

MANITOBA CLEAN ENVIRONMENT COMMISSION

LAKE WINNIPEG REGULATION REVIEW
UNDER THE WATER POWER ACT

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Transcript of Proceedings
Held at Berens River School
Berens River, Manitoba
WEDNESDAY, FEBRUARY 11, 2015
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APPEARANCES

CLEAN ENVIRONMENT COMMISSION

Terry Sargeant - Chairman
Edwin Yee - Commissioner
Neil Harden - Commissioner
Beverly Suek - Commissioner

Cathy Johnson - Commission Secretary
Joyce Mueller - Administrative Assistant
Bob Armstrong - Report writer
Melissa Hotaine - Community Liaison

MANITOBA HYDRO

Dale Hutchison

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1 WEDNESDAY, FEBRUARY 11, 2015

2 UPON COMMENCING AT 1:00 P.M.

3

4 CHIEF JACKIE EVERETT: Good morning, I
5 guess we will start. We are going to start with
6 an opening prayer first, as we always do before
7 any kind of meeting that we open, we always open
8 with a prayer. And then after the prayer, I will
9 hand you back to the principal and then back to
10 me, and then we will explain what this is all
11 about. If I can ask for a volunteer to come and
12 do the opening?

13 (Opening Prayer)

14 CHIEF JACKIE EVERETT: So before the
15 meeting starts, I will just give you a quick
16 breakdown in how we are going to do this today.
17 So, our guests are only here until 3:00, I
18 believe, 3:00 o'clock. So this morning the plan
19 was to open the meeting and to have entertainment
20 by our own local entertainers here. And then we
21 are going to give the opportunity for the grade 7
22 to 9, they have been doing some research on this
23 same topic, and they have come up with questions.
24 Then we will break for lunch. Lunch is going to
25 be provided here. And then the panel is going to

1 do some presentations, along with Chief and
2 Council, and then we will open it up to the
3 community.

4 So I ask our guests to provide as much
5 information to you today so everybody is fully
6 informed of what this is all about. So I'm going
7 to pass it over to Principal Batenchuk for this
8 morning.

9 MS. KAREN BATENCHUK: Thank you,
10 Chief. I want to thank the community members for
11 getting involved, and also our students, and also
12 I would like to welcome our guests from
13 Stewardship, Water and Stewardship. The grade
14 seven to nine students have been working hard this
15 week on researching about all of this, what is
16 going to be happening. I have been telling them,
17 you guys are our future leaders, you are going to
18 be the principals and the chief and councils some
19 day. It is affecting you, so you need to do your
20 work and prepare yourself. Is it what we want or
21 what is going to come forward to us? So they have
22 been doing a wonderful job, so thank you, along
23 with the teachers, thank you for working with the
24 students.

25 So, anyways, I just wanted to provide

1 entertainment because, as you know, we have our
2 very own fiddlers, they have been fiddling since
3 they were in grade 2, so I think all of these five
4 students are in grade 8 now, so they have been
5 fiddling for a number of years already. So they
6 are going to play three tunes for us that they
7 have been practising. So we have Emanuel McKay,
8 Mika Everett, Jamon Worms, Tyron McKay and Ovide
9 Denecheze. So let's give them a warm welcome.

10 By the way, I am going to start
11 fiddling too, because they don't have a fiddling
12 teacher here full time, so I have been working
13 with them. So next time.

14 (Music by the fiddlers)

15 MS. KAREN BATENCHUK: We usually have
16 our guitar player along with them, but we don't
17 have our guitar player today. Thank you. I will
18 hand it over to the chair.

19 Let's give them another hand, it is
20 hard to fiddle. Who is the teachers? Maybe I can
21 introduce you, stand up. I recognize Maureen
22 O'Neil is grade 8, and Angela Hood. Just the two?

23 Jackie Everett, can I get the council
24 to come up here and join us? So this is how we
25 are going to do it, the seven to nine are going to

1 ask the questions. And there is two microphones
2 here, you can move around. So, if the teachers --
3 you want to start? Use the mic over here.

4 THE CHAIRMAN: Can I just ask, do you
5 want them to ask the question and then we will
6 respond to each question, as best we can anyway?
7 Okay. And we ask them to just state their names
8 as well and then fire away.

9 JASMINE HOOD: I'm Jasmine Hood. Why
10 are you working on these projects?

11 THE CHAIRMAN: Why are we working on
12 this project?

13 JASMINE HOOD: Yes?

14 THE CHAIRMAN: We were asked, actually
15 about three years ago, four years ago by the
16 Minister of Conservation and Water Stewardship to
17 provide a forum to hear from people who live
18 around Lake Winnipeg and downstream of Lake
19 Winnipeg, about any concerns they might have about
20 the regulation of Lake Winnipeg by Manitoba Hydro.
21 So we are traveling around a number of
22 communities, we have been in the north, we have
23 been in the central Interlake, and we have been
24 down around the south basin of the lake. So we
25 have been in a number of communities already

1 listening to people like you from other
2 communities.

3 JASMINE HOOD: Will this open more job
4 opportunities?

5 THE CHAIRMAN: The work that we are
6 doing will not have any impact on job
7 opportunities, but I can't speak for Manitoba
8 Hydro, but they do have a number of job
9 opportunities in various places around the
10 province.

11 MIKA EVERETT: I'm Mika. What would
12 happen if the water level goes higher?

13 THE CHAIRMAN: I am sorry, I couldn't
14 hear all of your question. What would happen if
15 the water levels?

16 MIKA EVERETT: What would happen if
17 the water levels were all high?

18 THE CHAIRMAN: Were always high -- is
19 that what it says? Okay. Well, that's obviously
20 not good for anybody if the water level is always
21 high. We have heard stories in a number of
22 communities about the water being higher than
23 normal, particularly in the last few years. And
24 that's not good because it floods out many
25 communities. And we haven't heard yet, but I

1 expect that we will hear today from people in your
2 community telling us a similar thing, that the
3 water is higher than it usually has been.

4 I know that Manitoba Hydro, as part of
5 their licence, is required to do everything it can
6 to get the water level back down when it is high.
7 Does that answer your question? Thank you.

8 JAMON HARMS: What happens if our
9 water gets contaminated?

10 THE CHAIRMAN: What happens if the
11 water gets contaminated? That's a real problem
12 too. And as you probably know, Lake Winnipeg
13 already has some issues with contamination. There
14 is too much phosphorous and nitrogen in Lake
15 Winnipeg which affects -- well, it causes blue
16 green algae, which is not good for the lake. And
17 if it stays in the lake for a long enough time, it
18 can cause harm to the fish. So we, and that's all
19 of us in this room and all of us who actually live
20 throughout the Lake Winnipeg basin, which
21 stretches from about Thunder Bay to the Rocky
22 Mountains, and down south into Minnesota and North
23 Dakota, all of us in that area really have to be
24 more careful about what we put into the water to
25 try to clean up Lake Winnipeg.

1 Does that answer your question?

2 JAMON WORMS: Yeah.

3 THE CHAIRMAN: Thank you.

4 OVIDE DENECHÉZE: Hello, I am Ovide.

5 What is the project about?

6 THE CHAIRMAN: Well, what this project
7 is about, it was built in the early 1970s, long
8 before any of you folks were born, and it was
9 built to help Manitoba Hydro, to give them enough
10 water to run major generating stations on the
11 lower Nelson River. And if you look at some of
12 those boards over there, the board that's on the
13 left end, it shows some generating stations at
14 Kettle and Long Spruce and Limestone. And they
15 provide most of the power for the Province of
16 Manitoba, and they need water to run them. So by
17 controlling, by putting controls at the north end
18 of the lake, it helped Manitoba Hydro have the
19 water to run those stations. But there was a
20 secondary reason for building it, and that was to
21 reduce flooding on Lake Winnipeg. Lake Winnipeg
22 has a long history of flooding, and by building
23 more outlets at the north end of Lake Winnipeg,
24 they were able to get more water out more quickly
25 and bring the flooding down a bit. We still get

1 flooding but not as often as before.

2 OVIDE DENECHÉZE: I have got one more
3 question.

4 THE CHAIRMAN: Sure.

5 OVIDE DENECHÉZE: How is this going to
6 benefit our community?

7 THE CHAIRMAN: Well, I suppose the
8 biggest benefit for your community, and for really
9 all of the communities in the Province of
10 Manitoba, is that we have probably the lowest
11 hydroelectric rates in Canada. I know sometimes
12 it can seem pretty expensive, especially in cold
13 winters it can seem expensive to be paying your
14 electric bill every month, but we still have, if
15 not the cheapest, among the cheapest in Canada.
16 And all of this is part of allowing us to have
17 cheaper electricity. And there are benefits to
18 have cheaper electricity aside from our own Hydro
19 bills, it also encourages businesses that create
20 jobs to come into Manitoba because they are
21 attracted by lower electric rates. Does that
22 answer your question?

23 OVIDE DENECHÉZE: Thank you.

24 THE CHAIRMAN: Next.

25 TYRON MCKAY: Hi.

1 THE CHAIRMAN: Hi.

2 TYRON MCKAY: I am Tyron. Does it
3 cost us anything?

4 THE CHAIRMAN: Probably not. Well,
5 maybe I should go back a little bit. When it was
6 first built, which was about 40 years ago, they
7 started construction around about 1971 or '72, and
8 it was finished in 1976. At that time it cost,
9 obviously cost money to build these controls. And
10 that was paid off by people who were paying their
11 Hydro bill, so it probably, it might have added a
12 cent or two to your Hydro bill over a number of
13 years. But at this point it doesn't cost you
14 directly. Where there are negative effects, then
15 it certainly costs the community. And that gets
16 more complicated. And some of the communities
17 downstream of these projects, the Cross Lake First
18 Nation in particular, they have a lot of ongoing
19 costs because of periodic flooding. But
20 whether -- how it would affect your community, it
21 probably does a little, but I don't think it would
22 be a huge cost.

23 TYRON MCKAY: I got one more question.

24 THE CHAIRMAN: Sure.

25 TYRON MCKAY: How do you plan on

1 reassuring the next generation?

2 THE CHAIRMAN: How do we plan on
3 reassuring the next generation? That's actually a
4 really good question, and it is probably one of
5 those really good questions that doesn't have a
6 really a good answer.

7 I think what we look to do, as part of
8 the Clean Environment Commission when we are
9 conducting these reviews, is we try to ensure that
10 projects are built, or in this case an existing
11 project, that they have as little environmental
12 impact as possible, and that helps future
13 generations. If we can keep the environmental
14 damage down, if we can clean up the pollution in
15 the lake, which was asked in an earlier question,
16 then we will help future generations have a better
17 life.

18 TYRON MCKAY: Thank you.

19 THE CHAIRMAN: Thank you.

20 LUKE BERENS: Hello, my name is Luke
21 Berens. What happens if the project fails?

22 THE CHAIRMAN: What happens if the
23 project fails? Well, that would be very serious.
24 If the dam were to give out, then there would be
25 serious damage downstream of where the dam is at

1 Jenpeg. The first community that would get hit
2 would be Cross Lake, and it would be very
3 seriously damaged.

4 Having said that, though, in the
5 history of hydroelectric generating stations in
6 North America, especially in the Canada, I don't
7 believe there has been a hydroelectric generating
8 station that has failed. There are some cases in
9 recorded history in other parts of the world where
10 there have been dam failures, and it caused
11 serious damage and serious loss of life, but it
12 has never been known in Canada. So we have that
13 reassurance.

14 LUKE BERENS: Will the community come
15 to any harm from this project?

16 THE CHAIRMAN: Will this community
17 come to any harm from -- I don't think it will be
18 serious. As long as there is high water, I'm sure
19 it has effects on your community, both in loss of
20 land, but also it could affect some of the
21 fishermen who work out on the lake. But a lot of
22 the current high water is probably not because of
23 the Hydro project very much, but mostly because in
24 recent years, with climate change, there is a lot
25 more water coming into the lake than is going out.

1 So I suspect there is not much negative impact on
2 your community, on Berens River, and there
3 probably won't be, but we do have to get the lake
4 levels under control somehow.

5 LUKE BERENS: Thank you.

6 THE CHAIRMAN: Thank you.

7 ISAIAH FLETT: Hi, my name is Isaiah
8 Flett. How will the environment be affected?

9 THE CHAIRMAN: Well, for this project,
10 when this project was built in the early '70s,
11 early to mid '70s, environmental assessment was a
12 new science and it wasn't required for projects
13 such as this. In fact, environmental assessment
14 probably didn't really become a major component of
15 development until 15 or 20 years after this
16 project was built. The first Manitoba Hydro
17 project that required a full environmental
18 assessment before it was built was Wuskwatim,
19 which wasn't built until just about ten years ago.
20 So it is hard to say after the fact what impacts
21 there were on the environment, but we do know that
22 there certainly were impacts. We know
23 particularly downstream of the project, and I have
24 mentioned already the Cross Lake First Nation,
25 they have had problems with flooding, with ice

1 problems, some loss of wildlife, and some effect
2 on their fishing. So there have been
3 environmental effects. There will continue to be
4 environmental effects, but it is hard to assess
5 them now because nobody looked at it beforehand to
6 see what was there before they built this.

7 It might not be a fully satisfactory
8 answer, but sort of after the fact, that's about
9 the best I can give.

10 ISAIAH FLETT: I have one more
11 question. Why does Hydro want to look after the
12 water?

13 THE CHAIRMAN: Why doesn't Hydro not
14 want to look after the water?

15 ISAIAH FLETT: Why does it want to
16 look after the water?

17 THE CHAIRMAN: Why does it want to
18 look after the water? Well, as I said a few
19 moments ago in response to another question, Hydro
20 needs this water to drive the generating stations
21 down river from the project. Without enough
22 water, then they wouldn't be able to generate all
23 of the electricity that they do, and we all
24 benefit from that electricity.

25 ISAIAH FLETT: Okay. Thank you.

1 THE CHAIRMAN: Thank you.

2 KASH BAPTISTE: Hi, what will happen
3 to the water?

4 THE CHAIRMAN: I'm sorry, I didn't
5 hear your question?

6 KASH BAPTISTE: What will happen to
7 the water?

8 THE CHAIRMAN: What happens to the
9 water?

10 KASH BAPTISTE: What will happen to
11 the water?

12 THE CHAIRMAN: What will happen to the
13 water? Well, the water -- the water comes
14 through, it comes into Lake Manitoba. If you look
15 at I think the second panel there on the left, the
16 green one, I think that's green, there are, I
17 think it is four major rivers that flow into Lake
18 Winnipeg, there are about a dozen reasonably major
19 rivers, and then there is hundreds of small creeks
20 and smaller rivers. So it all comes in, it flows
21 through, it goes out through the Nelson River up
22 near Warren Landing and north of that. And it
23 just flows down the river to generating stations
24 and then out into Hudson Bay. At times such as
25 the last few years, there is more water, and

1 that's what we have to try and get control of
2 right now. I'm not sure if that fully answers
3 your question, but I think that might be the best
4 I can do.

5 KASH BAPTISTE: Thank you.

6 THE CHAIRMAN: Thank you.

7 NICOLAS EVERETT: How would the water
8 level affect animals and fish?

9 THE CHAIRMAN: Well, there is -- we
10 have heard in a number of communities already that
11 the high water level has affected in particular
12 muskrat and beaver, which are important parts of
13 the economy in a number of communities around this
14 lake. I'm not sure that it would affect fish all
15 that much. If the lake continues to get more
16 polluted, that would certainly affect the fish,
17 but simply because the water is a bit higher in
18 recent years, I'm not sure that it would affect
19 fish that much. But it can have negative impacts
20 on muskrat and beaver, and even other animals that
21 live near the shore, if there is more wetlands
22 near the shore, they could be negatively impacted.

23 NICOLAS EVERETT: Okay. And how would
24 water and flooding affect our traps?

25 THE CHAIRMAN: Well, I think -- I

1 think I partly answered that. If there is more
2 flooding, it can flood out muskrat houses and
3 beaver houses and cause, in particular in winter,
4 kill off, and that would affect your ability to
5 trap. Also in areas, if the water goes up too
6 high and floods the traplines, then it's going to
7 be impossible for you or your family or your
8 neighbours to go out and work on the traplines, at
9 least in those areas that are flooded.

10 NICHOLAS EVERETT: Nicholas Everett is
11 my name.

12 THE CHAIRMAN: Thank you.

13 AVERY BOULANGER: Hi. Will these
14 projects affect our drinking water?

15 THE CHAIRMAN: I don't think so, it
16 shouldn't affect your drinking water at all.
17 Where do you get your drinking water from? Does
18 it come from the lake or from wells or -- from the
19 lake? Then I assume that you have a water
20 treatment plant that treats the water before --
21 yes. So it shouldn't affect your drinking water
22 at all. Again, going back to the earlier question
23 about pollution, if that continues and gets worse,
24 then it might have an affect, it might mean that
25 you have to spend more money on water treatment,

1 which is not good for anybody. But just by
2 itself, higher water levels shouldn't affect the
3 drinking water.

4 AVERY BOULANGE: Will Manitoba Hydro
5 help in cleaning up Lake Winnipeg?

6 THE CHAIRMAN: Will they help to clean
7 up lake Winnipeg? They do. I know that they make
8 contributions to a number of research
9 organizations and scientists that work at trying
10 to study the lake to see what the problems are and
11 what might be done to clean it up. And Hydro does
12 participate in that. Thank you.

13 AVERY BOULANGER: My name is Avery
14 Boulange.

15 THE CHAIRMAN: Thank you.

16 REANNA ANDERS: Hi. Will this affect
17 the jobs for people who fish for a living?

18 THE CHAIRMAN: It has in the past,
19 certainly in areas where there was a lot of
20 flooding. In some of those areas -- and again in
21 an earlier question I said that back in the '70s,
22 when this was built there wasn't much
23 environmental assessment done. They also didn't
24 clear a lot of debris where they flooded. So
25 trees would pop up for years after and float, and

1 they often ended up in nets, which hurt fishermen.
2 We have heard from some people in some communities
3 in the last few weeks about added silt coming into
4 the lake which gets into, sort of clings to algae
5 and stuff and really fouls their nets and affects
6 them.

7 Higher water by itself, unless it is
8 bringing in silt or other debris, shouldn't affect
9 the fishermen, but there could be occasions where
10 it does. That's not a fully satisfactory answer,
11 I'm sure, but it is one of those, it may and may
12 not type of questions.

13 REANNA ANDERS: Would Manitoba Hydro
14 ask Aboriginal communities on any future
15 decisions?

16 THE CHAIRMAN: Will Manitoba Hydro
17 involve Aboriginal communities in decisions, is
18 that your question?

19 That's, again, a very good question.
20 I'm not, I'm not employed by Manitoba Hydro, so I
21 can't really speak for them, but I do know that
22 Manitoba Hydro has a division that focuses solely
23 on Aboriginal affairs and working with Aboriginal
24 communities, with consulting with them, with
25 trying to find employment opportunities in many of

1 those communities. So I think, yes, they do and
2 they will continue to work with Aboriginal
3 communities and seek their advice.

4 REANNA ANDERS: My name is Reanna.

5 THE CHAIRMAN: Thank you. Is that
6 all?

7 So I think we are done with all of the
8 questions. I would just like to say, those were
9 fabulous questions, you guys did some good work in
10 researching them. Thank you for that. I hope my
11 answers were half as good as your questions. So
12 thank you all, and thank you to the teachers who
13 offered their guidance in getting the students to
14 put this together. Thank you very much.

15 Also thanks and congratulations to the
16 fiddlers, that was quite fun.

17 CHIEF JACKIE EVERETT: Okay, thank you
18 seven to nine. Those were, like he said,
19 excellent questions. With those questions, more
20 questions are going to arise, because you are just
21 opening doors right now. So we are going to go
22 after you, and we welcome you to stay and listen
23 right to the end, if the school will allow you.

24 I guess right now we are going to have
25 some lunch, and then we will get back to the panel

1 as soon as we are done.

2 (Lunch recess)

3 CHIEF JACKIE EVERETT: Okay. We are
4 going to get started. Time is limited, I know
5 there is going to be a lot of discussion,
6 questions from the community, so I'm going to hand
7 it over to the panel here, and they are going to
8 let us know, give us information right from the
9 beginning, who they are, what this is about, and
10 what is it that they are seeking from the
11 community. But I will tell you, the leadership
12 does have a position paper in place, we are not in
13 agreement, and we will tell you why. Like we
14 worked hard on a paper. It took longer, like it
15 took a long time. That's why we kept postponing
16 these meetings because we weren't ready. This is
17 a very important issue that's going to impact not
18 only us here, but the next generation coming, and
19 the next. So that's why we didn't rush it.

20 THE CHAIRMAN: Thank you very much,
21 Chief Everett.

22 Good afternoon. My name is Terry
23 Sargeant, I'm the chair of the Manitoba Clean
24 Environment Commission, as well as the chair of
25 the panel conducting this particular review. At

1 the outset, I would like to acknowledge that we
2 are holding today's meeting in the traditional
3 territory of the Berens River First Nation, a
4 Treaty 5 First Nation. I would like to thank the
5 leadership of your community for accepting our
6 invitation to host the Commission so that we can
7 hear from as many of you as wish to share your
8 thoughts or stories.

9 I would also, before I go any further,
10 I would like to thank whoever put the lunch
11 together, it was excellent. I'm a big fan of
12 hearty soups, especially on cold wintery days like
13 today, and the soup I had was outstanding. Thank
14 you very much for whoever put that together, we
15 appreciate it.

16 I would like to introduce the other
17 members of the panel. To my left is Bev Suek, to
18 my right is Neil Harden and Edwin Yee. In
19 addition to the panel, we have some staff with us,
20 our Commission secretary, Cathy Johnson, our
21 community liaison, Melissa Hotain, and our
22 recorder, Cece Reid.

23 We are here today because in 2011 the
24 Minister of Conservation and Water Stewardship
25 asked the Clean Environment Commission to provide

1 a forum to hear evidence from the public about the
2 impacts of Manitoba Hydro's regulation of Lake
3 Winnipeg.

4 Let me tell you a little bit about
5 what the CEC is. We are a Provincial Government
6 agency, but we do not represent the Government of
7 Manitoba. We do not represent the department of
8 Conservation and Water Stewardship. We are what
9 is known as an arm's length organization. It is
10 our job to provide independent, unbiased advice to
11 the Minister on specific questions, policy
12 matters, project matters, but certain questions
13 that the Minister asks us to look into. We are
14 also not representative of Manitoba Hydro. The
15 project that we are examining right now happens to
16 be a Manitoba Hydro project, as were our last two
17 projects. So for about the last three years all
18 of our work has been focused, three years or more
19 has been focused on Manitoba Hydro projects, but
20 we do not represent Manitoba Hydro.

21 When the Minister asked us to conduct
22 these hearings, he asked that we hold meetings in
23 communities around both the north and south basins
24 of Lake Winnipeg, as well as in the City of
25 Winnipeg. We are now in, I believe it is week

1 five of our hearings. We have been in the north
2 in Thompson, we were -- the next week we were in
3 the central Interlake, Pine Dock, Peguis, Fisher
4 River, Ashern. The following week, Grand Rapids.
5 Where were we last week? Last week was Gimli,
6 Selkirk, Brokenhead and Grand Marais. And earlier
7 this week we in Manigotagan, yesterday in Black
8 River, today here, and on Friday we will be in
9 Sagkeeng. Then next week we are back up in Cross
10 Lake First Nation. In early March we will start
11 what we think will be five weeks of hearings in
12 the City of Winnipeg. And following that we will
13 be back on the road in Norway House, and perhaps
14 Split Lake as well.

15 What we -- what the Minister
16 specifically asked us to do was to look at the
17 reasons why Lake Winnipeg Regulation came into
18 being in the early '70s, with the issuance of the
19 first licence in 1970. We were also asked to look
20 at whether Lake Winnipeg Regulation has succeeded
21 or failed in meeting those goals. And we were
22 asked to look at the impacts and effects of Lake
23 Winnipeg Regulation since it first went into full
24 operation in 1976.

25 We try to make the community hearings

1 as informal as possible, to encourage as many of
2 you as possible to come forward and share your
3 opinions or your stories. The hearings are
4 recorded, this is required by the Environment Act.
5 Within a few days, a verbatim transcript of
6 today's hearings, including all of the questions
7 that we heard from the students this morning, will
8 be posted on our website. Anyone in the room who
9 wishes to make a presentation or who wishes to ask
10 questions is more than welcome to come forward.
11 If you want to do it jointly with another person,
12 that's quite all right.

13 What we are looking for is, well, we
14 would like you to identify yourselves and then
15 tell us how Lake Winnipeg Regulation might have
16 impacted you or your community. We would like to
17 know your views on whether or not the project has
18 been good for the province as a whole. And we
19 would like to know what decisions you think the
20 panel should make in this regard.

21 I would also like to say that if
22 anybody feels more comfortable or wishes to make a
23 presentation in your own language, that is quite
24 all right, although we would ask that you have
25 someone translate for those of us who don't

1 understand your language.

2 Finally, there are options to an oral
3 presentation, that is we accept written
4 submissions. A written submission need not be any
5 more than just a letter or an email sent to us.
6 You will find our addresses on our website at
7 cecmanitoba.ca. The panel members will read all
8 of the written submissions that come in, they
9 become part of the formal record, and they will be
10 part of our thinking when it comes time to
11 deliberate and come to some conclusions and
12 recommendations about this project.

13 That's all I have by way of opening
14 comments. I would now like to ask Dale Hutchison
15 from Manitoba Hydro to come forward and just give
16 us a brief presentation on what this project is
17 all about. And he will be working from these
18 banners off to the side.

19 Dale?

20 MR. HUTCHISON: Thank you, Terry.

21 So my name is Dale Hutchison,
22 respected elders, Chief Everett, council, Mayor
23 Altookan, students of course, thank you for
24 inviting me to your territory to speak about Lake
25 Winnipeg Regulation.

1 I have been working with Manitoba
2 Hydro for 5 years to understand our impacts on the
3 waterways and on the people that we share them
4 with. So I will be going through a 10 to 15
5 minute presentation, and I will talk about the
6 Manitoba Hydro system, Lake Winnipeg and the Lake
7 Winnipeg Regulation project.

8 So a huge area, west to the Rocky
9 Mountains, east to the edge of Lake Superior, and
10 south into the Red River Valley of the United
11 States flows into Lake Winnipeg. The shape of the
12 land is like a million square kilometre bowl, and
13 this is what makes hydroelectric development
14 possible on a large scale in Manitoba. There are
15 15 generating stations that make use of the water
16 as it flows through the province. And on this
17 banner they are shown by the blue dots, and the
18 size of the dot, small, medium and large, shows
19 how much electricity each of these generating
20 stations can make.

21 So on the Winnipeg River we have got
22 six small generating stations. Across the lake on
23 the Saskatchewan River, we have got a medium-sized
24 station at Grand Rapids. The Nelson River, as
25 many of you probably know, flows north out of the

1 lake and into Hudson Bay. We have got a small
2 generating station 100 kilometres north of the
3 lake on the west branch of the Nelson River.

4 North of the Nelson is the Churchill
5 River. It also flows into Hudson Bay. Now,
6 rather than building generation stations on this
7 far northern river, instead its waters were
8 diverted into the Nelson through what is called
9 the Churchill River Diversion project. This
10 involved building a dam at the outflow of Southern
11 Indian Lake, raising the level of the lake nine
12 feet, and then diverting most of the water into
13 the Nelson at Split Lake.

14 Wuskwatim, which is the newest
15 generating station, is a small station shown by
16 the small blue dot on this Churchill River
17 Diversion route. So the main hydroelectric
18 benefit of Churchill River Diversion is that from
19 Split Lake downstream to Hudson Bay, the Nelson
20 has the benefit of two rivers. And you can see
21 that our largest generating stations, shown by
22 these large blue dots, Kettle, Long Spruce and
23 Limestone, are all located downstream of Split
24 lake. These three stations alone produce 70 per
25 cent of all of the electricity in Manitoba.

1 Keeyask is a medium-sized generating
2 station and it is currently being constructed on
3 this stretch of river downstream of Split Lake.

4 To move the electricity from these
5 northern stations to the south, there are two high
6 voltage bipole lines that go 1,000 kilometres from
7 Gillam to a converter station near Winnipeg.
8 There is a third bipole line that's currently
9 being constructed as well. From the converter
10 station near Winnipeg, electricity is sent over
11 100,000 kilometres of distribution lines to homes
12 and businesses throughout Manitoba. Manitoba
13 Hydro can also produce electricity using natural
14 gas at stations in Brandon and Selkirk, shown by
15 these orange dots. In an emergency we can burn
16 coal at the station in Brandon. And we don't own
17 them, but we purchase electricity from wind farms
18 at St. Leon and St. Joseph. If any of you have
19 driven to the United States, you can see these
20 sort of windmills on the edge of the highway
21 there.

22 All together Manitoba Hydro uses water
23 to produce over 95 per cent of the electricity
24 that is made.

25 So now we will look at Lake Winnipeg.

1 There are over dozen rivers that flow into Lake
2 Winnipeg, however, there is only one natural
3 outflow, the Nelson River. This can make it easy
4 for the lake to flood. The mouth of the Nelson
5 River is wide, but it is very shallow, which means
6 that ice can block the flow of water out of the
7 lake. This has caused problems for people living
8 around the lake, to the point where highways have
9 been closed, crops have been lost, homes and
10 cottages have been damaged.

11 These are Winnipeg Free Press
12 headlines and photographs of flooding events in
13 recent history, years like 1927, 1954, 1955, 1966,
14 1968, 1969, 1970. This put a lot of pressure on
15 the government to do something about this
16 flooding.

17 At the same time the demand for
18 electricity was growing in Manitoba. And in 1970,
19 the Premier of Manitoba announced plans to proceed
20 with Lake Winnipeg Regulation for flood control on
21 Lake Winnipeg and for power production on the
22 Nelson River.

23 So before we could build LWR, first we
24 needed a licence from the Province, similarly if
25 you are going to build a house, first you get a

1 building permit. Well, this initial licence is
2 called an interim licence, and to get it we had to
3 show the Province what we wanted to build and the
4 effect it would have on rivers and flows -- or
5 river flows and lake levels, I should say.

6 In 1970, the Province granted us an
7 interim licence which gave us the approval to
8 build Lake Winnipeg Regulation. They also gave us
9 rules for how it could be operated. And there
10 were three types of rules. The first one were
11 operating ranges on Lake Winnipeg and some of the
12 downstream lakes. For instance, on Lake Winnipeg
13 between 711 and 715 feet above sea level, Manitoba
14 Hydro could decide how much water to flow through
15 Jenpeg. If the water level of Lake Winnipeg gets
16 above elevation 715, we have to let as much water
17 as possible out of Lake Winnipeg. This is called
18 maximum discharge. And if the level of the lake
19 gets below 711, then it is the Minister of
20 Conservation and Water Stewardship that tells us
21 how much water to let out of lake.

22 The second set of rules is that we
23 have to have a minimum flow of water out of Lake
24 Winnipeg all of the time.

25 And the third rule is, we can't change

1 the rate of water flow at Jenpeg too fast.

2 So we agreed with these rules and
3 built LWR by 1976. Now, the interim licence is
4 good from -- that was the first step.

5 The second step is we have applied for
6 a final licence. We did that in 2010, after doing
7 a lot of negotiations and coming to agreements
8 with communities, resource users groups, First
9 Nations, all down the Nelson River in order to
10 address impacts from LWR.

11 The final licence expires 50 years
12 after the date of project construction was
13 completed. So in this case, from 1976, 50 years
14 goes ahead to 2026. So it means we are only 11
15 years away from the final licence expiring.
16 Before this happens, Manitoba Hydro will again
17 apply for a renewal of this licence, which should
18 be good for up to another 50 years.

19 So to build LWR it involved making a
20 second outlet for Lake Winnipeg, along with two
21 other channels to increase the flow of water out
22 of the lake. Now, these three channels alone
23 would drain the lake, so it was necessary to put a
24 control structure or a dam at Jenpeg on the west
25 Nelson River.

1 Using the example of a faucet, sort of
2 a tub and a drain, if all of these rivers coming
3 into Lake Winnipeg are represented by the water
4 drop under the faucet, then the drain represents
5 the natural outflow. You can see that the water
6 drop under it, this is the Nelson River outflow
7 I'm talking about, of course, this water drop is
8 much smaller than the water drop representing the
9 faucet, or under the faucet. This means that
10 during flood, a lot more water will enter Lake
11 Winnipeg than can leave it, which causes the lake
12 level to rise and the lake to flood.

13 In this lower diagram, you guys at the
14 back probably can't see this, but this will be up
15 here afterwards as well. In the lower diagram
16 there is a second drain, and the droplet under it
17 represents the water that can flow out of the Lake
18 Winnipeg Regulation channel. You can see that
19 it's half the size of the water drop representing
20 the natural channel, because it can flow half as
21 much water as the natural channel can. You can
22 also see that still together, these two water
23 drops are still smaller than the water drop
24 representing all of these rivers that flow into
25 Lake Winnipeg. So even now with Lake Winnipeg

1 Regulation, during floods more water will enter
2 the lake than can leave it, only now the lake
3 won't get quite as high and the lake won't be in
4 flood as long.

5 I'm afraid I have to use a graph, so I
6 will kind of quickly try to explain what this is,
7 but it is the only real way to explain water
8 levels over time. So what this graph shows is
9 that Lake Winnipeg Regulation has reduced flooding
10 on Lake Winnipeg. It compares what the water
11 level would be without Lake Winnipeg Regulation
12 and what it has been with Lake Winnipeg
13 Regulation.

14 The one side of the graph is the
15 elevation above sea level. The bottom of the
16 graph is 40 years since 1977, the first full year
17 that LWR was in operation, up to today in 2015.
18 The blue line is actual water level, what the
19 water level on the lake has been with LWR. The
20 red line represents an estimate of what the water
21 level would be if LWR did not exist.

22 Now, you probably noticed, living so
23 close to the lake, that the lake level has been
24 very high the last 10, 12 years or so. There has
25 been a lot of water flowing into Lake Winnipeg and

1 down the Nelson River. It has been a very wet
2 period. What the information on this graph shows
3 is that in flood years like 1997, 2005, 2011 and
4 2014, is that the lake would have gotten two feet
5 higher during each of these floods, and the
6 flooding would have lasted a lot longer. So the
7 information here is showing that Lake Winnipeg
8 Regulation is meeting its goal of reducing
9 flooding on Lake Winnipeg.

10 Now, what happens downstream of Lake
11 Winnipeg? 20,000 people live along the Nelson
12 River. Land and water are extremely important to
13 their identity and their livelihoods. The
14 additional water flow from Lake Winnipeg
15 Regulation has caused significant impacts
16 downstream of Lake Winnipeg. Normally during the
17 winter, lake levels and river flows gradually
18 decrease, they go down. With Lake Winnipeg
19 Regulation, water flows in the winter can be much
20 higher, up to 50 per cent higher than they would
21 be if this Lake Winnipeg Regulation didn't exist.
22 This additional water causes problems with ice on
23 the waterways, which can make it dangerous to
24 travel. Also, it can negatively affect aquatic
25 mammals like beaver, mink, muskrat and otter. And

1 during the summer, any time the elevation of Lake
2 Winnipeg gets close to or above elevation 715,
3 Jenpeg goes to maximum discharge, which means it
4 sends a surge of water down the Nelson River
5 causing water level fluctuations on the river
6 levels and the lake levels. So ultimately, Lake
7 Winnipeg Regulation has affected the cultural,
8 commercial, spiritual and recreational pursuits of
9 people living downstream of Lake Winnipeg.

10 Now working together, in Cree this is
11 called witasosketowin, with the people who live
12 and work along the Nelson River, Manitoba Hydro
13 has been working to address these impacts, through
14 agreements and other arrangements with all of the
15 First Nations and communities on the Nelson River,
16 through projects like the Cross Lake Weir, and
17 through programs for access and navigation,
18 resource harvesting, archaeology and heritage
19 resources, and recreation, as shown by the photos
20 on this banner.

21 So that's my presentation. I will be
22 available afterwards if you want to talk. And I
23 wish you a productive meeting with the
24 Commissioners of the Clean Environment Commission.
25 Thank you.

1 THE CHAIRMAN: Thank you. Thank you
2 Dale.

3 I would now like to invite Chief
4 Everett and Council to make their presentation?

5 CHIEF JACKIE EVERETT: So I guess you
6 will be hearing from our part here. We are going
7 to be presenting to the panel. And I said
8 earlier, the position of leadership is that we are
9 not in agreement for granting the permanent
10 licensing, so I'm going to tell you why. Okay.
11 But I just need to ask you for your patience, it
12 is quite a lengthy document, but it is very, like
13 it provides information. And we have asked the
14 school to see if they could make copies for each
15 one of you. Okay. So you keep the document at
16 home and share with as many people, and we will
17 provide more documents to the community.

18 So I'm going to go back in history and
19 then come back to this day and age and then
20 forward. Okay. So I just ask for your patience.
21 So this is to you, okay.

22 Berens River First Nation is a growing
23 community along the east side of Lake Winnipeg.
24 The community relies heavily on Lake Winnipeg for
25 its existence. The lake has been the very heart

1 and soul of the community from time, eternally.
2 Fishing, trapping, hunting, travel, ceremonial,
3 spiritual usage have been the historical economic
4 relevance of Lake Winnipeg to the people of Berens
5 River First Nation. The lake had been -- has been
6 and continues to be the pride of our community,
7 our people.

8 Today the lake is sick. Lake Winnipeg
9 is now listed as one of the most threatened and
10 polluted lakes in the world. And yet we were the
11 cleanest, think about the boreal forest. Our
12 people have not caused this sickness for the lake.
13 Our people have never harmed the lake. Today the
14 lake is no longer the same lake as prior to 1970.
15 You all heard their presentation, you know, how
16 they came to be and all of that. When Manitoba
17 Hydro began to use lakes as a reservoir to store
18 water for hydro power generation, the lake levels
19 have steadily increased since 1970, which has
20 caused heavy damage to the shorelines all around
21 the lake, to our lands in Berens River. You know,
22 our community is small and we are probably not
23 recognized, not like Cross Lake and Nelson House,
24 but we believe that we still matter. You know,
25 like you have all of these floods happening all

1 over the river. Yes, you see it, you know,
2 because it is all over in the media and
3 everything. But what we are saying here is we
4 suffer the consequences of what happens up there
5 because it trickles down. Okay. So we are kind
6 of sharing our story with the panel.

7 Since our community is situated on the
8 east side of Lake Winnipeg, we deal with northwest
9 winds, you know, a lot of northwest. And it
10 drives these high waters against our shore causing
11 much destruction and damage to our community and
12 its livelihood.

13 Our people were told back in 1970 that
14 the lake would rise very little and that the
15 increased water levels would hardly be noticeable.
16 The opposite is true, given all damages that we
17 see today.

18 The dam erected at Jenpeg near Cross
19 Lake is akin to putting a plug in the bath tub.
20 You heard that, he just did his presentation using
21 the bath tub cycle. The lake can no longer drain
22 itself properly and it becomes a toxic pool of
23 wastewater from the cities like Winnipeg.

24 You've all seen how the lake looks in
25 Winnipeg. I'm sure you have traveled over those

1 bridges. You know, the Red River, it is all
2 toxic. And recently Lake Winnipeg has been a
3 dumping ground for flood waters diverted through
4 the Portage la Prairie Diversion channel into Lake
5 Manitoba. Furthermore a new drainage channel from
6 Lake St. Martin -- that's the community that's
7 been flooded out for a couple of years now -- Lake
8 Winnipeg was constructed in 2012 to increase water
9 drainage into Lake Winnipeg. Our community of
10 Berens River was never consulted with in terms of
11 the impact of these additional waters being dumped
12 into Lake Winnipeg. It is troubling for our
13 people and our community that we have to suffer
14 these high waters in order to save people in the
15 south parts of Manitoba that would normally suffer
16 the consequences of living on flood plain. The
17 problem is not of our choosing, but our people who
18 decided to live in these high flood areas. Today
19 these extra burdens are being placed on Lake
20 Winnipeg and the communities all along its shore
21 to suffer from the extra waters being unnaturally
22 diverted from south Manitoba flood plain areas.

23 You know, we are not being mean, it is
24 not that. But we have to think, like we are a
25 growing community, you see our children, and it is

1 time that somebody thinks about us too.

2 Our position on Lake Winnipeg is based
3 on Treaty number 5, signed on September 1875. In
4 our Treaty the Queen, now the Crown in Right of
5 Canada, nothing was said about waters of Lake
6 Winnipeg. We did grant the Queen the right to
7 sail ships on Lake Winnipeg, through our waters,
8 which is stated in Treaty number 5. The fact
9 points to our ownership of Lake Winnipeg and its
10 water. We were promised lands suitable for
11 farming, but more than half of our lands are swamp
12 today. The survivors back in 1875 -- the
13 surveyors back in 1875 to 1877, we believe didn't
14 do their surveying properly, they took shortcuts,
15 because they wouldn't be bothered to cut down
16 trees so they could see where the proper lines
17 were supposed to be. And this is proven through
18 written documents by the missionaries that were
19 here, you know, people, stories, telling stories.

20 So I believe documents from other
21 people than our own elders are accepted because
22 they wrote them on paper. We didn't. We just
23 told the stories. Okay.

24 So in saying that at that time our
25 lands were suitable for farming -- we are in a

1 muskeg and swamp. The Chief and Council of today
2 is protesting this fact to no avail. This issue
3 is still outstanding to people today. People have
4 their stories, but they are not being heard
5 because our past generation, our forefathers
6 before us didn't write stuff down. But we share,
7 like we know the stories.

8 Since signing of Treaty number 5 in
9 1875, the farmers of Canada have received hundreds
10 of billions of dollars to create a social farming
11 economy for mainstream Canada farmers. To date,
12 our people have received no such help to create
13 farming to our reservation, except an ox granted
14 in 1877, but of course he died a long time ago.

15 Today our people are accused of being
16 a social burden of Canada, on Canada. But if you
17 add up all of the billions of dollars spent on
18 farming and creating value added business for
19 them, shipping ports, railroads, grain storage
20 facilities and so on, our social costs are petty
21 in comparison.

22 Since 1970, Manitoba Hydro has
23 compounded our losses of lands by the fact that
24 higher water, higher water tables and erosions
25 have taken more of our land. For hundreds of

1 years, if not thousand of years, the shorelines of
2 Lake Winnipeg in our community remained unchanged.
3 Since 1970, we have seen points become islands,
4 didn't we? Many beaches destroyed and rivers and
5 creeks that our people used to navigate boats are
6 now blocked, Canoe Making Creek, Leaf River, Four
7 Creek, et cetera. And yet in the 1970s, our
8 people were told that increased water levels by
9 Manitoba Hydro would hardly be noticeable.
10 History has proved this claim wrong.

11 The lands on our reservation have
12 become water logged to a point where many of our
13 houses are molded and rotting underneath. In
14 2009, our First Nation identified 108 houses with
15 rotten floors and mold due to high groundwater
16 tables. We have approximately 320 homes in our
17 reservation at this time, therefore, one-third of
18 our housing stock is being destroyed by high water
19 tables. Our land, along with area we call the
20 point are severely impacted by high water levels
21 and high groundwater tables.

22 This part of our reserve is along the
23 shore of Lake Winnipeg, and it is clear to see it
24 is no longer safe to build along the shore like
25 our people did in historic time and prior to the

1 1970s. Our commercial fishers in our community
2 had a lot of problems with docks being washed away
3 due to high waters. We have watched as other
4 communities have been granted financial
5 compensation, land compensation, revenue sharing,
6 new housing, dykes, docks, new roads, recreation
7 centre, business partners and so on, to compensate
8 for loss and suffering during the Hydro
9 development by the Province of Manitoba and
10 Manitoba Hydro.

11 To date we have never been compensated
12 for any damage or hardship to our community that
13 has suffered due to unnaturally high water on Lake
14 Winnipeg created by Manitoba Hydro in 1970. Our
15 lake has a natural ebb flow of high water and low
16 water periods, we all know that, which could last
17 for a decade. This natural fluctuation allows for
18 stable shoreline and habitat for wildlife. This
19 is all gone now. Prior to the 1970s, muskrats
20 were abundant and empty clam shells were piled
21 high on the shores in the spring by feeding
22 muskrats. This is no longer the case. We have
23 land at Pigeon River, 10 miles south of Berens
24 River, that used to be hay lands, these lands are
25 now all willows and unusable.

1 So our position, panel, the current
2 application by Manitoba Hydro to seek final
3 licence to regulate Lake Winnipeg for another 50
4 years, beginning on or about 2026, is unacceptable
5 to our community and the leadership of Berens
6 River.

7 Our position on the terms of reference
8 of Lake Winnipeg Regulation review in 2014:
9 Manitoba Hydro is to receive a final licence to
10 regulate Lake Manitoba subject to fulfillment of
11 the terms and conditions of interim licence
12 granted to Manitoba Hydro in 1970 and 1972. The
13 Berens River First Nation opposes the granting of
14 the final licence to Manitoba Hydro to regulate
15 Lake Winnipeg due to the fact that our shorelines
16 are now disappeared by four feet and more since
17 1970s, instead of the promise that the rise in the
18 lake levels would hardly be noticeable. And the
19 promise that the level of 715 feet above sea level
20 would not be a frequent event has proven
21 incorrect. Manitoba Hydro has failed on its
22 promises to ensure that very little impact would
23 be felt to our community. Today we see these
24 changes and we can prove that the water levels are
25 much higher than originally promised by Manitoba

1 Hydro. Photos from the 1960s and prior years of
2 Berens River shore shows the loss of shorelines
3 due to high level that we see today.

4 We also oppose the granting of the
5 final licence to Manitoba Hydro due to the fact
6 that inflows have drastically been altered by the
7 cutting of that new channel from Lake St. Martin
8 into Lake Winnipeg, 2012. And further channels
9 are being planned by Lake Manitoba into Lake
10 St. Martin to increase water flows even further.
11 We oppose granting of the licence to Manitoba
12 Hydro -- okay, I have to bring it back.

13 We also note that the Winnipeg
14 Floodway was increased in size to flow more water
15 into Lake Winnipeg due to major flooding events.
16 For example, the flood of the century, 1997, you
17 all remember that, it was all over the news.

18 We oppose the granting of the final
19 licence to Manitoba Hydro due to the fact that it
20 is impossible to regulate Lake Winnipeg with the
21 old structure built at Jenpeg, near Cross Lake.
22 There is no mention that the increased water in
23 Lake Winnipeg from Lake St. Martin channel will
24 require a new dam at Jenpeg to increase outflow to
25 accommodate the extra water from Lake St. Martin

1 drainage channel that was built in 2012.

2 On page 7 the mandate states:

3 Review broader public policy rationale leading up
4 to the regulation of lake levels on Lake Winnipeg
5 via the interim licence granted in 1970. The
6 policy thinkers of the day back in 1970 and their
7 rationale for raising lake water levels was the
8 very minimal impact to Lake Winnipeg by raising
9 the lake level to a maximum of two feet. It was
10 obviously a huge mistake to grant Manitoba Hydro
11 the authority to unilaterally regulate lake waters
12 due to their conflict of interest positions. It
13 is obvious that more water stored means more
14 profits made, at the expense of damages to the
15 lake and communities around the lake.

16 From a public policy perspective in
17 today's world, we see that the Crown Corporations,
18 including Manitoba Hydro, are subject to review by
19 Manitoba Public Utilities Board. In the present
20 licence application for a final licence, Manitoba
21 Hydro is once again seeking unilateral authority
22 to regulate Lake Winnipeg as it did back in 1970.
23 Public policy has changed today and it is improper
24 and we submit illegal for Manitoba Hydro to
25 regulate Lake Winnipeg, which is technically a

1 public asset now since it is now a reservoir and
2 not a lake, nature no longer regulates it. It is
3 all dams and everything, it is not natural
4 anymore. Manitoba Hydro is in conflict of
5 interest and, therefore, should not be granted
6 unilaterally authority to regulate.

7 And given the growth of Aboriginal and
8 Treaty rights in Canada since 1970, section 35 of
9 the Charter of Rights in 1982, the duty to
10 accommodate and consult -- okay, so we are going
11 to talk about that. We believe that didn't happen
12 here. They may say all Aboriginals, but we are
13 all in different locations. So we are saying it
14 requires that the Berens River First Nation and
15 all other First Nations around Lake Winnipeg have
16 the right to manage the waters of Lake Winnipeg
17 and share in the benefits of these waters. At the
18 very least, a partnership with Manitoba Hydro is
19 needed to meet today's public policy requirements
20 as called for.

21 Therefore, the Berens River First
22 Nation opposes the granting of a final licence to
23 regulate Lake Winnipeg levels, water levels. The
24 Berens River First Nation submits that it is now
25 required by law that our First Nation has the

1 right to regulate Lake Winnipeg and participate in
2 all and any matters relating to Lake Winnipeg in
3 the meantime. So I feel with the presentation
4 with Manitoba Hydro, I hope you don't go back and
5 say that you consulted with us, because this is
6 not consultation.

7 Page 7, we are just backing up our
8 document, but we did a lot of research. The
9 mandate states:

10 "Hear evidence on the effects and
11 impacts of Lake Winnipeg Regulation
12 and review the success and failures of
13 the public policy goals that lead to
14 regulation of Lake Winnipeg."

15 Our position, as stated above, is that
16 Manitoba Hydro has caused great damages to our
17 community and the people with their ill fated plan
18 to regulate water levels on Lake Winnipeg. Today
19 Lake Winnipeg is not a lake, that can no longer
20 clean itself due to Jenpeg dam. There is no
21 success for the regulation of water on Lake
22 Winnipeg. In fact, the situation has gotten worse
23 with the new Lake St. Martin channel being built
24 in 2012.

25 The evidence is easy to see by

1 visiting our community during the summer. Our
2 elders have lived on the lake before 1970, and
3 today we see a vastly different lake. A lake that
4 no longer provides drinking water, you need a
5 system to clean this water. You know, that's one
6 of the questions you answered the students, but
7 before that we were drinking right from the lake,
8 and we still live today.

9 A lake that no longer provides
10 drinking water and, furthermore, a lake that is
11 quickly eroding shores and beaches at
12 unprecedented rate. The shoreline on our reserve
13 is becoming more unsuitable as time goes by and
14 there is a serious need to protect our lands
15 against this destruction, if possible. This
16 situation exists in all communities situated
17 around Lake Winnipeg.

18 So, in conclusion, the Berens River
19 First Nation position is that there needs to be a
20 complete assessment and review of the issues
21 raised in this position paper. The Provincial and
22 Federal Governments are responsible for all of the
23 damages and hardship suffered by the people of the
24 Berens River First Nation. We note that the panel
25 has not heard the Aboriginal, the Aboriginal and

1 Northern Affairs regarding their participation and
2 support for our First Nation in this hearing
3 process. AANDC owes our First Nation a fiduciary
4 obligation to assist in the protection of our
5 lands and waters. We state that this process
6 cannot proceed without full and willing engagement
7 of AANDC to assist our First Nation with all of
8 the costs of this hearing process and experts that
9 we require to ensure that our concerns and issues
10 are dealt with in a meaningful manner. Public
11 policy demands that the Supreme Court of Canada
12 had made it clear that we are owed a duty to
13 consult and accommodate by all levels of
14 government in this country, including Manitoba
15 Hydro.

16 The Berens River First Nation is
17 opposed to granting the unilateral final licence
18 to Manitoba Hydro to regulate the waters of Lake
19 Winnipeg. The Berens River First Nation is
20 requesting that serious negotiation be funded by
21 both levels of government to address the issues
22 and concerns raised in this position paper. The
23 Berens River First Nation is requesting fair and
24 equitable compensation for all damages suffered
25 due to high water levels caused by Manitoba Hydro

1 on Lake Winnipeg. The Berens River First Nation
2 is requesting that this review process immediately
3 take measures to ensure that the concerns of
4 Berens River First Nation are addressed before any
5 further consideration be given to the Lake
6 Winnipeg waters by Manitoba Hydro.

7 So, in closing, we note that there are
8 arbitrary deadlines to meet in this hearings
9 process, and we submit the funding availability
10 for our First Nation participation is far too
11 inadequate to meet the high standards demanded
12 today. So basically saying we are going to be
13 seeking other resources, like there is more, there
14 is more to be done, you know. Like today is kind
15 of I guess informing us what is happening, you
16 know, this is the first -- besides any emails or
17 whatever, but this is the first visit to our First
18 Nation, and our First Nation has a lot of
19 questions, you know, like -- this is highlighted
20 important.

21 We have made this clear in this
22 submission, this process today is based on the old
23 1970 assumption that the Province of Manitoba and
24 Hydro have the unilateral authority and
25 jurisdiction to regulate Lake Winnipeg levels.

1 The position by Provincial and Federal Government
2 and their Crown agencies such as Manitoba Hydro is
3 no longer valid. Canadian jurisprudence states
4 otherwise.

5 Therefore, our First Nation is
6 requesting that the Provincial and Federal
7 Governments take a step back from the entire
8 flawed process and setup a proper process to meet
9 the public policy as it stands today. The Berens
10 River First Nation has the right to participate
11 and become a legal partner in setting up new
12 process to regulate Lake Winnipeg under the terms
13 of the final licence, 2026 and beyond, to cover
14 the operations of Lake Winnipeg as a reservoir,
15 not a natural lake as the case, since time
16 immemorial.

17 So that's our presentation. And I
18 encourage now the members to come up and share
19 your stories and tell the panel why we don't
20 agree. And I'm going to pass it to council. They
21 are going to add a little bit more to the
22 presentation.

23 THE CHAIRMAN: Thank you, Chief
24 Everett. Would you please identify yourself
25 before you speak? We know who you are, your name

1 is on the record, but the recorder hasn't met the
2 other councillors so...

3 MR. ROLAND WHITEWAY: Thank you,
4 chief. My name is Councillor Roland Whiteway with
5 the Berens River First Nation. And for myself,
6 this is all new for me, and from what I have
7 gathered so far, it is very disheartening, what I
8 heard so far. And like we always say, we are here
9 to lead as a nation, and for the children here,
10 our future and their future. And I guess one of
11 my questions that I had in the beginning was, I
12 kind of heard it from you there, Terry, was what
13 is your main goal in all of this as the
14 Commission? I think I have heard a lot what you
15 are here for. And I heard also that you are week
16 five into the hearings, and presumably this is
17 just a hearing, not a consultation or any other
18 form of regulating, or getting Hydro, giving Hydro
19 this licence just like that.

20 So my question is, I would like to
21 hear it from you, from you as a Commission, of
22 what this meeting is about? Like what is it?
23 Instead of saying we met with the community and
24 here you go, Manitoba Hydro.

25 THE CHAIRMAN: What this hearing is

1 about, and what the hearings in all of the other
2 communities that we have been or will be going
3 into are about, is to hear stories from people in
4 the communities, to inform us about what the
5 impacts of what Manitoba Hydro's regulation have
6 been.

7 Now, in a number of -- our mandate is
8 fairly narrow, and a number of the issues that we
9 have heard about in other communities, and not
10 that much today, but there are issues that are
11 outside of our mandate. But what we hear today,
12 what you have told us today, you will see in our
13 report. It won't be word for word, but the issues
14 that have been brought up today will be reflected
15 in our report, and those issues will be in our
16 minds when it comes time for us to deliberate,
17 come to conclusions, and decide on what
18 recommendations we make to the Minister.

19 Now, when we make recommendations to
20 the Minister, we make two different kinds of
21 recommendations. We make recommendations that are
22 specific to the licence that Manitoba Hydro is
23 seeking to have designated final. We also make
24 non-licensing recommendations that are outside of
25 the licence itself, but are important issues to

1 the environment, in this case the environment of
2 Lake Winnipeg. And typically the Minister, in
3 recent years the Minister has accepted our
4 non-licensing recommendations and acted on them.

5 Now, I've said this in other
6 communities and I will say it again in others in
7 the next few weeks. It took a long time to mess
8 up this lake, we are not going to fix it over
9 night. But if we can make recommendations that
10 move the issue in the right direction and we start
11 taking slow steps fixing the lake, and cleaning up
12 the lake, then I think we will have succeeded.

13 On your second point, and the Chief
14 brought this up in her presentation, about the
15 section 35 consultations, that is not part of our
16 mandate. What we are doing today is not part of
17 section 35, duty to consult. That is handled by
18 another branch of government. So you don't have
19 to worry, we won't go away and say we have
20 consulted with you today, because this is not a
21 formal consultation.

22 MR. ROLAND WHITEWAY: Thank you.

23 While you were addressing some of the
24 questions, you had informed people here about the
25 Environment Act, jurisdictions, the jurisdiction

1 always comes into play here, either Federal or
2 Provincial. How does that -- your
3 recommendations, where does that all fit in?

4 THE CHAIRMAN: The licence that
5 Manitoba Hydro is looking for is issued under a
6 Provincial law, the Water Power Act. It is issued
7 by the Minister responsible for the Water Power
8 Act, who is the Minister of Conservation and Water
9 Stewardship. The Federal Government has no role
10 in the issuance of this licence.

11 MR. ROLAND WHITEWAY: But as a First
12 Nation, how does that -- how is that going to be
13 resolved? Are you just going to shove that down
14 our throats?

15 THE CHAIRMAN: No, not necessarily.

16 MR. ROLAND WHITEWAY: Under Provincial
17 jurisdiction that decision that will be made?
18 Because it already affected not only Berens River
19 First Nation, but other First Nations.

20 THE CHAIRMAN: Yes, I know, and we
21 have heard that in other First Nations that we
22 have been in. But as far as this licence goes,
23 there is no Federal responsibility, it is a
24 Provincial licence.

25 MR. ROLAND WHITEWAY: Okay. Those

1 were the only things that I wanted to address.
2 And one particular thing here, on our position
3 paper here, is I would like to re-address one item
4 here where Lake Winnipeg is now a reservoir. I
5 just want to re-emphasize that, that way -- I can
6 see you are writing it down. It is no longer a
7 reservoir -- no, it is a reservoir now, it is not
8 a lake, because of what Manitoba Hydro is doing.
9 I just wanted to re-address that. That's serious.
10 We can no longer drink that water like we used to,
11 when you get a dipper full of water and drink it.
12 And the fish are dying from it. So that's one of
13 the major concerns that we see here.

14 And I have some -- a few questions
15 here with Dale Hutchison, later I guess. Thank
16 you.

17 THE CHAIRMAN: Thank you, Councillor
18 Whiteway.

19 MR. NORMAN MCKAY: Councillor Norman.
20 I guess Roland asked the questions that I wanted
21 to ask. I thank the students here for asking the
22 questions that they asked. And I guess our lake,
23 our lake here can no longer be safe as it once
24 was. And you know, back in the day, you know, we
25 could -- we would get healed by these waters, they

1 were so clean. And now today they are so
2 contaminated, you know, that our kids can't even
3 swim in them today. It is not safe to swim in
4 them, and due to the unfulfilling promises from
5 Manitoba Hydro, and it also affected the
6 fisheries, the hardship that they went through.
7 And you know, it is something that devastated our
8 community, impacted it big time. And in the long
9 term it will -- and still, you know, but still
10 today we manage to survive. And not only does it
11 impact the fish, but the waterfowl that we eat as
12 well. You know, the geese and the ducks and moose
13 that we eat, you know, they drink the water.

14 And I thank the students that asked
15 the questions, these questions. And I know they
16 were maybe difficult to answer, but those were THE
17 type of answers that I was looking forward to
18 listening to -- questions, I mean. And I look
19 forward to hearing the community members'
20 questions.

21 I know it is sad to say and to see
22 that maybe it wasn't an appropriate time to set
23 this meeting, maybe we should have had it during
24 the evening, you know, you would have saw the gym
25 packed, they would have had a bunch of questions

1 to ask. And most of our elders have passed on to
2 the other side already, the ones that heard the
3 promises that were made. And that's all. Thanks.

4 THE CHAIRMAN: Thank you, Councillor
5 Norman. Bev Suek has a question, I believe, of
6 Councillor Norman?

7 MS. SUEK: Yes. You mentioned the
8 impact on the fish, fishing here. Can you talk a
9 little bit, is it -- are you getting less fish,
10 are they further out, is it the pollution that you
11 are concerned with?

12 MR. ROLAND WHITEWAY: I think our
13 president and the rest of the community here will
14 gladly answer your questions. Thank you.

15 MS. SUEK: Thank you. I just wanted
16 more detail on that.

17 MR. ROLAND WHITEWAY: Yes, because
18 they are the actual business people that are
19 getting affected from it. Thank you.

20 THE CHAIRMAN: Thank you.

21 MS. FLETT: My name is Olga Flett.
22 And what I see here is -- there is no handouts. I
23 only see one person speaking. So I don't see why
24 you have that guy, and that guy, and that woman
25 and that woman. Can you answer me that?

1 THE CHAIRMAN: I certainly can. We
2 typically have a panel of three to five people.
3 I'm the chair of the panel, I take the lead. If
4 they wish to ask questions from time to time, as
5 Ms. Suek just did, they do. But they are here to
6 listen. We also, before we have come here, over
7 the last many months we have read stacks of
8 documents about this project and this process. So
9 they are here to be a part of the group. Again,
10 it will be, the four of us will sit down and talk
11 about everything that we have heard, everything
12 that we have read, and then come up with some kind
13 of conclusions and some kind of recommendations.

14 MS. FLETT: You know, one student
15 asked you a question about, has a dam ever flooded
16 a First Nation? And it has, big Grand Rapids.
17 How I knew that, because my dad worked there when
18 they were building the dam. And they flooded out
19 big Grand Rapids, and Hydro had to compensate to
20 them. So in saying that, like I'm 70 years old, I
21 have been around, you know, I wasn't born
22 yesterday. And that water, you've completely
23 destroyed our water, like anything, everything
24 else you touch. God made that, but you had to go
25 and change it around. You know, I'm not a

1 religious person, but I see changes. That water,
2 it used to change by itself. In the summer it
3 would be low. In the winter it would become high.
4 And how I would know? Because our dad would tell
5 us when they would go fishing in the fall that
6 their boats would be kind of rocky because the
7 water had come up, that's how they would know.
8 And then -- but you are not, somebody is not
9 telling the real story here. Because that
10 water -- we are not responsible for any of those
11 floods, we are not. But they were diverted, the
12 water that's diverted into Lake Winnipeg, and same
13 with that diversion from the States, that came
14 into our water, polluted our water. And nobody is
15 saying nothing about that. You know, it is just
16 like we will just sweep it under the carpet. And
17 I think for me, I was going over this and I
18 googled it on my laptop, and I am so disappointed,
19 I am very disappointed. You know, if I destroyed
20 somebody's property, I don't think that I would
21 have the nerve to go there, I don't think that I
22 would. And this is what I'm seeing. You know,
23 maybe it is not you, but I -- when I got off my
24 Facebook, I was just burning like, you know, I was
25 mad. Why did these people do this? For their

1 own? And I know Hydro itself is going down. So
2 they need to build more dams. Correct me if I'm
3 wrong? Isn't that what is happening?

4 And also we have substation, it is
5 called, and I don't know if we get money for it.
6 It is on our land.

7 I just want to say in closing, no, but
8 not directed to one person, but what I want to say
9 is you put us in muskeg in hopes that we would die
10 off. That's what you called it, and then you put
11 us on what you called reserves. But we didn't die
12 off. You come and pollute our waters in hopes we
13 die off again. I don't think so. I think, I
14 think these young people will grow up, if we can
15 fight for them now, if we can fight for them now.

16 Yes, I am 100 per cent with the Chief
17 and Council in saying no. And I think it is about
18 time, a lot of times we should say no. The
19 mistake that was made was in educating us, that
20 was the mistake. We learned to speak your
21 language. Miigwech.

22 THE CHAIRMAN: Thank you, Mrs. Flett.
23 I would just like to respond to your first comment
24 about my response to a student this morning, where
25 I said that First Nations hadn't been flooded. I

1 actually -- what I responded to, maybe I
2 misunderstood the question, is what would happen
3 if a dam failed? In other words, if it broke?
4 And I said that in the history of Canada that has
5 never happened. But I'm very well aware that many
6 First Nations, including a number in this
7 province, have been flooded by Hydro projects.
8 And I know about Grand Rapids, I have been in
9 Grand Rapids, I have been in Chemawawin where they
10 were forced to move. I have met with people from
11 Mosakahiken and also from Fox Lake. So I know
12 that First Nations have been affected by flooding
13 from Hydro dams. We are not here to apologize for
14 that or to say that that was good, that's not part
15 of our mandate, but I'm certainly well aware that
16 that has happened. And I hope it won't happen
17 again.

18 CHIEF JACKIE EVERETT: Chief Everett.
19 I guess my comment is never say never. You know,
20 they said Titanic was unsinkable. What happened
21 to it?

22 THE CHAIRMAN: I said I hope it
23 doesn't happen again.

24 Does anybody else in the community
25 have anything to say, any questions, any further

1 questions?

2 MS. VALERIE DISBROWE: My name is
3 Valerie Disbrowe, I represent Berens River Fishing
4 Association, I'm the president. I lost my voice
5 when I was in Deer Lake a few days ago.

6 Anyways, one of the things that I
7 wanted to tell the Commission today is that way
8 back, my grandfather's time, I remember him
9 sitting us down -- and this is how we grew up --
10 he would sit us down and give us everything in
11 detail what was happening, how everything was
12 transpired in our community, their livelihood and
13 what they went through.

14 Now that I'm all grown up and living
15 it -- I started fishing when I was 13 years old
16 with my dad, and I have been in the fishing
17 industry for 40 years. And when I first started
18 with my dad, it was okay, because the lake was
19 fine. But as time progressed, you know, today it
20 is so -- I see so many changes. And I always say
21 this to the rest of the fishers, I always see a
22 lot of changes, not only in the water, but the
23 attitude of the fish that we catch to make a
24 living, and also their flesh, the shape of them,
25 like they are so deformed today because of the

1 lake, how the lake has been flooded with all of
2 this garbage that's coming up from south. I know
3 because of the drainage system that Hydro has
4 developed without -- I don't ever remember being,
5 as a First Nation here, ever being consulted on
6 their part for making a extension there to drain
7 the water faster. I don't ever recall that.

8 But anyways, going back to the
9 fishing, you know, I have seen so many fish that
10 are deformed. There was even fish that we caught
11 that were live and they were pretty big in size,
12 but they were just full of this, this fuzzy stuff,
13 and I wouldn't even touch it. You know, I just
14 cut it out of my net because I didn't know what it
15 had. Things like that, I have never heard of
16 anybody to bring up even in our own meetings, you
17 know.

18 And the loss of equipment, that's the
19 number one thing that I've always tried to talk
20 about, even before I was their president. Like
21 this past fall I approached some kind of a
22 disaster fund for the fishers, because I knew that
23 they were losing a lot of equipment on the lake,
24 but I couldn't get anywhere because they told us,
25 they told me that because we don't plant what we

1 are harvesting, we don't qualify for any kind of
2 disaster funding. So I told the man, I said,
3 well, if that is so, why then are you, why is the
4 government giving billions and billions of
5 dollars, like our chief said, to the farmers, even
6 though they are planting this stuff that they are
7 producing, but they are still affected by the
8 flood waters that come their way?

9 And then in turn they open up, they
10 open up things, causeways, where they affect us
11 fishers. So that's one of the main things that I
12 have always asked of people that are in government
13 or whatever. You know, but I've never got an
14 answer or any kind of -- for somebody to help us
15 in dealing with those issues. When this came up,
16 it was king of a shock, I didn't even know nothing
17 about this Commission hearing that was going to
18 take place in our community. Yet we all live here
19 and we know who represents who. And I was never
20 told about this hearing. So we didn't have the
21 time, because the winter fish had started, I
22 couldn't call up a meeting and say, let's
23 brainstorm and get some fact finding people in
24 place. We just never had the time. So I'm
25 suggesting that if you could possibly have in your

1 agenda, maybe you can, as Norman said, maybe an
2 evening session where all of the people will come
3 and ask you questions, or even give you a little
4 of what their thoughts are on what is happening.
5 Because this is, to me this is a very important
6 matter that's happening to our community. It is
7 going to impact the very little children that was
8 asking you questions. Maybe we won't see, like
9 the deeper effects of it in our life time, but it
10 is certainly going to affect them. So I've always
11 thought of it like this: If I can set precedent
12 for them, teach them, well, maybe they will have
13 better presentations than we do.

14 And I just thank you for listening to
15 me. And I've always fought hard for the fishers,
16 even though I was always -- I always had to fight
17 for everything that I believed in, to help one
18 another, you know. And I just leave that with
19 you.

20 And the other thing is, like one of
21 the other things that I had in mind was, because
22 of all of these things that are draining, all of
23 our rivers that are draining into the lake, so why
24 is it that we are not -- we were never a part of
25 this governing thing where Hydro had a lot of say

1 in it, we never had anything to say about this,
2 about this that's affecting our lake. And I would
3 like to know -- well, maybe I will rephrase
4 that -- I would like for Manitoba Hydro to know
5 that, through your Commission, for them not to do
6 that to us anymore. We still live here. We still
7 live very, very progressive lives in our community
8 even though we are secluded. I love being
9 secluded. And I think Manitoba Hydro should try
10 and make themselves more -- how do you say that --
11 they have to show their faces around here, maybe
12 have like an informational get-together, maybe
13 once or twice in a couple of years, you know, and
14 things like that. Not just to, you know, here,
15 there you go, you deal with that. That's what's
16 happening, that's what has been happening.

17 And the previous leadership that we
18 have had, as I think I heard somebody mention,
19 they weren't the type that were writers, you know,
20 and they weren't the type that would fact find,
21 they weren't the type, you know, that could set
22 precedent for us. Because they were brought up in
23 the old fashion way, kind of like what we are
24 today, but because of education, at least, we can
25 talk for ourselves. We can talk for our future.

1 Many times I hear a lot of people say
2 that our children are our future, but how can they
3 be our future if somebody like that, as our
4 Government, are going to destroy our things to
5 live by? How is that going to be their future? I
6 don't understand where they are coming out from in
7 trying to govern something that there is not --
8 that's not theirs in the beginning. You know, I
9 would like them to hear that, if you may. Thank
10 you.

11 THE CHAIRMAN: Thank you, Ms.
12 Disbrowe. Ms. Suek has a couple of questions of
13 you.

14 MS. SUEK: When you went to disaster
15 relief, what did you go to them for? Was it
16 because of the pollution, the change in the fish,
17 was it because your nets were breaking because of
18 debris, was it related to flooding? Like what did
19 you talk to them about?

20 MS. VALERIE DISBROWE: It was related
21 to everything that you just mentioned.
22 Everything. You can't just point out one thing.
23 Well, it is senseless, you know. But
24 everything -- when I talked to the fella, I asked
25 him, see if we can get some benefits for the

1 fishers for their loss. And he told me that,
2 well, straight out he said no, we can't, because
3 the thing that you are doing, you are not planting
4 the harvest.

5 MS. SUEK: What does that mean?

6 MS. VALERIE DISBROWE: Farmers, they
7 plant and we don't, because we just harvest
8 whatever is in the lake.

9 MS. SUEK: I see. So he is comparing
10 you to farmers. Okay, I see. All right. Thank
11 you.

12 I also have a question of the Chief,
13 can I ask you a question as well?

14 You know, we've talked a little bit
15 about consultation and Manitoba Hydro coming here
16 and providing information sessions for people.
17 Have you, has anybody in the community ever sat on
18 a committee related to Lake Winnipeg? A few
19 people in some communities have mentioned that
20 there has been a committee doing this, or a
21 committee doing that, related to Lake Winnipeg.
22 Have you ever been involved in anything like that,
23 or not at all? Has Manitoba Hydro ever come here
24 to consult with you or has that never happened?

25 CHIEF JACKIE EVERETT: As chief, since

1 January, I am going to say no. But as a community
2 member before that, prior to that, I attended I
3 would say a lot of meetings, and I've never seen
4 Hydro here to do any consultation or presentation
5 of any sort.

6 MS. SUEK: So some of the meetings
7 that you have gone to, are they about this topic
8 or --

9 CHIEF JACKIE EVERETT: No. The first
10 I heard of this was just like two, three months
11 ago, with an organization, Southern Chiefs
12 Authority, where Hydro was passing out a paper to
13 get support of the quorum of the chiefs there to
14 pass this in a BCR form, for the chiefs to support
15 the permanent regulation. And I happened to be
16 there. And the sad part of it, in our part was,
17 they had quorum. But it was people like myself,
18 and the support of others like Jackhead and
19 different areas, that we managed to reverse before
20 the signing occurred, because those chiefs did not
21 understand what they were supporting. They were
22 following other chiefs.

23 MS. SUEK: I see. Okay. Thanks very
24 much.

25 MS. VALERIE DISBROWE: I would just

1 like to add, you mentioned to see if there was any
2 other -- well, they call it Lake Winnipeg
3 Co-management Board. It's members from each
4 community, fishing community, we all get together,
5 and the next meeting is scheduled for April, and I
6 believe it is at the -- what is that casino -- at
7 Regent, yeah, that's where it is scheduled for
8 April.

9 And I'm going to leave this with the
10 Commission, maybe that you can come and meet with
11 the fishers. It consists of fishers right across
12 from -- all the way from Norway House and all of
13 those places, all the way to south end of this
14 lake. We all meet. And this previous one they
15 had in January, that was my first time there. So
16 I had to kind of get -- I had to get to know what
17 their policies or mandates and whatever. So I
18 encourage you to come and maybe -- Water
19 Stewardship in Gimli are the ones that host these
20 meetings, so maybe you can get ahold of someone
21 there.

22 MR. HARDEN: I have just a couple of
23 questions with regard to the fishing too. We have
24 heard from other communities, Grand Rapids and
25 Fisher River in particular, I think even Dauphin

1 River, about the effects of the Lake Manitoba, the
2 new channels on Lake Manitoba in terms of sediment
3 and debris. I think it was Fisher River, they
4 told us that there have been reports from Poplar
5 River of debris being washed up there. Have you
6 noticed that sort of effect here as well?

7 MS. VALERIE DISBROWE: Yes, we have a
8 lot of debris. I was talking to a lady, she
9 fishes out of Anama Bay. She was telling us at
10 that meeting I was at that that there were -- when
11 they set their nets there was full length trees in
12 their nets, which just destroyed the whole thing.
13 Over here we have -- we have come across a lot of
14 debris as well, like not only on top, but from the
15 bottom too. Like there is a lot of stuff that I
16 have never seen before in my life, or the many
17 years that I have fished. And it is affecting
18 where you set, because before in the spring time
19 we would set without flotation, like without
20 floating our nets. That was the norm then. Now,
21 the last maybe five years, we have been floating
22 our nets in the spring time. You know, and then
23 in the fall time it is the same thing. This
24 floating situation was always supposed to be just
25 for fall, but now we are doing it more often,

1 because the fish is coming up because of all of
2 the debris down there. Like it is affecting our
3 fishing. Fishing, as we know it in the next two,
4 three years, I guarantee will be gone, if Manitoba
5 Hydro persists with this thing, with all of their
6 dams.

7 And I think all of these dams that
8 they are doing, they are just being greedy. You
9 know, like I know that people have to make money
10 to make a living, but this Crown corporation is
11 just way out of hand with all of their profits,
12 you know. And I think they should try and come
13 back to reality and look at what they are doing to
14 each community, and the effects on fishing and
15 their hunting.

16 And even our moose, I moose hunt too,
17 but I'm not the one that will put on moccasins and
18 go running around in the bush, you know. But the
19 last two, three years that I have noticed, you
20 don't see moose here regularly anymore, because of
21 the lines and all of the noise that's happening.

22 And I'm just glad that the Bipole III
23 never came on the east side. Now they are going
24 to affect the west side big time. Like, you know,
25 who is going to be responsible for all of this,

1 all of this hardship that's going to cause on a
2 lot of people?

3 MR. HARDEN: And one further question
4 that has arisen from the other communities too, we
5 have heard that the previous currents in Lake
6 Winnipeg have changed since regulation?

7 MS. VALERIE DISBROWE: Yes.

8 MR. HARDEN: Can you tell us about
9 that?

10 MS. VALERIE DISBROWE: Well, most of
11 the time we had good north currents. Now it
12 hardly ever happens, it is always south current.
13 And when we hit, when south current happens, our
14 fish are gone, and we get a shit load of dirt, if
15 I may, pardon my expression but, you know. And it
16 costs us a lot of money to go out every day to
17 lift our nets. And, you know, I was really paying
18 attention on how much gas I was burning, like one
19 drum, how many trips one drum will take me? And
20 sometimes it was just like three trips. And
21 that's only just out here, you know. But because
22 of all of these things that are happening, because
23 of the south current bringing all of this stuff
24 in, and because they are draining over there, it
25 is going to come in a little faster than normal.

1 Like our elder said, when Lake
2 Winnipeg was natural, it cleaned itself, it did
3 its job. But now everybody has their hand in it
4 and I don't think that's very good. I can give in
5 to maybe a few dams, but whatever is happening is
6 way too much already. It's way too much.

7 MR. HARDEN: Okay. Thank you very
8 much.

9 THE CHAIRMAN: Anybody else have
10 anything to add?

11 CHIEF JACKIE EVERETT: Chief Everett.
12 I just want to add to that, because I have been
13 communicating with the fishermen also, and my
14 husband and brother-in-law are fishermen, and what
15 they tell me is that, two things besides all of
16 this stuff that Valerie had shared, is they have
17 encountered a lot of algae out in the lake. Even
18 us when we are going from Berens River to Matheson
19 Island, half the lake is covered in algae. And
20 that impacts in the fishing, fishing industry.

21 And what I would like to say also, or
22 share with the panel is that it had a big economic
23 impact on the fishermen. We had about 82, if not
24 more fisher, fisher person. And this year
25 especially there was a real downfall. You know,

1 some of the fisher people couldn't even make
2 enough for EI. And you know what became of
3 that -- some of them were forced to line up on the
4 welfare line, which has rarely ever happened,
5 rarely, but they had no choice. But nobody is
6 taking this responsibility. Thank you.

7 THE CHAIRMAN: I can tell you that
8 that on the question of algae, the Clean
9 Environment Commission has looked at one of the
10 causes of it, and that's the excessive amounts of
11 phosphorous and nitrogen that are coming into the
12 lake. And a few years ago we did a fairly major
13 study of the City of Winnipeg sewage treatment
14 plant. And that's one of the causes. We
15 recommended some fairly stringent regulation of
16 that, but it still -- there was supposed to be,
17 the new sewage treatment plants were supposed to
18 be in effect or in operation by December 31, 2014,
19 so a month and a half ago. They have barely even
20 started constructing the one in the North End, so
21 it will be a while before that's addressed. But
22 that's only one of the sources of the phosphorous
23 and nitrogen in the lake. It comes from many
24 other places, and it is a serious problem. We
25 have identified it. Some small steps are being

1 taken, but there is a lot more needs to be done.
2 Anybody else? Ms. Disbrowe?
3 MS. VALERIE DISBROWE: You know, I'm
4 getting up to that age where I would like to
5 retire from fishing, I think 40 years is enough
6 for me. But the problem that I ran into is these
7 younger generation, the generation behind me, they
8 are not interested in fishing. Because the algae
9 blooms are so severe here, you know, you are
10 forced to set more than what your licence is
11 telling you to set. Because we are regulated
12 there too, everything that we do here, and yet we
13 are native to Berens River, we are regulated from
14 outside. And I'm so getting tired of that, you
15 know. But now our younger generation doesn't want
16 to fish. They don't want to take up what we took
17 up from our dads, and our grandpas, they don't
18 want to carry this on. And I would like for
19 Manitoba Hydro to know this, from our point of
20 view here. Because I think, I have always heard
21 people say that our little ones are our future.
22 But what happens if our fishing industry dies out
23 because of that? Because I know we are not going
24 to be able to fish in our pension age or whatever.
25 It is stuff like that, there is a lot of little

1 bitty things that have to be addressed. And I
2 encourage these fishermen that are sitting here to
3 come and add a few things, I encourage them.

4 LINDA LEGITT: My name is Linda
5 Legitt, I sit on the board as secretary treasurer,
6 and I'm also a commercial fisher person. And I
7 just want to mention, I will be -- I'm getting up
8 in age where I'm getting to be an elder. But over
9 the years I have really -- I have been really
10 watching the environment of Lake Winnipeg, because
11 I live right in the front of Lake Winnipeg. And
12 that's where I was brought up by my grandmother
13 since I was an infant, age of one week old. And I
14 have really -- I'm really bothered by what I see
15 the past few years in regards to our environment
16 of our lake.

17 When I was growing up as a little
18 girl, as I had said I lived right by the lake, and
19 I have always lived by the lake. You know, the
20 lake as I knew it before, it was all natural. My
21 granny used to, you know, go and make a hole in
22 the ice and take buckets of water from there and
23 we would drink that water. And we had no worries
24 about drinking the water right from the pot. And
25 over the years, the past few years, you know -- my

1 son lives by the lake and his house is situated
2 closest to shore, and every wind, north wind, when
3 north wind comes in, you know, his house is almost
4 flooded. And he brought this to the attention of
5 Indian Affairs. And Indian Affairs promised him a
6 house, which he has never seen yet. Because
7 Indian Affairs came right to his house to see how,
8 where his house is situated. And where his house
9 is situated, that ground there is just saturated
10 with water. And I had never seen that before.
11 Because there was other houses that were built
12 there before his time, and the lady that lived
13 there, you know, she has passed on, but, you know,
14 just giving you the example of today, how it is.
15 And you know, I have noticed that the water, in my
16 younger days it was all naturally in and out, you
17 know, where I would see for years and years for
18 that water level to be the same. Not unless we
19 got a nor'westerly, that's when the water used to
20 come up a little bit. But now where I live, you
21 know, the ground, I'm losing my ground. There is
22 getting to be more sand beach, and where my road
23 is situated there is, you know, the ground is --
24 I'm losing my ground there because of the up and
25 down of the lake.

1 And you know, I think it is time, as
2 Anishinabe people, we stand our ground where our
3 Creator has built for us to live in. We do not
4 fool around with what the Creator of this earth
5 made. Because people like Hydro and their greed,
6 that's what is going to destroy our land.

7 And I am speaking as an elder, because
8 I will be like 61 years old next month, and I see
9 and I know what I'm talking about. I observe
10 everything that happens around me. That God of
11 the universe that made this earth, we do not
12 touch, because he is in control.

13 Greed is a number one thing that's
14 going to destroy the world. And if we don't
15 listen and take heed of the one that created our
16 world, we are going to perish. We are going to --
17 we have to be careful of what we destroy, what has
18 been created in this world.

19 Yes, it is nice to pick up a plug and
20 plug it in and make our toast, our coffee, cook
21 from a cook stove, yes, it is nice. But we got to
22 watch we don't overload the universe.

23 You know, our fishing industry as we
24 know it, it is going to be obsolete if we are not
25 careful. Because the fish that was created, it

1 feeds off a natural, what God has created for them
2 to eat, to live from. And all of the chemicals
3 that Hydro is producing through the dams, through
4 the energy of that material there that they are
5 using, that's what is destroying everything.

6 And I don't agree, and I'm not going
7 to be racist about this, I'm not racist or
8 anything, but, you know, I don't agree for anyone
9 to step in my land and to come and destroy it for
10 their own pocket. I for one have children, and
11 grandchildren coming up, and I would like to see
12 them have a very successful life, even though I'm
13 not going to see it. We got to watch our little
14 ones. You that are sitting up there, you have to
15 think and really consider your little ones that
16 are growing up too. We have to really be careful
17 of what kind of agreements we agree to.

18 I stand by our Chief and Council on
19 this, and I'm very proud of our Chief and Council
20 standing up to Manitoba Hydro and saying no. And
21 it is time we say no, when something occurs upon
22 our land. We have got to respect our land. It is
23 greed that's going to destroy it.

24 A few years ago we went out on the
25 lake to do our nets. You know, we couldn't even

1 pull up our nets, it was so full of this algae, it
2 was so full of it, and the debris, the trees and
3 everything else that is going around, floating
4 around in the lake. You know we have to pay for
5 the cost of that destruction from the waters, you
6 know. And it is really disheartening, nobody
7 gives us compensation for what is being destroyed
8 when we go out on the lake. We have to pay for
9 that.

10 And this one time we went out it was,
11 I believe it was in the fall, we went out to go
12 lift our nets, and it was the very first time we
13 seen these, they look like little jelly fish, they
14 even had, you know how a jelly fish looks like.
15 But they were very tiny, the size of my thumb I
16 guess, and it had little black dots. And we were
17 trying to tell somebody about this, and we fell on
18 deaf ears. We phoned Environment Canada, we
19 phoned Freshwater, you know, to try and check what
20 this thing was. And our hands used to break out
21 and, you know, stuff like this, it really affects,
22 it really affects our environment. No wonder
23 cancer is rapidly rising in our community.
24 Wouldn't you think it is from the Hydro, like all
25 of these chemicals they are putting in the pools

1 and everything else?

2 There are a lot of things arising from
3 Manitoba Hydro, a lot of hardship. You know, when
4 they say, they said that when we were going to
5 have a line coming in from the south, they told
6 us, oh, you are going to have cheap hydro, very
7 cheap hydro. I for one lost my hydro once already
8 because I couldn't pay for it, it is so high. And
9 when it is time for them to collect money, you
10 know, they don't care if you are going to sit in
11 the dark, if a newborn is going to have boiled
12 water for his milk or her milk, they don't care.
13 As long as they have money in their pocket, that's
14 what they care about is their profit margin.

15 So with that, I will leave you with
16 that. And I thank you for coming. Miigwech.

17 THE CHAIRMAN: Thank you, Ms. Legitt.
18 Anybody else have anything to say, comments,
19 opinions, free advice?

20 MS. MAUREEN O'NEIL: I understand that
21 you are here to recommend whether they get their
22 licence, am I right in that?

23 THE CHAIRMAN: Not specifically, but
24 we are here to make recommendations about terms
25 and conditions around the licence, not whether or

1 not they get it. They already have it.

2 MS. MAUREEN O'NEIL: So that's a moot
3 point, whether they are going to -- it is done,
4 Hydro already has the licence?

5 THE CHAIRMAN: They have an interim
6 licence. They have applied for the final licence.
7 Whether or not they get the final licence, that
8 could become an issue. But also issues around
9 terms and conditions are very definitely on the
10 table.

11 MS. MAUREEN O'NEIL: Okay. Out of
12 curiosity then, the alternative side, if the
13 licence is declined, what is the alternative?

14 THE CHAIRMAN: Most of the lights in
15 Manitoba would go out.

16 MS. MAUREEN O'NEIL: As long as it
17 happens in the summer, it is okay.

18 THE CHAIRMAN: No. If they didn't
19 have the water -- if they had to open up the dam
20 at Jenpeg to allow a free flow of water, then, I
21 mean, I was being a little facetious, but it would
22 have serious impact on their ability to provide
23 all of the electrical energy needs of Manitoba.

24 MS. MAUREEN O'NEIL: Okay. Thank you.

25 THE CHAIRMAN: Now, I'm not sure we

1 have your name.

2 MS. MAUREEN O'NEIL: Maureen O'Neil.

3 THE CHAIRMAN: Thank you, Ms. O'Neil.

4 MS. VALERIE DISBROWE: I forget what I
5 was going to say.

6 Anyway, I just wanted to thank the
7 Chief and Council for their presentation, I think
8 it was awesome. And I stand by them as president
9 for the Fishing Association, and if I remember, I
10 will get up again.

11 MS. FLETT: I apologize to Chief and
12 Council, when I wrote this afternoon on Facebook,
13 I had said I wish Chief and Council would let us
14 know of these things, or I wish we had met before
15 you people came out about this issue, but it seems
16 like -- accept my apology -- but anyways, it
17 seemed like when, excuse the expression, white
18 people want to do something, it seems like they
19 just drop out of the sky and do what they have to
20 do and fly back out.

21 THE CHAIRMAN: Thank you. Now we are
22 going to have a guy come up, not leave it all to
23 the women. Sorry, your name?

24 MR. GERALD DISBROWE: Gerald Disbrowe,
25 I am a fisherman.

1 I just want to thank the Chief and
2 Council for the position they took on Hydro. Like
3 growing up in Berens River as a fishermen, I seen
4 a lot of changes myself, and I don't agree with
5 some of the things that I see. And one of the
6 things that I want to bring up is compensation. I
7 think it is already 39 years we have been avoided,
8 we have never been at the table. And it is time
9 that you guys brought the people out for
10 compensation talks. Because a lot of people
11 passed on, and I don't know how you can compensate
12 those families now. And that was one of the main
13 things that I wanted to bring up.

14 And Hydro is the one that's causing
15 this. And it affects fishing, hunting, a lot of
16 things, recreation. The lake is a hazard now.
17 You have got to look -- you have got to be
18 vigilant when you drive on that lake, too much
19 debris, some of it is just under water, you can't
20 see it. So how do you come up with money, like
21 compensation about that?

22 And there is lots of other things too.
23 And right now I have an ear ache, so I can't
24 really hear myself right, so sorry about that. I
25 just wanted to know if you had any other meetings

1 coming up regarding compensation?

2 THE CHAIRMAN: Well, that's clearly
3 outside of our mandate, but we have heard the
4 issue in many communities, and we will certainly
5 note in our report that communities asked about
6 it. Whether, you know, what and whatever might
7 come, I can't say at this point.

8 MR. GERALD DISBROWE: Like, one of
9 things that we need in Berens River is
10 infrastructure for our kids, like for example,
11 that arena. Like, you know, we need help in
12 certain areas, that it should come from somewhere
13 else, not just the government. Like we went
14 through a lot of dealings with Hydro and they
15 never wanted us at the table, and I feel bad that
16 we were excluded 39 years ago.

17 THE CHAIRMAN: Thank you, Mr.
18 Disbrowe.

19 Anybody else have any other questions
20 or comments? I will make a few closing comments
21 and I will turn it back to Chief Everett.

22 Again, I would like to thank the
23 community for welcoming us here today. I would
24 like to thank the school principal and the
25 teachers and the students for hosting us in their

1 school. And you know, what we have seen from the
2 students here today, I think that certainly bodes
3 well for the future. We saw some bright young
4 students come up with some really good questions,
5 and we saw some great fiddling from a group of
6 them. And I just encourage them all to continue
7 along those paths. And I hope we didn't bore you
8 too much, those of the students who stayed for the
9 full afternoon.

10 As I said earlier in response to
11 Councillor Whiteway, what we have heard here today
12 will be reflected in our report, but I can't
13 guarantee that our recommendations will be all, or
14 even any of the ones that you would specifically
15 like. But you will know when you read our report
16 that we have heard what you said here today.

17 And as I also said in response to
18 Councillor Whiteway, if we can even move things
19 along, small steps in the right direction, then I
20 think that will be a victory for our lake and for
21 the future of communities such as Berens River.

22 So, again, thank you very much for
23 welcoming, hosting us here today.

24 Chief Everett?

25 CHIEF JACKIE EVERETT: One of the

1 questions you didn't really respond to was one of
2 the committee members asked, can you come back?

3 THE CHAIRMAN: I can't promise that.
4 We are on a tight schedule. As you know, we had
5 to re-schedule coming in here today. We are
6 allotting time to go into a number of different
7 communities around the lake, I think we are going
8 into about a dozen different First Nations. I
9 cannot promise that we can come back during this
10 particular review.

11 CHIEF JACKIE EVERETT: One more
12 comment, I guess. In one of your presentations,
13 you said you can submit a one-page document, keep
14 it short or something?

15 THE CHAIRMAN: No --

16 CHIEF JACKIE EVERETT: Submission, one
17 page.

18 THE CHAIRMAN: No. Actually written
19 submissions can really be as long as people want
20 to make them.

21 CHIEF JACKIE EVERETT: I wrote down
22 one page here.

23 THE CHAIRMAN: Oh, sorry. It could be
24 as short as just a letter or an email, or it could
25 be, if somebody wants to make a ten or 20 or 50

1 page submission, that's also very good.

2 CHIEF JACKIE EVERETT: Okay. What we
3 are going to do today is submit this to you. But
4 after hearing some recommendation from members, I
5 think this document is going to be bigger, because
6 they want to add to this document. So I know you
7 don't make your decision for probably a couple of
8 more months. Is there a deadline to this
9 submission?

10 THE CHAIRMAN: We had set a date for
11 February 28th, but as long as it is in before our
12 hearings end, and our hearings are going to end
13 around about April 20th, that would be fine.

14 We would like to get a written copy of
15 what you presented today. There was a lot of,
16 obviously a lot of good work put in into it, and a
17 lot of thought put into it, so we would like to
18 see that as a formal -- well, it is a formal part
19 of the record because you read it into the record,
20 but also having a written copy for us to review is
21 easier.

22 CHIEF JACKIE EVERETT: I guess for the
23 record, you won't accept this as a final document,
24 it is a draft?

25 THE CHAIRMAN: Yeah, we can do that

1 exactly. I mean, what you submitted today as part
2 of the record, when you submit a revised version,
3 that's part of the record as well.

4 CHIEF JACKIE EVERETT: Okay. Thank
5 you. I guess with that, I guess they have a plane
6 to catch in like 10 minutes. I'm not sure what
7 the Hydro, what you are going to --

8 THE CHAIRMAN: He is traveling with
9 us. We will leave him behind, you guys can look
10 after him.

11 CHIEF JACKIE EVERETT: He's sitting
12 there all by himself.

13 THE CHAIRMAN: No. We won't rush out
14 immediately. If anybody has any questions of
15 Mr. Hutchison after we adjourn, we will stick
16 around for a few minutes and you can ask those
17 questions.

18 CHIEF JACKIE EVERETT: So I guess what
19 we will do, as Chief and Council we will do a wrap
20 up. I just want to thank the school for lending
21 us their facility, and the music they provided,
22 and the grade 9, the lunch, it was good. I would
23 like to thank the elders, the community members
24 for taking the time this afternoon to come and
25 share your views.

1 And it won't stop here, that's why I
2 was asking that question, like there is more that
3 we need to talk about, but like elders say, it
4 just happened. So we tried to prepare as best as
5 we could with what little time we had. But this
6 document came from just listening to people, you
7 know, talking to people, asking them questions.
8 So it was put together. And documents were found
9 in our Indian Act, you know, and our Treaty, like
10 from Treaty 5. So, I think for us that's a good
11 solid start. But we need to put more information
12 in here, we need to put your stories in here, we
13 need to put our parents' story, and our
14 grandparents' story in here. That way it is a
15 living document, and a document that the younger
16 generation will use as they move forward too. So
17 we are not only doing it for us here, this
18 generation, we are paving that way, like Val said,
19 we need to pave that way. But in saying that, we
20 will arrange another community meeting
21 specifically for this. Yes?

22 SPEAKER: Will you have some Hydro
23 representatives to talk about compensation?

24 CHIEF JACKIE EVERETT: We can ask him
25 those questions, he is from Manitoba Hydro, and he

1 is going to stay back and we can ask him all of
2 those questions. But for this one, they want to
3 formally close the panel, and then we will have
4 time with Manitoba Hydro.

5 So in saying that, God bless you all.
6 And again, I thank each and every one of you for
7 taking time and being patient. With that I will
8 pass it on to Councillor Whiteway.

9 MR. ROLAND WHITEWAY: I would just
10 like to say thank you to everyone that
11 participated in this hearing. There was a lot of
12 good stuff here that we are learning from. And
13 the past couple of days there we had some
14 workshops there, just within the front line
15 workers. We met with a gentleman with Southeast
16 Resource Development Council, and we had a little
17 discussion with him. And what I shared with him,
18 what I shared or told him was, I hope you make the
19 right decisions, make the right decision for the
20 benefit.

21 With that, I just want to leave that.
22 I hope it doesn't fall on deaf ears. Thank you.

23 MR. NORMAN MCKAY: Thank you people,
24 Anishinabe community members, thank you for
25 coming. It let's me know that you are a concerned

1 member and that you want to move forward. And
2 thank you for the panel for hearing us out. And I
3 guess that's everything, and I appreciate the
4 students for coming over and participating and
5 listening. I believe they are our future
6 generations, future leaders. Miigwech, thank you.

7 CHIEF JACKIE EVERETT: We will wrap up
8 with a prayer.

9 (Closing prayer)

10 (Concluded at 3:00 p.m.)

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OFFICIAL EXAMINER'S CERTIFICATE

I, CECELIA J. REID, a duly appointed Official
Examiner in the Province of Manitoba, do hereby
certify the foregoing pages are a true and correct
transcript of my Stenotype notes as taken by me at
the time and place hereinbefore stated, to the
best of my skill and ability.

Cecelia J. Reid
Official Examiner, Q.B.

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