

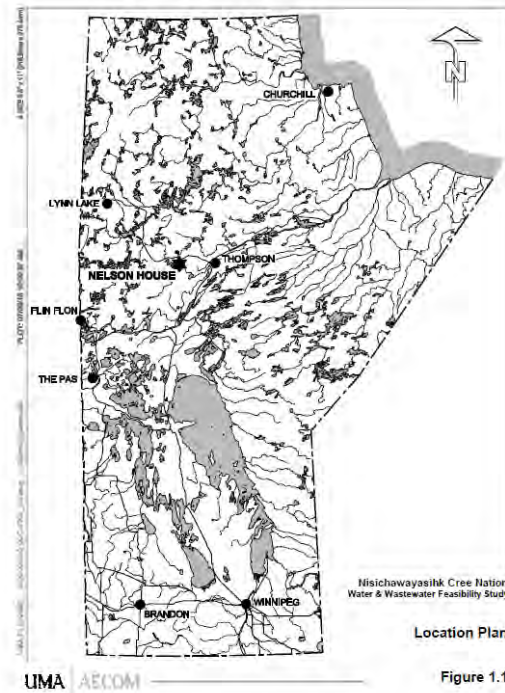
NISICAWAYASIIHK CREE NATION “Where Three Rivers Meet”

CREATE H2o and Water Rights
Conference Presentation
June 25, 2014 – Robson Hall,
University of Manitoba

Elder Statements

“We never extinguished our
treaty rights to water”

Nisichawayasihk Cree Nation



History

- * NCN is a Cree First Nation, signatory to Treaty 5 (Adhesion)
- * We are a nation rich in culture, tradition, beliefs and customs that go back millennia
- * Our elders lived in a time when our waterway was clean, calm and free of contaminants; where one could walk to the shore and collect clean, pure water for drinking, cleaning and cooking
- * There are prophecies told of Waysakajack, the trickster, who resides in the area and whose chair and footprint are currently underwater due to the Hydro flood

Hydro Development

- * In the 1970's the Churchill River Diversion (CRD) resulted in significant impacts to the landscape, environment and waterways
- * There were impacts experienced when the CRD project was constructed.
- * The Northern Flood Agreement (NFA) signed in 1977 was put in place to provide mitigation and compensation projects to deal with these impacts. In addition, supplemental agreements have been signed in each of the CRD affected NFA communities.
 - * Only 4 of the 5 NFA communities have comprehensive agreements.
 - * Other communities not included in the NFA have also reached agreements on mitigation and compensation
 - * There are also a number of other adverse effects agreements that were signed that are not part of the NFA.

Hydro Development

- * The key for NCN is that there was a lot of fluctuation that caused and continues to cause problems.
- * NCN negotiated a compensation regime so that if the project is operated outside that regime there is automatically additional compensation paid without further evidence of damages having to be proven.
- * Also, Article 8 (future development) was critical so that NCN would not be placed in the position again of having to negotiate compensation after a project is already built but could be involved in the design and development of the project.
- * Wuskwatim low head was chosen instead of high head that would cause more environmental impact even if the revenues were higher.
- * This was the trade off and traditional knowledge was a key part of coming to this decision.

Current Situation

- * As a consequence of severe flooding in the region, and contamination to the natural and main source of water in Footprint Lake, NCN installed water treatment systems in different phases
- * Need was determined by demand; as population grew, development ensued and capital arose, NCN's water treatment system encountered a surge capacity resulting in a quick deterioration of the water filter holding tanks

Current Situation

- * 1986 – High lift pump house and upgrade of the supply main from the intake pump house
- * 1987 – New water treatment plant (WTP) constructed – Plant A
- * 1996 – Plant B - WTP expansion and new plant to run parallel to existing facility
- * Cast-in-place concrete tankage consisting of 2 flocculation baffle tanks, 2 clarifiers, 4 sand filters
- * 91,700 L reservoir
- * Larger intake pumps, renovations to high lift pump house for great distribution flow capacity

Current

- * The combined treatment capacity of 1,134 L/min for Plant A & B was deemed at the time of the upgrade to be able to meet the peak day flow for the year 2010

“Existing water and wastewater infrastructure is at capacity. New developments already in the planning stage threaten to stress the existing water and wastewater infrastructure beyond its limits. Plus, additional capacity is required to extend piped service to the 35% of residential buildings on the Reservation that are currently serviced by truck. Extending existing piped service to these buildings will require increasing current water treatment capacity and expanding the existing sewage lagoon.” (Nisichawayasihk Cree Nation, Water and Wastewater Feasibility Study, UMA Engineering Ltd, 2008)

- * 2011 upgrade completed
 - * Objective to extend life of existing systems and equipment within plants for 5 years
- * 2014 – there is a breach within the filter tanks of Plant B due to structural problems

NCN Water Treatment System



Cherishing water, claiming health; a planning symposium

May 9-10, 2012

Kikiwak Inn, Opaskwayak Cree Nation

- * At a follow-up presentation, it was noted that a federal-provincial divide still exists, with the province deferring to a federal responsibility.
- * Given this divide, it is unclear how the authorities will develop provincial-federal-First Nations agreements to implement the new Safe Drinking Water for First Nations Act.
- * Clearly, integration is required, but how that will be achieved is unknown, thus requiring an implementation/intervention project

Community Based Research – 2014 CHRR meet with Chief and Council and NCN Stakeholders – March 3 & 4



WATER IS A HUMAN RIGHT...
**DO YOU HAVE ANYTHING YOU WANT TO
ADD???**
**COME TALK TO US ON
MARCH 4th at ATEC**

Nisichawayasihk Cree Nation (NCN)'s has a right to water and wastewater services

Goal: To help Nisichawayasihk Cree Nation advocate for, plan for and access better water and wastewater services to improve the quality of life of its citizens.

Background:

This is a collaboration between NCN and a team of University of Manitoba and University of Winnipeg researchers and their students with expertise in the social sciences (psychology and economics).

The Water Rights Research Consortium is organized by the University of Manitoba's Centre for Human Rights Research. The consortium advocates for the right of Aboriginal Peoples to have the same access to clean, running water and basic sanitation services that most Canadians already enjoy.

There are two focuses for now:

ADVOCACY	ECONOMICS
Strategies that could likely be most effective in persuading Canadians to care about and pressure the government for improved water services on First Nations.	Strategies to develop a plan for financing needed water infrastructure in Nisichawayasihk Cree Nation.

Chief and Council feedback

On March 3, 2014, members of the water consortium came to the community of NCN for a site visit and to engage with different groups on the matter of water as a human right

- * Council members are ready to declare a state of emergency.
- * Plant A and Plant B were supposed to last 25 years, but will not
- * The plants are operating at 400L/per person/day (full capacity), but the recommended use is only 250L/per person/day.
 - * Currently both plants are running at full capacity 23.5 hours/day

Chief and Council feedback

- * Half of NCN has tanks/water trucked in and half have pipes.
- * There are 450 houses in NCN; other major capital facilities include, a school, teacherages, arena, band office, wellness centre, personal care home, education authority, fire hall, nursing station, church and other minor capital facilities to support programs and services
- * There is one full-time water treatment staff.

Funding feedback:

- * A new school and houses are desperately needed, but we don't think we can afford to supply water to them.
- * Homeowners can barely afford to clean their water tanks.
- * Is it possible to allocate environment tax on bottled water, or proceeds from gaming to fund new water infrastructure in First Nations (FN) communities?

Health feedback

- * We are nervous that there will be deaths in the community due to unclean drinking water.
- * Can we get data linking water issues to health outcomes-possibly through the nursing station?
- * Stats comparing health before and after the flood?

Other feedback:

- * It is a priority to inform our youth about Western science, but also about traditional Aboriginal knowledge.
- * Culturally, water has always been of huge importance; it is the “veins of our mother”.
- * We feel the government (federal and provincial) hasn’t met us half way.
- * We are the only ones changing our beliefs.
- * It is a possibility that individuals in the community may blame water problem on researchers via association or may blame council.
- * The final project document must be put in ceremony.

Meeting with Public Works Director

- * The problem is not the quality of the water, but the quantity.
- * similar concerns to Chief and Council about health, explaining that people can't bathe frequently enough so children and adults miss school/work and there is an elevated risk of spreading infections
- * People don't always drink available tap water; they buy water from Wal-Mart.
- * Water quality complies with federal standards; issue is not quality of the water, it is crumbling infrastructure and need for replacement

NCN Considerations

- * NCN has a unique funding agreement through Wuskwatim where there is a formula for NCN to receive a rebate and those moneys are paid into Taskinigahp Trust so NCN can use them for infrastructure such as water treatment.
- * Similarly with the moneys NCN receives from gaming or other areas.
- * The key might be to seek an expansion of the Building Canada Fund to address the challenges of the First Nation infrastructure deficit.
- * The problem is that all other levels of government use tax dollars to fund such needs but that is difficult with a population that is desperately mired in poverty and is having a hard time making ends meet.

20 year Capital Plan - 2008

The key recommendations of this Water and Wastewater Feasibility Study, regarding community planning and infrastructure servicing are as follows:

1. A new subdivision area should be developed for 390 residences with associated school and teacherages sites. Housing lots would typically be 23 m wide and 50 m deep on double-loaded roadways in 22 m rights-of-way. Furthermore, new development needs to be large enough to accommodate the relocation of existing trailers from throughout the Reservation into an organized mobile home park.
2. The existing lagoon should be expanded to meet the 20-year sewage treatment requirements of the community.

20 year Capital Plan - 2008

The community water supply will be provided by a single water treatment plant with a capacity of 2816 cubic metres per day. The community has identified three potential locations at R.C. Point for the new plant. Further study will be required to determine the best location. Interim upgrades should be completed at the west end water treatment plant, to “buy back” system capacity until long term facilities are in place.

4. A new water treatment plant should be constructed, replacing the existing water treatment plant. This facility will treat lake water for piped distribution to the entire Reservation.

5. The total lifecycle cost of the recommended Alternative #1 is approximately \$63.1 million, over 20 years. UMA have prepared a phasing plan for the proposed works, to suit NCN requirements.

Figure 3.3 – Proposed Areas for Future Residential Expansion



Alternative 'A' is comprised of three development areas. The first of these three areas is the planned

Position of NCN Council

- * I've shared with you a summary of many of the insights, considerations and options that we are confronted with as a Nation in order to address our immediate Water crisis – we have environmental challenges, legal ambiguity, cash limitations, all in the face of a looming crisis, or what some might regard as a disaster if the worst case scenario occurs, which is complete failure of our current water treatment systems
- * I appreciate that there are many other First Nations who face perhaps not similar crises, but crises of their own when it comes to water
- * Our objective as a self-determining, progressive and community of opportunities is to explore options with partners from both the public and private sectors, leverage the capital and expertise of our partners, and work together for an optimal model of problem solving

Position of NCN Council

- * We do not indemnify the Governments of Canada and Manitoba from their Treaty, Legal, Constitutional and Fiduciary obligations to address all of our human, Treaty and Inherent Rights
- * However, we are willing to work towards a unified solution for the safety and protection of our community and to serve as a model of partnership for others to gain insight and build capacity

Conclusion

- * We hear Elders say that the water has lost its spirit because we have not followed our customary laws (*Oh'Chinewin* – what a person does to nature will come back to that person)
- * Traditional burial sites of our ancestors have been compromised due to the flood; traditionally, our ancestors were buried near waterfalls as it is said their spirits would be taken away by the water flow
- * (*Aniskowatesewe Kanache Pumenikewin* – means that a person must act in accordance with the sacred responsibility to protect heritage resources –human remains and belongings of our ancestors”)
- * We believe that the elements are out of balance and the mission for us as leaders and stewards of the lands and resources is to assure that balance is once again achieved – (*Kwayaskonikiwin* – reconciliation)
- * We believe that the coming together of the western science, with the traditional science is a positive step towards restoring the balance that has been lost – our traditional knowledge must be treated equally and respectfully with western science and both reported where they can not be reconciled

Elder Statement

“We’ve been researched to death. I hope this will research us back to life, because water is life.”

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