



Impact Assessment
Agency of Canada

Agence d'évaluation
d'impact du Canada

MEETING

Technical Advisory Group: Lake Manitoba and Lake St. Martin Outlet Channels Project

August 30-31, 2022

8:30 a.m. to 4:30 p.m. Central Time

RBC Convention Centre Winnipeg – Pan Am Room

Meeting Notes

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DAY ONE – AUGUST 30, 2022

OPENING PRAYER

The facilitator, from Tarbell Facilitation Network, welcomed participants to the August 30-31, 2022 Technical Advisory Group (TAG) meeting on the Lake Manitoba and Lake St. Martin Outlet Channels Project (the Project) on Day One – August 30, 2022 at approximately 8:52 a.m.

An elder from Lake St. Martin First Nation provided an Opening Prayer.

ACKNOWLEDGEMENTS

The facilitator acknowledged the traditional First Nations and Métis territories, on which the meeting was being held.

1. LOGISTICS

The facilitator acknowledged the TAG meetings held in June 2020, and reviewed meeting ground rules. It was noted that the Impact Assessment Agency of Canada (the Agency) was hosting the meeting, and that discussion notes would be shared with the project proponent, Manitoba Transportation and Infrastructure (MTI, or the Proponent), and publicly on the Agency's registry, following participants' review.

The facilitator referred to the meeting agenda, which noted the following meeting objectives:

- Provide an update and enhance understanding of the federal environmental assessment process to date and next steps.
- Provide an overview and discuss comments and concerns received during the comment period for the review of the Round 1 Information Request (IR) responses.
- Enhance understanding of the information received in the technical review of the Round 1 IR responses, potential effects, and mitigation.
 - o Discuss the Round 2 IRs issued by the Agency to the Proponent, including how to best advise the Proponent in satisfying the information requirements for the environmental assessment.
 - o Provide an overview of the Agency's understanding of the Proponent's assessment of potential effects.
 - o Receive input and feedback to the Agency on the review and discuss key mitigations, monitoring, and follow-up. Improve the Agency's understanding of potential impacts to the rights of Indigenous Peoples from the Project.

2. INTRODUCTIONS

The facilitator led participants in a round of self-introductions.

3. WELCOME AND OPENING REMARKS

The Director of the Prairie and Northern Region of the Agency thanked participants for their attendance, and noted appreciation for the opportunity to be present at the meeting. This was

the second face-to-face meeting of the TAG, which was created as a forum to provide input and advice to the Agency over the course of the Environmental Assessment (EA).

The active participation of those most likely to be affected is an essential part of the EA. EA is a planning tool and this is only the beginning of the overall development of the Project, should it be permitted to proceed. It has been two years since the last meeting, from which came concerns around the Proponent's approach to consultation and engagement, ensuring time was taken to provide a thorough understanding of the potential environmental effects, and clarifying mitigation measures and Indigenous involvement.

Since the last TAG, the Agency has issued two rounds of IRs, the most recent being on August 25, 2022. The information package issued to the Proponent took into account comments received from Federal Authorities, participating communities, and Indigenous Nations and Governments. The Agency understands that over the last year, there has been increased engagement by the Proponent and those discussions continue to be ongoing. The Agency has also been holding meetings throughout Manitoba.

Appreciation for all the participation that has gone into this process and milestones reached to date was acknowledged, with note that the continued participation by all would make the process better.

It was noted that the EA does have legislated timelines, which the Agency is responsible to ensure are met; however, the Agency will do as much as possible to be flexible within those timelines. On August 26, 2022, the Agency granted MTI's request for an 18-month extension to complete the technical phase of the EA. It was acknowledged that many communities submitted comments that were not in favour of the extension being granted, which were taken into account in that decision. Given the stage of the technical review and that the EA is continuing to be actively advanced, and with challenges as a result of the pandemic, the extension was granted.

It was hoped that the details of the information request package could be discussed, and that participants would offer advice that could be shared with MTI. The meeting was an important forum for mutual understanding. The Regional Director looked forward to listening and learning with all the participants.

The Crown Consultation Lead for the Agency on the Project EA thanked the Elder for the Opening and acknowledged that this had been a long process, with a lot of emotion and discussions to date. It was hoped that discussions would continue, and participants were thanked for taking the time to meet.

It was acknowledged that the Agency had heard concerns regarding a lack of engagement and consultation by MTI and about the potential impacts to the environment and Aboriginal and treaty rights. Participants were encouraged to share their concerns over the next few days and to gather as a community, solve problems, and connect to one another.

4. BRIEF OVERVIEW OF THE PURPOSE OF THE TECHNICAL ADVISORY GROUP

Presentation by the Agency

The Agency led a review of the “Technical Advisory Group” and “Overview for TAG meeting” sections of the Agency presentation titled “Lake Manitoba and Lake St. Martin Outlet Channels Project Technical Advisory Group Meeting” (see attached “Information Items”).

5. UPDATE ON AGENCY CONSULTATION, APPROACH AND NEXT STEPS

The Agency provided an update on consultation, noting there is still a lot of work to be done. The Agency is not going to prescribe how consultation activities move forward but will ask communities how they would like to engage, and how the Agency can participate in a meaningful manner. A whole of government approach ensures we bring colleagues together to notify and discuss specific concerns, and comments that are not project-specific will be taken to other agencies as needed.

It was noted that the technical review identified areas where clarification was needed and a second round of IRs was sent to the Proponent. The Agency will continue to work with all to ensure a timely and effective process and would like to be a trusted partner going forward with this and other future projects. The Agency added that a part of success was the participation of TAG members in the EA process, as the most likely to be affected by the Project, to lead to more effective decision making.

6. OVERVIEW OF FEDERAL ENVIRONMENTAL ASSESSMENT PROCESS TO DATE AND NEXT STEPS

Presentation by the Agency

The Agency led a review of the “Overview of CEAA 2012”, “Environmental Assessment Process Managed by the Agency”, “Technical Review: Objectives”, “The Role of Information Requests”, “Environmental Assessment Report”, and the “EA Decision” sections of the Agency presentation titled “Environmental Assessment Process” (see attached “Information Items”).

Meeting Discussion

The Facilitator (F) welcomed questions and comments (Q/C) from participants, and *responses (R)* from the presenter (or other federal government representatives), which prompted the following:

Q/C: The Agency granted an extension to MTI under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012, or 2012 Act). What are we missing? If the assessment were under the *2019 Impact Assessment Act* (IAA, or 2019 Act), how would that have compared to it being under the 2012 Act in terms of changing this review process going forward? I do not understand that decision to grant the extension under the 2012 Act because there are many more protections for First Nations and the environment under the 2019 Act.

How many other projects that are ongoing have been granted an extension under the 2012 Act and why? You talk about COVID-19 as one of the parameters that has allowed you to grant that extension. I disagree. COVID-19 was a two-edged sword that worked both ways.

There is so much wrong with this Project. First Nations concerns have not been addressed by the Proponent in full. It has been pretty bad in terms of the Proponent's consultation.

R: When the new legislation came into force in 2019 there was definitely the objective of not requiring proponents that were well advanced in their processes to go back to the starting line. It was not intended that project assessments should go back to the beginning. There were transitional provisions that outlined timelines and put a time limit on when proponents could provide all the new information/studies as part of the technical aspect of their projects.

This was not the only project granted an extension. There were 38 projects that were still under CEAA 2012 when the 2019 Act came into force. For all those that had the same three-year legislative time limit, the Agency had to consider the stages of the EA and there are some that were granted extensions and others that received a notice of termination where the Agency did not receive any request for an extension.

Q/C: I would like to see the numbers on that – for the second part of the question. I do not understand the reason why you would grant the extension under the 2012 Act. We do not agree that this Project is far along in the process. We are still looking at a lot of the fundamental pieces this Project is built on, i.e., the modeling and hydraulics that are fundamental to flow and velocity, and MTI has not verified the model. Those parameters affect all that proceeds from there.

MTI has taken a long time to get the Project off the ground, and to convey to us what the Project entails. We put forward a model that conflicted with theirs, which caused MTI to back up and redesign the Project. We are still at the beginning and trying to assess the actual design pieces. The Proponent is now talking about rip rapping all of the channel. There are aspects of this Project that we believe make it a new project.

R: Completely agree that the input from Indigenous communities and government has been essential to ask questions of the Proponent, especially regarding sensitivity analysis and validation of the model. There is still work to be done by the Proponent to advance further understanding. We are working through technical issues with the Proponent and there is a recent round of IRs. That work still needs to go on. That is what was referred to with the EA being fairly advanced.

Q/C: The modeling MTI has done is not verified and the second round of IRs ask for the sensitivity analysis, which is a fundamental first step of the engineering process when designing. This Project is still very much in its infancy. The sensitivity analysis allows us understand the accuracy of the velocity or flow predictions and how that in turn affect the environment.

The Agency could have said “yes, we understand this Project is in its infancy” and moved the Project under the 2019 Act. That is a big mistake here in terms of the Agency handling of this Project. What is being missed by having the extension granted under the 2012 Act instead of the 2019 Act?

Q/C: There is another area with a significant adverse impact, on the groundwater depressurization and the carbonate aquifer. They have done rudimentary modeling but it needs a 3D model. MTI has a significant amount of work yet to do.

I accept that we have granted the extension and we have a work plan to move forward with – but we have to keep MTI's feet to the fire in dealing with it. MTI needs to do more scientific study. The groundwater is a significant impact to both channels. The aquifer is artesian. For the depressurizing system MTI is looking at two alternatives – that decision has not been made. Groundwater modeling needs to be accomplished to understand the amount of wastewater, how water could be impacted due to Lake Manitoba, and the total decline in depressurization and how it will affect existing wells.

MTI has not even done an existing well inventory. There is a work plan that is extremely deficient. How will we keep MTI accountable? How does this change the scheduling? How many days are we in?

R: *The EA is on day 206 of the legislated time line.*

Q/C: How will First Nations consultations and the work plan be completed, while keeping MTI's feet to the fire?

R: *Part of the process is about how to keep MTI accountable and take the information from this meeting and make sure we address this IR – what specifically do we need? There will be opportunities going forward. It is anticipated that MTI will be open to working with the groups in the room and others who have provided input into this process.*

Q/C: The Environmental Impact Statement (EIS) was accepted March 9, 2020 and shortly after that, the world was shut down by COVID-19 but the EIS continued. There were initial technical comments by federal authorities in April 2020 and there were two TAG meetings in June 2020. That summer, MTI pressured Little Saskatchewan First Nation to have community meetings, telling the Nation that the decision on the EA would be completed by the end of October 2020. They were clearly having meetings with Manitoba regarding the hydrological model, and they said it did not matter and they would go ahead with the Project anyway.

This process, in spite of COVID-19, was being pushed through communities, in a way that was completely against the honour of the Crown. I thank the Agency for not jumping on that. The communities were so afraid that this would be built based on the assumption that Lake St. Martin was one basin, which is a completely false understanding of the physical environment. The hydrologists deserve credit. What a catastrophe that would have been.

The seriousness was apparent to communities, which asked a consultant to put together a hydrological model – better than the one MTI put together. We had to go to the media to get attention and the next week MTI said it knew about it and was working on it. If MTI

had known about it, it would not have taken 1.5 years to come up with a hydrological model that actually worked.

Because of the severe gaps in the original EIS put forward and accepted by the Agency for review, there is a case to be made that there should be consideration of direct impacts on health, socio-economic, etc. that are part of the process under the 2019 Act. Those should be held up during at least the EA process. I appreciate that the Proponent is being pushed to support the economic impacts. It is essential that there be continued pressure on the Proponent to fund and support rights impact assessments for the most affected communities.

Q/C: The technicians are discussing issues with hydrology and groundwater. Hydrology on the west side should be incorporated into this process but it has been eliminated. What is the Project scope? There is nothing to identify what the Project is but you are asking for Indigenous consultation to get to a project. First Nations could go to the media and the courts because you are using the 2012 Act instead of the 2019 Act in this Project.

Hydrology is not limited to Lake St. Martin or the South Basin. Lakes Manitoba and Winnipeg are very close. Water flows downhill and so does sedimentation and overland flooding. There is a lot of concern about the overland flooding that will be caused. On the west side there is an artificial level on Lake Manitoba – you have to look at it holistically. That is what First Nations have discussed. You cannot look at it in sections.

There is a lot of information missing. How do you assess something that does not exist? There is not the information needed to be able to participate in the process. In 2012, after the artificial flood in 2011, they said we need the channels – was that the trigger for this Project? We did not hear anything for a few years after that.

The Lake Manitoba channel was an existing natural creek, which the farmers backfilled to extend their farming. A lot of these things our communities knew about but it was never included in this process of where and why we built it. You do not need it – you need participation by First Nations on current water management and environmental processes. They need to be on those committees, not meetings like this while someone else is making decisions.

You have an artificial level on Lake Manitoba of 812 and last year they were complaining about drought but Lake Manitoba was still 1.5 feet above the natural level. How do you factor that in? Lake Winnipeg is sitting at 719. You compound with that the issues of assessing the impact on First Nations and their livelihood, being able to fish, hunt and trap, etc., without any idea of what is included in the Project. Even those who have been involved a long time do not know what the Project is.

There was a boil water advisory years ago because of the flooding that was done in Manitoba. The municipalities have damaged linings on their lagoons and landfills. The linings are damaged and the water is flowing into our communities with algae blooms

developing because all the issues affecting the lakes and water quality are not being addressed.

COVID-19 is being used as an excuse to give MTI an extension. Legislation, policy, and Acts were being changed during COVID-19 so that when the sun came out you could not go in the farmer's field anymore because of trespassing signs. That is not supposed to be the way it works. Our treaties and rights have existed a long time and trying to deny them using these processes should not be allowed to happen. We should not have to run to the courts to get participation that means something. The process is not going to work. MTI does not have a project they can build and extending it will not make a difference. Communities are struggling to maintain what they have.

R: We hear your concerns about the two Acts and will try to put together a response. Our commitment is to hear your concerns and try to work through them with you and the Proponent. We will document them. For communities we have met with so far, we have asked them to put forward a one to two-page document to go unedited to the Minister – we will do that. These are the things we want to hear in the consultation meetings. We will hear those concerns, document them, and address them with MTI if we can. We will make notes.

The Agency is responsible for an Adequacy of Consultation Report. It is important to address rights. I am asking for help from everyone to come to the table and talk these things out. If it is not favourable we will document it and it will go in the Report.

Q/C: I have seen the damages and what harm has been done to Mother Earth. In 1968- 1969, I was still living in the Garden of Eden that the Creator had given us, but as I grew up, I noticed a lot of things that were not supposed to happen.

On June 6, 2019 we were sitting here listening to this panel, and then after that we did not hear anything. I was talking to a First Nations person from down south who asked where I was from in northern Manitoba and he was surprised I was here. He did not know the water came from down south. It made me realize how inconsiderate the presenters have been in presenting this information to communities. The First Nation person who asked me where I was from should have known if that information was accurately presented. But it was not. We should be able to talk to each other in this province as a community and all know what the other is thinking. I have said this to the Province and MTI. . This Project is really scary for me – especially with the timeline being talked about.

A former Minister of Mines, Environment, and Resources, was involved in the development of a hydro dam up north, and they did not know the effects it would have on the First Nations. They rolled the dice and said, "let us build it". As the former Minister aged, he came to work with us and he said, "if I had known then, what I know now, things would have been different". Do not put a timeline on something that could be so devastating.

My brothers in the south were evacuated because of flooding. But how can we take that problem and send it downriver to create another problem?

Where I come from, I cannot drink the water although it looks so clean. Our consultant said, “do not drink that water whatever you do”. We collect water samples and what we find is disgusting. We are now talking about adding on another million litres – apparently raw sewage is dumped here and ends up where I come from. After so many years of dying sturgeon, this spring the guys reported they tagged 250 new sturgeon and a few kilometers away they tagged 300 new sturgeon. Do animals smell the difference in the water quality? Is that why the sturgeon moved from that area and why there is new sturgeon? It takes 25 years for sturgeon to grow big and be able to spawn. The hydro dam is only one year. The sturgeon have moved in such a short time.

We all need clean water and clean air. A representative from Thompson said they value their family well-being and community well-being but the water treatment plant needs many chemicals to clean it out. Manitoba employees should know the agreement between Split Lake, the Province, and Manitoba Hydro. I received a call asking what was going on, and we told them we have a problem with the water and the person said they were not aware of any problem. That person, as a Provincial employee, should have known the contents of the agreement. Let us not be hasty with the timeline. It is scary when you think about my grandchildren and their grandchildren.

Health Break

The meeting recessed at 10:37 a.m. and resumed at 11:11 a.m.

Q/C: Treaty rights have been impacted and Canada recognizes and affirms that Section 35 should be considered. We have four court cases with the Queens’ Bench from the 60’s, 70’s, and 90’s for Lake St. Martin First Nation. We signed treaty in 1871, 150 years ago. Four years later, in 1875, we were prohibited from practicing our way of life given to us by the Creator. Last weekend we had our first annual Pow Wow in our community, which I organized with colleagues from the community. It is a step forward for us.

This Project has impacted us. Since 1968-1969, the Assiniboine Floodway was created to protect the City of Winnipeg. This is where all the investment is – in the City. The Fairford Structure was built in the early 60’s and it flooded out our community. I remember playing in the field and then water came in and I had fun chasing carp around on my late grandparents’ field. One family that left the community from that flood has not returned since that time.

The fiduciary duty that Canada has to protect us has failed us. We have been flooded out intentionally since the Dam was created. It impacted us. Our way of life has been taken away, you cannot fish anymore or trap because of unsettled ice conditions in the winter months. This is well documented. Because of how it affected me personally I have been doing a lot of research, which I shared with some colleagues to get input. These are all straight facts about how the Dam has affected us.

In 2011, it happened again. I left my house with two bags of clothes, with my family and grandchildren as well. It has taken a toll on the whole community. Since 2011, we lost approximately 10% of our population, 200 Members. That is a big toll. That is what the artificial flooding, that can be controlled by the Province, has done. We have been pushed around by the Province too long and Canada has to step up prevent this. You have to listen to the people in the area, and how it has affected us.

Because of our displacement over 10 years, my grandchildren do not know how to fish or hunt. Those are the effects it has on our people within my community. There was hardship; we had to leave the community, and some elders will never return home.

It affected me personally. We were not properly compensated. Living on \$4/day. They paid my rent but the cost of living is so high – you can't afford to live on \$4/day.

In the early 70's, the Province bought out all the farmlands and we were forgotten as First Nations between the two floodplains. The Comprehensive Settlement Agreement (CSA) that is offered is very unfair and inadequate to give us any future. You can never go back and take the government to court again once you accept.

The impact is still there today. If you go to my community, it looks nice on the outside, but since it has been a few years, our structures are falling apart. If you come in my house you see the walls and ceilings falling apart. You have to pay \$500+ on hydro for my house. In the winter it is \$700-\$900/month – it is almost like I am paying rent back to the Province so it can recover the costs it spent on us.

We need Canada to protect our interests but so far Canada has not. Since the Dam was built, Canada has been in agreement with the Province, which has been the bully. I do not agree with the CSA with the Province which has no benefit or future for our kids. Our Elders have said it will take seven generations to recover. We are going into the sixth. I am part of the fourth generation of cultural genocide. I have my language, but not the old words. My children and grandchildren do not understand our language. We have a broken language.

I hope that Canada hears us and stops or puts an injunction on the Project. The water is destroying our habitat. Fishermen have not been properly compensated.

In 2014, there was another flood, and nothing was done about it. The Province has been illegally trespassing without consent and without protection from Canada. It saddens me that Canada has failed to protect us. We are at a level of 801, Lake Winnipeg is 711 or 715 – everyone along the river system is affected. Our way of life has been taken away.

Q/C: The process we're in keeps hitting milestones and then it ratchets up. It is frustrating to be part of these meetings. The initial EIS did not meet conformity standards and we raised that and we were ignored in submissions and meetings. We are not hearing from the Agency about how MTI's feet will be held to the fire. What recourse is there? What is the Agency doing?

R: We want to make sure we are hearing everything. We will take those comments and reflect them over the course of the EA. I am still new to the file compared to many in the room. Part of the technical review, and holding MTI accountable is the IRs – to provide information on the potential effects. That is how we are trying to make sure the information is being gathered in the EA process, which is a planning tool to understand what will happen if the Project proceeds and what can be done to address any effects. That is what MTI will have to respond to. The Agency is looking for what advice we can provide to the Proponent that allows everyone to understand the issues and how MTI will address them if the Project proceeds.

We are still in the technical review. MTI needs to provide information that is scientifically sound so that the Agency can provide this to the Minister. Part of that is the Indigenous and traditional knowledge and trying to get the Proponent to consider this information. This process is intended to make the proponent answer these questions. The head loss issue was first raised at the June 2020 TAG and we are still working on addressing that. This forum is dedicated to addressing as many concerns as possible.

Q/C: It is so important to hear about experiences that are shared. The flooding started in the 1960's. This is a process the communities have been dealing with for decades.

In 1958, when a provincial royal commission looked into flooding in Winnipeg and decided on massive flood diversion projects, what was proposed included the Fairford Structure and the Portage Diversion. It takes flood waters out of Assiniboine and puts it into the Lake St. Martin system. The Lake St. Martin two-basin system is much smaller than Lake Manitoba. It was to stabilize the flood variation of Lake Manitoba and the sacrifice zone was the communities of Lake St. Martin.

In the 1970's complaints of non-Indigenous landowners led to the Province buying all those waterfront landowners out, but the First Nations communities were ignored. They did not receive an offer to be bought out. There were various attempts at compensation, but they were inadequate. In the intervening 30-40 years a professor at the University of Saskatchewan has documented that there was a significant drainage of wetland along the Assiniboine basin and the climate change resiliency in the basin has declined. When it rains, there are no wetlands left to hold that water back. The government tried to get as much water through the Fairford Structure to minimize the flooding in Winnipeg and Lake Manitoba but so much water came through in 2011 and, all the communities became the sacrifice zone.

A process of trying to divert water has been in place for a long time and this Project is a continuation of using Lake St. Martin as an overflow to save Winnipeg. MTI sells this Project as a benefit to the communities of Lake St. Martin but does not mention that the Lake St. Martin/Lake Manitoba Water Board said that if it were built, the communities' consent should be required. This is important because MTI is making it out as though the flooding is a natural event and the Project will reduce the amount of flooding; however, the flooding was caused by the Province when it built the Fairford Structure.

There is great uncertainty about all the modeling of water systems. The Proponent's response is that the Project will reduce the current average frequency of flooding from one in three years to one in 13 years. A project that is supposed to benefit people that still results in flooding some of the time would not be a benefit. The numbers are not adding up to be able to determine the frequency changes in floods. This is not even considering the impacts on cultural heritage sites, moose, and the fishery. The question of benefit really has to be scrutinized. Would it be acceptable for those who are rich living in cities to build a project that would only flood them every 13 years? This Project is not a benefit but a continuation.

Q/C: Kinonjeoshtegon First Nation voiced opposition to an extension and received a response last Friday. There is no project, it is not defined where you can say it is this high, or this wide, or that will include rip rap. It does not include any of the residual impacts regarding traditional First Nations pursuits and the displacement of Band Members.

If you are going to consider this Project, move it to under the 2019 Act. It is not working under the 2012 Act and there is nothing to comment on because there are so many gaps. You want to give an extension to gather information that should have been there already. Legally, the Proponent has a responsibility to ensure there is something tangible for review. As we respond and comment that is taken into consideration because they are legitimate comments, but what are you comparing these to when there is no plan or structure or specific location to comment on? A lot of technicians have brought this up. Why are we talking about a project that does not exist? If we are going to do this, let us do it under the current 2019 Act. It is important to Kinonjeoshtegon, which has been affected by those things that have gone on without consultation in the past.

In the late 30's, the idea for a wood block control structure at Fairford was to increase capacity for agriculture. Later on, they lost many of the farmers and cattle producers because they flooded that land. They put a structure in to benefit agriculture and producers and they destroyed it. You do not have a project to actually comment on because it is a moving target. You should not be allowed to extend it.

The channel isn't needed – the water just needs to be managed properly. The value of the extra two feet of storage is one terawatt of energy reserve for Manitoba Hydro. This Project has had no consultation and there are not the detailed plans required. The Proponent has not examined all the factors affecting our community.

Q/C: I like the comments about holding the Agency and MTI accountable.

A few months ago, we were given the final responses to the IRs by the Agency and MTI. We were given one month to review it. There is a lot of information to go through. – I have reviewed one-tenth of what was provided and believe that the only feet to the fire are ours. MTI was given 1.5-2 years to prepare the responses and they are not correct yet. You ask us to trust you in terms of giving everything to the Minister. We gave letters objecting to the extension but it did not do any good.

It is unprecedented to grandfather this Project under 2012 Act instead of the 2019 Act. We do not like the decision. We would like to face the Minister and explain why we disagree. I would like to see an appeal process.

If we are under the 2012 Act, we need to make sure that it is MTI being held accountable instead of us; they need to do a better job. I want to see another round of IRs because I have not gone through all that information in one month. There are a wealth of changes taking place with the Project, which is as a result of our comments on what should have been done or what should be improved.

MTI is looking at two different groundwater depressurization systems and have not figured out which one to use. One of the options will be uncontrolled, and what will that do to the carbonate aquifer underneath? They do not have any model to show the natural recharge, and the output and storage in that aquifer and how it will be effected. We need that information.

The First Nations bring their experts to these TAG meetings, but I do not see that on the Agency's part. The objections are coming from the First Nations side. I would expect the Agency, to be much more proactive in the technical review.

7. IR RESPONSE COMMENTS AND ROUND 2 IRS – SURFACE WATER AND GROUND WATER

Presentation by the Agency

The Agency led a review of the "Project Map", "Water – Summary of Comments", "Water – Information Requests", sections of the Agency presentation titled, "Technical Review and Information Requests" (see attached "Information Items").

Health Break

The meeting recessed at 12:05 p.m. and resumed at 1:16 p.m.

Meeting Discussion

The Facilitator (F) welcomed questions and comments (Q/C) from participants, and *responses (R)* from the presenter (or other federal government representatives), which prompted the following:

Q/C: I believe there are two sustainability studies needed on this Project, Groundwater sustainability and drought sustainability. Under the 2019 Act these would be mandatory studies, but we are not under the 2019 Act, and so we have to ask for these studies to be developed.

With regard to drought sustainability, I have been a flood control operator for the Province for 22 years. I was trained to think "flood" but it is very difficult to balance the drought situation. We are given operating rules, but with regard to drought they were rather vague. There are good reasons to overcompensate because long range weather and flood forecasting is very unpredictable.

There are a lot of competing demands in a drought situation. There are two channels that will impact Lake Manitoba, Lake St. Martin, and Lake Winnipeg for flood control. The Fairford Structure minimum is 800 CFS, there is a new fish ladder that will take supplemental water because it will bypass Fairford. As well, there are augmentation flow schemes for Birch and Buffalo Creeks that will need to augment flow to maintain the wetlands in those creeks. There is also minimum flows for the Project.

A sustainability study needs to look at the historical climate, and climate change, which will exacerbate the drought scenario, and also needs to consider future water uses.

If the life expectancy of the Project is in perpetuity the studies should consider regime lengths projecting 100 years in the future. The sustainability study needs to be done in consideration of climate change, drought scenarios and future water use. What will be prioritized for water allocations, for example fisheries or humans use? These have not been given consideration.

In a drought situation, we should be considering a minimum inflow stream for the Dauphin River, which is critical. These are all trade-offs that need to be set into the operating rules and it has not even been looked at.

The second study should be on groundwater. This is covered in the IRs, but the time period is not specified – I recommend a period of 100 years. You do not really tell MTI how to do its job, you do not ask for the degree of sophistication for its answers. We have 18 months left and these significant studies need to be done. I question whether they can be completed in that time.

In terms of the groundwater impacts to Lake Manitoba Outlet Channel, it is a channel that requires depressurization of the water table to prevent groundwater pressure from impacting the side slopes. The depressurization needs to stay in place over the life of the Project. As a result, seven kilometers perpendicular to the channel artesian wells will be impacted via head-loss and groundwater may be connected to surface water. Manitoba has legislation under the *Health Act* to prevent it from having continuous groundwater discharge and impacting groundwater surfaces. The carbonate aquifer extends to the north and south and is the most important one in the province. Many industries in the city depend on the aquifer.

The University of Manitoba has done a 3D model of the carbonate aquifer in 2004. Their model considered climate change and increased consumptive uses. The University found there were areas where the aquifer would lose pressure and would dewater. The impacts would be particularly around the City of Winnipeg.

MTI is using a one-dimensional model to evaluate the impact of the channel at various locations, but this is a three-dimensional problem. There is an impermeable layer that maintains the pressure. When you start peeling off a part of the layer you create porosity because of the rush of groundwater into the aquifer. MTI wants to depressurize it to the point that the flow is acceptable, to the point where it will be reversed during channel

operations. That is problematic. That is groundwater under direct influence. Most of the time there will be a positive pressure going into the aquifer.

MTI has done rudimentary modeling. This is pristine drinking water. MTI has not done a well inventory. There is a need to do one – particularly in the seven kilometers. It makes sense and the people on the ground have offered to do that. MTI has refused to proceed on that fundamental information. I ask for these two sustainability studies to be done. They are important for the future of the groundwater and surface water resource, and for the people of Manitoba in the future. What is it going to look like in 100 years? You have to ask those questions now, before this Project proceeds.

R: Regarding the 2004 University of Manitoba study, is that something that can be used to inform this Project and how it might impact sustainability? Or is it something to look at from a new lens?

Q/C: The model needs some additional inputs. Consumptive uses have changed, there is more data. To meet the timeline, it makes sense for MTI to collaborate with the University and build on the existing model. That model does not answer a lot of northern questions – it is not clear how well they modelled the northern part. All the impacts up the midway aquifer are quite significant. The University identified areas that are actually dewatering.

R: Regarding depressurization and uncontrolled flow – is there a way that it could be built without uncontrolled release of water from the aquifer to help handle some of the drought conditions?

Q/C: MTI has not designed the depressurization system – it has identified two alternatives. One is depressurization wells along the channel, which would have to be designed and spaced accordingly. Depressurization wells is the best way to go – you can change the flow, or you can turn the pump on and off and regulate the amount of water pumped. That is the option to proceed with.

The other option is reverse drains. I am not sure of the extent. There would be a pilot channel down the Lake Manitoba Outlet Channel that would be dug deeper into the impermeable layer and then be filled with rock. The intention is that it would be an uncontrolled flow. MTI feels it needs to put it in that area because that is the area of highest impact to slope stability, and potentially have the channel bottom heave up. I am not in favour of the reverse drain concept because it is uncontrollable flow.

MTI is talking about groundwater monitoring being a three-year term, but it has to be for the life of the Project. You have depressurization wells maintaining isometric head, which is impacted by seasonal recharge, and is subject to droughts. To minimize the groundwater discharge to Lake St. Martin it is crucial to do the piezometric monitoring full time, for the life of the Project, all the way along the channel.

R: Monitoring is definitely an area the Agency can look at with input from the TAG informing the conditions as we continue down the EA process. It is very much on the table.

Q/C: Agree we need to look at drought protection, and it is not something that has been considered. I went to a conference in southern Manitoba and they were all saying development in southern Manitoba is constrained by a lack of water. You cannot build suburbs or industry – and that is not even in times of drought.

This Project will take a lot of water north very quickly. It would be easy to turn back and ask, “is there a better way to use that water”? Why can we not question the feasibility of building other types of retention to help with water storage and help keep flood waters back? The other projects should be considered as part of a sustainability study and drought protection. Under the 2019 Act, the protections are increased over the 2012 Act – one way is looking at water use from a regional point of view.

Regarding the groundwater study – it is really required. Peguis First Nation is concerned because it is on the other side of that groundwater reservoir. If MTI starts to depressurize the impermeable layer it will affect those on the east side too and they are not willing to look at that. MTI has been unwilling to put a 3D model together on that aquifer. I do not know why. We are worried about it. The impacts of a draw down on that aquifer will not be felt in three years, it will be 50-60 years before the impacts are seen. That is the problem with groundwater, which moves really slowly. We really need a 3D model and more information about how that aquifer works, how much is going out, how much is in storage, and how much MTI would release.

The third piece is monitoring. This is a flood project. Flooding may not occur in three, five or 10 years. Environmental Management Plans (EMPs) should start to look at 100-200-year timelines. We need to look at the effects after three to five floods. I would like to see EMPs considering the regionality to Lake Manitoba. This is what I am requesting.

The water quality is changing as the Portage Diversion takes water into Lake Manitoba. The South Basin is an evaporative basin that is already changing and leaving solids behind. There is a Masters’ Thesis on this that shows the water quality is slowly changing just because of its setting. Now the Diversion is changing the nutrients, from flood waters that are high in nutrients. It will be 20-30 years before you see the changes in the system as nutrients accrue over time. These are long, long-term effects this Project will have. I do not see within the monitoring or EMPs anything that will monitor the effects of the Project over the long-term. Everything is short-term and that view has to change. I ask for that too.

I want to see long-term monitoring of water quality constituents –TSS, contaminants - as they move through the system. The algae community is changing with more blue/green algae. We put this to the Senate when it was considering the new *Environment Act*. We asked the Senate to look at nutrients in water but it would not enshrine them as something to be protected against, because they are natural. But the nutrients are changing as you move from Lake Manitoba to Lake St. Martin to Split Lake. The phosphates are encouraging algae, but it is a different dominance that is contaminating the water.

These are long-term effects. Hydro said Lake Winnipeg would only be effected 1” on the water levels. That is a strange outlook because water quality changes as it moves downstream. You put a nutrient in and it takes time to be assimilated by algae depending on how and where it grows, where it ends up. Nutrient effects are more important than effects of water fluctuations. Water quality will move far afield, all the way down the line.

We have not come to terms with the water quality on this Project. I would like to see it backed up to see how Lake Manitoba will change because of the Portage Diversion. Lake Manitoba is getting fairly good, pure water, and flood waters create a different type of mix that will affect Lakes St. Martin and Winnipeg, which will take years. The effects of this Project will be fair reaching, and long-term. I would like to see the monitoring programs and modelling, including the water quality modelling, start to acknowledge that.

R: To put this in the context of the Project, are the questions: how does the water currently move out of Lake Manitoba with and without the proposed Project? How will the Project change the nature of water flows compared to its current state (that exists because of the Portage Diversion)?

Q/C: These two channels are being built because of inflow into Lake Manitoba from the Portage Diversion. If the Portage Diversion was not there, there probably would not be a need for this Project. We are ignoring the Portage Diversion and what it is doing to Lake Manitoba. Need to consider how to stop water from going into Lake Manitoba. The Portage Diversion does not need to be a part of the existing system. You can back up the Assiniboine system and store water.

There are other ways to do drought protection in Manitoba. When I look at a nutrient coming into Lake Manitoba and the long-term piece, what happens is that some nutrients will go to algae and some will have an affinity for clay particles and settle out. The algae will die and sink to the bottom with those clay particles. As more sediment is laid down the chemistry changes, the organics die and decay. As we move through the system you find the sediments in Lake Manitoba will be more concentrated with phosphates. You are starting to accrue a phosphate load on the bottom of the lake that will augment it. This is what I mean by long-term. We may not see the changes today from this system, but 20 floods down the road you will definitely see those changes. The temporal piece is important here. I request we start looking at the long-term changes, especially when you put climate change on top of that.

R: We are definitely hearing the need for a long-term perspective and that the Portage Diversion may not need to be part of the system.

Q/C: You have to question the whole system, which the 2019 Act would allow for. I would like to see the protections in the 2019 Act being imposed on this Project. That regional perspective is needed in this review. I am asking for it in water quality and how it moves

up to Split Lake. The rebuttal says Split Lake should not be affected, but that is not an appropriate answer.

Q/C: Lake Winnipegosis is affected by Lake Manitoba. If you look at that area, Lake Manitoba water moves through the Fairford Structure and is joined by Lake Winnipegosis water. It may not be better quality water, because it has similar issues caused by contributions from cattle operations, overland water flooding, and rain and snow events. Those add up into the nutrients. We call it pollution because it is polluting and devastating our water quality. We used to be able to drink from the lakes and rivers and now we cannot.

In Sandy Bay, they had an osmosis system set up that clogged in six months. These things are expensive. When the system is flipped over the natural flow reverses from the Waterhen River back into Waterhen Lake – the Fairford can only go so fast. Having the channels is also going to change that water flow system. How are all those things accounted for? When you regionalize things you miss other opportunities and factors that are contributing to a potential project.

Regarding storage of water on the Assiniboine River, there is Lake of the Prairies that is water storage – who monitors that? Why is it that difficult in the south to manage the lands when they have the Lake of the Prairies? The Red River Basin – all the water moving north into our lakes – brings a different type of nutrient and pollution. The Proponent plans to dig down the channels. Why do you think it built the Red River Floodway the way they did? If they insist on building this Project, maybe the channels need to be cement so they do not have to worry about slope slippage. They are going to have to be trucking in materials from Grand Rapids.

The water that flows through these proposed channels affects other First Nations – it is all part of the same system. The Cedar Lake reservoir was originally connected to Lake Winnipegosis. Manitoba Hydro blocked off the little creek and created the Cedar Lake reservoir. Lake Winnipegosis is impacted by a minimum of 4” annually. It gets a lot higher than that, but this is the science we get. We do not have the resources to monitor, but we feel the effects every day, every week, every season.

What does it mean to recharge underground aquifers? In 2011, we saw water blowing out of wells, sometimes as high as 10 or 15 feet. That is how much pressure there was on the aquifers. If you think there might be cross contamination, that has already happened. One hundred and sixty six different locations were changed from six to 14-30-foot cement bridges and culverts to move water because of the aquifer area that covers Winnipeg and the Interlake. The only thing above that is limestone, silt, and clay.

The water is moving between the limestone and seeping into other areas. The aquifers are doing the same thing. You may not find a solution but an option is to manage the water better. Control the waters better. The fact that there is an artificial level on Lake Manitoba does not make it natural. Imagine what communities could have done if they had a two-foot buffer in 2011 when there was a lot of flooding? It would not have been as significant an event as it was on these communities.

When you artificially regulate and adopt artificial numbers as natural it throws nature out of balance. It is also the Red River Floodway that is artificial, and the impacts of the United States agricultural community – all that comes into Lake Winnipeg. There was a study done at the University of Manitoba in 2007/2009 on groundwater movement, aquifers. They found some aquifers were being subject to shoreline erosion. They were measuring shoreline erosion in the south portion of the Interlake and they were quite significant.

Highway 328 is actually a dike that was built from Number 6 to Waterhen. Shoal Lake was one big lake in 2011 until they built a road through it and called it North and South Shoal lakes. These are the things that affect us in our traditional territories.

With regard to zebra mussels – somebody brought their boat from Ontario and brought zebra mussels, which affects everything we eat.

There was a study from the University of Manitoba on the North and South Basin at the narrows. In 2010, Manitoba Hydro posted that it would open five gates and the purpose was to draw down water in Lake Winnipeg because the Province agreed to move water from Fishing Lake in Saskatchewan east to Lake of the Prairies Reservoir. It drew down Lake of the Prairies by 11 feet in the spring. We asked in January 2011 that they consult with the First Nations that would be effected. They said “no”.

When you are moving water and doing these projects you have to consider the people who will be affected.

Another significant event happened. Someone forgot to tell the Nelson River it had to move all this water. The water flowed over the ice and into the transmission lines and dislodged transmission towers. There were several on either side of the Nelson River. They brought a 150-man crew and contracted all the heavy equipment in a 100-mile radius to help with keeping the towers up. Imagine if they went down and the power went down in Winnipeg? Are any of our concerns any less than what they would have experienced?

It is important to understand the function and roles of these artificial control structures. One study identified that the lake bottom at the narrows increased by about 40 feet from its natural level when they closed the gate. When they opened the gate the sediment flushed north back into the North Basin. It creates shallower water in Sturgeon and Limestone bays and in the South Basin. Rip rap does not work.

Without looking at water management in total in this province it will not solve any issues unless there is some agreement on how we manage the shared resource, which is a very important resource for First Nations communities. We have to manage the resource if we are going to build infrastructure to control it.

R: There is an IR surrounding how the Project might interact with the Lake Winnipeg regulation. Is there something specific that we need from MTI to get to the bottom of that in terms of understanding of how the Project will work with the Lake Winnipeg regulation?

Q/C: Similar to the Hydro initiative in 2009, there was a risk management assessment on Lake Winnipeg with regard to lake water levels. Running another risk assessment based on operations by the crown corporation would assist with identifying a water management regime to manage our water more responsibly.

Once you have an idea of what is required on Lake Winnipeg it will allow you to work backwards into other waters. You would also get a reinvigoration of a lot of traditional experiences with spawning, hunting, and trapping. Those animals and fish would come back to their natural environment.

If you look at the community consultation process on the east side of the lake in 2005, our Elders were collecting medicine and berries for several decades and noticed an aroma that smelled like sewer. There is no water bodies there except natural creeks. The water was moving overland and sitting in areas that were not natural depositories for water. The smell was from deteriorating vegetation. This is what our people were describing at Keewatinook Fishers of Lake Winnipeg. Operations were all backwards and would create problems with water so they abandoned that. We can assess those things if we want to protect First Nations interests, rights, treaty and otherwise. We require a third-party risk assessment.

Q/C: I am from Dauphin River First Nation and have fished and lived there all my life. Four months ago, I woke up to a different point of view. In 1969, a White Paper was presented to us. That did not work out. I decided I will not read this anymore. I am going to live my life as an Anishinaabe.

I have been a commercial fisherman, and lived off the land, and lived off the lake. We used to travel by boat. A friend once told me that sometime in the future we would buy water. We are now consuming that same water and soon you will have to buy water for cows. Who will buy water for the moose and deer, which is our way of life?

Buffalo Lake was my place to hunt moose. That has been destroyed. We talk about management of water. How am I going to live the next 50 years? I think about my life, not a study. I want to preserve the land and water because that is my lifeline. I have to go on the land to get my next meal. These things are not being considered.

The people who designed Portage Diversion did not look at where the water would go. We had an emergency channel – did it help me? No, I was without a road for three years. I lived in a hotel. The lunch we had today reminds me of my evacuation days – eating from a box. They were going to build a channel but there is still a bottleneck at the narrows at Lake St. Martin. The design of this thing is not going to work. I do not think I will survive. Is my grandson or great grandson going to? Leave the water alone. Let Mother Nature deal with it. Mother Nature put it there.

Q/C: Water is life for each and every one of us. 80% of your body is made out of water. It is very important that we protect our water source. The bottleneck at the narrows is our drinking water source.

The zebra mussels will have an impact on the water for our community. We were not given a budget to maintain the water from our source to our community. Every house has running water but we have no budget to maintain our water line, which is a few miles from the intake to our new community. The farmers are poisoning the lands, and we are getting all that and drinking it.

It is important to note that our drinking water source is in the middle of this Project. This Project should not go ahead. We are not properly compensated but the Province has been protecting its investment in the City of Winnipeg. Do we have to sue our neighbours upriver? It is very important to consider our future and what this Project will do to my children, grandchildren and great grandchildren. We do not want the future generations to be poisoned. We are slowly being poisoned and Canada needs to step up.

You say you recognize our rights, well do something about it. The Province is acting like it can do whatever it wants. It has not properly consulted with First Nations or provided compensation. Manitoba needs to deal with the past. The Province has asked us to forgive for all the past damages, but what about 2011? We were not properly taken care of by Manitoba or Canada. Our water quality will be impacted big time if this Project goes through.

Health Break

The meeting recessed at 2:41 p.m. and resumed at 3:15 p.m.

Q/C: The Lake Manitoba Outlet Channel cuts through our city, our drainage, and roads, and has resulted in the expropriation of some of our lands. It is a tangible thing in our municipality. It has forced us to hire consultants and has cost thousands of dollars. Part of being elected is to ensure we safeguard our community. We are asking you to take into consideration that these studies need to be done. Not just as a piece of the EA but as a condition to the license.

There are so many missing pieces. Their EIS was terrible. If we did not hire consultants, I would be scared to see what kind of project this would be. It was up to us and our consultants to identify the pieces that were missing and that should be the Proponent's job. I am begging to see that these studies and the 3D modelling are part of a condition.

The EA is subjective. Who determines if it is complete? Who will be monitoring? The Project is 100 years and it is essential that there is a commitment to monitoring the Project throughout its life. Otherwise how can people be reassured about the future? If it is only monitored for three years, the license should only be for three years and then it should be decommissioned. The modeling and studies need to be done as part of the conditions. It cannot just be an EA. MTI has not done any of its homework adequately.

R: We will continue to talk to determine what those follow up and monitoring plans will look like.

Q/C: There was a technical report written in 2021 that was shared in the draft IRs. We were hoping for a response. They were submitted as part of the Interlake Reserves Tribal Council submission. We were hoping the gaps would be addressed in the final IR response. We are in the process of reviewing the IR response, which is ongoing. We will be providing comments through September and October 2022. Manitoba has agreed to that timeline. However, we need to flag the issue of hydrodynamic modeling for head loss predictions in Lake St. Martin. There is no sensitivity testing that has been done.

Q/C: We presented a hydrodynamic model to MTI, which showed what First Nations had been claiming about the differences in water levels. They proceeded to redesign the Project recognizing their intake on the North Channel was too high because the North Basin had a lower water level. MTI did the redesign with the same type of model we used. MTI talked about the head loss, which is the difference in water levels between the North and South basins. They predicted a few centimeters in the 2011 flood, and we got over a one metre drop in the 2011 flood – a huge change in flow going through the narrows. Our model and predictions are different.

I asked that they provide their model predictions to us, to verify the model and provide statistical parameters to describe how accurate the predictions are to real life events. Those parameters tell us the level of confidence in the model's predictions. We received a reply that they cannot provide the verification of the model, or how accurate or biased the predictions are. We use statistical parameters to be able to tell those kinds of things. The back-up plan is to do a sensitivity analysis of the head loss at the Narrows and the impact on the flows, water levels, and velocity through the system. It is important to understand these parameters since the impact assessment all flows from these - water quality, fish and fish habitat, wetlands.

We have no idea how accurate the hydraulic parameters of flow, water levels, and velocity are. If MTI released their data, it would lead to some clarity in the models. The predictions need to be as accurate as possible, to ensure a good assessment. Sensitivity analysis is needed to provide an idea of predictions over a range.

Q/C: There is a lot of data that is not really providing a great picture. However, this model is so unreliable and has not been verified. We need to verify the model – is verification of a model a process that is normally required?

Q/C: Every impact assessment has verification of models. We ask for it and are asked for it. This is the first time I have seen a model being used with such ramifications that is not being verified. This is a cornerstone of the Project in terms of the predictions from the model. We have to make sure the predictions are as good as possible.

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- Q/C: If the model being used by the Proponent to predict head loss is flawed and data is inaccurate and the actual benefit of the channels would only reduce catastrophic flooding by six inches, then that is a far smaller benefit than the Proponent is saying the Project will deliver. We need to understand with reasonable accuracy whether the Project will deliver the benefits it is claiming to, including reducing flooding on the most impacted communities.
- Q/C: They are saying two feet and we are saying eight inches. There is no verification so we do not know. There is a lot of uncertainty, which folds into the impact assessment.
- Q/C: We are in talks with MTI about how it will adjust its model to show sensitivity. It is still just showing possible outcomes if we adjust parameters but I am not sure how it relates to the real environment and the real changes.
- R: *We will need further dialogue on those reports that may be required to address follow up and monitoring to see what is needed if the predictions are not realized in reality.*
- Q/C: There are a lot of studies that need to be done - sustainability, sensitivity, socioeconomic, others. They should be a prerequisite to approval, not done during the monitoring.
- R: *There are studies that need to be done as part of the EA before we move on to the next stage of this process, which is developing an EA report to go to the Minister. If the Project were approved, then there would be additional follow up and monitoring requirements that are subject to enforcement. These stem from the key mitigation measures and follow up programs identified by the Agency during the EA.*
- Q/C: Are there federal enforcement officers?
- R: *Yes, the Agency has an enforcement team and enforcement options. They are based in Ottawa and travel to sites across the country to verify compliance with conditions in decision statements. The Agency is building the capacity of the enforcement team; it is a dedicated division in the Agency.*
- Q/C: What happens prior to the decision by the Minister/Cabinet? Can we trust MTI to do the studies in the time we have? Can we trust them to do them right? Where is the quality control?
- R: *It would be part of the IR responses. They need to respond during the extension and the participants can review and provide comments/questions on the responses received. That would be before a decision is made.*
- Q/C: Does the Agency have the ability to make studies a condition to the licensing process? Will you?

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R: We can consider it as we are working through the technical review process as a key mitigation measure. We are trying to get at the potential effects through the IRs, and what are the mitigation measures or follow up programs that could be put in place.

There are certain things needed before the decision, i.e., follow up programs to verify the predictions and key mitigation measures.

Q/C: We believe it is important to know the parameters beforehand.

R: The IRs are what is required to be done before the decision is made. They are not necessarily conditions. The IRs need to be satisfied before we can proceed to the EA report.

Q/C: As an Anishinaabe person, I am very concerned by what I am hearing. We never surrendered our rights to the water. It is what I have been hearing all my life from my Elders.

This past weekend I went to a Water Ceremony. Water is very sacred. I do not want to pick on anyone. I have concerns and appreciate all the good words that have been said.

Prior to the 2011 flood, there was a Board that made 134 recommendations but they were never enacted. We met with the Department of Fisheries and Oceans (DFO) recently and mentioned those recommendations and they are still sitting on a shelf. That is the concern I have sitting hear listening to all the people talk about their knowledge of water. I am a fisherman, Elder, and have grandchildren. I wonder how my grandchildren will survive the next 50 or 100 years down the road. We are water people who live on the shores of Lake Winnipeg. That is who we are.

Q/C: I have lived through the 2011 flood and have seen things that should not be seen. Some things were left under the carpet because they would get a lot of back-lash. I have taken a lot of photos. I hear a lot about impacts and the fluctuations of the water and the impacts. There is a missing link – the people around it and the livestock – the farmers and commercial fisherman who need the water for their livelihood to survive.

I am a commercial fisherman and I live off the water. That is where I have to go in order for my family to survive. This water monitoring is an issue sometimes. Where I live I get water from the south. During the recent rainstorm, a full-grown cow was laying in the field dead and rotting. I have pictures. I also had pictures of a full-grown Elk that washed down the shores of the Dauphin River First Nation in 2011. He landed on the shore of our residence. We pulled it away to Lake Winnipeg in Sturgeon Bay. There is a lot of misinformation.

We live on Lake Winnipeg and Sturgeon Bay. We see things that should not be seen because of the playing with the water. Mother Nature created the waterways the way they should be. Stop this fluctuating of water.

I fish where the channel comes out. In 2017 I was fishing there. The water turned to rainbow colours on a sunny day early in the morning and I looked down and saw minnows floating – these were the pickerel that come annually to spawn where the channel comes out. I went to the shoreline and as far as I could see on the beach were pickerel spawn washing up on the shore. I went back to where the channel comes out and took a really good whiff of the air and could smell hydraulic fluid. I could see hydraulic fluid coming down out of the channel – it was from a tug boat that flipped over in Lake St. Martin. The situation was hidden.

They did not want anyone to know because the environmental people would have had a hay day. There are pictures some people took of that tugboat. I had neighbours in St. Laurent who speak of things that impacted them financially and physically. I have people in Norway House that talk about the impact of the two-mile channel. There is a lot that has been swept under the carpet.

What is there for my children if the waterways are poisoned? If the water is gone? There are no animals in my area because of the 2011 flood – I do not see deer or moose. We have to go fishing further from my community but only up to a line, which is a greater cost to my pocketbook and sometimes I cannot afford it because of the gas prices going up – it is not even profitable. There are dying fisherman in Dauphin First Nation who are just getting by. Some are already giving up because of this channel that is bringing poison into our bay.

The EA should have been done before, not after the fact. Stuff like this has been happening since 2011. They bypass EA studies by throwing the emergency action plan in place. It happened in 2011 and then it happened again. It is very concerning for commercial fisherman to know they will go under – what future is that? It is the same for the farmers and their cattle - I saw cattle poisoned by the fluctuation of the water and the contaminants it holds. I do not want my future offspring or other's future offspring to see that. If we do not fix it now then all hope is lost.

Q/C: You will find a video that has identified flooding in one community back to 1982 and they recorded it on a bridge in the community through to 2011. It is like that in many of our First Nations communities where the old people say “we have not seen this much water in 50 years” – that is the variation you are talking about. Government is proficient about using data to form EIS and studies and assessments but you need to look at the natural state that our people remember in their communities as the baseline and then take the recorded events from floods from 1957, 1979, 1997 and 2011. We have had four of these one in 300-year floods in the last 100 years. With that information you would get your variations.

In 2020, one community lost the head on their water treatment plant, and this spring the river backed up and was flowing in reverse. Our people understand what these events mean based on the extreme amount of water coming into the system. When you add 166 adjustments to water movement, what does that do to the local community? We can measure that. The technology will show what you have lost for shoreline and for

spawning. We need to be able to do that ourselves instead of just asking for information. Maybe we should be asking that – can they provide studies as part of the information request – before any decision is made. Do we need to ask that question now, before we do the Project?

Rather than wait for someone to break the law so you can monitor and enforce, we are trying to prevent. This is supposed to be a process with our concerns built into consideration for a project, whether its velocity of water, recharging aquifers, the impact on the resource and land, what will result from this Project – can those studies be part of the IRs? All MTI can say is that it will not do the study. At least that will let us know our options to get the information we need. The process is to inform the Proponent that we need this information before it proceeds, and the Agency's job is to make sure we have the information to make an informed decision.

When you say “reasonable” it scares us because our treaties say we can make a “moderate living”, which on the east coast means \$100,000 per family. For fishing we need a fishing license and a permit but the more you influence and destroy it, there goes our moderate living and we cannot feed our families. First Nations have capacity to look at and identify numbers that need to be part of the process to assess those items, like the hydrodynamics.

Do the risk assessment with participation of First Nations and other invested stakeholders so we can get the right information to make an informed decision, with our consent. They may not like the result of those studies but they will have to accommodate. It is time for the Agency to say, “we need the studies prior to licensing – before it goes into the licensing process because they want to be informed so they can consent”.

A lot of communities have historical data, it may be oral or highlights on a bridge, but we have that knowledge and can measure that using new technology today. We need to have that independence. I recommend that the Province pay for an independent assessment by the stakeholders.

Q/C: Can you talk about the harmonization with the provincial process?

R: *Manitoba is relying on the information received from this EA to inform its licensing as well. These IRs are information we are asking for prior to any decision from the Minister or Cabinet. For things like the sensitivity analysis, we have an IR around sustainability and this is an opportunity to get to the granularity to ensure the IRs are meeting those points to inform our process and evaluate the potential effects of this Project, which would then go to the Minister.*

Q/C: There are all kinds of studies missing that we need information on. Section 23 of CEAA says if the Agency thinks there is not sufficient information, which you are hearing, you have the authority to make the Proponent do the studies and provide that information. You can do that and we are asking you to do that.

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R: This information has been sent to the Proponent under Section 23. The 365 days of the EA is stopped until we receive the information we are asking for, which is a reason why we are here today.

Q/C: Are you prepared to take friendly amendments? I would like to see some improvements to the request on groundwater and I do not see one for drought and would like to help to formulate that IR.

R: That is why we were hoping to walk through the IRs and why we are talking through the content of those specific IRs so we can further inform what we are asking of MTI as it is preparing its responses. Over the course of today we have been taking as many notes as possible to be able to guide the Proponent into preparing its responses. I cannot guarantee everything will be in an IR but it will be posted to the Registry so the Proponent is aware and can be responding.

Q/C: IR2-05 needs further bolstering.

R: We are happy to take any comments into consideration.

Q/C: Assessment and analysis is different than requesting MTI to conduct a study. These studies are so essential and they are not done and need to be part of the licensing process.

R: With regard to socio-economic and baseline studies, we are open to discussion on how we get there. Once you have the response, feel welcome to reach out to the Agency's consultation team and we will work through it. It is the Proponent's responsibility but the Agency has responsibility to ensure this is done adequately.

8. CLOSING REMARKS

The Agency thanked participants for taking the time to attend the meeting. It is crucial to a successful EA process to be hearing directly from the involved parties. Comments will be taken into consideration going forward with the EA.

MEETING ADJOURNED

The meeting adjourned on Day One – August 30, 2022 at approximately 4:10 p.m.

DAY TWO – AUGUST 31, 2022

MEETING RECONVENED

The meeting reconvened on Day Two – August 31, 2022 at approximately 8:39 a.m. The Facilitator reviewed changes to the agenda to accommodate discussion on remaining items, and to allow time for an in-camera discussion amongst the TAG without Agency and government representatives present.

9. WELCOME AND OVERVIEW OF THE AUGUST 30, 2022 DISCUSSIONS

The Agency welcomed participants back to the meeting and acknowledged the good discussions the prior day.

10. IR RESPONSE COMMENTS AND ROUND 2 IRS – FISH AND FISH HABITAT

Presentation by the Agency

The Agency presented the “Fish and Fish Habitat – Summary of Comments”, and “Fish and Fish Habitats – Information Requests” sections of the presentation titled, “Technical Review and Information Requests” (see attached “Information Items”).

Meeting Discussion

The Facilitator (F) welcomed questions and comments (Q/C) from participants, and *responses (R)* from the presenter (or other federal government representatives), which prompted the following:

Q/C: Yesterday was a good day for new information and sharing experience of the post-traumatic stress disorder we experienced from the flood since 2011. This afternoon, we are taking home a young woman who has three children she left behind. She passed away this last week. She lived in Winnipeg and was an evacuee. She had been on her own with no support from the government. The Province is liable for all the damages that they have caused since the 60's.

The sediment deposit and fish habitat is totally destroyed. We collected sediment of one to two feet along the shores of Lake St. Martin. It is a spawning lake and has walleye, pickerel, and lake sturgeon. According to the federal government, lake sturgeon is supposed to be a protected species, but Canada is failing to protect the fish and our interests.

I fished personally on Lake St. Martin before my career in conservation. Everything we are seeing is manmade, it is not an act of God. When we were flooded out, the Province told us it was an act of God but we know it has always been artificial. I have shared my reports on damages. The Province said it could control the water levels, so it is artificial. It is manmade damages.

For our forests, we need air. Everything is going wrong. Mother Earth is cleansing herself one more time. The Bible talks about the great flood. I believe it happened.

Close to our community we have a place called Big Rock. Our Anishinaabe people went there when the Anglican Church first came in 1875 – they came to take away our way of life. That is what we are experiencing today. You cannot control that water anymore. When they put their logs down it stops the flow so there is a gap between the water and the ice. We lose nets to freezing. These are some of the effects and our spawning for Lake St. Martin is destroyed. Our fishermen cannot fish like they used to. We had over 100 licensed fishers on Lake St. Martin at one time. I issued fishing licenses and they paid their fee. I know how many there were at one time. That is gone. We only have a few active fishers today in that area. The fishing industry has totally collapsed in our area and man caused the damage. Money would not replace what was taken away from us. You cannot put a dollar amount on it.

Q/C: It almost seems redundant to ask these questions when it is well known. I can say a lot of things that I have seen happening. I think it is something the government has to accept or work at. We all know that when you put a few tonnes of water on the river it squeezes the ground and methane comes up. Up in Nelson River, we have big humps on the ice. Manitoba Hydro calls them the Turtle Backs, and they are dangerous if you go over them. It costs us \$3,000 for two or three trips to harvest for our families. My grandfather probably would not be able to go out. \$3,000 for three tubs of fish. Our ancestors gave us a good spot to live. In the spring the keys come up and feed us, in the summertime the fish were there, the sturgeon were there, and moose. Now, you come to my area and you could not even put water in your mouth – you would spit it out. There is anxiety for the kids that play near the water. It is stressful.

Many people do not know what is going on up north and this channel will only add to our stress. Think about us over there. Our people, for thousands of years, have had a land use plan. To this day, wherever I camp I do not see any permanent buildings, because it is the way it is supposed to be. Sturgeon have moved because of all the sediment moving to where they have been for so many years. I am not here on my own accord. I would rather be out there in my latter years of life. I want to spend those years where I am still mobile to enjoy the land. I am pretty sure every one of us want that for our children. Winnipeg is not the home that we want. We hope you can respect that. What you want is not what I want. The serenity of being part of this earth is what I want.

Everything comes up north, and now it is just going to be more. We think about you when you have troubles down here. Last year, during the drought, it looked like a tundra because the water went way down. I talked to Sierra Club and the activists. They think up north is pristine. It is not. It is devastated and destroyed. There is not much we can do except relay this message from up north.

R: *Regarding your land use plan. Can you provide more details around what it entails?*

Q/C: Like I said, it is redundant to say this to you. Look at the First Nations and what they have built – nothing. Because that is how the land should be. It should be as it has been for 15 hundred years before contact. That is what a land use plan looks like, not the European

concept of a land use plan. You always leave it for the other person the way you found it and that is a good plan. It will be around a long time if we do that.

Q/C: In our technical review of the IR responses, what is really missing and what is critically important for an EA is to understand the context when looking at impacts to the treaty right to fish – that would be the historical context. In our review of the Proponent’s final IR responses, what we found was pretty consistently a failure to incorporate Little Saskatchewan First Nation’s knowledge into its conclusions, especially when it comes to the historical baseline, which is essential.

The existing context is already highly sensitive. If a Proponent is unwilling or unable to talk about the past, then will we just assume for the purposes of the EA report that the context is highly sensitive. We have asked the Proponent for this again and again. At what point do we just stop trying and make conclusions based on precautionary principle? Gaps existed with current use, IR 122 asked for baseline conditions, and there was no reference to the many times our knowledge holders tried to tell the Proponent about the deteriorating conditions since the Fairford Diversion. Those gaps exist in IRs 33, 35, 36, 37, and 39 relating to assessed fish and fish habitat. The Proponent operates as though the context is resilient and robust and that has to be challenged. The Agency needs to make an assessment but the Proponent is not providing reality of the historical context.

For the Interlake First Nations Technical Committee, there is a real concern about the Project redesign and its effects on fish. In the recent drought on Lake St. Martin, lake levels dropped to 397 feet, the level Manitoba is proposing to keep the lake at permanently. This caused a reduction of water level that had serious effects on the ability to fish. It prevented fishing in shallow waters. Fishers lost many nets at great cost. If this becomes the reality, the ability to fish will be severely harmed. This is on top of issues with water quality, sediment, and effects on fish – the things that are already impacting a highly sensitive context. The Committee says this Project poses an infringement on the right to fish. The fishery has already been severely impacted.

We are also asking there be an IR framed about how the Proponent is proposing to mitigate the constitutionally protected fishery and the commercial fishery. We are talking about mitigation, offsetting or compensation for an infringement on the treaty right to fish if the Project as designed goes forward. When I talk about infringement I am talking about an inability to exercise the right in a way that was guaranteed by treaty.

R: *A lot of the context has been using the post-Fairford development as the baseline condition. They are basing the assessment on that as the existing environment. There is definitely some more work needed to understand that context. IR 122 was attempting to address that and socio-economic conditions. There is some work to bring in that highly sensitive context. I do not have an answer regarding the highly sensitive context versus precautionary.*

Q/C: There are a number of impact pathways that have effects on fish. In addition, we are talking about sediment impacts, water quality impacts, changing velocity, and changing

water level in the north basin. Given that the context for the fishery in Lake St. Martin is already highly sensitive and has been heavily impacted by the Fairford Diversion and emergency Outlet Channel, we are looking for IRs relating to how the Proponent will mitigate, compensate, or offset Little Saskatchewan First Nation and other First Nations if this results in an infringement of the treaty right. We have been thinking about this for a few years.

As we went through the draft IR responses, we could not help but conclude the fishery on Lake St. Martin could be destroyed if the Project is built and operated as designed. We are requesting an additional IR. We have to get Manitoba to admit there is a potential for an impact. At this point, the Proponent does not seem to think the Project will effect fish at all. Can an IR be issued that addresses what the Agency will do should it come to pass that the many impacts of this Project on the fishery were to surpass the threshold to fish?

R: Some answers could come through the process, but we have a lot of work to do on this. The Agency will do analysis on impacts to rights. That is part of the report on adequacy of consultation. MTI is still reviewing those proposals. That is why it is important for the Agency to talk to your community members – that is how we will get there. If there is going to be an infringement, that will be in our reports. It would be community specific, not just a general statement. If MTI does not take this up, the Agency will do its part.

Q/C: That is in respect to MTI saying it will support communities?

R: Yes.

Q/C: Can DFO provide some context?

R: DFO has a role to look at impacts to fish and fish habitat. Our process looks at the impacts, and measures to avoid, mitigate or off-set, the impacts, in that order, to make a decision about whether to authorize the Project. We look at death of fish and harm and impacts and their significance. If effects cannot be mitigated or avoided, can they be offset? There are certain effects handled by Environment and Climate Change Canada (ECCC). We rely on the Proponent to explain how its project may result in impacts. There are a lot of gaps in the information and we are managing our way through what MTI is providing. There is a lot of uncertainty for most projects. The level of uncertainty factors into determination of authorization. We consider what it means to fish and fish habitat and come up with a determination about whether to authorize the project or not.

We are trying to overlay our regulatory process on top of the Agency's. DFO received an application for this Project and we said it was incomplete. We are using this process to gather and analyse information. We will consult with First Nations. We have not had that opportunity for discussion with the communities, but at some point we will share our decision and ask communities for their feedback to build a proper background on our assessment.

Even though we can approve under the Fisheries Act, Section 73 looks at impacts to rights. We are trying to use this process to move forward. Part of the challenge is managing our way through all the information. A project can use offsetting. If there are effects, what measures can we introduce? If it is highly significant, we may not want to go to the offsetting route. In looking at MTI's Aquatic Effects Monitoring Plan, we had some concerns, in particular about the proposed monitoring and felt it was not adequate. Three years is not reasonable. Every flood event is different. A lot of the Proponent's predictions are built on uncertainty. You need some validation of the Proponent's predictions. We are looking at monitoring and adaptive management but we have not yet engaged with the First Nations who have firsthand experience and knowledge we may not have. We want to zero in on the questions by communities as part of our process.

Q/C: After 200 years we still have not figured out the formula to work together. I am a commercial fisher on Lake Winnipeg. I fish Sturgeon Bay. In the 1870's, the steamboats used to pile dead sturgeon and use the oil to make the steamboats go. When Fairford Dam was constructed, we lost the sturgeon. My friend in the north has the sturgeon now. That tells me there is something wrong with the water.

In the 2011 flood, the government said it would replace our community the way it was, or better. We had a nice community with green grass. Everyone had a cozy home, and memorabilia of sentimental value – and that you cannot buy. When we started listening to engineers and consultants about how to do it, we told them, this is the way we want it. They wanted to do it their way. I have a nice home. It has four bedrooms, a sunken living room, and detached garage. I love my home. I should have kept it. The consulting firm said if we do not tear it down you will not get a new house. There was always a threat to our people. They tore down the houses without even taking pictures, so you have no history about yourself and your family.

Government is trying to bully us.

Our livelihood is commercial fishing. All you people come from other parts of Canada to talk about fishing. You do not know about it. It is a hundred-year fishing industry. My grandfather, my father, myself, and my son have been fishers. We have been in limbo because of the flood of 2011. I wonder if my grandson and great grandson will be able to fish. Leave Mother Nature alone and she will correct herself.

In 2011, we got compensated for one year of lost income due to fishing. In 2014, another flood came. In 2011, they said it would only happen once in every one-hundred years – but another flood came three years later and we were not compensated. I lost six seasons, which resulted in social problems for everyone who relied on fishing.

We have to know the truth about why water is so important. Tell us the truth. As a former Chief I sat with Chiefs from other First Nations who fought the dams up north. In Dauphin River, not one person from the Province came and said we are building a dam, what are the impacts? Nobody has said that – to this day. Dauphin River is right in the middle of the biggest reservoir for Manitoba Hydro – the North Basin. The water flows through

Dauphin River to Lake Winnipeg. Is this the reason this Project is so important? To make money for the Province? It is a resource but we have no benefits.

In the 60's and 70's, all the lakes had fish hatcheries. Our ancestors were smart. They knew the environment well. Each hatchery restocked the lake. Lake St. Martin is where the whitefish spawn. We had a fish hatchery in Dauphin River. Since government wants to control the flow of water, it shut down the fish hatchery. If you want to restock the lakes, bring back the fish hatcheries. Fishing is our economic factor.

Prior to the flood of 2011, from Big Rock, where the first channel was built, I used to see moose everywhere. Everyone in the community had an income from commercial fishing. I drive by the old Lake St. Martin and you saw assets, i.e., two cars in the backyard. If you needed an extra tire you could go back there and get one. In the new Lake St. Martin, there is only the house, and nothing outside. Everything was taken away. There is one gas station in Lake St. Martin. If you take a flat tire there, you have to wait one week for it to be fixed because that shop has the monopoly.

The first channel cost \$100 million and it was a failure. We were flooded five years afterwards. We were still being fed boxes of food in Winnipeg. The new channel with all that water went to Buffalo Creek and destroyed my traditional hunting ground, and my neighbours'. All for convenience. It is gone. Buffalo Creek was only 20 feet wide naturally. With the water in 2011, it became a big river. For three years we fished garbage and pulled tree trunks, cattle, and couches from our nets. The government compensated us \$2,000 for nets. Nets are not cheap.

When Buffalo Creek became a river, the migration of the whitefish went in that river. They thought they were going to Lake St. Martin. That fall, they shut down the other side where they started the Channel and all the whitefish were stuck in the marsh in Buffalo Lake and could not get out their spawning ground. We had a freeze and everything froze and we watched the fish floating by in the spring because they had no oxygen.

Right now, the Fairford Dam is wide open. Dauphin River was on a map in the 70's as one of the best sport fishing places in Manitoba. But since the regulation of the Dam, we lost that title. Fishing is good when the Fairford is open, we have fish from Lake Winnipegosis and Lake Winnipeg in the Dauphin River system. But we do not know when the Dam will close. We know the fish are from another lake. In Lake Manitoba they are darker, narrow and long. The others we call "green backs". The fish stay in the river system they came from.

During our displacement, our fishing was destroyed. The government also introduced a buy-out program. All we wanted to do was fish. The government offered to buy our licenses instead of compensating us for the loss. A lot of people went for that out of desperation. We had fish packaging in three places, and only have one now on Highway No. 6. Fishing is our livelihood from the early 1800's. We need it.

DAY TWO – AUGUST 31, 2022– Technical Advisory Group Meeting

The IRs are way off course. The more changes that come here with water regulation, the more it will create a lot of socio-economic problems for us. Tomorrow, there are two ladies coming to my community to talk about zebra mussels and sturgeon. I always wondered where the sturgeon went. There are none in Dauphin River now, but the namesake is there. How can I protect something I do not have? We are all connected to this land. We have names for it.

Two years ago, I was sitting at the end of the 513 – the government says the road ends at Lake Winnipeg in Dauphin River – but Dauphin River is where it starts. I love Dauphin River. I grew up there and am passionate about it. The last 11 years of displacement and trying to rebuild, has taken its toll.

Three years ago, I was admiring Sturgeon Bay and deciding where to fish. A van pulled up with four students. They started taking little plastic boxes out beside the van. They should have asked if they could do that. No one came to us and asked if they could study in the community. They were putting water in the boxes and shaking it – like science class. After they were done, I asked what they were there for. They were checking for zebra mussels. I told them they were not there. The following year we had zebra mussels. Did they come and plant them there? Now we have them. I never saw them before.

If we would just leave the habitat alone. Let us study what failed in the first channel or tell us the truth. The channels are being built to fill the North Basin for Manitoba Hydro. I wonder if the government will admit that. Every time they do that and make a dam for Hydro the hydro bill goes up – it should go down. There are 10 dams up north already. It is common sense. My hope is to get something out of this meeting for my life and our future.

Q/C: Yesterday was informative and today it gets grittier as we go through all the information and concerns being shared. Initially, we met with the Agency's consultation team and some from the Proponent. Some of the stuff brought up yesterday was not even brought up then. It is very interesting.

One of the concerns I have is that we see what has happened in Lake St. Martin and Lake Manitoba – is that going to happen in Lake Winnipeg or is it happening already? Everything flows north.

I have been in politics for 10+ years. When I first started, I met with different organizations and noticed the bleeding – when is it going to stop? I said that 10 years ago, and today we are still bleeding. When are we going to be heard? Water is the most important thing in life. Without it, we would not survive. Nothing will move without water. I say that in our community. When there is no water everything shuts down. Nothing moves.

Lake Winnipeg is barely mentioned. It will happen in Lake Winnipeg eventually. Our concern is to prevent that. All we hear about is study after study, but is anything being done? Everything flows into Lake Winnipeg from the west all the way to these two lakes that have been affected. It comes along the Berens River and Devil's Lake pollutes all our

water. Everyone is involved – the Americans, other provinces. It is the Province that has the say. This team – who are they working for the Province or the Federal Government?

We met with DFO at the Southeast Economic Development Council. They have been shutting down the small inland fishing industries from the west. DFO proposed some type of fishing where we could still maintain the fishing, but then DFO is going to the east and shutting down inland fisheries. It does not add up. It has something to do with the farming. The farmers are treated royally – more so than the fishers. In that meeting, I told them the treaty right trumps any Canadian law and they brushed me off. They did not want to hear about treaty rights. This morning, I noticed it is only the First Nations who are talking. When are we going to work together? Open our eyes and see the damage that is happening? People are talking from their hearts. I do not know if you feel it.

Where are we going to go from here? Are we going to get results or are we just going to keep spinning, stuck in the same rut?

R: In those two meetings when we met last we heard what you said. We sent the notes back. We heard your concerns about sediments, fishing decline, the algae, and the increased recreational use impacting fishers and Members. We did hear you and look forward to our next meeting. I take the impacts seriously and we are here to assess and make our recommendation from there. I assure you that we are hearing you.

Q/C: There are flaws in the basic project design. It is the fundamental basis, and if it is flawed then all the assessments are flawed as well, including fish and fish habitat.

Regarding the groundwater, there is an issue I raised several times with the Proponent about the risk of surface water contamination and risk of saline intrusion from the west. The hydrological divide runs from the east shore down from Lake Winnipegosis to Winnipeg. If you are going to depressurize the aquifer for the Project, will the pressure from the salt water cause infiltration and contaminate the aquifer that serves Lake St. Martin and Fisher River? I never received a decent response. That needs the 3D modelling.

In the University of Manitoba study of modelling around Lake Winnipeg, there is a statement that says river water will renew itself in 20 days. It takes 14 hundred years for groundwater to renew. That has to be a showstopper. If MTI bases its argument on having complied with EIS guidelines, my response is that the EA process informs the consultation process. The Crown has a duty to consult and accommodate First Nations and Métis for any potential infringements. Fisher River will make this 3D sustainability study a condition of the Duty to Consult.

For the Lake Winnipeg regulation, there was a light northeast wind on Monday and the Lake Winnipeg level today is 717.1 and it was a little higher on Monday. From the light wind, the community was already flooding. With the onrush of water, it will come down Sturgeon Bay into Fisher River. What will happen when the channels are open? Lake Manitoba and Lake Winnipeg are high. In September, we will get strong northwest winds. There has to be modeling done on the risk assessment on Lake Winnipeg. They claim there

will only be seven centimeters of water. But seven accumulated from Norway House to Fisher Bay becomes several feet.

Q/C: There is a nested set of aquifers in the rock. Gets saltier as you go down. The pressure in the upper aquifer will start a movement of the lower aquifers, which are also under pressure. They are rock aquifers and water will move upwards through the faults and other passages in the rock. In the early 2000's, there was an application to take water from the Sandilands to the west where there was a shortage. It was turned down by the Clean Environment Commission because the dynamics of the aquifers below was not understood and there were uncertainties around potential for salt intrusion as well as disruptions to wetland supplies. We did not understand how that would work. Because of that, the Commission adopted a precautionary approach and said "no" to the project.

That is what is happening here. Work with the groundwater and you start to affect the wetland on the surface. Wetlands are very susceptible to fluctuations and changes in water quality. The mitigation proposed by MTI is terrible. It is talking about taking a different water quality from the lake and trying to replace the water in the wetlands knowing the water qualities are very different.

The fish and fish habitat IRs are very important questions – but are not the main question. We just heard a history of how the fishery has been affected from the northern aspect and from Sturgeon Bay, and the Lake St. Martin aspect. What I got out of it is that the fish habitat has been degrading for a long time because of development, the Fairford Structure, and the northern dams. The plea I hear from First Nations is to stop messing with the environment and to leave it alone. Every time you make a change, you change the fishery, fish habitat, and the system. The changes that will accrue because of this system are theoretical. We will not know what will happen until the Project starts to operate. Usually, the operation of a project is very different than the theory and the effects greater than predicted. Mitigation to try to follow it up is not a solution to the problem.

What is missing from the IRs is the socio-economic impact related to fish and fish habitat. What is the value of this fishery? What will be the effect of this Project on the value of the fishery? I have listened to the history of how the fishery has degraded over time. I see the degradation. Sturgeon Bay is named after the sturgeon that used to be there. What happened there is happening to the rest of the ecosystem. We see sturgeon under threat all over Manitoba, which means the fish habitat is under threat and this Project will put it more under threat. Biologists say Lake St. Martin is a jewel in the crown, a nursery for Lake Manitoba and Lake Winnipeg. If you injure that, you will effect fisheries in Lake Winnipeg and Lake Manitoba, not just Lake St. Martin. What is the value of the fishery in these systems? What is the possible damage of this Project to this value? I do not see that as an IR.

Peguis First Nation has put together a value of the fishery on Lake Winnipeg and Lake St. Martin. It looks at the commercial fishery, the subsistence fishery and the multipliers of healthy fish versus store bought. They value the fishery in Lake St. Martin and Lake

Winnipeg at over \$500 million/year to the 20,000 First Nations who are living around Lake St. Martin and Lake Winnipeg and the 13 communities in that area. If you take 20% from that jewel in the crown, how much of the \$500 million/year will you lose? This \$500 million Project will wipe out that additional value. That does not make sense.

A socio-economic study is needed on the value of the fishery and the wetland complexes that are used to pick medicinal plants, and for hunting and trapping. This is not in the EIS or the IRs. We need to know the value of these and what the impact on the values will be. MTI should be tasked with putting together this socio-economic study and if they cannot then the Agency should do it.

Q/C: I am a commercial fisher, hunter, trapper, and harvester of wild medicines. Misipawistik Cree Nation is my home. It is Grand Rapids but we have no rapids anymore. My community is still living with the effects of dams and the devastation to our fish habitat, our hunting, and medicines.

When you talk about fish, that is my livelihood. This is how I brought up my children and grandchildren. With regard to another channel being built, no one has come to my community to talk to the fishers. Our community is still feeling the effects and will continue to, of what happens when you try to control water. We have the dam and a spillway. This controls our rapids, which are dead and dry. The dam is used for hydro to make money. The dam is 100 feet over our community. Our Elders now are sleepless at night because the dam has been there so long and you can see it is crumbling on the outside.

At one time, Grand Rapids was one of the biggest delta marshes. It was very productive and now gone. We have communities upriver – one was relocated because they needed to dam up the river. They were moved to a pile of rocks. Now, we fishers feel that every day when we fish we have to go further. We used to fish right outside our community. Whenever the dam is opened the moss and other material fill our nets.

There is a place called Long Point. We have a sand spit there and used to have 13 cabins there, but now there is only one. The spit is gone because of water taking the cabins. We tried to talk to government but they never did anything for us. They cannot see the devastation of what happens when you block water off. At one time, Lake Winnipeg was a natural filtering system. The water flowed and went where it needed to go. When you have a dam the water sits stagnant until the dam is open again, until hydro is ready to generate more money.

On the way to this meeting, I passed an area where they are doing road work for this Project. I believe they are going to go through with this channel despite what First Nations are saying about how devastating it is when you try to control water. How deep this channel is going to be, because fish need oxygen to survive? I am sure there will be gates, but what happens in the winter when it freezes and fish are trapped? Will they get enough oxygen to survive? If you want to see the devastation of building a dam or trying to control water, I will take you out in my boat and show you around my community.

R: There are two channel gates, one for each channel. We have put together some questions regarding how dissolved oxygen will be monitored in the event of ice and how they will manage fish salvage to try and prevent mortality. We are definitely interested to hear more about that and what we can bring forward to MTI on how to mitigate any potential effects.

Health Break

The meeting recessed at 10:30 a.m. and resumed at 11:00 a.m.

Q/C: First Nations used to manage their own fisheries. They were all interconnected with fish moving between systems. We can tell the difference between fish that are local and those from other areas.

These projects that do not even have a description, were done without consultation. In 2011, when they decided to put in an emergency channel, it was under the auspices of emergency for the public in Manitoba. There was no consultation or participation. They introduced fish ladders, and none of that works. It is there because it appeases.

There is an example of another project that includes two channels. A two mile and an eight-mile channel were put in at the north end of the lake and it destroyed the fish habitat. Norway House fishers do not have any more resource. It has melted away the permafrost and impacted the shoreline. Compound that with water that has moved overland into non-traditional areas for holding water. Typically, they are for rain and snow. When you have overland flooding, what does it do to our environment? For many communities their traditional pursuits were affected. You can smell the vegetation deteriorating. Adding another channel will not decrease impacts, it will only increase it.

How does all that affect our fishing? Garbage and nutrients/pollutants from industry come from the channels into Lake Winnipeg. It costs our communities a lot of money. The fishers said the government offered to buy their quotas. Some were compensated for one year but lost six years of income. Our communities have to make decisions under duress. Our people are honourable and have earned income through hard work and want to meet their obligations. They need the opportunity to generate income to pay any loans they may have. If they do not take the buyout will they be able to fish the next year or year after? What if the fish don't come back?

It is good to hear about the Peguis First Nation study on the impacts on their community. Paid studies at the local level are needed for all of the communities. You would have thought that the study done on contamination of groundwater and surface water in 2005 would have been refreshed for this process. Who should have done that? The study by James Black in 2007 on subsoil saturation and aquifer erosion – should that have been refreshed as well?

We need to be able to understand what is affecting our communities, fish, and fish habitat. Those are treaty rights. This government started doing infrastructure projects

without consultation and came after the fact to ask how we were affected – we are responding to something. It should have been monitored so we could make informed decisions on future development.

Every lake and water body in the province has a value to Manitoba Hydro which is generating the electricity from that resource. Manitoba Hydro wants to export our electricity to the United States at 2.9 cents/kilowatt while we are paying 7.9 cents/kilowatt or higher, plus fees for connection. To export they have to guarantee supply for 50 years. But did they come to us and enter into a 50-year contract to offset any damages to fishing, hunting, trapping, and berry picking – our traditional uses? Instead they offer buy-outs to reduce future liability against the corporation and Province. The problem is the fiduciary obligation to First Nations and treaty – the government has a responsibility to ensure we can exercise our treaty rights. Those are our rights. We never gave up our treaty rights to water and the use of it.

First Nations need to look at holding the provincial government, Manitoba Hydro, and the federal government to account. Nations in other provinces have won court cases related to overdevelopment that limited their access to hunting. We are suffering the most from overdevelopment in this province. Tataskweyak Cree Nation won a class action claim on water quality and potable water. The intervener was Manitoba Hydro.

Every time the water in the lakes is adjusted artificially it dirties the water, causes more sediment and clogs osmosis and water quality machines.

The fish are coming from Lake Winnipegosis and it is not even included in this information. Where are the sturgeon? In the hatchery at Grand Rapids operated by Manitoba. They have been tagging sturgeon, rainbow trout, etc. and trying to reintroduce them in the Assiniboine River and have not had any results from that. Did they consult Little Black River, Roseau River Anishinaabe, or Dakota Plains First Nations?

The Province should be doing this with the involvement of our people. Our communities could say where the spawn used to be and the fish could be put there. We need to put together a position that requires, as part of this Project, a socio-economic assessment for the whole area – not limited to just a few communities. A sustainability study should be done. A risk assessment on water management is needed for Manitoba. Not just these lakes. It is all interconnected.

In 2017, when Manitoba Hydro was shouting that we were running out of water, it was spilling close to five times the allowable limit into the Churchill River Diversion. The railroad was washed out all the way to Churchill and it was called a natural event. The increase was signed off by the Minister. Split Lake's trap lines, cabins, and docks were all blown down the river. It is cheaper for Manitoba Hydro to replace those than to look at the compensation.

We are being asked to participate in a process in which MTI is not being forthcoming, or providing information or responses to requests. Those are triggers you will be cheated

again. There are enough First Nations here that they should be looking at pursuing a class action on fisheries and overdevelopment, which is affecting every aspect of the communities.

We were making \$42,000/year in the 70's from trapping. That was a lot of money for our family. We did not have to run to the store for bologna. There was fish, muskrat, beaver, ducks, and geese. We had a spawning pool if we wanted pickerel or sturgeon suckers. These supplemented our large family. You were taught to work hard and understand who you are as a person and where you come from. My dad said that what we were seeing was all going to change and so I had to get educated and learn something where I did not rely on what had been done for generations. I was the first one at school that September. We had to adapt. We could not influence what they were doing. They did it before they asked us. And it happened over and over again. How many dams did they build?

You have to put your foot down and say enough is enough. I was in my friend's community before and after the flooding. It was hard to hear the stories. The fish hatchery at Dauphin River was built and then they locked it – it has not been used since. They controlled the process. They said we could open the doors and use it for a hatchery and they never used it. That is the experience and history.

The information that has been given is inaccurate and we then need to hire and pay for experts to tell us what we already know. There are opportunities to look at this in a different lens focused on our objective as treaty people going forward. How do we bring some stability to an unstable environment?

Someone asked me why there are so many homeless First Nations in Winnipeg. Following the flood people could not live in their houses so they moved away, and only a few houses were replaced each year. Kids that were five-eight years old in 2011 and the families were relocated to Winnipeg; imagine what the kids got involved in as they aged over 10 years in this environment. You can go to Portage Place and they will tell you where they are from and that they got here in 2011 because they have no homes to go back to. They do not accommodate for the houses that were lost. It was not an act of by God – it was caused by development.

We have to say enough is enough. This is an opportunity to say stop creating the emergency and then we will not need this channel Project. Let us look at how we manage the resource. Does that mean Manitoba Hydro has to not renew sales to the United States? We are the most invested in what Manitoba Hydro does because they are taking our resource and generating profits and we get nothing. They restrict our quotas, moose hunting, and all that we do. That is what we get for our resource. We lose everything. This channel is not needed.

Q/C: After all the changes that I have seen, I believe it is humanitarian studies that are missing. At one meeting with the Government of Alberta, it wanted to build a pipeline. They came with a psychiatrist, First Nations member, and some people from Australia. One of the things that was brought up was housing. This was a pipeline presentation. Most of the

First Nations there were not into disturbing the area, the caribou, and moose. That is what is missing, a humanitarian perspective.

I was listening to DFO and I met with a former employee who was trying to figure out sturgeon. I told him he owed me a lot of money because of all that he was learning from me. We had to drag DFO into the plight of the sturgeon up north.

We work with aquatic specialists in our area. When they got the environmental impact assessment none of the impacts were brought up. In 1996, we pulled up seven traps and it smelled like sewer. But the people who were paid by Manitoba Hydro did not report that.

We have been restocking sturgeon back into the river. We released our little sturgeon in May and found them again 70 miles downriver. The biologist was really happy they migrated.

We were looking for a member who drowned in Split Lake. RCMP divers could not see a foot – it was pitch black. That is how dirty it is. But when First Nations report something it is not taken into consideration.

In 1998, Manitoba Keewatinowi Okimakanak Inc. (MKO) wanted to do a surprise visit inspection of the turbines in Kelsey. Our First Nation member who worked in Kelsey remembered when they used to scrape up sturgeon parts into pails. They were killing sturgeon. We asked if we could do an inspection and Manitoba Hydro agreed. However MKO got there at 5 a.m. and did not get in until 12 p.m. As we were approaching, a welder from a First Nation community told us we would not find anything because it had been cleaned it up.

When Natural Resources got 150 sturgeon that year, I asked why they were stopping First Nations from harvesting and they said because only 150 sturgeon came back. They said sturgeon spawn every five years. Do you expect the same number every year or just use it to attack First Nations' rights? They managed to save and release nine sturgeon in the river. I asked, "when will the western science and the Aboriginal way meet?" It is crucial. We do speak the same language and live in the same world.

When we do fish up north there may be a lot of fish but there are also a lot of 'hydro fish' – logs that get caught in your net. You spend more time cleaning your net than fishing. These are the difficulties. The rainbow smelt came a few years back. I asked how it would affect the existing species. Now we have zebra mussels. I opened a sturgeon and it was full of zebra mussels. A few years back it would have been full of blood worms. I asked the University of Manitoba biologist how that would impact the people who consume the sturgeon. Why do we not study the zebra mussels and their effects on people?

I asked a friend in Cross Lake if they eat sturgeon. He said the zebra mussels did not do any harm. My heart went out to him. One day he came from checking his net and on his boat he had eight rocks covered with zebra mussels. I asked what he was going to do. He

said he had to take them out so they would not multiply. I could not tell him they were all over already. Even the duck and seagulls are eating them.

My dad and I fished the lake for whitefish and for sturgeon and the Department of Natural Resources gave us 12-inch mesh to use. We had a good catch. It was not until later until I figured out they were trying to deplete the sturgeon population so they would not have to worry about it. There is 250,000 eggs in one sturgeon and every year we put 75,000 back into the river. My brother-in-law went fishing south of the last dam in Manitoba. What I noticed about the sturgeon was the heads were big and the bodies were narrow. The erosion happening upriver was covering up their food and they were looking sad in that condition. God gave us good land. You came here to live in a beautiful land. How much longer before we deplete the resources?

Earlier this summer, I heard that Manitoba could sustain itself with the resources. Three weeks later we got a lot of calls regarding the lands. We all have to live in this land. Before the pandemic, I was sent south to harvest some porcupine because our Elders like to eat them. Everywhere I turned, there was a gate for private land. I was worried about what I encountered regarding the land and the uses. Some people were not understanding and others were really helpful. I have been on the land most of my life. I sit out there in the evening and wonder if I am the only one seeing this. I hope you can read between the lines to what I am trying to say.

Q/C: With regard to passive water treatment, the IR asks for descriptions about monitoring and follow up specific to cattle run off. The passive water treatments were proposed in the last nine months to address the speed in which run off from the feedlot operations will enter the lakes and the potential negative effects. It was noted there are seven farm operations in a risky position to contaminate the lake from feedlot run off. They have EMPs to address these issues but it is hard to formulate what we are looking for when we do not know the proposed fix. What if their mitigation does not work? What does it do for the farmers and operations? How will they remedy that? That has long term implications. Farms are generational and get passed down. What does this look like for the farms? We need to zero in on the monitoring and mitigations if the passive treatment systems fail. How are they proposing to mitigate the disastrous effects on the lakes?

R: *Is the concern implications of failed mitigation on farmers who are adjacent to the Project, and in the event the mitigation fails, what comes next?*

Q/C: We do not know what the mitigations will be. Even the farm closest to the channel does not know what the passive water treatment looks like. It is hard to formulate questions when you do not know what is proposed.

R: *The IR is trying to get more details so the Agency can really consider the feasibility of the mitigation to prevent an effect to the water quality of the connected water bodies. The EIS guidelines say the mitigations need to be technically and economically feasible. We need information to confirm that. With regard to if the mitigation fails, I do not have the*

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best answer for potential impacts to operators. We condition the Proponent, not anyone else. That is a good take away for consideration about the implications if mitigation fails.

We have heard there are concerns about the monitoring proposed, and what can be done to reach the outcomes the initial mitigation was intended to meet.

Q/C: If that were to fail there is a socio-economic impact as well. Reliance on EMPs is not sufficient and do not give the full picture. If the mitigation fails, we do not know what happens after that. Potentially, it could mean the feed operation is not viable and has to leave and there is a butterfly effect on such small communities. We cannot afford to be losing our community members. Our schools are small. It is less and less sustainable. If seven farm operations leave, our town feels that, our tax base is hurt, our store is hurt. It is important that the EMPs address in more detail how they will mitigate adverse effects.

Q/C: The whole approach of doing adaptive management and EMPs can work if you have done the work on predictive effects of the Project. The issue is that MTI has not done this work. It has to develop predictive models and not just use professional judgement as a basis for the impacts not being significant. MTI needs to proceed with approximately 25 studies on fish spawning, fish migration, aquatic habitat monitoring, etc., which it has not even started. This is baseline information, much of which cannot be picked up until this spring.

We are concerned the Environmental Advisory Committee will not have any teeth. MTI holds the funding and the decision making on monitoring. I believe there needs to be federal involvement in that Committee. With regard to the members on that Committee – who knows if they will be technical? The process is flawed. I do not know how DFO can come to any determination because many of the baseline studies have not even commenced.

Details for funding are missing. My concern is that there is \$3.2 million in funding for the Committee, but how much is allocated to monitoring? Is it just for Committee membership or for monitoring?

R: *We are seeking more clarity on what is envisioned for the Committee. We put forward an IR there. If there is any more clarity needed please let us know.*

Q/C: I would like to know about how the funding will be used.

The Facilitator asked if in the interest of time, the TAG supported removing MTI from the agenda to free up time for more discussion. It was confirmed that although the TAG wanted MTI to present, the Agency bumped the presentation in the interest of time to allow for more discussion.

Health Break

The meeting recessed at 12:03 p.m. and resumed at 1:07 p.m.

Q/C: MTI is requesting an extension, and the Agency is focusing on the IRs and ensuring we get responses. My concern is that MTI is acting as both Crown and Proponent. All the smaller

components of the Project require only provincial authorities. What is the Agency doing about the work that happened last year, the year before, and next year during the extension? What assurances are there in terms of the follow up on those processes?

I have concerns about monitoring, harvesting, traditional practices, fish, and fish habitat. If they did a better job they would not need an extension. In the meantime, it is still doing work.

MMF has been in touch with provincial departments about this work and MTI continues to do the work and says it will respond but it does not materialize. When will the Agency provide assurance the work will be tracked and that the concerns in the IR process that are applicable to the work MTI is being allowed to do will be followed up on in time for us to do something about it?

MMF has filed appeals on every project and Manitoba has dismissed every appeal. That allows MTI to continue the work. We will continue to be sitting in rooms like this asking the Agency to do something and then will have another conversation two years from now but at that point the work will have been done. Can you comment on where the Agency is at on that?

R: With regard to the additional activities being done piecemeal that relate to the Project, these activities would have to be brought to our attention but we would need more information to dig in deeper.

As far as the Project that is before us, in the EA there are specific prohibitions that the Proponent will not do anything that results in adverse effects to areas of federal jurisdiction. Our enforcement and compliance branch would, under CEAA 2012, ensure the prohibitions are not being violated by the Proponent. If there is activity that would be prohibited as part of the CEAA 2012 EA we would conduct an investigation on that.

Q/C: The enforcement branch has no money but has the mandate. The challenge is that Canada has allowed MTI to chunk off components of the Project that are being authorized at the provincial level. The portions under the Agency's responsibility are not moving forward. The concern is that, rather than include the entire Project, Canada has only put a portion in the federal process. Many other things are continuing. Where is the opportunity for the Nations to go to Canada on the parts that are in and out of the federal process? We say it is all part of the Project.

R: It is not the Agency's project. We do not define it. It is the Proponent that does. Typically, the analysis is done earlier in the process. If there are a list of activities that have been portioned off I am not familiar with those. If there are concerns about them not being part of the overall Project, we can take a look at that and see the rationale. The Project and any of the components or activities that are part of it would have been set out in the environmental impact guidelines. That is the definition of the Project for the purposes of the EA and any prohibitions.

Q/C: From the Indigenous Nations perspective, the Project is decimating the last traditional economy. The whole component has to be compared to what the viable options are in those communities. If you destroy what the Nations have always been tied to – accommodate where mitigation is not possible. We are requesting mitigation that is sufficient to address the impacts, not what Manitoba can afford. All of this is tied to a crown corporation, which controls the water. The issue of economically feasible should be based on who benefits – where is the economic feasibility as it relates to that mitigation?

R: *We will definitely look to MTI for its concrete commitments. Federal authorities will also advise on what can be done, and on the input of the Nations that are participating. We will take all the information and when we develop the EA report we will identify the mitigation measures based on the input to get at the concerns that have been raised.*

Q/C: For the 15 years before the flood in Dauphin River First Nation, I saw consultants and the Province come into my community without authorization or a permit. They came and put gadgets on the river and drilled holes in our First Nation to monitor groundwater. It has been happening for the past 15 years. I have not seen one report of what they are studying or finding. My recommendation to the moderator is to ask Manitoba what kind of reports on behalf of Dauphin River First Nation are out there. If you find them, can you forward me a copy?

We talk about the government mitigation and buying out licenses; the buyouts are discriminatory- First Nations were offered \$24 000 less. Why is that? Because others pay taxes. I pay taxes when I buy gas and nets. From top to bottom, we lost \$24,000 from the buy-out. We should not have had to deal with the Province, but Canada gave them jurisdiction to deal with us directly. There are a lot of things like that which are very unfair. That is why I am against this channel.

Q/C: Regarding using or relying upon monitoring and adaptive management to deal with information gaps and the uncertainties about the Project effects – I raise that as a concern as an EA practitioner and on behalf of Little Saskatchewan First Nation. To make a determination on the severity of impacts on constitutionally protected Aboriginal and treaty rights, this has to be understood well enough at the time the Minister makes a decision otherwise consultation is inadequate, which is required under common law.

I understand the challenges of the regulators when it comes to the lack of information but let us keep the pressure on MTI to do the work. MTI is hoping we will just give up and sort out the effects later and maybe that is how some EAs have happened in the past. Let's not let this be one. There is legal exposure on this Project. Constitutional duties around consultation and accommodation cannot be skirted. We will continue to push for clarity on the baseline information, the effects assessment, cumulative effects, and mitigation measures. We do not want to figure out the residual effects after the EA is over.

Q/C: Our treaty rights have been neglected. As the original peoples of Turtle Island our rights are constitutionally protected. In the 1763 Royal Proclamation, it summarizes that Aboriginal peoples are not to be molested or disturbed on their lands.

Anishinaabe do a lot of research. We have a place called Big Rock that is 1,100 feet above sea level and we came across seashells there. This is evidence there was a great flood across Turtle Island. Our food security has been lost forever, our hunting, fishing and trapping. Who is responsible for allowing that? They are sitting in front of us. The Province of Manitoba has been dictating to us. They have been talking about all these studies. Anishinaabe are the most studied people on Turtle Island. I do not know when they will stop studying us. We have four court cases active with the Queen's Bench. We should engage in opening these up and settle the path before we go ahead with this Project.

11. IN-CAMERA CAUCUS

The meeting recessed at 1:02 p.m. to allow the TAG to Caucus in-camera without the Agency and government representatives present. The meeting resumed at 3:09 p.m.

Following the Caucus, TAG members shared the following highlights of the in-camera discussion:

- There was general consensus that the Project should not proceed. A minority said that if the Proponent could eliminate the negative effects, and it could bring the benefits claimed, it could go ahead, but there was general doubt.
- The granting of the extension to the Proponent under the CEAA 2012 Act was not supported by several of the participant groups. Groups viewed the 2019 Act to be more robust in terms of consideration of rights and socioeconomic effects.
- Many of the First Nations are wondering who wrote a letter not supporting the extension. Some Nations received a letter the day before the TAG meeting about the decision to grant the Project extension. There is concern about the transparency; the Agency needs to ensure information is made available well in advance of meetings.
- The view was expressed that the decision to grant the extension should be reconsidered. Alternatively, the Agency should require that the elements missing from the 2012 Act that would have been assessed under the 2019 Act be incorporated in this process.
- There is concern that at least three First Nations (possibly more) have outstanding legal claims. The members support the principle that past issues and compensation need to be resolved before this Project proceeds.
- This Project is incomplete. The amount of missing information does not allow for making informed decisions.
- There are a lot of works that have been done for the purpose of this Project that should not have been allowed to proceed – TAG members considered them part of the overall Project, which does not yet have a license.
- A socio-economic assessment must be done.

- Groundwater issues are a major concern as are surface water supply and quality issues. There is a need to understand the sustainability of the resources and their vulnerability to the effects of the Project.
- The members said it would be beneficial to set aside time at future TAG meetings to allow for discussion amongst the affected parties without Agency or government representatives present. The larger group session is still needed with everyone present to discuss and work on the substantive elements required as part of the EA.
- There was concern that the Project is catering to non-Indigenous interests; Indigenous rights need to be asserted and protected.
- There was concern that the water currents will change if the channels are built. The fishers then must re-learn the lake and currents, and there is the danger of loss of life or serious harm to fishers.

12. IR RESPONSE COMMENTS AND ROUND 2 IRS– TERRESTRIAL ENVIRONMENT

Due to time constraints, this item was not considered.

13. IR RESPONSE COMMENTS AND ROUND 2 IRS – CUMMULATIVE EFFECTS AND OTHER ITEMS

Due to time constraints, this item was not considered.

14. PARKING LOT AND OUTSTANDING ITEMS DISCUSSION

This item was not considered.

15. MTI – REGULATORY APPROACH

As per the direction from the TAG at the meeting, this item was not considered.

16. MTI CONSULTATION AND ENGAGEMENT UPDATE – PRESENTATION

As per the direction from the TAG at the meeting, this item was not considered.

17. NEXT STEPS FOR THE TAG AND CLOSING REMARKS

The Regional Director from the Agency shared appreciation for the discussions, having learned a lot. It was noted the EA is a planning tool for these large-scale developments, and that a large part of the process is about bringing people together.

Participants were thanked for their feedback. It is a lesson learned for the Agency that an opportunity for members to have some separate space and time to come together would have been more appropriate and the Agency will look for the opportunity at future TAGs again.

The Agency acknowledged feedback received that the participants would prefer to not meet downtown in future and looked forward to the report/summary of the meeting. Appreciation was expressed that the TAG was able to meet in a circle during the in-camera, which it was suggested was one of greatest successes of the two-day meeting.

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There are topics that were not covered during the meeting such as terrestrial and cumulative effects. However, there was discussion on water, fish, and fish habitat. There was some information gleaned on cumulative effects; however, it needs a larger discussion. The Agency will be looking to scheduling another discussion in the near future. This will likely be a virtual meeting.

Agency representatives were grateful for the opportunity to meet so many of the TAG members, and looked forward to carrying on the discussion. TAG members were encouraged to reach out in the meantime to talk matters through. Members were thanked for their participation and wished safe travels.

CLOSING PRAYER

The August 30-31, 2022 Technical Advisory Group Meeting concluded on Day Two – August 31, 2022 at approximately 3:23 p.m. A Closing Prayer was offered.

* * *

Acronym List

The following acronyms are used in these meeting notes:

CEAA	Canadian Environmental Assessment Act
DFO	Department of Fisheries and Oceans
EA	Environmental Assessment
ECCC	Environment and Climate Change Canada
EIS	Environmental Impact Statement
EMP	Environmental Monitoring Program
IAAC/Agency	Impact Assessment Agency of Canada
IR	Information Request
MKO	Manitoba Keewatinowi Okimakanak Inc.
MMF	Manitoba Métis Federation
MTI/Proponent Project	Manitoba Transportation and Infrastructure Lake Manitoba and Lake St. Martin Outlet Channels Project
TAG	Technical Advisory Group

Information Items

The following items were referenced or reviewed during the meeting:

1. Agenda for the August 30-31, 2022 Meeting of the Technical Advisory Group – Lake Manitoba and Lake St. Martin Outlet Channels Project
2. Document titled “Lake Manitoba and Lake St. Martin Outlet Channels Project – Technical Review Information Requests Round 2”
3. Agency presentation titled “Lake Manitoba and Lake St. Martin Outlet Channels Project Technical Advisory Group Meeting”
4. Agency presentation titled “Environmental Assessment Process”
5. Agency presentation titled, “Technical Review and Information Requests”

List of Attendees

List of Attendees

The following were pre-registered as attendees, or attendance noted at the meeting:

MEMBERS/REPRESENTATIVES

Berens River First Nation:

- Reggie Batenclow
- Clarence Booth
- Paul Disbrowe
- Roland Whiteway

Fisher River Cree Nation:

- Harley Jonasson
- Cory Murdock

Dauphin River First Nation

- Emery Stagg

Keewatinook Fishers of Lake Winnipeg (KFLW):

- Henry Traverse
- Chris Colombo
- Nancy Pearce

Kinonjeoshtegon First Nation:

- Rita Oigg
- Dakotah Traverse
- Greg McIvor

Lake St. Martin First Nation:

- Robert Marsden
- Victor Ryle
- Mervin Sinclair
- Alex Traverse
- Jerry Marsden
-

Little Saskatchewan First Nation

- Trefor Smith
-

Lake Manitoba First Nation

- Seetta Roccola (Interlake Reserves Tribal Council, also representing Dauphin River First Nation and Kinonjeoshtegon First Nation)

Manitoba Metis Federation:

- Jade Dewar
- Marci Riel

Misipawistik Cree Nation (Grand Rapids):

- Ralph Bourassa
- Derek Kornelsen
- Tyler Lavallee
- Devon McLeod
- Kirsten Earl McCorrister

Pimicikamak Okimawin :

- Darrell Settee

Norway House Cree Nation (NHCN)

- Annette Luttermann (also representing Pimicikamak Okimawin)

Peguis First Nation

Roberta Flett

Tataskweyak Cree Nation:

- Matthew Boulton
- Joseph Harvey
- Ian Halket (also representing Peguis First Nation, Misipawistik Cree Nation)
- Jonathan Kitch
- Chief Doreen Spence

Poplar River First Nation:

- Jared Whelan
- Ed Hudson
- Clint Bitter
- Norman McKay

Rural Municipality of Grahamdale:

- Jason Bittner
- Tera Lobay
- John Osler
- Steve Topping

Skownan First Nation:

- Alan Reid

York Factory First Nation (YFFN):

- Adam Kroeker

List of Attendees

GOVERNMENT REPRESENTATIVES:

Department of Fisheries and Oceans (DFO):

- Rick Gervais, Fisheries Protection Biologist, Fisheries Protection Program
- Jeff Moyer, Fisheries Protection Biologist, Fisheries Protection Program

Environment and Climate Change Canada (ECCC):

- Pauline Bloom, Senior Environmental Assessment Biologist, Regulatory Affairs Unit
- Cari-Lyn Epp, Senior Environmental Assessment Officer, Environmental Assessment South

Health Canada:

- Dave Kitchen, Manager, Environmental Health Program, Manitoba and Saskatchewan
- Julie Anderson, Impact Assessment Specialist, Environmental Health Program, Manitoba and Saskatchewan

Impact Assessment Agency of Canada (IAAC):

- Shelly Boss, Project Manager, Prairie and Northern Region
- Greg Bosse, Project Manager, Prairie and Northern Region
- Mark Bowler, Senior Consultation Analyst, Prairie and Northern Region
- Sean Carriere, Director, Prairie and Northern Region
- Jay Gerritsen, Lead, Crown Consultation, Crown Consultations Division
- Jane Stringham, Crown Consultation Analyst, Crown Consultations Division

Indigenous Services Canada (ISC) – Manitoba Region:

- Angela Bidinosti, Senior Environmental Specialist, Environmental Planning and Management Unit
- Cassandra Kalyniuk, Environmental Specialist, Environmental Planning and Management Unit

Natural Resources Canada (NRCan):

- Peter Unger, Senior Impact Assessment Officer, Office of the Chief Scientist

Transport Canada:

- Jackie Barker, Regional Environmental Advisor, Technical and Environmental Services

FACILITATOR:

- James Ransom, Tarbell Facilitation Network

PREPARATION OF NOTES:

- Rae Ratslef, Raincoast Ventures Ltd.