



Peguis First Nation

P.O. Box 10
PEGUIS RESERVE, MANITOBA ROC 3JO
Telephone: (204) 645-2359 Toll Free: 1-866-645-2359 Fax:(204) 645-2360

**OPENING COMMENTS FROM PEGUIS FIRST NATION
TO THE MANITOBA CLEAN ENVIRONMENT COMMISSION HEARINGS
ON THE KEYASK GENERATING PROJECT
Monday October 21, 2013**

GOOD MORNING MR. CHAIRMAN AND COMMISSIONERS OF THE CLEAN ENVIRONMENT COMMISSION. GOOD MORNING TO THE PROponents, AND TO ALL PARTICIPANTS, AND ALL ABORIGINAL PERSONS IN THE ROOM. PEGUIS APPRECIATES THE OPPORTUNITY TO MAKE OPENING COMMENTS AT THE KEYASK GENERATION HEARINGS. WE ALSO APPRECIATE THE OPPORTUNITY TO PARTICIPATE IN THESE HEARINGS. OUR AIM IS TO INFORM THE CEC, SUPPORT THE MANDATE OF THE CEC TO CONSIDER THE KEYASK GENERATION STATION, AND TO BRING OUR KNOWLEDGE AND SKILL TO THE HEARINGS.

LET US PAUSE FOR A MINUTE AND CONSIDER WHERE WE ARE MEETING. WE ARE IN THE TOP FLOOR OF THE HOTEL FORT GARRY IN DOWNTOWN WINNIPEG. WE ARE ALSO IN THE MIDST OF TREATY ONE TERRITORY, AND ONLY A FEW HUNDRED METRES FROM THE FORKS – WHERE ABORIGINAL PEOPLES MET, CAMPED, TRADED GOODS, AND FORMED ALLIANCES FOR HUNDRED AND HUNDREDS OF YEARS BEFORE CONTACT. WE ARE IN PEGUIS TERRITORY, AND A SHORT DRIVE FROM OUR ORIGINAL HOME LAND WHEN WE WERE THE ST. PETER’S BAND.

MY NAME IS MIKE SUTHERLAND AND I AM A DULY ELECTED COUNCILLOR OF THE PEGUIS FIRST NATION AND ONE OF MY PORTFOLIOS IS LANDS AND ENVIRONMENT.

THE COMMUNITY OF PEGUIS IS POTENTIALLY AFFECTED BY THE KEYASK GENERATION STATION, AS WE ARE AFFECTED BY THE EXISTING HYDRO SYSTEM – AND ANY INFRASTRUCTURE THAT MAY BE ADDED TO THE SYSTEM.. OUR REASONS FOR BEING HERE IN THE HEARINGS INCLUDE: OUR ONGOING CONCERN ABOUT THE EFFECTS OF HYDRO PROJECTS AND THE HYDRO SYSTEM IN OUR PROVINCE: THE BASIS FOR DECISION MAKING AS MANITOBA SEEKS TO BUILD VARIOUS HYDRO PROJECTS: AND THE WEAKNESS OF OUR ENVIRONMENTAL ASSESSMENTS, AND LICENSING REGULATORY REGIME IN MANITOBA.

PEGUIS FIRST NATION PARTICIPATED IN THE BIPOLE III HEARINGS. WE BELIEVE THE CEC MADE SOME WISE RECOMMENDATIONS, WHICH MINISTER MACKINTOSH ADOPTED, BOTH LICENSING AND POLICY RECOMMENDATIONS.

WE AND MANY OTHERS IN MANITOBA ARE WAITING FOR THE LAKE WINNIPEG REGULATION REVIEWS, COMMUNITY CONSULTATION PROJECTS AND CEC HEARINGS. AS LONG AS WE ATTEMPT TO MAKE DECISIONS ABOUT SEPARATE PROJECTS WITHOUT CONSIDERING THE WHOLE SYSTEM, AND THE EFFECTS OF REGULATION ON LAKE WINNIPEG, WE WILL CONTINUE TO TAKE ON RISKS – THAT ARE ECONOMIC, SOCIAL, AND ENVIRONMENTAL. THE GREATEST RISK OR IMPACT FROM THE HYDRO SYSTEM ON PEGUIS IS FROM THE REGULATION OF LAKE WINNIPEG. WE WONDER HOW THE GOVERNMENT OF MANITOBA AND THE CEC WOULD RESPOND IF 60% OF THE LAND IN A MUNICIPALITY WAS GONE, NO LONGER USEABLE, DUE TO REGULATION OF LAKE WINNIPEG. THAT IS OUR SITUATION AT PEGUIS TODAY.

WE ARE ALSO HERE IN THESE HEARINGS DUE TO THE MATTER OF UNEXTINGUISHED ABORIGINAL TITLE THAT PEGUIS HAS IN THE NORTHERN GEOGRAPHIC AREA. WHEN TREATY 1 WAS SIGNED IN 1871 THERE WERE NO EXTINGUISHMENT CLAUSES IN THE TREATY DOCUMENT FOR LANDS OUTSIDE THE TREATY 1 AREA. AS A RESULT PEGUIS HAS ABORIGINAL TITLE TO LANDS OUTSIDE OF TREATY ONE AREA INCLUDING AREAS IN THE PROPOSED GENERATION PROJECT REGIONAL STUDY AREA, LOCAL STUDY AREA, AND IMPACT ZONES. ACCORDINGLY, NOTICE IS PROVIDED IN THESE OPENING STATEMENTS THAT PEGUIS HAS ASSERTED AND CONTINUES TO ASSERT ABORIGINAL TITLE IN THIS GEOGRAPHIC AREA. IT IS IMPORTANT TO KNOW THAT THE SUPREME COURT OF CANADA HAS STATED THAT THESE ABORIGINAL TITLE RIGHTS AND ABORIGINAL RIGHTS DO NOT HAVE TO BE PROVEN OR RESOLVED BEFORE A FIRST NATION CAN INDICATE OR STATE THEIR RIGHTS UNDER SECTION 35 OF THE CONSTITUTION ACT, 1982. THE DEVELOPMENT ACTIVITIES BEING CONSIDERED FOR KEYASK GENERATION PROJECT ARE WHERE PEGUIS HAS UNRESOLVED UNDERLYING ABORIGINAL TITLE.

THE MEMBERS OF PEGUIS HAVE A HISTORY THAT INCLUDES A LOT OF TRAVEL, TRADE, WORK FOR THE HUDSON BAY COMPANY, AND ALLIANCES WITH CREE PEOPLES. HISTORY AND ELDER INFORMATION SHARE THE TRAVELS OF PEGUIS MEMBERS AND OJIBWA PEOPLES WHO HAVE TRAVERSED TO THE NORTHERN REGIONS OF THIS PROVINCE. OF COURSE THE TRAVEL WAS BY WATER, ON THE MAJOR RIVERS AND LAKES. ONE OF THOSE MAJOR RIVERS IS THE NELSON. A BOOK TITLED 'THE OJIBWA OF WESTERN CANADA BY LAURA PEERS MAKES REFERENCE TO 100 CANOES OF OJIBWAYS WHO CAME TO YORK FACTORY IN 1781 AND 24 CANOES CAME IN 1782. HISTORY TELLS US THAT CHIEF PEGUIS JOURNEYED TO YORK FACTORY WITH THE HUDSON BAY COMPANY IN SEPTEMBER OF 1814 AND SPENT A TIME ON THE SHIP ANCHORED AT YORK FACTORY.

IN MORE RECENT YEARS MEMBERS OF PEGUIS FIRST NATION CONTINUE TO TRAVEL TO THE NORTH TO EXERCISE THEIR HUNTING AND HARVESTING RIGHTS AND CONTINUE TO FISH IN THE NORTHERN AREAS.

THROUGH MARRIAGE THERE ARE FAMILY CONNECTIONS TO A NUMBER OF NORTHERN COMMUNITIES AND AS A RESULT NUMEROUS RELATIVES IN THE NORTH ARE CONNECTED TO PEGUIS THROUGH THE EXTENDED FAMILY. THE FAMILIAL CONNECTIONS AND ALLIANCES STARTED IN HISTORIC TIMES, PRE TREATY.

OF SIGNIFICANT IMPORTANCE TO PEGUIS IS THE RESULTING HYDROLOGY OF THE KEYASK GENERATING PROJECT. HYDROLOGY IS THE BRANCH OF PHYSICAL GEOGRAPHY THAT DEALS WITH THE LAWS, PROPERTIES, DISTRIBUTION AND EFFECTS OF WATER. WE HAVE STATED IN THE PAST AND CONTINUE TO STATE THAT THE EFFECTS, DELETERIOUS OR OTHERWISE, OF A PROPOSED GENERATING STATION OR ANY ACTIVITY THAT AFFECTS THE FLOW OF WATER WILL AND HAS AFFECTED AREAS THAT ARE NOT IN THE IMMEDIATE VICINITY OF THE GENERATING STATION OR ACTIVITY. HYDROLOGY IS AKIN TO PLUMBING IN YOUR HOUSE. IF YOU HAVE BLOCKAGE IN YOUR DRAIN IT WILL MOST CERTAINLY AFFECT OTHER PARTS OF YOUR HOUSE.

IF YOU TRANSFER THE SCHEMATICS OF THE PLUMBING OF YOUR HOUSE TO THE WATERWAYS IN THIS PROVINCE AND TO OTHER PROVINCES AND STATES, AN ORDINARY PERSON WILL UNDERSTAND HOW THE BLOCKAGE WILL AFFECT OTHER WATERWAYS. CERTAINLY THE EFFECTS WILL BE FELT IN LAKE WINNIPEG AND LAKE WINNIPEG HAS DIRECT IMPACTS ON OUR COMMUNITY OF PEGUIS. A GENERATION STATION IS A BLOCKAGE.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

WHEN THE REPORT ON THE BIPOLE 111 HEARINGS WAS RELEASED THE CLEAN ENVIRONMENT COMMISSION HAD HARSH WORDS FOR THE EIS IN THAT IT WAS INCOMPLETE, DEFICIENT AND NOT CONDUCTED PROPERLY. PEGUIS CAN PREDICT THAT THE CURRENT EIS FOR THE KEYASK GENERATION PROJECT WILL SHOW SOME OF THE SAME PITFALLS AND WILL BE LESS THAN DESIRABLE IN IDENTIFYING THE SIGNIFICANCE OF THE EFFECTS ON COMMUNITIES, LANDS, AND WATERS.

PEGUIS FIRST NATION RIGHTS, LANDS, AND WATERS WERE NOT CONSIDERED WHEN THE EIS WAS DEVELOPED AND PERHAPS A THOROUGH EXAMINATION OF THE POTENTIAL AFFECTED AREAS WAS NOT CONSIDERED. THIS MAY BE CONSTRUED AS BEING NEGLIGENT. WE DO KNOW THIS EIS WAS BEING PREPARED AT THE SAME TIME AS THE BIPOLE III EIS. THE EIS IS AN IMPORTANT STEP IN THE PROCESS OF ASSESSING IMPACTS. IF CERTAIN COMMUNITIES ARE EXCLUDED THEN THE EIS BECOMES A FAULTY PIECE OF ASSESSMENT BRINGING INTO DISREPUTE THE ADMINISTRATION OF ENVIRONMENTAL ASSESSMENT FOR THIS PROVINCE.

PEGUIS FIRST NATION WAS SCOPED OUT OF THE BIPOLE III EIS IN ERRORS, AND THAT DECISION IS THE BASIS FOR OUR DECISION TO PARTICIPATE IN THE REVIEWS, AND HEARINGS OF FUTURE HYDRO PROJECTS.

SACREDNESS OF WATER

IT IS OUR UNDERSTANDING THAT THE ELDERS IN THE FOUR PARTNERSHIP COMMUNITIES HAD TO WRESTLE WITH THE IDEA OF ALLOWING AN ACTIVITY THAT WOULD AFFECT THEIR WORLD VIEW INCLUDING PLANTS, ANIMALS, FISH, FOWL AND THEIR WAY OF LIFE. THEY HAD TO DECIDE WHETHER TO PROTECT THE ENVIRONMENT WHICH WAS GIVEN TO THEM BY THE CREATOR OR ALLOW A PROVINCIAL UTILITY TO ERECT ANOTHER GENERATING STATION TO PROVIDE HYDRO POWER TO SOUTHERN CUSTOMERS AND INDEED CUSTOMERS IN THE UNITED

STATES. SOME ELDERS DECIDED IN FAVOUR OF THE PROJECT WHILE OTHERS STUCK TO THEIR PRINCIPLES OF THE SACREDNESS OF THE WATER.

GIVEN THE SITUATION WITH THE WUSKWATIM GENERATION STATION, AND THE LACK OF ANY FORESEEABLE PROFIT OR REVENUES FOR THE PARTNERSHIP FIRST NATION THERE WE MUST ALL BE CAREFUL IN OUR ASSUMPTIONS ABOUT THIS PARTNERSHIP FOR KEYASK.

IN OUR WORLD VIEW, RESPECT PLAYS AN IMPORTANT PART IN OUR LIVES. OUR WORLD VIEW IS NOT MUCH DIFFERENT FROM THE NORTHERN FIRST NATION WORLD VIEW AND RESPECT ALSO PLAYS AN IMPORTANT ROLE IN THEIR CULTURE. THE WATER ON MOTHER EARTH IS TO BE SHARED AMONG ALL FIRST NATION REGARDLESS OF TRIBE OR CULTURE. IT IS ALSO INCUMBENT ON FIRST NATIONS TO PROTECT THE NATURE AND QUALITY OF THE WATER AND TO ENSURE THAT NO ACTIVITY WILL AFFECT YOUR NEIGHBOURS UPSTREAM OR DOWNSTREAM. IN OUR VIEW THE CONCURRENCE BY THOSE COMMUNITIES TO ALLOW THE DEVELOPMENT OF THE KEYASK GENERATING STATION APPEARS TO HAVE BREACHED THE SACREDNESS OF THE NATURAL LAW OF WATER WHICH THE CREATOR HAS PROVIDED. TECHNICAL REPORTS BY VARIOUS SCIENTISTS WILL NEVER BE ABLE TO APPRECIATE THE PITH AND SUBSTANCE OF INDIGENOUS NATURAL LAW AND INDEED APPRECIATE THE SPIRIT OF THE WATER.

WHEN TREATY 1 WAS BEING NEGOTIATED IN AUGUST 1871 SOME CHIEFS STATED THAT THEY HAVE TO SPEAK FOR THE LAND AS THE LAND CANNOT SPEAK FOR ITSELF. FURTHERMORE, THE ANISHINABE PEOPLES WERE ASKED TO BE STEWARDS OF THE LAND AND THE WATER. THAT IS THE RESPONSIBILITY OF THE ANISHINABE, A DUTY GIVEN TO US BY THE CREATOR.

AS PROTECTORS OF THE LAND, WATER AND ENVIRONMENT, THE OKITCHITA AND OKITCHITA QUA WERE FORMED TO PROVIDE THAT PROTECTION AS A MEANS OF FULLFILLING THE SACRED DUTY.

IN CONCLUSION PEGUIS IS HOPEFUL THAT OUR INPUT AT THESE HEARINGS WILL PROVIDE A VIEWPOINT AND POSITION THAT THE CLEAN ENVIRONMENT COMMISSION WILL SERIOUSLY CONSIDER AND APPRECIATE THUS PROVIDING GUIDEPOSTS FOR A REPORT THAT IS JUST AND FAIR.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

COUNCILLOR MIKE SUTHERLAND ON BEHALF OF PEGUIS FIRST NATION AT WINNIPEG THIS 21ST DAY OF OCTOBER 2013