

MANITOBA CLEAN ENVIRONMENT COMMISSION

LAKE WINNIPEG REGULATION REVIEW

UNDER THE WATER POWER ACT

VOLUME 11

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Transcript of Proceedings
Held at RBC Convention Centre
Winnipeg, Manitoba
THURSDAY, MARCH 26, 2015

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1 THURSDAY, MARCH 26, 2015

2 UPON COMMENCING AT 9:30 A.M.

3 THE CHAIRMAN: Good morning. We'll
4 resume the hearings. Today we have presentations
5 by two northern First Nations. First up this
6 morning is the York Factory First Nation. Chief
7 Ted Bland and others are with us this morning.
8 I'll ask the Chief to introduce the other two at
9 the table, and then we'll have the Commission
10 secretary swear them in.

11 CHIEF BLAND: Good morning. Chief Ted
12 Bland. To my right I have Leroy Constant beside
13 me, and Councillor George Beardy, both of them are
14 councillors:

15 Ted Bland: Sworn

16 Leroy Constant: Sworn

17 George Beardy: Sworn

18 THE CHAIRMAN: Thank you. You may
19 just proceed, Chief Bland.

20 CHIEF BLAND: Okay. Good morning,
21 everybody. I don't know if I want to say it's
22 good to be back, but we're back. So we're going
23 to do just a presentation. I'm going to split it
24 up with Councillor Leroy Constant here. It's not
25 too likely, but we'll do the presentation

1 together.

2 Good morning everyone. My name is Ted
3 Bland, I am the Chief of York Factory First
4 Nation. With me today are Councillors Leroy
5 Constant and George Beardy. And thank you for
6 this opportunity to present to you today and
7 participate further in the review of Manitoba
8 Hydro's application for the final licence of the
9 Lake Winnipeg Regulation project.

10 Recently, the Clean Environment
11 Commission visited our community of York Landing
12 on January 15th, which provided our members an
13 opportunity to speak directly to the panel. I
14 also presented to the panel that day. The
15 opportunity to speak to you again is very
16 important and we thank you.

17 We want to be up-front and direct that
18 Lake Winnipeg Regulation and Churchill River
19 Diversion impacted our lives in many harmful ways.
20 We are extremely concerned about potential changes
21 to the terms and conditions of the licence. Any
22 change will affect us. Changes will affect our
23 Aboriginal and Treaty rights. Changes will also
24 affect our rights and interests as set out in the
25 Northern Flood Agreement and our 1995

1 implementation agreement.

2 During the past several weeks, you
3 have heard from many interested parties,
4 individuals and communities that reside around
5 Lake Winnipeg and downstream of the lake. We are
6 here today to speak again directly to you and the
7 public from the perspective of a community that
8 lives downstream of Lake Winnipeg, on Split Lake,
9 at York Landing. We would like to take this
10 opportunity to tell our story about our experience
11 with hydroelectric development, which includes the
12 Lake Winnipeg Regulation.

13 Until recently, 1957 to be exact, our
14 community members resided on the Hudson Bay coast
15 at York Factory and the surrounding area. This
16 was and continues to be our homeland where our
17 elders and ancestors were born. They lived,
18 worked, and passed on there.

19 We move seasonally between various
20 settlements such as York Factory, Port Nelson, Ten
21 Schilling, Spenceville and Kaskatamakan. Our
22 members lived on the land, trapping, hunting,
23 fishing and gathering.

24 Before the Hudson Bay Company post at
25 York Factory was closed in 1957, our members also

1 worked in jobs that supported the post such as
2 delivering mail or supplies from post to post.

3 Early in 1997, representatives from
4 the Indian Affairs visited our community at York
5 Factory and explained to us that there would be no
6 work, services or supplies once the post was
7 closed. For that reason, we would move to a site
8 on Split Lake.

9 While our members were hesitant, they
10 made the long journey by boat or foot in the
11 summer of 1957, from York Factory to a site on
12 Split Lake and Aiken River. Our community is
13 called York Landing. This is now our home and
14 many of our members were born here and nearby
15 communities, or in Thompson. We have adapted to
16 this new environment, the boreal forest with its
17 vast muskeg and large freshwater lakes. This was
18 new to us. We were experts in open coastal
19 environment with the river and estuaries opening
20 up to the Hudson Bay. That change in environment
21 was huge for our members, but we adapted.

22 And then just a few years after our
23 members settled there, the first hydroelectric dam
24 at Kelsey Rapids was built. Our new homeland and
25 waters were changed before we had barely begun to

1 understand and learn about them. And then the
2 Churchill River Diversion and Lake Winnipeg
3 Regulation projects soon followed, reversing the
4 seasonal flows, and flows on Split Lake.

5 Our water turned brown, the average
6 water levels rose, shorelines were flooded and
7 eroded and debris became the norm. Fish and
8 animals became poor in health and abundance. Ice
9 conditions became unpredictable, and occasionally
10 when water was held back during a drought, water
11 levels went lower than we had ever seen them go
12 before.

13 As you know, the Nelson River is a
14 complicated engineered system. We are told that
15 it is difficult, if not impossible to say what
16 exactly is related to Lake Winnipeg Regulation,
17 Churchill River Diversion or other projects. But
18 we live in this engineered environment and it
19 affects everything about our daily lives.

20 The biggest effect we experienced, and
21 continue to experience today, is higher than
22 natural water levels and flows. Our older members
23 still recall the Aiken River as a small river.
24 Today Split Lake reaches up the Aiken making the
25 river much wider. Many areas of willow, black

1 spruce, and moss had been drowned out. Other
2 typical shoreline plants have disappeared,
3 including wild mint and weekis, which is two of
4 our medicines.

5 Overall, water levels have reached
6 heights never experienced in the past and remain
7 higher on average. However, in some years such as
8 2003, we experienced low water levels that might
9 be considered normal to our elders. We initially
10 built our ferry landing based on higher average
11 water levels, only to find in 2003 that the ferry
12 couldn't use the landing due to extreme low water
13 levels.

14 We have built a temporary ferry
15 landing at the east end of our reserve. Then in
16 2011, we had built up a regular ferry landing
17 because it was completely submerged.

18 Water levels and flows are always
19 changing from week to week, from month to month
20 and from year to year. The daily, weekly
21 regulation of levels and flows can confuse us.
22 They are unpredictable. And the seasonal reversal
23 of levels and flows means that they are lower than
24 normal in the summer and higher than normal in the
25 fall and winter. This reversal affects our travel

1 on the water and ice and how safe we feel when we
2 travel by boat, ferry, skidoo and by vehicle on
3 ice road.

4 As water levels and flows are managed
5 upstream, the depths of shoals under the water
6 surface can change quite quickly. This is a real
7 danger to our members travelling by boat. Yes,
8 many of our members are experienced navigators,
9 and some of us members embark dangerous shoals,
10 but the unpredictability of the environment is a
11 risk. Even the most experienced boat driver can
12 be tricked by the changes in the water levels.

13 Without the Churchill River Diversion
14 and Lake Winnipeg Regulation, the Nelson River
15 would have peak flows and levels in May or June.
16 Under regulation, the greatest releases are, end
17 flows now occur from November to January, right
18 when we are trying to construct and start our
19 travel on our winter road.

20 So Leroy will continue from here.

21 MR. CONSTANT: Good morning everyone.
22 Leroy Constant, Councillor, York Factory. I'm
23 going to continue on from what Chief Bland has
24 already started in the presentation. And I'd like
25 to thank you again for allowing us to speak today.

1 After the ferry shuts down for the
2 season in late October, our community is isolated,
3 without road or train access until the winter road
4 opens. During the spring ice breakup, often in
5 April, our community is again isolated. During
6 these seasons, we can only travel in and out of
7 York Landing by plane. There is only one
8 scheduled flight a day. Air charters are very
9 expensive and baggage allowances are minimal.
10 This severely limits who can travel out of York
11 Landing to access goods and services in Thompson
12 such as healthcare, groceries and banking.
13 Without a winter road, members either can't travel
14 or must pay very expensive flights when travel is
15 essential. Our First Nation must take on extra
16 costs to get members the healthcare they need.

17 Daily, weekly, or seasonal changes in
18 water flows and levels can all affect how ice
19 forms and breaks up. Ice conditions are not
20 predictable and this can make winter travel
21 unreliable and unsafe. Higher water flows can
22 slow and postpone the formation of an ice base.
23 We need ice that is one metre thick before we can
24 officially open the six kilometre ice road across
25 the channel to Split Lake and provincial highway.

1 Ice may always be thinner where flows are higher,
2 and the higher flows can also mean an earlier
3 breakup, cutting our winter road season short.

4 Recently Manitoba Infrastructure and
5 Transportation informed us our ice roads across
6 Split Lake channel must be rerouted next year
7 because of safety concerns related to ongoing
8 changes to water flows. This will impact York
9 Factory's ability to construct the ice road, which
10 we have provided as a service to the Province for
11 many years.

12 CHIEF BLAND: I'd just like to add,
13 this discussion has just started happening just
14 this spring. And MIT is very concerned about the
15 conditions of the ice on the Nelson River now.
16 And you know, they feel that it's unsafe. You
17 know, we did lose one piece of equipment about
18 four years ago, it fell through the ice.
19 Fortunately, our member was able to crawl out of
20 the vehicle before it went all the way down and he
21 was able to swim back up to the ice and get out of
22 the ice. So we were very, very lucky there.

23 But one of the things that MIT has
24 informed us of is that they are now going to be
25 requiring smaller vehicles on the ice to construct

1 roads. And all we have is our heavy equipment,
2 which we're used to building, building the ice
3 road on. But, you know, that's going to change
4 now, and that's a direct impact to the water
5 flows.

6 And we have videos this spring of our
7 ice road construction. And, you know, when we're
8 drilling the holes, the ice water or the water
9 from the ice holes were shooting straight up. And
10 that's an uncommon occurrence. So there is
11 definitely some major impacts for us. And we have
12 been going over our contract with MIT because the
13 construction of the ice road is, the costs have
14 gone up and, you know, we have been constantly
15 losing money on the contract, and it's all
16 directly related to the construction of the ice
17 portion of the road.

18 The land crossing and building
19 overland has been pretty easy for us and we're
20 used to that part, but the changes on the Nelson
21 River have drastically increased our cost of
22 construction.

23 MR. CONSTANT: I'll just continue on.

24 We may lose this contract and
25 employment for some of our members.

1 As ice forms in November and December,
2 water is often released upstream causing the ice
3 to flood. This is what causes slush ice. Slush
4 ice is frustrating and can quickly change how soon
5 the ice road becomes into operation. Slush ice is
6 also a danger to those travelling by skidoo. And
7 then there's hanging ice which forms when the flow
8 is artificially held back from the ice layer forms
9 creating a gap below the ice. Some of our members
10 have broken through hanging ice with their
11 skidoos.

12 When water flows are reduced and the
13 water level drops after the ice forms, the ice
14 along the shore can become steeply sloped causing
15 dangerous and difficult travel conditions. This
16 kind of unnatural ice formation obstructs the
17 shorelines that we use to travel easily in the
18 winter and spring by skidoo and four wheeler.
19 Shoreline ice also contributes to shoreline
20 erosion.

21 Water quality, both raw and potable,
22 has become much worse since the 1970s. We have
23 observed many changes in the water on the Split
24 Lake. It has become much dirtier, brown,
25 cluttered with debris and algae ridden.

1 We have had reoccurring problems with
2 potable water quality at York Landing, including
3 changes in its turbidity and colour. Our water
4 treatment plant was upgraded in 2000, which was an
5 attempt to improve our water supply, but the water
6 intake continues to be influenced by the regulated
7 flow of water into Split Lake.

8 Essentially, the water intake is
9 located relatively close to the mixing point of
10 the Aiken River and Split Lake, which both have
11 distinct water chemistry. Changes in water flows
12 and levels shift the mixing point and the water is
13 going -- sorry, from our treatment plant to either
14 Split Lake or the Aiken River. This makes proper
15 treatment a challenge and an inconvenience, which
16 leads many of our members to choose bottled water,
17 an additional expense to their grocery bill.

18 With more frequent and higher water
19 levels, we have seen more erosion along our
20 shorelines, and more trees and vegetation fall
21 into the lake and become floating debris. This
22 debris even forms into floating islands that work
23 their way around, or through Split Lake. You must
24 be careful when travelling by boat.

25 When water levels are higher, banks

1 are eaten away and pulled into the lake. We are
2 concerned about how the soil that falls into the
3 water affects fish and other animals in the water.
4 Then, when the water levels go down, we are left
5 with shorelines covered in mud where there used to
6 be sand or gravel. We have also lost many
7 beaches, landing sites and camp sites that allow
8 us to come together as families. These places
9 were important to our community's recreation and
10 health.

11 With support from Hydro, our community
12 recently developed a riprap project, a rock wall
13 along our reserve shoreline. This armoured rock
14 wall was intended to prevent further shoreline
15 flooding, erosion, sedimentation, in the immediate
16 vicinity of our reserve. This project has lead to
17 mixed feelings and results in our community.

18 Our trappers will tell you about how
19 changes in the water levels have affected fur
20 bearers. You now rarely see a muskrat and a
21 beaver along the Aiken and Mistuska Rivers, where
22 they used to be common. They will also tell you
23 how changes to the water and ice affect travel to
24 their cabins or traplines and access to resources.
25 Some cabins have been flooded and moved to further

1 upland. Ice travel by skidoo is essential, but
2 uncertain for our trappers.

3 Our fishermen will also tell you about
4 how the changes in the water have caused real
5 challenges for navigating, landing and launching
6 boats. They will also tell you about how their
7 ability to fish and the quality of the fish they
8 catch has been greatly affected. They can tell
9 you about how they pull up algae and logs in their
10 nets in areas that used to provide good catches of
11 pickerel, whitefish or sturgeon. When fish are
12 caught, some people will not eat them anymore
13 because they say the changes in the water have
14 affected the taste and texture of the fish.

15 And I'm going to pass it back to Chief
16 Bland.

17 CHIEF BLAND: Thank you. One of the
18 other things that I'd just like to mention is
19 that, and this is something that's always been
20 happening in our community, and it's that the
21 water somehow impacts our members and the skin, a
22 lot of people have skin conditions. You know, we
23 have tried to determine what the cause was years
24 ago, but it was inconclusive. But it always dries
25 out our skin all the time. Our children have a

1 lot of skin irritations all the time. My wife,
2 who recently moved there, well, ten years ago, she
3 moved there with me, she never had any irritations
4 or skin problems. And now like her hands are
5 always cracking, and they are always breaking up,
6 and she's constantly trying to find the right
7 lotions for it. And my sons are the same thing.
8 So that's, you know, those are just some of the
9 impacts.

10 When I was also talking about the
11 winter road construction and that earlier, MIT's
12 changes are going to be, they will be requiring
13 lighter vehicles, which basically now we're going
14 to have to have trucks to build our winter roads.
15 And to us that's, you know, we're going to have to
16 try and purchase four 2500 or 3500 trucks which
17 are approximately about \$50,000 each, or over,
18 with plows on them. You know, if you look at it,
19 that's potentially close to \$250,000. You know,
20 that road, we have been constructing for the past
21 30 years. And this year we might lose that
22 contract because, you know, I don't know if we're
23 going to be able to afford to buy new trucks to
24 plow. And that's something that we have always
25 provided to our community. You know, we provided

1 this service of the road, the winter road, and
2 also employment.

3 So those are things that we are
4 feeling right now. And we definitely realize and
5 understand that this is a problem that's caused by
6 the Nelson River and the changes in the flows, and
7 the rising and the dropping of the ice conditions.
8 So that's a major problem for us right now.

9 Conclusion. Our lives, our culture,
10 our history, our future are interwoven with
11 seasonal flows of the Nelson River. People who
12 reside around Lake Winnipeg do not see us. We are
13 a long way to the north and a long way down the
14 river. But what happens on Lake Winnipeg affects
15 us everyday. All the water from one of the
16 largest lakes in the world comes up to Split Lake,
17 a much smaller lake. Small changes on Lake
18 Winnipeg can be big changes on Split Lake.

19 There was a time when Lake Winnipeg,
20 Churchill and Nelson River Study Board predicted
21 that shorelines on Split Lake would stabilize
22 within 10 years of the Lake Winnipeg Regulation
23 project. We can tell you this has not happened on
24 Split Lake. In fact, we are telling you it's
25 getting worse. The environment is constantly

1 changing.

2 Our people will forever remember when
3 the land and the waters, what we call (Cree
4 spoken) in our Cree language, were clean and
5 natural. Today we experience the multiple effects
6 of Hydro projects on a daily basis. One of these
7 is Lake Winnipeg Regulation.

8 In closing, I want to be very clear.
9 We are very concerned when we hear about the
10 possibility of a change to the final licence
11 because we know any change will affect us. We
12 hear that there may be ways to manage the outflows
13 from Lake Winnipeg that benefit York Factory. But
14 whether the operation of Lake Winnipeg Regulation
15 can be changed to our benefit would require
16 detailed and thorough studies. If such studies
17 are contemplated, York Factory must be involved.

18 To be clear, there can be no changes
19 to the licence with or without our agreement and
20 formal consent -- without our formal agreement and
21 informed consent. We are a community with
22 Aboriginal and Treaty rights. We are a signatory
23 to the Northern Flood Agreement and the York
24 Factory 1995 Implementation Agreement.

25 Deep down, all we want and hope for is

1 a future with fewer environmental, economic,
2 social and cultural effects due to Lake Winnipeg
3 Regulation, and its interaction with other
4 projects. All we want and hope for is a better
5 life for our members and future generations.

6 Thank you for this opportunity to
7 speak. Egosi.

8 THE CHAIRMAN: Thank you, Chief Bland
9 and Councillor Constant. Questions? Manitoba
10 Hydro?

11 MR. BEDFORD: No.

12 THE CHAIRMAN: Participants?
13 Mr. Williams?

14 MR. WILLIAMS: Good morning,
15 Mr. Chair, members of the panel. And our client
16 is mindful of the caution of the Commission about
17 avoiding friendly cross. I want to just note,
18 though, here, our client's not sure whether we
19 have a point of disagreement or not with York
20 Factory, so the questions will be asked to that
21 point.

22 THE CHAIRMAN: As long as they are
23 relevant and you're not, as I have said in the
24 last day or two, lobbing big softballs.

25 MR. WILLIAMS: Mr. Bland, or Chief

1 Bland and Councillors, welcome. Chief Bland, have
2 I ever logged softballs to you, sir?

3 CHIEF BLAND: No. Fast balls.

4 MR. WILLIAMS: I do want to start with
5 instructions from my client with a point of
6 understanding. I do want York Factory to
7 understand that, from the perspective of CAC
8 Manitoba, they share your concerns with high water
9 levels and increasing water levels, and your
10 concern that any changes to operation should not
11 lead to further adverse impacts on downstream
12 communities.

13 So Chief Bland, can we start our
14 conversation with that understanding?

15 CHIEF BLAND: Yeah.

16 MR. WILLIAMS: Now, York Factory was a
17 partner in the development of the Keeyask
18 Hydroelectric Generating Station project, sir. Is
19 that correct?

20 CHIEF BLAND: That's correct.

21 MR. WILLIAMS: And it certainly played
22 a big role when we first met as a proponent for
23 that project in prior Clean Environment Commission
24 hearings?

25 CHIEF BLAND: Correct.

1 MR. WILLIAMS: And in the course,
2 focusing on Keeyask, York Factory conducted its
3 own environmental assessment independent from
4 Manitoba Hydro. Would that be fair, sir?

5 CHIEF BLAND: Yeah. Yeah, I'd say so,
6 yeah.

7 MR. WILLIAMS: And your community
8 undertook intensive research about how to best
9 operate the project to help your community and to
10 minimize impacts on the environment, to the degree
11 possible. Would that be fair?

12 CHIEF BLAND: Yeah.

13 MR. WILLIAMS: And that assessment
14 that part of the assessment was lead by your
15 people and your community?

16 CHIEF BLAND: Yes.

17 MR. WILLIAMS: And it would be fair to
18 say that through the partnership agreement and its
19 role in the environmental impact hearing, York
20 Factory was able to make important changes in
21 Keeyask that will hopefully add to the health of
22 your community and its waters and lands. Would
23 that be fair, sir?

24 CHIEF BLAND: Yes.

25 MR. WILLIAMS: And of course, the

1 Keeyask project has an environmental licence?

2 CHIEF BLAND: I believe so, yeah.

3 MR. WILLIAMS: You can accept that
4 subject to check?

5 CHIEF BLAND: Yeah. I wasn't sure if
6 we were going to be questioned today. I thought
7 we were going to be doing a presentation. But
8 continue.

9 MR. WILLIAMS: Not many fast balls
10 coming, Chief Bland.

11 CHIEF BLAND: That's fine. Yeah,
12 that's fine.

13 MR. WILLIAMS: And that licence is a
14 good thing, you would agree, because it allows for
15 continued intensive studying and monitoring with a
16 major role played in monitoring of Keeyask by your
17 community?

18 CHIEF BLAND: Yes.

19 MR. WILLIAMS: And hopefully, as we
20 learn more about the Keeyask project and its
21 operations, that research will allow for
22 operations to be changed, if necessary, to adapt
23 to the implications of Keeyask, with your consent?

24 CHIEF BLAND: I'd have to double check
25 on that. Like I said, I wasn't prepared to --

1 MR. WILLIAMS: And that's fair enough,
2 Chief. And if you are not able to answer this
3 question, not a problem, but would you be aware
4 that in other jurisdictions Hydro projects often
5 have to undergo a relicensing project that looks
6 at ways to maintain their economic productivity,
7 while either reducing their environmental
8 footprint or delivering additional benefits?
9 Would you be aware of activities like that in
10 other jurisdictions?

11 CHIEF BLAND: I would expect it. But
12 I, you know, like I said, I can't speak for other
13 jurisdictions.

14 MR. WILLIAMS: Now, let's focus now
15 for just a couple of seconds on Lake Winnipeg
16 Regulation, sir. It would be fair to say that not
17 enough work has been done to date in terms of Lake
18 Winnipeg Regulation to mandate operational changes
19 that might have adverse effects downstream. There
20 hasn't been enough study done?

21 CHIEF BLAND: One thing that I had
22 mentioned, you know, about the potential changes
23 is that we'd like to see a study. I also
24 mentioned earlier too that, you know, there has
25 been continuous changes. You know, when we

1 expected stabilization at a period of time, that
2 there are things that are still happening. So I
3 would say that probably more studies would have to
4 be done.

5 MR. WILLIAMS: Okay. And I believe I
6 heard you testify this morning that you had been
7 told that there is a possibility that some changes
8 in flow might assist York Factory?

9 CHIEF BLAND: Yeah. I was thinking
10 about that, and it was about the potential
11 increases in the water levels. And you know,
12 again, we're not -- I said may, may help York
13 Factory but, again, we're not sure. You know, it
14 all revolves around studies that would be
15 undertaken by Manitoba Hydro, in which we would
16 like to participate.

17 MR. WILLIAMS: And let me perhaps push
18 you a little further on that. Presumably York
19 Factory would wish to play a lead role in those
20 studies, rather than have Manitoba Hydro dictating
21 to them?

22 CHIEF BLAND: I would like to see York
23 Factory take a role. You know, there is other
24 communities as well, I'd like to be alongside
25 other communities and do it together.

1 MR. WILLIAMS: Okay. And Chief Bland,
2 my client would love to ask you questions about
3 the water treatment factory, and I'm not sure time
4 allows, but focusing on the commentary of MIT in
5 terms of its implications for your road and the
6 safety of the ice, would it be fair to describe
7 the recent adverse developments in terms of the
8 ice as a material change in the circumstances for
9 your community?

10 CHIEF BLAND: That's something that
11 we're looking at trying to figure out as well.
12 You know, we have always predicted that changes
13 would occur on the Nelson River and would continue
14 to occur. With the construction of the Keeyask
15 project, you know, we have looked at potential
16 impacts through that project. But it's not at a
17 stage where it's impacting our community yet.
18 But, you know, we have, we feel that the changes
19 are continuing, you know, it's just getting more
20 and more difficult every year to construct our
21 winter road. And it's costing us more and more
22 every year. So we're not benefiting profit-wise
23 through our contract, in fact, we're losing money
24 on it, and the First Nation ends up eating up the
25 cost every year. And yeah, it's still changing.

1 And like I said, MIT is considering a new route
2 now because it's becoming more unsafe to
3 construct. And you know, more recently, within
4 the past six years, you know, I have been more
5 involved in that project of construction, just
6 because I was a part of the construction company.
7 And there were times where there was open water on
8 both sides, maybe just the length of a football
9 field, and he'd have to go through it and we'd be
10 building ice on top of it just to get by, just to
11 get through. And it hasn't been that way before.
12 You know, there's always open water areas now on
13 the lake. And this is normally the time that we
14 start our construction, so we definitely feel that
15 there's impacts on that.

16 MR. WILLIAMS: Just so I understand
17 your point on that, Chief Bland, the presence of
18 open water is a relatively recent development?

19 CHIEF BLAND: It's been reoccurring
20 more and more. It hasn't been that way for the
21 past years before. It's, you know, like I said,
22 since I had been participating and been a part of
23 the construction company and working with some of
24 the guys who had been there for 25 years, they
25 have said it's got progressively worse, and that

1 it's more difficult to build and it's unsafe to
2 build.

3 MR. WILLIAMS: Okay. One last
4 question. Going back to your earlier comment
5 about some person suggesting that a change in
6 flows -- there are some types of flows that might
7 benefit York Factory. Are there any details about
8 what type of changes? And I'm not trying to rush
9 you to a recommendation, I'm just trying to --
10 have people talked about changes in seasonal flows
11 to assist fur bearing creatures, or what kind of
12 advice has the First Nation received, if you're
13 able to share it?

14 CHIEF BLAND: I don't have a formal
15 conclusion on that yet, you know. We have
16 discussed this around in our community, you know,
17 and we have looked at the Lake Winnipeg
18 Regulation. And we have had some discussions
19 about if higher water levels were to occur on the
20 lake, if they start to rise, then, you know, we
21 would think that we definitely have a little bit
22 more problems. But if we consider lower water
23 levels, then that would mean, we think anyway,
24 that there would be constantly higher water levels
25 in our territory, which would be the longer-term

1 water levels. So those are just some of the
2 discussions that we had. You know, they are not
3 formal, you know, for York Factory at this point.
4 They are only discussion.

5 MR. WILLIAMS: And congratulations on
6 your election.

7 CHIEF BLAND: Thank you.

8 MR. WILLIAMS: And thank you for your
9 time.

10 THE CHAIRMAN: Thank you,
11 Mr. Williams.

12 And Chief Bland, I'm sorry for the
13 misunderstanding, but participant presentations
14 are always subject to some cross-examination.

15 CHIEF BLAND: That's fine.

16 THE CHAIRMAN: Well, I'm just informed
17 today that you are a presenter and not a
18 participant, and we shouldn't have subjected you
19 to cross-examination.

20 MR. WILLIAMS: I was pretty nice.

21 CHIEF BLAND: That's fine,
22 clarification.

23 THE CHAIRMAN: Okay. In that case
24 then, even presentations are subject to questions
25 from panel members who may have --

1 CHIEF BLAND: I'm fine with it. I
2 would have probably just touched up a little bit
3 on some of the background information, just from
4 memory.

5 THE CHAIRMAN: Okay. Mr. Yee, do you
6 have any questions?

7 MR. YEE: Yes, I do.

8 Thank you, Chief Bland, for your
9 presentation. One of the things that came to my
10 mind is that we have heard from a number of
11 communities about safe ice travel and the issues
12 with fluctuating water levels, and the fact that
13 unseasonal flow is causing slush ice as well as
14 hanging ice and other issues. I'm just wondering,
15 we have also heard that Manitoba Hydro operates
16 what's called, I believe, a Safe Trails Program.
17 I'm just wondering, does that program exist in
18 your community?

19 CHIEF BLAND: Yes, it does.

20 MR. YEE: And how is your experience
21 with that program?

22 CHIEF BLAND: I think it's run well,
23 because we have our members, you know, marking out
24 the territories and they know where the water
25 flows are and they know, you know, the safe areas.

1 I think it's a well-run program.

2 MR. YEE: Okay. Thank you. That's my
3 only question.

4 THE CHAIRMAN: Ms. Suek?

5 MS. SUEK: You mentioned that flows
6 are unpredictable, that you don't know when the
7 water is going to go up or the water is going to
8 go down. Do you get notice at all about the fact
9 the water is going to be released and you can
10 expect it to go up? How is that communicated to
11 you?

12 CHIEF BLAND: Hydro usually sends a
13 two or three-page document, and it's about a month
14 before, so it does give us an indication of the
15 changing water levels, yeah.

16 MS. SUEK: And do you consult with
17 Manitoba, or do they consult with you, I guess is
18 the question, about when is the best time to
19 release water and how it affects you? And is it
20 information one way or is it a consultation
21 process?

22 CHIEF BLAND: For us, I feel like it's
23 information one way. I think a lot of the -- to
24 me, I think a lot of the changes in the water
25 flows are dictated by the need for electricity

1 down in the south.

2 MS. SUEK: And do you think that you
3 would have something to contribute in terms of,
4 you know, the wildlife and fishing and spawning
5 areas and times? Does it seem like you would have
6 something to contribute to that? Better to
7 release water, you know, a week later or --

8 CHIEF BLAND: Oh, okay. I guess if we
9 had more discussions on that specific, you know,
10 piece, yeah, we could probably work together on
11 it. Like springtime, some of the areas where we
12 normally were fishing and that are always, like
13 our rapids are always high. So years ago when we
14 were young, the water levels were low enough so
15 there was always a lot of spawning around the
16 area. Now the water levels are higher and there's
17 no fish around the territory, or around the area
18 that we normally once used. So if there were
19 anything to be planned, then, yeah, that would be
20 nice to have.

21 MS. SUEK: Okay. Those are my
22 questions.

23 CHIEF BLAND: Thank you.

24 MR. HARDEN: Okay. In terms of the
25 ice road then, you get a contract, or you have a

1 contract with MIT to build and maintain in that
2 ice road each year? Is that correct?

3 CHIEF BLAND: Yes. It's negotiated,
4 it's not just a given, but they always come to
5 York Factory first.

6 MR. HARDEN: Okay. Now, one of the
7 things that's been happening in recent years with
8 Lake Winnipeg Regulation is that Manitoba Hydro
9 has been at maximum discharge for a prolonged
10 period in recent years. And that's about the only
11 difference that I can think of in terms of the way
12 it's been operated. In other high water years,
13 have you had the same issues with the ice roads?
14 For instance, after '97, or any of the other years
15 when Manitoba Hydro has been at maximum discharge,
16 have those issues existed?

17 CHIEF BLAND: I honestly couldn't
18 answer that. But just through our involvement,
19 and just having some discussion with employees
20 that have been there as part of the construction
21 company, during the time that I have been
22 involved, they just said that it's really
23 difficult now and it's not the way it used to be
24 years ago. So I don't know what their problems
25 were, you know, years ago.

1 MR. HARDEN: Okay. Those were my
2 questions.

3 CHIEF BLAND: Thank you.

4 THE CHAIRMAN: I think I just have one
5 question, Chief Bland, and it just follows on
6 what's already been asked. You said that this
7 problem with the ice road this winter is due to
8 sort of different ice patterns or different flow
9 patterns this winter. Has anybody been able to
10 determine the cause of that?

11 CHIEF BLAND: One of the things that
12 we wanted to do was hire a hydrologist to look at
13 under ice flows during the winter season, but
14 that's expensive for us. And you know, we want to
15 be able to try and determine what exactly is
16 happening under there, and the changes with the
17 ice.

18 So, you know, that's all that I can
19 answer, because we don't have that information.

20 THE CHAIRMAN: Okay. Thank you very
21 much.

22 So thank you, Chief Bland, for coming
23 in and making this presentation today, and thank
24 you to your colleagues, Councillor Constant and
25 Councillor Beardy. I'd also like to thank you for

1 the hospitality you showed us when we were in your
2 community in mid-January.

3 Do you have any closing comments?

4 CHIEF BLAND: I would just like to say
5 thank you for allowing us to do our presentation
6 today. You know, it's always something important
7 for us when we have to discuss, you know, anything
8 that has to do with hydroelectric development
9 around the territory and, you know, anything that
10 has to do with our water flows.

11 It's been a process that we have
12 engaged with Manitoba Hydro on. We formed
13 partnerships with them. We have worked on our
14 relationship over the past few years and, to some
15 degree, it's improved. But there are still some
16 things that definitely need to be resolved. You
17 know, I'm not going to try and make everything
18 look flowery and rosy for us, but we still have
19 some things that are still unresolved for us, and
20 we still have a long way to go.

21 And York Factory will continue to
22 stand, you know, stand our ground and our position
23 when it comes to our membership and taking care of
24 them. And that's everything. Thank you very
25 much, appreciate it.

1 THE CHAIRMAN: Thank you, Chief Bland.

2 Let's take a short break while we
3 change the panel members, come back at 25 after.

4 (Proceedings recessed at 10:13 a.m.
5 and reconvened at 10:25 a.m.)

6 THE CHAIRMAN: Okay. We'll come back
7 to order. The next panel represents the
8 Tataskweyak Cree Nation. We will get things
9 straight from the start, they are a participant
10 group so they are subject to cross-examination, on
11 that basic proviso. I know Victor Spence, so I'll
12 welcome Victor Spence, and the other two can
13 introduce themselves and the Commission secretary
14 will swear them in.

15 MR. SPENCE: Victor Spence, TCN.

16 ELDER MARTHA SPENCE: Martha Spence,
17 TCN.

18 MR. KEEPER: Brian keeper, TCN.

19 Victor Spence: Sworn.

20 Martha Spence: Sworn

21 Brian Keeper: Sworn

22 THE CHAIRMAN: Okay. You may proceed
23 with your presentation now.

24 MR. SPENCE: Elder Martha Spence is
25 very eager to address the panel. Welcome all,

1 everybody. Elder Martha Spence will do part of
2 the reading of the written presentation I
3 submitted to the panel. Mr. Keeper also will do
4 the other half. At the conclusion of the
5 presentation, I will make a brief oral
6 presentation, and after that we will take
7 questions. Egosi.

8 ELDER MARTHA SPENCE: Good morning. I
9 feel very honoured to be here to take part in this
10 community. I did my prayer, we usually say a
11 prayer, so I did my prayer sitting back there, and
12 that's what we believe.

13 Introduction. Tataskweyak Cree Nation
14 is a community of approximately 3,000 Cree people
15 and our main reserve is located on Split Lake, on
16 the lower Nelson River in Northern Manitoba.
17 Tataskweyak is in a unique position to discuss the
18 effects of the Lake Winnipeg Regulation on the
19 environment and on our people because of our
20 history and location. Our people have over 50
21 years of firsthand experience with devastating
22 effects of hydroelectric development in the north.

23 While we commend the Government of
24 Manitoba for undertaking a review of the licence,
25 it is evident that the scope of the review and the

1 mandate of the Clean Environment Commission do not
2 provide an appropriate venue for the inclusive
3 holistic assessment required when considering a
4 final licence for the Lake Winnipeg Regulation
5 project.

6 In terms of our location, Split Lake
7 is a widening of the Nelson River where it is
8 joined by the Burntwood River. It is at the heart
9 of Hydro's generation system, receiving altered
10 flows from Lake St. Joseph, Winnipeg,
11 Saskatchewan, Red, Assiniboine and other small
12 rivers that flow into Lake Winnipeg, plus most of
13 the flow of the Churchill River which has been
14 diverted through the Burntwood.

15 The cumulative effects of damming,
16 diverting, and regulating such powerful and
17 productive rivers have devastated northern
18 communities and Cree culture in ways
19 incomprehensible to our own children and
20 grandchildren. When we try to explain to them how
21 our world was only 50 years ago, they look at us
22 with blank faces, not even able to imagine the
23 places that we have described and freedom we had
24 to live our traditional lifestyle.

25 The Cree worldview, Kischi Sipi. Our

1 relationships with Mother Earth, which have
2 evolved over thousands of years, are expressed in
3 our customs and practices and traditions and
4 underpin our worldview. Maintaining harmony and
5 balance in our ancestral homeland requires healthy
6 relationships with Mother Earth. These
7 relationships are central to our distinctive
8 cultural identity and our continued existence.

9 Kischi Sipi, also called the Nelson
10 River, was the lifeblood of these relationships.
11 The river, which widens at Split Lake, was our
12 highway and food and was the centre of
13 recreational and cultural pursuits. The river and
14 all it contained helped to sustain us, in return
15 we respected and cared for the river and
16 everything that was part of it.

17 Hydro development and Lake Winnipeg
18 Regulation. The harmony and balance in our
19 ancestral homeland largely withstood numerous
20 disturbances throughout our history, but when the
21 Government of Manitoba turned its attention north
22 58 years ago to the development of the Kelsey
23 Generating Station, it was the beginning of
24 decades of devastation for our river and our way
25 of life.

1 First, Hydro began building dams
2 without notice or consultation. The dams blocked
3 the Nelson River, destroyed the rapids, and
4 replaced flowing water with reservoirs.
5 Traditional sites were flooded, graves were washed
6 away, and travel both on and off the river became
7 difficult and dangerous.

8 Next, the flow of the river was
9 changed when the Churchill River was diverted into
10 Kischi Sipi at Split Lake and Lake Winnipeg was
11 regulated, creating a 50 percent increase in the
12 outflow capacity. Hydro also began to use the
13 river as a reservoir to enable more profitable
14 power production, as well as for flood protection
15 on the lake. The water in Kischi Sipi turned
16 turbid and, as a result, Split Lake began filling
17 with mud, algae and debris.

18 The Lake Winnipeg Regulation reversed
19 the natural water regime, causing low flows in the
20 spring and summer and high flows in winter.
21 Travel conditions became unpredictable and
22 dangerous as water levels and flows were quickly
23 changed, depending on power demand and outflow
24 requirements to protect Lake Winnipeg. Our
25 reserve and traditional lands began eroding.

1 Aquatic and shoreline habitat and populations were
2 negatively affected, which directly affected
3 Tataskweyak's harvesting, recreational and
4 cultural pursuits.

5 Traditionally, our people maintained a
6 healthy and reciprocal relationship with the
7 Nelson River. We consider ourselves custodians of
8 the river and its inhabitants. As Manitoba took
9 over management of the river for electricity
10 production and flood protection, the harmony and
11 balance of our world was shaken. The manipulated
12 river is now poor highway due to debris and
13 unstable ice conditions, its water is muddy and
14 undrinkable, and its fish are harvested far less
15 due to fears of mercury contamination and overall
16 poor health. Noticeable changes exist in the
17 texture and flavour of our most abundant and
18 sustainable food sources. Delicate and critical
19 relationships that exist in our world have been
20 damaged, many irreparably.

21 All of these impacts and concerns have
22 been identified by our members and government
23 agencies in the past, including during the Federal
24 and Provincial monitoring programs of the 1980s,
25 in our 1996 Post Project Environmental Review, in

1 the Keeyask EIS, and in Hydro's Lake Winnipeg
2 Regulation report submitted to this panel.

3 The impacts of Lake Winnipeg
4 Regulation on Split Lake are inseparable from the
5 impacts of the rest of the hydro system. Complex
6 river systems from Alberta to Ontario, and Montana
7 to Minnesota, have been manipulated so their
8 waters arrive, with devastating power and
9 consequences in Split Lake.

10 MR. KEEPER: Mercury has been and
11 continues to be a real concern for us. Some
12 history need to be provided in order to give
13 context for our concerns. This history is
14 acknowledged in Hydro's Lake Winnipeg Regulation
15 report.

16 The Tataskweyak Cree first became
17 aware of the danger to their health from eating
18 fish containing mercury in 1970 and '71, when
19 Split Lake, Cedar Lake, Lake Winnipeg and many
20 other lakes were closed to commercial fishing for
21 several years. The Cree language has no word for
22 mercury; it is translated as poison. Results from
23 a wide-area testing program indicated that levels
24 were low enough that these fisheries could be
25 reopened. The fear of poison in our fish,

1 however, started to have an effect on our diet and
2 our way of life, despite reassurance from the
3 government.

4 Fears of mercury contamination
5 resurfaced a few years later, in the late 1970s,
6 when elevated levels in fish were detected in
7 Hydro affected areas of the Churchill River
8 waterways, including Southern Indian Lake which
9 had been devastated by flooding caused by the
10 Churchill River Diversion. Several commercial
11 fisheries along the Churchill River Diversion
12 route were closed for a season. Subsequent
13 testing of Stephens Lake, also the reservoir for
14 the Kettle Generating Station, showed very high
15 mercury levels, far above the limit for commercial
16 sale or safe consumption. Mercury levels in Split
17 Lake were lower, but still above sale and
18 consumption limits for some years. Fish
19 consumption guidelines had to be developed to
20 ensure our people were safe. Members were tested
21 for mercury contamination and, in many cases,
22 never received their individual results. This
23 lead to much more fear and concern throughout the
24 community which persists today.

25 To my people, the Kischi Sipi was now

1 contaminated and could not be trusted to provide
2 food in the traditional way. Unfortunately, we
3 were powerless to do anything about it. This
4 mercury was not coming from an industrial source
5 far away, it was coming from our own backyard.
6 Our confidence in eating fish has been shaken
7 forever, which has caused irreversible changes to
8 our culture.

9 Tataskweyak members understand how
10 mercury gets into the fish. Flooding causes
11 erosion of soil and peat into the reservoirs,
12 where bacteria converts mercury from the soil into
13 the poisonous methylmercury, which accumulates up
14 the food chain with the highest levels occurring
15 in big predatory fish like pickerel and jackfish.

16 The operation of the Churchill River
17 Diversion and Lake Winnipeg Regulation has
18 resulted in enormous erosion of lake and river
19 shorelines in the Nelson River watershed. We can
20 see the results of the continuing erosion of the
21 Burntwood River which carries the diverted
22 Churchill into Split Lake, including the buildup
23 of sediment at the inlet of the Burntwood to Split
24 Lake. We know that erosion is the cause of
25 increased mercury levels in fish and, as a result,

1 our fears of eating fish from Kischi Sipi will
2 continue as long as its shorelines continue to
3 erode.

4 The Northern Flood Agreement (NFA) of
5 1977 attempted broadly to address the impacts of
6 Hydro development, particularly the Churchill
7 River Diversion and the Lake Winnipeg Regulation,
8 including hydro and government responsibilities
9 for water quality, safe navigation, community
10 infrastructure, remediation, and shoreline
11 clearing. As has been acknowledged in many
12 documents, very limited implementation of the NFA
13 was achieved.

14 Our 1992 agreement with Manitoba,
15 Canada and Manitoba Hydro won us certain
16 authority, both independently and jointly, to deal
17 with impacts of the regulation and diversion. A
18 water regime was defined that represented
19 historical flows and levels on our waterways,
20 particularly Split Lake, since the regulation of
21 our river system.

22 Notwithstanding assurances that
23 physical impacts resulting from the Lake Winnipeg
24 Regulation/Churchill River Diversion would tend to
25 stabilize after 10 to 20 years, the impacts are

1 ongoing, and from what our members report, are
2 getting worse. Contrary to what was predicted by
3 western science at the time, neither our river nor
4 our culture have stabilized and both continue to
5 experience significant impacts.

6 As noted in Hydro's Lake Winnipeg
7 Regulation report, unprecedented water levels in
8 2005 flooded portions of our community. This
9 included the destruction of our shoreline, impacts
10 on community infrastructure, including our
11 cemeteries, and required extensive riprapping to
12 protect our reserve in the future.

13 In the first 20 years of Lake Winnipeg
14 Regulation, we had just three flood on Split Lake.
15 In the last 20 years there has been a flood about
16 every two to three years. The water on Split Lake
17 has been so high in the past few years that
18 erosion monitoring cannot even be conducted.

19 Hydro's Lake Winnipeg Regulation
20 report notes key areas of eroded Tataskweyak
21 reserve land, but in fact, there is erosion all
22 over Split Lake, including islands which have
23 existed for as long as we can remember that are
24 now starting to disappear.

25 There is apprehension about changing

1 water levels. Members don't know when to tie up
2 their boats and when to use a snowmobile. It is
3 plain to us when we are out on the land harvesting
4 that the waters of Split Lake and Nelson River are
5 the colour of mud, while the colour of lakes not
6 on the Hydro system are a brilliant blue. This is
7 also evident in aerial photography of the region.
8 We have lost confidence in a supply of clean water
9 and in the safety of domestic foods and
10 traditional medicines.

11 Tataskweyak Cree Nation, War Lake
12 First Nation, Fox Lake Cree Nation and York
13 Factory First Nation have recently partnered with
14 Manitoba Hydro to construct and operate the
15 Keeyask Generation Project, which is located
16 downstream of Split Lake on the lower Nelson
17 River. Under the terms of the joint Keeyask
18 development agreement, Tataskweyak and Hydro have
19 agreed that no change to the CRD licence, as
20 modified by the augmented flow program, or to the
21 Lake Winnipeg Regulation licence, will be required
22 to construct and operate the Keeyask project.

23 Manitoba and Canada's monitoring
24 programs began in the 1980s, and since then have
25 provided some understanding of the adverse effects

1 of Lake Winnipeg Regulation and Churchill River
2 Diversion. We understand there is extensive
3 monitoring of water quality and aquatic habitat in
4 Split Lake and that is ongoing.

5 With respect to mercury, we expect
6 that the Crown will fulfill its responsibilities
7 to our people and work with us to mitigate,
8 monitor, and address concerns regarding the
9 ongoing impact of mercury contamination on our
10 diet and health.

11 We want environmental monitoring to
12 continue, including as required under our
13 agreements, with a productive role for our
14 members. We want Hydro to mitigate or remedy
15 adverse effects identified as a result of this
16 monitoring in accordance with our agreements, or
17 otherwise, as required. We want the final licence
18 to reflect these wishes.

19 We do not want any changes to the
20 operating conditions of Lake Winnipeg Regulation.
21 While our nation has suffered the adverse effects
22 of regulation for 40 years, any changes, including
23 those options assessed in Hydro's Lake Winnipeg
24 Regulation report, would bring new, unpredictable
25 changes and uncertainty, to a greatly altered and

1 delicate ecosystem. Thank you. Egosi.

2 MR. SPENCE: If I may briefly, just to
3 further -- with respect to the concerns of our
4 members on our environment and on our holistic
5 view of our nation, the map that you see on the
6 screen all are -- one thing reads Manitoba -- are
7 operated, manipulated by Manitoba Hydro as
8 licensed by Manitoba Government, as you could see,
9 the watershed that come from Alberta, through
10 Saskatchewan, into Lake Winnipeg, and the
11 diversion of the Churchill River that enters into
12 Split Lake. Furthermore, Montana, Minnesota
13 Rivers watersheds enter into Lake Winnipeg. So
14 does Lake St. Joseph in Ontario.

15 I just want you, the Commission, the
16 members to understand all these waters that enter
17 into Lake Winnipeg go through our door steps. We
18 look out the window, we see all this water.

19 I know we are here to address the Lake
20 Winnipeg Regulation project, and that's the
21 mandate of this hearing.

22 But when you look at Lake Winnipeg,
23 the Nelson River, to our people it ends at the
24 outlet -- inlet of Nelson into Split Lake.

25 Since 1977 the majestic Churchill

1 River, which had served our people for thousands
2 of years, was changed. It was diverted into Split
3 Lake. So when we talk about Nelson River, we
4 cannot just entertain the Nelson River potential
5 impacts on us as people, and on our environment,
6 and on the animals that use Split Lake, which were
7 our source of food and provided sustenance to our
8 members.

9 On Split Lake -- I'm not sure if this
10 map will -- it will not reflect that. But the two
11 rivers, the diversion of Churchill River and the
12 Nelson River, and Lake Winnipeg Regulation, enter
13 into Split Lake. We cannot separate the impacts
14 of Lake Winnipeg Regulation on Split Lake proper.
15 It is very difficult to do that.

16 The majestic river of Churchill comes
17 into play. They are now, if not the only
18 community, TCN -- respectively, the previous
19 Council, York Landing Chief and Council that
20 spoke, we are directly affected by both rivers.
21 We cannot separate that unique compounded effect
22 of these two rivers.

23 Split Lake, the way we knew it and
24 used it before the diversion, does not exist, it's
25 gone. Split Lake is gone as we knew it. It is

1 now muddy, turbid waters, feared and trusted by
2 our members. It is not the recreational, the
3 natural recreational facility we once enjoyed as
4 children. It is not the harvesting sites that we
5 so enjoyed as people. The base where there were
6 muskrats and beavers, and in two seasons the
7 waterfowls and the caribou and the moose that we
8 harvested in these sites no longer exist. We
9 cannot use them as such. Yet that would declare
10 sustenance, immediate sustenance provided to our
11 members. Now we have to spend thousands of
12 dollars to enjoy, you guys call them country
13 foods.

14 The environment that we are, have been
15 brought upon us by development is so foreign that
16 we still haven't been able to adjust to it and
17 adapt to it the way that we would be able to
18 provide the needs of our members.

19 I will share a story. We didn't just
20 happen on Split Lake, we are not the problem to
21 Manitoba Hydro, nor to the government. The
22 problem was brought upon us 38 years ago. It
23 affected us as people, our health, our culture,
24 our identity. We are still in pain, we are in
25 anguish. We look forward to the government, and

1 handouts from the Hydro, which do not come.

2 This particular hearing I heard, in
3 relation to our members, I can only attest and
4 speak about our nation. I'm not here to be able
5 to speak on other's behalf, but I'll share a story
6 with you.

7 On Split Lake there is, just down
8 river there is, adjacent to Split Lake there is a
9 little narrows and it empties, opens into Clark
10 Lake. At Clark Lake, in respect to studies
11 undertaken jointly by Manitoba Hydro and TCN, in
12 looking at the goal of Keeyask Hydroelectric
13 Development, there was one area that was heavily
14 archaeologically studied. And at this particular
15 site, we were informed that the size of that
16 traditional site, ancestral site was about three
17 football fields. That was the site of that
18 settlement at that one time. There they found
19 arrowheads, spearheads and pottery, pottery that
20 came from Montana. And they were dated 5,000
21 years old, some were 2,500, some 3,000, some four.
22 And at this site, not far from that site, from
23 maybe from here to the end of the hallway, we have
24 a gathering site.

25 In the spring, when there's a school

1 break, I have a cabin there, and there are other
2 people there. During spring break, our children
3 and our grandchildren, and when they arrive at
4 that site that particular weekend, there could
5 easily be 100 to 200 children, and great
6 grandchildren.

7 What I'm getting at is that we were
8 there, we happened there, but it took the white
9 man a spearhead to acknowledge that. Yet our
10 forefathers kept telling us, we were here. The
11 particular pottery and spearheads say 5,000 years
12 old. We were there a thousand years before the
13 pyramids, 3,000 years before Christ, we had been
14 there. We are not the problem.

15 So, now the people that were there at
16 that time, our ancestors, 5,000 years ago, my
17 grandchildren are still on that site. We have
18 been occupying and using that particular site all
19 these thousands of years. We will continue to
20 exist within this Hydro affected waterway.

21 The Churchill River and the Nelson
22 both enter into Split Lake, what was Split Lake.
23 It is now very turbid, very muddy waters,
24 unpredictable. We have to change the name of the
25 lake. You guys talk about the Nelson River, Lake

1 Winnipeg and Nelson River, Lower Nelson. We say
2 as people, TCN, that that is no longer Nelson
3 River that leaves Split Lake. It is not Nelson
4 River, as we know it in the past. It is both
5 Nelson and Churchill. And Hydro in their reports
6 look at the flows, how much power they could
7 generate, more power they can generate downstream
8 of the dams, the hydroelectric development. But
9 we're not here to -- TCN is not here to speak of
10 its history. But the significance of what I am
11 saying is that we were there, we will continue to
12 exist. Our environment has been affected by the
13 current operations of Manitoba Hydro, the Lower
14 Nelson, I mean, the Lake Winnipeg Regulation and
15 the Churchill. You cannot separate them. I know
16 that the mandate of this panel is to look at
17 Nelson, to Lake Winnipeg Regulation. But on Split
18 Lake proper, you can't do that, because Churchill
19 River plays a major role.

20 I know that it's so immediate to us,
21 what we're talking about, but I'm not sure if I am
22 able to articulate to the panel and to the people
23 in this room the significance of these impacts
24 caused by the two rivers. Maybe I'm speaking a
25 little too much here, but I'd like to say our

1 history with people, of our people. We are not
2 the problem. We had been there, we will continue
3 to exist there on Split Lake. We use Churchill
4 River. Egosi. Thank you.

5 THE CHAIRMAN: Thank you, Mr. Spence,
6 thank you Elder Spence and Mr. Keeper.

7 Manitoba Hydro, do you have any
8 questions?

9 MR. BEDFORD: No.

10 THE CHAIRMAN: Thank you. Other
11 participant groups, I'll switch up the order a
12 little bit. Mr. Settee?

13 MR. SETTEE: Good morning, panel, my
14 name is Darrell Settee from Pimicikamak, and I've
15 just got one question, just because you really
16 covered a lot of the topics I wanted to ask. But
17 about the flows around your area, which are
18 probably pretty much the same as ours in our area,
19 but all the artifacts there that were found, were
20 you able to keep them in your community, or were
21 they kept in another place or institution?

22 MR. SPENCE: They are being kept in
23 Winnipeg, and they are being cataloged. And we
24 are currently, under our agreement we had received
25 funding from Manitoba Hydro to build a museum to

1 be able to showcase, and also have the artifacts
2 enjoyed and viewed by our members in the
3 community. And over time the artifacts will be
4 returned to TCN.

5 MR. SETTEE: Thank you. And thank you
6 panel. That's the question I had.

7 THE CHAIRMAN: Thank you, Mr. Settee.
8 Mr. Lenton?

9 MR. LENTON: No.

10 THE CHAIRMAN: Mr. Williams?

11 MR. WILLIAMS: Hello again panel.

12 Good morning Elder Spence, Mr. Spence and
13 Mr. Keeper.

14 One of my clients, Ms. Barbara Nielsen
15 from the Consumers Association is here and she
16 asked me to thank you for sharing your stories and
17 your history.

18 If we, just in terms of, and my
19 questions are to whoever on the panel would like
20 to answer. Just turning to page 1 of your report,
21 in the second paragraph under the introduction,
22 Tataskweyak speaks of the Commission not providing
23 an appropriate venue for the inclusive holistic
24 assessment required for a final licence. And I'd
25 just like to ask a couple, in terms of, what was

1 meant by inclusive.

2 MR. SPENCE: In regard to when it
3 comes to Clean Environment Commission, TCN has
4 always, and had always insisted that we look at
5 the holistic, have a holistic review which
6 includes our members' involvement, and to review
7 the documents that are out there, documents that
8 speak of, that were done back in 1975, before LWR
9 and CRD, and studies that have been done to date
10 since the operation of this. So we want a more
11 significant role and involvement in looking at the
12 environment and the project to date. But when we
13 do have -- I'm not -- I will be blunt -- we're not
14 provided enough resources to be able to have a
15 whole review and a lengthy process with our
16 members.

17 The western science deals with review
18 and studies in the sense of separate components.
19 In ATK we look at environment from the holistic
20 view, which is inclusive. So we need to be able
21 to have that provided to us as a means of looking
22 at and reviewing the project on Lake Winnipeg.

23 MR. WILLIAMS: Thank you. I also
24 noted, Mr. Spence, when you use the word holistic
25 earlier, you spoke of the fact that you cannot

1 separate the unique compounding effects of both
2 the Nelson River and the Churchill River as they
3 open into Split Lake. Did I understand you
4 correctly, sir?

5 MR. SPENCE: Yes.

6 MR. WILLIAMS: So when you speak of a
7 more inclusive holistic assessment, are you
8 restricting that to an assessment of Lake Winnipeg
9 Regulation, or would you think it more useful to
10 include the CRD as well, the Churchill River
11 Diversion?

12 MR. SPENCE: It is very difficult to
13 separate the two. I cannot divide, nor quarter
14 Split Lake. It mixes at the outlet and the inlet
15 on Split Lake.

16 MR. WILLIAMS: Okay.

17 MR. SPENCE: I cannot separate them.
18 We cannot. So it's very difficult to say, well,
19 this part of the lake is Lake Winnipeg, Nelson
20 River effects, and this one is, this other half is
21 Churchill River. Virtually impossible.

22 MR. WILLIAMS: And my client has your
23 message about a more inclusive holistic
24 assessment, and if you are unable to answer this,
25 that's totally fine. Any sense of how much time a

1 properly supported assessment might take, from
2 your community's perspective?

3 MR. SPENCE: I may not be able to
4 answer your question, which may satisfy or provide
5 an answer to your question. However, we do
6 understand the effects on us, and we do not
7 necessarily accept the western science studies.
8 However, in past hydroelectric development, we
9 were not part of that. It was always under the
10 licence, under the requirements of the regulatory
11 process. Under Keeyask, we were given that
12 opportunity. But we looked at the footprint of
13 Keeyask, we do not look at the whole operation,
14 the whole system. We never had that opportunity.

15 So, yes, we need to review and explore
16 the last 38 years of hydroelectric development and
17 what it has done to our environment and to us,
18 inclusive, holistic.

19 MR. WILLIAMS: And thank you, and the
20 answer was better than the question.

21 In any event, Mr. Spence, if I could
22 turn you to page 6 of your report? And in the
23 third -- sorry, Mr. Spence, I will wait till you
24 get there. It's talking about erosion,
25 Mr. Spence. And in the third full paragraph on

1 page 6, you are talking about islands that existed
2 for as long as you can remember that are now
3 starting to disappear. And our client would just
4 like to know when these islands started to
5 disappear?

6 MR. KEEPER: What was the question?
7 What started to disappear?

8 MR. WILLIAMS: You talk about islands
9 that are now starting to disappear. When did this
10 start to come to your attention?

11 MR. KEEPER: Well, we actually started
12 seeing, pieces of island started flowing through
13 our -- from all the floods that are occurring. We
14 see all the debris that was flowing past our
15 communities, especially since 2005. Pieces of
16 islands were floating, where birds were sitting, I
17 mean seagulls were just sitting on top, you see
18 all kind of debris.

19 And when we go along shorelines,
20 everywhere along the shoreline along the Nelson
21 River, there was dead trees, you can see dead
22 trees. Even when there's no water, it still
23 reaches beyond the shoreline, it causes dead trees
24 to fall like even when there's no water. Just
25 water being in the soil that caused a lot of

1 shoreline erosion.

2 MR. WILLIAMS: You also say on that
3 page that erosion monitoring cannot even be
4 conducted. Now, who is responsible for erosion
5 monitoring on Split Lake?

6 MR. SPENCE: We have an agreement with
7 Manitoba Hydro that -- we have over a hundred
8 miles, kilometres I guess, of shoreline on our
9 reserves, reserve land. So they were to be
10 monitored. But we have such high water events
11 these last 10 years, that it's been difficult to
12 move forward on that part of the agreement.

13 However, we will jointly, with
14 Manitoba Hydro, have that implemented.

15 So, in respect to the islands, when
16 you say islands, we also talk about the habitat,
17 fish. An island, the debris on the lake itself
18 and the plants that were close to the shoreline
19 that we have enjoyed -- I know York Landing
20 mentioned medicine, which also we acknowledge and
21 attest that our members have done and harvested,
22 but those are no longer available to us when reeds
23 are -- and islands are stripped over there, and
24 have affected the whole community.

25 But, you know, we can have a whole day

1 talking about that, but we don't have time right
2 now. So when you ask that, that's a loaded
3 question.

4 ELDER MARTHA SPENCE: I just want to
5 mention, we talk about this, we come here before
6 you, Clean Environment Commission. You cannot
7 feel the way we feel if you did not live the way
8 we lived in the past, what I seen myself as a
9 young girl, how beautiful our country was and our
10 waters. Knowing and seeing that Keeyask, it
11 breaks my heart because my children that are there
12 and their children will not see that beautiful,
13 beautiful river, and the rapids that were there,
14 our highway, our ancestors who live there. We
15 have been crying and talking about this. We were
16 told, just like we don't know anything, but we do.
17 You cannot feel what we feel today, as an elder,
18 each morning when you get up and knowing what's
19 going on. And you look at the lake in the summer
20 time, you know, those islands that were there,
21 they were beautiful, you know. They were, you
22 know, they were not nothing wrong, and you paddle
23 around there.

24 My grandfather, was fishing in the
25 lake and getting the wood, and I was with him once

1 in a while, and you would go camping. And now you
2 don't see those. You don't see -- some of them
3 are gone because the water is high, you don't see
4 the beautiful thing, that beautiful place that you
5 landed when you go paddling, you know, with your
6 family.

7 And we talked about the animals also
8 that are being destroyed. But our spirits and our
9 being, it's also being destroyed. Everything that
10 happened to us, nobody, you cannot replace that.
11 Yes, we are asking for money to give us something
12 that we can go on, that cannot even replace our
13 spirit and our being, because many of our elders
14 are gone already that used to speak about this.

15 I am sure some of you's have a heart.
16 And I know that you want something going so we can
17 make money here in Manitoba. But to us, we lost
18 our riches where we lived on this Mother Earth,
19 our riches was how we lived and what we ate and
20 what we lived on from the animals. Even our
21 moccasins we used to wear, you know, those kinds
22 of things that are gone. And our children will
23 not see, and great grandchildren will not see
24 that, that beautiful place that we lived. The
25 highway is closed. You know, that's our highway,

1 travelling. And you see the rivers, they come
2 from all over in Manitoba, Lake Winnipeg, even
3 from the States, look where we are ended, nearly
4 at the end there. That comes, the water that
5 destroyed our lives, and that's where we are and
6 that's what's happening. You know, it seeps into
7 all the lakes and into the rivers, you know, that
8 being closed or, you know, destroyed, and we could
9 never have that back. We could never have that
10 back. It's gone. But we want to hold onto our
11 tradition, we will continue on to talk to our
12 young people, our tradition to carry on. Because
13 this was a most precious and sacred life that we
14 had in the past.

15 And I thank you for listening, because
16 this is what's happening to us and what we go
17 through everyday. And I have tears in my eyes
18 sometimes when I look out and pray, because that's
19 what we were brought up to believe in, what we
20 lived in. And praying hopefully that someone will
21 have a heart to help us out, what we go through,
22 what we don't see now. Thank you.

23 MR. KEEPER: Going back to your
24 question on monitoring, I live close to the shore,
25 there's a beach there not too far from where my

1 house is. It's a nice beach there by the
2 shoreline where the Northern Store is -- well,
3 used to be a beach there, but I haven't seen that
4 beach in well over 15 years, because of the
5 flooding.

6 I have a younger son there that's 18,
7 I don't think he ever seen that beach that was
8 there. There was a point there.

9 How can we assess something that we
10 haven't seen? We can't see the shoreline to
11 monitor it. We can't. We don't know how it looks
12 down there. So we don't know how much erosion
13 there actually is.

14 MR. WILLIAMS: Thank you for sharing.
15 And I apologize -- oh, Mr. Spence, go ahead.
16 Okay. I can, and I do apologize for the
17 questions.

18 Going to page 7, the last two
19 paragraphs, so for you with large font,
20 Mr. Spence, the very last two paragraphs. You
21 indicate that you want the licence to reflect the
22 fact that Hydro will mitigate or remedy adverse
23 effects identified as a result of the monitoring
24 in accordance with our agreement or otherwise as
25 required. And our client is just wanting to know,

1 are there things outside your agreement that you
2 would like to see reflected in a licence? Are
3 there things that aren't covered that perhaps
4 should be? And if you can't answer this entirety
5 now, you can always get back to my clients if you
6 think you'd like to.

7 MR. SPENCE: We will get back to your
8 client.

9 MR. WILLIAMS: And I hate to ask for
10 undertakings, but this is from our client's
11 perspective, Mr. Chair, an important one. So,
12 Mr. Spence, if you're prepared to, we'd ask for an
13 undertaking that you would respond with any other
14 mitigation, or remedies, or monitoring that is not
15 currently reflected in your agreement that you
16 would like to see reflected in the final licence.
17 Would that be satisfactory, sir?

18 MR. SPENCE: We are here to, we
19 understand that the mandate of this panel, the
20 Commission, is to look at Lake Winnipeg
21 Regulation, where some are saying that Lake
22 Winnipeg should be operated differently, whether a
23 foot higher, or under the current licence which is
24 715 ASL, or to be lowered by a foot to 714.

25 If it's to be lowered by a foot, it

1 would be so damning, so dangerous to our
2 environment. But we do not understand that
3 potential impact. Like I said, we do not have the
4 resources right now to be able to further explore
5 and review those potential changes. We are afraid
6 of it. And upon review of the environmental
7 studies and reports of the past, before the
8 development of CRD and LWR, you know, we would
9 have to again look at the last 38 years of the
10 operations of Manitoba Hydro.

11 MR. WILLIAMS: Thank you. And
12 Mr. Chair, our client very much appreciates the
13 time of the panel.

14 THE CHAIRMAN: Thank you,
15 Mr. Williams.

16 I'd just like to say, though, in
17 respect to the undertaking you requested, I don't
18 see any way that we can enforce an undertaking
19 against a participant group, particularly for
20 information that doesn't exist in the hard form.
21 You were asking them to provide stuff outside of
22 agreement.

23 MR. WILLIAMS: And I think he declined
24 very politely to answer it, sir, so I did not
25 pursue it.

1 THE CHAIRMAN: I think he did as well.
2 I thought he did a masterful job.

3 MR. WILLIAMS: As usual, the answer
4 was better than the question. So I don't consider
5 an undertaking to exist.

6 THE CHAIRMAN: Thank you. I mean, I
7 know where you're going and I see where you're
8 going, and if you wish to talk with Mr. Spence or
9 others off the record, and then perhaps put it on
10 the record as part of your later presentation,
11 that's fine.

12 MR. WILLIAMS: That's super. And I
13 agree with your evaluation of his answer as
14 compared to my question.

15 Elder Spence, Mr. Spence and
16 Mr. Keeper, our client truly appreciates the time
17 that you have shared with us this morning. Thank
18 you.

19 THE CHAIRMAN: Thank you,
20 Mr. Williams.

21 Mr. Yee?

22 MR. YEE: No.

23 THE CHAIRMAN: Ms. Suek?

24 MR. SPENCE: Egosi.

25 MS. SUEK: You mentioned in your

1 report the concerns that people have in the
2 community about the fear around mercury
3 contamination. And it seems like there has been
4 some monitoring and some studies. Is there no
5 definitive answer about whether there's
6 contamination, whether it's harmful, is it still
7 very unresolved? Is it an unresolved issue for
8 your community?

9 MR. SPENCE: Is it harmful? Very
10 harmful, very dangerous. Any amount of mercury
11 ingested is -- no one should be expected to live
12 under that. However, we do have an agreement with
13 Manitoba Hydro, Canada and Manitoba are
14 signatories to that agreement. No one understood
15 in 1977 about methylmercury to poison. So
16 subsequently, when we implemented in 1992
17 agreement, there's reference to mercury in our
18 agreement. But even then it was very vague, if
19 someone is found to have high levels of mercury,
20 there would be some measures provided to that
21 individual.

22 Under Keeyask, we speak of mercury.
23 It's become a normal understanding by the general
24 society that if there is flooding, mercury goes
25 up. So that was understood to some extent by our

1 members when Keeyask was reviewed, studied by our
2 members, under an extensive consultation with our
3 members. However, the mercury is there and will
4 continue to be there.

5 Recently Manitoba Hydro, Manitoba and
6 Canada wanted to provide a safe amount of fish
7 consumption, a place map. So with that, you know,
8 we want to share the information with our members,
9 but it's very -- it also further complicated the
10 issue. And it was done by Canada.

11 Canada, in their own wisdom, came
12 after the agreement was signed in 2009. About two
13 years later, they came and said, look, the mercury
14 levels you guys speak about, speak of, it's not .5
15 parts per million. Canada says, whoa, it's .25
16 parts per million, cutting it in half. And we
17 look at the, jointly looked at that. And for
18 child bearing women and elders, what is the safe
19 amount? I asked Canada, one of their specialists.
20 Manitoba was there, Hydro was at the table, and so
21 were the four nations. Are you telling us,
22 Canada, that a woman who is carrying a child, she
23 eats fish, and has elevated mercury levels, that
24 that child that is going to be born, and is born,
25 and once tested that child can still have mercury

1 found in that person's blood? The answer was yes.

2 Furthermore, are you saying, Canada,
3 even if that child has grown up, becomes an adult
4 and has a child of its own of her own, the
5 grandchild could still have mercury? Canada said
6 yes.

7 So that instills fear in us. It
8 almost says that, TCN, do not eat fish. But yet
9 that was so immediate food and provided sustenance
10 for thousands and millions of years, because it's
11 the environment and who with -- the people.
12 Mercury is dangerous. Canada will not provide a
13 number lower than that. But it says that that is
14 not a point of fish, or if there's a count of .25
15 parts per million, you cannot use that fish. I
16 don't know, three times a week, you can't eat it
17 three times a week, you cannot use it for
18 consumption for your little boy. Your little girl
19 going to grow up to be 16, 17, a young mother, she
20 shouldn't eat fish. Your grandfather here can't
21 eat fish. And for you, Victor, maybe three times
22 a week. So when we talk about mercury, I can go
23 on, but we fear it.

24 MS. SUEK: Yes, I can understand that.

25 Thank you.

1 THE CHAIRMAN: Mr. Harden?

2 MR. HARDEN: No questions.

3 THE CHAIRMAN: I just have one
4 question. In your presentation you mentioned
5 flooding in your community, and that in more or
6 less the first 20 years after regulation and
7 diversion, you rarely had floods, but in the last
8 20 years, more or less, you have had one every two
9 to three years. Have these been seasonal floods
10 or are they different times of year?

11 MR. SPENCE: We don't know what
12 seasonal is anymore when it comes to the
13 waterways. They are altered and manipulated by
14 development.

15 THE CHAIRMAN: Could I change the
16 question then? Have these floods been typically
17 in the spring, or do they come at various times of
18 year that, as you note, are unpredictable?

19 MR. SPENCE: They come at various
20 times through the season. Normally, you would
21 expect a flood to be in the spring, but not in the
22 middle of summer or later on in the fall.

23 THE CHAIRMAN: Have these floods come
24 in otherwise heavy water years, or are they caused
25 by unexpected releases from either Lake Winnipeg

1 Reg or Churchill River Diversion, or is it
2 possible to tell?

3 MR. KEEPER: Normal water regime of
4 Split Lake is, usually in the summer it's low.
5 But since the past few years, it's been constant
6 all through the winter and summer, the level is
7 constant. So that normal water regime, the summer
8 has always been above the normal water levels in
9 the summer time.

10 THE CHAIRMAN: How long has that been
11 going on, Mr. Keeper?

12 MR. KEEPER: Since 2005, there was
13 only one occurrence that I remember when the water
14 level was very low in 2003, it went under the
15 water regime, the normal water regime. And since
16 then it's been very high.

17 MR. SPENCE: If I may? The Churchill
18 River Diversion put an additional foot and a half
19 to 2 feet on Split Lake. And so since the
20 diversion, since Lake Winnipeg Regulation, since
21 1977, 38 years ago, we have witnessed floods at
22 various stages. And also that we cannot blame God
23 on the floods of Split Lake. God did not do the
24 diversion. God did not put up dams and control
25 structures on the Nelson, upstream of Split Lake.

1 THE CHAIRMAN: Thank you for that.

2 So that concludes the questioning for
3 this morning. Do you have any closing comments
4 you wish to make?

5 MR. SPENCE: Mr. Chair, Commissioners,
6 we understand the mandate of the Commission. We
7 spoke a little more deeply into our own personal
8 experience with a development, Lake Winnipeg. We
9 are concerned, if there's going to be any licence
10 changes on Lake Winnipeg, we were not provided
11 resources nor time to properly address our
12 members' fear and concerns of that potential, any
13 potential change on Lake Winnipeg licence. It's
14 just that at this time, TCN does not support any
15 changes on licence requirements on the operation
16 of Lake Winnipeg at this time. And if it is to be
17 changed, we will not be silent. Thank you.

18 MR. KEEPER: The natural design of the
19 Nelson River, where we live, has existed for
20 millions of years I guess. With every project
21 that's been, that has occurred in our area,
22 there's been change that we have to adapt to with
23 every project. We had to learn to adapt, try to
24 adapt. With recent changes, we haven't been able
25 to really to understand what's going on there,

1 with our water systems. We haven't been able to
2 adapt -- know what's going on.

3 With the diversion, Churchill River
4 Diversion, the changes so far have far-reaching
5 impacts in our area that we've never ever been
6 able to adapt to yet, or know. We lost, we
7 completely lost our connection with the land with
8 all this development in our community and within
9 our area. And then the natural rhythms, the
10 design that we have been accustomed to learn has
11 been changed forever. And any change into the
12 system is going to cause more confusion in our
13 community, in our way of life. And considering
14 that Lake Winnipeg is a prime reservoir, major
15 reservoir of this whole system, any change to this
16 reservoir will have deep impacts in Split Lake.
17 And that's what we would like to be considered in
18 these hearings. Thank you.

19 THE CHAIRMAN: Thank you, Mr. Keeper.
20 That concludes your presentation? Elder Spence?

21 ELDER MARTHA SPENCE: I just wanted to
22 say that, hopefully, that we'll continue on to
23 speak to one another and share things that we can
24 learn and how can we work together, since it's
25 been, JKDA has been signed and it's been affecting

1 us in many ways and it's been very hard for us.
2 And I just wanted to say I hope you hear us. One
3 elder said I hope they hear us, I hope they open
4 their ears and I hope they open their eyes to see,
5 and their heart to know what's happening to us.

6 And I just wanted to say, our Creator,
7 God, created everything beautiful for us. And the
8 government, I always say, always taking over to
9 destroy our land because of the dollars. I know
10 that many ways that we enjoy that, but we still
11 wanted to hold that power that was given to us.
12 But I hope some day you will soon understand what
13 we are going through. Where can we go to help us?
14 Because like I said, our spirits are dying. Our
15 elders, even young people cry walking around,
16 looking at the lake, the beautiful place that we
17 lived in. And we want help from Manitoba Hydro
18 and the government to listen to us, what our needs
19 are.

20 That's all I wanted to say. And I
21 hope we'll continue to hear each other and be at
22 the same level, not one to be high, one low. Not
23 like to be happen to us what is happening to us,
24 we are very low. We are very low, where that
25 water comes seeping down on us, as we see. And to

1 think about that. Thank you.

2 MR. SPENCE: Egosi.

3 THE CHAIRMAN: Thank you, Elder
4 Spence. I'd like to say that we always enjoy
5 listening to you. I hope that we always hear you.
6 As I have said in the past occasions like this, we
7 can't guarantee that we will give you everything
8 that you would like, but if we can at least move
9 things along a little bit at a time in a positive
10 direction, then I think that is not bad.

11 So thank you to all three of you for
12 your presentation today. Thank you for the people
13 in your community who helped you prepare this
14 presentation, and safe travels back home to Split
15 Lake. Thank you.

16 Documents to register?

17 MS. JOHNSON: Yes. Just a couple
18 today. YFN number 1 is York Factory presentation
19 outline of February 24th. TCN number 1 is the
20 outline for TCN as of February 24th. And number 2
21 is the presentation material we have heard today.

22 (EXHIBIT YFN 1: York Factory
23 presentation outline of February 24th)

24 (EXHIBIT TCN 1: TCN outline of
25 February 24th)

1 (EXHIBIT TCN 2: TCN presentation)

2 THE CHAIRMAN: Thank you. That will
3 bring today's proceedings to a close.

4 Next week, being spring break, is a
5 recess week for the hearings. We will resume on
6 Tuesday, April 7th. And that week and the
7 following week, our last two weeks on the current
8 schedule, we are back at the Fort Garry Hotel. So
9 Tuesday, April 7th at the Fort Garry Hotel. That
10 week is a three day week, and we will be hearing
11 presentations from a number of different
12 participant groups that week.

13 So if any of you are heading off for
14 spring break, I hope you have a good time. If
15 not, take care and we'll see you all in about a
16 week and a half.

17 (Adjourned at 11:54 a.m.)

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OFFICIAL EXAMINER'S CERTIFICATE

Cecelia Reid and Debra Kot, duly appointed
Official Examiners in the Province of Manitoba, do
hereby certify the foregoing pages are a true and
correct transcript of my Stenotype notes as taken
by us at the time and place hereinbefore stated to
the best of our skill and ability.

Cecelia Reid
Official Examiner, Q.B.

Debra Kot
Official Examiner Q.B.

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