

March 23, 2004 Thompson

MR. DYSART: My name is Angus Dysart.

I am President of the Association of Displaced Residents of South Indian Lake, often referred to as DRSIL. I am pleased to have the opportunity to make a presentation on behalf of DRSIL at these Clean Environment Commission hearings for Wuskwatim generation and transmission line projects. I am very pleased to be here and talk to you today in Thompson in front of many other people who have been seriously affected by past hydro development by Manitoba Hydro. However, our association is not happy that those hearings are spending only two days in Thompson for these hearings. More time should be spent in Northern Manitoba to allow the people who are affected by hydro development and have suffered at the hands of Manitoba Hydro to be part of the process. Why are not hearings being held in Nelson House, South Indian Lake, so NCN members there can be heard and see what is going on here? This would also have given this Commission the opportunity to see how past promises of prosperity for us from hydro development have been fulfilled and honoured. Why is so little time and respect been given to those who are paying the price for Manitoba Hydro to make hundreds of millions of dollars? For the record, I am demanding an apology from Jerry Primrose calling me, our association, and others who have concerns or do not want Wuskwatim "economic terrorists." I support Carol Kobliski in her comments on March 17, 2004, that this apology should be made to the Commission and to all those who question the project. I know that so many people have talked about this comment and I hope that this apology will put this to rest. I will start by saying a few words about myself and how our association came into being, our current struggle with Manitoba Hydro, Manitoba and Canada for fair and just treatment under the Northern Flood Agreement. Then I will discuss why our association decided to be part of this hearing, and finally our position on the Wuskwatim Generation and Transmission line projects. Some 30 years ago I was one of the future generations growing up in South Indian Lake. I remember how it was like growing up in South Indian Lake prior to the Churchill River Diversion. This was a clear pristine lake with sandy beaches, even nicer than Lake of the Woods. My father, Murdo Dysart, provided a good self-sufficient living for us being a commercial fisherman and trapper. I was raised right from the land and most of the members of DRSIL were raised the same way. Before the Hydro projects and the flooding of South Indian Lake, there was abundant high quality fish and fur. South Indian lake was known worldwide for its Export A White Fish that was served in some of the finest restaurants in North America. Now the people of South Indian Lake are warned to limit the fish they eat due to mercury. People are getting sick from eating the fish and drinking the water. The furs were also the highest quality and sold around the world. Despite what Jerry Primrose said to you, it was Manitoba Hydro that destroyed trapping around South Indian Lake and not any outside fur lobby. When Manitoba Hydro was planning to build a dam at Missi Falls and South Channel, they made a lot of promises to the community of South Indian Lake. New housing, running water, and sewer hook-up for everyone were promised. Jobs were promised, and a fair and just settlement for the loss of the land, property and opportunities. The future generation of young people was promised a bright and better way of life by Manitoba Hydro.

This was one of many promises broken by Manitoba Hydro and the Government of Manitoba. For example, according to Manitoba Hydro's

quarterly report of Reserve Resident's Employment under Article 18.5 of the Northern Flood Agreement for the fiscal year ending December 31, 2003, only two people were employee in South Indian Lake. One was full-time utility worker and the other a casual labour. I do not even know if those two people are even from South Indian Lake. In fact, for Nelson House only 23 NCN members were employed with all being in low paying and low skilled labour jobs. In comparison, PCN, Cross Lake, who have not signed Northern Flood Agreement Master Implementation buy-out agreement have 243 people employed, including a number in skilled positions. I have copies of this report which I can file with CEC, Clean Environment Commission, today. None of the promises were kept by Manitoba Hydro and the Government of Manitoba. Many of us suffered great social, economic and psychological harm as a result of the project. This when Manitoba Hydro and the Government of Manitoba continued to reap hundreds of millions of dollars from selling hydroelectricity. Many have suffered and continue to suffer while others prosper on our misery. This includes the over 400 members of DRSIL who, like me, who were forced to leave South Indian Lake and our traditional way of life to find a future. To provide further information on South Indian Lake and the impact of hydro development I would like to table with you a paper that was presented on February 23, 2004 forum on hydro development held at the University of Winnipeg. This paper is by Dr. Steven Hoffman of St. Thomas University of Minnesota, and it is entitled "Engineering Poverty: Colonialism and Hydroelectric Development in Northern Manitoba." My September 11, 2003 letter to the Clean Environment Commission, which has been placed on record for these hearings, gives a brief background of our association. Like me, our members have been displaced and were forced to move from our home at South Indian Lake due to the flooding and ongoing impacts of the Churchill River Diversion, Churchill/Nelson River Hydro Dam projects. The majority of our over 400 members, around 70 percent, live in Northern Manitoba, with the rest in places like Winnipeg, Brandon, outside of Manitoba. Like me, the majority of us are NCN band members and have serious concerns about the Wuskwatim project, the deals between NCN and Manitoba Hydro, and the things being done to try and get NCN members to agree to it. We currently have six members of our executive chosen by the traditional Aboriginal way of members putting their name forwards and having it discussed and endorsed by members at meetings held throughout Manitoba. The current executive was endorsed at meetings held this past summer in Winnipeg, Thompson, Leaf Rapids, South Indian Lake. We try to hold as many meetings as we can and keep our members informed on what is happening, but it is very difficult when no resources are provided to us for this.

Since 1993 our members have been in a struggle with Manitoba Hydro, Manitoba and Canada, to receive fair and just treatment for our claims for compensation under the Northern Flood Agreement. Many of us have suffered property, economic, social, and emotional damage by having our homes at South Indian Lake and way of life largely destroyed by the Hydro project. To date none of our Displaced Residents of South Indian Lake claims have been settled. Manitoba Hydro has done everything it can to tie up our claims and deny us adequate resources to present our claims as we are entitled to under the NFA. For the past two years, there has not even been a NFA arbitrator to deal with our claims and our concerns. I have been informed that they have just recently appointed an arbitrator, retired Judge Ruth Krindle, over the objections of the Pimicikamak Cree Nation of Cross Lake. This person

has not yet started work and we have no idea when our claims or issues will even be considered. To us the delay in appointing an arbitrator shows the low regard and respect Manitoba Hydro and the Governments of Manitoba and Canada for the Northern Flood Agreement Treaty. This includes people like us who are trying to get fairness and justice for the environmental, social, and economic harm Manitoba Hydro has inflicted on us. We strongly feel that this is just an example of how Manitoba Hydro and the Governments of Manitoba and Canada are trying to avoid dealing with us fairly and justly.

From our experiences, the studies, promises, and assurances of Manitoba Hydro cannot be trusted and relied upon. That includes what happened in South Indian Lake and how Manitoba Hydro, Manitoba, and Canada, have dealt with us over our DRSIL claims. I will not discuss our claims against Manitoba Hydro since I do not have our lawyer here with me. The claims we have filed are individual claims for compensation and I cannot talk about specific claims. Also, the reason I am here today is to talk about our position on the Wuskwatim project and these hearings. We first began following those hearings with the September 30, 2003 hearing in Pimicikamak Cree Nation's motion to expand the Wuskwatim Review to include past hydro projects and their total impacts. Although talking with our lawyer and others who have attended and kept track of the hearings in Winnipeg, I still feel that the Clean Environment Commission should have expanded the scope of those hearings. To limit the scope of those hearings was a decision made by the Clean Environment Commission and we feel that it prevents a true and complete review of the impacts of Wuskwatim Generation and Transmission Line projects. We must recognize and understand what has been done and its impacts before we can have confidence in future development. We feel that a thorough review of past and continuing impacts of the Hydro development in Northern Manitoba should have been done even before a new hydro project was proposed. Manitoba Hydro must address those impacts and do much more than what they are doing now. We want Manitoba Hydro and the Government to clean up the mess they have inflicted on South Indian Lake and other places in the north. We have a number of members from there and of course all of us originally come from there. We also have members of our Association that live in South Indian Lake and we want the environmental mess cleaned up on Southern Indian Lake. This should be done before any other dams like Wuskwatim and transmission lines are built. Manitoba Hydro should not be allowed to continue to make hundreds of millions of dollars on the pain and suffering of others who are affected by the continuing impacts of past hydro development. We hope that this hearing will strongly question Hydro on their claim that Wuskwatim will not affect South Indian Lake and other communities. I remember the false promises and assurances that were made to us in South Indian Lake that low level flooding of Southern Indian Lake would produce little damage that would be managed by Manitoba Hydro. Manitoba Hydro should not be allowed to do what they did to South Indian Lake again. In December 2003, our Association sent a letter to the Clean Environment Commission on a summary of understanding between NCN and Manitoba Hydro. The letter raised a number of questions and concerns we have with it and the upcoming Wuskwatim Project Development Agreement and the vote. I understand that it was sent to all members of the Commission and I will not go over it. I just hope that the questions raised there are dealt with during those hearings. The response provided by NCN Chief and Council to Vern Anderson, the Southern Vice-President of our

Association after those hearings started should not be considered a satisfactory response to our questions. We are not satisfied with the lateness of the response, one week after these hearings started, the response is received. A number of questions were not answered or it was stated that they would be answered in the Wuskwatim Project Development Agreement. In the next few weeks we will be going over the response in more detail. I notice that the NCN response to Mr. Anderson has been put in the NCN website. We are also requesting that NCN put Mr. Anderson's December 17, 2003 letter to the Clean Environment Commission on its website so that people can read the two together and get a full picture of our concerns. It is misleading to just include the response and not the letter that contained our questions.

I would like to table a paper that supports our concerns with the Wuskwatim Agreement in Principle, Summary of Understanding, and the upcoming Project Development Agreement. On March 16, Dr. Kulchyski made a presentation that dealt with the Wuskwatim SOU. Dr. Kulchyski informed the Clean Environment Commission that he was just finishing the paper, that he was basing his comments on the SOU, and he tabled it with the Clean Environment Commission for review. On behalf of Dr. Kulchyski, I am tabling a final draft of his paper to put on the record for the hearings. In the very near future the paper will be published by the Canadian Centre for Policy Alternatives. In conclusion, we recommend the following:

1. No vote on the Wuskwatim PDA be undertaken until all Treaty and Aboriginal issues are satisfactorily dealt with.
2. All aspects of the Wuskwatim Project Development Agreement, Limited Partnership Agreement between NCN and Manitoba Hydro, and component side agreements be thoroughly explained to all NCN band members so all are clear on what they mean and what they are agreeing to. These must all be included in the referendum vote. All these documents should be translated in Cree and copies made available to all who request them.
3. All outstanding compensation issues and claims of NCN members under the Northern Flood Agreement be settled before any vote on the Wuskwatim PDA.
4. All financial information on the Wuskwatim deal and partnership between NCN and Manitoba Hydro be given and explained to NCN members.
5. Independent third party legal counsel be retained to explain the Project Development Agreement and other agreements identified in the Wuskwatim SOU to NCN members. This legal counsel should not have represented Manitoba Hydro or have been involved in the negotiation of Wuskwatim Agreement in Principle, Wuskwatim SOU, and the Wuskwatim PDA.
6. A set time be established for the Wuskwatim PDA referendum which allows sufficient time, at least three months, for all information provided to be properly explained and discussed in the community. The NCN band membership, and not just Chief Primrose and Council or Manitoba Hydro, should also decide and agree when the vote is to be held. This will be important to heal the wounds, divisions, and hard feelings that have been created by the Wuskwatim project.
7. Adequate resources must be provided for those who have concerns about Wuskwatim project and the partnership agreement between NCN and

Manitoba Hydro. The Government of Manitoba, Manitoba Hydro and/or NCN Chief and Council should provide adequate funds, e.g. from the 4.2 million annual budget provided to the NCN Community Futures Portfolio, and allow alternative relevant information be provided to the people of NCN prior to the referendum vote. All efforts should be made to enable NCN members to make a reasoned and non-pressured decision on Wuskwatim.

8. The Clean Environment Commission should not officially conclude these hearings, and should delay the filing of its recommendations to the Government, until after the Wuskwatim PDA referendum vote is held. This will allow them to take into account the vote and how it was conducted and its report to the Minister of Conservation.

9. If Indian Act voting regulations are used for the Wuskwatim PDA Referendum, and not traditional ways led by NCN elders, an expert independent third party such as Elections Canada or Elections Manitoba should oversee all aspects of voting to ensure that it is done fairly and honestly.

10. Any vote on the Wuskwatim Project Development Agreement must include all NCN members and the people of South Indian Lake and the Displaced Residents of South Indian Lake. The reserve status issue for South Indian Lake should have no bearing on this. All these people were eligible to vote for the Wuskwatim Agreement in Principle and they should be allowed to continue to participate in the process and be allowed to vote on the Wuskwatim PDA and have their vote counted and recognized. Members of the Association for Displaced Residents of South Indian Lake should not be disqualified from voting by any reserve status deals made by the NCN Chief and Council, South Indian Lake, and the Government of Canada.  
Thank you. That is it.

THE CHAIRMAN: Thank you, Mr. Dysart. Question, Mr. Mayer?

MR. MAYER: Mr. Dysart, are you aware that of your ten recommendations, nine of them deal exclusively with compensation and with the deal, or non-deal as the case may be, between NCN and Hydro? Are you aware of that?

MR. DYSART: Yes.

MR. MAYER: You are aware that that particular agreement is outside of the jurisdiction or the scope of the hearings of the Clean Environment Commission?

MR. DYSART: Yes.

MR. MAYER: I take it, therefore, you are bringing it to the Commission as a method of making the matter public?

MR. DYSART: Yes.

MR. MAYER: Sir, can you tell me why—I think you are aware that prior to the start of these hearings, the Minister made available, I think it was \$1 million for participant assistance funding. Why did your organization not make any application for that participant assistance

funding, and at the very least we may have had some opportunity to assist you with your recommendation number 7?

MR. TRONIAK: Mr. Mayer, maybe I can answer that. We only decided to get involved in the process when PCN brought their motion forward on September 30. At that time the membership, and the executive in particular, hadn't made a decision on whether to be involved or not—whether they felt there were issues that were evolving that would be particularly interesting to the membership or that it is something that they should have devoted time to. However, seeing the documentation for the PCN motion, it was decided that the issues were very important. They also dealt with all of NCN members, which about 85 percent of displaced residents are NCN members, and decided to get involved in the process. By that time, I believe all of the participant funding was already allocated by that time.

MR. MAYER: You are right.

MR. TRONIAK: So we are not a funded organization, so we have to be very careful, and the executive are very careful to get involved in things where they feel that they can have a direct benefit and impact for the membership.

MR. MAYER: Thank you.

THE CHAIRMAN: Mr. Sargeant.

MR. SARGEANT: I would like to direct a question or two to Mr. Troniak. Mr. Troniak, were you at the hearings in Winnipeg last week when Dr. Kulchyski made his presentation?

MR. TRONIAK: Yes, I was.

MR. SARGEANT: Did you take note, or do you recall the exchange between Mr. Bedford on behalf of Manitoba Hydro and the chair, Mr. Lecuyer, in respect of a paper that Dr. Kulchyski said he was completing?

MR. TRONIAK: Yes.

MR. SARGEANT: And I believe we concluded at that time that we would not accept that paper because it was coming in after the fact. Do you recall that?

MR. TRONIAK: I do recall that discussion was had on the paper, and that the Commission had said at that time that a paper— that they would not accept Dr. Kulchyski's paper. I did not assume that it would be totally out of bounds for somebody else to table it on Mr. Kulchyski's behalf.

MR. SARGEANT: I am not saying whether or not it is out of bounds, we are going to caucus on that and decide that later. But I have a question or two of you. This paper that you have tabled today, is this the same paper that Dr. Kulchyski delivered at the University of Winnipeg, or it says on the front "based on," is this a paper that was completed after his presentations before the CEC last week?

MR. TRONIAK: I think you would have to talk to Dr. Kulchyski about that. I certainly wouldn't want to talk on behalf of Dr. Kulchyski on that. I am sure he is very approachable, that if the Commission would contact him by phone or by letter, I am sure he would clarify that. But I certainly don't want to speak on his behalf on that.

MR. SARGEANT: Thank you.

THE CHAIRMAN: Any other questions?  
Mr. Mayer.

MR. MAYER: You are presenting, your Association is presenting this letter to the Commission. You have got to tell us what it is and where you got it from. If you want us to accept a document, you have to tell us what it is and where you got it from.

MR. TRONIAK: Which letter?

MR. MAYER: The Kulchyski paper.

MR. TRONIAK: We got it from Dr. Peter Kulchyski.

MR. MAYER: But you can't tell us whether this is an update, as there seems to be some indication it might be—at least your presentation says this is an update. We have to determine whether this is the same document that Dr. Kulchyski was talking about that he was going to complete, revise, and tender later.

MR. TRONIAK: Okay. If you want my opinion, I am assuming that it is, but to get concrete confirmation on that, I would refer you to Dr. Kulchyski for that.

MR. MAYER: Thank you, sir.

THE CHAIRMAN: Thank you. Other questions?

MS. AVERY KINEW: We do have a translator here if you wish to say anything in Cree about your presentation?

MR. DYSART: Yes, I would like to have a translator translate this in Cree for us, please.

THE CHAIRMAN: You asked whether this, your presentation could be translated into Cree?

MR. DYSART: Yes, please?

THE CHAIRMAN: Yes, obviously it should have been done beforehand, before the presentation here today, or maybe have arranged for translation to be done here today. I see that Mr—I am seeking enlightenment on this issue—Mr. Thomas, are you going to shed some light?

MR. THOMAS: Hopefully. I know Mr. Dysart and he speaks Cree very fluently, perhaps even better than I do, and I see no reason why he couldn't translate his own words.

MR. TRONIAK: Mr. Chairman, I just talked to Mr. Dysart, and he said if the Commission would like, Mr. Dysart could translate it in Cree, time permitting.

THE CHAIRMAN: He will translate it himself and will present us with a translation, a translated version, or he wants to translate it now?

MR. TRONIAK: Yes, he would like to translate it now, time permitting.

THE CHAIRMAN: That is the problem. The point is we would have to adjourn right now to set that up and that will take additional time.

(OFF THE RECORD DISCUSSION)

THE CHAIRMAN: I wish that you had availed yourself of the opportunity to present maybe a portion of that presentation, as you did a while ago, or asked us to make that possible before you made the presentation. With the limited amount of time that we have, and the other presenters that we have on the list, we would be seriously compromising the available time. If Mr. Dysart wishes to make, take a few minutes to make let's say a summary comment in Cree, maybe five minutes at the most, we will allow that.

MR. DYSART: (Speaking in Cree.)

THE CHAIRMAN: Thank you. Were there other questions?

MR. ADKINS: Mr. Chairman, my name is Adkins, again, I am representing Manitoba Hydro with respect to some of these matters. First of all, there were some documents, the paper of Mr. Kulchyski and a paper of Steven M. Hoffman that were attached to the material that we received. And I believe that is the same material that was handed over to the Commission.

THE CHAIRMAN: The Commission in regards—the Commission will examine the paper which appears to have Mr. Peter Kulchyski's name on it to make a determination on that. We see no reason not to allow the other documents to be filed as exhibits, but this one, we will hold for the time being.

MR. ADKINS: Just with respect to the paper of Steven Hoffman, I am wondering, do either of the people that are here today and have filed this, do either of you have professional qualifications to respond to questions or background in terms of what Mr. Hoffman's paper is?

MR. TRONIAK: What do you mean by that?

MR. ADKINS: Mr. Hoffman is not here to answer questions in relation to that paper. Do either of you have professional qualifications, or were you part of preparing that paper, are those part of your opinions, expressions, or views?

THE CHAIRMAN: Proceed to ask your questions, Mr. Adkins.

MR. ADKINS: Perhaps you could answer that question?

MR. TRONIAK: We do support the paper of Dr. Hoffman. We do feel that a chance to review it, the content, particularly pertaining to

South Indian Lake—we are tabling the paper for general information. We figure it is something that could be of benefit to these hearings. As far as being a person, or as us to be standing here and to defend the paper on behalf of Dr. Hoffman, we certainly aren't in a position to do that.

MR. ADKINS: Thank you very much. I just note with respect to that paper that that should be taken into consideration in considering the weight that should be given to that paper. I am certainly not objecting to it being filed, but I think it is an issue that should be taken in consideration in giving weight to it. Mr. Dysart, can you indicate for the record where you reside at the present?

MR. DYSART: I am residing in Thompson, Manitoba.

MR. ADKINS: When did you leave South Indian Lake?

MR. DYSART: I left South Indian Lake in—well, I didn't completely leave South Indian Lake, but I have been going back and forth a lot of times, several times. Like when I was younger when this project was coming up, I was in—which brings me back to 1974, it was in the fall of 1974 when Manitoba Hydro first finished completion of the project, when the Churchill River Diversion was turned around down to Nelson and Burntwood River. And then that time, like I was trying to get employment with Hydro but I didn't have no qualifications. Like all of the time they say no qualifications. So at that time I was just—and then I decided, well, since you are taking all of my resources away, I said, I can't just be drowning under water where my natural habitat has been flooded out. So it got me thinking, I started mining, since 1975 I started.

MR. ADKINS: In 1975 you started mining, working at Inco?

MR. DYSART: Not with Inco, but I started with Sherritt Gordon mines.

MR. ADKINS: With Sherritt Gordon mines?

MR. DYSART: Yes.

MR. ADKINS: You left your residence in South Indian Lake in 1975?

MR. DYSART: After I left—this took effect with the hydro dam being constructed, but I had to make other plans in order to survive.

MR. ADKINS: Now, you indicated that your father was a commercial fisherman?

MR. DYSART: Yes.

MR. ADKINS: And the commercial fishermen did work out an arrangement with Manitoba Hydro and received some compensation. Are you aware of that?

MR. DYSART: As far as compensation goes, this like a self, individual claim for compensation.

MR. ADKINS: There was an association, I think your dad was one of the members of the association, South Indian Lake Commercial

Fishermen's Association.

MR. DYSART: Yes.

MR. ADKINS: And if my recollection is correct, that association actually used those funds, they built quite a significant lodge up at Big Sand Lake; is that correct?

MR. DYSART: I don't know whatever funds were used, I was never informed on how they were distributed, but I certainly didn't see any that compensation myself.

MR. ADKINS: Presumably your dad was involved in that, he was one of the signators to the agreement; is that correct?

MR. DYSART: That could be correct, but I never get involved in what my dad's business is. I myself am trying to get the Hydro to be open to me, like give me a fair and just settlement in return for what they have taken from me.

MR. ADKINS: Have you ever been up to Big Sand Lake?

MR. TRONIAK: Excuse me--this is, whether Mr. Dysart has been up to Big Sand Lake, I don't see what the relevance to these hearings are. Like they are always objecting that we are introducing things that are not the purview of this hearing. I am just wondering if they could provide some justification for this line of questioning.

THE CHAIRMAN: I believe the comment, the question is germane and it relates to comments made by Mr. Dysart in his opening remarks.

MR. ADKINS: Mr. Chairman, I would be quite happy not to pursue this line of questioning if, in fact, all of the material that was filed in connection with the issue of claims and the adverse effects is not considered. But if it is going to be part of this, then I think I need to pursue this line of questioning, so that is why I have done it. So you have been up to Big Sand Lake?

MR. DYSART: Well, before they built a tourist camp there, I was up there. In fact, I trapped there when I was younger. I was trapping with my uncle, William Dysart.

MR. ADKINS: So William is your uncle?

MR. DYSART: Yes.

MR. ADKINS: And he was the president of the Commercial Fishermen's Association; is that correct?

MR. DYSART: Yes.

MR. ADKINS: He was a pilot, he flew--

MR. DYSART: At that time, he wasn't a pilot then, he was like a commercial fisherman operator and a registered trapper.

MR. ADKINS: He became a pilot later?

MR. DYSART: Yes.

MR. ADKINS: And used that in the commercial fishing operation?

MR. DYSART: I don't know that he did.

MR. ADKINS: When you were at Big Sand, what was there, what sort of development did you see?

MR. DYSART: I haven't been to Big Sand at all since they developed that tourist camp.

MR. ADKINS: Do you have any knowledge of the tourist camp? Have you heard about the tourist camp? Do you know what has been developed there?

MR. DYSART: I have a knowledge of what has been developed there.

MR. ADKINS: It is pretty nice?

MR. DYSART: I would say yes.

MR. ADKINS: There is a place for planes to land?

MR. DYSART: Yes, there is a strip there.

MR. ADKINS: There is a large lodge and there is a whole bunch of other facilities for people to stay overnight or stay for a week and go fishing?

MR. DYSART: Yes.

MR. ADKINS: It has got a catch and release program there?

MR. DYSART: Yes.

MR. ADKINS: How many people, residents of South Indian Lake actually are employed up at Big Sand?

MR. DYSART: Like—to the best of my knowledge, like it is only a small portion of what is not employed.

MR. ADKINS: Only a small portion of which?

MR. DYSART: That are employed at Big Sand.

MR. ADKINS: A small portion of the entire community?

MR. DYSART: Yes.

MR. ADKINS: But there is still a significant number of people employed at Big Sand every year; is that not right?

MR. DYSART: That is true. There is a limit to what you can have there, because you only got so much.

MR. ADKINS: My understanding is that the funds that the commercial fishermen received from the settlement with Manitoba Hydro were used to build that lodge and facilities, the air strip?

MR. DYSART: I am not the one to say, because I was never involved with those kinds of agreements.

MR. TRONIAK: It might be more appropriate to talk to CASIL about—the ones who actually negotiated the agreement and signed it.

MR. ADKINS: It wasn't a CASIL Agreement. This is a commercial fishermen's agreement.

MR. TRONIAK: Or the people that actually negotiated it with you—to expect Mr. Dysart to know the ins and outs of all of the agreements, I don't know if it is appropriate.

MR. ADKINS: I am trying to determine—

THE CHAIRMAN: Mr. Troniak, if you have comments or points of order, please direct them to me as chair.

MR. TRONIAK: Sorry, Bob.

THE CHAIRMAN: Carry on.

MR. ADKINS: Now, my understanding is that in fact the commercial fishery did reopen; is that correct? You are aware of that?

MR. DYSART: Well, my understanding is, since Manitoba Hydro raised, built a dam at the Churchill River Diversion, it has always been open but the quantity is not there. It has been like graded right down to continental fishing.

MR. ADKINS: And some of that, there was a period of time when the grade was off, but the grade had improved at this point in time. Am I correct in that?

MR. DYSART: Like, I don't know, but like myself, from what I have seen, like I often go back there, but for what I see, like all of the erosion, it is like—I would say it is about the size of Winnipeg that has been eroding to South Indian Lake like almost every year.

MR. ADKINS: But in terms of the commercial fishery, do you have any knowledge as to what the catch has been in the last five or ten years, or the quality of the fish that have been caught?

MR. DYSART: I am not the one to say what the record is, but from my own past experience—like I commercial fished when they first raised the lake in South Indian Lake, but I use my—well, my late father-in-law, Loco (ph) was his name, I used his name, I took a couple of weeks off when I was mining and I decided to go and try it out. And I was fishing then, but it was only the first year that they raised water, and this was in the winter of 1975, in January, I commercial fished, and then the quantity was still there. But then after that, after the next, the following summer fishing came, it dropped drastically. When you consider what good quantity fishing is like, and when I grow up,

when I used to watch my dad fishing, he would have ten nets out, and that is the most he could handle. And those ten nets, he had to lift them twice a day, early in the morning and early in the afternoon. He had to empty the nets because—you would see in the morning when you used to go, to go check on the nets, me and my dad—I was young then—you could see, you could look at the nets, like sometimes you would have them ten in a gang, that is 100 yards of nets. You have ten in a gang. Of those ten nets, all you would see is the white fish floating, no other fish, just Export A white fish, and all of those ten nets would float. Now today, to look at what Manitoba Hydro has raised the water, in the diversion, and the debris that is all floating to the main lakes, it is very typical for any fisherman to say, well, he is making a good living in fishing, but I doubt it. In return of compensation for what the fishermen are getting, it is almost nil.

MR. ADKINS: Just to go back to the question that I asked, are you aware of the actual harvest, the fishing results in the commercial fishery in the last five—

MR. DYSART: I am aware that there has been harvest fishing, but I would say it has dropped drastically to over half.

MR. ADKINS: You don't have the actual figures to show?

MR. DYSART: No, but in my own past experience, I know that the fishermen are really struggling to get any fish, if there is any fish in that lake at all.

MR. ADKINS: Are you aware that, in addition to the settlement that I have already referred to, that Manitoba Hydro worked with the commercial fishermen to relocate the fish plant to fishing outposts from Missi to Sturgeon Narrows?

MR. DYSART: I am only explaining what I seen when I grow up in the past. I don't have really no idea what Manitoba Hydro has been dealing and making agreements with commercial fishermen.

MR. ADKINS: So you are not aware of that?

MR. DYSART: No.

MR. ADKINS: Are you aware that there was work done with Manitoba Hydro on an additional settlement even subsequent to that, and further compensation was paid so that there was separate compensation arrangements with the fishermen? Are you aware of it?

MR. DYSART: I am aware there has been compensation, and what has been going on in South Indian, but you know, like myself, like I am—well, I am self dependent myself, but on the other hand, for what was taken away from me is what I am seeking for a fair and just settlement, you know, reliable compensation.

MR. ADKINS: And you actually have a lawyer that is representing you and there is a—

MR. DYSART: I have got a lawyer representing me.

MR. ADKINS: Good. Now, going back to the South Indian Lake and the comments that you are making with respect to South Indian Lake, are you aware as well that Manitoba Hydro is working with the commercial fishermen over the last few years in terms of reaching other areas to carry out fishing? Are you aware of that?

MR. DYSART: I wasn't aware of it, but—like another thing too, I don't know why Manitoba Hydro is just concerned about commercial fishermen, you know, there is a lot of people that came from South Indian that, on account of this happening, going their own ways. How come Manitoba Hydro is not involved with those people?

MR. ADKINS: Let's talk about—we don't want to talk about commercial fishing all the time, let's turn to trapping. You are aware there was a trappers settlement that was also reached with Manitoba Hydro?

MR. DYSART: I suppose, but how come Hydro was mainly concerned about settling with commercial fishermen and trappers?

MR. ADKINS: That was two of the main industries.

MR. DYSART: In view of what Manitoba Hydro has done to all of those people that lived in the community.

MR. ADKINS: The two main industries in the community of South Indian Lake were trapping and fishing, I think your own evidence was that.

MR. DYSART: Yes.

MR. ADKINS: Can you indicate, did you ever do any economic analysis, or anyone do an economic analysis for you on behalf of you in connection with the effects of the anti-fur lobby on trapping?

MR. DYSART: As far as the economical, when you look at it, like it doesn't take a genius to figure it out. But, like when Manitoba Hydro holds the water back to its peak, and you see all of these, like the wildlife, like beaver and muskrats, for example, wherever the water reached its peak, that is where they intend to make their beaver house. And the muskrats, they have holes along the rivers. And that is the way when the water is stable. At a certain time when the Hydro releases water, and all of these, like the beaver and the muskrats, the water drops and the ice falls, and the muskrats and beaver freeze along the river, and that is a pretty environmental concern, because this continues on every year.

MR. ADKINS: Let me ask again the question that I asked, and maybe you can direct your mind to that and see if you can answer it. I was asking you in connection with the trapping industry. You had commented on the income of people in South Indian Lake, and I was asking whether or not you had any analysis done as to the effects of the anti-fur lobby on the trapping industry in South Indian Lake?

MR. TRONIAK: Maybe I could answer that—no.

MR. ADKINS: You are aware of the anti-fur lobby and you are aware that fur prices, in effect, did suffer a significant drop as a consequence of the anti-fur lobby; is that common ground?

MR. DYSART: Yes.

MR. ADKINS: You talked about the community itself, and my understanding is, from affidavit material and copies of agreements and other things, that both the Province of Manitoba and Manitoba Hydro actually did an awful lot of work in the community itself at South Indian Lake. Are you aware of that?

MR. DYSART: Yes, I am aware of it.

MR. ADKINS: They put an airport in place there; correct?

MR. DYSART: That airport has been there for several years.

MR. ADKINS: Correct, but that was put in there by the Province I think actually?

MR. DYSART: I think it was put by Northern Affairs.

MR. ADKINS: As part of the Provincial initiative?

MR. TRONIAK: If I just may add, South Indian Lake up to I believe 1999 was an unincorporated community under Northern Affairs, and since then an incorporated community. So of course much of that infrastructure is being put into South Indian Lake and to other similar Northern Affairs communities. So it is part of the mandate and the responsibility under normal Government programming, much of it.

MR. ADKINS: There was cost sharing done by Manitoba and Manitoba Hydro with respect to a number of infrastructure and other services put into that community, like roads and houses and a community club, and a town hall and other things of that nature, is that correct—stores?

MR. DYSART: There has been limited housing from Manitoba Hydro.

MR. ADKINS: But there were things that Manitoba Hydro paid for; is that correct?

MR. DYSART: Like, as far as those housing, I am concerned, like they are not even built for Northern Manitoba. Like, it is just like they were built like for the southern part of Manitoba or somewhere in the southern part where it is warm, where the climate is a lot different.

MR. ADKINS: You are aware that there was claims 46 and 47 I think filed with the Northern Flood Agreement arbitrator on behalf of the residents of the community of South Indian Lake.

MR. DYSART: I don't know what—as an individual myself, and like for what is relating to as far as South Indian Lake, what claims went through. To the best of my knowledge, like, South Indian Lake is self community itself. I don't get involved with those claims, what is going through.

MR. ADKINS: You indicated some of your members are again residents of South Indian lake; is that correct?

MR. DYSART: Yes.

MR. ADKINS: So they have moved back there, notwithstanding the problems in the community that you have referred to?

MR. DYSART: Not all of us moved out, but some of us did.

MR. ADKINS: The ones who haven't moved out, are they part of, have they actually been involved in claims 46 and 47?

MR. DYSART: I don't think so, because otherwise I wouldn't have them sign that DRSIL.

MR. TRONIAK: Can we maybe defer, like if Mr. Adkins would want further information, we can talk to the legal counsel on whether they were part of claims 46 and 47, which I believe were for housing and fishing compensation. But as far as we know, you know, I will put that on notice, put the question on notice, take it on notice, if he wants to pursue this line of questioning.

MR. ADKINS: My only purpose of doing this is just to try and understand. We have a litany of issues, my impression had been they had not been addressed, and I would like to at least have the record reflect that they may not be fully and completely addressed to everyone's satisfaction, but that there has been a fair amount of effort by Manitoba Hydro and the Province of Manitoba, different roles under the Northern Flood Agreement, to try to address some of those issues. I would like to just try to ensure that that part of the record is clear.

MR. TRONIAK: I would encourage you maybe to ask the questions to actually maybe the community association of South Indian Lake, and to the community, to see how they would assess whether Manitoba Hydro has done the job that it should have been doing, instead of having Mr. Dysart give an opinion on that, who doesn't live in South Indian Lake and the conditions right now.

MR. ADKINS: I am just asking the questions of this witness, because he did get up and speak about South Indian Lake and the situation in that community, and the problems that were there. I think it is fair to ask him some of these questions and find out what he knows. You are aware there was a settlement with the community association of South Indian Lake. It was a \$18 million settlement with Manitoba and Manitoba Hydro?

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HE CHAIRMAN: Sorry, sir?

UNIDENTIFIED SPEAKER: I stand with your discretion. I have listened to Mr. Dysart's presentation and he did not mention any of these claims.

THE CHAIRMAN: I listened as well, but he did mention the fact that they were not compensated, and I think the questions are appropriate. We will let them go on. There is no point of order, please.

MR. ADKINS: Just to clarify-

THE CHAIRMAN: Mr. Adkins, I also wish to advise you that you are asking questions, and I think if you ask your questions and you get an answer, then the question has been answered.

MR. ADKINS: I appreciate that, Mr. Chairman. I will be short. I recognize there is only so much that this witness is aware of. You are aware that there was a \$18 million settlement?

MR. DYSART: I am aware that the community of South Indian Lake took a settlement of \$18 million, I am aware of that. But that is just a small portion for what the community itself, I guess—and this reflects to the question when I was growing up. Like, South Indian, when they start negotiating, I thought, like my dad used to have quite a few pamphlets, but I never kept them, but I only heard this when I was young. Like to start the negotiating, it said there was an estimate of \$80 million, and it kind of makes me wonder sometimes, when I hear they made a settlement of 18 million. And to go back—and this for our needs, like myself, you know, like when they took that 18 million for the settlement of the community of South Indian Lake, and then when they did get it, they never included everybody, but that was just the community made that settlement of 18 million. It is not I myself, after forming this DRSIL, I never accepted no claims or no settlement, yet.

MR. ADKINS: Mr. Chairman, I think most of the information in connection with the CASIL agreement has been filed, so I will conclude my questions at this point. Thank you very much.

THE CHAIRMAN: Thank you. Ms. Kathi Avery Kinew.

MS. AVERY KINEW: Mr. Dysart, we had our consultant look up your letter of December 17, and we just looked it over, and the reply of the Clean Environment Commission from January 8<sup>th</sup>. And the issue was late filing of your questions for the dates that were set aside so the Commission could go forward. And what the reply was, was that it was too late to put in more questions. But this is important, it would be the Clean Environment's expectation in this regard that Hydro/NCN will review the questions that you presented by DRSIL on December 17, 2003, and prepare accordingly for possible cross-examination during a hearing. And that has happened in the last couple of weeks, and a lot of the information that you ask for in your December 17 letter is on the record. And we are trying to get all of the information out so that it is public and people know. So I hope that is helpful. One thing that—one of the points that you did make that there isn't a lot of information of what the Federal and Provincial Government are doing about Treaty and Aboriginal rights being satisfactorily dealt with. But ever time the question has come up to Manitoba Hydro or NCN, we have got an answer from them. So I hope that helps you.

THE CHAIRMAN: Thank you, Ms. Matthew Lemieux.

MS. MATTHEWS LEMIEUX: The document that Mr. Dysart referred to I don't believe was on the record. We had not tendered it. We had provided it to Mr. Dysart—well, actually to Vern Anderson and to Mr. Dysart's legal counsel. He is correct, Mr. Dysart is correct that it is posted to the NCN website. And if Commission counsel, or if the Commission would like a copy, we could provide it, I suppose, to the Commission.

THE CHAIRMAN: Thank you. Would you state your name, sir.

MR. MOORE: My name is Frank Moore from Nelson House reserve.  
(SPEAKING CREE.)

THE CHAIRMAN: Is this a question that you asked now of Mr. Dysart?  
You asked a question?

MR. DYSART: Most of these questions he is directing to Elvis Thomas.

THE CHAIRMAN: Do you have a question, sir, to ask of these gentlemen?

MR. MOORE: (SPEAKING CREE)

MR. DYSART: Most of these questions are relating to Elvis Thomas.

THE CHAIRMAN: All right, sir, when the panel from Hydro and NCN is sitting there, hopefully later on today, you will get an opportunity to ask questions of Mr. Thomas at that time. Okay. If we get an opportunity to have the panel over there today, then you can come up and ask them questions.

MR. MOORE: Okay.

THE CHAIRMAN: We will take at this point—we thank you for your presentation. Mr. Grewar will file for exhibit certain documents. Mr. Grewar, we will not at this time file the document from Mr. Kulchyski. We shall, as a Commission, review whether this document can or should be filed.