

MANITOBA CLEAN ENVIRONMENT COMMISSION

LAKE WINNIPEG REGULATION REVIEW

UNDER THE WATER POWER ACT

VOLUME 16

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Transcript of Proceedings  
Held at RBC Convention Centre  
Winnipeg, Manitoba  
TUESDAY, APRIL 14, 2015

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Beverly Suek - Commissioner  
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## INDEX OF PROCEEDINGS

|  |      |
|--|------|
| Presentation by Kewatinook Fishers of Lake<br>Winnipeg<br>Myrle Ballard, Derrick Gould, Henry Traverse,<br>Albert Ross, Alfie Cook, Valerie Disbrowe | 2328 |
| Questions by Mr. Bedford   | 2376 |
| Questions by CEC Panel   | 2380 |
| <br>   |      |
| Presentation by Manitoba Metis Federation<br>President David Chartrand   | 2395 |
| Cross-examination by Mr. Bedford   | 2425 |

## INDEX OF EXHIBITS

|        |  |      |
|--------|--|------|
| KFLW 1 | Outline of February 24th   | 2392 |
| KFLW 2 | Dr. Ballard's paper  | 2392 |
| KFLW 3 | Summer fishing map   | 2392 |
| KFLW 4 | Winter fishing map   | 2393 |
| KFLW 5 | Compilation  | 2393 |
| KFLW 6 | Purpose statement  | 2393 |
| KFLW 7 | Dr. Ballard's presentation   | 2393 |
| CAC 7  | Grandfather example from other jurisdictions                                 | 2393 |
| CAC 8  | Definition of Aboriginal water rights  | 2393 |
| MMF 1  | Map  | 2462 |
| MH 12  | Agreement between Manitoba Metis Federation and Manitoba Hydroelectric Board | 2462 |

1 TUESDAY, APRIL 14, 2015

2 UPON COMMENCING AT 9:30 A.M.

3 THE CHAIRMAN: Good morning. We'll  
4 resume the hearings. This morning we have the  
5 Keewatinook Fishers of Lake Winnipeg. I'll note  
6 at the outset, they are presenter status so they  
7 are not subject to cross-examination. They can be  
8 asked questions by the panel and by the proponent  
9 only for clarification.

10 Under our procedural guidelines,  
11 anyone who is giving evidence at the hearings must  
12 be sworn in, so I will ask the commission  
13 secretary to swear you in.

14 MS. JOHNSON: Could each of you state  
15 your name for the record, please?

16 DR. BALLARD: Good morning, my name is  
17 Dr. Myrle Ballard.

18 MR. GOULD: Good morning, my name is  
19 Derrick Gould, Pinaymootang First Nation.

20 MR. TRAVERSE: Henry Traverse,  
21 Kinonjeoshtegon First Nation.

22 MR. ROSS: Good morning, my name is  
23 Albert Ross, I am from Grand Rapids.

24 MR. COOK: Good morning, my name is  
25 Alfie Cook, I'm a fisher from Grand Rapids First

1 Nation.

2 MS. DISBROWE: Good morning, my name  
3 is Valerie Disbrowe, fisher from Berens River  
4 First Nation.

5 Dr. Myrle Ballard: Sworn

6 Derrick Gould: Sworn

7 Henry Traverse: Sworn

8 Albert Ross: Sworn

9 Alfie Cook: Sworn

10 Valerie Disbrowe: Sworn

11 DR. BALLARD: I'd like to do an  
12 opening prayer first, if I may.

13 THE CHAIRMAN: Yes, you may.  
14 (Opening prayer)

15 DR. BALLARD: Good morning,  
16 Commissioners, ladies and gentlemen, Manitoba  
17 Hydro, Keewatinook Fishers. My name is Dr. Myrle  
18 Ballard and I'm from the Lake St. Martin First  
19 Nation. I am Anishinaabe and I speak my language.  
20 What I do right now is I am a post-doctoral fellow  
21 at the Faculty of Health and Sciences at the  
22 University of Manitoba. I've got my Ph.D. My  
23 Ph.D. is natural resources and environmental  
24 management. My dissertation was on flooding  
25 sustainable livelihoods of the Lake St. Martin

1 First Nation: The need to enhance the role of  
2 gender and language in the Anishinaabe Knowledge  
3 Systems. I also have a Master of Science Degree,  
4 which is an interdisciplinary degree in the  
5 Natural Resources, Zoology, Geography and Native  
6 Studies. And then the dissertation for my Masters  
7 was studying of the effects of the Fairford dam on  
8 the Lake St. Martin First Nation.

9 I've got a lot of experience working  
10 with various committees regionally, nationally,  
11 internationally. I have worked with the  
12 committees with the United Nations of various,  
13 various groups with the United Nations on  
14 convention of biological diversity, forestry,  
15 climate change. I have also published, most of my  
16 publications were on flooding, assisting  
17 (inaudible) livelihoods, cultural livelihoods,  
18 language. This is just a few of them.

19 The methods I used was I did  
20 interviews with the fishers from Grand Rapids,  
21 Berens River, Pinaymootang and Dauphin River and  
22 Kinonjeostegon. And these were done in  
23 (inaudible). I interviewed the nine fishers.

24 My presentation is based on the  
25 language, because as Anishinaabe speakers, the



1 language that we speak guides the activities that  
2 we do with the land. And without the language, we  
3 don't have that resource governance that we have.  
4 And we call this (native language spoken) aysi pi  
5 mosay maguk. That means the natural law.  
6 Ndinaywan ini nan is of the language, which is our  
7 natural law. Our natural laws are now the  
8 knowledge, which is the knowledge of dukiinan aysi  
9 pi mosay maguk. That means how the world works.  
10 The systems, and the systems of, the systems of  
11 nature, the ecosystem, and those are the way they  
12 work. And the words guides us how to look after  
13 dukiinan. Aniin kaygo aysi pimosay maguk. The  
14 words that we use are very specific to the way we  
15 look after the land. And when we translate the  
16 words, they lose their meaning. You have to be a  
17 speaker to understand it. And that's what I'm  
18 going to get, that's the purpose of this  
19 presentation.

20 And as the stewards of the land that  
21 we teach the children to look after the land as  
22 well. And if there is nothing left, then that  
23 means that we can't teach the children.

24 Ndinaywan ini nan gives us  
25 keegitoowiinun, which are the words that guide us

1 to be the stewards of the land, the stewards of  
2 akhi. And when we talk about akhi, that means the  
3 land, water, that doesn't differentiate, it's all  
4 one. And keegitoowiin, the words are very  
5 specific and concise. When you try to translate  
6 them into English, they don't mean the same thing,  
7 the meaning is lost.

8           This picture is what governs our  
9 people, they are an indicator of what's happening  
10 with the lake. Pagitowa means fishery, and these  
11 pictures will show about the fisheries. Like, for  
12 example, the first the picture shows the nets, and  
13 the word on the picture there, kitimagan.  
14 Kitimagan means it's being destroyed. Kitimagan,  
15 it's the fishery is in bad shape, and that's what  
16 that means. But translating, you have to  
17 understand the language in order to know the  
18 meaning and the feeling behind it.

19           Ndinaywan ini nan means our law.

20 These quotes I am going to be using are from the  
21 fishers themselves. That's where the quotes come  
22 from. And the fishers describe that;

23           "In the last 15 to 20 years, fish have  
24           relocated."

25           "The ancestors never ruined the lake,

1                   they honoured the lake."

2   And that is what that part of being a good steward  
3   is, you don't ruin the lake:

4                   "The fishers used to just go and set  
5                   their nets, but now they have to add  
6                   extra floats to keep the nets off the  
7                   bottom because the fish do not feed on  
8                   bottom anymore."

9   And this is part of the fisher's knowledge system,  
10   so this is the part of knowing the lake the way it  
11   is and under the changes they have seen.

12                   "The fish have their fish routes and  
13                   migration patterns, but they are  
14                   ruined due to fluctuating water  
15                   levels."

16                   "The water is different now."

17   This is another quote from the fisher. This  
18   picture shows the lake, it's all greasy, and one  
19   of the fishers describes, there is;

20                   "Greasy brown stuff that cakes the  
21                   nets."

22   This is what the fisher described. And another  
23   quote from the fisher:

24                   "Before you could see many feet below  
25                   the surface of the water, but now it

1 is so dirty you can't even see your  
2 hand when you put your arm in the  
3 water."

4 This is another picture describing the  
5 way the fishery is. The word on the left of the  
6 screen, Wii nizi a sthub means that the net is  
7 dirty. That's an indicator as well that the  
8 fishery has gone bad, something is wrong with the  
9 fishery. And the one, the word on the right Pana  
10 dizi means that the net is destroyed and they  
11 tossed it out. It's in the garbage now.

12 The fishers describe their fishery,  
13 they say the nets are ruined. Before the  
14 regulations, the fishers went through  
15 approximately 15 nets per season during the  
16 summer, fall. After post regulation, the fishers  
17 lose approximately 30 to 40 nets per season. The  
18 destruction of pagitowa means ndinaywan ini nan is  
19 disrupted. That means the natural law is being  
20 disrupted.

21 And the fishers have words to describe  
22 the lake conditions as well. When they describe,  
23 when the water is high, ispagama, and when the  
24 water is low, pago. These are the words that  
25 guide the fishers as well when they go on the lake

1 and they have to be aware of the water conditions.

2 "Between 2000 and 2002, the water was  
3 so low many fishers ran aground on  
4 boulders that would have normally been  
5 under water."

6 Then another fisher describes:

7 "Fishers can't afford insurance, so  
8 when they damage their motors and  
9 boats on the newly exposed rocks they  
10 can't afford to fix their boats and  
11 motors."

12 And these are one of the hardships that the  
13 fishers endure. And the changes in the lake  
14 conditions create many hardships. This is an  
15 example of a boat on a jacket, and this is what it  
16 looks like when the waters came towards the shore  
17 and washed the boat to shore. And the fisher, now  
18 the boat doesn't run, something is wrong with it  
19 and the fisher can't afford to repair it.

20 Another word that's used in the  
21 governance the natural law is kiti magun  
22 pagitowiin, which means that the fishery is in  
23 very bad shape. The fishers travel further out to  
24 catch the fish. And we have maps here which are  
25 going to be shown after the presentation. And a

1 fisher describes:

2 "Whitefish look strange, they're not  
3 properly developed. Why they're like  
4 that is because their food is eroding  
5 away; water flows fast and food floats  
6 away."

7 The fisher describe fish that they catch as  
8 deformed fish. They see cysts on the fish, double  
9 gizzards, one fin, no fins, so various deformities  
10 on the fish.

11 Another thing the fisher describes is  
12 the various debris that's on the nets, they catch  
13 a chunk, chunks of land that is eroded away and  
14 it's being caught in their nets, which destroys  
15 the nets as well.

16 And the fishers describe the cysts  
17 that appear on the fish as the size of golf balls.  
18 On this picture, you know, it tells a story. When  
19 the fish -- the fish that's on the left has a big  
20 cyst, and this part is the little part here that's  
21 on the right.

22 And the fisher described;

23 "fish being caught are like dead fish  
24 but are still alive."

25 The reason for this is because the fish, is

1 because the water is very murky. And sometimes  
2 too when they get caught, the fisher describes  
3 they put them in the basket and they die right  
4 away.

5 The fisher describes that there's:

6 "Lots of debris in the water."

7 And these are pictures. There's a lot more  
8 pictures that I could share, but because of the  
9 time limit, this is just a relatively few examples  
10 that I'm sharing. And this is the debris littered  
11 on the lake. This is along the Jackhead  
12 Kinonjeoshtegon area. And there is debris  
13 floating on the mid lake as well, around the  
14 middle part of the lake, all kinds of debris.

15 Part of Long Point has become an  
16 island. The fishers describe the changes that  
17 this was taken in September 2007. This part here,  
18 the arrow, that's where it's becoming separated,  
19 it's becoming an island now.

20 The fishers describe the cabins at  
21 Long Island because the land is being eroded,  
22 there's less and less shore on each part of Long  
23 Point now. This cabin here is going to be shown  
24 in the next slide, this one with the arrow  
25 pointing to it. You are going to notice that the

1 upper side of the slide has approximately 20 feet  
2 towards the shore. You can see maybe even 30 feet  
3 towards the shore.

4 Okay. The next one is the same cabin  
5 that was pointed with the arrow, and you can see  
6 that the shoreline is now in water and part of the  
7 cabin is washed away now. And there is a picture  
8 here that shows the water moving inland where the  
9 cabins are being washed away.

10 One of the fishers describes the  
11 cabins they used were washed away, there's only  
12 two remaining. This is a cabin, it looks pretty  
13 sturdy because it looks like it's a log cabin.  
14 But you'll see that the water is almost at the  
15 edge of the corner there. And then the inside of  
16 the cabin is more or less destroyed because it's  
17 full of sand now.

18 The natural law is being disrupted.  
19 This is the sentiment of the fishers. They keep  
20 repeating this, that the natural law is being  
21 disrupted, and the waters of Lake Winnipeg. The  
22 fish patterns and the habitats are reversing. And  
23 this is coming directly from the fishers, because  
24 these are their observations that they see when  
25 they are on the lake.



1 "Fish in the spring spots are now in  
2 the fall spots."

3 This is a quote from the fisher again because this  
4 is what they see. The migration patterns have  
5 shifted because the change in the water flow. And  
6 one of the fishers said that they:

7 "caught one box of fish out of ten  
8 nets."

9 And they say that because of the change in the  
10 fishery, the young fishers don't want to take over  
11 because it's not a viable option anymore. There  
12 is increasing costs, but the profits are  
13 decreasing. And they talk about Njinay. Njinay  
14 is a word that is used in Anishinabek, the  
15 language. Njinay refers to something that you do  
16 to something, whether it's an animate or an  
17 inanimate object. If you treat something badly,  
18 you're going to suffer the consequences. And  
19 that's what the fishers are saying because the  
20 lake is being disrupted, it's being impacted. And  
21 the people that are doing it are going to suffer  
22 the consequences. And this is what is coming from  
23 the fishers.

24 Then in summary, ndinaywan ini nan is  
25 our natural law. The natural law is based on

1 kiigidowin, which means the words that they speak,  
2 they form the law. The pictures that I used, they  
3 describe the natural law, the way the land is  
4 governed.

5           The fishery is changing because of  
6 fluctuating water levels. Fluctuating water  
7 levels impacts natural law. Young fishers don't  
8 want to take over from the older fishers because  
9 of the decreasing profits and increasing costs.

10           Fluctuating water levels is  
11 antithetical to natural law. Lake Winnipeg is no  
12 longer natural, but it is now a controlled  
13 reservoir.

14           We have recommendations here of the  
15 fishers. I'm going to read some of them out, but  
16 I'm going to read the first three.

17           Manitoba Government to use fishers'  
18 knowledge.

19           Manitoba Government to fund a  
20 comprehensive study on Lake Winnipeg by tracking  
21 and measuring water levels at more locations on  
22 Lake Winnipeg for fishery, for the communities,  
23 for the species.

24           Manitoba Government conduct a  
25 comprehensive study on fishery in the north basin

1 of Lake Winnipeg pre and post regulations.

2 MR. GOULD: Good morning, Derrick  
3 Gould, Pinaymootang. Recommendations from the  
4 fishermen also are to be continued here.

5 Language renewal for First Nation  
6 communities who fish in Lake Winnipeg be supported  
7 and paid by Manitoba and Hydro.

8 Manitoba and Hydro identify personnel  
9 who will learn the language in order to be able to  
10 engage and learn from the fishers.

11 Manitoba and Hydro fund a gathering  
12 for First Nations who fish and use Lake Winnipeg  
13 to include the Keewatinook fishers, to work  
14 together toward a Lake Winnipeg charter.

15 Recommendations continued also.  
16 Manitoba Government incorporate the natural law,  
17 ndinaywan ini nan of the Keewatinook fishers into  
18 the regulation of Lake Winnipeg as a way forward.

19 Manitoba Hydro compensate Keewatinook  
20 fishers for loss of property caused by high water  
21 levels, fluctuating water levels and debris in the  
22 water.

23 It's time for Manitoba Hydro and the  
24 Crown to ask the fishers what remediation strategy  
25 is needed for Lake Winnipeg.

1                   Recommendations continued: Do not  
2 give Hydro final licence for the Lake Winnipeg  
3 Regulation. There are too many things to fix  
4 first.

5                   Miigwetch, egosi, thank you.

6                   THE CHAIRMAN: Thank you, Dr. Ballard  
7 and Mr. Gould. Are there other presentations by  
8 others on your --

9                   DR. BALLARD: What's that? I can't  
10 hear you. There's a fan right above me.

11                  THE CHAIRMAN: I'm sorry, are other  
12 members of your panel making presentations now?

13                  DR. BALLARD: Yes, there are. The  
14 next one will be Derrick Gould.

15                  THE CHAIRMAN: Okay.

16                  MR. GOULD: My name is Derrick Gould.  
17 I'm a Pinaymootang First Nation band member, also  
18 a councillor in Fairford First Nation, also  
19 commercial fisherman and a rancher as well. I'm a  
20 trapper.

21                  In our area, in our community we got  
22 50 fishers that fish throughout Lake Manitoba,  
23 Lake St. Martin and Lake Winnipeg. We have a keen  
24 interest of the Lake Winnipeg. Even though my  
25 community is not directly situated on the shores

1 of Lake Winnipeg, we still harvest our sustained  
2 sustenance from Lake Winnipeg. We have family  
3 members, relatives that fish commercially, and has  
4 an inherent right for fishing on Lake Winnipeg.  
5 We also hunt on Lake Winnipeg for our yearly meat  
6 source, as a deer, moose. And we also go there  
7 for family gatherings as well throughout our  
8 history for gathering throughout the area of  
9 Johnson Beach area and the surrounding areas of  
10 the Mantag River and so forth, around the  
11 geographic part of the Sturgeon Bay area there.  
12 And that's how we are directly connected with Lake  
13 Winnipeg.

14 I sit here today with my fellow  
15 fishermen in concern with the high waters of Lake  
16 Winnipeg and also the Water Stewardship that  
17 surrounds Lake Winnipeg that drains into Lake  
18 Winnipeg due to the Fairford dam structure flowing  
19 into Lake St. Martin, Lake St. Martin flowing into  
20 Lake Winnipeg. The man-made diversions have been  
21 made have extremely affected our area. And the  
22 stream and the flows of the waters contribute to  
23 Lake Winnipeg reservoir being held at the allotted  
24 711, I believe, to 715. That water that flows  
25 into Lake Winnipeg from our area is a substantial

1 amount that contributes to Lake Winnipeg. And  
2 with the high waters that affect the areas with  
3 the surrounding loss of land, loss of habitat for  
4 certain agriculture, also with trapping, loss of  
5 recreational activities that communities  
6 experience through winter, summer months that can  
7 no longer be -- could no longer be used due to the  
8 high waters.

9 We don't have too many agriculture  
10 producers as well in our area due to the high  
11 waters.

12 The dead debris in that, the dead fall  
13 also is a big factor that we are going to be  
14 dealing with for years to come. Us fishers here  
15 depend on the high quality of the pickerel  
16 spawning in our area. And those of you that know  
17 the migrations of the pickerel will understand  
18 that the creeks and the streams are very -- you  
19 know, that's their breeding grounds where they go  
20 up into the creeks and they spawn. They spawn.  
21 And if there's deadfall that is around our lakes,  
22 like where we live there right now, it doesn't  
23 matter if you are there in the winter time, spring  
24 time, summer time, fall time, it looks like it's  
25 fall and winter 365 days a year because we have no

1 leaves growing on our trees. There's absolutely  
2 nothing green there. It's all dead from the high  
3 waters that flooded the area and drowned out the  
4 roots of the growth of the trees.

5           So with that falling into the water,  
6 it's going to plug up the streams, it's going to  
7 plug up the area where the pickerel do spawn.

8           Our life in general has been altered  
9 throughout, you know, with this high waters that  
10 had been around in our area. I myself have  
11 noticed a big change within the past 10 to 15  
12 years at least with the high waters. Our, like I  
13 said, our families cannot gather anymore, cannot  
14 swim in the areas where we used to swim due to the  
15 algae and also the fast currents that never really  
16 used to be there before. We have to stay out of  
17 the water at times due to certain illnesses and  
18 itches that come along with the polluted waters  
19 and skin issues that arise within our communities  
20 just from going for a swim within our area.

21           We cannot get to our usual fishing  
22 sites due to debris. Debris is wrecking the area  
23 for high quality of the fish that are being caught  
24 with debris in our nets. And also we have shorter  
25 winter seasons for fishing due to the high water

1 level changes. Damage to the fishing equipment  
2 happens due to falling through ice as well. We  
3 don't know if there's ice there or not. Land is  
4 now a part of the lake. So there are safety risks  
5 to anyone doing winter fishing.

6                   And this is also happening on the Lake  
7 Winnipeg also, they are experiencing fishing at a  
8 later date on Lake Winnipeg. When they used to  
9 fish early November, or at least before December  
10 at least, now they can't get out there until after  
11 January sometimes. And their fishing season is  
12 over March 31st.

13                   You know, this fishing is both  
14 commercial, and for the exercise of our Aboriginal  
15 right to fish. We fish to live and to eat. The  
16 high water affects the ability to exercise our  
17 right and limits our ability to obtain the food we  
18 count on for each winter. And the access --  
19 access to the sites has been very noticeable,  
20 especially these past years. You know, it's  
21 getting harder and harder to get to our sites  
22 where we usually fish.

23                   You know, this year, it's just started  
24 that the notification for Manitoba Water  
25 Stewardship started happening, which is a good



1 sign, hopefully, that this will continue. They  
2 started to send out a few e-mails to key people  
3 within the area that they were going to be opening  
4 up the dam. But sometimes it's a little bit too  
5 short of a notice, but at least it's something now  
6 to warn our people.

7                   This year, you know, the notifications  
8 from Manitoba Water Stewardship and MIT that  
9 control our Fairford dam have started to send out  
10 some e-mails. But we still have fishermen on the  
11 lake as of right now, on Lake St. Martin as well,  
12 and they gave us two days notice that they would  
13 be opening the dam last week for Friday. And so  
14 we had to get some notices out ourselves, put them  
15 in key areas of the communities to let the people  
16 know, the ones that are trapping muskrats and the  
17 ones that have nets for fishing for carp and  
18 mullet fishing right now. We had to let them know  
19 that the currents will pick up. They moved from  
20 75 CFS to 10,000. The dam is open at full  
21 capacity as we speak today. We were notified by  
22 Lyle Campbell I believe.

23                   But with that, you know, we would  
24 really like anyone that's interested in  
25 controlling our waters and the effects of the

1 waters, we want to be at the table. As I said in  
2 our recommendations that we have spoke about here  
3 today, that we need to be included in every aspect  
4 of dealing with the Provinces and Federal  
5 Government and Manitoba Hydro.

6           You know, the beaches and stuff like  
7 that are gone. And it's just not the way it was  
8 when I was growing up, where we would have  
9 recreational family times and gatherings, like  
10 every other families in Manitoba enjoy when they  
11 go to their allotted cabins and lakefront  
12 properties that they own. We are different. We  
13 live off that land.

14           Somewhat from my identification to  
15 myself, I am proud to be a rugged, rugged person I  
16 will say, rugged person that lives off the land  
17 naturally where we can make up our own area and  
18 prop ourselves in the middle of nowhere and make a  
19 campsite and be happy and be content with who we  
20 are. And not necessarily to have a big RV sitting  
21 there, you know, to shelter us. And that is what  
22 we teach our children within our area, that we can  
23 still live off that land.

24           So we are here today to protect our  
25 area, that it does not consume our area with the

1 debris and with the pollution and with the algae  
2 and with the currents, and with these high levels  
3 that the Crown corporation would like to have.

4 I'm pretty sure we are well-educated  
5 in this room here that if you want to have water  
6 at a certain level, at the highest level that it  
7 can be to accommodate these big hydro dams and,  
8 you know, the future of Manitoba Hydro's future,  
9 we cannot control the wind. And when you have  
10 that wind factor in there, and storm factors that  
11 come about, and the extreme rainfalls that we  
12 have, when you are at 715 feet, you can't just  
13 turn the plug and stop the water. That damage is  
14 going to come, as you can see within our slides  
15 here, the damages that have been recorded in these  
16 past years, the devastation of the high waters and  
17 the waves and everything that comes together, that  
18 natural law has been adjusted. And we can never  
19 control the natural law, the natural way of life,  
20 the natural life around us in general, like Mother  
21 Nature controlled it. And then when we try and  
22 control it, we get a good licking at the end I  
23 could say.

24 With that, I don't want to take up too  
25 much of the panel's time here. I want to make a

1 note here that the last time we had spoken here,  
2 transcripts from when I spoke at the hearing, when  
3 I had read it online, there is a lot of incorrect  
4 statements that were made, and they need to be  
5 corrected. I'm Ojibway as well, I'm not Cree, and  
6 I'm Anishinaabe. And also it states on there that  
7 I had been fishing, you know, since 1975. And  
8 well, I was three years old at the time. I know  
9 when I went out with my grandparents, but it's all  
10 different there as well. And it states on there  
11 that I'm a commercial licence holder for Lake  
12 Winnipeg, which I'm not. I'm a commercial licence  
13 holder for Lake St. Martin fishers. So with that,  
14 I'd like to make that noted that the recording  
15 transcripts need to be looked at and corrected.  
16 And as I noted that with some other people as  
17 well, there has been things that had been put on  
18 there that they haven't said. So that as well  
19 needs to be looked at.

20 But with that, I thank you for your  
21 time. I thank you for hearing us out here today.  
22 And taking this into consideration, and the  
23 seriousness of this matter that we be respected in  
24 this land that is ours. And with the governance  
25 of water, that we did not give up again when we

1 signed our treaties, that we must be at the table  
2 of every aspect that has joined our First Nation  
3 communities with the Government of Canada and the  
4 Crown corporations that are affiliated with the  
5 Federal Government. Miigwetch.

6 THE CHAIRMAN: Thank you, Mr. Gould.  
7 Mr. Traverse, you're next.

8 MR. TRAVERSE: \*\*\*Good morning. My  
9 name is Henry Traverse. Before I say that, I'm  
10 going to acknowledge this tobacco. (Native  
11 language spoken).

12 I want to acknowledge this tobacco and  
13 these arrowheads that are sitting in front of me  
14 here this morning. These are very sacred items  
15 that we have in our communities. These are  
16 artifacts here on Lake Winnipeg that are being  
17 destroyed because of the high water levels. And I  
18 want to say that, that's what I said in my  
19 language, I acknowledged our Creator for the good  
20 of this, our presence here this morning. And also  
21 the lady that said the opening prayer, I want to  
22 thank her, Valerie Disbrowe.

23 You know, myself, I'm very happy to be  
24 sitting in front of the commissioners here again,  
25 because of the situation that we have at hand is

1 water is sacred. And in our custom, every time we  
2 talk about the water, the natural law, we have to  
3 have tobacco, we have to have our instruments in  
4 front of us. But somehow, you know, it's good we  
5 have the tobacco here. And also, I'm getting to  
6 be an elderly gentleman, which I'm very honoured  
7 to be. At the same time I have to concentrate on  
8 the water issue here because of our future, our  
9 grandchildren, our great grandchildren that's  
10 going to be representing us down the road that we  
11 ourselves are not going to be able to see. But  
12 somehow today we make a stand with our group here.

13                   You know, I think we are pretty  
14 knowledgeable of what the lake, the situation that  
15 we're in. We have been gathering information and  
16 talking amongst ourselves here for the past, just  
17 about 10 years now. We have gathered information  
18 and things that disrupt our way of life in our  
19 communities. Especially the fishery that we're  
20 under today, we're under duress with everything we  
21 do. And also we have started opening those  
22 avenues and our doors to each other as First  
23 Nations, and our Cree brothers up north as well.  
24 That's what we had been doing. Our situation is  
25 very, very, the same. And also the conditions

1 that we are under today, you know, it's very hard  
2 to be a fisherman, commercial fisherman. It's not  
3 like, it's not like -- jumping into a boat today,  
4 it's a very costly thing to do. Especially today  
5 the condition of the water, the high level waters,  
6 and also sometimes there's all kinds of droughts  
7 that we have, that we go through. And the fish  
8 are not there sometimes to be able to take and  
9 harvest. And we have to travel long ways to go  
10 and catch our nets. And also the map up there is  
11 also where -- sometimes how far we go from our  
12 communities. We have marked out our locations.  
13 And also the boat that you see there that's under  
14 water is my boat. And those are the things that  
15 have been happening to us in our First Nation  
16 communities. We lose a lot of our property, but  
17 we never get anything anywhere, you know, to get  
18 some kind of assistance to fix our problems. But  
19 it's not that we want, but somehow we can't do  
20 nothing back in our communities. It's just been  
21 that way for the last 50 years or so, you know,  
22 it's very hard to do anything. But I want to say  
23 that, say that way this morning.

24                   And like I say, I'm happy to be here  
25 with my colleagues, my fellow fishers, and I'm

1 happy that we go through this panel, to the CEC  
2 Commission here to be able to take our oral  
3 statements in regards to what we fish as fishermen  
4 in our First Nation communities. It's a very  
5 hard, hard life that we have. We don't have, we  
6 can't never make any money at all. Our resources  
7 before, at the end of the day we don't have  
8 nothing sitting in the bank. We can't afford  
9 homes or houses from this fishing industry. You  
10 know, it's been so poor for the last 50 years  
11 that, you know, you have to pay a big dollar to go  
12 out on the lake today to be able to purchase  
13 gasoline, purchase your crew, your crew and all  
14 that, the food, hydro, you know, it costs lots.  
15 Telephone, you know, nothing is free today, and  
16 you have to do all of that. Like we don't have no  
17 money sitting, like I said, we don't have no money  
18 sitting in the bank today. We're in poverty.  
19 We're in despair. Our communities is like that.  
20 The only funding that go we get back home is the  
21 funding that we get from INAC today. That's  
22 always been what we have where I come from.

23 But anyway, I don't want to say too  
24 much. But I have to say that way, because our  
25 sovereign rights have been disrupted, our way of



1 life has really been, we really have been  
2 disrupted so much that, you know, we don't know  
3 what to do. But somehow, you know, getting  
4 together like this with my colleagues here, you  
5 know, we strategize, trying to do, trying to get  
6 together to help one another. I guess that's been  
7 our goal and that's our intent of our group here.  
8 And trying to deal with the governments today, you  
9 know, it's very hard.

10 But as far as I know, you know, maybe  
11 I can say more after. I'm very honoured to be  
12 here, sitting here in front of my colleagues here,  
13 to be able to express myself as feelings that we  
14 have back home. The water, the condition like  
15 that, it's very, it's not the way it's supposed to  
16 be today.

17 But anyway, I'll say that much for  
18 now. I don't know. Thank you.

19 THE CHAIRMAN: Thank you,  
20 Mr. Traverse. Next, sir?

21 MR. ROSS: Good morning. My name is  
22 Albert Ross and I'm from Grand Rapids First  
23 Nation. And I'd like to thank for being invited  
24 to this panel.

25 I was kind of worried about the debris

1 and all the other stuff that's been floating  
2 around our area, and the condition of our lake and  
3 what's been happening in our fishery.

4 I'm the president of Grand Rapids  
5 Fisherman's Co-op. I represent about 118  
6 fishermen from Grand Rapids. And most of these  
7 118 fishermen depend on fishing only, that's the  
8 only occupation that they know. We are the  
9 biggest industry in Grand Rapids next to Manitoba  
10 Hydro.

11 I have been fishing Lake Winnipeg for  
12 about approximately 40 years and I have seen a lot  
13 of changes in those 40 years in lake migration of  
14 the fish. And I have to travel further to get a  
15 decent catch to fill our quotas. Like we have  
16 been catching stranger fish, and deformed, and  
17 even this winter I caught a whitefish that had two  
18 gizzards. And that's the first time that anybody  
19 heard about fish having two gizzards. And some of  
20 them have no fins, or say one eye, or stuff like  
21 that. They have cysts like the size of golf  
22 balls. And I don't know what it is, but it's all  
23 deformed fish that we have been catching. Some of  
24 those fish that we catch, we just throw away  
25 because the way they look, they are not eatable.

1 I don't know what caused that, but that's what we  
2 had been experiencing.

3           Like in the '70s, fishing was closed  
4 for a while there because due to traces of mercury  
5 found in our river, and that forced our fishermen  
6 to go fish some place else a hundred miles away in  
7 the south basin. The fishermen used to go there,  
8 approximately seven to eight years in the fall  
9 time, and this is where we fished. And later on,  
10 the fish came back for a while. And then all of a  
11 sudden, they are not getting no fish again this  
12 year. It's like in the winter time, we always go  
13 all the way to Long Point. And you see on the  
14 map, that's a long ways to travel. And no  
15 whitefish, and I don't know what's happening. I  
16 think they are following the current. I think  
17 they are reversed, what they say, they reversed  
18 the current, the lake there, all the fish are  
19 heading south, but we didn't really know what we  
20 lost.

21           And another thing is, where I come  
22 from is pretty unique place, Grand Rapids. It's  
23 like every morning it's like, when I open my  
24 blinds, my windows in our living-room there, the  
25 first thing I see is this big power dam

1 approximately 500 yards away from my house, from  
2 my house there, that's something you see every  
3 morning. And it's kind of scary, but we got used  
4 to it. But my wife's relatives from out of town  
5 there, they don't want to even stay overnight  
6 because they are scared. How can you guys stay  
7 here with this dam overlooking you guys behind  
8 your backyards? They said when the dam was built  
9 it will be good for 35 years, but it's over 35  
10 years and it's kind of scary.

11 But I'd like to thank Manitoba Hydro  
12 for, acknowledge Manitoba Hydro for putting up a  
13 sounding alarm system in our community. So when  
14 the dam breaches, we'll run like hell. But they  
15 said we've only got 20 minutes to get out of town.  
16 So I'd like to thank Manitoba Hydro for at  
17 least -- so we'll have something to give us a  
18 warning in case the dam breaches.

19 And as for this, we had been  
20 travelling a long ways to get a decent catch,  
21 sometimes 40 miles by boat, and approximately  
22 35 miles by truck that we use, but it's quite a  
23 long ways that we travel. And there's no safe  
24 harbours once we leave to go to our destination,  
25 there's no safe harbours within that 40 miles. We

1 have to go no matter what, no turning back.  
2 There's a lot of wind, and that's a lot of danger  
3 for the fishermen, but that's the way we live, and  
4 continue living, I guess, with no safe harbours,  
5 nowhere else to go.

6                   And it's like we have been  
7 experiencing lots of debris in our rivers where we  
8 live, because sometimes Spilly will be open, the  
9 Spilly Channel, and this causes lots of debris.  
10 But Manitoba Hydro puts the fishermen to work, but  
11 most of the fishermen don't get a chance to work,  
12 and only some of them, that's why we -- fishermen  
13 getting mad at us. And we can't do anything about  
14 it, only certain people get a chance to work.

15                   But I'd like to say, we have been  
16 given contracts from Manitoba Hydro for fishing  
17 there, but that's not enough for us, it's only two  
18 weeks. And hopefully that Manitoba Hydro will  
19 give us more work, like maybe lake clean-up,  
20 that's what we have been asking for. But I'd like  
21 to say, like Manitoba Hydro to get more  
22 responsibility for the lake, how it is and all the  
23 debris. We have been asking for work to clean up,  
24 but they say that's not their responsibility. But  
25 I think they are starting to realize that that's

1 part of their responsibility because all the  
2 current and whatever that's been happening, and  
3 say current coming from all over the place, and I  
4 think that we need to do something about it for  
5 the sake -- fishing is all we know and that's all  
6 we have ever known, and I guess, you know,  
7 getting -- most of us are getting ready to retire  
8 pretty soon and we've got nothing to fall back on,  
9 and we've got no benefits and nothing. And that's  
10 all we have to do is fishing for as long as we  
11 can, but it's getting harder and harder.

12                   And I want to thank the panel again,  
13 so I can be on the panel, and I'd like to tell you  
14 about my experience on the lake and how long we  
15 have been fishing. But thanks for having us here.  
16 That's all I've got to say. Thanks.

17                   THE CHAIRMAN: Thank you, Mr. Ross.  
18 Mr. Cook?

19                   MR. COOK: Good morning. First of  
20 all, I'd like to thank you for listening to our  
21 concerns today. My name is Alfie Cook, I'm a  
22 commercial fisherman from Grand Rapids. I have  
23 had a commercial fisherman licence for about 35  
24 years now. I'll be 60 years old this year.

25                   But first of all, what I'd like to say

1 is, I started going out on the lake when I was  
2 maybe eight, 10 years old, so that's roughly 50  
3 years. And I think about myself as an expert on  
4 Lake Winnipeg. Like I said, I started, like back  
5 when I was a little kid, all the fishermen took  
6 their families out to go camping, go fishing,  
7 everybody. Everybody went, even the babies. But  
8 now we can't do that because there's no more  
9 camps, there's no place to take our families.  
10 They are all under water.

11 Like some of our fishermen fish in  
12 Gull Bay. That's probably our last harbour, and  
13 that place is going under water too. Where we  
14 park our boats, there's not even a breakwater.  
15 Our boats just bang together every time it blows.  
16 And that creates lots of damage, with no  
17 insurance, no compensation, and no help from  
18 anybody. And fishermen get stuck with all these  
19 bills, and they are trying to make a meager living  
20 on fishing. They have to travel miles and miles  
21 and the costs are high. So they are barely making  
22 a living, and it's left to pay for their repairs  
23 and all that because of no harbour.

24 You know, once Long Point goes under  
25 water, there will be no place to fish there.

1 Where are we going to go? Like something has got  
2 to be done. The water goes up and down so much.  
3 Like one of our old fishermen who has passed on  
4 said it the best, this is back in the '80s, he  
5 already noticed the changes in the '80s. He said,  
6 you know, this lake is a big bathtub. Every time  
7 that water goes down, somebody pulled the plug in  
8 the bathtub, made the water go down. And when it  
9 floods, somebody pulls the plug and all the water  
10 is running onto the shore, bringing all the dirt  
11 and everything.

12 I think he said it the best.

13 Anyway, we are at Long Point, all our  
14 cabins are gone. There's no place to camp there  
15 anymore. That's under water. And it's all going  
16 under water. Every year more of it's going under  
17 water. So we need some help now, we need  
18 breakwaters built immediately just for our boats,  
19 not for our camps, just for our boats.

20 That's all I've got to say for now.

21 Thank you.

22 THE CHAIRMAN: Thank you, Mr. Cook.

23 Ms. Disbrowe?

24 MS. DISBROWE: Good morning, my name  
25 is Valerie Disbrowe. I'm from Berens River First



1 Nation. I am also the president for our Berens  
2 River Fisherman's Association, and I have 70  
3 members. And most of, all of these 70 members  
4 hold more than one quota, so in total I think we  
5 have 86 quotas.

6                   And I have been fishing on Lake  
7 Winnipeg for 40 years plus. And when I first  
8 started, I only had one quota, and I was working  
9 for my dad. So I had, I was working for the  
10 Berens River Community Council for a number of  
11 years, and I got myself educated in water and  
12 wastewater. I have a certification in that. So I  
13 am a former Public Works employee of the Berens  
14 River Community Council, where I tested the water  
15 quality on a daily basis, everyday, twice a day.  
16 I tested the water from its raw stage, where we  
17 were drawing water from for the plant, the source  
18 point, and I tested water after it went through  
19 the plant. And I did random testing from where  
20 the waterline ended, like the feeding line. And I  
21 was required by the province to submit water  
22 samples on a biweekly basis. And most of the time  
23 the water quality was always good. But several  
24 times, a few times some of my tests came back with  
25 a boil water advisory.

1                   And where I worked there, right away  
2 we notified everybody that was connected to our  
3 waterline, because it had high E. Coli -- the  
4 tests showed there was high E. Coli. I noticed  
5 that happening when the lake backwashed into the  
6 river, because the intake line is not very far  
7 from where the river opens up to Lake Winnipeg.

8                   And I don't know if some of you are  
9 aware, rivers flow out, but they do backwash into  
10 the river. I have seen this, I have lived there  
11 for many years.

12                   When we had a big, like as I said, a  
13 big northwest wind, that's when we would get this  
14 boil water advisory, because it would reach our  
15 intake lines. And on the other -- this one is  
16 about the water quality on the lake.

17                   When I was fishing with my dad back in  
18 the '70s, you know, we never used to take anything  
19 in a thermos or anything like that to drink. Like  
20 pop was never around then. But we used to drink  
21 water right from the lake, it was fine. But now  
22 you can't even do that. You can't drink the water  
23 from the lake. And some homes are situated right  
24 in front of the lakefront, and some of the  
25 children, like children like swimming. And they

1 were -- when they were swimming, they came out  
2 with sores and what they call impetigo, skin  
3 irritations due to the water quality of the lake.  
4 And years ago we didn't have that, until of  
5 course -- but that one was fish when they had  
6 mercury levels there, when they shut the lake down  
7 for fishing. But that's other, but that's from --  
8 aside to that.

9           And the pollution on the lake is very  
10 immense today because of all the things that are  
11 coming down from the south. And now we have to  
12 contend with the west side, that empties into the  
13 lake from the west side.

14           And I have noticed an increase of a  
15 lot of debris. Like on the maps there they showed  
16 a picture of chunks of earth. And what would  
17 happen, the soil would wash out and we'd be stuck  
18 with these big monster looking bunch of roots and  
19 everything else that we catch in our nets, and it  
20 causes damage to our equipment.

21           And you know, these big floods, like  
22 the '97 flood was -- I don't know if anybody is  
23 aware that all these things that are on farm  
24 fields, that they put into their ground to enhance  
25 their way of life, of living, to make a living for

1 their industry, all the stuff that they put in  
2 there, the fertilizer, everything else that they  
3 put, all of this washed down the lake.

4 Now, we have to contend with that as  
5 fishers, not only us, but the fish also. The fish  
6 are very, are hit big time with this, as Albert  
7 said. Like I have noticed a lot of changes in the  
8 fish also. Like I'm even, sometimes I'm even to a  
9 point where I don't even want to eat fish, but  
10 we're fish eaters, you know. But like I have  
11 noticed a lot of cysts on pickerel and sauger,  
12 most of the ones that we sell to make a living.  
13 And on some of the saugers, well, most of the  
14 saugers now, they have these, at the tail part of  
15 the fish, there's these -- I don't know what you  
16 would call those things, but they are all stuck on  
17 the tail. And they don't look very good. They  
18 are like green little -- probably some kind of  
19 aquatic feature on the lake that's been introduced  
20 through all this stuff that's floating, like going  
21 downstream. The saugers were never like that  
22 before.

23 The other thing that I wanted to  
24 mention was, back home, like we're people where we  
25 like to get out, like the other members here said

1 like camping. This was major, major things that  
2 are done in our perspective of living. We camp  
3 out, we get together, you know. And there's a  
4 place called, I don't know if you could see it on  
5 the map there, we call it Sandy Bar, and it's  
6 about five or six miles long of straight sand bar.  
7 It was very beautiful when it was first, when we  
8 first started going there as little kids. But as  
9 time went on, and the fluctuation of the water,  
10 the levels being controlled, and when we have  
11 these bursts of northwest winds, it's just  
12 devastating to look at now. It's changed, the  
13 whole Sandy Bar has changed, it's not as pretty as  
14 it used to be.

15 I went walking around there a few  
16 years ago, and those are some of the things  
17 that -- when I was walking along the shore, I  
18 found those. Those are archaeology stuff that I  
19 found from our past history of our people that  
20 were there. Now, why is it that I found those on  
21 the surface, where I thought archaeology is about  
22 digging? You know, and it's very sad, you know,  
23 that everything that we believed and lived for is  
24 being destroyed in front of our eyes and nobody  
25 seems to do anything about it, you know.

1                   And the erosion, and the erosion is so  
2   unbelievable in our area now. Like it's changing  
3   our shoreline systematically. Like one year it  
4   will be this, next year it will be a different  
5   outlook again. Like, you know, I strongly feel  
6   that studies need to be urgent in these areas.

7                   And there's one other one, if I can  
8   mention, it's called Cox Island, it's situated  
9   east of Berens Island. See that big island right  
10  there. And there's a little island there, it's  
11  called Cox Reef, in front toward Berens. Anyways,  
12  it was before my time, when my grandfather was in  
13  his young days, that island consisted of a big  
14  lighthouse and store houses on that island. And  
15  the pictures that my ancestry kept, they were very  
16  beautiful pictures of that lighthouse. Now  
17  there's nothing because of the water levels. The  
18  water levels are so immense that -- they are being  
19  so controlled, not by nature, but by man. And it  
20  caused, that lighthouse is no longer there.  
21  Everything, when we used to go there when we were  
22  kids, we were able to go and walk around that  
23  building. It was very beautiful. It was  
24  handmade. Everything was, you know, just -- and  
25  now there's nothing. Transport Canada came there

1 one time and just burnt it, because it was  
2 dangerous to people that went there to go and  
3 check it out. Because of the motion of the water,  
4 the water pushing everything else out of place  
5 because it was so high. In some instances it was  
6 so high, and sometimes it would just dramatically  
7 drop. So they got rid of that. And I think that  
8 these studies need to be done before even  
9 advancing in the area of giving the final licence  
10 to Manitoba Hydro, because there are so many  
11 things that need to be addressed from every area  
12 of our communities, from every perspective that we  
13 can think of. And I think that's what should  
14 happen.

15                   Because like in the future, I can  
16 already see in the future that if nothing is going  
17 to be done, if it's persisted that they receive  
18 their final licence, well, everything that we  
19 cherish, that we live for, will be gone. Even our  
20 fishing industry will be gone in less than five  
21 years. Because now our fishing industry, as I  
22 know it, like we can't even interest the younger  
23 generation, the generation behind me to take over.  
24 Because I'd like to retire, but I can't retire  
25 because nobody is interested in it, because it's

1 not a viable source anymore, because of all these  
2 added problems through the changes of the water  
3 and everything that's happening with it. Nobody  
4 wants to fish. Not to mention all the things that  
5 we have to contend with when water changes, you  
6 know. There was, I remember, I'm pretty sure it  
7 was 2000, 2002, around that area, the water  
8 levels, they took them right down without even  
9 letting anybody know on the lake that was going to  
10 happen. People running into boulders. And that's  
11 a very costly thing to find a boulder with your  
12 motor. And things like that, we can't afford.  
13 Like everything that we make is already taken up.  
14 So anything over and above that, well, where is it  
15 going to come from?

16 But I'd like to thank you for  
17 listening to what I have to say, and Miigwetch.

18 THE CHAIRMAN: Thank you,  
19 Ms. Disbrowe. Dr. Ballard?

20 DR. BALLARD: Good morning. I want to  
21 speak to the maps now, because we haven't really  
22 spoken, we haven't really spoke to them yet.

23 These are maps that were drawn by the  
24 fishers. The legend, the green dots, the green  
25 dots, they indicate the current summer fishing.



1 And the orange X indicates the former summer  
2 fishing. So if you look at the green dots, they  
3 are dispersed around the shore areas within a few  
4 miles from the shore. Okay. And those green dots  
5 are right around the shoreline, and they start  
6 from north Grand Rapids and they go all the way  
7 down around the bay, Sturgeon Bay, and then they  
8 go up toward the southern part, going towards  
9 Kinonjeoshtegon, and then they go up to Berens  
10 River, up around that area. Those are the green  
11 dots, the current, the summer fishing.

12 So if you look at the X's, the former,  
13 the summer fishing, they were dispersed, they were  
14 up in towards the north basin, Grand Rapids area  
15 north of Long Point, and around the Berens River,  
16 Pigeon Bay area. And the ice fishing are marked  
17 by the red X, and the current ice fishing are  
18 marked by the pink -- and the orange. I can't see  
19 my colours, sorry.

20 But what I am trying to get at here is  
21 the map, and the map is -- the map gives an  
22 indication in the change of the pattern of the  
23 fishing throughout the past 40 years.

24 MR. TRAVERSE: I guess a few words  
25 here I want to say. There's a lot of issues at

1 hand here, a lot at stake in our communities.

2 Back where I come from, we don't have  
3 no clean water, we don't have no clean water  
4 structure. We have to haul our water into our  
5 community. Still today, we have to truck in the  
6 water from an hour away. And that's how we have  
7 been getting by, because of all this high water,  
8 table of the water.

9 Our fishing grounds here, like I said,  
10 we mapped out our fishing areas. And I guess from  
11 way back, a hundred years ago, our ancestors  
12 travelled and used this lake as a highway. And  
13 today, we're still trying to depend on it. Just  
14 like our bread and butter, that's how we look at  
15 it and that's where we arrive from. And today  
16 that's in a very critical state. You know, like I  
17 said before, our grandchildren, great  
18 grandchildren are very important in our lives  
19 today. Those are the ones we want to pass on our  
20 knowledge to them, but somehow at the same time,  
21 this is happening to us as we get elderly. And  
22 also, most of our communities now, the main  
23 backbone, the elders are gone, we don't have  
24 nobody to rely on. But those are the things I  
25 want to adhere in my comments here.

1                   And also we would very much like the  
2   Manitoba Government to acknowledge our issues, our  
3   concerns. We're not speaking for any Crown  
4   corporation. Like we fish under duress, under  
5   Freshwater Fish Marketing Corporation, we're under  
6   monopoly. But somehow I'm not speaking for them,  
7   you know, they don't speak for me either. But  
8   somehow we have been forced to fish for them all  
9   these years, we don't have our own fisheries where  
10  we come from. Yes, we do commercial fish, but we  
11  don't get no benefits from there, other than  
12  making big profits for Freshwater Fish, and all  
13  the resources that go, they go directly to Ottawa,  
14  to treasury board. And this is where our hard  
15  labour ends up all the time. And also at the  
16  reserve level, we don't have nothing to rely on.  
17  We're back square one in the welfare line after we  
18  retire. So we'd like to try and get something  
19  going for the next ones that's going to be coming  
20  up behind us, you know, for them to understand  
21  this process what we put ourselves in.

22                   But with that, with these words that I  
23  am saying, I hope I don't offend anybody. And  
24  also, you know, I ask you, I ask you all here for  
25  your forgiveness if I said anything wrong. And

1 you know, those are the ways of our people.

2 And also in speaking engagement like  
3 this, tobacco is very important in our custom, and  
4 that's why I have this tobacco in front of me  
5 here. I don't pretend that I know something. But  
6 somehow, you know, I like working with elders too,  
7 they call me an elder wherever I go. But that's  
8 my theme, I want to get the knowledge,  
9 understanding and the wisdom from the elders that  
10 I encounter and I work with. With those words, I  
11 want to say Miigwetch.

12 MR. GOULD: I'd just like to read  
13 Keewatinook Fishers' recommendations, Lake  
14 Winnipeg Regulation.

15 First of all, there's need to conduct  
16 archeological work around areas affected by Lake  
17 Winnipeg Regulation, especially where the  
18 shoreline erosions, loss of islands, tributaries  
19 speeding up, especially at Long Point where the  
20 archeological items have been found -- may not  
21 want to disclose this part, I'm sorry. The  
22 breadth, scope and contamination of Lake Winnipeg  
23 need to be acknowledged and all contaminated sites  
24 need to be cleaned up, including water and soil  
25 remediation. A system -- Lake Winnipeg needs to

1 be looked at a social ecological water system.  
2 System approach to future science monitoring  
3 policy programming needs to be taken for Lake  
4 Winnipeg. Aboriginal knowledge system needs to be  
5 part of all future science, monitoring, policy and  
6 programming. Anishinaabe language is essential to  
7 any meaningful process that includes -- that  
8 includes First Nations from around the lake. This  
9 includes -- this includes but is not limited to  
10 involving Anishinaabe speakers, elders, hunters  
11 and gatherers.

12 Live in the modern world with various  
13 forms of modern tools for communications, for  
14 example, like with text messages, e-mails, et  
15 cetera. The technology that is used for  
16 notification, notification and communication with  
17 fishers needs to be upgraded. Fishers need to  
18 know about changes in the level of the lake much  
19 faster, with longer notices, especially changes  
20 that are controlled by Manitoba Hydro.

21 Better safety models for those on --  
22 those on or near the lake with regards to changing  
23 water levels and ice formations are needed by all  
24 communities. Fishers have faced many dangerous  
25 situations regarding due to ice formations that

1 were not issues previous to regulation of the  
2 lake.

3 I'd like to read the purpose statement  
4 as well. Keewatinook Fishers of Lake Winnipeg.  
5 Keewatinook north basin fishers of Lake Winnipeg  
6 includes First Nation communities of Treaty 5 and  
7 Treaty 2, who have common interests in commercial  
8 fisheries' economic activity on the north basin of  
9 Lake Winnipeg.

10 The organization seeks to provide  
11 information to fishers and help make decisions  
12 that benefit Keewatinook fishers.

13 Our activity, services and concerns  
14 may include the health of Lake Winnipeg, the  
15 history and culture of the 200 year old Lake  
16 Winnipeg First Nation commercial fishery,  
17 negotiations on behalf of the fishers,  
18 participation in fishery events and committees,  
19 operation of the fisheries, safety on the lake,  
20 training and education for the Keewatinook  
21 fishers, and maintaining and improving economic  
22 benefits from the fisheries. Miigwetch.

23 THE CHAIRMAN: Thank you. That  
24 concludes your presentation? Thank you very much.

25 Manitoba Hydro, any questions of

1 clarification?

2 MR. BEDFORD: We do have a few.

3 Good morning, panel. My name is Doug  
4 Bedford, I work at Manitoba Hydro. I am a lawyer.  
5 And my role at this proceeding is to advise my  
6 client and sometimes to ask questions of people  
7 who come and give presentations. So thank you for  
8 all of your presentations this morning.

9 Dr. Ballard, if we could go to page 13  
10 of the presentation you put on the screen, please?

11 Dr. Ballard, the words at the first  
12 bullet point are in quotation marks, so please  
13 confirm for me. I concluded that you are quoting  
14 one of the nine fishers whom you interviewed?

15 DR. BALLARD: That's correct.

16 MR. BEDFORD: Can you tell us whether  
17 the low water level that this fisher was telling  
18 you about was the water level on Lake Winnipeg in  
19 2000 and 2002?

20 DR. BALLARD: The quote refers to the  
21 period between 2000 and 2002.

22 MR. BEDFORD: But the lake in question  
23 is Lake Winnipeg?

24 DR. BALLARD: Yes, it is.

25 MR. BEDFORD: And do you have a

1 recollection of what time of year the recollection  
2 was about?

3 DR. BALLARD: I don't have the  
4 recollection, but if I have to go back to it, I  
5 can ask the fisher.

6 MR. BEDFORD: And do you remember what  
7 part of Lake Winnipeg the fisher was telling you  
8 about?

9 DR. BALLARD: I remember -- I would  
10 have to go to my notes. My notes are in my  
11 briefcase over at the chair. If you want them, I  
12 can give them to you.

13 MR. BEDFORD: The picture that's on  
14 the slide, I noticed, had what appears to be the  
15 year 2014 on it. Firstly, is that a picture of  
16 Lake Winnipeg?

17 DR. BALLARD: Yes, it is. This  
18 picture is around the Grand Rapids area.

19 MR. BEDFORD: And the year?

20 DR. BALLARD: Can I say one more  
21 thing? Like I said during the presentation, I've  
22 got a lot of pictures that I could have used, a  
23 lot of pictures. I kind of randomly selected the  
24 pictures that I used. If you wanted a 2012  
25 picture, I can present a 2012 picture.



1                   MR. BEDFORD: I was just seeking  
2 clarification that the picture is not intended to  
3 be a picture of Lake Winnipeg to match the first  
4 bullet point between 2000 and 2002?

5                   DR. BALLARD: Can you repeat, sorry?

6                   MR. BEDFORD: The picture isn't  
7 intended to illustrate the comments that you are  
8 quoting in the first bullet point? The first  
9 bullet point, someone is telling you about 2000  
10 and 2002 in Lake Winnipeg. The picture appears to  
11 be taken in 2014, not in 2000 or 2002?

12                  DR. BALLARD: That's correct. Like I  
13 said, if you want to see a picture from 2012, I  
14 can easily show a picture from 2012.

15                  MR. BEDFORD: 2002 would be -- that's  
16 what you --

17                  DR. BALLARD: Oh, sorry.

18                  MR. BEDFORD: And I have one final  
19 question for you. I have read the paper that you  
20 have filed in the proceeding. And one of the  
21 recommendations you make in the paper is that my  
22 client, Manitoba Hydro, provide compensation to  
23 the Keewatinook fishers for loss of property and  
24 things, and we have heard a little bit about that  
25 today. Can you clarify for me, please, whether

1 that recommendation coming from you, that my  
2 client pay compensation, would that be in addition  
3 to the compensation agreement my client entered  
4 into with the fishers at Grand Rapids?

5 DR. BALLARD: The fishers, the fishers  
6 as a collective of the Keewatinook fishers.

7 MR. BEDFORD: Okay. So Keewatinook  
8 fishers, as I understand it, include the fishers  
9 from Grand Rapids; is that correct?

10 DR. BALLARD: Correct.

11 MR. BEDFORD: So the compensation you  
12 are recommending would be in addition to what the  
13 fishers at Grand Rapids had already received?

14 DR. BALLARD: Yes.

15 MR. BEDFORD: Thank you. No further  
16 questions.

17 THE CHAIRMAN: Thank you, Mr. Bedford.  
18 I should have done this before we started the  
19 questioning, but we'll take a short break now and  
20 come back at 11:15.

21 (Proceedings recessed at 11:03 a.m.  
22 and reconvened at 11:15 a.m.)

23 THE CHAIRMAN: We'll reconvene now.  
24 Manitoba Hydro, you had no further questions?

25 MR. BEDFORD: No.

1 THE CHAIRMAN: Thank you. Some of the  
2 panelists have a few questions. So, Mr. Yee?

3 MR. YEE: Yes. Thank you,  
4 Mr. Chairman, I have a question for Mr. Ross. You  
5 mentioned an issue about currents and current  
6 reversal. I was just wondering whereabouts on the  
7 lake you are referring to?

8 MR. ROSS: We're referring about Long  
9 Point, the tip of Long Point. That's where we  
10 fish in the winter time. That's one of the places  
11 where we would find a decent catch. But lately,  
12 we had been experiencing, not like other years,  
13 like our nets floating up and freezing the top of  
14 the ice. And we never experienced that before,  
15 say stronger currents. And it seems to me like a  
16 stronger current this year and other years used to  
17 get a lot of the Whitefish at the tip of the Long  
18 Point, but this year we didn't get hardly  
19 anything. So that's what I was saying about that  
20 current.

21 MR. YEE: How recently have you  
22 noticed these changes in the currents?

23 MR. ROSS: Well, before there was  
24 light current, but this winter we experienced like  
25 stronger currents. And we never had no experience

1 to our nets freezing up to the top of the ice,  
2 floating up.

3 MR. YEE: Okay, thank you.

4 THE CHAIRMAN: Thank you. Ms. Suek?

5 MS. SUEK: I have a few questions.  
6 Some you have mentioned this but I just want to  
7 get more clarity and the question is for anybody.  
8 You mentioned that you get different fish at  
9 different times. Are you getting different kinds  
10 of fish than you used to get before? Has that  
11 changed? Some of you mentioned Whitefish, that  
12 you're getting less Whitefish. Are you getting  
13 other kinds of fish? Is it more, are you getting  
14 more or less fish? Are the kinds changing, that  
15 kind of thing? Can someone just speak to those  
16 kind of changes?

17 MR. GOULD: Yes, hi.

18 MS. SUEK: Hi.

19 MR. GOULD: Yeah, the migration of  
20 some of the species of fish have changed  
21 dramatically. There once was an abundance of  
22 pickerel. Other species have moved in, like  
23 Whitefish. Like I was saying before, before the  
24 north basin, they used to catch quite a bit of  
25 Whitefish. And the Whitefish last year or the

1 past few years have moved from the north basin,  
2 they moved down to the south basin around the  
3 Gimli area where they used to catch an abundance  
4 of pickerel. And now all of a sudden, the  
5 Whitefish run was there. That experience was  
6 adamant this past summer when the Gimli fishers  
7 and the Riverton area fishers were complaining  
8 about catching lower priced fish. And that  
9 migration of Whitefish, they never seen that  
10 before that they took over that area where there  
11 used to be pickerel.

12           And in areas where we used to catch  
13 pickerel and Whitefish, we would have bullheads  
14 they are called that aren't really natural for our  
15 area as well. And the white bass that have come  
16 in and have taken over a lot of these areas where  
17 our natural species of the higher grade fish of  
18 pickerel and Whitefish they have taken over these  
19 areas, and also carp, carp as well. Carp like  
20 areas that are full of mud and grassy areas. And,  
21 you know, with the areas of where the water is  
22 flooding into the land, the carp and the bass and  
23 these bullheads, they really like staying in that  
24 kind of water because they are bottom eaters and  
25 they eat a lot of the roots. So once they come in

1 there and they start eating up the ground, like  
2 the bottom of the lakes, the spawning eggs and  
3 everything else are there, that are usually there  
4 year after year, are also disturbed and eaten up  
5 as the changes go. And with the algae, that has  
6 been coming in. When there's green algae there,  
7 the oxygen in the water is totally gone.

8 I had noticed quite a bit on our nets,  
9 even on Lake Winnipeg, where you'd be lifting your  
10 nets and all of a sudden your nets will just turn  
11 like a rusty colour. And that's what we call, as  
12 fishermen, dead water. Once the dead water comes,  
13 that oxygen and that -- you know, there's no  
14 longer sustainable oxygen that keep those healthy  
15 fish there. And that's why a lot of these  
16 fishermen, like in the slides you were seeing,  
17 that the fish just seemed like they don't have  
18 that spirit in them, that liveliness in them like  
19 they used to have. If you don't have oxygen, you  
20 don't have that energy. Thank you.

21 MS. SUEK: My next question is also  
22 for you. You said that Manitoba Hydro lets you  
23 know that when they are going to release water  
24 from Jenpeg. But what I think I heard you say is  
25 that it's usually just a couple of days before

1 they do it and then it takes you a while to let  
2 other people know. How do they let you know? I  
3 think you said an e-mail. Do they do it all the  
4 time? Is that enough time for you? What would  
5 you see as being a better system?

6 MR. GOULD: Just a clarification on  
7 that, it was MIT and Water Stewardship.

8 MS. SUEK: Oh okay, Water Stewardship,  
9 not Hydro.

10 MR. GOULD: Lyle Campbell that works  
11 with Water Stewardship, or MIT, sorry, he started  
12 e-mailing our area. In regards to the Lake  
13 Winnipeg fishers here, the ones that live right  
14 around the lake, because I live in Fairford. But  
15 like I said, we do access Lake Winnipeg for our  
16 times of seasons of harvesting and stuff like  
17 that, hunting and whatnot. And also our families  
18 have fished there with licences as well. But with  
19 the Manitoba, Province of Manitoba just recently  
20 just started to e-mail and phone certain key  
21 people of the communities, like leadership or  
22 people of interest of fishermen, they would get  
23 certain e-mails and that stating that they are  
24 going to adjust the water or else they would open  
25 the dam.

1                   This past two months, it's been better  
2 communication. But like again, I said there needs  
3 to be -- it's work in progress right now. The  
4 system started where they are letting certain  
5 people know. Like a couple days ago, they  
6 e-mailed myself, me being a councillor, my First  
7 Nation, and I'm also a fisherman as well. And we  
8 still have nets on the lake right now. And he  
9 e-mailed me and I said to him, you know, thanks  
10 for the notification. I said I'll try and get the  
11 word out. So we had our secretaries then go  
12 around the community and post posters in the post  
13 office stores and where ever the public goes to  
14 let them know that the dam will be opening up.  
15 But it was only like a couple of days right, so it  
16 would be a lot better if we knew ahead of time.  
17 Because when you fish and that and you're  
18 trapping, it takes a while to get your equipment  
19 there, it takes a while to get your equipment set  
20 up, your nets set, your traps set, and it's going  
21 to take a couple days to get everything out of  
22 there before the water comes up, so...

23                   MS. SUEK: But the notification is not  
24 directly from hydro?

25                   MR. GOULD: Not from my part.



1 MS. SUEK: From Manitoba Government.

2 MR. GOULD: Maybe one of the other  
3 fishers that do live around Berens River would  
4 have more of a clarification of if they do get a  
5 hold of anybody. But I know for the Province of  
6 Manitoba, they just started notifying us in our  
7 area which before they would only send a fax the  
8 day before saying this is what we are doing, we  
9 are opening up the diversion now. And that  
10 wasn't -- we didn't appreciate that very much.

11 MS. SUEK: That's all my questions.  
12 Thank you very much for that.

13 THE CHAIRMAN: Mr. Harden?

14 MR. HARDEN: Okay, I guess this is for  
15 anybody. Talked about debris in the water and  
16 that. And when we were doing our community  
17 hearings, we heard a lot from people around Fisher  
18 River and Grand Rapids and Berens River and that  
19 sort of thing about debris in the water, or both  
20 sediment and debris in the water especially since  
21 the opening of the Lake Manitoba emergency  
22 channel. Is that your experiences as well?  
23 There's been a lot more debris and sedimentation  
24 in the water since then?

25 MR. GOULD: My experience with the

1 diversion, there has been a lot of debris from the  
2 Lake St. Martin diversion to Lake Winnipeg. Last  
3 year in July when the fishers started fishing,  
4 they were in the fishing season for two weeks.  
5 And then the Manitoba Government decided to open  
6 up the diversion and it destroyed the whole  
7 fishing season. The fishermen that had the nets  
8 in the water, my uncles and my family and I helped  
9 them as well, we were just pulling up you wouldn't  
10 believe like the logs, the moss and the roots and  
11 everything else. There was one of our elders that  
12 had spoken time and time again that she was  
13 sitting in her front yard and she had seen this  
14 thing coming down the river. And she figured what  
15 are they moving here? And then she was sitting  
16 there and she said she seen this big spruce tree  
17 coming down right in front of her house in Dauphin  
18 River. And the spruce tree was on a big piece of  
19 ground there just flowing out towards the mouth.

20                   So all that sediment that builds up,  
21 eventually it's going to build up. And the  
22 diversion itself, a lot of it looks like a big  
23 cliff by the Buffalo Lake now. How much -- how  
24 much land has fallen into that diversion?

25                   And I said this before, that our area

1 there at Sturgeon Bay is one of the biggest  
2 contributors of the Whitefish spawn in the fall  
3 time. And last year, it was Department of  
4 Fisheries that wouldn't let MIT open up the  
5 diversion to 100 percent because the Department of  
6 Fisheries put mats on the bottom of the diversion,  
7 the watershed there, and they had so much eggs on  
8 the mats that the Department of Fisheries said we  
9 can't have any more flow. Because if you guys  
10 open up any more flows, it's going to destroy all  
11 those eggs. So that was the only reason that they  
12 didn't open up that water -- that diversion to 100  
13 percent, otherwise they would have opened it up to  
14 100 percent. Because the natural run came up the  
15 diversion instead of coming up the natural river.

16 MR. HARDEN: Okay.

17 MS. DISBROWE: Can I just add?

18 MR. HARDEN: Go ahead.

19 MS. DISBROWE: We're situated on the  
20 east side from him. Now, your question was of all  
21 the debris. We have noticed debris, like as I  
22 said when the panel was in Berens, there is a lot  
23 of debris in Berens in our area too. Because I've  
24 had to cut off a few nets because of the large  
25 amount of trees and trunks and you name it, it's

1 there, where you can't even manhandle them.

2                   But for our advantage there, I think  
3 most of this debris is being washed out where the  
4 water level gets so high and it picks up  
5 everything and brings it back down. And then it  
6 just, you know, it just sways back and forth until  
7 it goes further out. And this is why the debris  
8 is increasing in our area as to my knowledge. And  
9 there's a lot of sediment, especially when it  
10 blows a little bit. When the wind increases, the  
11 sediment is so -- when you get a clear glass, I  
12 usually do that when we were out on the lake, I  
13 get a -- I dunk it right down and then get it from  
14 at least maybe eight, eight, nine feet down and  
15 pull it back up, and I leave it. And you could  
16 see the sediment of all different, all different  
17 kinds of from some of those things look like they  
18 would come from a sawmill or whatever. But if  
19 somebody would do studies, you would see them.  
20 But they are there.

21                   MR. HARDEN: Okay. So it's fair to  
22 say then in your experience on the east side of  
23 the lake, it's more due to the high water levels  
24 in recent years and the erosion of the banks and  
25 debris falling in from the banks than it is due to

1 the Lake Manitoba emergency channel?

2 MS. DISBROWE: Well, I guess it's safe  
3 to say that, yes. But also we can't forget that  
4 our lake is controlled by man. So when I -- like  
5 the last maybe two, three years, the currents are  
6 so, are different. They are different from the  
7 previous years I had been on the lake. They are a  
8 little stronger. Where it just -- like our nets  
9 are like fiddle strings where we can't even lift  
10 them because the current is so strong. And you  
11 normally, previous years where you could just lift  
12 up your net and lift, and like I don't really know  
13 what's causing that. That's why I'm suggesting  
14 that the Manitoba government should try and apply  
15 some studies done before anything else is passed  
16 on.

17 MR. HARDEN: All right, thank you.  
18 Those are my questions.

19 THE CHAIRMAN: Thank you. I just have  
20 one question and it's for Ms. Disbrowe. You  
21 mentioned when the children go swimming, they get  
22 sores, I think you said Impetigo. We have heard  
23 this in other communities notably downstream of  
24 the Lake Winnipeg regulation about the control.  
25 Can you just talk a little bit more about it, any

1 idea what causes it? Does it affect all the  
2 children and does it affect them quickly?

3 MS. DISBROWE: Well, the last two  
4 years I know that a lot of parents had to take  
5 their children to the local nursing station  
6 because of bodily irritations and sores due to  
7 swimming. But most of the swimming takes place  
8 towards the lake. And the ones that swim inside  
9 the river, there's no indication that they are  
10 experiencing the same thing. So I can't really  
11 say -- I can't really tell you where it's coming  
12 from. But just to simply imply, maybe all the  
13 contaminants are in the water because water is, I  
14 think no matter how much of degree of knowledge  
15 that people can contain, I don't think we can all  
16 say that we know how the water moves underneath.  
17 So I'm just saying that maybe something is pushing  
18 up towards the banks of our area where it's  
19 affecting the water for the children to peacefully  
20 swim without worrying about getting sores.

21 THE CHAIRMAN: Thank you. Thank you  
22 all. I think that brings our questions to a  
23 conclusion. So Dr. Ballard, Mr. Gould,  
24 Mr. Traverse, Mr. Ross, Mr. Cook, Ms. Disbrowe,  
25 thank you very much for your time here today. And

1 thank you and your team, Mr. Whelan, and others  
2 for putting together the presentations that you  
3 have made here today.

4 We'll ask the secretary to register  
5 the documents that you have provided us.

6 MS. JOHNSON: KFLW 1 is the outline of  
7 February 24th. Number 2 is Dr. Ballard's paper.  
8 Number 3 is the winter fishing map. I missed  
9 something here. Number 4 is the winter fishing  
10 map, number 5 is the summer fishing map. Oh  
11 number 3, I have them in the wrong order. Number  
12 3 is the summer fishing map, number 4 is the  
13 winter fishing map and number 5 is the  
14 compilation. Number 6 is the purpose statement.  
15 Number 7 is Dr. Ballard's presentation. And hot  
16 off the press this morning, CAC provided their  
17 undertakings. CAC number 7 is the grandfather  
18 example from other jurisdictions. And number 8 is  
19 the definition of Aboriginal water rights.

20

21 (EXHIBIT KFLW 1: Outline of February  
22 24th)

23 (EXHIBIT KFLW 2: Dr. Ballard's paper)

24 (EXHIBIT KFLW 3: Summer fishing map)

25

1 (EXHIBIT KFLW 4: Winter fishing map)

2 (EXHIBIT KFLW 5: Compilation)

3 (EXHIBIT KFLW 6: Purpose statement)

4 (EXHIBIT KFLW 7: Dr. Ballard's  
5 presentation)

6 (EXHIBIT CAC 7: grandfather example  
7 from other jurisdictions)

8 (EXHIBIT CAC 7: Definition of  
9 Aboriginal water rights)

10 THE CHAIRMAN: Thank you.

11 Mr. Traverse?

12 MR. TRAVERSE: I just wanted to point  
13 out for the record here, at the beginning you said  
14 there will be no cross-examination but we all  
15 noticed that Hydro cross-examined. I wonder if  
16 that could be removed or what, as we're not  
17 lawyers or experts here and we don't have legal  
18 counsel with us.

19 THE CHAIRMAN: No. What I said,  
20 Mr. Traverse, that there would only be questions  
21 of clarification. And I think, if you review the  
22 record, you will note that the questions  
23 Mr. Bedford asked were of clarification. He  
24 wanted some clarification about a couple of  
25 different slides.



1 MR. TRAVERSE: That's all I wanted to  
2 say. Thank you. Miigwetch.

3 THE CHAIRMAN: Thank you very much.  
4 We will adjourn in a moment until 1:30 this  
5 afternoon when we will hear from the MMF.  
6 Dr. Ballard, do you wish to have somebody close  
7 with a prayer?

8 DR. BALLARD: (Closing prayer)

9 THE CHAIRMAN: Thank you very much.  
10 We are now adjourned until this afternoon.

11 (Proceedings recessed at 11:36 a.m.  
12 and reconvened at 1:30 p.m.)

13 THE CHAIRMAN: Good afternoon. I  
14 think we're ready to resume proceedings. This  
15 afternoon, we have the Manitoba Metis Federation  
16 represented by, among others, the President David  
17 Chartrand. As you will know from past  
18 appearances, President Chartrand, our procedural  
19 guidelines require that anyone giving evidence  
20 must be sworn. Now, if either of the other two  
21 people at the front table with you are giving  
22 evidence, we'll ask that they be sworn as well.  
23 So I'll turn it over to the commission secretary.

24 MS. JOHNSON: Are all three of you  
25 giving evidence?

1 MR. CHARTRAND: I have a very  
2 difficult time hearing, I do apologize. I think  
3 it's old age or something where my ears are going.  
4 What did you say?

5 MS. JOHNSON: Are all three of you  
6 giving evidence?

7 MR. CHARTRAND: No, I will be giving  
8 evidence. They will be there just in case I need  
9 something.

10 David Chartrand: Sworn

11 THE CHAIRMAN: And you may proceed at  
12 your own pace.

13 MR. CHARTRAND: Thank you very much,  
14 Mr. Sargeant, Chair, the committee. I thank the  
15 committee for giving us the opportunity to come  
16 make a presentation this afternoon.

17 For all those, just for the record, my  
18 name is David Chartrand and I'm the president of  
19 the Manitoba Metis Federation. I've been  
20 president now for 19 years. And so I have a  
21 little bit of a knowledge of our past history, of  
22 our government, and our present and future of  
23 where we sit as a government.

24 Starting off, I would like to  
25 reference that the Lake Winnipeg Regulation

1 Concerns Recommendations, Manitoba Metis  
2 Federation report prepared by Timothy David Clark,  
3 Willow Springs Strategic Solutions, will be drawn  
4 for the record. We are keeping it as information  
5 and utilizing it upon ourselves. There was a  
6 compiling of different interviews that took place,  
7 which we see as a valuable tool for a federation  
8 to use, but will be not part of the submission of  
9 the Manitoba Metis Federation. However, it is a  
10 report that was conducted, the work was  
11 accomplished. And from there, we are only taking  
12 segments that we believe would fit the  
13 presentation we are about to make. So I want that  
14 for the record.

15 As I indicated, my history at the  
16 Federation stems back from 1988, as an elected  
17 official, to being elected as president in 1997.  
18 So I have travelled this province quite a bit and  
19 have had the chance to reflect some of the deep  
20 concerns of my citizens throughout from the south,  
21 east, west and north. And in doing so, different  
22 agendas do come up on the radar screen for our  
23 government. In particular, Hydro has found  
24 itself, finding its issues coming to our table,  
25 around our cabinet to discuss some of the past and

1 present. And of course, we've got to reflect,  
2 what are we talking about here? This is, you  
3 know, 50 years in the making. We're going to  
4 relicensing of an actual licence that really has  
5 been sort of awarded, the practice has been  
6 fulfilled, and obligations of fulfilling their  
7 responsibility from Hydro or the Lake Winnipeg  
8 Regulation into Churchill. So this is not  
9 something new, it's something long existing.

10 But in doing so, I felt it was  
11 important from the Federation standpoint to make  
12 certain aspects for the record.

13 First of all, the Constitution of 1982  
14 makes it very clear that Metis people are a rights  
15 bearing people in this country, and one of the  
16 three Aboriginal people in Canada. So I thought  
17 it is important for the record, and as I continue  
18 presenting my report, you'll see why I want these  
19 aspects placed on record for future use on behalf  
20 of our government and for evidence to be used in  
21 the future, as matters pertain to how we move  
22 forward on issues that have a direct impact to my  
23 people.

24 Let's understand the words. The  
25 Manitoba Metis community is part of the Metis

1 Nation. That's already words described in some of  
2 the court decisions that have come down, and court  
3 victories we have been able to succeed in pursuing  
4 and accomplishing clarity on the rights of the  
5 Metis people, not only in Manitoba, but in Western  
6 Canada.

7                   The Manitoba Metis Federation was  
8 created in 1967 as the democratic voices of our  
9 citizens. And it's been there, not, as I said,  
10 from 1982, it's been there since 1967. So it's  
11 not like it's not known to exist. In fact, I can  
12 bring evidence upon evidence of different  
13 documentation, self-government documentations  
14 where both Federal and Provincial Governments have  
15 signed agreements with the Metis Federation as a  
16 representative body of our citizens, and clearly  
17 understanding the scope of the structure of our  
18 province-wide government.

19                   We are not structured like First  
20 Nations and their political infrastructure, we  
21 have a completely separate structure. We  
22 comprise, and some of the lawyers here from Hydro  
23 probably know, we comprise of seven regional  
24 offices, one provincial head office, and we also  
25 have a variety of locals, probably -- I could

1 state easily situated in about 84 villages in  
2 Manitoba.

3 So our local infrastructure is well  
4 known, it's in the websites. It's there for  
5 people to quickly grab to say, well, I don't know  
6 much about the MMF. All you have to do is go into  
7 the website and you'll see the structure of the  
8 government. And that's all, what I'm saying now  
9 will come back to reflect the issues of my points  
10 that I'll be making throughout the day.

11 The MMF Constitution is very clear.  
12 We are the accountable government on behalf of our  
13 people. Our governance is selected by our  
14 democratic systems. We are a provincial-wide  
15 elected body. And we have, as I said, probably  
16 about 84 ballot boxes in the Province of Manitoba.

17 And I know there was a dispute at one  
18 time with a colleague representing Hydro here on  
19 the issue of how many people vote and how many  
20 people you should represent. And without doubt,  
21 we represent all the Metis people, and that's part  
22 of our Constitution and our mandate.

23 The Provincial Courts also further  
24 confirm these issues as we move forward regarding  
25 the representation of the Manitoba Federation on

1    behalf of Metis people of Manitoba.  You can find  
2    that in the Provincial Court ruling in the Goodon  
3    case, and you can also find it further in the  
4    Supreme Court of Canada on the 2013 MMF versus  
5    Canada litigation on land claims case.  So I won't  
6    go into the actual terminology that was  
7    referenced, but maybe I'll read, just for the  
8    record, the Supreme Court one.

9                    "This collective claim merits, along  
10                   with the body representing the  
11                   collective Metis interest, to come  
12                   before the court, we grant MMF  
13                   standing."

14    Just for the record, both Federal and Provincial  
15    Governments vigorously argued against the issue of  
16    standing, that the MMF was the body that had the  
17    rightful authority to represent the Metis people  
18    in the land claims.  And we won unequivocally, no  
19    opposition on the standing issue from all the  
20    members of the judiciary of the Supreme Court of  
21    Canada.  So, again, it's very clear.  It's  
22    unfortunate that I have got to be doing this over  
23    and over on a regular basis to these sort of  
24    hearings, and also to institutions of Crown  
25    corporations belonging to the Government of

1 Manitoba, and to the citizens of this province,  
2 about the validity of who the Manitoba Metis  
3 Federation are, and why we are the representative  
4 body of our peoples.

5           Of course, the MMF traditional land  
6 include the areas of Lake Winnipeg Regulation.  
7 And I decide -- we've got experts who have put  
8 together a map. I brought a map for evidence for  
9 everybody to see. I think we have 50 copies  
10 available today. It gives you sort of a breakdown  
11 of the specific areas where the trading posts  
12 were, where the york boats were used, all the  
13 areas. You'll see all the squiggly lines, that's  
14 the traditional use of Metis people, and their  
15 traplines, and their harvestings, usage of  
16 traditional land. So this is all evidence that  
17 can be backed up, if anybody wants further  
18 information on it. We have also presented this to  
19 Hydro already. Hydro has a copy which I presented  
20 to the president and the vice-president.

21           So, this is something, as you'll see  
22 the pink areas where the harvesting agreement is  
23 in play. And we're now finalizing with the  
24 province the full completion of the continuation  
25 growth of the -- it looks orange, but it's



1 actually pink, all the way up to Churchill. So  
2 the historians and others who have put together,  
3 and experts comprised all of the information here.  
4 I thought it would be fitting for this to be part  
5 of the evidence to show the Metis are not in the  
6 southern base only, we're province wide, and our  
7 usage goes back to the early 1800s and so forth.  
8 So, again, I thought that was important  
9 information for this committee to hear.

10 So I think it's also reflective from  
11 our perspective to make it very clear, as I move  
12 forward in my presentation. I'm not going to  
13 speak against the relicensing of the existing the  
14 project. I support Manitoba Hydro at this time  
15 regarding relicensing of the Winnipeg Lake  
16 Regulation and Churchill Regulation.

17 To be clear, the Manitoba Metis  
18 Federation supports the continued operation and  
19 renewal of licences for the operation of this  
20 existing projects under this current hearing and  
21 licensing process at this time. So I make that  
22 very clear for the record.

23 As a partner of Manitoba Hydro, we  
24 have expectation to be treated as a partner, and  
25 some of the clear matters for me at the senior

1 executive level, we are turning the page, there is  
2 a document which I'm sure, I'm not sure it was  
3 brought in as evidence yet by anybody, but we do  
4 have a document which we signed with Manitoba  
5 Hydro, which is called "Turning the Page". It  
6 reflects some of the past and future discussions  
7 we will have, but it doesn't preclude us from also  
8 looking at fixing up some of the past wrongs that  
9 have taken place.

10           Now I know Hydro, and I'm not here to  
11 offend Hydro, I am sure the colleagues from Hydro  
12 will be very pleased about that, but sometimes  
13 Hydro is the one that gets the black eye, but  
14 really the responsibility lies with the Provincial  
15 Government, and they too have I think a major  
16 responsibility, which I think they are failing  
17 miserably in the sense of ensuring that the duty  
18 to consult and the issue of encouraging the  
19 inclusion of the Metis is being left at the  
20 doorstep.

21           So we have, of course, letters now  
22 that we have written both to Canada and Manitoba,  
23 if the committee would ever want them as evidence.  
24 I don't want to bring a stack of documents, but we  
25 have letters written to the Minister of Aboriginal

1 Affairs Canada. We also have Minister of  
2 Aboriginal Affairs Manitoba, where we already  
3 echoed a lot of these sentiments of this -- I am  
4 trying to find a calm, nice word of saying, where  
5 we're not very pleased with the actions and  
6 decisions that are coming from those bodies. And  
7 they unfortunately stem back into a whole era  
8 which is coming back to haunt us today, which I'll  
9 talk about briefly.

10           If you'll look back at the issue of  
11 the generating stations and the dams that have  
12 taken place, it is very clear. One of the  
13 founding concepts that are being used by Hydro and  
14 Manitoba Government is the Northern Flood  
15 Agreement. The Northern Flood Agreement,  
16 unfortunately, is one that has been a great  
17 hinderance to the Metis people. We were excluded  
18 back in that era. It is, unfortunately, a time in  
19 the Metis history where discrimination again was  
20 quite obvious and quite clear, where Canada took a  
21 very strong position at that time also that the  
22 Metis were not rights bearing people. So it was  
23 more of an inclusionary process of, I'll use the  
24 word as a charity.

25           Our past president centre head, at the

1 time, had documentation written about his time as  
2 president attending these meetings on the Northern  
3 Flood Agreement where he was told he could come to  
4 a meeting, he couldn't speak, he couldn't vote,  
5 had no say, but he could come to listen. So he  
6 made the wise decision, as the president, to leave  
7 that room. There was no use staying there and  
8 being part of a process that was not going to  
9 include him. But unfortunately the word Metis has  
10 found its way in some of the documentation where  
11 Hydro, which I'll speak of shortly, brought  
12 evidence before this Commission about settling all  
13 these issues, including the Metis, which I want to  
14 talk about briefly in my presentation.

15 But clearly I think one of the things  
16 that's also clear that we're referencing, that  
17 this project is -- I think I will read this  
18 component:

19 "Manitoba Hydro rights, 1970, the  
20 government was in favour of a lower  
21 level diversion of the Churchill  
22 River..."

23 And they used the word:

24 "...coupled with a plan to regulate  
25 the outflow from Lake Winnipeg, in

1 July 2014, document in support of  
2 Manitoba Hydro's request for a final  
3 licence under the Manitoba Power Act."  
4 One of the things I also want to bring  
5 forward is there has been an agreement. In recent  
6 November of 2014 process agreement between  
7 Manitoba Hydro, Manitoba and Pimicikamak, Cross  
8 Lake First Nation, the two projects were also  
9 identified as one. And I know I've been told that  
10 these are two separate projects. They are defined  
11 as one. In fact, in section 8, the project as  
12 defined in the Northern Flood Agreement consisting  
13 of the Churchill River Diversion and the Lake  
14 Winnipeg Regulation projects, the Hydro project is  
15 known, includes aspects that has been operating,  
16 continue to operate in Pimicikamak's traditional  
17 territory. And you will see on the map we are  
18 also in use of that territory and traditional  
19 lands.

20 So it shows that Hydro has not  
21 completely ignored their Crown and good faith name  
22 brand in trying to deal with unsettled matters  
23 that stem way back. But just for the record, that  
24 matter precluded us based on it was true that  
25 Northern Flood Agreement representation body, that

1 those were actually dealt with as Cross Lake as  
2 one of those members.

3 And it's unfortunate that Cross Lake  
4 took the position that they had to take over the  
5 Jenpeg Station forcefully to be heard.

6 As you know, Mr. Chair, you have not  
7 seen me do that as a president. I could easily do  
8 it very quickly. There's nothing precluding me  
9 from doing it, it's just not my style. So it's  
10 just a matter of where I believe I can sit down at  
11 a table and come to a resolve on matters that are  
12 important to my people.

13 But the Northern Flood Agreement  
14 definitely has been one that's been haunting our  
15 situation for a long time, and continues to do so.

16 Now, the matter that has caught my  
17 interest, particularly at these hearings, is that  
18 Hydro itself had indicated that they have dealt  
19 with the Metis. And I think in the  
20 cross-examination that took place between one of  
21 my employees and Hydro, Mr. Sweeny, and also I can  
22 state for the record, Mr. Hutchison, which you  
23 have on record these particular questions. And  
24 the question is posed to Hydro pertaining to their  
25 view of the settlement of dealing with matters

1 that have had a direct effect by the actions and  
2 investment of Hydro and where individuals were  
3 affected. And you'll see that Hydro has committed  
4 and openly admitted that they have settled  
5 matters, not only on the commercial side, they  
6 have also settled matters on the right side,  
7 meaning rights of an Aboriginal people as it  
8 pertains to the Constitution of Canada.

9           So Hydro has not only been dealing  
10 with matters that affect commercial licences such  
11 as fishermen, commercial trades such as trapping,  
12 other aspects of businesses that may have been  
13 affected one way or another, Hydro has dealt with  
14 those particular entities. But let's, for the  
15 record, understand very clearly, that is about  
16 commercial trade, commercial rights, it's a  
17 business settlement that has taken place between  
18 Hydro and that proponent.

19           Now, what of course got my attention  
20 is Hydro's statement in recognition that they have  
21 dealt also with the Metis.

22           Now, I want to share, of course,  
23 Mr. Hutchison's reference and his comments. And  
24 I'm not sure how you have your documentation, it  
25 says volume 12 on my document. But Mr. Hutchison

1 says, I can't identify any examples. The question  
2 is about dealing with the MMF and Metis people.

3 He said:

4 "I can't identify any examples, but as  
5 I mentioned, we do work with elected  
6 representatives of the impacted  
7 communities, and to that degree that  
8 would choose to involve the MMF  
9 central office, that will be at their  
10 discretion."

11 Okay. At their discretion, not saying they are  
12 working with us, it is up to someone, whoever they  
13 talked to, to talk to us.

14 "When we enter into negotiation  
15 agreements, these communities decide  
16 who they would like to represent them.  
17 We have lawyers, consultants and that  
18 sort of thing."

19 Now, as I said, the Federation  
20 established in 1967. A lot of these things that  
21 we can see from Mr. Sweeny, Mr. Hutchison, who  
22 again openly admit, (A), these are commercial  
23 settlements. They talk about the settlement of  
24 trappers. And I'm sure some Metis received some  
25 settlement as a trapper or a fisherman is what



1 Mr. Sweeny stated in volume 12 again. Mr. Sweeny  
2 says:

3 "I'd also like to just add, if there  
4 is a Metis individual or a person  
5 taking activities related to resource  
6 harvesting, those individuals likely  
7 would have been represented in the  
8 various adverse effects agreements we  
9 had with the resource harvester  
10 groups, which are the trappers  
11 associations and fishers."

12 Again, that's from a commercial settlement, not  
13 from a right settlement. Now, meaning rights, the  
14 right to sustenance, the right to fish for your  
15 food, the right to harvest and use the lands, et  
16 cetera, et cetera. That's what I'm getting to the  
17 issue of rights. Clearly, Hydro did not fulfill,  
18 and their statements of evidence really only talks  
19 about trappers and settlements with fishers.

20 Nowhere does Hydro come -- but Hydro does take the  
21 bold position that everybody was settled. I think  
22 totality, and maybe I will be corrected by Hydro,  
23 I think the total settlement is about 290 million  
24 throughout its existence, if not near that number,  
25 of what was settled in the Winnipeg Regulation and

1 Churchill River Diversion process throughout its  
2 existence and time.

3           But what, of course, got my dander  
4 very quickly was when Hydro, in their boldness,  
5 decided to say, well, the Metis was dealt with  
6 too. Now, by saying you can go to the community  
7 council and say I met the mayor who happen to be  
8 Metis, or a councillor who happened to be Metis as  
9 part of the mayor and council institution, I think  
10 Hydro knows well enough, and I say this for the  
11 record, Hydro knows well enough, in the previous  
12 experience they have had, evidence has been  
13 produced to them. The Northern Affairs Act is  
14 very clear, and I'm very pleased, Mr. Sargeant,  
15 that you are chairing this particular body, as you  
16 chaired the last one, where I brought, in fact,  
17 evidence to you, and which I will provide to this  
18 committee. The Northern Affairs Act is actually a  
19 document that gives direct administration  
20 operations for a mayor and council. In fact, they  
21 have no authority beyond the authorization of the  
22 Minister of Aboriginal Affairs of Manitoba. So, a  
23 mayor and council actually is an administrative  
24 operational tool for the Minister of Aboriginal  
25 Affairs.

1                   So, in likelihood, you can see there  
2   is potentially a conflict where the Minister of  
3   Aboriginal Affairs was in charge of all the  
4   administration operations of the Northern Affairs  
5   communities, is actually being negotiated in  
6   settling with the matters. As they say in Hydro,  
7   we met with them, they decide who they want to  
8   talk to, if they want to talk to the Metis  
9   Federation, it's up to them. But we have settled  
10  with the Metis.

11                  Now, from my perspective, I want to  
12  make sure that this is recorded in history,  
13  because one day we'll come back and reflect these  
14  parts of the evidence in the future as we move  
15  forward. But it's very clear, Hydro knows the  
16  difference between what a Metis local is. As I  
17  said, it's clearly in the websites, our governance  
18  structure is there. It's been around since 1967.  
19  And more importantly, we have Northern Affairs  
20  Act, they know again what the responsibility of  
21  mayor and council is. It's like telling me right  
22  now, well, Mr. Chartrand, I'm sure you're not the  
23  only spokesman of the Metis people. The mayor of  
24  Winnipeg, Mr. Bowman, is also Metis, he'll be  
25  speaking on behalf of the Metis people now. So

1 it's that kind of idiotic issues that really got  
2 my dander and got me to come here and make a  
3 presentation. Because, again, it's hiding in  
4 very, very short grass. And clearly, the law I  
5 think is very clear, the Constitution is very  
6 clear, and I think this committee also has a  
7 responsibility for all the Manitobans, including  
8 Metis, to rectify the matter. You cannot change  
9 it, but clearly you can acknowledge very clearly,  
10 which, as I said, I will provide evidence to the  
11 document -- I think we brought copies. Do we have  
12 copies for -- we only have one copy? Okay. We'll  
13 provide 50 copies, as required, of the Northern  
14 Affairs Act. And I do encourage the committee to  
15 read it. You may sit on future committees, but  
16 read the Northern Affairs Act. It is so clear  
17 that the mayor and councils of the province under  
18 the Northern Affairs Act, where our Metis  
19 villages, most of our citizens mostly live on, the  
20 mayor and council report directly to Minister of  
21 Aboriginal Affairs. In fact, the Minister of  
22 Aboriginal affairs can take one pen and with one  
23 sweep wipe out the entire mayor and council. The  
24 Minister of Aboriginal Affairs cannot do that to  
25 the Federation and independent standing government

1 of our people, directly elected by our people.

2 And clearly our jurisdiction was very  
3 clear.

4 And one of the things I want to put  
5 for the record for Hydro, in case they ask me  
6 these questions, what I want to put for the record  
7 is this: If Hydro can come to this committee and  
8 say, whether it's Mr. Sweeny or Mr. Hutchison,  
9 whoever, to come before this committee and say the  
10 Metis were dealt with, we gave them resources  
11 through Northern Affairs communities.

12 Now, I turn to this question,  
13 Mr. Sargeant on November 22nd, and I read this for  
14 particular interest. November 22, 2000 letter  
15 from CEC Chair, Terry Sargeant, to Manitoba Hydro  
16 manager, Wesley Penner, regarding report on CRD  
17 and LWR. Under socioeconomic factors he asked,  
18 history of relations with First Nations, current  
19 and future commitments. You asked for that  
20 question from Hydro. And then copies of all  
21 agreements, accommodation, processes, et cetera,  
22 entered into between Manitoba Hydro and First  
23 Nation communities, resource user groups, and the  
24 Federal and Provincial Governments addressing the  
25 Lake Winnipeg Regulation issues.

1                   So, Mr. Sargeant, you specifically  
2    looked for something you were searching for on  
3    behalf of your committee. But clearly it only  
4    relates to First Nations, it does not relate to  
5    the Metis. Nor is the question asked to Hydro,  
6    can you, which you brought evidence before us that  
7    everybody was dealt with including the Metis. I  
8    encourage you, Mr. Sargeant, as the chair, to  
9    write a letter now to Hydro, given their evidence  
10   they provided to this committee, to show the past  
11   settlements of what they can protect or prescribe  
12   that they actually settled with the Metis people.

13                   And then they say, and they say to  
14   this committee, well, we gave it to the Northern  
15   Affairs Aboriginal mayor and council, and it's up  
16   to them to decide how to do it. Then I have a  
17   very, very serious concern if that is the answer.

18                   Second one being, the second question  
19   that should be posed to Hydro, if you give it to  
20   the mayor and council to represent, or to the  
21   First Nations, because First Nations they say also  
22   had the prerogative to deal with these matters,  
23   the word Metis was slashed into a few of those  
24   whole agreements, if that is the case, then the  
25   question should be, how did you then protect that

1 that money went directly only to Metis people?  
2 Because the mayor and council, as I said, have no  
3 jurisdiction beyond what the Minister gives them,  
4 has also the citizens which can be of different  
5 culture. They are not just Metis that live in  
6 those villages, there's First Nation that live in  
7 those villages, non-Aboriginal people live in  
8 those villages. So, clearly, there's a benefactor  
9 to all of those citizens that live there, whether  
10 it's First Nation, non-Aboriginal or Metis.

11 But did Hydro then specifically, given  
12 the fact that they are dealing directly, or saying  
13 they represented -- not represent, sorry --  
14 serviced and concluded their arrangements and  
15 agreements, that the Metis were dealt with, that  
16 they put a clause in there to make sure that Metis  
17 specifically would receive these benefits?

18 I would ask you to write a letter to  
19 Hydro, as you did with the First Nation, asking  
20 for those agreements, those documents, to prove  
21 that the Metis were specifically given those  
22 results to be settled, their issues, as they  
23 pertain to the effects of both the LWR and, of  
24 course, the CRD.

25 So that's one of the questions I leave

1 here for yourself, Mr. Sargeant, to pursue that  
2 further. It would be of great interest and great  
3 importance, I think, for evidence in the future.  
4 We cannot change it today, but definitely could be  
5 one that could be looked at. And the answer that  
6 comes before this committee cannot be so easily  
7 rambled off, oh, we dealt with the Metis also.

8 I think I can bring volumes of  
9 evidence before this committee to show the Metis  
10 were never dealt with, never included, and were  
11 completely left out. Again, I don't poke the  
12 finger directly at Hydro, the Northern Flood  
13 Agreement is guiding their process, but I think  
14 the committee who is hearing the evidence now  
15 before me, that I'm bringing before you, that the  
16 law -- constitution was changed in 1982 in this  
17 country, the law has now been changed in Canada.  
18 It's very clear the Metis are rights bearing  
19 people.

20 In fact, if you look at some of the  
21 cases that come at the Supreme Court of Canada,  
22 it's very clear, for example, in the Blais case,  
23 the Metis people have no lesser rights than the  
24 First Nation. So our rights are no lesser than  
25 the First Nations of this country. It's very



1 clear we are rights bearing people. It's very  
2 clear we are harvesting rights bearing people.  
3 It's very clear we also have a right to the land  
4 claims of one day settling an issue, and the right  
5 for standing is very clearly settled in the  
6 Supreme Court of Canada. There is so much  
7 evidence in law that I think would give wisdom by  
8 this committee to question the varying degree of  
9 changes that are happening in Hydro. There is  
10 some positive changes, which we call Turning the  
11 Page, but it's important to reflect the past was  
12 never properly settled and it's a matter that has  
13 to be dealt with in the future with Hydro.

14 I think one of the issues I also would  
15 like to raise for the committee to look at,  
16 there's other evidential documents which I think  
17 would be important, which I didn't want to bring  
18 because they are quite large, I didn't want to get  
19 50 copies, but I can bring segments of those  
20 particular things. The Aboriginal Justice Inquiry  
21 was very clear, the AJIC was very clear, those  
22 particular segments were very clear about the  
23 importance of regulations dealing with anything --  
24 in fact, I'll read 4.1.

25 "Any future major natural resource

1           developments not proceed unless and  
2           until agreements or Treaties are  
3           reached with the Aboriginal people in  
4           communities in the region, including  
5           the Manitoba Metis Federation and its  
6           locals and regions who might be  
7           negatively affected by such projects,  
8           in order to respect their Aboriginal  
9           Treaty or other rights in the  
10          territory of concern."

11          In fact, this is quoted from the  
12         website, 2002, the Government of Manitoba. And in  
13         fact, they accepted all the AJIC recommendations.

14                 So, again, saying that, they accept  
15         all these recommendations, and it points out very  
16         clearly that Metis Federation have to be included,  
17         our locals and our regions. Locals actually are  
18         constituted in villages. We have a local, which  
19         has an executive body selected by the people in  
20         that community to be the representative voice at  
21         the local level on behalf of our Metis Government.  
22         So in total we have 100, I think now close to 150  
23         locals in Manitoba, the biggest, of course,  
24         stemming from Winnipeg, I think we have about 30  
25         locals. So otherwise, there's only one local per

1 community, except for Brandon which has two.

2 So, again, it shows that there's  
3 enough evidence to prove that there is  
4 infrastructure that does exist, but clearly is not  
5 being respected or abided to.

6 Now, what will that take? I am not  
7 sure, Mr. Chair, what it will take to convince  
8 that change take place. I'm sure there's probably  
9 legal teams, legal advisors that you do have. I  
10 think their obligation and duty in some ways --

11 THE CHAIRMAN: Excuse me.

12 MR. CHARTRAND: -- out of the  
13 Constitution, and the law has changed in Canada.  
14 Unfortunately, 50 years ago, this wasn't clear.  
15 If it was clear 50 years ago, we probably wouldn't  
16 be finding ourselves here today, but it has  
17 changed.

18 So with that being said, we weren't  
19 part of the 1950 discussions. We are not part of  
20 any settlements that happened from that era and  
21 forward. And so we're in a situation where we  
22 can't change the past, but we definitely can  
23 change the future. So we'll definitely have to be  
24 looking at that.

25 But I want to make it very clear that

1 Hydro's presentation to this committee stating the  
2 Metis were dealt with, I, as president, make it  
3 very clear that did not happen. And I can  
4 definitely argue that vigorously in any court  
5 room, any sentiment of any committee, or bring  
6 evidence to differ me, I would love to see that  
7 because there is no existing evidence that would  
8 say that.

9           So anyways, with that being said, the  
10 application for final licence for Lake Winnipeg  
11 Regulation does not consider or assess impacts on  
12 Metis as a distinct Aboriginal group in the  
13 region. It is imperative that Manitoba Hydro  
14 begin engaging the Manitoba Metis community, which  
15 as I said, Turning the Page, is hopefully the  
16 beginning of a different foundation, a different  
17 relationship. But that I think would further be  
18 adhered to by yourselves as a committee to ensure  
19 that the Metis again -- as I said, the law is the  
20 law. And if I've got to abide with the law as a  
21 Manitoban and Canadian, so does everybody else  
22 this room, and so does every institution that  
23 represents our people, and Province and Canadians.

24           We suggest there ought to be, the  
25 Metis should be involved in mitigation measures in

1 this project. Now, I'll be raising that directly  
2 with Hydro, Mr. Sargeant, I don't expect you to  
3 negotiate on my behalf, but I will be raising this  
4 past issue. We do have the Turning the Page, and  
5 there is segments in the document that give us the  
6 opportunity to visit the past issues, and go back  
7 and see how they can be reflected or corrected in  
8 the future.

9           As a good example, I just finished  
10 settling in Summerberry. We are finalizing that  
11 document as we speak, and that's going back to  
12 1940 to 1964, where trappers were settled, or  
13 trapping in the Summerberry, which is known as  
14 Summerberry trapping. And that is a \$10.9 million  
15 settlement. And that will come, within the week  
16 we'll be signing it. I'm representing all  
17 trappers in Manitoba, including non-Aboriginals,  
18 including some who are now First Nation who used  
19 to be Metis. So there is in totality 1,135  
20 people, trappers that will be settled.

21           So it shows Hydro does go back and  
22 visit and tries to correct some of the things that  
23 they say, well, maybe we did wrong. So I do  
24 commend Hydro on that, I want to put that on the  
25 record, that there is some good will, obviously,

1 being shown by Hydro, that they could go back and  
2 fix issues and try to correct them.

3 But just for the record, I'll close  
4 off with this comment, I want to make it very  
5 clear to Mr. Sweeny and Mr. Hutchison, the  
6 representatives of Hydro, there was never any  
7 proper settlement with the Metis going back on the  
8 W -- what do you call it -- Winnipeg diversion,  
9 what's the acronyms here. I'll try to find it  
10 here quickly -- Lake Winnipeg Regulation and  
11 Churchill River Diversion. So just for the  
12 record, I say it right.

13 So with that, Mr. Chair, I conclude my  
14 comments. As I said, I am not here to oppose the  
15 relicensing. In fact, I will support the  
16 relicensing of Lake Winnipeg and Churchill  
17 Diversion.

18 THE CHAIRMAN: Thank you, President  
19 Chartrand. You made a comment saying that you  
20 don't expect me to negotiate on behalf of the MMF.  
21 I'm sure you could do a far better job than I ever  
22 could.

23 MR. CHARTRAND: I wish.

24 THE CHAIRMAN: The MMF is a  
25 participant in these proceedings. That means that

1 you are subject to cross-examination. Are there  
2 any more presentations from either of the people  
3 at the table?

4 MR. CHARTRAND: If I can just add, we  
5 do have a date that's set aside for us. I forgot  
6 what date that is -- April 27th, it's a Metis set  
7 aside day. We are going to bring some of our  
8 citizens in from across different parts of  
9 Manitoba. And at that time, they will probably  
10 share information with you pertaining to some of  
11 their issues.

12 I also indicate to you that the  
13 document that was compiled by the consultant,  
14 there is key information for us which we will be  
15 utilizing. Some of those individuals were  
16 actually interviewed, which will be coming on  
17 April 27th. And if I'm in town, I'll probably try  
18 to come here with them. But other than that, I  
19 could just very clearly point out again, I am  
20 hopeful that our request to you to follow up to  
21 Hydro, as you did with the First Nation, will be  
22 very important for us. And as I said, to me this  
23 is just the record of the future, to reflect one  
24 day to other leaders in the future that Metis did  
25 not stand aside and allow information to come to

1 this committee that we find are not factual and  
2 are not clear. And at the same time, just to make  
3 it clear, Metis were never settled in this issue  
4 and are still not settled today.

5 THE CHAIRMAN: Thank you, President  
6 Chartrand.

7 Mr. Bedford, do you have some  
8 questions?

9 MR. BEDFORD: I do. Mr. Chartrand,  
10 good afternoon, and good afternoon to Mr. Benoit  
11 and to Ms. Langan.

12 Mr. Chartrand, you and I of course  
13 have met primarily at other hearings before the  
14 Clean Environment Commission. I must tell you  
15 that I came to work this morning expecting to meet  
16 Dr. Clark. I have heard you say quite clearly  
17 that a decision has been made by the Manitoba  
18 Metis Federation to withdraw Dr. Clark's paper, so  
19 I will not put to you any questions that I was  
20 otherwise expecting to put to Dr. Clark.

21 However, I have never met Dr. Clark,  
22 nor do I recall meeting either of the gentlemen  
23 who are sitting behind you. So is either of those  
24 gentlemen Dr. Clark?

25 MR. CHARTRAND: Yes, Mr. Clark is



1 right there, and the other -- I apologize to the  
2 committee, I should have introduced the other  
3 individual as Marc Leclair from Ottawa.

4 MR. BEDFORD: However, as I said, you  
5 have withdrawn Dr. Clark's paper, so I won't ask  
6 you questions about that.

7 You did, however, put in the map. If  
8 you could turn to that momentarily? I thought it  
9 might be helpful to some of those present if I  
10 asked you a couple of points of clarification  
11 regarding the map, because I recognize some simple  
12 things that the map is trying to tell a reader.

13 The pink area at the bottom of the  
14 map, that's an area that you described as being  
15 subject to a resource harvester agreement. You  
16 mean, of course, an agreement that the Manitoba  
17 Metis Federation has signed with the Province of  
18 Manitoba some years ago?

19 MR. CHARTRAND: Yeah.

20 MR. BEDFORD: And my understanding in  
21 a nutshell of the terms of that agreement is that  
22 the Province of Manitoba now recognizes that if  
23 one of your members of the Manitoba Metis  
24 Federation has been issued, by your organization,  
25 a harvester card, that those individuals are

1 entitled to hunt anywhere in that pink area of  
2 Manitoba and their rights to do so as Metis  
3 citizens will be recognized and are recognized by  
4 the province. Have I summarized that adequately?

5 MR. CHARTRAND: Pretty close. In  
6 fact, if I can add onto your reference, it's not  
7 just about hunting, it's actually harvesting.  
8 Hunting is just only one segment of the process.  
9 There is also timber, utilization of herbal  
10 medicines and so forth that we have accessibility  
11 to utilize. So it's not just one segment, it's  
12 dealing with matters that pertain to natural  
13 resources.

14 If I could also be bold enough to  
15 share with you that the arrangement that we have  
16 with Hydro is that any of our citizens utilizing  
17 the harvester card will have to abide with the  
18 Metis laws, not the provincial laws. And the  
19 conservation officer actually carries their  
20 handbook with him, or her. And when they come  
21 upon any of our harvesters, that is the law book  
22 that's used, not the provincial handbook.

23 MR. BEDFORD: And fair to say that the  
24 Federal Government takes no issue with this  
25 arrangement that the Manitoba Metis Federation has

1 with respect to the pink area with the Province of  
2 Manitoba?

3 MR. CHARTRAND: In fact, the Federal  
4 Government has clearly recognized that the rights  
5 of the Metis people not only stem within the  
6 present pink form that we speak of, it's very  
7 clear the recognition of the harvesting rights  
8 stems to all territory of the Metis in the  
9 Province of Manitoba.

10 MR. BEDFORD: I'll return to that in a  
11 moment. But you have drawn our attention to where  
12 I was journeying next, and that's to the area of  
13 the map that's clearly north of the pink area.

14 My understanding of the situation  
15 today is that any of your members, any Metis  
16 citizens of this province who are hunting north of  
17 the pink area must, frankly, like me, who is a  
18 non-Aboriginal person, must apply for and purchase  
19 a hunting licence from the Province of Manitoba  
20 because still today, the Province of Manitoba does  
21 not recognize the harvester card north of the pink  
22 area. Now, I know you take issue with that, but  
23 have I summarized that correctly?

24 MR. CHARTRAND: In fact, let me share  
25 a little further on summarization. I think, as

1 you are aware, negotiations and discussions from  
2 government to government relations, there are  
3 certain components that are built in where it's  
4 truly understood by either party, certain  
5 provisions and protections.

6 In this particular aspect, in fact, to  
7 show you that's different than you harvesting and  
8 buying a licence to harvest, the arrangement we  
9 had with the Province of Manitoba is that they do  
10 not deny that Metis rights exist there. Second  
11 piece in showing that they are not going to be  
12 disrespecting the Metis rights in any of the white  
13 harvesting area because of, which I'll talk  
14 shortly on, the potential litigation with First  
15 Nations. They indicated that they would, if they  
16 would be bold enough to ask us to work with them,  
17 that if, for example, yourself, Mr. Bedford, was  
18 Metis, and you lived in one of the white areas  
19 near Churchill, that you would actually be, just  
20 for the record, purchasing a licence, but you'd  
21 get reimbursed from the Province for that licence.  
22 So it's actually a free licence. It's said very  
23 clearly here:

24 "As part of implementing these points  
25 of agreement, and while the process

1 set out in section E is ongoing, the  
2 Minister of Conservation and Water  
3 Stewardship will recommend a grant of  
4 the MMF equal to aggregate amount of  
5 provincial licence fees related to  
6 harvesting collected from Metis rights  
7 holders who reside outside of a  
8 recognized Metis harvesting area and  
9 produce a valid MMF harvester card at  
10 the time of purchase of provincial  
11 licence."

12 So, one of the things that was very  
13 clear from my side in negotiating this agreement,  
14 in order for us to come to terms of recognizing  
15 the partnership, that had to be one of the  
16 conditions. So the Metis individuals will get a  
17 free licence. And they will not have to -- in  
18 fact, we buy them from our regions, regional  
19 governments buy them, and we get reimbursed from  
20 the province. So it's different than the normal  
21 citizen, the Manitoba citizen purchasing a  
22 licence.

23 MR. BEDFORD: But the reason you  
24 tender a map with two different colours on it  
25 today is you still haven't accomplished what I

1 have always understood is one of the points you  
2 advocate for, which is a single colour for the  
3 whole province, recognize the harvester cards, and  
4 all that goes with recognition of the harvester  
5 cards throughout the whole province?

6 MR. CHARTRAND: If I can repeat  
7 myself, and I don't want to repeat the entire  
8 paragraph, but you'll notice that the province  
9 said they have to have a harvester card even in  
10 the white area in order for them to get reimbursed  
11 for their licence. So the province is recognizing  
12 the harvester part even in the white area, we'll  
13 call it. But at the interim, what was asked of  
14 us, and you can put that for the record, I'm the  
15 one negotiating it so I know, is that the  
16 discussion is that there's possible litigation  
17 that could take place with some of the First  
18 Nation bands on sharing of the traditional  
19 territory. In fact, that's a conversation  
20 happening right now between ourselves and Canada  
21 regarding, for example, the Treaty land  
22 entitlements.

23 So, those issues clearly have a  
24 bearing bigger than just the specific harvesting  
25 issue. There's some legality issues which the

1 province has asked us to sort of, kind of help  
2 them in their pursuit of trying to find a positive  
3 result and less court cases. So I think it's  
4 clear enough, Mr. Bedford, that there is a  
5 specific different arrangement than any other  
6 Manitoba citizen in Manitoba. So that is very  
7 clear. And it's very clear for the Manitoba  
8 Government, which you can directly converse with  
9 the Minister of Conservation, Mr. Mackintosh, the  
10 Metis rights are not disrespected in the white  
11 area. They have asked us to be patient. In fact,  
12 they have indicated clearly right now that we  
13 anticipate we will finish this before summer.

14 MR. BEDFORD: Well, I wish you luck  
15 with that.

16 To return to the Federal Government,  
17 can you tell me what document I would read that  
18 has issued from the Federal Government that would  
19 tell a reader, more or less simply, that the  
20 Federal Government recognizes the Metis harvesting  
21 rights as reflected in the harvester cards, in  
22 this white area north of the pink area?

23 MR. CHARTRAND: I think we can  
24 definitely look for the correspondence that comes  
25 from the direction to the RCMP of Manitoba. I

1 probably can get a hold of the commissioner, if  
2 you want, in Manitoba, where they had been advised  
3 that the Metis will not be charged for harvesting  
4 in any of the Province of Manitoba, so following  
5 the Pauley decision that came down in the Supreme  
6 Court of Canada. So I'm sure we can get some  
7 documentation to show you that RCMP have not --  
8 and a clear indication, show me one charge RCMP  
9 has ever given us since Pauley has come down?  
10 Never. Prior to that, there was charges laid on  
11 people carrying wildlife, or fish, by RCMP, would  
12 have road blocks, along with the Conservation  
13 officers, and we have never been charged since  
14 Pauley had come down.

15 MR. BEDFORD: Notwithstanding that no  
16 doubt from time to time the RCMP like to think  
17 that they speak for the Federal Government of  
18 Canada, my question was about a document issuing  
19 from the Federal Government as opposed to the  
20 RCMP.

21 THE CHAIRMAN: I'm just having a  
22 little trouble understanding the relevance of this  
23 line of questioning?

24 MR. BEDFORD: I don't need to pursue  
25 it. It flows out of the map and trying to clarify



1 the pink and the white on the map. So I can quite  
2 see I have made that point clear. Thank you.

3 MR. CHARTRAND: If I can, for the  
4 record, just because he posed and left the  
5 question sitting. Firstly, the Federal Government  
6 doesn't have jurisdiction over harvesting in  
7 Manitoba. But more importantly, there is a  
8 document which we can share with Hydro, and share  
9 with this committee, which actually makes it very  
10 clear that matters that pertain to their  
11 jurisdiction, like waters and so forth, that they  
12 definitely will pertain to our respect of the  
13 Constitution as coming down with Pauley. So  
14 there's a document that have come down from Canada  
15 pertaining to any matters which is their direct  
16 jurisdiction.

17 MR. BEDFORD: Well, that would be  
18 helpful, thank you. And as I have just indicated,  
19 we'll move to something else.

20 In your presentation, Mr. Chartrand,  
21 you referred to a new agreement the Manitoba Metis  
22 Federation has signed with my client, and I note  
23 also with the Province of Manitoba. So I'd like  
24 to put that agreement into the record, because I  
25 know and you know that there are some provisions

1 of the agreement that touch upon the licence for  
2 Lake Winnipeg Regulation. And that is, of course,  
3 pertinent to this hearing.

4 MR. CHARTRAND: Yeah. And just for  
5 the record, is that one you're talking about here?

6 MR. BEDFORD: Yes.

7 MR. CHARTRAND: So if it's a public  
8 document, then it will be a public document. If  
9 Hydro wants to present it as a public document, I  
10 have no problem. I know sometimes Hydro decides  
11 not to put the amounts that are set in place, but  
12 if you want to make it public, I have no problem.

13 MR. BEDFORD: My recollection, and I  
14 am sure yours is, that in a fashion the local  
15 media reported on this agreement and also the  
16 amounts shortly after it was signed. So I assure  
17 you my client isn't nervous about the agreement  
18 becoming even more public, so to speak, as an  
19 exhibit in this proceeding.

20 That's your signature, of course, on  
21 the last page by the date, November 26, 2014?

22 MR. CHARTRAND: Yeah, and my initials  
23 throughout.

24 MR. BEDFORD: And Commissioners who  
25 are interested in knowing what relevance this

1 document has to Lake Winnipeg Regulation would be  
2 well advised -- can you confirm to look to page 5,  
3 article 2.1.4? And you'd agree with me that in a  
4 nutshell, one of the things provided for in that  
5 article is support from the Manitoba Metis  
6 Federation for the continued operation and renewal  
7 of licences for what are described as all existing  
8 developments and operations, correct?

9 MR. CHARTRAND: What number was that  
10 again, sir?

11 MR. BEDFORD: 2.1.4 on page 5.

12 MR. CHARTRAND: Yeah, got it. And  
13 your point was again, sir?

14 MR. BEDFORD: I was simply summarizing  
15 what we can all read there, that your organization  
16 has promised to support, in effect, the renewal of  
17 licences and the operation of existing  
18 developments and operations of Manitoba Hydro?

19 MR. CHARTRAND: Um-hum.

20 MR. BEDFORD: And those who want to  
21 understand what is meant by the words existing  
22 developments and operations ought to look at page  
23 2 of the same agreement where the term is defined,  
24 correct?

25 MR. CHARTRAND: Okay. So as you were

1 smiling to me, I'll refer to you 3.1.2.

2 MR. BEDFORD: I will assure you, in  
3 fairness to your organization, I'm coming to that.  
4 But before we leap to that, let's be all on the  
5 same page, which is page 2, and understand that  
6 existing developments and operations clearly  
7 includes Lake Winnipeg Regulation, does it not?

8 MR. CHARTRAND: Yes.

9 MR. BEDFORD: Now, it would be  
10 appropriate to go to page 7. That's where you  
11 were headed, and that's article 3.1.3, correct?

12 MR. CHARTRAND: No, .2.

13 MR. BEDFORD: That provides for the  
14 possibility of further conversations and  
15 discussions.

16 MR. CHARTRAND: Exactly. In fact, for  
17 the record, for the committee, I think it's  
18 important the witness and I will share 3.1.2,  
19 given that Hydro has raised the previous ones,  
20 does not preclude us from continuing to discuss  
21 impacts of previous existing matters of past  
22 developments of Hydro. It opens that door for us  
23 to continue that dialogue.

24 MR. BEDFORD: Right. And immediately  
25 below that is the article that I thought you had

1 in mind, 3.1.3, provides for the possibility,  
2 subsequent to last November, that the Manitoba  
3 Metis Federation would participate in proceedings  
4 that review Hydro relicensing, including this very  
5 proceeding, correct?

6 MR. CHARTRAND: I have a hard time  
7 hearing you. I think it's the fan.

8 MR. BEDFORD: There is assistance.

9 MR. CHARTRAND: Okay. Go ahead.

10 MR. BEDFORD: So 3.1.3, foresees as of  
11 last November that the Manitoba Metis Federation  
12 might choose to participate in this proceeding,  
13 which of course it has done, correct?

14 MR. CHARTRAND: Yeah.

15 MR. BEDFORD: With the qualification  
16 that appears on the next page?

17 MR. CHARTRAND: Um-hum.

18 MR. BEDFORD: Provided that the  
19 participation and submissions are consistent with  
20 the promises made in the agreement. And my  
21 understanding, of course, having heard you today,  
22 is that's what you have obviously endeavoured to  
23 do?

24 MR. CHARTRAND: Yes.

25 MR. BEDFORD: Thank you. Now, I have

1 heard you at other hearings reflect on the  
2 Northern Flood Agreement. I appreciate that that  
3 agreement is not a popular topic with respect to  
4 you and your organization, but I thought I would  
5 draw your attention to the fact that this notion  
6 of coupling, which you touched on in your remarks,  
7 that as a recent development you have noted that  
8 the Province has made some reference to CRD,  
9 Churchill River Diversion, and Lake Winnipeg  
10 Regulation, that my client has done so as well,  
11 and I simply draw your attention to the fact that  
12 that's not a recent development. The definition  
13 of project in the Northern Flood Agreement in 1977  
14 clearly links both Lake Winnipeg Regulation and  
15 Churchill River Diversion. Were you aware of  
16 that?

17 MR. CHARTRAND: No. That is just  
18 added on to the rest of the coupling that has  
19 taken place, obviously.

20 MR. BEDFORD: However, with respect to  
21 the negotiation of the Northern Flood Agreement  
22 and the history of the Manitoba Metis Federation,  
23 which you have touched upon, I know, and I'm quite  
24 certain you must know as well, that the Northern  
25 Flood Agreement was negotiated by a group known as

1 the Northern Flood Committee Inc., correct?

2 MR. CHARTRAND: Don't know. I wasn't  
3 there.

4 MR. BEDFORD: Well, and that the  
5 executive director of the Northern Flood Committee  
6 Inc. was one of the founders, a decade earlier, of  
7 the Manitoba Metis Federation?

8 MR. CHARTRAND: I apologize for  
9 laughing, but you're trying to go down that road,  
10 let's go. Go on. A Metis was there, okay.

11 MR. BEDFORD: Well, that's not quite  
12 the point I was going to make, but I have in  
13 mind --

14 MR. CHARTRAND: What's his name?

15 MR. BEDFORD: Mr. Joe Keeper.

16 MR. CHARTRAND: Yeah, he's Cree.  
17 Okay. Go ahead.

18 MR. BEDFORD: You do know that?

19 MR. CHARTRAND: He is just telling me  
20 now, I don't go into that depth, it is not --  
21 whoever is managing it is secondary to me, it's  
22 not the issue. I look at the actual terms and the  
23 rules they apply, not if there's a Metis working  
24 there. Anyways, continue.

25 MR. BEDFORD: Okay. Well, I have

1 heard you suggest today indirectly, and I have  
2 heard you on previous occasions opine, and I  
3 understand why, that the Manitoba Metis Federation  
4 was left out of the Northern Flood Agreement. So  
5 the first suggestion I want to put to you is it's  
6 not conceivable, not conceivable, is it, that the  
7 lead negotiator of the Northern Flood Agreement,  
8 the executive director of the Northern Flood  
9 Committee Inc. would have forgotten the very  
10 organization that he was a founding member of?

11 MR. CHARTRAND: If I may answer that  
12 question? Obviously, my evidence I have brought  
13 here, not only to this Commission and the rest,  
14 obviously, now you have lead me into a discussion  
15 I didn't want to go into, but I will go into now.  
16 You drove me in, so I'll come in. If I can be  
17 bold to tell the committee, clearly, again, I'm  
18 hearing point blank, as the president, that if a  
19 Metis person happens to be in a room or happens to  
20 be sitting down discussing or negotiating, in  
21 fact, if I can be bold to share with the lawyer  
22 representing Hydro, the Manitoba Government, under  
23 the leadership of their senior Crown, was arguing  
24 that same point in the land claims decision in the  
25 Supreme Court of Canada, that the Premier of



1 Manitoba was Metis. So, clearly, the premier had  
2 the best intention of protecting the Metis. So  
3 you can't ask for better, and that this case  
4 should be thrown out on that process that the  
5 Metis were involved.

6           Clearly, the Supreme Court of Canada  
7 saw, in their wisdom from the legal side that it  
8 was -- who cares if the person happened to be  
9 Metis. The issue of the balance is that it's  
10 clear, the document, the terms of reference that  
11 are set forth there are very clearly distinguished  
12 to mean, in fact, only I think five or six first  
13 nations were the end result of that. But by  
14 trying to blame an individual who may have been  
15 Metis at the time, I don't know, I'll have to  
16 check Mr. Keeper's credentials. But to blame a  
17 Metis person working there, working on behalf of  
18 the First Nations, to say you didn't protect the  
19 Metis people and use that as a stage way to say  
20 that the Metis didn't do their job or didn't  
21 protect themselves, or a Metis was there,  
22 obviously, he didn't see as important to ensure  
23 the Metis were protected in the Northern Flood  
24 Agreement, that falls so far from the apple from  
25 the tree.

1                   It's unfortunate that stems to the  
2 conclusion that you are having the same issue  
3 today, that you still try to go mayors and  
4 councils to say, well, there's a Metis somewhere  
5 there, so clearly the Metis are being dealt with.  
6 And that was my evidence I brought with Mr. Sweeny  
7 and Mr. Hutchison, who made these references and  
8 comments that the Metis were there somewhere, and  
9 we settled with them.

10                   So, again, Mr. Chair, I can't say  
11 enough to this committee and any committee that  
12 come forward, you know, the law is the law, the  
13 Constitution is the Constitution. And I abide  
14 with the law very clearly, and I abide with the  
15 Constitution as a leader, and I make it very  
16 clear, if that's where Hydro stands, it's  
17 unfortunate, it's a very disrespectful position  
18 against my government, and I'll make sure that I  
19 take all power I have legally and politically to  
20 deal with that issue.

21                   MR. BEDFORD: Well, let me assure you  
22 that my purpose is certainly not to cast any blame  
23 on Mr. Keeper. And my purpose was certainly not  
24 to suggest that somehow the Metis were included in  
25 the Northern Flood Agreement because one of the

1 lead negotiators was a founding member of your  
2 organization. My purpose is to try and understand  
3 why, in the mid 1970s, the Manitoba Metis  
4 Federation, as you complain, was not included as a  
5 party in the Northern Flood Agreement.

6           So I'd like to suggest to you that the  
7 organization wasn't forgotten in the mid 1970s,  
8 but if we are to understand 40 years later why the  
9 Manitoba Metis Federation is not a party to the  
10 Northern Flood Agreement, would it not be  
11 important for us to do the research and to explore  
12 perhaps what the number of members of the Manitoba  
13 Metis Federation was in the mid 1970s? Would it  
14 not be important to know whether or not a  
15 significant number of Metis citizens of this  
16 province in the 1970s, recognized the Manitoba  
17 Metis Federation as representing their interests?

18           MR. CHARTRAND: You are challenging  
19 the authority of the Federation. You know, I  
20 think that you brought several references to court  
21 decisions already that made it very clear, the MMF  
22 is the political representative body. Just like  
23 me saying today as a Canadian citizen, well, you  
24 know, I support a different Prime Minister, so he  
25 really doesn't represent me. Unfortunately, he

1 does represent me. I'm Canadian and there's a  
2 democracy and there is a system, and I have to  
3 abide with it. And that is the rules of democracy  
4 and principles in Canada, including Manitoba. And  
5 no different than the practices in the Aboriginal  
6 governments, in particular my government.

7           So back in 1967, with the formation of  
8 the Metis Federation, it was very clear that the  
9 Metis people declared themselves to develop a  
10 voice. In fact, just to show you, maybe you  
11 should read the Statement of Defence brought by  
12 the Province of Manitoba, which you actually are  
13 an employee of the Province of Manitoba through  
14 Manitoba Hydro. Their argument was specifically  
15 on that grounds also. And they lost that Supreme  
16 Court of Canada.

17           So it's quite, you know, somewhat  
18 concerning to me now that Hydro has not changed  
19 position. I thought Turning the Page was going to  
20 make a difference. But if that's the position  
21 that Hydro has now, it really begs to differ then  
22 my relationship with Hydro. I felt that Hydro was  
23 going to turn the page, but obviously Hydro is  
24 still questioning my legitimacy in the process,  
25 does the MMF represent the people?

1                   In the last hearing you did the same  
2 thing, you tried to challenge me on the amount of  
3 voters that take place. And I think you and I had  
4 a good dialogue the last time that some 50 percent  
5 of Canadians don't vote in this country. Does  
6 that mean 50 percent of them are not represented  
7 by the Prime Minister and the Ministers of this  
8 country? Of course not, they are represented.  
9 It's up to them. Democracy is given to them, it's  
10 up to them to use it.

11                   Now, you are again challenging the  
12 legitimacy of my government, and I would quite  
13 question that, because if there was no legitimacy  
14 from your, I would say bosses, why in the hell  
15 would he sign an agreement with me? Clearly, they  
16 recognize the Manitoba Metis Federation is the  
17 governing body of the Metis people. The courts of  
18 this country do so. The Federal Government of  
19 Canada does so. The Province of Manitoba, in the  
20 new Metis policy agreement, recognizes us as the  
21 governing body of the Metis people. But if Hydro  
22 still sees us as an issue what are stemming back  
23 from 50 years ago, when the creation of 1967 to  
24 now, still challenges the legitimacy of my  
25 government, then we have a major problem between

1 myself and Manitoba Hydro.

2 MR. BEDFORD: Well, my question was  
3 clearly focused on what the situation was 40 years  
4 ago. I can tell you certainly that I recognize,  
5 as you say, times have changed. The court  
6 decisions which you reference are of recent  
7 vintage. And I recall two years ago last month, I  
8 congratulated you personally at a hearing with  
9 respect to the most recent of the court cases that  
10 I know you have in mind.

11 I'd like to shift to the criticism you  
12 advance regarding the agreements that my client  
13 has entered into over the years with citizens who  
14 were impacted by Lake Winnipeg Regulation  
15 downstream of Jenpeg and the control structures.  
16 And firstly, I'd like you to know, because you put  
17 a query to the Commission that before the  
18 commencement of these hearings, the Clean  
19 Environment Commission did, in fact, ask my client  
20 for a comprehensive list of all of the settlement  
21 agreements it has entered into with communities  
22 and persons living downstream. And my client did  
23 reply to that, and I'm sure that information and  
24 the agreements that are described therein that are  
25 public are easily accessible to you and your

1 staff.

2                   But I'd like to suggest to you,  
3 notwithstanding that I personally well understand  
4 the concerns and criticism you advance today about  
5 these agreements, some of which were signed many  
6 years ago, but I'd suggest to you that with  
7 respect to Metis citizens who were impacted by  
8 Lake Winnipeg Regulation, who were living  
9 downstream, who entered into these agreements,  
10 that firstly the agreements were generally  
11 negotiated in the case of Metis citizens with  
12 Metis persons living in those communities who were  
13 respected in their communities, and understood to  
14 be Metis and respected as such in their  
15 communities.

16                   MR. CHARTRAND: So, again, you're  
17 saying that -- I guess you judge who you decide is  
18 to be respected. Obviously, we work very hard to  
19 create our institution of governance where we have  
20 locals that are chosen by the Metis people to be  
21 the voice of the Metis people in those  
22 communities. And their executive is, in fact, our  
23 grassroot authority and power that comes annually  
24 and biannually to our conventions to give us  
25 direction on behalf of the voice of citizens

1 across this province. But obviously Hydro has  
2 taken the prerogative to, they will decide who  
3 they speak with and recognize as distinguished  
4 citizens, and have made deals with these  
5 distinguished citizens saying now you have  
6 obviously dealt with the Metis people. I think  
7 there was reasons why the AJI and AJIC also came  
8 with recommendations that Manitoba Hydro and  
9 locals and regions be consulted and dealt with and  
10 negotiated with on these matters. There is a  
11 purpose behind all that. Obviously, the evidence  
12 was strong enough for the recommendation to come  
13 down from that particular commission.

14 But for you to state today to this  
15 committee and to myself that Hydro dealt with the  
16 Metis people because they met with, your own  
17 words, Metis citizens and Metis persons respected  
18 in those communities, I have a lot of people that  
19 I turn to, Mr. Chair, as elders and advisers in  
20 the communities across my province. That does not  
21 mean that's who I negotiate with. I have a local  
22 infrastructural government that I have to report  
23 to. And they in turn, those same people that we  
24 talk about actually vote and put in place an  
25 executive to represent them.



1                   So for that prerogative, for Hydro to  
2    come and say, well, we have negotiated and somehow  
3    met with Metis people somewhere between now and  
4    that \$290 million settlement, somewhere along the  
5    line, Metis were dealt with. That's why I urge  
6    the Commission, if there is such evidence to bring  
7    forth, that they recognize the Metis people, in  
8    particular Metis agreements were set in place.  
9    And let's understand clearly what we're talking  
10   about. There's two components to this. One is  
11   going to be on the commercial side, which is  
12   dealing with fishers or trappers, which are  
13   commercial trades. And secondly, with dealing  
14   with communities and Metis citizens as they have  
15   been affected through their rights to natural  
16   resources and their rights to utilize those parts  
17   of lands that may have been affected by the WRD  
18   and the CRD.

19                   So clearly, again, it's unfortunate,  
20   like I said, Hydro has taken a leadership role in  
21   the sense of deciding who will be the Metis they  
22   speak with and settle those agreements they  
23   perceive to have done. And we would ask the  
24   Commission to pursue that further. I'd love to  
25   see if they have done that for First Nations, I am

1 sure they can show you countless amount of  
2 agreements they do have for the Metis people, and  
3 I'm sure, I'd be very pleased to see that at the  
4 conclusion of this Commission.

5 MR. BEDFORD: These agreements that we  
6 are talking about, you are aware they were  
7 negotiated with the assistance of independent  
8 legal advice for those Metis who entered into them  
9 and who were covered by them?

10 MR. CHARTRAND: So, if I can ask again  
11 for clarity for the Commission and myself, are you  
12 talking about commercial, or are you talking about  
13 rights? Like there's two separate styles of  
14 settlements that will take place. One will be  
15 dealing with people that have, and I'm using  
16 Hydro's own words, as I just negotiated the  
17 Summerberry commercial trappers rights. So the  
18 word "commercial" is a very fundamental word used  
19 by your senior executives. So are you saying that  
20 they separated independent negotiated lawyers that  
21 represented you, negotiated rights bearing losses  
22 for the Metis people, plus community commercial  
23 rights based on trappers, fishers, et cetera?

24 MR. BEDFORD: I'm talking about,  
25 Mr. Chartrand, the compensation that my client

1 paid over the years through these agreements that  
2 included payments to Metis citizens of this  
3 province living downstream of the control  
4 structures and the Jenpeg Generating Station,  
5 whose ability to hunt and to fish and to gather  
6 plants was adversely affected by Lake Winnipeg  
7 Regulation, whose culture, whose heritage was  
8 impacted, and who accordingly negotiated with my  
9 client for compensation.

10           And I would note and suggest to you  
11 that you are aware that there are provisions in  
12 those agreements, they are there for us to read,  
13 where the agreements didn't become binding until  
14 there were meetings in the community and the  
15 majority of those to receive the compensation, who  
16 attended the meetings, voted in favour of  
17 proceeding with the agreements. That's the case,  
18 is it not?

19           MR. CHARTRAND: Clearly, I have not  
20 seen one document to that, to pursue a review of  
21 any evidentiary documentation brought to me by  
22 Hydro. And Hydro, in fact, we went to your  
23 website and tried to find any agreement we can  
24 find. We can't find anything. We tried to find  
25 any kind of documentation that would, you know,

1 give us benefit of the doubt on the process of  
2 some of the undertakings you have taken which, of  
3 course, you have held closely to your chest  
4 because we don't know what they are. You have not  
5 shared that with our government, I assure you of  
6 that.

7                   But secondly to that again, which I am  
8 very pleased that you have admitted now, it's  
9 based on the rights, not on the commercial or  
10 trappers. And you always have an abundance of  
11 those deals that you say you do have. And I'm  
12 sure you can share that with the Manitoba  
13 Federation as soon as possible.

14                   Because the point I am making, I will  
15 be writing a letter to the president, I want a  
16 copy of all these things that you say you have  
17 done great things for my people, I want to see  
18 them now. Because you have never ever shown me  
19 one piece of evidence, in any capacity, that you  
20 have settled any the WRD, CRDs, and the losses of  
21 my people, and negotiated. But you have also, if  
22 I can be so bold to say, Mr. Bedford, you have  
23 indicated you have decided who you speak to.  
24 Although we have a governance structure, although  
25 the MMF is there, all the recommendations, whether

1 it's AJIC, everywhere else all down the road give  
2 you direction that the Federation is the governing  
3 body. Not once can you show me evidence you  
4 approached the Metis Federation to sit down as a  
5 representative body to settle these issues  
6 pertaining to the loss of my people.

7 MR. BEDFORD: I have frequently heard  
8 concerns advanced by the Manitoba Metis Federation  
9 that such agreements as my client has entered into  
10 which, yes, my client has advanced at this hearing  
11 in evidence as examples of compensation that has  
12 been provided to Metis citizens living downstream  
13 of Jenpeg and the control structures, that somehow  
14 Metis specific impacts have not been addressed.  
15 And I get a sense that you have that concern still  
16 today.

17 Are you able today to give us, say  
18 five examples of Metis specific impacts of Lake  
19 Winnipeg Regulation to your members, your citizens  
20 living downstream, that have not yet been  
21 compensated by my client?

22 MR. CHARTRAND: In fact, if I can,  
23 again, add to discussions with Hydro and go back  
24 and reflect on the time. I'd also ask Hydro to  
25 ask on the amount of resources that were expended

1 in consulting with the Metis people to do  
2 consultations of the potential losses they may  
3 have had. No different in this particular  
4 hearing, we tried to access some revenue to do  
5 consultations, because no one consulted us back 50  
6 years ago to talk about these issues. In evidence  
7 again, your self-admitted Northern Flood  
8 Agreement, did not have the Metis -- had a Metis  
9 person working there, you're saying, but obviously  
10 did not include us. But there is no evidence of  
11 any consultation that ever took place with the  
12 Metis people in any capacity to bring forth good  
13 solid evidence, which you will probably challenge  
14 the evidence after. So it will be only fitting  
15 for me to make sure the evidence that we bring is  
16 used by and followed through with experts to  
17 review the review, and make sure the evidence is  
18 solid and a foundation that you can no longer  
19 challenge.

20 Because I also want to make it clear,  
21 as a lawyer I'm sure you are fully aware, rights  
22 are not deprived, Metis rights are not deprived by  
23 individuals, rights are collective. And that's a  
24 decision that came down also in the Supreme Court  
25 of Canada, it came down on other decisions

1 pertaining to Aboriginal rights, and in particular  
2 Metis rights for us.

3           So you're saying you are not  
4 recognizing my rights then, you are also not  
5 recognizing them now.

6           So I would encourage you to show me  
7 where you spend, and how much you spent on  
8 consultations with the Metis people regarding WRD  
9 and at the same time with CRD. And I think then  
10 we can better answer your question.

11           MR. BEDFORD: Mr. Chartrand, thank you  
12 very much. I am sure you recognize that in my job  
13 as a lawyer, it is my task from time to time to  
14 try and put challenging questions to a challenging  
15 witness. So thank you very much.

16           If I have left with you the impression  
17 that I am somehow denying the rights of the Metis  
18 people, or not recognizing them, I'm afraid that  
19 you have misunderstood my purpose in asking you  
20 questions.

21           But on a somewhat more personal note  
22 from our president, I did hear from him this  
23 morning, he extends to you the usual greetings.  
24 Thanks you for attending today. And on his  
25 behalf, I'll say one more time, thank you very

1 much.

2 MR. CHARTRAND: Thank you. And if I  
3 can conclude, Mr. Chair, obviously the line of  
4 questioning that came from Hydro reflects ongoing  
5 discussions, and I don't hold matters personal.  
6 Business is business and I take it that way.  
7 Otherwise, you'd see me protesting and holding up  
8 further Hydro dams across this country.

9 But anyways, aside from that, I want  
10 to make it very clear again, the Northern Flood  
11 Agreement and the aspects of decisions where it  
12 comes -- and I encourage yourself, Mr. Chair, who  
13 has been quite involved in these types of  
14 hearings, which have a very important aspect for  
15 all Manitobans, and to our governments, and has a  
16 very reflective and very important long-lasting  
17 impact on our present and our future. But it's  
18 very clear, I think, I don't know what more forms  
19 of evidence I can bring before to all these  
20 committees that the Metis are governing and rights  
21 bearing people. And that you can't just  
22 arbitrarily pick a Metis out of the crowd and say  
23 I spoke to the Metis, I consulted with them. It  
24 was too easily done too many times. Because if  
25 that was the factual case, then why isn't it that



1 they go to an Indian band and chose an Indian  
2 person out of there and say I negotiated. No,  
3 they negotiate with Chief and Council.

4 We too have our elected system which  
5 is truly recognized by the Province of Manitoba,  
6 recognized in our Metis policy agreements,  
7 self-governing documents we have, and also with  
8 Canada. In fact, it is somewhat I think  
9 condescending in some ways, if I can use that  
10 word, that the Metis can be so easily thrown to  
11 the side and say, well, we spoke to a Metis  
12 somewhere, and we had a deal. It is such an  
13 unfortunate situation.

14 I think if you recall, Mr. Chair, we  
15 brought to you last time the evidence of  
16 resolution number eight. Resolution eight, I will  
17 share, I will send a resolution to the committee,  
18 all 50 documents as required by this committee,  
19 which makes it very clear. The reason resolution  
20 eight came about in our nation is because of  
21 exactly the questions that were pertained to me  
22 here today.

23 Resolution eight is unanimously  
24 adopted by 3,000 delegates at our annual assembly.  
25 Every local in this entire province was at the

1 assembly, unanimously adopted that no local  
2 independently will negotiate without the consent  
3 of the government of the Metis people. The reason  
4 being is that we have to protect the citizens that  
5 have moved out, or live somewhere else, or are not  
6 there to have a say on the decision of the  
7 executive of that local. And the reason being  
8 that we don't want a proponent or the Crown to go  
9 and have a direct discussion with somebody who may  
10 not have the legal expertise or tools or  
11 consultants around them to make the proper  
12 representation on behalf of the Metis people.

13 So resolution eight, in fact, was a  
14 very important factor of the self-governing of our  
15 government. It's being studied by Canada today,  
16 because they want to know more in depth why we  
17 created resolution eight. But it goes to the  
18 question that I have just undertaken that a Metis  
19 person was working there, so obviously, you know,  
20 you guys missed the ball. A Metis person should  
21 have protected you. It wasn't the person's,  
22 obviously, mandate, nor was the person elected at  
23 that time to represent the Metis Federation in any  
24 capacity. In fact, Mr. Keeper became a Treaty  
25 Indian through Bill C31. And so I think it's

1 important that for evidence for our nation and our  
2 protection of our government, that hopefully a  
3 recommendation will come from here that the MMF is  
4 the government of our people. And I don't know  
5 what more I can do right from the presenting  
6 evidence from the Supreme Court of Canada, the  
7 highest court I can go to. I can go  
8 international, and record for you guys, as the  
9 next level to finally change the very spectrum of  
10 this relationship we have.

11 I think I'll close off with the  
12 Supreme Court, Chief Beverly McLaughlin's  
13 statement:

14 "The time of the Metis is now."

15 And our time of Metis has come forward and the  
16 time of Metis is now.

17 So our time is now, and we will not  
18 sit by and let any of these issues go untested.  
19 And this agreement, I'll read for the record, I  
20 can strike it off, as I leave this room today, I  
21 can end this agreement, that Hydro is Turning the  
22 Page. We have the clauses in there to end these  
23 arrangements and agreements. And I'll make it  
24 very clear, if Hydro ever, ever, ever disrespects  
25 my government, we will end it very quickly. So

1 thank you very much.

2 THE CHAIRMAN: President Chartrand,  
3 before you run off, I'm not sure if any of the  
4 participants have questions, given the caveat that  
5 they must be adverse. Okay, thank you.

6 The panel doesn't have any further  
7 questions, but I would just like to make a  
8 comment. Flowing out of, or not really in  
9 response to you, but flowing out of your last  
10 comments, I think the discussion we just heard,  
11 and I'm speaking for myself and perhaps for my  
12 co-panelists, the discussion we just heard between  
13 you and Mr. Bedford has actually been very helpful  
14 to us. As you know, I have been through many of  
15 these proceedings before, I have heard you speak  
16 going back to the Wuskwatim days, which was the  
17 first panel I was on.

18 To me, the way that the Metis and  
19 Manitoba exercise their collective rights, which  
20 we fully recognize, is different. So it's a  
21 matter of us needing to understand just how you  
22 exercise those rights. So this discussion to me  
23 was helpful.

24 I think it's been a good discussion  
25 and I thank you for your part in it today, and I

1 thank you for taking the time to come out here  
2 today with your colleagues. And we look forward  
3 at all times, and always, to meeting with you and  
4 members of your organization in these and future  
5 proceedings.

6 I understand you are off to Toronto,  
7 so safe travels, sir.

8 MR. CHARTRAND: And if I conclude, Mr.  
9 Sargeant, our government, not organization.

10 THE CHAIRMAN: Sorry, I'll remember  
11 that in the future. I have had my wrists slapped,  
12 politely, though. Thank you.

13 Madam secretary, documents to  
14 register?

15 MS. JOHNSON: Just a couple. MMF  
16 number 1 will be the map that we have seen this  
17 afternoon. And MH number 12 is the agreement  
18 between the Manitoba Metis Federation and the  
19 Manitoba Hydroelectric Board. Thank you.

20 (EXHIBIT MMF 1: Map)

21 (EXHIBIT MH 12: Agreement between  
22 Manitoba Metis Federation and Manitoba  
23 Hydroelectric Board)

24 THE CHAIRMAN: Thank you. That brings  
25 this afternoon's proceedings to a close. We will

1 meet tomorrow morning in this room at 9:30, when  
2 Manitoba Hydro, I believe, will be presenting  
3 their rebuttal evidence. Following that, we will  
4 begin closing arguments from the various  
5 participants. Thank you.

6 (Adjourned at 2:52 p.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.

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Cecelia Reid  
Official Examiner, Q.B.

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Debra Kot  
Official Examiner Q.B.

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