

MANITOBA CLEAN ENVIRONMENT COMMISSION

KEEYASK GENERATION PROJECT

PUBLIC HEARING

Volume 26

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Transcript of Proceedings  
Held at Fort Garry Hotel

Winnipeg, Manitoba

WEDNESDAY, DECEMBER 11, 2013

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1 Wednesday, December 11, 2013

2 Upon commencing at 9:30 a.m.

3 THE CHAIRMAN: Okay, we will come to  
4 order. We have a full day of Peguis presentations  
5 today.

6 So, Ms. Land, Ms. Guirguis, whoever is  
7 taking the lead this morning?

8 MS. LAND: Good morning, chair and  
9 commissioners, thank you. Just to give everybody  
10 a sense of the order of our panel, Chief Hudson  
11 was originally going to start the panel, although  
12 he was listed second on this list. He is running  
13 late, so we are starting with Niigaan James  
14 Sinclair's testimony. And a couple of our other  
15 witnesses are delayed due to roads and some health  
16 issues. So we do expect them, but we can start  
17 with the panelists that we have, which will be  
18 fine.

19 What we are intending to do is to have  
20 all of the Peguis witnesses speak on the panel and  
21 then do the cross-examination. So rather than the  
22 cross after each one and breaking it up, we are  
23 suggesting that we will do that all at the end.

24 And one other note before we swear in  
25 our witnesses who are here, one of the aspects of

1 our client's testimony is that there are points in  
2 which Anishinaabemowin words will be used. And we  
3 have noticed in the transcripts for the  
4 proceedings so far, as well as for some of the  
5 other hearings for the CEC, often when the  
6 Aboriginal witnesses testify in their own language  
7 and arrangements aren't made, that's recorded in  
8 the transcript as Ojibway words spoken. Our  
9 suggestion is that when our witnesses use  
10 Anishinaabemowin words, we have actually  
11 identified that for them, we have asked them to  
12 speak those words slowly into the record, and we  
13 have asked the court reporter to record them  
14 phonetically, and we are giving an undertaking to  
15 provide you with the Anishinaabemowin spelling of  
16 those words within 24 hours. So we are keeping a  
17 running list of when those come up, if that's  
18 acceptable to you.

19 THE CHAIRMAN: Thank you.

20 MS. LAND: And I see that the Chief  
21 has arrived. So if it is possible, because we  
22 haven't started yet, we can check in to see if he  
23 wishes to start or if he wishes, just because he  
24 hasn't caught his breath yet, for us to start with  
25 Dr. Sinclair.

1 I understand that the chief is going  
2 to start his evidence first.

3 You have in front of you copies of the  
4 presentations of our witnesses, and you will see  
5 when his presentation comes up on the screen that  
6 his presentation looks like this document in front  
7 of you.

8 THE CHAIRMAN: That's the chief's  
9 presentation?

10 MS. LAND: Yep.

11 THE CHAIRMAN: Thank you. Okay.

12 MS. LAND: So I'm not sure if you need  
13 to swear the witnesses.

14 MS. JOHNSON: Yes.

15 THE CHAIRMAN: Gentlemen, we will  
16 swear you in first.

17 MS. JOHNSON: Could you each state  
18 your name for the record?

19 CHIEF HUDSON: It is Glenn Hudson,  
20 Chief of Peguis.

21 DR. SINCLAIR: Niigaanwewidam  
22 Sinclair.

23 MR. WHELAN: Jared Whelan.

24 Glenn Hudson: Sworn

25 Niigaanwewidam Sinclair: Sworn.

1 Jared Whelan: Sworn.

2 CHIEF HUDSON: Definitely, yes.

3 Normally when we say our prayer to the Creator, we  
4 usually stand, so I didn't know whether to stand  
5 or just sit.

6 THE CHAIRMAN: You may proceed, Chief  
7 Hudson.

8 CHIEF HUDSON: Okay. I want to first  
9 apologize for being a little late. Obviously, it  
10 is very cold morning and I think I'm coming down  
11 with a little bit of a cold right now.

12 THE CHAIRMAN: If that's the case, you  
13 have come to the wrong place, because half the  
14 room has colds. I'm coming down with one  
15 overnight too, or you will feel right at home, one  
16 or the other.

17 CHIEF HUDSON: I first want to  
18 acknowledge the Creator today, and certainly  
19 acknowledge everybody that's here in the  
20 presentation to the CEC.

21 I will begin with a bit of a  
22 background on our community, Peguis First Nation.  
23 I will certainly enter into a description of some  
24 of our history.

25 The community of Peguis has been

1 described as a community of Anishinaabe and Cree  
2 peoples. After Peguis settled in the Netley Creek  
3 area in the late 1700s, the tribe was joined by a  
4 number of Cree families and became part of the  
5 Anishinaabe tribe. I just want to state for the  
6 record, my great grandmother was from York Factory  
7 Cree Nation.

8           The migration story of the Anishinaabe  
9 began from the salt waters and progressively moved  
10 into the westerly direction following the great  
11 Migis shell and their beacon. The great Migis  
12 shell, lead by the Anishinaabe up the St. Lawrence  
13 River leading them to Bowating, also known as  
14 Sault Ste. Marie, from the Bowating the  
15 Anishinaabe divided into two groups, and one group  
16 travelled west on the south side of Gichi Gami,  
17 also known as Lake Superior, while the other group  
18 moved west on the northern shore of Gichi Gami.

19           The southern group moved west as far  
20 as present day Minnesota, and the northern group  
21 moved west as far as present day Alberta and  
22 Montana.

23           The Anishinaabe peoples are found in  
24 many provinces. They form one of the largest  
25 tribes in Canada and the United States. In the

1 Province of Manitoba, the Anishinaabe peoples are  
2 found in northern communities such as Poplar  
3 River.

4 After Chief Peguis began his  
5 settlement in the Netley Creek area, he welcomed  
6 the Selkirk settlers to his territory in 1812, and  
7 assisted them in their establishment at Red River,  
8 despite setbacks due to harassment by the  
9 Northwest Fur Trading Company.

10 Lord Selkirk arrived in the Red River  
11 Colony in 1817 and signed the Selkirk Treaty with  
12 Chief Peguis and other chiefs in the area. The  
13 Selkirk Treaty was essentially a commitment to a  
14 process of family making demonstrated by  
15 signatures in the clan markings.

16 When Treaty 1 was signed in 1871, the  
17 Selkirk Treaty was not on the negotiating table  
18 and as a result, the terms and conditions of the  
19 Selkirk Treaty of 1817 are still outstanding.

20 In 1871, the Peguis band, now known as  
21 the St. Peter's band signed Treaty number 1. Just  
22 to acknowledge, Treaty number 1, the original  
23 signatories of Treaty, the very first line of  
24 Treaty, and it was a Treaty that was meant to live  
25 together in peace and harmony.

1 Chief Red Eagle, the son of Chief  
2 Peguis, signed Treaty 1 on behalf of the  
3 St. Peter's band, and the Indian reserve was  
4 located in the Netley Creek area, including the  
5 present Town of Selkirk. The land of the St.  
6 Peter's Reserve was coveted by non-indigenous  
7 members and movement was afoot to deprive the  
8 Anishinaabe of their lands. As a result of the  
9 land speculators and connivance of the government  
10 officials, a questionable surrender of St. Peter's  
11 was done in 1907.

12 Many families had to move to the  
13 present day Reserve of Peguis and start from the  
14 beginning to develop a new community. Some of the  
15 St. Peter's members knew that the surrender was  
16 conducted illegally and remained on the homeland,  
17 and later faced numerous charges of trespass. And  
18 certainly they were harassed.

19 The movement from St. Peter's to the  
20 present day Peguis has been described as  
21 Manitoba's trail of tears, named after the  
22 infamous trail of tears of the Cherokee Nation in  
23 1830.

24 In the 1990s, two claims were  
25 initiated by Peguis First Nation. One claim was a

1    shortfall of Treaty land and was in the form of  
2    Treaty Land Entitlement Agreement.  The other  
3    claim was for the illegal surrender of the St.  
4    Peter's Reserve.  After years of lengthy  
5    negotiation, the Treaty Land Entitlement was  
6    settled on April 29, 2008, this is over 100 years,  
7    where the Peguis First Nation was entitled to  
8    166,000 acres and a monetary payment of  
9    \$64 million to acquire Treaty Land Entitlement  
10   lands.

11                   The illegal surrender claim was  
12   settled on September 27, 2010.  And the Peguis  
13   First Nation was entitled to 126.1 million as a  
14   form of compensation, currently in the form of  
15   trust agreements that have been set up to  
16   administer the two funds.

17                   I just want to acknowledge that on the  
18   surrender claim today, outside of negotiating with  
19   the Government of Canada, today you are required  
20   to go to court on any of these settlements.  And  
21   we had done it in good faith in achieving that.

22                   Many families had to move to the  
23   present day Reserve of Peguis and start from the  
24   beginning to develop a new community.  Some St.  
25   Peter's band members knew that the surrender was

1 conducted illegally and remained on their  
2 homeland, and later faced numerous charges of  
3 trespass. The movement from St. Peter's to  
4 present day Peguis has been described as the trail  
5 of tears -- sorry. The illegal surrender claim  
6 was settled on September 27, 2010, and the Peguis  
7 First Nation was entitled to the 126.1 million.

8 An outstanding matter at the Peguis  
9 First Nation is the chronic flooding that plagues  
10 our community on an annual basis. I just want to  
11 acknowledge also, as far as flooding goes today,  
12 we have 220 members of our First Nation that have  
13 been out and displaced as a result of the 2010  
14 flood. And it is going on the better part of  
15 three years. And as far as flooding goes in our  
16 Manitoba region involving First Nations, there is  
17 over 2,000 people that still are out as a result  
18 of flooding throughout the Manitoba First Nations.  
19 And only First Nations people that are still  
20 displaced, there is non-first Nations people that  
21 were displaced, but today it still remains that  
22 only First Nations are still displaced as a result  
23 of this flooding, and we have 220 in our own  
24 community, going on the better part of three  
25 years.

1                   And I do want to state for the record  
2     that we have lost some of our people as a result  
3     of this flooding. And we are burying a young  
4     person this Saturday, 13 years old, that has taken  
5     his life as a result of being displaced. And we  
6     know the stresses that result as a part of this  
7     entire process of flooding.

8                   There is a need to consider the  
9     Keeyask Generation Project in the context of  
10    integrating the hydro system to understand how it  
11    impacts Peguis First Nation, as no one project  
12    stands alone. One must take into consideration  
13    the increased flow of water to feed these dams in  
14    the north and the transmission lines that carry  
15    their energy, including the converter stations  
16    that traverse the traditional territory of Peguis.

17                  The Southern Chiefs Organization  
18    observed that the dam building activities by  
19    Manitoba Hydro have disrupted lakes and  
20    tributaries that are interconnected through  
21    rivers, streams, in the Lake Winnipeg and the  
22    Nelson River watersheds. When water is dammed,  
23    rerouted, or water levels are raised or lowered in  
24    one area, this affects water in other areas.

25                  As a result, the chiefs passed a

1 resolution on November 28 -- November 18, 2009,  
2 demanding a full environmental audit of Manitoba  
3 Hydro.

4 I just want to state also for the  
5 record that when this Hydro development began in  
6 the 1960s, initially it was a requirement to  
7 consult all First Nations throughout Manitoba.  
8 But obviously it was localized to the existing dam  
9 development on the Nelson River, and that's how  
10 the Northern Flood Agreement came about. But  
11 initially, the discussion at the time was to  
12 consult all First Nations throughout Manitoba.

13 As I stated in my closing remarks on  
14 Bipole III hearings, Peguis continues to assert  
15 and does assert that we still possess Aboriginal  
16 title on lands outside the boundary of Treaty 1.  
17 When Treaty 1 was signed in 1871, it is patently  
18 clear from the written document that there was no  
19 extinguishment clause to lands outside of the  
20 Treaty 1 boundary. As a result, Peguis First  
21 Nation has Aboriginal title upon which most  
22 development projects are planned or completed.

23 I will speak on colonialism and  
24 neocolonialism. Colonialism is not over. The  
25 neocolonialists have taken over the quest for

1 lands, waters, and resources, whether they be  
2 natural, or the unconverted power as found in the  
3 Hydro development. The struggle for our First  
4 Nations to protect their resources from the  
5 neocolonialists is ongoing, and since 1670,  
6 justice seems to elude First Nations.  
7 Encroachment by towns, Hydro development, and  
8 mining activities undermine First Nations' attempt  
9 to develop self-sustaining economies. The economy  
10 of the region remains under the control of the  
11 state or Provincial agencies. The declining  
12 ability of a people to keep responding to  
13 externally driven changes and to continue to have,  
14 and to make choices, to be forced to respond is  
15 really indicative of the problem of  
16 neocolonialism.

17           On the Royal Commission of Aboriginal  
18 peoples -- sorry, I missed a page here, it was  
19 supposed to be single-sided.

20           The doctrine of discovery originated  
21 from the papal bulls or edicts issued by Pope  
22 Nicholas the 5th, in the 15th century. These  
23 bulls gave Christian explorers the right to lay  
24 claim to lands they had discovered, that were not  
25 inhabited by Christians for their Christian

1 monarchs. The Europeans used in the terms of  
2 terra nullius to legitimize their claim to the new  
3 world. Terra nullius is a Latin expression  
4 derived from the Roman Law meaning land belonging  
5 to no one. If people were not Christian, they  
6 were no one and nobody.

7 As a result, most of the lands in the  
8 new world were claimed by countries such as Spain,  
9 Portugal, France and England, along with the rich  
10 natural resources.

11 In 1670, King Charles II of England  
12 gave a huge track of land encompassing 3.9 square  
13 million miles to the Hudson's Bay Company,  
14 Rupertsland, that was named after Prince Rupert,  
15 who was a cousin to King Charles II. And Prince  
16 Rupert was the first governor of the Hudson Bay  
17 company. The area covered all lands and waters  
18 that drained into the Hudson Bay. In retrospect,  
19 this transfer of land was fraudulent in nature, as  
20 a person cannot transfer land he does not own.

21 Based on this fraudulent nature of  
22 land ownership, the fraud perpetuates itself as  
23 history captures the ongoing time lines.

24 June 12th, 1811, the Hudson Bay  
25 Company gave a grant of land to the Earl of

1 Selkirk for a price of 10 shillings. The Earl of  
2 Selkirk being a shareholder in the Hudson Bay  
3 Company made this transaction so much easier. The  
4 new territory was called Assiniboia, which was  
5 approximately 116,000 square miles, roughly five  
6 times the size of Scotland. Once again, the  
7 questionable title to land transfer to another  
8 entity without resolving the original owners'  
9 interest to the land.

10 In 1870 the Hudson Bay Company agreed  
11 to sell the balance of Rupertsland to the new  
12 Canadian dominion for 300,000 pounds, which was  
13 then \$1.5 million. This has been described as a  
14 legal farce as there is no consent by the  
15 indigenous legal owners.

16 In 1930, the Federal Government  
17 transferred the Crown lands to the Province of  
18 Manitoba in a Natural Resources Transfer  
19 Agreement. This was done without consulting First  
20 Nations and without their consent.

21 An author, Frank Tough, states that by  
22 1930 only 2.6 per cent of the land was reserved  
23 for Indians, as compared to 6.1 per cent held by a  
24 single corporation, the Hudson Bay Company, and  
25 16.9 per cent was reserved for the railway.

1                   This depicts colonialism at its worst.

2   And I will repeat this statement: Colonialism is  
3   not over, the neocolonialists have taken over the  
4   quest for lands, waters and resources, whether  
5   they be natural or unconverted power as found in  
6   hydro development. The struggle for our First  
7   Nations to protect their resources from  
8   neocolonialists is ongoing. And since 1670,  
9   justice seems to elude First Nations.

10   Encroachment by towns, Hydro development and  
11   mining activities undermine First Nations' attempt  
12   to deliver self-sustaining economy.

13                   And I just want to state for the  
14   record that our focus at Peguis is to certainly  
15   help in terms of the development of our economy,  
16   and certainly the economies of Manitoba. And we  
17   have to be given that opportunity, that chance to  
18   continue to move our communities forward. We have  
19   the answers and the solutions to do that. But we  
20   have to have a willing partner at the table in  
21   terms of being able to move our communities  
22   forward.

23                   Today we face so many cutbacks in  
24   terms of government transfers to our First  
25   Nations, and our population is growing and

1 surpassing the funding that we receive today. And  
2 we want to have the ability to stand and do things  
3 for ourselves, as we have always done. And this  
4 is one of the reasons why we are here presenting  
5 today.

6                   The economy of the region remains  
7 under the control of the state or provincial  
8 agencies. The declining ability of a people to  
9 keep responding to externally driven changes and  
10 to continue to have to make choices, and to be  
11 forced to respond is really indicative of a  
12 problem of neocolonialism.

13                   The Royal Commission on Aboriginal  
14 peoples -- the Royal Commission on Aboriginal  
15 peoples recommended a renewed relationship between  
16 Aboriginal and non Aboriginal people in Canada be  
17 established on the basis of justice and fairness.  
18 Federal, provincial and territorial governments  
19 further a process of renewal by: A, acknowledging  
20 that concepts such as terra nullius and the  
21 doctrine of discovery are factually and legally  
22 and morally wrong. B, declaring that such  
23 concepts no longer form part of law making or  
24 policy development by Canadian Governments. And  
25 C, declaring that such concepts will not be the

1 basis of arguments presented to the courts.

2           The United declaration -- the United  
3 Nations declaration on the rights of indigenous  
4 peoples. The U.N. declaration adopted by the U.N.  
5 General Assembly September 13, 2007, and endorsed  
6 by Canada on November 13, 2010, refers to a number  
7 of articles that address lands and resources.

8 Article 19 states that:

9           "Shall consult and cooperate in good  
10 faith with indigenous peoples  
11 concerned in order to obtain their  
12 free, prior, and informed consent  
13 before adopting measures that can  
14 affect them."

15 Article 26 states:

16           "1. Indigenous peoples have the right  
17 to lands, territories and resources  
18 which they have traditionally owned,  
19 occupied or otherwise used or  
20 acquired.

21           2. Indigenous peoples have the right  
22 to own, use, develop and control  
23 lands, territories and resources that  
24 they possess by reason of traditional  
25 ownership or other traditional

1 occupation or use, as well, those  
2 which they have otherwise acquired.  
3 3. States shall give legal  
4 recognition and protection of these  
5 lands."

6 These articles are designed to provide  
7 guidance to the Crown and Crown departments on the  
8 rights of indigenous people. They also provide a  
9 framework for justice and reconciliation applying  
10 human rights standards to the specific historical,  
11 cultural, legal, and social circumstances of  
12 indigenous peoples.

13 In conclusion, it must be noted that  
14 the engagement with Peguis was and is required  
15 with respect to the assessment of this project and  
16 all other projects that stand to affect the  
17 interests and the rights of our people of Peguis.

18 And I just want to state for the  
19 record that, you know, we are the largest First  
20 Nation in Manitoba of over 10,000 members, and we  
21 certainly occupy lands throughout Manitoba where  
22 we have I think a combined population of 8,500  
23 people spread throughout Manitoba. And to  
24 acknowledge, you know, a great, a great person and  
25 a great leader of humanity today, that being

1 Mandela. And it is always, I think, the interests  
2 of society to work together and to live in peace  
3 and harmony. And that's something that we possess  
4 as indigenous people, to show that and to live  
5 that way. And I don't think that Peguis is any  
6 different, I don't think that any First Nation is  
7 any different. It is just the fact that we want  
8 to participate in development of our economies and  
9 to move our economies forward, whether the focus  
10 is on the Federal Government, the Provincial  
11 Government, or any town or municipality, in  
12 working and being able to move forward together.  
13 And that's always been my interest as a leader, as  
14 a person, and certainly in representing our  
15 people. Miigwech.

16 THE CHAIRMAN: Thank you, Chief  
17 Hudson.

18 MS. LAND: So I'm going to follow up  
19 with a couple of examination-in-chief questions  
20 after each of the Peguis panel witnesses.

21 So Chief, I'm going to ask you a  
22 couple of questions based on the evidence that you  
23 just gave. The first question is, you mentioned  
24 Peguis' position on its rights and interests in  
25 the lands outside of what Canada defines as Treaty

1 1. Can you tell me about what Peguis' position is  
2 on your rights and interests in the lands outside  
3 of Treaty 1?

4 CHIEF HUDSON: Well, we have, in the  
5 form of our Treaty Land Entitlement Agreement, an  
6 agreement that has been signed by both the Federal  
7 and Provincial Government. And this was signed  
8 before these Hydro developments that are being  
9 proposed, that we are having these hearings on,  
10 was to look at occupying and certainly acquiring  
11 lands throughout the Province of Manitoba. Even  
12 though the agreement has been in place since 2008,  
13 when it was officially signed, I certainly, in  
14 representing our community, have the belief that  
15 we should, and as part of these agreements, have  
16 the ability to acquire lands throughout the entire  
17 province.

18 And I just want to state that, you  
19 know, through resolution of our Southern Chiefs  
20 Organization, which is a representative of 34  
21 bands in the south, that we want to support the  
22 demand for an environmental audit of Manitoba  
23 Hydro, and we continue to press for that. Even  
24 today, you know, as we have over the history of  
25 our people, we want to look at ensuring that

1 whatever developments that do proceed, that it is  
2 sustainable, and that in terms of our lands and  
3 certainly our interests, that we continue to  
4 develop in a sustainable way.

5           And I will go back to when I met with  
6 the former CEO and president of Manitoba Hydro,  
7 that being Bob Brennan. And just to show as an  
8 example, today we have a mandate at Peguis to do  
9 geothermal heating in our homes rather than do  
10 hydroelectricity in terms of electric heat, to  
11 support not only the mandate of Hydro to export,  
12 but also to continue to promote the sustainable  
13 energy process that our people and our communities  
14 reflect. And that in itself is not only helping  
15 sustainable energy, but also it is helping because  
16 of our flooded homes, and to be able to aerate  
17 them in a way that there isn't mold developing in  
18 those homes. And any home that is being  
19 constructed today, any commercial building that's  
20 being constructed today, it is going to have  
21 geothermal energy versus using the hydroelectric  
22 energy because, again, we see opportunity there.

23           But I did want to comment on the  
24 resolution of supporting the demand for an  
25 environmental audit of Manitoba Hydro. And it was

1 moved by myself, and it was supported and seconded  
2 by Chief Emery Stagg, at the time, of Dauphin  
3 River First Nation, which there are evacuees still  
4 out in that community.

5           The Southern Chiefs Organization  
6 represent 36 First Nations in Southern Manitoba.  
7 This is to address and lobby on behalf of its  
8 members the issues that require unity and  
9 attention. Whereas the Southern First Nations  
10 continue to be adversely affected by Manitoba  
11 Hydro projects that control water flows on all  
12 major lakes and tributaries of the watersheds  
13 flowing into the Hudson Bay, and whereas Manitoba  
14 Hydro has constructed massive diversions and  
15 augmentations, without the final licensing and  
16 without adequate environmental assessments, and  
17 without the consent and consultations of impacted  
18 First Nations in Manitoba, and whereas these Hydro  
19 projects continue to cause adverse effects  
20 inclusive of cultural and socio-economic impacts  
21 of First Nations, including flooding of lands and  
22 traditional territories, massive shoreline erosion  
23 and the destruction of fisheries, mercury  
24 contamination, and the destruction of burial  
25 grounds and sacred sites, community dislocation

1 and severe poverty.

2 I just want to comment on the burial  
3 grounds. Back in 2010 and '11, when we flooded in  
4 our community, we weren't able to bury people in  
5 our traditional burial grounds because of the high  
6 river levels, but also because of the high water  
7 tables throughout our entire First Nation.

8 Therefore, the Southern Chiefs in  
9 Summit resolves to call upon the Province of  
10 Manitoba and the Government of Canada, owing to  
11 their fiduciary responsibility and moral and  
12 ethical responsibility to First Nations and  
13 international governments, to conduct a full  
14 environmental audit of Manitoba Hydro to assess  
15 continuing environmental, cultural, and economic  
16 impacts of hydro related projects.

17 Be it further resolved that a full  
18 environmental audit, including appointments on  
19 both an independent auditor and ombudsman, be  
20 included in the process, and to include all  
21 current and future hydro related projects.

22 Therefore, be it resolved that the  
23 Southern Chiefs, the Chiefs in Summit, direct the  
24 Grand Chief, at the time, Morris Swan Shannacappo,  
25 engage with all responsible governments and energy

1 entities to ensure the rights and interests of the  
2 Southern Chiefs Organization First Nations are  
3 protected, and to ensure proper mechanisms are in  
4 place for effective conduct of the requested  
5 audits.

6 And it is certified by resolution  
7 adopted November 18 and 19, 2009, at Peguis First  
8 Nation. Signed by Grand Chief Morris Swan  
9 Shannacappo, and by the chairperson at the time,  
10 Ruth Norton.

11 I just wanted to read that resolution  
12 as a result of the question being asked.

13 MS. LAND: For the information of the  
14 panel, that resolution was filed as evidence in  
15 the motion hearing, so I don't think it shows up  
16 as an exhibit in the main hearing, but it was an  
17 appendix to the affidavit of Mike Sutherland. I  
18 distributed a copy this morning again, so you  
19 should have a copy in front of you. So if you  
20 need to file it as an exhibit separately for this  
21 hearing, it is available.

22 Those are all of my questions for the  
23 Chief.

24 Chief, do you have any other  
25 concluding remarks you want to make before we turn

1 it over to the next panelist?

2 CHIEF HUDSON: I just want to, I  
3 guess, reflect. You know, I certainly carry  
4 various titles in the form of our leadership  
5 throughout Manitoba, obviously, being Chief of  
6 Peguis. But I have been chair of the Southern  
7 Chiefs Organization, and currently chair of the  
8 Interlake Tribal Council.

9 As I stated earlier, or alluded to  
10 earlier, we certainly have issues that our  
11 communities are impacted by. And I've seen none,  
12 throughout my seven years as Chief, none that have  
13 impacted us so much in terms of the flooding of  
14 our communities, and throughout our history, you  
15 know, since this Hydro development, and certainly  
16 the projects that have proceeded since the 1960s.  
17 This past year I lost my grandmother, she was 98  
18 years old, and she used to sit down with me,  
19 certainly every week, and mentor me in terms of  
20 some of the business that's being conducted by our  
21 community. But also she would reflect on comments  
22 made by our people to her, obviously being the  
23 grandmother of the Chief. And one of the issues  
24 that I still remember vividly in my memory and  
25 that she commented on was the evacuation of our

1 community back in, you know, the 1970s, 1974 to be  
2 exact, when we first had one of the major floods  
3 in our community. And it was my great  
4 grandfather, Joe Cocker, at the time that was  
5 lifted out of the community through helicopter.  
6 We weren't able to leave the community by vehicle  
7 access. And it all started, all of that started  
8 back in the late '60s and early '70s when this  
9 Hydro development proceeded.

10 And certainly we know the benefits of  
11 Hydro today, and certainly how people live today,  
12 it is very accommodating. But at the same time it  
13 does impact our communities throughout Northern  
14 Manitoba, where we have the Northern Flood  
15 Agreement, but certainly communities and First  
16 Nations throughout this entire province.

17 And I must also state that this system  
18 that is in place, you have the rivers, the  
19 tributaries, and all of the water that's being  
20 diverted to power these dams in the north, and it  
21 comes from all of the watersheds throughout this  
22 territory. And it has adversely and negatively  
23 impacted, and continues to impact our community.

24 And as I stated earlier, you know,  
25 this young person taking his life, that has

1 happened in more than one occasion since our  
2 people have been evacuated. And this must stop.  
3 This must stop.

4 And also as signing Treaty, being the  
5 original signatories of Treaty number 1, the very  
6 first line, Peguis, we want to be able to work in  
7 peace and harmony and live in peace and harmony,  
8 and work with whoever it is, whether it is Hydro,  
9 whether it is the Province of Manitoba, and  
10 certainly the Federal Government, who is our  
11 fiduciary. We want to come up with solutions that  
12 better our systems and better our lives for our  
13 people. It is something that we continue to  
14 promote. And certainly, as I alluded to earlier,  
15 that's why we are here today, to present how this  
16 integrated system -- without the water, you can't  
17 power those hydro dams in the north, and you can't  
18 transmit energy to the southern Manitoba here, or  
19 in the future to export energy out of this  
20 province. It is all an integrated system.

21 And we are hearing and presenting how  
22 it is impacting, not only those communities in the  
23 north, but how it is impacting communities here in  
24 the south. And we have 2,000 people that are out  
25 as a result of that. And it is not just the

1 impacts of flood, it is many, many issues, social,  
2 economic, child and family.

3 I bumped into evacuees just outside of  
4 one of the hotels downtown here, and they are in a  
5 society, or a situation that they are not familiar  
6 with. People want to be home. Grandmother's want  
7 to be home. We know people that are adversely  
8 affected and certainly negatively affected, and  
9 this is not their home. Their home is where they  
10 have their existing lands, but those lands cannot  
11 be occupied as a result of flooding.

12 And that's why we are here today. And  
13 certainly that's who I speak on behalf of, not  
14 myself, certainly as a leader, and how we want to  
15 participate in this economy, but how it is  
16 impacting our people on the grassroots level, and  
17 certainly our grandmothers, our grandfathers, and  
18 our young people throughout Manitoba, not just at  
19 Peguis. And that's why I decided to come and  
20 present today. Miigwech.

21 MS. LAND: So, Mr. Chair, our next  
22 witness is Dr. Niigaan James Sinclair. Are you  
23 ready for us to proceed for him?

24 THE CHAIRMAN: The Chief will be  
25 available for questioning later?

1 MS. LAND: Yes.

2 THE CHAIRMAN: Thank you.

3 DR. SINCLAIR: So that's slightly off,  
4 but we will do our best.

5 And it is a honour to be here today  
6 and it is a honour to be speaking to all of you  
7 this morning. So my name is Niigaan Sinclair, and  
8 I have lots in which I'm going to try to get over  
9 as quickly as possible. I apologize, I too am a  
10 little under the weather, I have bronchitis. So  
11 if I cough a bit, I will just take a moment to  
12 take some water.

13 I'm going to speak a bunch this  
14 morning about a number of things, and I can  
15 already see one of my slides is messed up. So go  
16 ahead and follow on the paper as well.

17 There is a number of things that I'm  
18 going to try and cover this morning. My relative  
19 to my left, Chief Hudson, has covered a lot of the  
20 historical context. And I also want to draw  
21 attention to my other cousin, Mike Sutherland, who  
22 is going to speak on some cultural foundations to  
23 this work.

24 I'm going to talk about the history,  
25 the cultural context in which to understand the

1 claims of Peguis First Nation in relation to the  
2 Keeyask project.

3 I'm also going to talk about  
4 traditional territory of Peguis First Nation. And  
5 I'm going to talk about the ways in which we can  
6 understand those things in the context of the  
7 Treaty. But because there has been a nature --  
8 there has been a number of questions from people  
9 involving what I bring to the table, what is my  
10 relationship to this work, I have two  
11 introductions, which is incredibly self-indulgent.  
12 However, I ask for your patience for a minute to  
13 describe my work and where I come from.

14 So, as I said before, I'm Niigaan  
15 Sinclair, I come from the Rainbow Trout Clan or  
16 Namegoshin doodem. That's going to be critically  
17 important in which to understand the approach that  
18 I'm taking today. And once I begin to describe  
19 the doodemag or the clan system, you will  
20 understand what I mean by that.

21 In my professional life I'm an  
22 assistant professor, so cards on the table, my  
23 research areas are specifically in Anishinaabe  
24 culture and literature, indigenous writing  
25 systems, historical and traditional writing

1 systems, as well as contemporary, historical and  
2 traditional -- you will see what I mean in a  
3 second, but more contemporary also in poetry,  
4 novels, plays, and so on and so forth, and visual  
5 art. And I also have written widely on indigenous  
6 histories in Manitoba. You can see on the bottom  
7 right-hand side is my book, Manitowapow,  
8 Aboriginal Writings from the Land of Water, which  
9 covers three centuries of alphabetical writing,  
10 but then several thousand years of non  
11 alphabetical writing that have existed here in the  
12 province of Manitowapow. Manitowapow, I am going  
13 to describe to you in a little while what that  
14 means and what the critical importance of that  
15 word is.

16 My other book is on centering, it is  
17 called "Centering Anishinaabeg Studies,  
18 Understanding the World Through Stories."

19 I tell you about those two things  
20 because I think it is important for me to be  
21 honest and say that I do work in a lot of  
22 intellectual academic work. I have a PhD from the  
23 University of British Columbia. I'm one of the  
24 only members within Canada that has worked within  
25 indigenous literatures on a PhD level, and I'm

1 trained from the University of Oklahoma, the only  
2 indigenous literature program in North America.

3 But that's one part of me. And there  
4 is some questions about my critical positioning.  
5 It is important to mention that what I'm really  
6 talking about today is my personal, foundational,  
7 subjective experience as an individual. I'm a  
8 member of Peguis First Nation, but I am a member  
9 of the St. Peter's Indian Settlement, which is the  
10 original homeland of Peguis. I'm going to talk  
11 about that a minute.

12 I have grown up my entire life in  
13 ceremony in the Midewiwin. You can see that on  
14 the bottom right-hand corner, Midewiwin lodge,  
15 that's the sacred ceremony amongst our people,  
16 amongst the Anishinaabe. However, I do have very  
17 deep ties amongst my family to Cree, in two  
18 directions; one is Norway House, I realize that I  
19 kind of left them out this morning, so I feel bad  
20 for leaving out my Manigotagan relations. I come  
21 from the Simards as well. My family comes from  
22 the Settees, as well as many other families from  
23 Norway House Cree Nation. My great grandmother  
24 comes from Norway House, and my grandmother -- or  
25 my grandmother comes from Manigotagan, and the

1 rest of my family comes from St. Peter's.

2                   Now all of my professional credentials  
3 is influenced by my upbringing in ceremony,  
4 community, and my personal experience as a member  
5 of a community that has always involved  
6 ceremonies, always involved learning the language,  
7 has always involved various context. So what I'm  
8 really talking about, if there would be anyone  
9 that I would be talking about this morning on  
10 behalf of, and not only am I speaking on behalf of  
11 myself, but I'm really speaking on behalf of being  
12 a member of the Namegoshin Doodem, the Rainbow  
13 Trout Clan.

14                   I realize Anishinaabemowin probably  
15 slows you down a bit, so I will try to be careful  
16 with those. But if you do need spelling, and I  
17 have insisted that, unlike the Bipole III  
18 hearings, I have insisted that Anishinaabe be part  
19 of my recorded testimony. The spelling is on the  
20 slides itself, so I totally appreciate your  
21 patience.

22                   Okay. So, I'm going to talk a little  
23 bit about St. Peter's. Now, Chief Hudson told you  
24 a little bit about the history of the removal of  
25 people from St. Peters, or what is referred to as

1 Little Peguis, to Peguis, which happened in 1907,  
2 which was an illegal and unjust removal. However,  
3 I want to tell you a little bit about the history  
4 of St. Peter's, because St. Peter's has been a  
5 settlement that has been in operation for not just  
6 three centuries, but also thousands of years of  
7 history go into the context of this particular  
8 community. Because we are talking about  
9 Anishinaabe, who lead by Chief Peguis, who came up  
10 from Bowating, Sault Ste. Marie, came west and  
11 then north, and joined a community that was  
12 decimated by Smallpox at Netley Creek.

13                   Within our community stories still  
14 today, within the Town of Selkirk, and you will  
15 still see members of the St. Peters community just  
16 north of Manitoba Avenue, where I grew up. Those  
17 territories, and you know, you still go to the  
18 Friendship Centre on Friday nights and you will  
19 still see all of the members that have stayed  
20 behind at St. Peter's. And the stories that exist  
21 in that place still talk about a very bustling,  
22 economically powerful, and self-governing  
23 community.

24                   We had our own laws. We had our own  
25 institutions. We had our own education systems.

1 And that those things, when the British showed up,  
2 when members of the Hudson Bay Company and the  
3 Northwest Company showed up, they were an addition  
4 to our lives, they were not a radical change to  
5 them. We incorporated them into our lives. And  
6 part of the ways in which we did that, you will  
7 see in my presentation today.

8 Our community made strategic and  
9 political choices in which to adopt settlers on  
10 the Red River and incorporate them into our lives.  
11 That meant that they became a part of the systems  
12 that we gifted to them. They became a part of the  
13 governments that we governed them. And that they  
14 too, although they wished to share their  
15 government systems with us, they were expected in  
16 which to be a part of us, as much as they expected  
17 us to be a part of them.

18 The St. Peters settlement was a very  
19 bustling and economically powerful community, and  
20 adopted to agriculture very quickly, so powerful,  
21 so quickly, in fact, that they became rather  
22 threatening to the local people, such as Lord  
23 Selkirk's ancestors, who were a part of this  
24 settlement. We were an incredibly bustling  
25 hunting and fishing community, and we had deep

1 ties to the north. I want to illustrate that for  
2 a second in my own family.

3 As I mentioned before, I have family  
4 that comes from Manigotagan and family from Norway  
5 House specifically, and my relation to my left,  
6 Chief Hudson, talks about his relationships to the  
7 north as well. My family, as I mentioned before,  
8 trading relationships always and inevitably  
9 involved family ties and family commitments to one  
10 another. And that was most solidified often  
11 through marriage. My family married members of  
12 Norway House, and the Norway House connection,  
13 that connection in which they came and joined with  
14 us at St. Peters, my great grandmother as a part  
15 of that created a distinct and very deep tied  
16 relationship to Norway House that continues today.

17 I travelled to Norway House on a book  
18 tour last winter, and members, when I went to  
19 Norway House it was like coming home. Byron  
20 Apetagon, who is one of the community's  
21 historians, sat me down in the first ten minutes  
22 and described to me my family connections to  
23 Norway House. He also told me the names, the  
24 distinct names that Norway House people and Cree  
25 people in Norway House gave to St Peter's, and the

1 name which was given to St Peter's was the Landing  
2 Place, it was talked about the place that we go in  
3 order to be home, or be in another place.

4 And so that this, I say that because  
5 the tie between Norway House and St Peter's today  
6 is still a very deep and close tie.

7 I also mentioned Manigotagan because  
8 that's the other side of the lake near Pine Falls,  
9 that was another trading relationship that's very  
10 sacred and connected to St Peter's. Because many  
11 of the people, after the removal in 1907, moved  
12 not only to Peguis, the later settlement of  
13 Peguis, but they also moved to Manigotagan, to  
14 Brokenhead, and then also Sagkeeng. And those  
15 three communities on the other side of the lake  
16 have very close ties. My family also has ties,  
17 many of them are members of Fisher River for lots  
18 of reasons, for the reason which I mentioned  
19 earlier, marriage, but also for the location, the  
20 ways in which they moved.

21 Now, Chief Hudson has mentioned the  
22 St. Peters removal of 1907, which was lead by  
23 members of the Government of Canada, but also the  
24 Province of Manitoba, members of the Town of  
25 Selkirk. And that this was lead by unscrupulous

1 and land hungry settlers who were invested in one  
2 sole purpose, which was to remove the St Peter's  
3 settlement, which had become extremely powerful,  
4 extremely well organized, and that had for one  
5 century lead the economic production within the  
6 southern Province of Manitoba, until, of course,  
7 the institution of the Indian Act, which started a  
8 rapid decline, as the legislation began to affect  
9 us most directly on, for instance, the removal of  
10 our farming implements, and that affected the  
11 economic production of our territory.

12           The members of St Peter's who signed  
13 Treaty 1 made a commitment, however, and expected  
14 a commitment from the Government of Canada that  
15 their home would be recognized and that our claims  
16 to our territories would be recognized. And that  
17 exists today. You can still see the indentation  
18 of the St Peter's community near the St. Peter's  
19 Dynevor Church on the Red River. You can still  
20 see today, and I know because I was there in the  
21 summer, you can still see the road that went  
22 through our community. You can still see the  
23 foundation of the buildings that were there. You  
24 can still see the church, you can still see the  
25 cemetery plots. And the members of the St.

1 Peter's community, there is lots, you know, lots  
2 of politics that happened in that community as  
3 with many, and the ways in which our ancestors,  
4 our family are still buried within that graveyard  
5 at St. Peter's.

6           That history is very much enduring in  
7 our experience amongst the members of the Town of  
8 Selkirk. So that while many people from Peguis  
9 moved to our lands now in the Interlake, there  
10 were many families, and seven in particular that  
11 stayed and that lived within the Town of Selkirk.  
12 Actually, we didn't really live in Selkirk until  
13 later. We moved across the river and lived near  
14 the St Peter's Indian Hospital, where my family  
15 lived in virtually, you know, small cabins or  
16 shacks for many years until the 1950s, and then  
17 moved into town. And of course, by that point  
18 many of us were non-status or had been adopted  
19 into Metis communities.

20           So the St. Peter's Indian, the removal  
21 of 1907 was a devastating legacy on us, and it was  
22 lead by an unjust and illegal action. This is  
23 well documented. All I would say is that the  
24 removal has been recognized as illegal and unjust,  
25 and we have been compensated for that by the

1 Government of Canada. It was a long struggle for  
2 us as a community to reconcile, I would say that  
3 we are not anywhere near that process, but it has  
4 been a very interesting legacy. So in many ways  
5 Chief Hudson and myself, Chief Hudson living at  
6 Peguis and myself living at the former St. Peter's  
7 settlement, now Selkirk, we are a community that  
8 have many interests and many experiences, and so  
9 that is where we begin to have a connection in  
10 this territory.

11 That's going to be critically  
12 important in a minute when I talk about the 1870  
13 Treaty and how that actually continues to bind us,  
14 and binds us to the north and affects us in  
15 relationship with projects like Keeyask. So  
16 that's the foundation which I'm going to talk  
17 about.

18 Now, my experience as a writer, as a  
19 thinker, but also as an individual, I work within  
20 indigenous writing systems. Indigenous writing  
21 systems have been in operation for thousands of  
22 years. There is this classical anthropological  
23 stereotype out there that we exist in oral  
24 cultures, that we are a people who never wrote  
25 anything down. I'm here to tell you that that is

1 not only a stereotype, it is scientifically  
2 evidentially false. Because it is a struggle that  
3 I continually struggle up against all of the time,  
4 especially within intellectual institutions,  
5 schools, communities, and governments and court  
6 rooms. And I continually face this stereotype  
7 because it is absolutely, unequivocally wrong.

8           The histories of us as a people, and I  
9 draw upon one book if you are interested, is  
10 Gordon Brotherston's book, The Fourth World, which  
11 documents tens of thousands of writing systems  
12 that have existed all throughout North America, on  
13 Turtle Island, everything that you can imagine is  
14 talked about within these writing systems. But  
15 more specifically, they are always, almost always  
16 histories. They are cultural histories,  
17 intellectual histories, things that talk about  
18 thought and action and how these are employed.  
19 They also talk about political systems and  
20 governments. They talk about the physical  
21 relationships that we have with the physical  
22 world, like water, or lakes, or land areas. And  
23 you will often, almost always find within these  
24 writing systems namings, names of what places  
25 mean, and the explanation within those names of

1 how peoples are to interact with those places.

2           The stories that exist within those  
3 are almost always left up to the people which have  
4 the knowledge in which to tell those stories.

5 These stories are often in two different  
6 directions. They are sacred or Creation stories,  
7 and they are also creative stories, so like  
8 stories of life and love and experiences, and what  
9 you can find when you eat there, and so on and so  
10 forth. In the sacred Creation stories, the best  
11 way you can identify those, they are talking about  
12 the time before time. Sometimes the sacred time,  
13 we talk about when animals could speak, when  
14 creation was made, when beings had very close and  
15 sacred ties to one another. And those stories are  
16 still applicable today.

17           So these stories, these histories  
18 within these writing systems refer to names, land,  
19 many of them are maps themselves written on things  
20 like rock faces. They are written in venues like  
21 sand. They are also written on venues like animal  
22 hides or birch bark. These things inevitably,  
23 when we are talking about something that's named  
24 and something that's describing something, and  
25 your relationship to something, inevitably we are

1 talking about law. We are talking about the laws  
2 that connect us and the laws of relationship  
3 building between things. How things relate to one  
4 another. Because what we are really talking about  
5 is when things are on rock faces, when things are  
6 on animal hides or birch bark, or even when they  
7 are on sand or temporary mediums, is we are  
8 talking about claiming of things, and specifically  
9 land claims. I was here, this was my experience  
10 in this place. And that's where our writing  
11 systems, I think, have an incredible amount of  
12 power in which we can understand the ways in which  
13 relationships have always operated within this  
14 place for thousands of years, well before what we  
15 call contact in the 15th century, 15th to 16th  
16 century.

17 I want to show just one which ties us  
18 and explains a little bit, and provides a  
19 background to Chief Hudson's testimony, but also  
20 in which to show you how old these writing systems  
21 refer to.

22 Chief Hudson referred to the  
23 Anishinaabe migration. This migration took place  
24 over 1,000 years and started in the New Brunswick  
25 area, what is now called New Brunswick, and that

1 exists within our birch bark scrolls. This is a  
2 scroll that currently sits in the Glenbow Museum.  
3 It was sold in the 1970s to -- by James Redsky, in  
4 a book by Selwyn Duedney called the Sacred Scrolls  
5 of the Southern Ojibway, sort of just west,  
6 southwest -- sorry, southeast of here. And this  
7 scroll operated for many years, was handed down  
8 and down for hundreds of years amongst our people,  
9 and eventually is now sitting in the Glenbow  
10 Museum. But this scroll, if you take a look

11 here -- can I use the pointer? Does that work?

12           It does, okay -- if you take a look  
13 here, you can see the Atlantic Ocean referred to,  
14 and this is the map within the book that Chief  
15 Hudson showed from Eddie Benton-Benai, which was  
16 published in 1988. This scroll, however, refers  
17 to the same story, it is the same story of a  
18 movement west of us as a people following the  
19 great miigis shell, that great miigis shell that  
20 guided us on our migratory path, that we received  
21 a vision of over a thousand years ago, and that we  
22 talk about that within our writing system. And  
23 that tells the entire story of our stopping places  
24 along the way. This place right here, Bowating,  
25 Sault Ste. Marie also refers to the rapids, the

1 rocky waters, Bowating, that's what that means --  
2 is going to tell you see, I just want you to  
3 notice that when we are talking about Bowating,  
4 and we are talking about kind of a funnel  
5 approach, so you can sort of see this very much as  
6 a map, as much as it is a story. It is also about  
7 the naming of a journey, and it is most  
8 specifically a claim of territory. It is a claim  
9 of, this is where we went, this was our  
10 experiences along the way, and here is where we  
11 ended up.

12                   And this map particularly talks about  
13 the ending in Leach Lake. But, of course, we know  
14 that the Anishinaabe moved also more west, they  
15 moved west from here, Chief Peguis moved along  
16 here in the 18th century, the 1700s, and then  
17 moved north into Manitowapow, and ended up in  
18 Netley Creek, which is why Peguis is right there.

19                   So, I talk about that because these  
20 systems have been in operation for such a long  
21 time that we can also see them written on other  
22 kinds of texts. Within Manitoba, there is a place  
23 called Manito Api in the Whiteshell, and the  
24 Whiteshell is our text, it is our stories, and  
25 they talk about the ways in which we Anishinaabe

1 and Cree people had relationships in this  
2 territory.

3 I'm going to talk just very briefly  
4 about a few petroforms, because it is critically  
5 important to understand that these are original  
6 text that are the foundation for this place. They  
7 explain to you everything you need to know about  
8 how to live here, because they are the guideposts  
9 for what Anishinaabe and Cree used when settlers  
10 came to this territory. They were the text that  
11 we utilized in order to explain to other Europeans  
12 that this is how you live, this is the governments  
13 that you are joining, this is the laws that you  
14 are joining, these are the relationships that you  
15 are joining.

16 So I will just talk about these two  
17 specifically. So within Manito Api, within the  
18 rock formations there, and I refer to elders and  
19 mentors, like Dave Courchene junior who is very  
20 well versed on this. But I also have written a  
21 lot about this, I have talked a lot about this,  
22 told stores a lot about this. The Manito Api  
23 petroform, there are two petroforms that are very  
24 close to one another. The first is mikinaak which  
25 is a turtle. And the next is ginebig, which is

1 the snake. And these two beings are written in  
2 the rock formations and they are very close to  
3 each other, and there is a reason why that is.  
4 There is a reason why those two beings are close  
5 to one another, because they are meant to tell a  
6 story together.

7                   And if anyone knows Shaking Tent, and  
8 my relative Mike Sutherland is going to talk about  
9 Shaking Tent a little bit in his presentation.  
10 The Shaking Tent ceremony that we have is about  
11 seeing the future, it is about seeing what is  
12 coming to us. And we consult that Shaking Tent  
13 ceremony, and we ask it, we ask a Shaking Tent  
14 medicine person in order to run that ceremony for  
15 us so that we can see what the future is. It was  
16 the original internet kind of way in which you see  
17 things. Because that two spirits show up in the  
18 Shaking Tent ceremony, the first mikinaak, the  
19 turtle spirit runs that ceremony, and will travel  
20 amongst the waterways to go and find information  
21 for you. If you are curious about, whether it be  
22 something simple like did my auntie survive that  
23 sickness that I saw her having last year, or what  
24 is going to happen in the future, or should we  
25 join together with these newcomers to decide if we

1 should have this Treaty with them? The turtle is  
2 consulted. But within that ceremony there is  
3 another spirit who is sometimes a little tricky,  
4 sometimes gets you to think about other  
5 directions, that's the ginebig spirit. The  
6 ginebit spirit sometimes is there to trick you,  
7 but also is a way to make you think of other  
8 things. So those two spirits are meant to be  
9 thought of in relationship, because that ceremony  
10 teaches us that those two ceremonies, those two  
11 spirits relate to one another.

12                   However, that's not the only  
13 information within these two. If you know  
14 anything about turtles, and I know this because I  
15 have spent a lot of time watching turtles, I have  
16 spent a lot of time engaging with turtles, and of  
17 course I'm a member of a clan that involves  
18 turtles, so I have spent a lot of time thinking  
19 about turtles and watching them.

20                   Turtles have two things, the first is  
21 they are one of the few beings that can travel on  
22 water and earth. They are also beings that are  
23 inherently tied to the earth, I mean, they travel  
24 close to the earth. But turtle claws have the  
25 ability to pull up medicines that no other being

1 in the natural world can pull up. Turtles, when  
2 they migrate, they are also incredibly resilient  
3 and they are incredibly committed to their  
4 direction. Many turtles on construction sites,  
5 for example, will go and continue to nest in a  
6 construction site for as long as it takes, without  
7 any fail, without any disruption, they will find a  
8 way. Turtles also carry a home on their back.

9 Now, if you think about just what I  
10 talked about right now, and you looked at turtles,  
11 you could learn everything you need to know about  
12 living in Manitoba. The land and the water,  
13 traveling, the migration, the movement of peoples,  
14 the relationship that we have to the earth, which  
15 is tied very much to the things that grow there,  
16 and how we need to irrigate and hoe that, to bring  
17 it up from the earth. If you watch a turtle,  
18 that's everything that you need to know.

19 The ginebig, the snake, very much  
20 similar, tied very much to the earth. But if you  
21 know anything about snakes, and my relationship  
22 specifically is to the snakes at Narcisse, the  
23 garter snakes at Narcisse that I spent a lot of  
24 time with, I used to visit them every summer as a  
25 young man, is two things. One is snakes are

1    incredibly committed to a similar journey every  
2    year, they will go and nest every year, they will  
3    travel, they will leave Narcisse and go to the  
4    same area every year. They will also return to  
5    the area almost at the exact same time. They  
6    also, if you ever see a snake pit, if you ever  
7    needed to know about anything living with people  
8    in close quarters, that you need to compromise,  
9    you need to join together with someone, you need  
10   to be flexible, you need to be engaging, you need  
11   to be very aware, is you just need to watch snakes  
12   in a snake pit and that will show you everything  
13   you need to know about having relationships with  
14   others in your territory.

15                   There is a reason why I do this, it is  
16   not just talking about nice images in rock. These  
17   are laws, these are the ways in which -- this is  
18   the law that existed in this place. Because the  
19   law that existed in this place involved one more  
20   petroform that I'm going to tell you about, it is  
21   called the path of life. And the path of life  
22   refers to every other petroform, it is the  
23   governing petroform for all of the others within  
24   the area, because it talks about relationships and  
25   the ways in which two things come together to

1 create a path that goes back and forth, that can  
2 go in multiple directions, but that -- things that  
3 are left behind on that journey, but look at all  
4 of the things that are created when those two  
5 paths come together. All right. And that this --  
6 notice that when two paths come together mutually  
7 and reciprocally, when they come together and they  
8 create something equally, look at all of the  
9 beautiful creation as a result. That is the  
10 possibility, but this is also the very model of  
11 what is called the (inaudible) or the two world  
12 wampom, which was given to the Dutch by the  
13 Haudenosaunee. But that also formed the basis for  
14 Treaty making in North America.

15                   So within the very texts that are  
16 thousands of years old, within our very province,  
17 our home of Manitowapow, this is the law that  
18 governs this territory. This is what we were  
19 meant to follow. Because this has always been  
20 what is in this place. And this is not just given  
21 to us by Anishinaabe or by human beings, but also  
22 the all of the beings that went into making this,  
23 the wind, the animals, the rocks itself, water,  
24 and so on and so forth.

25                   So I really want us to get, if there

1 is anything that I hope in my life time that my  
2 daughter doesn't have to inherit is this  
3 incredibly biased and incorrect view that native  
4 cultures are oral cultures, and that in fact  
5 native cultures are inevitably oral and written  
6 cultures.

7 MR. NEPINAK: Can you repeat the whole  
8 slide again?

9 DR. SINCLAIR: The whole thing?

10 MR. NEPINAK: Yes.

11 DR. SINCLAIR: I will try to  
12 paraphrase the best I can.

13 The path of life is the petroform that  
14 relates to all of the other petroforms within  
15 Manito Api. But it is the law, it is the law that  
16 forms the basis for this place. It is the law  
17 that forms the explanation for all of the other  
18 writing systems that exist within Manito Api.  
19 Because it is talking about an equal and  
20 reciprocal relationship that when coming together  
21 can form a path that goes in multiple directions,  
22 good and bad, but that when, at the very best of  
23 times when relationships come together in  
24 meaningful and reciprocal ways, look at all that's  
25 created as a result.

1                   And there are things at times that we  
2    have to compromise with. And this was the law  
3    that governed relationships in this territory.  
4    This is the way in which peoples, but also  
5    animals, and wind, and water have always operated.  
6    And as a result, it is the beautiful place that it  
7    can be.

8                   There is a challenge, and I think I'm  
9    going to talk about it in a minute, is whether we  
10   are following this law. Because this is the very  
11   best possible vision, and most writings do provide  
12   ideas of what we can be, things we can aspire to  
13   be, but also things that can guide us in the ways  
14   in which we relate to one another, as most laws  
15   are. I think about the laws, laws are things that  
16   we aspire to, and hopefully try to tie together to  
17   make a meaningful and just society. That's what  
18   this is. This is a law. This is the constitution  
19   of Manitowapow.

20                   Is that good?

21                   MR. NEPINAK: Yes.

22                   DR. SINCLAIR: As I said before, if  
23    there was anything I could do in my life time is  
24    to hope that we get out of this inherently  
25    incorrect vision of native cultures are oral

1 cultures. But unfortunately, our court rooms, our  
2 laws, and terra nullius, which Chief Hudson  
3 referred to earlier, is based on the premises that  
4 indigenous peoples, their writing systems either  
5 were not in operation, or they didn't exist.  
6 Things like land claims didn't exist. Things like  
7 namings didn't exist. And I'm here to tell you  
8 that that's unequivocally wrong.

9 Are we okay for time?

10 So what I really want to talk about is  
11 two things, two cultural concepts that I think it  
12 is critically important to understand, to  
13 understand the 1817 Treaty at Selkirk and how that  
14 relates to Keeyask. The first is a concept in  
15 Anishinaabemowin called bagijiganan, or if you  
16 stand in different areas Anishinaabetuk. The  
17 country it is Bagijiganan, but what that means is  
18 it means offerings or gifts.

19 Now, if you go up today and travel to  
20 Peguis, or if you travel to Norway House, or if  
21 you travel to virtually any indigenous community  
22 and you knock on somebody's door, you will be  
23 invited in and you will be given a gift, you will  
24 be given an offering, you will be given a  
25 bagijiganan. And the bagijiganan that you will be

1 given will probably be food, maybe coffee or tea,  
2 but you will be given time, hopefully, if you come  
3 in a good way. And at times these gifts and  
4 offerings can be many things, they can be names,  
5 they can be jokes, they can be stories.

6           Gifts have for us, as Anishinaabe and  
7 Cree people, have always formed the parameters of  
8 our relationship. They are the very first  
9 foundation of everything that makes us who we are.  
10 They are mutually beneficial, hopefully. And both  
11 parties exchange gifts, I give you a gift, you  
12 give me a gift. And they must be accepted, even  
13 if sometimes you don't like them, and I think  
14 about the ugly sweater that you might receive from  
15 your auntie, you still accept that gift and you  
16 still wear it because of the relationship, because  
17 of the respect that you give to her. So you gift  
18 back respect when you receive something like that.  
19 And it is critically important for the  
20 relationship, because you have another choice when  
21 you receive any gift, you could take that tea and  
22 you could throw it on the earth. You could take  
23 that time and disrespect that time. You could  
24 take that sweater and throw it in the garbage.  
25 And that's your choice because that's the way in

1    which you treat that relationship.  So you  
2    shouldn't be surprised when the relationship isn't  
3    effective, that relationship isn't foundational or  
4    it isn't a positive one.  Because it is about the  
5    acceptance and the use of that gift.

6                    Now, as relationships are constantly  
7    revisited, gifts are always re-distributed.  I'm  
8    giving a gift right now with my time, with my  
9    work, with my thoughts, with my stories, and you  
10   too are giving gifts back to me.  And that's the  
11   ways in which this territory is operated.  It is  
12   an ongoing process of responsibility,  
13   responsibility sharing in the interests of  
14   community building, and this is the basis for  
15   Anishinaabe law.

16                   And if you could just humour me with  
17   one more image here, what I'm talking about -- if  
18   I could stop my coffee shaking hand here -- gifts  
19   are the connective ties that connect beings.  So  
20   I'm talking about the strands as beings, the ways  
21   in which we travel throughout our life as beings,  
22   and that these are the ties, the gifts are what  
23   tie us all together.  And it is the treatment of  
24   these gifts that really indicate how we operate  
25   with one another.

1                   And this is the way, this is the model  
2    in which the petroforms, the birch bark scrolls  
3    that I described earlier, and also the very  
4    Treaties that formed who we are.

5                   Now bagijiganan, or offerings or  
6    gifts, were always the foundation for Treaties  
7    here in Manitowapow. They were the foundation for  
8    the Treaty, every single Treaty that has always  
9    been in negotiation in this place. Indigenous  
10   people would not come to the table unless there  
11   was some aspect of gift giving or offering,  
12   because there is no relationship otherwise. The  
13   relationship is foundational, and the foundation  
14   of the relationship is gifts.

15                  Indigenous Treaty negotiators always  
16    gifted to Europeans within this area, but also  
17    within the numbered Treaties, within the Robinson  
18    Treaties, every single Treaty I have ever  
19    encountered, and I have encountered hundreds  
20    throughout the United States and Canada,  
21    throughout my travels, throughout my personal  
22    research, throughout my personal readings, and the  
23    people I met along the way. They have always  
24    gifted one of four things for me. The way in  
25    which I understand it is knowledge, so here is who

1 we are, here is what we have to give, here is the  
2 gift and here is what the gift means. Maps, so  
3 here is where you are standing, here is how you  
4 can understand the territory in which you stand,  
5 and that when they gift that, that inevitably  
6 comes with laws, here is how to operate in this  
7 territory, here is where to go, here is what will  
8 happen to you if you go to these rapids, and there  
9 will be within those explanations. And the  
10 explanations finally of how indigenous peoples  
11 were explaining to the Europeans, here is the  
12 communities that you are joining and here is how  
13 you belong.

14                   And often that would involve naming,  
15 that would involve the recognition, that would  
16 involve the calling of somebody as a brother.  
17 They would say you are now a brother, and that you  
18 are now a part, you now have obligations. And  
19 that's why within the Treaties they always talked  
20 about coming back. Next year we will come back  
21 and we will trade gifts. Next year we will come  
22 back and we will revisit this gathering together.

23                   Now, offerings, the way I best  
24 describe it and the best way that I think you can  
25 understand it is they are gifts with strings.

1 There are no gifts without strings. I think  
2 that's something -- in fact, you know, my blanket  
3 claim of the day is there are no gifts in the  
4 world without strings. Every single one of them  
5 has an expectation that comes with it.

6 And Cary Miller wrote a great book,  
7 and I just bring up a quote by her, she is a  
8 friend of mine, and she says in her book, talking  
9 about Anishinabic leadership from to 1760 to 1845,  
10 in her research, in her works she says that:

11 "Deeply engrained social expectations  
12 for respect and obligation frame these  
13 exchanges. There was as much a right  
14 and obligation to receive as to give,  
15 an idea embedded in the ascription of  
16 familial relationships to all parties  
17 in the exchange."

18 It has to do with gift giving.

19 "The closer the kin relationship,  
20 whether actual or fictive, the greater  
21 the implied obligations as well as  
22 assumed trust. Anishinaabeg oral  
23 tradition makes it clear, however,  
24 that as pitiable as one may have been  
25 at the outset of a gifting

1 relationship, when one accepted a gift  
2 from a human or manidoo..."  
3 and manidoo means spirit, but it more directly  
4 means mystery,  
5 "...one had to fulfill promises made  
6 to perform appropriate ceremonies or  
7 use the gift in appropriate ways, lest  
8 the individual become ill or the gift  
9 be withdrawn. By the same token, when  
10 accepting gifts, whether as a leader  
11 receiving gifts from another polity or  
12 as an individual getting gifts from  
13 the leaders they supported, a  
14 recipient acquiesced to the political  
15 messages and agreements that  
16 accompanied the gifts. Similarly,  
17 rejection of gifts demonstrated  
18 rejection of the messages proposed at  
19 their distribution."  
20 This is a critically important point  
21 for me, and you will understand why in a minute.  
22 When you receive a gift you agree to  
23 the circumstances around the gift, you agree to  
24 accept the responsibilities of the gift. And  
25 that's the Anishinaabe law of understanding. When

1 you receive a gift you acquiesce to the  
2 understanding of what the responsibilities are  
3 when you accept it. You might not always  
4 understand completely, but that's why you have a  
5 relationship. Because you revisit it every year  
6 and then you understand why that gift was given in  
7 the first place. And that involves things like  
8 names, but also other gifts, food, for example, or  
9 time.

10 Now, settlers all throughout the  
11 numbered Treaties, but specifically here in  
12 Manitowapow, always relied on bagijiganan for  
13 relationship building. That's the way in which  
14 they got into the very conversation in the first  
15 place, they had to arrive with a gift.

16 They also depended on it for trade.  
17 They depended on it for travel. And lastly, they  
18 depended on it for survival. Now, here is a good  
19 example. Chief Peguis was often asked to be the  
20 mediator in between the fights between the Hudson  
21 Bay Company and the Northwest Company. That was  
22 his gift. His gift was he was able to create  
23 peace and understanding in between those two  
24 companies by being a mediator. That was his gift,  
25 because without that the Hudson Bay Company and

1 the Northwest Company probably would have killed  
2 each other for a much longer time. They would  
3 have not only destroyed each other settlements, as  
4 they took turns in doing, but due to Chief Peguis'  
5 gift, his gift of that relationship, they were  
6 able to survive in this territory.

7                   Never mind the hundreds of stories  
8 that involve indigenous peoples assisting  
9 non-indigenous peoples to survive, to find  
10 medicines, how to eat, where to find food, where  
11 to live, and then finally how to exist in a place  
12 like this with an incredible body of mosquitoes  
13 and a horrendous winter like we see today.

14                   So the critical important point to  
15 mention, and I will emphasize this one more time,  
16 is that even if not fully understood, settlers are  
17 legally committed to responsibilities by accepting  
18 gifts. When they receive gifts, and that these  
19 things are many, you know, multiple in their  
20 description. But the ones that we can see in  
21 operation today are things like Treaties, I am  
22 going show you what that Treaty is in 1817, but  
23 also the knowledge of land and life, and that's  
24 specifically through names.

25                   If you each right now pulled out your

1 driver's licence, you carry a gift from indigenous  
2 peoples of this territory. In fact, you carry two  
3 on you right today that come with  
4 responsibilities. The very first one is a word  
5 called Manitowapow, or Manitoba. Manitowapow  
6 comes from two words, the first is Manito, which  
7 you now knows means mystery or spirit, or wapow,  
8 wapow refers to water. But it is not just nabeb  
9 (ph), this is nabeb (ph), water that's spoken for,  
10 or often related to a spirit or related to a life  
11 form, spoken in ceremony. When we do a water  
12 ceremony, we raise that water up. That water is,  
13 it becomes wapow. And so Manitowapow refers to --  
14 which is the name of one of my books, Manitowapow  
15 refers to the spiritual life water. It talks  
16 about a place in the narrows that has sound that  
17 comes off the water, it is the waves that used to  
18 crash on to the Limestone shores at the narrows.  
19 If you ever drive to that little bridge, the  
20 bridge at the narrows, so if you stop there you  
21 could still slightly hear it. But, unfortunately,  
22 due to damming, you can't hear those waves  
23 anymore.

24                   There is another name that's really  
25 important to talk about, and that's Winnipeg.

1 Winnipeg, a lot of people if you walk around  
2 Winnipeg means dirty water, right, or muddy water.  
3 Well, indigenous peoples, Cree, Anishinaabe  
4 peoples of this area understood dirty water of  
5 what makes the water dirty, and that's algae.  
6 Algae is what makes the water dirty. It will  
7 increase in forms, it will also decrease per year.  
8 So Winnipeg doesn't refer to the city, even though  
9 it is named after it, Winnipeg refers to Lake  
10 Winnipeg. Winnipeg has been around for a very  
11 long time. It has been around since Lake Agassiz.  
12 Lake Agassiz, if any of you know, it was a great  
13 lake that covered, Manitoba, Alberta,  
14 Saskatchewan, northern Ontario, down to the States  
15 as well, and eventually drained and became Lake  
16 Winnipeg. There has always been algae within  
17 that. And that's why that name, Winnipeg, that's  
18 where that comes from. Winnipeg is referring to  
19 the algae in that water. And as a result, it  
20 connects us to that algae, that everything that  
21 happens in this territory relates to that algae,  
22 because it is what gives water life. It gives  
23 fish food to eat, it gives animals the ability to  
24 eat that fish and so on and so and so and so on.  
25 Algae is the life of that water.

1                   And so within your very driver's  
2   licence, every single one of you is carrying this  
3   gift, Manitowapow, which explains to you the life  
4   water that exists in this place, the ways in which  
5   we relate to the life that comes from the water,  
6   but also the ways in which we refer to the water  
7   that's dirty, or the water that is algae.

8                   I want you to look at this map right  
9   here, this is the Lake Winnipeg watershed. The  
10   Lake Winnipeg watershed is the remnants of the  
11   great lake Agassiz, which is everything that flows  
12   into Lake Winnipeg. And you can see every year  
13   how algae is increased and decreased according to  
14   what we put into the soil, but also how that water  
15   is stopped as it goes into the north by certain  
16   projects that I will refer to later.

17                  Indigenous peoples knew about the flow  
18   of water in Manitowapow for many years. I want to  
19   show this map that was made in 1806 by Cha Chay  
20   Pay Way Ti, who was a leader in north -- in  
21   Northern Manitoba, and he gifted this map to Peter  
22   Fidler in 1806. This is the map that he gifted to  
23   him. What Peter Fidler asked him to do was he  
24   asked him to describe his territory. And the  
25   first thing that you notice is that he is not

1 describing -- he is describing territory, but he  
2 is describing water. He is describing the  
3 waterways in which people travelled. You can  
4 notice on there the names of places, and you can  
5 note the entire gift of travel that Peter Fidler  
6 could then use to understand all of the peoples  
7 that he would meet along the way, all of the  
8 families, all of the areas that would involve some  
9 passages that would be longer than others. And he  
10 could travel all the way from The Pas to Split  
11 Lake, which of course is the site of the Keeyask  
12 Generating Station.

13 I want to show you this, what this  
14 looks like on a map. Of course, this is the  
15 generating station right here. This is the exact  
16 same situation of what he was showing.

17 Cha Chay Pay Way Ti was telling Peter  
18 Fidler about the relational ties that tied  
19 together an entire network of peoples along  
20 rivers, the Nelson River in particular, but also  
21 throughout Northern Manitoba. He was explaining  
22 to him how to travel, but he was explaining to him  
23 the flow. And that no matter what happened at any  
24 spot along that journey, it would affect all of  
25 the rest of them.

1                   What he was telling about was a  
2 network, he was explaining to him an entire  
3 network, an entire system at work, and that  
4 anything that happened along that way would affect  
5 the others.

6                   I'm going to tell you about something  
7 else that exists within some of our foundational  
8 documents within Manitowapow, but it is the  
9 doodemag. Now, when I talked to you this morning  
10 I gave you a gift, I told you about my clan,  
11 Namegoshin doodem, Rainbow Trout. And I have  
12 carried that clan my whole life, and my ancestors  
13 carried that for me and gave that to my father,  
14 who then handed it to me, and I have given that to  
15 my daughter.

16                   The clan system amongst us  
17 Anishinaabe, and many of the Anishinaabe who are  
18 here, or the Cree that are here, carry clans as  
19 markers of who they are. James Dumont, who is an  
20 elder of mine he gave me my name, Niigaanwewidam,  
21 he says that the clan system provides the  
22 cultural, education, family, spiritual, political,  
23 and social ordering of Anishinaabe society.

24                   There is room in the clan system for  
25 everyone. There is room in it for non

1 Anishinaabe, there is room for it in all peoples.  
2 There is room of it for beings and creation  
3 animals, for mysteries, for life, for water, every  
4 part of that exists within our clan system.

5 Our clan system is based on a notion  
6 of gift giving. There is that law again that I  
7 mentioned earlier. Gift giving is the basis for  
8 our society, it is the basis for our government,  
9 and it is the basis for our law. Gift giving  
10 happens from your clan from the moment you are  
11 born. You are giving that clan that has been  
12 carried for you by your ancestors for thousands of  
13 years. So my ancestors, going back as long as  
14 anybody can remember, carried that clan and then  
15 eventually handed that to me. I then give that to  
16 my daughter, who will then give it to, you know,  
17 hand on and on and on. It depends really on which  
18 community, some are patrilineal, some are  
19 matrilineal. As Anishinaabe we are patrilineal,  
20 but just because perhaps my daughter's child may  
21 not carry specifically Namegoshin Doodem, she does  
22 or he does because she will teach him about where  
23 that comes from and the gift that she is giving to  
24 him.

25 Now, Anishinaabe didn't receive doodem

1 from nowhere, they didn't just invent it one day.  
2 It was gifted to Anishinaabe at creation. So when  
3 Gichi manido pulled together creation, within our  
4 stories it is explained that Gichi manido said,  
5 I'm going to be bringing human kind, and human  
6 kind is the last that will be created on to  
7 creation. This is the end of a very long story.  
8 The animals say, we will take care of Anishinaabe,  
9 we will take care them. And part of the  
10 responsibility of our gift of our bodies, or our  
11 furs, of who we are, of our knowledge of  
12 territories, all of the gifts that we give to  
13 humanity, they have to carry the responsibility of  
14 carrying our names.

15                   So that's why I have Namegoshin  
16 doodem. Namegoshin doodem carries me. Some  
17 people carry bear clan, some people carry marten  
18 clan, some people carry snake clan, some people  
19 carry catfish clan. And you are expected to look  
20 to those beings, because those beings will then  
21 guide you throughout your life time. But animals  
22 don't live nowhere, because someone had to accept  
23 animals just before human got in to creation, so  
24 when animals, before animals arrived, Gichi manido  
25 did the same thing and called all of creation

1 together, and the water said, we will take of  
2 beings like fish. The rocks said, we will take  
3 care of beings like bears. The trees said we will  
4 take care of beings like martens. And so the  
5 earth said, we will take care of beings like  
6 snakes, and so on and so on and so on.

7                   Because the doodemag doesn't just  
8 refer to the relationships between Anishinaabe,  
9 but also describes to us the relationships and the  
10 way in which we trade gifts with all of the  
11 creation. And that our clan systems, and this is  
12 just seven clans, different Anishinaabe  
13 communities, some have five, some have 24, and so  
14 on and so forth. But it is the central guiding  
15 post that connects all Anishinaabe communities,  
16 and the way in which Anishinaabe communities  
17 connect with everything in creation, from animals  
18 to water, to land, to sky, to stars, and so on and  
19 so forth. But the gifts that we have to give to  
20 each other is involved in our government system.

21                   So as Namegoshin doodem, as fish clan,  
22 as you can see here, I'm a member of this clan  
23 which also has members of turtles within it, many  
24 other fish species. This is not just a deer, but  
25 also talking about hoof clan.

1                   And what I have done here is I have  
2    given just a very small explanation as to where,  
3    what the responsibilities of each clan might be.  
4    So I will just talk about bears for a second,  
5    because it is an interesting way to think about  
6    it.  Bear's responsibilities, and the bears teach  
7    people of the bear clan to be protectors of things  
8    like medicine.  They also teach them to be  
9    protectors of land and territory.  And if you know  
10   anything about bears, they are very territorial,  
11   they are a knowledge keeper about hibernation, for  
12   example, and they are also one of the few beings  
13   in creation that are able to find their own  
14   medicines when they need sustenance.

15                   They teach people about that, the  
16   people of the bear clan are to watch those bears  
17   and have relationships with those bears and care  
18   for the bears, much in the way the bears care for  
19   us.

20                   There is other different clans here.  
21   The marten clan, for example, is in charge of, for  
22   instance, taking care of those outside of the  
23   system such as non Anishinaabe.  And non  
24   Anishinaabe have a way in which they are  
25   understood within the systems.  Martens, if you

1 are know anything, have deep ties to forests, for  
2 example.

3 I want to talk to two clans right here  
4 and then I will move on. Loons and cranes have a  
5 shared relationship amongst our leadership. The  
6 loons, for example, if you know anything about  
7 loons, who are very territorial, but also very  
8 protective of areas, and they are very close ties,  
9 a loon, for example, will carry babies on its  
10 back, will teach us a lot about the internal  
11 workings that involve a society, the internal  
12 affairs.

13 The cranes, who have a very loud  
14 voice, can tell us a lot about the ways in which  
15 we relate with other beings in creation.

16 So that these beings, our job as  
17 Anishinaabe is to look at the gifts we have been  
18 receiving and then bring those to our governments,  
19 bring those to our laws, so that we understand the  
20 ways in which we can operate. Because the natural  
21 world gives us our ability in which to understand  
22 ourselves, and this forms the basis for our  
23 writing systems, as we will see in a moment.

24 THE CHAIRMAN: We need to take a break  
25 at some point. I think this might be a convenient

1 spot.

2 DR. SINCLAIR: Yes.

3 THE CHAIRMAN: Moving on to a slightly  
4 different topic here, or slightly different. So  
5 come back at 25 after.

6 Proceedings recessed at 11:10 a.m.

7 And reconvened at 11:25 a.m.)

8 THE CHAIRMAN: Okay, Dr. Sinclair.

9 DR. SINCLAIR: Okay. So I'm mindful  
10 that we have lunch, I'm sure, waiting for us, so I  
11 will try to get through these last parts without  
12 getting too much off my slides.

13 So when I left off last time I  
14 described the doodemag. Remember the doodemag it  
15 is a gift giving model, it is on the basis and  
16 premise of relationship building, and that  
17 relationship that's made through the process of  
18 the reciprocal and mutual benefit of the sharing  
19 of gifts, which is the legal premise for  
20 Anishinaabe law.

21 I want to explain and take you back to  
22 1671. In 1671, the very first, one of the very  
23 first recorded Treaties was signed between the  
24 memegwesiwag -- I didn't write that on down, I  
25 apologize, the French -- and the Anishinaabe at

1 Bowating or Sault Ste. Marie. It was recorded by,  
2 it is called the Pageant of Saint Luson, or the  
3 Great Pageant of 1671, and it is recorded -- I can  
4 give a little bit more information about the book  
5 if you are interested, or you can ask me about it  
6 in questions, but in this recording there was a  
7 meeting between the memegwesiwag and the  
8 Anishinaabeg, but the Anishinaabeg had many people  
9 that they called to this meeting, the Huron, for  
10 example, the sackinfox (ph), the menomini (ph), so  
11 on and so forth. And when these peoples came  
12 together in order to forge a relationship, there  
13 was a document that was produced, written, much of  
14 it was in French, but I will explain to you what  
15 was recorded when the Anishinaabe were signed to  
16 this agreement. What was recorded was, and this  
17 is translated from the original French, but it is  
18 in this book. The governor's delegate that  
19 attached to the stake an iron plate on which the  
20 arms of the King, the French King, were painted.  
21 He drew up an official report of the transaction,  
22 which he made all people sign by their chiefs, who  
23 for their signatures depicted the insignia of  
24 their families. Some of them drew a beaver,  
25 others an otter, a sturgeon, a deer or an elk.

1                   Now, there is two different sides to  
2 any Treaty, and anyone will tell you that. But  
3 within this, the French were very invested in  
4 having territories, claiming dominion over  
5 territories west of Bowating, Sault Ste. Marie.  
6 And of course the Anishinaabe and several other  
7 tribal leaders had something to say about that.  
8 So in order they said, we don't recognize your  
9 dominion, but we do recognize you will be family  
10 for us, and in this territory we will give you a  
11 gift. And the gift is these insignias. What was  
12 interpreted as insignias of their families, we now  
13 know are markings of doodemag. They are gifts,  
14 much in the way in which doodemag formed the basis  
15 for Anishinaabe relationship making, which forms  
16 the basis for Anishinaabe law.

17                   The premise of giving gifts is a  
18 really important one, because it is about carrying  
19 something and handing it to something else. That  
20 is what the word bagijiganan means, it means to  
21 offer. I offer because I myself am carrying  
22 something.

23                   Anishinaabe had been doing the  
24 practice of writing down their doodemag and  
25 gifting their doodemag to others, much in the way

1 they had been gifted from the animals themselves,  
2 and the ways in which the earth and the water had  
3 given gifts to the animals, which then had been  
4 given to Anishinaabe. The handing of that to the  
5 French is a really important moment, because it  
6 describes a system of relationships that is a long  
7 chain, that begins with the first creation and  
8 continues all the way throughout, and it happens  
9 in 1671.

10 It also happened in 1701 at the Great  
11 Peace of Montreal. The Great Peace of Montreal is  
12 the culmination of what is called the Mourning  
13 War, which was a 100-year conflict between the  
14 Haudenosaunee and the British on one side and the  
15 Huron, Anishinaabeg and French on the other. It  
16 ended a 100-year bloody conflict which was  
17 culminated in a meeting in old Montreal. You can  
18 still see, I was there recently, you can still see  
19 a plaque that recognizes this Great Peace of  
20 Montreal.

21 I want to note here what the  
22 Anishinaabe signed with. If you can take a look  
23 right here, I have circled it with this arrow.  
24 These are three leaders from Buwating, from Sault  
25 Ste. Marie, who were descendants, or at least

1 related to the original signatories of the Great  
2 Pageant of 1671. And I want you to know what they  
3 signed using. Remember that this is the  
4 culmination of a 100-year conflict, they signed  
5 using members of the hoof clan. You could say  
6 caribou, or deer, whatever. If you look here, you  
7 can see -- I will circle it here -- hoofs over  
8 here, you can see members of the hoof clan are in  
9 charge of relationship building. They are in  
10 charge of emotional development. They are in  
11 charge of things like love. They are charge of  
12 things like rectifying and learning ways in which  
13 to live with someone even if you don't like them.  
14 That's what deer clan is. They are much the  
15 therapists of our communities. It is no  
16 coincidence whatsoever that the 1701 treaty, after  
17 a 100-year bloody conflict between several  
18 different invested people -- and you have to think  
19 this is 300 chiefs arrived at the Great Peace of  
20 Montreal, with another few thousand indigenous  
21 peoples, all of which had been involved in this  
22 bloody conflict, of course, not to mention the  
23 French. You could now understand for a moment why  
24 the doodemag of the hoof clan would be utilized in  
25 that situation.

1                   Because I'm going to refer to Heidi  
2 Bohaker, who is a historian at the University of  
3 Toronto, and I have read all of her work, and just  
4 a very -- she has done research into hundreds of  
5 clan markings on to treaties throughout the Great  
6 Lakes. Now, what she says is, through her  
7 research she says, in some cases it appears that  
8 the same hand drew all or some of the images. As  
9 well there was not always a one to one  
10 correspondence pictographic and individual.  
11 Particularly in the 17th and 18th centuries  
12 Anishinaabe pictographs were as likely to  
13 represent a family, a father and sons, or  
14 brothers, or an entire extended family clan or  
15 segment as a single individual.

16                   Now, that's important to remember  
17 because what we are talking about is the clan  
18 markings are not just representations of an  
19 individual, much like a signature. But even a  
20 signature itself, you think about the name that  
21 you carry, you also got a name from someone, from  
22 your ancestors, and a name that you pass on to  
23 your children. But that when you are signing with  
24 a clan marking, you are signing on behalf of many  
25 others that you have been empowered to sign with.

1                   And Allan Corbiere, who is an  
2 Anishinaabe historian, is another who has spoken a  
3 lot about clan markings. But what he said is that  
4 if you look at the historical record, all of the  
5 chiefs who signed Treaties using their doodemag  
6 weren't necessarily crane clan chiefs or loon clan  
7 chiefs, or the speakers who got and spoke weren't  
8 always just the loon clan. Nobody got up and  
9 pretended to speak for all the Ojibway Nation  
10 because there were too many bands. You could say  
11 all these chiefs would get together and form a  
12 confederacy, and select a chief speaker for all of  
13 them. That was for that particular council, it  
14 didn't last for that chief's life time. They had  
15 these confederacies and they would select who  
16 would be the speaker for each time.

17                   So doodemag signatures were, what they  
18 are is they are a representation of not only  
19 people, but they are also references of entire  
20 networks. So I just want to go back to this one  
21 slide, just to explain that if you signed using a  
22 hoof clan, you not only were signing on behalf of  
23 hoof clan individuals as a person, but you are  
24 also signing in relationship to all of the gifts  
25 that you were giving to other people. So it is

1 literally a representation of an entire system at  
2 work. So the hoof clan signature is the signature  
3 that references all of these beings that belong in  
4 the system, which are not only members,  
5 Anishinaabe members of a fish clan, a bear clan,  
6 so on and so forth, but it is also references to  
7 the water, it is references to the earth, that you  
8 have been empowered about those things, by those  
9 beings, those animals and those earth beings, to  
10 sign on behalf and to hand that relationship to  
11 watigosiwak (ph), and hand it to the French.

12                   And what are we really saying? We are  
13 saying that you are a part of a system, you are a  
14 part of a system of laws, and as a part as a  
15 system of laws you now carry this responsibility.  
16 You carry the hoof clan responsibility. They  
17 weren't giving that clan, they aren't saying you  
18 are hoof clan, they are saying you carry those  
19 responsibilities that the hoof clan carry.

20                   So the gifting of doodemag on Treaties  
21 that the Anishinaabe were given, they are talking  
22 about bagijiganan, they are giving gifts of  
23 recognition to settlers that are coming into  
24 territory.

25                   It is much like when Treaty medals

1 were given, they were given to individuals when  
2 the signing of Treaties -- this was our way of  
3 giving medals, is saying that you now carry this  
4 responsibility, you carry this relationship. It  
5 is very distinct, it is a very intellectual  
6 relationship, it is also a relationship based in  
7 law. And doodemag gave settlers the same  
8 relational strands Anishinaabe shared within  
9 families, human, non-human communities, and the  
10 knowledge found in these relationships. So that  
11 when a signature is given of a bear, when a  
12 signature is given of a catfish, that these things  
13 mean that you carry those relationships with those  
14 beings, with the water, with the earth, with the  
15 rock too.

16 Doodemag signatures signify the  
17 adoption of settlers into these networks. There  
18 are ways in which, kind of like citizenship where  
19 you are recognized as being a part of a territory  
20 and you now have responsibilities within that  
21 territory. You are now supposed to take care of  
22 those things too, the earth and the water and the  
23 bears, as much as we have done that.

24 Signing using doodemag meant that  
25 Anishinaabe were not just agreeing to a set of

1 legal arrangements over territory. It is often  
2 thought of that Treaties are used car sales. A  
3 lot of decisions are made in relationship to these  
4 are land sales. They are not land sales. They  
5 are introducing newcomers into networks, they are  
6 adopting them into networks. And there are laws,  
7 they are adopting them and handing them the laws  
8 and saying, these are now your laws too, and you  
9 have responsibilities that you now must accept.  
10 And by accepting those laws, the Anishinaabeg  
11 recognized that settlers have those  
12 responsibilities too.

13 I want to emphasize yet again that it  
14 doesn't matter if those were fully understood,  
15 because that's why the relationship exists in the  
16 first place. As much as Anishinaabeg are expected  
17 to recognize the laws of settlers on those  
18 Treaties, we are expected to adopt ideas of  
19 ownership, for example, and that by signing, by  
20 the very nature beside Anishinaabeg signatures,  
21 settlers are expected to follow the laws that they  
22 sign beside too. It goes two ways. And that  
23 courts should recognize there are multiple law  
24 systems at work within these.

25 Now, why does any of this really

1 matter? Because we are talking about the 1817  
2 Treaty at Selkirk. Chief Peguis, when he  
3 travelled here, he made -- Lord Selkirk, of  
4 course, had interests of his own in order to  
5 settle along the Red River. Chief Peguis agreed  
6 to have a relationship with Lord Selkirk, and this  
7 was not solely a land trade or a land purchase.  
8 This was a relationship meant on tying one  
9 together as a family. That's what this  
10 relationship was intended to do. And the reason  
11 why I know that is because the signs of the  
12 doodemag are used.

13 Peguis didn't use another way, there  
14 would be -- the only way in which he would use a  
15 doodemag and he would ask Lord Selkirk to carry  
16 those doodemag, and carry those specific doodemag  
17 which are the bear, the marten, the catfish, and  
18 the snake, which he had with other chiefs in the  
19 area, was in relationship to them. It was that  
20 Lord Selkirk was expected to carry the  
21 relationship ties to those animals, but also to  
22 the Anishinaabe, to the Cree, and then finally,  
23 much in the way in which those animals have  
24 relationships to the water and the land and the  
25 rock, in that settlers were expected to take care

1 of that as well.

2 And Lord Selkirk signed it. So he  
3 bound himself to that. And if you look right now,  
4 this is the foundational document of the province.  
5 Without this document there is no Manitoba. This  
6 was the foundational document for Treaty 1.

7 And so this was not under negotiation,  
8 this had already been agreed upon through the  
9 signatures of each side. So, therefore, the  
10 signatures of doodemag were gifts to Lord Selkirk  
11 and his ancestors, which are all of us in this  
12 room and all of our relatives, to that settlement  
13 along the Red River. And I know this because we  
14 can actually see ourselves on this map. We are  
15 standing on the territory, and we have inherited  
16 this moment of gift giving.

17 Unfortunately, Lord Selkirk made  
18 assurances and promises in which to return to  
19 continue to revisit the relationship, and due to  
20 sickness and due to a number of other factors, he  
21 never returned. He never returned to engage that  
22 relationship, and Peguis, his entire life, felt  
23 very violated by that, notified within a letter  
24 that he wrote to the Queen decades later.

25 Indigenous peoples along the Red River

1 were adopting, through the use of the doodemag,  
2 they were handing to settlers and saying, you  
3 carry responsibilities. You are not part of those  
4 clans. I think it is important to recognize that  
5 Peguis as having, carrying that marten clan.  
6 Remember the marten clan is in charge of taking  
7 care of non-Anishinaabeg, and there is an  
8 important reason why he is signing using the  
9 marten clan, because that's the job of the marten  
10 clan to take care of non-Anishinaabeg, and include  
11 them within the clan system. Now Lord Selkirk  
12 carried that marking and that now Lord Selkirk and  
13 all of his ancestors, aka everybody in this room,  
14 now has a commitment and a responsibility that  
15 they carry to beings, those animals, but also the  
16 rocks, the earth, the water, and the air.

17           And you may be wondering what that  
18 means for all of right now. It means that you  
19 carry responsibilities to beings in this  
20 territory, and all of the land, all of the rocks  
21 in this territory, signified by the travels of the  
22 black bear. Everywhere that they go, we must look  
23 to them for what they are teaching us.

24           The relationships that martens carry  
25 within their territory, notice that Manitowapow,

1 notice that Manitoba is continually and  
2 consistently covered. The catfish, the catfish  
3 that travel all the way up the Mississippi River,  
4 coming all the way from down south and culminating  
5 into Lake Winnipeg -- I am going to talk about  
6 that in just a second. The snakes, I just use  
7 garter snakes, but of course there was some  
8 discussion amongst us at Peguis as to really what  
9 snakes we are talking about. I happen to think  
10 they are garter snakes on that Treaty. It might  
11 be, however, we used to have rattlesnakes here in  
12 Manitoba, there might be other snakes that we are  
13 talking about, but that snakes can teach us a lot  
14 about that territory. Again, Manitoba is almost,  
15 you know, exclusively covered here with different  
16 parts here.

17 So that Peguis traditional  
18 territories, our territorial claims involve any  
19 lands in relationship with doodemag. And that,  
20 therefore, the Lord Selkirk Treaty refers to all  
21 of those lands. It refers to the traditional  
22 territories right within that doodemag marking of  
23 all of those territories that I just listed on all  
24 of those maps.

25 Peguis traditional territorial claims

1 are signified -- and I just use the catfish as an  
2 example, we are now talking about waterway travel,  
3 we are talking about waterway travel much in the  
4 way in which that map that I showed you, about  
5 Northern Manitoba and the flow of people, anything  
6 that happens along that waterway and that Chief  
7 Hudson talked about intricately ties to one  
8 another.

9                   And I want to talk about one other  
10 form of indigenous writing within the province,  
11 which I didn't spend a lot of time talking about.  
12 But there are rock paintings in Norway House that  
13 refer to travels to St. Peter's, that refer to  
14 travels to Selkirk. And they are recognized  
15 within markings of canoes, markings of canoes that  
16 travel to areas where peoples meet. What we are  
17 talking about is areas like The Forks, areas like  
18 Selkirk, the Landing Place referred to in Norway  
19 House rock paintings, that gesture to the close  
20 relationships that we have always tied, that are  
21 connected via water, and you have to travel  
22 through Lake Winnipeg.

23                   And if you think about the echoing of  
24 the patterns within my family, the ways in which  
25 we were married, my family married into people at

1 Norway House, all if it is connected to Lake  
2 Winnipeg. Lake Winnipeg is the crucial connector,  
3 as it has always been, as it has always been the  
4 dirty water that carries the life that accepted  
5 everyone else in this place. Lake Winnipeg has  
6 always been that connector for us at Peguis, at  
7 St. Peter's, or Little Peguis, that has connected  
8 us to the north, that connects us to Norway House,  
9 that connects us to the Nelson River.

10 Lake Winnipeg is very sick. Lake  
11 Winnipeg is the most polluted lake in North  
12 America. It has a radical increase in algae  
13 production and is killing the fish. It is killing  
14 the beings that depend on the life blood of our  
15 province, the bears, it affects the martens, all  
16 the way up the food chain. All I would say is,  
17 I'm not a scientist by any means, but what I would  
18 say is that with an environmental assessment, as  
19 recommended by the Southern Chiefs, you would be  
20 able to understand a glimpse, a brief  
21 understanding of the deep and devastating impact  
22 the pollution of Lake Winnipeg has had on our  
23 animal relatives, and on the water specifically.

24 We see the radical increase of algae,  
25 which devastates and creates an inability even to

1 swim, for us to swim during times at Lake  
2 Winnipeg. Why? Because of the Lake Winnipeg  
3 watershed.

4 And Anishinaabe and Cree always knew  
5 this, because within the very name itself, within  
6 the very name itself that all of you carry in your  
7 driver's licence and you carry right now on you,  
8 you understand now the Lake Winnipeg watershed and  
9 the responsibility that you carry as being a part  
10 of this interconnected network, and that you are a  
11 part of something much bigger than yourself.

12 Lake Winnipeg is polluted because of  
13 the watershed. The watershed, the pollutants in  
14 the watershed, phosphorous specifically, but also  
15 many shampoos and soaps that we use within our own  
16 hairs, that we use in many of our lives, and the  
17 fertilizer that we use flows into Lake Winnipeg  
18 through the watershed. It affects the ecosystem  
19 and the food chain.

20 And since the 1960s and '70s, there  
21 has been a reservoir of hydroelectric dams,  
22 specifically in the Nelson River. And that has  
23 affected the natural outflow water pattern. And  
24 as a result, all of the water has pooled and is  
25 soupy, it is like a soup in Lake Winnipeg because

1 the Nelson River is clogged. And it is clogged by  
2 dams, it is clogged by the stopping of the outflow  
3 of water.

4           And the one thing that I think is very  
5 interesting, and we don't have, unfortunately, an  
6 environmental assessment, a large scale  
7 environmental assessment of effect of hydro in the  
8 north. But I was interested to look yesterday at  
9 the Wuskwatim monitoring overview. And I think  
10 that what for me is the most interesting part of  
11 this report is it doesn't talk about -- it just  
12 talks about -- it doesn't talk about the ways in  
13 which animals are not affected, it talks about the  
14 ways in which they are always affected by these  
15 dams, they are always affected by these. And I  
16 wonder at times when these animal beings, that  
17 gave the gift in order for us to have a province  
18 here at Manitowapow, if we are living up to that  
19 commitment that we made in 1817? Because I would  
20 say, unfortunately, we are not. Because Lake  
21 Winnipeg is evidence of a deep and sick and  
22 fractured relationship that has formed the basis  
23 for this province, and that we have never lived up  
24 to the ability for us to understand things like  
25 the path of life that exists in Manitowapow. We

1 have instead created a very sick situation  
2 signified through the use of dams, and will  
3 increase on the use of dams, such as in this  
4 project, and will continue to violate the very  
5 Treaty that is the foundation for this province  
6 that connects all of us.

7                   And that's very unfortunate, because I  
8 think we can be much more than that. We can be a  
9 much better people if we start thinking about the  
10 ways in which we are all part of a network that  
11 interrelates with one another, and that have laws  
12 that are not just about ownership, that are not  
13 about the removal of territory, the forced removal  
14 of territory, as evidenced within St. Peter's, the  
15 forced relocation of people into the floodways  
16 affected by dams to the north. And finally, the  
17 ways in which we ultimately don't recognize and  
18 perhaps don't see the ways in which we tie  
19 ourselves to the territories that are lying right  
20 within your very wallets. And that's your  
21 responsibility within those names that you carry,  
22 that recognize yourself, that identify yourself,  
23 that have responsibilities that you are carrying.

24                   So with that I say miigwech. I'm  
25 happy to answer any questions. And I say it has

1 been a real pleasure to share this information  
2 with you. So, miigwech.

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

5 It is your wish we carry on with  
6 presentations?

7 MS. LAND: Yes, I have no further  
8 examination-in-chief questions for Dr. Sinclair.  
9 So we are going to move on, so we will come back  
10 to cross-examination questions later, but we will  
11 move on to Nathan McCorrister's presentation,  
12 which we will be able to conclude before lunch.

13 THE CHAIRMAN: Thank you. And I don't  
14 believe that Mr. McCorrister has been sworn in.  
15 Nathan McCorrister: Sworn.

16 THE CHAIRMAN: Okay. Should he just  
17 carry on?

18 MS. LAND: Yes. We should make sure  
19 we have your slides set up and ready to go.

20 MR. MCCORRISTER: My presentation is  
21 not as long as James' here, so feel comfort in  
22 that. I know lunch is coming up soon, so I  
23 promise you that my presentation is fairly short.

24 Good morning. I want to thank the  
25 members of the panel for providing an opportunity

1 for myself to appear here today, to share our  
2 views on the matter of the proposed Keeyask Hydro  
3 dam and its impact on Treaty Land Entitlement.

4 I'm Nathan McCorrister of the Peguis  
5 First Nation. I'm a member of Peguis. I'm also  
6 the director of the Peguis First Nation TLE  
7 implementation unit.

8 Our unit is a lead for implementing  
9 our Treaty Land Entitlement agreement which we  
10 signed withed Canada and Manitoba back in  
11 April 2008. Together, in terms of my past  
12 experience, I have over ten years experience in  
13 implementing Treaty Land Entitlement claims,  
14 working with other First Nations as well here in  
15 Manitoba, and I have been working with Peguis  
16 since 2008.

17 THE CHAIRMAN: Mr. McCorrister, if  
18 could just slow down a touch. I think the  
19 transcriber is having a bit of trouble keeping up.

20 MR. MCCORRISTER: Sure.

21 Today I'm speaking about how the  
22 Peguis Treaty Land Entitlement implementation  
23 process is directly impacted by the Keeyask Hydro  
24 generating station project.

25 Peguis First Nation signed Treaty

1 number 1 with Canada, as represented by the Crown  
2 in 1871. Treaty number 1 provided that our First  
3 Nation would have 160 acres per family of five, a  
4 formula used to determine what our First Nation  
5 would receive for land as a part of Treaty number  
6 1. Peguis did not receive all of the reserve land  
7 to which it was entitled to under Treaty 1. As  
8 such there is what they call a shortfall in land  
9 that's called a Treaty Land Entitlement, or TLE.

10 In April of 2008, after ten years of  
11 negotiations, Peguis, the Province of Manitoba and  
12 Canada signed what is called the Treaty Land  
13 Entitlement -- sorry, Treaty Entitlement agreement  
14 or TE for short. The agreement provides Peguis  
15 with 55,000 acres of Crown land for selection, and  
16 approximately 1,100,000 acres of other land or  
17 private land for acquisition. Those other lands  
18 or private lands, of the 1,100,000 acres, is  
19 approximately 175 square miles, or nearly triple  
20 the size of the current main Peguis reserve, which  
21 is 75,000 acres. And of course, this is located  
22 in the Interlake.

23 The Treaty Entitlement Agreement also  
24 provides guidelines on the process and principles  
25 in which land is selected and acquired. It is

1 important to note that the agreement also contains  
2 a section on best efforts. All of the parties  
3 have an obligation to use best efforts to  
4 implement the agreement, including the Province of  
5 Manitoba.

6 Part 2 of the TE, the Treaty  
7 Entitlement agreement, outlines the principles for  
8 land selection. One of first sets of principles  
9 is about where lands can be selected from.

10 Section 302, part 1, talks about where  
11 Crown lands can be selected from and the section  
12 says:

13 "Principles for land selection and  
14 acquisition, general principle 302,  
15 Peguis First Nation may select Crown  
16 land in the area comprising of its  
17 treaty area or traditional territory  
18 in the Province of Manitoba, or the  
19 area outside of its treaty area or  
20 traditional territory, but within the  
21 province of Manitoba."

22 And of course the last presenter talked at great  
23 length about the traditional territory.

24 Section 302, part 1 talks about where  
25 other lands, or private lands can be selected

1 from, and this section says:

2 "Peguis First Nation may select its  
3 private land amount from within..."

4 and similar to Crown land,

5 "...within its treaty area or  
6 traditional territory or in the  
7 Province of Manitoba, or outside of  
8 these areas, but within the Province  
9 of Manitoba. Lands must be purchased  
10 on a willing seller, willing buyer  
11 basis."

12 So there is two aspects to our agreement. There  
13 is the provisions on dealing with Crown land and  
14 our ability to select Crown land, and then our  
15 ability to purchase private land, up to those  
16 amounts that I talked about.

17 It is very important to note that the  
18 agreement guarantees that Peguis can select Crown  
19 lands or acquire private lands anywhere in  
20 Manitoba, and also in addition to that there is  
21 even a section that provides some discussion on  
22 how we can have the ability to select lands in  
23 Northwestern Ontario as well.

24 Section 401 of the agreement talks  
25 about the time period for selection and

1 acquisition these lands. This section says that  
2 periods of selection and acquisition of land, 401:

3 "Peguis may select up to its Crown  
4 land amount within five years from the  
5 date of signing of the T, but has a  
6 right of an extension for this period  
7 up to four years for a total of nine  
8 years."

9 So with that in mind, we have  
10 approximately four years left.

11 "Peguis may acquire land up to its  
12 other land amount within 15 years from  
13 the date of signing of the T, but has  
14 a right of an extension for this  
15 period up to 10 years for a total of  
16 25 years."

17 So with that in mind, we have approximately 20  
18 years remaining.

19 The period of selection and  
20 acquisition will continue after the time period,  
21 but some provisions of the Treaty Entitlement  
22 agreement will no longer apply after that period.

23 Notice area. Section 5 of the  
24 agreement talks about the notices Peguis is  
25 supposed to receive before Manitoba disposes of

1 any Crown lands. This section says:

2 "During the period of selection,  
3 Manitoba will provide notice of any  
4 proposed Crown land dispositions  
5 within the notice area."

6 So an example of a Crown land disposition might be  
7 an agricultural lease, it could be the sale of  
8 Crown land. Those are a number of examples of  
9 dispositions.

10 "Peguis may respond within 60 days in  
11 response to the notice. Peguis then  
12 has an additional 100 days to formally  
13 select the Crown land."

14 So the notice area is the area outlined in bold  
15 there. And, again, that's just a notice area, but  
16 it doesn't limit the ability to select outside  
17 area, as I spoke to previously.

18 This map shows, again, this map shows  
19 the notice area under the agreement. Manitoba  
20 notice for Crown land disposition is within this  
21 notice area. It is important to remember  
22 something though --

23 MS. JOHNSON: Could you just slow down  
24 a little bit, because we are not getting this on  
25 the record.

1 MR. McCORRISTER: Okay.

2 As I mentioned before, the TLE lands  
3 can be selected outside of the notice area.  
4 Peguis can select Crown lands or private lands  
5 anywhere in Manitoba under the agreement. That  
6 means that our TLE process and land selection  
7 rights are affected by activity outside of the  
8 notice area that I just described.

9 Current activities; we are currently  
10 completing the planning stages of our Crown land  
11 selections. We are undertaking a TLE land  
12 selection study, which we are working with a local  
13 TLE advisor committee. And we have currently  
14 identified, on a preliminary basis, approximately  
15 35,000 acres of preliminary Crown land selections.

16 Preliminary Crown land selections are  
17 simply to put a hold on those Crown lands until  
18 such time as Peguis decides whether to proceed and  
19 convert the land to reserve.

20 We have also purchased approximately  
21 4,500 acres of private land.

22 This map and the next map show you the  
23 preliminary TLE selections and acquisitions to  
24 date. The map shows the preliminary selection  
25 areas in southern Manitoba, and also in the north

1 as well.

2 This briefly, this in context, I guess  
3 this is the City of Selkirk here, Lake Winnipeg is  
4 up here, and this selection is called our initial  
5 selection and it encompasses, you know, a lot of  
6 land north of Selkirk on both sides of the Red  
7 River, and also includes some of the Netley marsh,  
8 and also is adjacent to existing reserve lands  
9 that are located along the Red River, and also  
10 located just in the same area. And one of them  
11 that was mentioned by James in the last  
12 presentation was Little Peguis, is another one.  
13 And there is also another, it is not on this map,  
14 but there is another one called the fishing,  
15 St. Peter's fishing station, which is located just  
16 north of here, and it is right along Lake  
17 Winnipeg. And it is, you know, it is a small  
18 piece of land, it is subject to erosion and  
19 flooding each year.

20 And right now we are still reviewing a  
21 lot of these selections. A lot of these  
22 selections are preliminary selections. And as,  
23 you know, some of these lands are subject to  
24 flooding as well, given this area.

25 If you go to the next map, this is in

1 the north. These are some of our preliminary  
2 selections in the north so far. This is the main  
3 Peguis reserve here. The Fisher River goes here  
4 into Lake Winnipeg. We do have the Fisher Bay  
5 selection which is located along the shores of  
6 Lake Winnipeg. And then we also have a number of  
7 preliminary selections that are around in the  
8 vicinity of the area.

9           And there is different reasons why  
10 those lands were selected, but I won't get into  
11 those. But a lot of these are preliminary  
12 selections that are still under review by Peguis  
13 and they are subject to change, and they are not  
14 final selections. They are, again, under review  
15 and they are subject to change.

16           And as well the blue ones are some of  
17 our acquisitions so far.

18           Together, these maps show the Crown  
19 and private lands that we have selected and  
20 acquired on a preliminary basis, as I mentioned.

21           The TLE land selection study that  
22 Peguis did develop criteria for how we select land  
23 of interest to Peguis. Some of the criteria  
24 Peguis looks at when we are making these  
25 preliminary land selections and acquisitions are

1 based on a number of social and economic  
2 development criteria that was developed in  
3 consultation with the community. In working with  
4 our community advisory committee, we have had a  
5 number of information sessions and feedback from  
6 community members and groups and individuals. And  
7 we have had these sessions, you know, in our home  
8 community in Peguis, in Selkirk, in the old  
9 St. Peters area, and also here in Winnipeg.

10           Some of the criteria includes, you  
11 know, lands of historical significance, lands  
12 located along waterways, for different reasons,  
13 whether it is for economic development or whether  
14 it's for cultural or historical reasons. We also  
15 look at lands for cultural reasons. Peguis also  
16 undertook a long-term TLE land acquisition  
17 strategy in partnership with the University of  
18 Winnipeg. The strategy essentially is for the  
19 acquisition of private land amount. The strategy  
20 is to provide a guide for how acquisition of  
21 private lands will be undertaken by Peguis over  
22 the next 20 years.

23           We are now complete that strategy, and  
24 we are now implementing that strategy.

25           As experienced by a number of other

1 TLE First Nations in Manitoba, there are  
2 challenges in TLE implementation through the TLE  
3 implementation process here in Manitoba. One of  
4 the challenges that we are having is the  
5 availability of Crown land in the area, you know,  
6 of interest thus far for Peguis. For example,  
7 Crown land is very scarce in southern Manitoba.

8 Peguis' current reserve lands are  
9 surrounded by private lands, which means there is  
10 limited Crown lands in those areas of interest.  
11 So, for example, even where land is impacted by  
12 flooding, we are still having to consider it for  
13 selection purposes. And those include lands  
14 around existing main reserve, and also lands in  
15 the former St. Peters area.

16 Hydro development affects the ability  
17 of First Nations, including ours, to implement the  
18 Treaty Entitlement agreement. For example, a  
19 number of First Nations that have selected land  
20 that is subject to Hydro easement or -- sorry, a  
21 number of First Nations that have selected land  
22 are subject to Hydro easement or Hydro setback  
23 line. After those lands are selected, First  
24 Nations are then told that the land is too close  
25 to the Hydro development, and the flooding area,

1 and as such is not available, or they are told  
2 that the selection is subject to Hydro easements,  
3 and they have to face an unfair process for the  
4 determination of the Hydro easement line setbacks.

5 Hydro development has affected most of  
6 the TLE First Nations in Manitoba in terms of land  
7 available for selection and acquisition.

8 I also wanted to point out that  
9 through our TLE Treaty, Manitoba is obligated to  
10 consult with Peguis regarding any new Hydro  
11 projects like Keeyask, according to the Treaty  
12 Entitlement agreement.

13 For Peguis this means there is reduced  
14 availability of good Crown lands for selection,  
15 including areas of historical importance.

16 We have concerns about how the Keeyask  
17 project will affect our ability to select Crown  
18 land and acquire private land within our  
19 traditional territory and treaty area, and the  
20 future effects of Hydro development on our TLE  
21 selections and acquisitions that we may select now  
22 and in the future, and looking at potential future  
23 effects that this type of project may have on  
24 those selections and acquisitions.

25 Peguis has also not been properly

1 consulted with respect to Keeyask project to date.  
2 There have been no discussions with us about the  
3 Keeyask project and how it will affect our ability  
4 to select Crown land or acquire private land.

5 And just a closing statement, you  
6 know, the original indigenous peoples of this land  
7 and as signatory to Treaty number 1, we feel that  
8 Peguis needs to have our Treaty and Aboriginal  
9 rights respected, especially when it comes to  
10 land. The current process for engaging with us,  
11 including the Keeyask project, is not respecting  
12 those rights.

13 And with that, that concludes my  
14 presentation and I want to say thank you,  
15 miigwech.

16 THE CHAIRMAN: Thank you,  
17 Mr. McCorrister.

18 Could I just ask one question of  
19 clarification? On slide 10, you say that during  
20 the period of selection Manitoba will provide  
21 notice of any proposed Crown land disposition.  
22 Canada also has the same obligation, do they not?

23 MR. MCCORRISTER: Yes, with respect to  
24 Federal surplus land they have, there is a  
25 provision in there where Peguis has a right of

1 first refusal on any surplus Federal lands that  
2 become available in either the Treaty 1 area or  
3 Treaty 2 area. Because although we are a  
4 signatory to Treaty 1, our main reserve is now  
5 located in Treaty 2 area, because of what happened  
6 in the past.

7 THE CHAIRMAN: Thank you.

8 We have about 25 minutes until the  
9 lunch break. Do we want to begin the next  
10 presentation?

11 MS. LAND: Sure. I have one  
12 examination-in-chief question.

13 THE CHAIRMAN: Certainly.

14 MS. LAND: And it probably won't take  
15 that long.

16 I'm wondering, based on the  
17 presentation that you just gave us,  
18 Mr. McCorrister, has Peguis selected any Crown  
19 lands or acquired any private lands under the TLE  
20 process in the immediate vicinity of the proposed  
21 Keeyask Hydro Generating Station?

22 MR. MCCORRISTER: No, we haven't. But  
23 that being said, as I mentioned, we are still  
24 undertaking our TLE land selection study. So  
25 certainly we have a number of different areas that

1 we are looking at all throughout Manitoba. As I  
2 mentioned, we developed criteria for, you know,  
3 the goals that the community wants to achieve in  
4 terms of land selections and acquisitions, whether  
5 that be for historical or cultural significance,  
6 or whether that be for economic development  
7 reasons.

8 MS. LAND: So those are my questions  
9 for the examination-in-chief. So I'm at your  
10 disposal. We can start the next presentation. I  
11 think the next presentation will probably take  
12 about an hour. So we can start it and break it up  
13 or whatever is your --

14 THE CHAIRMAN: The alternative is to  
15 begin cross-examination for 25 minutes.

16 MS. LAND: We prefer to keep our panel  
17 together.

18 THE CHAIRMAN: Okay. Then let's start  
19 the next presentation and we will break at 12:30.

20 MS. LAND: Okay.

21 MR. WHELAN: Good morning, my name is  
22 Jared Whelan. I work for Peguis First Nation on  
23 this project.

24 Greetings to the Clean Environment  
25 Commission, the proponent, participants, members

1 of the public. Thank you for your time today to  
2 make the presentation.

3 Community members and team members on  
4 this project included Cheyenne Parisian, Roberta  
5 Flett, Councillor Mike Sutherland, Lloyd Stevenson  
6 and myself.

7 Brief outline of presentation. We are  
8 going to talk about the process, the development  
9 of the survey, methods used, the interviews, the  
10 results of the survey interviews, the mapping  
11 exercise, the results of the mapping, and a  
12 wrap-up.

13 How we got here -- when I say we, I  
14 mean Peguis and the project team. Peguis has been  
15 involved in Hydro projects, large and small, for  
16 the past several years. They have been engaging  
17 Manitoba Hydro on these projects.

18 Peguis First Nation is concerned that  
19 it is affected by the Churchill River Diversion,  
20 the Nelson River generation projects, and the Lake  
21 Winnipeg Regulation.

22 Peguis First Nation also, because of  
23 the TLE process, but also their concern about  
24 their traditional territory, comments on other  
25 development projects that might impact the

1 community and Peguis rights.

2 An overview of the survey. The goal  
3 was to survey community members to focus on living  
4 memory. This is a sampling, it is a small number  
5 of people out of the total population. We focused  
6 on traditional activities, Northern Manitoba, and  
7 then we had a mapping exercise to map those  
8 responses.

9 Please note that this is not a full  
10 land use occupancy memory mapping project, and  
11 these are not full memory mapping biographies,  
12 again, small sample size relative to the total  
13 membership of the community.

14 We based the development on this  
15 survey on past successful surveys in Peguis,  
16 projects that they have undertaken, examples of  
17 other successful surveys done by other First  
18 Nations. We went through multiple iterations of  
19 the survey. It was reviewed by the project team,  
20 by contractors, associates, advisors. One of our  
21 goals was to make it easy to read and understand  
22 by the respondents to the survey.

23 So the survey has a lot of different  
24 questions in it, there is some open-ended  
25 questions, just blank space so people can write

1 their thoughts down. There is always the option,  
2 when people answer questions in the survey, to add  
3 additional information. We had a number of  
4 questions that were simple yes, nos, with then  
5 room for explanation. We had a number of  
6 questions where we listed possible options to  
7 answer the question, check boxes, with again room  
8 for other answers. The questions were based on  
9 Peguis' interests and the region around the  
10 proponent's project.

11 So we focused on waterways,  
12 communities, traditional activities,  
13 transportation.

14 So, the next few slides about the  
15 methods for the community survey and mapping  
16 project. First is project approval. Peguis  
17 approved the project with the Clean Environment  
18 Commission, and it was discussed by chief and  
19 council and signed off, which is the same manner  
20 in which they approve other projects in the  
21 community.

22 Engagement, engagement of the  
23 community members. There were announcements put  
24 up in the community. Peguis members who have  
25 participated in past projects, surveys, working

1 groups, round tables, other activities, had also  
2 provided their contact information so they could  
3 be contacted about future projects. That list was  
4 used, those people were called.

5 Another section is the respect for the  
6 people, the persons in the process. Everything is  
7 voluntary, right? We are not going to force  
8 people to do a survey. The survey didn't proceed  
9 unless there was written consent from the  
10 respondent, that was based on them understanding  
11 the process, giving their consent and being  
12 comfortable. If they didn't consent, there was no  
13 interview.

14 Each respondent was free to answer  
15 questions or not answer questions. If they had  
16 difficulty understanding the question and needed  
17 to stop, they discussed the question, and once  
18 they understood it proceeded.

19 Privacy and confidentiality. All of  
20 the contractors from Whelan Enns Associates who  
21 are under service agreement with the Peguis First  
22 Nation are under a confidentiality clause. All  
23 contractors and staff of Whelan Enns Associates  
24 also sign a nondisclosure agreement. All of the  
25 Peguis staff who worked on the project are also

1 under a nondisclosure agreement.

2 By default, this kind of project, we  
3 always suggest to the client that all of the  
4 information be returned to each individual  
5 respondent, and that will be the case.

6 Currently data and work products are  
7 held in our offices. They will be returned to  
8 Peguis. Currently they are confidential. We have  
9 a service agreement. When they are returned to  
10 Peguis, future staff, future consultants, future  
11 advisors will be held by the restrictions on the  
12 use of the raw data. We don't use respondent's  
13 names outside of the original raw interviews.  
14 Names are in the GIS files. There is a specific  
15 reason for that. Outside of this project, in a  
16 future project, we wish to make maps per  
17 respondent. So if John did an interview, we are  
18 going to give a map back to John that is the  
19 answers to all of his questions. The maps we will  
20 see later on, probably after lunch, have no names  
21 attached to them, and it is an all in map.

22 If there are any quotes in future work  
23 products, they will most likely be listed as a  
24 Peguis community member, or Peguis member.

25 In terms of equality and justice,

1 everybody will be, was and will be dealt with  
2 fairly and equitably. Everyone's knowledge will  
3 be respected, his or hers. The objective was not  
4 to exclude anyone from the survey process or  
5 interview process, if they met the criteria being  
6 a Peguis member and having information about  
7 Northern Manitoba, because that was the focus of  
8 the survey. The other criteria is we asked that  
9 they be an adult, 18 plus.

10 In terms of equitable relationships,  
11 the respondents in the community and the  
12 interviewer are from the same community. The  
13 community members working on doing the interviews  
14 have previously held positions of trust in the  
15 community and are known in the community. And of  
16 course, those members who actually conducted the  
17 interview, helped develop the interview and survey  
18 questions.

19 In terms of recruitment, again,  
20 voluntary. Nobody was forced into this. We asked  
21 people who had expressed interest in similar  
22 projects beforehand, who had knowledge of Northern  
23 Manitoba. There was no preference given for age,  
24 level of experience, family relations, where they  
25 currently lived, their age, their religion,

1 abilities, political views. We just wanted them  
2 to be an adult member of Peguis and have something  
3 to say about Northern Manitoba.

4           Some notes about the contents of the  
5 survey. We did not ask specifics about spiritual  
6 practices or cultural beliefs. This was not a  
7 survey to gather the life history of people. If  
8 people, during the process of conducting this  
9 survey and the interview, told the interviewer  
10 stories, they were listened to and they were  
11 recorded, if they had given consent for audio  
12 recording.

13           Again, this is not a land use and  
14 occupancy biography, and it was not an oral  
15 history project.

16           In terms of customs and codes of  
17 practice or conduct, there were no specific  
18 customs or codes of practice identified beyond  
19 common respect and the methods already discussed  
20 in the previous slides. There was no inducement  
21 to participate. There was no honorarium for this.

22           We will get to the maps later on in  
23 the presentation, but when we produce the maps  
24 they are at a scale, a high scale, because of the  
25 large area, but also because we did not want to

1 identify sacred or historical sites in great  
2 detail to their exact locations. There is a  
3 couple of reasons for that, one is just common  
4 respect for the information provided, but Peguis  
5 members who were interviewed used sites in  
6 Northern Manitoba that are shared sites, they are  
7 used by members of other First Nations. So we  
8 have to be careful of other First Nations and  
9 their wishes as well.

10 Interpretation of results. The  
11 results were compiled by a Peguis member who  
12 worked on the project. We don't have any analysis  
13 at this time, other than simple tallies and  
14 percentages in terms of the answers.

15 The results of the mapping exercise,  
16 of course, were digitized and entered into a  
17 geographic information system. We have an all in  
18 map to show the data points, lines and polygons.

19 When the project is complete, each  
20 respondent who was interviewed will receive all of  
21 their raw materials back. If they consented to  
22 audio, we will burn a CD and give them their audio  
23 back, and they will get a copy of the final  
24 report, and it will be available in Peguis on  
25 request. There will be no personal information

1 linked in the final report.

2           So components of the interview,  
3 obviously, there was an announcement, there was a  
4 contact list used to contact people, find people.  
5 There was an overview and background information  
6 document used by the interviewer. There was, of  
7 course, the consent form, the confidentiality  
8 assurances, the interview using the survey, the  
9 maps, a record sheet for the maps. We decided to  
10 pursue what is called a guided interview. It was  
11 a survey, we could have just handed out hundreds  
12 of them, but the response rate when you just  
13 blanket the community with pieces of paper turns  
14 out to be quite low, and quite often the quality  
15 sometimes suffers. So this was decided this would  
16 be a guided interview process to do the survey.

17           Again, for the survey itself,  
18 voluntary, it would not proceed without written  
19 consent. We gathered some background information  
20 on respondents, some basic genealogy of the  
21 families. We asked them about their northern  
22 experiences and activities. We asked them  
23 questions about impacts on their rights and  
24 traditional activities. And we conducted a  
25 mapping exercise.

1                   This is a screen shot, and my  
2   apologies, we wanted to show the Commission and  
3   the participants and the proponent what it  
4   actually looked like to the respondents. So this  
5   is a screen shot of what the first sheet looks  
6   like, the consent form. We basically asked for  
7   their name and their address, contact information,  
8   everybody has an interview number. That interview  
9   number is a code and it is used throughout the  
10   process. We don't use respondent's names in the  
11   process.

12                   They have to agree to be interviewed,  
13   consent to audio recording, decide if they want to  
14   be anonymous enough, and they recognize that data  
15   is held by a third, Whelan Enns Associates under  
16   contract to Peguis, and the conditions on that.

17                   We also gather some background  
18   information on the respondent. Again, names,  
19   address, phone number, birth dates, whether that  
20   person was originally a Peguis band member, or  
21   whether they transferred status in. If they had,  
22   what was their maiden name, or if they changed  
23   their name. Age, if they didn't want to give a  
24   specific age we asked for an age range. We asked  
25   where they were born, various places they may have

1 lived, where they were married, and if they  
2 participated in previous Peguis projects. And if  
3 they did, if they did a survey, what the subject  
4 area was for the previous survey?

5 Peguis has carried out some previous  
6 projects on traditional use studies, so some  
7 people may have done that before.

8 Again, screen shot, very basic  
9 genealogy, a person's name on the left. You can  
10 go up the mother's line on the top, the father's  
11 is line on the bottom, and marriage dates, birth  
12 dates, death dates. Most people only went back to  
13 grandparents, some people went back to great  
14 grandparents on this chart.

15 The next slides are preliminary  
16 results. There is no analysis. There are no  
17 respondent names. And results are in order of  
18 most common to least common answer to questions.

19 Again, sampling, it is a small number  
20 relative to the total population of the community.

21 Again, I'm going to show you a screen  
22 shot of each question so you see what it looked  
23 like to the respondent in the interview, and then  
24 we are going to look at the answers.

25 So the question is, have you

1 travelled, worked, lived, gone to school,  
2 practised traditional activities in the following  
3 place, check all that apply. There is a long list  
4 of community names that people in the room will be  
5 very familiar with many of these names. And there  
6 is always room for additional answers if places  
7 they have been aren't on the list.

8           So, results to question number one,  
9 from a high of 17 people interviewed saying they  
10 spent time in the Grand Rapids area, to eight  
11 people going to Wabowden, to eight people going to  
12 Pimicikamak, to four people going to York Factory.

13           I'm not going to read all the results,  
14 that's a waste of time. Everybody has it in front  
15 of them, they can look at it in detail. I'm just  
16 going to point out a few examples for each answer.

17           Question number 2 in the survey, what  
18 activities and reasons did you spend time in  
19 Northern Manitoba; check all that apply. Again,  
20 note room for additional answers if the answers  
21 were not in the list. 11 people said they went up  
22 north for hunting. 9 people went for work for  
23 private business. 7 people went north for family  
24 support, usually the case of taking care of  
25 someone. People went to school, people went for

1 trade, people worked for construction, Provincial  
2 Government, Federal Government, tribal councils,  
3 and people worked for Hydro, and one person, two  
4 people went north for fire fighting.

5 Question number 3, do you or did you  
6 have a regular or repeat place or places you  
7 travelled to in Northern Manitoba, yes and no, and  
8 then we asked for a list of those places that they  
9 repeatedly go to. We did not do a quantitative  
10 analysis of the answers. This is just a list of  
11 names of places they spent time. The Pas,  
12 Shamattawa, Thompson, Gull Lake, Thicket Portage,  
13 and some people were the east side of Lake  
14 Winnipeg and went to Little Grand Rapids.

15 Question 4, how do you or did you  
16 travel to and in Northern Manitoba? We listed  
17 various modes of travel and left room for  
18 additional answers. Everybody used personal  
19 vehicles, it is the year 2013, it is quite common.  
20 People used boats a lot to get to Northern  
21 Manitoba, or in Northern Manitoba, snow machines,  
22 ATVs, trains, within living memory, that's the  
23 point of these interviews, people still used  
24 horses within living memory, some people used  
25 helicopters and then buses.

1                   Question number 5, if traveling by  
2 water, which rivers and lakes did you travel on?  
3 Please check all that apply. Again, a list and  
4 room for additional answers. People spent time on  
5 Cross Lake, Lake Winnipeg, Nelson River, the  
6 Burntwood River, the Churchill River, South Indian  
7 Lake, Jack River, Clark, Gull.

8                   Question number 6, how do you or did  
9 you travel for traditional activities of hunting,  
10 trapping, gathering, fishing, and cultural visits?  
11 Please check all that apply, and left room for  
12 additional answers.

13                   These answers are interesting because  
14 the primary answer is not vehicles. This is  
15 traditional activities, so people went by boat,  
16 private vehicles, walking, snow machines, ATVs,  
17 canoes, horses, and helicopter. So somebody had a  
18 chance to use a helicopter to go somewhere and  
19 practice traditional activities.

20                   Names of trails, roads, highways, used  
21 to reach camps and cabins and lodges and other  
22 places that you stayed in Northern Manitoba?

23                   So people mentioned all the highways  
24 that you can use to get up north to Thompson, The  
25 Pas, highway 6, 304, 59, 370, 319, roads to Cross

1 Lake, roads to Grand Rapids, roads to Gull Lake.  
2 And some people of course spent time on the east  
3 side and went up to Berens River.

4                   Number 8, which years did you travel,  
5 work, visit, or practice traditional activities in  
6 Northern Manitoba? Again, we didn't do a  
7 quantitative analysis, these are a variety of  
8 answers.

9                   The earliest person started in 1961,  
10 this is within living memory, this is not oral  
11 history. So people spent time there since the  
12 '60s, in the '80s, in the 2000s, the '60s until  
13 now, the '70s until now. Some people went up and  
14 worked for Manitoba Hydro in the '60s and '70s.  
15 Many people went up north for a time because they  
16 worked up north, then stopped, and then started  
17 going back up north again with family for various  
18 reasons.

19                   Question number 9; which months of the  
20 year were you most likely or commonly to be in  
21 Northern Manitoba? Again, no quantitative  
22 analysis. Answers range from the spring and  
23 summer through all year, through summer only, to  
24 mostly in the fall. And some people said that it  
25 changed over the years.

1                   Question 10; what seasons of the year  
2 were you most likely or commonly to be in Northern  
3 Manitoba? Again, no quantitative analysis.  
4 Spring, summer, summer only, winter only, all year  
5 round, all seasons, summertime, mostly in the  
6 fall. Again, the answers varied.

7                   Question 11; which of the following  
8 activities have you or do you practice in Northern  
9 Manitoba? Check all that apply. Left room for  
10 addition answers.

11                   Camping and hunting were common  
12 answers. Gathering medicinal plants, trapping,  
13 fishing, or visiting lodges or camps and hunting  
14 small game.

15                   Question 12; names of trails, roads,  
16 highways used in the northern area you practiced  
17 traditional activities of hunting, trapping,  
18 fishing, gathering and cultural activities?

19                   So we asked about travel to the north,  
20 this is about travel once you are actually in the  
21 north practising traditional activities. It  
22 ranged from no answer, no comment, to the Jackhead  
23 River, highway 6 and 7, 10, 60, branches, all the  
24 to Jackhead, winter roads, and a variety of  
25 highway numbers.

1                   Question 13; when you travel to  
2 Northern Manitoba, who do you travel with, or who  
3 travels with you? Friends, children, other  
4 community members, co-workers, husbands, wives,  
5 grandparents, other harvesters, or clients.  
6 Again, not all of the answers.

7                   Question 14; when living, traveling,  
8 working, or practising traditional activities in  
9 Northern Manitoba, where did you stay? So we  
10 listed places, types of places that you could  
11 stay.

12                   People stayed in camps, or camping,  
13 they stayed in work camps, cities, homes, used  
14 tents, apartments, they stayed at ceremonial  
15 sites, and one person even stayed in a lean-to.

16                   Chair, it is almost 12:30, would you  
17 like to pause here?

18                   THE CHAIRMAN: Certainly. Thank you,  
19 Mr. Whelan. We will take a break now and come  
20 back at 1:30.

21                   (Proceedings recessed at 12:30 and  
22 reconvened at 1:30 p.m.)

23                   THE CHAIRMAN: Okay, we will  
24 reconvene.

25                   I feel compelled to remind people of

1 the restriction against conversations in the room  
2 while hearings are going on. There were two or  
3 three conversations this morning that shouldn't  
4 have been happening.

5 Also my colleague reminded me, cell  
6 phones as well, I believe we heard one yesterday  
7 or this morning. So please turn them off.

8 We will now return to Mr. Whelan and  
9 his presentation.

10 MR. WHELAN: Thank you. I'm just  
11 going to repeat the last two slides which was  
12 question number 14.

13 So when living, traveling, working or  
14 practising traditional activities in Northern  
15 Manitoba, where did you stay?

16 People stayed in camps, cabins,  
17 people's homes, of course, at ceremonial sites, in  
18 hotels, one person stayed in a lean-to.

19 Question number 15; which animals have  
20 you trapped in Northern Manitoba? Check all that  
21 apply, and there is room for other answers.

22 Marten, rabbit, muskrat, weasel, wolf, fox, fairly  
23 typical Northern Manitoba resurvey list.

24 Question 16; whose trapline were you  
25 active on? Check all that apply.

1                   People used family lines and we have  
2 heard about family connections to Northern  
3 Manitoba. People used friend's traplines. Some  
4 people didn't trap at all. People used open land,  
5 open Crown land, and one person had their own  
6 trapline in Northern Manitoba.

7                   Number 17; which animals have you  
8 hunted in Northern Manitoba? Check all that  
9 apply.

10                  It ranges from moose and ducks to  
11 deer, to caribou, to wolf, martens, again, fairly  
12 typical list for Northern Manitoba.

13                  Number 18; which fish species have you  
14 caught in Northern Manitoba? Now, we use the word  
15 caught, some people like to use the word harvest  
16 or actual fishing, and we used common names for  
17 the fish, not scientific names. So there are some  
18 duplicates because some people use different  
19 common names for the same fish species. So,  
20 obviously, pickerel, jack fish, whitefish, perch,  
21 whitefish, and someone actually was far enough  
22 north said that they caught an Arctic char.

23                  Question 19; what types of plant  
24 resources have you gathered in Northern Manitoba?  
25 Firewood, wihkis root, berries, sage, sweetgrass,

1 special woods, cedar, and all the way down to  
2 mushrooms or fungi.

3 Question 20; which types of special  
4 sites have you visited in Northern Manitoba?

5 Meeting places, gathering places,  
6 healing places, rock paintings, ceremonial sites,  
7 birthplaces, or historic sites, and someone had a  
8 very special fishing site.

9 Question 21; are you willing to  
10 participate in a more thorough land use and  
11 occupancy interview to document occupancy, land  
12 use, genealogy, and traditional knowledge for land  
13 use, resource planning, and participation of  
14 Peguis First Nation in resource planning projects?

15 The answers were 88 per cent yes, 12  
16 per cent no.

17 Are you willing to participate in an  
18 oral history interview? 16, or 94 per cent yes, 6  
19 per cent no.

20 Number 23; do you think that economic  
21 development impacts your Aboriginal and Treaty  
22 rights? 16 yes, one no.

23 Do you think that hydroelectric  
24 development impacts your Aboriginal and Treaty  
25 rights? 16 yes, one no, but it was a mixed

1 feeling no, so it doesn't quite answer it  
2 specifically.

3                   Number 25; do you think that the  
4 Keeyask Generation Project impacts your Aboriginal  
5 and Treaty rights? 94 per cent yes, 6 per cent  
6 no.

7                   Question 26; are you concerned about  
8 the Keeyask generation project? 100 per cent yes.

9                   Are you concerned about the future  
10 Bipole III transmission line? 100 per cent yes.

11                   Are you concerned about the future  
12 Conawapa generation station project? 16 yes, or  
13 94 per cent.

14                   Question 29; do you have advice for  
15 Peguis leadership about what to do about the  
16 Keeyask generation project? So there was a range  
17 of answers on this. People wanted to make sure  
18 that traditions and rights were protected. People  
19 wanted to make sure that there was still going to  
20 be land for hunting and trapping. People wanted  
21 to make sure that the leadership of Peguis was  
22 mindful of historical damage. Someone advised to  
23 seek advice from elders.

24                   I want to read verbatim the second  
25 last one:

1 "Stop making all of the decisions,  
2 make sure you look down the road years  
3 from now because that is your job.  
4 Get your mind off the money. Only  
5 when the last tree has been cut and  
6 the last fish caught, the white man  
7 will realize that you can't eat  
8 money."

9 Okay. On to the mapping section, we  
10 call it the mapping exercise. We wanted to record  
11 information about the location of Peguis member  
12 traditional activities in Northern Manitoba. We  
13 used very high level macro categories. We had one  
14 category for all hunting, any hunting, category  
15 for trapping, category for fishing, category for  
16 all gathering, category for all cultural  
17 activities, a category for travel and a category  
18 for occupancy. And beside them are the codes that  
19 we used for shorthand.

20 Peguis would have liked to have done a  
21 study that covered all of Manitoba. That wasn't  
22 feasible, so we narrowed it down to Northern  
23 Manitoba. It obviously includes the Keeyask  
24 project area or region. It includes the home  
25 communities of the Keeyask Hydropower Limited

1 Partnership. It includes the waterways feeding  
2 into and around the Nelson River. We created two  
3 base maps for interviews. It is not exact but it  
4 is a similar study area for the shoreline and  
5 inundation over time technical report that  
6 Mr. Flanders did for Peguis First Nation.

7           Again, this is a voluntary exercise.  
8 Although all 17 people did both the survey and the  
9 mapping exercise, it was voluntary, they didn't  
10 have to do both components. Again, written  
11 consent was required. All findings are  
12 confidential. We had a check list, the person's  
13 name, date, location of the interview. We had a  
14 mapping record form, again, name, date, interview  
15 number on it. We used the macro categories of  
16 hunting, trapping, fishing, gathering, cultural  
17 activities, travel and occupancy. And we asked  
18 the questions of what, when, where and who, and I  
19 will get back to that point.

20           The geographic information system  
21 work, we took all of the maps, we scanned them,  
22 file format was TIF, it makes it easier to import  
23 into the GIS system. Everything was named by the  
24 interview number. Again, we don't use the names  
25 of the respondents. Everything was imported then

1 into the GIS. We used ArcGIS, which is probably  
2 the most common GIS software out there. All the  
3 results were digitized. An attribute or a table  
4 was created with the results.

5 The interview map was the same, was  
6 created in the GIS system in our office, so it is  
7 the exact same scale, exact same map, so  
8 digitizing was quite straight forward.

9 We mapped using points, lines. I  
10 don't think there is any polygons, so I think it  
11 is all points and lines.

12 Again, we wanted to make sure that the  
13 Commission and the participants and the proponents  
14 saw what the interview actually looked like, so  
15 this is a screen shot of the mapping interview  
16 check list. We asked for the person's name, which  
17 First Nation, obviously Peguis, name, date,  
18 location, the interviewer's name, if there was  
19 anyone else present for the interview, if consent  
20 was given, and any other comments.

21 Again, another screen shot, this is  
22 the basic mapping exercise record or summary form,  
23 the codes are on the top. And then there is room  
24 for description. The interviewer could use as  
25 many sheets as required for a given respondent.

1                   This is called the data diamond. We  
2 ask what people were doing, what the activity was.  
3 We ask when they did it. We ask who they were  
4 with, other than obviously themselves, family,  
5 friends. And we obviously are trying to get a  
6 location aware for each topic.

7                   So maps to show you, I'm going to show  
8 you the base map called the mid map, another map  
9 base for the north, and then the two result maps.

10                  Some caveats and conditions. Again,  
11 sampling, this is a small number of interviews and  
12 mapping exercises out of the total population of  
13 the community. These are not land use and  
14 occupancy biographies. This survey was developed  
15 for a very specific purpose -- these hearings.  
16 The scope was Northern Manitoba around the  
17 proposed hydroelectric generation project.

18                  So we call this the mid map. Again,  
19 similar geographic area as the analysis undertaken  
20 by Mr. Flanders. So we started at Grand Rapids  
21 and went north.

22                  The second map starts around Snow  
23 Lake, includes Thompson, and goes all the way up  
24 to Nelson. It includes Gillam area.

25                  So the result maps, the same order.

1 This is the mid map. Now, we printed out paper  
2 copies, 11 by 17, for the Commissioners, and  
3 copies for the proponents, they are a little bit  
4 larger scale. I also have these files as PDFs, so  
5 I can load them and we can zoom in and out if need  
6 be in the future, if there are questions.

7 The categories, of course, are the  
8 same, hunting, trapping, fishing, gathering,  
9 cultural, with travel routes on it as well, in the  
10 different colours. We know we were advised to  
11 stay away from yellows and blues in terms of  
12 graphics, but there are only so many colours you  
13 can choose from. So we apologize if it is hard to  
14 see.

15 The second map, we call it the north  
16 map, again, from Snow Lake to Gillam, including  
17 the Nelson and the home communities of the limited  
18 partnership. This is an all in map or composite  
19 map. We didn't break it out by category.

20 Next steps, you've heard this morning  
21 from the Chief, you heard from Mr. Sinclair, you  
22 have heard from Mr. McCorrister, and you are going  
23 to hear from Councillor Sutherland. Peguis will  
24 be talking with Manitoba about a Crown Aboriginal  
25 consultation participation fund project. That's

1 the name for the fund that the Manitoba Government  
2 uses for this work.

3 Peguis would like to complete land use  
4 and occupancy memory mapping biographies. Peguis  
5 would like to undertake an oral history project.  
6 Peguis will continue collecting historic  
7 documentation regarding Peguis members in Manitoba  
8 and in the region surrounding the project. Peguis  
9 will undertake more genealogy work, and Peguis  
10 will develop additional maps. So the end result  
11 for the respondents will be that eventually we  
12 would like to make a map of just their responses  
13 to the mapping exercise. And Peguis might want  
14 additional maps used internally to Peguis when  
15 undertaking work.

16 Thank you. That's the end of my  
17 presentation.

18 THE CHAIRMAN: Thank you, Mr. Whelan.  
19 I have one question of clarification at this  
20 point. What do you mean by occupancy? Perhaps I  
21 can be a little specific. At Gillam, for example,  
22 there are two yellow dots. Does that mean that  
23 two people live there or what?

24 MR. WHELAN: I don't have access to  
25 the raw interviews. The answer could be someone

1 lived there, someone camped there, someone spent  
2 time at a sacred site or a ceremonial site. Those  
3 are all occupancy activities.

4 THE CHAIRMAN: Okay. Thank you.  
5 Moving on.

6 MS. LAND: Yes, actually I do have a  
7 few questions for examination-in-chief for  
8 Mr. Whelan, and also the Chief about the survey.

9 So my first question for Mr. Whelan  
10 is, you mentioned, you listed all the preliminary  
11 results in terms of the data sets for specific  
12 activities. Is there information about what the  
13 activity levels are overall that those  
14 represented?

15 MR. WHELAN: Yes. Hold on a second.  
16 You want to know about how much activity, as in  
17 the numbers or on the map? How much data is on  
18 the map?

19 MS. LAND: What is aggregated there?

20 MR. WHELAN: Based on the 17 mapping  
21 interviews, and not everyone had something to say  
22 about both the mid and the north map, there were  
23 44 points about ceremonial sites, there were 60  
24 points about fishing activity, there were 45  
25 points about gathering activities, 50 points about

1 hunting, 131 points about occupancy, nine points  
2 on trapping, for a total of 339 points. And there  
3 were 19 lines, and they were all to do with  
4 travel. Does that answer the question?

5 MS. LAND: Yes. You also mentioned in  
6 one of the slides, in terms of harvesting  
7 activity, the reference to harvesting of wihkis  
8 root. Do you have information or can you explain  
9 if there is an English name for wihkis root?

10 MR. WHELAN: I'm going to have to turn  
11 that over to someone more knowledgeable.

12 When we were developing the various  
13 iterations of the survey, somebody mentioned  
14 wihkis root. I have no knowledge of what it is,  
15 what it is used for. We have two different  
16 spellings that I found in terms of my research.  
17 So I would like to turn that over to one of the  
18 other members of the panel as to what that is.

19 MS. LAND: That's on slide 67, by the  
20 way, if we can pull that out up.

21 MR. SUTHERLAND: Hello, I was  
22 wondering how to turn this thing on?

23 MS. LAND: We may need to swear in  
24 Councillor Sutherland because he hasn't been sworn  
25 yet.

1 MR. SUTHERLAND: My name is Mike  
2 Sutherland, I'm the councillor of Peguis First  
3 Nation.

4 Mike Sutherland: Sworn.

5 MR. SUTHERLAND: Wihkis is a root  
6 found in river systems throughout Manitoba. It is  
7 harvested in September. It is also a food of  
8 muskrat, which they use it as well. Wihkis is  
9 picked and used as a medicine for illnesses  
10 regarding the bronchial passages, throat, lungs,  
11 and so on. It helps with colds and bronchitis and  
12 other bronchial illnesses. And I think the  
13 English version, people just call it weecase, but  
14 we call it wihkis. There are other versions as  
15 well. I don't know the scientific name of it, if  
16 that's what you are asking. No.

17 MS. LAND: Okay. Well, I grew up  
18 hearing it called something else, that's why I was  
19 asking.

20 And back to Mr. Whelan, can you tell  
21 us a little bit more about the standards that you  
22 used to develop the methodology for this data  
23 survey?

24 MR. WHELAN: There is standards in  
25 Canada developed between the Federal, Provincial

1 Governments, and various organizations called  
2 Tri-Council Standards. They cover things in terms  
3 of cultural studies, medical studies specifically,  
4 and also whole sections specifically on working  
5 with Aboriginal or indigenous populations.

6 We looked at those, looked at the  
7 major categories. And they all make a lot of  
8 sense but they are very long and complex. So we  
9 developed a simplified version for our study.

10 MS. LAND: Okay. And I'm going to  
11 point this question actually to the Chief who was  
12 part of the team that Mr. Whelan spoke of.

13 Chief, my question is, can you tell us  
14 a little bit about why Peguis wanted this survey  
15 about travel and uses in Northern Manitoba?

16 CHIEF HUDSON: Well, certainly, we  
17 have a long relationship with people in the north.  
18 As I explained, our main point of my great  
19 grandmother was from York Factory, and certainly  
20 there are relationships with various members of  
21 our community that have -- whether it is marital  
22 or relationships with the people of the north.  
23 And I think it is important for us to know  
24 throughout Manitoba where our people reside, where  
25 they travel, and certainly carry out our

1 traditional activities, because we are the largest  
2 First Nation in Manitoba. And we do have  
3 interests certainly with our agreements, through  
4 our agreements, to ensure that, you know, those  
5 agreements are lived up to. I'm referring to  
6 examples like the Treaty Land Entitlement and  
7 other agreements that we have in place. So it is  
8 important to know our history and to ensure that  
9 we do document that history, and this is captured  
10 in the form of this community mapping survey.

11 MS. LAND: And Mr. Whelan mentioned  
12 that these are preliminary results. And I'm  
13 wondering if you can tell me, from your  
14 perspective, Chief, what the data that's  
15 presented, the raw data, is telling you about some  
16 of the travel and harvesting connections that your  
17 community members have?

18 CHIEF HUDSON: Well, certainly our  
19 interests lie throughout the entire area. You  
20 know, and I'm speaking I guess provincially, you  
21 know, as far as where our people reside, but also  
22 even beyond our boundaries that they call the  
23 Province of Manitoba. And I know within Treaty 1  
24 we have the territories assigned, but I know our  
25 people do migrate, and certainly hunt, fish and

1 trap, and use the traditional medicines, and  
2 certainly embarking and utilizing our traditional  
3 knowledge throughout the entire area and the  
4 entire province.

5 So I think it is important that we do  
6 capture this raw information so we can and will  
7 continue to protect our rights, whether they are  
8 Aboriginal inherent, and certainly our Treaty  
9 rights. So I think it is important for us to  
10 ensure that this information is captured through  
11 this process.

12 MS. LAND: Those are all of my  
13 examination-in-chief questions for Mr. Whelan's  
14 testimony. So we are able to move on to the final  
15 panelist, which is Councillor Sutherland.

16 MR. SUTHERLAND: Okay. I'm just  
17 waiting for Mr. Chairman to give me the nod to go  
18 ahead here.

19 THE CHAIRMAN: I think we are just  
20 waiting for the slides to be brought up. It  
21 starts at page 23, or 22, I guess.

22 MR. SUTHERLAND: Good afternoon,  
23 ladies and gentlemen, Mr. Chair, panel, all of our  
24 guests. Hello panelists.

25 My name is Mike Sutherland, I'm one of

1 the elected officials from the Peguis First  
2 Nation. I hold the portfolio of Lands and  
3 Resource Management and Consultation. And I will  
4 provide you some of the stuff that I'm presenting  
5 on here, and the work that I'm doing in regards to  
6 this project.

7                   The Anishinaabe peoples of Peguis have  
8 always exercised their mobility rights long before  
9 the Constitution Act of 1982 made it right, and  
10 that is recognized in Canada. We certainly hope  
11 that certain rights we now possess will also be  
12 recognized and respected in the future, such as  
13 our Aboriginal title which Chief Hudson has  
14 asserted.

15                   In my opening statement in October, I  
16 made reference to historical data and book by  
17 Laura Peers entitled "The Ojibwa Western Canada,"  
18 where there were 100 canoes of Ojibway who came to  
19 York Factory in 1871. Chief Peguis himself also  
20 journeyed to York Factory with the Hudson Bay  
21 Company, September 1814, and was a guest on a ship  
22 anchored in the bay.

23                   As I stated previously, Peguis people  
24 continue to travel to the north to exercise their  
25 harvesting, hunting and fishing rights. And one

1 of our panel members, Jared Whelan, will provide  
2 and has provided more information on survey  
3 results on the northern linkage.

4 Effects on Peguis lands, waters and  
5 community. The waters that drain into Hudson Bay  
6 come from Alberta through the Saskatchewan River  
7 system, from the Red River that begins in northern  
8 States of South Dakota and Minnesota, from the  
9 Winnipeg River that flows from Ontario. But as  
10 well we should mention here from the Assiniboine  
11 River which flows from Saskatchewan.

12 Lake Manitoba flows through the  
13 Fairford River to Lake St. Martin and flows  
14 through Dauphin River to Lake Winnipeg. These  
15 river systems are a part of the hydrology and  
16 certain impacts are felt upstream from the dams  
17 that are built on the Nelson River.

18 The integrated Hydro system recognized  
19 that activity is not localized but includes all of  
20 the lakes, rivers, tributaries that are a part of  
21 the overall water system that feed into Hudson  
22 Bay. The very nature of all communities -- by  
23 that the very nature of all of the communities  
24 along the water system will be impacted.

25 The construction of drains south of

1 Peguis flow into the Fisher River, that is viewed  
2 as one of the causes of annual devastating floods  
3 on the Peguis reserve. The elevated water in Lake  
4 Winnipeg has also a detrimental effect on the  
5 community, community such as Peguis. Certainly  
6 the elevated water in Lake Winnipeg has  
7 exacerbated the flooding in Peguis as the Fisher  
8 River has no place to flow except over the river  
9 banks that flood the community of Peguis.

10           Flooding in Peguis has drastically  
11 increased on an annual basis since the  
12 construction of the dams such as Kettle, Long  
13 Spruce, Limestone and Jenpeg. These dams have a  
14 negative effect on our community, and such future  
15 dams such as Keeyask will add to the cumulative  
16 effects as well.

17           It appears that Manitoba Hydro is  
18 fixated on dams so they can utilize turbines to  
19 generate hydro power. We have to think outside of  
20 the box when we consider using hydropower. For  
21 example, the City of Montreal is considering using  
22 water turbines in the St. Lawrence River without  
23 use of dams. Certainly that method is less  
24 intrusive on the environment. In addition, other  
25 sources of energy should be considered such as

1 wind and solar power.

2 As the energy is transmitted to  
3 Winnipeg one can notice the myriad of transmission  
4 lines that dot the landscape in the northern and  
5 eastern part of Winnipeg, congesting the land  
6 where no other development can occur. At this  
7 rate we will find ourselves in a landscape full of  
8 power grids. What is required is a refreshing  
9 pause so we can have a second sober thought on  
10 what we deem progress.

11 Our Anishinaabe worldview. In my  
12 opening statement I indicated that the Cree  
13 worldview was not much different from the  
14 worldview of the Anishinaabe. The community of  
15 Peguis has Ojibway and Cree families living there  
16 and each share worldviews on the environment and  
17 certainly on the natural laws given us to by the  
18 Creator. Respect for the land and water is  
19 inherent in both cultures and each profess to be  
20 stewards of Mother Earth and all creation to which  
21 there is a sacred connection.

22 In her book titled "Breathing Life  
23 into the Stone Fort Treaty," Aimee Craft makes  
24 reference to a chief who was at the negotiations  
25 of Treaty 1. Chief Ayee-Ta-Pe-Pe-Tung stated:

1 "The land cannot speak for itself, we  
2 have to speak for it."

3 The responsibility of protecting the  
4 environment and Mother Earth is a sacred  
5 responsibility which cannot be delegated. We have  
6 to ensure and satisfy ourselves that we utilize  
7 every means possible that we have honoured that  
8 sacred responsibility.

9 In the Penner report on Indian  
10 self-government in Canada, the report made  
11 reference to this observation.

12 "For Indian people land is much more  
13 than a source of profit and wealth  
14 creation, or a place in which to  
15 reside temporarily. Their attachment  
16 to the land is a part of a spiritual  
17 relationship with the universe, its  
18 elements and its creatures. Indian  
19 people see themselves as caretakers of  
20 the land and its resources."

21 And I just have to mention here that in Peguis,  
22 when Chief Hudson was elected seven years ago,  
23 around six, seven years ago, a large number of  
24 elders approached Chief Hudson and they wanted a  
25 land based program brought back to the community

1 to teach our youth about this very nature, protect  
2 the environment, looking after the land and its  
3 creatures and all that live within.

4 We have developed a program called The  
5 Ways of our People. We take our youth on the  
6 land. We teach them how to hunt, trap, fish,  
7 survive, and do it sustainably. We have over 40  
8 youth in the program at three different levels.  
9 Just recently, 14 of our youth, our first  
10 graduates out of our program, received a Manitoba  
11 Youth Achievement award for the work they do in  
12 this field. One of the students is going to the  
13 University of Manitoba and is in second year of  
14 environmental sciences.

15 And we take this very, very seriously,  
16 to a point where we are teaching our youth the  
17 responsibility. And that responsibility is given  
18 to us in a word called ogichidaa, warrior, keeper  
19 of his people, protector of his land and his  
20 environment. And that's what we do today.

21 And then in this program we talk about  
22 everything that happens out there within our  
23 environment that affect us, peat mining, the dams  
24 and so on. As the youth grow older now into their  
25 20s, they will learn about traditional knowledge

1 and what it means, and how we are affected, and  
2 how we see what happens to the land, and how the  
3 land speaks to us. And that will be done through  
4 our elders and some of our land users.

5 I added that because it is such a  
6 connection to what we are trying to say here  
7 today.

8 In our effort to utilize all the full  
9 realm of the Ojibway worldview, we have to go  
10 beyond the elders of our communities and ask for  
11 guidance from the messengers that act as  
12 go-between with the Anishinaabe or Cree and  
13 Creator. These messengers are the grandfathers we  
14 call spiritual beings. The ceremony required for  
15 the guidance from these messengers is the shake  
16 tent or jeeseekan. The jeeseekan has been used  
17 since time immemorial. Samuel Champlain witnessed  
18 one ceremony in 1609. Alexander Henry witnessed  
19 one in 1764 at Sault Ste. Marie where the Ojibway  
20 sought guidance on British intentions at Fort  
21 Niagara.

22 The book called "The Orders of the  
23 Dream" by Jennifer Brown and Robert Brightman,  
24 George Nelson, who was a fur trader with the  
25 Northwest Company and Hudson Bay Company witnessed

1 the shake tent ceremony by the Cree at Lac La  
2 Ronge. In using the shake tent, only then can we  
3 say truly we consulted with our guardians to the  
4 fullest extent.

5 I cannot tell the four Cree  
6 communities to use this ceremony, but to suggest,  
7 and if they decide to use this high level of  
8 consultation, I would suggest that the ceremony be  
9 used in the spring time when the thunder beings  
10 have returned to the area. And when the ceremony  
11 is used, the spirits or manidoos will be  
12 consulted, and that being the manidoos of the  
13 sturgeon, caribou, turtle, wolf and moose.

14 One of the spiritual beings that are  
15 left out of the equation is the Little Rock  
16 People, or Memegwesiwag. These Little Rock People  
17 reside beside the riverways and have their homes  
18 among the rocks. And it is these Little Rock  
19 People that pass on the knowledge of the  
20 traditional healing plans. Yellow Legs, an  
21 Ojibway from the Berens River area received his  
22 knowledge and powers from the Little Rock People.  
23 Yellow Legs was a renowned medicine man and was a  
24 contemporary chief -- contemporary of Chief  
25 Peguis. These Little Rock People are one of our

1 sacred grandfathers and we must protect anything  
2 that is sacred.

3 I have to add to this too, is that  
4 that first group in the ways of our people, one of  
5 the things we started doing with them is a  
6 pilgrimage to an area called the petroforms that  
7 James Sinclair spoke about. And we read the  
8 turtle and snake petroforms. And some of the  
9 youth went up there one night to see if they could  
10 see the Rock People, and they were gifted with  
11 that gift, the Little Rock People came to them.  
12 And my son was one of them. Being I think at 14  
13 at the time, or 15, he said, dad, if I would never  
14 have experienced that, I would never have believed  
15 that if somebody would have told me that. But he  
16 was one of six youth and an elder that went up  
17 into those petroforms in the night and they  
18 visited with the Little Rock People. So I could  
19 tell you today that this is not a myth. This is  
20 actually true. And it is not just stories passed  
21 on from generation to generation, for our people  
22 and youth have experienced meeting them.

23 Water. Water is the life blood of  
24 Mother Earth. The water is like blood in our  
25 arteries and veins. As we protect -- as we are

1 protective of our blood and protective of our  
2 water from pollution. Failure to protect the life  
3 blood of Mother Earth is a breach of our sacred  
4 duty to protect the environment and Mother Earth.

5 The teachings of the First Nation's  
6 worldview is a continual learning pathway and a  
7 journey. And as we progress down that pathway, we  
8 begin to appreciate the natural law that the  
9 Creator has given us.

10 The goal of the Anishinaabe is to live  
11 long, productive and healthy life, a long a  
12 healthy life often referred to as bimaadiziwin.  
13 At times it is called the Red Road or the Red  
14 Pathway. We all strive to walk that Red Road, a  
15 road that provides balance to the individual and  
16 balance among his relations, the Creator and all  
17 of creation, at the same time maintaining respect  
18 and to follow the Creator's natural law.

19 The red circle on the Peguis flag is a  
20 circle of life, and the colours, the red colours  
21 is the Red Road that we strive to follow  
22 maintaining that balance.

23 The other colours of yellow, green and  
24 blue signify perpetuity. That is we will always  
25 strive to walk that Red Road forever. The colour

1 of yellow is the sun. The colour of green is the  
2 grass. The colour of blue is the water.

3 When Treaty 1 was signed, this living  
4 Treaty would last as long as the sun shines, the  
5 grass grows and the rivers flow.

6 To assist Anishinaabe in living a  
7 healthy life, they try to protect Mother Earth  
8 from pollution and destruction. At times illness  
9 comes into the lives of the Anishinaabe. And to  
10 bring them back on that road to recovery, and to  
11 regain their footing on the Red Road, we have to  
12 assist them with mashkiki aki, or medicine from  
13 Mother Earth.

14 This knowledge was very limited and  
15 very few members retain this knowledge. Recently  
16 in Peguis we had medicine camps where the  
17 knowledge was shared over a four year program.  
18 Students and apprentices came from other  
19 communities, including Cree communities from the  
20 north, as well as from other provinces, other  
21 Anishinaabe communities like Manitoulin Island is  
22 following Peguis example, and our teachers are  
23 assisting them in the learning process.

24 We have taken positive steps to assist  
25 the healing process of Anishinaabe and other

1 Aboriginal people, and now we have another task at  
2 hand, and that would require the assistance of  
3 others. And that task is to protect Mother Earth  
4 and the environment. To that end we are asking  
5 those in authority and those who can make  
6 decisions to protect Mother Earth and the  
7 environment by stopping the construction of the  
8 Keeyask dam. Thank you.

9 MS. LAND: Mr. Chair, I understand  
10 that Mr. Sutherland also has a couple short videos  
11 that he wants to show. I also have a couple  
12 examination-in-chief questions. Do you have a  
13 preference about --

14 THE CHAIRMAN: No.

15 MS. LAND: Do you have a preference,  
16 Councillor, about whether I ask you some follow-up  
17 questions and then you do the video or --

18 MR. SUTHERLAND: If you could ask the  
19 follow-up questions, I want to reference a couple  
20 of maps to answer the questions, and then you can  
21 show the video.

22 MS. LAND: Sure. Do you have maps  
23 ready to go?

24 MR. SUTHERLAND: There is two maps in  
25 my slide there, map number 23 and -- yep.

1 MS. LAND: Okay.

2 MR. SUTHERLAND: And 25.

3 MS. LAND: So my first for you is,  
4 could you -- you had mentioned, in your  
5 preparation, you mentioned to me in your  
6 preparation for this testimony that you have  
7 reservations about testifying in this process.  
8 And I'm wondering if you could share with the  
9 Commissioners and the people here, if you could  
10 talk about those reservations that you had about  
11 testifying in this process?

12 MR. SUTHERLAND: Yes. Thank you.

13 I guess one of the issues that I had  
14 here is that our presentations connect us to the  
15 north, connect the people, and our movements as we  
16 move across Canada through time and to where we  
17 are today. Right? And our statements are very  
18 spiritual and related to who we are. But what I'm  
19 afraid of is that it is not fully understood by  
20 the non-aboriginal people in this room. And to me  
21 that's very scary because there is more to it than  
22 that. One of the things that I have been doing  
23 over the last number of years, especially the last  
24 couple of years, is a lot of my own research and  
25 investigation into this whole process. And to me

1 there is a bigger picture here that has to be  
2 brought forth and explained. And I'm very  
3 frustrated in the process because, you know, every  
4 time we come to this table, and we had a heck of a  
5 time to get to this table because people believed  
6 that we weren't welcome here, that we shouldn't be  
7 here. And what I have seen and experienced over  
8 the years will tell a different story. You know,  
9 I think that's, you know, what I am talking about.  
10 That we have to drive home some of the finer  
11 points of what has happened to us and our people.

12 Yes, we have people in the north. We  
13 go up there and hunt and gather. I do it every  
14 year for caribou. I'm invited up to one of the  
15 northern communities to participate. In turn they  
16 come down and hunt elk. It is an exchange, it is  
17 a gift, it is a relationship.

18 Last year I couldn't hunt because  
19 there was no caribou because of the flooding, the  
20 uncertainty of water and pathways for the animals.

21 You know, the story that I'm going to  
22 tell here, it is about us, it is about our people,  
23 you know, and something that even our own people  
24 can't fully comprehend.

25 You look at a map up there, and you

1 have heard it in my statement when we talk about  
2 flooding from south of us, the RM of Fisher.  
3 There is 700 kilometres of drainage systems south  
4 of us. And if you take a look, I don't know if  
5 you can see it, but just a little ways south of  
6 Peguis there, there is a little community called  
7 Fisher Branch, around where the 17 is. And from  
8 there to the northern most point of Peguis, that  
9 big pink square there, that's a 67 metre drop --  
10 67 metres. How much is that? 223 feet.

11 So all of that water flows down to our  
12 community, and has been doing so for years.

13 I mentioned in my statement about the  
14 number of dams and the more frequency of flooding.  
15 The level of Lake Winnipeg, and we hear it all of  
16 the time, is between 711 and 716. The level of  
17 the mouth of the river that hits Fisher Bay there,  
18 right where Fisher River is, is 719. If you can  
19 go to a Provincial map, it shows Lake Winnipeg, it  
20 doesn't matter which map. Right there. And right  
21 there is Fisher Bay. And right there is a  
22 bottleneck.

23 I'm going to reference July 1st, 2010.  
24 We had a huge storm in the Interlake region, huge,  
25 massive, tornados. And with those storms come

1 northwest wind. And when northwest winds come,  
2 they blow the water from the north basin to the  
3 south. But the first thing that fills up is  
4 Fisher Bay because of the bottleneck effect.

5           And many of you in the room,  
6 especially the ones that live in Winnipeg  
7 understand the bottleneck effect at Breezy Point,  
8 and what happened there a few years ago, all the  
9 money that was paid out to the residents there.  
10 Well, the same thing happens there. That movement  
11 of water fills that bay creating a wall of water  
12 at the mouth of the Fisher. So the water that  
13 flows down from the RM of Fisher during this  
14 massive storm -- go back to the RM map -- from all  
15 of this area has nowhere to flow when it hits  
16 there. Because from the north, from the end of  
17 Peguis there it is just only a few feet. And if  
18 that bay sits at 719, and that water moves to the  
19 south, you can imagine the amount of water that's  
20 in that bay. Maybe it is at 725, maybe it is at  
21 730, well above the regulated levels that Manitoba  
22 Hydro has at 716.

23           And you will find those numbers in  
24 many, many of the reports that were done over the  
25 last 20 years, on Peguis and its flooding. But

1 you will see in many, many of the reports that the  
2 most frequent number of floods has been in the  
3 last six years.

4 In 2010, we flooded four times, four  
5 times in one summer, one summer from spring until  
6 October. That's not including all the other flood  
7 events from 2006, '07, '08, '09, '10, and I think  
8 right up until '11.

9 I became part of the East Interlake  
10 Environmental Conservation District Study of the  
11 Fisher Basin, the quality of water and so on. And  
12 I really began to understand what it meant, when  
13 you look at that. And right away a lightbulb came  
14 on for me that we have to look at the big picture  
15 here.

16 Go to the Nelson River basin? You  
17 take a look at the history, 1996 or '97, the Red  
18 River flood of the century. Ten years later, you  
19 know, or whatever, 2011, the Assiniboine River  
20 flood of the century. Where does all of this  
21 water come to, or end up? Lake Winnipeg.

22 So I started doing research and  
23 following these water systems back. My son plays  
24 hockey in Melville, so this fall I was all over  
25 that whole basin, it is called the Assiniboine

1 watershed. And man, it is massive. No wonder the  
2 province or nobody could predict the peak of that  
3 flood that summer, they had no idea what they were  
4 looking at. But on top of that, I also found --  
5 and did some research and got a good understanding  
6 that the last five or six years, there has been an  
7 explosion of mining operations within that  
8 watershed, potash mines. In order to mine you  
9 need water. Where is all of that water that they  
10 use going to? Nobody can answer my questions. I  
11 had a heck of time to get meetings with different  
12 organizations down there to get information.

13 I travel south of the highway 1 there,  
14 to the Souris River watershed, because it  
15 contributed to the flood of 2011. And I seen how  
16 massive that is, it goes down to the United  
17 States. But I also found something that was very,  
18 very disturbing down there: A huge oil and gas  
19 industry with a lot of fracking that's going on.

20 It just make me wonder, you know, why?  
21 Now I know why Hydro and the government isolate  
22 these projects and make them small. Because if  
23 they looked at the big picture, they would see the  
24 real issues and the amount of danger and what we  
25 look at when we talk about protecting our

1 environment. Because all of that water, not  
2 including the Assiniboine -- I didn't even get to  
3 the Red -- the Winnipeg River system or the  
4 Saskatchewan flows into Lake Winnipeg. And that  
5 Lake Winnipeg directly affects us when it comes to  
6 flooding. Every one of our communities, we have  
7 five of them along the lake.

8                   And you wonder why we are here today?  
9 And I'm only beginning, and I'm not even a  
10 specialist or expert in this area, I'm just an  
11 everyday guy going out and asking questions  
12 because of concern of our people, and seeing what  
13 is out there, and reading some of the reports that  
14 are provided by government and by their  
15 consultants.

16                   And the point I want to make in this  
17 is that we can't isolate these projects. And in  
18 order for us to move forward, and government to  
19 move forward, and Hydro, there has to be an  
20 overall assessment done, a big picture, a  
21 cumulative assessment, because we are not looking  
22 at that.

23                   I seen firsthand already the damage  
24 that was done in 2011 and 2007 for Manitoba in  
25 general, not just specifically to our communities.

1 What is going to happen if we don't? And if we  
2 continue to put those dams in the north, is it  
3 going to be much more dramatic, much more damaging  
4 to our communities?

5 Because we don't see any other way, we  
6 don't see anything else but negativity from all of  
7 this for our communities.

8 And whether the Keeyask dam be in the  
9 north and Peguis in the south, we are still  
10 affected dramatically. We have shown to you that  
11 we have people in the north living up there,  
12 hunting up there. We go up there. As well some  
13 of them come down to us. That's a relationship  
14 that we have.

15 So in order for us to move forward,  
16 and I think Hydro has to really look at this, this  
17 whole assessment, because that's what Peguis is  
18 asking for. We will not provide that support if  
19 we don't get a cumulative assessment done of this  
20 whole big picture, because there is too much at  
21 stake, and we lost too much in our communities  
22 already. Thank you.

23 MS. LAND: I have no further  
24 examination-in-chief questions. So maybe I could  
25 turn it over to the video that you have. You have

1 one video or two? Two, okay.

2 THE CHAIRMAN: Thank you.

3 MS. LAND: While we are loading it.

4 I'm just turning, the Chief has indicated that he  
5 wants to make one follow-up comment to what was  
6 just said.

7 CHIEF HUDSON: Thank you.

8 I guess in all of this, this entire  
9 process and, you know, with some of the comments  
10 that Councillor Mike has made, you know, our  
11 people, the people of Peguis, and certainly First  
12 Nations people in general in Manitoba -- and I  
13 guess this is directed mainly at the Commission,  
14 that, you know, there was a commitment initially  
15 to have all First Nations included in this Hydro  
16 development because of the cumulative effects. If  
17 you cut the water off in the south or to the west  
18 feeding into the lakes, there will be no Hydro.

19 And unfortunately, today, it is what  
20 it is. In terms of the Hydro development, we have  
21 the dams and certainly the water control  
22 structures, and it is an entire integrated system.  
23 Without the water there is no damming of the  
24 rivers up in the north. Without the dams you  
25 can't have the hydroelectricity generated. And

1 without the transmission lines, you have no use  
2 for hydro. So it is an entire integrated system  
3 that functions that way.

4 And we are seeing, you know, the  
5 cumulative effects that are happening. And as  
6 stated in our Southern Chiefs Organization, which  
7 is supported by the 36 southern First Nations,  
8 there has to be an environmental audit done on  
9 this development.

10 But I also speak on our people that  
11 don't have a home anymore as a result of the  
12 flooding that is happening. You know, I spoke  
13 to -- certainly represent our people at Peguis,  
14 but I also sit at many other positions  
15 representing other communities, and the flooding  
16 that is happening, it certainly has detrimental  
17 effects and long-lasting effects to our people.

18 Today we have, still have 2,000 people  
19 out of their homes as a result of flooding that  
20 has gone back to 2010, going on three years, or  
21 four years now this coming year. And they are all  
22 First Nations. And there is not one evacuee  
23 that's non First Nation. Why is that? And yet we  
24 are sharing how this development is linked to our  
25 ways, to us as a people.

1                   You know, Little Peguis, which is on  
2 the Red River in the delta area of Lake Winnipeg,  
3 ceremonial grounds that have been used for  
4 centuries, they are no longer used because of the  
5 flooding.

6                   And you know, just the statements,  
7 statements from people, I know one slide there  
8 that Jared had in his presentation, and this is  
9 from grassroots people, people in our communities,  
10 and they are telling us, try and make sure -- and  
11 this is a specific statement from that slide --  
12 make sure our concerns about our traditions are  
13 brought forward, protect our rights, and flooding,  
14 how it affects ceremonial areas all over Manitoba.  
15 Our travels to pick cedar and medicines are all  
16 over Manitoba. We have to go all over the  
17 province now looking for medicines in areas not  
18 disturbed, and also protect the water.

19                   And just in general, you know, they  
20 have to understand, meaning people have to  
21 understand the impact that could happen, look at  
22 the long-term effects. The Hydro development  
23 projects, taking millions of dollars, and yes  
24 people are compensated, but once the land is  
25 destroyed, we will have nothing. And you need to

1 stop making decisions, all the decisions, and make  
2 sure you look down the road years from now.  
3 Because that is our job, it is to get your mind  
4 off the money.

5           Only when the last tree has been cut,  
6 the last fish has been caught, the last drop of  
7 water is polluted, the white man will realize then  
8 that you can't eat money. And that's a statement  
9 from one of our people.

10           It is not about money, it is about  
11 being inclusive, being included in the process,  
12 and learning the things that we know, the  
13 knowledge that we have and that we want to share,  
14 and certainly protect, not only ourselves, but as  
15 Mike referred to, we want to protect land and the  
16 water. It is for everybody's use. That's our  
17 responsibility.

18           And you know, I'm sure many of you  
19 know about the funeral that's happening over the  
20 next few days with Mandela. You know, today we  
21 have to be inclusive, we have to be a part of it.  
22 We cannot be pushed aside. We are part of the  
23 solutions, and that's what we bring is solutions.

24           I know we also mention about the  
25 alternative forms of energy. Today we mandate our

1 heating to be geothermal so we don't have to use  
2 hydroelectricity. And we are putting our best  
3 foot forward in doing so.

4           And in these presentations, we are  
5 also putting our best foot forward and stating  
6 that we have to be involved, we have to be  
7 consulted, and certainly we should be consulted in  
8 terms of being included.

9           And you know, I thank the people that  
10 have come. And certainly, you know, as Mike  
11 stated, it has been difficult just to be included.  
12 And all we are stating is our knowledge on this.  
13 It doesn't cost a whole lot to do that. And  
14 certainly that's something that we need to  
15 continue to work with our communities in the north  
16 also, which are directly affected because they are  
17 right at those dams. But certainly in the south  
18 you are seeing how the effects trickle down.

19           And you know, I would like to show an  
20 example, but I won't do it, using a glass of  
21 water, when you fill it up -- a reporter asked me,  
22 how are you affected over here? Well, if you keep  
23 pouring water in there, that water is eventually  
24 going to reach there. The same thing with Hydro  
25 development, all of that water into those lakes as

1 reservoirs, it is going to have an effect over  
2 here. And that's what we are trying to explain to  
3 you.

4           So I just want to give thanks, you  
5 know, for having the opportunity to be here today,  
6 and certainly to communicate the words that people  
7 have put forward to us, to stand up, because there  
8 is a lot of vulnerable people out there. And it  
9 is not just the evacuees that I refer to. There  
10 is many, many multiple effects to those families  
11 and certainly to our communities in being  
12 separated the way things are being done today.

13           That's what gives me strength to be  
14 here. So miigwech.

15           MS. LAND: Okay, I believe that now we  
16 will have the two short videos.

17           (Video playing)

18           MR. SUTHERLAND: The announcer made a  
19 statement there in regards to school being closed  
20 until further notice. On average during a flood  
21 year, kids will miss six weeks of school every  
22 year. Our grade 12 graduates are coming out of  
23 there at a grade 9, 10, or 11 level, but not  
24 exceeding the grade 12 level to get into  
25 university or post secondary education. They have

1 to go to upgrading and take transition programs to  
2 get in. That's something that we forgot to  
3 include in our presentation, but he reminded me of  
4 that. And that's where you see of the effects of  
5 this flooding, how it has affected our community,  
6 and the education system as well, not just only  
7 our homes and our lives, but everything.

8 MS. LAND: I wonder, Councillor  
9 Sutherland, if you could just briefly explain what  
10 this video is?

11 MR. SUTHERLAND: The video is a --  
12 what you are looking at here is a community during  
13 one of our flood occurrences. And we usually  
14 average, we have been averaging one or two a year  
15 since 2006. In 2010 we experienced four in April,  
16 the spring runoff, in July, we had one in  
17 September, and another huge massive one in  
18 October. Still today, we are still working on the  
19 remediation of the July 2010 flood occurrence. We  
20 are still cleaning hydro lines and roadways to  
21 prevent something like that from happening again.  
22 Because we cut off -- the wind and the tornadoes  
23 and stuff knocked down hydro to many of our  
24 outlying areas. And flash floods washed out some  
25 roadways and ditches, taking out hydro poles and

1 so on.

2 That road is the highway PR 224 that  
3 runs through the reserve. You see in behind it  
4 there, you see the resemblance of river. You  
5 can't really notice it though because it is all  
6 under water. But the river runs along the road  
7 there.

8 Just imagine living in this four times  
9 in one year, in one summer. And three out of  
10 those four times, the level of Lake Winnipeg  
11 directly contributed to the flooding of the  
12 community, preventing the water from flowing.

13 In July 2010, July 1st, the water  
14 stayed in the community for three weeks before the  
15 wind blew from the south and blew the water back  
16 to the north basin lowering the levels in Fisher  
17 Bay.

18 If you want information on those, EMO,  
19 the Manitoba Firefighters Association, and our own  
20 flood centre have the reports to all of the flood  
21 occurrences in the community.

22 (Video playing)

23 MR. SUTHERLAND: This is actually  
24 from, if I'm correct on this one, this is the  
25 receding end of one of our floods. So there is

1 already movement around the community. So this is  
2 getting towards the end of it where the water  
3 levels are dropping, this is not even at its peak.  
4 For some reason unless, we hire our own EMO, the  
5 province doesn't seem to want to come down and  
6 document this stuff until after the fact.  
7 Sometimes we are lucky to get the news people in  
8 there during peak times, but somehow it never  
9 seems to happen.

10 We are going back to the south, so all  
11 the water was kind of at the north end, so we are  
12 getting to the south end of the community.

13 Thank you, Mr. Chair.

14 THE CHAIRMAN: Thank you, Councillor  
15 Sutherland. That concludes your presentation?

16 MR. SUTHERLAND: Yes.

17 THE CHAIRMAN: Thank you very much.  
18 Cross-examination, proponent?

19 MR. BEDFORD: I won't be asking any  
20 questions today of this panel, neither will  
21 Ms. Mayor nor Ms. Rosenberg.

22 You may recall during the motions you  
23 learned that Peguis First Nation has sued my other  
24 client, Manitoba Hydro, and the Federal Government  
25 and the Provincial Government, with respect to

1 many of the issues that have come forward through  
2 these presentations. And candidly, I don't think  
3 it is appropriate for me or Ms. Mayor to be asking  
4 questions of this panel for that reason.

5 Ms. Rosenberg's firm is charged with  
6 defence of the claim on behalf of the defendant,  
7 Manitoba Hydro.

8 In addition, although, as I just said  
9 it made no difference to me with respect to this  
10 evidence today, I will observe that some of what  
11 we've heard I think merits good and informed  
12 cross-examination. You can not do good and  
13 informed cross-examination when you are presented  
14 with material like this, when you arrive on a  
15 morning like today, and the presentations go  
16 forward.

17 Now, I have spoken to both Mr. London  
18 and Mr. Roddick, and I understand they don't have  
19 questions for the panel either.

20 Mr. Regehr, has a very few short  
21 questions for one of the panel members, so I will  
22 turn this over to him.

23 MS. LAND: May I just respond to a  
24 comment that was made on? This was obviously not  
25 a cross-examination question, it was a statement

1 put on the record by the proponent, that the  
2 materials that were provided today were provided  
3 too late to allow for proper cross-examination. I  
4 want to just point out that these materials were  
5 provided within the time lines that the CEC has  
6 established, in the same way that the proponent  
7 provided materials to the participants on the same  
8 day of presentations when there were presentations  
9 such as these. So I just want that to go on the  
10 record as well. Thank you.

11 THE CHAIRMAN: Thank you, Ms. Land.  
12 Mr. Regehr?

13 MR. REGEHR: I just have one, I should  
14 say again for the record that I'm counsel for the  
15 York Factory First Nation, not for Manitoba Hydro.  
16 I have one question for clarification, as it was  
17 my understanding that these were community  
18 witnesses, at least that's what we were informed  
19 of. So my one question of clarification goes to  
20 Mr. McCorrister.

21 So if we could get his presentation  
22 up, please? And if we could go to page 6, or  
23 slide 6, and this question relates both to slide 6  
24 and slide 7. On there, this is a quote that you  
25 say is from the Peguis TLE agreement? I need to

1 you answer into the mic?

2 MR. McCORRISTER: That's correct.

3 MR. REGEHR: Can you do it again?

4 MR. McCORRISTER: That's correct.

5 MR. REGEHR: Now, my understanding is  
6 it that the Peguis First Nation TLE Agreement, and  
7 I'm sorry I don't have copies, Mr. Chair, because  
8 I didn't know what was going to be in the content  
9 of the presentations today. I looked up in the  
10 internet this morning during the presentation. My  
11 understanding is that the Peguis TLE agreement has  
12 the date 2006 on the front page, and Peguis had to  
13 deal with the same nonsense that some other First  
14 Nations did, where Peguis and Manitoba signed and  
15 then Canada sits on the agreement for months and  
16 months and then finally signs.

17 So Peguis and Manitoba signed in 2007  
18 and Canada signed in 2008; is that correct?

19 MR. McCORRISTER: That's correct.

20 MR. REGEHR: Now, my understanding of  
21 the wording of section 3.02 in the Peguis  
22 agreement is not this wording. This wording is  
23 actually from the 1997 Manitoba Treaty Land  
24 Entitlement framework agreement, isn't that  
25 correct?

1                   MR. McCORRISTER: I will have to go  
2 back and check our agreement on that section. I  
3 know our provisions in our agreement are very  
4 similar to the framework agreement. In fact, we  
5 had the same legal counsel that drafted the  
6 framework agreement that also drafted our  
7 agreement, so the provisions are very, very  
8 similar.

9                   MR. REGEHR: I'm going to read section  
10 3.02 from the Peguis TLE agreement to you. So it  
11 is 3.02.1:

12                   "Peguis may select its Crown land  
13 amount from, A, the area comprising  
14 the Treaty area within the Province of  
15 Manitoba, with Treaty area being a  
16 defined term; or B, outside of the  
17 Treaty area but within the Province of  
18 Manitoba where on a case-by-case  
19 basis, (i), Peguis can establish a  
20 reasonable social or economic  
21 development agenda for the selection.  
22 And (ii): Manitoba concurs in the  
23 selection which concurrence will not  
24 be unreasonably withheld."

25 And then 2:

1 "Peguis may acquire other land from  
2 within, A, the area comprising the  
3 treaty area within the Province of  
4 Manitoba, or outside the treaty area  
5 but within the Province of Manitoba  
6 where on a case-by-case basis Peguis  
7 can establish a reasonable social or  
8 economic development objective for the  
9 acquisition."

10 Does that sound like that's the correct wording  
11 from the Peguis TLE agreement?

12 MR. McCORRISTER: It does, yes.

13 MR. REGEHR: So what you have included  
14 here is not the correct provision from the Peguis  
15 TLE agreement?

16 MR. McCORRISTER: Correct.

17 MR. REGEHR: Mr. Chair, I will  
18 undertake to provide copies of both the Manitoba  
19 Treaty Land Entitlement framework agreement and  
20 the Peguis TLE agreement to the Commission for  
21 filing.

22 THE CHAIRMAN: Thank you, Mr. Regehr.

23 MR. REGEHR: Thank you. Those are you  
24 all of the questions that I have.

25 MR. McCORRISTER: I just want to add a

1 comment to that actually. Despite the  
2 clarification there, as I mentioned, the  
3 provisions in both the framework agreement and  
4 Peguis agreement, as Mr. Regehr just stated, are  
5 very similar. We do have the ability to select  
6 and acquire land anywhere in Manitoba, that's very  
7 clear, that's been my experience, both working  
8 with other First Nations and also working with  
9 Peguis. So I just wanted to clarify that.

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

12 MR. REGEHR: I would just like to  
13 clarify then that the words "traditional  
14 territory" are not in the Peguis TLE agreement, so  
15 they are not a defined agreement in the Peguis TLE  
16 agreement, is that correct?

17 MR. MCCORRISTER: No, there is a  
18 term -- that reference is used in the Peguis  
19 Treaty Land Entitlement agreement.

20 MS. LAND: Can I just ask a question  
21 for clarification? I do have the Treaty  
22 Entitlement agreement up in front of me, and it is  
23 the same wording that's on the slide. So I'm also  
24 confused now.

25 MR. REGEHR: Then I'm confused as

1 well, because the version, the signed version that  
2 I found on the Aboriginal Northern Affairs website  
3 does not contain the words "traditional territory"  
4 either in section 3.02, or in the defined terms on  
5 page 17 of the Treaty Entitlement Agreement. It  
6 goes from transmission line to treaty areas, I  
7 don't know see traditional territory anywhere in  
8 there as a defined term.

9 THE CHAIRMAN: I not sure that we can  
10 resolve this today, but I would ask Mr. Regehr and  
11 Ms. Land to please provide information to the  
12 Commission in respect of this, and let's determine  
13 which version is the correct version.

14 MS. LAND: Okay. Very good.  
15 (UNDERTAKING # 19: Provide information re correct  
16 version of Treaty Entitlement agreement)

17 THE CHAIRMAN: Thank you.

18 Participants, do any of the  
19 participants have questions of these -- Ms. Craft?

20 Ms. Craft, I believe you were out of  
21 the room at the time, but we had a first today  
22 when a book written by one of our participants was  
23 referenced in testimony.

24 MS. CRAFT: I hope it was a positive  
25 reference.

1 THE CHAIRMAN: I believe it was.

2 MS. CRAFT: Good, thank you.

3 Thank you for your presentations,  
4 miigwech. And I just wanted to ask a question of  
5 clarification from one of the members of this  
6 panel, Niigaanwewidam Sinclair.

7 In relation to -- and I should  
8 introduce myself. My name is Aimee Craft, I'm  
9 council for the Consumers Association of Canada in  
10 these proceedings. And on behalf of my client, my  
11 question would be to you, Mr. Sinclair, on your  
12 reference to the petroforms in the Manito Api  
13 site, I believe I heard you -- and correct me if I  
14 am wrong -- you referenced Cree and Anishinaabe  
15 legal principles, or Anishinaabe and Cree  
16 inaginagaywin (ph) coming out petroforms at this  
17 site. And I was wondering if you could indicate  
18 what implications that might have in the  
19 Commission's deliberations, in your view, in  
20 relation to environmental proceedings in Manitoba,  
21 if at all?

22 DR. SINCLAIR: Yes. If you could pull  
23 up I guess slide 14? Because my laptop -- have  
24 you got that?

25 Well, a number of -- there is a number

1 of implications I think that come out of this work  
2 or this -- it was particularly involving the  
3 petroforms, but I think this also could be said  
4 about the scroll, the James Redsky scroll, as well  
5 as some of the other maps that have been offered  
6 today. I think that there is a -- there is a  
7 precedent here. There is a precedent here to  
8 understand the texts which gesture to certain  
9 particular ideas and values that are the fabric  
10 and basis for the territory. And that when, as I  
11 see it in my testimony, when Europeans came to  
12 this territory, they joined, they were adopted  
13 into a system, as much as is often the narrative  
14 that Europeans imposed legal systems upon -- I  
15 think that First Nations are stuck with a system  
16 that often values that, that celebrates that, that  
17 privileges that, particularly sense of ownership,  
18 for example. I think that these systems,  
19 particularly amongst the petroforms, but amongst  
20 the other that I mentioned, indicates and  
21 illustrates the legal systems in which Europeans  
22 joined, and that they accepted. And that by  
23 accepting those documents such as 1817 clan  
24 signatures, so signing beside those signatures  
25 indicates a legal responsibility alongside those

1 principles.

2 I think for the work of the  
3 Commission, what I would encourage is there are,  
4 you know, many individuals, myself, but also  
5 anyone else who I could reference or point to  
6 within the parameters of Manitowapow that are  
7 experts in this.

8 I'm very happy to provide my personal  
9 experience, my personal knowledge surrounding the  
10 petroforms, that I could show that the written  
11 systems that indicate these laws and, as I said  
12 before, the foundational documents of the  
13 province, are precedent setting, they are  
14 precedent setting documents that illustrate a  
15 long-standing relationship that is, in my view,  
16 legally binding.

17 MS. CRAFT: Are you suggesting that  
18 there is one unified Cree and Anishinaabe system  
19 of law or constitution that's illustrated by this?

20 DR. SINCLAIR: It is -- to call it a  
21 single system, I think, is to get into the ways in  
22 which, that goes against the very premise of what  
23 I was talking about when I say Anishinaabe law.  
24 Because in Anishinaabe law we are talking about  
25 relationship building, it involves multiple

1 parties.

2                   So the understanding, the full breadth  
3 in which to understand a petroform such as this  
4 would involve more than one voice. It would  
5 involve several, I think about anything, any sort  
6 of piece of writing can involve multiple  
7 interpretations in which the broader truth is  
8 gained. But, however, that is what I'm saying.  
9 I'm saying this is the constitution of the laws  
10 that form the basis for this place, this place now  
11 called Manitoba. And that's my argument.

12                   MS. CRAFT: Thank you. Those are my  
13 questions.

14                   THE CHAIRMAN: Thank you, Ms. Craft.  
15 Fox Lake Citizens, any questions?

16                   MR. KULCHYSKI: I'm Dr. Peter  
17 Kulchyski working with Concerned Fox Lake  
18 Grassroots Citizens, and I thank you all for  
19 coming here today.

20                   I couldn't catch all of your  
21 presentation, but the parts I saw were very, very  
22 interesting to me.

23                   So I have a couple of questions for  
24 Chief Hudson first. To your knowledge -- and I'm  
25 assuming that the answer may be no because there

1 is a court case involved -- has Manitoba Hydro  
2 ever offered an apology or compensation for the  
3 damage that, you know, their dams have done to  
4 your people in your territory?

5 CHIEF HUDSON: To date we haven't  
6 received any notice of any compensation or any  
7 issues dealing with the flooding at all from  
8 Manitoba Hydro.

9 MR. KULCHYSKI: And at any point was  
10 your community approached about whether it had an  
11 interest in being a part of the Partnership, or a  
12 part of, you know, co-owner of any of the dams  
13 that the Wuskwatim project or this project, the  
14 two most recent ones?

15 CHIEF HUDSON: Hydro hasn't approached  
16 us directly, but there have been other First  
17 Nations that spoke to us on looking at partnering  
18 with them, but not directly with Hydro.

19 MR. KULCHYSKI: Thank you. And I'm  
20 not sure who can answer this. Our elder Noah  
21 Massan asked me to ask, how long does it take the  
22 water to drain once the floodgates are open?

23 MR. SUTHERLAND: We have no floodgates  
24 in Peguis. It all depends on the level of lake.  
25 And in the spring flood runoff, it will depend on

1 the ice and the movement of the ice. But when we  
2 flood due to heavy storms and rains, it all  
3 depends on the level of the lake and the movement  
4 of the water back north. It could be a couple of  
5 days. Like I said in 2010, it stayed there for  
6 three weeks.

7 MR. KULCHYSKI: Thank you.

8 It was suggested -- and I'm not sure,  
9 maybe this is for Chief Hudson, but it might be  
10 for one of the councillors -- it has been  
11 suggested that in this proceeding discussion of  
12 Aboriginal and Treaties rights doesn't belong  
13 here, this proceeding is to look at the land and  
14 environment specifically. Do you think it is  
15 possible to discuss the impact of these dams on  
16 the land and on the people without discussing  
17 Aboriginal or Treaty rights?

18 CHIEF HUDSON: I would say no.  
19 Because certainly our rights stem from the land,  
20 and certainly that's where the animals obviously  
21 live and occupy is the land. And I guess when it  
22 comes down to our inherent rights, you know,  
23 certainly there are rights that we, and practices  
24 as far as those rights are concerned undertake  
25 that involve the land directly. We are part and

1 parcel of the land, and our ways of our people  
2 have always been land based. So, no, they can not  
3 be separated.

4 MR. KULCHYSKI: Thank you.

5 MR. SUTHERLAND: Can I add?

6 I think to add to that, though, I  
7 think when you are looking at whether or not there  
8 are environmental concerns, right, the first thing  
9 that's done in regards to a project or project  
10 area is an environmental assessment, right?  
11 Within that environmental assessment there is a  
12 traditional knowledge component. So if they are  
13 certain issues that arise, and then from those  
14 issues, you know, or concerns, environmental  
15 impacts, that's when the Clean Environment  
16 Commission gets involved, right? Then they have  
17 the hearings.

18 But what we ask for even prior to that  
19 is consultation. Because it is -- I always ask  
20 this question when it comes to the environmental  
21 assessment, who does the Aboriginal traditional  
22 knowledge component? Well, if it is not the First  
23 Nations in that area, then who is it? A  
24 professor? A white guy? Who does that Aboriginal  
25 traditional knowledge component? Because they

1 certainly don't come to us. And my point being if  
2 protocol is followed, and procedural order is  
3 followed, and consultation is done first, then  
4 government and industry could determine whether or  
5 not, which First Nations have to be part and  
6 parcel to all of these proceedings, not after the  
7 fact.

8                   And it is during the consultation  
9 where the rights and inherent rights to the land  
10 and uses of the land become prevalent, and whether  
11 or not that First Nation is going to be entirely  
12 affected or not all.

13                   So I think if government, industry and  
14 Hydro follow the procedural order that's supposed  
15 to be out there, we may not need to be here on  
16 some days. But it doesn't happen.

17                   And the point I'm making is that if we  
18 follow what is directed by the Supreme Court of  
19 Canada, and consult first to determine whether or  
20 these First Nations are going to be affected, then  
21 we can move along through processes probably  
22 quicker, rather than dragging them on, and like us  
23 having to fight tooth and nail to get into the  
24 door, to prove to the rest of Manitoba that we  
25 have the right to be here.

1 Thank you.

2 MR. KULCHYSKI: Thank you. And again,  
3 I'm not sure, this may be for Mr. Whelan, or for  
4 the community members.

5 Do you believe that the Keeyask dam  
6 will have an impact on cultural and subsistence  
7 hunting and trapping practices, fishing practices  
8 of your people?

9 MR. SUTHERLAND: When it comes to the  
10 changing of the landscape, whether it be temporary  
11 or permanent, as soon as the First Nation is  
12 affected, then, you know, yes, of course we are  
13 going to be affected. You have seen the  
14 destruction of our community. We cannot pick  
15 medicines from our river systems any more because  
16 of all of the flooding. We have to travel out and  
17 away from that river system, you know, even along  
18 the shores, the lakes, some areas where there is,  
19 you know, the levels of water are high and a lot  
20 of contamination from overland flooding and so on,  
21 we can't pick there either. So we have to go, a  
22 lot of our people go north even as far as Long  
23 Point, up by Grand Rapids, and others will travel  
24 further north to wherever they have relatives in  
25 Northern Manitoba.

1 DR. SINCLAIR: What I would say is,  
2 with my testimony talking about the markings of  
3 doodemag, it was expressly given to settlers the  
4 responsibility in which to protect. If we just  
5 think of those five signatures alone, never mind  
6 the idea that we are actually talking about the  
7 entire system of doodemag, which includes all of  
8 those beings, and it talks about the water and the  
9 earth and the air. Let's just talk about those  
10 five beings, or the five signatures. We are  
11 talking about bear, we are talking about catfish,  
12 we are talking about marten, and we are talking  
13 about -- who did I miss there -- marten, catfish,  
14 snake. So out of those five, you know, just that  
15 alone, and we look at the increase in algae, the  
16 increase in algae within Lake Winnipeg to critical  
17 levels where it is the most polluted lake in North  
18 America -- that's not me being a scientist, that's  
19 just stating a fact -- is due to the outflow of  
20 water and the increase in pollutants, and the  
21 introduction of that into the Lake Winnipeg  
22 watershed. That will distinctly change our  
23 relationship with not only just water, land, air,  
24 we are talking about the direct one time  
25 relationship that doodemag refers to, which is our

1 direct relationship to our animal clan relations.  
2 So how do those bears live in those flooded area?  
3 Well, they don't. They are forced to move into  
4 towns where they often get shot, or they starve.  
5 How are catfish able to live, how are they able to  
6 live within those algae, overabundance of algae  
7 within those waters, and so on and so on, I could  
8 just go down the list.

9                   It is of a critically important nature  
10 by the very fabric that makes the basis for our  
11 culture, which is that centre relationship of  
12 doodemag that we are here speaking today about.  
13 That is the basis for who we are as a people.  
14 Because if we don't have our relationship with our  
15 clan relatives, that was the very first gift that  
16 we ever received as human beings, as Anishinaabe,  
17 when we were set down into this world, when we  
18 were created. And if you can't maintain that  
19 single and solitary one first relationship, I  
20 don't think that we can define ourselves as a  
21 people. I mean, where would you go then? You are  
22 talking about the very core basis for who you are.  
23 And that's what we are really talking about when  
24 these territories are not only flooded, but also  
25 our relationships within our entire traditional

1 territories, which is all of those relationships  
2 that the bear share in their traditional maps --  
3 those five maps I talked about, the catfish, the  
4 snake that goes all of the way down south to the  
5 Gulf of Mexico, the relationships with the bear  
6 that go all the way up north, and so on. So it is  
7 the very basis for who we are culturally,  
8 political and socially, but culturally.

9 MR. KULCHYSKI: Thank you.

10 Dr. Sinclair, I actually wasn't going  
11 to let you off the hook. Dr. Sinclair and I are  
12 colleagues in the same department. And I'm  
13 shocked he wouldn't get my book, one of my books  
14 as the first mention of a book of a participant in  
15 these discussions. But I will have to chastise  
16 him in an appropriate forum.

17 THE CHAIRMAN: I will have to correct  
18 myself. It wasn't the first time a book was  
19 referenced by a participant, it was the first time  
20 a third party did. Many experts have referenced  
21 their own books, and you just did.

22 MR. KULCHYSKI: Thank you for that, I  
23 feel so much better.

24 Dr. Sinclair, are you familiar with  
25 the concept pimatisiwin?

1 DR. SINCLAIR: Of pimatisiwin,  
2 mino-pimatisiwin?

3 Mike also talked about this in his  
4 presentation, it involves the good life, or the  
5 mino-pimatisiwin, which means the good life, so  
6 the ways in which you operate throughout your  
7 existence, that make choices to lead towards  
8 reciprocal and healthy relationships.

9 MR. KULCHYSKI: And is this a concept  
10 that both Anishinaabeg and Cree people use?

11 DR. SINCLAIR: Absolutely, it is a  
12 foundational principle within the relationship of  
13 gift giving and treaty making that I referred to  
14 in testifying.

15 MR. KULCHYSKI: In your view, is it,  
16 you know, the building of a dam on your  
17 traditional territory, on one of the rivers right  
18 next to your community, can you see a way in which  
19 that can be described as contributing to  
20 pimatisiwin?

21 DR. SINCLAIR: Well, I will say this.  
22 I think I made it fairly clear how I feel that  
23 this particular project, but also other dams that  
24 have been made throughout Manitoba Hydro have  
25 really compromised our relationships with one

1 another down to the very fabric of who we are as  
2 Manitobans. But what I would say is that a dam is  
3 a gift, a dam is a gift to creation. And what  
4 kind of gift is it? It is the kind of gift that  
5 we saw that, unfortunately, is illustrated in many  
6 of the presentations that my relations here have  
7 given on this today. It involves the video that  
8 we watched which was very difficult. Even someone  
9 who comes from these areas, it is very difficult  
10 to watch that. Because that is the gift that --  
11 that is the gift that -- as I said before, gifts  
12 are given and they are also given back. And what  
13 we saw, the flooding is the way in which those  
14 dams give back. And unfortunately, that results  
15 in destruction and ultimately the damaging of  
16 relationships, so that we are not living under the  
17 vision and the hopes of what the best of us can be  
18 in those treaties that we signed alongside one  
19 another and that we all inherit. That is,  
20 unfortunately, the foundational relationships that  
21 were very hopeful at the time in those Treaties,  
22 1817 and 1871, are not being fulfilled, have never  
23 been fulfilled, and it is in large part due to  
24 projects like damming. And I think that this  
25 project will continue along that very destructive

1 and abusive path.

2 MR. KULCHYSKI: Egosi. Miigwech.

3 THE CHAIRMAN: Thank you. I think we  
4 will take a break. Ms. Whelan Enns, do you have  
5 some questions when we return in 15 minutes? At  
6 about quarter after 3:00, we will turn to  
7 Ms. Whelan Enns.

8 (Proceedings recessed at 3:00 p.m. and  
9 reconvened at 3:15 p.m.)

10 THE CHAIRMAN: I would like to resume  
11 in a minute, please. Are any other members of  
12 your panel coming back or -- Ms. Whelan Enns?

13 MS. WHELAN ENNS: Thank you,  
14 Mr. Chair. I have a couple of questions for  
15 Dr. Sinclair, first.

16 You were filling us in on, as was one  
17 or two, I think maybe three of you have made  
18 reference to the illegal land surrender in 1907.  
19 So my question is, what was the price for a vote  
20 to vote in favour of the illegal surrender in  
21 1907?

22 DR. SINCLAIR: It was \$90 per person,  
23 however there was other bribes that were made in  
24 the days leading, and the bribes often involved  
25 alcohol. And there was also some suspicion of

1 some deals that perhaps were not, have not been  
2 publicly known but was uncovered recently by  
3 historian Paul Burrows within his thesis at the  
4 University of Manitoba, which many of us in the  
5 community have shared.

6 MS. WHELAN ENNS: Thank you.

7 This would be \$90 in silver?

8 THE CHAIRMAN: I think that's a very  
9 interesting and important issue in Manitoba, but  
10 I'm not sure it is relevant to our proceedings.

11 MS. WHELAN ENNS: Thank you.

12 Dr. Sinclair, you also made references  
13 to sacred boulders. We've also heard, and most  
14 particularly this week, from Concerned Fox Lake  
15 Grassroots Citizens and the members of their panel  
16 about one particular sacred boulder. I have been  
17 taught, and I'm looking for improvement perhaps on  
18 my knowledge, that boulders might also be what is  
19 termed a bench, or the European word throne, and  
20 that they are often the anchor in a system of  
21 sacred sites.

22 So my question for you is whether that  
23 could be an accurate, whether that's close to  
24 being accurate in terms of the concern about the  
25 sacred boulder near the Keeyask generation site?

1 DR. SINCLAIR: Yeah. I think what I  
2 did was I talked about writing systems that  
3 involved, or historical writing system amongst  
4 Anishinaabe, so this is what is often talked about  
5 in James Dumont, who, like I said before, gave me  
6 my name, I have a very close relationship with,  
7 has talked about and tell stories. And then it  
8 has also been recorded, so I could provide that if  
9 you would be interested, a documentation of what  
10 he calls a library of texts that begins in  
11 southwestern Ontario and goes throughout the Great  
12 Lakes and ends in Northern Manitoba. Those sacred  
13 texts, those texts include Manitoahbee, which I  
14 referred to today, but are on mediums such as  
15 birch bark, sand, in beadwork, but then also  
16 specifically on rock paintings.

17 So I didn't talk a lot about rock  
18 paintings. I talked about the ones in Norway  
19 House, which they connected to St. Peter's.  
20 However, there is an entire library of systems  
21 throughout Manitoba that goes all the way along  
22 waterways. Those sacred texts written on rock are  
23 flooded yearly. And when those things are  
24 flooded, not only do they wear away, but sometimes  
25 in many cases when they are flooded, they are

1     erased and lost forever.

2                     Now, this particular throne or chair  
3     on which I'm not as well versed on, so I would  
4     encourage anyone else, if they have any comments  
5     in which to say -- but I certainly can see that as  
6     part of a much larger system, a much larger system  
7     of writing texts that gesture to one another, that  
8     talk about those writings on those rocks. As I  
9     said before, on Norway House there are pictures  
10    and writing systems that refer to St. Peter's,  
11    which is, as you know, very far away on the other  
12    side of the lake.

13                    MS. WHELAN ENNS: Thank you very much.

14                    Chief Hudson, just a couple of  
15    questions. We heard from you twice at different  
16    stages in your presentation today about the intent  
17    in the 1970s to include more and other First  
18    Nations in the discussions and negotiations  
19    regarding hydro development in Manitoba.

20                    Did you -- were you referring to an  
21    intent that was before the dams were built and  
22    before the flooding damage?

23                    CHIEF HUDSON: Yes, before, when they  
24    were looking at the development itself, so it was  
25    preceding the actual development, yes.

1 MS. WHELAN ENNS: Just a quick  
2 question; would this have been after the Grand  
3 Rapids dam but before the northern ones?

4 CHIEF HUDSON: I believe so, yes.

5 MS. WHELAN ENNS: All right. Thank  
6 you.

7 One other quick question. I wanted to  
8 ask you what your professions, plural, are?

9 CHIEF HUDSON: My professions? I  
10 could be a councillor one day -- but I guess my  
11 profession is obviously being chief today, but my  
12 education is in engineering.

13 MS. WHELAN ENNS: Thank you very much.

14 Councillor Sutherland, could you tell  
15 us in the context of what you were providing to  
16 the hearing and to the panel about flooding and  
17 effects on Peguis, whether Peguis First Nation has  
18 lost the use of any lands, or lost any lands  
19 completely as a result of flooding?

20 MR. SUTHERLAND: Well, just on the  
21 Peguis First Nation alone, we have lost two-thirds  
22 of our community. The top part of our community  
23 is used for farming, and the rest of the community  
24 in the central area and the north, houses are  
25 situated on land that's above water, some of the

1 homes are still situated in the flood zone. But  
2 Peguis was, and I guess always will be, a farming  
3 community. But because of the flooding over the  
4 last, especially in the last recent years since  
5 2006, we have lost two-thirds of our farmland to  
6 flooding. So it is no good.

7           Three years ago we had the Assistant  
8 Deputy Minister of Agriculture, the Minister of  
9 Conservation the last couple of years, just  
10 recently the Premier, they were all there and we  
11 showed them the land, the devastation that was  
12 done. Right up until a couple of years ago when  
13 the farmers got back on the land and started  
14 working it up, it was pretty much all bull rushes,  
15 the bottom two-thirds of our First Nation.

16           When this comes to traditional  
17 territory, there is just too much to talk about.  
18 Because, you know, even some falls, when we have  
19 some heavy rains, a lot of the areas that we go  
20 out to hunt for deer, moose and elk are flooded  
21 just by too much water.

22           MS. WHELAN ENNS: Thank you.

23           I believe Chief Hudson wants to add  
24 something?

25           CHIEF HUDSON: Yes, I would just like

1 to add that in our Treaty, Treaty number 1, when  
2 we signed Treaty, it was an agricultural based  
3 industry as part of that Treaty itself. And  
4 today, you know, when Mike was referring to 2006  
5 and compared to today, back then we probably had  
6 about 75 farmers, today we are down to three as a  
7 result of lands not being eligible to farm. So it  
8 has devastated an industry there that is based on  
9 our actual Treaty. And so I just wanted to add  
10 those comments.

11 MS. WHELAN ENNS: Thank you, Chief  
12 Hudson.

13 Councillor Sutherland, you were  
14 describing the ways that the people of Peguis are  
15 connected to the whole water system and the lands,  
16 and then affected by what is happening to the  
17 water system in Manitoba, and that that's affected  
18 by Manitoba Hydro projects.

19 Would you tell us then, given your  
20 knowledge and your responsibilities for Peguis,  
21 whether we should be conducting reviews of single  
22 Hydro projects or whether we need to find a way to  
23 be, in fact, conducting reviews of the system?

24 MR. SUTHERLAND: Personally, me, what  
25 I see, and just being a part of these hearings

1 last year and this year, and the other issues of  
2 consultation and knowing what is forthcoming, I  
3 think it is all one system. And I think in order  
4 for us to accurately look at the total impact and  
5 see what could potentially happen or not happen,  
6 to see whether or not we are affected or not  
7 affected, whether we should be participating, we  
8 need to have a look at the big picture. You know,  
9 I know Hydro is always going to look at, you know,  
10 the issue of revenue generation, you know, along  
11 with the province. Because that's what it is, you  
12 know, I had a feeling when I went to Saskatchewan  
13 I wouldn't get any answers over there because of  
14 the deal that was linked with the province and  
15 Manitoba Hydro selling Hydro over there. There is  
16 just too much connections.

17 So in order for us to get anywhere, to  
18 try to understand, I think we have to really look  
19 at the big picture and an overall cumulative  
20 effects assessment done. If what we see to our  
21 community, what has been happening since 2006,  
22 more frequent flooding as these other dams go up,  
23 what is going to happen further down the road?

24 You know, are we going to be like one  
25 of those First Nations that was, I believe, in

1 Labrador where they had to move the whole First  
2 Nations? You know, pick up and move?

3 Look what happened to Tadoule Lake in  
4 the north years ago? Are we going to be in that  
5 state?

6 We don't know what the answers are,  
7 and not knowing is very unnerving, especially in a  
8 position of leadership. Because it is the people,  
9 and they look to us and, you know, since -- in the  
10 last three years, since that 2010 flood occurrence  
11 or those occurrences, we have had seven suicides  
12 in our community, and many of those suicides are  
13 to families that are displaced. Suicide was never  
14 an issue in our community prior to 2009, 2010.  
15 And now on Friday we are going to bury a 14-year  
16 old boy that's been displaced since 2010, just  
17 recently committed suicide. I know I shouldn't be  
18 mentioning this stuff but it is related, it is  
19 directly related to the flooding of our community.

20 Young mothers leaving their children  
21 behind, living in despair, nowhere to live,  
22 nowhere to go. We have no houses to put them in  
23 because the houses are rotten, they are moldy.  
24 And every step we make with government, there is  
25 barriers. INAC says yes, we will give you homes.

1 But when? And that's what we have to deal with as  
2 leadership in our community.

3 And we are trying to convince the rest  
4 of Manitoba and the government that you have got  
5 to look at the big picture, because it is  
6 affecting us dramatically. Our grade 12 graduates  
7 can't even come out of there with a grade 12  
8 education because they missed so much school as  
9 they grow up, every year six weeks on average. So  
10 they are not getting the amount of educational  
11 classroom time that they need.

12 MS. WHELAN ENNS: Perhaps one quick  
13 follow-up question then for Councillor Sutherland  
14 and Chief Hudson.

15 The CEC made a very specific  
16 recommendation in their Bipole III report for a  
17 regional cumulative effect assessment to be done  
18 of the existing Hydro system. And your First  
19 Nation, as a participant in the Keeyask  
20 proceedings, filed a motion in a motions hearing  
21 in support of an independent regional and  
22 cumulative effects assessment.

23 So are you telling us today that this  
24 is needed, including for the existing system, and  
25 to go to the question I was asking Councillor

1 Sutherland, are you recommending going forward  
2 also that we find a way for our utility and our  
3 agencies to review environment, social and  
4 economic in advance on a systems basis?

5 MR. SUTHERLAND: Yes.

6 You know, you take a look at what has  
7 happened. I know one of the law firms mentioned  
8 that the lawsuit that we have, that is from  
9 damages going back 20 years. We are here today to  
10 protect the future of our community and the lives  
11 of our people. And I'm telling you, the lives of  
12 our people -- I'm not here just to, you know, show  
13 boat. There is so much at stake that people can't  
14 even realize or understand with our community.

15 And you know, we are not even talking  
16 about the economic impacts that it has had on us.  
17 We are just talking about, just to live, just to  
18 become educated, and that those rights are being  
19 taken from us. You know, as we move forward we  
20 have to make sure we do everything in our power to  
21 protect our people, to give them just the basic  
22 rights. And in order to do that, an assessment  
23 has to be done on the overall big picture. Around  
24 the corner is Lake Winnipeg Regulations, and what  
25 is after that? We all have all of these T lines

1 running south down to the United States. We need  
2 to have an assessment done of the overall picture  
3 and what is going to happen here. Because we are  
4 living in poverty, we are living and watching our  
5 people die. And Manitoba Hydro is generating  
6 revenue every year on our people.

7 We had to fight tooth and nail to get  
8 into the Bipole III hearings, and we had to pay  
9 for our own way just to be heard.

10 We thank the Chair for letting us in  
11 here and providing us with funding. But it has  
12 got to be more than this, and the big picture has  
13 to be looked at and painted for us to make us  
14 understand where we are going.

15 I know the resolve of government and  
16 industry when it comes to consultation. But one  
17 of the things I never see is no accommodation.

18 You know, and we have been heard the  
19 last, with Bipole III and Keeyask, you know, but I  
20 always ask myself, are we speaking to deaf ears?

21 We came before the CEC hearing asking  
22 for an overall assessment and we were denied. But  
23 we are here today making that same presentation  
24 again, and our case against Hydro and the  
25 government and the hearings, and asking for that

1 assessment. Because without it we don't know what  
2 our future holds. We know what Hydro's future  
3 future hold, revenue generation. But at what  
4 cost? That's the question I ask.

5 MS. WHELAN ENNS: Thank you.

6 Chief Hudson?

7 CHIEF HUDSON: From, you know,  
8 certainly the words that the councillor spoke on,  
9 you know, the impacts as far as to the people  
10 themselves, but the environment, and certainly our  
11 cultural ways, traditional ways, and obviously  
12 determining the economic impacts, you know, of all  
13 of those things nothing hurts more than when you  
14 see our young people taking their lives and  
15 certainly, you know, the impacts to relationships  
16 amongst people, whether it is mothers and children  
17 lost because they don't have anywhere to stay, as  
18 Mike indicated. You know, children being  
19 apprehended by Child and Family because of their  
20 situation.

21 These impacts have to be understood.  
22 And that's what we are faced with in terms of  
23 having to address. It is not Hydro stepping up  
24 and coming up with solutions. The solutions are  
25 being put on us in terms of trying to correct

1 things.

2 So there does need to be a complete  
3 environmental audit done on the cumulative effects  
4 of the Hydro generation. Sure, it benefits in  
5 terms jobs and job creation, but at what cost and  
6 what expense to our communities, our people?

7 You know, and that's something that  
8 certainly has to be understood.

9 As I stated earlier, you know, the  
10 people that are out today as a result of flooding,  
11 it is only First Nations. And why is that? Why  
12 is that happening?

13 And obviously it is non-first Nations  
14 that are at the lead of this corporation. And I  
15 guess, you know, in dealing with government, we  
16 try and work with them. I think that's the way  
17 we've done things all throughout our history.  
18 Those treaties were meant to live in peace and  
19 harmony together, but these are some of the  
20 impacts that are happening. And it has to be  
21 understood, so there needs to be a full  
22 environmental audit of the impacts of this  
23 development. There is a lot of positives, like I  
24 say, we wouldn't be sitting here with the lights  
25 on, you know, but at what cost?

1 MS. WHELAN ENNS: Thank you very much.

2 THE CHAIRMAN: Thank you, Ms. Whelan  
3 Enns.

4 I just have one question and it is  
5 really just a question of clarification for  
6 Mr. McCorrister. I didn't hear -- you said that  
7 there was an agreement which contained a clause  
8 that Manitoba Hydro must consult with Peguis re  
9 future development. Was that in your Treaty  
10 Entitlement agreement?

11 MR. MCCORRISTER: Yes, there is a  
12 specific clause that says that the Province of  
13 Manitoba must consult with Peguis with regards to  
14 any proposed new Hydro developments. So there is  
15 a specific clause in our agreement that specifies  
16 that.

17 THE CHAIRMAN: Province of Manitoba or  
18 Manitoba Hydro?

19 MR. MCCORRISTER: I believe it is the  
20 Province of Manitoba.

21 THE CHAIRMAN: And that's in the  
22 Treaty Entitlement agreement.

23 MR. MCCORRISTER: That's the Peguis  
24 Treaty Entitlement agreement. Yes.

25 THE CHAIRMAN: Thank you very much.

1 I don't think that we have any  
2 questions. Do you have any re-direct Ms. Land?  
3 Okay. Mr. Whelan?

4 MR. WHELAN: Mr. Chair, if I may, I  
5 have a more complete answer to a question that Dr.  
6 Kulchyski asked.

7 THE CHAIRMAN: Go ahead.

8 MR. WHELAN: Dr. Kulchyski asked and  
9 Councillor Sutherland answered about the impacts  
10 of Hydro based on the results of the survey.

11 The survey itself didn't have any  
12 analysis or conclusions in it. The last slide in  
13 my presentation about what the next steps were for  
14 Peguis. Peguis has had one conversation, one  
15 meeting with Manitoba about doing a Crown  
16 Aboriginal consultation project, and they will  
17 continue that process.

18 And the objective that we will put  
19 before Manitoba is, Peguis would like to do full  
20 land use and occupancy interviews. And a  
21 component of that would be asking Peguis members,  
22 are there areas in Northern Manitoba, because we  
23 are talking about the Keeyask project, that have  
24 been impacted that you can no longer go to or use  
25 for cultural gathering, hunting or trapping? So

1 that's something that Peguis wants to do in the  
2 future.

3 THE CHAIRMAN: Thank you.

4 I would like to thank all of you for  
5 your presentations and your participation here  
6 today. It has added to our consideration. Thank  
7 you very much.

8 We will very briefly swap panels. We  
9 will return to the harvesters from Fox Lake  
10 Citizens Group. And I believe two participants  
11 have questions, Ms. Craft and I believe Ms. Whelan  
12 Enns had some questions.

13 (RECESS TAKEN)

14 THE CHAIRMAN: Okay. Just to be  
15 clear, I see that two of the experts witness from  
16 Fox Lake are at the table, but they are not  
17 subject to cross-examination today. Today is just  
18 Mr. Moose and Mr. Massan, and that's really just  
19 for scheduling, benefits of scheduling. I believe  
20 on the first day in the new year we will have  
21 cross-examination of Dr. Kulchyski, Dr. McLachlan  
22 and soon to be Dr. Pawlowska-Mainville. Is that  
23 correct?

24 MR. KULCHYSKI: Yes.

25 THE CHAIRMAN: Okay. Thank you.

1 Mr. Bedford?

2 MR. BEDFORD: If time permits, I know  
3 that we are ready to go with the two professional  
4 witnesses, to repeat, if time permits today.

5 THE CHAIRMAN: Okay. We will see how  
6 it goes. Ms. Craft?

7 MS. CRAFT: Thank you for that  
8 clarification, Mr. Chair. And thank you to Noah  
9 and Ivan for staying. They have specifically  
10 instructed me that I'm to use their first names,  
11 so I will.

12 And I just wanted to put on the record  
13 also that, because of the nature of the questions  
14 that I'm going to be asking Noah, that I have  
15 offered him some tobacco and asked him for  
16 permission to ask these questions about his  
17 traditional trapping area and some of his  
18 traditional knowledge. And I want to thank him in  
19 advance for agreeing to do that.

20 Noah, my questions, like I told you  
21 when I offered you that tobacco, is about your  
22 trapline, and about trapping and fishing  
23 generally. And you testified yesterday that you  
24 are a resource user in your area and that you have  
25 a trapline that's going to be affected by Keeyask

1     Generation Station.  Is that right?

2                   MR. MASSAN:  Yes.

3                   MS. CRAFT:  Okay.  And my questions on  
4     behalf of my client are -- they may seem like  
5     obvious questions to you, but I think they are  
6     important to be asking, because they are about the  
7     kind of evidence that you are bringing, and why it  
8     is that we should be concerned about what it is  
9     that you are saying.  So thank you for your  
10    patience if some of the things that I'm asking  
11    seem obvious.

12                   How long does it take a person like  
13    you, or anyone else, to learn about their trapline  
14    or their hunting and fishing places?

15                   MR. MASSAN:  Well, I learned from my  
16    grandpa and my late dad, well, they are both late.  
17    But I learned a lot of old people, they taught me  
18    lots how to hunt and don't over do it, they say,  
19    just take what you want.  But trapping, like  
20    trapping is here too.  Like I use, we use  
21    everything when I go hunting.  Like in the winter,  
22    I used to trap lots, but now I'm very old.  I can  
23    still go out, but I can't take this thing with me  
24    no more.  But the my brother and my helpers are  
25    still trapping.  I'm trying to learn them too,

1 like they have been learning off me for, I don't  
2 know, they look up to me as a -- well, they are  
3 two of my brothers and we talk quite a bit, hunt  
4 geese.

5 MS. CRAFT: And when did you start  
6 learning about trapping and fishing, how old were  
7 you?

8 MR. MASSAN: Well, as far as I can  
9 remember, I think I was about, I used to chase my  
10 dad around, maybe nine and ten.

11 MS. CRAFT: And when did you finish  
12 your learning?

13 MR. MASSAN: I'm still learning.

14 MS. CRAFT: And you told us you trap  
15 in your trapline area, right, that's trapline  
16 number 9?

17 MR. MASSAN: That's correct.

18 MS. CRAFT: And how long have you been  
19 trapping in that area?

20 MR. MASSAN: I been trapping, well,  
21 way back in '60s I used to help my grandpa, well,  
22 I call him grandpa, Joe Frank in Kash Lake area,  
23 because my dad used to tell me, go to your  
24 grandpa, on the weekends, you know.

25 MS. CRAFT: Do you think that you

1 would have been able to learn about your trapping  
2 and your trapline area if your grandpa and your  
3 dad hadn't helped you with your learning?

4 MR. MASSAN: I'm pretty sure I could  
5 have, if I can catch a rabbit or a chicken off the  
6 tree with a snare.

7 MS. CRAFT: How long do you think it  
8 would take to you learn that if they weren't  
9 around? Would it take longer, is that fair to  
10 say?

11 MR. MASSAN: I don't think it would  
12 have took long, but I'm still learning like, I see  
13 what they were doing when they were catching  
14 beaver with a snare line.

15 MS. CRAFT: If you were to move to a  
16 different area, and I understand that's part of  
17 what is proposed in relation to how the Keeyask  
18 adverse effect agreements were negotiated, moving  
19 trapping, fishing and hunting to different areas,  
20 if the areas are affected or if the animals are  
21 affected. Do you think that that's possible for  
22 you to go to a different area to hunt and trap and  
23 fish?

24 MR. MASSAN: That's a good question.  
25 Because when I pick my trappers licence, beginning

1 of October, I brought that issue up, because  
2 Manitoba Hydro, when I was dealing with them, they  
3 told me your trapline is going to be affected.  
4 But I have got -- how do you say that word, I  
5 can't say that word.

6 MS. CRAFT: Conservation officer is  
7 that what you mean?

8 MR. MASSAN: Yes. When I went and got  
9 my licence there, I asked, I told them what Hydro  
10 is trying to do. And that guy said, and that  
11 lady, they have no right to say that to you. You  
12 have to see us, not Manitoba Hydro. But I told  
13 them I thought you guys were all together. The  
14 Province of Manitoba is not he said, they have no  
15 right to tell you they can move you some place  
16 else.

17 MS. CRAFT: And why wouldn't you want  
18 to go some place else?

19 MR. MASSAN: I like that area. Like  
20 there is moose there, and there is caribou there  
21 that have their little babies just where Hydro is  
22 going to put the switching yard. What is going to  
23 happen to those caribou? Like the animals have  
24 started to come back slowly, after 40 years. I  
25 noticed the lynx are starting to come back, but

1 the muskrat are slowly coming back. I used to see  
2 lots of muskrats push-ups in the lakes. There is  
3 a big change now, they are starting. The lynx are  
4 starting to come back. But I want to tell you the  
5 last fisher I got in my trapline, my dad was still  
6 living, it was 1989.

7 MS. CRAFT: So you just told us there  
8 was a time when the animals were not there, but  
9 that they are coming back now?

10 MR. MASSAN: Especially the lynx. And  
11 the moose are starting to come back, because I get  
12 a moose every year from there.

13 MS. CRAFT: And do you know why that  
14 is?

15 MR. MASSAN: Well, a lot of them got  
16 flooded out when Kettle was flooded. The reason  
17 why I say that, after the flood there, me and my  
18 dad went riding around in a boat and we seen a lot  
19 of stuff. We seen a bear on an island there, like  
20 he blow up, like he must have drowned. And  
21 beavers, muskrats, even moose. Even the grave  
22 yards over there, my dad used to tell me -- I seen  
23 the river, we went to that place they call Moose  
24 Nose River, and then we come to that small moose  
25 and the big moose. And I guess it is my uncle,

1 they call him, they told me, and my dad and I went  
2 there for a few days. And there was a little,  
3 where people used to gather around, I guess. The  
4 big moose and the little moose. Old dad said,  
5 look, he is cooking sturgeon he said. Sure enough  
6 that old man, Benjamin was his name, he was  
7 cooking sturgeon. All of that is under the water  
8 after me and my dad were riding around.

9 And there is another thing that I want  
10 to bring up too. Why does Manitoba Hydro call  
11 this channel Indian grave channel? I still don't  
12 know why they call that. So some of those Hydro  
13 guys must have seen those graves.

14 MS. CRAFT: Now, you told us that you  
15 have Kennedy's disease and you have less mobility  
16 that you used to have, right? You can move around  
17 less easily than you used to be able to? And I'm  
18 wondering, you know, if your trapline isn't there  
19 any more, is that a big deal? Are you still using  
20 that area a lot?

21 MR. MASSAN: My brother is still using  
22 it. I still go along that road. We still use it.  
23 There is going to be a road there and three power  
24 lines. You know, we just had a meeting here,  
25 about three years ago, I mean three weeks ago,

1 Hydro had an emergency meeting. They didn't tell  
2 me -- they told me about these other power lines  
3 that go -- there was only two power lines that was  
4 going to go right through my trapline, right from  
5 Keeyask right to the Kelsey line, because my  
6 cousin was involved in there too. They invited  
7 me, three or four Hydro had a big meeting, and to  
8 attend that meeting. Because there were two power  
9 lines, but somehow, I don't know where these three  
10 power lines just come suddenly, you know, and it  
11 is right through my trapline. And like that  
12 switching yard is going to be right there. What  
13 is going happen to the animals that are starting  
14 to come back in my trapline, you know?

15 I still fish too, but I never caught a  
16 sturgeon this year at Keeyask. I got lots of  
17 algae -- is that what you call it? What is going  
18 to happen, we have got no sturgeon, I never caught  
19 any, you know. You got to go further down to go  
20 catch sturgeon in the summer. Like I harvest in  
21 the winter, in the summer too I go catch fish.  
22 Like I just caught some there before the freeze-up  
23 for bait.

24 MS. CRAFT: If that trapline isn't  
25 able to be used in the same way that you have been

1 using it for years, is that a concern to you  
2 personally, or is there anyone else that you think  
3 that might be affected by that?

4 MR. MASSAN: Well, I'm concerned  
5 about, it is going to be wide open and a lot of  
6 construction is going to be going on.

7 MS. CRAFT: Is there anybody else that  
8 you think is going to be affected if that trapline  
9 can't be used, apart from yourself?

10 MR. MASSAN: Well, my family have  
11 been -- this trapline was passed on to me. I lost  
12 my dad in 2000, and it has been passed on to me.  
13 And my brothers, they still trap, and now it is my  
14 stepson, I got some helpers that are still  
15 trapping in that area.

16 MS. CRAFT: And if you lose all of the  
17 use of that trapline, or part of the use of it,  
18 what kind of impact would that have on your  
19 brothers and stepson?

20 MR. MASSAN: It is my brother's  
21 stepson. There would be lots, if Manitoba Hydro  
22 doesn't want us to go there when the construction  
23 is going on. They are going to scare everything  
24 away. Look at the other side of the river, that  
25 trapper there, his trapline runs right beside me,

1 just the other side of it, a little across on the  
2 north side. My trapline is going to be destroyed  
3 on that area -- well, not much left there, some of  
4 it is under water right now too.

5 MS. CRAFT: Now, you said that if your  
6 trapline is destroyed it is going to have an  
7 effect on you. Will it have an effect on your  
8 community?

9 MR. MASSAN: Well, yeah, it will.  
10 Because some of them people, I see them pick, but  
11 they have to go far now for berries at the end of  
12 dyke, or they come in the bush, that's where the  
13 transmission line is going to be. There is a good  
14 place where we go hunting geese, but that power  
15 line will be wide open. Nobody knows about it I  
16 don't tell nobody. But Kash Lake, a lot of people  
17 still go, because my trapline starts from just  
18 this side of dyke four, and it goes all the way to  
19 where that switching station is going to be.

20 MS. CRAFT: Of any of the hunting or  
21 trapping and fishing in your area, do you share  
22 any of the food that comes from that?

23 MR. MASSAN: Well, that moose we  
24 killed is all gone. I even shared it with her.

25 MS. PAWLOWSKA: It is true.

1 MS. CRAFT: Is there anything else  
2 that you would like to tell me about any impacts  
3 that you think that will happen from Keeyask on  
4 your trapline, or on your hunting or your fishing?

5 MR. MASSAN: Well, look at all of the  
6 gravel pits and the quarry, you know, there will  
7 be a lot of -- like there is going to be a quarry  
8 some place for rock to be blasting and all of  
9 that. And they are going to knock down all of the  
10 trees to get to these gravel pits. Because I  
11 worked in, I worked for Midwest Drilling back in  
12 the '70s, they were drilling around for gravel and  
13 rock. And there was, at that time, when I was  
14 working, moose was on the run, and animals where  
15 we go through with the dozer, that's what I got to  
16 see, that is all going to be disturbed too.

17 MS. CRAFT: If I was to say to you  
18 that you could go somewhere else to do your  
19 hunting, trapping and fishing, how does that make  
20 you feel?

21 MR. MASSAN: Why move for Hydro? I  
22 like it where it is. Like I can -- well, there is  
23 a road there, Hydro made a road there to build a  
24 dyke. I can drive that far, my Skidoo is right  
25 there. I don't like to move.

1 MS. CRAFT: Why not?

2 MR. MASSAN: I like that area, and it  
3 has a lot of, well, martens is starting to come  
4 back in my area again.

5 MS. CRAFT: Okay. Moving to a  
6 different line of questioning, I have just one  
7 very open question, and I would like to understand  
8 better what in particular is concerning you about  
9 Keeyask. Because you told us yesterday, the panel  
10 mentioned that this, the group that you are part  
11 of was formed because you decided that you wanted  
12 to have a voice and express your voice. And I was  
13 just wondering if you could tell us what your  
14 major concerns are relating to Keeyask  
15 hydroelectric development?

16 MR. MASSAN: Well, we started off  
17 with -- I even sat in a lot of other meetings.  
18 But the chief and council told us, told me at the  
19 time, you are there to observe. So that's how I  
20 got to go to these meetings. I'm sure Manitoba  
21 Hydro see I go to those meetings, I'm right there,  
22 first thing in the morning sometimes, I'm ahead of  
23 them, and I sit right through until the end. Like  
24 I notice that the other community members, they  
25 come in late. What I know is, you know what -- I

1 don't care what they do, as long as I represent my  
2 band.

3 MS. CRAFT: And what are you  
4 specifically worried about? What keeps you up at  
5 night?

6 MR. MASSAN: Okay. Past experience  
7 with working in these three dams, I got to see  
8 lots. The first thing I got to see was, like  
9 there should be a -- monitoring should be in place  
10 right now because, you know, there are machines  
11 working right now the last couple of years, you  
12 know, who monitors that consultant company? I'm  
13 concerned about it, because as past experience,  
14 I'm a heavy equipment operator by trade, I got to  
15 see lots. You can blow a hose, hydraulic hose,  
16 and the bad experience when you blow a hose, you  
17 got lots of oil all over, even antifreeze. And in  
18 the past experience, I got to see quite a bit of  
19 that. They just cover the sand over it. But who  
20 is monitoring Keeyask right now? I think that  
21 monitoring should be in place.

22 And another thing, that quarry is over  
23 there. When they finish Keeyask or whatever, are  
24 they going to leave that quarry the way it is  
25 going to be like a straight wall, just like those

1 other dams? Fortunately there is two of them  
2 under water, well, three of them now, Long Spruce  
3 is under water. You don't see that.

4 And the gravel pits, they are going  
5 to -- well, now a lot of trees got burned there.  
6 Are they going to fix those gravel pits after the  
7 project is over?

8 I don't really want the dam but -- and  
9 another thing the shore -- like the lagoon, where  
10 is the water going to go? I'm concerned about  
11 that. The lagoon where that town is going to be,  
12 is it going to go back in the river, like in  
13 Stephens Lake?

14 Another thing I'm concerned about, the  
15 batch plant. In Kettle there is land covered in  
16 water in there, and it run right into Kettle,  
17 below Kettle dam, right in the Nelson. Long  
18 Spruce is the same thing. And Limestone, where we  
19 took that clay, that water went into -- just  
20 beside it they made a big hole there, they let it  
21 sit for a while, but they were pumping it over to  
22 Limestone. What is in that batch plant? Why is  
23 it lime coloured water?

24 And I asked that question, when I was  
25 grating around Limestone, I asked the boss, what

1 is that thing? Poison he told me. That's the  
2 word he used. I don't know what is in that, when  
3 they are mixing concrete. I'm concerned about  
4 that too.

5 MS. CRAFT: The first time I spoke  
6 with you, you told me that you were concerned  
7 about the loss of the rapids. Can you explain to  
8 me what you meant by that?

9 MR. MASSAN: Well, back in Kettle  
10 days, I'm sure the Chair, he knows how beautiful  
11 those rapids were. There is only two rapids left  
12 between Kettle and Split Lake, Birthday Rapids and  
13 Gull Rapids. I took -- I told Peter I took  
14 pictures of it and took the sound of it. I don't  
15 know if he has a video. Do you still have our  
16 videos?

17 MR. KULCHYSKI: I think in answer to  
18 your question, we can show a minute long video of  
19 the rapids, actually, which we had intended to  
20 show as part of our presentation.

21 Mr. Massan explicitly wanted me to go  
22 and see the rapids and document them, because he  
23 is afraid they are going to disappear, reasonably  
24 enough. So we took the sound of the rapids and  
25 the sight of the rapids and we made a little

1 minute long video. So for you who haven't seen  
2 them, you can have an opportunity to see them.

3 I also should say that I have a child  
4 care issue, so I'm going to have excuse myself at  
5 quarter after. So I will say that now while I'm  
6 speaking.

7 MS. CRAFT: Maybe while the video is  
8 loading, why is the sight and sound of rapids  
9 important to you?

10 MR. MASSAN: Because they sound pretty  
11 good when you are fishing along it. And then  
12 after that thing, you start hearing these humming  
13 noises now, like the rapids, the water is the  
14 sound of the rapids, and then they replace it with  
15 the sound of the power line, humming sound.

16 THE CHAIRMAN: I should note for the  
17 record that the panel did request a tour of the  
18 project area, and this was provided by Manitoba  
19 Hydro, and all of the panelists and some of our  
20 staff have stood on the rocks by the rapids, on  
21 two sides actually, by where the spillway will be  
22 and where the power station will be. So we have  
23 seen some of that.

24 MR. KULCHYSKI: Thank you.

25 MS. CRAFT: Noah, unless you have

1 anything else that you want to share with me,  
2 those were all of the questions that I had for  
3 you.

4 I do have one question for Mr. Moose.

5 MR. MASSAN: I'm concerned about those  
6 caribou that are calving in that area. I'm just  
7 wondering what is going to happen to them? You  
8 know, like some of our -- I was told -- I'm not  
9 working alone. I went with the elders, they  
10 spoke, you know, some of them says, why do we need  
11 that dam? But I told them I want to bring that  
12 issue up over here. But I would like to see that  
13 somebody will keep an eye on those construction,  
14 somebody in the place.

15 MS. CRAFT: Can you tell me why the  
16 elders are concerned about the caribou?

17 MR. MASSAN: That's part of our life.  
18 Like we harvest it.

19 MS. CRAFT: And my question for  
20 Mr. Moose may be a silly question, but in your  
21 presentation you showed us two boxes on the  
22 houses. Can you tell me what that means?

23 MR. MOOSE: You mean the meters?

24 MS. CRAFT: Yeah.

25 MR. MOOSE: They are -- can you bring

1 that up real quick, but I will talk while he is  
2 doing that. These are two meters that Hydro  
3 employees get, the teachers get, and I think the  
4 town supervisors get. The one meter is connected  
5 to the lights, and that's what these people pay  
6 for. The other meter is plugged into the heat  
7 which they don't pay for. So they get free heat,  
8 and that's really cheap. But that explains it, I  
9 guess.

10 Mr. Chair, when we see that, can I --  
11 I wanted to explain something while I was here,  
12 why I got involved. Is that okay? It will be  
13 short.

14 THE CHAIRMAN: Well, I think it was  
15 obvious in your presentation, but if you think --

16 MR. MOOSE: Okay. I just wanted to  
17 read one thing here, and make one comment and I'm  
18 done. It is only about two minutes. It is  
19 something that on our way here my wife saw when  
20 she realized what I was coming here to do.

21 THE CHAIRMAN: You go ahead.

22 MR. MOOSE: We picked this up at the  
23 Thompson General Hospital. When my wife found out  
24 what I was going to do about the human impacts  
25 that were done here, she found it and she told me

1 to read it because it reminded her of me.

2 "It was just fine, my childhood home,  
3 we had no car or telephones, the light  
4 was shed from coal oil lamps. We  
5 never heard of watts or amps. An old  
6 wood burner gave us heat. Our home  
7 was small but very neat. It had a  
8 heap of life and cheer, all of us  
9 children loved it there. Electric  
10 blankets were unknown and mother's  
11 quilts were all hand sewn. We had no  
12 washer, dryer, fine, we rubbed and  
13 hung out on a line. We never saw a  
14 T.V show. There was not such thing as  
15 a radio. Our luxuries are few indeed,  
16 yet somehow we filled every need. A  
17 happier home you would never find.  
18 But now a thought just crossed my  
19 mind. How did we ever manage to  
20 exist? Think about the handles that  
21 we missed. We had no food stamps yet  
22 we ate, never was there an empty  
23 plate. No welfare cheques were then  
24 doled out. We paid or way or did  
25 without. And we lived as happily as

1                   could be in what is now called  
2                   poverty. We were content you may be  
3                   sure and we never knew that we were  
4                   poor."

5                   See, after reading this, I thought  
6                   about this a lot. That's why I talked about the  
7                   human impacts. And after having read this again,  
8                   my one comment, and I'm glad to see my councillor  
9                   sitting in the back, I want to make this  
10                  question -- no, I implore that chief and council  
11                  allow that social cultural impact study that was  
12                  done be allowed for the CEC Commission to review.  
13                  Because that I think they are all calling for a  
14                  cumulative assessment, that skip study was a very  
15                  good job done, and that could be a lot of help in  
16                  what we are trying to do here. Thank you.

17                  THE CHAIRMAN: Thank you, Mr. Moose.

18                  That concludes your questioning?

19                  Thank you Ms. Craft.

20                  Ms. Whelan Enns? She has disappeared.

21                  MR. MASSAN: Could I ask a question?

22                  I don't know who to ask. Like last two years,  
23                  like they cleaned a radar site in Ontario and they  
24                  brought that asbestos to our garbage dump. I'm  
25                  concerned about that.

1 THE CHAIRMAN: You mentioned that the  
2 other day. And I mean, that's obviously far  
3 beyond any knowledge that I would have. I think  
4 it is probably something worth asking, but you  
5 would have to ask that of your local government or  
6 of the Provincial Government. Maybe you could ask  
7 your Provincial MLA if he or she might look into  
8 it. I think it is a he in that area.

9 MR. MASSAN: Yes. Because the reason  
10 why, it was a Hydro mayor that gave them  
11 permission. Because I asked him that, why are you  
12 burying this in our backyard? And then he told  
13 me, a secret is more harmful. And then I don't  
14 get it. It is a Hydro mayor, but he is not a  
15 mayor no more.

16 THE CHAIRMAN: All right. Again, it  
17 is something that nobody in this room would have  
18 knowledge of it, or would be able to give you an  
19 answer. So I think you will have to seek a  
20 response somewhere else, Noah. Sorry.

21 MR. MASSAN: Another question, because  
22 we got a radar site in Bird, that's why I don't  
23 know who to go to. How come they can't clean  
24 that, but it is okay from Ontario to bring that  
25 waste in our garbage dump? We live there. We are

1 going to be there forever. That's a concern that  
2 I got in Bird. Why don't they clean that radar  
3 site up? They put that asbestos all over the  
4 ground.

5 THE CHAIRMAN: Again, it is a question  
6 that I can't answer and nobody in this room can  
7 answer. So you will have to look elsewhere. And  
8 I'm serious, you might want to start with your  
9 local MLA and ask him if he can assist you in  
10 that.

11 MR. MASSAN: Thank you. Because there  
12 was concerned citizens about this I talked to.

13 THE CHAIRMAN: They may well be  
14 legitimate concerns, but they are far beyond our  
15 scope of review.

16 MR. MASSAN: Okay. Ms. Whelan Enns?

17 MS. WHELAN ENNS: Mr. Chair, I have  
18 several questions for Dr. Kulchyski and he has had  
19 to leave.

20 THE CHAIRMAN: Well, today's questions  
21 are just for the harvesters. Dr. Kulchyski and  
22 Dr. McLachlan and Ms. Pawlowska-Mainville will be  
23 back available for cross-examination in early  
24 January.

25 MS. WHELAN ENNS: Thank you for the

1 clarification. I have no further questions for  
2 this panel.

3 THE CHAIRMAN: Thank you very much.  
4 It is quarter after 4:00. We only have one  
5 expert. I'm sure you don't -- or do you want to  
6 get into the cross now?

7 I think we will have a little break  
8 and reward ourselves with an early finish. We are  
9 back here tomorrow at 9:30 with I think a number  
10 of different things. I believe we have Consumers  
11 Association with the adaptive management  
12 presentation. Is that first thing in the morning?  
13 Then I'm not sure what is happening. Oh, then we  
14 have the citizens group from York Factory, or York  
15 Landing. And late in the afternoon I believe we  
16 have the MMF returning for some cross-examination.

17 So that will keep us busy tomorrow.  
18 Hopefully we can finish by 4:30 or 5:00 o'clock  
19 tomorrow. As I noted others will be available in  
20 early January.

21 Any documents to put on the record?

22 MS. JOHNSON: Certainly. First  
23 document is PFN 002. I'm not sure if I put this  
24 on the record previously, but it was Peguis'  
25 submission of October 7th. The next one is 005,

1 which is the presentation for Chief Hudson and  
2 Councillor Sutherland. Number 6 is the Southern  
3 Chiefs resolution; 007 is the presentation by  
4 Dr. Sinclair; 008 is Mr. McCorrister's  
5 presentation; 009 is Mr. Whelan's presentation,  
6 and the Concerned Fox Lake Grassroots Citizens  
7 have provided the reference to Mr. Frank Tough's  
8 book, and that will be CFLGC 013.

9 (EXHIBIT PFN 002: Peguis' submission  
10 of October 7)

11 (EXHIBIT PFN 005: Presentation for  
12 Chief Hudson and Councillor  
13 Sutherland)

14 (EXHIBIT PFN 006: Southern Chiefs  
15 resolution)

16 (EXHIBIT PFN 007: Presentation by Dr.  
17 Sinclair)

18 (EXHIBIT PFN 008: Mr. McCorrister's  
19 presentation)

20 (EXHIBIT PFN 009: Mr. Whelan's  
21 presentation)

22 (EXHIBIT CFLGC 013: Reference to  
23 Frank Tough's book)

24 THE CHAIRMAN: Thank you. If there is  
25 no other urgent business, we will return tomorrow

1 morning at 9:30 and it will be the last day for  
2 three weeks.

3 (Adjourned at 4:20 p.m.)

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Cecelia Reid  
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