

Appendix 1

What we heard from policy communities

Background

In the Terms of Reference issued by the Minister of Conservation on September 1 2011, the Clean Environment Commission was asked to “hear evidence from Manitobans regarding the impacts of Lake Winnipeg regulation since the project was put into commercial use by Manitoba Hydro on August 1, 1976.”

Over the period of approximately one month (January 12, 2015 to February 18, 2015), the Clean Environment Commission (CEC) attended 17 communities surrounding Lake Winnipeg.¹ They also held two evening public sessions in Winnipeg and received a number of written submissions from the public.²

The CEC heard from many residents and users around the Lake including: cottage owners, permanent residents, Indigenous people, agricultural farmers, commercial and subsistence fishermen, and people and organizations from the tourism and recreation industry.

There is disagreement in terms of the implications of Lake Winnipeg Regulation on Lake Winnipeg. Manitoba Hydro argues that its effects are generally either positive, benign or insignificant. Others take the position that LWR in conjunction with other Hydro activities has adverse and ongoing effect on the Lake.

Among the prominent concerns are:

- **Lack of confidence** in Manitoba Hydro, the Province and the CEC Hearing process on LWR
- **Lack of transparency** of Manitoba Hydro and Manitoba Government operations of LWR
- **Lack of meaningful ongoing engagement**
- **Sense of exclusion** by upstream, downstream and Indigenous people
- A sense that Manitoba hydro and the Province have **duties and responsibilities** which are not being fulfilled
- **Lack of transparency** of Manitoba Hydro and Manitoba Government operations of LWR
- **Key environmental concerns** including the extent of change and damage, the declining populations of animals and aquatic species, the loss of shorelines due to erosion, the reduction of marshlands and particular concern for Netley-Libau Marsh, increase in algae, unsafe travelling conditions, high water levels and effects of frequent flooding, declining water quality
- **Spiritual and cultural impacts** of regulating Lake Winnipeg
- **Economic impacts** since regulation of Lake Winnipeg began (on employment, commercial fishing, farming, hunting trapping, recreation and tourism)

¹ Thompson, Wabowden, York Landing, Grand Rapids, Fisher River, Pine Dock, Ashern, Peguis, Grand Marais, Brokenhead, Selkirk, Gimli, Manigotagan, Black River, Berens River, Sagkeeng, and Cross Lake.

² Up to date during the Winnipeg, they have also heard from Manitoba Hydro; CEC experts; Peguis First Nation; the International Institute of Sustainable Development; Norway House Fisherman's Cooperative Inc.; Interlake Reserves Tribal Council; York Factory First Nation and Tataskweyak Cree Nation. For a full list of written submissions, see: <http://www.cecmnitoba.ca/hearings/index.cfm?hearingid=33#3>.

- **Inadequate compensation** for losses and damage to property and livelihood
- **Health impacts** of declining ecosystems (on diets, traditional medicines, etc)
- Need for ongoing negotiation and **recognition of s.35 Aboriginal and Treaty rights and Agreements**
- **Skepticism or opposition** of granting final license as environmental assessment and baseline research is needed; need for improvement of monitoring techniques and technologies, ongoing independent studies needed and supervision needed, and the need for supports and communication with policy communities

We also heard from Tataskweyak Cree Nation that they do not want any changes to the operating conditions of Lake Winnipeg as it would bring more uncertainty.

In preparation for the hearing, the Consumer Association of Canada (Manitoba Branch) and the Public Interest Law Centre conducted phone and in-person interviews, a workshop with experts and interested parties, focus group sessions and meeting with various policy communities with key informants, First Nation governments, non-governmental organizations, industry and knowledge holders. The voices we heard during our engagement sessions are echoed in the voices of those who have spoken during the hearing up to date.

The following is a summary of what we heard from policy communities based upon a review of Clean Environment Commission transcripts.³

Lack of Confidence & Lack of Transparency

Many policy communities are frustrated by a sense that Manitoba Hydro do not take their concerns into account and they “can do what they want, as they please.”⁴

*I don't really believe that Manitoba Hydro or the Province has our best interests at heart. They are just going through the motions to get what they want.*⁵

*...why are First Nations always in disagreement with Manitoba Hydro.... Why are we always getting shortchanged...Why can't things be resolved without the extent of roadblocks...Why should you guys profit it all?*⁶

Policy communities expressed concern with their inability to effect real meaningful change or that the CEC hearing process seemed insincere or predetermined. Some feel as though we are just 'wasting time' or 'going through the motions'.⁷

Sometimes I wonder, hearings like this, are they just going through the motions, or

³ Please note that we have excluded what we heard from Manitoba Hydro and the Clean Environment Experts from the overview provided in this Appendix.

⁴ Dion McKay, Fisher River, January 26 2015 at p 44. Also see : “...like we have no control over what Hydro does. As far as I'm concerned, someone should control Hydro and tell them to stop raising the level, use another lake for a reservoir where nobody lives.” : Donald Young, Selkirk, February 4 2015 at p 37; “It was almost the attitude that you could do whatever you want, this is for the good of all, and if anybody is impacted by it, well, they can get out of the way, tough luck. That attitude is still there, at least as far as I'm concerned.”: Baldur Nelson, Sagkeeng, February 13, 2015 at pp 77-78.

⁵ Roddy Ourskin, York Landing, January 15 2015 at p 40.

⁶ Gary Spence, Peguis, January 28 2015 at p 33.

*is anything really going to be done on what we bring up?*⁸

*...[are we] having a meeting so that we can talk and feel good about talking and everything happens as planned, or is it going to actually affect the outcome?*⁹

Others worried that the scope of the CEC hearing was too narrow and artificially separated systems which are interconnected and should not be reviewed separately.

*While we commend the government of Manitoba for undertaking a review of the licence, it is evident that the scope of the review and the mandate of the Clean Environment Commission do not provide an appropriate venue for inclusive holistic assessment when considering a final licence for the Lake Winnipeg Regulation.*¹⁰

Many also voiced concerns about a lack of confidence in the Provincial Government “to do anything for the lake” as the “Provincial Government is using Manitoba Hydro as a cash cow.”¹¹ In Berens River, a community member said she believed it was time for Anishinaabe people to “stand our ground where our Creator has built for us to live in. We do not fool around with what the Creator of this earth made.”¹²

The transparency around Manitoba Hydro's operations was another key theme. Many stated that Hydro does not make enough information available to the public and there was frustration about the choice of information that was being shared.¹³

*...it is easy for Manitoba Hydro to point out what they have done for the good, but for the bad they never would show it.*¹⁴

Lack of Meaningful Engagement & Sense of Exclusion

⁷ “I don’t know if that license should be granted to Manitoba Hydro, but it will still go through no matter what we say.” : Nancy Williams, York Landing, January 15 2015 at p 5; “...I’m not naive enough to think that what we are saying here or what you are hearing from other communities is going to stop Hydro.”: Bev Smith, Brokenhead, February 3 2015 at p 83; “...is this just a process that you are going through because you have to go through it or – if that’s what it is, well, people are just wasting their time.”: David Monkman, Pine Dock, January 27 2015 at p 42.

⁸ Jim Beardy, York Landing, January 15 2015 at p 30.

⁹ Heidi Cook, Grand Rapids, January 21 2015 at p 23.

¹⁰ Martha Spence, Winnipeg, March 26 2015 at pp 1682-1683; “...the diversion of Churchill River and the Nelson River, and Lake Winnipeg Regulation, enter into Split Lake. We cannot separate the impacts of Lake Winnipeg Regulation on Split Lake proper.” Martha Spence, Winnipeg, March 26 2015 at p 1695; “We cannot separate that unique compounded effect of these two rivers.” Martha Spence, Winnipeg, March 26 2015 at p 1695; “Winnipeg Regulation. But on split Lake proper, you can’t do that, because Churchill River plays a major role.” Martha Spence, Winnipeg, March 26 2015 at p 1699.

¹¹ Ron Greenwood, Grand Marais, February 2 2015 at p 54. Also see: “I hear about the demands for more electricity and how the Province wants to sell power to Saskatchewan and the United States. People say that our province relies on Manitoba Hydro as a cash cow.” Roxanne Anderson, Selkirk, February 4 2015 at p 72.

¹² Linda Legitt, Berens River, February 11 2015 at p 84.

¹³ “...it is very difficult for people, including myself, to understand the elevations of the lakes going up, elevation 17, elevation 15 and all of that.” : Reginald Mead, Wabowden, January 13 2015 at p 25; “And like, like in the winter time, like I was curious too is there something hushed sometimes?” : David Valentine, Grand Rapids, January 21 2015 at p 31; “...asking for cost revenue statements to Jenpeg, I’m told that there are no such accounting statistics.” Baldur Nelson, Winnipeg, March 11 2015 at p 1226.

¹⁴ Tim Adamson, Peguis, January 28 2015 at pp 17-18.

Policy communities around Lake Winnipeg felt as though they were not being adequately engaged or heard.¹⁵ They felt they were not reflected in the Manitoba Hydro filing on Lake Winnipeg or in the CEC Hearing.¹⁶

*...why we are not part of those boards or appointments that regulate Lake Winnipeg also.*¹⁷

*We're tired of begging, beggars of our own land. This is our land. We should be the ones calling the shots here.*¹⁸

*...when I continually hear that Hydro is...publicly owned, we struggle with ourselves as First Nations to understand what portion of that do we own?*¹⁹

Some people stated that it was the first time anyone had come to their community to speak with them about LWR.²⁰

*...it has taken 40 years to finally come here and say, look, what do you guys think about the lake?*²¹

Indigenous communities also pointed out that there was not consultation process for Lake Winnipeg Regulation.²²

*We have to be consulted individually, and not by going to Chief and Council and saying that we're consulting you, go consult your people. It's a two-way street. I don't believe there's a two-way street. I always said that to Chief and council, you can't go say duty to consult to somebody else, and you don't even consult us, your people, you know.*²³

A common theme was the frustration with the exclusion of traditional knowledge and

¹⁵ "And praying hopefully that someone will have a heart to help us out, what we go through, what we don't see now." Elder Martha Spence, Winnipeg, March 26 2015 at p 1709. "And I just wanted to say I hope you hear us. One elder said I hope they hear us, I hope they open their ears and I hope they open their eyes to see, and their heart to know what's happening to us." Martha Spence, Winnipeg, March 26 2015 at p 1721.

¹⁶ "But we need Manitoba Hydro and Manitoba Conservation to talk, to come and sit down with us and talk to us and hear us, what our concerns are." Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1487.

¹⁷ Chief Henderson, Sagkeeng, February 13 2015 at p 47.

¹⁸ Henry Traverse, Winnipeg LWR Hearing, March 25 2015 at p 1601.

¹⁹ Gordon Bluesky, Brokenhead, February 3 2015 at p 53.

²⁰ "And you guys shouldn't only be here one time...": Joe Daniels, Sagkeeng, February 13 2015 at p 24; "This is the first time that Hydro has ever come to do a presentation [in Brokenhead]": "Why did [it take] so long for us to be...introduced to what you guys are doing?" Gary Spence, Peguis, January 28 2015 at p 69; Gordon Bluesky, Brokenhead, February 3 2015 at p 5.

²¹ Chief Henderson, Sagkeeng, February 13 2015 at p 48.

²² "When there is development of some sort by the province we are not consulted at the community level". Jason Cook, Thompson, January 12 2015 at p 20 ; "...Fisher River has been kept in the dark from Hydro development." Dion McKay, Fisher River, January 26 2016 at p 21; "...no consultation has ever been done with Fisher River Cree Nation, and probably with any of the other First Nations in the south basin." Dion McKay, Fisher River, January 26 2015 at p 20; "You know, the lake is the lake of the First Nation people, it is our lake. We never signed that away in the Treaties. And here you are making billions and billions of dollars selling our power to the United States and you have not consulted with the native people..." Ray Mason, Peguis, January 28 2015 at pp 52-53; "...when regulations are made that impact our people...we are not consulted.": Chief Henderson, Sagkeeng, February 13 2015 at p 46.

²³ Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1521.

integration of local knowledge in ongoing monitoring and protection of the environment.²⁴ Many pointed out that traditional knowledge views the environment in a “holistic view, which is inclusive” which is different from Manitoba Hydro's approach.²⁵

...I think that we in Manitoba are very lucky to have Manitoba Hydro and to have it as a Crown Corp that is the sole generator of electricity...But I think we also would like to see a little more participation in protecting from some of the effects of the things that Hydro is doing.”²⁶

“...I know that our friend from Hydro here has his graphs and charts in place, but we also have our own graphs and charts in place through our own indigenous knowledge.”²⁷

“But you know, you have to listen to our people. Our people know the land, they know when the land is hurting. And you know, you don't understand it.”²⁸

It was also apparent that people living upstream of Lake Winnipeg felt excluded and ignored in this LWR process.²⁹

Some policy communities also pointed out that they did not have access to sufficient resources to meaningfully participate in the CEC process on LWR.

“...I will be blunt – we're not provided enough resources to be able to have a whole review and a lengthy process with our members.”³⁰

Duties, Responsibilities & Compensation

Community members identified several areas where they believed Hydro was falling short of its responsibilities.

...we expect that the Crown will fulfill its responsibilities to our people and work with us to mitigate, monitor, and address concerns regarding the ongoing impact of mercury contamination on our diet and health.³¹

²⁴ “Our traditional knowledge is never utilized.” Mike Sutherland, Peguis, January 28 2015 at p 101.

²⁵ “The western science deals with review and studies in the sense of separate components. In ATK we look at environment from the holistic view, which is inclusive. So we need to be able to have that provided to us as a means of looking at and reviewing the project on Lake Winnipeg.” Victor Spence, Winnipeg LWR Hearing, March 26 2015 at p 1702.

²⁶ Tom Farrell, Grand Marais, February 2 2015 at p 33.

²⁷ Earl Stevenson, Selkirk, February 4 2015 at p 94. Also see: “You can bring as much hydrologists coming in there, but without the knowledge or consultation with our fishermen with regards to anything, they are the ones who should have been first consulted with...” Carl Cochrane, Fisher River, January 26 2015 at p 29.

²⁸ Eugeune Rait, Peguis, January 28 2015 at p 144.

²⁹ “...there is nothing for us southern communities to take part or have a seat in discussions in regard to our concerns with Lake Winnipeg...” Paul Chief, Brokenhead, February 3 2015 at p 67; “Our people have tried and tried over the years to get their point across on what Hydro is doing.” David Bird, Black River, February 10 2015 at p 52; “...Cross Lake, or Pimicikamak was granted almost 40 per cent of the entire budget for [LWR] hearings...because they were severely affected.” Ryan Duplassie, Black River, February 10 2015 at p 43.

³⁰ Victor Spence, Winnipeg LWR Hearing, March 26 2015 at p 1702.

³¹ Brian Keeper, Winnipeg, March 26 2015 at p 1693.

Many individuals identified the collective nature of the responsibility to protect our environment and water. Others attributed more weight to the corporate responsibility of Manitoba to protect the environment.

*This responsibility should be shouldered by individuals, by local government, by the Provincial Government, by the Federal Government, and by other provinces and U.S. States in Lake Winnipeg's massive catchment.*³²

*MH is an entity that has shown by past performance it has absolutely no corporate conscience or responsibility....achieve these aims [producing revenue] by any means in conjunction with its partners, the successive line of Manitoba governments.*³³

Policy communities also expressed that Manitoba Hydro has obligations, duties and responsibilities to:

- investigate and mitigate environmental damage:
 - *"...you would think they would have a moral obligation to try to keep the landowners living around the lake safe."*³⁴
- respect water and traditional Indigenous roles:
 - *"And I would further urge Manitoba Hydro to involve our people around the lake when they are doing anything on there so that they can have the ceremony to respect mother earth."*³⁵
- mitigate and compensate damage to property
 - *"Apologies don't just cut it for me, they just don't."*³⁶

³² Mike Mason, Winnipeg, March 11 2015 at p 327; "As Manitobans, as Canadians, we have been given the responsibility of being the custodians of this great lake. To date I feel that we have somewhat failed in this regard." Mike Mason, March 11 2015, Winnipeg LWR Hearing, at p 326; "As citizens, we have a responsibility to improve conditions on Lake Winnipeg." Mike Mason, March 11 2015 at p 327; "This responsibility should also be shouldered by Manitoba Hydro. Hydro and only Hydro are in the unique position to use Lake Winnipeg as a reservoir for hydroelectric power production and to regulate the lake between 711 and 715. With this unique position, I believe that Manitoba Hydro should take on greater responsibilities related to the health of Lake Winnipeg and the erosion of Lake Winnipeg shorelines." Mike Mason, March 11 2015, Winnipeg LWR Hearing at pp 327-328.

³³ Baldur Nelson, Winnipeg LWR Hearing, March 18 2015 at p 1222.

³⁴ Jim Bear, Brokenhead, February 3 2015 p 40; "Once Hydro acquired a given level of knowledge and expertise, it became morally incumbent upon them to recognize their past errors in judgment and mitigate their wrongs.": Angela Enright, Winnipeg LWR Hearing, March 18 2015 at p 1249; "I think if Manitoba Hydro wants to regulate Lake Winnipeg, then it should be their duty and their responsibility to make sure they understand the lay of the land...": Dion McKay, Fisher River, January 26 2015 at p 40.

³⁵ "...I'm hoping you, as the Commission, is going to ensure that the water is treated with respect.": Winona Morrison, Peguis, January 28 2015 at p 153; "...I have been given in law the right...the moral responsibility to enforce the right of an intact, natural and healthy environment...": Kukitew Pakneciniw, Peguis, January 28 2015 at p 110; "...Hydro mistreats the people and their traditional lands and fishing grounds in order to produce electricity.": Ron Greenwood, Grand Marais, February 2 2015 at p 50; "...last summer our grandmothers walked around that Lake Winnipeg....and they had walked for that water. And other ladies have walked before to bring light to the responsibility of our freshwater lakes and our water in general.": Dolores C.A., Brokenhead, February 3 2015 at p 32.

³⁶ David Bird, Black River, February 3 2015 at p 54.

- *"I have lost a lot more than 40,000 [dollars]...I know the value of property, and mine has just gone zip."*³⁷
- acknowledge the interests of all policy communities
 - *"We understand that Lake Winnipeg is the key asset to the ongoing operations and success of Manitoba Hydro. Their corporate responsibility is to recognize that this is a natural resource that belongs to all of us."*³⁸

Some individuals framed the issue of compensation in terms of 'fairness' given all the revenue that Manitoba Hydro was generating because of the increased water levels.³⁹ Many of the policy communities indicated they should be compensated for their loss of land and for evacuations relating to flooding.⁴⁰

*There is also the question of property value....how has the destructive force and impacts of the lake affected its value?*⁴¹

We had about probably 160, 170 homes that flooded in 2011 – 238 homes that we

³⁷ Thora Palson, Gimli, February 5 2015 at p 9; Judy Arnason, Gimli, February 5 2015 at p 90; Bruce Morrison, Grand Marais, February 2 2015 at p 64; "With the ability to prevent flooding, comes the moral and legal responsibility to do so to the full extent possible.": Nelson Gerrard, Gimli, February 5 2015 at p 14; "Since the regulation came into effect, I feel personally that I have lost as much as \$40,000 in damage to my property and cost of re-building it and trying to protect it from the erosion of the lake.": Cameron Arnason, Gimli, February 5 2015 at p 89; "...the government's moral responsibility to compensate those adversely affected.": Nelson Gerrard, Gimli, February 5 2015 at p 16; "...Manitoba Hydro [should] be held accountable for the damages inflicted upon the people of Black River by the continued approval of the regulation of Lake Winnipeg.": Paula Mitchell, Black River, February 10 2015 at p 37.

³⁸ "...fostering positive government relations is key to ensure the state of Lake Winnipeg, its tributaries, and the negative impacts of our people are adequately investigated, mitigated, and prevented.": Jim Bear, Brokenhead, February 3 2015 at pp 38-39; "And communication, again, I talked about, is I would like to see more communication directly involving with Manitoba Hydro and ourselves from now and for the future.": Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1497; "And again, back to the communication of us commercial fishermen being able to speak about the issues, not just the money part, we want to talk about the issues. The money part can come in afterward, you know.": Langford Saunders, Winnipeg LWR Hearing, March 24 2015, at p 1519; "But we need to be heard, we need – there has to be a dialogue here. Not that we accept there's a little bit of dollar here, be quiet, go away, no longer acceptable.": Langford Saunders, Winnipeg LWR Hearing, March 24 2015, at p 152.

³⁹ "With the increase of water on the lake, what amount of revenue has come back into the province versus going out for the compensation, if there is any?": Alfred Lee, Pine Dock, January 27 2015 at p 51; "...why is Manitoba Hydro not compensating property owners, businesses and municipalities that are losing assets and habitat from erosion due to high lake levels; why is Manitoba Hydro not financially assisting in protecting assets?": Thora Palson, Gimli, February 5 2015 at p 11 ; "We deserve just and fair remuneration for the use of our land.": April Kent, Black River, February 10 2015 at p 28; "I'll just use an example of failure of communication. 2011, there is a compensation package given to Norway House Cree Nation. To this date, we have been asking about what happened there. Because we got impacted in the flood of 2011, where we have lost our docks in our community, myself, on our islands, our fishing areas, our camps, our cabins, I was impacted with the loss of my docks....So we got impacted with the 2011 flood, and compensation was given to the Cree Nation, but not to us. But again, again, because of the assumption that the Cree Nation speaks for us." Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at pp 1501-1502.

⁴⁰ "And this is something that, you know, when we talk about a process that is seen as being fair and just, there are no non-first Nation evacuees today. It's all First Nation people, well over 2000...of our people are removed from their land and territories as a result of these levels. And that's something that you know is it fair and just when it's only one group of people that's being impacted this way." Chief Hudson, Winnipeg LWR Hearing, March 19 2015 at pp 1312-1313; "But also with respect to evacuations, again, you know, who is it that's evacuated? It's our people." Chief Hudson, Winnipeg LWR Hearing, March 19 2015 at p 1358.

⁴¹ Andy Weremy, Selkirk, February 4 2015 at p 88

had to repair because of that flood...⁴²

Several individuals indicated that there was an inequitable and inadequate distribution of compensation between communities.⁴³

...who is going to pay for all of the damage that's been done? Who created all of that damage?⁴⁴

So when Manitoba Hydro is regulating the water level, and they are compensating so many different areas up north, why doesn't it be the whole lake?⁴⁵

I'm sick and tired of it, what the white people are doing. I'm not a racist guy, but I'm tired of it, I'm sick of it, you know....you guys are reaping all the rewards. What are we getting? Shit on a stick.⁴⁶

The other thing too is you have agreements with the land owners, the farmers, they get monies from Hydro because they are going through their land. Why can that not be available for us in our community?⁴⁷

What more does Hydro want? Why do they want more, why do they want to make more money? If they want to make so much money, give us some, if you are going to destroy our land.⁴⁸

Some community members also noted that negotiations should continue or that alternative forms of compensation should be explored.⁴⁹

...the amount of water rental payments should be diverted from the province to satisfy compensation to all affected parties...⁵⁰

Something like this happens to us, the door should be open for us, since it is us that suffer a lot and we give up a lot, and we should get something out of this, not

⁴² Dion McKay, Fisher River, January 26 2015 at p 23.

⁴³ "When the discussion was happening about the money, the true value, or the amount of dollars that was talked about is like half of what we get, we got at the end, you know.": Langford Saunders, (Winnipeg LWR Hearing), March 24 2015, p 1499 ; "Certain areas on Lake Winnipeg, they get compensated for high water and damage....But in this area, we don't seem to get anything...": David Monkman, Pine Dock, January 27 2015 at p 19; "...do we get any compensation for it? No, because we are not Treaty. Maybe some of us are but we are not living on a reserve.": Bernard Selkirk, Pine Dock, January 27 2015 at p 24; "We were told we weren't part of the flood, so we weren't eligible for any assistance or compensation.": Dale Einarsson, Peguis, January 28 2015 at p 39; "It was the Chief and Council that made the decision for us, not the commercial fishermen. You know, we were kind of forced to sign because it would impact the Cree Nation. When you lump, you put everything together in one, we don't want that anymore, we want to be separated from – we are the resource users, we are impacted big time compared to the Cree Nation.": Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1499; "...compensation not being provided on a timely basis.": Chief Glenn Hudson, Peguis, January 28 2015 at p 80.

⁴⁴ Eugene Rait, Peguis, January 28 2015 at p 145.

⁴⁵ Walter Sinclair Jr, Fisher River, January 26 2015 at p 18.

⁴⁶ Gary Spence, Peguis, January 28 2015 at p 70.

⁴⁷ Jason Cook, Thompson, January 12 2015 at p 25.

⁴⁸ Doreen Saunders, York Landing, January 15 2015 at p 44.

⁴⁹ "We are located in a situation where the water flows in our lakes, and I don't – we have no agreement ever set up by the province, Hydro.": Jason Cook, Thompson, January 12 2015 at p 20.

⁵⁰ Angela Enright, Winnipeg, March 18 2015 at p 1251.

petty cash....we should seriously talk about revenue sharing.”⁵¹

We need to see Hydro inject money into the development of programs, courses and resources to help the youth.”⁵²

Key environmental concerns

Community members brought forward a wide range of concerns related to the environmental effects of lake regulation. One of the main points of concern they identified was the unknown extent of environmental damage.

...prior to 1970, Lake Winnipeg was a natural healthy lake. The citizens of Manitoba and all of our abundant wildlife and ecosystems flourished and lived in harmony with our sacred Lake Winnipeg...⁵³

It is good [to have electricity and running water], but I know the community would still like their river.⁵⁴

Some individuals emphasized that what is happening is result of *human* development.⁵⁵ Many were concerned about the future of the Lake⁵⁶ and referred to feeling sad that their children and grand-children will not live with communities with healthy waters.⁵⁷

As a response to Manitoba Hydro's assertions that impacts of development are either benign or positive, policy communities state the following:

But there is always reports that Hydro always tells us that they are not affecting us because the report says it's not. There's gates at Warren Landing, there's monitors, whatever you call it, and they have different areas that they say that it's not. But like, again, it's us that live the lake, we know the way it is, and hopefully that we can put aside some of these studies and use common sense, you know.⁵⁸

“Now, I know Hydro has said there is very little impact to Black river, but they don't

⁵¹ Jim Beardy, York Landing, January 15 2015 at pp 61-62.

⁵² April Kent, Black River, February 10 2015 at p 28.

⁵³ Cheryl Courcelles, Winnipeg LWR Hearing, March 11 2015 at p 356.

⁵⁴ Elder Myrtle Abraham, Black River, February 10 2015 at p 15. Also see: “...Hydro is good, but it is the damage that we see happening to our communities that really hurt.” William Monkman, Manigotagan, February 9 2015 at p 25.

⁵⁵ “So, what is happening with Lake Winnipeg is not an act of God, it is the act of man.” Paul Chief, Brokenhead, February 3 2015 at p 68; “...none of us will be lead to believe here that man can do better than mother nature in regards to taking care of our waters and our land.” Gord Bluesky, Brokenhead, February 3 2015 at p 42.

⁵⁶ “In 2013, Lake Winnipeg was named the world's most threatened lake in the world.”: Ron Greenwood, Grand Marais, February 2 2015 at p 57.

⁵⁷ “But I felt very sad, and I continue to feel sad, what I see has been done to our land and water.” Nelli Redhead, York Landing, January 15 2015 at p 52; “And our children will not see, and great grandchildren will not see that, that beautiful place that we lived.” Elder Martha Spence, Winnipeg LWR Hearing, March 26 2015 at p 1708; “As the children were, the younger children were growing up here, they had no issues with skin problems. And today there is a lot of them. I think that's from the water issue...” Doreen Saunders, York Landing, January 15 2015 at p 44

⁵⁸ Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1529.

live here, they don't see what we are going through."⁵⁹

...Hydro tells us that whatever we regulate in your community, it just has no effect. I can show you some pictures of how much land we have lost..."⁶⁰

Community members also remarked that they had seen:

- a decrease in water quality⁶¹
 - "...the water in Kischi Sipi turned turbid and, as a result, Split Lake began filling with mud, algae and debris."⁶²
 - *"Our people will tell you that the water quality, both raw and potable, has become much worse since the 1970s...It has become much dirtier, brown, cluttered with debris and algae ridden."*⁶³
 - *"Now when I look at the water there has been a lot of change, and seeing all of that algae growing, and I know that stems from the Hydro development..."*⁶⁴

- a steep decline in animal and aquatic species populations
 - *"When you have water on the land...the fur bearing animals move....Animals get sick..."*⁶⁵
 - *"The muskrats are gone, all killed by higher than natural winter lake levels."*⁶⁶
 - *"...we noticed that all the rat houses and the beaver houses were getting all washed away."*⁶⁷
 - *"Spawning areas for fish [including sturgeon and walleye] have been destroyed and flooded over."*⁶⁸
 - *"...there is an endangered bird there [by Long Point], but yet they don't mind having water level so high that their nesting areas are being killed off."*⁶⁹
 - *"...we used to have thousands, large abundance, thousands on thousands, we could even say millions...of ducks and geese, muskrats that used to be here..."*⁷⁰

⁵⁹ Chief Frank Abraham, Black River, February 10 2015 at pp 63-64.

⁶⁰ Chief Henderson, Sagkeeng, February 13 2015 at p 45.

⁶¹ "And then she [our granddaughter] noticed the water, the colour of the water. She asked us how come the water looks like that, is it dying?" Nellie Redhead, York Landing, January 15 2015 at p 51; "Just briefly on water quality, in our experience, we used to drink water from the lake. When you go fishing, we used to go just grab water and then we use it for cooking, making tea, making coffee. Nowadays we don't do that. Since about 10 years ago, we have to start hauling water from the community for us to drink out in the lake. Because if you drink that water, you're going to be running to the washroom in a couple of hours....And even when you boil it, when you make tea, you still have that effect....the lake is right there, you know. Why can't we drink the water?" Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1496.

⁶² Elder Martha Spence, Winnipeg, March 26 2015 at p 1685; "It is plain to us when we are out on the land harvesting that the waters of Split Lake and Nelson River are the colour of mud, while the colour of lakes not on the Hydro system are a brilliant blue." Brian Keeper, Winnipeg, March 26 2015 at p 1692; "Split Lake is gone as we knew it. It is now muddy, turbid waters, feared and trusted by our members." Elder Martha Spence, Winnipeg LWR Hearing, March 26 2015 at pp 1695-1696; "...what was Split Lake. It is now very turbid, muddy waters, unpredictable." Elder Martha Spence, Winnipeg LWR Hearing, March 26 2015 at p 1698.

⁶³ Chief Bland, York Landing, January 15 2015 at p 17.

⁶⁴ Nancy Williams, York Landing, January 15 2015 at p 46.

⁶⁵ Jason Cook, Thompson, January 12 2015 at p 25.

⁶⁶ Ron Greenwood, Grand Marais, February 2 2015 at p 4; "We go out that spring [2011] and there is no muskrats....they decimated the muskrats in those houses...they froze out." : Mike Sutherland, Peguis, January 28 2015 at p 100; "You now rarely see muskrat and beaver along the Aiken and Mistuka River where they used to be common." : Chief Bland, York Landing, January 15 2015 at p 19.

⁶⁷ Ralph Kent, Brokenhead, February 3 2015 at p 1.

- higher water levels associated with frequent flooding⁷¹
 - *“Overall, the levels and flows reach higher heights never experienced in the past and remain higher on average than they ever were in the past.”*⁷²
 - *“...part of the rationale was to reduce flooding on the southern basin. It hasn’t reduced flooding up here.”*⁷³
 - *“...I can pretty well say it is every year we flood.”*⁷⁴
 - *“I have experienced flooding for 50 years.”*⁷⁵

- erosion of shorelines⁷⁶
 - *“...there is erosion all over Split Lake, including islands which have existed for as long as we can remember that are now starting to disappear.”*⁷⁷
 - *“We ask that the Commission consider our situation and make recommendations to hold MH responsible for damage to our shorelines and environment as a condition for final licensing.”*⁷⁸
 - *“...the millions and millions and millions of cubic metres of wood that they washed off the shorelines while they were doing all of their flooding. And it still happens daily....the forest is continuously falling into the rivers, into the lakes.”*⁷⁹

- loss of marshlands and beaches⁸⁰
 - *“...our folks are fully supportive of ensuring that marsh lands are created and that*

⁶⁸ Wayne Redhead, York Lading, January 15 2015 at pp 36-37; “...some of our fish we find have these, you know, tumors...cysts. We find the odd fish that has that, or some with half fins.” Ted Cook, Grand Rapids, January 21 2015 at p 85; “We used to catch lobsters, oyster shells when we were little kids. Now...there is nothing there.” Anna Manningway, Peguis, January 28 2015 at p 120; “You know, I seen fish come out of Playgreen Lake, and the size and the species of fish, the hunchback, the whitefish, the quality of whitefish that came out of that lake is no more.” Langford Saunders, Winnipeg LWR Hearing, March 24 2015, pp 1484-1485.

⁶⁹ Dwayne Cook, Grand Rapids, January 21 2015 at p 36

⁷⁰ Gord Bluesky, Brokenhead, February 3 2015 at p 56.

⁷¹ “LWR licensing, I don’t think it is best to reduce it to a single number, it is not about 715 feet versus 714 or 716. I think that’s outdated understanding of water regime management.” Will Braun, Winnipeg, March 11 2015 at pp 378-379; “Hydro rarely keeps the lake any lower than 715...” Bruce Morrison, Grand Marais, February 2 2015 at p 63; “The biggest effect [of LWR] that we experience and continue to experience today is higher than natural water levels and flow.” Chief Bland, York Landing, January 15 2015 at p 12); “... maintaining it very close to 715 just adds to the problem when we have something like the weather bomb of October 2010.” Tom Farrell, Grand Marais, February 2 2015 at p 31; “...there is a house just in this bay over here... you can be sitting at his kitchen table and you swear you are on a boat.” William Ferland, Grand Rapids, January 21 2015 at p 42; The high water levels have led to increased pollution from flooding of houses; “...there is not enough room [in the research boat] to pick up all of the fridges, the stoves, washers and dryers and freezers that are along the shores of Lake Winnipeg.” Alice Cook, Grand Rapids, January 21 2015 at p 45; “...the water has no place to go because the lake levels are high.” Darrell Thaddeus, Fisher River, January 26 2015 at p 78; “Flood reduction has not decreased the flooding for Peguis...2010 was one of our most destructive years...There was five flood occurrences that year...” Mike Sutherland, Peguis, January 28 2015 at p 104; “And these are some of the houses within our community that are basically impacted by the water, the high water levels [shows photos]...” Chief Frank Abraham, Black River, February 10 2015 at p 63; “A lot of us are homeless because of that now, flooding.” Anna Manningway, Peguis, January 28 2015 at p 120; “...we still have over 250 evacuees that are still out, dating back to 2009, 2010, as a result of these impacts.” Glenn Hudson, Peguis, January 28 2015 at p 82; “The high water levels force people to move...” April Kent, Black River, February 10 2015 at p 26; “...we have cliff dwellers at the RM of St. Clements and Victoria because of soil erosion...” Jim Stinson, Selkirk, February 4 2015 at p 19.

⁷² Chief Bland, York Landing, January 15 2015 at p 13.

⁷³ Heidi Cook, Grand Rapids, January 21 2015 at p 52.

⁷⁴ Wayne Manningway, Peguis, January 28 2015 at p 127.

⁷⁵ Bob Monkman, Selkirk, February 4 2015 at p 98.

*algae bloom and nutrient loading is taken care of.*⁸¹

- *“...Netley Marsh, as it is now, is hardly there anymore. The centre channel is probably four times as wide as it once was.”*⁸²
- unsafe travel conditions⁸³
 - *...the lake is very dangerous due to the strong current....And we’re very fearful of the water, the system, the lake, it’s very dangerous.... But somehow we live with that strong current and the high water level.*⁸⁴
 - *“...a lot of my people who travel say they are afraid of floating debris...”*⁸⁵

Overall, policy communities identified the need for independent monitoring of these environmental effects.⁸⁶

⁷⁶ “And I keep telling them, due to the high waters and that, our land base is getting smaller and smaller every year.”: Derrick Gould, Winnipeg, March 25 2015 at p 1574; “There had been considerable erosion damage [in 2011], particularly on the west side of the south basin.” Ron Greenwood, Grand Marais, February 2 2015 at p 55; “Erosion won’t help us with tourism, it takes away a lot of stuff that we can showcase...” Carl Smith, Brokenhead, February 3 2015 at p 88; “And I guess what we notice daily, just from looking out our window, is that outside of the fact of erosion...the vegetation doesn’t have a chance to regrow.” Joanne Hapel, Manigotagan, February 9 2015 at p 20; “I tell the truth when I say this, there is so many changes. The land itself, like Playgreen Lake erosion is a big problem for 2-Mile – for Playgreen Lake on the west shore.” Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1490; “Anyways, I start fishing again in ’85. And I recall two years, ’85, ’86, you know, there was still fish, there was still – whitefish was still plentiful. And after that, you know, it started dropping, you know, started losing nets as well, you know, so much debris, you know, from shoreline erosion.” Leslie Apetagon, Winnipeg LWR Hearing, March 24 2015 at p. 1509; “...when I go fishing on Lake Winnipeg, water used to be about 10, 12 feet. Now that same area, water is about eight, 10 feet. That’s how much this stuff [sediment from erosion] builds up down there, you know.” Leslie Apetagon, Winnipeg LWR Hearing, March 24 2015 at p 1510; “Help us work towards solutions to protect our properties and our public beaches for all to enjoy. Work with us to ensure that financial burdens of shoreline protection and preservations are not all shouldered by the taxpayers and property owners in small municipalities. Work with us to ensure that cohesive, sound engineering practices are used when private or public shorelines require erosion or flooding protection.” Penny McMorris, Winnipeg LWR Hearing, March 11 2015 at p 352; “Members of our group have approached MH individually on many occasions since the early 1990s to plead for a solution for some form of assistance to save our land and homes...we were usually told that other areas had priority, or that there were no funds available at the time...” Morris Desautels, Winnipeg LWR Hearing, March 11 2015 at pp 385-386; “Used to be in the fall, we would catch the whitefish coming in, we would catch them in our rivers. We would – our elders, our people, our fishermen would be smoking whitefish, and they would be hanging them up for the winter. Those days are gone. They are not there anymore the way they used to be. Those things have been altered.” Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1487; “...we actually started seeing, pieces of island started flowing through our – from all the floods that are occurring. We see all the debris that was flowing past our communities, especially since 2005.” Victor Spence, Winnipeg LWR Hearing, March 26 2015 at p 1705; “So I have seen a lot of the damage myself on the Nelson River.... The first time I flew out there, from here to Bear Lake east of here, I couldn’t believe my eyes. About five years after, it is like when you are looking at toothpicks around the islands, that’s how the shoreline looked like, you couldn’t see no outcropping, everything floating around.” Charlie McLeod, Wabowden, January 13 2015 at p 30.

⁷⁷ Mr. Keeper, Winnipeg, March 26 2015 at p 1691.

⁷⁸ Morris Desautels, March 11 2015, Winnipeg at p 388.

⁷⁹ Norman Campbell, Wabowden, January 13 2015 at p 36.

⁸⁰ “LWR doesn’t allow those marshes to regenerate the way they need to naturally.” (Heidi Cook, Grand Rapids, January 21 2015 at p 30); “...destroyed the marshes around the lake, thus eliminating the nutrient buffering capacity of the wetlands...” (Ron Greenwood, Grand Marais, February 2 2015 at p 53); “And our marshes [at Netley/Libau] are being washed out...” (Chris Benson, Selkirk, February 4 2015 at p 25); “The health of Netley Marsh is of great importance. It is a key historical territory for [the Peguis community], for our nation.” (Earl Stevenson, Selkirk, February 4 2015 at p 90).

⁸¹ Brian Ellis of Winnipeg Condo Corporation, Winnipeg LWR Hearing, March 11 2015 at p 392.

⁸² Laurie Hunt, Gimli, February 5 2015 at p 43.

Spiritual, Cultural & Health impacts

Policy communities across Manitoba made it clear that water has a significant role in their lives. For Indigenous people, we heard that water has a particular spiritual and cultural value.⁸⁷

*Water is natural law for Anishinaabe people. It's one of our natural laws.*⁸⁸

*"To the Anishinabe people, water has always been considered sacred...and accordingly we need healthy, clean and pure water to nurture our body as well as mother earth."*⁸⁹

*"To us, water is a living spirit, it moves. And you can't control that water, you can't control it. It has a natural flow, it has a natural system. And when that system is changed and redirected, it comes with devastating costs. And it's not the water's fault, it's the people that control those waterways, that make diversions that aren't even supposed to be in those areas, they change the whole structure of the system."*⁹⁰

Many correlated what is happening to the land to deteriorating health and destruction of

⁸³ "...travel both on and off the river became dangerous..." : Elder Martha Spence, (LWR Winnipeg), March 26 2015, p 1685; "Travel conditions became unpredictable and dangerous as water levels and flows were quickly changed, depending on power demand and outflow requirements to protect Lake Winnipeg." –Elder Martha Spence, (LWR Winnipeg), March 26 2015, p 1688; "There is apprehension about changing water levels. Members don't know when to tie up their boats and when to use a snowmobile." –Mr. Keeper, (LWR Winnipeg Hearing), March 26 2015 at pp 1691-1692; "It is almost like it becomes stressful to be on a boat now because you have to be watchful of things floating around." (Nellie Redhead, York Landing, January 15 2015 at p 52); "As the water levels and flows are managed upstream, the depth of shoals under the water surface can change quite quickly. This is a real danger to our members travelling by boat.": Chief Bland, (LWR Winnipeg), March 26 2015 at p 1654.

⁸⁴ Elder Henry Traverse, (Winnipeg LWR Hearing), March 25 2015 at pp 1630-1631.

⁸⁵ Jim Beardy, York Landing, January 15 2015 at p 29.

⁸⁶ "The water on Split Lake has been so high in the past few years that erosion monitoring cannot even be conducted." –Mr. Keeper, (LWR Winnipeg Hearing), March 26 2015 at p 1691; "So are there no government organizations responsible for the erosion of the shoreline in Lake Winnipeg, or even the tributaries into it?" (Jess Cochrane, Peguis, Jan. 28 2015 at pp 57-58)

⁸⁷ "Much of the conflict that has often surrounded energy projects near indigenous communities, has happened because of fundamental misunderstandings about the role and meaning of energy in indigenous philosophies and practices." (Warren Cariou, Winnipeg LWR Hearing, March 11 2015 at p 402); "Traditional indigenous energy use practices are characterized by what I call energy intimacy, in which a community member necessarily has direct and personal relationships with the sources of their energy." (Warren Cariou, Winnipeg LWR Hearing, March 11 2015 at p 404); "And in indigenous cultures this relationship is not one of mastery or objectification, but rather kinship, respect and responsibility." (Warren Cariou, Winnipeg LWR Hearing, March 11 2015 at pp 404-405); "The land is conceived not as a reservoir of resources to be exploited, but as a source of gifts which humans must accept with gratitude." (Warren Cariou, Winnipeg LWR Hearing, March 11 2015 at p 405); "...the Cree concept of pastahowin...the sin against nature, which involves any action that shows disrespect to the natural world, such as wasting resources or failing to give thanks for the gifts received from the land. The punishment for an act of pastahowin is that nature withholds further gifts from the transgressor and his or her community." (Warren Cariou, Winnipeg LWR Hearing, March 11 2015 at p 406); "Our responsibility [as women] to that water is very important....we are responsible to look after that water." (Delores Chief-Abigosis, Brokenhead, February 3 2015 at pp 31-32; "As life givers we [the women] must protect the water for future generations.": Patricia Mitchell, Black River, February 10 2015 at p 32.

⁸⁸ Elder Henry Traverse, (Winnipeg LWR Hearing), March 25 2015 at p 1566.

⁸⁹ Chief Glenn Hudson, Peguis, January 28 2015 at pp 84-85.

⁹⁰ Derrick Gould, (Winnipeg LWR Hearing), March 25 2015 at p 1579.

spirits.

“And we talked about the animals also that are being destroyed. But our spirits and our being, it’s also being destroyed. Everything that happened to us, nobody, you cannot replace that. Yes, we are asking for money to give us something that we can go on, that cannot even replace our spirit and our being...”⁹¹

Animals get sick, people get sick. I don’t know, maybe that’s why we have a high number of cancer people in our northern communities because of what has been happening the last 40, 50 years. Something is going to give.”⁹²

They also say that changes to the lake have had lead to significant changes in their diet, where traditional country foods have been replaced with canned foods.⁹³

“One of the components of a long healthy life is pure clean water.”⁹⁴

“I believe some of the wild food we eat, especially the fish, is making us sick now...”⁹⁵

“...It caused like diabetes, I have diabetes, and it caused cancer and all kinds of different illnesses.”⁹⁶

“Sure, you guys are used to going to the supermarket and buying everything processed....As the traditional people we need all of that food, we need all of that medicine, we need the plant life.”⁹⁷

“You know, that’s the kind of meat we had (muskrat, beaver etc...) and it was healthy for us. But look at what we have got now, we can’t eat ducks and geese, because look at how dirty that water is.”⁹⁸

“If you want to get rid of fishing, if you want to get rid of agriculture, then put something else on our table, because we cannot eat Hydro.”⁹⁹

Individuals stated that they also have noticed a loss of traditional medicines.

“Willows, Black Spruce and low mossy areas have been drowned out. These

⁹¹ Elder Martha Spence, (LWR Winnipeg), March 26 2015, p 1708.

⁹² Jason Cook, Thompson, January 12 2015 at p 25.

⁹³ “Deer, moose, rabbit were common food sources for families. Now game is becoming scarce.” (April Kent, Black River, February 10 2015 at p 25); “Traditional sustenance is no longer readily available and we pay the high cost of store-bought meat to feed our families.” (April Kent, Black River, February 10 2015 at p 25); “... the change in our food, the diet, getting away from the traditional foods. We are living on bologna, we are living on Klik, we are living on ham. The food that does not work for us. And our children are eating that.” (Alice Cook, Grand Rapids, January 21 2015 at pp 44-45); “[high water levels] certainly has a detrimental effect on the health of that water, but certainly the people that consume it, and that being our people...” (Glenn Hudson, Peguis, January 28 2015 at p 92)

⁹⁴ Glenn Hudson, Peguis, January 28 2015 at p 85.

⁹⁵ Nellie Redhead, York Landing, January 15 2015 at p 52.

⁹⁶ Mabel Starr, Black River, February 10 2015 at p 19.

⁹⁷ Sweetpea Starr, Brokenhead, February 3 2015 at p 9.

⁹⁸ Anna Manningway, Peguis, January 28 2015 at p 119.

⁹⁹ Derrick Gould, (Winnipeg LWR Hearing), March 25 2015 at p 1603.

*typical shoreline plants have disappeared, including wild mint and Weekis, which are two of our medicines.*¹⁰⁰

Economic impacts

Policy communities noted a variety of effects to the local economy. Their comments cover various occupations and span both present conditions and expected outcomes.

Many have pointed to the impacts of LWR as having negative effects on

- subsistence and commercial fishing¹⁰¹
 - *“Our fishermen will also tell you that the changes in the water and ice have caused real challenges for navigating, landing and launching boats. They will tell you how the ability to fish and the quality of fish they catch has been affected. They can tell you how they pull up algae logs in their nets...”*¹⁰²
 - *“A lot of fishermen didn’t finish their quotas because the fish pattern changed.”*¹⁰³
 - *“...as commercial fishers...our lives are affected quite a bit by what happens with stuff like this, not only with the fishing but with our equipment and...our docks....And we have got that at our own expense.”*¹⁰⁴

- farming¹⁰⁵

¹⁰⁰ Walter Becker, Wabowden, January 13, 2015 at p. 38; (Chief Bland, York Landing, January 15 2015 at p 12); “Our medicines are gone.” (Anna Manningway, Peguis, January 28 2015 at p 119) “...a lot of our medicines were along that river, because I know, I picked them, my grandmother picked them before me.” (Wayne Manningway, Peguis, January 28 2015 at p 124).

¹⁰¹ “So my main concern is, when [my daughter] has children and she wants to show her children how to fish, she is not going to be able to do that. Because I can barely teach her that today. Because there will be no fish, there will be nothing in the lake, it will be dead.” (Sweetpea Starr, Brokenhead, February 3 2015 at pp 93-93); “The big pickerel will come in, they can tolerate [the dirty water] a little better, but the medium size and the smaller ones, the ones that need to grow up to spawn, they stay away from the area.” (Dale Einarsson, Peguis, January 28 2015 at p 40); “...what is going to happen with our grandchildren, our children? This is the saddest thing that our fishermen have to go through.” (Marilyn Hall, Grand Rapids, January 21 2015 at p 57); “...the guys were coming in with probably three, four boxes of fish, and that doesn’t even pay for their fuel.” (Leslie McKay, Fisher River, January 26 2015 at p 68); “Commercial fishing in a community of Norway House has changed so much. Playgreen Lake, the amount of fish that used to be caught there has not, is not there anymore. Therefore conservation has moved most of our quota, three-quarters of our quota to Lake Winnipeg. And that puts an impact on our commercial fishermen, to go out there more, to go further out, to travel further in order for us to commercial fish.” – Langford Saunders, (Winnipeg LWR Hearing), March 24 2015 at pp 1485-1486; “Any given time right now, a commercial fishermen spends about \$180 per boat to go catch fish per day, and the cost of living is so high back in our community.” – Langford Saunders, (Winnipeg LWR Hearing), March 24 2015 at p 1486; “And our lives have been altered in a way that, as commercial fishermen, in order for us to get away from this, we have to go fish in Lake Winnipeg, further, where our elders used to fish on Playgreen Lake, the abundance of fish. Even the whitefish boats in 1950s came and fished and used trap nets in Playgreen Lake, because that’s how abundance of fish there was.” -Langford Saunders, (Winnipeg LWR Hearing), March 24 2015 at pp 1494-1495.

¹⁰² Chief Bland, York Landing, January 15 2015 at pp 19-20.

¹⁰³ Ted Cook, Grand Rapids, January 21 2015 at p 73.

¹⁰⁴ David Monkman, Pine Dock, January 27 2015 at p 20.

¹⁰⁵ “Because back before the dependency on welfare came about in our communities, our people used to have to milk their cows, and they had their own chickens and their own gardening and, you know, and that today the lifestyle that our people have been kind of programmed into, it’s just a turn around on a dime from our self-supportive way that we were.... And so with that, farming has played a big role in our community. And if nothing is done in regards to land base, it’s probably going to be one of the very – my son probably, maybe he’d be one of the last ones.” –Derrick Gould, (Winnipeg LWR Hearing), March 25 2015 at pp 1633-1634

- *“And there is people in my family that like to farm and they can’t right now, or maybe never...”*¹⁰⁶
- hunting and trapping¹⁰⁷
 - *“And the trapping is very scarce in our community now, because it is not worth – the fur is – the market is not there.”*¹⁰⁸

According to community members, recreation and tourism is also in decline due to erosion of beaches and poor water quality.¹⁰⁹

*“In the 1960s we were promised that [LWR] would prevent flooding. If this is the case, where are the miles and miles of pristine beaches from those days?”*¹¹⁰

*“Here at Grand Beach there was significant damage done to the boardwalk and along the park area in that storm of late October 2010.”*¹¹¹

*“Yes, recreationally, we used to go swimming, we used to enjoy the beaches at Sandy Island, Sandy Bar, you name it. We used to enjoy those beaches around our area. The islands used to have beaches. That itself has been negatively impacted, there is no beaches anymore. The recreational part for Playgreen Lake is no longer there that used to be.”*¹¹²

Generally, individuals correlated LWR with the loss of employment.¹¹³

¹⁰⁶ Dion McKay, Fisher River, January 26 2015 at p 59.

¹⁰⁷ “...and all of our hunting lands are being flooded over.” (Dion McKay, Fisher River, January 26 2015 at p 67).

¹⁰⁸ Jason Cook, Thompson, January 12 2015 at p 21.

¹⁰⁹ “We can not see any shoreline anymore, no beaches. That’s how high the water is.” (Darrell Thaddeus, Fisher River, January 26 2015 at p 36); “We used to have a nice beach down at the bay area, but that’s all gone now.” (Leslie McKay, Fisher River, January 26 2015 at p 61); “Can you imagine how valuable property here would be, and how many businesses would be in the area if Hydro regulation had not destroyed the lake? Tourism around the lake would be worth hundreds of millions of dollars today.” (Ron Greenwood, Grand Marais, February 2 2015 at p 49); “What happened to all of the little restaurants that we had here? Why does it look so derelict? Because people don’t want to come out here. 10, 15 years ago, you couldn’t get a place to park in Grand Beach. Now we have businesses that are closing...” (Eva Brown, Grand Marais, February 2 2015 at p 66) “...I have a very clear recollection of what a fantastic beach it [Grand Beach] really was....The beach was wide, the sand was clean and white and the water was clean....Now the beach is narrow, the sand is brown and tending towards mud, and the e.coli are thriving.” (Ron Greenwood, Grand Marais, February 2 2015 at p 48); “[These beaches] are recreational areas for our community...” (Gord Bluesky, Brokenhead, February 3 2015 at p 57); “It started way back, our river was good, we were able to swim in there without worries, use it for cooking, washing, everything. But then a few years down the line the river started to change.” (Myrtle Abraham, Black River, February 10 2015 at p 13); “It’s seldom that I see kids skating on the river. That’s been altered, the way recreation used to be has been altered.” -Langford Saunders, (Winnipeg LWR Hearing), March 24 2015 at p 1500.

¹¹⁰ Roxanne Anderson, Selkirk, February 4 2015 at p 79.

¹¹¹ Tom Farrell, Grand Marais, February 2 2015 at p 31.

¹¹² Langford Saunders, (Winnipeg LWR Hearing), March 24 2015 at pp 1499-1500.

¹¹³ “...there was a lot of activity here at one time....there was no shortage of work, but things are different nowadays.” (Charlie McLeod, Wabowden, January 13 2015 at p 31). “Yet there is some benefit that we have received from Hydro. And another thing that we benefit from is in short term employment in those projects.” (Jason Cook, Thompson, January 12 2015 at p 20). “This dam has been sitting here for 50 years, you would think that local people would be able to work there, have some of these jobs, you know. I don’t think we are idiots, very intelligent people in this community, we are capable, we can learn. Why ship people in?” (William Ferland, Grand Rapids, January 21 2015 at p 43). “We have our people that work up there, we have some up there, young people that are working with Hydro, we have a few, but not as many as we should have.” (Alice Cook, Grand Rapids, January 21 2015 at p 48)

“...I think there is 10 people in this town that have a full-time job. That’s disgusting. We can’t even attract business...”¹¹⁴

“What happens when this lake is dead? You are going to have 100 plus families that will be displaced....It is going to go from 85 per cent unemployment rate to 100 per cent...”¹¹⁵

However, it should also be noted that some recognized the positive impacts that Hydro development brings, including job creation, and infrastructure improvements.

“... I know building things like this, it creates jobs and helps everybody I guess, helps the province.”¹¹⁶

“...myself personally, I believe that we had more pros than cons in Hydro development in the north....if it wasn’t for Hydro development, we might not have had highway 6 coming through Northern Manitoba, where we used to have to drive around all the way through the Pas for a 14 hour trip to go to Winnipeg.”¹¹⁷

“...I’m all for Manitoba Hydro and what they can bring to the north and what they can bring to the residents that are living there... I enjoy my lights and electric heat and coloured TVs and all.”¹¹⁸

“I do believe that the citizens of Manitoba are fortunate to have a Crown corporation providing a natural energy resource.”¹¹⁹

Aboriginal and Treaty rights and Agreements

Policy communities expressed frustration and resentment regarding the Northern Flood Agreement.¹²⁰

“I believe the Northern Flood Agreement failed because Manitoba Hydro did not set aside any money to implement the Northern Flood Agreement obligations.”¹²¹

¹¹⁴ Eva Brown, Grand Marais, February 2 2015 at p 66.

¹¹⁵ William Ferland, Grand Rapids, January 21 2015 at p 39.

¹¹⁶ Norman Campbell, Wabowden, January 13 2015 at p 34.

¹¹⁷ Reginald Mead, Wabowden, January 13 2015 at p 24.

¹¹⁸ Reginald Mead, Wabowden, January 13 2015 at p 26.

¹¹⁹ Thora Palson, Gimli, February 5 2015 at p 11.

¹²⁰ “This merely illustrates that just because the NFA was signed does not ensure that issues are resolved.” (Will Braun, LWR Winnipeg Hearing, March 11 2015, at p 376); “I keep saying we considered [the NFA] a Treaty. Even Warren Allman, who was Federal Minister of Indian Affairs, said this was a Treaty...” (Jim Beardy, York Landing, January 15 2015 at p 27) ; “The best part [of the NFA] is where it stated, in my opinion, that this agreement will eradicate mass poverty and mass unemployment. But still by the middle of the 1990s, Manitoba Hydro had not set aside any funds for meeting [the NFA obligations].” (Jim Beardy, York Landing, January 15 2015 at p 28); “Manitoba Hydro was forced to implement the NFA to involve native communities on the downstream side of Jenpeg dam at the behest of the Federal Government. Why the same was not conceived for the Lake Winnipeg First Nations is beyond me.” (Baldur Nelson, LWR Winnipeg Hearing, March 18 2015 at p 1227)

¹²¹ Jim Beardy, York Landing, January 15 2015 at p 26.

“The NFA, for instance, sets out a long-term relationship, and that notion of an equitable ongoing relationship for the lifetime of the project is probably more useful than this notion of resolving issues.”¹²²

They also identified a need for ongoing negotiations and recognition of their Treaty and Aboriginal rights.¹²³

“In our constitution and certainly in our Treaties, fishing is a Treaty right, whether it was at the time of the Treaties or current day fishing. But historically going back, that is an area that we practiced for thousands and thousands of years.”¹²⁴

“And these rights [to water] were way before the Treaties, these rights were here before everybody else was, we have Aboriginal rights. It is also part of the Constitution of Canada.”¹²⁵

“Finally, it is essential that going forward Manitoba Hydro be required to consult with First Nations in its regulation of water levels.”¹²⁶

“Canada signed and is bound by treaties with First Nations throughout Manitoba, and much of the rest of the country.”¹²⁷

Request for Final License

Some policy communities indicated that they wanted the Final license to be approved without any changes to the operating conditions given the existing uncertainties and past

¹²² Will Braun, LWR Winnipeg Hearing, March 11 2015 at p 377.

¹²³ “Given the guarantee of Aboriginal hunting, trapping and fishing rights contained in Treaty 5, and the constitutional protection these rights enjoy under the Charter of Rights and Freedoms since 1982, I submit that the CEC and also the Manitoba Government and MH need to ensure that the construction and operation of the LW project does not violate these rights.” (Robin Brownlie, LWR Winnipeg Hearing, March 11 2015 at pp 414-415) “And in our Treaties, you know, farming, fishing, everything, it’s there, it’s stated that we would carry this on as long as the sun shines, the grass grows and rivers the flow, that this way of life would be here.” –Derrick Gould, (Winnipeg LWR Hearing), March 25 2015 at pp 1585-1586; “And I want to state this here today that as we signed our treaties within our boundaries to share this land, I never once seen in our Treaties, in our Treaty Two, that we gave up the governance of water, that we have given that right up. That’s not in the Treaties that we signed away any water, that we have always governed that water. And you know, for people to come and take this right away from our people, I have a problem with that...” –Derrick Gould, (Winnipeg LWR Hearing), March 25 2015 at p 1572; “...consultations between the First Nations are kept at a minimum, and the ability to play one community against the other eases any outcomes. It also helps in keeping the other communities in the dark as to any negotiations.” (Baldur Nelson, Winnipeg LWR Hearing, March 18 2015 at p 1227); “The strategy of Peguis First Nation in regards to all Hydro projects, and any projects in general that affect our first Nation, is to ensure that our rights are protected and looked after.” (Mike Sutherland, Peguis, January 28 2015 at p 96); “Any licences issued going forward should move as quickly as possible to start thinking about recognition of Aboriginal and Treaty rights in the licensing process.” (Peter Kulchyski, Black River, February 10 2015 at p 86); “And the other things is, how can you put a value on what’s happened of our Treaty, our right, our way of life has been altered in a way for Playgreen Lake and for our families. Not just commercial fishermen, for our families, the other families in the community. Everything has been altered.” Langford Saunders, (Winnipeg LWR Hearing), March 24 2015 at pp 1519-1520.

¹²⁴ Glenn Hudson, Peguis, January 28 2015 at p 80.

¹²⁵ Chief Derrick Henderson, Sagkeeng, February 13 2015 at p 43.

¹²⁶ Robin Brownlie, Winnipeg LWR Hearing, March 11 2015 at p 415.

¹²⁷ Robin Brownlie, Winnipeg LWR Hearing, March 11 2015 at p 407.

experiences.

“We do not want any changes to the operating conditions of the Lake Winnipeg Regulation. While our nation has suffered the adverse effects of regulation for 40 years, any changes...would bring new, unpredictable changes and uncertainty, to a greatly altered and delicate ecosystem.”¹²⁸

“Since 1977 the majestic Churchill River...was changed. It was diverted into Split Lake. So when we talk about Nelson River, we cannot just entertain the Nelson River potential impacts on us as a people, and on our environment...”¹²⁹

Many expressed skepticism toward granting a final license. Some were concerned that granting a final license would sanction or entrench the Hydro certain activities with which they did not agree. Others pointed to the 'balancing act' that needs to take place before deciding whether a final license should be issued.¹³⁰

“Has this licensing process truly included the sort of operational review that the CEC envisioned? I would suggest that such a review would involve examining operation of the system to try and identify ways that environmental impacts could be minimized, sort of to re-adjust the balance between power generation and other interests.”¹³¹

“There are a lot of users and uses of Lake Winnipeg, both economically and recreationally driven. What we ask is for the Commission to consider all uses of Lake Winnipeg and try to balance these interests.”¹³²

Some stated that granting a final license seemed inappropriate without properly assessing environmental damage caused by the project first. Some policy communities objected to granting a final license without a periodic review or a way to ensure compliance with the terms of the license. Others objected to granting a final license until Aboriginal and Treaty rights had been properly dealt with.¹³³

¹²⁸ Mr. Keeper, LWR Winnipeg Hearing, March 26 2015 at pp 1693-1694.

¹²⁹ Elder Martha Spence, LWR Winnipeg Hearing, March 26 2015 at pp 1694-1695,

¹³⁰ “...optimizing the regulation of the lake should not only recognize the need for impounding water for MH, but appropriate regulation must also consider what is optimal for the Lake Winnipeg ecosystem as well as the ideal water level for those living around the lake.” (John Gerrard, Winnipeg LWR Hearing, March 18 2015 at p 1237; “This is not saying that the well-being of the few should not be sacrificed for the benefit of the many. However, there needs to be an accountable and truthful recognition of those sacrifices, losses and costs involved.” (Angela Enright, Winnipeg LWR Hearing, March 18 2015 at p 1241); “As a consequence of Hydro’s interim licence with respect to regulated water levels on Lake Winnipeg, a loop system of interconnected and inter-related flows was created originating from watershed feeder rivers into the LW basin and culminating in Hudson Bay. Consequently the natural behaviour and hydrology of the crucial Nelson and Winnipeg River systems have been significantly and artificially altered in response to Hydro’s business choices.” (Angela Enright, Winnipeg LWR Hearing, March 18 2015 at pp 1243-1244)

¹³¹ Will Braun, Winnipeg LWR Hearing, March 11 2015 at p 374

¹³² Andy Weremy, Selkirk, February 4 2015 at p 89.

¹³³ “These people have done the damage, they have done all kinds of stuff to the environment, and yet they are still trying to get a final license.” (Wayne Redhead, York Landing, January 15 2015 at p 42); “... Manitoba Hydro Crown Corporation is to immediately cease all activities in regards to present and future development...” (Kukitew Pakneciniw, Peguis, January 28 2015 at p 114); “Seeing that Manitoba Hydro is seeking for a 50-year permit, that we should be looking at something for the future for our fishermen...things are still going to be happening around the lake, we’ll still have the issues, but we need somebody to deal with the issues.” -Langford Saunders, Winnipeg LWR Hearing, March 24, 2015 at p 1503.

“The question of issuing a final licence to operate LW as a water reservoir should be denied. Not only denied, but the interim licence should never have seen the light of day.”¹³⁴

“I implore all of you, hear with your heart what is being said, and use your brain to create a bright future as opposed to one that’s full of money and dead water.”¹³⁵

“We don’t need any regulation at all. Lake Winnipeg was able to do that on her own.”¹³⁶

The Government of Manitoba require Hydro to resolve all outstanding issues with regard to LWR. Following resolution of these issues, MH should apply for the appropriate final licences under the Environment Act and the WPA as soon as possible.”¹³⁷

Short and Long Term Recommendations

“...our primary recommendation is that the CEC recommend that Manitoba Hydro’s licence not be renewed in its current form on this application, but rather a temporary licence be granted subject to the following conditions...”¹³⁸

Need for assessment before a license is granted

“I propose that Manitoba Hydro be given a 5 year temporary licence with the regulated levels restricted between 711 and 714. This will allow Manitoba Conservation, Manitoba Hydro, and other environmental organizations to evaluate the effects of the low water levels on the ecological and physical aspects of the south basin.”¹³⁹

“As I have proposed, the Commission should give Hydro a new temporary licence for five years, with the maximum of 714 above, and establish an independent group to monitor the marshes and shorelines to see if there are any improvements.”¹⁴⁰

“...I’m opposed to the licensing for Hydro, because I don’t think that they quite understand how much impact they have had on the lake.”¹⁴¹

“...I wonder why there is no environmental license in place for this Hydro project?”¹⁴²

“...I think more research has to be done before Lake Winnipeg and the regulations of

¹³⁴ Baldur Nelson, Winnipeg LWR Hearing, March 18 2015 at p 1222.

¹³⁵ Kikitew Pakneciniw, Peguis, January 28 2015 at p 117.

¹³⁶ Brent Matechuk, Gimli, February 5 2015 at p 73.

¹³⁷ Will Braun, Winnipeg LWR Hearing, March 11 2015 at p 372.

¹³⁸ Brian Hodgson, Winnipeg LWR Hearing, March 11 2015 at p 394.

¹³⁹ Brian Hodgson, Winnipeg LWR Hearing, March 11 2015 at p 388.

¹⁴⁰ Brian Hodgson, Winnipeg LWR Hearing, March 11 2015 at p 399.

¹⁴¹ Marlene Smith, Brokenhead, February 3 2015 at p 100.

¹⁴² Jim Beardy, York Landing, January 15 2015 at pp 29-30.

*Lake Winnipeg are turned over to Hydro permanently.*¹⁴³

*“...this license cannot be granted without considering the environmental impact hydroelectricity projects cause.”*¹⁴⁴

*“...perhaps this license should not be a final license. Perhaps we need a great deal of more cumulative effects assessment...”*¹⁴⁵

*“...communities such as Black River [should be] given the opportunity to conduct a thorough long-term study of the effect, the total effect of Hydro activities on the community’s shorelines and culture.”*¹⁴⁶

*“For the privilege to regulate Lake Winnipeg, Manitoba Hydro could and should partner with communities like Victoria Beach that are looking to implement thoughtful, science based, community stakeholder based shoreline management plans that protect our natural beaches and shorelines.”*¹⁴⁷

Need for periodic review and planning, better compliance with the license

*“These alterations in water flows since 1970 should be a lesson to be reviewed as we look at the approach that’s taken to regulate the waters of LW and to develop a plan for the decades ahead.”*¹⁴⁸

*“Manitoba Hydro should not be granted a licence to regulate Lake Winnipeg, when they do not have the capability to comply with the terms of the licence. If I do not comply with the terms of any licence that I hold, I receive a penalty.”*¹⁴⁹

*“I would think ten years is probably the longest horizon I would like to see a license go for.”*¹⁵⁰

*“Are you aware, sir, how many months last year Hydro was in violation of their elevation? Five months...they went five months in violation. No penalty, there was nothing done about it.”*¹⁵¹

*“...Who slaps their fingers, if they go over the 715? Nothing happens, nothing has ever happened to Hydro if they have gone over.”*¹⁵²

*“As a requirement of their licence, Manitoba Hydro should participate actively in the protection of wetlands and the natural shorelines of Lake Winnipeg.”*¹⁵³

¹⁴³ Mike Sutherland, Peguis, January 28 2015 at p 106.

¹⁴⁴ Jim Bear, Brokenhead, February 3 2015 at p 39.

¹⁴⁵ Earl Stevenson, Selkirk, February 4 2015 at p 95.

¹⁴⁶ Ryan Duplassie, Black River, February 10 2015 at p 47.

¹⁴⁷ Mike Mason, Winnipeg LWR Hearing, March 11 2015 at p 332.

¹⁴⁸ John Gerrard, Winnipeg LWR Hearing, March 18 2015 at p 1237.

¹⁴⁹ Ron Greenwood, Grand Marais, February 2 2015 at p 51.

¹⁵⁰ Tom Farrell, Grand Marais, February 2 2015 at p 34.

¹⁵¹ Jim Stinton, Selkirk, February 4 2015 at p 20.

¹⁵² Jim Stinton, Selkirk, February 4 2015 at p 38.

¹⁵³ Mike Mason, Winnipeg LWR Hearing, March 11 2015 at p 328.

Need for recognition of Aboriginal and Treaty rights to be recognized

“...it is strongly recommended that Manitoba Hydro’s request for a final license be held in abeyance until such a time that the Peguis rights or Aboriginal title has been settled in a fair and just manner.”¹⁵⁴

“Like all of these studies are there and they have never been acted on. And as the [CEC] knows, we have to protest some of our rights and issues for you to listen to us this time around.”¹⁵⁵

Opposition to granting the license at certain levels

“...I’m against Manitoba Hydro getting a license to keep it permanently at 715, and I hope that they will look at 714 and 713 and a half.”¹⁵⁶

“So 713, or 714, but not 715...”¹⁵⁷

Short and Long Term Recommendations

Community members presented a range of recommendations they viewed as necessary for improving the condition of the lake and their communities. The majority of these recommendations call for thorough and independent monitoring and assessment. Other suggestions relate to rehabilitation and management planning, exploring alternatives, and supports.

Short-Term Recommendations

1. Environmental Assessment and baseline research is needed

“In my view and opinion, the compensation, remedial programs and mitigation measures are miniscule to what truly should be in place. An environmental assessment should have been completed...”¹⁵⁸

“Before a permanent license is granted, an impartial environmental impact study is needed to establish the actual effects of regulation...”¹⁵⁹

“...the studies that are done are only limited to specific areas, project areas, which is real deceiving....a full blown audit has to be done for the whole Nelson River basin...”¹⁶⁰

¹⁵⁴ Glenn Hudson, Peguis, January 28 2015 at p 87.

¹⁵⁵ Carl Smith, Brokenhead, February 3 2015 at p 91.

¹⁵⁶ Cameron Arnason, Gimli, February 5, 2015 at p 89.

¹⁵⁷ Judy Arnason, Gimli, February 5 2015 at p 90.

¹⁵⁸ Wayne Redhead, York Landing, January 15 2015 at p 37.

¹⁵⁹ Nelson Gerrard, Selkirk, February 4 2015 at p 14.

¹⁶⁰ Mike Sutherland, Peguis, January 28 2015 at p 107.

2. Monitoring techniques and technology should be improved

“There should be shoreline land studies and monitoring.”¹⁶¹

“... perhaps a recommendation from your Commission is that more monitoring stations around the north basin could be added...”¹⁶²

“...in my opinion there aren’t enough water gauges on Lake Winnipeg. I got a brief rundown on where the gauges are situated, and I was also informed that the numbers are average numbers taken from those eight gauges...in and around the lake.”¹⁶³

3. More Engagement

“...and also recommend that more communication needs to happen. And there could be recommendations for the Commission to Hydro for them to come and meet with us and talk about the mitigation of the problems on Playgreen Lake.”¹⁶⁴

“...before the recommendation should be coming from the Commission, that Manitoba Hydro comes to Norway House to talk to Norway House Fisherman’s Co-op, to hear our concerns and to look at how to mitigate, compensate for what’s going on now and for the future.”¹⁶⁵

“We would like to see an annual relationship with Hydro.”¹⁶⁶

Long term recommendations

1. Reconciliation

“...and I think that reconciliation has to get at the core issues, and for LWR the core issues are water levels, water flows, rental payments and decision making power.”¹⁶⁷

2. Compliance with Treaty and Aboriginal rights

“So I would ask that the Commission require MH to not only consult with Aboriginal communities that are affected by Hydro development, but also to learn from the people in this land who have been keepers of the water for many, many generations and who will continue to be the keepers of the water for many

¹⁶¹ Patricia Mitchell, Black River, February 10 2015 at p 36.

¹⁶² Heidi Cook, Grand Rapids, January 21 2015 at p 67.

¹⁶³ Winona Morrison, Peguis, January 28 2015 at p 154.

¹⁶⁴ Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1505.

¹⁶⁵ Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at p 1503.

¹⁶⁶ Gord Bluesky, Brokenhead, February 3 2015 at p 61.

¹⁶⁷ Will Braun, Winnipeg LWR Hearing, March 11 2015 at p 383.

generations to come."¹⁶⁸

3. Basin-wide water governance

*"Fourthly, creation of a basin wide governance that includes all stakeholders and focuses on hydro generation with no harm to recreation, property or any way of life..."*¹⁶⁹

4. Ongoing independent studies should be conducted

*"And another, governments and agencies develop and implement long term coordinated ecological monitoring and research. I take that to mean the Federal and Provincial governments and their departments."*¹⁷⁰

*"...there should be some kind of an environmental...each year we should have a report."*¹⁷¹

*"Lake Winnipeg is a large and ever changing body of water. Responsible stewardship and careful consideration require in-depth studies that give us an understanding of the damage and changes that may happen with water regulating structures and the approach taken to regulating water levels."*¹⁷²

*"And there should be up-to-date studies happening. I know that, I did part of that co-management ward for under the MIA also, and there is presentation of the CAMP fish studies that were done."*¹⁷³

5. Rehabilitation, management planning, and changes to license conditions:

*"...we would also like to recommend that we develop, in partnership with Hydro and the Province of Manitoba, environmental monitoring programs, rehabilitation programs, protection, conservation."*¹⁷⁴

*"perform a global review of lessons learned and conduct a study of the best practices to serve as a basis for the development of optimum support strategies and management practices designed to combat negative environmental impact and ensure that Hydro operations are conducted in a manner which continually strive to improve the health of Lake Winnipeg."*¹⁷⁵

*"Let me begin by stating this committee must recommend changes to the parameters under which Manitoba Hydro operates."*¹⁷⁶

"...recommendations at least that there is some sort of climate change adaptation

¹⁶⁸ Warren Cariou, Winnipeg LWR Hearing, March 11 2015 at p 407.

¹⁶⁹ Brian Ellis, Winnipeg LWR Hearing, March 11 2015 at p 395.

¹⁷⁰ Baldur Nelson, Winnipeg LWR Hearing, March 18 2015 at p 1224.

¹⁷¹ Barabara Nasecapow, Grand Rapids, January 21 2015 at p 64.

¹⁷² John Gerrard, Winnipeg LWR Hearing, March 18 2015 at p 1238.

¹⁷³ Langford Saunders, Winnipeg LWR Hearing, March 24 2015 at pp 1503-1504.

¹⁷⁴ Gord Bluesky, Brokenhead, February 3 2015 at p 62.

¹⁷⁵ Angela Enright, Winnipeg LWR Hearing, March 18 2015 at p 1252.

¹⁷⁶ Linda McMillan, Winnipeg LWR Hearing, March 18 2015 at p 1213.

*plan for Manitoba Hydro to address climate change...*¹⁷⁷

*“Addressing the impacts of [LWR] is a task that will require an effort from all of us, all of us in Manitoba and in the States...by those experienced in the impact and by those creating the impact.”*¹⁷⁸

*“...my recommendation to reduce the overall lake level and expand the range of high and low water periods within a new licence agreement.”*¹⁷⁹

*“...wind setup needs to be accounted for in the final determination of the next licence agreement. To not include the effects of wind on lake levels is a gross misrepresentation.”*¹⁸⁰

6. The need for independent supervision:

*“...recommending a joint panel made up of First Nations and harvesters to talk about the lake levels at their harvesting season...”*¹⁸¹

*“And if it is possible, we request funding to look at some studies, monitoring, future monitoring, and maybe we could look at hiring our own hydrologist...”*¹⁸²

*“One of the first recommendations, among many, was a creation of an independent body with authority to oversee and advise Hydro in its operations and the effects thereof. This board never came into being. Why?”*¹⁸³

*“Number 9, engage a third party NGO, not a unilateral decision, but one that’s agreeable to all stakeholders, to monitor continued progress of the health of LW and ensure that Hydro is held accountable to mitigate all negative environmental impacts in a timely fashion and as they occur. This monitoring entity should report back to all stakeholders affected by MH operations every four years, including those who have provided submission to the CEC hearing.”*¹⁸⁴

7. Water rental

*“...we believe that water rental payments should go to the affected indigenous peoples rather than to the province.”*¹⁸⁵

*“...the LWR final licence should be contingent on finalization of a Jenpeg licence in which water rental fees are paid to Pimicikamak and Norway House Cree Nation instead of Manitoba.”*¹⁸⁶

¹⁷⁷ Dion McKay, Fisher River, January 26 2015, p 21.

¹⁷⁸ Jim Bear, Brokenhead, February 3 2015 at p 39.

¹⁷⁹ Ken Porteus, Winnipeg LWR Hearing, March 18 2015 at p 1260.

¹⁸⁰ Ken Porteus, Winnipeg LWR Hearing, March 18 2015 at pp 1257-1258.

¹⁸¹ Lily Morriseau, Sagkeeng, February 13 2015 at p 68.

¹⁸² Doreen Saunders, York Landing, January 15 2015 at p 56.

¹⁸³ Baldur Nelson, Winnipeg LWR Hearing, March 18 2015 at p 1223.

¹⁸⁴ Angela Enright, Winnipeg LWR Hearing, March 18 2015 at pp 1252-1253.

¹⁸⁵ Will Braun, Winnipeg LWR Hearing, March 11 2015 at p 379.

¹⁸⁶ Will Braun, Winnipeg LWR Hearing, March 11 2015 at p 380.

8. Consideration of alternatives

“...we can’t do without the Hydro that we know currently, but we certainly need to look at alternatives...”¹⁸⁷

“I think we have to explore other avenues because we are taking too much land...”¹⁸⁸

“...that something be done or put into place to make a cyclical kind of change for the water.”¹⁸⁹

“...and a shorter cyclical cycle to match the life-cycle of some of the plants and smaller animals...”¹⁹⁰

¹⁸⁷ Linda Grieve, Grand Marais, February 2 2015 at p 73.

¹⁸⁸ Karen Courchene, Peguis, January 28 2015 at p 166.

¹⁸⁹ Val Burch, Grand Marais, February 2 2015 at p 34.

¹⁹⁰ Val Burch, Grand Marais, February 2 2015 at p 35.