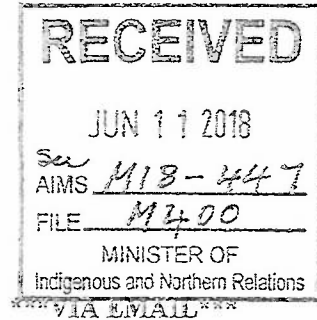


MANITOBA METIS FEDERATION INC.
300 - 150 Henry Avenue, Winnipeg, Manitoba R3B 0J7
Phone: (204) 586-8474 Fax: (204) 947-1816 Website: www.mmf.mb.ca

David Chartrand, LL.D. (hon), O.M.
President

June 6, 2018



The Honourable Rochelle Squires
Minister of Sustainable Development
Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Dear Minister Squires

RE: Lake Manitoba and Lake St. Martin Outlet Channels Project

I am writing to you today with regard to the environmental review, Crown consultation, and licensing process for the Lake Manitoba and Lake St. Martin Outlet Channels Project (the Project). The Premier of Manitoba has stated that the Province of Manitoba will be embarking on one of the "most comprehensive, thorough and robust" constitutional consultations in the history of the province. As the President of the Metis government in Manitoba, I have significant concerns about the Project's review process, the foreseeable impacts to the Manitoba Metis Community (the Community), the future of water diversion in Manitoba and the lack of meaningful consultation undertaken to date.

I have no doubt that the Project will have long-term impacts on our Community's collectively held rights and I continue to be concerned that the engagement and consultation processes will not appropriately reflect the significance of these impacts. As you are aware, the Metis Nation is the largest Indigenous Nation in Canada and the Manitoba Metis Community is the largest Indigenous community in Manitoba. Our citizens are the dominant population around the lakes and watersheds that will be impacted by this Project and these waters are critical to supporting the traditional economies and way of life of our people. Furthermore, our Community has experienced unaddressed impacts for many generations through the Provincially approved diversion and regulation of waterbodies, such as the current Lake St. Martin Channel and the Fairford Dam. Given the significance of the Project on critical issues such as the future of water diversion, the potential spread of invasive species, and the health of our fisheries, the potential for impacts to our Community is significant.

As the Minister of Sustainable Development, your Department will be undertaking an environmental review of the Project and has the responsibility to ensure that Manitoba Infrastructure's engagement and consultation processes with our Community appropriately hear

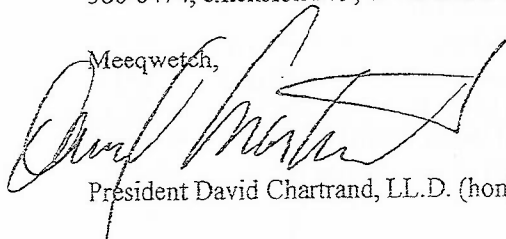
our Community's concerns, study the full scope of potential impacts of the Project on our Community, and whether Manitoba Infrastructure has addressed the concerns and impacts and accommodations on the rights, claims and interests of our Metis citizens for generations to come. As the provincial licensor of the Project, it is the responsibility of those in your Department to develop accommodation measures and licensing conditions in response to any of our Community's unaddressed concerns and impacts which lead to the meaningful involvement of our Community in the monitoring and follow up programs throughout the lifecycle of the Project. These licensing conditions and accommodation measures must be reflective of Manitoba Infrastructure's engagement and consultation process that has been undertaken with our Community and it is clear that if that process is inadequate, then the licensing conditions will need to be comprehensive enough to fulfill the Crown's duty to consult and accommodate obligations to the Manitoba Metis Community.

I believe the Project is in the best interest of Manitobans and the Metis Nation's Manitoba Metis Community has a role to play in the sustainability of both the environment and the economy. It is clear that consultation must go beyond the basic requirements of hearing concerns and providing a response and work towards advancing the process of reconciliation between the Crown and the Manitoba Metis Community. The depth and nature of our Community's involvement in this process will be fundamental to the long-term relationship between the Community and the Provincial Crown.

I recently advised federal Ministers McKenna and Leblanc that the MMF has been supportive of the process undertaken by Manitoba Infrastructure, however, this support hinges on the coordination of a federal, provincial and Metis government process to ensure that the path forward fully considers the impact of the project on the rights, claims and interests of our citizens, integrates the concerns they have brought forward and addresses areas of mitigation as required. In that correspondence, I have detailed my concerns about the process thus far, the comments made by your Cabinet colleagues regarding consultation with our Community on this Project, and requested that discussions on this Project take place at a Nation to Nation, government to government level to ensure our Community is appropriately involved at all stages of Project licensing, construction and operation.

The MMF continues to emphasize the need for a coordinated approach between the MMF, responsible federal authorities and your Department to ensure our Community is meaningfully engaged and consulted on this Project. We look forward to working with you as the Project moves forward and would be happy to meet with you to discuss the matters addressed in this letter. Please contact my Executive and Special Assistance, Amanda Boudreau, via phone at 204-586-8474, extension 279, or via email at aboudreau@mmf.mb.ca to set a meeting date.

Meeqwetch,



President David Chartrand, LL.D. (hon), O.M.

cc. Jack Park, MMF Minister Responsible for Energy and Infrastructure
Ron Schuler, Minister, Manitoba Infrastructure
Elaine Clarke, Minister, Indigenous and Northern Relations

Webb, Bruce (SD)

Attachments: CEAALetterLSM_LM_Funding_1June2018.pdf;
PROPOSAL_AnishinaabeAgowidiiwinan_Firelight_LMLSM-Ecology_01MAY2018.pdf;
PROPOSAL_AnishinaabeAgowidiiwinan_Firelight_LMLSM-Regulatory_01MAY2018.pdf;
PROPOSAL_AnishinaabeAgowidiiwinan_Firelight_LMLSM-SEIA_01MAY2018.pdf;
PROPOSAL_AnishinaabeAgowidiiwinan_Firelight_LMLSM-TUS_01MAY2018.pdf

-----Original Message-----

From: Anishinaabe Agowidiiwinan [mailto:office@treaty2.com]

Sent: June-08-18 12:46 PM

To: minister.ec@canada.ca; Sustainable Development, Minister (LEG) <minsdev@leg.gov.mb.ca>;
mimindnr@leg.gov.mb.ca

Cc: council-of-chiefs@treaty2.com; landandwater@treaty2.com; treaty2@icloud.com <dmmmit@leg.gov.mb.ca>; Allard, Mark (MI) <Mark.Allard@gov.mb.ca>; susan.tiege@ceaa-acee.gc.ca; anna.kessler@ceaa-acee.gc.ca; heather.smith@ceaa-acee.gc.ca; Webb, Bruce (SD) <Bruce.Webb@gov.mb.ca>; Missyabit, Ron (SD) <Ron.Missyabit@gov.mb.ca>; McDonald, Christina (SD) <Christina.McDonald@gov.mb.ca>; Braun, Tracey (SD) <Tracey.Braun@gov.mb.ca>

Subject:

Dear Ministers,

Re: Proposed Lake Manitoba and Lake St. Martin Outlet Channels Megaproject

I am writing on behalf of Anishinaabe Agowidiiwinan – Treaty No. 2 in relation to the proposed Lake Manitoba and Lake St. Martin Outlet Channels Megaproject (“the Project”) within our Territory. When the Grand Council is not meeting, the Council of Chiefs and Land and Water Council represents all nine (9) Anishinaabe Nations within Treaty No. 2 in the current and upcoming federal environmental assessments (“EA”) and regulatory processes related to the Project.

In order to identify potential adverse impacts of the Project on our Nations, we require resources to undertake a full and proper assessment of project effects on our rights-based knowledge and use, the environment and socio-economic conditions. In addition, we require capacity support to ensure meaningful participation in the federal EA process.

Attached you will find four (4) proposals related to supporting our Nations’ participation in the current federal EA, including associated studies that Treaty No.2 have identified as critically important for reaching these objectives. Both the meaningful participation of our Nations in the EA and the sufficiency of studies to inform decisions regarding the Project are essential to fulfilling the Free, Prior and Informed Consent requirements set out under the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP). Please note that should a separate provincial EA process be announced, additional funding support will be required to ensure our ability to participate meaningfully in that process as well.

In view that the federal EA for the Project is already underway, and to avoid unnecessary delays, we request that you respond to our request for funds in an expedited fashion. If you have any questions, please do not hesitate to contact our Senior Official by phone at (204) 648-6268 or by email at office@treaty2.com.

Sincerely,
Grand Chief Norman Bone



Delta Agricultural Conservation Co-Op Inc.
Box 22
Maddock, MB
R0H 0S0

President: Terry Simpson -- 204-857-8402
Vice President: Ray Verwey -- 204-428-5074
Secretary: Ryan Kontze -- 204-239-4284
Treasurer: Darlene Rice Doty -- 204-274-2764

June 15, 2018

Bruce Webb, Environmental Engineer
Manitoba Sustainable Development
1007 Century Street
Winnipeg, MB
R3H 0W4
Email: bruce.webb@gov.mb.ca

Dear Bruce,

Delta Agricultural Conservation Co-Op Inc. has a membership of over one hundred consisting of farming and livestock producers, cottage owners and business owners who support agriculture, waterfowl and recreation in the Portage la Prairie and Delta area.

With the high levels on Lake Manitoba and Lake St. Martin in recent years there is no question of the need and benefit of the Outlet Channels project. It is not our intention to delay or stop these channels from being built, however stake holders around Lake Manitoba and along the Portage Diversion want to ensure that the Government is aware that there are issues stemming from the continued use of the Portage Diversion to divert water from the Assiniboine River through these lakes.

We are wondering if the Environmental Assessment would include the Portage Diversion and Lake Manitoba, as these two areas are being affected.

There is an ongoing salinity study being done along the Portage Diversion. This study is looking into the negative effects that the diversion is having on the adjacent land. Do you know if this study will be included in the environmental assessment study that is being proposed for the outlet channels?

We have attached a package containing our problems for you to review.

We would be available to discuss any questions you might have for us and look forward to your reply.

Sincerely,

Darlene Rice Doty

Treasurer

Delta Agricultural Conservation Co-Op Inc.

My name is Marlo Mynott

We would like to thank you all for taking time out of your day. We have given you our issues in a handout from flooding and the use of the Portage Division. We would like to explain each of our issues, and how these issues affected the people along the Portage Diversion and Lake Manitoba.

1. Brad Knight will speak on issues created by high levels of Lake Manitoba
2. Steven Hoyes will speak on issues created by Portage Diversion
3. Darlene Doty will speak on the east outside drain
4. Next on the agenda is compensation packages. These packages were confusing, frustrating, unfair and inadequate. We will briefly describe our experiences dealing with claims we personally had in 2011 and 2014.

BRAD KNIGHT

DARRYL GOBERT

BERT RUTBEEK

A NEIGHBOUR LADY

MARLO MYNOTT

Lake Manitoba

Water is intentionally being diverted from the Assiniboine River, down the Portage Diversion and into Lake Manitoba. As a result, the level of the lake rises and overflows its banks as the current outlet is inadequate.

Consequently, overland flooding occurs. High water levels on the lake in turn cause levels on creeks, sloughs and the marsh to rise and overflow onto our farms. The water can migrate south up to 5 miles in some places. With a sustained wind event it can push water even further inland, and has done so every year since 2011 around the shores of Lake Manitoba.

When the creeks, sloughs and marsh are already full from the excess lake water, normal rainfalls have nowhere to drain. As a result, the water table rises, bringing salts in the soil with it as it rises to the surface. This increased salinity severely decreases productivity on that land.

Soil analysis confirms that since 2011, salinity has increased substantially and with continual high lake levels, this trend will continue into the future.

In the years prior to 2011, farmers around Lake Manitoba (with land close to the marsh) were able to grow crops such as canola, barley, wheat, soybeans and perennial rye grass which could tolerate low salinity. However, since 2011 the quality of the land has changed substantially. There are now many acres where we are finding it difficult to even grow forages, which can tolerate higher salinity, but generate far less income than the before mentioned higher value crops.

In 2011 the water was everywhere and overland flooding was easily visible. However salinity is not instantly visible and can only be detected by reduced crop production or confirmed with soil analysis.

Not only are farmlands being damaged but cottage owners around the Lake are also experiencing damage by the high water. These levels combined with wind events are devastating to everyone around the lake.

Even with a north outlet, damage done to some of this land will take years to reverse, if it can be done at all.

Portage Diversion

The Portage Diversion was designed to divert water from the Assiniboine River to Lake Manitoba. It was for emergency situations, in early spring when the ground was still frozen. In the last several years the diversion has been running longer with higher water levels, when the ground is not frozen, resulting in more problems with salinity and seepage. Water levels inside the diversion can reach 20 feet higher than the agricultural land outside the diversion. Pressure from this water moves under the dikes especially where the sand veins cross the diversion. This raises the water table pushing the salt from below into the root zone of the agricultural land causing salinity. With the increase in salinity certain crops are no longer able to be grown due to their sensitivity to salinity ie. potatoes / onions while other crops see their yields diminished. Some land is now sown to hay, where allowed, in an attempt to reclaim this land. This land is some of the highest assessed in Portage.

MIT is currently doing a salinity study along the diversion as a result of recommendations made in the KGS study. Testing is being done from the toe of the diversion dikes extending out four (4) hundred meters. Because of the underground flow in sand veins these tests need to be expanded farther than four (4) hundred meters. Soil testing has shown that as the diversion flows the salinity levels increase in land located beyond at least 1 – 1 ½ miles from the toe of the diversion dikes.

Seepage is also a problem caused by the pressure pushing water under the dikes of the diversion to the farm land and back to the top of the soil. This results in water saturated soils that cannot be used for production.

At the north end of the diversion there is a fail-safe, a lower section in the west dike, where water will spill over when the flow of the diversion is running above fifteen thousand (15,000) CFS. This has happened several times over the years damaging farmland, crops, and recreation areas. MIT has increased the maximum diversion capacity from twenty five thousand (25,000) CFS to thirty four thousand (34,000) CFS, yet the fail-safe capacity is still at fifteen thousand (15,000) CFS.

In recent years drainage along the outside of both the west and east side of the diversion has been a problem. We need MIT to maintain the drainage system on a more regular basis.

The silt that is carried in the Diversion water, deposits into Lake Manitoba as the water slows down. This is creating problems for spawning for some fish species in Lake Manitoba.

With the lowering of Lake Manitoba through the proposed outlet channel and the increased capacity to thirty four thousand (34,000) CFS it can only be assumed going forward that the Portage Diversion will be used more, for longer periods of time, and at higher water levels, negatively affecting stakeholders along it.

Will the Portage Diversion be expected to handle the ever increasing excess water or will the Assiniboine River be cleaned and maintained to enable it to handle move of this water?

East Outside Drain

The maps provided are for reference purposes.

The East Outside Drain is located on the east side of the Portage Diversion and runs parallel to it. It is a man-made waterway with a very large drainage area of approximately 52 square miles or 33,280 acres of agricultural land, a huge property tax base. It drains most of the area north of Portage la Prairie.

It was constructed to replace the natural drains, namely Cram Creek and the Fort La Reine Snye that were totally blocked by the construction of the Portage Diversion.

The southernmost portion of this Drain has already been re-routed to have the drainage water flow directly into the Portage Diversion, providing the Diversion is not running at capacity. This portion only drains approximately 7 square miles of the approximate 52 square mile area. Part of the northern portion has been cleaned but the remainder of the northern portion has not been cleaned and the outlet remains blocked. The original outlet flowed thru culverts under Beach Ridge Road and because Lake Manitoba is very sandy, these culverts needed to be cleared of the sand every year. These culverts have since been removed but the sand has never been cleaned out of this outlet nor has another solution been implemented. As a result all of the water that flowed into the Lake is now being rerouted about two miles. It must now slowly filter through a marshy area eastward, against the northwesterly direction it wants to flow, where it eventually enters Lake Manitoba. This rerouting causes a drastic bottleneck for the natural drain and results in water backing up south in the sloughs and drains causing overland flooding of several acres of prime agricultural land. This backup of water can be seen as far south as Portage la Prairie.

Any water that lies on agricultural land for a period of time is damaging to the land and as a result devalues the land making it less productive and undesirable. Because the drains and sloughs in the area remain full, the salinity increases on our agricultural land.

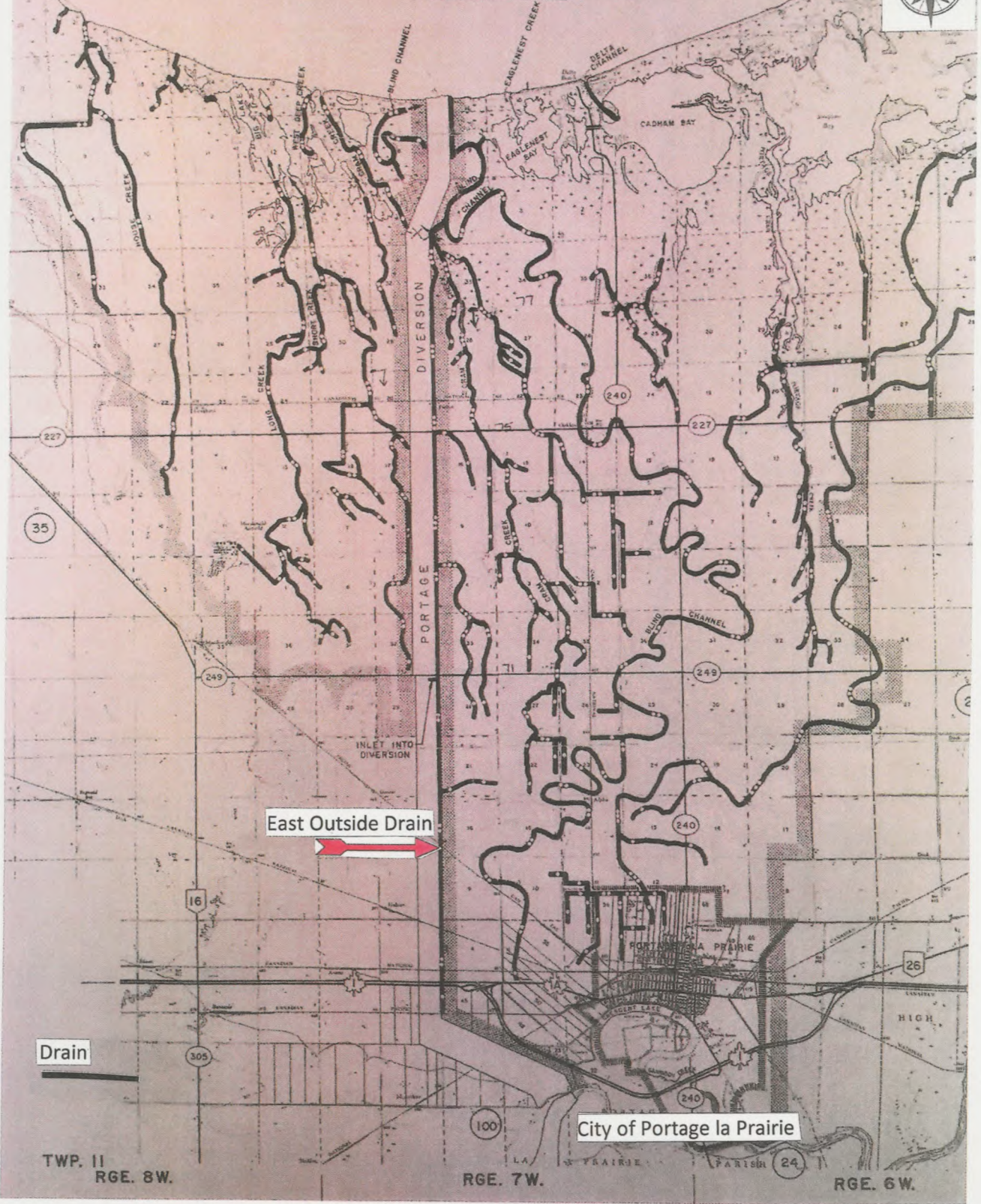
The problems with the East Outside Drain go back to when the Diversion was put in. In 1988 there was an extensive study done by Barry Oswald of the Water Resources Branch. His study was distributed and pointed out the problems and possible solution for the East Outside Drain.

We have been asking for this problem to be solved for close to forty-five years. Most recently MIT has told us that the East Outside Drain, if opened at the outlet, would allow Lake Manitoba to flow south. We disagree with this. The Drain in the past if maintained did work. This past fall when the level of the lake was at 812 feet, the level of the water in the East Outside Drain was at 817 feet. It is evident that the water would flow north rather than south.

Drainage Map



Lake Manitoba



East Outside Drain
→

Drain

City of Portage la Prairie

TWP. 11
RGE. 8W.

RGE. 7W.

RGE. 6W.

East Outside Drain - northern portion & outlet



Delta Channel

Cadham Bay

Outlet from Marsh to Bay

Marsh

Lake Manitoba

Beach Ridge Road

East Outside Drain

Man-made Cut

Fort la Reine Snye

Portage Diversion

Man-made Cut

Cram Creek

Google

Inadequate Compensation – Brad Knight

Our farm is 3 miles west of the Portage Diversion and 2 miles from the south shore of Lake Manitoba.

The compensation programs that were put in place did not fairly or adequately pay producers or landowners for all crop losses or deterioration of soils.

For our farm, we were not permitted to claim for 2010 fall applied fertilizer on flooded land. The compensation for 2011 did not cover all our losses. In 2012 there was no compensation for the 133 acres we were unable to seed due to high water from Lake Manitoba, nor the lost crop in 2014 for the same reason. Since 2011 lost hay production has been an issue and is still ongoing. Without including losses from salinity, our farms losses exceed \$116,000!

Flood Appeals Commission Decision

“The Flood Appeals Commission recognizes the considerable loss the Knight Family have suffered and the difficult time they had dealing with the aftermath of the 2011 Flood.”

“The Flood Appeals Commission believes that the program has adhered to the terms and conditions as set out in part B and that Perry Knight and Brad Knight have been fairly compensated as per 5.6.1 of the program.”

Why do the people along the flood plain of the Assiniboine River and the city of Winnipeg not pay into a flood protection fund so that those of us who help relive the issue of flooding could be properly and fairly compensated?

Why does Brad Knight have to take over \$100,000 of his pocket to flood protect people and business east of Portage la Prairie including the city of Winnipeg in 2011, 2012 and 2014? And no one in those communities pays anything to protect themselves.

Compensation - Daryl Gobert

In 2011 our family farm filed claims in the Hoop and Holler Compensation Program for crops destroyed by the flood. Early on it was determined a claim of edible beans was not eligible under this program, but fell under the Lake Manitoba Financial Assistance Program Part B because of its geographical location. The claim was denied even after the appeal process. In the Appeals Commission Decision I Quote "There is no provision to calculate compensation based solely on acres totally flooded", while ignoring other acres within the area.

If the claim had been under the Hoop and Holler Compensation Program we would have been compensated. Why two programs for one flood. In 2012 we were unable to seed this parcel of land because of saturated soil overgrown with cattails. No compensation in 2012 for unseeded acres.

This is what happened to us and other producers.

If you cannot fix what caused these problems, then compensate us.

Learn from the past to improve the future. A compensation program needs to accommodate all short falls we have been exposed to.

Salinity - Bert

I have grown onions since 2003 on land near the Portage Diversion.

In the fall of 2010, because of high input costs of my specialty crop, I had my land veris tested. Veris testing is a sophisticated gps controlled tool to assist in soil testing for producer's fields. It shows the producer different levels of salinity on their land.

I grew onions in 2011 and as a result of crop setbacks I had veris tests done and the tests came back with high salinity.

In 2012 most of my onion crop was moved off of my land, out of the Diversion area because of salt levels. Because of a lack of acres available for me, I grew a small portion of my onions on a neighbor's piece of land where the salinity levels were lower than on my own. That turned out to be a crop failure. Crop insurance for onions only covers a very small part of the input costs.

In 2013 and 2014 as a result of the high salinity on my land, I moved all of my onion production out of the Diversion area, resulting in higher input costs for my crop.

In 2015 I learned that the north end outlet for Lake Manitoba was going ahead, ultimately the Diversion was going to be used more. The veris test still showed high salinity on my land.

All thru this process I have asked for help from the RM, MIT, DFA, politicians, the flood office, government agencies, the Ombudsman, the appeals office, the Auditor General and my Lawyer and did not get the help I needed to continue my specialty crop production. I was directed from office to office to office. No one took responsibility for what had happened here. I made a business decision to halt my specialty crops production. To this date I have not been compensated for the salinity issue that has changed my farming operation.

North.



SCALE 1:20,000

2003

S 1/2 5-13-7



Good onion crop in 2003 on SW1/2 5-13-7w. On left nice green and lush. On right it shows a nice and even maturing of crop.

2012
S $\frac{1}{2}$ 5-13-7



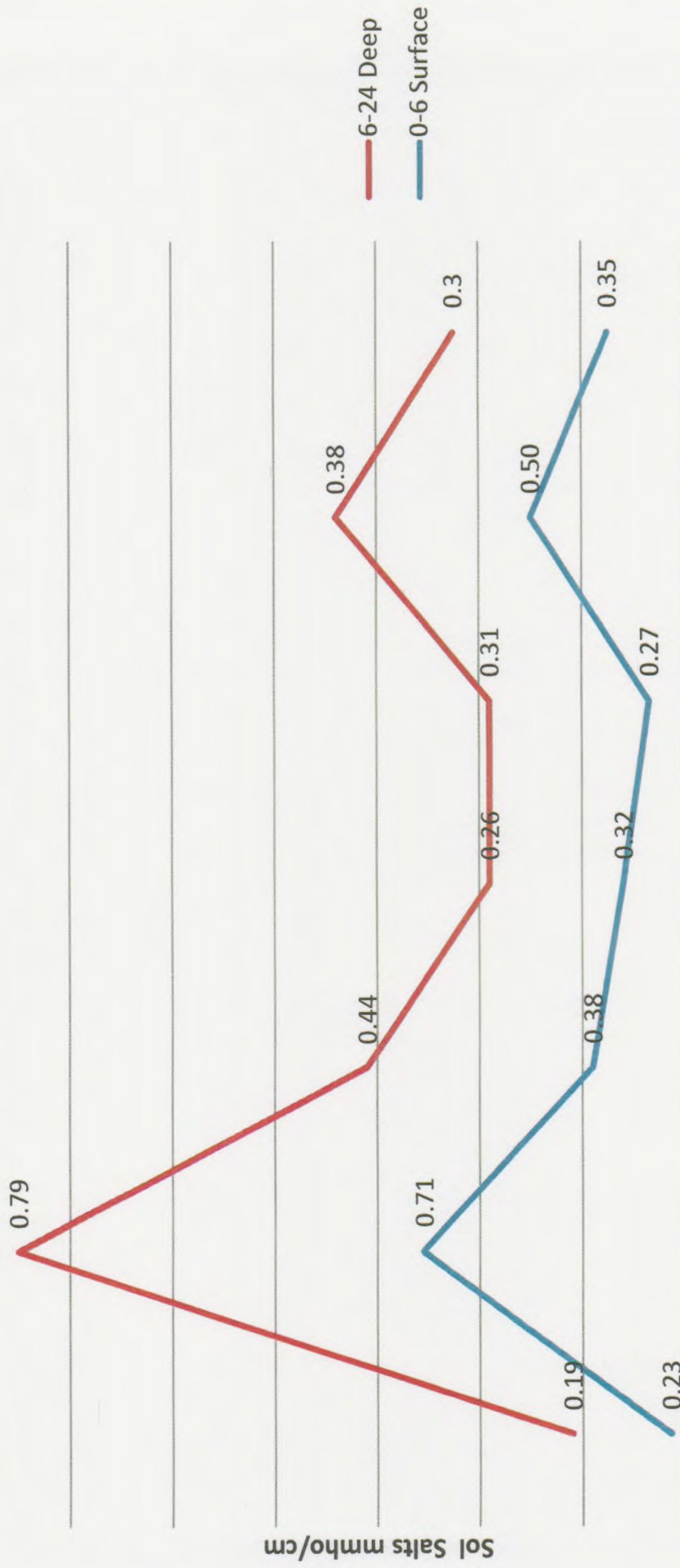
Onion crop in 2012 on SW $\frac{1}{2}$ 5-13-7w. On left an area where they kind of stayed green. These had to be all culled due to internal growth. On right complete wilted.

Seepage
July 9th 2014
S1/2 5-13-7



Looking from top of dike down to field. This is one of the places where there is seepage underneath the dike of the diversion. In this case it came to the surface and pooled because of blocked ditches.

SW 7-13-7 G1 location





Barry Friesen, CCA

Phone: 204-856-9503 | Fax: 204-239-0157

Portage la Prairie, Manitoba

Email: barry@deltaag.ca

www.deltaag.ca

Barry Friesen and I will be more than willing to answer any questions you may have.

Sincerely

Bert Rutbeek.

Rutbeek Farms Ltd
Bert Rutbeek

Box 1408
Portage la Prairie, Mb.
R1N 3N9



Shop 204-274-24
Cell 204-871-11
Home 204-274-21

Compensation – Woman in our community

I will be explaining a claim for a woman in our community. She has 329 acres flooded from Lake Manitoba in 2014. She filed a claim with DFA and her claim was denied. The claim was denied because her gross income was under \$10,000. Neighbours with adjacent land qualified because their income was over \$10,000. What does the amount of money made have to do with damage done by a Man Made flood? This woman was 80 years old in 2014.

Compensation - Marlo

My wife and I lost our cabin in 2011 flood. Our garage at the lake was also damaged. We were denied compensation on our garage because it was not attached to the cabin. If our garage was attached to our cabin we would have been eligible for compensation. What does an attached or detached garage have to do with damage done by a man made flood. We did go through the appeal process because we were led to believe by the flood office this is where they would listen to our concerns and sort out the short fall of the program. We were misinformed. The appeal committee would not discuss our concerns on our garage during the appeal. They said it was the rules of the program and that we needed to move on.

Compensation – summary

There are many frustrated people along the diversion and around Lake Manitoba that have been treated unfairly with their claims. These people have paid out of their own pockets because claims have not covered their losses. The media, government and people outside of the Portage Diversion and Lake Manitoba think we have been fairly compensated. We need these people to know that we have not been fairly compensated for losses following the flood.

Conclusion

In conclusion, we have a river and a diversion. Without the diversion, the problems along the river and in the city of Winnipeg will be disastrous. Along the river, people have issues with salinity and seepage. The same as we do along the diversion. The question is.....what is the difference between the river and the diversion? The answer is....the river is a natural waterway, that is the way the water wants to run. The diversion is a man made structure and water is diverted into the diversion by man.

If a decision was made to shut down the Portage Diversion it would eliminate our issues, but it would be devastating to the people along the river and the city of Winnipeg. We know that this is not an option.

Issues along the Portage Diversion could be ignored which has been the solution in the past. Ignoring the issues is easy and cheap. Because of the increased use of the Portage Diversion, since 2011 and into the future this is no longer realistic. Ignoring the issues is not an option.

Work could be done to fix the issues along the Portage Diversion. It would take time and cost money, however, it is time to look at short and long-term solutions to eliminate issues. If these issues cannot be solved, compensation packages or buyouts need to be considered for people who now continue to see their equity, livelihood and land deteriorate.

This manmade structure called the Portage Diversion is saving a lot of Manitobans money, but not without a heavy cost to others. Is it not reasonable that some of these cost savings be used to compensate victims that are paying out of their own pockets? It is time to do the right thing, share the burden.

We are available to answer any questions that you may have following this presentation and in the future.

Thank you for listening to our concerns.