

MANITOBA CLEAN ENVIRONMENT COMMISSION

LAKE WINNIPEG REGULATION REVIEW

UNDER THE WATER POWER ACT

VOLUME 7

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Transcript of Proceedings
Held at Fort Garry Hotel
Winnipeg, Manitoba
THURSDAY, MARCH 19, 2015

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Neil Harden - Commissioner
Beverly Suek - Commissioner
Bill Bowles - Counsel to Commission
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1 THURSDAY, MARCH 19, 2015

2 UPON COMMENCING AT 9:30 A.M.

3 THE CHAIRMAN: Good morning. We'll
4 call the hearing to order. We have to look
5 forward to this being the last official day of
6 winter.

7 This morning we have the first of our
8 participant groups presenting their position.
9 It's the Peguis First Nation. Under the
10 procedural guidelines that we have adopted for
11 these proceedings, participants have 90 minutes in
12 which to present their case. And following that
13 there will be approximately another 90 minutes for
14 cross-examination.

15 Also the procedural guidelines for
16 these proceedings, participants can only
17 cross-examine other participants only if they can
18 demonstrate that what they are cross-examining on
19 would affect their case or is adverse to their
20 case. In other words, we want to get away from
21 some of the glad handing, back slapping
22 cross-examinations we have had in past
23 proceedings.

24 So to start, I understand that Peguis
25 will have an opening ceremony or prayer or

1 something, and then following that we'll have the
2 Commission secretary swear in the members of the
3 panel.

4 ELDER THOMPSON: Tansi. My name is
5 Shining Water Woman. In our custom, we're offered
6 tobacco to say the morning prayer or the prayers
7 during ceremony, I say my husband passed to me to
8 open the panel today. So with that, I'm going to
9 say a morning prayer. And if you don't mind, I
10 would like to sing the Water Song because that is
11 what we're talking about is the water. And then
12 we'll carry on.

13 Tansi, Creator. My name is Standing
14 Strong Horse Woman. Creator, I'd like to thank
15 you for another day of life, Creator. Thank you
16 for the opportunity, Creator, to come sit once
17 more amongst the people. I ask in a humble way,
18 Creator, that you'll bless each and everybody
19 here, Creator, that each one of our hearts, our
20 minds, will be open, Creator, to hear and to
21 understand what is being shared, to understand it
22 in a good way, Creator, that will be respectful to
23 one another, Creator, which will guide each and
24 every one of us today, Creator, I ask in a humble
25 way. I ask in a humble way for blessings upon

1 Grandmother Water and Mother Earth and all that
2 you make, Creator. And I thank you.

3 Bear with me. Can anybody give me the
4 east? That way? Okay.

5 So with each start of each song, I'm
6 going to switch my direction, because what I'm
7 doing is I'm talking to the water, and I'm asking
8 for good life for the water, healthy life, not
9 only for the water but for everything that God has
10 made. Okay. (Singing). Miigwech.

11 THE CHAIRMAN: Okay. I'd ask each of
12 you to introduce yourselves and then the
13 Commission secretary will ask you to swear an
14 oath, swear or affirm.

15 DR. SINCLAIR: Niigaan Sinclair.

16 ELDER THOMPSON: Cheryl Thompson.

17 ELDER SUTHERLAND: Maurice Sutherland.

18 MR. WHELAN: Jared Whelan.

19 MR. SUTHERLAND: Councillor Mike

20 Sutherland.

21 CHIEF HUDSON: Chief Glenn Hudson,
22 Peguis.

23 (Niigaan Sinclair: Sworn)

24 (Cheryl Thompson: Sworn)

25 (Maurice Sutherland: Sworn)

1 (Jared Whelan: Sworn)

2 (Mike Sutherland: Sworn)

3 (Glenn Hudson: Sworn)

4 THE CHAIRMAN: Proceed.

5 DR. SINCLAIR: Okay. So maybe I'll
6 introduce myself as I start.

7 My name is Dr. Niigaan Sinclair,
8 Niigaanwewidam James Sinclair from the University
9 of Manitoba. I'm a Peguis band member. I am
10 speaking as a Peguis band member today. But,
11 obviously, my knowledge, my history, my experience
12 will come in a variety of different formats into
13 my presentation. I'm going to try my best to stay
14 within my allotted time, to make sure that my
15 relatives here have the appropriate amount of time
16 to speak. I have also indicated before, that
17 since my many presentations that I have given to
18 the Clean Environment Commission in the past, to
19 try not to be too representative. So I will not
20 be speaking on other things that I have spoken
21 about. There is a gesture to one map that I
22 should speak to, in the past.

23 However, I am ready during the
24 question and answer period to answer any questions
25 on anything, and explain more extensively.

1 Because the knowledge that I give this morning is
2 very extensive knowledge. It's the kind of
3 things -- in fact, one story that I'm telling is
4 I'm doing it out of cultural protocol where
5 normally we don't tell Naanabozho stories during
6 the time when snow is no longer on the ground, but
7 I will speaking briefly about that story.

8 Lake Winnipeg, the only way I can
9 describe it is the epicenter of my life, it is the
10 epicenter of my family. It is what has made my
11 family's relationships with this place and it has
12 done so for thousands of years in this place. I
13 can draw my family relations in this territory for
14 thousands of years to the very first inhabitants,
15 the very first relatives that I had in this place.

16 My family, as you will find out in
17 this presentation, has had connections to this
18 territory that are extensive and long lasting.
19 They are also with the purposes of being
20 everlasting.

21 I have three different family lines,
22 one of whom -- I have actually four different
23 family lines, but one is an immigrant population,
24 British and French coming from Quebec and Britain.
25 However, the other three family lines that I come

1 from comes from Norway House, with the Harper
2 line, the Cummings line that comes up through both
3 the Simard and the Brokenhead areas, and then also
4 the Simard line that comes through Manigotagan and
5 then down into Selkirk.

6 This is a picture of my great
7 grandparents, Catherine Simard, Henry Sinclair,
8 who both met in Selkirk in the former Little
9 Peguis settlement, and they met coming from Norway
10 House and Manigotagan and decided to make their
11 own home within that territory. So the reason why
12 I start the story by talking about that is Lake
13 Winnipeg is literally the connective strand that
14 connects my family. As in many, as you'll hear in
15 my relative's presentations, Lake Winnipeg is
16 extensively tied to our family making processes.

17 So when our communities would come
18 down, particularly when they would come down in
19 the summer time, they would come down to The
20 Forks, they would become connected, there would be
21 marriage ceremonies held all along the Red River,
22 particularly at The Forks, but also in Selkirk.
23 Selkirk was a meeting place. Selkirk was the
24 connective strand that brought these people. So
25 there's a name for Selkirk and Norway House which

1 refers to The Landing Place, and the name for
2 Selkirk in Norway House is called The Landing
3 Place in Cree.

4 In Manigotagan, the Simard family
5 would come down here and spend most of the
6 springtime bringing their fish and trading amongst
7 the people in the Selkirk area for approximately
8 the months of April through, as soon as the ice
9 would break, from April into June. And then most
10 of the ceremonies would take place at The Forks
11 here at June. And the archeological data supports
12 that as well.

13 Moving right along, I wish I could
14 speak more deeply about my family history, but the
15 purposes of what I'm trying to get to is that Lake
16 Winnipeg is the connective strand. If this was a
17 web, there would be a knot here and a knot here,
18 and this would be the strand connecting it to
19 Selkirk. Lake Winnipeg is literally the strand.

20 Now, the Ojibway have been migrating,
21 so my knowledge, my cultural knowledge, my
22 expertise, my Ph.D, as well as my historic and
23 cultural information is about Anishinaabe. And
24 the Anishinaabe have been in Manitoba now for
25 going on five to 600 years, from starting with the

1 migration that began out on the east coast. This
2 map doesn't actually quite cover everything, but
3 the Abenaki, we are formally part of the Abenaki
4 territory, and as we begin to move in
5 approximately anywhere between 400 and 600 A.D. or
6 ACE, we began to move and we began to migrate
7 across the Great Lakes after receiving our
8 prophecy. We followed a tradition called the
9 Midewiwin and we joined with many other peoples
10 along the way, particularly the Hodnashoni (ph),
11 the Lakota, Nakota Dakota peoples, the Potowatomi,
12 we joined with a group called the Potowatomi and
13 Medawah and we created the confederacy called the
14 Three Fires Confederacy, which is the political
15 and social grouping that goes throughout the Great
16 Lakes.

17 Now, at approximately 1600, or between
18 1500 and 1600, a group of Anishinaabe from
19 Bowating and Sault Ste. Marie began to travel
20 westward. And when they traveled westward they
21 began to move upwards into Manito Wabo, or a place
22 that is now known as Manitoba. And at
23 approximately 1700, 1750, in that neighbourhood, a
24 group lead by a leader called Peguis settled in
25 the bottom part of Lake Winnipeg, meeting with the

1 community at Netley Creek, which was decimated by
2 smallpox at the time. At the time the Hudson Bay
3 traders were coming in and Anishinaabe began to
4 settle and join with, marry into, be adopted by
5 and be welcomed in as relatives, the Cree
6 community at Netley Creek. And they became one.
7 They joined with five other first nations in
8 Southern Manitoba which would later be known as
9 the Treaty One First Nations.

10 These communities are the inheritors,
11 and they are also the shareholders, they are the
12 partners and the relatives in a huge body of
13 network that would culminate eventually in what's
14 thought of as Treaty One.

15 Now, I'm going to show that map in
16 just a minute.

17 Now, the Anishinaabe, from the moment
18 they arrived, began to document their experiences,
19 our experiences, on pieces of writings such as
20 sand, earth, and particularly rock. One of the
21 ways in which we would consistently write down our
22 experiences, our historical and specific
23 geographical and cultural experiences, was on
24 rock. And we have an extensive body of rock
25 documentation that has been remarked upon by

1 scholars. It's been called a corridor of writing,
2 and a corridor of writing looks like this,
3 documented very well by an anthropologist named
4 Selwyn Dewdney. And these writings, as you can
5 see here, is Lake Winnipeg, amongst, starting with
6 the Great Lakes and even down into Bowatty (ph)
7 over here. It will goes all the way into Lake
8 Winnipeg. And as you can see, it ends with the
9 Selkirk settlement or former Little Peguis
10 Settlement, which is at the bottom of the mouth of
11 Lake Winnipeg.

12 This extensive body of writing
13 stretches into Cree communities, and you can find
14 them as far north as Norway House. Again,
15 connective strands between my families.

16 One of the stories that I want to tell
17 this morning is a very brief version about Lake
18 Winnipeg. We have an origin story about Lake
19 Winnipeg, and it goes like this. It's a very long
20 story but I'll tell you the end part which
21 involves Lake Winnipeg. Naanabozho sometimes
22 didn't like the winter very much, and winter is
23 known, when we describe winter, we talked about
24 winter as the boon or a small child. If you know
25 what a small child is like, a small child can

1 sometimes have tantrums or want your attention.
2 And that's what about the boon is like. The boon,
3 during those times of really wanting your
4 attention, would ask for Naanabozho's attention.
5 And Naanabozho was like, you know, sometimes you
6 just need a little bit of distance, little bit of
7 space. And so when Naanabozho said, you know, we
8 watch these geese fly south every winter, and
9 these geese would come back also plentiful and
10 happy after spending all this time in the south.
11 And Naanabozho wanted to travel with these geese.
12 And he asked these geese, he said, you know, can
13 you pick me up, can you pick me up to travel to
14 the south? And the geese said that's fine, but we
15 have three rules; one is you have to hold on the
16 whole time; two is you have to not play tricks on
17 us. And Naanabozho is famous for playing tricks.
18 One of the famous tricks that he played is when he
19 captured and killed many, many ducks. And they
20 said, well, we know what you're going to be up to.
21 Third is you can't look down. And so Naanabozho
22 travels down to the south and he agrees. He says,
23 no problem, I'll do this, and he travels all the
24 way down to the south.
25 And he has a beautiful, beautiful time

1 in the south. And there's lots of stories about
2 Naanabozho's travel to the south and travel down
3 to visit those people, particularly the Aztec, the
4 Mayan people. But those, I can't tell those
5 stories right now.

6 When Naanabozho comes back, or
7 Nanabush comes back, those are the names that he
8 goes under, when he came back, he began to be
9 curious. It was such a long journey that these
10 geese were carrying him on. As he was flying over
11 he thought, you know, I'll just look one time,
12 I'll look just one time to see how much farther we
13 have yet to go. And as he turned that tiny little
14 eye to open, the geese let go, because he had
15 broke their promise to him. Because he had
16 looked. And when Naanabozho, Nanabush had fallen,
17 fallen, fallen, and he fell into this incredible
18 marsh and he became so muddy and dirty that he
19 looked around and he couldn't even see himself.
20 All he could see was little -- all people could
21 see were these little white, little white rims of
22 the eyes.

23 And so he quickly ran to the nearest
24 waterway that he could. And when he did that, he
25 washed himself in that water and he created dirty

1 water.

2 Now, there's many other stories that I
3 don't have time to tell you about, of animals and
4 beings that live in Lake Winnipeg, particularly
5 Mishipeshu, the great underwater lynx, or
6 Manipogo, the great underwater serpent. These are
7 cultural historical stories dating back thousands
8 of years that refer to Anishinaabe and Cree people
9 talking about Lake Winnipeg. This is extensive
10 knowledge that has always existed in this place.

11 Now, of course, Winnipeg means
12 something more than that, it means dirty water, or
13 muddy water, because that is the original name of
14 that lake. What it's referring to specifically is
15 the extensive ecological connective strands that
16 culminate in Lake Winnipeg. And that is
17 documented by Anishinaabe and Cree people at
18 Peguis. We have been documenting, and we are part
19 of a body of people who have been documenting
20 these stories down, in scientific, empirical data,
21 written on rock, sand and earth for thousands of
22 years. And all we have to do is find the
23 documentation that's there. I have written books
24 about it, I have written Manitowapow, which is the
25 only written version of Aboriginal writings in

1 Manitoba.

2 What I'm trying to say is that
3 Manitoba, Manito Wabo, is a connective network
4 with Anishinaabe, Cree, Dakota, Oji-Cree, many of
5 the peoples that live here that are scientists as
6 much as they are artists and creative writers.

7 What makes the water dirty in Lake
8 Winnipeg is what we refer to as ataagib, or algae.
9 That's what makes the water dirty. That's why
10 Lake Winnipeg is -- of course, I don't have to
11 really explain too deeply to all of you of why
12 that might be. It's scientifically due to the
13 lake, the great Lake Agassiz. When the glacier
14 melted, it created a huge tributary network called
15 the Lake Winnipeg watershed which created, and
16 ataagib is the creation of all of the
17 culminations, everything that goes into Lake
18 Winnipeg creates the life, the algae, which feeds
19 the fish, which creates the nutrients, which feeds
20 everything, all of the ecological network.

21 And by controlling the water, you
22 produce more algae, depending on the amount of
23 things that go into the earth, of course, things
24 like pig fertilizer, and oil, and other things,
25 pollutants, shampoo in the hair, for example.

1 Everything that goes into Lake Winnipeg watershed
2 ends up in Lake Winnipeg, which makes ataagib.

3 Well, the thing about it is, is that
4 Anishinaabe explained that to settlers on the very
5 first time of contact. At 1817, when we met with
6 Lord Selkirk, we explained that to him. We said
7 that you have to be aware of Winnipeg, ataagib.
8 And you have to be aware that ataagib is not only
9 formed and created by human beings, by what we put
10 into the soil, but also what the animals put into
11 the soil.

12 And that Anishinaabe and Cree people
13 at Peguis, specifically Peguis, knew the
14 ecological fragility of Lake Winnipeg. They
15 completely understood the way that anything that
16 happened along the Red River -- and this is the
17 Treaty that decided who would live where. And of
18 course, Lord Selkirk being a little greedy decided
19 he wanted everything, which we had to renegotiate
20 that a little bit later -- but this was the
21 ecological decision to share territory. This is
22 not just a political and a friendship Treaty, this
23 is also a discussion of ecology, it's a discussion
24 of science. Because these are the explanations,
25 and these are not only plans and signatures by

1 Chief Peguis specifically and the four other
2 chiefs that joined with him -- notice the two
3 catfish -- they are talking specifically about
4 water here, but it was an explanation that you are
5 a part of something much bigger. You are a part,
6 by signing this, you are a part of this entire
7 network of Lake Winnipeg. This network of
8 anything that goes in the soil will affect
9 ataagib.

10 And the last thing about this I want
11 to say is that ataagib, when Lake Agassiz melted,
12 the very first inhabitant and life form of
13 Manitoba was ataagib, ataagib algae. In order for
14 everybody else to come here -- it's like when they
15 come to your house, when somebody comes to join
16 you in your house, ataagib had to welcome someone
17 else in. Who was that? That was the fish. And
18 then the fish welcomed the landowners, right, or
19 the share keepers of the territory, the stewards
20 of the territory, people like the snakes and the
21 martins and the bears. And those peoples welcomed
22 the human beings.

23 In a long network, and I gave you like
24 a huge teaching in like three steps there, what I
25 basically said was that ataagib were the relatives

1 that welcomed everybody else.

2 Now, you don't go into someone else's
3 house and you don't start trashing the house,
4 because it's the house of the original inhabitants
5 of ataagib. You've got to be a good relative. To
6 be a good relative means you take care of the
7 house.

8 So that's what I want to talk about
9 today, that's what I want to end off with today,
10 is that the members of Peguis take our
11 relationship with ataagib, Lake Winnipeg, very
12 seriously. It is our life blood. It is what has
13 created our families, it's what has created our
14 Treaties, it's what created our life. And by
15 controlling the water within Lake Winnipeg, we are
16 literally playing with our lives.

17 Miigwech.

18 ELDER THOMPSON: Tansi. Once again,
19 my name is Cheryl Thompson, my spiritual name is
20 Shining Water Woman.

21 I have been asked to talk about the
22 teachings of the water as a traditional person
23 here, and the rules of the water, that women are
24 the caretakers of the water. The men also have an
25 important role, they are the caretakers of the

1 fire. And the teaching I am going to share is
2 going to be very, very brief. Because to fully
3 share it, you would be here for a few days for you
4 to understand the whole teaching.

5 So you take the sun and the moon, the
6 sun is the fire, the moon is the water. And the
7 sun and the moon, they work together in balance as
8 man and woman. They are created to work together
9 in balance. As women, as caretakers of the water,
10 when life is first conceived in the womb of a
11 woman, it is surrounded by water. When that life
12 first comes into this world, the first thing to
13 come is that water that washes that gateway.

14 As we grow, our bodies, we need that
15 water to survive. Everything that God has put
16 here on earth, we need one another to survive. If
17 the plants and the animals cease to exist
18 tomorrow, the human race would also cease to
19 exist. If the water is gone, life is gone.

20 So water is very, very important. And
21 to talk about how the levels of the water of Lake
22 Winnipeg affect our ceremonies, every spring I
23 would go down to my father's where there is a well
24 that runs constantly, an artesian well that runs
25 year round. And I would take my bundle, by pipe,

1 my drum, my berries, my cloths, and I would sit
2 there by the river and I would pray and I would
3 sing. And I'd offer my tobacco tithes, my cloth,
4 and my berries, and I'd ask for life, life for the
5 water, so that the people, the animals, the
6 plants, that we may all have life.

7 That water is so very, very important
8 to everything here on Mother Earth. And when our
9 water is sick, if we look around, we're sick.
10 Look at the diseases of cancer and everything else
11 that's happening just because our water is sick.

12 The plants are becoming sick, the
13 animals are becoming sick. So it's that circle,
14 because everything we do goes in that circle, it
15 revolves in that circle.

16 And what we do to one always will go
17 down around and affect everything. And as people
18 we think, we seem to think that we're superior to
19 everything here, but everything has a purpose.
20 Everything here on Mother Earth has a purpose.
21 And we need one another in order to survive. We
22 need the trees to provide our oxygen. We need
23 those animals to feed us. We need those plants to
24 feed us. So we always have to think about what
25 we're doing, especially the water, what are we

1 doing to that water, and what kind of effects is
2 it going to have on us as people?

3 So, the effects it has on us as
4 people, what kind of effects are we producing for
5 everything else that's here on Mother Earth?

6 And I want to talk again a little bit,
7 and I know I'm bouncing all over the place because
8 it's so much to try to squeeze into such a short
9 period of time. So as roles of men and women and
10 our responsibilities as women looking after the
11 water and men looking after the fire, it is
12 because the men are our providers. They are the
13 ones who look after the families to make sure that
14 the families have a warm place, the warmth to cook
15 with, and that their families are always looked
16 after.

17 And the women is, like I said, the
18 role of looking after that water. And so many
19 women, even in where I live, we have forgotten, we
20 have forgotten our roles. And it's slowly being
21 brought back, where I am teaching my daughters and
22 I am also teaching my nieces and my granddaughters
23 and my great granddaughter, because I have gone
24 that far down the line already, to know there's
25 places, as women, but also to know that respect

1 for the land, respect for the man, respect for
2 everything that is out there, because we have to
3 always work as one.

4 I talk about the levels of Lake
5 Winnipeg and how they affect our ceremony grounds,
6 and the levels of Lake Winnipeg when they become,
7 when they are high, that pushes the water back
8 over the land. When it pushes it back over the
9 land, it causes flooding, and the water picks up
10 all that pollution of the chemicals used by the
11 farmers, and then that's brought back down into
12 the waters. But when that waters comes over the
13 land, the ceremonies can't be done. And I say
14 that with -- I will use my own yard as an example.
15 When that water becomes high, I cannot go out and
16 use my sweat lodge, because there's water on the
17 ground and I cannot make the fire and I can't do
18 my ceremonies. When the water is too high, it
19 kills the medicines, and I'm not going to say they
20 are all gone, but a lot of them are gone along the
21 river shore. Medicines that we used to gather
22 along the river banks are no longer there, and we
23 have to travel to go and find those medicines now.

24 So the effects of the water of Lake
25 Winnipeg do have a lot of backlashes, I guess,

1 onto a traditional person, or all people, all
2 plants, all animals that -- I'll find that right
3 word -- it makes me emotional to think, and that's
4 why I'm trying to gather my -- sorry. With the
5 water, and my beliefs, and our clan system, we're
6 all related. And my clan is the sturgeon clan.
7 So the animals in the water are also my relatives.

8 The name I'm using today as Shining
9 Water Woman is one of the names I received, also
10 has to do with that water and looking after that
11 water. So, it hits me here when I'm asked to talk
12 about the water and the important role of water.
13 And as a people, I think we have come far enough
14 from horses and wagons and oil lamps that there
15 are better solutions out there than diverting the
16 water, building those dams. It will be like me
17 saying, well, I have a weak vein over here so I'm
18 going to block here so that I can get more energy
19 on this side of my arm, so this arm will be able
20 to use the way it's supposed to.

21 But in the meantime, this side of my
22 arm is dying, because now I have blocked it. I
23 blocked that vein to force water over here where I
24 am needing it. But this one is dying, but this
25 one isn't doing anything either, because the water

1 is not going where it's supposed to, or my blood
2 is not going where it's supposed to.

3 And those terms, sometimes it's very
4 hard to find the way to express it in a way that
5 each one of us will understand. So I'm going to
6 leave it there for now.

7 If you have any questions, I'll be
8 happy to answer them later. Thank you.

9 ELDER SUTHERLAND: (Native language
10 spoken) Hello, my name is Maurice Sutherland, I'm
11 from Peguis First Nation.

12 I have mixed emotions sitting here and
13 talking about our land. The impact of flooding on
14 the Peguis First Nation is very devastating. We
15 have lost, well, unusable, about 50 percent of the
16 farmland the farmers cannot use anymore. And you
17 know, I feel for our farmers, but the land they
18 had used for the last hundred years or the last 10
19 or 15 years, they can't use it anymore. It's
20 devastating.

21 And also the erosion caused by high
22 waters, I think we lost about 75 percent of one of
23 our old reserves down in the Netley Marsh area,
24 just north of the Netley Creek there. We had a
25 piece of land there where people used to live.

1 Now, maybe it's 50 feet wide, that's really wide,
2 but it's been eroded. Same with the land south of
3 Netley Creek.

4 We selected quite a bit of land. Land
5 that, some of the land that we want to keep in its
6 pristine -- how it is right now, we don't want --
7 there's one place in particular we really love.
8 We call it the Horseshoe Ridge. There was gravel
9 extracted, they started putting gravel pits on
10 that land, and so we selected it, just to stop
11 them from destroying that beautiful piece of land.
12 And it's a piece of land that has a ridge on it
13 shaped like a horseshoe, that's why we call it
14 Horseshoe Ridge. And it's got beautiful pines and
15 birch and popular. It's a wonderful place to go
16 and sit and meditate or talk to your spirit.

17 Management of the river land falls
18 under the Peguis Land Department, which I am now
19 director of lands. And all our additions to
20 reserve are not reserve land yet, and that's
21 handled by our Treaty Land Entitlement Office, but
22 we try to help them as much as we can, because
23 they've got a very small -- they don't have a big
24 office. I think there's only about four people in
25 there. So we are waiting for a lot of land to be

1 converted into reserve. In fact, we could help
2 them in managing the land, and a lot are going
3 under our land use plan.

4 Some of the selected land, like I
5 said, are unusable for like homes and things like
6 that, but we use it for different things, like
7 hunting and fishing and whatever.

8 I am going back to when I was young,
9 which is a long time ago you know, we used to
10 drink the water from the river and from the creek.
11 I remember when I was young getting water from the
12 river and the creeks, and it was just clear.

13 And then in the '70s, that's when they
14 start putting drainage ditches that connected up
15 to the Fisher River, and that's when we started
16 having our problems.

17 You know, I forget what year that was,
18 a few years back, and there was some, they had a
19 meeting in Peguis, and they were telling us that
20 the river flowed south, which is uphill. I
21 thought, man, that's the first time I ever heard
22 of water flowing uphill. But I didn't know that's
23 what they were referring to was the water coming
24 in from Fisher Bay, up through Fisher River and
25 into Peguis, and making that water run uphill. It

1 took me a little while to understand what they are
2 talking about.

3 You know, there's a lot of homes in
4 Peguis that people are still living in, that are
5 condemned because of the flood, mould. But
6 there's no place for them to go. There's a lot of
7 people in Winnipeg that are trying to come home,
8 and the ones that are at home think it's better to
9 live in a condemned house rather than to try to
10 move into Winnipeg.

11 They gave us an elevation of 226.5
12 metres above sea level, that's only where you
13 could build your homes. So that takes away
14 75 percent of the reserve. All our houses have to
15 be built on ridges. And the cost of putting
16 access roads into those ridges from the main
17 highway is like, well, some places are 700 metres.
18 That's a big expense to put an access road into
19 new homes.

20 So that's a little bit of a snapshot
21 of what I do and the problems I have in trying to
22 help the people of Peguis with their lands and
23 homes. Miigwech.

24 MR. WHELAN: Good morning. My name is
25 Jared Whelan. I'm here to present some

1 information from the Peguis First Nation in the
2 form of maps.

3 These maps are based on information
4 collected from Peguis First Nation community
5 members. This information was collected from a
6 self-directed mapping exercise.

7 Some of the information collected from
8 the community members overlaps with several items.
9 Number 1 would be the mouth of the Red River,
10 Netley-Libau Marsh, that is part of Peguis First
11 Nation traditional territory. Number 2 would be
12 Peguis's TLE notification area. Number 3 would be
13 Peguis TLE lands. Number 4 would be Peguis
14 reserve lands. And number 5 would be the actual
15 shoreline of Lake Winnipeg, including the
16 Netley-Libau Marsh, which of course is part of
17 Lake Winnipeg system.

18 There are some caveats with this data.
19 This information was not collected for the purpose
20 of analyzing impacts on Peguis First Nation in
21 relation to the regulation for Lake Winnipeg, the
22 maps were completed without direction from Peguis
23 staff or consultants. People were provided an 11
24 by 17-inch map. This was a self-directed
25 exercise. They followed written directions, and

1 it was voluntary.

2 The information we are going to show
3 is not from a full land use and occupancy memory
4 mapping interview project. This is not a
5 complete, part of a complete part Peguis land use
6 study, or not yet. Peguis hasn't collected enough
7 information to do that.

8 This is some data from some community
9 members for only a few macro or high level
10 categories of land use. This is similar to the
11 process that Peguis First Nation used to collect
12 land use and occupancy information using surveys
13 for the CEC Keeyask Generation Hearing process.

14 The accuracy of the data points would
15 be improved if the data were part of a full land
16 use and occupancy study, consisted of in-depth
17 interviews, was on a larger piece of paper, and
18 was at a better or larger scale.

19 Peguis First Nation understands that
20 there is historic and current overlapping land
21 uses between communities, municipalities and other
22 First Nation people. So the basic instructions
23 that people were given to complete the survey and
24 mapping exercise were to look at the attached map,
25 and please mark with a letter, and I'll go through

1 the letters, the type of activity they personally
2 had undertaken. So this is not oral history, this
3 is not stories, this is activities they personally
4 undertook, and note that location on the paper
5 map. And they were also asked to locate or note
6 multiple locations if there was multiple
7 activities in the areas.

8 So I'm going to go through the codes
9 and the categories, and then I'm going to show
10 maps.

11 People are asked to use the letter to
12 note areas of importance, such things as naturally
13 occurring freshwater springs, animal sightings,
14 nesting areas, spawning areas, calving areas,
15 important wetlands, et cetera.

16 People were asked to use the letter C
17 for cultural sites, this could be sacred sites or
18 ceremonial sites, burial sites, petroforms,
19 historical areas, gathering sites, sweat lodges,
20 powwow sites.

21 People were asked to use the letter F
22 for fishing. This included all methods of
23 fishing, fishing spots, spawning areas, and if
24 they noted what species of fish, if they wanted
25 to.

1 People were asked to use the letter G
2 for gathering and harvesting. This included, but
3 was not limited to, berries, sweet grass, eggs,
4 ginger, rice, mushrooms, medicinal plants, et
5 cetera.

6 People were asked to use the letter H
7 for hunting, and this included large game, small
8 game, waterfowl, et cetera.

9 People were asked to use the letter T
10 for trapping, and examples would be beaver,
11 muskrat, mink, fox, et cetera.

12 So the package that was sent out in
13 the seven-day ruling was the composite or the
14 hodgepodge map. To make it easier for people to
15 see the data, we have zoomed in on one specific
16 area, and we're going to show each category by
17 itself. But Peguis won't be providing that
18 digitally to be published. So the hodgepodge of
19 the composite maps have already been published,
20 but we won't be providing the detailed category
21 ones.

22 So this is the map that was in the
23 seven-day filing, except we put a nice rectangle
24 on it. That rectangle is where we are going to
25 zoom in. So this is a composite map. It shows

1 all the categories, so important areas, cultural,
2 fishing, gathering, hunting and trapping, and some
3 areas where people noted fishing routes in the
4 lake.

5 So this is the area we zoomed in on.
6 That was the blue rectangle on the previous map,
7 so we have zoomed in. So this is an area,
8 including Selkirk, the TLE selection lands, and
9 into Netley and Libau Marsh.

10 So a couple of things on the legend.
11 The black hatching is Peguis First Nation TLE or
12 selected lands. The red rectangles and other
13 shapes are actual lands that had been converted to
14 reserve land. And I believe Maurice referred to
15 one of those pieces which has been eroded
16 severely.

17 The orange hatching is other First
18 Nation reserve lands. And then we have our
19 colours for different categories. So I'm going to
20 go now map per category.

21 So this is a map noting people who
22 voluntarily filled out the survey map areas of
23 importance. The areas of importance were
24 naturally occurring areas such as freshwater
25 springs, animal sightings, nesting sites, spawning

1 areas, et cetera.

2 The next one are cultural sites.

3 Again, we didn't dictate, we just asked and we
4 gave examples, so ceremonial sites, burial sites,
5 gathering sites, sweat lodges, powwow sites.

6 These are fishing sites, so obviously
7 along the river and in the marsh and in the lake.
8 And this could be summer or winter fishing.

9 These are gathering sites, again,
10 zoomed in from Selkirk north into the marsh area.

11 These are hunting sites, again large
12 game, small game, waterfowl.

13 And these are trapping locations.

14 So those are the categories. Some
15 final notes, again, this was a voluntary process
16 that people participated in. They were given
17 written instructions and they followed those to
18 the best of their ability.

19 Peguis First Nation has been trying
20 over the years, whether it was for a CEC process
21 or whether it was for their lands department, to
22 collect traditional knowledge and map that
23 information to use it in a larger land use study.

24 Peguis has been trying to approach
25 Manitoba Government, the Federal Government,

1 utilities and developers for those resources.
2 They have also used some resources from trust
3 funds.

4 Peguis First Nation has been in
5 contact with the Manitoba Government and will be
6 pursuing a First Nation Crown consultation project
7 to do with the regulation of Lake Winnipeg and the
8 regulation of Jenpeg Dam.

9 And that's all.

10 CHIEF HUDSON: Good morning. I'd like
11 to first of all give thanks for being here this
12 morning, and give thanks for the prayer that was
13 said and the song that was sung this morning.

14 I'd also like to thank the Chair of
15 the Clean Environment Commission and the
16 Commissioners that are present here at the hearing
17 this morning for being here and certainly
18 listening to our presentation, and also our panel
19 that is here presenting on our people's behalf.

20 I just also want to acknowledge, you
21 know, the Hydro representatives and other
22 participants that have a vested interest in these
23 hearings involving the Lake Winnipeg Regulations.

24 My name is Chief Glenn Hudson, and I
25 have come here to give a presentation regarding

1 our history and certainly background involving our
2 people. But I also come here with respect to, you
3 know, giving further recognition as far as
4 representation. I sit as chair of the Interlake
5 Tribal Council, which comprises of seven First
6 Nations on Lake Winnipeg and Lake Manitoba, but
7 also Chair of the Southern Chiefs Organization
8 which represent 33 First Nations here in the
9 south, but most importantly here to share our
10 history as a people.

11 But on behalf of Peguis First Nation,
12 I just want to, you know, give thanks again for
13 being here and welcome everybody to Treaty One
14 territory, our traditional territory.

15 In 1871, Treaty One was signed with
16 commitments made by both parties, that being the
17 Federal Government and First Nations.
18 Unfortunately, 144 years later, many commitments
19 have not been fulfilled, such as Treaty Land
20 Entitlements, fulfillment of our Treaties, and
21 certainly meeting those commitments at times have
22 been frustrating by governments, departments,
23 Crown corporations and third parties.

24 While these Treaties and Treaty Land
25 Entitlement Agreements are being implemented,

1 certain developments in and around First Nation
2 territories threaten the integrity of those sacred
3 arrangements. First Nations view Treaties as
4 sacred arrangements that will last until
5 perpetuity.

6 A document called Lake Winnipeg
7 Regulation in July 2014, at section 3, makes
8 reference to the Constitutional Act of 1982, where
9 Manitoba Hydro states that greater protection is
10 afforded to First Nations under section 35. I'll
11 just have to repeat that, you know, that's
12 something that I think a lot of our Treaty
13 partners out there certainly don't give it enough
14 recognition.

15 And again, Lake Winnipeg Regulation,
16 in July 2014, at section 3 makes reference to the
17 Constitution Act of 1982, where Manitoba Hydro
18 states that greater protection is afforded to
19 First Nations under section 35. That section
20 deals with Aboriginal and Treaty rights.

21 And I just want to share a history,
22 and I don't have the map in this presentation.
23 But when we originally signed Treaty back in 1871,
24 where the very first signatories of Treaty, Treaty
25 One, the very first line, our original chief had

1 signed Treaty back then. And our reserve boundary
2 of the original St. Peter's Reserve extended out
3 into the south basin of Lake Winnipeg, and that
4 section of the lake was set aside for First
5 Nations, specifically the people at Peguis, to
6 utilize the waters in that area. And I know on
7 this south basin today in the Netley Marsh area,
8 we still have reserve land there at St. Peter's
9 Fishing Station. And a lot of our members do
10 partake in the area of commercial fishing.

11 When Treaty One was signed in 1871,
12 there was no extinguishment clause for other lands
13 outside of the Treaty One area. Accordingly,
14 Peguis has asserted Aboriginal title to those
15 lands outside of Treaty One, including Lake
16 Winnipeg. This is not the first time that Peguis
17 has made that assertion. This assertion was made
18 in Bipole III and Keeyask development hearings.

19 As a result, the development of hydro
20 dams and Lake Winnipeg Regulation all rest on
21 Aboriginal title lands.

22 I have stated in Peguis on January 28,
23 2015, the whole hearing process, or the way of
24 dealing with Lake Winnipeg Regulation is an
25 acrimonious, faulty timing, any process can only

1 lead to faulty outcomes. Legal standards set out
2 by the Supreme Court of Canada have stated that
3 the duty to consult and accommodate by government
4 must be undertaken before any developments or
5 hearing processes. Peguis has made this
6 observation and recommendations in prior
7 developments such as Bipole III and Keeyask.

8 I guess the question must be asked,
9 why do we keep making those same mistakes?
10 Cognitively we are supposed to learn from our
11 mistakes. If we continue to make those same
12 mistakes, that is unacceptable to Peguis and other
13 First Nations, and this may bring the
14 administration of justice into disrepute.

15 I realize that the Clean Environment
16 Commission does not have a duty to consult and
17 accommodate First Nations under section 35 of the
18 Constitution Act of 1982, and that the CEC and
19 Provincial Crown are separate entities. However,
20 there is an overlap when Aboriginal traditional
21 knowledge and Aboriginal and Treaty rights are
22 affected by the same development. There is a
23 connection between the two, and they are
24 inextricably intertwined. As a result of the
25 above observations, there needs to be a process

1 that is seen as being fair and just.

2 And I guess when we comment on being
3 fair and just, you know, certainly we are here
4 talking on Lake Winnipeg Regulation, but we have
5 very negative impacts that have occurred over
6 time, not only in our community of Peguis, but
7 many first nations. And certainly the connection
8 between the lake level and managing the inflows
9 and outflows certainly lead to the issues
10 surrounding floods.

11 And in our community dating back, you
12 know, 40 years, the time that I have been here on
13 this earth, you know, we have had flooding in our
14 community even preceding that. And when I speak
15 to elders in our community, you know, it all leads
16 up into around the '60s, the time of the '60s and
17 '70s, and certainly more pronounced today.

18 Back then we had one of the major
19 floods in the early '70s I believe, and just about
20 our entire community was evacuated. And for one
21 reason, it seems to be tied into the development
22 that is occurring on the lakes and certainly in
23 the north, that being the development of hydro
24 dams in the north.

25 And today when we have flooding that

1 is occurring in our community, it's certainly more
2 pronounced. It's not only flooding from spring
3 runoffs, but we have flash flooding when there's
4 heavy rains. And certainly flash flooding, you
5 know, when we certainly have the wind effect that
6 comes into play as far as the high levels on the
7 lakes are concerned.

8 And this is something that, you know,
9 today, dating back to 2010 and 2011 where we give
10 an example of when we evacuated our community, we
11 had over 800 evacuees that were taken from our
12 community because of the flooding that was
13 occurring in both those years. And today they
14 still have well over 200 evacuees still out from
15 their homes and from their residences in our
16 community.

17 And when they are brought into an
18 environment that they are not familiar with, that
19 being evacuated into hotels or private
20 accommodations here in the City of Winnipeg, or
21 wherever they may be evacuated, but primarily here
22 in the City of Winnipeg, there is a lot of social
23 and economic issues that are impacting them.

24 And I'll share a story with you. Just
25 the other day where this one young lady was on her

1 way to school on one of the transit buses, and one
2 of the buses didn't stop at her location where she
3 normally gets off. And she wasn't familiar with
4 the bus route, and she ended up getting off and
5 being lost in and around the city. And she was
6 making her way back, trying to figure things out.
7 And this young lady is only 14 years old. And
8 while she was making her way back, she was held up
9 by other young women in the city and she had her
10 jacket and her bags taken from her. And that's
11 the type of impact, you know, this regulation
12 plays in affecting our people. And I'll just
13 share in one example of how this young lady is
14 traumatized now probably for her teenage years and
15 leading into her adult years.

16 And you know, it's certainly a far
17 extension of what we are speaking on here
18 specifically about regulating that lake. But
19 that's the impacts that it has on our people,
20 human beings, as far as the negative impacts. It
21 extends way beyond just the levels of the lake.

22 So I just wanted to share that example
23 with you. And there's many others I can share
24 that are far more traumatic and far more
25 impactful, even leading to death. And this is

1 something that, you know, when we talk about a
2 process that is seen as being fair and just, there
3 are no non-first Nation evacuees today. It's all
4 First Nation people, well over 2000 people of our
5 people are removed from their land and territories
6 as a result of these levels. And that's something
7 that you know is it fair and just when it's only
8 one group of people that's being impacted this
9 way.

10 So I just wanted to share that example
11 with you. And certainly, the reality that we face
12 as First Nations here on our land that we have
13 lived for hundreds of years, and certainly in our
14 communities, and how this lake level impacts our
15 people.

16 Manitoba Hydro has made further
17 refinements to Lake Winnipeg, assisting it in a
18 final development as a giant reservoir. You know,
19 I have always wanted to give the example of -- and
20 it's a simple example, I don't know if I can carry
21 it out here without wetting the carpet or without
22 wetting one of the tables. But when you pour
23 water into a reservoir, I'll use this water jug
24 here, you pour water into it and you overfill that
25 jug, where does the water end up going? It

1 spreads out around the jug. And certainly that
2 water has additional weight that it carries,
3 because you lift a jug that is maybe a quarter
4 full versus a jug that is full, you notice the
5 weight difference on it.

6 Not only does it impact in terms of
7 the water overflowing, but that weight of that
8 water also pushes down on the earth, and it pushes
9 up the waters in other lakes and tributaries. And
10 that's called water underneath the earth.

11 And when we look at it today, the
12 water table in Peguis, you know, we are certainly
13 doing construction and trying to put our homes in
14 areas that don't flood, or in the flooded areas
15 outside of that, when we dig down the water table
16 is only about two feet below surface. And so that
17 lake level, that water on the lake having that
18 mass is pushing that water out, and certainly
19 raising the water tables throughout this province,
20 and certainly it does have a negative impact on
21 many different things.

22 Again, it's just not the lake levels
23 or the height of that lake that is impacted, it's
24 also the associated water tables and the
25 tributaries, and other areas that play an impact

1 as a result of the weight of that water. And I'm
2 hoping, you know, that it's a simple experiment,
3 but certainly something that can be related to how
4 levels on Lake Winnipeg certainly affect, not the
5 immediate lake itself, but all of the tributaries
6 and lakes, and then certainly the land surrounding
7 Lake Winnipeg overall.

8 So when you speak to, when we do speak
9 about the final development as a giant reservoir,
10 that's exactly what it is. Most reservoirs have
11 elevated water levels that serve as potential and
12 ongoing source of water, to transfer the water to
13 energy and water to turbines found in the dams
14 such as Jenpeg. Reservoirs are great for the dams
15 but not so benign to the environment and to the
16 communities that are located at or nearby Lake
17 Winnipeg. And that's why I speak about that jug,
18 you know, and filling and overfilling it. It does
19 have its impacts when you fill that jug, and
20 certainly the water spreads out around that jug.
21 It does have its impacts.

22 As an interim licence for Lake
23 Winnipeg, it was granted in 1972, and the
24 construction of Jenpeg completed around 1976.
25 From the middle '70s, Peguis has been subject to

1 massive flooding that has greatly inundated our
2 community on numerous occasions. And over the
3 last five years, we have had seven flooding
4 events, just to provide an example.

5 We do not view the timing as
6 coincidental. At times government have classified
7 our flooding as natural disasters. In retrospect,
8 the natural disaster terminology was more related
9 to man-made developments.

10 In addition to the elevated water
11 levels that block the flow of water of the Fisher
12 River onto Lake Winnipeg, we experience climatic
13 changes that exacerbates the flooding conditions
14 at Peguis. The climatic change is seen as the
15 north wind creates a wind set at Fisher Bay which
16 is part of Lake Winnipeg. And what it is, if you,
17 I don't know if you bath at all, but certainly, I
18 know I shower everyday and I rarely bath, but when
19 you jump into a full bathtub, when you get in
20 there's a ripple effect from that water, and that
21 water tends to flow to the end of the tub. That's
22 how the wind affects the lake. When there's wind
23 blowing, it pushes that water south. And when
24 there's a north wind, and it does affect the
25 Fisher Bay in our area. And when it's pushing

1 that water south, and I think Maurice alluded to
2 it, when we have our river system that is
3 connected to that bay, it pushes water south and
4 it pushes water uphill. And I know Elder Maurice
5 had commented on it, on how water flows uphill.
6 It's because it's being forced, and that energy is
7 transferred from the wind to the water and creates
8 a bathtub effect. Just as when you get in the
9 bathtub, you are displacing that water and you are
10 moving it.

11 So I'll state again that this wind set
12 coupled with the high water of the reservoir on
13 Lake Winnipeg is a recipe for flooding disasters
14 which we have experienced certainly far too often.

15 In Peguis, the Commissioner heard how
16 the water, including Lake Winnipeg, is sacred to
17 First Nations, and how Anishinaabe kwe are the
18 keepers and protectors of the water. There is a
19 very strong connection among Anishinaabe, water
20 and the Creator, when the Anishinaabe described
21 the relationship, but it appears little weight is
22 given to this testimonial. And I think we have
23 heard some of that certainly here by one of our
24 elders.

25 Would greater weight be given if this

1 information came from non-Aboriginal people? Paul
2 Kane is a non-Aboriginal artist that was
3 travelling with a flotilla of canoes from Norway
4 House to the Winnipeg River in July of 1848, and
5 where approaching Doghead, the present day Pine
6 Dock, when a storm came up and threatened the
7 safety of the group. After going ashore and
8 setting up camp, the First Nations began a shaking
9 tent ceremony asking the Creator and his
10 messengers for fairer weather and a fair wind.
11 Paul Kane stated in his journal, Wanderings of An
12 Artist Among the Indians of North America in 1859,
13 that the weather cleared and the fair wind
14 assisted the group to the Winnipeg River.

15 This relationship among the
16 Anishinaabe, the water, and the Creator has
17 existed since time immemorial and is very sacred.
18 And certainly the Anishinaabe want to protect the
19 integrity of that relationship.

20 The Netley-Libau Marsh is in the
21 traditional territory of Peguis First Nation and
22 our history of Chief Peguis settling the area in
23 the late 1700s is a historical fact. The illegal
24 surrender of 1907 did not erase our interest in
25 the area. And accordingly, we have to protect the

1 integrity of our interest in the Netley-Libau
2 Marsh area. Our lands, waters and resources are
3 protected domestically and in the international
4 sphere. And yet today we have colonial bodies and
5 corporations, such as Manitoba Hydro, that
6 continue to trample on our rights.

7 First Nations such as Peguis must take
8 a united stand with our Anishinaabe Nations around
9 Lake Winnipeg to initiate positive action that
10 will serve to protect our collective rights.

11 The unilateral action taken by
12 Manitoba Hydro with the Provincial Government
13 condoning that action, which has been described as
14 an intrusion into Aboriginal and Treaty rights.
15 It appears that Manitoba Hydro is not committed to
16 reconciliation, which of course goes against the
17 Supreme Court of Canada, which has said, for
18 example, in the case of Mikisew, the court stated
19 there is in the Minister's argument a strong
20 advocacy of unilateral Crown action, a sort of
21 surrender that land, and we can do with what we
22 like as far as the approach is concerned.

23 Which not only ignores the mutual
24 promises of the Treaty, written and oral, but also
25 the antithesis of reconciliation and mutual

1 respect.

2 The court further stated that the
3 treaties was not a finished land use blueprint and
4 underscored requirement for continued
5 reconciliation.

6 In closing, in consideration of the
7 Peguis presentation, I would like to recommend on
8 behalf of the Nation of Peguis that a final
9 licence be deferred and all of the above
10 respectfully submitted. Miigwech.

11 MR. SUTHERLAND: Good morning,
12 Mr. Chair. Just before I get started, looking at
13 the time here and I've got kind of a lengthy
14 presentation, so I'm requesting an additional
15 possibly 10, 15 minutes, but it will be no longer
16 than that.

17 THE CHAIRMAN: How much in total are
18 you anticipating?

19 MR. SUTHERLAND: Probably about 20, 25
20 minutes.

21 THE CHAIRMAN: Twenty-five minutes?

22 MR. SUTHERLAND: Yes.

23 THE CHAIRMAN: Well, that will only be
24 about a five minute extension, so go for it.

25 MR. SUTHERLAND: Good morning,

1 Mr. Chairman of the Clean Environment Commission
2 and to the present Commissioners here, and to the
3 representatives of Manitoba Hydro and other
4 government departments, and to the participants in
5 the Lake Winnipeg Regulations hearings.

6 MS. JOHNSON: Mr. Sutherland, can you
7 just slow down just a touch? I don't think she
8 can keep up with you.

9 MR. SUTHERLAND: Okay. Peguis extends
10 a warm welcome to the Treaty One territory, which
11 is the part of our nations land we call Turtle
12 Island.

13 I'd like to thank Cheryl for her
14 opening prayer and her song. And I'd like to
15 welcome everybody and thank everyone for giving
16 this opportunity, again, to present our case here
17 in regards to the Lake Winnipeg Regulations.

18 My name is Mike Sutherland, I'm
19 presently a councillor at the Peguis First Nation,
20 which is situated in the Interlake region of
21 Manitoba, and we have many parcels of land
22 throughout Manitoba, including around the shores
23 of Lake Winnipeg.

24 My traditional name is Walking
25 Buffalo. I am of the wolf clan, and my warrior

1 name is Brown Cougar Warrior.

2 Although we refer to this hearing as
3 Lake Winnipeg Regulation hearings, the numerous
4 studies cited and the Manitoba Hydro information
5 refers to the areas of the Nelson River area and
6 virtually nothing around Lake Winnipeg itself.

7 The Manitoba Hydro information refers to the 1971
8 studies on environmental and social impacts, which
9 was a three-year study to a cost of \$2 million.
10 The study covered areas around the Nelson and
11 Churchill River systems, and nothing for
12 communities around Lake Winnipeg.

13 What is missing from the Hydro
14 information is data accumulated from communities
15 around Lake Winnipeg, including Peguis. Peguis is
16 noticeably absent from these studies, despite the
17 fact that we are profoundly impacted by
18 developments in which Lake Winnipeg was utilized
19 as a reservoir.

20 As Chief Hudson indicated, any time a
21 body of water is utilized as a reservoir, that
22 body of water takes on a new meaning. The new
23 reservoir status imputes elevations of water
24 limits at a constant and perpetual time frame.

25 We applaud the efforts on the studies

1 that were conducted in the northern communities
2 along the Nelson River, but the paucity of the
3 studies and the communities along or near Lake
4 Winnipeg is an admonishment of Manitoba Hydro for
5 its failure to do so in the southern latitudes of
6 Lake Winnipeg, including Peguis.

7 Manitoba Hydro puts itself on the
8 pedestal in it's braggadocio on its apparent
9 success in developing and implementing the NFA,
10 Northern Flood Agreement, and a comprehensive
11 implementation agreement, CIA. The apparent
12 success is clouded over by the grievous complaints
13 by Cross Lake first Nation, Pimicikamak.

14 Agreements are measured by all
15 parties. If one party is not satisfied, then
16 calling it a success is stretching the norm of
17 fairness. The Jenpeg dam and the causation on
18 Lake Winnipeg becoming a reservoir certainly will
19 have deleterious effects on communities around or
20 nearby Lake Winnipeg. Were there are any flood
21 agreements or comprehensive implementation
22 agreements for those communities? Certainly not.

23 Why were those communities excluded?
24 It is apparent that the sphere of justice does not
25 reach those communities around Lake Winnipeg.

1 In the area of commercial and domestic
2 fishing, a number of studies were conducted along
3 the Nelson River system, and subsequently
4 agreements were made on fishing impacts on
5 northern communities, including signatories to the
6 NFA, and including fisheries to the Sipiwesk and
7 Ilford.

8 In fairness, it would be prudent to
9 conduct studies around Lake Winnipeg that would
10 lead to fishing impacts agreements similar to
11 those in the north.

12 Regarding the impacts of hunting and
13 trapping and gathering, Manitoba Hydro has entered
14 into several settlement agreements, including the
15 communities under the NFA, and adding communities
16 such as Pikwitonei, Thicket Portage and Wawbowden.
17 It is highly desirable if similar efforts and
18 agreements can be obtained for communities along
19 or nearby Lake Winnipeg.

20 According to the World View of the
21 Anishinaabe, the water in Lake Winnipeg is sacred
22 in their daily lives. Also along the shores of
23 Lake Winnipeg, the Anishinaabe in their teachings
24 share the information about the little rock
25 people, or Memegwesiwag, and that they live and

1 reside in certain sites along shores of Lake
2 Winnipeg. The sites are considered sacred by the
3 Anishinaabe.

4 When the Aswan Dam, (High Dam), was
5 built on the Nile River in the 1970s, a reservoir
6 called Lake Nasser was constructed and the
7 Egyptian Government assured that antiquities and
8 archeological sites within the reservoir (Lake
9 Nasser) were protected or relocated. Politically,
10 Egypt is considered an unstable country, yet they
11 had the foresight to save and protect their sacred
12 sites and objects.

13 Manitoba and Manitoba Hydro, on the
14 other hand, who are part of a stable country,
15 failed to protect the sacred sites of the
16 Anishinaabe along or nearby Lake Winnipeg.

17 The elevated water levels in the
18 reservoir called Lake Winnipeg has numerous
19 detrimental effects on Anishinaabe who reside
20 along or nearby the shores.

21 One example would be the fishing
22 industry, whether it would be commercial or
23 domestic. Peguis submitted a paper to the CEC on
24 January 28, 2015, on fishing on Lake Winnipeg.

25 Permit me to reinforce two areas in

1 the fishing report. One is the higher or greater
2 level of the current caused by greater outflows at
3 the north end of Lake Winnipeg. This has
4 increased the danger level of ice fishing, as the
5 thickness of the ice has been greatly altered.
6 This also affected the spawning grounds of the
7 fish as the increased current would wash away the
8 spawn.

9 The other area is the erosion caused
10 by water levels, elevated water levels. Reference
11 is made to Little Tamarack and Big Tamarack
12 Islands where the distance between the two islands
13 were one half mile, and now it's four miles apart,
14 all due to erosion.

15 Fishing stations at Goodman's Landing
16 and at McBeth Point recently had to be reinforced
17 and refurbished due to the erosive nature of the
18 elevated waters.

19 Peguis Reserve was formerly known as
20 the St. Peter's Band and was located between
21 Selkirk at the mouth of the Red River. This is
22 where Chief Peguis and his tribe of Anishinaabe
23 people settled, and was close to Netley Creek
24 where there was an abundance of fishing, trapping
25 and hunting.

1 In 1907, there was an illegal
2 surrender of the St. Peter's Reserve and the
3 people who were displaced had moved to current day
4 Peguis Reserve. There are still remnants of the
5 former St. Peter's Reserve located along the Red
6 River and the Netley Marsh area. These parcels of
7 land are directly impacted by the development on
8 Lake Winnipeg or developments on the Red River.
9 Any protection of these lands by the Federal
10 Government certainly was overlooked, and once
11 again Anishinaabe people were greatly affected.

12 THE CHAIRMAN: Councillor Sutherland,
13 could I ask you again to just slow down a touch.
14 The recorder can't keep up with you.

15 MR. SUTHERLAND: Sorry about that.
16 Departments, Crown corporations and
17 other bodies that belong to the Provincial
18 Government ought to have realized they cannot
19 tamper with Federal lands.

20 Chief Hudson has described that the
21 Netley-Libau Marsh are traditional territory of
22 Peguis and we continue to have an interest in that
23 area. As stated previously, we have a duty to
24 protect the integrity of our own traditional
25 territories.

1 Dr. Goldsborough has described the
2 Netley-Libau Marsh as a coastal wetland that has
3 certain values to the environment, such as erosion
4 control, flood control, important medicines,
5 foods, habitat for hunting and fishing, and
6 assimilation and metabolism of waste and toxics,
7 in addition to the economic values of coastal
8 wetlands such as Netley Marsh includes spawning
9 and feeding habitat for lake fish, breeding of
10 waterfowl, shore stabilization, and nature's
11 kidney to improve the water quality.

12 Dr. Goldsborough listed four
13 approximate causes, including the Netley Cut in
14 1913, lack of periodic low water periods by
15 Manitoba Hydro since 1976, cessation of dredging
16 since 1999 and the Red River flood mitigation.

17 High water caused by Manitoba Hydro
18 has greatly affected cattails, bulrushes, giant
19 reeds in the Netley-Libau Marsh area. The
20 increased open water from 8,884 hectares in 1979
21 to 13,125 hectares in 2001 has greatly reduced the
22 amount of vegetation, especially the bulrush.
23 This has also affected other plants and medicines
24 in the area.

25 The higher water has affected the

1 growth of two medicines, namely wee-kay and
2 kun-di-moo. These sacred medicines are used for
3 colds and cancer. Through the introduction of the
4 high water, Manitoba Hydro has effectively
5 destroyed our natural pharmacy. Without the
6 necessary medicine, the lives and health of
7 Anishinaabe are greatly compromised.

8 We agree with the findings of
9 Dr. Goldsborough that the water level in Lake
10 Winnipeg must be decreased by two feet for up to
11 two year period on cycles of 10 to 20 years. In
12 our case, the cycles should be less than 10 years
13 to allow our medicines to grow back for healthy
14 living. Lower water levels will reduce erosion of
15 traditional lands, will assist in spawning of fish
16 and restore the balance of waterfowl and aquatic
17 animals.

18 Refer to your personal story or
19 stories, and that's what I'll do shortly.

20 One of the things that I have been,
21 and I guess I always would be is a person of the
22 land. You know, I grew up since I was about six
23 or seven years old on the land and I never looked
24 back. I fished, I hunted, I trapped, I worked in
25 logging in the area, farmed. I know our land. I

1 know the land around the basin of Lake Winnipeg,
2 especially the Fisher Bay area where I hunt, trap,
3 fish, gather and so on.

4 On the map we talk about flooding, and
5 many people can't understand how Lake Winnipeg
6 caused flooding in Peguis. Maurice referred to
7 it, Chief Hudson has referred to it. But for
8 years, I had been looking at this, and one of the
9 biggest concerns I have is not just the level of
10 the lake but the drainage south of us.

11 And if you take a look at the purple
12 area there, or the blue area, that's Peguis, and
13 everything south is the RM of Fisher pretty much.
14 In that RM, there is over 700 and some odd miles
15 of drainage. And it seems ironic because the
16 drainage started during the era of Lake Winnipeg
17 Regulation in early '70s. So that they kind of
18 coincide with one another. But one of the things
19 that Peguis, where we are situated, we are
20 situated in a basin. And there's tremendous
21 difference from, let's say halfway to the bottom
22 of the screen, Town of Fisher, to the north end of
23 Peguis, which is like 60 some metres, 220 some
24 feet. There have been numerous studies done over
25 the years, I think approximately 18 or 19 studies

1 done by engineering companies in regard to the
2 Fisher basin, and more recently in 2009 and 2014
3 by AECOM.

4 Now, I am going to ask Jared to go to
5 the bigger map. And one of the things that you
6 look at there, right on the -- there's two little
7 measuring dots there, Pine Dock, but you see that
8 there's a narrows there. And one of the things
9 that's always bothered me, and as I got older and
10 started to understand how waters move and so on
11 and so forth, it started to make a lot of sense.
12 One of the things that we all look at, you heard
13 about it in Lake Winnipeg, or Lake Manitoba, the
14 cottage owners suing the Province and Federal
15 Government on inflows and outflows coming in at
16 10,000 feet per second, going out at 5,000 feet
17 per second.

18 Well, when all the drainage provides
19 all that water to come into Peguis during flood
20 seasons in the spring and heavy rains in the
21 summer, the spring and the fall, it actually has
22 nowhere to go, because especially during the
23 spring and summer months and the fall when the
24 winds blow.

25 And I was at a hearing in January at

1 Manitoba Hydro when they talked about the Lake
2 Winnipeg Regs. And I heard there numerous times
3 that wind is not a factor. But to us what I see
4 on the water as a fisherman, what I see as a
5 person on the land is that north basin is huge. I
6 seen 15 to 20-foot waves on that lake. I used to
7 search for lost fishermen. Fishermen that weren't
8 able to tackle Mother Nature and they lost their
9 lives in doing so. I seen the devastation that
10 that lake had caused personally. I couldn't
11 believe it the first time I was out there and I
12 seen waves where we would lose sights of the boats
13 for 30 to 45 seconds, sometimes a minute, where
14 that boat 200 feet from you, you would lose them
15 until those waves came back and we exchanged.

16 Wind does have a dramatic effect on
17 Lake Winnipeg. And when that northwest wind
18 blows, it blows water in that north basin to the
19 south. But because of the narrows, that water
20 can't move to the south fast enough. What it does
21 is it fills up Fisher Bay. And at the bottom
22 southwest corner of Fisher Bay -- go back to the
23 other map there, Jared. At the bottom southwest
24 corner, you can see kind of in the orange, that's
25 Fisher River. That's where the mouth of the

1 Fisher River goes out. That river fills up with
2 water. And when all that drainage water comes
3 down to Peguis, it hits a wall of water, impeding
4 the outflow.

5 And our Elder Maurice Sutherland
6 talked about water flowing uphill. On July 1st,
7 2010, water flowed backwards in Peguis, it went
8 uphill. In October 2010, for about a week, we had
9 a series of vicious storms that devastated our
10 community, as the one did in July of 2010. Again,
11 the same thing, water flowed backwards, it went
12 uphill because it had nowhere to go. Peguis is in
13 the base, and the RM of Fisher is up here, and the
14 lakes here are creating a wall of water and it
15 would come down, and it would be pushed back. And
16 until that south wind would blow and move that
17 water back north, that water would sometimes stay
18 in the community for up to two weeks.

19 And it's been doing that a lot lately.
20 I think we recorded this since 2006, May 29th,
21 2006, when we first really started to see the
22 impacts of the flooding and how it's compounded by
23 the level of the lake.

24 And flooding is a constant threat for
25 our community now. As Chief indicated, you know,

1 the engineers we talk about, you know, the weight
2 of Lake Winnipeg, Lake Manitoba, pushing up the
3 water pressure, and we're in between both. The
4 water table is always extremely high. And one of
5 the things that is seen to -- like the engineers,
6 these engineering companies, you know, government,
7 possibly Hydro, nobody wants to talk about climate
8 change, climatologists, you know, and climatology.

9 I went to see a couple. And one of
10 the things that we, as people of the land, have
11 noticed in the last 10 years, or even a little bit
12 longer is the increased precipitation levels. And
13 it's something that the studies, the AECOM studies
14 and others don't seem to want to take into
15 consideration. Why, I'm not sure. No one has
16 really given us an honest answer. But in that
17 visit, we have seen charts showing what we
18 perceived as people of the land.

19 Unfortunately, I couldn't provide the
20 chart to Jared soon enough for the seven-day rule,
21 but maybe in our final comments we may make that
22 chart available.

23 With the high water and the level, you
24 know, that we referred to, you know, the loss of
25 land, there is a piece of land on the southeast

1 corner, of the southwest side of the south basin
2 there over by Netley, just north of Netley Creek,
3 we call it the fishing station. We had a huge
4 chunk of land there jutting right out onto the
5 lake, I think around approximately 20 acres. It's
6 barely there. It's just a little strip, a little
7 needle. It's gone. You know, we talk about the
8 level of the lake, we talk about Netley Marsh.

9 My grandfather guided there, I
10 remember going there many times with him as a
11 child, as a teenager. He hunted, he took
12 Americans out hunting. And that industry is gone.
13 There used to be hundreds and hundreds of rat
14 houses through that marsh. You know, you need
15 shallow water to make a marsh. That shallow water
16 is not there anymore. The depth of the lake in
17 Netley Marsh is pretty deep, eliminating a lot of
18 the ingredients to make up that marsh. As my
19 grandfather said, as we see the water levels
20 rising, this marsh will somehow disappear.
21 Because to him a marsh is land, a piece of body of
22 water where it's shallow. And in that shallow
23 water, that's where muskrats, beaver, they make
24 their homes. A lot of the nesting takes place
25 with the migratory birds. But as he was getting

1 older, he seen a lot of that starting to disappear
2 already back in the '80s, late '80s and early
3 '90s, when he finally retired.

4 And you know, you can see that today
5 as we ride down into the marsh, and we can see how
6 high the water is, we go in there fishing. Where
7 we could have never went fishing long ago with a
8 regular outboard motor, because the marsh would be
9 too shallow, unable for us to get into there with
10 the outboards, they would plug up.

11 Trapping was a big industry in the
12 Netley Marsh for our people, and it's now
13 non-existent. The muskrat levels in there are
14 gone. We go to Oak Hammock, with the permission
15 of the province, to trap our muskrats over there.

16 You know, some of my own experiences
17 within the actual Peguis, within the Interlake
18 region there, as a trapper, I remember in 2011
19 there was a high water year, where we were hunting
20 moose that fall. And we went down to north end of
21 Lakes, St. George, we were going for moose, and we
22 seen these huge muskrat houses, beaver houses, and
23 we were excited. As a trapper, we think we're
24 going to go back to that spring and we are going
25 to make some money, finally, you know. So we go

1 back there that spring of 2012, there is nothing.
2 There is nothing. We open up the ice and there is
3 no water. It is all hanging and it's dangerous.
4 The water wasn't even touching the ice, it was
5 below the bottom of the ice surface.

6 Going back in 2008, my buddy and I, we
7 seen the same thing. Where we were going in with
8 the snowmobiles, the ice was breaking. When we
9 were able to stop far enough, we walked back and
10 we could see the same thing was happening. The
11 level of the lake had dropped. And it is
12 confusing. We didn't know the reasons why. But
13 as I started to do the research, understand more
14 about the lake and how things worked, I started to
15 understand.

16 And this year in 2015, January, I was
17 at a presentation by Manitoba Hydro on Lake
18 Winnipeg Regulations, at their offices right here
19 downtown Winnipeg. And there was a young engineer
20 there talking about the levels of the lake, and a
21 lot of the research and stuff like that. And I
22 asked him a question. And I asked him about the
23 operations of lake during the winter time, and if
24 the flows are increased because it's peak time,
25 right? And he confirmed that. Because if it's a

1 peak time of the year, the flows are increased
2 because there's thick ice on the lake. But what's
3 happening is that as you increase the flows in the
4 winter time, you can't just drain the lake,
5 there's just not enough there. So what's
6 happening, especially if there are areas in time,
7 like 2006, the water wasn't that high that year,
8 2008, but you just don't drain the lake, you drain
9 the tributaries and the small lakes that are
10 connected to it. Lake St. George is only about
11 10 miles, or not even, to Lake Winnipeg, through
12 the Jackhead River.

13 Now we began to understand why there
14 was no water, why there was no muskrats, because
15 the water was drained out of the lake during the
16 winter months. And it affected our livelihoods,
17 it affected us as trappers and people of the land.

18 And then I started to think about all
19 these stories about these guys going through the
20 ice, hanging ice, hanging ice, hanging ice. You
21 know, the danger that our people were put in, in
22 the last 20 years. We're just lucky nobody
23 drowned or perished during these excursions out
24 there on those lakes, in the St. Lakes area.

25 You know, in doing research, very

1 little data is provided to us, information. We
2 always want to know what the levels are, because
3 we hear 711 to 715. You know, in Peguis, Maurice
4 referred to 226. We can't build anything under
5 722, because if we do we won't be compensated
6 because we're going to be flooded. So 722 is the
7 level, and we're not very far from the lake, the
8 north end of the reserve. Then what does Fisher
9 Bay sit at? There are no measurements along the
10 west shore so we can't even tell. So without
11 accurate data, we can't even plan during high
12 water times. All we see is we could visualize.
13 Visual observation, common knowledge, traditional
14 knowledge is what we live by. We're there, we're
15 on the land.

16 I asked another young fella at that
17 open house, you have engineers, you have science,
18 you do the work that is necessary to try and
19 control the levels of the lake. But do you
20 actually go to the communities and look for common
21 knowledge, common understanding of what happens
22 there? Because if you did, you would find that
23 your levels aren't consistent to what happens in
24 those communities, the events that happen there,
25 the erosion, the flooding, and so on and so forth.

1 And I think that has to change. And he says, no,
2 we don't do that. And he said it is a very good
3 point. And you know, common knowledge is such a
4 critical component for us as to how we live on the
5 land.

6 You know, we know progress has to move
7 forward. It's so important to us, important to
8 everybody. We need hydro just like the next
9 person, but we always talk about the footprint
10 that's left behind onto the land and the people
11 that are part of that land and how they are
12 affected.

13 Chief talked about all the people that
14 we have still out, all the damage of the flooding.
15 We said it in the Keeyask presentations and the
16 Bipole III presentations.

17 Section 35, we talk about the
18 destruction of our community, the destruction of
19 lives and so on. And I think if we move forward
20 in the development of the land and the water, I
21 think more research has to be done. You know, we
22 talk about environmental audit, but we never see
23 anything happen.

24 We travelled west and we looked at the
25 huge basins west of us, the Assiniboine watershed,

1 the Souris River watershed. The Nelson River
2 basin itself is massive, and all that water comes
3 here to Manitoba, but yet all the studies and
4 research stop at the boundaries of Manitoba. It
5 doesn't make any sense to us. When you talk about
6 inflows and outflows, I think everything has to be
7 considered.

8 You know, based on the foregoing,
9 Peguis cannot agree with the final licence for
10 Manitoba Hydro, and highly recommend to the Clean
11 Environment Commission not to recommend the final
12 licence. At least until certain steps are taken
13 to ensure that our people are not devastated like
14 this as we move forward. This just simply can't
15 happen any longer. It has to stop.

16 You know, there's so many issues out
17 there, ATR -- well, you have TLE, use the land.
18 That takes seven, eight, nine, 10 years. We could
19 identify pieces of property around Peguis to build
20 homes on to replace them, but it's going to take
21 us another seven, half a dozen to 10 years to
22 actually build homes on that land, until the
23 reserve is actually transferred to actual reserve
24 land. Government just wouldn't let us. So how do
25 we meet those needs of the community, those

1 evacuees? We can't.

2 More research has to go into what's
3 happening here, to protect our people, to protect
4 our land as we move forward.

5 Thank you, Mr. Chair. Miigwech.

6 THE CHAIRMAN: Thank you, Councillor
7 Sutherland. Thank you, Chief Hudson. And thank
8 you to the elders and Dr. Sinclair and Mr. Whelan
9 for your presentations.

10 I'm going to suggest we take about a
11 15 minute break until just before 11:30, and we'll
12 come back and ask questions at that time.

13 (Proceedings recessed at 11:13 a.m.
14 and reconvened at 11:28 a.m.)

15 THE CHAIRMAN: Okay. It's my
16 understanding that Dr. Sinclair has to leave in
17 about 15 minutes, is that correct? He has to
18 catch a flight. So if anyone has any questions
19 for Dr. Sinclair, let's move them up front.
20 Manitoba Hydro?

21 MS. MAYOR: Sorry about that little
22 discussion. We just had one inquiry to make with
23 respect to the report that Councillor Sutherland
24 had referenced was an AECOM report. Is that a
25 report that is Peguis's report and is it something

1 that you could share with all of us?

2 MR. SUTHERLAND: The 2009 AECOM report
3 was initiated by AANDC in regards to, you know,
4 flooding and the issues around flooding and it is
5 available. There was another report done by AECOM
6 on behalf of Peguis in 2014. But one of the
7 things, both reports, and they are available, if
8 you need them, they didn't accomplish what we
9 wanted. You see, each report just focuses on the
10 boundaries of Peguis only. And you can't study a
11 watershed by narrowing the focus of your study.
12 So at Peguis, what we'll be initiating is another
13 report, but it's going to encompass -- if you see
14 the map there of Peguis, the whole, the RM of
15 Fisher, and right to the mouth of Fisher Bay. So
16 that will show the contours of the land, it will
17 show the drainage systems that are south of
18 Peguis, kind of the times the drainage system
19 started. And like I said, it's kind of ironic
20 because it coincides with Lake Winnipeg Reg, going
21 back to the early '70s. And that's what we will
22 be initiating later on this year. But those other
23 two reports, we do have them on file in Peguis and
24 we can make them available to you if you like.

25 MS. MAYOR: As we're speaking, I see I

1 just was provided with a link for one of the
2 reports in any event. But even if someone on your
3 behalf sent us all a link, then at least we've got
4 all the information available to us, and we
5 appreciate that. Thank you. Manitoba Hydro has
6 no other questions.

7 THE CHAIRMAN: No other questions?

8 Do any of the participants have
9 questions, recognizing that only if anybody is
10 contrary to your position. Nothing?

11 Okay. I think the panel has one or
12 two or three questions. I'm not sure that any of
13 them are directed at Dr. Sinclair specifically, so
14 any time you need to leave, Dr. Sinclair, just
15 feel free.

16 Mr. Yee?

17 MR. YEE: Yes, thank you, Mr. Chair.

18 I do have a question regarding, it was
19 interesting your comments about the Fisher River
20 and the high water levels of Lake Winnipeg, and
21 when there's wind events that the Fisher River
22 sort of backs up. So I was just wondering if
23 these observations were made during the 1950s or
24 the early '70s, when there was high water levels
25 in Lake Winnipeg?

1 MR. SUTHERLAND: Maybe Maurice could
2 answer that, but I know what I was going to
3 comment on is that one of the things that we have
4 initiated this year, with the support of Manitoba
5 Hydro, is traditional land use study or occupancy
6 study at the southeast corner of Manitoba. But we
7 are going to be moving down into the Interlake
8 region where the largest piece of Peguis Reserve
9 exists, and those are some of the questions that
10 will be prepared.

11 But Maurice is a lot older than I
12 am -- just kidding -- maybe he could answer that
13 question better than I could. But talking to some
14 of the elders and the people that I work with in
15 the community, there has been some times, yeah,
16 they recollect a couple of years I guess during
17 high water times. But I'll let Maurice answer
18 this.

19 ELDER SUTHERLAND: I can't remember if
20 we actually had some -- yeah, I think it was a big
21 flood in '74. At that time they had to be
22 evacuated by helicopter. And I was not at home at
23 that time, I was working in Winnipeg here with the
24 Natural Resources Canada, surveyor assistant. So
25 when I got home, it was already flooding, so I

1 didn't know if there was anything -- but I could
2 find, like that could be found out, you know, if
3 there was elevations taken at that time.

4 MR. SUTHERLAND: Just for your
5 information, in talking to, last year talking to
6 an elder in the community by the name of Tom
7 Cochrane, I think it was 1954 that he referenced
8 snow levels. You see, last year we had over
9 four feet of snow in our community, and at no time
10 in the history that he could remember snow ever
11 being that high, only I think in 1954 or 1955.
12 But he said it was a good spring and the water
13 levels weren't too high. It didn't flood. But
14 that was one year that the snow levels were higher
15 than what they were last year, out of his
16 lifetime, and I think he's about 70, yeah. But,
17 again, you know, we don't have that information.
18 Like I said, a lot of the high water levels go
19 back to the '70s on the drainage when Lake
20 Winnipeg Reg started. Thank you.

21 MR. YEE: Thank you very much.

22 MS. SUEK: Again, Councillor
23 Sutherland, this question is probably for you.
24 You mentioned the drainage issues in the blue area
25 that we were talking about. Can you talk a little

1 bit more about the impact of that and what that's
2 about, and what kind of research you are looking
3 at doing in that area?

4 MR. SUTHERLAND: Well, the drainage we
5 are talking about, you see the blue area there,
6 the light purple, that's Peguis. So everything
7 south is the RM of Fisher. And about 1974,
8 somewhere in that area, like agriculture was
9 really kicking in high gear. And a lot more
10 drainage started. I think in the '80s and '90s is
11 where it really increased. One of the NDP
12 representatives, Mr. Tom Nevakshonoff, I think
13 he's been in the office since the turn of the
14 century, he also continued that effort of
15 drainage, you know, for the farmers in that area.
16 And in 2010, they were going to implement a huge
17 drainage system southwest corner up here, a place
18 called Otter Lake. They were going to drain that
19 lake into a river system.

20 And Maurice and I, we wrote a letter
21 to the Minister with the Chief's signature, and
22 Christine Melnyk at the time, and we stopped that
23 project. And up there they had I think
24 approximately 26 foot, 40 foot long culverts ready
25 to go and drain. And there was no consultation

1 done or anything. But prior to that, it was
2 ongoing and it was steady. And our -- not land
3 manager but what's Rod's title -- infrastructure,
4 Public Works. In one of the previous studies, he
5 did, not the AECOM study but a previous one prior
6 to that, because he was on council back in I think
7 2007 to 2009. But he referenced a study stating
8 that the number of kilometres -- not kilometres,
9 but miles, which is over 700 miles of drainage in
10 the RM of Fisher. So, you know, and that's quite
11 a huge RM, and the impact of the water during
12 spring and heavy rains is quite devastating to
13 Peguis.

14 MS. SUEK: Thank you.

15 THE CHAIRMAN: If I can interrupt?
16 Just on the drainage, if you were able to get a
17 hold of Dr. Thorleifson's presentation this week,
18 Monday morning, and we may have some at the back
19 of the room, I'm not certain, but he had a map of
20 drainage throughout Manitoba, and it's really
21 quite remarkable how much drainage there is
22 throughout the province. You know, you just use
23 blue lines, and almost the whole bottom of the
24 province is blue lines.

25 CHIEF HUDSON: I just wanted to add to

1 the comments regarding the drainage issues. And
2 you know, it goes back not only in the areas that
3 Mike had referred to, but I remember an
4 announcement being made by our MLA for the
5 Interlake regarding drainage improvements for
6 farmers, and money that's been put aside and
7 committed for those improvements. And all of
8 those improvements have happened south of us. And
9 certainly I know when it comes down to those
10 improvements, that's why I commented about flash
11 flooding, not only do we have the flooding that
12 happens as a result of spring runoff, but today
13 when we have heavy rains, we experience flash
14 flooding. And in 2011, that had occurred twice in
15 our community, obviously to varying degrees
16 depending on the amount of rain that had fallen.

17 But I did want to state, you know, the
18 impacts of that and how that money comes about.
19 When you look at, you know, obviously a Crown
20 corporation like Manitoba Hydro generating
21 hundreds of millions of dollars through their
22 hydroelectric development. And at the end of the
23 day, that being a Crown corporation, if this
24 government needs additional dollars as far as
25 those profits go, and Manitoba Hydro generates a

1 huge profit, it goes back to the Province of
2 Manitoba. And from that, the Province of Manitoba
3 determines how to spend that money as far as their
4 budgets. And one of their main areas is
5 infrastructure, which they spend a whole lot of
6 money, into the billions of dollars, and those
7 infrastructure monies are then committed to
8 improving drainage.

9 So there's a cycle there in terms of,
10 you know, how these Lake Winnipeg Regulations play
11 a role in generating dollars for Manitoba Hydro
12 vis-a-vis back to the Province of Manitoba, and
13 then how it's disbursed to the municipalities or
14 the cities, or whoever, for infrastructure
15 improvements. And that impacts us. Coupled by
16 the fact that we're a federal responsibility, so
17 we don't see any of those dollars for improvements
18 in our community, because of that fact.

19 And therefore, the Federal Government,
20 whenever there's improvements that are being made,
21 the Federal Government has to step up and also
22 match those improvements, otherwise you have
23 improvement south of us, and right at the reserve
24 boundary, because we are a Federal Jurisdiction,
25 those improvements stop. So where does that water

1 go? It not only goes through that river system,
2 but we have now more pronounced overland flooding
3 today as a result of that.

4 And so I just wanted to share the
5 cycle as far as the process on, not only how the
6 waters flow, but how the money flows that impacts
7 us also, that's generated from that water.

8 MS. SUEK: Yes, thank you.

9 MR. HARDEN: All right. Many years
10 ago when I was employed by the Manitoba Waters
11 Resources Branch as an engineer, and my assignment
12 of the day back in the '80s was to study the
13 flooding problem on the Fisher River. And at that
14 point, there were some proposals for some
15 structural solutions of, I believe a floodway
16 around the reserve and into Lake Winnipeg and that
17 sort of thing. Has there been any progress in
18 terms of structural solutions for the flooding
19 problem?

20 MR. SUTHERLAND: I referred to a
21 number of studies that were done, and you are
22 probably familiar with some of them back in the
23 day. You know, I know one of our consultants
24 showed me a link to the Provincial archives. And
25 actually, I think it was 1983 or '85, the floodway

1 was actually approved by cabinet, but it would
2 never move forward. And as years went by, I guess
3 what we were talking about doing was going east to
4 Peguis, past that little green point, and then
5 down towards Fisher River. But the cost of that
6 floodway today would be astronomical, 200 million,
7 you know.

8 We are looking at an alternative right
9 now. And as you see there, at the south end of
10 the reserve there's a little glitch there, a
11 little white piece of land, that's not Peguis
12 property, but there's a town called Hodson (ph).
13 Put your cursor on it there, Jared. And we're
14 thinking of going east, go straight east, Jared,
15 to that green site. There's a couple of bends
16 there, it's about 10 kilometres. But from there
17 right east to the lake, it's all swamp land,
18 marsh. And right about here, there is a huge
19 ditch already. And it runs to the lake and it
20 kind of drains north, and then from south into
21 that ditch and it goes out into Washout Bay.
22 There's no houses there. There's some farmland
23 over there, but it's all natural area. And we're
24 proposing, and we're trying to get an engineering
25 firm to do the research on a floodway from Hodson

1 here, right east to here.

2 Now, we asked AECOM to do the study to
3 show the whole watershed, but they didn't. Their
4 study only showed the reserve that it is -- even
5 narrowed to show only this here, just where the
6 river and the two roads came, so they even
7 narrowed, the 2014 focus was even narrowed, even
8 smaller than the reserve.

9 And what we want to show is the
10 benefits of this floodway. Fisher River is in
11 favour of it, the RM of Fisher is in favour of it
12 because we can move water during peak times east.
13 And then from here is just a natural flow process
14 down to the lake on its own. And it's actually
15 even better, because this is all farmland, right?
16 So that water will actually be filtered by the bog
17 before it gets to the lake, and that's what a bog
18 does, right? It's a filtering system.

19 So we're trying to get an engineering
20 firm to identify that cost there. But we got
21 documents from the Lake St. Martin Cut, you know,
22 the big one there. You know, we all heard and
23 seen in the paper, a hundred million dollars.
24 Well, actually it was only 40 million, when they
25 acquired it through the Access to Information Act.

1 You know, so that's like five kilometres long and
2 I don't know how wide it is. And we're talking
3 not a river to put in here, or a huge floodway,
4 but a ditch, just a big ditch just to meet the
5 headwaters. And we see that as the only solution.
6 And they talked about floodways, cost of floodways
7 and so on and so forth. You know, and if we could
8 get this built, it meets the needs of everybody,
9 you know, it meets the needs of everybody. And
10 that's one of the only solutions that we could
11 see, is heading off those headwaters.

12 Now, AECOM asked this question because
13 they were trying to talk to us about not putting
14 it in. He said if you put that floodway in, how
15 do you know Peguis is not going to flood? Well,
16 right here on the map is where the main river
17 comes in. In 1984, was it Maurice, 1984 where we
18 dammed that river? In 1984 we dammed that river
19 and we put a dike from here to the river and from
20 here to the edge of the reserve. And we dammed
21 that river. And it was a flood year, and we
22 didn't flood. The whole RM flooded, this whole
23 south, this whole eastern part of the RM.

24 So we proved to the Province and
25 everyone else that that drainage system is the

1 cause of flooding, you know. What compounds the
2 flooding is the level of the lake, because once it
3 gets here to the north end, it has nowhere to go,
4 especially during the summer months and the heavy
5 rains and stuff come. You know, so I think it's
6 everyone's best interest if we could put that
7 drainage just here to here. Hydro could get
8 whatever it wants, you know, we alleviate the
9 headwaters, all the farmers could get their more
10 drainage put in, you know. But we all need to
11 come to that agreement, you know, because there's
12 no other way. Other than that, it's going to be a
13 lifetime of mitigation. Because there's no way we
14 can stop -- we live in a basin, we live in a bowl,
15 and that's the bottom line. So diverting the
16 headwaters is so critical.

17 And the Chief wants to comment.

18 CHIEF HUDSON: I did want to add to
19 the comments regarding the solutions and, you
20 know, for us as a people, we're always looking for
21 the more sustainable processes. And you know,
22 that solution that Mike spoke about, we believe
23 that is the only solution in terms of diverting
24 water away. And it's the more effective and more
25 efficient solution.

1 I know when we had come back to the
2 AECOM study that was done in 2006, 2007, around
3 that time frame when it was completed, it
4 recommended a diversion from the south end of the
5 reserve right to the Fisher Bay, which is on the
6 north end there. And that cost alone would have
7 been in the order of, I think it was \$190 million
8 in terms of digging it, the current costs. But,
9 obviously, the more economical and the more
10 practical solution is going straight east, because
11 there is no development south of the bay there,
12 it's all bog and marsh and certainly swamp area.

13 So that's something that we had
14 proposed, and certainly wanting to look at getting
15 expert advice. But I also want to comment on
16 expert advice. And I know it was commented about
17 this AECOM report, I want to share with you. You
18 know, certainly when somebody studies something,
19 they have I guess opinions and certainly facts
20 that they want to present. As far as relating to
21 the facts, they state down their findings. But if
22 you have somebody else commission it, they may
23 find different issues and different findings as a
24 result of the same work scope in terms of studies
25 go.

1 And I know AECOM, I'll state they have
2 been commissioned many times by the Federal and
3 Provincial Government, and their findings we
4 refuted, but also their recommendations were very
5 practical. But whether they were the right ones
6 in terms of the cost of doing this, that's
7 something, you know, we certainly have to look at
8 further.

9 But I just wanted to state for the
10 record, we refuted the findings of the AECOM
11 report, and we wanted to look at commissioning our
12 own independent advice as far as this study goes,
13 because we didn't agree with the way they had
14 conducted it. And again, they have been
15 commissioned many times by the Federal and
16 Provincial Government. And if certainly somebody
17 is paying you, you're not going to go against
18 their wishes, obviously.

19 I know certainly when my dad used to
20 pay me to do things and to do work, if I didn't do
21 it properly the way he wanted it, he wouldn't pay
22 me. And so, you know, that's something I can say
23 on a professional level. And you know, there's
24 some favoritism, I would say, and biases that come
25 into effect, we are only human, right? But

1 certainly that's something that, you know, I did
2 want to state.

3 But also in terms of currently today,
4 we have lobbied the Federal Government many times
5 in terms of coming up with solutions as far as the
6 infrastructure. And what they are currently
7 proposing is look at relocating our housing and
8 relocating up to 450 homes, and certainly finding
9 new lands, as Mike spoke about, you know, because
10 there's processes that they have in place in terms
11 of being able to achieve this. But those
12 processes that they have as far as new lands, I'll
13 use that example, it takes up to 15 years before
14 we have that land converted to reserve land. And
15 yet we're losing 50 to 60 percent of our land just
16 like that on a flash flood, you know. And so it
17 just doesn't add up in terms of the justice there
18 and certainly the timing.

19 But also with respect to evacuations,
20 again, you know, who is it that's evacuated? It's
21 our people. But yet it's been many years since
22 we're trying to have our people return home, and
23 it's slowly happening. But if we have this
24 drainage system intaking the headwaters off, and
25 certainly not impacting our community the way it

1 is today, it will be certainly a benefit to
2 everybody, including the Federal and Provincial
3 Government, and certainly us as First Nations, how
4 it impacts us.

5 But I did want to share with you on
6 the land side of it, as far as infrastructure
7 development goes, we're one of two First Nations
8 in Manitoba that have certificates of possession.
9 And people have lived in their homesteads dating
10 back to when we relocated to Peguis. And so when
11 those lands are flooded, people don't want to move
12 from those homesteads, because that's always been
13 in their families. And to have that lost, it's
14 not only devastating to them, but certainly
15 devastating to the entire community in terms of
16 having to change our infrastructure, whether it be
17 roads, housing, et cetera. And that costs a lot
18 of money.

19 So to spend for this drainage system
20 running straight east, you're probably looking at
21 about, you know, anywhere from 50 to maybe
22 90 million, versus spending a half a billion
23 dollars trying to achieve all this. So the
24 economics make sense to us. And that's something
25 that makes sense to a lot of non-first Nations

1 people, when you speak dollars and cents. But
2 certainly for us, it's more about sustaining our
3 way of life and sustaining the land, and certainly
4 protecting things that we have had going back.

5 And I just wanted to make those
6 comments with respect to the structural solutions.
7 We know what they are, it's solutions, it's just a
8 matter of having parties agree with us.

9 And that bathtub effect does play a
10 big role in terms of backing up that water on the
11 Fisher River. For example, today if we had a
12 heavy rainfall and then we have spring flooding
13 compounded with the wind, it could be devastating
14 to our community. And we have recently, 2010 and
15 2011, had 850 people evacuated, 450 homes. You
16 know, and it creates quite the turmoil, not only
17 for people being evacuated, but it also affects
18 the socio-economic, education of our people, the
19 health of our people. We had to move our senior
20 centre and relocate our seniors to different
21 places where they have health conditions.

22 So that's the type of issues that we
23 see, not only of this flooding, but certainly how
24 these regulations play a big part in that. And so
25 it's important that you do hear all of these

1 issues.

2 MR. HARDEN: All right. Thank you
3 very much.

4 THE CHAIRMAN: Thank you. I think
5 that brings our proceedings to an end. There are
6 no more questions.

7 So, again, I'd like to thank all of
8 you, Chief Hudson, Councillor Sutherland, Elders
9 Sutherland and Thomson, and Mr. Whalen. This was
10 once again a very informative presentation on
11 behalf of Peguis. It adds to what we heard when
12 we were in your community in late January, when we
13 also had a very good day and heard from a lot of
14 people in your community. So thank you for your
15 efforts and for coming out here today. And we
16 will be hearing later on in the proceedings when
17 we get to final arguments from your
18 representatives as well.

19 So in a moment I'll just sort of
20 announce our own details, and then I'll ask Elder
21 Thomson to say the closing, do the closing
22 ceremony.

23 The Commission will not be sitting
24 this afternoon. We had set aside this afternoon
25 for further questioning of Manitoba Hydro's panel,

1 but we concluded that yesterday afternoon. So we
2 will shortly adjourn for the weekend. Monday we
3 are back at the Convention Centre, so we're
4 bouncing around, but it's Convention Centre next
5 week, 9:30 Monday morning. Next week all week is
6 9:30, there are no more evening sessions. On
7 Monday we will have Petr Cizek from Baird &
8 Associates, and then I believe in the afternoon it
9 will be the IISD, and then other participant
10 groups for the rest of the week.

11 Documents to register?

12 MS. JOHNSON: Yes, just a few today.
13 PFN number 1 is the February 24th outline that was
14 submitted. Number 2 is the March 12th
15 presentation info, according to the seven-day
16 rule. PFN number 3 is the occupancy maps, and
17 number 4 is the additional maps.

18 (EXHIBIT PFN 1: February 24th
19 outline)

20 (EXHIBIT PFN 2: March 12th
21 presentation)

22 (EXHIBIT PFN 3: Occupancy maps)

23 (EXHIBIT PFN 4: Additional maps)

24 THE CHAIRMAN: Okay. Any other
25 business that we need to attend to?

1 Okay. Well, again, thank you all and
2 I'll now ask Elder Thomson.

3 ELDER THOMSON: The name I was given
4 was Shining Water Woman. I want to thank you,
5 Creator, for the opportunity once again to come
6 and sit and talk, to talk about the water, talk
7 about Mother Earth, to talk about life and how we
8 are all connected. Creator, I thank you. I thank
9 you for all the people here, Creator, and I ask in
10 a humble way, Creator, that you'll continue to
11 guide them, and that your will be done, Creator,
12 that your will be done. For as people we are very
13 pitiful, Creator, and we do stumble and we do make
14 mistakes. But we do pick ourselves back up,
15 Creator, and we do our very, very best. I ask in
16 a humble way, Creator, as we leave this room
17 today, Creator, that you'll continue to guide our
18 path and provide each one of us what we are
19 needing. And I ask in a humble way, Creator, that
20 you'll watch over each one throughout the weekend,
21 Creator, and bring them safely back here. And
22 continue to guide them, Creator, for all those
23 ones who are travelling great distances, Creator,
24 I ask in a humble way, Creator, that you will
25 watch over them and that pathway is made clear, to

1 watch over our brothers and sisters who walk upon
2 four legs, and our brothers and sisters who fly,
3 that they too will be safe as we travel the
4 highways, Creator, I ask in a humble way.
5 Creator, I ask in a humble way that you continue
6 to watch over Mother Earth and Grandmother Water,
7 and provide what each one of them are needing,
8 Creator. I thank you. Miigwech.

9 THE CHAIRMAN: Thank you. We're now
10 adjourned until Monday morning.

11 (Proceedings adjourned at 11:59 a.m.)

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OFFICIAL EXAMINER'S CERTIFICATE

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

Cecelia Reid
Official Examiner, Q.B.

Debra Kot
Official Examiner Q.B.

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