



**Technical Hearing - Cornwall, ON
International Joint Commission, Canadian Section - LOSL Hearing
Proposal for Lake Ontario St. Lawrence River Regulation
July 19th, 2013**

Joe Comuzzi: If you'll take your seats. As I understand the program we have 3 groups that will be making a presentation this morning. My name is Joe Comuzzi. I'm the Chairman of the Canadian Section of the International Joint Commission. I want to introduce my Canadian colleagues Gordon Walker and Benoît Bouchard who is on his way in and will join us very shortly. I've asked Mr. Walker to chair this section of the meeting and he has consented to do so, so I will turn this portion of our arrangement and procedure over to Gordon.

Gordon Walker: Good morning ladies and gentlemen. I'm Gordon Walker, I'm Canadian Commissioner helping out our Canadian Chair Joe Comuzzi who's just been introduced, who usually talks about being from Thunder Bay and claims that he sends all the water down here that we have. I'm not sure about that argument but he has counted 13 billion litres a day down here and I think if he says that's what it is, that's what it is. We're going to check that out ourselves.

Joe Comuzzi: You'll know that when we start charging for it.

Gordon Walker: Maybe that was in bottled water that you were talking about. Anyway it's wonderful to meet you today, and our commissioner staff are floating around the room here. Representatives from the U.S. Section office and representatives from the Canadian Section office and maybe even the Windsor office are located here today and our Commissioner' strength is at almost full strength; when Commissioner Bouchard arrives overnight from Montreal he will fill in the chair to the far end. But in our group that's here today we have Commissioner and U.S. Chair Lana Pollack and to my right is Commissioner Glance from Syracuse, so she comes up from not really very far away. And then Commissioner Moy who has the long distance travel, and he's from Montana. He is one of the U.S. Commissioners so that is our group today. I'm from Toronto.

We thought it might be helpful to know who's here today. These are technical hearings, and in essence we're talking about invited people. The invitees are going to be making some comments to us in a few moments but I think it might be useful to enter into a dialogue

where we can, and for us to enter into some dialogue over and above what your suggestions might be and what your presentation might be. It's probably useful for you to know who's here and sometimes it's useful for us to know as well. So why don't we start with some introductions around the actual table sitting here and they will be available for contributions themselves and you'll be interested in their particular calling. So why don't we begin with David Fay and you could introduce yourself and then we'll work our way around the table and find out who's who.

David Fay: My name's David Fay. I'm an Advisor to the International Joint Commission.

Jeff Ridal: My name's Jeff Ridal. I'm the Executive Director of the St. Lawrence River Institute of Environmental Sciences.

Elaine Kennedy: My name is Elaine Kennedy. I was on the Public Interest Advisory Group of the original Water Level Study and I'm a member of the St. Lawrence River Restoration Council which is implementing the Remedial Action Plan here in the Cornwall area.

Russ Trowbridge: I'm Russ Trowbridge. I'm the U.S. Advisor for the Washington Section who's been working on this file for about 10 years.

Chuck Lawson: Chuck Lawson, U.S. Section Secretary of the IJC.

David Orr: I'm David Orr. I'm Technical Advisor to the Thousand Island Association. Our president who's going to speak today... I'm just here to hold his hand because he's a lawyer.

Orm Murphy: Orm Murphy. I am President of the Thousand Island Association. I summer in the Thousand Islands close to the beautiful town of Gananoque as have two generations before me.

Brian David: I'm Chief Brian David with the Mohawk Council of Akwesasne. It's a pleasure to have you back into the Territory again.

Jim Ransom: Jim Ransom, Mohawk Council of Akwesasne. I serve as technical support for the Mohawk Council of Akwesasne.

Matthew Thompson: Matthew Thompson, St. Regis Mohawk Tribes Environment Division.

Ken Jock: Good morning. Ken Jock, St. Regis Mohawk Tribe Environment Division. We're the... I guess American portion of the Akwesasne Mohawk Nation.

Tom McCauley: Tom McCauley, I'm a student and I'm doing a doctoral thesis in water governance and ethics and I worked on this issue for 13 years.

Gordon Walker: I think it's kind of helpful to know who else is here so can we start in the back row and you just tell us who you are and where you're from?

(Time code: 07:15 – 07:36 inaudible)

Joe Lazore: District Chief Joe Lazore from Mohawk Council of Akwesasne. It's a pleasure and welcome to be here.

Gordon Walker: Thank you Chief.

Henry Lickers: Henry Lickers, I work with the Mohawk Council of Akwesasne. I'm the Environmental Science Officer. Welcome back. I go back a long ways with you guys; 35 years. I think I worked on the first Levels Report and sat on the Science Advisory Board at that time.

André Carpentier: André Carpentier from the Government of Quebec. I work on the Study with Mr. Lickers. I work all my time on this subject.

Rick Morgan: Rick Morgan I'm here from... (Time code: 08:17 – 08:22 inaudible)

Eric Boysen: Good morning Eric Boysen I'm the Director of the Ministry of Natural Resources in Peterborough. I'm a member of the Working Group that developed the Plan 2014 and I'm a member of the IJC Board and Water Quality Board as well.

Christiane Cadet: Christiane Cadet, Quebec Government. (Time code: 08:32 – 08:35 inaudible)

Gordon Walker: Thank you.

Jean François Cantin: Jean François Cantin, Engineering Advisor for the IJC.

Shane Zurbrigg: Shane Zurbrigg with the IJC.

Paul Allen: Paul Allen with the Canadian Section of the IJC.

Wendy ??? (Time code: 08:47 inaudible) Wendy...Department of International Affairs, Trade and Development.

Diana Fairweather: Diana Fairweather, intern for the Washington Section of the IJC.

Antoinette Kay: Antoinette Kay with the Washington Section.

Jennifer Keyes: I'm Jennifer Keyes with the Ontario Ministry of Natural Resources.

Gavin Murphy: Gavin Murphy, Canadian Section of IJC.

Paulina Nevin: I'm Paulina Nevin and I'm John Nevin's daughter.

(Laughter)

Gordon Walker: Who are we missing in the back corner?

Frank Bevacqua: Frank Bevacqua, IJC Washington.

Jeff Laberge: Jeff Laberge, IJC Ottawa.

Bernard Beckhoff: Bernard Beckhoff, IJC Ottawa.

Susan Daniel: I'm Susan Daniel, Washington Section IJC.

Gordon Walker: Thank you. I think we've found everybody in the room. Who are we missing? Did we get everyone?

Joe Comuzzi: If I could Mr. Chairman just for a moment is acknowledge the long service the Tom McCauley has given to the IJC over the last 18 or 20 years. He chose to go down into a separate career 8 or 10 months ago. He's doing exceptionally well and it's a pleasure for me and other people that have worked with him for so long to see him again looking so healthy and happy. We welcome you here this morning Tom. That's my first issue.

My second issue is the only people that are wearing jackets that are involved with the IJC and it would be in order for us to get comfortable like our colleagues and if we want to take off our jackets we're allowed to do so.

Gordon Walker: Well we'd have to put that to a vote. *(Laughter)* But that sounds pretty good. Ok.

Joe Comuzzi: Thank you, that's all.

Gordon Walker: First of all let me just say a very special thank you to all of the people who've contributed to IJC activities in the past. We know that some of these go back many years and the contribution has been substantial and we appreciate it. It's usually been a very volunteer capacity. We've found your advices in the past to be invaluable, so thank you for all that.

Benoît has arrived...

Benoît Bouchard: I'm sorry.

Gordon Walker: We took an earlier vote to remove jackets. That was passed on a 4 to 2 decision.

We start out our discussion by saying at the end of Lake Ontario there's the Moses-Saunders Dam. I think all those things would be kind of redundant when we're sitting here

in sight of the Dam. You know more about it than probably we know about it because in many cases you've been living with it for an awful long number of years. We're here to enter into some sort of dialogue with you today and have some discussion on the Plan. You know what the situation is. The 1958 Plan that's still in existence and operating today and the intention to replace it with the proposed Plan that is before you called 2014. There have been iterations before this and there have been many discussions and 13 years of long efforts that's gone in to ultimately coming up with a better Plan. One that is more attuned to the environment. One that is more attuned to individual requirements and more organized in natural ways.

Later this afternoon we will be having hearings from the public generally so people who are not necessarily known to us will be coming before us and putting in a very few moments their observations; not unlike what maybe you will be presenting today.

So we will have that in front of us. We will have what you're having to say today. We will have the perhaps 300 submissions that we've heard in the past week as we worked our way around from Lockport, NY, from Toronto, Jordan and the Niagara area, Rochester, Oswego, a couple of nights ago we were in Alexandria Bay, and we've been in Montreal and now we're here today. Matters will wrap up later today in terms of the input that we will receive from people. Still, submissions can be put in if you have some observation to make that's picked up and that you want to put it in writing. We can still hear about that until the 30th of August. And after, that we will be basically starting to digest what we've heard and to probably re-read again what we've heard and ultimately to come to the kinds of conclusions that we expect to sometime later this year. We're not quite sure when we will arrive at our final submission, but our final submission will go to government and we hope to be in a position to make that recommendation during this calendar year.

So I think we are at a spot where we can begin now with the communication that you might have. We're not going to put too much of a time limit on it although we've notionally thought in terms of 10 minutes being about the presentation time that we think would be appropriate. So if we get that. I think we'd like to start off and I believe Chief that you're on first.

Do we have an order determined here? So, Chief David

Chief Brian David: This is a traditional official opening of an event in Akwesasne.

Gordon Walker: Well I thank you for that. I think you're teaching us something we need to have learned a long time ago. So why don't we begin with that?

Chief Brian David: It's an important protocol.

Gordon Walker: It would be nice if the microphone could pick you up though.

Joe Lazore: *Address in Kanien'kéha language* (Time code: 17:02 - 19:25)

Gordon Walker: Thank you for that intonation. We appreciate that Chief David. Now help us a little bit on the geography here. A number of us are babes in the woods when it comes to knowing our geography. I know we're on Cornwall Island and we have to appreciate this, but it might be useful if you gave us a little bit of a geographic tour here. I think it would be helpful to all of us.

Chief Brian David: Just a context: Akwesasne basically translates to "Land Where the Partridge Drums". The origin of the word itself could have come from the number of partridges that were here but it also could have come from the Long Sault Rapids that were up in the thunder that the rapids used to make. As you would come across the Adirondacks, the first thing you would hear is the thunder of the rapids and that would mimic the thunder of a partridge that's looking for a mate. So the whole area came to be known as Akwesasne: Land Where the Partridge Drums.

It's pre-Columbian. We've been here since time immemorial. We were here before the borders. This is Mohawk territory up and down the St. Lawrence Valley. We welcomed the colonists as they came in. We developed protocols for the colonists as they came in. We tried to stay out of the European wars. We tried to stay out of the North American wars. But as history goes, there was a – how would you say, a domestic dispute in Canada; the French couldn't get along with the English so they separated them into Upper and Lower Canada. That boundary line comes down the Godmanchester Line, and we were told it wouldn't affect us; that it was a domestic dispute within Canada. Not going to affect the Mohawks. Don't worry about the line. It's Upper and Lower Canada. Those lines later became the provincial lines that separate Ontario and Quebec.

With the rebellion of the 13 Colonies, the revolution and the evolution of two countries, it was necessary to put a dividing line between two growing countries, two growing nations. But the leaders at the time said "don't worry Akwesasne. These lines aren't going to bother you. This is meant to accommodate two growing nations. It's a boundary line that goes right through your territory. It's not for Indians, it's for our citizens. Not meant for you." We said "okay." Everything that seemed to be pinnacle in the history of the United States and Canada seems to have had an impact on us in one way or another.

As a community we're currently about 16 000. I just want to properly context this. As a people, we're river people. We always have been river people. Our sustenance has mainly been off the river. One of the largest impacts has been the St. Lawrence Seaway Project. The adverse impact it's had on the fisheries and on the environment in general. So we've always had that concern when it comes to large scale developments. We have no involvement in the development itself and we reap no benefit. But yet, we became subject to the regulations that came out as a result of it and the Plans like 1958 D. Water control: Water

control systems that change the environment around us; we had to adapt to that... to the change in environments.

I think from the onset we've always advocated that there should be a water regulation system in place that would be more sensitive to the diversity of demands that are required in a Plan. It shouldn't just be for transportation and energy production. It needed to be more widespread. It needed to take into account the ecological factors that we have here. The environmental factors; this is what we were trying to say from the onset in 1958. Never really got the message across...

So that's who we are. Territorially, all of the islands in the St. Lawrence essentially are Akwesasne. Reserve formal if you want to talk about the Canadian Reserve; it begins at the Western pier of Spencer Island which is just below the Ogdensburg Bridge; you don't see it on this map. One of the hardest things about Akwesasne is finding a map where you can show all of Akwesasne because it goes along the St. Lawrence. If you blow it to scale you end up with a huge map of a lot of space just to show the River. So we don't show the full scale of it but our islands go right down to the Ogdensburg Bridge/Spencer Island. We have claim areas in the Gananoques and we have a claim area in the Thousand Islands. To the East of us you have the islands heading out towards into Lake St. Francis up until the area of Valleyfield. In and around the area of Valleyfield is where the (Time code: 25:44) traditional territory picks up.

So we've got a fairly widespread area, North and South on the mainland also. We're just completing major claims in New York State and in the Province of Quebec and we've just completed the submission of a claim for the North Shore of this area here. So it is widespread. Now generally speaking, you're right here on that island. The islands I'm talking about are all the other islands. This is Lake St. Francis in here. The core of the Community itself, the original populated area was down in this area just around the "e." It's an area called (Time code: 26:37) which translates to "village." That's where the original village was. That's where the seed of government started in and around this area. Not for the Mohawk Nation, but for this territory; it was a territorial government that was here at the time: Territorial government of Mohawks.

The area on Cornwall Island and down (Time code: 26:57) down in this area here. Those are the populated areas of Akwesasne. It's a misnomer to think that Akwesasne is just these three areas: it's a wider, expansive area. It's a wider, expansive territory.

So when events happen in around the River, naturally we have an interest in it. We have a concern that we know what's going on and we have some influence over the decision making. That's basically who we are.

Now because of the division that occurred over time historically, politically the governments have had to kind of sub-divide. We've got the St. Regis Mohawk Tribe that represents the American Sector of Akwesasne. The Mohawk Council of Akwesasne represents the Canadian Sector of Akwesasne. We've got a traditional government: the Mohawk Nation that represents all Mohawks; not only of Akwesasne but really Mohawks around the world. It's our traditional government. It's still active and we still follow that. There are three operating governments within this jurisdiction here. Now we have three Mohawk governments operating here in an area of five different jurisdictions: you have the Canadian Federal, the U.S. Federal, two Provincial and a State. Those are five jurisdictions. In five jurisdictions externally within which we have three internal governing bodies. It is a very complicated area when we talk about jurisdictions. I didn't know how simple life was until I left Akwesasne and went to school in Cornwall and said "my God, what a wonderful place! You only have one jurisdiction here". I said "how come it isn't like this everywhere?" You don't realize how complex it is in Akwesasne until you have to leave and you wander around in life.

So that's basically who we are, where we're coming from... We're here to talk about, and I just touched upon it, the water control. I think the original Plan was Plan 1958 D. Is that correct?

Gordon Walker: 1958 D and 1958 DD. Two "D's"

Chief Brian David: There's two "D's" There's a revised D that became DD.

It's worth noting, and I'm glad Mr. Henry Lickers had mentioned it before, of his involvement with the various processes going back to 1978. His involvement in a lot of the studies that went on in order to identify if there was going to be a Plan what it might look like; what options were up there, what options were available that would examine things like the interests in the transportation sector, the energy generation sector, the environment sector. What would a hybrid Plan look like? What Plan would best take into account riparian rights? I think at that time a lot of the thinking from Akwesasne went forward in recommendations. The Plan that you're currently looking at, 2014, was something we had recommended years ago. So we're glad that we're back here. We're glad that you're sitting in front of us and it's greatly satisfying to see that all of the effort that went into the development 30 ago is now coming to fruition. We do have Plan 2014. It may not be exactly as envisioned 30 ago but it's moving in the right direction. It's a very complex topic, very political. It's a huge agenda to move.

The actual Plan itself is still under discussion within the Mohawk Council of Akwesasne. We see the benefits to it obviously. I think we partly penned it, or actually had influence in the conception of it. We strongly support the effort to mimic the natural flows of the River versus the Lake environment model that we have. I call it the aquarium effect: basically we

have a series of aquariums throughout the river system. If we can get through that aquarium effect and begin to move towards something that begins to mimic what the original footprint might have looked like then I think we're heading in the right direction. I know we're going to have challenges but I know it's heading in the right direction.

We see the value of the wetlands. It's always been an area of concern and the role those wetlands play in keeping our waters clean and supporting the diversity of species. We saw many species disappear; consequential not only to the Seaway but just natural development. Our longer term mission and goal is to see those re-introduced if possible.

We've always had ongoing concerns for erosion. Erosion is occurring and has been occurring on several islands in the St. Lawrence River and along the South Shore. I do note that the International Joint Commission was very supportive of our efforts about 30 years ago and provided some recommendations for some riprap and for some shoreline work. That work was completed but not all of it; there's still quite a bit of work that needs to be done. I've attached as part of this presentation a shoreline erosion inspection report that was conducted in 2006 that shows a wider scope of what the problem is. And we're looking for opportunities for collaboration in developing plans to address this shoreline erosion. We would appreciate any technical assistance if available. We're working to separate natural erosion from erosion caused by people's activities. It's a very complex endeavour to segregate natural erosion from erosion caused by boats, caused by various activities and we were looking for some technical assistance in that area.

We also want to bring to your attention at this point we not only lived off the River, our longer term goal is to eventually get to that point in time where we can do that again. Our main source of water is from that River. We use the St. Lawrence River just as Cornwall does as intake. We have two major water treatment plants; the St. Regis Mohawk Tribe has a major water treatment plant just right here. There's the one at the West end of the island; that's the water treatment intake plant. We have another one here. And I think there's another tribal intake right here. So within this area these are major water intake areas. Cornwall's would be some place up here but it's not shown on the map.

So I think it's important that the International Joint Commission be aware that these facilities are there and that they be taken into account in any plan that takes place. I'm not sure how I'm doing in time here.

Gordon Walker: Well you're doing well on the time. You may have gone over it but you're doing well anyway. *(Laughter)* This is very informative to us.

Chief Brian David: There's been a lot of talk about climate change over the past decade. The futurists that wrote the books in the 1960's, many thought they were crazy. But all of that stuff is coming to fruition now. We're beginning to see it. We naturally have a strong

interest in begin involved with projects that address climate change in this area here. We're concerned with the impacts of extreme weather events. The change of temperatures in the water... Minute changes in the water temperatures: huge impacts on the fishery. We're really interested in monitoring this kind of stuff and working with other groups just to ensure that the quality of the river system remains to be the best in the country. That's not only our concern. You're going to find that that's the concern of people and shareholders in and around the Lake St. Francis area and up and down the St. Lawrence River. They're really concerned because they're seeing the same things that we saw 50 years ago: that our future rests on the quality of that river system and ensuring that it's clean, it's protected, that it's productive, that it becomes a good foundation for tourism, tourism development and for recreation. Simply, it's an investment for our grand children. That's the thinking behind it.

In terms of other overall areas of climate change, we survived the ice storm. We're beginning to see more inclement weather patterns, tornados like we've never seen before, storms like we've never seen before. Not quite as bad as – who is from Toronto here? We don't have the subways that you have.

Joe Comuzzi: Your ice storm here in '98... your ice storm was a lot worse than our water one day.

Chief Brian David: I'll tell you sir; our feeling went on for the people in Toronto that day. That was a tough one. But these are the kinds of things that are happening now and it causes us to look into the future with a certain degree of uncertainty to say we need to start planning around that. How can we begin to lay out plans so that we're better prepared? How can we design things that take these factors into account? If they can't be designed in then perhaps at the very least they should be considerations.

We would like to use this opportunity today to advocate for First Nation Tribal representatives to be appointed to this Board. If the Board seems to be moving in the direction of 2014, it only makes sense at this point and it's an opportunity to consider such an appointment. We believe an appointment of this nature can add a voice to the table that is not currently present. It can lead to better, more informed decisions by the Board of Control. And I think by this point in time you have already had some interaction with First Nation partnerships and First Nation involvement in the various processes that you've been involved in and probably have already taken mental note of the positive impacts that it has had in the various processes that you're involved in.

In around the St. Lawrence, we will be starting a 3-year species at risk project for 5 turtle species, 1 bird species and 1 plant species. We're partnering with the Canadian Wildlife Service, Environment Canada, Salt Nation Conservation Authority, St. Lawrence Island's National Park, St. Lawrence River Institute of Environmental Sciences and Ontario Power

Generation. We talk of partnering; we're not talking of just small partnerships anymore. The issues are large issues that require more stakeholders to the table. The Project will identify numbers, map habitat and look into critical habitat. We welcome the opportunity to work with others on species protection and collaboration. We strongly support the creation of an adaptive management strategy. We urge that you include First Nation participation in its development. We're working with other First Nations to advocate for a First Nation Annex to the Canada – Ontario Agreement for the Great Lakes. We are working with other First Nations and the Government of Ontario for inclusion of First Nations in the proposed Great Lakes Protection Act.

The St. Lawrence River is the heart of our community. We're interested in how the Plan can help us restore and enhance the fishery in our River. We welcome the chance to engage in studies that may improve the fishery. We are wondering if dredging of tributaries and Side Rivers would enhance the overall River, improving water flows and enhancing the fishery. We are also interested in how change in water levels in the St. Lawrence River impact water levels in these tributaries and thus impact on the tributaries.

This is almost like an advertisement: for more information you can contact Brian David, Mohawk Council of Akwesasne. *(Laughter)*

No, seriously I think in conclusion there are some serious issues that we're bringing to the table. We really appreciate you coming to Akwesasne. We really appreciate the time and opportunity that you've given us to bring these issues to your attention. Indeed if there are any questions...

Gordon Walker: I think that's a good point for us. We're going to deviate from our own policy a little bit and rather than have all of the submissions at once I think it's a good opportunity to have some questioning back and forth. You've made some very strong points about adaptive management, about fisheries, about co-participation, so I think this is a good opportunity for our colleagues here and also possibly people from within the two Section offices to raise some questions that might be logically answered. So why don't we start with that? First of all could we begin with our colleagues here and questions? Anyone? Chairwoman Pollack.

Lana Pollack: Can you sir, offer any observations, not personally but from those who came before you... before the Dam and after the Dam? Change of conditions in the waters in which you live and fish. So once the Dam went in, did the conditions change?

Chief Brian David: I was part of a team that did quite a bit of research back about 20 years ago. We were interviewing Elders; asking that very question. The older people that lived through the Seaway years, the people who actually lived off the River and the people that were there back in the 1960's. What were the differences? Were there significant

differences? At the time, the position that was taken by the Ontario Power Generation was that there was no significant change in the annual average water flow. And we said “true. That’s true. But you’ve changed the character of the River.” The River pre-construction had a cycle and it would start in the spring with the breakup. You’d hear the thunder of the ice breaking up. The ice jams, huge ice jams.

And immediately following that there used to be various migrations that would occur up and down the St. Lawrence... Migration of seals, didn’t know that. That was corroborated by a group in Brockville. They said “yes there were seals. They used to come up the St. Lawrence.” Didn’t think it was possible. You would have migration of walleye. You’d have migration- everything had its own set time based on water temperature, based on time of the year. You would have outflow of water out of the St. Lawrence that would trigger off. The wetlands would be swampy. It would trigger off growth in different other plants and habitat. Then you would have your summer months where the water would warm up and actually areas would dry up and you had different types of plants that we would harvest, different types of fish that would come out; a totally different spawn and area and entirely different period. Then in the fall water temperatures would change again and the rivers would recharge and they would prepare themselves for the winter freeze. Then you had the winter freeze itself.

All of that was upset post-construction. Yes the annual average flow stayed the same but what you lost was the character of the River, the personality of the River. It used to be said that there was a cycle in that River where the River used to clean itself out, replenish itself and actually was the refrigerator for, and provided the resource for the people that lived around it. That’s the best way to put it. And that was a very common theme that came from all of the older people that were living at that time. That’s what they lost.

Dereth Glance: Thank you so much. I have a couple of questions. First of all your observation of the challenges of dealing with 5 different jurisdictions, we’re very sensitive to. It’s really an honour and a privilege to serve on the Commission. We took two oaths of office: one to uphold the respective Constitution of our own countries, but also to administer the Boundary Waters Treaty without bias. To really kind of move beyond the borders as much as possible and look at the waters as holistically as possible, so your perspective is particularly unique to the work that we’re charged to do with our duty. So I greatly appreciate your insights into the overall governance with Lake Ontario and the St. Lawrence River and also the entirety of the Great Lakes. There are a number of jurisdictions at all different levels.

So in particular, I just want to make sure I’m clear on protocols for the Board operations. In the descriptions of how the Council operates it’s recognized by Canada, the Tribe is recognized the United States, then the Haudenosaunee recognizes the Council of Chiefs if

that's correct. So typically what we would end up doing is call for nominations, and so would it be most appropriate for the IJC to ask the Council of Chiefs for nominations for a Board...is that the most appropriate? And you don't have to tell me now and you may want to have some further discussion on how best to do that but it would be very helpful to get guidance on how best for us because we'll likely go out to different entities like the State of New York, the Government of Ontario and Quebec, etc. So it would be very helpful for us to make sure we understand exactly the best way to get nominations to ensure that the voice of indigenous people is heard on the Board.

My second kind of point is on the water intakes. I'm very excited to see the shoreline erosion study that you did in 2006; thank you very much for including that for our consideration. With the water intakes, is there a vulnerability analysis that you're able to provide for us as far as what low water does, what high water does in that water quality because one of the chief areas under the Boundary Waters Treaty is the protection of domestic and sanitary uses for people. So we'd be very sensitive to how the Plan would influence those particular levels. So if you could provide that information to us now or later I think that would be very helpful as well. Thank you.

Gordon Walker: Yes Commissioner Moy...

Richard Moy: I would like to really thank you for a very good PowerPoint presentation and description. And I like your insight and I like your discussion of the issues and your recommendations. I guess my only question I have is: you identified "let's restore the fishery." Could you dwell a little bit more on the fishery. What would you like to see with regard to the fishery? What species, and how would you like to actually restore those fisheries?

Chief Brian David: I'm going to have Henry Lickers respond to this question mainly because I called them minnows; I didn't know there were 15 different species under there.

(Laughter)

Henry Lickers: One of the things that we have been doing is the inventories in order to know what's in the River. Like Chief David said before, the modifications of the River have changed that River immensely. So when you were looking at things on the endangered species lists like sturgeon, we still have enormous sturgeon out there and we still have those base populations that we're looking at. One of the problems that you end up, and I'll call it a static system like he said the aquariums that are up and down, is that the spawning beds for example for sturgeon get filled in. So in order to make sure that they're adequate you really need people to go out and clean them. With the Tribe and with ourselves we've put in a number of different spawning beds in order to see how they function and as soon as the beds go in the next year you have sturgeon spawning on them.

The other thing that happens here is that with the shorelines and the ice formations that used to be in the River, again minnow populations depend upon the ice; different types of ice that occur. So in the past, again before construction with the cycles, you had good variation out there so the minnow populations could maintain themselves. What we have now though is in some areas you don't get any ice. Some of the ice is disappearing and when it does it means the spawning for some of those minnows aren't there anymore.

Another small area that you get, and I'll use it, is that when you look at the River not so much from something that you guys could deal with, but with the global climate change we're noticing that the temperature even in the deep waters is changing 1 to 2 degrees. Now that doesn't sound like much but 1 to 2 degree change is almost the difference between a Southern fishery and a Northern fishery. And when you get that, species that we are particular to like walleye and those, start to disappear. In the South for example the tilapia and sunfish and black crappie, a fishery is really exciting for those people in the South because that's what can be maintained. But here in the North we're used to fishing the big pike, the big muskellunge, the walleye and those types of things. What we're noticing is that small mouth bass populations are ballooning whereas those populations are remaining static.

We worked a lot with the Ministry of Natural Resources and with our friends with the D.E.C. to look at those populations and see how we can regulate and what we can do in order for our own people. But you have to remember that our people have been literally afraid of those fish for many years. We've noticed a general decline in contaminants since 1970's and we've seen that decline go down for PCB's, dioxins and mercury in this area. But we've got it to a level where the PCB's and more so the organics are plateauing; they're not decreasing rapidly enough anymore and we're sort of like at the last end of it. The mercury we've seen come down quite well but in Akwesasne you have to worry about those little bits that are left.

So from a fisheries point of view, there are a number of different things that our people do. We've had a number of what they call small fish hatcheries which are run by local people that spawn out the pickerel to be reintroduced back into the River. Some of our fishermen have actually gone down to (Time code: 55:38), taken sturgeon from there and moved them above the Dam. And we've moved also eel. But moving a 100 eels isn't going to bring the population back to the way it was in the past. So we're noticing substantial change in the River and that these Dams that are there really do have a severe impact on not just the fish but all of the supporting structures you need in. So for example, Chief David talked about the swamps and the marshes that we have. In the spring those were inundated and filled. Right now if you were to go back to those same marshes you'd notice that they're all starting to fill in and the ecology of them has changed.

On that South shore on that map that was there, it's probably the single largest wetlands complex but because it's divided between Quebec and Ontario type of thing it sometimes disappears out of the jurisdictions. But that one there is one of the wetlands that we depend upon a lot for medicines and for plants and different things. There's one small spot there that couldn't be much bigger than these tables set together here in which there's a sand darter that lives on that sand bed and is on the endangered species list. So we tried to maintain that little wee sand bed for that fish. There is a deepwater sculpin living in the River and he lives in an old gear that used to be on the railway bridge that spanned the St. Lawrence that used to open and close and when they demolished that bridge they dropped this big gear into the River and it's just perfect habitat for deepwater sculpin. So, can't move that gear.

So the habitats sound like they're very small sometimes but we all know that those really small species sometimes support the huge fish that we like to catch. Our people here have tried to concentrate on seeing where those small species are but also see how we can help with the bigger species. Contaminants though are one of our...our brothers in the South have been able to do some good contaminant work and probably will be talking about that as well.

Joe Comuzzi: You mentioned earlier on in your presentation three water treatment plants that are in the area. I'm interested in these and I'm interested in if there are secondary treatment plants attached to them and if the communities that you represent have been invited to utilize those water treatment plants. Can you just talk about how you do that? Also are you satisfied with the process?

Chief Brian David: The water is excellent.

Joe Comuzzi: After you process it... the water treatment plant?

Chief Brian David: Yes, we're taking water from the St. Lawrence. It's going through a processing plant. The water treatment plant is located just on the Western part of Cornwall Island. I understand that water treatment plant is one of the best quality for this part of the country. It gives quality water on a quality level where it could be bottled and shipped out if we wanted to. The capacity of those plants as I understand, at least the plant on Cornwall Island is certainly large enough to cover the growth on Cornwall Island for the population. And I remember at one time they were talking about running pipelines from Cornwall Island back to the mainland in St. Regis if we wanted to. But we would have to put up auxiliary pumping stations. But it would have been possible to do that. Now I believe the water station in St. Regis the way it's currently set up it already supplies a portion of this area in here.

Joe Comuzzi: I guess maybe what I'm getting at too is: how do you assess the quality of the drinkable water? I'm from the North and we have problems with the purity of the water.

Chief Brian David: We have 9 certified water treatment operators and the water is regularly tested, so we have the mechanics and the engineering built right into the design. If there's, I guess you would call it turbidity, you add chemical C and it deals with that if there's so much as something else that's what these people are trained to do.

Joe Comuzzi: So in essence you're satisfied with those systems that are in place?

Chief Brian David: With the systems, yes. It's just that we don't have enough of it.

Joe Comuzzi: That was my next question.

Chief Brian David: The water line itself on the island, I think we're about 75% complete. We're having a really tough time nailing down the last 25% because of the budget cuts. There seems to be an impetus to move the funding from the South into the North.

Joe Comuzzi: There's got to be certain elements of fairness between the both you know. But I'm sure that we'll work those out.

Gordon Walker: I think Commissioner Bouchard and then we should be able to move on at that point to St Regis Tribes but if we just finish off with Commissioner Bouchard's question.

Benoît Bouchard: No, no. I had one but finally I got the answer.

Gordon Walker: Well we're very appreciative Chief of you coming forward and giving us the view from Akwesasne and it's been useful contributions all the way around. There was reference to the 2006 Report and that I presume is going to be filed here somewhere so we'll catch up on that as well. That will be very helpful on the shoreline erosion issue and we'll try and take it from there. Much appreciated, thank you very much for being with us. Do stay here in case there's a question afterwards.

Now St. Regis Tribe; I think we have Matthew Thompson and Ken Jock to make some comments.

Matthew Thompson: Good morning. I'm Matthew Thompson. I work at the St. Regis Mohawk Tribe, Environment Division. We are the jurisdiction, since we have five of them, we're the one if you go here everything that's under the River and then there's a line that goes straight through there. We have three tributaries that flow into the St. Lawrence and we have a portion of the St. Lawrence River that's in our jurisdictional waterways. My colleague here Ken Jock is the Director of the Environment Division for us.

I'm going to read just a brief statement. I have sent this to Lana Pollack, Chief Pollack, sorry, for our formal comments. I'm not actually going to read the whole thing; I had planned on it but the statements previously said by Mohawk Council has filled in most of it so I'm just going to go through it a little bit at a time. As the Commission knows, as many of the people in the audience know, this has been a long process. In my young stay I worked on helping to develop and reading through Plan A, B, C and D and, hence went to grad school. I thought the issue was over. I come back... we're going through it again. Then I worked with Bv7; we had a meeting that took place in Akwesasne at the time on the American side to get our understanding of Bv7 and now we're on a new version of Bv7 which is Plan 2014.

It's become clear through all these studies that the key to a healthy eco-system in lakes and even river ecology is the presence of healthy coastal wetlands. These communities are the most important thing. All the science is pointing in that direction. So any Plan that is proposed by the IJC needs to allow these high waters and these low waters. Doug Wilcox, I had the opportunity to watch the live webcast of his presentation in Oswego, and I don't believe I can say it any better than he did. So I won't. This Plan I feel does take into consideration a lot of stakeholders where previously Plan 1958 DD only looked at, the other ones didn't even care about the environment. People want to say this Plan only cares about the environment. Well that's because the other Plan didn't even talk about the environment. It didn't exist. It wasn't no NEPA Act. There was no concern for the environment when that Plan was developed. So finally we have an opportunity to give some consideration to the environment. And I know it's a balancing act and I feel this Plan does give us the best approach forward.

Erosion has always been brought up in these plans. How do these coastal homeowners on the South of Lake Ontario, how are they going to deal with this Plan? Well from our perspective, that's a risk any homeowner takes when they build anywhere. Our reservation, our territory has a lot of wet property. I just recently built a home. If I get a 100 year flood I'm in trouble. That's a risk I took when I built my home. These coastal homeowner properties should be well aware of that, and it's a risk they're going to have to deal with and they're going to have to best manage as they move forward if this Plan gets developed and moves forward, which we hope it does.

I think I just want to close by saying we fully supported Plan Bv7, the St. Regis Mohawk Tribe, and we fully support this new regulation Plan 2014 with the, I guess they're not deviations in this one; there trigger levels for the extreme lows and extreme highs. And we fully support the adaptive management strategy being put forward and we'd like to echo the sentiments of the Mohawk Council that we would like to be in the process of any Control Boards and also work in partnership to develop the adaptive management strategy. Thank you. Any questions?

Gordon Walker: Thank you Mr. Thompson. I think that's helpful if you happen to have copies of your submission as well we'd like to have that for our own reading. Mr. Jock, are you adding some to this?

Ken Jock: No I had not planned to add anything. I just wanted to comment that I appreciate the effort. Actually I'm very impressed by IJC's sensitivity and their efforts to try to get comments and get information from the entire community. This is really an impressive effort and I think that you're trying to be sensitive and I really want to applaud you and thank you for this effort because it is a huge system and there's been a lot of effort been put into it and I think the product you're going to produce is going to be something that hopefully is going to be as representative as it possibly can because I can see that there's been a considerable effort in this. Thank you.

Gordon Walker: Thank you gentlemen. That's been very helpful to have this information in front of us. The Tribes and the First Nations have given us, I think, very valuable information and eventually we will distill it all into something of a decision and we hope it's not another 13 years but maybe another 13 weeks with any luck at all.

Are there any further questions? Can we conclude?

Tom McCauley: I have some short comments that I think are very pertinent being here at Akwesasne. We did learn some important words from the Akwesasne Task Force on the Environment. Would you permit that?

Commissioners, Chiefs, Elders and all attendees and to our two new Canadian Commissioners: Félicitations, je vous souhaite beaucoup de succès.

Regarding this proposal for updated regulation of Lake Ontario and the St. Lawrence River, I'm making this statement as a sea kayaker and a resident within the basin. In the past 14 years I've kayaked in many places in the waters covered by the Commission's proposal in the Lac Saint Pierre/Sorel wetlands which is a UNESCO biosphere reserve around Îles-de-Boucherville just below the Port of Montreal. I've done a circumnavigation of Cornwall Island; the original name I believe is Kawehnoke and it's 28 km. And three place in the Thousand Islands but also in Lake Ontario and Kingston and the Lower Niagara River and the 9 km section between Greece and the break wall for the Genesee River where a lot of the problems are. But I'm also making this... first of all my kind of kayaking can help give you a special point of view on creation, or water and nature, but also the human enterprise. I'm also making this statement as a kayaker-plus; the "plus" because I had unequalled opportunities over the past dozen years to study the system; all aspects and interests and to meet and listen to multiple users and stakeholders.

As an IJC Canadian Engineering Advisor before my retirement last October, I held lead responsibilities for the 2000 – 2005 LOSLR Study for the St. Lawrence River Board of Control. And I helped set up the Public Interest Advisory Group, of which we have some members here, in the year 2000, looking for 22 candidates around the geography and the political units and the interests that would be balanced. There were also two Board members from Akwesasne; Henry Lickers and Jim Snyder from St. Regis. I worked with the IJC Government Working Group from 2009 to 2012.

So here, being within the Mohawk territories I make this statement in the spirit of skennen and kariwii. These are 2 Mohawk words with important and pertinent meanings. From the Akwesasne Task Force on the Environment, we learned that skennen is the active and ongoing pursuit of peace and kariwii is the good word spoken by good minds. And I'm quoting here: *"the shared ideology of the people using their purest and most unselfish minds which occurs when they put their minds and emotions in harmony with the intentions of the good mind or the Great Creator. This requires that all thoughts of prejudice, privilege or superiority be swept away and that recognition be given to the reality that the creation is intended for the benefit of all, equally; the animals, the plants as well as the humans."*

The task at hand, the regulation of Lake Ontario/St. Lawrence River water levels and flows is a major undertaking, such a complex system. There are over 10 million people within this highly developed basin. There's a Great Lake, a Great River, over 4000 km of shoreline, there are two countries, as well as the jurisdictions of Quebec, Ontario, New York and the Aboriginal peoples. I take note that we also have Tyendinaga and there is Akwesasne and there's also Kahnawake which are most directly affected.

There are many direct stakeholders and interests. The principle ones being the environment, water use by municipalities and industries, the St. Lawrence Seaway and the ports, shoreline property, three hydro-electric entities, recreational boating and tourism, and others. All of these are affected by water levels and flows in some way. The Commission is certainly pulled in different directions and it would be easy to get lost in the parts and difficult not to apply partial lenses. In my previous work I used to, and had to try to think like Commissioners once in a while. That was not easy. But some of the questions were pertinent to this matter that I would ask myself and here are some of them: basically how do we get a grasp for the whole? Are we sure that all the questions and options have been sufficiently looked in to? How does one come to know the necessary facts and to rightly appreciate the values? How is this done in such a way that a good group judgment is made?

So the Commission's current proposal is something that I truly believe is a good path to follow. This proposal builds upon all the work that has been done to date by over 150 experts and dedicated persons from both countries during the 5 year LOSLR Study, and

also the work of many experts engaged in improving the proposals in the past 7 years. Already in the LOSLR Study the Board evaluated dozens of plans. It encouraged individuals, groups and even a Cornell University class to create and test all kinds of plans. And all kinds were tried; from rule curves to optimizations to fuzzy logic. And after evaluations of performance according to the bases of geography, hydraulics, hydrologic history in climate possibilities and climate changes, the Board retained those plans which would maintain or improve on the economic and environmental performance of old Plan 1958 D while not causing disproportionate loss among the various intra-sectors.

In the period since 2006 experts that were involved with the Study collaborated with IJC staff. They reviewed the LOSLR data and using the best features of all plans tried new variations along promising paths; trying to improve results for the wetlands and environment which had not been considered in the 1950's without substantially reducing the benefits enjoyed by the other interests. Over the past 3 years, a solid consensus of a support was developed among federal and provincial and State members of the IJC Government's Working Group around what is substantially the basis for this proposal. So much collaborative effort and cutting-edge work has gone into developing this current proposal, and with a view to accommodating environment and interest to an optimal degree that I'd be surprised to discover such a level of effort had been used in many other basins worldwide.

I will not go into detail about the proposal but I have a few short comments because we know that you cannot please everyone all of the time no matter how hard you try.

First, I believe we have to be wary that the tendency to reductionism to consider people as single interest people. There are in fact many interdependencies and people are complex creatures; being concerned at the same time for instance about security, a healthy environment and good regional boating and tourism. I heard from such people with multiple concerns in Greece, New York once after a public meeting that was dominated by speakers supporting solely right period concerns.

Second, erosion is as old as water on the Earth; it happens wherever moving water and waves touch land. With bedrock shorelines it is much slower but in the millennia prior to the Moses-Saunders Dam the softer parts of Lake Ontario shores were eroding more quickly. This also provided sand which moved along the near shore areas building beaches and dunes in some places. I had a pleasant visit with a PIAG member who lived on the waterfront in Greece about a decade ago, and he allowed me to put my kayak in beside his home and I kayaked the whole 9 km and back and I learned that these homes are all very well armoured but they're on a low erodible area, but also the water is deepening in front of their shore walls and that is because the Lake is deprived of the sand and sediments that would normally be there if so much of that lake wasn't armoured. So the situation makes

itself worse. I can understand why New York State has a serious concern about the continued armouring of Lake Ontario.

Third, good information on both Lake Ontario flood levels and erosion rates have been available to all since the 1980's IJC Great Lakes levels study. At that time, the 1% or 100-year flood levels were available in both countries. In New York these levels were available from FEMA – an agency with federal responsibilities for floods in the United States. Those levels at the time were very close to what we have for today's calculations within 10 or 15 cm. Ever since that time in the 80's it would have been irresponsible for municipal county or regional planners to claim ignorance of Lake Ontario water levels and hazard risks.

Fourth, despite the other cross border similarities mentioned and you've probably noticed the cross border similarities that the border actually doesn't mean a whole lot to recreational boaters or to the Seaway. There are all these cross border links and similarities but there's a difference. In the riparians on Lake Ontario between Canada and the U.S. -

Gordon Walker: Now Tom, I'm hoping that there aren't as many pages left as I've seen there.

Tom McCauley: No there isn't.

Gordon Walker: You've put 800 words on a page. I'm wondering if we can kind of wrap up a bit here on this one. We've got to give some time to the Thousand Islands Association here, so I'm wondering if maybe we can come back to yours at the end or maybe since you've got it so well prepared maybe we got to make sure that's copied and we can distribute that to everybody.

Tom McCauley: Yes I will submit it. There's just one point left. I'll cut it short. I'll cut out three points.

Fifth, I think it is important for us to sort out responsibilities. Who is responsible for what? The Commission's responsibility under the Boundary Waters Treaty does not, and cannot, replace the responsibilities of all of the actors within the system. The IJC cannot regulate preferred water levels in many different places at once any more than it can regulate the wind and the rain. It manages all of those waters from the outflows from the Moses-Saunders Dam. Every individual, every municipality, every regional planning board, county, state or provincial agency and the federal governments all have responsibilities. Among those responsibilities are the prevention of permission to build in flood hazard locations at certain elevations. There is a normal governance responsibility that has to be taken seriously, and it is in many societies.

So I thank you all and I leave you also with the word “sustainability” by which is much predated by Aboriginal peoples and Mohawks who would say we have responsibility to the 7th Generation. And I support the proposal.

Gordon Walker: I’m glad you added that at the end. We were going to be disturbed if you had said “and for those reasons I don’t support this proposal.” But thank you very much.

We must move on the Thousand Islands. Actually we’re getting close to our magic moment of closing off, but we’re not going to do that; we’re going to delay long enough to hear what Mr. Orr and Mr. Murphy have to say.

(Unidentified speaker - Time code: 1:24:17): If I can just take a second I want to point out to the Commissioners who heard Chief Lazore’s opening address that it is in your Study Board report in English because few of you, like me, understand Mohawk. But it is in English, it’s a wonderful piece of context to set our minds straight.

Gordon Walker: Well that’s perfect, thank you. Let us move on to the Thousand Islands Association and I think Mr. Murphy you’re going to make the presentation.

Orm Murphy: Yes thank you Commissioner Walker and thank you very much Madam Chair and Chair Comuzzi. I’m here with my fellow Board member David Orr who has a long history, was part of the Working Group back when representing this very issue that we are here today to speak to from the point of view of the seasonal residents, shoreline residents and the boaters in the Thousand Islands area.

Just to tell you a little bit about the Thousand Islands Association, we trace our history back to 1934. We have approximately 800 members. I can assure you every member of our Association is a boater, and the reason that they are boaters and members of our association is our primary enterprise is to mark the rocks, the shoals, in the Thousand Islands area which of course you can imagine there are quite a few. So we, not the government, we are the people who put out white and orange shoal markers to mark specific rocks. We take them in in the winter time because otherwise they’d be ruined by the ice. Just speaking for myself and speaking for David, we are not new comers to the Thousand Islands. My family bought our island in 1920, and David’s family goes back to 1875. So I’m 3rd generation on the Island, and I think David is 4th or 5th. The point that I wanted to make is that unlike the shoreline owners on the South Shore around Rochester that we’ve heard about before, the cottage that I live in was built in 1890. We’ve been there a long time and we think that we have something to say about this issue too. I want to tell you that in my life living on the Island last night as I had dinner, I watched a mink jump in and out of the water I watched hawks circling looking for the squirrels who were hiding in the oak trees the best they could. We have lake otters, we have bald eagles, we have osprey. The environment in our area has never been stronger than it is now. What is down, and

there's no question about that is fishing. That's because all we do is take and we don't do much to give back in terms of the fishing. But I want you to know as a background that 1958 DD may not have been the best Plan but it wasn't all bad because things are very healthy, the water is drinkable at my place out of the River without being treated.

Now the issue about water control is about high water and low water. The environmental discussion here is about creating the levels of water that apparently existed prior to the Seaway being built. The swing at that time I'm told was as much as 6 feet. What I'm told, and I heard the presentation made by the environmentalists, by friends at Save the River, is that as a consequence of control that we have had an adverse impact on the environment.

My issue is a fairly unique and very narrow issue. When the water levels are very low, then people can't boat. People who have islands can't get to their islands because there's not enough water at their dock in order for them to access. When the water is very high, that's also an issue because the docks that have been there and built based on average water levels, they're under water. So they don't have access until the water goes down or in some way try to build a super structure. This is all happening years gone by as we've seen the cycles go up and down. The concern that I'm here to talk about is the very low water levels in particular which Plan Bv7 provided for. I had made a presentation last year. Mr. Fay was at that presentation in Kingston. And at that time I said when we looked at the Bv7 model we saw very low water in August. And my response to that was "I thought we were talking about water level management. Why would we have very low water levels at the time when boaters are using the river, when cottagers are using their cottages, because that's extremely restrictive?"

Unfortunately when we review Plan 2014, and in fact if you review the chart that's provided in your material, if you look at the low water that we did in fact have last year, that if we follow 2014, under 2014 the water would have been about 4 inches lower last year than it was, in fact. And also if I look back to October 2007, again when the water was very low, under the new Plan 2014 it would have been lower again by another 3 or 4 inches. That's the issue. The issue is when the boating season, or why does the water level have to be low during the boating season? If we are managing the system I have no problem with low water when people aren't at their cottages, when people aren't boating. Boating is a major enterprise for the Thousand Island area. I'm not here to promote tourism for the Thousand Island area but the adverse impact is significant. Gananoque's gone from a manufacturing town now to a town that's basically an eco-tourist town. If this is so adversely affected that people can't boat in that area, that's a very significant impact to our entire area.

So my position is a very narrow position. I hope that the principles that Save the River is talking about, that the ecologists and environmentalists are talking about of having cycles

can coexist such that they don't negatively impact in the heart of the summer. Low water is fine in the fall, in the winter. That's part of what needs to be done at that time of year. That's when it's important to have the freezing of the low water and the killing of cattails and all the things that were told about. But it's not necessary in August. So that's simply my concern about the Plan 2014 as has been put on the graph. It is that it will exacerbate in already difficult circumstances; it'll make it worse. And Bv7 wasn't going to do that so when I made my presentation a year ago I made this exact point. Well in fact under 2014 the result seems to be worse under 2014 than under Bv7. So those are the concerns that we have and I thank you very much for your time.

Gordon Walker: Of course trying to define the moment when boaters use the water is an interesting game because it could be sort of September 1st or it could be maybe the Canadian Thanksgiving early in October. What is your range when you're most concerned? Is there a magic moment when it's easier to have low water?

Orm Murphy: We don't have to invent that wheel because our boating season is defined by us putting in the markers and taking the shoal markers out. So after Canadian Thanksgiving we start to take the shoal markers out.

Gordon Walker: So October 10th kind of thing. Don't need to worry too much about the spring but the low water in September is a major problem.

Orm Murphy: It certainly could be but Commissioner Walker I wish to remind you that this is talking about August. The reference that I made on the chart is August the 8th.

Gordon Walker: Yes I understand that.

Lana Pollack: I'd like to ask a question of David Fay or one of our other experts around the table. It's my understanding that this... I'll make a statement then I'll make a comment. We could have the low water levels in the middle of winter but if it doesn't work for nature it loses the point of the Plan. Nature doesn't always, you know, isn't always aligned with other interests. But it's also my understanding that this Plan, sir, actually 2 years out of 3 would likely extend the boating season by a couple of weeks; so not every year but more years than not boaters would benefit. Now if that's not right, I'd like to hear that from the Plan makers.

David Fay: Well the overall economic impact of the Plan as far as boating goes on Lake Ontario was negative. I should say that; a net negative. However you're right too. And that's largely because there's more variability in the summer, as Mr. Murphy said, you will have occasional levels, more natural, that are lower in the growing season which as I understand is key for wetland vegetation. But is also the key season for boaters. However, many boaters in the Thousand Islands as we've heard want to extend the boating season and the

trade-off with the proposed Plan is that there will be as you say roughly two thirds of the time with the new Plan it would be higher on October 1st than it would be with the existing Plan. So there are trade-offs here.

Lana Pollack: But as this gentleman says, are there more years than not where we get lower amount in August? And I guess it depends on where...

David Fay: Well the Lake and the upper River in their area are basically the same levels; they fluctuate very closely. And it's true that in the summer period with the new Plan there will be more frequent low levels and that's necessary to provide the environmental benefits to the wetlands.

Lana Pollack: And my last comment is: at least in the Lake I think, but I would need to be better informed, than the River dredging could in the Lake... could that not be a... I'm getting a negative on that. Dredging is not a possibility on the Lake for these places?

Orm Murphy: I can't speak to the Lake but let me tell you that dredging is probably the most un-ecological procedure that you can think about and getting a dredging license in the Thousand Island area is extremely difficult. And the cost of that is overwhelming and you know we're not just talking about people know about the Thousand Island region with the millionaires row and the big mansions. I'm not here- I represent some of those people, but I represent an awful lot of middle class people who live and work in Gananoque and come across to their cottages, and they're not big palatial cottages, and they can't, I don't think they get dredging. Dredging, Madam Chair, is not a solution to this issue. And again, I just want to be sure that I'm not misunderstood: we're not necessarily talking about extending the season that wasn't there before. We're not talking about that at all. What I'm talking about is exacerbating low water. 2014 exacerbates from the current Plan, or perhaps even pre-Seaway is exacerbating low water conditions during the boating season and that's the part that I'm having trouble with.

Dereh Glance: So we're talking about a matter of inches, so I'm just wondering would a factor of 4 inches on the River, what does that mean for the Thousand Islands Association?

Orm Murphy: In low water that means a lot.

Dereh Glance: Can you tell me a little bit more about what that means? I don't get a chance to boat.

David Orr: On every chart you look at the depths are measured at something called "chart datum." Someone in the wisdom a long time ago said "that's as low as the river goes." It's not so, but it is. So if you have chart datum, it's impractical in a lot of areas to boat after that date of when the water goes below that. So it only takes when you approach that now it become more and more dangerous for the rocks that you may or may not know about and

that we don't mark, and also getting in to your shoreline because the River where we are isn't made of mud, it's mostly made of rock. It's the Canadian Shield. We don't get erosion either there. I've been there for 70 years and I've not seen any erosion.

Dereh Glance: I guess I completely understand the geology of the region. It's mostly the drafts of the boats and then the ability to adapt to possibly maybe marking a few more shoals in the areas. I mean are there opportunities to adapt to a few inches lower? I'm just curious what the viability of that is.

David Orr: You're talking about either educating all of the members that live on that River to tell them where they can or can't go, or you're asking a volunteer organization that they depend on to put out... we put out 200 shoal markers now. A few more, I don't know. It's a very large undertaking and you'll never be able to mark them all. We don't mark all of the shoals now. There's a lot of common sense that's required. But it becomes... I was on the Technical Working Group for Recreational Boating and Tourism and we put dollar figures attached to this. It would have been nice to have seen the difference between 1958 D in the information we received. Instead it's against the-

Dereh Glance: You know that's just a primer; all the information's online just so you know sir.

David Orr: Yeah, but it's for publication this is what you've put out and it's showing information against the water levels the Plan 60 years ago. It's not really very informative.

Dereh Glance: That's why we have a full website sir. We aren't trying to keep- but you can only put so much information out for mass publication. So can you just tell me about the draft of the boats that are typically used?

David Orr: They vary so greatly. There are sailboats that run around that draw 6 feet, so that's their problem. We're running around in outboards and we can tip the out drives up. But often there's not enough water to float your boat. In very limited places, but in very limited places people have cottages. There's a lot of people that maybe they shouldn't- maybe their great-grandfather shouldn't have built there.

Dereh Glance: Thank you very much.

Gordon Walker: Commissioner Pollack...

Lana Pollack: Just one comment and it follows on what you just said; maybe it made a lot of sense for their great-grandfathers to put the cottage there because conditions were different not just with the Dam. But what really makes me want to tear my hair out because in the short term the next 3, 4, 5 generations, but not 7, we can't do anything about the fact that we've loaded the atmosphere, warmed the atmosphere, melted the ice, and created

more summer evaporation. And believe me, I feel the pain of cottagers all across the lakes who can't get to their cottage; they literally in areas cannot get to their property with any reasonable draft. So this is a real problem, but this is what sadly climate change looks like on the Great Lakes. On the East Coast it looks like Sandy and waves and sea level rise, but the scientists are convinced that we're going to be looking at dealing with low waters everywhere. It's going to be everyone's challenge. Now that doesn't mean that we shouldn't take that into account in a plan, and that's what I'm hearing. But it gets harder and harder and harder until we start loading the atmosphere and maybe by 7 generations somebody will thank us for turning the situation back the way it was.

Gordon Walker: I seem to think that our questions have been exhausted, and I wonder if from your side of the table there are any questions you want to pose to any of our scientists, our experts that we have along here and you're certainly welcome to do that.

Chief Brian David: Mr. Chair, I just wanted to just offer- we did the introduction with the formal protocol and it's normally customary just to do a brief closing in Indian, if that's acceptable.

Gordon Walker: Yes, of course.

Henry Lickers: Joe asked me if I would do it in English so you know what we're talking about. These words that come before all else are the ones we open everything, and we heard a little bit about the good mind and bringing your mind together to think about the problems. These are all of our problems. These are our issues and we feel responsible for them, whether it's my boating friends or my little minnow, we have a responsibility to them.

And we say whenever we are gathered one of us is chosen to do a greetings and thanks giving and I'd like you to think about the people of this world. There are many people that aren't as well off as we are and they live across this world and across this River. And I would say to you that my sons and daughters and your sons and daughters live in that water as well. So I ask you to bring together your minds and think about the peoples of this world, and can we agree that they are important to us?

I ask you to think about the Mother Earth for she continues to carry out her responsibility to us, never ceasing in her responsibility. We say that if you look at the colors of the soils of that world, in those colors of those soils you see the colors of every one of our skins and we know that she is our mother and that she will continue in her responsibility. So I ask you to bring together your minds and think about the Mother Earth, and can we agree that she is important to us?

Today we have concentrated on the waters and the fishes of this world; they have been most important to our discussions and we know that they will continue to carry out their responsibilities. And they don't need anyone to teach them what their responsibilities to us are, but they continue to do this. So I ask you to bring together your minds and think about the waters and the aquatic like our fishes, and can we agree that they are important to us?

I know that we have spent a little time talking about the plants of this world, and the Haudenosaunee looked at the plants and we have a special relationship with them. We have three, called the Three Sisters: corn, beans and squash that have helped sustain our populations. But we also know in those waters have been many medicine plants that can help us and it seems that the waters and the marshes and the wetlands seem to be those places where those medicine plants are. And then we talk about the trees. The trees that give so much to us and all of the things we see around us that are beneficial to make our lives a better place to live upon this world. So I ask you to bring together your minds and think about the plants of this world, and can we agree that they are important to us?

We don't live here alone. We live here with many other species and in the morning this morning I rose and heard the crows crying in my backyard, waking me as usual. But we also have other animals; the 4 legged type. Some of them living in our own homes and we call them our pets but we treat them like they're our brothers and sisters. And so I would say to you that all of the animals and birds of this world deserve the same respect and deserve the same as our brothers and sisters. And so I ask you to bring together your minds and think about the animals and birds of this world, and can we agree that they are important to us?

Today as we look outside we see the Four Great Winds getting ready to blow us a blustering night I think, and during that time we will hear the voices of our grandfathers. We call those the Thunderers, and they speak to us. But what they tell us is to be ever vigilant as we live upon this land for the land is changing and that we must be ready for it. We must be the ones that help and fulfill our responsibilities to the world around us. And so I ask you to bring together your minds and think about the Four Great Winds and those Thunderers, and can we agree that they are important to us?

This morning our elder brother the sun rose as he has done millennium after millennium, never ceasing in his responsibility to us and to all of creation. That we could carry out our responsibilities as such, this would truly be a wonderful thing. So I ask you to bring together your minds and think about our elder brother the sun, and can we agree that he is important to us?

This evening we'll see our grandmother moon as she turns her face to us every 28 days, and that 28-day cycle is the cycle of all female things in this world. And without that 28-day cycle it would truly be a lonely place. But she's also very powerful and she has the ability to

move all of the waters of this world, even the waters of the first environment: the womb. And so I ask you to bring together your minds and think about the grandmother moon and through her all female things upon this world, and can we agree that she is important to us?

In the evening we see the stars as they shine down upon us, and the Haudenosaunee say these are our aunts and uncles and they are still here with us looking down upon us. They guide us across the surface of this Earth and foretell of great events that will occur in our communities, but they too are carrying out their responsibilities to us. And so I ask you to bring together your minds and think about those stars, and can we agree that they are important to us?

Again we know that we don't exist here alone but we know that there's a spiritual world that surrounds us and that there are many spirits out there that can help us in our deliberations. The Haudenosaunee say that whenever our deliberations are so tough and that we really need to think about our answers and questions, that if we look deep into our souls those answers will come to us and lead us to peace and harmony upon this world. And so I ask you to bring together your minds and think about the spiritual world that surrounds us, and can we agree that they are important to us?

We know that there are many other teachers in this world and we sit here today and listen to our problems that we have but we know that we have the knowledge that come to us down the corridors of time from elders and ancestors that have preceded us and each of us have those trusted elders that we have listened to in the past and hear their knowledge today and we will build on that knowledge that this will be a better place. And so I ask you to bring together your minds and think about those teachers of the world, and can we agree that they are important to us?

It has come time that at this time we will cover our Council fire and as the Haudenosaunee would say "unbind that stout cord that bound us all in this place that we could talk about our responsibilities to the world. And I'll cut that cord now that we may each go our own separate way." But before we do that, the Haudenosaunee say we must never ask anything of the Creator, but on your behalf today I'll ask today two things of the Creator: I'll ask that as you proceed from this place to your homes, your lodgings and your communities, that no impediment is place in your way and that you arrive there safely. And the second thing I'll ask on your behalf is that when you arrive at your homes, your lodgings and your communities, that you see the happy smiling faces of your people and that no misfortune has befallen them while you've been here.

And so now those words have been said and our Council fire is closed but I call on you my friends one last time to bring together your finest thoughts and your finest thanksgiving and we'll pile them in a huge pile before us to send to the Creator of all things for the beauty that surrounds us. *Ne onkwa'nikònra*

Gordon Walker: Thank you Henry. That was so perfectly said that we will have that transcribed and maybe it will become our preface in to the report but it could almost be that. But if not at least it will be an equal submission that will guide our direction so thank you very much and to the Chiefs, to the elders, to the presenters today we very much appreciate this. Thank you very much for the information you provided us. We will be guided.

End of Transcript

Transcript