

MANITOBA CLEAN ENVIRONMENT COMMISSION

LAKE WINNIPEG REGULATION REVIEW
UNDER THE WATER POWER ACT

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Transcript of Proceedings
Held at Peguis Community Centre
Peguis, Manitoba
WEDNESDAY, JANUARY 28, 2015

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APPEARANCES

CLEAN ENVIRONMENT COMMISSION

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

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

MANITOBA HYDRO

Dale Hutchison

PEGUIS FIRST NATION

Chief Glenn Hudson
Councillor Mike Sutherland
Ms. Gaille Whelan Enns
Mr. Jared Whelan

MODERATOR:

Dr. Niigaan Sinclair

1 Wednesday, January 28, 2015

2 Upon commencing at 1:30 p.m.

3 DR. NIIGAAN SINCLAIR: Okay. So if
4 everyone could have a seat, or have a seat
5 wherever you would like to get comfortable.

6 So bonjour everyone. My name is
7 Niigaan Sinclair and I will be the moderator for
8 today. I feel kind of weird over at this big
9 microphone, but I want to make sure that our
10 transcribers can hear, and hear everything
11 clearly.

12 I'm a professor at the University of
13 Manitoba, but I'm also, importantly, a Peguis
14 member. I grew up in Selkirk, Manitoba. All of
15 my family is there. We have been Peguis members
16 our entire life, and most of my research and my
17 work and my writing and my public speaking is in
18 this area on environmental issues in relation to
19 Manitoba, but also Lake Winnipeg.

20 I have also been involved frequently
21 with the Commission, with the Clean Environment
22 Commission, testifying with the Peguis delegation
23 two times now, the Bipole hearings and also
24 Keeyask. So I'm familiar with the process and I'm
25 familiar with the work that we are going to be

1 doing here.

2 So I welcome the Commissioners from
3 the Clean Environment Commission, and I also
4 welcome elders and knowledge keepers and members
5 of Manitoba Hydro to come and join with us in what
6 hopes to be a fruitful afternoon and evening.

7 We have a longer schedule, however, we
8 may modify it as we wish going throughout the day.
9 But before really I continue, I just want to
10 remind everybody, if you could please turn off
11 your cell phones. We turned off the fan so that
12 everybody can hear. The bathrooms are -- I should
13 check -- over that way, we have sinks and
14 bathrooms over there. And we have locked these
15 doors over here that lead into the VLT area just
16 so that we can have minimal traffic and that
17 everybody can hear.

18 Throughout the afternoon the
19 transcribers, over here we have our lovely
20 transcriber who will be asking at times for me to
21 stop proceedings, perhaps, if she can't hear you,
22 or if she would like clarification on certain
23 words, and at times may need spellings on certain
24 things. So what we hope is to sort of minimize
25 that process by -- I will make sure that I have

1 documents for her and so on.

2 But before we really begin, before I
3 really talk too much more, I want to invite our
4 elder to begin with an opening prayer. We are
5 very honoured to have Peguis member Cheryl
6 Thompson, Shining Water Woman, who is going to
7 come up and share a few words and share an
8 offering. So, Cheryl?

9 (Opening prayer)

10 DR. NIIGAAN SINCLAIR: So, miigwech to
11 Cheryl for that beautiful song and also for those
12 beautiful words. My daughter's name is, as I was
13 telling her earlier, is Dancing on the Shining
14 Water. So it is really a total coincidence and
15 proof I think yet again that Gichi Manidoo is
16 thinking about us as we are doing this work and as
17 we are thinking about doing this.

18 The reason why we are all here today
19 is we are here at the Clean Environment Commission
20 to speak about water and to speak also about the
21 historical relationships that have lead us into
22 today.

23 Manitoba Hydro has applied for a
24 permanent final licence for the regulation of Lake
25 Winnipeg, which has now been going on for four

1 decades where they have had an interim licence.
2 So the Clean Environment Commission has been asked
3 to review and reflect upon that experience, and
4 then ask for community input and thoughts on the
5 larger project at work here.

6 So our job here today is to gather as
7 much information as possible, and also look at
8 potential recommendations and questions that
9 communities most directly affected have, to look
10 towards the future and how further regulation of
11 Lake Winnipeg would affect this particular
12 community of Peguis.

13 So this hearing is specifically for
14 Peguis, versus many other public sessions that
15 will be held in the near future. You can get a
16 schedule over there. I actually draw your
17 attention to the one, I believe, on
18 February 4th -- sorry, February 4th at 3:30 and
19 6:30, and that one will be in Selkirk, Manitoba.
20 That's a public session, but this one is
21 specifically for Peguis members to present.

22 The purpose for today is to hear
23 Manitoba Hydro's projects, the historical
24 projects, but also what their interests are into
25 the future. So we have a representative from

1 Manitoba Hydro that's going to share that with us.

2 The Clean Environment Commission is
3 interested in reviewing the public policy that has
4 lead us to this moment, to hear evidence, and then
5 also review the successes and the failures, and
6 then finally to write a report, to summarize. So
7 if I can just encourage -- and as moderator my job
8 isn't to direct anything, but I would just like to
9 encourage everyone to really give, not only your
10 reflections and your experiences about the
11 regulation of Lake Winnipeg, but your ideas and
12 your recommendations for the future.

13 As moderator my job is two-fold; one
14 is to act as a go-between between Peguis and the
15 Clean Environment Commission, but also my job is
16 to ensure that community members have their
17 moment, their moment in which to share, to reflect
18 and to clarify what they would like to have in the
19 final report that the Clean Environment Commission
20 will give on the regulation of Lake Winnipeg.

21 So at times I will ask -- I may
22 intervene or I may ask for clarification from the
23 presentation that we will give later. I may also
24 ask the Commission if there is any questions, and
25 I might also ask, if there is any time left in

1 your presentation, to clarify and to really
2 condense and make clear what are your specific
3 recommendations that you would like to see in the
4 final report.

5 As moderator my job is to make sure
6 also that we keep on schedule. And so we don't
7 have a full slate of speakers as of yet, or
8 presenters as of yet, but whatever the time period
9 is, if we choose on 10 minutes or 15 minutes for a
10 presentation, I will ask you before you speak what
11 you would like me to do to remind you of the time.
12 So I will probably say privately to you, what
13 would you like, I can give you a five-minute
14 warning or a two-minute warning, but we can talk
15 about that as we go along later.

16 So those are really my opening
17 comments as moderator for the discussion. What I
18 want to do is I want to invite the Commissioner,
19 Terry Sargeant, from the Clean Environment
20 Commission, to introduce the fellow commissioners
21 as well as to say a few opening comments.

22 THE CHAIRMAN: Thank you. Is this mic
23 on? Thank you, Dr. Sinclair.

24 As Niigaan has said, my name is Terry
25 Sargeant, I'm the Chair of the Manitoba Clean

1 Environment Commission as well as the Chair of
2 this panel. I would like to note, I have been in
3 this community many times, but that was many years
4 ago, it's been over 30 years since I have been
5 here. So it is nice to come back and see how much
6 has changed in those years and how much has
7 changed for the positive.

8 At the outset, on behalf of the
9 Commission, I would like to acknowledge that we
10 are holding these hearings here today in the
11 traditional territory of the Peguis First Nation,
12 a Treaty 1 First Nation.

13 On a personal note, I would also like
14 to note, acknowledge the recent passing of your
15 long-time Chief Louis Stevenson. When I was
16 involved in politics in the early '80s, I got to
17 know Louis. I quickly came to quite admire the
18 quality of his leadership and also of his
19 dedication to your community. So I would like to
20 extend my condolences to your community on this,
21 his loss.

22 I would also like to thank the
23 leadership of your community for accepting the
24 Clean Environment Commission's invitation to host
25 the Commission. As Niigaan Sinclair said in his

1 comments, we wish to hear from as many of you as
2 possible, sharing your thoughts and stories.

3 I would like to introduce the other
4 members of the panel. To my right is Neil Harden,
5 to my left is Edwin Yee. We also have staff with
6 us, our Commission secretary, Cathy Johnson, our
7 Commission administrator, Joyce Mueller, and our
8 community liaison person, Melissa Hotain. As well
9 we have technical staff on the other side of the
10 room, Bob Armstrong, the report writer, and Cece
11 Reid, the recorder.

12 When the Minister asked us to conduct
13 those hearings, conduct these hearings, pardon me,
14 one of the things he asked us to do specifically
15 was to hold meetings in communities around both
16 the north and the south basins of Lake Winnipeg,
17 as well as in the City of Winnipeg. So it is with
18 that that we are coming into your community today.
19 And as Niigaan Sinclair has said, we have been and
20 also will be in a number of other communities to
21 hear what the public has to say.

22 I think Niigaan Sinclair will be
23 moderating today, but it is our goal and our hope
24 that this session is as informal as possible. I
25 mean, it looks a little formal with these tables

1 and mics and things, but we hope that you will
2 feel comfortable in coming forward and making your
3 presentation if you wish to be heard.

4 As far as the Commission is concerned,
5 anybody that is present may come forward and make
6 a presentation. If you feel comfortable, or more
7 comfortable having somebody join you and two of
8 you making the presentation, that's quite all
9 right. If you feel more comfortable speaking, or
10 if you wish to speak in your own language, that is
11 okay as well. We would only ask that you or
12 somebody else translate so that we understand what
13 was said.

14 What we want to hear from you is who
15 you are, what your name is, how the project may
16 have impacted you or your family or your
17 community. We would also like to hear, and
18 Dr. Sinclair talked about this as well, your
19 thoughts on what we might recommend and what
20 conclusions we might draw. If you have some views
21 on that, please let us know.

22 And finally, if you don't feel
23 comfortable speaking in public, or if you know
24 other people who are not able to be here today who
25 would like to say their piece, you are more than

1 welcome to submit something in writing. And that
2 doesn't really need to be a really big thing. It
3 can be as simple as a letter, or an email, or if
4 you are a bit ambitious, a longer paper. And you
5 can either mail that to us, or email that to us.
6 The address is on our website.

7 That's all I have to say by way of
8 opening comments. So I look forward to a
9 productive afternoon and evening, and I will turn
10 it back to Niigaan Sinclair.

11 DR. NIIGAAN SINCLAIR: Okay.
12 Miigwech, Commissioner Sargeant, for opening us up
13 and getting us to think a little bit about what is
14 going to be happening this afternoon.

15 Now, we have two sessions planned, an
16 afternoon and an evening session. So our evening
17 session will be after dinner, and I understand
18 dinner is provided, so there will be dinner
19 provided here at approximately 5:00 o'clock. When
20 it is brought in will be put on tables just over
21 here. And we will also have a coffee break at
22 3:15, and maybe another coffee break sort of
23 impromptu in there, depending on -- We have two
24 official speakers and then, of course, an
25 unofficial where there is time for anyone to

1 speak. Our official speakers, we have three of
2 them. The first is, we are going to have a
3 presentation by Dale Hutchison of Manitoba Hydro,
4 who as you can see here set up a power-point, and
5 he will speak briefly. And then that will be
6 followed by a question and answer session where
7 anyone -- anyone here is invited to ask any
8 questions. And if Mr. Hutchison cannot answer any
9 of the questions, he will be honest and say that,
10 and maybe he would direct us to somewhere else to
11 look. But I can't emphasize enough how really
12 important it is, if you have a question, it is
13 important to enter that into the record. It will
14 be entered into the record. So all questions are
15 welcome and valuable.

16 Following that at 2:45'ish, or it is
17 kind of flexible at this point, when Mr. Hutchison
18 is finished we will invite Chief Hudson to speak,
19 and then Councillor Mike Sutherland following
20 that. Both of them need to be back at Fisher
21 Branch, I know Councillor Sutherland for sure.
22 And then following that we will have a coffee
23 break, so maybe we will get one in there,
24 depending on the travelling first. The roads are
25 dangerous and really quite treacherous. So we

1 will be flexible at the same time.

2 And then following that at about
3 3:30'ish, we are going to invite presentations
4 from anyone in the community that would like to
5 speak. I'm not sure what the time limit on those
6 will be. However, if you are interested in
7 speaking, the tables at the back have a sign in,
8 and they also have forms which, if you wish to
9 speak, all you have to do is enter in your name,
10 and the names will be brought to me. I will then
11 call forward names who will -- you know, we will
12 say, here is the next three speakers, if we have
13 those, and then we will go from there. That's a
14 bit a ways away.

15 So for now what I would like to do is
16 invite Dale Hutchison from Manitoba Hydro, who
17 will be coming up to speak and giving us a brief
18 presentation, as well as he will be staying for
19 question and answer. I can moderate the question
20 and answer if you like, or if you wanted to -- we
21 will figure it out when we get there I guess.

22 And do you want to speak from here?

23 MR. HUTCHISON: I think I will just
24 try from the front.

25 DR. NIIGAAN SINCLAIR: No problem.

1 Just while Dale is setting up, free coffee and
2 tea, tea is on the right and coffee on the left.
3 So if you want to go there -- and I think water is
4 there too, and not brought from Winnipeg.

5 MR. HUTCHISON: Hello. Can everyone
6 hear?

7 Thank you, Dr. Sinclair. My name is
8 Dale Hutchison. Respected elders, guests, members
9 of Peguis First Nation, thank you for inviting me
10 to talk a little bit about Lake Winnipeg
11 Regulation. I have been working with Manitoba
12 Hydro for 15 years -- I have been working with
13 Manitoba Hydro for 15 years to understand the
14 effects on the waterways and on the people with
15 whom we share them with. Today my presentation
16 will talk about the Manitoba Hydro system, Lake
17 Winnipeg, and our Lake Winnipeg Regulation
18 project. And most of my presentation involves
19 material that's on the banners at the back. And
20 after the presentation, I will be available to
21 talk with anyone about anything that didn't make
22 sense here as well.

23 Okay. A huge area that stretches from
24 the Rocky Mountains in the west, to the edge of
25 Lake Superior in the east, and south into the Red

1 River Valley of the United States, flows into Lake
2 Winnipeg. The shape of the land is like a million
3 square kilometre bowl, and that's what makes
4 hydroelectric development possible on a large
5 scale in Manitoba.

6 There are 15 generating stations that
7 take advantage of the water flowing through the
8 province. These are shown by the blue dots on the
9 map. And the size of the dot, small, medium or
10 large, shows how much electricity these stations
11 can produce. So we have got six small stations on
12 the Winnipeg River. We have got a medium sized
13 station on the Saskatchewan River at Grand Rapids.
14 Now, the Nelson River flows out of Lake Winnipeg
15 all the way to Hudson Bay. We have got a small
16 generating station on the west channel of the
17 Nelson River. North of the Nelson is the
18 Churchill River, which also flows into Hudson Bay.
19 Now, rather than build generating stations on this
20 far northern river, its waters were diverted
21 through a project called the Churchill River
22 Diversion. This project involved putting a dam at
23 the outflow of Southern Indian Lake, raising the
24 level of that lake by nine feet, and diverting
25 most of its waters into the Nelson at Split Lake.

1 Wuskwatim, the newest generating station, is
2 located on this route.

3 The main hydroelectric benefit of
4 Churchill River Diversion is that from Split Lake,
5 downstream, the Nelson River has the benefit of
6 two rivers, and this is where our largest
7 generating stations are, Kettle, Long Spruce and
8 Limestone. These three stations alone produce 70
9 per cent of all electricity produced in Manitoba.
10 And Keeyask is currently under construction, it is
11 on this stretch of river as well.

12 To move the electricity from the north
13 down to the south, we have got a thousand
14 kilometres of bipole line. There is two bipole,
15 or high voltage bipole lines that go from the
16 north to the south. They end in a converter
17 station near Winnipeg. There is a third bipole
18 line that you have probably heard about, it is
19 currently being constructed on the west side of
20 the province as well.

21 From the converter station near
22 Winnipeg there are 100,000 kilometres of
23 distribution lines that take electricity to homes
24 and businesses throughout Manitoba.

25 We also produce electricity from

1 natural gas at stations in Brandon and Selkirk and
2 in an emergency we can produce electricity using
3 coal at our station in Brandon. We also purchase
4 electricity from wind farms at St. Leon and
5 St. Joseph. You may have seen these windmills
6 when you go down south to the United States. The
7 Manitoba Hydro system uses water to produce over
8 95 per cent of the electricity made.

9 So now I want to turn your attention
10 to Lake Winnipeg. This is the tenth largest
11 freshwater lake in the world, it is Manitoba's
12 great lake. As you can see, over a dozen rivers
13 flow into the lake, yet there is only one natural
14 outflow. This makes it easy for the lake to
15 flood. Ice can block the flow of water out of the
16 lake during winter, because the mouth of the
17 Nelson River is, it is wide but it is very
18 shallow. As I mentioned, ice can block the flow
19 of water out over the winter. Historically,
20 flooding has caused problems for people living
21 around the lake. Highways have been closed.
22 Farmers crops have been lost. Cottages and homes
23 have been damaged.

24 These are photos and Winnipeg Free
25 Press headlines describing Lake Winnipeg flood

1 events in recent history. We have got 1927, 1950,
2 1955, 1966, 1968, 1969, 1970. People on the lake
3 put a lot of pressure on government to do
4 something about Lake Winnipeg flooding. At the
5 same time, demand for electricity was growing in
6 the province. So in 1970, the Premier of Manitoba
7 announced plans to proceed with Lake Winnipeg
8 Regulation for flood control on Lake Winnipeg, or
9 flood relief on Lake Winnipeg I should say, and
10 power production on the Nelson River.

11 I want to talk about Lake Winnipeg
12 Regulation, which I will call LWR for short,
13 because I will be referring to it many times.
14 Before we could build LWR, first we needed a
15 licence from the Province under the Water Power
16 Act. This is similar to getting a permit before
17 you build a house. This initial licence is called
18 an interim licence, and to get it we had to
19 provide information about what we were planning to
20 build and the effect it would have on water levels
21 and flows.

22 In 1970, the Province granted us an
23 interim licence to proceed with LWR, along with
24 rules for how it could be operated. And there
25 were three types of rules. The first were

1 operating ranges for Lake Winnipeg and downstream
2 lake. For instance, on Lake Winnipeg between
3 elevations 711 and 715 above sea level, Manitoba
4 Hydro could decide how much water could flow out
5 of Jenpeg in order to meet electricity demands.
6 If the level of the lake gets above elevation 715,
7 we are required to let as much water out of the
8 lake as possible. This is called maximum
9 discharge. And if the elevation of the lake goes
10 below 711, it is the Minister of Conservation and
11 Water Stewardship who tells us how much water to
12 flow to Jenpeg.

13 The second rule is that we always have
14 to have the water flowing out of Lake Winnipeg.
15 And the third rule is we can't change the rate of
16 water flow at Jenpeg too fast. We agreed with
17 these rules and built Lake Winnipeg Regulation by
18 1976.

19 The next step in the licence process
20 is to request a final licence which is good for 50
21 years from the date construction is completed. So
22 in this case, the LWR final licence will expire in
23 2026, which is only 11 years away. Now, before
24 our licence expires, we will apply to renew the
25 licence for up to another 50 years.

1 So what is LWR? Well, it involved
2 digging a second outflow for Lake Winnipeg and two
3 other channels to allow more water to flow out of
4 the lake. Now, these channels would drain the
5 lake, so it was necessary to build a dam at Jenpeg
6 to control the flow of the water on the west
7 channel of the Nelson River. So using the example
8 of a faucet, tub and drain, if you remember that
9 slide I showed you that showed all of the rivers
10 flowing into Lake Winnipeg, well, if all of those
11 rivers are represented by this water drop under
12 the faucet, this is what is coming into the lake,
13 this drop here represents the water that can come
14 out of the natural channel on the Nelson River.
15 You can see that this water drop is a lot smaller
16 than this one. This means that during floods more
17 water enters the lake than leaves it, which means
18 that the water level rises and floods the
19 channels.

20 In this lower diagram you can see a
21 second water drop. This represents the water that
22 can flow out of the LWR channel. You can see that
23 it is half the size of the natural outflow. But
24 still, together these two drops don't equal the
25 large faucet. So this means that during floods

1 more water will enter the lake than can leave it,
2 only now the lake won't rise as high and the
3 floods won't last as long. So Lake Winnipeg
4 Regulation can influence the water level of the
5 lake, but it can't outright control it.

6 People have different ideas about how
7 LWR affects the water level on the lake. Some
8 people think we keep the water level on the lake
9 higher all of the time, other people think we keep
10 it lower. Well, the Federal Government has been
11 monitoring water levels on Lake Winnipeg for over
12 100 years. And what this water level data shows
13 is that the lake is still behaving now like it
14 always did. The water level will rise during the
15 spring and the summer, and the water level will
16 fall over the course of the fall and winter. When
17 there is a drought in the watershed, the lake
18 level gets low. When there is a flood in the
19 watershed, the lake level gets high.

20 However, since 1976 when LWR was
21 built, there is one very noticeable change. And
22 everybody is probably groaning because it is a
23 graph, but it is really difficult to show changes
24 in water levels over time without using a graph.
25 So this graph shows that LWR has reduced flooding

1 on Lake Winnipeg by comparing the water level with
2 LWR, compared to what the water level would be if
3 LWR did not exist. So the one side of the graph
4 has the elevation above sea level. The bottom of
5 the graph shows the 40 years since 1977, the first
6 full year that LWR was in operation. The blue
7 line is the actual water level with LWR, and the
8 red line is an estimate of what the water level
9 would be if LWR did not exist.

10 Now, you probably noticed that the
11 last decade has been quite wet. There has been a
12 lot of water flowing into Lake Winnipeg and down
13 to the Nelson River. What this chart shows is
14 that flood years like 1997, 2005, 2011 and 2014,
15 the lake level would have been two feet higher and
16 the flooding would have lasted much longer. So
17 this information demonstrates that LWR is meeting
18 its goal of providing flood relief on Lake
19 Winnipeg.

20 Now, let's look at what happens
21 downstream of Lake Winnipeg. 20,000 people live
22 along the Nelson River. Land and water are
23 extremely important to their identity and their
24 livelihood. All Manitobans benefit from having
25 low cost reliable electricity, and people around

1 Lake Winnipeg benefit from flood relief provided
2 by LWR.

3 However, people downstream of Lake
4 Winnipeg have suffered by having more water flow
5 during the winter and during times of flooding.
6 This additional water has caused significant
7 impacts to people living downstream of Lake
8 Winnipeg. As you probably know, in natural
9 conditions, lake levels and river flows gradually
10 decrease over the course of the winter. With LWR,
11 water flows during the winter are much higher, up
12 to 50 per cent higher than they would have been
13 without this project. This water affects ice
14 conditions on the waterways which can make travel
15 more dangerous. Also, it negatively affects
16 aquatic animals like beaver, mink, muskrat and
17 otter.

18 During the summer months, any time
19 Lake Winnipeg gets close to or above elevation
20 715, Jenpeg goes to maximum discharge, sending a
21 surge of water down the Nelson causing water level
22 fluctuations on the river and lakes. Ultimately,
23 this changing water flow from LWR affects the
24 cultural, commercial, recreational and spiritual
25 pursuits of people living downstream of Lake

1 Winnipeg.

2 Working together, in Cree this is
3 called witasosketowin, let me say that again,
4 witasosketowin. With the people who live and work
5 along the Nelson River, Manitoba Hydro continues
6 to work to address impacts through agreements and
7 other arrangements with all communities, First
8 Nation resource user groups on the Nelson River,
9 with all -- through projects like the Cross Lake
10 Weir, and through programs for resource
11 harvesting, access and navigation, archaeology and
12 heritage resources, and recreation, like the
13 pictures shown in this banner.

14 Thank you for inviting me to speak. I
15 hope you have a productive meeting with the
16 Commissioners of the Clean Environment Commission,
17 and I will be available to talk I guess now, and
18 as well after your meeting with the Commissioners.
19 Thank you.

20 DR. NIIGAAN SINCLAIR: Okay. Thank
21 you, Mr. Hutchison, for that brief presentation on
22 LWR, Lake Winnipeg Regulation. So I have no doubt
23 that there is a number of questions that Peguis
24 members may have throughout the audience about
25 Lake Winnipeg. Like I said before, every question

1 is valuable, every question will be entered into
2 the record. All that we maybe ask is that if you
3 did have something that you wanted to keep for
4 your presentation, please keep that for later. We
5 really want this just to mostly be a question
6 period, not because I don't want lots of
7 information, but because we have a formal
8 presentation time. So this is your opportunity to
9 ask a member of Manitoba Hydro any information.

10 Maybe what I will do is just wave and
11 if you could come up to the microphone just at the
12 front here, speak clearly into the microphone. So
13 we will start with this gentleman here. And if
14 you could just state your name, all you need to do
15 is state your name and begin.

16 MR. GARY SPENCE: Gary Spence, I lived
17 in Peguis all of my life, I'm 50 years old. And I
18 was sitting down there and I started writing down
19 some things and I got a list, so I don't know.

20 DR. NIIGAAN SINCLAIR: One thing, if
21 you move up to the microphone, I want to make sure
22 that the Commissioners can hear. Is the
23 microphone on? Go ahead, sir.

24 MR. GARY SPENCE: My first question is
25 the pros and cons, and what will it profit First

1 Nation communities on and off the reserve? That's
2 my first question. All of these are addressed to
3 Manitoba Hydro.

4 DR. NIIGAAN SINCLAIR: Great. So what
5 we will do --

6 MR. GARY SPENCE: What I mean is the
7 dams, what does it profit us? And then what is
8 the advantages and disadvantages for First Nations
9 people living in the north and living in the
10 south?

11 DR. NIIGAAN SINCLAIR: Okay. So what
12 we will do is we will maybe go one question at a
13 time and then give Mr. Hutchison a chance to
14 answer. Which First Nations are you talking
15 about? Are you talking about the ones specific to
16 the dams or are you talking about Peguis
17 specifically?

18 MR. GARY SPENCE: Every First Nation
19 in Manitoba.

20 DR. NIIGAAN SINCLAIR: Okay. Go
21 ahead, Mr. Hutchison.

22 MR. HUTCHISON: Okay. That's a big
23 question. I will do the best I can. I also
24 understand that there is going to be, Peguis First
25 Nation is going to be represented at the hearings

1 that the Clean Environment Commission is going to
2 have in Winnipeg in a few more weeks, and there
3 will be more people available to answer questions
4 from Manitoba Hydro. So I will do the best I can
5 now.

6 What we are trying to show with this
7 project is that there are -- there are benefits
8 that happen to, well, to all Manitobans by the
9 fact that we have got reliable low cost
10 electricity. And on Lake Winnipeg, it is actually
11 the only project that we have got as a second
12 purpose. Normally, when you build a project it is
13 just electricity that we are looking at, but with
14 Lake Winnipeg there is this flood relief on Lake
15 Winnipeg. So anyone around the lake is benefiting
16 from this flood relief that happens.

17 Downstream there are impacts, and
18 that's part of what the last part of the
19 presentation covered. People downstream have more
20 water flowing down the Nelson and into the lakes
21 over the winter and any time there is a flood on
22 Lake Winnipeg.

23 MR. GARY SPENCE: Okay.

24 DR. NIIGAAN SINCLAIR: Can I ask for a
25 clarification? When you mean more impacts, can

1 you be just specific on what those are? What are
2 the more impacts?

3 MR. HUTCHISON: The impacts
4 downstream?

5 DR. NIIGAAN SINCLAIR: Yes, yes.

6 MR. HUTCHISON: Well, because of this
7 change in water flow, in the winter it can make
8 travel difficult on waterways, because you have
9 got more water flowing down the river and on the
10 lakes over the course of the winter, and for
11 anyone who needs to use the waterways it can make
12 travel more dangerous. And in the summer, any
13 time the elevation of the lake gets close to 715,
14 or above 715, we are required to go to maximum
15 discharge, which also sends more water. So anyone
16 using the waterways in the summer will experience
17 more flooding.

18 MR. GARY SPENCE: Okay. I don't know
19 if I could answer, I mean ask all of the
20 questions. But another thing too is, okay, what
21 will all of these dams have an effect on the
22 lakes? I mean, after so many decades, doesn't it
23 kill the lakes? I mean, what I understand, in
24 different countries where they have been putting
25 dams, it has been killing the lakes after so many

1 decades. What is the prevention that Manitoba
2 Hydro has in effect for that? Because I know they
3 have to have one. You take water out and you take
4 all of the minerals and whatnot out of it, how is
5 fish going to survive? That's why -- I know a lot
6 of fishermen that have been having trouble these
7 past three, four seasons with low count on their
8 fish. And that's not just this part, this is in
9 Jackhead, and that's how many hundreds of miles
10 from the dam?

11 DR. NIIGAAN SINCLAIR: Go ahead,
12 Mr. Hutchison.

13 MR. HUTCHISON: We do have people who
14 understand the fisheries at Winnipeg. I'm
15 unfortunately not one of them.

16 MR. GARY SPENCE: Okay. But that's
17 something that you have to look at and we have to
18 address, because one of these days that lake is
19 going to be dead, and what is the purpose of it?
20 I mean, like, that's something you can't answer
21 but --

22 DR. NIIGAAN SINCLAIR: When you are
23 speaking about killing the lake, which is what you
24 described it as, do you have like -- are you
25 talking specifically about fisheries, or are you

1 talking about nutrients in the water?

2 MR. GARY SPENCE: Everything.

3 DR. NIIGAAN SINCLAIR: Okay. I just
4 want to make sure you are clear about that.

5 MR. GARY SPENCE: Everything that has
6 to do with our lakes, because our lakes all run
7 off -- like what he said, how many lakes run into
8 Lake Winnipeg, Lake Manitoba? There is lots, you
9 know, it affects not only them, but it affects all
10 of the wildlife too. Because I know people that
11 have been trapping for decades, and they are
12 having a lot of problems too with that. And they
13 are blaming the (inaudible) there that it is gone.
14 I mean they may have something to do with it, but
15 not everything.

16 DR. NIIGAAN SINCLAIR: So really you
17 are talking about two things, one is the effect on
18 aquatic life.

19 MR. GARY SPENCE: Yeah.

20 DR. NIIGAAN SINCLAIR: And the second
21 you are talking about the effects on land life
22 that relates to the rivers and specifically Lake
23 Winnipeg?

24 MR. GARY SPENCE: Yeah.

25 MR. HUTCHISON: What I would add to

1 that, and what I would recommend is I have a copy
2 of a document that Manitoba Hydro prepared for the
3 Clean Environment Commission that actually
4 describes all of the different impacts on Lake
5 Winnipeg and downstream, on the lakes and rivers
6 and looking at the environment, looking at the
7 fisheries, that sort of thing. So I would be
8 pleased to provide you a copy of that.

9 MR. GARY SPENCE: Sure, okay.

10 My next question is, why are First
11 Nations always in disagreement with Manitoba
12 Hydro? Look at that big roadblock they have up
13 there, what does it have to do money wise? That's
14 all it is, is money. Why are we always getting
15 shortchanged? You guys are putting the dams on
16 our land. But, actually, you know, it is
17 everybody's land, but still we were here first,
18 you know, and it proves back how many centuries?
19 Why are we always in a disagreement with you guys?
20 Why can't things be resolved without the extent of
21 having road blocks? And here they are always
22 saying something about First Nations, you guys are
23 just money hungry. That's not the point about
24 being money hungry. We want a share of what is
25 ours too. Why should you guys profit it all? We

1 are not profiting nothing out of it.

2 DR. NIIGAAN SINCLAIR: There is a
3 whole bunch of questions. I just want to boil it
4 down to one question.

5 MR. GARY SPENCE: It all boils down to
6 money.

7 DR. NIIGAAN SINCLAIR: I just want to
8 boil it down to one question, maybe a couple of
9 questions, just to paraphrase. First off you are
10 saying, what is going on with the occupation or
11 the blockade of the roads, and what is Manitoba
12 Hydro doing about that? That was your first
13 question, right?

14 MR. GARY SPENCE: Yes. Why is there
15 always a disagreement between Manitoba Hydro and
16 First Nations people? Because we are the ones
17 that is always -- actually, we are the ones that's
18 always being blamed and looking bad for it. I
19 have a lot of people tell me things, you know. I
20 listen to a lot of people when they talk, I'm not
21 stuck on this reserve all of the time, I listen to
22 a lot of white people when they talk.

23 DR. NIIGAAN SINCLAIR: For sure. I
24 just want to make it into a question so he can
25 answer. The second one is, what is Manitoba Hydro

1 doing to fix some of the relationship, the
2 problems in the relationship?

3 MR. GARY SPENCE: Yeah, yeah.

4 DR. NIIGAAN SINCLAIR: I think those
5 are two fair questions. Do you have those? The
6 first one was, what is currently happening with
7 the blockades or occupations, there has been sort
8 of a number of them in recent times. And then
9 what is Manitoba Hydro doing to perhaps rectify,
10 or I'm going to use your words, to engage the
11 relationship with First Nations who are very
12 concerned about what is happening on their
13 territories.

14 MR. HUTCHISON: Okay, fair enough.
15 Actually, the first question I won't be able to
16 offer much in the way of information, because most
17 of these issues involve the Bipole III project,
18 and I want to say I don't work for that side of
19 the corporation, but I'm not as familiar with the
20 issues that are there. What I would like to say
21 though is, yeah, relationships are complicated,
22 And I think that Manitoba Hydro has a sincere
23 desire to improve relationships with First Nations
24 and Aboriginal communities.

25 And I think it partly answers the

1 second question. If you look at some of our, or
2 with any of our new projects, like Wuskwatim,
3 Keeyask, we are entering into partnerships with
4 the surrounding First Nations on those projects.
5 So although you might hear a lot about the
6 negative, and I think the media likes to pick up
7 more on the negative rather than the positive, I
8 think there are a lot of positive stories out
9 there as well.

10 MR. GARY SPENCE: Well, I don't
11 believe everything I hear, that's why I'm here and
12 that's why I'm asking you.

13 I have another question, it is the
14 same question. From what I understand you guys
15 are selling hydro to the States. What is that
16 profit to us, what is that profit to us again
17 there? I mean, you guys are selling lots of hydro
18 to the States, I mean, and that's another thing
19 too, that is something you guys did behind our
20 back again. People are only finding outg about it
21 after the fact that it is done.

22 DR. NIIGAAN SINCLAIR: So what is the
23 benefit of selling, what is the benefit to First
24 Nations or Peguis specifically?

25 MR. GARY SPENCE: Yeah, any First

1 Nation, I'm not only talking about Peguis.

2 DR. NIIGAAN SINCLAIR: Every First
3 Nations, what is the benefit of selling power to
4 the United States?

5 MR. HUTCHISON: Again, it is a little
6 out of my area but I can take a stab, as it were.
7 Our ability to sell or to export electricity is
8 actually the reason why we have got the low prices
9 for our electricity domestically. Our mandate is
10 to provide electricity to Manitobans at the lowest
11 cost, and our ability to sell surplus electricity,
12 electricity that Manitobans don't need, is what
13 allows us to keep the rates low.

14 MR. GARY SPENCE: I have another
15 question, it is similar to that one. Why is hydro
16 much higher on a First Nation community compared
17 to off a First Nation community? I mean, we are
18 buying it here, okay. There was a study done on
19 it some years back, I can't remember who done it,
20 but it was somebody from here. They did estimates
21 on a house, the same dwelling, same square feet on
22 reserve, and then they went off the reserve and
23 they did the same -- what do you call it -- the
24 same assessment. And our Hydro was, holy man, it
25 was like 50 per cent higher on a reserve than off.

1 Like why, why is that? And I asked Manitoba Hydro
2 myself, and they couldn't answer me when I phoned
3 Fisher Branch.

4 MR. HUTCHISON: Actually, it is --
5 unfortunately, we don't have any customer service
6 representatives here because they would be the
7 best ones to answer that question. I'm afraid my
8 understanding, though, is that it is the same rate
9 no matter where you are.

10 MR. GARY SPENCE: No, there was a
11 study done in Waywayseecappo eight years ago, a
12 woman did it on her own. And she went to court
13 and she won, and she got something like 8 or 10
14 million. You guys must know about that, but she
15 got so many millions back from Hydro. I mean, I
16 don't understand, you know, but --

17 DR. NIIGAN SINCLAIR: Okay. So just
18 two things, both of you need to speak closer to
19 the microphone, because there is people in the
20 back who want to hear you. The second is just to
21 be clear, Dale-- sorry, Mr. Spence, that you are
22 referencing a particular case where there was a
23 large amount of compensation supplied when
24 somebody had phoned or had -- was it a court case?

25 MR. GARY SPENCE: Yes, a court case,

1 that was in Waywayseecappo. It is a First Nation
2 just east -- or west of us. I don't know if you
3 are aware of that, I don't know if you know
4 anything about it. It happened eight or ten years
5 ago. That's what I have been telling people here,
6 and I have been addressing Chief and Council, so
7 many years ago, and then people in social
8 assistance. And they said they were going to look
9 into it and nothing was ever done about it.

10 DR. NIIGAAN SINCLAIR: I think it is
11 difficult because you don't know about this
12 particular case. Is that correct? According to
13 what you said in your answer was that, under your
14 understanding, there is no price difference
15 between on reserve costs?

16 MR. HUTCHISON: Off reserve costs, no,
17 there isn't.

18 DR. NIIGAAN SINCLAIR: And your
19 position is that there is a significant
20 difference?

21 MR. GARY SPENCE: Oh yeah.

22 DR. NIIGAAN SINCLAIR: I just want to
23 make sure that's entered into the record. What we
24 will do maybe is, do you have one more question?

25 MR. GARY SPENCE: I have a few more.

1 Three more and that's it.

2 DR. NIIGAAN SINCLAIR: By a show of
3 hands, if you have a question, then maybe -- so we
4 have one definitely, so I think if we have not too
5 many -- we have two. So what we are going to do,
6 pick your two questions, and then if we have time
7 at the end, then we can come back to Mr. Spence.

8 MR. GARY SPENCE: I can ask two more
9 now?

10 DR. NIIGAAN SINCLAIR: Yes, go ahead.

11 MR. GARY SPENCE: Why aren't there
12 wind farms, more wind farms? Because actually
13 that's a lot better on the eco-system than hydro
14 dams. And what I understand, Hydro didn't want
15 them so many years ago because they will lose
16 money. I mean, wind farm is good, why can't we
17 have a wind farm here, or other communities?
18 Because, like say, say if we bought our own wind
19 farms, we are going to be totally up the creek
20 with you guys. You guys are going to lose
21 millions of dollars a year. So that's one of the
22 reasons why I understand -- now I know there is
23 wind farms, but there should have been a lot more.
24 That's one question that I have.

25 DR. NIIGAAN SINCLAIR: Go ahead,

1 Mr. Hutchison.

2 MR. HUTCHISON: Manitoba Hydro doesn't
3 have any wind farms. We do purchase power from
4 two wind farms. And my understanding is the cost
5 of wind electricity far exceeds the cost of
6 hydroelectricity right now, so it is not
7 economically viable. But it is something that the
8 corporation is looking at.

9 MR. GARY SPENCE: Okay. I have one
10 last question. Since Hydro dams have been in
11 place in our lakes, what did Manitoba Hydro make
12 and how much was spent on First Nation communities
13 and further generations of native people? Should
14 I ask you again or do you kind of understand what
15 I said?

16 MR. HUTCHISON: I think you are asking
17 for a number, like a dollar figure?

18 MR. GARY SPENCE: No, I'm not asking
19 for a dollar figure, I'm just asking ballpark.
20 You guys know what you guys made from day one to
21 now. Don't tell me you didn't, because you do,
22 otherwise it wouldn't be business.

23 DR. NIIGAAN SINCLAIR: It would be
24 very difficult to have a total dollar figure. Are
25 you talking about for the four decades since Lake

1 Winnipeg Regulation?

2 MR. GARY SPENCE: I'm not asking for a
3 total dollar, I want to know what ballpark, and
4 what has been given to First Nations communities
5 for our generations and future generations? Maybe
6 that's something that you have to look into, but
7 that's something, that's a question I want to
8 know. Because I have kids and I have grandkids,
9 I'm not going to be around here forever, they are
10 going to be here, and what is the benefit for
11 them?

12 DR. NIIGAAN SINCLAIR: I think a fair
13 question, absolutely in terms of the -- just maybe
14 percentage it would be -- a percentage might be a
15 better amount. If you do know a dollar figure,
16 that would be fine.

17 MR. HUTCHISON: Unfortunately, I don't
18 have a dollar figure. The closest suggestion I
19 would have is look at our annual report that we
20 put out each year, because it does talk about how
21 much revenue we have taken in and put out, that
22 sort of thing.

23 MR. GARY SPENCE: Well, that would be
24 nice if we were given that information too, every
25 community.

1 MR. HUTCHISON: That's available right
2 on our website. It is something that we have to
3 prepare each year.

4 MR. GARY SPENCE: That's it. I have
5 more but --

6 DR. NIIGAAN SINCLAIR: The session
7 goes till 2:45 today, so we have a couple of
8 minutes left, but we have two people that want to
9 ask questions. So this gentleman at the back?
10 Miigwech, thank you for those questions.

11 If you could just state your name so
12 that we -- and speak into the microphone if
13 possible, you can lift up the microphone if you
14 want.

15 MR. PAKNECINIW: (Spoke Ojibway).
16 That would be good enough for now. Sorry, I have
17 a heck of a cold. In regards to that purpley
18 thing there, the trapping, safe travel, are you
19 saying it is better now because of the regulations
20 created by Manitoba Hydro projects?

21 MR. HUTCHISON: No. What that purple
22 banner is intending to show is downstream of Lake
23 Winnipeg, there are significant impacts to the
24 people who live downstream, and the pictures show
25 the different programs that we have got in place

1 to deal with these adverse effects, and trapping
2 is one of them.

3 MR. PAKNECINIW: Oh, well, I beg to
4 differ. I have been with those people. It is not
5 there -- a lot of what you are talking about is
6 high level bureaucratic, like smoke and mirrors I
7 think, because it is not true what you are saying.
8 There is a lot of destruction in Manitoba Hydro
9 electric projects, a great deal of destruction, a
10 great deal of devastation. I have seen my
11 friend's grandmother's going back and forth in
12 bays. Would you like that for your grandmother?

13 DR. NIIGAAN SINCLAIR: Two things.
14 One is if you could pull the microphone, everyone
15 wants to hear you at the back. I think that
16 people pretty much heard what you said there. The
17 second is, will you be presenting later?

18 MR. PAKNECINIW: Yes, I will be
19 presenting, but I have one more question.

20 DR. NIIGAAN SINCLAIR: Okay. No
21 problem, I just wanted to make sure that if you
22 are going to present later, then I will get you to
23 clarify those comments later.

24 MR. PAKNECINIW: I only have ten
25 minutes later, and it is filled with what I have

1 on my paper.

2 DR. NIIGAAN SINCLAIR: Okay. No
3 problem.

4 MR. PAKNECINIW: I'm really curious, I
5 would really like you to clue me in here, where
6 did you get that information? Because to me it is
7 a bunch of lies. But you know, I'm open, I'm open
8 if you can absolutely let me know where you got
9 your information from. I would like to look at it
10 and make my own decisions.

11 DR. NIIGAAN SINCLAIR: So just to, I
12 think it is fair to ask, and also where could
13 members of the community find the information that
14 you are citing?

15 MR. HUTCHISON: What I could point
16 people to is the document prepared for the Clean
17 Environment Commission that outlines everything we
18 know about our impacts on Lake Winnipeg and
19 downstream, and describes the impacts,
20 environmental, social, and sort of what efforts
21 have been done to address those impacts. And it
22 is pretty well described in a 90-page document
23 that's available for everybody.

24 DR. NIIGAAN SINCLAIR: Where can you
25 get that document?

1 MR. HUTCHISON: The Clean Environment
2 Commission, like it is on our website, and I have
3 already committed to giving the one copy that I
4 have got away.

5 DR. NIIGAAN SINCLAIR: So it is
6 online. If you look at the back there, there is a
7 copy in the binder at the back that's available if
8 you -- I think much of the information, if you
9 look at, I think Lisa is holding that up there.

10 MR. HUTCHISON: And I will be
11 available to answer specific things as well at the
12 end if you have time.

13 DR. NIIGAAN SINCLAIR: I think it is
14 important too, if you are going to give a
15 presentation later, that if you could be really
16 specific to about some of the impacts that you
17 personally have witnessed and experienced during
18 your presentation. I think that's important. Did
19 you have any more questions?

20 MR. PAKNECINIW: Well, yeah there is
21 one.

22 DR. NIIGAAN SINCLAIR: Did you want to
23 enter -- I think that just because the transcriber
24 might not be certain, you did speak in Anishinabe.
25 So your Anishinabe name, just because they

1 probably heard the whole -- they might not have
2 got the whole thing right, in the record is "spoke
3 Ojibway."

4 MR. PAKNECINIW: That's good enough.

5 DR. NIIGAAN SINCLAIR: Maybe during
6 your presentation, I will make it clear so that I
7 can refer to you in the right way. One more
8 question?

9 MR. PAKNECINIW: There was reference
10 made to a native settlement that was in Cree, I
11 didn't catch it. Could you tell me what it is
12 there, or even --

13 MR. HUTCHISON: I think that was the
14 witasosketowin which in Cree is meaning working
15 together. And that's the idea, it is not a
16 settlement, it is something that we would have got
17 working with communities in the north there.

18 DR. NIIGAAN SINCLAIR: Miigwech, thank
19 you. Go ahead, yes. You can just probably speak
20 from there.

21 MR. EUGENE RAIT: My name is Eugene
22 Rait, I am from Peguis First Nation. The high
23 water levels, who compensates for the high water?

24 DR. NIIGAAN SINCLAIR: Sorry, we
25 didn't get the name?

1 MR. EUGENE RAIT: Eugene, Eugene Rait.

2 The high water levels, like who compensates for
3 the high water levels? Is it Manitoba Hydro or is
4 it Manitoba? Because there is easements in some
5 reserves up north, and I wonder if that is like
6 here or not? For instance, Peguis reserve is
7 Treaty 1 territory, who compensates for that, is
8 it Hydro or Manitoba Government?

9 DR. NIIGAAN SINCLAIR: Okay. Did you
10 hear the question?

11 MR. HUTCHISON: Yes. Just to rephrase
12 that, you are asking who compensates, either
13 Manitoba or Manitoba Hydro for --

14 MR. EUGENE RAIT: Manitoba Government
15 or Manitoba Hydro?

16 MR. HUTCHISON: -- for flooding
17 impacts. I can only speak for Manitoba Hydro, and
18 on Lake Winnipeg we don't have any compensation
19 for impacts. And the reason for that is this
20 project was -- the reason it was built, one of the
21 reasons, the key reason was to reduce flooding
22 impacts on Lake Winnipeg.

23 MR. EUGENE RAIT: Okay. This is a two
24 part question. Is Manitoba Hydro working with
25 bands in Treaty 1 territory, which is the Peguis,

1 or some other bands in the territory, working with
2 bands on some kind of an agreement? Up in
3 Northern Manitoba, they have the Northern Flood
4 Agreement. Are they considering to work on the
5 southern portion, the bands in southern Manitoba,
6 along with Peguis?

7 DR. NIIGAAN SINCLAIR: So the
8 question, to clarify, the first one is -- I caught
9 the second one, the second one is, is Manitoba
10 Hydro working on a Southern Flood Agreement? And
11 the first question?

12 MR. EUGENE RAIT: They have a Northern
13 Flood Agreement, but is Manitoba Hydro working
14 with Peguis and other bands in southern Manitoba
15 for a southern flood agreement?

16 DR. NIIGAAN SINCLAIR: Okay. That was
17 the second part, though. What was the first part?

18 MR. EUGENE RAIT: The first part is
19 about the Northern Flood Agreement.

20 DR. NIIGAAN SINCLAIR: It is about the
21 Northern Flood Agreement, so details about the
22 Northern Flood Agreement, and the second question
23 is, is there intention to work on a southern flood
24 agreement?

25 MR. EUGENE RAIT: The first part was

1 like within Treaty 1 territories, there is several
2 bands and Peguis is one of them. I'm just
3 wondering whether or not Hydro is working on an
4 agreement with the southern bands in Manitoba who
5 flood, I guess.

6 DR. NIIGAAN SINCLAIR: Okay.

7 MR. HUTCHISON: Downstream of Lake
8 Winnipeg, Manitoba Hydro acknowledges that Lake
9 Winnipeg Regulation has adversely affected the
10 community of First Nations resource users. We
11 have got agreements and other arrangements with
12 all communities and First Nations on the Nelson
13 River. The Northern Flood Agreement is one of
14 those agreements. We do not have any plans to do
15 anything like that on Lake Winnipeg.

16 MR. EUGENE RAIT: Don't you think you
17 should be trying to work with the bands on
18 something like that, southern flood agreement?

19 MR. HUTCHISON: We want to improve
20 relations with all communities, First Nations on
21 our waterways. On Lake Winnipeg we wouldn't
22 enter -- the Northern Flood Agreement is a
23 compensation agreement. On Lake Winnipeg the
24 project provides a benefit as far as flooding. So
25 there is no basis -- there is no reason that we

1 would do a compensation on Lake Winnipeg.

2 MR. EUGENE RAIT: Well, even though
3 the first question I asked is, there is certain
4 places that have easements where you are only
5 allowed to flood so much land. Does it have
6 easements within southern Manitoba, or you can go
7 over on Lake Winnipeg?

8 MR. HUTCHISON: On Lake Winnipeg there
9 are no such easements. Downstream of Lake
10 Winnipeg, yes.

11 MR. EUGENE RAIT: I think it would be
12 a benefit to a lot of bands within southern
13 Manitoba if you work with them, you know, to solve
14 this problem of serious flooding in Manitoba. And
15 I'm sure that the band will work with you, Peguis
16 band with Manitoba Hydro, to come to a resolution
17 on the floods that are happening in Peguis.

18 DR. NIIGAAN SINCLAIR: Eugene, just to
19 clarify, your position is that there is effects
20 worth compensation from the northern -- sorry,
21 from the Lake Winnipeg Regulation, you know, not
22 just downstream, but also for First Nations in and
23 around Lake Winnipeg. Is that what you are
24 saying?

25 MR. EUGENE RAIT: Well, you know, you

1 should work with bands anyway, you know, work with
2 bands within southern Manitoba to solve the
3 problem what is happening in southern Manitoba,
4 the flooding and all of that. Because you not
5 only flood out all of these different places in
6 Manitoba, but all those animals that live there,
7 our traditional medicines that are being picked,
8 you know, those are being poisoned by all of the
9 stuff that's coming into the land. And they
10 should work with First Nations on solving those
11 problems. You know, it is coming through our
12 territory so...

13 DR. NIIGAAN SINCLAIR: Okay. Is that
14 all of your questions? Okay. So next, come on
15 up, say your name?

16 MR. RAY MASON: Thank you. My name is
17 Ray Mason, I'm from Peguis First Nation, number
18 1965. I just want to make a few comments. And
19 first of all, I agree with the gentlemen that come
20 forward, all three of them. My concern and my
21 issue that I have is the ownership, ownership of
22 the resources, that's hydro. You know, the lake
23 is the lake of First Nation people, it is our
24 lake. We never signed that away in the Treaties.
25 And here you are making billions and billions of

1 dollars selling our power to the United States and
2 you have not consulted with the native people,
3 whether it is Treaty 1 area or Treaty 2 area, or
4 whatever area. You know, you talk about the
5 Nelson River, that's fine, but what about the rest
6 of us, as this gentleman said earlier? You know,
7 to my knowledge, I don't think that we have ever
8 been consulted as native people, as part of the
9 compensation that, you know, from the sale of the
10 hydro that goes to the United States, for
11 instance, you know, that's billions and billions
12 of dollars. Who is benefiting from that? It
13 certainly ain't us.

14 You know, I can remember the days when
15 I was young, our river, it is just a creek now, we
16 are lucky if it is a creek today. At one time it
17 was our drinking water. We used to be able to eat
18 fish out of that river. No longer can we do that.
19 The vegetation is virtually non-existent.

20 So my question is, who owns Hydro?
21 You know, is it the Government of Manitoba or, you
22 know, like -- because we need to start talking
23 turkey here when it comes to revenue sharing, you
24 know. Because instead of, you know, we should
25 have an agreement as well, you know, instead of

1 our Hydro being up here and the other communities
2 down here, you should be having ours down here, at
3 least as part of the compensation agreement. It
4 is the least you can do for us. Thank you.

5 DR. NIIGAAN SINCLAIR: Okay. Just
6 before you go, I want just to clarify, make sure
7 that the question is clear. Your question was who
8 owns Manitoba Hydro? But I think what you were
9 saying is who owns the power that comes out of
10 Manitoba Hydro?

11 MR. RAY MASON: And the resources, who
12 claims it? We know we own it.

13 DR. NIIGAAN SINCLAIR: Yes. I'm
14 trying to turn that into a question. I think a
15 valid question is, because you referred to Treaty,
16 is that a Treaty right to share, to share the
17 power that comes out of Manitoba Hydro?

18 MR. RAY MASON: And the revenue.

19 DR. NIIGAAN SINCLAIR: And revenue,
20 okay. I'm just trying to pick up your words and
21 paraphrase.

22 MR. RAY MASON: Revenue sharing.

23 DR. NIIGAAN SINCLAIR: Okay.

24 MR. HUTCHISON: Thank you. That was
25 well spoken. I'm afraid I can't give a very good

1 answer, because it is again a question that isn't
2 part of my expertise. I can say that Manitoba
3 Hydro is a Crown corporation which means, like of
4 the Provincial Government, and that's about as far
5 as I can go, sorry.

6 DR. NIIGAAN SINCLAIR: But the power,
7 as far as your knowledge, is there discussions to
8 the outcome of power, like are the profits that
9 are created there as a result of water, energy,
10 has that ever, as far as your knowledge, been
11 discussed as a Treaty right? I think that's
12 pretty fair. You are nodding, Ray?

13 MR. RAY MASON: Yeah.

14 DR. NIIGAAN SINCLAIR: As far as your
15 knowledge. If you don't --

16 MR. HUTCHISON: Sorry, it is not an
17 area that I can go into.

18 DR. NIIGAAN SINCLAIR: It's entered
19 into the record, so the question is important too.

20 Is there another question for
21 Mr. Hutchison? Yes, come on, we have two
22 individuals. Like I said, we have a little bit of
23 time remaining. How many questions do you have?

24 MR. JESS COCHRANE: It all depends on
25 how many he answers.

1 DR. NIIGAAN SINCLAIR: Let's go with a
2 couple for now and see how the time is. State
3 your name?

4 MR. JESS COCHRANE: Jess Cochrane from
5 Peguis. How does Hydro propose to handle levels
6 in Lake Winnipeg because of massive erosion?
7 That's the question.

8 MR. HUTCHISON: I can say right off
9 the top that Lake Winnipeg Regulation wasn't --
10 the project itself was designed to reduce flood
11 impacts, which means affecting water levels. It
12 wasn't designed to stop erosion or change erosion.
13 Erosion has always been a factor on Lake Winnipeg.
14 So the way that our licence is written means that
15 we have to go to maximum discharge, which means
16 letting as much water out of the lake as possible
17 whenever the elevation of the lake gets to 715
18 above sea level. So that part of the information
19 that I showed in my presentation, and I can talk
20 with you later if you want, is a chart,
21 unfortunately it is a chart, but that is one of
22 the few ways to sort of demonstrate the effects of
23 the project on water levels over time. So what
24 this chart shows is that in flood years, like '97,
25 '05, '11, '14, the lake was kept two feet lower

1 than it would have been if this project didn't
2 exist. And that was because of the way the
3 project was built, in combination with the way our
4 Water Power Act licence tells us how to operate.

5 MR. JESS COCHRANE: And does Hydro, is
6 Hydro solely responsible for the level regulations
7 on Lake Winnipeg?

8 MR. HUTCHISON: The way the licence is
9 written, Hydro can make decisions about how to set
10 water levels and flows where there is -- in a four
11 foot range between elevation 711 and 715, we can
12 decide how much water flows out of the lake based
13 on electricity needs. If it gets above elevation
14 715, we have to go to maximum discharge, we don't
15 have a choice, it is written in the licence. It
16 is our regulator, the Province, that made that.
17 If the elevation goes below 711 feet, it is the
18 Minister of Conservation and Water Stewardship,
19 who in effect is the Province, who tells us how to
20 set those at Jenpeg. So it is a combination of
21 Manitoba Hydro and the Province as our regulator
22 that determines how to set flows at Jenpeg.

23 MR. JESS COCHRANE: So are there no
24 government organizations responsible for the
25 erosion of the shoreline in Lake Winnipeg, or even

1 the tributaries into it?

2 MR. HUTCHISON: All I can comment is
3 that it is not something Manitoba Hydro is
4 responsible for.

5 MR. JESS COCHRANE: Well, I think it
6 should be an umbrella thing really. If Hydro
7 wants to use the water out of the lake, then they
8 should be able to have access to some erosion
9 control. I believe it was in 1997, Gimli, they
10 had \$8.8 million set aside to help to ease the
11 pain of the flooding. So what did they do? They
12 hired every piece of frigging junk that they could
13 find and sent them inland and dug a whole bunch of
14 holes and put sand in mini bags and put it on the
15 shore. My thinking is, all of that crap came from
16 the shore, go out to the lake, suck up, put it in
17 mini bags, put it back on the shore, cover it up.
18 You take care of the algae bloom, the bottom of
19 your lake gets a little deeper, it's a little
20 easier on the fishermen, and you don't have so
21 many of them croaking because of the shallow
22 water. You know, there has got to be somebody who
23 is responsible for looking after the erosion in
24 and around the lake.

25 And because of that, because of the

1 erosion over the years, the lake has essentially
2 become a lot wider, we all know that, and it has
3 become shallower. So you are still at 714.9 above
4 sea level, but the lake is not as deep as it used
5 to be. So you actually don't have as much water
6 in your reservoir as you had in the first place,
7 because of the erosion.

8 That being said, did Manitoba Hydro
9 not ask the Manitoba Government if they could get
10 involved in this easement that they got from Lake
11 Manitoba, and put a dam in, put a Hydro dam there?

12 MR. HUTCHISON: I can say that Lake
13 Manitoba is not part of the Hydro system, and
14 there is no intention to do anything there from
15 Manitoba Hydro's side.

16 MR. JESS COCHRANE: But with all of
17 the drainages and everything that are going into
18 Lake Winnipeg, it is still a part of it, it would
19 help to ease the flow into Lake Winnipeg, it would
20 help to create better control, erosion control.
21 Hydro would have another accessible Hydro
22 generating station. I don't see why Lake Manitoba
23 can't get some of their pain eased too, you know,
24 while fixing Lake Winnipeg. You know, that's a
25 consideration for Hydro, you know. Like all of

1 the brains that are running the government all
2 over the place, how come nobody thought of that?
3 It's just some dumb from nowhere who thought about
4 it. Like, you know, it's an easy way to clean up
5 the lake. And partner, I like to eat fish, and
6 when they start walking to my door, I eat fish no
7 more.

8 DR. NIIGAAN SINCLAIR: Did you have
9 one more question there?

10 MR. JESS COCHRANE: Nope, I guess
11 that's it.

12 DR. NIIGAAN SINCLAIR: Okay, miigwech.
13 Thank you very much. Go ahead. If you could
14 state your name?

15 MR. PETER PARISIAN: My name is Peter
16 Parisian Senior from Peguis. Does Manitoba Hydro
17 know about the effects, impacts of Lake Winnipeg
18 on Peguis?

19 DR. NIIGAAN SINCLAIR: The specific
20 impacts on Peguis?

21 MR. HUTCHISON: What we have looked at
22 are impacts on Lake Winnipeg, and those are
23 described in the document that we have -- that we
24 provided to the Clean Environment Commission. So
25 everything we know about Lake Winnipeg is

1 summarized in that document.

2 MR. PETER PARISIAN: Okay. So there
3 was a licence for 40 years, is that --

4 MR. HUTCHISON: The interim, an
5 interim licence is good for up to 50 years. It
6 kind of depends when you apply for the licence, it
7 is usually 50. And so this project was --
8 construction was completed in 1976, so that means
9 that that licence would go from 1976 to 2026.

10 MR. PETER PARISIAN: Okay.

11 DR. NIIGAAN SINCLAIR: And the next
12 permanent licence would be from 2026 to -- or
13 would it be when --

14 MR. HUTCHISON: Actually, we don't
15 like that terminology, permanent licence. It is a
16 final licence.

17 DR. NIIGAAN SINCLAIR: I am sorry, I
18 apologize, it is final.

19 MR. PETER PARISIAN: My next comment
20 is, my father trapped and now there is no more
21 animals there where he trapped because of the
22 water level. The ones in -- for example, the
23 muskrat, the muskrats are no longer there because
24 they have been flooded out. So now there is
25 nowhere for them to go. So there is nothing in

1 the traps for our people. That is just one
2 example.

3 The other examples are, there is just
4 too much flooding happening for our people. And
5 if I followed in my father's footsteps, I would
6 have no way to make a living. So our people are
7 being flooded out and we have no compensation
8 given for our way of life. Because it is
9 affecting our animals, our plants, everything
10 about our lives are being affected. So I just
11 wanted to -- I want that noted on the record.
12 Because I know, I know our council made a
13 presentation to the Clean Environment Commission,
14 and they know the effects of what is happening
15 with Peguis, so it is not like we don't know what
16 is going on here. So miigwech.

17 DR. NIIGAAN SINCLAIR: So,
18 Mr. Parisian, before you leave, just to make sure
19 that there was a question coming out of that, is
20 your question, has Manitoba Hydro assessed,
21 checked the effects on animals like muskrats over
22 time in affected communities like Peguis? Is that
23 your question? Because you were referencing
24 muskrats in the past, and then there is no
25 muskrats today in certain areas in and around

1 Peguis?

2 MR. PETER PARISIAN: Yes, our animals
3 have been affected, and it is still like, where
4 are they? So there is no animals there for our
5 trappers to trap anymore.

6 DR. NIIGAAN SINCLAIR: Has Manitoba
7 Hydro assessed the effects on animals, not
8 downstream, but from Lake Winnipeg Regulation?

9 MR. HUTCHISON: I don't believe we
10 have looked at the effects on muskrats and other
11 animals.

12 MR. PETER PARISIAN: Because that --

13 MR. HUTCHISON: What we do have is in
14 that document, but I don't believe there is
15 monitoring of that sort going on.

16 DR. NIIGAAN SINCLAIR: Did you have
17 any more questions, Mr. Parisian?

18 MR. PETER PARISIAN: Well, my question
19 is part of what the other speakers had been
20 asking, and that's part of -- part of it is the
21 compensation for our people. And also, we want to
22 be consulted when it comes to renewing of that
23 licence for Manitoba Hydro. Miigwech.

24 DR. NIIGAAN SINCLAIR: Okay. So you
25 did answer that question before, but maybe you

1 could restate it. Is there an intention for
2 Manitoba Hydro to enter into any compensation
3 agreement such as, with communities such as Peguis
4 on Lake Winnipeg and then -- I think that was
5 pretty much what he was indicating.

6 MR. PETER PARISIAN: In the current
7 licence and in the future licence.

8 DR. NIIGAAN SINCLAIR: Yeah, and is
9 there compensation in future licences. Thank you.

10 MR. HUTCHISON: I will just say, as I
11 mentioned earlier, that we are not looking at any
12 compensation arrangements for impacts of Lake
13 Winnipeg Regulation on Lake Winnipeg. I know, as
14 far as the licence process goes, that after a
15 final licence, we need to also apply -- because
16 this one will expire in 2026. And before that
17 time we would have to apply for what is called a
18 licence renewal, or renewal licence. And I
19 believe the Province has -- their consultation for
20 First Nations, I believe that they would -- I am
21 kind of going beyond my knowledge here, but there
22 would likely be Section 35 constitutional
23 consultations before that licence is issued.

24 MR. PETER PARISIAN: All right.

25 DR. NIIGAAN SINCLAIR: Okay, great.

1 Miigwech. Just to clarify my earlier point, the
2 final licence, and I apologize for my wording
3 before, the final licence will be another 50 years
4 licence, correct, or the final licence --

5 MR. HUTCHISON: No, the way -- if you
6 can look at building a house, first you would get
7 a building permit, right? That's the same thing
8 as getting this interim licence. And you would
9 show what you are going to build. And then once
10 you are done, you are finished it, with the house
11 you get a final inspection. In this case it is
12 like you get a final licence. So basically we
13 would build LWR the way we said we were going to
14 build it. Now, we have asked the province to
15 finalize the licence, which is the next step in
16 the process. That interim and final licence is
17 only good for 50 years from the end of
18 construction. So that will take us to 2026.
19 Before 2026 we have to do a licence renewal which
20 is a separate license.

21 DR. NIIGAAN SINCLAIR: I just want to
22 make sure, so that the final, 2026, from whenever
23 the final construction is, the final, is that in
24 perpetuity?

25 MR. HUTCHISON: No, it is 50 years.

1 DR. NIIGAAN SINCLAIR: 50 years, okay,
2 that's all I wanted to know.

3 I think we have time for one more
4 round of questions. We do have a presentation
5 portion, so just to remind people that there is a
6 portion, you can enter your names in the back if
7 you want to give a presentation.

8 So state your name?

9 MS. CHEYENNE PARISIAN: My name is
10 Cheyenne Parisian. Can you hear me okay?

11 DR. NIIGAAN SINCLAIR: Speak just a
12 little bit more into the microphone.

13 MS. CHEYENNE PARISIAN: Okay. You
14 talked about downstream stations to relieve
15 tensions of Lake Winnipeg water levels. Why are
16 you not addressing the upstream stations that pump
17 into Lake Winnipeg?

18 MR. HUTCHISON: That's an interesting
19 question. Where we do have upstream stations, we
20 have one at Grand Rapids on the Saskatchewan
21 River, and we have got six smaller stations on the
22 Winnipeg River. The Winnipeg River, these are
23 called run-of-river stations, which means there is
24 really no place for Manitoba to store water, so we
25 have to allow whatever comes from upstream, and it

1 is Ontario that we are talking about, it is Lake
2 of the Woods Control Board sets it, because it is
3 Lake of the Woods and Lake Lac Seul are the two
4 upstream lakes. Whatever gets flowed into the
5 Winnipeg River, that amount of water has to go
6 through our stations. So we don't make decisions
7 about how much, you know -- that's the essence of
8 a run-of-river station, whatever water comes to
9 your station, you let flow through it.

10 MS. CHEYENNE PARISIAN: So what is the
11 practice of generating, or opening the gates when
12 upstream opens, does downstream open as well?

13 MR. HUTCHISON: Sorry, just to
14 clarify, you are talking about the Jenpeg station
15 and how we --

16 MS. CHEYENNE PARISIAN: I'm just
17 talking about the practice of the generating
18 stations, like when they are opening the gates.

19 MR. HUTCHISON: You are talking about
20 spillway gates?

21 MS. CHEYENNE PARISIAN: Yes.

22 MR. HUTCHISON: So at a generating
23 station, you can either have the water go through
24 the turbines, which is where Manitoba Hydro wants
25 it to go, because that water is used to produce

1 electricity. If there is too much water, such as
2 during a flood you get more water than you can
3 flow through the turbines, the additional water
4 has to go through the spillway, which is a
5 separate part of the station, but it is there to
6 allow water that can't get through the turbines to
7 flow down that way. Does that clarify?

8 MS. CHEYENNE PARISIAN: Miigwech.

9 DR. NIIGAAN SINCLAIR: Okay. I think
10 what we will do is, we will thank Mr. Hutchison
11 for his time.

12 MR. GARY SPENCE: I have one more
13 question for him.

14 DR. NIIGAAN SINCLAIR: Okay. I think
15 we actually do have time if it is a quick one.

16 MR. GARY SPENCE: It is a quick
17 question.

18 DR. NIIGAAN SINCLAIR: Quickly come to
19 the microphone. The reason why it is in the
20 microphone is because then it gets recorded. All
21 right. One final question here.

22 MR. GARY SPENCE: Why are concerns
23 only being known now to First Nations, and why we
24 were kept in the dark so long for all of these
25 dams, and the pros and cons of it? I don't know

1 if you can answer that, but you could answer, I
2 guess, part of it.

3 DR. NIIGAAN SINCLAIR: Could you --
4 the question is from Mr. Spence, right?

5 MR. GARY SPENCE: Yes.

6 DR. NIIGAAN SINCLAIR: Mr. Spence is
7 asking why are First Nations being consulted when
8 it seems to be that the issues have already
9 occurred, many of the concerns and issues that
10 have come up today, why are they being consulted
11 later than beforehand, or a while ago?

12 MR. GARY SPENCE: Why did they take so
13 long for us to be -- how do you say it -- for us
14 to be introduced to what you guys are doing?

15 MR. HUTCHISON: Okay. Maybe I can
16 tackle the question this way. When we build a
17 project today there are significant consultations
18 and environmental assessment processes that have
19 to happen. When Lake Winnipeg Regulation was
20 built, the decision to build it was in the early
21 '70s, you didn't have the same environmental
22 regulations and consultation requirements as you
23 do now.

24 MR. GARY SPENCE: In other words, we
25 didn't have no rights back then like we do now,

1 because a lot of native people are speaking out,
2 and it is about time we are speaking out. Because
3 me, I'm sick and tired of it, what the white
4 people are doing. I'm not a racist guy, but I'm
5 tired of it, I'm sick of it, you know. I live on
6 a First Nation, and this is a poor reserve. It
7 is, look around, what do we have here? You know,
8 you guys are reaping all of these rewards. What
9 are we getting? Shit on a stick. And I'm tired
10 of that, you know.

11 DR. NIIGAAN SINCLAIR: So, Mr. Spence,
12 just to --

13 MR. GARY SPENCE: Why isn't there more
14 First Nations people working for Manitoba Hydro?
15 And I mean in the corporate offices, not just on
16 the poles or building dams? We have to have
17 people in there that's going to speak for us.

18 DR. NIIGAAN SINCLAIR: Okay. So there
19 is actually a really valid question in there. For
20 the second part, I just want to clarify that there
21 was no consultation done in the early 1970s, when
22 the original licence, the interim licence was
23 applied for, correct?

24 MR. HUTCHISON: That's not exactly
25 what I said. I said the regulations and the

1 requirements for consultation were different back
2 then.

3 DR. NIIGAAN SINCLAIR: So they were
4 different?

5 MR. HUTCHISON: Like there is a study
6 board, it is also described in the report. If you
7 look at that, and you can sort of see what they
8 did as far as recommendations and whatnot for this
9 project.

10 DR. NIIGAAN SINCLAIR: Okay. So the
11 second question, and unfortunately we are getting
12 to the end of the question and answer session
13 during this part, but I think it is a fair
14 question that came out of your last comment. Is
15 there upper management indigenous people, maybe a
16 percentage, that's involved on the administrative
17 side of Manitoba Hydro? I think that it is fair
18 to say that there is a visible amount of people
19 that work for Manitoba Hydro. Is there a
20 percentage of administration of the upper decision
21 making level?

22 MR. HUTCHISON: Manitoba Hydro wants
23 to have the demographics of the province reflected
24 in our workforce. So for Aboriginal people, we
25 want -- overall, they represent roughly 16 per

1 cent of the population of Manitoba, we want our
2 workforce to have 16 per cent Aboriginal. It
3 does. In the north it changes, there is about 45
4 per cent Aboriginal people and our workforce --

5 MR. GARY SPENCE: They are building
6 dams, they are putting up hydro poles. I'm
7 talking about executives that work in the office
8 making decisions for us, that's what I'm asking.

9 DR. NIIGAAN SINCLAIR: Let him answer.

10 MR. HUTCHISON: It is not just about
11 how many people we have hired, it is what
12 positions are technical, professional, which are
13 managerial, so we do look at that. Actually I
14 think it is a very good story to the corporation.

15 MR. GARY SPENCE: I tell you what, I
16 don't need a grade 12 education to know that
17 people are ripping me off. That's all I have to
18 say.

19 DR. NIIGAAN SINCLAIR: Okay. So
20 Mr. Hutchison, thank you very much. We are done
21 with this portion. I think that you indicated in
22 your comments that you are around and you are able
23 to answer individual questions, if need be.
24 That's what you indicated, I didn't want to take
25 words out of your mouth.

1 So at this time I'm going to ask
2 Commissioner Sargeant, just because I want to make
3 sure we have Chief Hudson and Councillor
4 Sutherland, can we just have a very brief, sort of
5 two, three minutes, grab a coffee? Do you want to
6 do that?

7 THE CHAIRMAN: Absolutely.

8 DR. NIIGAAN SINCLAIR: Okay. So what
9 we are going to do right now, it is not an
10 official coffee break, but it's 3:02, so we are
11 going to come back at 3:10. So get yourself some
12 fresh air, I know you tobacco sharers, but 3:10,
13 okay.

14 (RECESS TAKEN)

15 DR. NIIGAAN SINCLAIR: Okay. All
16 right everybody, we have turned the lights on so
17 that we can feel peppy. But this section is
18 intended for presentations, but we do have two
19 somewhat formal presentations that two members of
20 Peguis would like to speak in a moment. But I
21 just want to remind everybody, please invite
22 yourself to get some coffee and water over there.
23 As I mentioned before, we do have food coming in
24 at 5:00 o'clock.

25 This section, as we mentioned, as I

1 mentioned before, I can't emphasize enough how
2 incredibly important it is that everything is
3 useful, and that it is of crucial importance that
4 people from Peguis have an input on this. So when
5 you are speaking, please be specific, but also be
6 directive and give recommendations in the
7 presentation section.

8 So what we are going to do is we are
9 going to invite Chief Hudson to come and speak
10 directly to the Commissioners, and also give a
11 presentation. As I indicated before, I may ask
12 for clarification on certain points. I may ask
13 for a final summation. But you have approximately
14 15 minutes, Chief Hudson, just so you know. Feel
15 free to come to the stand. If everybody could
16 come to the podium here, and if you could,
17 everybody speak into the microphone because all of
18 this is recorded, and it is used for further
19 reference, so...

20 CHIEF HUDSON: First of all, I would
21 just like to give thanks today for the Clean
22 Environment Commission coming to Peguis First
23 Nation. I know it is a first for us here in our
24 community, and we certainly appreciate the
25 opportunity for our members and certainly for our

1 representatives to be able to present some of the
2 concerns and issues that they have with respect to
3 Lake Winnipeg Regulation of the lake.

4 And this is something, as you heard in
5 previous question and answer presentation, it has
6 been a long time coming. I think there has been
7 many impacts over our history dating back to when
8 development on Lake Winnipeg basin has occurred,
9 more specifically surrounding Hydro developments
10 up in the north. And not only did impacts occur
11 in the immediate vicinity or areas of the
12 developments, but certainly in and around the
13 reservoirs, or the lakes and the tributaries, the
14 rivers, all of the natural water systems that are
15 impacted as a result of development in the north,
16 but certainly water being directed to Lake
17 Winnipeg.

18 And this is something that I know for
19 myself. I can remember back as a child when my
20 great grandfather was evacuated, you know, from
21 Peguis First Nation back in 1972, when there was
22 huge floods in '74, '76. And this is something I
23 believe is a cause -- as a result of not
24 necessarily regulating the lake, but certainly
25 impacts of the natural flows of the water systems

1 that affect the lake levels on Lake Winnipeg.

2 And I know having this first visit
3 here to Peguis means a lot to us. And certainly I
4 just want to express our sincere thanks on this
5 first visit. And hopefully, it will be rewarding
6 and fruitful as far as the feedback that will be
7 taken into account.

8 I do want to begin also my
9 presentation on some of the current issues that we
10 face. And in the second part, we will certainly
11 speak more on the overall process as far as, you
12 know, the Clean Environment Commission engaging
13 communities in -- after what the Provincial Crown
14 has said regarding the duty to consult and
15 accommodate.

16 So I will begin, you know, with
17 respect to trying to summarize, I guess in a
18 fashion that, how we feel the lake levels are
19 impacting us. And certainly when I talk on this,
20 it is going to involve all of the, you know, water
21 certainly flowing to one destination, that being
22 Lake Winnipeg, and certainly during the spring
23 run-offs that we encounterer in all areas
24 surrounding Lake Winnipeg, and during heavy rains
25 today, we have overland flooding that occurs,

1 many, many times -- not as a period of over time
2 as far days are concerned, but it happens over
3 hours now. And that's something that has never
4 happened before up until -- we've experienced that
5 probably back in the mid 2000s.

6 And I know in 2010, 2011, here in
7 Peguis alone we have had heavy rains and certainly
8 run-offs that have impacted up to where 840 people
9 end up being evacuated, and half of our housing
10 stock, that being 500 homes here impacted out of
11 the approximately 1,100 houses that we have in our
12 community. And it is a result of divergence along
13 the Red River, certainly the Assiniboine River,
14 and into Lake Manitoba, and it extends on to Lake
15 St. Martin and Dauphin River and inevitably into
16 Lake Winnipeg. And certainly the new developments
17 that are occurring to allow for Hydro development,
18 as far as the reach one, reach two, reach three,
19 it is all meant to divert water into Lake
20 Winnipeg. And these areas are certainly impacting
21 many, many communities, including Peguis.

22 And I also want to share with you, I
23 was just at the Chair of the Tribal Council, of
24 Interlake Tribal Council, and I know the effects
25 that it is having on many, many First Nation

1 communities which have been relocated to swamp and
2 marshlands and deltas, where there is a lot of
3 low-lying land.

4 And I guess in our history of Peguis,
5 we were originally the St. Peters Band, in around
6 the Selkirk area. And in 1907 we were relocated
7 here to Peguis, which there was no development in
8 this area, and certainly it is a delta, lies in a
9 delta, that there is a lot of swamp and marshland.
10 Probably on the order of 40 per cent of our lands
11 today are natural areas like that, as far as swamp
12 marshes, and certainly within that Delta. And as
13 a result of the lakes being made artificially
14 higher, as a result of the developments that are
15 occurring to divert water into Lake Winnipeg, we
16 are experiencing a lot of flooding.

17 And I know, speaking to certainly a
18 lot of the people here over the past many years,
19 flooding is a major, major issue. It takes up
20 probably 50 per cent of my time in the last couple
21 of years in terms of addressing the issue. And it
22 impacts areas in terms of not only housing, but
23 certainly impacts people in terms of their daily
24 routine lives, whether they are, you know,
25 working, or whether they are just living their

1 routine life here within the community. And
2 certainly it impacts our children, it impacts our
3 teenagers, and it certainly impacts our adults in
4 all of their activities. And that places a lot of
5 mental stressors and certainly various stressors
6 on people.

7 And I know with some of the people
8 that are involved in specific industries, like
9 farming and certainly fishing, it has a direct
10 impact. Back in 2011, we lost 60 per cent of our
11 usable farmland as a result of overland flooding
12 here in our community. And at one time we had up
13 to 75 farmers, families that did farm. And under
14 Treaty number 1, farming was a major, major
15 resource and a major industry. But today we only
16 have less than three families that are farming, as
17 a result of lost lands.

18 And that's just an example of showing
19 the impacts and the losses that we are incurring
20 as a result of the negative impacts based on lake
21 levels and certainly flooding of tributaries and
22 river systems and ancillary lakes that are
23 adjacent to Lake Winnipeg.

24 And I know in speaking to our
25 fishermen, our fishers, at one time we had over 55

1 licences assigned to Peguis, and today we have 11,
2 as a result of a lot of the problems that we are
3 experiencing fishing on Lake Winnipeg. And I know
4 in the areas of area four and area six where we do
5 have fishers, people are experiencing debris in
6 the water as a result of those new developments,
7 fishing nets being lost and compensation not being
8 provided on a timely basis. Again, it is a result
9 of the lake levels made artificially high, as a
10 result of feeding the dams in the north. And it
11 not only impacts our Peguis fishers, but we have a
12 fishing industry where there is probably 70 per
13 cent of First Nation fishers throughout Manitoba,
14 throughout the entire industry. And when you have
15 these types of things occurring, and where
16 compensation cannot be provided to our fishers,
17 that industry is going to be lost. In our
18 constitution and certainly in our Treaties,
19 fishing is a Treaty right, and has always been our
20 right, whether it was at the time of Treaties or
21 current day fishing. But historically going back,
22 that is an area that we practiced for thousands
23 and thousands of years. And it is having its
24 impacts.

25 I know there is going to be further

1 information provided, but I just wanted to share
2 those two examples as far as the agriculture
3 industry and the fishing industry and the impacts
4 it is having. But certainly the high water levels
5 on lakes, rivers and tributaries, where we have
6 this water directed, again I mentioned the river
7 systems, and inevitably the lakes that are
8 impacted, and ultimately where it is directed into
9 Lake Winnipeg. First Nation lands are lost and
10 flooded as a result of these issues.

11 And that's another area that I
12 certainly could expand on, because in our former
13 reserve of St. Peter's where we had land going
14 back to, again, hundreds of years, but more
15 recently as far as our Treaty had been signed and
16 the reserve system created, today we have lands
17 that are flooded and no longer usable being
18 adjacent to Lake Winnipeg, right on Lake Winnipeg,
19 but also the tributaries leading up to Lake
20 Winnipeg, including here at Peguis. So, you know,
21 this is something that we feel needs to be
22 addressed, and we certainly want to work with both
23 levels of Government, Provincial and Federal
24 Government, in helping addressing these issues.

25 But their response has been slow, and

1 certainly more than inadequate I would say. You
2 heard some of the comments from some of our
3 members as far as the compensation that they
4 received as a result of some of the impacts on
5 flooding. And I know our evacuees that are
6 currently out, we still have over 250 evacuees
7 that are still out, dating back to 2009, 2010, as
8 a result of these impacts. And there is no way
9 that you can replace for that lost time and
10 certainly this lost lands and lost opportunities.
11 But the fact of the matter is, we need to find a
12 way that we can be involved in terms of
13 understanding the system, but also ensuring that
14 First Nations and the people that have occupied
15 this land for many, many years before this
16 development and diversion and regulating of the
17 lake has occurred, it is a natural, it is our
18 natural system, our natural process and our
19 natural way of life that will help.

20 And I know certainly First Nations
21 need to be included in any developments, future
22 developments going forward, and we have to be
23 recognized, as we have always been, a third level
24 of Government, we have to participate in
25 understanding the developments that are occurring

1 associated with Lake Winnipeg.

2 So I just wanted to share, you know,
3 with you, briefly, some of the current impacts and
4 some of the current issues that we are faced with.
5 But I know certainly coming here today and
6 visiting our reserve certainly will, you know,
7 this is something that we certainly appreciate,
8 but I know going forward, I hope that there is
9 many, many more opportunities for us to sit down
10 and certainly have these understandings and have
11 these information sessions, so people can share
12 their history. Because not always have we been
13 able to put things on paper and submit them. It
14 has always been a verbal and an oral history for
15 us. So it is important for you to be here. So I
16 just wanted to, you know, speak on that.

17 But also with respect to our
18 historical presence here, I will get into this
19 presentation, you know, in terms of this session,
20 it is not consultation, again, it is just sharing
21 of information as far as the impacts into our
22 community. Consultation is a two-way process,
23 where we need to hear your side as far as what
24 should be done, and certainly what can be
25 accommodated in terms of that consultation. So I

1 just wanted to make that clear today also.

2 As far as the three levels of
3 government, I will get -- again, it is a failure
4 of the Provincial Crown that has occurred over our
5 history in consulting in a timely fashion. And it
6 was evident today when these new developments that
7 are occurring, Bipole III and Keeyask projects
8 that are currently happening, there is no watchdog
9 that provides oversight to the Provincial Crown to
10 ensure that the Crown has met its legal and
11 constitutional obligations and duties. That is a
12 travesty of justice.

13 I recognize the Clean Environment
14 Commission does not have the duty to consult and
15 accommodate, but rather to engage the community,
16 for which we give thanks. Would the failure of
17 the Crown to consult and accommodate Peguis First
18 Nation in a timely fashion have a detrimental
19 effect on the findings and the recommendations of
20 the Clean Environment Commission? That's a
21 question that needs to be answered.

22 To the Anishinabe people, water has
23 always been considered sacred. Our teachings tell
24 us that the water is blood of mother earth, and
25 accordingly we need healthy, clean and pure water

1 to nurture our body as well as mother earth. And
2 today, you know, you see -- I know you might, I
3 don't know if you all live in the City of
4 Winnipeg, but how the importance of having clean
5 water with the e. coli that has been detected
6 through the water systems in Winnipeg, how that
7 impacts people. And certainly in our communities,
8 First Nation communities, some of our communities
9 live with that year round. And that's not
10 acceptable. It is not acceptable for the City of
11 Winnipeg, it is not acceptable for non-Anishinabe
12 people, so why should it be acceptable for us?
13 That's the importance of having pure water.

14 Because water is sacred, we should not
15 pollute the water. The Anishinabe people all
16 strive for a long and healthy life that we can
17 call the binbadiziwin. One of components of a long
18 healthy life is pure clean water. Our teachings
19 also tell us that the women Anishinabe, Kwe, are
20 the keepers of the water, just as the men, the
21 Anishinabe, are the keepers of the fire. Keepers
22 of the water also means protecting the water and
23 no government or third party can usurp that trust.
24 Water is a gift given to us by the Creator and we
25 have that honour, that gift, by protecting it and

1 preserving it for our future generations.

2 The Anishinabe people have always
3 lived off the bounty of the lake, whether it is
4 fish, animals, birds or plants and grasses. Lake
5 Winnipeg has also served as a highway so hunters
6 and gathers and trappers and other resource
7 harvesters can access their natural resource
8 areas. This way of life is also guaranteed in the
9 Treaties, but gradually this promise has become a
10 hollow promise. As governments and third parties
11 advocated that guarantee, our fisheries suffered
12 as a result of commercial fishing by American fish
13 buyers and other developers such as pulp and paper
14 mills that cause mercury contamination resulting
15 in closing of the fish industry in 1970 and '71.

16 Our authority as stewards of our
17 natural resources, including the waters, has been
18 greatly compromised by colonial measures
19 implemented by governments, Crown Corporations,
20 including third parties, and that authority has to
21 be restored by the Anishinabe people.

22 When Treaty 1 was signed in 1871,
23 Peguis First Nation agreed to share the land in
24 Treaty 1 territory. Treaty 1 did not have an
25 extinguishment clause for other lands or waters

1 outside of the Treaty 1 territory. Accordingly,
2 Peguis has asserted its Aboriginal title to the
3 land and waters outside of Treaty 1 territory. We
4 will continue to assert that right until our
5 Aboriginal title rights are fully recognized and
6 respected. In the meantime, we have to protect
7 the integrity of our Aboriginal title rights by
8 protecting our lands, waters, from any
9 development, future development, or measures that
10 may potentially undermine our constitutional and
11 indigenous rights. And I gave some examples
12 previously on how those rights are being impacted
13 and affected.

14 Protection of the resources such as
15 water is a part of our teachings, as we have to
16 look to the seven generations ahead to ensure our
17 children, our grandchildren and our great
18 grandchildren can have a meaningful, long, healthy
19 life.

20 The recommendations, it is strongly
21 recommended that Manitoba Hydro's request for a
22 final licence be held in abeyance until such a
23 time that the Peguis rights or Aboriginal title
24 has been settled in a fair and just manner.

25 With respect to that, I know we have

1 certainly shared with you, you know, some of the
2 issues surrounding the loss of lands, our loss of
3 industry such as fishing and agriculture, but
4 certainly when it comes down to, you know, our
5 constitutionally protected rights -- under
6 Aboriginal title our lands continue to be lost as
7 a result of the lake levels on Lake Winnipeg being
8 high, and a lot of the diversion is happening down
9 the Red River, Assiniboine River and various other
10 river systems feeding into Lake Winnipeg. And I
11 know with our Treaty Land Entitlement, which is
12 associated with our Treaties, we still have an
13 outstanding obligation of 166,000 acres that we
14 need to select. And when lands are flooded like
15 that and development is occurring such as Bipole
16 III, you know, it becomes increasingly difficult
17 to select lands that we have traditionally used
18 over many hundreds of years, and thousands of
19 years.

20 So these are the impacts that are
21 occurring as a result of Lake Winnipeg water
22 levels being high. But also with respect to the
23 outcomes and the regulations, we need to be
24 involved in these regulations directly. And I
25 know certainly Hydro has been around for, you

1 know, a few decades, but we have been around for
2 hundreds and hundreds of years, and the natural
3 flows of these waters and the lake systems, and
4 certainly the tributaries, we have experience, and
5 we have certainly a lot of knowledge in these
6 areas. So we need to be involved in any bodies
7 that are set up as a result of trying to regulate
8 these systems. And this is something I know, not
9 only coming from Peguis, but certainly all First
10 Nations surrounding Lake Winnipeg, we need to have
11 a voice, we need to have a say, and we certainly
12 need to continue to exercise our authority as far
13 as having the rights to these waters and these
14 lands.

15 And the only meaningful way that we
16 can do that today is to be partners and
17 participate in this process. And not by sitting
18 on a committee, certainly not by sitting on a
19 board, but also being recognized as a third order
20 of government which we have always had in place,
21 but it needs to be fulfilled. And that is
22 something I share with you, not only coming from
23 here, the people of Peguis, but certainly in the
24 communities that I do represent outside of Peguis
25 within the Interlake communities, but also with my

1 fellow chiefs surrounding the lake here in
2 Manitoba. It is important for us to be
3 recognized. And that's something I do put forward
4 to the Clean Environment Commission. Miigwech.

5 DR. NIIGAAN SINCLAIR: Okay. Sorry,
6 this is a switch there. Okay. So, miigwech to
7 Chief Hudson.

8 Commissioner Sargeant, any of the
9 Commissioners, do you have any questions?

10 THE CHAIRMAN: No. I would just like
11 to thank Chief Hudson for a very interesting and
12 comprehensive presentation today, and we will
13 certainly look at those issues as we deliberate
14 what we may suggest coming out of this whole
15 review.

16 DR. NIIGAAN SINCLAIR: There was one
17 point, Chief Hudson, I think for me it was just, I
18 just wanted to clarify. You talked about clean
19 water, clean drinking water specifically, and you
20 referred to issues. Is there an issue you are
21 referring to particularly in Peguis that has to do
22 with water on Lake Winnipeg, and clean water in
23 Peguis? I just wanted to know about that.

24 CHIEF HUDSON: I guess as far as clean
25 water is concerned here in Peguis, I know we have,

1 through our health centre, we do have people that
2 go around testing waters and testing wells, and
3 certainly do all kinds of testing as far as
4 ensuring that we do have clean water. But let me
5 give you an example, and unfortunately I don't
6 have a glass of water or a jug of water.
7 Obviously, when you lift a jug of water, it is
8 going to be a lot heavier, and certainly a lot
9 heavier than a cup of water. Where I guess I make
10 the example of Lake Winnipeg at one time being a
11 cup of water, but with all of the development that
12 is happening and all of the diversion that is
13 happening, it is diverting water into Lake
14 Winnipeg, it becomes a jug. So that jug becomes
15 much heavier, and all of that groundwater pressure
16 that that lake is putting on our systems is
17 pushing water up in other areas, and this tends to
18 be the water table. And I know for a fact the
19 water table here in Peguis is probably only two
20 feet below surface at times. And those impacts
21 impact our systems as far as, you know, our septic
22 systems, but also it affects our wells, our well
23 system. And we are finding more contamination in
24 our drinking water as a result of water being
25 pushed up, and certainly different contaminants

1 that are coming to possibly the surface, and we
2 are experiencing that, especially during our flood
3 periods where we have overland flooding. And that
4 certainly has a detrimental effect on the health
5 of that water, but certainly the people that
6 consume it, and that being our people here in the
7 community.

8 It is not only at Peguis, obviously it
9 is surrounding that whole lake, that whole lake
10 system of Lake Winnipeg, that is happening I'm
11 sure in various areas. It is not a result of
12 somebody going in a pipe system and pouring
13 contaminants in there, it is a result of the
14 natural way things happen, but also with respect
15 to that wastewater as a result of flooding, but
16 also the water table is being pushed higher, it
17 has a higher detrimental effect on our drinking
18 water and our clean water.

19 From an engineering perspective, I am
20 an engineer, but certainly I'm not a hydrological
21 engineer, but when you consider the cup and the
22 jug, you lift both of them, you tell me which one
23 is heavier, it is going to be the jug as a result
24 of more water being in that jug versus the cup.
25 And that's how I look at Lake Winnipeg. It was a

1 cup at one time, but now it is a jug because there
2 is a lot more water being diverted into it, and
3 the lake levels are certainly a lot higher. So
4 just a simple analogy, you know, dictates, and
5 certainly the natural flows of those systems are
6 having impacts, and negative impacts as a result
7 of that.

8 DR. NIIGAAN SINCLAIR: Miigwech, Chief
9 Hudson. Two words that the Chief Hudson used, I
10 just want to make sure it is clear in the
11 transcription is, first is the Binbadiziwin or
12 Binbaddiziwin, which is B-I-N-B-A-D-I-Z-I-W-I-N,
13 and it is Anishinabe law, which means having a
14 good life, or walking a good path. The second
15 word he used is Kwe, which is a word referring to
16 women, so it is spelled K-W-E. Those are the two
17 words that he used.

18 CHIEF HUDSON: I just wanted to make
19 one other comment which I was reminded of, and we
20 do have aquifers within our systems when I was
21 making the analogy of the jug and the cup,
22 currently the community north of us, in
23 Kinonjeoshtegon, their aquifer apparently is not
24 available in terms of clean drinking water as a
25 result of this analogy and this process. And they

1 do have to drive to Dallas each and every time
2 that they need to drink water. And here is a
3 community that is, basically up to 20 years ago
4 was a remote community, right adjacent, living on
5 the lake, Lake Winnipeg. But yet their aquifer
6 now is polluted and they can not drink the water
7 down there. They have to drive a half hour to 45
8 minutes south to get drinking water from our
9 neighboring community of Dallas, and they have to
10 purchase that.

11 So it is having effects, you know,
12 within our communities surrounding the lake. So I
13 was just reminded of that and I just wanted to
14 share that with you also. Miigwech.

15 DR. NIIGAAN SINCLAIR: Miigwech Chief
16 Hudson. While we call Councillor Sutherland up,
17 Councillor Mike Sutherland, I just want to remind
18 everybody -- we are done with Chief Hudson -- and
19 when we have called Councillor Mike Sutherland up
20 to the podium, I would just like to remind
21 everybody that in the back there are surveys to
22 fill out. There is a number of opportunities to
23 share information about your personal experience
24 with Lake Winnipeg Regulation. There are surveys
25 and those surveys are collected at the back.

1 If you could, Councillor Sutherland,
2 just introduce yourself and then you can go right
3 into your presentation. You have about 15
4 minutes.

5 MR. MIKE SUTHERLAND: Miigwech, thank
6 you. First of all my name is -- first of all, I
7 would like to thank the Clean Environment
8 Commission for coming to our community. We are
9 very honoured to have you here today, and I think
10 that we as a community have to understand the role
11 of the Clean Environment Commission is to take
12 recommendations that we put forth, back so that
13 they can provide those recommendations as part of
14 their final report to government, to Hydro in
15 regards to the project that is before us here,
16 with Hydro applying for a permanent licence for
17 Lake Winnipeg Regulation.

18 I would also like to thank Dale
19 Hutchison for coming out as a Hydro representative
20 to provide, you know, his version of the
21 application and why they want to do that. And,
22 you know, I thank the community for participating
23 in this process.

24 My given name is Mike Sutherland, my
25 Treaty number is 269, I'm part of the Peguis First

1 Nation. My traditional name is (Ojibway spoken),
2 which means Walking Buffalo. My clan is the Wolf
3 Clan, and my warrior name means brown cougar
4 warrior. There you go, you have it in a nutshell.

5 I guess today one of my roles here is
6 to talk about our strategy and about our impacts
7 and so on and so forth. You obviously heard this
8 before and you are going to keep hearing it again
9 and again until our needs are met. The strategy
10 of Peguis First Nation in regards to all Hydro
11 projects, and any projects in general that affect
12 our First Nation, is to ensure that our rights are
13 protected and looked after. You know, as First
14 Nations people, one of the things that government,
15 industry, environmentalists, they all look at the
16 land and impacts of the land and everything that
17 lies within. But they leave us out.

18 You heard my names, they are all
19 reflective of animals, things that belong to the
20 environment, that are part of the environment. We
21 are a part of that same environment, we live with
22 those animals, we walk with those animals, we swim
23 with those fish -- I can't say we fly with the
24 birds, I wish we could, but we can't. And you
25 have to understand that we are a part of that

1 environment as well. It is everything that's
2 within, that's the way the Creator made it. And
3 as a leader of this community, and as a land user,
4 mother earth, whether in a position of leadership
5 or not, I will always fight to protect that and
6 make our people aware of the effects that industry
7 is going to have within our boundaries of our
8 First Nation and also our traditional use areas.

9 Peguis will be involved one way or
10 another in all Hydro projects that come forward,
11 because the projects affect our First Nation, at
12 some point in time to a greater extent than
13 others. You know, and you are going to hear today
14 of some of our concerns and issues, you know. And
15 one of my biggest concerns, and this is through
16 the educational process that I have been through
17 by reading, listening, attending, but also being a
18 part of these hearings and listening to Hydro,
19 listening to experts and so on, that one of the
20 biggest concerns that I have about all of this is
21 not just the level of the water, but the flow of
22 the water. We talk about algae blooms and erosion
23 of shoreline and stuff like that, but I think the
24 most detrimental effect to our land and to how we
25 use our land is the flow of the water in and out.

1 And that's something that a lot of our
2 people don't understand. Talk to me about this
3 ten years ago, I wouldn't have understood it. But
4 as a person on the land, and I see what has
5 happened to the land over the last number of years
6 now, it almost starts to come together like a
7 puzzle.

8 You know, we wonder why our fishermen,
9 they are not used to the cycles that be now on the
10 lake. They used to think that, you know, we
11 looked at cycles of seven years, rabbits, birds,
12 so and so forth, even fishing. But it is not the
13 same anymore. You can talk to the fishermen, the
14 elderly fishermen that are still on the lake and
15 they will tell you that. The flow of the water
16 affects the fish. The government officials blame
17 algae blooms, but if you talk to the fishermen who
18 are 80, 90 years old, they will tell you that the
19 algae blooms were always there. What has changed
20 is the flow of the water, the in and out and so on
21 and so forth. The last couple of years, listening
22 to Hydro, listening to the experts going to these
23 hearings, and relating it to what I see on the
24 land as a fisherman, as a hunter, as a trapper,
25 now it is all starting to come together.

1 The other day I was at a hearing for
2 six hours with Manitoba Hydro in regards to Lake
3 Winnipeg Regulation and their presentation. It is
4 very important, those hearings for me, because it
5 helped me understand things better. And one of
6 the things I came away with is the best
7 understanding that Hydro does have an effect on
8 how that water moves in critical times of the
9 year. They even have an effect on how the ice
10 freezes. Because they told us in that meeting
11 that they slow the flow of the water down through
12 those structures in the north to help the water
13 freeze on the lake. The biggest time of the year
14 where Hydro is most utilized is the winter. So
15 after the ice freezes within the lakes, the inland
16 lakes, they open the gates more to generate more
17 flow. They have to because of the ice cover.

18 But as a trapper, I seen in 2011 how
19 it directly affected our community. A number of
20 my buddies, my cousins, we have been on the land
21 together since we could walk. Well, you guys were
22 50 years old plus, while you guys were killing
23 bugs and mosquitoes at 10, 12 years old, we were
24 harvesting deer, trapping beaver and muskrat. You
25 know, we were part of this land and we were on it

1 since children, so we see the effects.

2 In 2011 we were out hunting moose in
3 the fall in the Slave lakes area, which are
4 directly connected to Lake Winnipeg through the
5 Jackhead River. And the water was extremely high
6 because Lake Winnipeg, there was a flood there.
7 And the beaver dams and muskrat houses were huge.
8 I was just thinking, you know, it is going to be a
9 good spring. We go out that spring and there is
10 no muskrats. We get through the ice, we see it is
11 all hanging, the water is extremely low. And it
12 is puzzling, where did all of the water go? But
13 now understanding the way Manitoba Hydro works, we
14 understood where it went. It went down the river.
15 They decimated the muskrats in those houses which
16 were huge, they weren't there anymore, they froze
17 out. You know, this is just one variation of what
18 we have seen over the years, plus the spawning and
19 how it is affecting our fishermen.

20 We had a huge fishing industry in
21 Peguis, as well as farming. We are seeing now the
22 Lake Winnipeg, the level of the lake directly
23 affect our industry here. I guess it is a
24 question that I have later on, and it is puzzling,
25 you know. One of the things going back to Bipole

1 III or Keeyask, Peguis asked for an economist to
2 be a part of our research, the presentations that
3 were going to be made, whether it be Section 35 or
4 Clean Environment Commission hearings. We were
5 denied that economist. You know, and it is the
6 pattern that's there because every time we put in
7 a proposal, we are looking for an expert witness
8 that's going to give independent and objective
9 answers to our questions. Government doesn't want
10 to permit us to do that, they don't want to hear
11 the truth. Because the only information that's
12 really provided is what government, Hydro, and
13 other forms of industry will provide, which to me
14 is biased.

15 Our traditional knowledge is never
16 utilized. I asked an engineer last week at the
17 Hydro meeting, why don't you go around to hear
18 from the people in the communities that are
19 affected? Because we did a study here, we -- I
20 refute the study that was done in regards to our
21 flooding and our water. It was done by, I forget
22 the name of the company, but it will come to me
23 here anyway. They laid a water level mark here
24 and we can't build anything below that because
25 then we will be in the flood zone. If you go

1 through the community, you will see some of the
2 areas that they have identified as a flood zone
3 that aren't even in the flood zone, and others
4 that aren't in the flood zone are. They didn't
5 use common knowledge to go around and interview
6 people. Because the land changes quite a bit,
7 there is a lot of ridges and so on and so forth.
8 Now when it comes to development, that water mark
9 is really affecting us. The same scenario happens
10 around the lake, going there and asking and
11 getting actual information on how the water
12 affects people would give them more accurate
13 information. And it is sad that that doesn't
14 happen.

15 You know, I heard when I come in here,
16 our representative from Manitoba Hydro said that
17 the effects of flooding are downstream.
18 Absolutely not. Absolutely not. If you take a
19 look at the history of Peguis, and the most
20 serious floods go back from 1970 on, when Manitoba
21 Hydro started to control the levels of the lake.
22 A working colleague of mine in Manitoba
23 Conservation, who is now retired, told me that
24 before Lake Winnipeg Regulation, the levels of the
25 lake always went like this, it fluctuated greatly.

1 And then Manitoba Hydro will try to make you
2 believe that because they stabilized the level of
3 the lake that it is a good thing.

4 When you look at it from the
5 aboriginal perspective, the Creator created this
6 land for certain reasons, and we believe in that.
7 We don't go like scientists and biologists and try
8 and find out the reasons why. We accept what the
9 Creator did and how he made this land and that we
10 are a part of that. If that's the way the lake
11 was to fluctuate and work in order for everything
12 to survive, then that is the way it should have
13 been. But since man took it over and started to
14 regulate the lake levels to produce that energy,
15 there was a negative impact to that whole area.
16 And to them the only negative impact is what is
17 north of those structures, but it is not, it is
18 happening here as well, because we see it. We
19 will come here time and time again to try and make
20 you understand how it affects us.

21 The flooding here in Peguis is
22 compounded by the level of the lake. Where we sit
23 is so unique because of Fisher Bay and Loon
24 Straights. Any movement of water will fill that
25 bay up and create a wall of water through the

1 river, and all the hydro -- I mean all of the
2 drainage system that were put south of us, you
3 know, is where a lot of the water comes from, but
4 if it has nowhere to go, it is going to stay right
5 here in Peguis, which is the basin of this area.

6 Flood reduction has not decreased the
7 flooding for Peguis. In fact, if you take a look
8 at the history of the lake and how it fluctuates,
9 compared to how we flooded in 2010, and we have
10 been given maps and charts to show how the lake
11 fluctuates, 2010 was one of our most destructive
12 years in the history of Peguis First Nation since
13 we were established here in 1906. There was five
14 flood occurrences that year, five of them, four
15 are on record with the Province and Federal
16 Government. And we had one that wasn't, in
17 September, but we did flood, it washed out the
18 river crossings and so on.

19 You know, as Peguis band members, and
20 we start to become educated, start to understand
21 the way Hydro affects us, we have to speak out,
22 you know. And there is hearings all over the
23 province. Just because there is one in Peguis
24 doesn't mean we have to attend this one, you know,
25 there is others at Selkirk, Winnipeg, and so on

1 and so forth. And it is really important that we
2 get our point across. I know we are not specific
3 to those areas, but not everybody is going to be
4 able to attend every hearing, or the hearing
5 specific to their area.

6 One of the things in the opening
7 statement that I wanted to make, but I'm going to
8 make it now, it is a question, I guess, to our
9 Hydro representative. And I don't think that he
10 can answer this question, but I am going to ask it
11 anyway. When is the Premier coming to Peguis to
12 make an apology for all of the damage that was
13 done to our First Nation over the last 40 years?
14 Because he is sure going to the First Nations in
15 the north and making apologies for the damage was
16 done to them. But if you take a look at our
17 history, that same damage was done to our
18 community, and it is still happening to our
19 community, and I think our chief reflected upon
20 that in our statement.

21 You know, it is frustrating as a
22 leader and member of this community to see that we
23 have to fight tooth and nail in order to bring
24 those necessary changes to our community. Because
25 this is going to continue on and on and on because

1 we live in a basin, there is no way that's going
2 to change. This is no way things are going to
3 change. You really have to look at the
4 seriousness of the effects of what Manitoba Hydro
5 is asking for here. We know progress is going to
6 move forward, energy has to be sold in order to
7 provide not only hydro for the U.S. and other
8 parts of the country but for ourselves as well.
9 It is really important that we as a community be a
10 part of a lot of the decisions that can help
11 influence decisions to be made not only just for
12 our people, but for all of our Peguis band
13 members. We live throughout Manitoba as well.

14 And, you know, as the chief stated in
15 his comments, I think more research has to be done
16 before Lake Winnipeg and the regulations of Lake
17 Winnipeg are turned over to Hydro permanently.

18 I'm just making a final statement
19 saying that, you know, a friend of mine in the
20 community, we travelled throughout Saskatchewan,
21 southern Saskatchewan and Manitoba looking at the
22 whole Nelson River basin and to get a good
23 understanding of what is out there. And one of
24 things that I've seen last week in the Hydro
25 presentation is that Hydro's only concern is the

1 boundaries of Manitoba, but yet those inflows of
2 water come from the Lake of the Woods right across
3 the country to the Rockies, which is a vast
4 watershed. The problem that I have is that the
5 studies that are done are only limited to specific
6 areas, project areas, which really doesn't tell
7 the truth, which is real deceiving. And I think
8 that if an accurate study is going to be done, a
9 full blown audit has to be done for the whole
10 Nelson River basin to give the people of Peguis,
11 to give the people of Manitoba a more accurate
12 look at the effects of what the projects are and
13 how they are going to affect everybody. Because I
14 don't know if people understand how they utilize
15 it, Lake Winnipeg for Manitoba Hydro is a holding
16 tank, its a basin so that they have the resources
17 to generate energy to create that revenue, you
18 know, to the U.S.

19 So, again, a recommendation is not to
20 provide that licence to Manitoba Hydro until a
21 full audit is done for that whole Nelson River
22 basin, with the inflows and outflows and so on.

23 I asked a question the other day, are
24 you ready, is Hydro ready for the big one? And
25 the big one I mean is a flood of the Red and

1 Assiniboine at the same time. Because in the last
2 200 years, it has never happened. I guarantee
3 that with climate change and things that are
4 happening now, it is not too far down the road. I
5 think that's something that we really have to look
6 at, because something like that would really
7 devastate this province and the communities around
8 the lake. Miigwech, thank you.

9 DR. NIIGAAN SINCLAIR: Hold on. Is
10 there any questions from the Commission? Okay, no
11 questions. Okay. So miigwech, Councillor
12 Sutherland.

13 While I wait for heads up from the
14 back for names for presentation, I just also
15 wanted to emphasize, Councillor Sutherland talked
16 about presentations in other areas. There is a
17 presentation, public presentation on February 4th
18 in Selkirk. And so I encourage anyone to attend
19 that, if you wish, but there is an entire listing,
20 I'm trying to find it over here. Here it is.
21 There is an entire listing right here that has
22 presentations all the way from January, today, or
23 January 29th, tomorrow in Ashern, all the way to
24 March 26th in Winnipeg. So they have three pages
25 of presentations. If you hear of other people

1 that would like to be involved. I believe the
2 presentation list is being brought up to me here.
3 I'm getting the "it is coming" wave.

4 We have approximately 45 minutes to do
5 presentations, so depending on how many names I
6 get.... So I believe that Mr. Mason isn't here
7 until later. Is Jessie Cochrane here? Okay. So
8 right now we have, I apologize, I'm probably going
9 to pronounce this wrong, Cree, Kukitew, who is
10 going to come up and speak, and maybe he will
11 introduce himself. I will pass the names on the
12 list over so you can get a spelling.

13 If you want to have a presentation,
14 please, if you want to have a presentation, please
15 enter your name at the back, if you could. You
16 can go immediately following this one.

17 MR. MIKE SUTHERLAND: She is one of
18 our members, Anna, she came in late. I will take
19 her to the back. She is one of our elders.

20 DR. NIIGAAN SINCLAIR: No, problem.
21 We have a spot right following.

22 I know you have got a cold, so if you
23 could do your best to speak into the microphone.

24 Also, if we could remind everyone at
25 the back to keep it down. Thank you very much.

1 Miigwech.

2 MR. PAKNECINIW: I know there are a
3 lot of people here that are, and I will use the
4 word "dumb" to our own language, so I will use
5 English from here on.

6 I know I'm not Canadian, I'm not a
7 Canadian citizen and I do not live in Canada.
8 This is not Canadian soil upon which this building
9 sits. It is not Canadian water in those bottles,
10 that's not quote, unquote, Canadian water in
11 lakes, rivers and streams and ponds. And it is
12 definitely not Manitoba water. I do know that
13 Indians have their own laws, missions, bands and
14 people. I do know that Indian laws precede
15 Canadian law. I do know that I have been given in
16 law the right, as far as I am concerned, the moral
17 responsibility to enforce the right of an intact,
18 natural and healthy environment to be in place for
19 the great grandchildren of my great grandchildren
20 and all future generations, no matter what colour,
21 no matter what tribe. I also know that Manitoba
22 Hydro is a Crown corporation, translated as a
23 public forum. That's a big, big money pot,
24 capable of paying fines probably well into the
25 billions.

1 I want to tell a few instances of what
2 I seen in my life. I'm not an old man but I have
3 been around, I have done a lot of different
4 things. I remember one time when I was ten years
5 old, I went to Washout Bay with my dad, my brother
6 and uncle, and we went for a ride across Washout
7 Bay, kind of heading to the south a bit. And the
8 water was so clean, I saw an eight foot sturgeon
9 at the bottom of the lake, and it was all sand.
10 That water was over 12 feet deep. We drank water
11 out of that lake at that time.

12 Could you imagine my confusion a few
13 years later in Fisher Bay, and we were lifting a
14 net, and I went to the other side of the boat,
15 because, you know, the fish have a style and
16 (inaudible.) I went to the other side of the boat
17 to get a cup of water and I was told, no, don't
18 drink it, it is not good anymore.

19 Another instance is when you head
20 straight east on highway 325, and then you head
21 north towards Beaver Creek, there is a large --
22 well, it used to be a very large wet grasslands.
23 It has been overgrown with willows and trees, and
24 that wasn't there, what I remember when I was 10,
25 12 years old.

1 I want to verbally present a model of
2 what I see is happening. Please, I want you all
3 to know too, I know that -- I think that one of
4 the -- when I applied to Manitoba Hydro for a job,
5 I have to have a grade 12. Well, I failed that by
6 three years. I used to install stuff, big tanks
7 in septic fields in the old syphon systems. Now I
8 don't know if you are aware of it, but that tank
9 is split in half. One side is what they call
10 well, crap, for want of a better word. And on the
11 other side, what happens is this side fills up,
12 and then it slowly leaks over, and most of the
13 solids stay on this side. On this side what
14 happens is this side slowly fills up, and once it
15 reaches a certain height, this pressure starts
16 pushing it out the tank, and it syphons out pretty
17 well right to the bottom, and that other water,
18 that black water goes out into the septic tank.
19 What I see Jenpeg, it is like somebody put a big
20 plug at the bottom of that syphon.

21 Lake Winnipeg has been described as
22 quickly becoming the largest cesspool in the
23 world. It hurts me to know that my children will
24 probably never be able to swim in that lake much
25 less, because of that certain -- I have the name

1 here somewhere -- toxoplasma, cyanobacteria toxic
2 algae. This is all public record, yes, true. But
3 most people have no idea what that stuff is, most
4 people have no idea that we have the right to it.

5 Recently a friend of mine from Lake
6 St. Martin told me that the nets over there since
7 they put that quote, unquote, emergency ditch,
8 since they put that emergency ditch there across
9 the Lake Manitoba to Lake Winnipeg, now their nets
10 have an ugly brownish slime, quote, unquote, that
11 cause the fish to, quote, unquote, not go in them.
12 And that is an immediate reaction to that
13 emergency ditch, which hasn't been properly looked
14 at. And that emergency ditch, quote, unquote, is
15 one of the largest delicate intact ecosystems
16 practically in the world.

17 The word in Cree for water is nipi.
18 The word in Cree for death is nipowin. So,
19 essentially, when you are saying nipi, you are
20 saying life. I think we should all take a very
21 hard look at that.

22 I know this is not just a community
23 meeting, I know it is a hearing. At the last
24 meeting there were representatives of Manitoba
25 Hydro there, and they were presented with a first

1 notice that instructed them essentially to stop
2 all of the destruction, all of this, all of the
3 disrespect to the environment that they are
4 essentially practising.

5 I think something we can do is, this
6 is what I would like to see: Manitoba Hydro Crown
7 Corporation is to immediately cease all activities
8 in regards to present and future development and
9 or/projects at all levels of operation, including
10 plans, planning and operation, and not excluding
11 any aspect of the preceding. This would include
12 the development and the implementation of a
13 totally inclusive and comprehensive communication
14 and consultation with, quote, unquote, red
15 Indians, and the directions of such to be followed
16 in regards to the re-naturalization, the fixing of
17 all water routes, historical water levels, and
18 routes taking into consideration the natural
19 wet/dry cycles, to the point where, if necessary,
20 an environmentally conscious way of removing any
21 and all Manitoba Hydro projects, and replace,
22 repair, reconstruct, rebuild any and all natural
23 historic water features such as and not excluding
24 any others, rapids, falls, narrows, ponds,
25 woodlands, et cetera.

1 There was a lot that I had prepared,
2 it was really thick, but I'm glad that our elected
3 leaders got up and spoke because it took a lot of
4 weight off me.

5 Some of the fishers in Lake Winnipeg,
6 I have been friends with for generations. In one
7 instance, a grandson of my dad's friend, I was
8 just speaking to him last week. The fish movement
9 in Lake Winnipeg has changed drastically, even
10 since this ditch, and he is going back years too.
11 Yes, it is true we always had some algae blooms
12 now and then, but not as bad as we are having now
13 since the regulation in 1970. And yes, that was
14 already working, I was coming close to puberty at
15 that time. It has affected the fishery to the
16 point where people going to their secret spots can
17 no longer count on those areas. And you have to
18 know that our fishers of Lake Winnipeg know that.
19 Even myself, as young as I am, I have seen
20 drastic, drastic changes in lakes, and even the
21 environment.

22 And I know that you people have got
23 good education. I know that sitting here between
24 two of the largest bodies of water in the world,
25 it has a tendency to kind of mellow out the

1 weather. And if you start messing with those two
2 gentling factors, well, things are going to
3 change. And there is a floor, if this is the
4 basin here, and it has got this much water in it,
5 and this is Peguis, and it has got this much
6 water, the flow rate is constant, but if this
7 basin fills up with water, then this flow rate
8 here in between these increasing, essentially
9 increasing the level of the -- what do you call
10 that -- water table.

11 DR. NIIGAAN SINCLAIR: You have about
12 a minute, maybe a minute and a half to sum up.

13 MR. PAKNECINIW: To come up with
14 something else to say?

15 DR. NIIGAAN SINCLAIR: If you are
16 finished, you are finished. That's okay too.

17 MR. PAKNECINIW: No, I'm far from
18 finished. I observe, and observe my inherent
19 right to enforce. That being said, I choose to
20 take a gentler way, and encourage all people to
21 know that this is life, this water, and we are
22 killing it. When you kill something, you kill
23 yourself, you kill your mother, your wife, your
24 daughter, your husband, your sons, your
25 grandchildren. Money cannot replace this. Money

1 cannot replace any of this. You can have multiple
2 trillions of dollars, if there is no water, we are
3 still going to be dead. We will be rich dead
4 people, but dead. I would rather have nipi than
5 nipowin. I would rather the same for my children,
6 and for my great grandchildren's great
7 grandchildren, as well as yours. All of these
8 things you see me wearing, they are all gifts or
9 exchanges for work that I have done. I don't need
10 money. Actually, I borrowed a dollar so I could
11 buy these glasses at Dollarama.

12 I implore all of you, hear with your
13 heart what is being said, and use your brain to
14 create a bright future as opposed to one that's
15 full of money and dead water. Egesi. Thank you.

16 DR. NIIGAAN SINCLAIR: Miigwech, thank
17 you. Was there any questions at all?

18 THE CHAIRMAN: No. It was an
19 excellent presentation.

20 DR. NIIGAAN SINCLAIR: Okay. So,
21 miigwech. Just a reminder for the Commissioner to
22 speak up a little bit -- and they couldn't hear
23 you at the back when you said that.

24 In a moment we are going to have Anna
25 Manningway come up to the front. For the record,

1 those words that he used were two Cree words. Did
2 you get both of them? Nipi, which is an
3 Anishinabe one, N-I-P-I, which means water. And
4 the other word is Nipowin, which means death,
5 N-I-P-O-W-I-N.

6 Okay. So if you could speak directly
7 into the microphone, Mrs. Manningway, and you have
8 to come a little bit closer. I think. Would you
9 like someone to sit with you during your
10 presentation? Are you okay? You have Lisa with
11 you, so that's is great. If you need anything at
12 all, she can get you water during the
13 presentation, or anything you need. And you have
14 approximately 12'ish minutes. So with that, I
15 will give you a little heads up when it starts to
16 be low in time. So go ahead, Mrs. Manningway.

17 MRS. MANNINGWAY: My name is Anna
18 Manningway, born and raised here on Peguis
19 reserve. And I raised 19 children, seven boys,
20 eight girls. I never had hydro since 1970. And
21 we had a home along the river and it was so dirty,
22 everything, we couldn't even drink our water. We
23 had to haul water from school. And even our
24 medicines -- and flooding, my home went down from
25 the flood, my big home I had, I had my children

1 living there, we had to deal with all of these
2 children. So you notice we never -- we always
3 drank that water and the kids swam in the river.
4 But look at what it looks like today. Even we had
5 muskrat, beaver, and everything right from the
6 river. You know, that's the kind of meat we had
7 and it was healthy for us. But look at what we
8 have got now, we can't eat ducks and geese,
9 because look at how dirty that water is. It is
10 not healthy for anyone. On our reserve, it is
11 just like a basin in the north, I live north just
12 from here, and it flows down. And we used to tap
13 trees to get syrup from the trees, you can't even
14 go there. Our medicines are gone. We used to
15 pick there, we can't get there to pick our
16 medicines for ourselves now. So we really went
17 through a lot, all of those years. And fishing
18 they used to fish in the river, but nothing, it is
19 too dirty, you can't see nothing, it stinks. You
20 live by that river, you know, you can smell it.
21 And all of the stuff that comes north, the
22 garbage, you name it, spoiled our river.

23 We had a river before. You could see
24 right to the bottom in the winter when you were on
25 the ice, but not now. So all of that, all that

1 stuff that comes from all of these drainages and
2 all of that, that's the river, and flooding us
3 out. And we are still flooding our people's
4 homes. A lot of us are homeless because of that
5 now, flooding.

6 Even, like we used to have, we used to
7 do laundry and that from our river too. But, no,
8 there is nothing. We used to catch lobsters,
9 oyster shells when we were little kids. Now you
10 can't even catch, there is nothing there. That
11 shows what is happening to our river and how it is
12 muddy. That's very hard today, because we all
13 loved our river that we had drank out of. It was
14 good water. But now today we are just struggling
15 now. And these wells that we've got, you should
16 see how they rust our pipes in our homes, even
17 damage our home. Our pipes get so rusty from the
18 wells. Why? I don't know even like drinking that
19 water. If I had my river water, I would drink it
20 instead of that.

21 Because a lot of people that live on
22 the reserve, that's the ones that go through a lot
23 of problems, I'm telling you. I lived here all of
24 my life on Peguis reserve, and it was good, but
25 now it is not. Can't even eat the wild meat that

1 we had before. There is a difference taste in all
2 of that too. I know, because of the water, these
3 ducks and geese, there is no taste like it used to
4 be. I don't think that I would want to eat any of
5 that anymore, I don't even want to.

6 I will read the rest of my paper
7 after. I will tell you some and I will write the
8 rest out, after intermission, I will fill it out
9 and I will give it.

10 DR. NIIGAAN SINCLAIR: Okay. So are
11 there any questions for Mrs. Manningway?

12 THE CHAIRMAN: I was just curious, you
13 referred to both lobster and oyster, was that
14 the -- were you referring to the small crayfish
15 and the clams that we used to find along the
16 shores of Lake Winnipeg, up some of the creeks?

17 MRS. MANNINGWAY: That's lobster that
18 you use -- they used to use like a (inaudible),
19 and you poke it down into the river and it used to
20 pick up these oyster shells. And lobsters too,
21 they grab them, pull them up.

22 THE CHAIRMAN: The lobsters were the
23 small crayfish?

24 MRS. MANNINGWAY: Yeah.

25 THE CHAIRMAN: Okay. Thank you.

1 MRS. MANNINGWAY: We had lots of good
2 food, but not now.

3 DR. NIIGAAN SINCLAIR: All right. You
4 just said -- just one clarification,
5 Mrs. Manningway, you indicated that the loss of
6 certain animals on the river affected your family.
7 Can you just say a little bit about that, how did
8 that -- I'm not sure you were clear on that. How
9 did the loss of certain animals affect your
10 family, or perhaps the changing of your
11 relationship with the river, how did that affect
12 your family?

13 MRS. MANNINGWAY: Well, that affected
14 my family because of the water that they are in,
15 and if you caught fish to eat it, and you cook it,
16 it has got all of that stuff in it. That's why
17 you can not eat that fish or anything, ducks, they
18 eat right from the river. Beaver, muskrats, I ate
19 all of that, but I don't think I would want to eat
20 that anymore. I don't know.

21 DR. NIIGAAN SINCLAIR: So you were,
22 forced to get food from elsewhere is what you are
23 saying?

24 MRS. MANNINGWAY: Yeah.

25 DR. NIIGAAN SINCLAIR: Okay. I just

1 wanted to make sure that was clear.

2 Any other questions? I want to say
3 miigwech, Mrs. Manningway, for coming, and you can
4 fill out the form in the back, if you want to fill
5 out the rest of the form. Okay. So miigwech,
6 thank you.

7 Next we have another Manningway,
8 Mr. Wayne Manningway. Mr. Manningway is still
9 here? There he is. Just a reminder to everyone
10 that we do have dinner coming for everyone at
11 5:00 o'clock, is that right? Yes. And so I
12 believe it is stew -- is it stew, is that right?
13 Maybe some soup, so stick around. 5:00 o'clock is
14 dinner and we will have a break after that. The
15 evening session begins at 6:00 p.m., and we have
16 already booked in spots for the evening. So,
17 please, if you want to speak, we will probably
18 have time for two more presentations here. And
19 then in the evening we will book in some more
20 spots. So Mr. Manningway, please introduce
21 yourself? I, of course, know you.

22 MR. WAYNE MANNINGWAY: Bonjour, tansi,
23 my name is Little Rock (inaudible). My English
24 name is Wayne Manningway.

25 And I was kind of reading over some of

1 these questions that to me, a lot of it you talk
2 about the water. You know, before I came up, my
3 mom came here. I remember as a young boy going
4 down the hill to get water, and that water was so
5 clean. Now, I live by that same place, that same
6 area, homestead, you go down the hill and that
7 water there, it is sad to say, as a traditional
8 person, a lot of our medicines were all along that
9 river, because I know, I picked them, my
10 grandmother picked them before me. And now I
11 wouldn't even go there because you could see how
12 much effect it has on the water there from when I
13 was a young boy growing up and doing these things.

14 I remember going down the hill from
15 our place, we used to get fish from there. We
16 used to -- there is a rapids there, we used to go
17 and spear fish and take them home and eat them.
18 You know, like I say, we talk about the impact of
19 the water. Water is life. It doesn't matter what
20 race or where you come from. We talk about
21 environment, environmental should really take a
22 good look at what is happening. This water, this
23 water is like the blood in your veins that flows
24 throughout you. Once you are polluted, your blood
25 and everything else, you will die. That's what is

1 happening around, not only our community, members
2 of many others.

3 And you know, for me, one other little
4 topic may be off this list here, but to me that
5 peat moss thing over there, a lot of medicines I
6 used to pick over there, now they are taking all
7 that peat moss, that peat moss was filter to the
8 lake. I don't know how they gave them that idea
9 of taking all that peat moss from there. If you
10 look at that, the water runs from the south
11 through there, as well as runs through our
12 community and floods us out every year, it doesn't
13 take much. One of the questions I was reading,
14 what are your concerns about the water levels? It
15 is a great concern because a lot of the medicines
16 even along the lake, you can't even get the
17 traplines set up.

18 I still take kids out in the bush. I
19 have 100, me and my other friends, we have 120
20 students from the school. It is called The Ways
21 Of Our People, we are trying to get our people
22 back on the land, but a lot of the areas are
23 flooded, we can't even get to our main camp. It
24 is because of the water. And I mean, why I'm
25 saying that is, they clean all of the ditches and

1 everything south, but when it comes to surrounding
2 Peguis, there is not even a drainage cleaned. So,
3 you know, that goes to show that, sure, the water
4 is going to run really fast and it is not going to
5 take much to flood us, because we are in a basin.
6 For anybody who has done any environmental
7 studies, they should know that. To me that was
8 another -- which they should have never have done.
9 Because you cause more chaos here by opening those
10 drainages all south. Those were like filters and
11 they slowed the water down, so by the time it got
12 here it wasn't such an impact. Now, even a heavy
13 rain, when it rains south and it gives a good
14 rain, it doesn't take much to flood us. And to me
15 those drainages, those ditches were filters, they
16 filtered everything, even to run into Lake
17 Winnipeg, it's the same as what I stated about
18 that peat moss up there, taking up over there. I
19 used to go and pick medicines over there, I used
20 to hunt over there. Now there is nothing there.
21 That's the animals' main habitat, especially for
22 hunting or trapping. There is nothing there.

23 I was on this -- I was on this before
24 about -- I was so against that. Peat moss is a
25 filter, it is a filter. Like everybody has a

1 liver here, and that's where all of the toxins go
2 and that cleans it. That's the same as peat moss
3 does. It cleans before it gets to that lake. But
4 if you take all of that out on that side, and
5 there is a major water flow that goes on that
6 side, that water pollution is going to get in
7 there twice as fast.

8 Like I said, flooding, just about
9 every year, I can pretty well say it is every year
10 we flood. And then the impact it has on us, and a
11 lot of our kids are sick.

12 Like I said, I enjoyed the healthy
13 lifestyle I lived when I had a chance to go down
14 to the river to get water. Now it is, you know --
15 I guess the emotional part, my kids never got to
16 see that, and I don't think they ever will.
17 Because me as a First Nation, and a spiritual and
18 traditional person, that's against my law of
19 polluting the water. That is our life. We must
20 understand that. Without water nobody can live.

21 And I know coming to this here today,
22 I sat with my grandchildren, I always sit and look
23 at my grandchildren, watching the future of them,
24 especially if our water has already been destroyed
25 in many ways. It is the hardest thing to see

1 that, to look at my grandchildren. You know, when
2 I see the lifestyle where I went down the hill,
3 and I fished, I picked my medicines, I got water
4 from there. I talked to my grand babies about
5 that, my girls, I just hope there is something
6 here for you when you guys grow up. It is hard
7 for me to speak, because I see when I look at the
8 future not what is put in front of me today. I
9 look back and I see my grandchildren, that's what
10 I look out for, not the money in the world today
11 that everybody is crazy about and destroying the
12 earth. I follow my heart, look at my
13 grandchildren, just the way my ancestors did in
14 many things that they did in their life.

15 Talk about flooding, many places even
16 in the community further out, we can't even go
17 because there is so much water. I remember going
18 out miles from my place for medicines, and I pick
19 medicines because that's part of who we are as
20 Anishinabe people. We are the people of the
21 earth. We have got to look after it, and we
22 always fight about that. No disrespect on the
23 Anishinabe people, they don't fully understand
24 that it is going to come to a point where we are
25 going to have no control over what is coming, the

1 destruction of ourselves.

2 Now, I was at a hearing before about
3 this peat moss. I asked, why aren't the people of
4 Save Lake Winnipeg, the environment people here,
5 when we were fighting a case over that peat moss?

6 I ask the same question, why aren't they here
7 helping us protect the lake, protect the water?

8 It is so hard to sit here and bring this board --
9 because I go home, I will see my grandchildren
10 again, and that really touches me, because I know
11 they are not going to have the chance to have that
12 water to drink, just to go down the hill or go
13 somewhere and drink it. It is so polluted. And
14 pollution, well, what comes with pollution, the
15 sickness, and it is happening in our community,
16 because of these floods. And by cleaning out the
17 south, all of the ditches and drainages south, and
18 it stops right here because we are a basin. And
19 that flows throughout our whole community, not
20 just one area. A lot of our people are sick.
21 Diabetes, cancer, high blood pressure, all of
22 these things are because of the major impact of
23 the water always being polluted. And the first
24 place it hits in the spring is our community and
25 it floods everything.

1 So I said, listen today, I seen on the
2 news, Winnipeg, what is happening there. The
3 message is very clear, why aren't we trying to
4 stop some of this pollution? It should have been
5 done many years ago, not just today. Now you
6 can't even drink the water in Winnipeg, you have
7 to boil it. Well, welcome to our world. We have
8 been doing this -- we have been going through
9 this, a lot of sicknesses coming into our
10 community. And it is sad, because like I said, I
11 look at my grandchildren. It is not about me.
12 And that's where we must remember that we have got
13 to look at the ones coming. I'm sure you all have
14 grandchildren, think about them.

15 And I would like to thank you for
16 listening to me, because what I state here is from
17 my heart, and what I see, envision. Miigwech.

18 DR. NIIGAAN SINCLAIR: Miigwech,
19 Mr. Manningway. Hold on just for one minute. Is
20 there any questions from the Commission?

21 THE CHAIRMAN: No.

22 DR. NIIGAAN SINCLAIR: You mentioned
23 two things, just to clarify, you mentioned
24 medicines that were unable to be picked. Do you
25 have an example of one of those medicines and what

1 would that medicine be used for?

2 MR. WAYNE MANNINGWAY: There is many
3 medicines --

4 DR. NIIGAAN SINCLAIR: Just one at the
5 time.

6 MR. WAYNE MANNINGWAY: Weekis, they
7 call it ginger root in the European lands.

8 And just one thing, I said we worked
9 with 110 kids from our school, we take out in the
10 bush, and we have to travel a long ways just to go
11 and show the medicine out there and teach them
12 that. In my time, I could have just went down the
13 hill and showed them. That's what I mean. There
14 is so much pollution. It is so scary to take the
15 chance to take them to somewhere that you can't
16 even see the bottom of river.

17 DR. NIIGAAN SINCLAIR: What would that
18 medicine be used for?

19 MR. WAYNE MANNINGWAY: Well, that
20 Weekis is used for many different things. There
21 is many things, but one is, it's the main thing
22 for everybody for colds, flus. We will use it for
23 cleansing in our lodges, it is one of the main
24 medicines that we use in our lodges. And it is
25 very powerful, everybody knows it in the

1 community. That's the first thing they ask for
2 when they get sick, have you got any Weekis?

3 DR. NIIGAAN SINCLAIR: Miigwech,
4 Mr. Manningway. Did you got all of that? Good.

5 Okay. So what we have is we have
6 three speakers that are registered for the evening
7 session. There is no other registrants, unless
8 there has been one in the past minute or so, for
9 the session that's now. So what we will do is we
10 will end now for dinner. Go ahead.

11 THE CHAIRMAN: Why don't we see if
12 there is anybody else would like to make a
13 presentation who might not have registered?

14 DR. NIIGAAN SINCLAIR: Okay. Is there
15 anybody here that would like to present that
16 hasn't registered yet? All you do is enter your
17 name at the back. We have time right now, we have
18 approximately ten minutes.

19 MR. GARY SPENCE: So could I say
20 something?

21 DR. NIIGAAN SINCLAIR: Yes, go ahead.
22 What we will do is we will get you to state your
23 name, introduce yourself. We know you from
24 earlier so...

25 MR. GARY SPENCE: Hi, my name is Gary

1 Spence, and my native name is Cross Thunderbird
2 Man. I have this one goal, sentence here, and I
3 wanted to read it all to you.

4 DR. NIIGAAN SINCLAIR: Pull the
5 microphone up. Much better.

6 MR. GARY SPENCE: Okay. What I don't
7 understand is why is it so hard for the Provincial
8 and Federal Government to understand what is
9 happening to our water and land? Why has it taken
10 so long to act on it? Soon it will be too late to
11 do anything. How much money is enough to get it
12 into the Province and Federal, not only native
13 people are going to suffer, but everyone will
14 suffer.

15 And then now talking about peat moss.
16 Peat moss was put there by God for a reason.
17 Overland flooding, peat moss can't do nothing
18 about it.

19 And like what was said earlier about
20 the water, I remember, I used to live beside the
21 river but now I don't. I used to go down to the
22 river and sit on the bridge, and I used to catch
23 crawfish, and like everything. This water was
24 four feet deep and I was able to look right to the
25 bottom. Now when I go to the river by my own

1 homestead, it is only a foot to two feet deep and
2 you can't even see two inches past it. Like for
3 so many years that's been happening, and the
4 government knew about it, and I know that our
5 leaders and our previous leaders were trying to
6 say something. But I don't understand why it took
7 so long in order for you guys to understand that?
8 I mean like, you know, I know it all has to do
9 with money. You have to have money in order to
10 act on something, okay. I will be willing to
11 donate my time, I don't care about being paid for
12 anything, if it is going to save my life, and my
13 children and grandkids' life, for their children
14 too, in order to hunt or fish and whatnot. What
15 is it going to take in order to stop it?

16 I don't know if you ever watched that
17 movie, what is that one that Steven Seagal acted
18 in, in Alaska? On Sacred Ground, when there was
19 an oil spill, that is what I mean, what does that
20 one person say in there about money? How are you
21 going to eat money when there is nothing? You
22 can't eat money. Sure, we might get rich on this
23 and that, but we have to think about what is going
24 to happen to us in the future. We are slowly
25 dying, not only native people, but white people,

1 anybody in this world. This world is dying and we
2 are killing it. Not only here, but in other
3 countries.

4 I mean, when you look around, it is
5 scary. You know, I'm scared living in this day,
6 because it is going to come to an end. And the
7 people, like for here, for Manitoba and then
8 Manitoba Hydro, they have to try and do something.
9 Same with the government, because I know the
10 government owns Manitoba Hydro. Why can't you
11 guys do anything about it? I mean, put guidelines
12 in place where you have to, you know, like I say,
13 we live in a basin, which is true. And me, I'm a
14 plumber by trade, and I know water only flows
15 downhill, it doesn't flow uphill. I think that
16 Billy was saying that, he stated that on Manitoba
17 Hydro saying that it doesn't affect anything back
18 to us upstream. How do they say it again --
19 upstream, yeah, upstream. Well, sure it is
20 affecting us, it has been affecting us for over
21 three decades now, ever since they put in the
22 first Hydro dam. They put in the first Hydro dam
23 in the '70s, right? It was a few years, that's
24 when I noticed the difference in the water, in the
25 wildlife.

1 I live a mile off the river and I'm
2 flooding. My house, I did my own plumbing in
3 there, and I remember when I first moved in in
4 1998, the water table was at least eight feet
5 below ground level. Now it is right to the top of
6 my well. My well sticks out about two feet from
7 the ground. I was going to try to cut to bury it,
8 but I can't, I will have to try and get a
9 resealable cap and tighten it to hold back the
10 water. So I thought to myself, I better not do
11 that because water is going to seep in.

12 What I do yearly is put a gallon to
13 two gallons of Javex in my well, and I let it sit
14 for 24 hours, and then run my water for two hours
15 after that. Sure, you can taste the chlorine,
16 but -- well, to me it kills most of the bacteria
17 in there.

18 Because there was a time, I didn't
19 notice that, my boy called me one day and said,
20 dad, come look at this. He had a glass, he used
21 the tap, he always let it run for at least two
22 minutes, that tap that he filled up the glass.
23 And he said look at this, look at this, there is
24 things floating in there and swimming. And man, I
25 couldn't believe it. I said stop drinking it. We

1 started buying our water. And to this day it is
2 still like that. They come test my water, they
3 say it is good to drink. I'm not drinking my
4 water. Because I know my granddaughter, she was
5 staying with us, she was getting sick from that
6 water. So I don't know, I don't know what
7 provisions or what guidelines we have to put in
8 place to try and reverse the effect that's
9 happening now. That's why people have to get
10 together and start doing something about it. I
11 don't think it is too late, but that's what I have
12 got to say.

13 DR. NIIGAAN SINCLAIR: Miigwech.

14 Thank you, Mr. Spence. Is there any questions at
15 all for Mr. Spence?

16 We have got another registered for
17 this evening, there is time to register for the
18 evening. A few things of housekeeping before we
19 wrap up for dinner. We still have the surveys at
20 the back. We would like many of the surveys to be
21 filled out so there is a fuller picture of all
22 experiences at Peguis in relation to Lake Winnipeg
23 Regulation. There is also lots of information
24 back there. Both Manitoba Hydro had a small
25 display that Mr. Hutchison has indicated, or spoke

1 on earlier. But then also on that table across
2 from the Manitoba Hydro display, there is lots of
3 information, including the process that we are
4 undergoing now, and the information regarding the
5 final regulation, and so on and so forth, of
6 Manitoba Hydro, the application.

7 That being said, I think we will end
8 it there. So we are going to reconvene here at
9 6:00 o'clock p.m. There will be some opening
10 remarks at 6:00 o'clock p.m. And I just want to
11 thank, once again I want to thank Cheryl Thompson
12 for opening this morning, or this afternoon, with
13 a prayer. And so I will see you back here at
14 6:00 p.m. Okay, miigwech.

15 (Recessed at 5:00 p.m. and reconvened
16 at 6:05 p.m.)

17 DR. NIIGGAN SINCLAIR: All right,
18 okay. So bonjour everybody, hello. Because this
19 is our second session, the expectation is that, I
20 guess, we are going to do a few opening statements
21 again, however, most of you I can see were here
22 for the last session, so I will just be very
23 brief.

24 Welcome to the Clean Environment
25 Commission hearings specifically for Peguis on the

1 regulation of Lake Winnipeg. Manitoba Hydro, four
2 decades ago, got a temporary, or licence to,
3 interim licence, sorry, an interim licence in
4 which to regulate Lake Winnipeg. We have received
5 a presentation earlier on that licence. And they
6 are now applying for a final licence. Their
7 interim licence will expire in 2026. So this
8 session gives us an opportunity to reflect to
9 Manitoba Hydro on some of the issues that, issues,
10 successes, failures, things to work on, and review
11 the overall broader public policy in relation to
12 Lake Winnipeg. It is also a chance to present
13 evidence on the regulation of Lake Winnipeg, the
14 impacts of that. And then also review what are
15 areas that perhaps Manitoba Hydro, but also the
16 Clean Environment Commission should consider when
17 making a decision on renewing this licence and
18 giving Manitoba Hydro a final licence.

19 This opportunity is for Peguis members
20 only, which is unlike many of the public
21 gatherings which will be held throughout Manitoba.
22 For instance, there is a gathering tomorrow night
23 in Ashern, Manitoba, which I believe is a public
24 one. And then on February 4th, there is one in
25 Selkirk. There is many other ones in Winnipeg.

1 This is a schedule just over there of all of the
2 sessions of the Clean Environment Commission. You
3 are invited to attend if you wish to. However,
4 this is a specific one for Peguis, Peguis members.
5 It is not limited just to Peguis members, but
6 members of the Peguis community are invited to
7 join in and take part in this very special
8 important information sharing.

9 My name is Niigaan Sinclair, I'm a
10 professor at the University of Manitoba. I have
11 written widely on issues in relation to Lake
12 Winnipeg, also the environment in Manitoba, and I
13 am, most importantly, a member of Peguis. I grew
14 up in Selkirk, Sinclair, and my family has long
15 connections here, connections both to this
16 community, to the Selkirk community, and also our
17 Peguis members in Winnipeg.

18 My job as moderator here this evening
19 is to ensure that -- well, first off to act as a
20 go-between between the Clean Environment
21 Commission and the community of Peguis. But my
22 job also is to make, to ensure that there is a
23 sense of clearness and clarity in the
24 presentations that are offered by Peguis members.
25 So I may ask for clarification on certain ideas

1 that are presented. I may ask for an extended
2 explanation of something. And I may also ask to
3 ensure that, in order for your presentation to be
4 clear and your recommendations, if you provide
5 any, to be understood fully by the transcriber, I
6 may ask you to repeat, or perhaps condense and
7 repeat some words that you offer. That's part of
8 my job.

9 My job is also to make sure that the
10 Commissioners have an opportunity to ask you any
11 questions on your presentation.

12 We have right now five presentations.
13 So if you want to make a presentation, there are
14 names -- see those back four tables over there in
15 a square -- there is individuals back there who
16 will take your name and be able to -- you don't
17 have to really explain too much other than fill
18 out this survey. We invite everyone to fill out
19 the survey, because not only are we collecting
20 verbal information, but we are also collecting
21 some writing as well.

22 So without further adieu, what I want
23 to do is I want to invite Commissioner Sargeant to
24 introduce himself, also introduce the other
25 Commissioners, and give greetings on behalf of the

1 Commission. So Commissioner Sargeant?

2 THE CHAIRMAN: Thank you,
3 Dr. Sinclair.

4 My name is Terry Sargeant, I'm chair
5 of the Clean Environment Commission, I also chair
6 this panel. With me on the panel to my right is
7 Neil Harden, to my left is Edwin Yee.

8 We are here in this community, as well
9 as in a number of other communities in the last
10 couple of weeks for the next three or four weeks,
11 to hear from people in the communities, people who
12 live near or on Lake Winnipeg, and hear their
13 stories, their concerns, and their advice and
14 opinions about Lake Winnipeg and the regulation of
15 Lake Winnipeg by Manitoba Hydro.

16 So I look forward to hearing from the
17 five plus presenters who we will hear this
18 evening, as well as -- we had a number of very
19 good presentations this afternoon, so I look
20 forward to the rest of them this evening.

21 Before I turn it back to you, I would
22 just like to thank and compliment the women behind
23 that sliding door for making dinner for us. I
24 thought it was delicious and I know that we are
25 all very well fed. So thank you to them, and back

1 to you.

2 DR. NIIGGAN SINCLAIR: I agree, I had
3 two rice puddings myself and I'm feeling very
4 full. So there was fantastic food.

5 So without too much further adieu, if
6 there is no further questions on process, like I
7 said before, please fill out a survey in the back,
8 it looks like this, to collect some information
9 about the regulation of Lake Winnipeg and the
10 application by Manitoba Hydro.

11 I believe Mr. Hutchison is still here,
12 and he has done a very extensive job trying to
13 speak to everybody, he is the representation from
14 Manitoba Hydro, so feel free to go and speak to
15 him. But if you do speak, we would ask everybody
16 to keep quiet and they can speak in some of the
17 areas farther away from the microphones, because
18 the sound is rather difficult to hear sometimes,
19 so we want to make sure that everybody is heard.

20 Without further adieu, we want to
21 invite our first speaker, Eugene Rait. First off,
22 please state your name and then go ahead and tell
23 us a little bit about yourself?

24 MR. EUGENE RAIT: My name is Eugene
25 Rait, 2436 Peguis.

1 There is a lot of talk about the
2 history, and the history of our people has been
3 here for many thousands of years. And our people
4 knew how to take care of mother earth. And I
5 would think that if some people would have
6 listened to what our people have told them, it
7 would have been a better situation today. You
8 know, there is a lot of talk about complication
9 and all of this, about the damage that's been done
10 to our land. In the end, it is not only our
11 children that are hurting, it is going to be yours
12 too.

13 So, when I talked to the Commission,
14 and they are going to be maybe giving Hydro, in
15 2026 -- I guess I should keep on going. But you
16 know, you have to listen to our people. Our
17 people know the land, they know when the land is
18 hurting. And you know, you don't understand it.

19 And there is something that I see just
20 by sitting in this room. The Commission that sits
21 in front of me, there is no native elders that sit
22 on that Commission, and there should be, because
23 they carry lots of wisdom, lots of wisdom about
24 the land. And it would be very important to have
25 one of our respected elders in Manitoba, or even

1 in Peguis, to sit where you are sitting. Because
2 it is very important to work together as a team.
3 If you are going to solve a situation that we are
4 in, you have to work together. Because you can
5 complain and complain for a long time and nothing
6 will ever be done. So understanding what our
7 people are going through, and also now what a lot
8 of Manitobans that live around the lake are going
9 through -- they talk about our, our people talk
10 about the medicines that come from the rivers,
11 that come from the lake where rivers flow into.
12 There is a lot of fish that are sick, they have
13 got all kinds of scabs on them. You know, that's
14 really sad. To me, I sit here as a First Nation
15 person. If you don't listen to me, it is going to
16 get worse, it is going to get really, really
17 worse.

18 I don't think that the licence should
19 be issued until something is solved first. You
20 have to solve something first. And you know, who
21 is going to pay for all of the damage that's been
22 done? Who created all of that damage? You have
23 to look at that.

24 And our people are so kind-hearted and
25 carry a very beautiful heart, that they will help

1 people fix the damage that they caused. And you
2 know, that is just the way of our people, they
3 always carry that kind nature and that kind heart.
4 And they will help fix mother earth and the
5 problems that was done to Lake Winnipeg.

6 And understanding and listening to our
7 elders is one of the most important things,
8 because they have that knowledge and the wisdom of
9 what happened. They just knew it, and they can
10 help you in that way.

11 A lot has been talked about, about,
12 you know, about the animals and everything, it has
13 all been spoken about already. But in the end,
14 you know, there is going to be some pretty tough
15 things coming up as it gets worse and worse. You
16 know, when you look at the northern part of
17 Manitoba, they flooded all of those reserves, you
18 know, they flooded a lot of land. They flooded
19 burial sites, their burial sites up there. When
20 you look at it down south now, when you open those
21 dykes, or those doors at Jenpeg or whatever, it is
22 probably coming south when you let too much water
23 through, it is affecting all people along Lake
24 Winnipeg and all of the reserves.

25 I didn't have a piece of paper but,

1 you know, working together and making sure that
2 you work in truth, and not just go give a licence
3 and they never have to fill out for a licence
4 again. Work in truth with our people to solve the
5 problem, work in truth with the Manitoba people to
6 solve this problem. Because it is only going to
7 get worse, it is not going to get any better.

8 And with that, I don't have much to
9 say, there has been a lot of talk about it already
10 so -- but all I can say is that when our people
11 call mother earth our mother, it is your mother
12 too. You know, if you poison it, it will come
13 back really bad in the end. She will fix the
14 problem in a really tough way, because you won't
15 have nothing, no food. You won't be able to
16 survive. The water is going to be poisoned.

17 And there is another thing about the
18 water, there was never a Treaty on the water, that
19 water still belongs to us. There was never a
20 Treaty done on water and that water still belongs
21 to us, it belongs to our people, it belongs to our
22 women. There was never a Treaty done on water, so
23 you don't own that water.

24 DR. NIIGGAN SINCLAIR: Miigwech,
25 Eugene. Is there a question from

1 Mr. Commissioner?

2 THE CHAIRMAN: I don't have a
3 question. I just want to respond to a comment
4 that Eugene made about the panel should have an
5 Aboriginal elder on the panel. All together on
6 the Commission, there are about 12 or 14 people
7 who have been appointed to a roster, and from that
8 roster I select the panel. Two of those people
9 are members of First Nations, one of them is from
10 Opaskwayak, she has a full-time job, and the
11 nature of these hearings is that this is almost a
12 full-time job for three or four months, so she
13 can't sit on the panel. On our last review for
14 Keeyask, we had another First Nations person from
15 Pine Creek First Nation, and he was on the panel
16 throughout the review, and that was -- in looking
17 at Keeyask, there was an awful lot of Aboriginal
18 traditional knowledge that came into play. And
19 his name is Reg Nepinak. Reg actually helped us a
20 lot in understanding some of the things about ATK,
21 also some of the things about Aboriginal culture.
22 So I agree with you, it can be very helpful. Reg
23 was on the last panel, he had had a full year and
24 he wanted a break, so he didn't want to come on
25 this one as well.

1 MR. EUGENE RAIT: I think if you had
2 come to a reserve, it would look a lot better if
3 there was an elder on the panel, we would feel a
4 lot better.

5 THE CHAIRMAN: I agree. But we also
6 come to the reserve, you know, because we often
7 don't have an Aboriginal person on the panel, we
8 come here to hear from you.

9 DR. NIIGGAN SINCLAIR: Mr. Rait, just
10 one thing to clarify in your presentation. You
11 talked about flooded burial sites, do you remember
12 talking about that?

13 MR. EUGENE RAIT: That's up north when
14 they built the dam, they flooded burial sites up
15 north. And the only way I can say that is put
16 yourself in our people's place, what if we did
17 that to you, how would you feel? What if we
18 poisoned your children, how would you feel? You
19 have got to understand it works both ways. And,
20 you know, our people carry the kindest heart that
21 you will ever see, we will work with you to solve
22 this problem.

23 DR. NIIGGAN SINCLAIR: Okay, miigwech,
24 Dr. Rait. Okay. Sorry, I made you a doctor
25 there, there you go. I called you Dr. Rait. I

1 apologize, Mr. Rait. I'm throwing out all of
2 these titles today.

3 Okay. Next up we have a Kiefer
4 Sutherland, is he here? Oh, he stepped out for a
5 minute. So we are going to step over to Meggy
6 Parisian -- Mekhi, it is spelt M-E-K-H-I. What I
7 will get you to do is you are going to state your
8 name, maybe tell us a little bit about yourself
9 before you speak.

10 MR. MEKHI PARISIAN: My name is Mekhi
11 Parisian, and I'm from Peguis Middle School. Last
12 year my sister was breathing good, then it flooded
13 in our basement.

14 DR. NIIGGAN SINCLAIR: Come right up
15 to the microphone.

16 MR. MEKHI PARISIAN: Last year my
17 sister was breathing good, then it flooded in our
18 basement, later she couldn't breathe right. What
19 do you say to your little sister when she thinks
20 she is going to die, when she gets scared and she
21 can't breathe right? I'm a child and I know about
22 water, I did a science fair about water. I almost
23 fell in the river last week getting water samples.
24 I want clean water for our home, so I study hard.
25 What is the Commission doing to ensure we have

1 good drinking water for my generation, and how
2 about the future? Miigwech.

3 DR. NIIGGAN SINCLAIR: Miigwech.

4 Apparently, Mekhi -- does the Commission want to
5 hear part of that again? It is difficult to hear,
6 or have questions about Mekhi's offering?

7 THE CHAIRMAN: Well, I think I
8 understood it, he has talked about the concerns of
9 water in the basement, and I guess that caused
10 mold and caused your sister some problems with her
11 breathing?

12 MR. MEKHI PARISIAN: Yes.

13 THE CHAIRMAN: That's what I thought.
14 Then he asked us what we can do, or if we can
15 guarantee clean drinking water for him and his
16 family. Unfortunately, we can't guarantee you
17 that, but we hope that we can play a small role in
18 trying to achieve that.

19 MR. MEKHI PARISIAN: Miigwech.

20 DR. NIIGGAN SINCLAIR: Okay. And you
21 also said that you had fallen in the river
22 recently, is that right?

23 MR. MEKHI PARISIAN: Almost.

24 THE CHAIRMAN: Almost.

25 DR. NIIGGAN SINCLAIR: Almost fallen

1 in the river, okay.

2 I want to say miigwech for being so
3 brave. This can be a very intimidating
4 circumstance, what you do, and all of these adults
5 are talking like this. But you are wise beyond
6 your years, so, miigwech.

7 Next up is Winona Morrison. Welcome
8 Ms. Morrison, if you could introduce yourself and
9 speak directly into the microphone. Hold it up
10 right to your mouth.

11 MS. WINONA MORRISON: Hi, I'm Winona
12 Morrison, I'm a member of the Peguis community,
13 originally a northern girl, but found it pretty
14 intriguing that I married into this community, and
15 the rest is history.

16 I have a few concerns. One of the
17 main ones I have, as I was sitting there I was
18 thinking about -- originally I'm from the north,
19 and when I go north, I know a lot of fishermen in
20 the Tataskweyak area and stuff, and we can't eat
21 the fish. Like we can't eat much of the fish
22 that's up in the water in that area because of the
23 mercury poisoning, or contamination. It was
24 stated, water is essential and water is life. I
25 don't know if -- I appreciate this panel being

1 here and me being recorded at this time, because I
2 know now that hopefully someone will pay
3 attention. Because it is so important that we
4 realize, and Eugene stated it when he spoke -- I
5 wasn't here for the whole afternoon because I have
6 a life and I'm busy, okay. I happen to coach one
7 of the best wrestling teams in the province. So,
8 you know, I'm not bragging but -- actually, I am.
9 So for them, are they going to have clean water in
10 ten years? Is Hydro going to make sure -- like, I
11 heard Terry state he is going to do his best to
12 work with us to ensure that there is clean water.

13 ss: Me, as a native woman, I know my
14 role as a native woman is to be a keeper and to
15 take care of that water. It has a spirit, and it
16 sustains and gives life.

17 So I'm hoping that the reason you are
18 here is not to ensure anybody's pockets are lined
19 later, but I'm hoping you, as the Commission, is
20 going to ensure that the water is treated with
21 respect.

22 There is women on your panel, or I
23 don't know who those women are, but there is women
24 over there, one over here. I know what my role
25 is, and I know what my responsibility is, and I

1 know how sacred women are. Eugene stated too, we
2 call our earth, mother earth, we call her mother
3 for a reason. She gives life.

4 So one of the -- back to the technical
5 side, I guess, in my opinion there aren't enough
6 water gauges on Lake Winnipeg. I got a brief
7 rundown on where the gauges are situated, and I
8 was also informed that the numbers are average
9 numbers taken from those eight gauges that are
10 situated in different areas on the lake, in and
11 around the lake.

12 I have seen the destruction. I have
13 seen the damage some of these dams can do up
14 north, because I'm from the north, I have had to
15 visit the north.

16 I heard Terry state earlier too that
17 there was a member from Pine Creek First Nation on
18 the panel when you were doing your community
19 public forums or meetings on Keeyask. Keeyask is
20 in Northern Manitoba. Last time I checked, Pine
21 Creek is just west of here.

22 I'm glad, though, that you were
23 educated in some of the native traditions. I'm
24 very, very thankful that you hopefully heard and
25 paid attention to what was shared with you. I

1 also appreciate the fact that there are only two
2 First Nations communities involved in these public
3 meetings, Cross Lake and Peguis. I saw on the
4 list where -- okay, maybe I didn't check the
5 second page, the lady is shaking her head over
6 there.

7 THE CHAIRMAN: We were in Fisher two
8 days ago.

9 MS. WINONA MORRISON: Were you?
10 That's good, so that is three.

11 THE CHAIRMAN: We have also been in
12 York Landing.

13 MS. WINONA MORRISON: That's my band,
14 that's where I'm from.

15 THE CHAIRMAN: We were there two weeks
16 ago.

17 MS. WINONA MORRISON: And they didn't
18 even let me know, but anyway -- because I would
19 have went up there for this too. I'm glad you are
20 getting the input, because I heard stated earlier
21 that you don't own the water, nobody owns the
22 water. So how can you, upon applying for your
23 full licence -- because Manitoba Hydro has been
24 granted an interim licence, and it is what, four
25 decades now I think you said? In those four

1 decades, I'm glad, from what little that I paid
2 attention to, you are including First Nations.
3 You have to.

4 I'm unemployed, I have time. My
5 residency ends in March. So one of the things
6 that I have noticed since living here in Peguis
7 for the last 20 years, we experience flooding.
8 Some years it is not too bad, some years we get
9 evacuated. We have a small farm, so even though
10 we are supposed to be evacuated, we can't leave
11 our animals. And I don't know if it is because of
12 all of the drainage ditches, or if it is because
13 Peguis is located in a depression, but we also
14 have, you know, in the home that I live in, we
15 also now have black mold.

16 I think I have touched briefly on
17 this, what questions do I have for Manitoba Hydro?
18 Well, I think I touched on it, I'm just going to
19 elaborate a little bit on it. First of all, who
20 gave a Crown corporation the right to control a
21 body of water that's always existed prior to their
22 company forming? It goes back to my knowledge
23 that it is a living source. And why does Manitoba
24 Hydro feel that they can control and regulate
25 something that is alive?

1 One of my recommendations and ideas
2 about the future regulations of Lake Winnipeg
3 water levels, move the homes out of the flood
4 zones. There is riparian law that states no one
5 should be living within 100 feet of the lowest
6 water level in the last 100 years, of a natural
7 shoreline. Yet at Breezy Point, those cottages
8 were destroyed a few years ago because of the ice.

9 In terms of new development, is Hydro
10 going to ensure that no building is done in these
11 zones so that they remain as natural as possible?
12 Is there a law in place for that?

13 I think I'm done.

14 DR. NIIGGAN SINCLAIR: Okay.

15 MS. WINONA MORRISON: Very
16 interesting.

17 DR. NIIGGAN SINCLAIR: Okay. No, it
18 is just -- so do we have any questions for
19 Ms. Morrison?

20 THE CHAIRMAN: Not a question, but I
21 just wanted to expand on the number of First
22 Nations that we have and will be visiting. We
23 were in Grand Rapids last week. Next week we will
24 be at Brokenhead. The week after, Black River,
25 Berens River and Sagkeeng. And then later in

1 February, I think three days in Cross Lake, and we
2 are also planning on going into Norway House in
3 early to mid April.

4 MS. WINONA MORRISON: Okay. That's
5 good. Like I said, my residency ends in March,
6 I'm available after. But good, I'm glad. And you
7 know what, it was stated in here earlier, if you
8 want the cooperation of the people, you have to
9 honour the people. I don't know if any tobacco
10 was passed before you started this process. Was
11 there?

12 DR. NIIGGAN SINCLAIR: No. To them?

13 MS. WINONA MORRISON: Or anybody?

14 DR. NIIGGAN SINCLAIR: I'm pretty sure
15 not.

16 MS. WINONA MORRISON: Like has
17 anything --

18 DR. NIIGGAN SINCLAIR: For a prayer at
19 the very beginning.

20 MS. WINONA MORRISON: Okay. Well,
21 that's good, at least the gesture was there.
22 Because I know even for -- you are taking a lot of
23 knowledge away in that recording. My voice is
24 going to be transcribed or whatever. So, please,
25 when you go to the communities you go to, there is

1 protocol, there is protocol with everything, and I
2 hope you follow it.

3 And I appreciate your time, and I hope
4 you make it safely back, although the plow has
5 been out a few times. But I think that's it, and
6 I will leave my email. I'm trying to get a job is
7 what I'm trying to get. But thank you for your
8 time, and I really, really, appreciate being given
9 this opportunity to say what is on my mind.

10 DR. NIIGGAN SINCLAIR: Ms. Morrison, I
11 just want to -- I really think what you said was
12 really important, but it might be, I think it
13 might not be understood. When you are talking
14 about protocols and the collecting of information,
15 are you talking about that there is a
16 responsibility, once you collect that information,
17 to do something with it, to listen to it, to what
18 you said, honour the people?

19 MS. WINONA MORRISON: Yes.

20 DR. NIIGGAN SINCLAIR: Okay. I just
21 wanted to make sure that that was understood.
22 Thank you.

23 MS. WINONA MORRISON: Thank you.

24 DR. NIIGGAN SINCLAIR: Miigwech, thank
25 you.

1 Okay. So what we have is -- so if
2 there is any other speakers, because this is
3 really your last opportunity, because we have a
4 couple of speakers left. We want to get out of
5 here in a timely fashion, we have a far ways to
6 travel this evening. I do encourage everyone to
7 spend some time collecting information. We are
8 talking about regulation of Lake Winnipeg, the
9 water levels of Lake Winnipeg, which Manitoba
10 Hydro is applying for a final licence for in
11 which -- well, to regulate. So please be aware of
12 everything that we are talking about when you come
13 up. We are going to invite Kiefer Sutherland who
14 is the junior chief. I don't know if you want to
15 introduce yourself as wrestler.

16 Okay. So introduce yourself, and if
17 you need any help at all, you have got --

18 MR. KEIFER SUTHERLAND: Hello. My
19 name is Kiefer Sutherland and I'm the junior chief
20 of Peguis Central School, and I'm here to talk
21 about Lake Winnipeg.

22 There is not enough water gauges at
23 Lake Winnipeg. Why is that?

24 DR. NIIGGAN SINCLAIR: Did you want a
25 response? Right now you are more giving a

1 presentation than a Q and A at the moment, but I
2 think that probably Commissioner Sargeant has --

3 THE CHAIRMAN: I will give him a
4 response that may not be satisfactory, but it is
5 what the state is.

6 The levels on Lake Winnipeg are
7 calculated by a Federal agency called the Water
8 Survey of Canada. It is a Federal agency, and
9 they have done it since 1913, I think, so it is a
10 bit over 100 years. Initially they had one gauge.
11 Over the years they have added more, now they have
12 eight. Whether they would consider putting more
13 in, I don't know, but it is something that we will
14 certainly take under advisement and consider in
15 our deliberations. Whether we will recommend that
16 or not, I can't guarantee, but we will certainly
17 consider it.

18 MR. KEIFER SUTHERLAND: Okay. When it
19 floods, water gets into the house and causes black
20 mold, and some people have to leave their houses
21 and head to Winnipeg. And that costs money for
22 the taxpayers. When it floods, some people get
23 sick from the polluted water, because some people
24 don't have cars in Peguis so they have to walk
25 through it. Also, when it floods water comes up

1 and gets in some of the garbage that we haven't
2 thrown away, and the garbage gets polluted into
3 Lake Winnipeg.

4 With the listing of the CEC Lake
5 Winnipeg public sessions/hearings, there is only
6 one First Nation listed out of 60 plus First
7 Nations in Manitoba.

8 I would like to give you two quotes
9 from Mistehay Sakahegan, The Great Lake, by
10 Frances Russell.

11 "The earth is mother, from her comes
12 all living things. Water is her
13 livelihood, it flows through her,
14 nourishes her, and purifies her."

15 Winnipeggo means hole river. The name
16 reflects a natural phenomena. In a strong north
17 wind, the water levels at the south Lake Winnipeg
18 drops, speeding the flow at the river's mouth
19 where it passes through a narrow rock. A big
20 whirlpool is created on the left side of the
21 river. The early people called it the river with
22 a hole, or hole river. Over time this became hole
23 or hollow water, the name of the nearby reserve.

24 Thank you.

25 DR. NIIGGAN SINCLAIR: Miigwech,

1 Kiefer, or Mr. Sutherland. Is there any questions
2 for Mr. Sutherland or a response or anything?

3 THE CHAIRMAN: No, thank you,
4 Mr. Sutherland.

5 DR. NIIGGAN SINCLAIR: Miigwech,
6 Mr. Sutherland.

7 I would like to say that it is so
8 important and valuable to have our young people
9 here. So I just want to commend both Mekhi and
10 Mr. Sutherland for speaking, not on behalf of
11 youth, but as a youth at these gatherings.

12 Next up we have Carl Spence. Carl
13 Spence, is he out there? We are going to go to
14 Karen Courchene. If you could please introduce
15 yourself and say a few words, and then go right
16 into your presentation. Go ahead.

17 MS. KAREN COURCHENE: Bonjour, my name
18 is (Ojibway spoken), it means Blue Thundercloud.
19 My other name is Karen Courchene. I'm a Peguis
20 band member, an Anishinabe Kwe from Treaty 1
21 territory. I grew up in Sagkeeng First Nation. I
22 married into Peguis First Nation, transferred here
23 about 15 years ago. I have been living here in
24 Peguis for the last 18 years, and so I'm a Peguis
25 band member very concerned about the lake. I'm a

1 teacher at the school. I'm the guidance
2 councillor at the school there right now.

3 I wasn't here this afternoon, so I'm
4 kind of coming in with no preparation, no notes,
5 but just going to speak. From my own
6 observations, as a person who grew up in Sagkeeng
7 First Nation at the mouth of the lake, that's what
8 Sagkeeng means, the mouth of the lake. And in the
9 years that I have lived, which is 54 years, I have
10 seen so much change. And I seen the levels of the
11 lake fluctuate. And for me, I seen the damage
12 that the fluctuation in the levels cause. I see
13 land being taken by erosion.

14 Now, erosion is a natural event in
15 life. It is natural. Water is going to take the
16 land. But I think when the lake is, the lake
17 levels fluctuate, that land is taken faster. And
18 so there is no compensation given, you know. This
19 is a man-made phenomena. The land is going to be
20 taken naturally by the water, but it wouldn't go
21 this fast if it were not for those fluctuating
22 levels of water.

23 This is just my observation. I mean,
24 there is no science behind it. You know, it is
25 just a person who has lived by the lake and has

1 seen these things. So I don't know, like Hydro
2 may well say, oh, no, it is not us causing that,
3 it is natural. But I think it is going much
4 faster than the natural process would have been,
5 had we not been harnessing that lake the way we
6 are.

7 And I have seen it in my community
8 because we do have, I think about six or seven
9 Hydro dams harnessing the Winnipeg River. So I
10 seen it firsthand how much Hydro -- those levels
11 take the land. And you get no compensation for
12 that. You know, like, yeah, we get Hydro, but at
13 what expense? That's my question, at what
14 expense? And I guess that's always my concern,
15 like what are the trade-offs, are the trade-offs
16 too high? You know, and sometimes I think they
17 are too high. You know, if we are taking land by
18 erosion faster than it would, we are taking
19 natural habitat, we are taking trapping, we are
20 taking fishing, so we can have hydro and we can
21 sell to the U.S.? You know, you have to ask, is
22 that right?

23 And are we looking at the alternatives
24 so we can heat our homes and -- I know
25 hydroelectricity is a necessity, I do know that.

1 Like I'm not even thinking like, oh, you know, but
2 I think we have to explore other avenues because
3 we are taking too much land, and we are just
4 changing too much. And we are just creating an
5 imbalance, and I guess that's my concern. We are
6 creating an imbalance in the environment. And you
7 know what, we may think we are the masters of the
8 environment, but we are not. And the earth, she
9 is going to find her own balance, the lake, she
10 will find her own balance. And at what expense,
11 you know?

12 So we have to be careful and we have
13 to be respecting that lake, and we have to be
14 respecting those lands and we have to be
15 respecting those animals. Because it is a greater
16 force than us. You know, we may think we are in
17 charge but we are not. And I think if we don't
18 come to that recognition and realization and start
19 interacting with nature in a more respectful way,
20 I think that we are heading down a real bad path.
21 And there has just been too much change already,
22 too fast.

23 I guess that's all I have to say. I
24 came at the last minute, I didn't really hear the
25 presentations, and I just want my voice heard, and

1 I want my concerns heard, and I want that
2 understanding recorded that -- like, we need to
3 know our place. And our place is not above the
4 earth, or above the water, you know.

5 I heard an elder say, the earth will
6 survive without us, the lakes will survive without
7 us, but we can't survive without the lakes, we
8 can't survive without the plants, we can't survive
9 without the animals. If we are gone, the earth
10 will go on. But if we are intent in doing harm to
11 the earth for our profit, without thinking of what
12 are we actually doing -- and I guess that's all I
13 need to say. Miigwech.

14 DR. NIIGGAN SINCLAIR: Okay.
15 Mrs. Courchene, miigwech. Anything, any response?

16 THE CHAIRMAN: No, thank you.

17 DR. NIIGGAN SINCLAIR: Okay.
18 Miigwech, Mrs. Courchene.

19 Also, I want to commend all of the
20 different people that have come throughout the
21 day. If you did miss any of the presentation,
22 there is great information back there you can
23 catch. But I also would encourage you,
24 Ms. Courchene, to fill out a survey if you can.
25 Because I think also it gives you an opportunity

1 to give your voice. There is some questions on
2 there that may or may not spark some information.

3 I think one thing that you indicated
4 was you felt uncomfortable about the science, but
5 you certainly did present evidence. So you did
6 have a lot of important information, so miigwech.

7 I want to call up, Carl Spence? Did
8 he emerge or maybe he stepped out. Okay.

9 We've come to near the end of the
10 evening, but Mike Sutherland has asked to revisit
11 the podium and present a bit more information. So
12 with the Commissioner's patience, we would invite
13 Mike to come back up.

14 MR. MIKE SUTHERLAND: Good evening,
15 Mr. Chair. 15 minutes today, I tried to limit my
16 presentation and so on and so forth in regard to
17 what I needed to say. But in doing so, there was
18 other things, I think, other points that I left
19 out, and questions that I think need to go to the
20 Commission, so they can be also made as public
21 record, to ensure that the Commission, you know,
22 the work that Peguis has been doing in regards to,
23 you know, the issue around Lake Winnipeg and the
24 regulations and so on and so forth. You know, I
25 have a few points here that I want to bring

1 across, about three questions. Before you answer
2 the questions, I guess you could possibly take
3 note and then answer them at the end of my
4 statements here.

5 The CEC mandate is to hear about how
6 Peguis is or has been affected by levels of Lake
7 Winnipeg, that's its mandate to go and hear from
8 the communities, right, the level of the lake and
9 so on and so forth. You know, in my findings and
10 listening to Manitoba Hydro and Water Stewardship
11 over the last three or four years, and talking
12 about Lake Winnipeg Regulation, you know, come to
13 understand that data has been collected going back
14 to 1950. And it is documented data, and I was
15 made aware of it last week at the Manitoba Hydro
16 session as well. You know, and I guess the
17 question is that if there is information going
18 back, why does the CEC go back to when the Water
19 Power Act was issued, November 18, 1970? That's
20 one of the questions. If there is data going back
21 further to 1950 and beyond, why are we using Lake
22 Winnipeg Regulation data since 1970, when the
23 regulation came into play? You know, it is a very
24 important question, because -- I will get to it,
25 okay, because there is others that are related to

1 it.

2 We feel that understanding the lake
3 past Lake Winnipeg Regulation implementation in
4 1970 will give us a better understanding of how
5 the lake functioned, and by limiting the time line
6 to 1970, we only get a picture that is biased and
7 shows us how the lake operated since Hydro
8 intervention. We don't know if things were better
9 prior to Hydro development in the 1970s. And it
10 makes me wonder if there are things that Hydro
11 doesn't want us to know. So if there is data
12 going back further than 1970, why is it not used
13 in this process? That's my second question.

14 Okay. Peguis was involved in previous
15 CEC hearings in regards to Keeyask Generating
16 Station, Bipole III and so on, section 35, that
17 as well as in many other projects not related to
18 Hydro with other development, different
19 industries.

20 You know, one of the things that we've
21 come to understand is that when there is a
22 project, the scope of work is very narrow, maybe
23 at Keeyask, you know. And it took us a lot of
24 work and time and effort to prove to Manitoba, the
25 CEC, and everyone else that what happened in

1 Keeyask still affects us down here in Manitoba,
2 southern part of the lake. And the question to
3 the CEC is, can you take a recommendation to have
4 an environmental audit or assessment done on the
5 whole Nelson River basin? Because that gives us a
6 better understanding of how everything operates.

7 Manitoba Hydro supported us in an
8 initiative to do a traditional land use study in
9 the southeast corner of Manitoba, because their
10 line is going to run down Manitoba/Minnesota line,
11 so they want to better understand why and how it
12 affects our First Nation, and all of the ways we
13 occupy the land down there. And it is going to
14 give them a really good picture, because they are
15 going above and beyond their norm. The
16 traditional land use study will do that. That's
17 what the environmental assessment will do in an
18 audit on the Nelson River basin. It will give us
19 a better picture as to how these projects to the
20 north, Lake Winnipeg Regulation, you know,
21 controlling the levels of the lake, are going to
22 affect our communities. Not just Peguis, but
23 every community that's affected by the lake.

24 The reasoning behind these questions,
25 some research that I and another member of our

1 community, another traditional person, Wayne
2 Manningway -- he left earlier -- we took it upon
3 ourselves to do some traveling throughout
4 Saskatchewan. The first thing we wanted to do was
5 study the Assiniboine watershed. It is huge and
6 it is massive, and in its entirety it is the
7 result of 2011, 2014 floods. And not
8 understanding them puts us in a state of
9 ignorance, because if we don't understand
10 something, then we can't prevent it, or we can't
11 get ready for it. And you know the level of that
12 lake affects us. So we took it upon ourselves to
13 go down there and do our own little bit of
14 research, and get a good understanding of how it
15 affects us.

16 One of the other areas that we looked
17 at is the Souris River basin, because it connects
18 to the Assiniboine River as well down in the
19 southern part of Manitoba, and contributes to that
20 flooding. Remember going back to 2011, you know,
21 the Town of Souris, and then some of the U.S.
22 towns had extreme flooding down there, I think
23 Bismark and others. You know, where did that
24 water end up here?

25 Now we talked, and we heard earlier in

1 previous presentations just recently in the last
2 few minutes in regards to quality of water. Mr.
3 Rait, Ms. Morrison and others talked about that
4 earlier. And you know what we found in our
5 research, in talking to the watershed management
6 teams down there throughout those regions? That
7 there is a lot of potash mining going on in the
8 Assiniboine watershed, and the water is utilized
9 in mining. And where does that water go? It goes
10 back into the environment. As we move further
11 south there is a lot of fracking going on down in
12 the south end of Saskatchewan, down in the United
13 States, in the Souris River watershed. And a lot
14 of that water that's used for those operations
15 goes back into the environment.

16 Now, all of that water is making its
17 way, especially to do with these high lands every
18 time it floods to Manitoba. Hence, quality of
19 water.

20 Does Manitoba Hydro, does Manitoba
21 Hydro, Water Stewardship, and other, I guess other
22 entities in government understand and know the
23 levels of contamination that's coming into Lake
24 Winnipeg? We know where the sources are, but we
25 don't know what the levels are. You know, in

1 Peguis here, because of the farming operations
2 south of us, the hog barn and cattle, we started a
3 program in the high school about eight years ago
4 and we monitored the water, and it has actually
5 won international science awards. We monitor the
6 water, we keep tabs on the water for nitrates and
7 phosphates, especially nitrates because they cause
8 cancer, blue babies, and so on.

9 And we are doing that ourselves
10 through our high school system, protecting our
11 people, but we can't do that to Lake Winnipeg. It
12 is just too massive and too costly for a small
13 community to do that. That's why we -- and I
14 think it has been requested before, that an
15 environmental assessment be done, an audit be done
16 of this whole basin. Because then it would give
17 everybody a better picture of the effects of the
18 water, the quality of the water, the destruction
19 that happens, and the effects of the projects.
20 And we need to know and understand that.

21 And like I said before in my earlier
22 statements, we don't -- I don't think that we can
23 stand in the way of progress, but the decimation
24 that's happening and the effect it is having on
25 the people that are linked to the lake in many of

1 these projects, we see it. And it affected us
2 personally on many, many, many of our people. You
3 know, this has to stop. We have to understand,
4 you know, if you want the support of First
5 Nations, support of Manitobans for these huge
6 projects, we have to understand them. And we will
7 never understand them unless we have a full
8 assessment done of the whole basin, and we see
9 what a half million cow operations are going to be
10 and so on and so forth.

11 Just like what Hydro is doing right
12 now in the southeast corner of Manitoba, they are
13 understanding how it is going to be affected in
14 that traditional use area. They are going above
15 and beyond to ensure that they meet the needs, and
16 we all understand how it is going to affect our
17 land use. What we are asking is this assessment
18 will help us with water, you know, the life blood
19 of mother earth. You know, I don't think that
20 there is another other way.

21 If you want that support as the
22 industry moves forward, I think that we have to
23 meet halfway and come to an agreement in regards
24 to development. And if we are going to develop
25 the land, then this is what has to be done. This

1 is the picture that has to be portrayed before us
2 so that we understand fully the effects, so that
3 you can see the effects that happen to us. All
4 right. I thank you again for your time.
5 Miigwech. And I will await your answers.

6 DR. NIIGGAN SINCLAIR: Miigwech,
7 Councillor Sutherland. Is there any responses?

8 THE CHAIRMAN: Yes, I think there were
9 a few questions that he posed that I can respond
10 to. I can tell you that we are looking at data
11 that was pre-1970. In fact, I've read a number of
12 documents that came out of different studies going
13 back to, I think it mentioned '52 was the earliest
14 one that I read. There was another major one in
15 '58. There were a number in the '60s. So we are
16 looking at that data and that information.

17 The Commission has also engaged a
18 company to do a fairly major research piece for
19 us, looking at the history of all of the issues
20 around Lake Winnipeg Regulation going back to more
21 or less 1950. And in the next couple of weeks, we
22 will be posting on our website their report, which
23 will become a public document, but also part of
24 the record for these hearings.

25 Your point about -- well, I will skip

1 over. You asked a question about whether
2 government, in particular Conservation and Water
3 Stewardship, was aware of all of the sources of
4 the water coming into the province, and also are
5 they aware of sources of all of the contaminants
6 coming in with that water. I would say, yes, they
7 are, they carefully look at that. I don't work in
8 that department, I'm not familiar with how things
9 go there, but I suspect that there are times that
10 there are things that they just can't do. They
11 would love to do it, but they can't do it because
12 of other interests, other reasons. You mentioned
13 fracking in North Dakota. We as Canadians have no
14 control over that. That's just one example.
15 There are many others. I would say that the
16 responsible government officials do know what is
17 going on with the water.

18 Your point about doing an
19 environmental assessment on the whole Nelson River
20 basin, I think is an excellent point. I think it
21 is something that, I can't tell you today that we
22 will recommend that, but I can tell you today that
23 we will seriously look at something along that
24 nature. We have heard that from other communities
25 as well. We, in our own internal discussions,

1 have talked about something along those lines. So
2 I think you may well see something along that
3 line.

4 It will be what we call a
5 non-licensing recommendation, because it is not
6 directly attached to the licence at all. But in
7 the past, or in the recent past the government has
8 given serious consideration to a number of our
9 non-licensing recommendations as well. I think
10 that would be an extremely useful piece for future
11 development in this province. Not only future
12 development, but for looking at and hopefully
13 finding ways to fix up a lot of the problems that
14 we have with a lot of waterways in this province.
15 I think it is an excellent recommendation.

16 MR. MIKE SUTHERLAND: I guess one of
17 the last ones I want to make, and I think I stated
18 it earlier, is that common knowledge -- and asking
19 the Hydro representatives at the meeting last week
20 is something that's not done. When it is done, it
21 is very limited. But I think if you implement
22 that process, or make that recommendation to
23 Manitoba Hydro to do the research in the
24 communities and get a bit of understanding how
25 communities are affected -- like we seem to get

1 scoped out of a lot of, and it has probably been
2 happening for a long time where a lot of the south
3 basin First Nations have been scoped out of a lot
4 of the projects because it hasn't come to light
5 that they are affected. But now I think a lot of
6 First Nations are starting to express their
7 concerns of how Hydro and government operate by
8 scoping them out of a lot of these projects. And
9 if you take a real good look at how we are all
10 affected, I think by taking the next step, going
11 into the communities and doing a little bit of
12 research and interviews with some of the people in
13 there -- it doesn't take much, it doesn't take
14 much, you know, four our five interviews. Some of
15 the elders and land users will give you an
16 indication on how affected this community is. And
17 from there you can determine whether or not you
18 need to go to section 35 in regards to your point,
19 Clean Environment Commission hearings with that
20 and invite them to the table. I think it is
21 really important.

22 I think you create a far better
23 working relationship with First Nations when it
24 comes to, you know, industry and development and
25 so on, if you show them that respect, and get them

1 to understand that and invite them to the table.
2 You know, I think that's something that you should
3 highly recommend. Its not a technical issue or
4 anything like that, it is just going a little
5 above and beyond the norm to ensure that those
6 communities have a place. Miigwech.

7 THE CHAIRMAN: I think that makes
8 eminent sense.

9 DR. NIIGGAN SINCLAIR: Miigwech,
10 Councillor Sutherland.

11 MR. MIKE SUTHERLAND: Any questions?

12 DR. NIIGGAN SINCLAIR: No. We have
13 come to the end of our list, however, this is your
14 last opportunity for any Peguis members or members
15 of the community, members of the Peguis community
16 to make any final presentations. This is also an
17 opportunity, I think, if you have any questions
18 about the process or if you have some questions
19 about the Commission, there is an opportunity here
20 to inquire, such as Councillor Sutherland has
21 done, about anything that you perhaps would like,
22 you know, in relation to the Lake Winnipeg
23 Regulation. Is there any other hands? Okay.
24 MR. PAKNECINIW: All right. I have
25 some questions. I'm just wondering how many

1 people have noticed that yellow wall hanging over
2 there, why there was damage from Lake Winnipeg in
3 the first place? It is all about what -- I have
4 seen Gimli mentioned in most of the area. I
5 thought this had to do with the whole lake? Gimli
6 is a very, very small part of the whole lake.
7 Mind you, yes, there is a lot of tax paying
8 citizens there living right on the shore. Maybe
9 that's why everybody figured, maybe that is why
10 this was all done, to please those people. I
11 don't think that that's a very respectful way for
12 everybody else that lives close to the lake, or
13 whose life depends upon that lake.

14 That's my question, essentially, is
15 why is it just -- it looks to me anyways that this
16 lake level, I forgot what you call it, to keep it
17 from fluctuating in its natural rhythm. I believe
18 if people want to live right on the lake, they
19 should take it into consideration that it is a
20 very dynamic thing. If you want to live by the
21 water, you should live by water's rules.

22 I heard the term stewardship used here
23 quite often this evening. Water stewardship, it
24 is true no one owns the water, it is true there
25 has never been a Treaty discussed or signed in

1 regards to the water.

2 You know, I have been going to the
3 sweat lodge for over 30 years now. And every time
4 I go in the sweat lodge, we talk about the water,
5 about it being the life blood of mother earth,
6 every time. And it has only been within the last
7 month and a half that I haven't been into the
8 sweat lodge at least once a week.

9 When I first introduced myself I said,
10 you know, shkaa bwis, when you take the word of
11 shkaa bwis, that's an Ojibway term, and you look
12 at it, if we look at it with the spirit and intent
13 of being a very small, hopefully humble part of
14 creation, recognizing that we are the last part of
15 creation to be put on this earth after everything
16 else is put in place. And when I experience
17 (Ojibway spoken), it was with humility, yet pride,
18 gentleness, yet with a fierceness that most people
19 would not be able to comprehend. When I say
20 (Ojibway spoken), what I'm saying is I am in
21 stewardship.

22 As I said earlier, red Indian has been
23 recognized as a people with their own land, their
24 own laws, their own traditions, and our laws will
25 precede on the ones that come after that.

1 (Ojibway spoken), we need to look at that. There
2 is a fierceness there, and there is a lot of evil
3 ramifications if it is not looked at with respect
4 by anybody, including myself, not excluding
5 anyone.

6 I wanted to tell another little story.
7 My dad is 80 years old now. I'm a very lucky man
8 just to have him. He told me one time recently
9 about how bad the lake is getting and how much it
10 has changed. At one time he was in an airplane
11 flying over Lake Winnipeg and he noticed the
12 grassy, sort of a land ridge between the mainland
13 by Pine Dock area that way to Moose Island. The
14 water was in one of those times of low water
15 cycles, and the water had drained so much out of
16 Lake Winnipeg, that big grass -- I don't know what
17 you say, I don't know how to say that word, what
18 people call it, we call it big grass -- had grown
19 up so much there, that water was so low that it
20 had grown up. I used to find moose in that main
21 area there between Moose Island and that mainland
22 east of Moose Island. That hasn't happened since
23 the 1970 dam was built. So the dynamics of the
24 lake has been taken away, drastically.

25 And are there people that want to

1 admit it or not, whether people want to admit it
2 or not, the signs are all there. I don't need
3 signs, I don't need government studies to show,
4 what I do know is from my own eyes. I just wanted
5 you to know that. Egosi.

6 DR. NIIGGAN SINCLAIR: Any responses?

7 THE CHAIRMAN: No.

8 DR. NIIGGAN SINCLAIR: No questions?
9 Miigwech.

10 THE CHAIRMAN: Thank you again for
11 your comments.

12 DR. NIIGGAN SINCLAIR: Any other
13 comments as we go? As we begin to -- Eugene?

14 MR. EUGENE RAIT: I would like to
15 thank you for coming and listening, and we hope
16 that you take back the right -- the answer to the
17 questions that everyone is asking. And we would
18 like to see you here again, because I'm sure there
19 is other band members and elders and young people
20 that would like to speak to you again some time.
21 And we would like to thank you very much for
22 coming to our reserve. Thank you.

23 DR. NIIGGAN SINCLAIR: Okay.

24 Introduce yourself, if you could?

25 MR. ROY THOMPSON: Bonjour, (Ojibway

1 spoken). I'm known as Kind Iron Wolf. The other
2 name my parents gave me is Roy Thompson.

3 I listened to a lot of things being
4 said today, and I have tried to bite my tongue but
5 I just can't do it. I have a question, or a
6 suggestion to the committee in regards to Manitoba
7 Hydro, and a question that I asked, and I heard
8 later asked, about the responsibility of Manitoba
9 Hydro who is controlling the levels of Lake
10 Winnipeg, or so they think. And the response to
11 responsibility for damage that's been caused by
12 that was that they feel they have improved. Well,
13 if they have made such improvements, why is there
14 damage happening because of the control on that
15 lake? I feel that if they are granted a
16 continuation on their licence, I don't think that
17 they should have a final licence ever issued. I
18 don't feel anyone should ever be issued permission
19 to just carry on. Because once that licence is
20 given, they get a free hand and we lose control
21 over what they do. That's just my own personal
22 feeling.

23 One of the things that needs to be
24 addressed is, they say, well, this consultation
25 and so on never happened back when they got their

1 first temporary licence. They are going for
2 another licence now to be renewed to continue on.
3 At that time I feel they should be made, as part
4 of their condition of that licence, responsible
5 back to everyone that's affected by it, not just
6 the northern people that are affected by it in
7 their new projects, but the people that are
8 continuously being affected to this day and in the
9 future, because of their own projects. That's
10 just what I feel needs to be put in there, for the
11 benefit of all the people, not to be one-sided for
12 the benefit of Manitoba Hydro. If they want to
13 make all of that money, to create all of that
14 resources, there has to be a give and take in the
15 whole thing. And so far in regards to the people
16 around Lake Winnipeg, it is take, take, take.
17 Like, we are not responsible to give back any
18 more, because we supposedly approved it. This is
19 the response that I got back from Manitoba Hydro.

20 So with that I will -- I'm just
21 getting wound up and I don't want to get too wound
22 up, so I will just hold it there. Some of my
23 brothers and sisters back there know I can get
24 going, but that's all I wanted to have put on the
25 record.

1 DR. NIIGGAN SINCLAIR: Miigwech,
2 Mr. Thompson. Any responses?

3 THE CHAIRMAN: No. Thank you for
4 those comments, we will certainly consider it.

5 DR. NIIGGAN SINCLAIR: I just wanted
6 to clarify something that I had forgot in the last
7 presentation, not Mr. Thompson, the one before
8 that, shkaa bwis is spelled is S-H-K-A-A B-W-I-S.
9 And shkaa bwis is loosely translated to mean
10 helper, but the way the presenter used it, it had
11 to do with steward, right, it had to be
12 responsible to land, so a protector, helper,
13 watcher, it is like a worker for land is what he
14 was talking about. Nini, N-I-N-O. I can add that
15 in. How did I do there, pretty good? Is there
16 any other presenters from the Peguis community?

17 I wanted to end off this portion and
18 this presentation, or this hearing with a story.
19 This past summer my family and I went for a walk
20 around Lake Winnipeg. And one of the reasons we
21 did that is we really wanted to create public
22 awareness of how all of the life, all of the
23 things that happened on that lake. In fact, we
24 came through Peguis. I wasn't on that portion of
25 the journey, but my mother came through this area.

1 So Catherine walked through with my sister Denee,
2 my other sister, Jess, and then also my dad came
3 through. Then my daughter joined along that
4 journey. And my daughter's name, as I mentioned
5 earlier today, is Dene gan (ph), which is Small
6 Dancing Water, and shining, the story is about her
7 dancing on this shining water, which I told Cheryl
8 a little bit earlier about that today.

9 Anyway, we spent days and days and
10 days walking along Lake Winnipeg, talking,
11 thinking, singing about the importance of the lake
12 and how the lake is our relative. So when we got
13 to about three quarters of the way and we had
14 turned around in Selkirk, and we headed up north
15 towards Manigotagan, both Sarah and I had to head
16 back to the city so we had to miss the last two
17 days of the journey. But I remember the last day,
18 only women can carry that water, carry that water
19 all the way around, so my daughter carried that
20 water by herself. She is eight years old and she
21 carried that water with me holding the eagle
22 staff. Anyway, we were walking along and I said
23 to her, you know, I wanted to say, miigwech, you
24 did this incredible work for eight years old. And
25 she says, dad, you don't have to say thank you,

1 that's my cousin over there, and she pointed right
2 at Lake Winnipeg.

3 So I think that's part of the work
4 that we have done today. Every single person,
5 every presenter that we have had today, cares very
6 deeply about our relative and the work that she
7 does for us. Whether you think of her as mother,
8 or cousin, or grandmother, sometimes -- you know,
9 Lake Winnipeg is a part of our family, and I think
10 that everybody here cared about that. And this
11 Commission, we hope part of that responsibility
12 that one of the presenters spoke about before,
13 about protocol, about this information, we are
14 really talking about a relative, we are talking
15 about someone who is part of our family. So you
16 have a responsibility to that family member, and
17 what is that going to be? And that's the work of
18 the Commission, I think, to think about. All of
19 us share in this community, this place. We all
20 live together. What is it going to mean for us to
21 have a relative, in whatever condition that she
22 is, how are we going to take care of her in the
23 best way that we can? And I think everybody here
24 has exemplified that today.

25 I want to say miigwech. It was a

1 complete and absolute honour for me to do this
2 work today for my community.

3 Commissioner Sargeant, I will leave
4 the last words for you. I know you have got a
5 long journey ahead of you this evening, so I will
6 toss it over to you.

7 THE CHAIRMAN: Thank you, Niigaan.
8 Our journey won't be quite as long as yours, we
9 are only going to Ashern. I wish you safe
10 travels.

11 I would just like to say, just to
12 carry on a bit from what Niigaan Sinclair just
13 said, I do care very much about Lake Winnipeg. I
14 have lived on Lake Winnipeg for 62 years. I still
15 have a home on Lake Winnipeg, so I care for it.
16 It is not in my culture to think of the lake as a
17 relative, but it is in my culture to think of the
18 lake as something that's very important in my
19 life.

20 I would like to thank Dr. Sinclair for
21 his moderation, moderating today. I think he did
22 an excellent job of keeping the day moving along.
23 I would like to thank the organizers who staffed
24 the tables at the back, not only for working the
25 table today, but for all of their organizational

1 work leading up to today. And I would like to
2 thank all of the people in the room, and those
3 that were here earlier and left, but who came out
4 to share your stories with us, with the community
5 but also with us.

6 What we have heard today, as I said in
7 part to Councillor Sutherland, I can't guarantee
8 that we will make recommendations, all of the
9 recommendations that some of you have suggested
10 today, but I can guarantee that we will consider
11 everything that we have heard today, and
12 everything that we heard today will at least
13 inform our final recommendations and our final
14 conclusions.

15 So that's really all I have to say. I
16 do thank everybody for -- this was a really good
17 day, it was an excellent day. And I have enjoyed
18 it, and I know I have learned a lot and will take
19 a lot away from it.

20 Thank you all, miigwech, good night,
21 safe travels to those of you who are going a
22 little farther. Some of us are driving to Ashern,
23 others to Winnipeg.

24 DR. NIIGGAN SINCLAIR: One last thing,
25 I think everyone here, there is one unilateral

1 message that I think that the Commission does need
2 to take away, undoubtedly, is community and
3 particularly First Nations, and meetings in First
4 Nations. You have emphasized it as well.
5 Everyone here is not only highly appreciative, but
6 can't express how important it is that you come to
7 our communities and that you speak directly to us.
8 Because that is a step in what I think of as a
9 possible future for us taking care of this
10 community together.

11 With that being said, I want to invite
12 my new relative, Cheryl Thompson, Shining Water
13 Woman, is going to come up and say some final
14 words, give us a final prayer. If I can do that?
15 As Cheryl opened up the day for us, I invite her
16 to come up again.

17 (Closing prayer)

18 (Concluded at 7:45 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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