

Fox Lake Cree Nation

Presentation to Clean Environment Commission

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I would like to thank the Clean Environment Commission for the opportunity to speak on behalf of Fox Lake Cree Nation on the topic of the BP3 Environmental Impact Statement (EIS). My presentation will cover four areas. First, I will provide an overview of the environmental, and human impacts of hydroelectric projects that are concentrated in Fox Lake's (FL) traditional resource use area. The impacts of these past projects are ongoing and relevant to Fox Lake's assessment of the proposed BiPole 3 project. Second, my presentation will critique the EIS including what Fox Lake considers major flaws. Third, I will describe what is necessary to mitigate and monitor in a meaningful way, further adverse impacts on Fox Lake people and their homeland. And finally, I will address the questions asked by the Panel of Fox Lake at the hearings in Gillam on October 11.

The people of Fox Lake and their ancestors have a long and rich history in the area that is now known as Gillam. This history goes back hundreds of generations. The relationships that the people maintained with each other, the land, waterways, plants, and animals of the Hudson Bay Lowlands are enshrined in the stories and legends that continue to be told in and about the local landscape. These relationships and the values that Fox Lake people attach to the land and waters are enshrined in the Cree names the people gave to important places and spaces. The *Kischi Sipi* translates to English as "the great river" and is more commonly known today as the Nelson River. It served as one of the main highways that connected the Cree of the Lowlands to each other, and allowed unfettered access to a

variety of good quality Cree foods, for example, sturgeon, brook trout, pickerel, pike, whitefish, burbot, perch, caribou, moose, muskrat, beaver, bear, and lynx. The Nelson River also provided the people with a safe and clear source of drinking water. In fact, before the dams at Kettle Rapids, the river's bottom could be seen from the top of the Canadian National Railway (CNR) Bridge and Fox Lake people drank directly from the river. The banks of the Kischi Sipi provided sheltered places for the people to collect food and survive over at least three seasons. These and many other things that people gleaned from an intact ecosystem, or what in Cree is the word *Askei*, which means land but also implies the interconnectedness between the land, water, plants, animals, and people, was the building blocks for rewarding, independent, and self-sufficient Cree livelihoods. The quality of life that was attainable on and around the Kischi Sipi prior to large-scale industrial development can be summarized by one seemingly simple yet profound Cree expression, *mino pimatisiwin*. Its literal translation is good or balanced living. This is not to suggest that life for the people of Fox Lake was not without hardships and disappointments. Rather, it means that the opportunities for living according to the *ideal* of *mino pimatisiwin* were ample and attainable for most people.

As the panel is aware, Manitoba Hydro built three major generating stations on the lower Kischi Sipi beginning in the mid-1960s: Kettle, Long Spruce and Limestone. The utility also built two converter stations Radisson and Henday as well as the BiPole I and II transmission lines. The chronology of the construction of these facilities is well-known to the Panel, and has been described by the Manitoba Hydro Vice President of Transmissions in his presentation to the Panel in early October. But Mr. Tymofichuk did not acknowledge that all these projects, either in whole or in part, were constructed in Fox Lake's homeland,

leaving permanent impacts on the local landscape and changing forever the natural rhythms and ecological functioning of the Kischi Sipi and its tributaries.

Over the eight years I have worked for Fox Lake, I, along with Elders and resource harvesters, have documented example after example of perturbations to Fox Lake's traditional resource use area with little or no mitigation, monitoring, or rehabilitation. Among these are the blocking and reversal of direction and flow of the Butnau River. This was accomplished by constructing a dam, a dyke and a diversion channel which transformed a pristine river and sturgeon and brook trout subsistence fisheries into what is essentially a slough. The continuous dumping of raw sewage into a small brook trout stream which flowed directly into the lower reaches of the Kettle River resulting in the contamination of an important potable water source and a brook trout fishery. The replacement of the sound of rapids and fast flowing waters with the constant hum of transmission lines, heard kilometers away from the Radisson and Henday Converter Stations. The destruction of a vibrant subsistence sturgeon fishery downstream from Gull Rapids to the former Kettle Rapids and from there to Limestone Rapids. The uncontrolled hunting and fishing by three decades of construction workers contributing to the near extirpation of brook trout and sturgeon from a number of local rivers and streams. And finally, the myriad gravel pits, cut and transmission lines, and other aesthetic eyesores that serve as constant reminders of these projects. These are but a few examples of the cumulative impacts that are concentrated in the small geographical area that is Fox Lake's homeland. To date, these remain largely unmonitored, unmitigated, and unrehabilitated.

Given this history and lived experience, it is impossible for Fox Lake to view the BP3 project as discrete and unrelated to past and future projects. BP3 is part of a process of hydroelectric development that began in the 1960's and continues today. With each

additional project, Fox Lake's homeland is more and more altered and destroyed by projects with a consequence that existing environmental problems are compounded and magnified.

Fox Lake has reviewed Hydro's EIS for BiPole 3 and has identified major flaws both in its methods and conclusions. First, the EIS treats the impacts as though they were similar throughout the entire project's footprint and as though they were distributed equally among all communities and land-owners along its route. The EIS fails to adequately describe the *extensive* and *intensive* impacts that have and will occur in this relatively small geographical area. Fox Lake people and their lands are unique in terms of the magnitude of past, present, and future impacts and this should have been acknowledged in the EIS, moreover it should have featured prominently in the Executive Summary. This is its first fundamental flaw.

Second, the EIS failed to show how the proposed Keeyask and Conawapa projects are intertwined with the South Access Road, BP3 transmission lines, the Keewatinooow Converter Station, and the electrode site. For example, the Keeyask South Access Road, which will be part of the provincial highway system, coupled with the AC Collector Lines connecting the proposed Keeyask Generating Station to the Radisson Converter Station will further fragment, disturb, and increase access to ecologically sensitive areas along the south side of the Kischi Sipi. These are major infrastructures, and their impacts are additive. Because these impacts are undeniably related to the construction of and long-term operations of BP3 they must be identified and given a fundamental place in the environmental assessment. Fox Lake considers the failure to acknowledge the interconnectedness among projects as a second major flaw.

Third, the EIS does not adequately deal with the issue of controlling human access to natural resources within Fox Lake's traditional resource use area. The Keeyask, Conawapa, and BiPole 3 projects require large work forces and these workforces coupled

with additional landscape fragmentation from all three projects means more people will be trying to access fewer resources. Consequently, as more areas will be accessible to recreational hunters and fishers there will be increased harvesting pressure on local populations of moose, three subspecies of caribou, and brook trout. This prediction by Fox Lake is based on past experience during the construction of Kettle, Long Spruce and Limestone. These concerns are compounded by a lack of details on monitoring and mitigation, especially if something does not work. In fact, there needs to be more Fox Lake traditional knowledge and other research on caribou cow migrations across multiple transmission lines to calving complexes in Stephen Reservoir, brook trout recovery in streams where they are extirpated, and vegetation recovery studies. There is also no comprehensive and integrated access management program that deals with the impacts of ALL the proposed projects.

Fourth, the EIS is fundamentally flawed because of the lack of integration of Fox Lake traditional knowledge, which FL calls *Aski Keskentamowin*. Moreover, most of the technical studies were undertaken prior to the collection of AK. Fox Lake considers AK to be baseline knowledge on which technical studies are built. To summarize, Fox Lake traditional knowledge played little if any role in the deciding what should be studied, how studies should be carried-out, and what data should be collected, analysed and interpreted. Indeed, the failure to make AK a fundamental feature of the EIS is evident in by the absence of citations to Fox Lake's AK throughout the document. A consequence is the omission of important information on ecological and culturally important brook trout streams such as Goose Creek. Ironically, impacts on Goose Creek are classified as insignificant in the EIS and as a consequence, it is proposed that "grey water" from construction will be dumped into this system, eventually to make its way into the Kischi Sipi.

There are other discrepancies between what is written in the EIS and what Fox Lake predicts. Fox Lake's AK predicts a decline in moose numbers in the local area but the EIS states there will not be a decline. Fox Lake did not have input to the selection of Valued Environmental Components and, as a result, the EIS did not include information that is vitally important to Fox Lake. Examples are: lack of information on protecting brook trout and their essential habitats, ensuring the security of traditional Cree foods, and reclaiming mino pimatisiwin. Rather, AK simply appears as an "add-on" with Fox Lake's AK report appearing as an appendix to the EIS.

Fox Lake's Elders and Harvesters have identified a number of areas in which the studies carried out for the BP3 environmental assessment were inadequate, and for which further technical studies, based on AK, are required. For example, on-the-ground field studies are required for all the creeks located between Henday and Conawapa that will be traversed by power lines.

Finally, Fox Lake views many of the technical studies carried out for the environmental assessment as fundamentally flawed from a scientific perspective. Fox Lake's advisors evaluated the science and found numerous problems including but not limited to the following: (1) Stream crossings in Fox Lake's territory, especially since land clearing along rivers and streams will impact fish habitat, especially along smaller streams and at the mouths of these streams. Since sturgeon and brook trout are vitally important to FL, their omission from the EIS is unclear. (2) No soil inspections at burrow sites in Fox Lake's territory because "**route information was not available at the time of field assessment**". This in Fox Lake's view is an unacceptable rationale for failing to conduct sampling. (3) No mention of cold water steps which are critical habitat for brook trout especially in local construction areas, including areas where burrow pits and roads are located. (4) Claims that

chronic wasting disease exists in the province when to date it has never been found. (5) Lack of reference to the claim that “Manitoba Conservation believes that boreal woodland caribou populations are stable”. And (6) downplaying the significance of summer habitat for woodland caribou and moose. Fox Lake has provided all of its comments on the EIS to Manitoba Hydro including those mentioned above and can provide these comments to the Commission upon request.

Fox Lake is concerned, after they were informed by MH, that there will not be an opportunity to revise the EIS to correct omissions, provide complete information on routes, and properly review the citations of Fox Lake’s AK in the core document. Moreover, the review of the first draft of Manitoba Hydro’s Environmental Protection Plan (EPP) by Fox Lake reveals serious shortcomings. These include (1) the EPP only addresses Hydro’s regulatory obligations and compliance. It does not reflect how FL relates to and values the environment or the unique local and historical knowledge of FL people that is critical to determining, for example, what, where, and how monitoring should be undertaken; and (2) it does not reflect the additive and cumulative impacts of all past, current, and future projects which are and will continue to be concentrated in FL’s traditional resource use area.

To address these inadequacies, Fox Lake has begun the process to develop a comprehensive Environmental Protection Plan that will apply to the community’s entire traditional resource use area and will address the construction and operational impacts of BiPole III, the South Access Road, and Keeyask Transmissions. This plan will provide much more meaningful monitoring, access management, and ecological and aesthetic restoration and rehabilitation, consistent with Fox Lake’s values and relationships to Aski. FL anticipates that Manitoba Hydro and all its departments, that are directly involved, across the several projects, will work with Fox Lake to make this happen.

For monitoring, this plan requires: (1) independent Fox Lake monitors at ALL construction sites during critical times of activity noting that in certain circumstances and for short durations, this could be 24 hours a day. These independent monitors will work closely with Hydro's staff but will report directly to Fox Lake; (2) development of monitoring criteria beyond that of regulatory compliance that reflects FL's values and relationships to the environment; (3) training for Fox Lake monitors that is fully funded by Manitoba Hydro; (4) clear and direct communication channels between Manitoba Hydro, FL monitors, and Fox Lake resource users so there is rapid communication and input to and from FL members if and when problems arise, and (5) Fox Lake led rehabilitation and restoration of past, current and future impacted sites such as burrow pits and cut and transmission lines. FL anticipates that once this program is in place, the community will be more directly involved in solutions to environmental problems since they are much more familiar with the local environment and have a wealth of experience knowledge on past problems.

For access management this plan requires: (1) a comprehensive plan that goes above and beyond limiting access to individual construction areas but rather addresses the harvesting behavior of sojourn construction workers in Fox Lake's entire resource use area; (2) Fox Lake developed and led Aski management and recovery plans for such species as lake sturgeon and brook trout, as well as geese, caribou, and moose, and (3) Fox Lake Aski Officers with the authority equal to provincial Conservation Officers to ensure cooperation among resource users and compliance to Fox Lake's Aski management and recovery plans.

In closing, I would like to address the five questions posed by the Panel to Fox Lake at the hearings held in Gillam on October 11. The first question was:

*What is the Fox Lake nine-step sturgeon recovery plan, and at what is its status?*

At present, it is a plan which FL developed because they were interested in a Fox Lake and First Nation led management and recovery strategy for lake sturgeon on the lower Nelson River. This plan was developed because Fox Lake's traditional resource use area has been heavily impacted by previous dam constructions and it wanted to ensure it had proper input on sturgeon which is an iconic species to Fox Lake. Unfortunately, the 9-step plan has not been advanced due primarily to the efforts by MH to set up a Lower Nelson River Sturgeon Stewardship Committee.

The second question was: *How will sturgeon be impacted by the BP3 Project?*

Fox Lake's past experience has demonstrated that it is impossible to separate and compartmentalize impacts of multiple constructions. The proposed project make FL very uneasy. Consequently, since lake sturgeon are an iconic species and listed as endangered by Committee On Status of Endangered Wildlife in Canada (COSEWIC), this species was chosen by FL to illustrate the interconnectedness of impacts among projects, and how FL views the environment as an interrelated whole. Fox Lake also wanted to draw attention to the fact that society (industry, regulators and politicians) tend to view impacts as direct and cause-and-effect and occurring over short periods of time. Thus, there is usually a failure to adequately connect impacts across time, industrial developments and multiple projects. It is difficult to argue that the south access road, transmission lines, and Bipole would be constructed if the Keeyask dam were not being constructed. It is also difficult to argue that lake sturgeon will not be impacted by the Keeyask dam, nor that past projects such as Kettle, Long Spruce and Limestone did not significantly impact sturgeon populations in Fox Lake's homeland.

The third question was: *What is meant by making the land aesthetically beautiful?*

Perhaps, it is more accurate to state that the land and water should be returned to its original

functional state for food gathering (that is, fishing, hunting, trapping, berry picking, and gathering medicinal plants).

The fourth question was: *At what stage is FL's of Aski Management plan?*

As previously stated, this comprehensive management plan is currently under development and includes Aski Conservation Officers.

The fifth question was: *What is Fox Lake's 'perception' of Aski health?*

One indicator of Aski health is the ability to glean a wide variety of high quality Cree foods from Fox Lake's homeland. Unfortunately, Aski health has been jeopardized because of past damage to the local ecosystem that left it fragmented, and in some areas non-functioning. Examples of the latter include complete losses of rapids, loss of fish habitats at mouths of rivers such as the Kettle, large burrow pits left as 'moonscapes' and devoid of vegetation. Future industrial projects will make the environment even worse if past and future impacts are not properly mitigated and compensated.

In closing, I would like to thank the Commission for the opportunity to speak and for listening and hearing Fox Lake's views on the BiPole III Project. Fox Lake is hopeful that its message will assist the Commission in making its recommendations to the Minister.