.

Perhaps bring it up until – that’s perfect.

**UNIDENTIFIED MALE SPEAKER:** Can you turn it around?

**UNIDENTIFIED MALE SPEAKER:** Rotate it clockwise.

**UNIDENTIFIED MALE SPEAKER:** Actually, that’s oriented here as we see it.

**UNIDENTIFIED MALE SPEAKER:** Okay.

**UNIDENTIFIED MALE SPEAKER:** Try right click. Rotate clockwise.

**G. BUDDEN:** No, no. I don’t think –

**UNIDENTIFIED MALE SPEAKER:** That’s fine.

**G. BUDDEN:** – the rotation is necessarily a good idea.

**B. ANDERSEN:** Okay. What you see here on the screen is – the black dots on the ice is the people, the searchers, standing around. There is a boat in the water going through the slob ice looking for any sign, maybe a hat, mitts, something that may have been floating around in the water. Because we assume on the ground that no Ski-Doo made it across that wide body of ocean, or the (inaudible) or the lead in the water (inaudible).

The picture at the top of the screen, or the black dot at the top of the screen there is (inaudible) in the dark, was stuck up on the ice, done the job and stayed there to ensure no searcher destroyed that Ski-Doo track. That’s basically where the Ski-Doo track was most visible heading straight in the direction of the open water. You couldn’t see if it was coming in that direction, but it was perpendicular to the (inaudible) sea edge or the ice edge.

From there, right across Makkovik Bay right to Ikey’s Point, on the north side of Makkovik Bay, that stretch of water right across from Strawberry Head straight across to the other side. That’s about the same all the way across (inaudible) 20 metres. And the night before this

picture was taken it was pretty much blue ocean, there was no ice forming in (inaudible). So we had that – planning the search we were concentrating our efforts in trying to find any evidence of Burton in the water, or in case of oil spill, some remnants of any part of the Ski-Doo that may have been floating in that area.

Also, at the time, that ice that we’re standing on there is a few centimetres thick and to the inquiry that might seem relatively – or basically thin for a non-experienced person, but saltwater ice, like I mentioned this morning, is flexible. It doesn’t break like our – it doesn’t crack or (inaudible) to that effect. It will flex under your feet. The old folks would always tell us that the thickness of a matchbox will hold you up on saltwater ice. Personally, I don’t do that, but the old hunters would always say that.

We concentrated the efforts there until – we were hoping to get an underwater camera to put down in the water to search around to see if we could see any evidence of the snowmobile or the body. At that time, we were thinking the worst for a water recovery. Do you have any pertinent questions there or is that ...?

**M. CLAIR:** I wonder if some of your colleagues would have – anybody else who was there, anything to add to that comment.

So you’re there on the ice; what time of day is that, approximately?

**B. ANDERSEN:** Early afternoon for sure – I’m not exactly – I don’t have the exact times we were there. It was early afternoon on the 30th, on a Monday. So the helicopter was on the ground, Sir, at that time, getting another helicopter up to take a few pictures with (inaudible) RCMP officer, constable. So, as you can see from that photograph, it’s not a clear day; it’s very dull. You can’t see footprints of those searchers on the ground on the ice or any Ski-Doo tracks that might have been there.

At the end of the day, we did have a Ski-Doo out there haul up a boat from Makkovik to the scene to conduct the operation that we were going in the water. It was a 20-foot speedboat, with a 40-horsepower Yamaha motor is what we used there that day. I am not sure, Perry, you weren’t there – we just sat on the ice there.

**P. DYSON:** Yeah, we were just – yeah, I wasn't ...

**M. CLAIR:** Thank you, Barry.

So it's at the end of the day. So there's a gap there. You had spoken earlier about how the sea is very dynamic, the ice moves, flows again and opens up, et cetera. In your experience, how likely would this have been closed at some point?

**P. DYSON:** It's a pretty important point to make to anyone who may not be familiar with the ice and you look at other pictures that I've seen over the area and it just looks like an expansive (inaudible) ice, which is there basically – you would assume, without knowing – from January till June. It's indeed not the case. In this area, it's subject to ocean swells. The ice comes and goes, and moves up and down on the shore. That year was late. We didn't have any frost until just before the incident.

When the track that we observed went to the water, the first assumption, of course, was that the snowmobile had entered the water from here. We know, now, of course, certainly that it didn't enter the water; it passed – and I don't think it passed over the water; I think the ice was in and it travelled over the ice to its final destination, where it finally stopped.

But it's an important distinction to make, that the ice doesn't – it isn't a stationary machine at that point. It comes and it goes; it comes and it goes. And had the wind come from the west after Burton passed over and stayed from the west, we may never have found the snowmobile or Burton.

**M. CLAIR:** Mm-hmm.

**P. DYSON:** (Inaudible.)

We did also – we checked for tracks on the other side of the ice, but they were hard to find on this side. We couldn't get down on the ice on the other side because it wasn't a massive sheet of ice; it was pieces of ice.

**M. CLAIR:** Mm-hmm.

**P. DYSON:** They were just caught together.

**G. BUDDEN:** How safe would it have been to try to get to the other side of that ice?

**P. DYSON:** You could check with the boat. You may have been able to get off on the ice on the other side of it. We certainly wouldn't have known what we were walking on because we had snow all the night before, so all these pieces of ice were now pushed together, covered with a layer of new snow, so you didn't know if you were going to step in a crack or, you know, maybe a piece of ice that was too small to support your weight. It wasn't safe for us to go on ice (inaudible).

**M. CLAIR:** Thank you, Perry.

And both you guys have gone through the ice just earlier, right?

So we're getting near the end of the day, and so I guess darkness is starting to set in.

**P. RALPH:** I don't think so. I think it's still midday, isn't it?

**M. CLAIR:** Is it still midday?

**G. BUDDEN:** Pretty much.

**M. CLAIR:** Okay.

**G. BUDDEN:** Just after noon, yeah.

**M. CLAIR:** So what was the next – so the boat's in the water; you're looking for tracks on the other side and not finding any. What happens next?

**B. ANDERSEN:** (Inaudible) we stayed on the ice for the whole afternoon with the boat in the water, looking – there was a team on the ground. Some fellas, Denley Jacque, and a few others, were helping the pilot who was trying to get that helicopter that was down airborne again, but to no success. They had their Ski-Doo parked underneath the helicopter itself, so he was standing on the seat to get up at the engine cowling and check the sensor that they assumed it was – it might've been faulty. You know, a false alarm, but it wasn't the case; the engine was actually chewing itself up at the time.



We stayed out there on the ice in that general vicinity, hoping that the weather would – that sunlight would peek through and give us a better view of the snow. As you all know, here on the North Coast of Labrador when you've got cloud cover like that, the salt water is, we call it, blinding or dull. You're driving along, you can't – you don't (inaudible). If you're going hunting or anything, it's not a very good day for hunting because you're – the footprints that you would see 20 feet away, you could drive right over that and you wouldn't see them (inaudible).

So we basically hung around there waiting around for roughly the whole afternoon. Once we had the snowmobile tracked from the point right there – it's near Strawberry, on the map, about where the straw in Strawberry is located is where that hole in the ice was. That boat is in the water there. I'm not sure if there's any (inaudible). Once we had the track, where Perry Voisey hauled the boat (inaudible) we were able to follow that same path back and forth with – we were going to bring the camera on it.

**M. CLAIR:** What was that path?

**B. ANDERSEN:** Trail – Ski-Doo path from the open water straight back to Makkovik. Following along (inaudible) it was generally follow the route, if the ice was safe, that the locals and the youth who go out there hunting or to go seal hunting or whatever.

Other than that, we were out there the whole time, during the trip, to look for evidence on Burton. That's basically (inaudible).

**M. CLAIR:** Thank you, Barry.

So when you were on the ice and you were looking for evidence, you were there for several hours?

**B. ANDERSEN:** Yes, I would say yes, two, 2½ hours for sure.

**M. CLAIR:** Okay. It's starting to get dark at that point?

**B. ANDERSEN:** Yeah, darkness in January: 5 o'clock, I think. If I recall correctly (inaudible) the sky, the sun sets here in Makkovik, it's dark and dull and dark, it's around 4:30, the

headlights are visible on the snow then so (inaudible) that hour of the day.

**M. CLAIR:** So what is going through your mind at this – what is going through your mind at this stage?

It's open water, tracks leading to it, it's getting dark, what's – Barry, I guess this question is to you: What's some of your own analysis, as the search coordinator, what are you looking at as being your next steps?

**B. ANDERSEN:** Our first assumption was that Burton had driven into the water, over the edge of the ice and we were hoping that the weather would clear because Corporal Vardy had ordered the underwater camera. We were – Perry Voisey, I think, went back to Makkovik to get – if my memory is correct – and got an ice auger – water ice, ice auger and he started drilling (inaudible) holes in the ice; it's very easy, the ice was so thin – right along the edge so we could drop the camera down and search all around the bottom there. It's about three fathoms of water in that location: one fathom of water is about six feet, so probably 18 feet of water, and various cod fishing stuff, very shallow or relatively shallow (inaudible) fishing. So then, we had to search between the holes through the ice, making bigger holes in preparation for the hopeful arrival of the underwater camera.

**M. CLAIR:** And at that stage then you figured that your work is done for the day and you were immobilized for the day?

**B. ANDERSEN:** Yes, at that stage, we (inaudible), the camera arrived and Corporal Vardy looked at myself, he said he was familiar with that underwater camera (inaudible).

So once we had the (inaudible) holes drilled that we would do everything in straight lines so far apart. We dropped the camera; we didn't know what visibility was. It's usually not very good under the sea ice; it's usually pretty dark. So (inaudible) kind of ice covered would be a challenge but we were desperate and we were trying to locate (inaudible).

**G. BUDDEN:** What we thought, Mr. Commissioner, is that this might be – it's the

end of the 30th, the second – the first full day, this might be a place to – for the lawyers to ask a few questions and then we can move on to the 31st, if that pleases you.

**THE COMMISSIONER:** Thank you.

Go ahead.

**G. BUDDEN:** Thank you.

I just have just a few questions, and perhaps we could bring the mic to Mr. Perry Dyson for this question.

Mr. Dyson, I understand that you were one of the spotters in the Woodward helicopter, as we've heard that evidence. Could you tell us, I guess, what kind of visibility you would've had in terms of the distance you could see out across the ice while in that – and I realize that it's not always possible to get a degree of precision, but talking two kilometres, five kilometres, if you want to refer to the map. We're just trying to get a sense of how much you can actually see, in terms of distance, from the helicopter when you're up in it.

**P. DYSON:** I think our biggest problem we had with the helicopter was that the ceiling was quite low and it was very blinding vision. When it's like that – again, it's kind of hard to explain to anybody who hasn't seen it, but there's no depth perception. You can't – you could step over a four-foot embankment and you wouldn't know it was there. So driving in a – flying a helicopter in those situations, I mean, they use a visual flight reference and the moment that you can't see exactly how far up you are, then you're taking a chance. So we were limited by visibility with regard to the flying conditions, as well as the ceiling.

The pilot was – she indicated that, I think, Barry, the altimeter was below 200 feet, something like that.

**G. BUDDEN:** So you were below 200 feet?

**P. DYSON:** Yes.

**G. BUDDEN:** Okay.

**P. DYSON:** Well, on times, she tried to maintain above 200. But, like I said, in – all credit to her, she tried to do whatever was asked of her. But we were limited to the abilities of the machine in the weather conditions we had, if that answers your question.

**G. BUDDEN:** It does somewhat, but just if you could specifically say – and, again, you are talking to some of us who may never have been in a helicopter. Are you talking visibility of a kilometre or 10 kilometres?

**P. DYSON:** Half a kilometre on times.

**G. BUDDEN:** Okay.

**P. DYSON:** The weather was kind of up and down. I can seem to remember almost making out Ikey's Point across the bay and other times the boys down on the ice would be hard to see, right.

**G. BUDDEN:** Okay.

**P. DYSON:** Yeah.

**G. BUDDEN:** And you – perhaps before we move on, have you anything to add to that, Barry Andersen, as the other fellow in the chopper?

**B. ANDERSEN:** I do. Barry Andersen here.

So Strawberry Head – we were in helicopter – just as a reference, Nipper Cove Point, just off – on these maps, there's a snowmobile with an X underneath it, we could not see that point. We could not see Strawberry Island and we could not see Dunns Island, at that time, from the helicopter. We could barely see the land, about halfway to where the Ski-Doo was located the next day.

The visibility from the aircraft was limited, was not comfortable. And, you know, flying that low and that close to the hills, especially to the sea ice that you could make out the horizon from the ice that's – (inaudible) out there that day.

**M. CLAIR:** Hold on to that mic, the next question might be for you.

**G. BUDDEN:** Yes, this is more, I guess, just to confirm. There was a second helicopter present,

Universal Helicopters, and I understand that the individuals in that – there was Dean Heard, Robert Gear and a third individual who also isn't here today, Roy Martin. Do you have any knowledge at all about the – where that helicopter was. Just knowledge of your own, not from other people, but do you have any knowledge yourself?

**B. ANDERSEN:** From our information, they searched Ford's Bight, this area here just to see – there was a Ski-Doo track found on the ice in that area, but there was nothing (inaudible) technical issues we have here.

**G. BUDDEN:** Okay. And just to get a sense of the ice – we're zooming ahead a little bit but it might be helpful if we go to 18, page 108.

This is one where it can't be rotated, that might be – that would be good.

**P. RALPH:** (Inaudible) see it down there; it's like the eighth or ninth one down. It says previous view and it says rotate. The next one down, no.

**CLERK:** Oh, sorry.

**P. RALPH:** That's okay.

**CLERK:** What page was it again?

**G. BUDDEN:** 108.

**CLERK:** 108.

**G. BUDDEN:** I realize this is later; however, it's a good picture we have of the layer of the ice. What, I guess, can you tell us about how the condition of the ice, how it presents, would impact, one way or the other, a person's ability to observe things on the ice.

**B. ANDERSEN:** Thank you, Mr. Commissioner.

In this photograph, is a photograph that I took facing west from the aircraft, looking towards the Ski-Doo on the ice. And the first one to land (inaudible) that you see out there is Strawberry Head, the place where we landed. You couldn't see anything (inaudible) – the only pressure ridges from the ice pushed together. In my

estimation – I am not a pilot, but it was about a metre high in places on either half, both pressure ridges. And it was cracked up ice pans in there. You can see from the picture there (inaudible) the helicopter is a crack in the ice. As you got closer to the pressure ridges, you seen in the pressure ridges there was water in those cracks as well. (Inaudible) pressure and at high pressure. That's where those ridges form.

**G. BUDDEN:** This is a – I'm going to step up, Mr. Commissioner, just so I can see the map, which I'm otherwise pretty familiar with. But you see here there's a certain –

**CLERK:** Get the microphone.

**G. BUDDEN:** Pardon?

**CLERK:** Microphone.

**G. BUDDEN:** Oh, my apologies.

Perhaps you could just briefly comment on – and others may as well – the searches all seem concentrated on pretty much below there with the bulk of water. And can you explain, just briefly, why the searches were concentrated, I guess, in the south of the open water as opposed to in the north of the open water?

**B. ANDERSEN:** Thank you, again, Mr. Commissioner.

The open water to the north of the – or the edge of the ice. You see the helicopter over top of (inaudible). As Perry Dyson had mentioned earlier, that's moving ice. It moves with the tides; it moves with the winds. So that's why we would not send any searchers on foot in that area. (Inaudible) a lot of them are probably big enough for a person to stand on and walk on. But you can only go out so far and you'd have to jump from pan to pan, copying the pans like you would in the springtime. But that's not something that we could do safely out there.

We would not send any searchers out in that area. Just due to the fact that it's not a steady situation out there. It's constantly moving. If the wind would've picked up and went from the west they could move – once you gets out into the Labrador current, you could move south at six or seven knots. So that's just (inaudible).

**G. BUDDEN:** Well, one final question for you. I'll then ask the others if they – the other gentlemen searchers – if they wish to comment on either that question or the next one. I understand there was searching along shorelines. What were the challenges faced, I guess, in searching along shorelines, and what challenge would Mr. Winters have faced if he tried to get ashore at various points along that coast?

**B. ANDERSEN:** Okay, right inside from where the snowmobile was found at Nipper Cove Point right on in to Strawberry Head, then from Nipper Cove Point right on over to – they call it a map here. It doesn't say the name of the cove, but it's right (inaudible) in Wild Bight, the grid right there. That whole coastline is under the rock, so we were in deep water right to the edge.

So with our guys here in Makkovik in this area, there's usually about seven, 7½ feet of water (inaudible). The ice wraps around with it. So if it was (inaudible) and Burton would have walked to shore, he may have come to a cliff. Just like (inaudible) where the windows are there behind (inaudible) and Peter Ralph. At high tide, it'll be back to the top and he may have been able to step ashore quite easily. We don't know what the tides were at the time because we don't know when he was there, in that particular (inaudible). Because if we knew exactly when he arrived there, we could go back and check the tide charts, but that's initially impossible.

So right from Strawberry Head and right down to Wild Bight, in that area – there is no beach. There is no sandy beach. There is no level – you can bring a freighter ashore there, pretty much. When I say a freighter, I'm thinking crater ship. And she could put (inaudible) the top there because of the deep water in that area. So it would've been a challenge.

As we mentioned earlier, this is open to the sea. The sea is close to us, crashing there. The freezing spray will crash upon the rocks and freeze on, and the rocks will look like a ball of ice, like a huge, huge snowball. That's what it looks like, is pure ice. So the only thing that could get up ashore there would be a polar bear (inaudible) no doubt without the equipment, the mountain climbing, (inaudible). You could see people (inaudible) with all the gear (inaudible) and a hundred per cent confident there.

So it's very a difficult situation or a difficult area for anybody. If you're hunting in that area, we all know to check the sea ice before we go out. And I guess for anybody to try to get ashore anywhere on the (inaudible), it's going to be a challenge, a huge challenge.

**G. BUDDEN:** Unless we have other searchers, which could comment further, I have no further questions for this phase of this witness' evidence of the events of the 30th.

Did the other lawyers have any questions?

**P. RALPH:** Yes.

If we could go to Exhibit 017, page 31.

So, again, I think these are your notes, Mr. Andersen.

**B. ANDERSEN:** Yes, Sir.

**P. RALPH:** And it says here that on January 30 at 10:40, it says: "ANDERSEN" – which I'm assuming is you – "Perry DYSON," and "Errol ANDERSEN boarded" the "helicopter owned by Woodward's ...." And I'm just curious: In terms of the decision about who goes on that helicopter, can you tell me anything about that? Were you – was that your decision or did you discuss with Corporal Vardy who would go on the helicopter team and call?

**B. ANDERSEN:** Yeah, being the community (inaudible) I decided, in consultation with Corporal Vardy, that I would take the camera and go out and document what they had there with the rest of the crew.

**P. RALPH:** The camera, I think you might be – because I don't think the camera got there until later, is my understanding. You called back and got the camera.

**B. ANDERSEN:** Okay, yes.

**P. RALPH:** Is that correct?

**B. ANDERSEN:** Yes, that's –

**THE COMMISSIONER:** Two cameras. One was –

**P. RALPH:** Yes, that's right. The first camera, I think, came out – well, I think you first went out in Woodward's and then the helicopter broke down and then you called back, didn't you?

**B. ANDERSEN:** Yes, that's true, I (inaudible).

**P. RALPH:** So the decision about who goes on as a spotters, I guess we'll call it, that was your decision or the corporal's decision?

**B. ANDERSEN:** Yes, in consultation with Corporal Vardy, Perry Dyson has experience, he's – I know he has experience flying in a helicopter, I had experience flying in a helicopter and conservation officer, Errol Andersen, he had experience flying in a helicopter as well. Every time you get into a helicopter, (inaudible) I'm familiar with the aircraft (inaudible) for emergency situations. So that's the reason we had those people on board.

**P. RALPH:** I think the – part of this paragraph – part of your notes here then described that you went up to Strawberry Head and did sort of a grid pattern. I guess that grid pattern was then below where the ice was thin or where it was open.

**B. ANDERSEN:** Yes, (inaudible) from the sea ice edge where the – between Ikey's Point and Strawberry Head, we did a grid back and forth across Makkovik Bay right up to Makkovik. .

**P. RALPH:** So in terms of who decides how the search, would that, again, be your decision? Would you have instructed the pilot on how to conduct the search?

**B. ANDERSEN:** Yes.

**P. RALPH:** And before or after that did you have experience talking to pilots, whether you're in a helicopter or sort of advising a helicopter pilot on radio of how you wanted the pilot to do a search?

**B. ANDERSEN:** Yes, I have

**P. RALPH:** And was that part of your training in search (inaudible) as well?

**B. ANDERSEN:** (Inaudible), yeah.

**P. RALPH:** So I understand, eventually the helicopter has to land and you asked Constable Howlett to bring up the camera. Is that right? Do you have any idea how the camera was brought up to you?

**B. ANDERSEN:** That was several hours later, after the pilot, Christa Glover, had called back to the hangar and was talking to her people about how to get this helicopter back off the ground. So they sent her a helicopter from Goose Bay with a technician, I think, on board, plus (inaudible). So that flight from – the helicopter from Goose Bay to Makkovik is over an hour.

**P. RALPH:** Right.

**B. ANDERSEN:** So it has to refuel in Makkovik, I'm not sure exactly how long the (inaudible) was for (inaudible). The helicopter we were in – by the time the helicopter got to Makkovik with the people aboard (inaudible) was several hours because it probably takes another hour, another (inaudible) depending on the ...

**P. RALPH:** So we looked at those pictures earlier – just a few minutes ago, it was like page 108, page 103. Those pictures were taken with a camera that was brought up by a helicopter?

**B. ANDERSEN:** Yes, that was the same one that I guess that Constable Howlett brought in from Makkovik, a digital camera.

**P. RALPH:** So, how did it get from the detachment up to Strawberry Head?

**B. ANDERSEN:** The other helicopter came in and landed right next to the other one.

**P. RALPH:** Okay.

**B. ANDERSEN:** On top of Strawberry Head.

**P. RALPH:** Right.

**B. ANDERSEN:** The camera was brought out at the edge of the ice and brought out to me on the ice afterwards.

**P. RALPH:** Right. And is that the helicopter that would have been owned by Universal?

**B. ANDERSEN:** Yes, it is.

**P. RALPH:** And I think you testified earlier that helicopter then would have been searching in Ford's Bight?

**B. ANDERSEN:** On the way out, yes.

**P. RALPH:** Pardon?

**B. ANDERSEN:** On the way out to us.

**P. RALPH:** On the way out to you.

**B. ANDERSEN:** Yeah.

**P. RALPH:** Any idea who would have – sort of – told the pilot where to search on the way out?

**B. ANDERSEN:** Corporal Vardy and a corporal (inaudible) sea ice (inaudible). I'm not sure who the pilot was in that helicopter as well, so ...

**P. RALPH:** The – can you recall how much searching that helicopter did that afternoon? Do you know – it searches in Ford's Bight and then it lands and brings the camera down to you. Is that right?

**B. ANDERSEN:** Yes.

**P. RALPH:** Did it – to your knowledge, did it do any searching after that?

**B. ANDERSEN:** The helicopter pilot brought some crew member from Strawberry Head back to Makkovik, myself included. The rest of the crew drove back on their snowmobiles; they were searching (inaudible).

**P. RALPH:** Right.

So after – after the point where you took pictures of the ice and that area where you thought perhaps the snowmobile had gone in the water, after that point there was no helicopter searching in the air that day?

**B. ANDERSEN:** Not to my recollection. I think the weather was down again then. None of the commercial aircraft were flying at the time (inaudible).

**P. RALPH:** It was Woodward's and Universal that day that were flying helicopters.

**B. ANDERSEN:** Yes.

**P. RALPH:** So it appears as though there would have been no helicopters would have flown in the area where the Ski-Doo was found or where his body was found on the 30th of January?

**B. ANDERSEN:** No, the weather was – like I said earlier, we had no visibility there. We couldn't see (inaudible).

**P. RALPH:** Right.

Basically – you also kind of – you at that point were thinking that the Ski-Doo had gone in the water.

**B. ANDERSEN:** Yes.

**P. RALPH:** And that there was, like, no way that Ski-Doo could have gone out further and perhaps there was no need then to do air support out further.

**B. ANDERSEN:** Exactly.

The snowmobile he was driving was a 300-cc Bombardier product. This was a Tundra. The brand name, I guess, was BRP. Tundra was the model name. Most of us here will – who has operated a snowmobile before will know that a snowmobile with that horsepower would not be able to skip water, as you can see a lot of our young people do here these days. It doesn't have the speed and the torque to keep the track moving enough to keep the skis up to skip along the water. So it was almost an impossible task to drag your Tundra – 300-cc Tundra across 20 metres of water out there, for a person that had no restraints –

**P. RALPH:** Right.

**B. ANDERSEN:** – or very little restraints (inaudible).

**P. RALPH:** So I – is it fair to say, then, sort of late Monday afternoon into Monday evening of January the 30th, there was no call for Universal or the JRCC to be conducting air searches at that

time, because at that point you assumed that basically the Ski-Doo was in the water?

**B. ANDERSEN:** Yes.

**P. RALPH:** Can we go to Exhibit 101, page 13.

You didn't write this, but I'll just see, perhaps, if you can agree with what the statement or the sentiment here that – so this is written by Scott Morrison. Who's Scott Morrison?

**B. ANDERSEN:** He was the staff sergeant in Goose Bay at the time, to my recollection.

**P. RALPH:** Right.

**B. ANDERSEN:** And he later became a sergeant. He was the JNCO for our district, commanding officer for our region – for the Makkovik detachment.

**P. RALPH:** And can you explain this email? So it says to "Advance Message." Do you know what that means? We'll get Corporal Vardy later to explain that, but do you know what that to "Advance Message," what that means?

**B. ANDERSEN:** It's an advance message to their superiors to inform of the happenings that day.

**P. RALPH:** So they'd be, like, to B Division, the headquarters in St. John's?

**B. ANDERSEN:** I would assume, yeah.

**P. RALPH:** Okay.

So it's – this is January 30th and it's dated 1552, so that's 3:52, and it saying: "The air search has been completed ...." Is that fair – that was your understanding as well, that basically the air search was done for that day at that time?

**B. ANDERSEN:** Yes, we didn't know that the Ski-Doo was out on the ice at that time. Due to the weather, we had no indication that we – we were trying to get it there past Strawberry Head.

**P. RALPH:** Right.

And then so in the bottom, it's: "Further to this, it is confirmed that there are snowmobile tracks

on the ice headed into open water. Searchers are continuing to check around the area of the tracks for some positive confirmation." There is a boat checking for debris. "There are plans to have a underwater camera brought in to check the water off the edge of the ice."

At that point, I guess you are a bit of almost standing down the search, to a certain extent. Again, as you included, perhaps that the Ski-Doo was gone in the water so you want to get that underwater camera in and to set, to check or – to see if you can find the Ski-Doo on the bottom of the ocean.

**B. ANDERSEN:** Yep, that was our worst-case scenario. We had (inaudible) at that time down to (inaudible) the aircraft. It wouldn't have made sense anyway with the weather conditions that was out there if you saw swells (inaudible).

**P. RALPH:** Just a couple of more questions. I think I read somewhere wind and (inaudible) power, and I might be able to find it quickly. But, basically, I think you then wrote a note saying, I think at 5 o'clock or 1705 on that day, the search was suspended for the evening. Is that right?

**B. ANDERSEN:** That is probably correct, yeah.

We – the searchers were glad that it was Ski-Doo track there and people felt all right, so we did had searchers still inland at the time.

**G. BUDDEN:** Page 9, Mr. Ralph.

**P. RALPH:** Page 9, Exhibit 017. Great, thank you.

**CLERK:** 017?

**P. RALPH:** Yes.

**G. BUDDEN:** Sorry to interrupt you.

**P. RALPH:** That's okay. Thank you very much. I appreciate it.

It should be at 1703.

**CLERK:** (Inaudible) there you go.

**G. BUDDEN:** It is there at the top.

**P. RALPH:** Yeah. “Search called off for the night, plan to meet at detachment ...” I believe this is notes of Steve Howlett. And who’s Steve Howlett?

**B. ANDERSEN:** He is the RCMP constable in the RCMP detachment here in Makkovik at that time.

**P. RALPH:** Right.

So that’s your recollection as well would be that by 5 o’clock on Monday, January 30th, the search had been called off for the night?

**B. ANDERSEN:** Yes, we had a briefing at the RCMP detachment (inaudible).

**P. RALPH:** Right.

So a Universal helicopter had to come up. Any idea who had instructed that helicopter chosen – I think there were spotters on board the helicopter, wasn’t there? The Universal that afternoon?

**B. ANDERSEN:** Not on the way from Goose Bay to Makkovik, there were no spotters on it then. My record is that helicopter from Goose Bay was sent out to rescue us and to (inaudible) a technician to check on chip light indicator –

**P. RALPH:** Oh, okay, right.

**B. ANDERSEN:** – because of the problem on our helicopter. It wasn’t – we didn’t have two helicopters searching –

**P. RALPH:** Right.

**B. ANDERSEN:** We were quite surprised to see the one helicopter, to tell you the truth, that morning because of the weather. Woodward’s helicopter (inaudible). I’m not sure about the other one (inaudible). That’s the only reason I think that other helicopter was on scene and pushed to get to Makkovik was to get the pilot and everyone else back to Makkovik from Strawberry Head.

**P. RALPH:** Right.

**B. ANDERSEN:** We would have gotten back by snowmobile if the helicopter hadn’t made it

out there. The searchers, I’m sure (inaudible). They were probably excited, I think, so ...

**P. RALPH:** That’s all the questions I have.

**T. WILLIAMS:** Just a couple of follow-up questions along the same line.

**M. CLAIR:** Mr. Dyson (inaudible).

**P. DYSON:** (Inaudible.)

I’d like to address (inaudible).

**THE COMMISSIONER:** Take off your mask there, Perry, and we’ll be able to hear you better.

**P. DYSON:** Sorry, apologies.

**THE COMMISSIONER:** No sweat.

**P. DYSON:** To your point, the helicopter didn’t proceed past the edge of the ice, which was indeed the case. I’ve travelled many hours on the type of helicopters we were using that day and no pilot is going to put himself in a spot that he can’t see a safe place to put the machine down if he has to. And there’s nowhere safe out there to put the machine down.

When we flew across the bay, it took the pilot out of her comfort zone. Flying out on the ice wasn’t an option for the pilot. I thought that might be worth (inaudible).

**THE COMMISSIONER:** That’s very helpful. We appreciate it, thank you. And anybody else, of course, who wants to add any of those points, always feel free to jump in.

**T. WILLIAMS:** So if I could just follow up on the line of questioning that Mr. Ralph was leading there and made – Barry may be the best one to (inaudible). So if we’re trying to get the total time that helicopter was in the air, so I think it was – the notes show, I think it was 17, that you boarded the helicopter around 10:30 or 11 to head out. Would that be correct?

**B. ANDERSEN:** (Inaudible.)

**T. WILLIAMS:** Between 10:30 and 11?

**B. ANDERSEN:** (Inaudible.)



**P. RALPH:** I think the notes say 10:40.

**T. WILLIAMS:** 10:40, yeah, okay. So how long was the helicopter in the air prior to hitting the mechanical difficulty?

**B. ANDERSEN:** Can you say that again, please?

**T. WILLIAMS:** How long were you up in the Woodward helicopter before you had some mechanical issues where you had to put down?

**B. ANDERSEN:** Gosh, right off the top of my head – we flew very slow. We went out to the edge of the ice. I'm thinking maybe 45 minutes to an hour.

**T. WILLIAMS:** Okay.

**B. ANDERSEN:** Doing the grid – the grid search weren't very far apart, probably 300 metres apart. (Inaudible) because we're getting closer and there's Ski-Doo traffic from the local traffic (inaudible). There was a lot of Ski-Doo traffic in the general area of Bight to Bight (inaudible) on the map. Just from the locals travelling around and just doing their thing.

**T. WILLIAMS:** Okay. And how – typically, when you do a grid search, how big would the grid be? You know, looking at the map, if each block is a square kilometre – when you take grid, how big a grid would you take?

**B. ANDERSEN:** It all depends on the visibility. (Inaudible) than a ground full search. If it was in a thick area on the ground, we would do a shoulder to shoulder. At the air search here, because the visibility was low, we did about 300-metres grids. So each block, we done three passes, pretty much.

**T. WILLIAMS:** Okay. Again, I know that in the notes it references that you were able to see polar bear tracks; is that correct?

**B. ANDERSEN:** Correct.

**T. WILLIAMS:** Okay. And in what area was that?

**B. ANDERSEN:** Jackos Island.

**T. WILLIAMS:** That is right off the tip – oh, the island outside, I'm sorry. Okay.

So would they be – I'm trying to get a sense of how easy it would be to determine a polar bear track from a footprint from a Ski-Doo track?

**B. ANDERSEN:** The only reason we saw that because it was down in the water and up on the ice on the other side. A polar bear doesn't care about the ice; they just go in a straight line. It looked like it was coming in this direction and it would fall through the slab ice that we seen there and get back up on a pan of ice and move on and (inaudible) you see the tracks going (inaudible).

**T. WILLIAMS:** Okay.

**B. ANDERSEN:** That's the only reason we seen those polar bear tracks. The polar bear tracks would have been on the smooth ice (inaudible).

**T. WILLIAMS:** Okay.

And the Woodward helicopter, that wasn't specifically called. I trust they showed up on the scene, having heard about the matter and volunteered to take you up. Is that correct?

**B. ANDERSEN:** We had called the Postville search and rescue team the night prior – Sunday night – to ask the team members in there to have a look out for Burton Winters, you know, because he may have been lost, travelling in (inaudible) and then ended up on Postville for some reason. The family advised us that he didn't know many people in Postville and wouldn't have much of a reason to go there.

So the team also was aware of our situation in Makkovik that we were searching for Burton and (inaudible) 8 o'clock in the morning or whatever, I was quite early in the morning, I get a call from Postville (inaudible) saying (inaudible) helicopter (inaudible) oil tanks or the fuel tanks for Woodward's Oil. I said: Holy smokes, and he asked Mr. Woodward's people if they could come to Makkovik for a (inaudible) her exactly words, she'll take a (inaudible) to see if she would get to Makkovik with the search (inaudible). That's the reason the helicopter from Mr. Woodward's company was in Makkovik.

**T. WILLIAMS:** What type helicopter did you mention that was? Did you say what type of helicopter that was?

**B. ANDERSEN:** It was an Aurora 407.

**T. WILLIAMS:** Okay.

In comparison to a Griffon or a Cormorant, would that be easier to fly in those conditions or more difficult?

**B. ANDERSEN:** I have no clue, I'm not a pilot but I know that the 407 is much more powerful than the (inaudible).

**T. WILLIAMS:** Okay.

So that chopper was in the air for about an hour, you estimate roughly before you had to put it down for mechanical difficulties?

**B. ANDERSEN:** Yes.

**T. WILLIAMS:** Then the Universal helicopter came in. But that was for the purpose of retrieving the searchers and bringing in a mechanic.

Did the Universal helicopter do any searching other than to show up at the scene for the purpose of retrieving the search team and the mechanic?

**B. ANDERSEN:** We took the pictures of (inaudible) boat in the water with that helicopter as well. That's only the time we had it up there, from my recollection.

**T. WILLIAMS:** Okay. But they didn't do any grid search?

**B. ANDERSEN:** No, no. (Inaudible).

**T. WILLIAMS:** Okay. So roughly, it was only about an hour that there was an actual helicopter in the air on that Monday searching?

**B. ANDERSEN:** Yeah, I guess.

**T. WILLIAMS:** Okay. That's all the questions I have.

**THE COMMISSIONER:** Go ahead, Sir.

**M. FREEMAN:** Thank you.

Just a few follow-up questions, Mr. Andersen, if I may. You and the other searchers are out there in pretty difficult conditions, you would say, throughout this search, is that right?

**B. ANDERSEN:** Yes, absolutely, yes.

**M. FREEMAN:** It seems to me, I mean, I'm no search and rescue expert but you were putting yourselves at risk as volunteers and doing everything in your power, pouring your heart and souls into trying to find Burton at that time. Would you agree that this is the fact?

**B. ANDERSEN:** Yes. The guys that went about – there were some statements made that he fell through the ice (inaudible). He actually didn't fall through the ice; he stepped in the wrong place, where the pans of ice weren't frozen together. But nevertheless, those situations are dangerous. The guys here, myself included, sort of make light of that and that's part of the things we do. But if things go wrong, if a pan of ice slips over top of you, you could be out of sight in a split second.

So I thanked the searchers at the time who were out there. It was very difficult for the guys. But they – like, you know, we were sort of resigned when we seen the snowmobile tracks either leading to the water or perpendicular to the edge, but it all became, you know, that – it was our assumption – we had to assume the worst because of the (inaudible) the scene on the other side that he was either in the water, down in the snow or maybe out there on the ice edge, right?

**M. FREEMAN:** Yeah.

And so you're standing with the searchers on the south side of the crack?

**B. ANDERSEN:** Yes.

**M. FREEMAN:** And you're – you followed some Ski-Doo tracks to the edge of the crack into what looked like – well, what was open water at that point?

**B. ANDERSEN:** At that point, yeah.

**M. FREEMAN:** And neither you nor the helicopter could see any tracks on the other side, on the north side of the crack?

**B. ANDERSEN:** No, that was all.

**M. FREEMAN:** So there's no reason for you – no reasonable reason to think that there was the likelihood that something had come out on the other side of the crack. You said you saw polar bear tracks, but not, you know, the Ski-Doo's track going north of the crack?

**B. ANDERSEN:** No, like I said, it wasn't (inaudible) conditions there. It was a (inaudible) snowmobile tracks, but with the snow falling on the ground the whole night, they were covered up. Snow fell a bit heavily that night, for pretty much the whole night.

**M. FREEMAN:** Right.

**B. ANDERSEN:** The previous night that is, so ...

**M. FREEMAN:** And so, you know, you're putting the boat in the water at that point. You've got the camera on the scene; you're trying to find the track, but you've got a helicopter in the air – Universal helicopter, that is. The Universal helicopter isn't getting to see anything on the north side of the crack either?

**B. ANDERSEN:** No.

**M. FREEMAN:** Okay.

**B. ANDERSEN:** Just to correct you – no, that's (inaudible).

**THE COMMISSIONER:** So the question was the Universal helicopters didn't see anything on the north side either? I think that was your point or your question?

**M. FREEMAN:** Yes, Mr. Commissioner.

**THE COMMISSIONER:** Yes, so does that help you?

**B. ANDERSEN:** Yes. Again, that's the – we were sort of hovering (inaudible) the idea of the situation that we were in. (Inaudible) on the ice, get the picture of the open water. There was not

– regardless of (inaudible) go to the edge to see if there was an exit point where the Ski-Doo made it across that open water. All I was I thinking of was that – as I mentioned the tide raises and falls here, like anywhere else in the ocean. We all know that the ice moves out, the unsteady ice moves with the sea. During high tide there's ice water, the ice comes back in and hits the edge of the ice, the standing ice or the (inaudible) along the coast. So, unfortunately, in my thoughts, the tide must have been rising and had the ice pushed in and if Burton drove out there and was able to pass right along over the ice without knowing he was on the moving ice.

**M. FREEMAN:** And the likelihood of – of course, I'm not from the area, I wouldn't know – but the likelihood of anyone using a snowmobile to pass to the east of the crack on the land, that's not – that's not reasonable either, it's too rough there for a Ski-Doo. You can't go up east of the crack because it's too rough there.

**B. ANDERSEN:** Oh yeah, no. You can see the ridge, (inaudible) on this map. (Inaudible) they're close together, the contours at Strawberry – Cape Strawberry area and goes straight up from there.

**M. FREEMAN:** And the hunters who found what they mentioned that night – this is the night of the 29th – the hunters said they saw a Ski-Doo track. This was one of the early leads, I guess, I'll call it. Those hunters they were hunting on the west of the crack, is that right?

**B. ANDERSEN:** They were heading out to Cape Makkovik to hunt (inaudible) and partridge. So they went up the shore here and over the land over there.

**M. FREEMAN:** Okay.

Thanks, we'll be into all of this with witnesses from RCMP, but thank you very much for (inaudible).

**THE COMMISSIONER:** We'll circle back to Mr. Budden.

**T. WILLIAMS:** Just one follow-up.

**THE COMMISSIONER:** Yeah, you go ahead.

**T. WILLIAMS:** I'm sorry; I meant to ask this originally.

Mr. Andersen, in the morning the search crew – but I didn't think this is obviously your group's responsibility – but if everybody was satisfied that, you know, the search had to be concentrated out in that area where the open water was, who would – why would JRCC not have been tasked, you know, to take control of the search? Like, if it was known or thought to be that he was definitely on the water, who would be responsible and would it normally be the responsibility for the JRCC to take control of the search at that point?

**B. ANDERSEN:** (Inaudible) I guess the RCMP would – is responsible at the time until such time as it became a missing persons. The JRCC helicopters we were told, when we called to put some on standby, that they were probably unavailable that night, right? (Inaudible) nobody told us that – the reasons why there was no flight available. We just assumed that there was another search maybe in the entire Atlantic somewhere; it went from there. There is no reason I would call back to JRCC to (inaudible) Corporal Vardy to call JRCC back at the time. We were assuming that he was in the water near Makkovik (inaudible) Cape Strawberry and we would do other things and try to recover or find evidence that (inaudible).

**UNIDENTIFIED MALE SPEAKER:**  
(Inaudible.)

**B. ANDERSEN:** (Inaudible) the snowmobile on the bottom, which we (inaudible) unfortunately. We looked at the snowmobile underneath the water and then we started the search, most likely a recovery. You would assume that it was (inaudible) search, just to make sure that a person came back to get ashore and covered up under a treeline or under a rock or something and perished there (inaudible).

**P. RALPH:** Certainly, the JRCC and the RCMP can answer this question tomorrow as well.

The jurisdictional question on how the land and sea fit together when it comes to search and rescue, obviously it's critical for us to get to the bottom of – and so Mr. Williams's question seems more of a jurisdictional and legal

question. I wouldn't say, Mr. Andersen (inaudible) –

**T. WILLIAMS:** No, I didn't suggest – I wasn't suggesting –

**P. RALPH:** Yeah, no –

**T. WILLIAMS:** – responsibility for that call.

**P. RALPH:** (Inaudible). I just think that certainly these people here placed more (inaudible).

**THE COMMISSIONER:** Yeah, we'll get to that.

Mr. Budden.

**G. BUDDEN:** Sure. I just have one question arising out of that before we move on to the following day.

Mr. Clair, perhaps we could call up Exhibit 017, page 8.

**M. CLAIR:** Mr. Budden, (inaudible).

**G. BUDDEN:** Pardon?

**M. CLAIR:** (Inaudible.)

**G. BUDDEN:** Sorry. I'd ask, Madam Clerk – there we go. Scroll down to the entry immediately after 1300 hours at the bottom and read down – that's great. If you could just freeze it at that.

And realizing that you were out on the ice on yourself at this moment, there is an entry there I will just read – or you can read it, if you are able to read it, after 1300 hours. Are you able to read that, Mr. Andersen?

**B. ANDERSEN:** Yep.

**G. BUDDEN:** Would you mind reading it for us?

**B. ANDERSEN:** “Writer on scene, camera turned over to Cst ANDERSEN, search team headed back to Makkovik to get boat to search open water. Writer left on helicopter to do quick

grid search then back to Makkovik. Search team continued to stay on scene.”

**G. BUDDEN:** Sure. And just for your information, those are the notes of Constable Howlett and we’ll hear from him tomorrow and he can tell us, I guess, exactly what he means. But I guess my question for you is that if the Universal was doing a quick grid search, you were pretty busy doing other stuff; you were probably going through the ice at that very moment on your own attached to – you know, as part of your rescue mission. So you would agree that it is possible that a quick grid search was done that you wouldn’t necessarily even know about (inaudible).

**B. ANDERSEN:** No.

**G. BUDDEN:** Okay.

Thank you. That’s it and we will now move on to –

**THE COMMISSIONER:** No, I just have a point to ask you. At the time that the helicopter landed with the chip light, can you just mark H there or an X on Strawberry Head? Just for the record.

**G. BUDDEN:** What time are you hoping to take a break?

**THE COMMISSIONER:** A couple more minutes.

The other question I have is: When the other helicopter came in, how easy was it to hear – could you hear it from, say, a distance of a kilometre, or was the sound made more difficult to hear because of the nature of the weather? Can you just recall anything about that?

**B. ANDERSEN:** I recall hearing the helicopter coming toward – from Ford’s Bight, to my recollection. I’m not sure of the distance. I just had it in the back of mind that the helicopter is at least getting to Makkovik and coming on out to the search area to take the pilot back to Makkovik.

**THE COMMISSIONER:** Where you see the X marked snowmobile on that exhibit, at no time then have you mentioned that anybody spotted

the snowmobile around that time when the helicopter was there or in that area.

**B. ANDERSEN:** No, you couldn’t see there. You couldn’t see it there.

**THE COMMISSIONER:** Could not see.

**B. ANDERSEN:** No.

**THE COMMISSIONER:** Because ...?

**B. ANDERSEN:** Snow squalls.

**THE COMMISSIONER:** Okay. Snow squalls. Right.

**B. ANDERSEN:** And low ceiling.

**THE COMMISSIONER:** And low ceiling. Okay, yeah, thank you.

Go ahead – well, let’s see. It is quarter to three so maybe another 15 minutes or so before we take a break. You can start up again now.

**M. CLAIR:** So just before we leave that day, an underwater camera was ordered for on that day for the next day?

**B. ANDERSEN:** Yes.

**M. CLAIR:** Okay. So let’s now turn to the next day. So there’s a camera coming; what kind of plane is it on and what impact does that have on the search moving forward?

**B. ANDERSEN:** Thank you, Barry Andersen, Mr. Commissioner.

**THE COMMISSIONER:** Thank you.

**B. ANDERSEN:** That day, the aircraft in use for the RCMP in Labrador was the Pilatus Aircraft. A single-engine, a smaller version I guess – fairly smaller than the Twin Otter in passenger (inaudible), but it travelled much, much faster. It’s usually about a 20, 25-minute trip from Goose Bay to Makkovik, so it is probably almost three times the speed of the Twin Otter aircraft.

That aircraft delivered the underwater camera to Makkovik. Corporal Vardy was in the process of

setting it up when it was decided that we send the aircraft, the Pilatus Aircraft out to the scene to circle the area and –

**M. CLAIR:** Can I interrupt you there, Barry?

Travis, perhaps we could turn to you at this stage because you were actually on the plane, right? So the plane came in and stopped in at Makkovik airport, airstrip and then you got on? Perhaps you could relate what you saw since you were on the plane.

**T. DYSON:** Yeah. Myself and three other searchers got on the plane. Errol Andersen, Randy Edmunds and I don't recall who the fourth one was. But we got on the plane and it left the airport and flew out the bay – the harbour, Makkovik harbour, and proceeded and flew right over the searchers.

As we were flying out, we were talking back and forth while we were looking. The plane turned to follow the land a little bit and, as it turned, Errol was speaking and he and Randy both at the same time – it kind of startled me – the both of them shouted: There's a Ski-Doo! And that, like, it startled me. It gave us a fright.

And then, like, we told the pilot someone saw it. So he went out to check it out, and when he turned around and come back, and sure enough, it was – we could see the Ski-Doo. But we could only see it – when we were going out, we could – the boys only took notice of it when we were directly above it. And, yeah, by the time we landed, (inaudible) that you guys were informed that we were proceeding to headquarters (inaudible).

**M. CLAIR:** Can you talk about the weather conditions that morning?

**T. DYSON:** That morning?

**M. CLAIR:** Yeah.

**P. RALPH:** Was that the morning? I thought that was the afternoon.

**T. DYSON:** No, that was around – just before supper, I believe.

**G. BUDDEN:** Yes.

**T. DYSON:** If my memory is correct.

**P. RALPH:** Corporal Vardy (inaudible). Yeah, sorry, (inaudible) it was 3:45 according to Corporal Vardy.

**T. DYSON:** Yeah.

The weather that day, it wasn't – it was better – the conditions were better than it was, but snow had drifted in – when we saw the Ski-Doo where it was, snow had drifted in around it all. You couldn't – you could make it out, but it wasn't – you couldn't see the whole snow machine.

**M. CLAIR:** Right.

**T. DYSON:** Let me just point out to where it was to. But, yeah, again, we couldn't see it until we were directly on top of it, just because of the snowdrift. And with regards to the weather, I think it was – the weather was improving at that point.

**M. CLAIR:** And so the – it was radioed back to the command post?

**T. DYSON:** I'm assuming it was, yes.

**M. CLAIR:** Right.

Thank you, Travis.

So at this stage – so we – now we've got the snowmobile identified, so we know that it went over the open water in some fashion or other. So what is the strategy now in terms of the command centre? What is the strategy or what are you thinking in terms of the next steps moving forward?

**B. ANDERSEN:** From then on, we requested another helicopter to come out the next morning, at daylight, and search the area around the snowmobile to see if we could find any sign of Burton near the machine.

**M. CLAIR:** So the next morning you've got the helicopter – so you're on the helicopter the next day?

**B. ANDERSEN:** Yes.

**M. CLAIR:** Who else is with you?

**B. ANDERSEN:** Myself, Errol Andersen and Randy Edmunds.

**M. CLAIR:** How difficult at that stage was it to find a trace to – so that you could follow?

**B. ANDERSEN:** We flew pretty much right up to the ceiling before we could see it. And I'm not sure if you looked at exhibit – a picture of the aircraft and the snowmobile on the ice.

**G. BUDDEN:** It would be 18.

**B. ANDERSEN:** (Inaudible) snowmobile (inaudible) from that distance. It's only about –

**CLERK:** Is that it?

**B. ANDERSEN:** Yeah. It's only about 200, 300 metres away. So it was very difficult to view a snowmobile, even on a sunny day.

**G. BUDDEN:** Mr. Andersen, can you tell us where on that, so we can actually see the snowmobile?

**THE COMMISSIONER:** You can go up there. I don't know how much more you got there now, bud.

**UNIDENTIFIED MALE SPEAKER:** (Inaudible) right there?

**B. ANDERSEN:** Yeah, right there. That's the snowmobile there.

**THE COMMISSIONER:** Can anybody see that marker from the back? Okay, can you go up, put your finger on the area, please, Sir?

**UNIDENTIFIED MALE SPEAKER:** You've got lots of rope there.

**B. ANDERSEN:** Sorry to move (inaudible). Right there.

**THE COMMISSIONER:** Thank you.

**M. CLAIR:** And you located footsteps from there?

**B. ANDERSEN:** Yes, we went down and didn't land but we got as close as we could to the snowmobile, hovering around, and we saw

footprints just heading southeast of the snowmobile. We picked up some track there and then we were able to follow the shore across the pressure ridges.

**M. CLAIR:** So, Barry, at that point, so you're following footsteps off – what was your sense of how far you went before you reached (inaudible)?

**B. ANDERSEN:** Okay, on this map here from the X – the snowmobile was found just to the left of the X on this map, pretty much on the corner of that grid under (inaudible). So the snowmobile – or the tracks followed the path of least resistance right into Nipper Cove Point. So, on the map, you'll see Nipper Cove Point.

From there, we managed to get the footprints and pretty much went straight across to Lookout Point, and then followed the shore up in the (inaudible) right into grid number 72.

**THE COMMISSIONER:** So what if you put a dashed line on there with a marker what you're talking about, and maybe put your initials by it.

**B. ANDERSEN:** (Inaudible.)

So from the cove there in (inaudible) way, we made a left turn and headed straight across to Jerry's Cove and Wild Bight Point.

**THE COMMISSIONER:** Okay, I can see that.

**B. ANDERSEN:** From there, right across the point over on the (inaudible) other side, right up to American Island we – I'll circle it right now on the map.

**THE COMMISSIONER:** Thank you.

**B. ANDERSEN:** And from there, we went out to Foxy Rocks, the first island to the left on this map. We went ashore there on Foxy Rocks, walked up over the top of the island and down the other side. And then from there, it was open water from Foxy Rocks to the southeast and all the way up the (inaudible).

**THE COMMISSIONER:** Yeah, that's the dashed line that's there, the dotted line that's there.

**B. ANDERSEN:** Yeah, the dotted line (inaudible) outside of Green Island.

**THE COMMISSIONER:** Yeah.

**B. ANDERSEN:** (Inaudible.)

**THE COMMISSIONER:** One second, please.

Go ahead, Louise.

**L. BRADLEY:** The family is wondering if Barry could move to the other side of the map so that they could see where he's (inaudible).

**THE COMMISSIONER:** Yeah, exactly, so –

**M. CLAIR:** (Inaudible) go to the table here. They might be able to see from this table here (inaudible).

**THE COMMISSIONER:** So I think what we may do is, when we take a break, have Barry go through those points with the family so they can see directly. And we've got the evidence in, we've got those in, but they can certainly do that with them.

Are you happy with that?

**G. BUDDEN:** Sure, that's fine.

**THE COMMISSIONER:** Okay.

Well, make your last point or two, counsel, and then we'll have a break for 15 minutes and allow the family to come and look closely at that map.

**G. BUDDEN:** Sure.

Do you have anything further?

**UNIDENTIFIED MALE SPEAKER:** No, that's – thank you.

**G. BUDDEN:** I'll just call one very quick question –

**THE COMMISSIONER:** Take off your mask again.

**CLERK:** And your microphone.

**G. BUDDEN:** Yes.

One very quick question, just for completeness. I understand from the notes – and I'll just quote directly here, from Exhibit 017, page 10. I understand that even that morning, after the snowmobile was spotted the previous evening, that: "Search teams deployed again to eliminate other areas on land. Search teams sent to: Adlavik Bay, Sharp Hill, Big Bite" and "Monkey." This was the afternoon – or this was the morning of the 31st, the day that – a bit before the snowmobile was observed from the air.

So even though – I guess my question is, even though you knew or you believed the snowmobile had entered the water and that was where it was found, the searches still continued. Am I correct there?

**B. ANDERSEN:** Yes, since the (inaudible) out to sea, we didn't want to rule out that he walked all the way around to Big Bight and try to come back crossing over land over the trails.

**G. BUDDEN:** That was the reason why the search continued at those particular places?

**B. ANDERSEN:** Yes.

**G. BUDDEN:** Okay.

Those are my questions. Other counsel, no doubt, will have questions.

**THE COMMISSIONER:** We'll have a break, then we'll get back to it.

Marcella.

**CLERK:** All rise.

**THE COMMISSIONER:** Thank you.

### Recess

**CLERK:** All rise.

This commission of inquiry shall continue.

Please be seated.

**G. BUDDEN:** I guess, Mr. Commissioner – Geoff Budden here. I do have some questions for this witness and then questions for the other



members of the search and rescue team. By this witness, I mean Barry Andersen.

Mr. Andersen, the couple of events before we get to that last helicopter trip of the 1st of February, I understand earlier that day – and, again, just for clarity, it was late on the 31st that the RCMP plane, the gentlemen in it, as Travis Dyson has told us, spotted the snowmobile and he told us about the conditions of that night and the difficulties.

I understand the next morning – and we go to page 17 of the exhibit, Madam Clerk. If we scroll down that page, I notice two entries here that I'm going to ask you to speak to. These are Constable Howlett's notes, but I expect you'll be able to speak to them.

The first one is that – so you mustered at 8 a.m. I see, and “On the above noted date and time” – and I'm quoting here – “Search and Rescue mustered at the detachment. A team of 12 members of Search and Rescue were deployed to search the shoreline adjacent to where the snowmobile was located.”

We go down now a little bit, we see at 10:22, which was 2½ hours later – we see an entry: “Search Team on ground called, 8 members repelled over” the “ice cliff, 4 stayed on top to assist with getting members back once” the “search was complete.”

So can you tell – you weren't there, I don't believe. Were any of the other three gentlemen actually there as part of that group of 12?

**B. ANDERSEN:** No.

**G. BUDDEN:** Okay – sorry, group of four. You weren't there either, were you, Mr. John Andersen? Okay.

What can you tell us about that search? I noticed particularly, I see terms like ice cliff and rappelling down. Can you tell me what you know about the circumstances they faced and what it was in fact they did or tried to do?

**B. ANDERSEN:** Thank you, Mr. Commissioner.

That occurred in the area very close to Nipper Cove Point on this map, where the team members decided they would bring ropes and get down over as close as they could to the sea ice underneath where – as close to the shore from the Ski-Doo as they could get.

Had to search that shoreline to see if Burton was probably underneath the ice shelf right next to the shoreline, because it was steep; just pure walls of ice in that area. I wasn't aware at the time, until I returned back, that they had actually rappelled down. They were called back, once the information that we had recovered the body afterwards. Then they returned back to Makkovik, as well, after that.

**G. BUDDEN:** So they rappelled down these ice cliffs.

**B. ANDERSEN:** Yes, apparently, there was two other members there from DND. One member for sure was there present at that site. I believe it was Sergeant Lloyd Button who went down – or was in that search party. He made a comment afterwards that that was a very heroic effort on the part of the team.

**G. BUDDEN:** Thank you. That's very informative.

If you can perhaps now – I understand, again, from the evidence there's an entry at 1013 in Mr. Howlett's notes. Constable Andersen – that would be you, of course – Errol Andersen and Randy Edmunds were aboard what would have been the Universal helicopter that went up. And you told us a bit about that, but perhaps you could tell us again about that search.

And we know it ended with the discovery of Mr. Burton Winters, but perhaps you could walk us through that search, telling us how it unfolded, the challenges that were encountered.

**B. ANDERSEN:** Okay. Thank you very much (inaudible) the question.

So once we got on scene near the helicopter – or in the helicopter, near the snowmobile on the ice – we got down as low as we could to confirm that there was actual human footprints from the snowmobile leading towards Nipper Cove Point. It was – the footprints were picking his way

through the rough ice or the pressure ridges, and made his way to Nipper Cove Point and we saw footprints there as well.

And to explain to you guys – to the commission that on Wednesday, on that day, there was blowing quite a breeze; it was up to about 50 kilometres an hour. And that was the saving grace, that we were able to follow footprints on the sea ice – saltwater sea ice at that time. Without the wind, the footprints would've been still covered up underneath the snow and we would not have been able to see anything.

**G. BUDDEN:** That might be a good place to explain as you explained to me last night. Not everybody here is familiar with how footprints would last on sea ice and perhaps be uncovered and then re-covered and so on. Can you tell us a little about that, Mr. Andersen?

**B. ANDERSEN:** Yeah, sure.

Saltwater ice forms when it's very thin, and right up until it's probably even a foot thick it's still very damp ice. It's not like the ice that you see on a lake or a pond where it's frozen solidly and you will see fish swimming around through it. That's not the way sea ice, saltwater ice forms.

The top layer is brackish water or salt water that's on top of the ice at almost all times. So when you get a fresh snowfall down and you got an animal that walks across the sea ice, or a human or a Ski-Doo track even, it imprints the – or dampens the snow that's on top of the ice. It might have been a foot of snow or it might have been a few centimetres.

That gets compacted and then the wind picks up and blows in either direction. It doesn't really matter. It blows away the undisturbed snow and leaves the snow that's compressed in place. And whether the snow is compressed by a little old – a fox or a wolf, a polar bear or a human or even a snowmobile, but you will see that track for days, weeks and even months afterwards. It's blown out sometimes to about five or 10 centimetres and even more (inaudible).

Back in the days when we were caribou hunting, we kind of landed inside of Nain, towards Nain. The snowmobile tracks would be almost this high as this table off the ground, and we'd

follow them along inland (inaudible) long period of stretches. So you had – the saving (inaudible) day with the wind that picked up and was able to blow the snow, the (inaudible) that was on the ice. That way we lose some footprints that we were able to see from the air at that time.

**G. BUDDEN:** Carry on. So I interrupted you. You were saying you followed the footprints and – please, go back to where you were before I digressed.

**B. ANDERSEN:** Okay. From there, we followed the footprints right from Nipper Cove Point over to Lookout Point, followed for (inaudible) to – so far into Wild Bight, to grid number – to the number 12, right in the grid where sort of – where the maps are held together, or joined together. And from there, we pretty much went straight across to the front of Wild Bight to Wild Bight Point or Jerry's Cove. At that time, we lose sight of some of the footprints at times, but we would regroup, re-circle and come back and confer (inaudible) footprint before (inaudible) and continue on in the general – in the same general direction almost every time.

We did go across the land a tiny bit there at Wild Bight Point and, you know, Wild Bight Point to the east side and then walked up along the shore, direct to (inaudible) a little island we call American Island on the map. From there, we walked out to Foxy Rocks. The name Foxy Rocks is written on the map there. But the biggest island to the left, we walked right up over the top of that island.

**G. BUDDEN:** Sorry. Does somebody ...?

**UNIDENTIFIED MALE SPEAKER:**  
(Inaudible.)

**G. BUDDEN:** Pardon?

**UNIDENTIFIED MALE SPEAKER:**  
(Inaudible.)

**B. ANDERSEN:** Oh, sorry.

So Foxy Rocks on this map is in the centre circle here, circled with the marker. We walked right over the top of this island and back out all along the ice edge. So from here out in this area was

all freshly formed ice, newly formed saltwater sea ice. From here, up this way, it was all open water. We went into the ice (inaudible) in that area.

So Burton walked from Foxy Rocks, which would have been the last land that he ever stepped foot on, and walked out, went along by Green Island, which has a navigation aid on that island. It was an unmanned lighthouse that's blinking white light every second or so in that area for our ship navigation. We continued to follow the footprints all along the sea ice edge until we got nearly out to (inaudible). It seems not marked (inaudible) on that map. I'll circle it and (inaudible).

That's where I seen a black dot on the ice. (Inaudible) pilot and the guys in the back of the aircraft, Errol and Randy, that there was a dot on the ice coming up. We flew over it and there was a body on the ice, laying there, human body. So we chatted for a bit to see what our next move was, should we land the aircraft, and the pilot suggested no (inaudible). We got down close to the ice as we could. Randy Edmunds and Errol Andersen got out of the aircraft onto the skids and jumped out onto the sea ice and recovered the body.

We brought it a little closer in from the ice edge so that it could be safer for the helicopter to lift there. Once we had the body located and the foot searchers on the ground, I got the pilot to circle around so I could get some pictures of the scene to document, with the digital camera, the location and condition of how the body was laid out on the ice, and that sort of thing. We also got some GPS coordinates from the pilot afterwards from that location.

So from there, Mr. Commissioner, we decided that we could not leave the body on the ice and wait for either a helicopter or any other searchers from land; it was just too dangerous. We decided that we would go down and get close to the edge as we could and the young pilot, Brian Ryan, who, I think, yeah, did a great job –

**THE COMMISSIONER:** What was the name?

**B. ANDERSEN:** Brian Ryan.

**THE COMMISSIONER:** Thank you

**B. ANDERSEN:** I think he did a masterful job, in my opinion, flying out there, over that thin ice. And he would hover over the ice low enough that we could pick the body up and put it in the aircraft and get the other two passengers, including myself, back aboard and back to Makkovik safe.

**G. BUDDEN:** Thank you very much. I understand that when you came back to Makkovik, Burton was brought to the health centre.

**B. ANDERSEN:** Yes. (Inaudible) when we found the body on the ice and when I picked it up, it was quite stiff. I understand – I've been around a lot of deceased bodies in my lifetime in my work. It was not rigor mortis; he was frozen quite badly, in my opinion.

So once we got back to Makkovik, we got the body into a body bag at the airport, brought it to the clinic and, from there, things sort of went as I did not expect. I've never – I had been told that a body frozen on the ice was not deceased until it was brought to room temperature and declared by a medical practitioner.

So from there, we were ordered to take the body out of the bag, put it up on the gurney and start CPR immediately.

**G. BUDDEN:** And you – in fact, CPR continued, I understand, for quite some time, as is documented in the records. And perhaps I'll help here – spare you this. That continued and you participated in that until a doctor said that and declared that Burton Winters had deceased, had died.

**B. ANDERSEN:** Yes. I started out, pretty briefly, with the CPR part. I was then told by Corporal Vardy to go to the RCMP office and recover the body tags for a body bag. I also then was instructed to let the family know that the body was in Makkovik and the search was about to stand down. We called all the search teams that were out in the field. When they called back, we told them to come on back to Makkovik, the body was (inaudible).

Mr. John Andersen was not really a pastor, but he was the chief elder for the Moravian Church. He was at the RCMP office at the time when the call was made to Corporal Vardy. They told him that they were on their way back and –

**G. BUDDEN:** I'm going to ask Mr. Andersen to speak right after you. So perhaps we can leave that and Mr. John Andersen can speak.

At that point, the search was stood down obviously.

**B. ANDERSEN:** Yes, it was.

**G. BUDDEN:** Okay.

I'm going to have – give you a chance to speak again in a moment, but perhaps – I do have some questions to go around the room, if we could, among the other searchers. But perhaps, Mr. Clair, with your help, we can start with John Andersen as the next person to speak.

**THE COMMISSIONER:** So let me just check with Louise that everyone is comfortable still and we can continue.

**L. BRADLEY:** I think we can, but acknowledging that all of these details are extremely difficult.

**THE COMMISSIONER:** Any time that you want to have a break or the family indicates they want to have a break, just let me know.

Thank you very much.

**G. BUDDEN:** Thank you.

Mr. John Andersen, I understand that you played a role, as Mr. Barry Andersen was about to tell us. Perhaps you could tell us the role that you played that day as Mr. Barry Andersen was leading up to, perhaps.

**J. ANDERSEN:** John Andersen.

When we started out the day, I had a real bad knee so I couldn't go with the searchers. So I stayed with Corporal Vardy at the RCMP station (inaudible) provincial government (inaudible) somewhere. We got a call back from the helicopter and they said that they found the

body, found Burton and they're bringing him back.

Corporal Vardy asked me who the clergy was. I said we don't have one, but I'm the head chapel servant. So we proceeded down to the immediate family and passed on the message to them. From there, Corporal Vardy, I think, went back to meet the helicopter and I went to tell the rest of the family the news.

**G. BUDDEN:** Thank you.

And I'm going to ask each of the searchers this very same question, but have you anything to add to the account you've heard here today of this search as, really, from beginning until the end? Do you have anything further to add about either your role or anything else that you feel wasn't said that should be said?

**J. ANDERSEN:** Not really. Just that the searchers and the RCMP, Barry and his crew, did a fabulous job. And there's not much more – no more that they could've done with the equipment that they had. So hats off to them.

**G. BUDDEN:** Thank you.

And perhaps we could go next to the gentleman just to your right there, Mr. –

**M. CLAIR:** Cyril.

**C. LANE:** Yes, Commissioner, Cyril Lane here.

The question was do I have anything further to add. At this time, I don't personally. When I relayed my (inaudible) this morning, I didn't share with everybody: With the weather at the time, I was waiting to travel away for work. So my extent of involvement was the very first night and into the wee hours of the second morning.

And, yeah, that was the extent of my involvement with the search. After that, the weather cleared and I was able to travel. I was gone for work and I wasn't further involved in that.

**G. BUDDEN:** Thank you.

And perhaps, next, Mr. Perry Dyson, you can answer – speak to that same thing, if there’s anything further you would like to add.

**P. DYSON:** I don’t think there’s any details that I can add at this time to enlighten anybody. If there’s something that they might be wondering, I can assure you that we did the best with what we had. It was – I regret that we didn’t bring Burton home alive. Sometimes it (inaudible).

**G. BUDDEN:** Thank you.

And perhaps – okay, thank you.

I just have a couple of final things I would like to say, or to note. At Exhibit 017, page 20, Madam Clerk, if we could call that up and it carries on to page 21. There is a list here of the individuals – it carries over to the next page – who were involved in this search. And it carries on, really, on to the page 22, compiled by Constable Howlett.

And I have no particular question to ask, but I would bring this to the attention of the Commissioner and the public as quite an extensive list of the volunteers in GSAR community here in Makkovik and of other individuals who were involved in this search. It’s a lengthy list, particularly when you consider the small population of Makkovik, of the number of individuals in this community who were committed to this search, and individuals from outside the community as well.

The final question I have, if the members of the search committee wish to speak to it, when we met last night each of you spoke about why you’re involved in search and rescue and the – I guess the reasons underlying your commitment. And if you’d like, if any of you would like to speak to that again, this is your opportunity as individuals and really, I guess, as members of this community, the search and rescue community of Makkovik.

Perhaps – Mr. Perry Dyson, if there’s anything you’d like to say about why you were involved and the importance of search and rescue to Makkovik, in your opinion.

**P. DYSON:** Ours is a very small community and it has a really strong feeling of community

I’m really proud to be part of. If your snowmobile breaks down in Makkovik, you’d better know how to fix it. And if you put a hole in your boat, you’d better know how to patch it. And if you lose one of your kids, you better be ready to look. That’s something that I didn’t feel to be a huge factor before Burton was lost, but I know it to be true.

**G. BUDDEN:** Thank you.

Travis Dyson, do you wish to speak to – or not.

Okay, thank you.

Either of Mr. Andersen or – I’m sorry, Sir, your last name escapes me.

**C. LANE:** Lane.

**G. BUDDEN:** Mr. Lane. If either of you wish to speak to that the same topic, you use what experience (inaudible).

**C. LANE:** Yeah, I’d just like to add – sorry, Cyril Lane here. Just like Perry and a lot of us in the room here, I grew up in a small community where you had to learn things. You had to learn for survival; something I try to teach my kids today – things that are passed on from family, friends, people who I looked up to had more experience than I did at the time. I learned a lot and that led me to an interest in sharing my knowledge and using it in ground search and rescue.

I first got involved, as mentioned earlier today, first, over in Postville. And I stepped away from it for a while, but the night Burton went missing I felt there was – personally, I felt the need and the draw to come back to it and I don’t intend on (inaudible) I intend on staying around helping out where needed. I enjoy what I do. I don’t enjoy the fact that things don’t always end the way that we hope they do, but I enjoy being a part of a team that’s looked up to and called on when needed.

Thank you.

**G. BUDDEN:** Mr. John Andersen, have you anything to say?

**J. ANDERSEN:** I'd just like to say that there are search and rescue people all across Labrador. I can just speak for it here in Makkovik. The weather conditions that our guys go out in is unbelievable. I just never (inaudible) but you hear stories and you see the weather (inaudible). They live on their snowmobiles, they can't see across the harbour, yet they go out and get the job done. And they don't stop until (inaudible) is done.

A lot of times it's not the ending that they wanted, but at least they get it done. (Inaudible) say (inaudible) search and rescue here in Makkovik. Corporal Vardy, who's heading up the (inaudible) search and rescue, do a great job with no pay.

**G. BUDDEN:** Mr. Barry Andersen.

**B. ANDERSEN:** Thank you again, Mr. Commissioner.

My involvement with search and rescue began in 1994. But after an incident that took the lives of (inaudible) people here in Makkovik, Paul Andersen, Captain (inaudible) and another guy from Goose Bay call centre. Their (inaudible) were found – it was a duck-hunting trip, they went around November 1993, I believe it was, yeah.

It was the best of effort at the time from the (inaudible) of search and rescue team members that they're called upon to do their duty. Unfortunately, the searchers and the aircraft that was involved managed to find the boat overturned (inaudible).

I think you heard that (inaudible) here. Ches Dyson, Bill Voisey and (inaudible) some of those names that I read there are no longer with the team; some passed away, obviously. Those people, I was part of a particular team. If we needed those (inaudible) those young people 18 years old, if they was part of that normal search, then (inaudible).

So from there, I decided that I should probably do my part and (inaudible) DND is a volunteer (inaudible). From that day in 1994, I guess, onward, I try to do the best I can, try to keep a team environment and search and rescue operations through the (inaudible) people, the

requests from St. John's most of the time to meet or exchange ideas on search and rescue equipment and spoke about getting funding, that kind of thing for our (inaudible) and all this equipment that's changed over through the meetings with those people.

I think that's why I'm here today to (inaudible) volunteer search and rescue person (inaudible). We get a lot of comments – we get a lot of comments that (inaudible).

That was a team, a team (inaudible), as you said earlier, we had a lot of confidence in rescue mission a few years ago, two years ago, a downed aircraft. You got (inaudible) attention (inaudible) and it seems like I'm the one doing all the hard work, those of us who are experienced.

**G. BUDDEN:** I will, perhaps –

**P. RALPH:** (Inaudible) time to do it now, perhaps?

**G. BUDDEN:** Pardon?

**P. RALPH:** It's a good time to talk about that (inaudible).

**G. BUDDEN:** I think perhaps we'll park that just for now so that we can at least get through – definitely get through the other – the Burton Winters search today and if there's time, with the Commissioner's permission, I'll return to that air search. Otherwise, perhaps, we can do it later in the week. But I want to get through the searchers today, at least.

**THE COMMISSIONER:** Yeah, well, what I'll do is allow Mr. Williams and probably our health support to make sure the family can proceed.

Right now, we'll take a five-minute break.

You let Mr. Williams know what's happening from here on in and that way they can decide if they'd like to continue, and you let me know if they need a break for today.

Five minutes, please.

**CLERK:** All rise.

Recess

**CLERK:** All rise.

This inquiry is now in session.

Please be seated.

**THE COMMISSIONER:** Mr. Budden, please.

**G. BUDDEN:** I have no further questions. I understand Mr. Ralph, Mr. Williams and Mr. Freeman all have questions. So perhaps, Mr. Ralph, you can begin.

**P. RALPH:** I think that Mr. Williams is going to go first.

**G. BUDDEN:** Okay, sure.

**T. WILLIAMS:** Just out of the interest of time, there are a couple of questions that I'd like to ask. And before I ask these questions, gentlemen, I'd like to – I'm not trying to make a speech here, but I want to preface some remarks in that the family are very, very sensitive and grateful to the efforts that you gentlemen put into this, as well as the 30-odd people who participated in over a three-day period to do this, and the efforts it took and putting your own lives, at times, at risk to look for their son and their grandson.

So, over the course of 10 years, as you can appreciate, there are things that have torn on them as mothers and as grandmothers and sisters. That's why they fought so hard to have this inquiry. So there are a couple of questions I want to ask you, and the reason for my comments – I'm prefacing my remarks in that this is not meant at anybody personally, but there are things that tear at them that they'd like to get. That's why we're having an inquiry to try to get some answers and see if we can get some improvements.

So there's two or three things I want to throw out to you. I say this by way of introduction because this is not intended as individual criticisms or things of that nature, but for closure and to put this matter behind, they wanted me to raise them.

The first one – and, again, I'll throw it out to whoever feels most comfortable can answer it or whether anybody can answer it. I know on the day that you followed the tracks that led to the open water – we've discussed that in some detail today and we discussed the fact that the way the ice moves and that, you know – and, obviously, Burton got to where he was found so that the ice may have shifted at some point that wasn't open water at a point and that, you know, maybe he got across that before it became open water.

And when events like this happen in a very small community, I'm sure we all can appreciate that there's rumours circulating, stories go around. One of the stories that has torn at them is that they – because there was so many people – I know it's not – we have five of you who have very graciously volunteered to participate, but we had 30-odd people. They heard that there was encouragement to look beyond the open water, but it went nowhere. Being that the tracks went to the open water and then it was kind of concluded that he must be in the open water. But that there were others who were at the scene out there who encouraged – well, why don't we look beyond? There could be tracks, things of this nature.

Is anybody able to speak to that? Because that's something that's bothering them as to whether or not there were suggestions to search beyond the open water and it was met with resistance.

**B. ANDERSEN:** Thank you, Mr. Commissioner.

Barry Andersen here.

I'm not – I haven't had anybody come to me, personally, to say that we should have been out and – yet, others saying that we did go there – the boat – and break it up, as best we could, to try and get as close as we could to the other side – the searchers in the boat that is – to look for any presence of tracks or anything on that side.

So I'm not sure where the comments would have come from. I know, like you said, it might be rumours or, like, the searchers or volunteers who might have said that I should have sent the guys out farther but, as we mentioned earlier, as the search and rescue coordinator, I have to make sure that searchers are safe and not on dangerous

ice or dangerous conditions, dangerous situations, such as rappelling. That's stuff that we aren't trained to do, but we are familiar with the ice conditions, the static ice conditions and things. But that's the reason I, as the search and rescue coordinator, didn't go beyond the ice edge. I did go beyond it, but you couldn't see any tracks further out. We did, for sure, really concentrate farther out to sea.

**T. WILLIAMS:** The second aspect is that as a result of this experience – and I guess the term is lessons learned; you know, that we can always learn lessons from whatever experience that we go through. Has there been any changes to searching practices in terms of – you know, in this instance, obviously, there was no – and everybody is quite satisfied that had anybody thought that Burton Winters was at another location, that would've been searched.

But given the fact that in circumstances like this, where, obviously, the water was open at a point in time, but you can only presume, maybe, it was closed there or something else had – is there anything that the search team has garnered from this experience that they said: Well, I think now that we've been through this, this is something that we would do differently, you know, if circumstances came up similar to this in the future?

**B. ANDERSEN:** We base all our searches on the evidence that's presented to us. If I and the searchers are in the field, the evidence will lead us in a direction that we will take. I'm not sure if I could use an example.

We had a missing snowmobiler from Postville in 2014; a friend of mine, a friend of ours, a friend of Cyril's, (inaudible). He left Postville in the morning, early morning, in the springtime and drove his Ski-Doo into open water, which he knew perfectly well was bad ice, as a resident of Postville. And that's sort of – I was called upon to go into Postville and help out with the search, as the search coordinator and search manager. So I went to Postville in a helicopter that was sent to pick me up.

Once we got there, myself and people that – another gentleman, George Gear, who was the (inaudible) coordinator down in Postville. I said: We have to go and search that open water off the

dock in Postville. People are saying he's not there; he knows where that (inaudible) is.

As I went and did the circle with the helicopter pilot, we had a digital camera, I took a picture of a snowmobile track leading from a house straight out into the open water. It was just like a training (inaudible) picture. But some people with family in Postville, they were adamant that he was not in the water. I was told to get that (inaudible) helicopter off the ground go searching part of the island to find their son. But I had to make a decision to get a boat from (inaudible) to see if that Ski-Doo was on the bottom, which we did and we confirmed that – took the sled up and confirmed that is his Ski-Doo. That's what he used (inaudible) Postville.

So we – even though it may be far-fetched to think that he's not in the water and somewhere else, we had to assume that (inaudible). I'm not sure, but right off the top of my head I think there was (inaudible) searching that water before we find the body.

So, again, I'm just saying that because that's where the searches lead us. We do a search, we look for evidence and if the evidence is there, we will search that area; if not, then we'll concentrate somewhere else. (Inaudible) the search of all the cabins, which we did, in Postville and (inaudible).

So I'm not sure if that's –

**T. WILLIAMS:** No, that answers ...

The third and the final question is with respect to having an aircraft up that first day, the very next morning. And, you know, there has been (inaudible), I know you spoke yourself about weather conditions that day in the helicopter. What about a fixed-wing aircraft, could that have made a difference? Because there was so much talk about weather conditions being bad, but yet, you know – and (inaudible) come in, she flew in from Nain on the fixed-wing aircraft that bought her from there to Makkovik and a pilot came up from Goose Bay by the air ambulance aircraft, the fixed-wing aircraft. Both flew that day, despite the fact that there was all this talk about weather. You know, obviously, time is of the essence. If all resources had to be deployed, whether it be the Cormorant, whether it be fixed



wings, whatever, do you think that could have done – made a difference?

**B. ANDERSEN:** It may have if we had search (inaudible). Those cracks on the ice was evidence, but we weren't absolutely sure at the time. If I had my time back, if I could play back – in hindsight, if I knew that Burton was gone out to the sea, then, yes, we would've had probably (inaudible) – with a fixed aircraft out there. Makkovik's airport is 430 feet above sea level. I just know that because I am a search and rescue coordinator and trying to get the aircraft into Makkovik is a challenge. We could have perfectly fine weather here in Makkovik, but you go to Strawberry Head and it's (inaudible) and that's a normal stretch.

I'm telling you that (inaudible), who is here in Makkovik, the planes will fly all around us. (Inaudible) later on this week. The weather is better in places to go to Nain, Postville, Hopedale, (inaudible).

That's just the facts of the weather conditions. A fixed aircraft (inaudible) for a Twin Otter if she wanted to go 90 knots, then she is just a stone in the sky. When you're flying at that altitude, 200 or 300 feet, (inaudible) around those mountains out there (inaudible) like they were that day, bringing the aircraft up in the air, the Aurora or the Hercs, they won't come down for safety reasons. Apparently – I'm not a pilot either, Mr. Commissioner, but I've had some pilots say to me with the helicopter, once you go over (inaudible) crew, so I'll leave that to the experts.

**T. WILLIAMS:** Are their support systems in place for you and your teams? I mean, we all appreciate what –everybody in this room has been affected by that, and I can see by the emotions that came out from the gentlemen in this room and how they were touched by this situation. Are there support systems for you folks in place? Whether it be counselling (inaudible) structures in place for teams – search and rescue teams that are going through – I mean, while the family is traumatized, everybody gets traumatized. Is there things there for you and your team when these kind of incidents occur?

**B. ANDERSEN:** To a certain extent. I have been trained with the RCMP to brief and debrief

the team members, but I am not a psychologist. The RCMP – the ground search and rescue is the RCMP. The RCMP do have experts on hand (inaudible), at times, (inaudible) particularly those people, to help out with other needs, if they need it.

I have seen psychiatrists here on several occasions, mostly for suicide recoveries and that kind of thing. (Inaudible) myself, but I've had a few team members here (inaudible). But we have access to it through the general health system but (inaudible) association if there is anything really set up for the mental health side of search and rescue, which I think, Mr. Commissioner, that should be a key for this as well.

**T. WILLIAMS:** (Inaudible) thank you for your candour and, on behalf of the family, thank you for your service.

**B. ANDERSEN:** Thank you. Just once again, my condolences to the (inaudible) it's a tragedy (inaudible).

**THE COMMISSIONER:** Sir, I just have a question for clarification for myself.

Mr. Andersen, yes or no: Do you recall anybody saying to you or asking you at the time that you found the tracks leading to the hole in the ice, do you recall anybody saying to you or asking you, well, you better be careful and check further around that? Anybody come to you?

**B. ANDERSEN:** No.

**THE COMMISSIONER:** Do you recall being in Corporal Vardy's presence and anybody saying to Corporal Vardy: Corporal Vardy, we – even though we've found the hole in the ice, we think we should go searching further? Were you in his presence at any time to hear anything like that?

**B. ANDERSEN:** No (inaudible).

**THE COMMISSIONER:** That's fine.

Thank you.

You're continuing I think, Sir?

**G. BUDDEN:** I believe Mr. Ralph is –

**THE COMMISSIONER:** Go ahead, Peter.

**P. RALPH:** Thank you.

(Inaudible) practising law for 30 years and I want to say (inaudible), as you heard this afternoon, some of those are moving and inspiring testimony I've ever heard and it's a tribute to, I guess, your courage that you guys put your lives at risk all the time, but also it's a testament to how much you (inaudible) and the people in this community. Again, thank you for the work you've done in the past, especially trying to save Burton, and also throughout your lives. The province is very much in your debt.

Mr. Andersen, I wanted to, I guess, go back and retrace some of my steps and go forward. Monday, the 30th of January, 12:20 you conclude the Ski-Doo is gone into the water. Is that right?

**B. ANDERSEN:** Yes, (inaudible) assumption. We didn't know if the tracks was going (inaudible).

**P. RALPH:** Fair, I appreciate that.

**B. ANDERSEN:** But they were perpendicular to the water.

**P. RALPH:** Right, but your assumption was that he was in the water.

**B. ANDERSEN:** Yes.

**P. RALPH:** And going forward then, this was now sort of more recovery than it was a search. So, in fact, as you stated earlier, there was no subsequent search in the air that night. In fact, on the 30th at 5 o'clock, the search was shut down.

**B. ANDERSEN:** Yes.

**P. RALPH:** And then, I guess the next day, the RCMP plane comes in. It's bringing the underwater camera to help that recovery process. And so some of the gentlemen here fly up to see if they can find debris where the ice is open. Again, that's part of the recovery mission, that – the RCMP plane. Is that right?

**B. ANDERSEN:** (Inaudible) if Burton is in the water.

**P. RALPH:** Yeah.

So it's during that recovery process that they find the Ski-Doo and realize that he didn't go in the water. I guess everyone realizes at that point that assumption, I think, that he had gone in the water was wrong.

**B. ANDERSEN:** Yes.

**P. RALPH:** Now, I understand that later that day or later that night, there were other aircraft that were engaged in the search. I understand that at a certain point there was a Griffon helicopter from Goose Bay. I guess it's 444. And that was – that's a 412 helicopter. Is that right? Were you aware of that?

**B. ANDERSEN:** I'm not sure if it's a Griffon helicopter –

**P. RALPH:** Right.

**B. ANDERSEN:** – triple four, 444 or what the exact model is, but I know it's a Griffon. They refer to it as triple-four Griffon.

**P. RALPH:** Triple-four Griffon. Triple four –

**B. ANDERSEN:** Triple four is the (inaudible) in Goose Bay.

**P. RALPH:** That's the name of the base?

**B. ANDERSEN:** Yeah. No, the squadron in Goose Bay. It's the name of –

**P. RALPH:** Okay. And 44 – what's – triple four is –?

**B. ANDERSEN:** It's the search and rescue squadron in Goose Bay.

**P. RALPH:** Okay. Right.

So once you see that – you know that he didn't go under the ice, because of the RCMP flight, then there are requests made for more air searching the night of the 31st. Is that your understanding?

**B. ANDERSEN:** Yes. The aircraft did (inaudible). The Aurora did fly a grid pattern (inaudible) on the ice. And the Griffon helicopter did their thing on the (inaudible).

**P. RALPH:** Right.

And can we go to Exhibit 017, page 28.

And down there on – close to the bottom, it says 0115: “The 444 Squadron had returned to Makkovik. Member spoke with the pilot who advised they picked up a track walking from the snowmobile headed south toward the closest point of land.”

So that’s now basically – we’re at February the 1st, I think, at 1:15 in the morning. Were you aware of that bit of information?

**B. ANDERSEN:** Yes, I was.

**P. RALPH:** And do you know who you learned that information from?

**B. ANDERSEN:** Probably would’ve been Corporal Vardy.

**P. RALPH:** And the next morning of – according to that – and then the next line below that it says – these are Corporal Vardy’s notes: “Member spoke with Paul PEDDLE of Fire and Emergency Services who made arrangements to have a helicopter from Goose Bay come to Makkovik for the first thing in the AM.”

So I understand the next morning you flew on the Universal helicopter. So that appears to be the helicopter that Paul Peddle of Fire and Emergency Services arranged to come to Makkovik –

**B. ANDERSEN:** Yes.

**P. RALPH:** – on February 1st.

**B. ANDERSEN:** Yes.

**P. RALPH:** So some of the conversations that are taking place in terms of air support, you wouldn’t necessarily be involved in. That would be likely Corporal Vardy with people at the B Division, like Sergeant Youden. Is that fair

enough to say you’re not directly involved in those conversations?

**B. ANDERSEN:** Some of them, as the search and rescue coordinator I would be called if we need aircraft then as the search supervisor (inaudible) we would need air support. So a lot of times, as search and rescue coordinator, the manager, I would be asked: Could you get an aircraft on standby? Could you get an aircraft in the air to help us out?

**P. RALPH:** Okay so who would you ask then?

**B. ANDERSEN:** Corporal Vardy or Corporal – the officer in charge (inaudible) detachments.

**P. RALPH:** So you couldn’t do that directly as search incident command. That had to go from the officer in charge of the detachment. I understand that would then go to B Division in St. John’s.

**B. ANDERSEN:** Yes.

**P. RALPH:** Is that correct?

**B. ANDERSEN:** Yes.

**P. RALPH:** Just – I’m going to go back to the first morning of the search, which was on the 30<sup>th</sup>, and we go to Exhibit 018, page 79.

**CLERK:** Page 79?

**P. RALPH:** Yes.

So you see here the notation here from 2012-01-30. I’m not going to go through all of this, but – so this is basically notes by Sergeant Youden and he is describing the efforts that he made to try and get a helicopter to Makkovik. Some of those efforts involve talking to Paul Peddle of Fire and Emergency Services of the province and, actually, as a result of those efforts, the Universal helicopter went up Monday morning. Were you aware of that?

**B. ANDERSEN:** Yes.

**P. RALPH:** So that’s – I guess that’s ultimately the helicopter that came and landed next to Woodward’s.

**B. ANDERSEN:** On the 30th –

**THE COMMISSIONER:** Universal, I think you're talking about.

**P. RALPH:** That's right, the Universal helicopter landed.

**B. ANDERSEN:** So the 30th would've been on –

**P. RALPH:** So that's –

**B. ANDERSEN:** – Monday.

**P. RALPH:** – the morning that you went up in Woodward's helicopter –

**B. ANDERSEN:** Yeah.

**P. RALPH:** – and then, you know, you saw the open ice, the pilot had to land the helicopter on Strawberry Head.

**B. ANDERSEN:** Okay.

**P. RALPH:** You went down, came back up again and Universal landed, I guess, in close proximity to –

**B. ANDERSEN:** Okay, yes.

**P. RALPH:** – Woodward's helicopter. And –

**B. ANDERSEN:** (Inaudible) getting my thoughts together here.

**P. RALPH:** Oh, fair enough.

So from – according to (inaudible) – Sergeant Youden's notes that the helicopter was arranged by him calling the Fire and Emergency Services.

**B. ANDERSEN:** Okay, yes.

**P. RALPH:** You can appreciate that?

**B. ANDERSEN:** I appreciate that.

**P. RALPH:** Did you understand (inaudible) – is that your understanding how that helicopter arrived there?

**B. ANDERSEN:** (Inaudible) written in my notes or anything over (inaudible).

**P. RALPH:** Oh, fair enough. I appreciate that.

**B. ANDERSEN:** So I'm thinking that's – I was aware of that for sure.

**P. RALPH:** Okay.

I guess the last question I have is about, again, what my friend, Mr. Williams, brought up. In terms of, you know, the conclusion that he's on the ice and in terms of your training, you know, the training sort of suggests that perhaps you shouldn't put your eggs in one basket, that you should sort of have different scenarios in mind as opposed to sort of, you know, letting the search or your search strategy be dictated by one conclusion.

**B. ANDERSEN:** Yes, we had – the other teams were still on land, but most of the time they were – the other teams were on the ice.

**P. RALPH:** Oh, fair enough. So there were still a lot of scenarios that were being entertained at that time –

**B. ANDERSEN:** (Inaudible.)

**P. RALPH:** – including I guess that he was inland.

**B. ANDERSEN:** Yeah, we did some, what we'd call, far-fetched areas. Monkey Hill was one of them. There's a microwave site up there on Monkey Hill; it has a nice trailer with all the (inaudible) the equipment that allow us to have Internet services here in Makkovik and telephone equipment and the door is unlocked. If you go in there, there's a phone there and you can pick it and (inaudible). Pilots were using it up there, if they're stuck up there, if there's weather or whatever, the helicopter pilots that is, servicing the area.

**P. RALPH:** Right. But I guess the –

**B. ANDERSEN:** (Inaudible) he wasn't up there. Other far-fetched areas that we thought that we should check, like I said, Monkey Hill, around Big Bight cabins and those places at the bottom

of Makkovik Bay. But first, (inaudible) know the area, that's why we went to those areas.

**P. RALPH:** Right.

**B. ANDERSEN:** We had to cover our – we don't just – like I said, we go with the evidence, where the evidence takes us.

**P. RALPH:** Right.

**B. ANDERSEN:** (Inaudible) as well. Snowmobile tracks are – it's hard to identify what a snowmobile track is, where it's going, where's it's coming from, is it going north, south, east or west, unless there are moguls or snow ridges that they jump off of. So you'd be able to tell on the ice, well, that way or going back the other way. But on Ski-Doo ice, like, the floor here, it's no different than going down the road here and checking the vehicle tracks and you tell (inaudible).

**P. RALPH:** Know which way they're headed.

**B. ANDERSEN:** Right.

**P. RALPH:** Fair enough.

Thank you, Mr. Andersen.

**G. BUDDEN:** Mr. Freeman.

**M. FREEMAN:** Thank you. Thank you, again, Mr. Andersen.

I don't want to repeat what's already been done by my friend, Mr. Ralph. I wanted to just go over this one more time to make sure that it's clear to everybody that, on the night of the 30th, there was nothing in the air because the most reasonable conclusions were that he was – that Burton was either in the water or inland on the night of the 30th.

**B. ANDERSEN:** Yes, and due to the weather conditions as well.

**M. FREEMAN:** Due to the weather conditions as well.

And the next morning when the Pilatus comes, it's the 31st – Burton goes missing on the 29th, the searchers go on to the 30th and then, on the

31st, the Pilatus comes and does a wide turn. This is a major change in the search and the Ski-Doo is spotted from the air, as Mr. Dyson said. And everyone is really shocked, I guess, is that fair to say that, (inaudible) where it is? That really – it's not as if anybody then stopped searching before the night of the 31st. The ground search teams go as far as they can to get out there, but it's dangerous and it's rugged. Is that right?

**B. ANDERSEN:** Yeah, that's correct.

**M. FREEMAN:** And so, we know where the snowmobile is. You can get out on Cape Strawberry somewhat.

**B. ANDERSEN:** No.

**M. FREEMAN:** You can't?

**B. ANDERSEN:** No.

**M. FREEMAN:** Not even close?

**B. ANDERSEN:** No, they guys are gone out there with the rope. They walked out there.

**M. FREEMAN:** They walked out?

**UNIDENTIFIED MALE SPEAKER:** Over the land.

**B. ANDERSEN:** Over the land.

**M. FREEMAN:** Okay, so you walked out onto Cape Strawberry.

**B. ANDERSEN:** (Inaudible) but the two guys that went out and did the rope, put down onto the edge of the ice right here along the shore between Strawberry Harbour and Nipper Cove Point. They walked from Strawberry Harbour out there along – it's all cliffs, it's probably about 200 feet straight up and down, basically.

**M. FREEMAN:** Right. So if it's – if Environment Canada says sunset is 4:30, when does it actually feel too dark to be out there?

**B. ANDERSEN:** At the time, it was probably 5 o'clock was pretty much dark.

**M. FREEMAN:** 5 o'clock.

**B. ANDERSEN:** Just after 5.

**M. FREEMAN:** So it is getting dark when the snowmobile has been spotted on the 31st and that's a major change.

**B. ANDERSEN:** Yeah.

**M. FREEMAN:** The ground searchers can't do much more, they've done everything humanly possible at that point to get out to the Ski-Doo and look for tracks. But what happens next is –

**B. ANDERSEN:** On the 31st, that is.

**M. FREEMAN:** On the 31st.

**B. ANDERSEN:** Yes.

**M. FREEMAN:** Yes.

What happens next is the RCMP keeps working through that night to secure a search by the Canadian Forces because Universal can't fly at night so – is that right?

**B. ANDERSEN:** Yes, that's correct.

**M. FREEMAN:** So you found the – on the 31st you found the snowmobile or the Ski-Doo, you can't get to it. It is going to be too dark for Universal, is that right?

**B. ANDERSEN:** Yes, that's correct.

**M. FREEMAN:** So RCMP then calls JRCC again.

**B. ANDERSEN:** Yeah, I guess.

**M. FREEMAN:** Well, calls FES who calls JRCC.

**B. ANDERSEN:** Yes.

**M. FREEMAN:** And JRCC then does send Griffons with night vision – you may or may not know that.

**B. ANDERSEN:** Maybe night-vision goggles, I'm not sure.

**M. FREEMAN:** With night-vision goggles. We can talk about that tomorrow; we don't need to

get into too much of that. They also send the Aurora, a fixed-wing aircraft that has some heat-seeking or heat-finding technology. Is my understanding, I don't know if you're aware of that or not.

**B. ANDERSEN:** Yes, I am.

**M. FREEMAN:** Okay.

So it is the night of the 31st, that snowmobile being found really is a big moment. Obviously, everyone is taking it very seriously to find tracks. So it is that Griffon with the night-vision goggles that finds a track in the dark, essentially. That's how I understand it. It that how you understand it as well?

**B. ANDERSEN:** Yeah, or it could have been from the search light; I haven't talked to the crewmen on board.

**M. FREEMAN:** Okay. And we'll have some – we'll talk about that tomorrow, but that's the track you pickup the next morning.

**B. ANDERSEN:** Going across the sea ice. There was one track – they said there was Ski-Doo tracks leading just a short distance (inaudible) from the snowmobile but we were able to follow (inaudible) from the snowmobile (inaudible).

**M. FREEMAN:** Okay.

And just using a word, it was really – from what I've heard again, I'll get Corporal Vardy's take on it tomorrow, but from what I've been told it was your expertise and your experience and just your own mind and your history and knowledge of the land, you were the one who was able to pick up that track, the foot track, you and your team. That was very – really excellent that you were the one who's there when they saw the track that morning.

**B. ANDERSEN:** Yeah, it was pure luck. It was (inaudible) was up there (inaudible) was present that day or early that morning.

**M. FREEMAN:** Okay.

Thank you. Again, I can't say it enough; you guys risk your lives out there and do everything

you can (inaudible). I just thank you for (inaudible) first hand.

**B. ANDERSEN:** Thank you.

**G. BUDDEN:** I just have one follow-up question, if I may, Mr. Commissioner. And, Madam Clerk, could you bring us to Exhibit 017, page 10.

**CLERK:** Page ...?

**G. BUDDEN:** 10, please.

And just scroll down to where it begins 2012/01/31. No, you're gone just a tiny bit too far. Yes, perfect, just right there and maybe a tiny, tiny bit more.

What we have here, this is really for clarification or follow up to a question Mr. Ralph put to you when he suggested that you were really thinking more in terms of a recovery operation after – on the 30th you saw the tracks leading to the open water and nothing coming out the other side. Then, of course, a day later, almost exactly a day later, the snowmobile was spotted.

I just bring you to this because this was the morning following the snowmobile tracks leading over the water and hours before the snowmobile itself was spotted out on the ice. I note here that the first thing that was done on the morning of the 31st was that "... search crews met at detachment along with members." And "Search teams deployed again to eliminate other areas on land. Search teams sent to: Adlavik Bay, Sharp Hill, Big Bite" and "Monkey."

You somewhat answered this but just for clarification, even if you thought in your heart of hearts that the snowmobile had gone into that open water, why was it that you still sent teams out?

**B. ANDERSEN:** That's what we'd call a confirmation search to eliminate the possibility that he walked any distance or away from the snowmobile and then back around to Adlavik Bay, which is off this map. Again, like I said, it's a far-fetched area. It's quite a distance from Makkovik on a snowmobile to Adlavik Bay.

Sharp Hill, it's the hill just to the south-southeast of us here, as you can see (inaudible). Big Bight – B-I-G-H-T – is right here on this map – oh, sorry. Looks like Big Bight is on this map right here (inaudible), Monkey Hill. And like I said, the Monkey Hill referred to there is the microwave site that houses all the communications equipment for the North Coast of Labrador. Basically, if that goes down, then the whole Coast goes down for their communications.

**G. BUDDEN:** Sure.

**B. ANDERSEN:** So we searched that – we had a flyby of that facility as well, just to make sure that there wasn't (inaudible) any signs up there.

**G. BUDDEN:** Okay.

**B. ANDERSEN:** It's no different than a question Mr. Williams asked about the – I referred to the Postville search. We concentrated a lot in Postville for that search in the water, but we did the exact same thing: We searched his cabin. We searched the trailer in Goose Bay. And we're told that Mr. Gear was supposed to be heading the Torngat search. So we didn't put all of our resources or all our eggs in one basket. We had to consider that there was a possibility that he did end up in the water and get up onto the ice and did walk ashore and come off the other side (inaudible).

**G. BUDDEN:** So I guess to put it this way: Even if the evidence that led you and your team sadly to the conclusion that he very likely had entered the water, that open water, and not – and the snowmobile was in there and likely hid as well, even though that you thought the evidence led there, you were still open to the possibility that, against all odds, he had gotten out and you were still searching?

**B. ANDERSEN:** Yes.

**G. BUDDEN:** Okay, thank you.

Those are all my questions, Mr. Commissioner, and that is all the evidence that I was intending to lead through these witnesses here today.

**THE COMMISSIONER:** All right.

Would you like to have Mr. Blackmore or Mr. Smith contribute at this stage? Did they have any questions through you that they may want to present, or are you okay for today?

**G. BUDDEN:** Perhaps if Mr. Blackmore would like to speak to me, or Mr. Smith, with any particular questions they have, I'm certainly open to that.

Have you anything, Mr. Blackmore, you wish to speak to me about?

**H. BLACKMORE:** Nothing in particular to speak to you about. But, as Barry had said throughout the whole day, there is a standard for search and rescue which they followed to a T – if you want to call it that. And, as Barry said, for search and rescue, just as we find one piece of evidence that leads us where we may think they may be, we don't stop – we always go outside the area. But the logical conclusion was that he did find the open water, was that probably only had a slim chance he went there, (inaudible) he didn't. But, as Barry said, just in case he did get out of the water and got back to the land, they did continuing on and continuing on until an item is either found, or the person or whatever.

But from what they done, there is nothing else they could've done. And going outside the water, if they couldn't see any tracks on the other side, you would not go out on the water. You would go to the land, and that's what they done. So there's a lot of different avenues, but the team did everything under their power for what they should've done and they followed the standards to the protocol.

**G. BUDDEN:** Perhaps I will approach Mr. Smith in just – if I may.

Thank you, Mr. Blackmore.

**R. SMITH:** (Inaudible.)

**G. BUDDEN:** Mr. Smith just advised me, where he's not mic'd, if I could perhaps speak for him.

**THE COMMISSIONER:** Yeah, go ahead.

Repeat that again into the microphone, please.

**G. BUDDEN:** Where I'm at the mic and Mr. Smith isn't, Mr. Richard Smith, I can perhaps speak for him. Though if I'm not getting it right, just let me know. He has nothing to ask here today.

**THE COMMISSIONER:** Thank you.

I'm satisfied, then, that we may adjourn today.

And I'm going to try for 9 a.m. If that's too early, put up your hand. If you're happy with 9 a.m., let's start at that time.

**G. BUDDEN:** Just before we adjourn, the plan for tomorrow, Mr. Commissioner, is we will hear from Mr. – or Officers Vardy and Howlett who were of detachment at the time; Officer Williams, who was the RCMP search and rescue coordinator; and a gentleman whose name, unfortunately, has slipped my mind at the moment, James –

**M. FREEMAN:** Lieutenant Colonel James Marshall.

**G. BUDDEN:** Lieutenant Colonel James Marshall. They – our plan of action is that Mr. Freeman will lead – will do the direct examination, and I understand he believes he may take most of tomorrow.

**M. FREEMAN:** That's correct.

**G. BUDDEN:** Okay, thank you. I have nothing further.

**P. RALPH:** So I guess in terms of arranging for Mr. Peddle, so we're looking at Thursday before (inaudible).

**G. BUDDEN:** I would think so, yes.

**P. RALPH:** Okay.

**CLERK:** All rise.

This commission of inquiry is concluded for the day.