

# **COMMUNITY ASSOCIATION OF SOUTH INDIAN LAKE, INC.**

GENERAL DELIVERY  
SOUTH INDIAN LAKE, MANITOBA  
R0B 1N0

JANUARY 12, 2018

## **Manitoba Clean Environment Commission**

305 155 Carlton Street  
Winnipeg, MB.  
R3C 3H8

Dear CEC Panel Members,

The Community Association of South Indian Lake (CASIL) respectfully requests that the Regional Cumulative Effects Assessment process be ceased and the RCEA be rejected. The RCEA is not a meaningful Cumulative Effects Assessment and any attempt to use it to support licensing of Manitoba Hydro projects is bound to backfire.

South Indian Lake is ground zero of Manitoba Hydro's diversion of the second largest river in Manitoba. The project has turned our lives, community, culture, economy, environment and our beloved lake upside down. It has left an unspeakable wound in the heart of our community. We never wanted the project and we never consented to it. We were forced to move our community and burn our own homes. The diversion was built for the benefit of the rest of Manitoba, at an unfathomable, lasting and accumulating cost to us and future generations.

Countless studies of the project have been done over the decades. None of these studies has changed the basic reality that we live, Hydro benefits, we suffer. Some studies – particularly ones we were directly involved with – were of some value and pointed toward the possibility of meaningful change. But most of the studies provided one main purpose: to make it look like Hydro and Government cared.

The fact remains that Hydro [REDACTED] and the Province [REDACTED], both Senior Representatives among others, "walked away" from the table in July of 2013 with no courtesy after a decade of studies and planning, once we presented scientific evidence that could lead to positive change. They have since refused to talk to us at any level.

The evidence – which we lived for decades, is that neither Hydro nor Government ever had a serious, concerted intent to expose or significantly reduce the reality of environmental impacts experienced by our lands and people. This is the pattern we know in our hearts and that we see before our eyes every day. The pattern is that of studies that serve Hydro's purpose, while dangling false hope and some process money in front of us.

In the end Hydro always gets its way, perhaps with a few regulatory tweaks that make regulators feel like their role is meaningful but do not change our basic reality, now is the time for meaningful change.

The RCEA fits this pattern in every way. We could see that from a mile away, or, more specifically, from 633 miles away. That's the distance from downtown Winnipeg – where the RCEA was designed and written – to the shore of the flooded, despoiled, disregarded and abused lake that was the physical, cultural and spirited sustenance of our people. The RCEA does not do justice to our past and current reality.

We did apply for funding with some trepidation to participate in this flawed process if only for the opportunity to bring forward our concerns in a meaningful way. Unfortunately, we were "approved" for only a small portion of our full application. We did not accept this as we could not have provided a meaningful process to our members and community, and thus we would have given further credibility to this already flawed document.

We also attempted in 2015 to work with Hydro and Government, in response to a formal request to use outdated reports for the RCEA by Shelley Matkowski & Tracey Braun (RCEA co-authors) to initiate direct consultation with Hydro and the Government regarding the RCEA. We had the intent to repair the flaws with meaningful discussion about impacts, only to be rejected by both parties (see attached). We informed them that we would grant permission to use the reports if they would come and talk with us as part of the process, apparently this goes against their mandate. There is apparent unwillingness and direct action not to have any meaningful dialogue and let these disrespectful flawed processes continue. The authors are aware there are impacts that need to be addressed and are not articulated in the RCEA, but are totally unwilling to even discuss them. What is the end goal?

A credible RCEA in 2018 must include meaningful participation of Indigenous People at every stage. The RCEA never intended to do this. We were excluded by design.

Even the "Community Meetings" which were promised as part of the Public Outreach process did **not** take place. We again hoped this would be a chance to make our statements for the record. Yes, a meeting took place in Thompson, 173 miles from South Indian Lake, and by invitation only it appears. We never heard about it until I received the "transcript" by email. That Thompson meeting did not fulfill the requirements of a "Community Meeting" and must not be presented as having done so.



## Augmented Reality

The link between RCEA and Water Power Act licensing of the CRD-AFP and LWR is clear, and it is worthy of further comment. Hydro is requesting finalization **not** of the CRD interim licence of 1973, but the “deviation” to that licence that is currently permitted on an annual basis by the Provincial Government. These “deviations” as the government calls them, are known as the Augmented Flow Program (AFP). Every year since 1986, AFP “permissions” have allowed Hydro and extra 1.5 feet of elevation within which to manipulate the levels of our lake and it increases the allowable drawdown from 2 feet in any 12-month period to 4.5 feet, in addition to other relaxations of the interim licence parameters.

To be clear, what Hydro is requesting is **not** a licence finalization but a materially and substantially different licence. This must be brought to the forefront. AFP has been hidden in the shadows, away from public, regulatory, environmental and scientific review for too long.

These are not technicalities; these are deviations that we believe have contributed very significantly to the decimation of our once lucrative and international fishing sector. These are major deviations. To simply wrap them into licence finalization is an **abuse** of the regulatory process. It also adds insult to injury, literally, to those of us who live the consequences of AFP.

**To us, AFP is not a deviation from the licence but a serious, ongoing violation of the licence.** It is another example of Hydro getting what it wants, while we are treated, at best, as an inconvenience.

While Hydro and Government consider AFP and to be the new “normal” and the accepted, standard mode of operation, we believed the interim licence was the social and written contract. The major changes to that contract were made without our involvement of course, though we suffer the consequences.

While the RCEA describes the AFP and reality on Southern Indian Lake in bland, seemingly benign terms, the description of our fishers and elders would be entirely different. The RCEA is not our document and not our reality. It is a non-indigenous, southern document; one tilted against our experience and needs.

The annual AFP permission letter stipulates that Hydro must “fully mitigate any effects of the altered levels and flows.” These are empty and insincere words. What are these effects? What steps have been taken to mitigate them? What alternatives have been considered, and what evidence is there that mitigatory steps have worked? Where is the meaningful consultation? Where is the consent?

For us, these are fundamental questions. The RCEA does not touch these questions. The authors seem never to have contemplated them – so removed is the entire process from our reality.

We believe at times that is the intention to “flood” regulatory boards and the Province with mountains of paper - 6,000-page reports (RCEA), 10 Linear feet of binders (Wuskwatim review), months’ worth of “justification (NFAT) and and Millions of dollars spent in process, all obscure reality and service their own ends.

In classic fashion, the RCEA describes AFP over and over without ever getting at its true significance or, shockingly, the environmental and socio-economic impacts of AFP.

**In our view, that makes the RCEA fundamentally flawed, a continued cycle of meaningless documentation and a disrespectful stepping stone toward a fundamentally flawed and disrespectful licence “finalization”.**

### **Conclusion**

We see the RCEA as an insult, or one could say we see it as the compilation of a million pages of insults. The RCEA is a 6,000-page reminder of how decades of regulatory process and scientific studies have somehow managed to circumvent, dodge and work around the concerns so essential to our people. They have done everything except significantly improve our lives.

I know this is strong language, but somewhere during all the technical jargon, and polite regulatory process, human reality should count for something, it must.

To put it most plainly, the RCEA process and report, at their core, sideline Indigenous interests. They serve interests not our own. We feel it in our bones and it is very, very familiar feeling. It still feels, in 2018, like Hydro considers us an inconvenience, “just a small band of Indians” as the thinking went back when CRD was being planned and built. The RCEA does nothing to increase our hope of positive change. In fact, it does the opposite, making us worry that it will serve as part of the “justification” for the finalization of a water regime that is *killing* our community.

As bold as it may sound, it is my duty to ask you to halt the RCEA process and reject the report. Though much work has obviously gone into the RCEA process to date, to continue is just to dig a deeper hole. As should be clear from other submissions you have received, it should be clear that any attempt to use the RCEA as part of final licensing processes will be a step backward. I invite you to take a step forward.

Sincerely,



**Leslie W. Dysart**

CEO

**COMMUNITY ASSOCIATION OF SOUTH INDIAN LAKE, INC.**

GENERAL DELIVERY  
SOUTH INDIAN LAKE, MANITOBA  
R0B 1N0

OCTOBER 23, 2015

**Shelley Matkowski**

Department Manager

Environmental Licensing & Protection

Manitoba Hydro

**Tracey Braun**

Director

Environmental Approvals Branch

MB Conservation & Water Stewardship

Dear Ms. Matkowski & Ms. Braun,

In regard to your letter dated June 22, 2015 in respect to the Community Association of South Indian Lake Inc. (CASIL) approval to access and use the list of materials (studies) for use in the Regional Cumulative Effects Assessment (RCEA) which has been expanded to include the Churchill River system among others. I am pleased to grant such approval with the express condition that CASIL be immediately engaged in a meaningful consultation to discuss all effects which should also be included in the Final Report entitled "Regional Cumulative Effects Assessment for Hydro Developments on the Churchill, Burntwood and Nelson River Systems: Final Report.

As you should be both aware Southern Indian Lake and the residents of South Indian Lake (O-Pipon-Na-Piwin Cree Nation) are at "ground zero" of the Churchill River Diversion Project (CRD) and daily attempt to deal with its impacts of its operation most that are unaddressed. The CRD which is still not permanently licensed and in actuality is operated under an unlicensed Augmented Flow Program (AFP) which is lacking in any environmental review is continuously evolving to this day and only with a current meaningful consultation and review of past studies and monitoring can a comprehensive "Final Report" be published on the Regional Cumulative Effects Assessment.

This comprehensive process we believe funded by Manitoba Hydro would be the only approach that can attempt to capture the full Cumulative Effects of those areas affected by Manitoba Hydro anything else would be severely left lacking and would not capture at all the real cumulative effects of those areas affected by Manitoba Hydro and its current operations which again are continuously evolving. It is also apparent that Manitoba Hydro has no intention of operating the CRD under the parameters of the original Interim CRD License and only reviewing past studies (which did not articulate or include AFP) and forums would leave a large gap in any assessment currently undertaken or proposed.

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FILE No. \_\_\_\_\_

PHONE: (204) 374-2224



If Manitoba Hydro and the Province of Manitoba choose to go ahead without meaningful consultation with affected peoples we do not grant approval of the use of past materials and respectfully demand that this letter be included in the report that may be published to ensure transparency of your request and our response.

It should also be stated for the record that Manitoba Hydro has discontinued all meaningful discussion with CASIL and other SIL Resource User groups in environmental study and monitoring since July of 2013 and this would create an opportunity to mend this mistake. It should also be noted that a "public outreach program" would be inadequate to include our perspectives and reality after a "Final Report" has been published when the opportunity is with us now to share the reality.

Only by working together in a meaningful way can we look forward to the "brighter future" and reconciliation promised by Manitoba Hydro and the Province of Manitoba.

I look forward to immediate formal discussions to move forward in a meaningful and comprehensive process to ensure all publications in the future include the actual affects as presented by impacted peoples are included.

Sincerely,



**Leslie W. Dysart**

CHIEF EXECUTIVE OFFICER

Cc:

Premier of Manitoba  
Minister of Conservation and Water Stewardship  
Clean Environment Commission  
OPCN  
DEHS Law

2015 11 13

Community Association of South Indian Lake  
Attention: Les Dysart  
PO Box 139  
South Indian Lake, MB, R0B 1N0

Dear Mr. Dysart:

Thank you for your letter of October 23, 2015 in response to our request to use privileged documents of the Community Association of South Indian Lake, prepared in support of your NFA claims, as reference materials for the Phase Two report of the Regional Cumulative Effects Assessment (RCEA).

The intent of the RCEA process and, in particular, the Phase Two report is to compile, assess and undertake analysis of the suite of existing information captured in previous studies and reports.

We understand that you do not grant approval for use of the documents requested. We will note in the Phase Two report that permission was not granted to access certain privileged documentation for Phase Two, and that as a result a summary of what we have heard from South Indian Lake/OPCN regarding hydroelectric development effects, will not be included in the submission. We will also note that your community will have an opportunity to share this documentation, if it so chooses, and any other perspectives during the Clean Environment Commission public outreach program.

The Clean Environment Commission public outreach program will be conducted following completion of the Phase Two report. It will provide communities with an opportunity to share their views, perspectives and concerns regarding both past hydroelectric development and the RCEA documents.

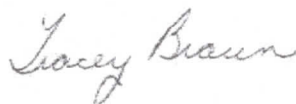
Mr. Dysart  
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At the conclusion of the public outreach program, the Clean Environment Commission will issue a public report documenting what was heard from communities during this program. The RCEA documents and the Commission's report will inform any next steps, including ongoing and future monitoring efforts.

Yours truly,

A handwritten signature in dark ink, appearing to be 'Shelley Matkowski', written over a horizontal line.

Shelley Matkowski  
Department Manager  
Environmental Licensing & Protection  
Manitoba Hydro

A handwritten signature in dark ink, appearing to be 'Tracey Braun', written in a cursive style.

Tracey Braun  
Director  
Environmental Approvals Branch  
MB Conservation & Water Stewardship