ID 1315

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Fort McKay Tribal Administration
BOX 5360
FORT McMURRAY, ALTA.
T9H 3G4
PHONE 828-4220

FROM WHERE WE STAND

MAY 1983

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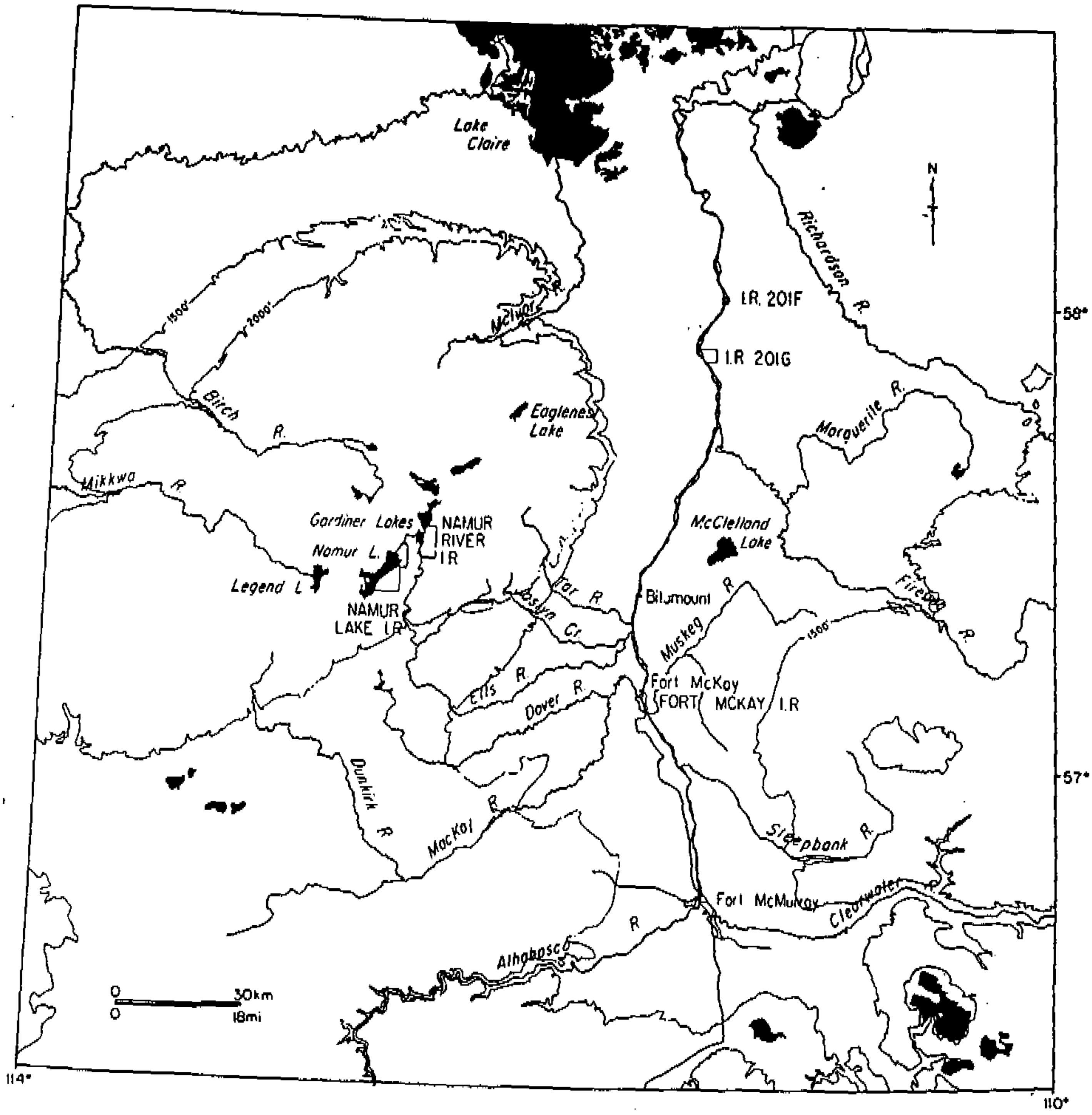
FORT MCKAY AREA



Lake Claire
N
Richardson R.
McIvor R.
1500'
2000'
I.R. 201F
58°
I.R. 201G
Birch R.
Eaglenest Lake
Marguerite R.
Mikkwa R.
Gardiner Lakes
NAMUR RIVER I.R.
McClelland Lake
Namur L.
Legend L.
Tar R.
Bitumount
Firebag R.
Joslyn Cr.
NAMUR LAKE I.R.
Muskeg R.
Fort McKay
FORT MCKAY I.R.
Ells R.
Dover R.
57°
Dunkirk R.
MacKay R.
Steepbank R.
Fort McMurray
Clearwater
R
Athabasca
0 30km
0 18mi
114°
110°

I INTRODUCTION

Some might say that Fort McKay is a phenomenon; they might say that it still exists is a testament to the stamina and perseverance of the people who live there. A testament to a will to survive it is, even though the scars of battle do show, but a phenomenon? We submit that our community has survived because it is our community. It is more than that, this is our land. Since time immemorial we have roamed this land, lived from this land, been a part of this land. To separate us from this land would be to split our very identity in two. It is in the nature of creation to strive for wholeness and so, it is not a phenomenon that Fort McKay still exists, it is natural. There are those in government and industry who would prefer to see us disappear. They say we are in the way of "progress", that we are a problem. We say that there is a solution; a solution as natural as our very survival. Its basis has been the key to our survival: co-existence. The thesis we lay before you is that with concessions on both sides, with true understanding on both sides, we can learn to live together and we may both survive. And so we lay out here the basis of the understanding: who we are, our needs, our desires. As well, we propose the concessions to be made on both sides. Our plans are not incompatible with western progress, they are a part of the natural order.

* * * * * *

The following study has been broken down into ten general areas. Chapter II lays out the objectives of the study and Chapter III details the methodology we have used over the one and a half years of community research. In Chapter IV we set the stage for the body of

the study by defining for you the nature of the impacts of development projects as we see them. We view the impacts from an historical perspective and examine what we believe to be the source of conflicts.

The next aspect to be dealt with is the social and cultural history of Fort McKay in Chapter V. We have chosen to begin the history with the signing of Treaty #8 in 1899. The terms of the Treaty are sacred to us and critical to our future. In this section we also deal with the allocation of our Reserve lands, our style of government, our manner of living and providing for ourselves, our cultural values and heritage, our community life, and our relationships with those outside our community. This section takes us to the late 1950's.

While the importance of the traditional resource harvesting economy to our people is discussed somewhat in the historical section we have chosen to devote one chapter to an in-depth analysis of the trapping, hunting, fishing and gathering economy, both past and present. The analysis in Chapter VI will show the intensity with which we have pursued and continue to pursue these activities and the importance the entire community places on our Indian economy. The Treaty promised that we "would be as free to hunt and fish after the treaty as [we] would be if [we] never entered into it." We will examine the extent to which this promise has been kept.

With the construction of the Great Canadian Oil Sands Company plant came many changes to the northeastern part of Alberta. The most drastic impacts to be felt by any people in the area have to be those felt by the people of Fort McKay. Our entire life-style was disrupted severely by thousands of people coming into our area and alienating us from our land, land over which we had roamed freely for thousands of years. We have gone through the archives and old files of government agencies and in Chapter VII we present a community profile of Fort

McKay from the available socio-economic and statistical data over the past 13 years. Based on this data some projections are made and implications for planning and programming are suggested.

More important to us, however, than the recorded data collected by government are the impacts perceived by our community members themselves. We designed an interview schedule and questionnaire outline to elicit this information from our people as well as to ask them how they felt about future development around us and how they wanted Fort McKay to develop and grow. Chapter VII has incorporated these responses and suggests valued elements which must be taken into account as we plan for our future and that of our children.

Our Indian economy and system of land use have experienced a wide range of impacts as a result of major resource developments in our area mainly over the past 20 years. However, government and industry have plans for a variety of resource development projects in our area over the next 20 years as well.

Given the impacts we have experienced in the past we will attempt to provide an inventory of possible future projects and the manner in which they could impact our people and our community in the absence of any special measures. Chapter VIII will attempt to impart to you the very sensitive position of Fort McKay and our people in view of future resource development in Northeastern Alberta.

In order to mitigate and/or compensate for negative impacts on Indian and Native people various special measures have been developed by industry and government. Chapter IX will look at the "social pollution" caused by mitigation and compensation schemes devised by people other than those to be directly affected by the development project.

Chapter X focuses on the cures to "social pollution", or mitigation and compensation programs devised by the local people to be affected. Fort McKay calls this parallel development. Our development model provides for resource development and our community development coexisting together under certain terms and conditions which are presented here.

The final chapter deals with the conclusions derived from this study and the recommendations for action which we at Fort McKay firmly believe are necessary to ensure our future survival as an Indian and Native community.

II OBJECTIVES

As a community, we at Fort McKay have been, and continue to be, concerned about a number of grave environmental, health and socio-economic impacts which have accompanied the construction and operation of oil sands plants and related developments in our area since 1961.

Currently two large plants, the Suncor (formerly Great Canadian Oil Sands) and Syncrude plants, are in operation adjacent to our community, both of which seem to be in a state of continual expansion. As well, there are pilot plants and exploration projects being undertaken by CDC (Canterra), Gulf (Sandalta), Esso (Athabasca Six), Petro-Canada and Nova (Canstar) and Texaco, all of which virtually surround us. The $13 billion Alsands project seems to be dead in its original form as a grand mega-project but Mr. Cjaja has recently begun to talk publicly of proceeding with one or more smaller projects in its place. Oil sands projects need pipelines and in addition to the two already in place for Suncor and Syncrude, Nova has started one pipeline that is heading north to our Reserves.

Our experience with oil sands development to date has not been a positive one. Our trappers, hunters, fishermen and gatherers have noted significant and adverse changes to our lands, water, air and wildlife resources.

As a result, the security of our resource harvesting activities as a source of income and food has been lessened. Our culture is intimately tied to the land and our traditional resource harvesting. The speed with which major resource projects have invaded our areas has not given us any time to cope with them or protect our people. Government and industry are increasingly urging us to take up the banner of

wage labour and give up our land based economy, to relinquish our control over the manner in which we mix wage labour and natural resource harvesting to form our unique Indian economy. The social effects of these changes and pressures have been significant and negative. The past ten years have seen increased abuse of alcohol and drugs, increased debt loads, increased violence and death, less personal security in our homes, a deterioration in our health conditions and an overall decrease in our quality of life.

Prior to development there was no comprehensive research in relation to our rights, traditional resource base, socio-economic situation or health conditions. As a result we were poorly prepared to participate effectively in the regulatory processes that were held or to negotiate effectively with the companies.

There was no support for special programs for our people prior to resource development in our area. As a result, we were not prepared to deal with the major energy companies in relation to our traditional resources, nor could we take advantage of any benefits that arose as a result of these major developments.

Therefore, we determined that we must be well prepared to deal with the next round of development projects, well prepared for the future hearings and well prepared to negotiate with the major resource development companies on behalf of our people. Our determination resulted in this study before you which addresses six basic objectives:

1. An historical and cultural description of our community and our people;

2. A detailed identification, assessment and mapping of our traditional resource use and harvesting patterns and related impacts of resource development;

3. A community profile of our community over the past 15 years;

4. An inventory of resource and industrial developments in our area and the manner in which our people can best take advantage of such development;

5. An inventory of the benefits that could accrue to our community members from present and future developments in our area and the terms and conditions which would have to be in place to ensure these benefits;

6. Training of community members in research coordination, field research and mapping.

III METHODOLOGY

Virtually nothing about the land use patterns or economics of our community was known outside Fort McKay prior to initial exploratory research in 1979 (Justus-Simonetta). The history of our people, beyond our cultural and language affiliations, is little known beyond the bounds of our community. In addition, what has been written about our aspirations and current ecology we have found to be plagued by errors of fact, interpretation and omission.

The goal of our research has been to document the changes over time and current situation in our community, to document the structure of our system of land use and economics in order to assess the impacts of previous and proposed resource development and to develop plans of action for our future survival and self-sufficiency. As will be seen, a great deal of effort and concern was placed on the mapping portion of our research in order to establish the extent and degree to which we use our land and to visually demonstrate the land use conflicts which are affecting us and which have led us to our own development model of Parallel Development

The main components of our methodology were as follows:

1. A literature search and review of relevant documents and reports relating to Fort McKay, the Athabasca Tar Sands Region and impact assessment and mitigation of major resource development in relation to local Indian and Native communities developed by communities, provincial governments, the federal government, industry, universities and

special agencies such as the Alberta Oil Sands Environmental Research Program (AOSERP) and the Northeast Regional Commission.

2. An interview schedule was developed by the Chief and Council and the Band's research team. After pre-testing the schedule, Band staff members used it as a guide for interviewing 53 adult members of the community in whatever language they were most comfortable in: Chipewyan, Cree or English. The responses were recorded but because of the open-ended style of the questioning, computer coding became impossible. This resulted in a detailed analysis by hand. The responses are incorporated into the report throughout various chapters since we asked people, not only about the past and present, but also about their desires for the future for themselves and for their community. The 53 adults responding for themselves and for their children represented over 50% of the community.

3. The elders in the community were interviewed extensively by two senior members of the community. These unstructured interviews revolved around a variety of issues but focussed primarily on the social and cultural history of Fort McKay and our people. The interviews were done entirely in Chipewyan and Cree. Some of the information has been translated and included here, particularly in Chapters V and VI.

4. A community profile was put together around a core set of socio-economic indicators for the measurement of change. Statistical information for the profile was gathered from records, files and reports of the Department of Indian Affairs, Health and Welfare Canada, the Northeast Regional

Commission, Alberta Environment, the Alberta Oil Sands Environmental Research Program, the Fort McKay School and the Fort McMurray Hospital.

5. Fort McKay land use maps were compiled from maps drawn by our individual hunters and trappers. Each hunter and trapper drew his own map on mylar laid over a base map and without reference to any other hunter or trapper map. The scale used was 1:250,000. The hunters and trappers were asked to draw the trails they used, indicate areas used for hunting, trapping, fishing and gathering, mark specific habitats for moose and other animals and birds and to indicate their campsites or any other special interest area. Each map was painstakingly drawn. Some took half a day, others took longer.

6. A cartographer drew a base map for us and then compiled our hunting, trapping, fishing and gathering maps over it. The cartographer also compiled maps of access, industrial and other resource company usage of our land, critical wildlife habitat areas, leases and registered traplines over the same base map. The cartographer has also worked with us to teach us some basic cartography and to show us how to update all of our maps as changes occur in our area.

7. Interviews and discussions were held with other Indian and Native people and community representatives from Canada, Alaska, other parts of the United States, Central America, the South Pacific and Scandinavia about their experiences with major resource development, impacts, mitigation, compensation and monitoring.

8. A draft report was prepared and reviewed by Chief, Council and other designated people in the community to insure accuracy of fact and interpretation. Comments were then incorporated and a final report was completed.

Research Framework

We wish to emphasize that our research has focussed on defining our entire territory and examining the impacts on our relationship to the land within our territory and, thus, the impacts on us, as a people, that have been brought to bear by outside forces.

We have focussed on the mapping of our region from our point of view. We have identified our region by compiling the individual hunters' and trappers' maps to produce the borders of what we know as our area, the area in which we practice our economy and our culture. To us, this is a natural region and has provided us with a natural framework within which to proceed with the research. The main concepts that have guided us in this research have been:

1. Our Indian economy and our culture,

2. The bio-geographical area in which we practice our economy and our culture and to which we refer as our hunting and trapping territory,

3. The land and resource usage that the practice of our culture and economy requires,

4. How the requirements of other past, existing and proposed usages of the environment, resource and lands upon which our economy and culture depend have affected our culture, our economy and their practice by us,

5. The goals, policies, decisions and actions by governments and non-governmental agencies have served to further frontier natural resource development within our hunting and trapping territory. We shall examine the institutional arrangements for development as they have taken place within our territory in terms of historical and contemporary trends, particularly the trend of progressive restriction, as they apply to events within our territory and to us as a people.

This has been the conceptual basis of our approach to our research and to the ordering of data and information. It is in this manner that we have examined the relationships between our Indian economy and culture within our territories and the implications of natural resource and industrial development.

IV THE NATURE OF IMPACTS

In order to understand or come to grips with the question of what a particular resource development project or group of projects could mean to the Fort McKay people, it became obvious to us in the design of the research that our experience with prior development in our area would help our understanding and serve to educate others.

In looking into the history of what has been happening to the Fort McKay people's territory we hoped to uncover useful ways to approaching the issues raised by rapid natural resource development in what has become known as the greater Athabasca Tar Sands area. It is our view, that only by looking at the broader context and history of development within the Fort McKay territory and the region, can its character be known and a more informed understanding be reached as to how development might be approached in the future.

In looking at development, we have focused on five major sectors of influence. These relate to historical and contemporary human settlement patterns, oil and gas (both conventional and bituminous sands) development, coal, mining, forestry as well as potential hydro-electric development and related transportation systems. The non-Indian economy and patterns of land use centre around the extraction and conversion and marketing of these resources. We submit that it has been these activities and their character which have tended to define and "drive" the region in economic terms.

We have focused on these sectors for the purpose of developing an understanding of industrial development and have looked at these in some detail. A major focus will be to examine the nature of the land use that each industrial sector requires as it carries out its busi-

ness. It was for this reason that we have prepared maps with regard to industrial development requirements, effects and implications. While the maps indicate major influences, they may be misleading in that they tend to portray what is really a process as something quite static. It is the processual nature of resource/industrial development to which we would like to draw attention in this report. Furthermore, it is the understandings and strategies which underlie the decision-making regarding land and resource allocations to the industrial sectors which have to a great extent constrained the options and alternatives available to the Fort McKay Indians and our economic and community life.

In our preparation of maps and background information, we have relied on documents, maps and data prepared by government as well as private agencies involved in resource development planning and implementation. In several cases as well we have supplemented this information with direct interviews with interested representatives of these agencies.

In putting together a picture of development in the greater Fort McKay area, we realized that the choice of specific resource development sectors itself tends to imply what is perhaps a false separation of realms of activity, we wanted to avoid point-in-time descriptions of what is happening in certain sectors which would fail to indicate the underlying trends. What has been important for us, is to understand the process and overall context of land and resource use in the hunting and trapping territories of the Fort McKay people since the turn of the century, and what would occur in the future should these kinds of trends and patterns persist.

We begin the process by identifying important inputs for the sectors of the industrial economy. For example, the location of oil and gas fields and deposits or designated timber supply areas. These are the data for our basic parameters. Our basic approach and notion of

process leads us to their elaboration in terms of time and space. The maps we have prepared therefore indicate a certain history of development in our territory and the region as a whole as well as in the present. In another sense, they depict a future. For example the "Optimum Regional Development Pattern" map of the preliminary plan for regional development in north-east Alberta (North-east Alberta Regional Commission) sets out a "business as usual" case which would result from the plans being contemplated and implemented by public and private agencies with an interest in resource development.

The maps in this report, supplemented by additional analysis and observation, provides an overview which yields a number of conclusions in terms of the people of Fort McKay and their interests. This backdrop provides a basis upon which conclusions concerning the immediate and longer term implications of resource development policies and actions can be analyzed.

It is our view that any attempt to study or understand impacts, must find its roots in an historical perspective and approach to the issues. Without an understanding of the people, their origins, history, culture, economy and community life, assertions about impacts for Indian communities, and particularly for Fort McKay, related to a given project or group of projects are at the very least irresponsible. This has been the pattern until now in terms of resource development in our area.

In order to understand the current situation of Fort McKay, we urge you to develop a sense of the accumulation of impacts over time and space within our traditional areas in relation or previous settlement and natural resource and related development. We urge you as well, to understand the ways in which the Fort McKay people have responded, adapted to, or just coped with the encroachment and competition for lands and resources within our traditional areas. It is our view,

that one of the basic sources of conflict in our area has been that of land tenure and competition for and often destruction of the very resources that lie at the heart of our Indian economy and way of life.

In the following chapters, we urge you to come to understand our Indian economy. Perhaps you may have to change the way that you think about us, who we are, what we do and why we do what we do. It may not be as easy to change your thinking. You may have to think totally differently in terms of space and time. From our view, the history of the Fort McKay people is inseparable from our history on these lands. Indeed we are a part of these lands which were given us by the Creator to care for, and to safeguard the well-being of all the creatures and living things it nurtures. You can not separate our economy from our culture. Nor can you separate either of these from the land. To do so would be to try to break apart wholeness into small parts. It is not a part of our making to think or to do things in this way. We believe that when you do this, you break-up and you miss the whole essence or centre of whatever you are trying to look at.

In the chapters to follow, we have made some concessions to the non-Indian ways of breaking up whole things into parts. For example, the future of our people, our history, our needs, our lands and resources, the legacy of industrial development, and our solution in our model of parallel development are all of the same thing. However, some people outside of Fort McKay, put these into different and separate boxes marked "community development", "community planning", "economic development", "impact evaluation" and the like. So be it. But we represent these findings not without a note of caution and some reservations.

It is very easy for some to seize upon one small part of a reality to prove something one way, or another way according to their interest and convenience. We know that this is easy for some people to do.

They have done it to Fort McKay people for years and years. They have done this to ignore, minimize or explain away our interest as human beings and our very right to survive as a people, with our economy and culture, within our traditional areas. We urge you not to be drawn into this way of interpreting these pages. We urge you to see beyond the analysis of specific sectors of the industrial economy and its requirements in space and time terms, to how our history of usage of our traditional areas have and continue to be in conflict with these requirements.

In doing so, a careful reader may move beyond the popular thesis that different activities such as Indian harvesting and industrial development usage of land are compatible at any given point on the landscape and at any given time. That is to say, that the two can coexist. That is no real problem. It is our understanding that this is not necessarily so in all cases, but that under some conditions it can be so with a great amount of common sense and willingness to work together among all concerned. But if the good faith and cooperation are only "half-hearted" measures, or if the other parties interested in resource development do not respect our basic right to survive as a group of people with our own culture and economy in our territories, then the possibilities for finding the road to solutions to this situation become seriously endangered.

In order to understand more clearly the nature of impacts, and particularly in terms of the Fort McKay Indians, we would like to clarify some key concepts. The first is the notion of differential impact, that is, that impacts do not occur in the same way, or in the same strength to different groups of people. For example, if a group of Indians, such as the Fort McKay Indians were subjected to rapid natural resource development on their lands, they would not suffer, respond or possibly benefit in the same way as would a similar sized community of non-Indian people exposed to similar development

pressures. This has to do with the very different histories of Indian and non-Indian peoples in what has become north-east Alberta (and the relationships between these peoples). More basically it has to do with the obvious fact that the values, social organization, human ecology and community life of the Fort McKay Indians are very different from those of a similarly sized group of non-Indians. To appreciate this is to take the first step on the road to understanding impacts for Fort McKay Indian people.

Besides the fundamental differences in values, social organization, human ecology and community life, it is particularly our sense and way of practicing our culture and economy which differentiate our existence from those communities of European descent.

We bring this up here in order to point up the most common misconceptions of non-Fort McKay people about us. It is a central thesis of this report that the non-Indian ideas about the Fort McKay Indians, their thinking and their decisions about us on our behalf, or in our assumed best interests, are critical sources of impacts. In the following chapters we will explore how these views have been embodied in resource development and land use decision-making and how they have affected our people and our real interests. We submit that these values, policies and actions have been central to defining the history and the legacy of impacts for us within our hunting and trapping territories.

In the coming chapters, we will focus further on these values, policies and actions by means of specific examples to better portray their effects on our traditional lands, economy and community life as we have lived them. The reader should develop a better sense of the progressive restriction process that has been at work in our territory since the turn of the century in particular, and which has resulted in our dislocation and damages to our economy and way of life.

These events in our territory, which have come about by the decisions and actions of others, have served to reduce the very flexibility which has been the very strength of our Indian economy and governing systems by forcing us to change these systems rapidly, and in a direction not always of our own choosing.

We have been reasonably successful in managing the effects of the fur trade era and incorporating fur for sale and even wage labour within our economy without jeopardizing its survival. We continue to survive in our territory, with our economy and Indian systems changed to meet new circumstances. We have survived the short-term invasions of our territory by "outsiders" coming through on their way to the Klondike in search of gold and other "mini-booms" such as the Imperial Oil private contracts, the U.S. Army invasion of the Canol¢ project during World War II. This is not to say that there have not been casualties and much pain, but we have continued to be who we are. However, there is a limit to how much we, as a people, can take. That is why we are taking careful stock of our situation now and why we view with grave concern the toll of oil sands and related development in our area over the last twenty years and the proposals of government and industry for more of the same.

We are committed to do whatever is necessary to ensure our survival in our areas for the generations yet unborn. This is where we stand.

SOCIAL AND CULTURAL HISTORY OF FORT McKAY

Fort McKay is a community of Treaty Indians, both Chipewyan and Cree, and Metis and non-Status Indians. Fort McKay is a small settlement on the Athabasca River, approximately 60 kilometres north of Fort McMurray, with a total population of about 450 people. The Indian and Native people have lived in this area since time immemorial and have always lived at Fort Mckay as part of the seasonal movement of the traditional hunting, trapping, fishing and gathering cycle. In the past 40 years Fort McKay has become more of a permanent base than it was in earlier times but its importance as an Indian settlement has always been highly felt.

> You see, Indians were here long ago. I was born here 76 years ago. Indians were here before that. This land was never surveyed because no white men were around here. After several treaty payments were made, the Indian agent said, "Now this land will be surveyed." He already had control of it.....The Chief was asked where he would like some land. He informed the agent that he would like to get land here to an extent where the homes were situated .....The agent had made a commitment on this land. He had said Yes, you can have it. But when the surveying was carried out he said, "Now you don't own this portion here." Already things were not going right. The agent said, "You already were allotted your land, so you can't have this one." But the Chief told him that they won't stay there. He told the agent they were born and raised here and they couldn't leave it. So we have been here ever since. (1)

The choosing of reserve lands was one of the conditions of the Treaty. The Chipewyan and Cree Indians of the Fort McKay area signed Treaty 8 at Fort McKay on the fourth of August, 1899. Besides the allocation of reserve lands, another very important condition the Treaty was the promise made in relation to hunting, trapping and fishing.

(1) From an interview with William McDonald (76 years old in 1974) for the Treaty and Aboriginal Rights Research program (TARR) on February 09, 1974.

> Our chief difficulty was the apprehension that the hunting and fishing privileges were to be curtailed...we had to solemnly assure them that only such laws as to hunting and fishing as were in the interest of the Indians and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would be if they never entered into it.
>
> We assured them that the treaty would not lead to any forced interference with their mode of life, that it did not open the way to the imposition of any tax.....
>
> (Treaty No. 8, p.6)

When questioned by a TARR interviewer about the treaty rights in relation to hunting, trapping and fishing the Elder Adam Boucher replied:

> "As long as the sun shines and river flows and the hills don't move, that no curtailment of any game regulations would be imposed, you will be free to hunt, trap and fish as you wish. It should be written in the treaty." .....The commissioner was the one that said that.

When asked if that was the real reason why the treaty was signed, because the people were given the right to hunt, trap and fish forever, the Elder replied "Yes".

William McDonald also spoke about the treaty signing to the TARR interviewer:

> ....The old man who was made Chief had told me about it. He told me that, "There were Indians and Chipewyans at Fort McMurray long ago. All the Indians arrived there. They came from here, Whale Lake, Pembina River and other places. That is where the treaty would take place. The indians weren't willing. They were afraid because during that time, there were no white people in this part of the country. The only non-Indians were from the Hudson's Bay....When the commissioner was ready to pay the Indians, they called them together. They talked there all day long. The Indians were going to get paid. They were going to be treated properly. When you accept the treaty money, it will never end. You will receive it in perpetuity. As the sun walks and the river flows, you will receive treaty. You will receive payment until those two things reverse, go the other way. There will be no harm done to you. Now will you take it?
>
> But the Indians still would not go along with that idea. They were afraid and suspicious. <u>The Indians thought they would lose their land</u> or get killed and wiped out. That is the reason why they were not willing..... Finally, after 6 days, the commissioner told the Indians that it they accepted the money (treaty) that they would receive ammunition, tea and tobacco, bread, bacon with other things.....But as far as food from the bush was concerned, they weren't worried because that was their living. They never had food from store. It all came from bush game.....But finally they gave in. They were talked right into it.....After the treaty, things began to change. The laws began to change." (emphasis added)

At the time of the signing of the Treaty the Chipewyan and Cree people of the area had no formal governing structure of Chief or Councillors. Because of the wooded environment it was much more efficient for people to move in small family groups or individually rather than in large Bands. The commissioners Laird, Ross and McKenna noted:

> None of the tribes appear to have any very definite organization. They are held together mainly by the language bond. The Chiefs and headmen are simply the most efficient hunters and trappers. (Treaty 8)

In a study done by Parker (1979) on the oral history of the area, he also noted that local government decision-making centred on the trapping economy. There would be a meeting of the trappers to decide upon their trapping areas and in that context any other issues of importance would be brought forward and discussed. A Chief was first chosen for the Fort McKay area because of the legal requirement that a representative must sign the Treaty on behalf of his people. The man chosen was Adam Boucher (not the same Adam Boucher interviewed by TARR) and in 1915 it was the same Adam Boucher that met with the Department of Indian Affairs surveyor, Robertson, and pointed out the lands desired by the Indians of the Fort McKay area for their reserves.

The first thing that Robertson noticed when he reached Fort McKay was that there were Indian houses and gardens in the settlement which had been there for a great many years. Robertson noted particulary lots 5, 6, 7, 9 an 10 as parcels of land that should be cut out of the settlement and included in the Band's reserves. He made some very interesting comments about the previous surveys made by the Hudson's Bay surveyor in 1898 and the Department of the Interior's surveyor in 1911:

> This (Lot 5) is shown...as belonging to the Hudson's Bay Co. On this lot are two Indian houses and gardens, which have existed there even previous to the first Hudson's Bay post at that point...The inclusion of the two old Indian houses in the Hudson's Bay Lot by H.B.Co. surveyor in 1898, I consider a most highanded and unnecessary proceeding. (Robertson, letter of December 23, 1915)
>
> In laying out this settlement and taking declarations from squatters, the rights of these Indians appeared to have been disregarded by the surveyor for the Department of the Interior, nor am I able to find in his report...any mention of the conditions there. Even an old Indian graveyard is included in Lot No. 4 on which Elzear Robillard made declaration. (Robertson, letter of December 23, 1915)

Robertson went on in his letter to recommend that the Department of Indian Affairs take the proper steps to ensure that Lots occupied by Indians in Fort McKay be secured for the Indians and he proceeded to cut out these Lots in his Survey and mark them on his map. Adam Boucher then pointed out the rest of the land desired by the Indians of the Fort McKay area for their reserves, these being the reservers at Namur and Gardner Lakes and the small reserve on the Athabasca River where apparently one Indian family was living. All reports and surveys on these reserves were delivered in 1916 and the lands were appropriately withdrawn from the Dominion Land Act and set apart for the Indians as follows:

Reserve 174	-	1917
Reserve 174B	-	1925
Reserve 174A	-	1930

It was not until 1954 that the Orders-in-Council were signed setting these reserves apart "for the use and benefit of the Fort McKay Band of Indians"" after the Cree-Chipewyan Band of Indians of Fort McMurray split into two separate Bands in 1949.

A series of letters were written between 1916 and 1935 requesting clarification as to the status of Lots 5, 6, 7, 9, and 10 in Fort McKay. The Department relinquished rights to Lots 6 and 9 as it received reports that Indian were not residing on those lots. In 1922 Lot 10 (32.7 acres) was reserved for Indians during their occupancy thereof as well as 5.55 acres of Lot 7. In 1923 the Hudson's Bay Co. revested in the Crown in the right of the Dominion the southerly 3.55 acres of Lot 5.

It is interesting to note that all of these portions of land were reserved by the Federal Crown with firm title held by the Federal Crown prior to the Natural Resources Transfer Act of 1930. A list dated May 1, 1933 (appendix) sets out the lands in Alberta which did not pass to the Province with the transfer of the natural resources. Included in this list are the 3.55 acres in the southerly 5 chains and 34 links of Lot 5, McKay Settlement, vested in Dominion by Certificate of Title (Int. 969), Reserved for Indians. Since Lots 7 and 10 were held in the same status as Lot 5 we must assume that these two lots as well were withheld from the Natural Resources Transfer Act.

Given this situation there would appear to be no legal impediment to the Federal Government declaring these parcels of land as Indian Reserves for the Fort McKay Band as was suggested by the surveyor in 1915 and as has been requested by the Band and its leadership since that time.

In 1957 the Province of Alberta suddenly demanded back rent from the Department of Indian Affairs for Lot 10 which sent the Department into a great deal of confusion as to whether to arrange an exchange of Reserve land for the crown lands or whether to purchase the land from the province. While Alberta approved the sale of the 32.7 acres of Lot 10 to the Federal Government, W.C. Bethune, Superintendent of Reserves and Trusts, wrote on April 11, 1958 to the DIA Regional Supervisor for Alberta and the North West Territories:

> (Lot 10) was reserved for Indians use in 1922. It was an Administrative reservation only but, under Section 18 of the Alberta Natural Resource Transfer Agreement, lands in use or reserved by Canada for the purpose of the Federal administration were not transferred to the Province..... Arranging for the purchase of the 32.7 acres should not present any difficulty...On the other hand, is somewhat embarrassing to ask for the approval of a payment for something that is already possessed. (W. C. Bethune, letter of April 11, 1958) (emphasis added)

The final legal struggle between the Province and the Federal governments ended up with the Federal government giving in and on August 22, 1958 the Federal government made a formal offer to the Alberta government to purchase 37.3 acres of Lot 10 and the land was bought. The confusion did not end there. In October of 1962 the Department of Indian Affairs received a bill for taxes from the Provincial government. DIA responded that under Section 125 of the BNA Act "No land or property belonging to Canada or any province shall be liable to taxation." Alberta the agreed to place the land in question on their exempt roll yet in recent years the province has taken to taxing the Federal Crown land again the Department of Indian Affairs has been paying it.

As recently as 1981 the Minister of Indian Affairs gave his undertaking to follow up the granting of reserve status to Lots 5, 7, and 10 in Fort McKay for the Band. He agreed to consult with the province on the issue and then to move unilaterally if necessary to secure the Order-in-Council. To date, nothing more has been heard from the Minister despite several attempts to contact him regarding his undertaking.

Until the early 1960's the Indian people of the Fort McKay Band, indeed, all of the native people of Fort McKay lived a very traditional life style.

Leaving aside the issue of formal and tenure and ownership for a moment, let us review some of the history and chronology of events and forces that have served to define our experiences within our areas.

From our view, and statements of the Commissioners support this, the signing of Treaty 8 in Fort McMurray in 1899 was about ensuring that we would always be free to live as a people and that our economy and ways of living would bot be taken away from us or restricted in any way. The ink on the Treaty was not dry very long before the government began to reverse what they had promised and tried to limit and control the Fort McKay people. It is clear from our reading of governmental correspondence of the era that government attitude, whether of Canada or the more recent government of Alberta, towards us as Indians and towards the maintenance of our economy have not resulted in either respect for us as people or in anything but the interference with our rights to our economy. Their actions and policies, whether couched in terms of conservation or enlightened paternalism fall into a process that can only be called one of progressive restriction.

It is clear from our point of view of the signing of the Treaties and what the Commissioners said, that we would never be confined to reserves. This was not the intent. How is it possible that people who live from hunting, trapping and fishing can be confined to one, or a few places and be able to even survive? Had it been suggested that this was a possibility it is very likely that there would not have been a Treaty. However, this restriction process began and continued through a series of policies, decisions and actions by those governmental, private or religious agencies who deemed themselves to be responsible for us, or for the wildlife, or for the peaceful opening up of the Athabasca and Peace River country.

The restriction of our economy began by government and their agents in the early 1900's with the prohibition or restriction of taking of certain species of animals to certain places at specific times. Great efforts were made by government agents to persuade us that his was not a breach of our natural rights which were recognized specifically in the Treaty but a measure for our own good.

The next major wave of influence and restriction accompanied the invasion of white trappers during the 1920's and 1930's who were fleeing the Great Depression at a time when fine fur prices were high. They came into our hunting and trapping territories in droves. This inevitably led to competition and conflict and considerable amount of racism where the European notion of land and resources collided with ours within our territories.

Our systems of using the land and our economy were not seen, understood, and least of all respected by the "outsiders". Their notion of hunting and trapping was much like that of having a farm; that is a defined plot of land where everyone did everything. Where they would trap, hunt and that this would be an individual's domain. This was a main type of land use going on in Europe at the time. They planned and to some extent were successful in institutionalizing these practices within our areas.

It was with the decision in the 1930's to register traplines, which was viewed by governments as a preferred solution to the invasion of our traditional hunting and trapping territories and the growing numbers of problems between our people and the "newcomers". The historical documents that we have reviewed describe quite clearly the negotiations between the government agencies that had declared themselves responsible for our welfare and for keeping the peace in the area.

One promising idea at the time, advanced by the Department of Indian Affairs for the Government of the Country was to set aside an exclusive hunting territory in our area for our people. The historical documents indicate that the representatives of the Government of Alberta initially agreed to favour such an arrangement but then changed their minds during discussions and negotiations to instead favour the establishment of a system of individual trapline registration which was starting up in the 1920's in British Columbia. Rather than us keeping intact the lands that our people have used in the face of growing encroachment and invasion or the Governments of Canada and Alberta jointly agreeing and delimiting an exclusive hunting territory, we were pressured towards involvement in foreign systems and to begin to relate to a registered trapline system. We view the registered trapline system as the first major attack upon and restriction of our way of life and economy within our territories.

These registered traplines were usually about 40 miles in length and would often follow the creeks and rivers in our area. When these were first set up there was no great insistence by the government wildlife authorities of the time that we should change our patterns of land use and here we refer to our way of using and rotating our use and movements over a large expanse of territory and to the ways that we manage the animals.

So while they were suggesting that we do our trapping in one particular area, we were able to continue within the limits imposed by the new arrangements, to leave areas unhunted for several years for populations to increase, to do our usual counting of the animals in the different areas of the territory and to travel long distances to find meat when certain species of large game were low in numbers. We were not "stuck" to a forty mile stretch on the map as those in government believed was good for us.

Resource report

Throughout the 30's to the 50's we have suffered from a number of impacts to the resources in our traditional areas. These have included impacts of exploitation of the forests and of oil company exploration and pilot schemes. The experiment with oil sands at Bitumont was deemed a failure and it was abandoned.

However, as more and more roads and cutlines were opened up into our hunting and trapping territories for the purposes of oil and gas company exploration or for forestry, it opened the door to non-Indian sports hunters to move deeper and deeper into our territory. Before these cutlines existed, those people were very hesitant to travel on foot deep into our areas. Now they use all manner of vehicles.

In looking back over the recent past we have been reasonably successful in dealing with the effect of the fur trade era. We have kept these within reasonable bounds given the circumstances. We have also been reasonably successful in incorporating fur for sale and even wage labour within our Indian economy without jeopardizing its very survival. We have survived the short-term invasion of our territories by outsider coming through on their way to the Klondike on their search for gold and other "mini-booms" whether it was of the forest industry or such as the U.S. Army invasion of the Canol project. We have been able to do this only with great difficulties.

One of the main ways we have survived the forces of frontier development and its efforts to confine us or destroy the resources that lie at the base of our economy was that for many years we could move around and avoid the non-Indians. However, whenever we did move away, we see that what happened was that there was a taking up or what amounts to an expropriation of our territory, and particularly those sites, centres or places that are very important to our economic life and our survival as a people.

Although we signed the Treaty #8 which guaranteed our right to hunt, trap and fish and continue our way of living according to our Indian systems and our economy, we can see that with the coming of the Reserve system and the progressive attempts to limit or confuse what our rights to hunt are, and with the coming of the registration of traplines which were promoted as being for our benefit but in fact were to institutionalize and legitimize the presence of non-Indians within our traditional hunting and trapping territories.

We see the registered trapline system as but one form or example of attempts by other governments to administer our lives and restrict us from practising our economy and our culture. These policies and actions by a number of governments, trading companies and recently national and multinational corporations have served to violate our rights under the Treaty #8 and to progressively restrict us in how we are to use our territory.

Throughout this period in our history, we see that everyone expected us to "move away" from the areas in which they wanted the resources. They wanted to attract us to places where they hoped that we would live all year round. But we did not and still do not spend the year round on the reserves. How could we? We would starve and die. We are not that kind of people.

It has been our experience that the governments of today and the corporations which are active in our area do not truly understand the nature of our Indian systems and our situation. In the past we have been able, within limits, to move around and attempt to adapt our Indian economy and to survive and live a good life. But since the 1960's we have become the energy frontier in North-East Alberta. We can not and are not content to withdraw in the face of this new frontier. It is impossible for us to continue to withdraw and still have enough land to serve as an economic base for us in the ways that we choose. This is particulary clear in the case of our traplines.

The life of the community and all of its families revolved around the traditional economy. Hunting, trapping, fishing and gathering were a way of life and the people moved over their large area making sure they had food for their families, skins for clothing and pelts for sale.

Store bought goods were limited to dry goods, equipment and bulk supplies of flour, sugar, and salt to sustain them in the bush. Game, fish and berries were plentiful and eaten fresh, dried or smoked. The subsistence life-style and the extended kinship network provided secure work for everyone, young or old, food and income, maintenance of the traditional values such as sharing and respect for man and nature as well as ample leisure time to enjoy the environment in which they lived, to have Tea Dances, spiritual ceremonies and to provide the Elders with opportunities to pass on the oral history, the traditions, the culture, the experiences of a life time of learning.

The introduction of formal education to Fort McKay brought a curtailment to some of these activities. Wives and children would spend more time in Fort McKay during the school year and the Elders had to share their role as teachers. But the reliance on the traditional economy and the transmittance of cultural values through the traditional life style continued very strong until the invasion of Fort McKay's traditional lands by major resource development projects.

Until the mid-1960's, Fort McKay's communication with the south was by winter road in the cold winter months and by the Athabasca River during the summer months. Then in 1963 came the Great Canadian Oil Sands Company plant and thousands of new people flocked into Fort McMurray. Then came the permanent road linking Fort McKay to Fort McMurray and points south. Then came the loss of berry grounds and traplines and the depletion of fish. Then came the increased competition for the animal and fish resources, and wage jobs, and more cash and less time in the bush, easy access to alcohol and drugs and very little time to adjust and cope with the changes, and no special programs to help them cope with family and community problems, mental and physical stress.

Despite this, Fort McKay and its people survive. The traditional economy survives and the culture survives. It has been battered and the scars show but while the land based economy exists, while the land exists as the basis of the culture and as a refuge against the stresses of forced rapid change, the people of Fort McKay will continue to survive and to search out the means by which they can cope with the changes around them.

VI OUR INDIAN SYSTEM OF LAND USE AND OUR INDIAN ECONOMY

A. INTRODUCTION

In order to understand the impact of industrial and natural resource development on our hunting and trapping economy, there must be at least a general idea as to what our system of land use and economy is in this region. Therefore, in this chapter we will be discussing the nature of our economy and the nature of the land use that it requires.

We will introduce the reader to the Fort McKay hunting and trapping territory, where it is, and briefly what the land is like. We will discuss the seasonal round of activities of our economy and the harvest cycle both as it existed prior to 1960 and post-1960. We have chosen 1960 because it represents a major turning point in terms of the organization and accommodation of our Indian economy to industrial development.

In order for you to better understand our economy, we will be discussing the animal resources used in our economy and hopefully convey both the persistence and changes which have occurred within the Fort McKay Indian economy. This will be done through the presentation and discussion of maps, supplemented by the presentation and discussion of information and data from our research. We also hope to convey the responses of our people and their economy to pressures within our hunting and trapping territory. For example, we will outline some changes to the "mix" of our mixed Indian economy and discuss as well some of the hunting, trapping, fishing and gathering changes which have come about as a response to settlement and development policies and actions within our territory.

we have accommodated our economy and systems and managed the impacts of the fur trade, our need for meat did not diminish. It is the hunt for this meat and our dependence upon it that lies at the heart of our Indian economy. Ours is a hunting economy and it is our dependence on wild meat that makes our economy very distinct from the communities of European descent. Perhaps another main feature which distinguishes our economy is that although we focus on getting wild meat and fish to eat, we are bound by the natural productivity of the animal and fish species that exist in our hunting lands. We have always managed and continue to manage our harvesting of the animals and to safeguard species that are at low points in their cycles. We do this to ensure the long-term survival and abundance of the species upon which our very lives depend. In this sense, we are not short term "profit-maximizers" or intensive harvesters of the animals for sport or commerce. We take what we need to feed our people. We use everything of what we harvest. All we leave behind are our tracks.

As noted in our methodology, one of our main tasks was to document the structure of our people's system of land use and economics in order to assess the impacts of the previous and proposed development. Since the 1900's and beginning more intensively since the 1940's and 50's we have seen governments, oil, gas, mining and forestry companies coming into our area and "claiming" more and more of our traditional areas.

This, combined with increased pressure for lands for settlement, especially with the great influx of people to Fort McMurray in the past 20 years, has meant that the areas which our people have used since time immemorial have been continually disturbed, damaged or taken away for the use and benefit of non-Fort McKay people.

One of the main misunderstandings that the non-Fort McKay people have about the people of Fort McKay is their assumption that we do not depend upon the land and what that land provides to us in the fullest sense. It is convenient for others to believe and claim that we do not use or need the land for hunting, trapping, fishing and gathering and that, therefore, the land should be given over for other uses such as logging, mining, oil exploration and production companies and for new towns or for the recreational pleasure of the "newcomers". While the Fort McKay people have hung onto our hunting, trapping, fishing and gathering uses of the land in spite of constant and increasing pressure from outsiders, it has become clear to us that if this process were to continue, all of the traditional lands of the Fort McKay people would soon be taken over by others and there would be no safe or undisturbed areas. This would not only hurt our hunters and trappers, but our families and our whole community which still depend on the land for our very survival.

It was for this reason, and with the cooperation of our hunters and trappers, that maps of our land and resource usage have been prepared. We believe that our people's maps demonstrate the extent of our interest in these lands. They are the starting point from which to understand the effects of industrial, resource and related development. They are also our answer to government and industry myths about us, particularly their convenient beliefs that our Indian economy and its hunting, trapping, fishing and gathering are:

(a) something that we used to do but that has just about died out because we have come to see the "better life" that can only come to us when we put aside our life on the land and dedicate ourselves to the industrial wage economy OR

(b) some of us may hunt, trap, fish and gather, but with the coming of the oil sands plants, this way of life is doomed because it is impossible or undesirable to stop the "progress" and sooner or later the environment will become so disrupted that it won't make sense for any McKay people to continue to hunt, trap, fish or gather.

So their solution is to urge us to hurry up and abandon our Indian economy and try to fit in as best we can to the modern industrial economy or what we see as the "alternative economy".

To face the lack of understanding and knowledge of our way of living by governments, industry and the public, we decided to map and research our land and resource use to convince others of our need to protect our land and resources from further damages and expropriation. When oil companies or government agencies want to take more of our land for oil sands plants, lumbering, mining, research stations, wellsites, cutlines, new towns and so on, they often assume that the land is not in use and that it will not affect anyone who is living in the area. However, most of the time they don't know who lives here, or who has used this area for generations and generations. In short, they just don't know what is "out here", so they don't know what they are affecting or how. They simply do not know or respect the fact that the Fort McKay people have lived, hunted, trapped, fished and used a very wide area since time immemorial.

Through making these maps, and through the discussions which took place around their making, we have come to a better understanding of how the "newcomers" and their pressures on the land and resources of our traditional areas have come about; and we have come to appreciate even more fully, everything that the land

provides to us. In this chapter, and in the following chapters we will examine the issues we have raised and point out what these pressures have been, including lumbering, the oil industry, settlement, leasing of lands, losses of traplines, changes in the environment, hunting pressures, and forest fires, and how we have responded to these changes.

B. FORT MCKAY HUNTING AND TRAPPING TERRITORIES

We believe our maps speak quite clearly for themselves. They show the extent of our people's land use. These maps together with the information that we have compiled on our seasonal round, and its changes over time and our hunters' observations and their sometimes humorous, often painful, stories have helped us to interpret the information on which they have drawn on their maps.

During the fall and winter of 1981-82, individual hunters and trappers marked on mylar overlays placed on top of 1:250,000 topographic sheets every place that they had hunted, fished, trapped, picked berries or plants and camped. Our hunters drew the areas that they have used for these activities and marked their campsites and cabins on the overlays. Therefore, each mylar overlay represents the hunter's land use biography. These individual hunter maps were then aggregated to produce the map on page 45 which shows the Fort McKay people's hunting and trapping territories. Our gathering areas and campsites also tend to be found within this general area.

The men and women who drew their map biographies are those who normally live in Fort McKay. It should be noted that in limiting the mapping in this way, the hunting, trapping, fishing and gathering maps which follow, err on the conservative side in

representing the hunting and trapping territory as well as site-specific usages of land and resources within this territory. This must be made clear. Other Fort McKay people who have been forced to move to Fort McMurray because of the unavailability of adequate housing, services or other reasons were not mapped but, had their map biographies been included, it would have expanded considerably the boundary of our territory in the north-east and south east quadrants on the east bank of the Athabasca River. So what we are showing here is a conservative sample of all of our people who could have drawn maps. As such, it is an understatement of our land use and interest.

In recalling all of the areas that they have used during their lives, the total area of their land can be shown by the combination of the summary maps to indicate where hunting, fishing, trapping and gathering have been carried on within living memory. As well, some attempt was made to try to understand people's land use at different times, and what relationship, if any, this had to do with events of the fur trade, the arrival of permanent housing at McKay, oil and gas development or the like.

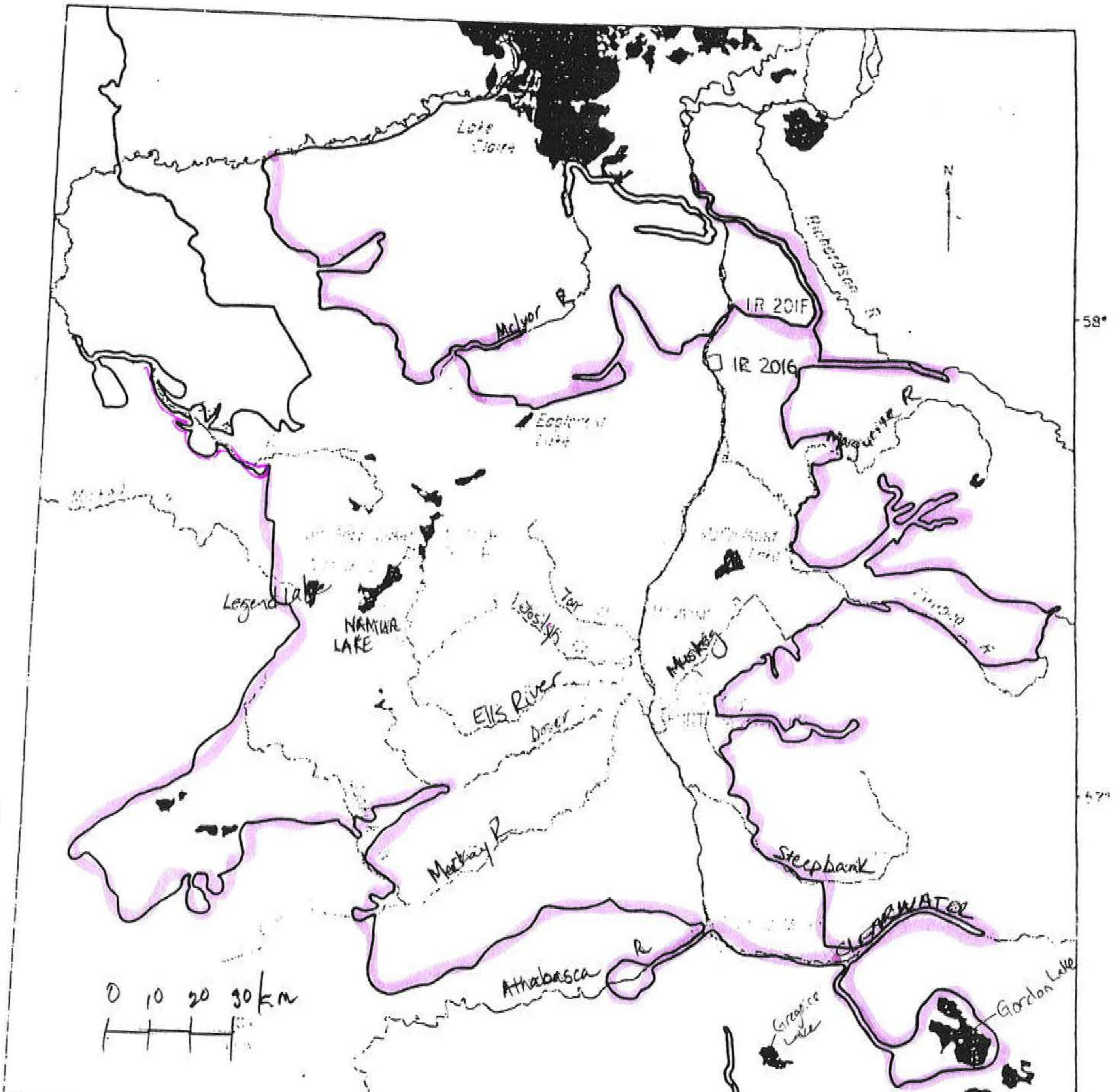
The compiled maps of our hunters and trappers together have been used to delimit the total land territory used by our people and represent our interest in the land. These are our hunting and trapping territories. These are not something that we are asking for, or would like to have. These are in fact our territories.

C. EXTENT OF FORT MCKAY PEOPLE'S HUNTING AND TRAPPING TERRITORIES

Turning to the map on page 45 which shows the outer limits of the hunting and trapping territory of our people, a number of characteristics of our land use are apparent.

FORT MCKAY HUNTING AND TRAPPING TERRITORY

The large area shown here indicates where the Fort McKay people pursue the major and minor species of animals which are important for our Indian economy.


Lake Claire
N
McIvor R.
IR 201F
IR 2016
58°
Eaglenest Lake
Maguire R.
Legend Lake
NAMUR LAKE
Muskeg
Ells River
Steepbank
MacKay R.
CLEARWATER
Athabasca R.
Gordon Lake
Gregoire Lake
0 10 20 30 km

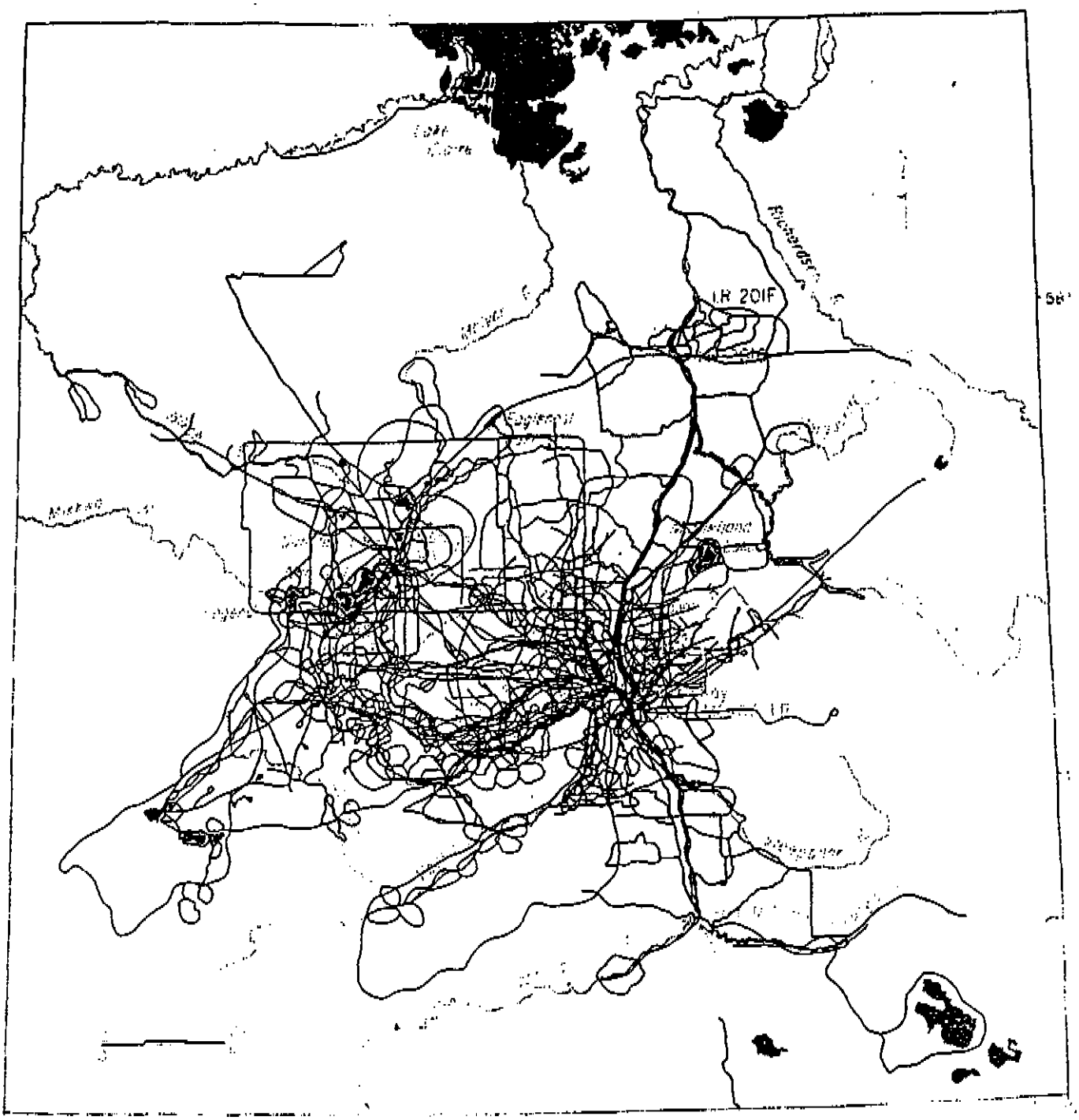
First, our territory is large. It covers approximately 8290 square miles. This base map covers from what is now known as Township 110 Range 25 West of the 4th meridian in the north-west to Township 110 Range 1 in the north-east. It is bounded in the south-west by Township 85 Range 25 and in the south-east by Township 85 Range 1.

Our system of tracking and hunting animals requires that we, as a people, require such an area if we are to not only survive but to thrive. This has to do with the fact that the whole area is needed to support the animals which move over this general area. Our hunters, like the animals, depend on the territory as a whole. No part of the territory is unimportant. Sometimes people ask us if we are living at a certain point on the map. If we say no, depending on the season, or disregarding the irrelevance of the question, non-McKay people often conclude that somehow we are not "using" it so if they disturb it, no harm is done. Nothing could be farther from the truth. In order for us to be successful in our hunting, we have to know the movements and habits of the animals over this whole area, regardless if we happen to be "living there", regardless if we visit this area once in a while or never. Perhaps non-Fort McKay people will have a hard time understanding that we continue to use our territory in the way we do, or that we need all of it.

On the following pages are the separate composite maps of our hunting, trapping, fishing, gathering, cabins and camping areas. Our maps tell the truth about our usage of the land and its resources. We have a very long history of being very precise about our resource harvesting from the land. Each of our hunters did their own map without anyone else prompting him, or having seen any of the other hunters maps. Yet, time and time again

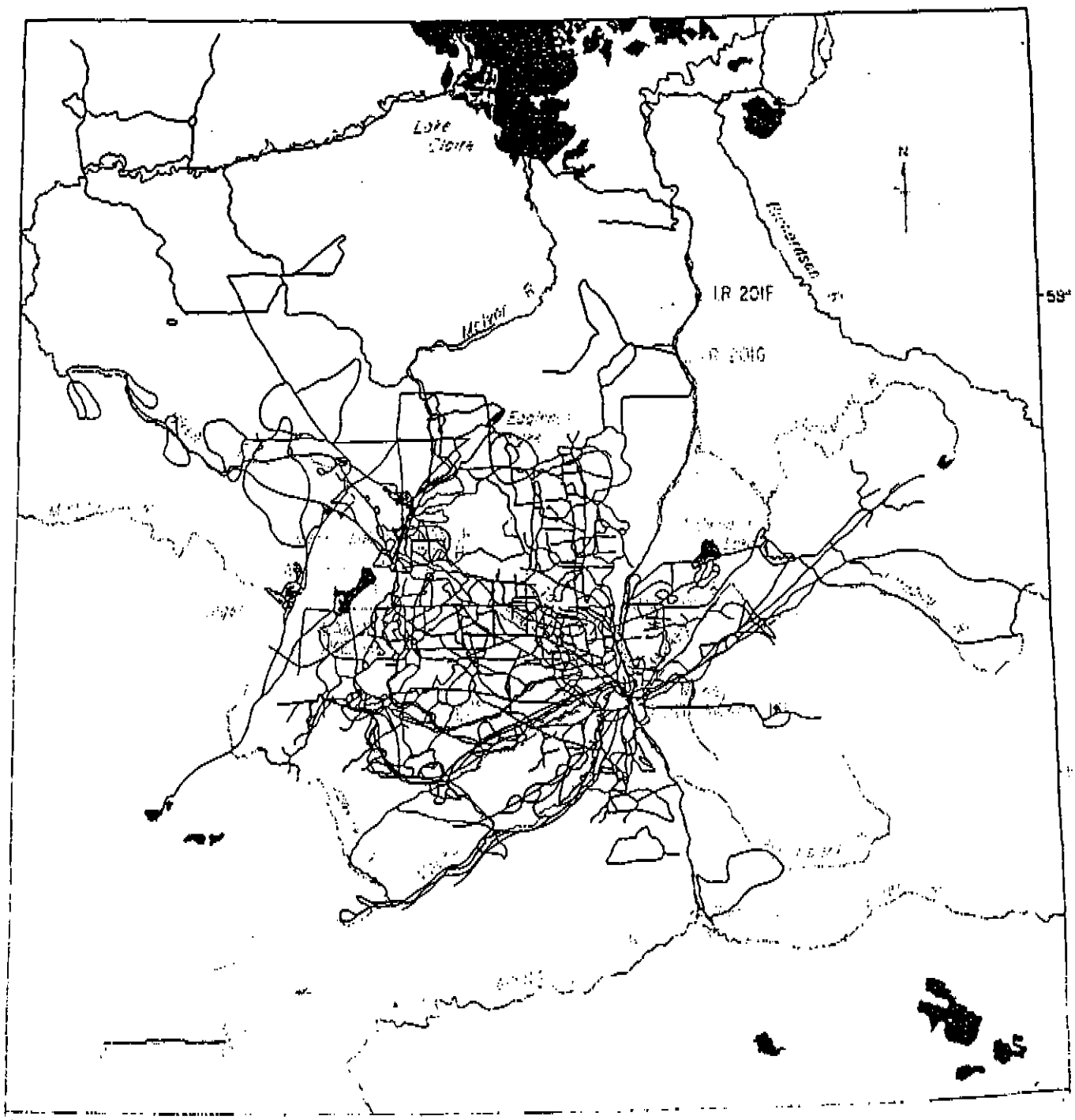
FORT MCKAY HUNTING

The large area shown here indicates where our hunters look for both large and small game animals. Note the coincidence of hunters' lines near the Athabasca and along its tributary rivers.


I.R 201F

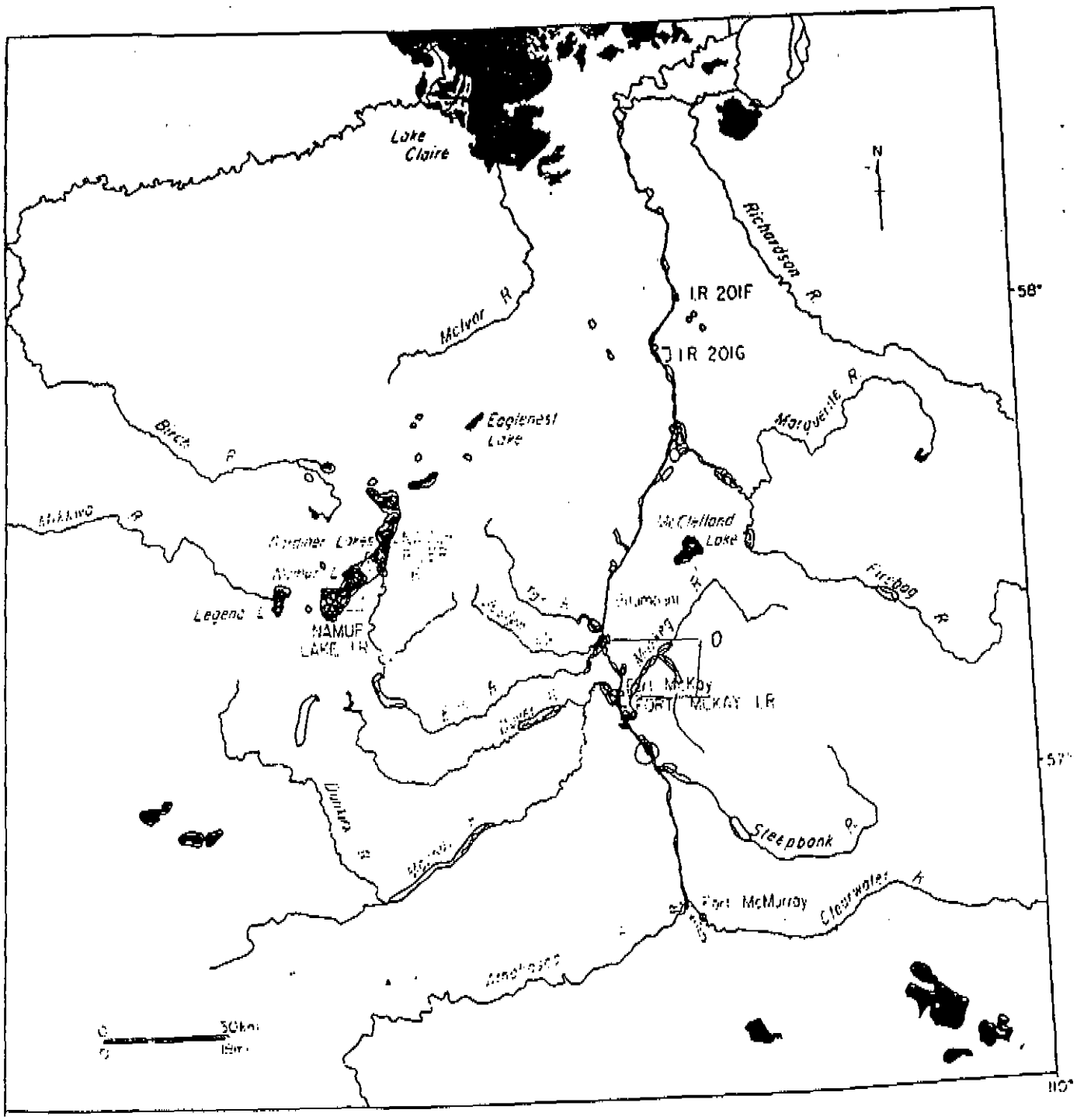
FORT MCKAY TRAPPING

This map indicates the general pattern of the Fort McKay people. Some data was not available at the time of compiling this map which would show more extensive and intensive usage of areas on the east side of the Athabasca River and to the south and west of Fort McKay.


Lake Ontario
IR 201F
55°

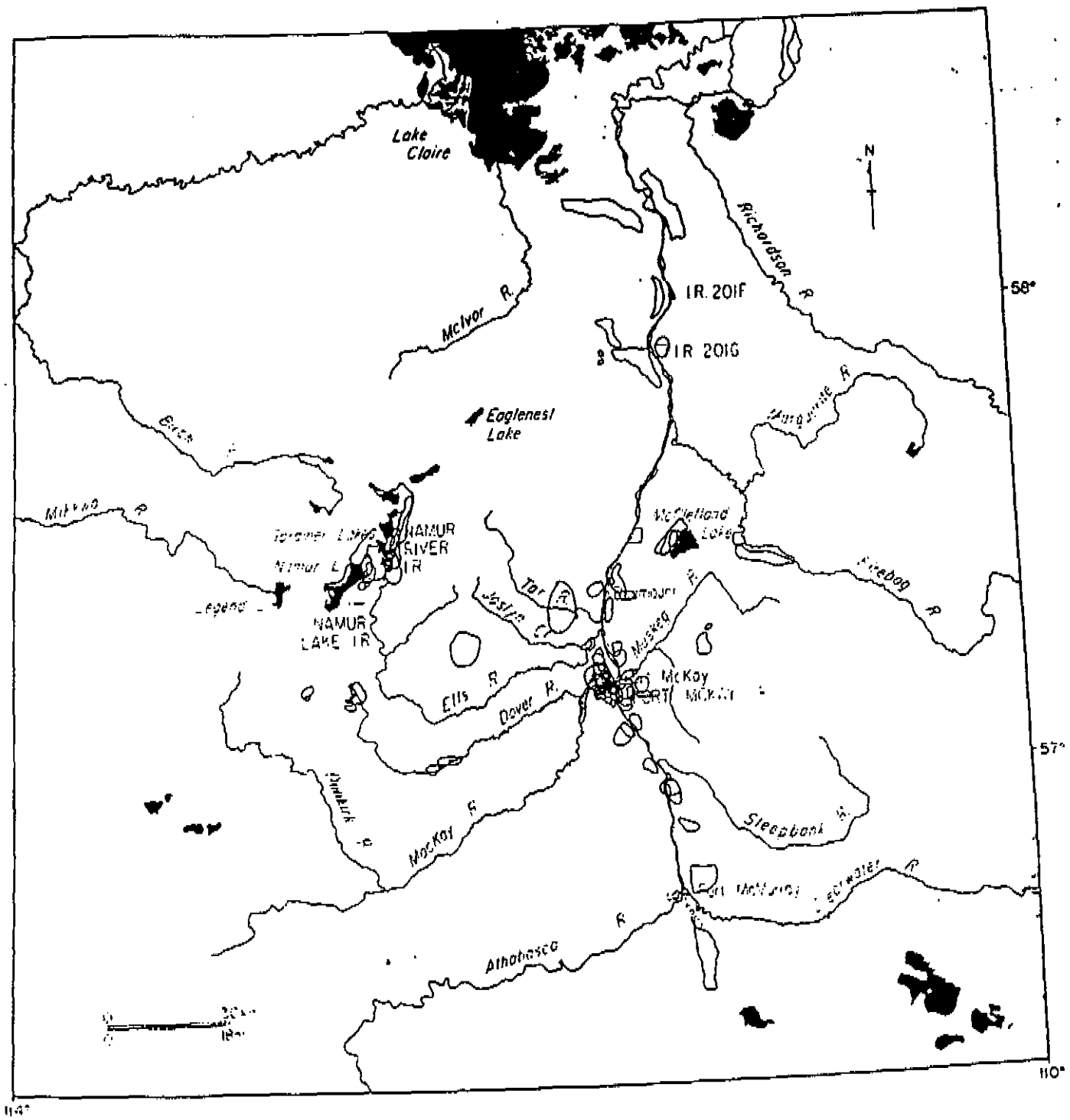
FORT MCKAY FISHING

This map shows the principal fishing areas., Note the extensive use of the Athabasca River, its tributarires as well as the large and small lakes of the general area. Since Fort McKay has become the main hunting camp, the Athabasca River fishery has become a principal source of food.


Lake Claire
McIvor R.
Richardson R.
IR 201F
IR 201G
Marguerite R.
Birch R.
Eaglenest Lake
McClelland Lake
Firebag R.
Legend L.
NAMUR LAKE I.R.
Fort McKay
FORT MCKAY I.R.
Steepbank R.
Clearwater R.
Fort McMurray
58°
57°
110°
N
0
30km
15mi

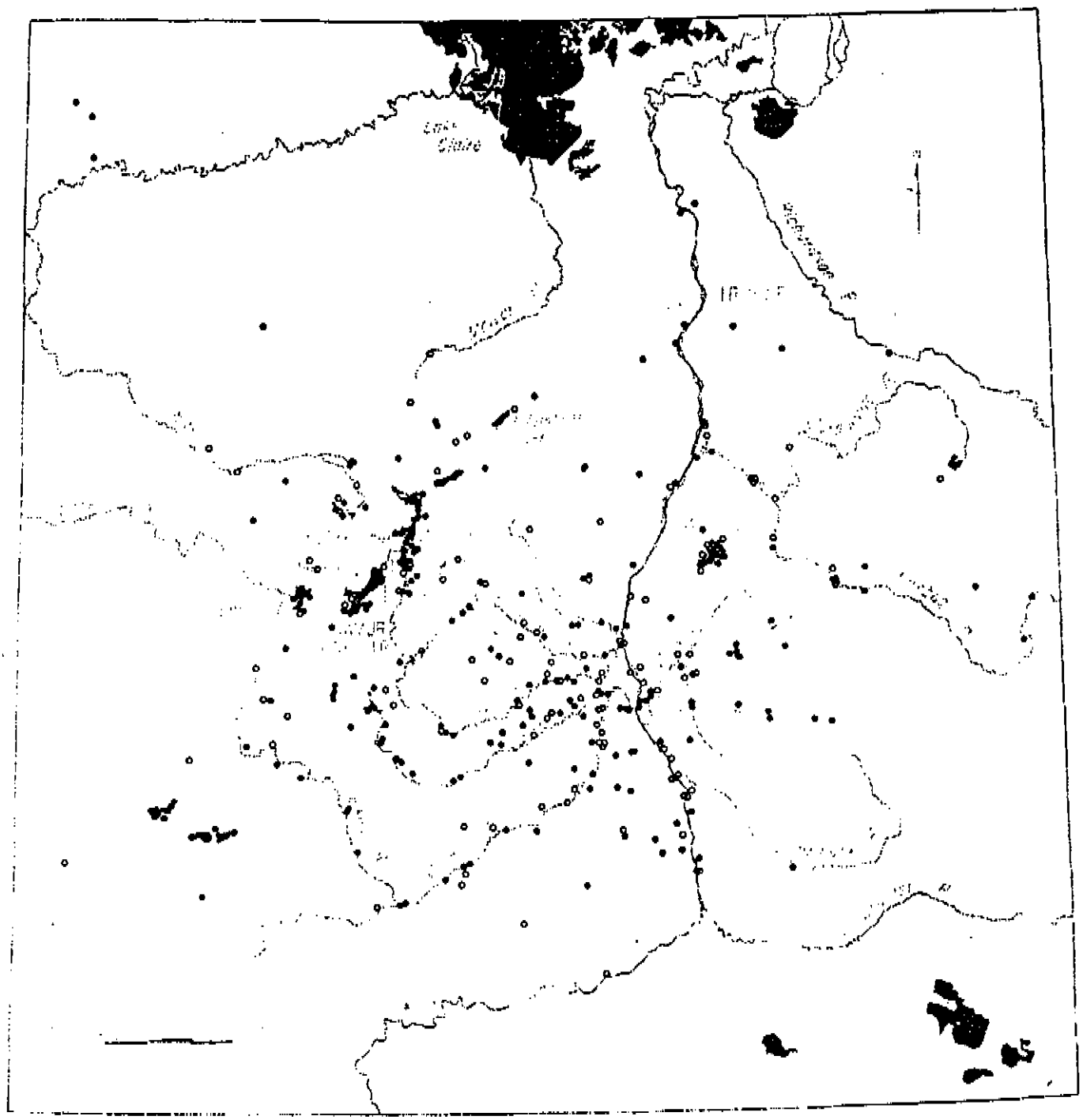
FORT MCKAY GATHERING

This map shows places of significance for those who drew maps. Note the general pattern of harvesting along the Athabasca River as well as the Namur and Gardiner Lakes areas.


Lake Claire
McIvor R.
Richardson R.
IR. 201F
IR 201G
N
Eaglenest Lake
Birch R.
Marguerite R.
Mikkwa R.
NAMUR RIVER IR
NAMUR LAKE IR
McClelland Lake
Firebag R.
Jackfish Cr.
Tar R.
Muskeg R.
McKay
Ells R.
Dover R.
Steepbank R.
MacKay R.
Athabasca R.
58°
57°
110°
114°

FORT MCKAY CABINS AND CAMPSITES

The sites on this map represent all the places that the Fort McKay people have regularly used as hunting camps, trapping cabins or village sites. Cabins are represented by the solid dots and campsites by open circles. Clusters cabins and campsites are particularly apparent at the Namur and Gardiner Lakes area, along the Athabasca and its tributaries.



when the map biographies are superimposed on each other, you can see lines that sit on top of each other or lines that converge and become very dense in particular areas. This could be viewed as mere coincidence but it is much more than that. It indicates recurring patterns of land and resource harvesting usage. The cabins and campsites marked by our hunters distinguish one family's area of principal land use from another's. The lines and the patterns produced on the maps correspond to the topographical features of the land and the base map. Particularly important, as you can see is the use of the river systems, including the Athabasca, McKay, Dunkirk, Dover, Ells, Mikwa, Birch, Tar, McIvor, Firebag, Muskeg and Steepbank. This includes the many small creeks throughout the area which we know by our own names. These maps and this work are the product of our culture and our economy. Many of our hunters took great pains to point out the many inaccuracies of the government's base maps in particular locations. Subsequent discussions with government cartographic personnel, as well as file and archival research have re-confirmed our hunter's observations about mapping errors.

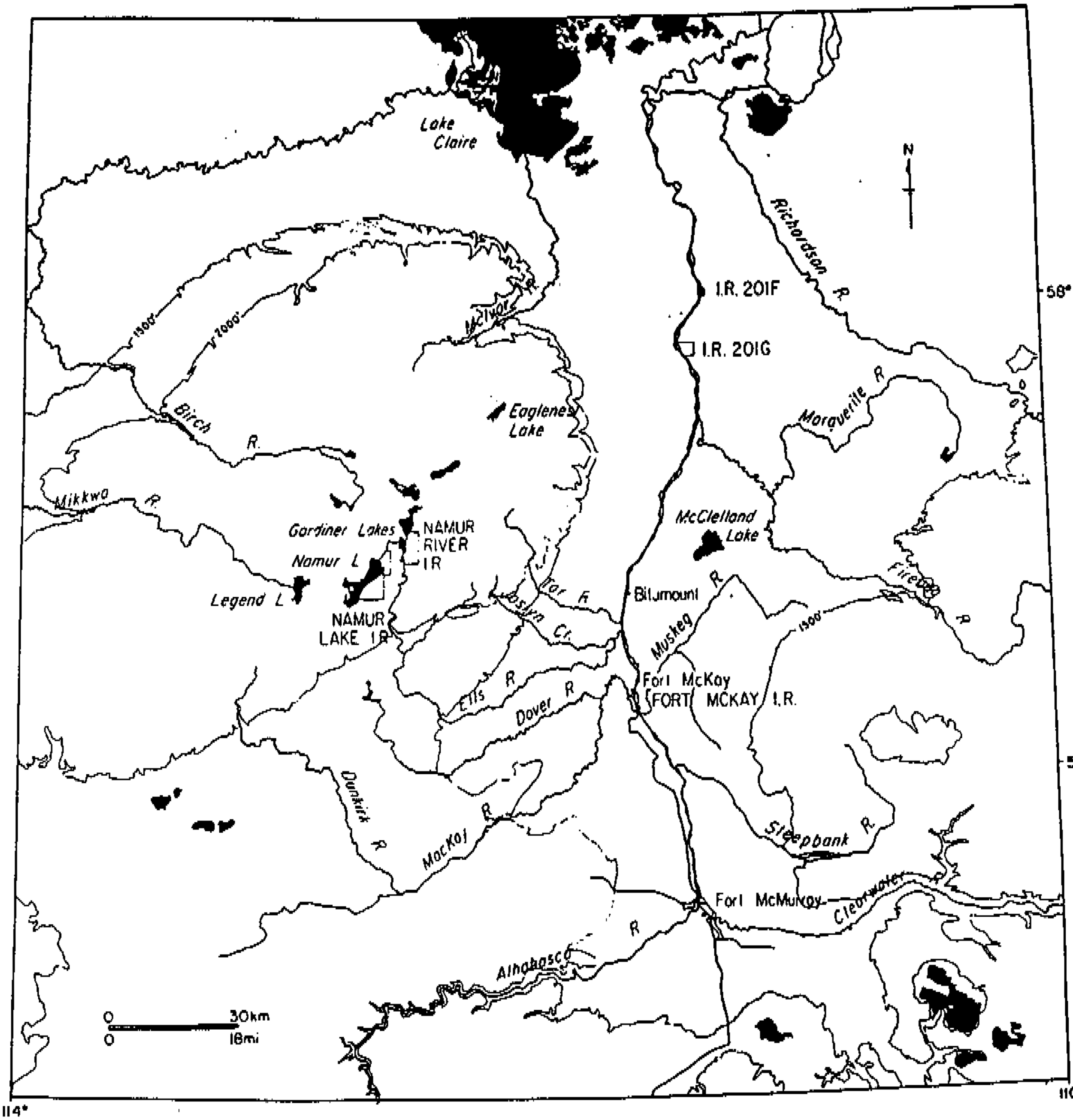
These maps are our lives. It is our desire to have others see and understand our needs, our Indian systems and to respect and assist us in protecting our interests.

D. WHAT THE LAND IS LIKE

Physically, the land within our hunting and trapping territories is best understood by looking at the Athabasca River which runs down to the north and the numerous rivers which drain our territory and flow to the Athabasca. What takes place in these watersheds, and what happens to the waters themselves are vital to the animals, the fish, the birds and to the Fort McKay people.

FORT MCKAY AREA RIVERS AND ELEVATIONS

The 1500' and 2000' contour lines have been marked to indicate areas of higher relief in contrast to the lower elevations of the Athabasca River valley. The contours serve to emphasize river drainage patterns. Elevation is also particularly important for wildlife habitat and for the patterning of access roads into the area.



Lake Claire
N
Richardson R.
I.R. 201F
I.R. 201G
McIvor R.
1500'
2000'
Birch R.
Eaglenest Lake
Moraverile R.
Mikkwa R.
Gardiner Lakes
NAMUR RIVER I.R.
Namur L
Legend L
NAMUR LAKE I.R.
McClelland Lake
Tar R.
Bitumount
Ells R
Dover R
Muskeg R.
Fort McKay
FORT MCKAY I.R.
Dunkirk R
MacKay R.
Sleepbank R.
Fort McMurray
Clearwater
Athabasca R
0 30km
0 18mi
58°
57°
114°
110°

These main rivers and creeks which lie within our area and affect it in an immediate way are many more than can be conveniently marked on our maps in this report. To mark them all would mean that there would be no room for other information. These, starting from the north-west corner of our area include: the Birch River (and its many creeks including Filion Cr., Edmond Cr., Boulton Cr., Peel Cr., Alice Cr., Swift Current Cr., Buckton Cr.), the Richardson River in its upper reaches, the Maybelle River, the Firebag River (including Wallace Cr., Trout Cr.), the Mikkwa River (and its many creeks), the Louise River, the Tar River, the Ells River (including Joslyn Cr., Chelsea Cr., Willow Cr., ?), the Dunkirk River (including Snipe Creek), the MacKay River (and its many creeks), the Steepbank River (including the North steepbank), the Muskeg River (including Stanley Cr., Hartley Cr.), the Marguerite river (including Reid Cr.), the Clearwater River High Hill River (including Sutton Cr.), the Horse River, and all of the creeks that drain into the Athabasca such as Redclay Cr., Eymundson Cr., Asphalt Cr., Poplar Cr.,** Cache Cr., Conn Cr., Eleanor Cr., Grayling Cr., McLean Cr., and Clarke Cr.

These names are obviously not our names for these waters but are those found on provincial basemaps. These places bear the names of newcomers: explorers, surveyors, engineers, inventors, chemists, adventurers, men of material wealth and the like. We use these as references for places within our territory only for the convenience of those we would have understand our Indian economy and land use. Among ourselves, we use our names for these places.

The Athabasca River has tied the region historically and it, together with the Peace and Slave Rivers have served as major transportation routes to what has become north-east British Columbia and to the northern territories and the Arctic. These routes were heavily used by explorers who "discovered" us and throughout the fur trade era. These rivers served the economies of Eastern Canada and Great Britain, and until relatively recently were the only "highways" in our area. The Athabasca and Slave were much used for shipping materials to the north during WW II for the Canol oil pipeline project. Barges and riverboats are still the main way of transporting bulky freight and supplies to Fort Chipewyan and beyond. It was not until 1923 that a roadway approached Fort McMurray and until 1966 that a permanent all weather road joined Fort McMurray with Edmonton to facilitate the Great Canadian Oil Sands project. Fort McKay was only joined to McMurray by a rough road and bridge during the winter of 1967-68.

We emphasize the main rivers, and particularly the Athabasca, because in the early years since our contact with non-Indians, these rivers served as transportation or penetration routes through our territory. As well, it was common practice for the fur trading companies to establish trading posts along the rivers, usually at locations nearby to where we would be living at some part of our seasonal round.

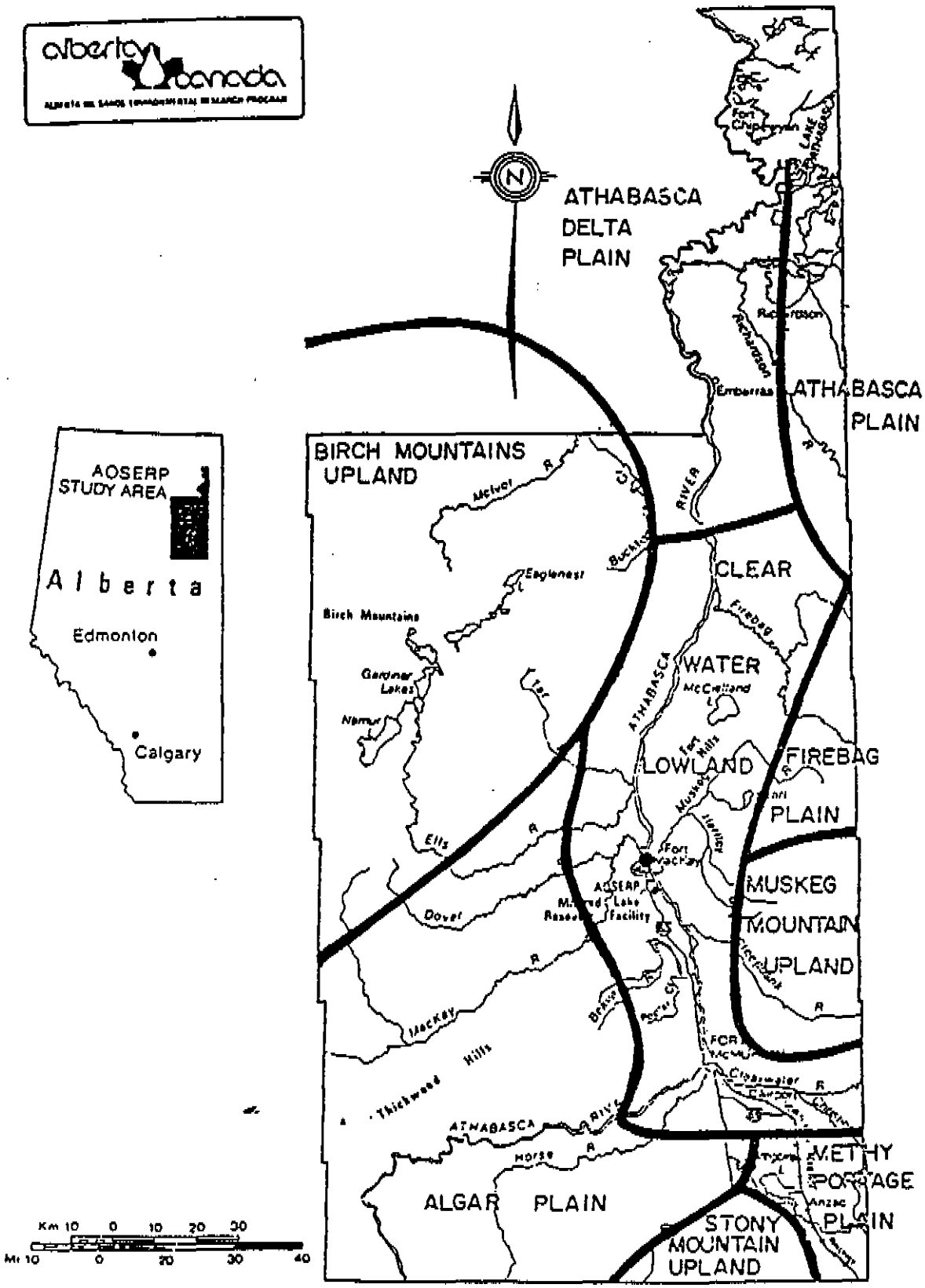
The rivers and many creeks within our hunting and trapping territory are important to emphasize because our people's land use roughly corresponds to the watershed boundaries and the drainage areas contained within them. These we view as natural boundaries and serve as points of reference. It has been this way since long before the notions of township and range came to our country.

A 1977 AOSERP report (Thompson, M.D. et al) has mapped the physiography of the AOSERP study area which roughly corresponds to our hunting and trapping territory and characterizes it this way: (we have reproduced this map on the following page)

> Nine major physiographic divisions are found in the study area (Figure 2): three in the Alberta High Plains, four in the Saskatchewan Plain, and one each in the Great Slave Plain and the Canadian shield. In the Alberta High Plains are found the Birch Mountains Upland (ground and hummocky moraine over upper cretaceous shales and sandstones), the Stony Mountain Upland (ground and hummocky moraine and some sand and gravel over upper cretaceous shales and sandstones), and the Algar Plain (lower cretaceous shales and sandstones with sand and gravel overburden, with one minor area of lake deposits). In the Saskatchewan Plain are found the Muskeg Mountain Upland (upper Cretaceous Shales and sandstones with sand and gravel overburden), the Methy Portage Plain and Firebag Plain (same as the Algar Plain but with no lake deposits), and the clearwater Lowland (shales and sandstones in a pre-glacial valley, with various overburden). In the Great Slave Plain, the Athabasca Delta Plain is found on Devonian limestones, dolomites and gypsum, covered mainly by lake deposits. Finally, on the Canadian Shield area, the Athabasca Plain is found on Precambrian granites with a sand and gravel overburden. (pg. 8)

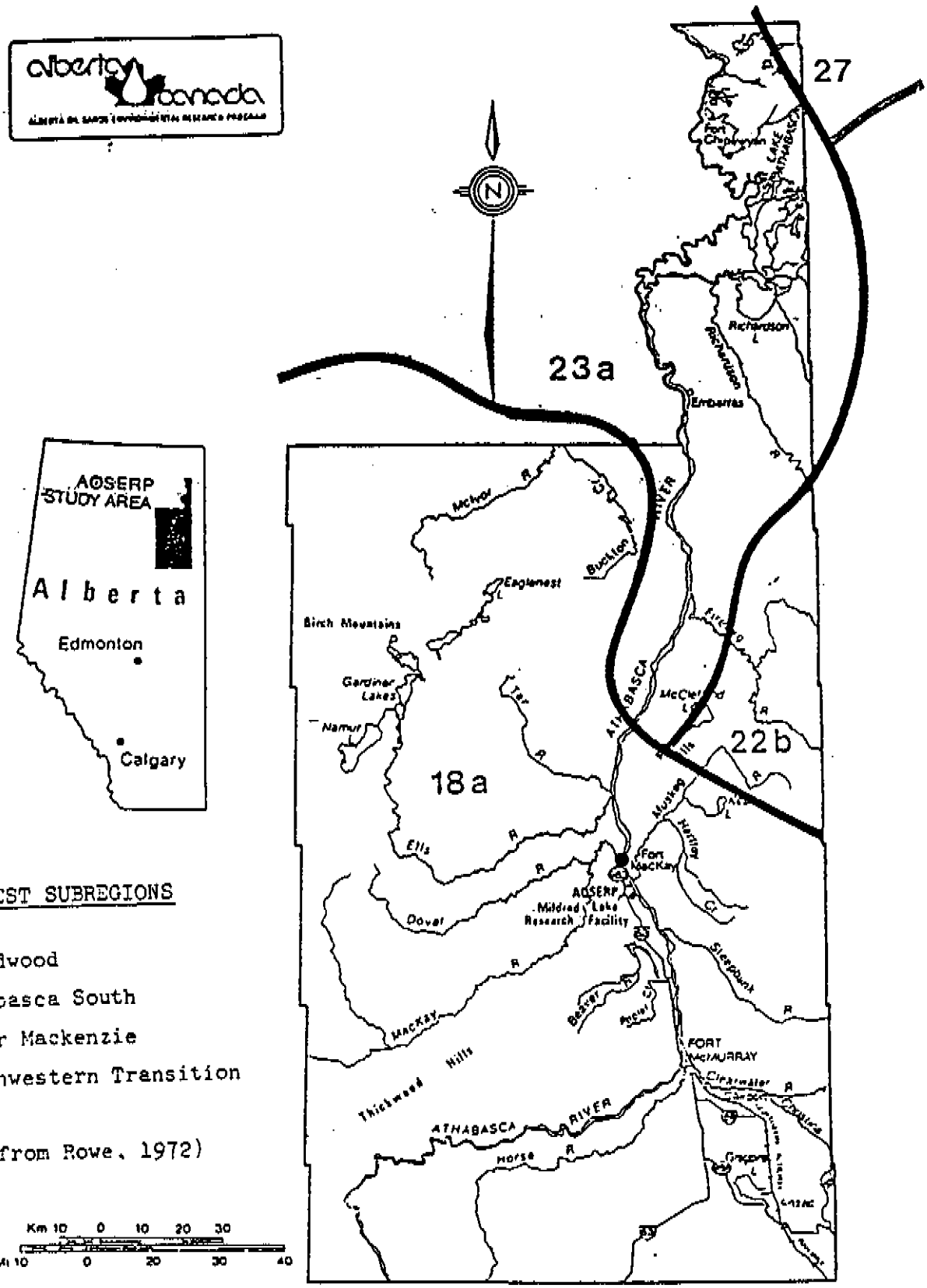
Our territory falls within the Boreal Forest. Rowe (1972) has mapped (see p. 75) and described three major subregions:

> The first subregion, the boreal Mixedwood, is found on clay rich soils on rolling moraine over Cretaceous shales as well as extensive flatlands of lake deposits. Major tree species in this subregion are aspen poplar .. and white spruce ... with jack pine ... on the sand hills to the east. Black spruce ... and



PHYSIOGRAPHY

(Taken from Thompson, M.D. et al, 1977)



BOREAL FOREST SUBREGIONS

18a - Mixedwood
22b - Athabasca South
23a - Upper Mackenzie
27 - Northwestern Transition

(adapted from Rowe, 1972)

VEGETATION

(Taken from Thompson, M.D. et al, 1977)

and ruffled grouse may be found throughout the boreal and mixed-wood forests. Another special interest bird is the whooping crane, which is found in our area.

Our fishing areas may be seen on the map on page 57. Our main areas of concentration include Namur Lake, Gardiner Lakes, Gregoire Lake, Muskeg River, Ells River, Firebag River, Steepbank River, McKay River and the Athabasca River. The Athabasca River has always been a principal fishery for us. AOSERP research describes the relative importance of the Athabasca River in a recent summary report:

> From the studies of the fish fauna in the mainstream Athabasca River and its tributaries, the system can be said to be of great significance in the production of fish, as well as supplying spawning and rearing habitat for a number of species resident in the Peace-Athabasca Delta and Lake Athabasca.
> (Smith, S.B., 1981, p. 75)

In referring to the larger tributary streams of the Athabasca, i.e. the Muskeg, Steepbank and MacKay Rivers, the same report observes:

> These rivers all have substantial fish populations in them or may be important spawning or rearing areas for the species moving out of the mainstream Athabasca during spawning migrations.
>
> ... the Athabasca River, which appears to be a very important migratory route for a number of species moving upstream from the lower river and possibly the Peace-Athabasca Delta and Lake Athabasca. Because some species are migrating under ice, late winter conditions may be critical to their successful ascent to

> the Athabasca River. The entire lower Athabasca River constitutes an important feeding area for immature goldeye.
> (Smith, S.B., 1981, p. 73)

Our fishery corresponds to the three main types of fish habitat which are the lakes, large rivers and tributary streams.

The most important species in terms of lake habitat include, lake trout, walleye, lake whitefish and northern pike. The fish of the large rivers are more diverse and include arctic grayling, walleye, rainbow trout, dolly varden, lake whitefish, mountain whitefish, northern pike and goldeye. AOSERP research has identified twenty-seven species in the Athabasca River. The fish of the smaller tributary streams vary between 16 and 24 varieties including arctic grayling, mountain whitefish and northern pike. Common to all three types of habitat are the longnose sucker, white sucker, brook stickleback and slimy sculpin.

As we have said before, what takes place in these watersheds, and what happens to the waters themselves are vital to the animals, fish, birds and the people of Fort McKay. Whatever damage or disruption occurs in these areas means a dislocation of our economy and culture whose strength depends upon the land and all that it provides.

E. OUR SEASONAL ROUND

Because we are a people who come from the land, it should not be surprising that our sense of time and our seasons should differ from those who have a different relationship to the land and a different form of economy.

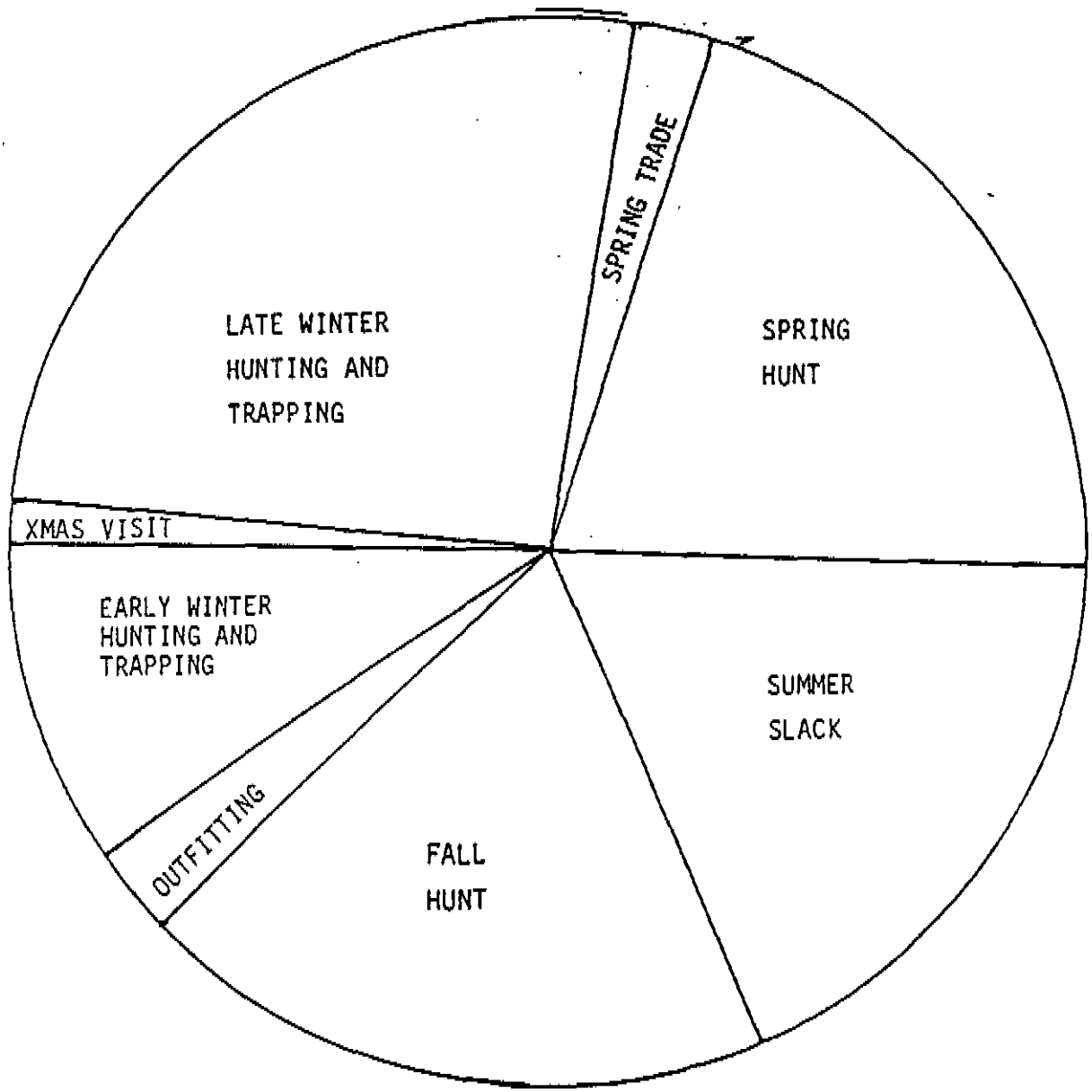
Our year is a continuous cycle of five seasons. They are: dry-meat hunt, early winter hunting and trapping, late winter hunting and trapping, spring beaver hunt and the summer slack. This cycle is shown on page 80 in graphic form.

Each of the seasons is defined by a different set of harvesting activities and land use. This seasonal round is the best way to discuss our annual movements and harvests, both prior to our settlement on reserves or at the place now known as Fort McKay. This seasonal round describes as well, the basis of our hunting year which is currently operated from the fixed basecamp or permanent camp site that our permanent housing at Fort McKay represents.

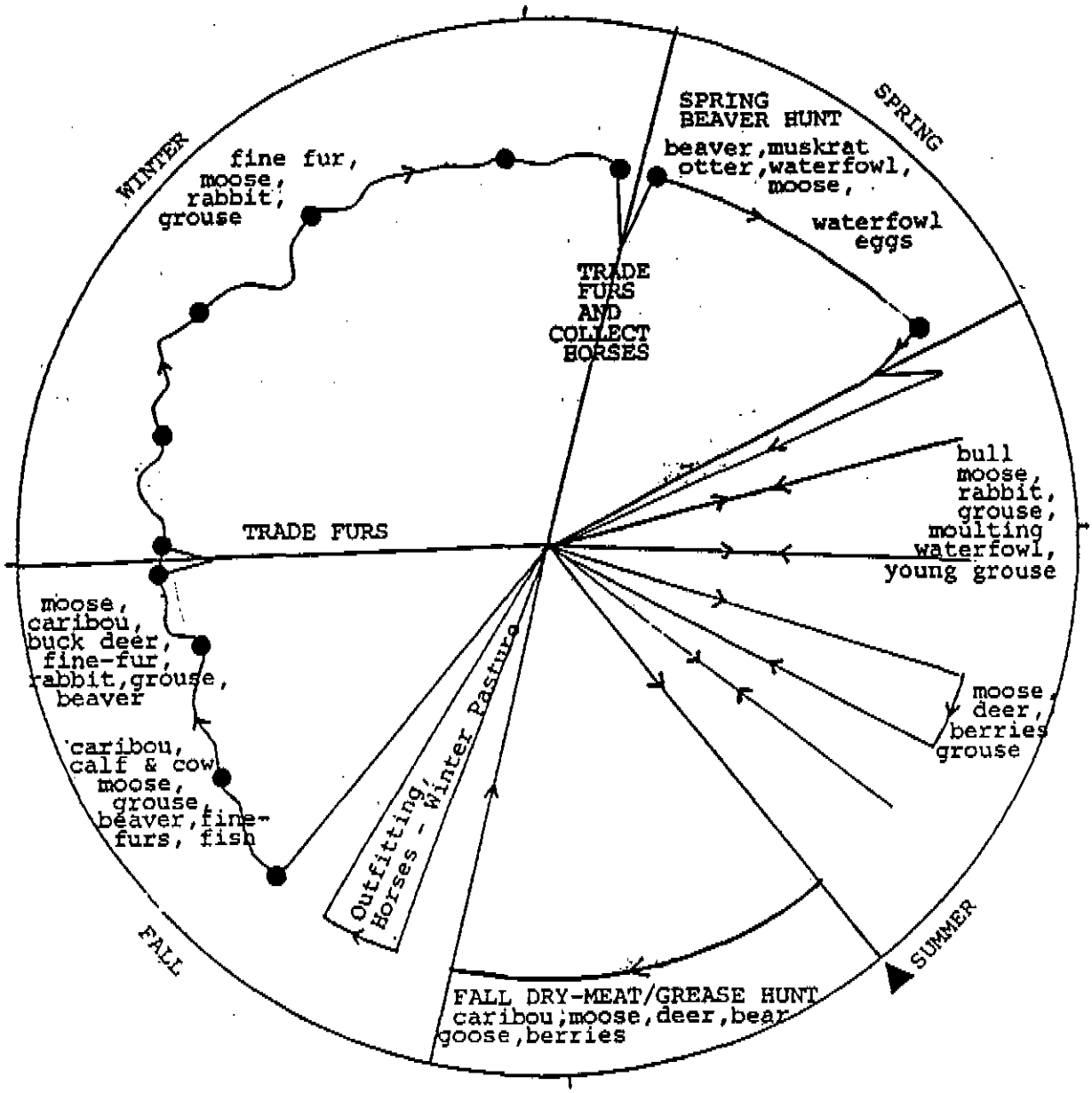
As we have pointed out previously, our Indian economy is a mixed economy which combines both income and resources and is bound up in our seasonal round. The round has changed in some of its details over the years but the seasons and the species we depend upon have remained much the same. Changes to the details of our seasonal round and the reasons for these changes will be discussed later in this chapter.

F. OUR SEASONAL ROUND PRIOR TO 1960

By taking the diagram on page 80 which shows the seasonal year as a base and placing over it the basic aspects of our land use which underpinned our Indian economy prior to the time that most McKay people took up residence for extended periods at Fort McKay, it is possible to represent our hunting and trapping year as is shown on page 81.



THE YEAR AND SEASONAL ROUND OF THE FORT MCKAY PEOPLE



OUR YEAR -------- PRE-1960

The centre of the circles represents the summer meeting place, and the black dots represent cabins on traplines. The arrows indicate movement. Back and forth arrows on one line indicate short term hunting trips. The principal resources and activities of each season are indicated near the perimeter. (After Brody, 1981).

In this figure you can see our principal resource uses, activities and movements by season. The heavier lines touching the perimeter of the circle indicate the seasons.

The principal animals in our area which are crucial to our economy tend to be dispersed, particularly the large ungulates such as the moose. If we are to eat, and if our economy is to function, then we must travel extensively, either following the movements of the animals, or travelling to particular places with good habitat for particular species.

We have chosen to distinguish between our seasonal round before and after 1960 because that year approximates a major turning point in the activities within our hunting and trapping territory. First, it corresponds to a major impetus for exploration in our territory which followed the blocking of the Suez Canal by Egypt. Early oil exploration policy of the Alberta Government in 1951 on oil sands leases, royalties and permit arrangements sought to stimulate a fledgling industry (J. Parker, 1980). In 1958 exploration permits granted had grown to 93 in total and Sun Oil had contracted with Great Canadian Oil Sands Limited and Abasand Oil Limited to develop leases No. 4 and 14. In short, on the side of government and corporate interest, oil sands and related development began to proceed rapidly just prior to this period and has continued until the present day. It represents a major impacting force and process within our territory and the largest use of land for heavy industrial purposes.

Also, 1960 marks the approximate time period in which our year-round settlement and living patterns began to centre more permanently on Fort McKay. Through the late 1940's and early 1950's our people were drawn into spending more time at Fort McKay. They travelled to McKay more often than before for

supplies and trading, and so that their children could attend school since the government made school attendance compulsory. Also at this time came the introduction of Family Allowance payments which meant that to receive them one had to be at or around Fort McKay. Further, this period corresponds to the introduction of permanent housing provided by government through the Department of Indian Affairs. These latter influences, we submit, may be characterized as attempts by church and government to provide for our "civilization" and conversion to European values and systems to encourage us to give up our culture and economy. We submit that these aspects of the gradual restriction process referred to earlier in Chapter IV worked in consort with the partnership orientation of government with industry to restrict our systems and our economy by taking up more and more of our land for natural resource and industrial development.

If you refer to the diagram on page 81 it will assist you as we describe and follow a year's movement in the pre-1960 period. From our side, the annual cycle is continuous and unbroken. However, for the purposes of explanation, a logical place to start is with the late summer and early fall which is the dry meat hunt. Usually this took place in August and September when we would move out in groups to the most likely areas where we could find enough moose to last through the winter. We would use horses for this hunting as they are critical for packing meat. We would make our dry-meat camps. From year to year the areas that we would hunt would vary. At this time of year we would make grease to help keep up healthy in winter. We would get caribou, moose, deer and bear. We would also get geese. If the game populations were low, then we would have to travel farther, particularly into the hilly areas of the Birch Mountains. While we concentrated more on caribou, moose and deer, we would fish, take bear, goose and grouse as well. At this time, we would do

our fishing and prepare dry-fish for our own food and to support the dogs which we used for packing and for pulling the toboggans. This is also the time for gathering berries and drying them for the winter.

When the dry-meat hunt was done, we would return to our main campsites such as Namur and Gardiner Lakes, Spruce Lakes, Firebag River and Fort McKay (for those who were using McKay as a main camp then). It was at this point in the fall that the men usually would make a trip to Fort McKay to buy supplies and a trapping outfit and to bring tanned moosehides and moccasins to sell at the Hudson's Bay store or other store there. We would make this trip usually in September or October, travelling by horseback and wagon. It used to take a week to make the round trip from Namur Lake. Even though there was a "tripper" who would buy fur and take it back to Fort McKay for the fur companies, as well as bring food staples and trapping gear to the Namur Lakes area main campsites, we would always make the fall trip. Some would paddle up to McMurray with a canoe full of boxes of berries for sale or trade and some would prefer to get their staples and trapping equipment there. In the early fall we would prepare dry fish. At this time, with the snows about to come, we would shift from using our horses to moving on foot and using dogs. The horses would be let loose where they could find winter pasture. The variety of horses we had didn't require the constant attention that horses seem to need now. After the men had returned from getting the "kit" for the coming winter, the groups would disperse again.

The next part of the round is that of early winter hunting and trapping for different fur-bearing animals. We would snare and trap some beaver while the ice on the ponds was still thin. As the ice thickened we would move on to the predatory species such

as marten, lynx, squirrel, fisher and wolverine. We would trap along a line which stretched from our winter campsites, usually along creeks and in a loop which would rejoin our camps. You can pick some of these out on our maps, they look like butterflies. Each of our trapping lines was generally regarded as being for the use of a particular family group.

Around Christmas or at New Years we would visit each other at the main campsite areas. This was the time for tea dances, and much visiting, a week at a time or more. Horses, dogs, teams, guns, everything would be given away. At this time some of us would make a trip to the trading post at McKay to trade fur and get supplies. Others, around the Namur Lake area, got trade goods from the "tripper" for the trading company who would be in the area. Most of us sold the fur as we got it.

After this visit we would return to our winter campsites and continue our hunting and trapping for fine furs.

Our next main move would be in early spring when our hunting groups would leave our winter hunting and trapping areas to trade fur and to round up the horses from the winter pasture. Following our trading and acquisition of snare wire, tying, or ammunition we would move out to the beaver hunting areas. This would be in April or May. These areas might be the same as the different families' winter trapping areas or they could be different.

The spring beaver hunt was looked forward to by everyone. It marked the end of winter and the beginning of spring. While the snow was still in patches on the ground and the ground was still wet, we would do selective burning of important habitats within our hunting and trapping territories. This spring burning

improved the feeding areas for large ungulates, provided pasture for the horses and also improved the berry harvest later in the year. We believe it also helped to keep complete areas from burning totally, as we have come to see in recent years. Our selective burning for habitat management came into conflict with policies of the forest managers and they forced us to stop it.

The spring beaver hunt also was the time when we would look over our hunting lands to see what the effect of the winter had been on the various species of animals within our territory. Everyone in the family was involved in this. We would examine these changes in terms of the capability of the land to support the various species. We would inventory the animals by carefully counting to assess how well they were recovering from the winter and how well we would be able to do in our next season's hunting. This would give us the information we needed to decide which areas should or should not be hunted and for how long. We would fish under the ice in the larger lakes and the Athabasca River all winter. However, the coming of spring break up at the end of April or May and the first open water would signal the start of a new cycle of our fishing, particularly for the Athabasca River. We would get two kinds of suckers which stay around until summer. Then we would have to move our nets to the McKay River to catch fish for dryfish. We would also catch lots of pickerel for dryfish and jackfish which stay around through the summer until about the end of July, Pickerel could still be caught through August towards freeze-up too. At freeze-up the Moraille start. We get them under the ice with hook lines. We fished under the ice all winter. They were good tasting fish with clean flesh.

After the spring beaver hunt was over, our different hunting groups would travel to the main campsites and to Fort McKay to trade furs. This was a time when our hunting groups would rejoin

as large groups. Summer (June and July) was a time for meeting together, visiting and camping. At about the end of July the whitefish start in the Athabasca and in August there are more whitefish which continue till about freeze-up. During the summer we would be at or around our fishing camps which were usually near good berry picking areas with good game not too far away. Pickerel could still be caught through August towards freeze-up. Some of our best summer camps were along the Steepbank River and at Tar Island. Tar Island has since been taken by the Great Canadian Oil Sands without consideration to the Fort McKay people. This was a prime hunting, trapping, fishing and gathering site for us. It was always one of our most "fail-safe" food areas and meeting sites. Another favoured site was along Seline Lake which has since been opened by the forestry to logging. Our maps indicate many such areas which have since met similar fates.

The latter part of summer was when we would discuss which hunting areas would be harvested in the coming season and where and how our trapping would be carried out. Up until the imposition and enforcement of trapping restriction and registration by government fish and game personnel, the trapping aspect of our Indian economy was entirely self-administered and managed.

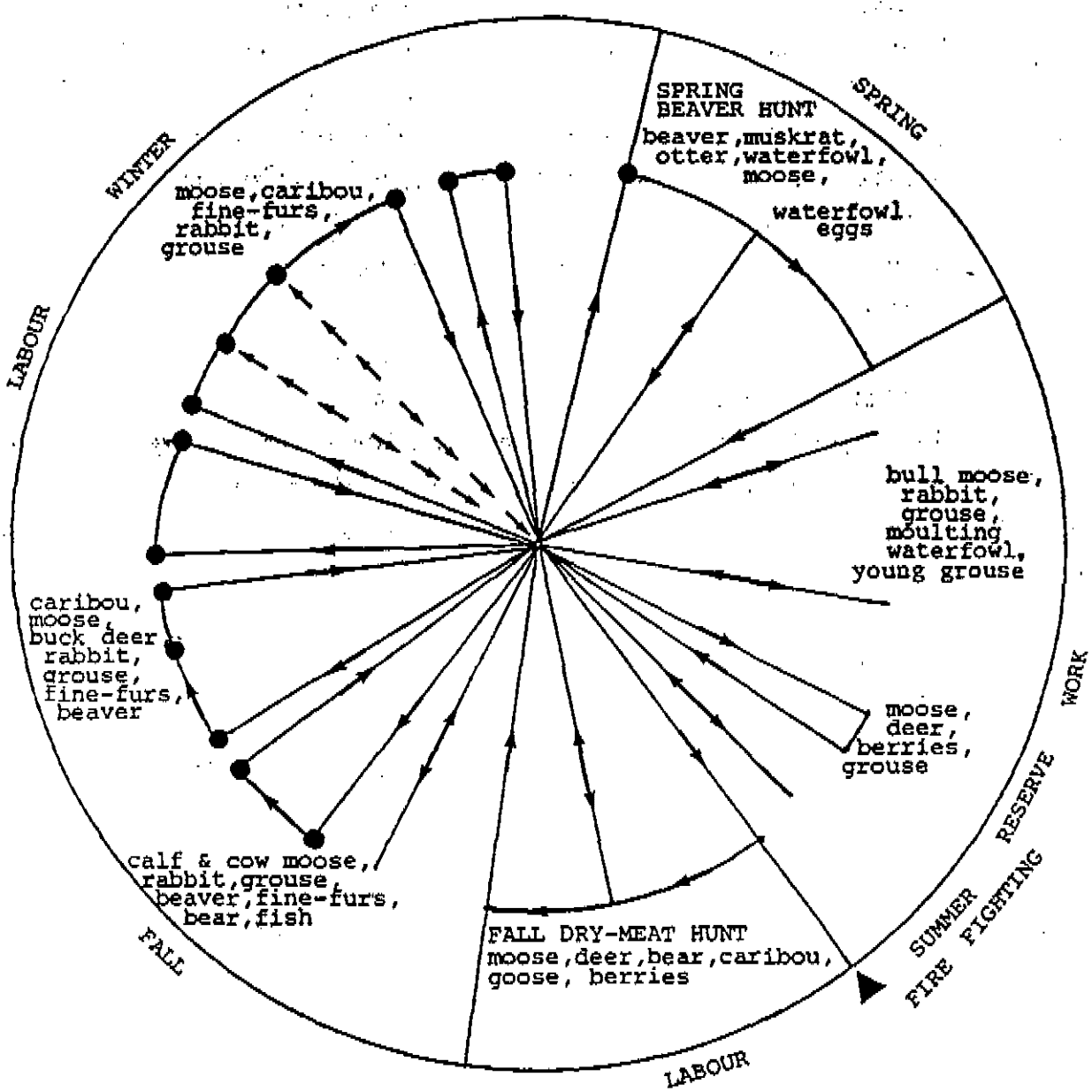
At the end of the summer, the annual cycle would begin again with the dry-meat hunt. This description and the diagram on page 81 gives the pattern of our seasonal movements and land use. It is by necessity a simplification of a complex and flexible system which has evolved since long before the fur trade. It has evolved in response to the trapping of furs for trade and sale. It is this same pattern which has been modified to fit with our people's more sedentary residence patterns which began about 1960.

G. OUR SEASONAL ROUND AFTER 1960

As we have stated before, the post-1960 period corresponds to several trends that were happening within our area. These included the expansion of oil sands exploration and development within our territory and a shift of the understanding of our area from a fur and forest area to an energy resource frontier. As noted earlier this also coincides with the introduction of compulsory education for children, family allowance cheques and permanent DIA housing. These events are important in that they are indicative of the pattern of settlement and natural resource/industrial development effects within our territory and upon our Indian economy.

By 1960 we had changed our residency patterns from being semi-nomadic to semi-sedentary. Our annual round was modified in that many of our people progressively began to carry out their hunting and trapping from a single base camp. That base camp is Fort McKay. The animals that we harvest and our harvest seasons have stayed the same. However, our Indian economy has become more of a mixed harvesting and wage earning economy. For the Fort McKay people this is an extension of our pattern of occasional and seasonal wage labour that has been a part of our economic "mix" since the fur trade. We have had cash and wage labour aspects within our Indian economy for quite some time.

The figure on page 89 shows the seasonal harvest and residency pattern since the 1960's. Again the harvesting seasons of our year (see page 80) form the basis for understanding our residency and resource harvesting patterns. Note that the circle in this figure represents Fort McKay and the heavy black dots continue to represent cabins on traplines. The lines with double arrows



OUR YEAR -------- POST-1960

In this figure, seasonal wage labour is marked outside the circle

represent shorter term hunting and trapping trips, back and forth from Fort McKay. The broken lines indicate a mixture of longer and shorter bush activities. At these seasons some of the groups are away from Fort McKay for extensive periods, other groups for shorter periods, and some people carry on these seasonal activities through day trips between For McKay and the bush. Seasonal wage labour activities are indicated on the outside of the circle.

Let us follow the annual round as it has come to be since the 1960's. The late summer and early fall are the seasons for dry-meat preparation, berry picking, and catching and preparing dry-fish for the winter. The principal species are moose, deer and bear. When the first schools were established in McKay the mothers and the rest of the school age children would, increasingly, stay behind in Fort McKay during the school year. However, the families as a unit would be involved in the preparations of the dry meat hunt season. The school was reasonable in not trying to keep the children from helping in these preparations for the next season. This was also done for the spring hunt. Usually the school would give their "go ahead" but, if not, the family heads would just take the children out school and the whole family would go. During the 1960's the women and younger children would mainly reside in Fort McKay during the winter months. This was a major change. It meant that now the men spent more time away from their wives and families, on the land getting meat and fur to support the growing numbers at Fort McKay.

The animals harvested remained the same and the movements on the land remained about the same in the post-1960 period but oil sands and industrial development had begun to lay claim to our people's favoured hunting areas, particularly near the Athabasca

River. First there was the increased activity of G.C.O.S., followed by a proliferation of oil sands leases, permits, exploration, construction and related activities. Within these newly imposed constraints the dry-meat and grease hunt continued in the late summer and early fall. About the third week in September the hunting parties would go out for the hunt. At the urging of fish and game officers, the areas for hunting in the post-1960 period have tended to concentrate more in the traplines areas. This has been in accordance with the growing concern of the fish and game officers to step up the enforcement of the registered trapline system and to increasingly control our hunting. These pressures by the provincial government to force us to hunt and trap all in the same place have interfered with our ways of managing our areas and the game.

Fall has continued to be the time of gathering cranberries and blueberries on both sides of the Athabasca River and behind Fort McKay. We used to pick boxes of blueberries in the area which became Sycrude's airport, but now it is difficult to get even part of a box, even if you pick all day. And the Fall is still the time to catch and prepare dry fish from the Athabasca River for winter use. This has always been a very important food, especially for use in the spring. However, the increased pollution of the the Athabasca River since the 1960's and the attempts by government to restrict our fishing have made it harder to provide all the fish needed for dry-fish for ourselves and for the dogs needed for packing and hauling toboggans. While we began to use snow-mobiles in winter, they have not completely replaced our dogs.

In the post-1960 period our horses continued to play an important part in the dry-meat hunt, both for transportation and for packing of meat. But eventually both the role of our horses and the

dry-meat hunt began to undergo changes. In the latter part of the 1970's the Forestry officers at Fort McKay began to buy up all of our horses. They kept them at a corral by the mouth of the McKay River. This continued until about 1977 when only one of our people was left with a few horses. He was persistent about keeping horses at Fort McKay but he was forced to sell the last of the Fort McKay horses. At about the same time, the Forestry officers asked us to inform them about where we would be making fires in the preparation of our dry-meat. This was to prevent the reporting of false alarms. But their request has now grown into a prohibition of all fires even for making our dry-meat, even for making tea in Fort McKay.

We see what has happened to the fish and these efforts to restrict our fishing, our horses, our hunting, our dry-meat fires as direct attacks on our Indian economy. All these restrictions affect us most strongly in the season when we should be getting our food for the winter and preparing for early winter trapping season. This has also become the time when the oil sands plants have their recruitment drives.

Since Fort McKay has become our main campsite we now purchase our hunting and trapping outfits in Fort McMurray before setting out for trapping. The early winter trapping for fine furs has continued to take place before Christmas, with our hunters and trappers moving back and forth from their cabins in the bush more often than they did prior to 1960 although the frequency depends on the availability of animals within the areas being hunted and the distance of the particular traplines from Fort McKay. The shift to a more sedentary residence pattern centered around Fort McKay has meant that more travelling time and costs are involved in reaching our most distant territory. Most of our people come in from the traplines at Christmas or New Years to bring in their

furs and to visit. Only those hunting and trapping long distances do not come in to McKay. Our dogs have continued to be important, particularly for packing since we no longer have our horses and we cannot use our snow-mobiles without snow cover. Snow-mobiles have not totally replaced the dogs and, in fact, are considered second choice to dogs and tobaggans for hunting and trapping in different terrains. Dogs do not need expensive spare parts, gasoline or oil.

The early winter hunting and trapping for beaver and the predatory species carries on much as before. After the Christmas-New Years visit people return to their cabins on the traplines to continue hunting and trapping. Fishing is still done under the ice with nets or with hooks and lines. At the end of the winter trapping people return to Fort McKay to sell their fur to the furbuyers.

The spring beaver hunt has continued to be looked forward to by the Fort McKay people. It remains a family affair as much as possible. Even after most of the people moved to Fort McKay around 1960, the children would be taken out of school for the spring hunt. Later, as soon as school was out, whole families would move into the season's activities for fishing, visiting, gathering, collecting food and hunting.

This has been the pattern of our year since 1960 to the present. Throughout our history on this land we have continued to manage our harvests of the animals in our territory and the distribution and reproduction of the harvested species. We have continued to do this by the rotational use of areas within our territories and by shifting our reliance to other game animals when populations were low or by using more purchased foods. This is the way in which we continued to be the guardians of animals, plants and

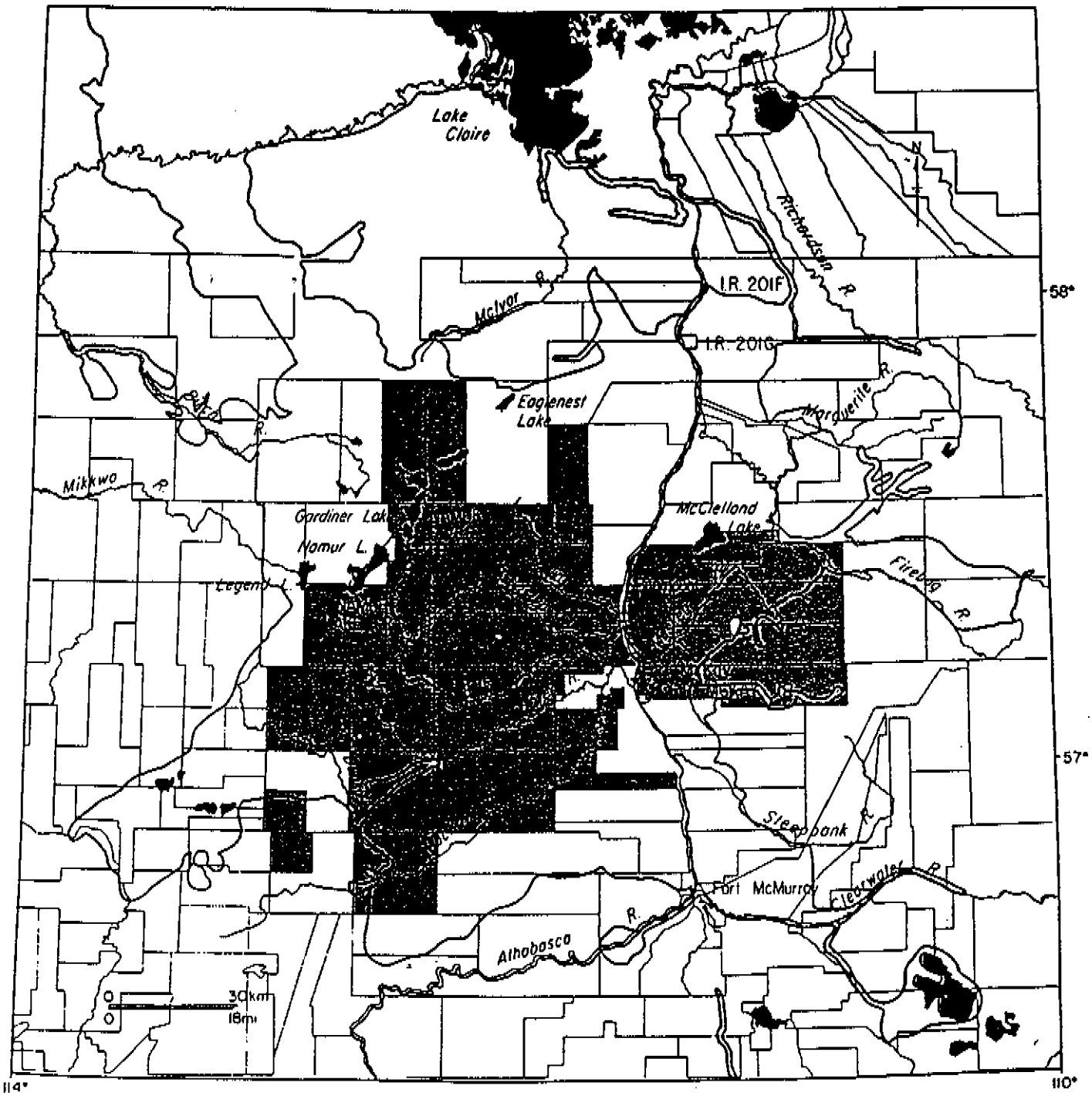
One of the principle examples of the progressive restriction process on our Indian economy and its practice within our hunting and trapping territories has been the steadily increasing attempt by other governments and agencies to regulate and administer our resource harvesting, particularly our hunting and trapping. We have made some reference to this in Chapter IV regarding the nature of the registered trapline system. Rather than being a solution to the invasion of our territory by the newcomers, it was a system which effectively served in its implementation to impose a new set of alien rules of the game in which our interests were not protected or considered. While the registration of traplines was being instituted, the idea was being sold to us as being something that would protect our hunting and trapping and wouldn't interfere with the way we were doing our hunting and trapping. Nothing could have been farther from the truth. Rather then recognizing and protecting the integrity of our hunting and trapping territory and Indian economy, it legitimized the progressive taking up of trapping areas within our territory by outsiders and provided the means of progressive restriction of our Treaty Rights, our resource harvesting and our harvesting territory.

The first registration of "lines" in our area was undertaken in the early 30's. Many of our people were unable to secure registered lines due to the bureaucratic slowness of Indian Affairs in protecting our areas against the encroachment by the outsiders who had their money ready when registration was opened up in the area. The legacy of these accumulated restrictions may be seen on the map on page 97 which shows the boundary of our hunting and trapping territory and the registered trapping areas administered by the provincial Department of Fish and Wildlife. The shaded registered trapping areas are those held by the Fort McKay people in the 1981-82 trapping season. The unshaded

FORT MCKAY REGISTERED TRAPLINES

This map shows the registered trapping areas held by the people who normally live at Fort McKay for the 1981-82 trapping season. This represents only about half of the registered trapping areas that have been created within our hunting and trapping territory by the provincial government. The other registered trapping areas are currently held by non-Fort McKay people.

Source: Alberta Fish and Wildlife


Lake Claire
Richardson R.
I.R. 201F
I.R. 201G
McIvor R.
Eaglenest Lake
Marguerite R.
Mikkwo R.
Gardiner Lake
Namur L.
McClelland Lake
Legend L.
Firebag R.
Steepbank R.
Fort McMurray
Clearwater R.
Athabasca R.
30km
18mi
58°
57°
114°
110°

registered trapping areas within our territorial boundary are registered almost exclusively to non-Indians, some of whom live as far away as Edmonton and Red Deer, over 350 miles away. This map represents at least a second stage of evolution of the registered trapline system of the provincial government. Some of the registered traplines previously held by our own people in our traditional area have been lost to outsiders, forcing our people to double and triple up on traplines which were in the poorest parts of our traditional territory.

The next major dislocation came in the switching over of the registered trapline system in the 1960's from linear, roughly 40 miles long, traplines along creeks to one of registered areas. This was supposedly done in our interest and yet we have no record of any consultation on this matter with any of our hunters and trappers. As a result of this imposition, our people were forced to change the way they did their trapping. They were expected to just move over. Cabins, trails, caches and many improvements were rendered useless as our peoples' registered trapping lines were shifted. There was no compensation whatsoever. The change from lines to areas has served to facilitate the progressive restriction process and encroachment of industrial development within our traditional area in ingenious ways. First, more trappers could be squeezed into "areas" to accommodate the flood of requests from the growing population of Fort McMurray, and from farther south, who wanted to trap in an area that was already overcrowded from our point of view. However, more revenue could be gained from licencing and fur taxes in this system. Secondly, the idea was promoted by Forestry and subsequently by Fish and Wildlife who took over its administration in 1970, that with "areas" the trapper could be better able to manage and conserve the animals in his area by adapting his harvesting and shifting his trapping within the

boundaries of its legal definition on the map. The effort was also made to restrict hunting, whenever possible, to the registered trapping areas within the province. This was a further infringement of the hunting and trapping rights under Treaty #8 and was not adhered to by those with a good understanding of their rights.

Another offshoot of the shift from lines to areas was that, in theory, it provided more room for a trapper to change his system of trapping within his area when part of his area was destroyed or rendered less attractive by oil, gas, forestry or transportation development. For example, if a new road crossed a portion of a Fort McKay trapper's registered area, the trapper was simply expected to move over and, if necessary, abandon his cabin or improvements and re-establish his trapline in a more distant or less disturbed part of the area. While in a real sense an area of land had been destroyed or removed from the usual usage the hunter or trapper was neither offered compensation in kind, by the addition of more land to the area, nor financial compensation to help the trapper cut new trails or re-establish his line in a different location. A recent study (Justus-Simonetta, 1979) found that, generally, none of the households had received any compensation for losses or damages on McKay traplines except for one or two people who had received some $20.

Our study of the problems within the registered trapping areas that our people hold has revealed that the majority of our traplines have been infringed upon in a variety of ways, including: direct destruction of habitat by forestry roads, logging, seismic or truck trails, oil sands exploration lines and drill sites, campsites, airstrips, helipads, rights of way for pipeline or electric transmission and the like. These render portions of our hunting and trapping areas unusable or less useful and we are

forced again to change our ways of harvesting. Further, once a cutline or cat trail is opened into our territory, it is continually used by others to enter deeper into our territory for resource exploration and sportshunting, sportsfishing, poaching of our animals and destruction of our cabins and trapping equipment. The east side of the Athabasca River has been almost completely opened up to this kind of penetration and abuse of our hunting and trapping territory, particularly since the completion of the Alsands bridge. These are not short-term effects. Once an area has access of even the roughest kind, four-wheel drives and even all terrain vehicles can enter, regardless of whether the cutline or road is "put to bed" by being recontoured or altered by seeding. So there is direct loss of habitat and increased numbers of hunters and harvesting of the species we depend upon to survive.

When G.C.O.S. was being built in 1964, they took Tar Island and backfilled it for their plant site. In 1974 construction began in that part of our territory which became known as the Syncrude lease. It continued through 1978 when Syncrude became operational. Our hunters and trappers were pushed out of that area, either by Fish and Wildlife officials not allowing people to renew their traplines, or by the progressive and unilateral re-definition of the legal description of our registered trapping areas on a "take it or leave it" basis. This was an attempt to make our trappers vacate the area entirely, or to move them away from their usual places of trapping near the McKay River, Mildred Lake, Ruth Lake, Horseshoe Lake and the Beaver River. Some trappers received inadequate compensation; others received nothing and were just pushed out. Some of these trappers still have not been able to get registered traplines to this day. No one who was compensated in any form is satisfied. Another means of forcing our people out was to not allow our people to renew their lines within the

Syncrude lease. Then Fish and Wildlife would declare the area "vacant" but would not allow anyone to be registered in that area. Eventually the registered trapping area number and file reference would be withdrawn from their records. Only the lines on the master map in their offices are left to show what remains of these areas. Many of our people were born there, and now they cannot even get through the gate without great difficulty.

During the construction phase of G.C.O.S. from 1963 to 1967, there was an invasion of our territory by sportshunters who had come to work on the project. This was also true during the Syncrude construction phase from 1973 to 1978. Between the men living in camp at Syncrude and the town of Fort McMurray, the construction work force reached 8000 by mid-1977. Fish and Wildlife estimates of numbers of hunters in the game management units which correspond to our hunting and trapping territory for the 1974 big game hunting season was almost two thousand hunters. These, in the main, were newly arrived "locals" who came to work in the oil sands industry. These statistics were estimates based on voluntary returns of questionnaires and we submit, are gross underestimates of the numbers of sports hunters that actually were in the bush that season. It was during this time that our horses began to get shot. What we are describing here is a pattern of the opening up of our territory through oil and gas exploration, a destruction of habitat, and an influx of sports hunters from outside the region who were seeking or obtained oil sands related employment and the pressures these all brought to bear on the animals and lands upon which our Indian economy depends. The penetration of our territory was made possible far beyond the actual plant sites by the creation of access resulting from forestry and oil exploration.

The question arises: "How did the Fort McKay people come to hold so few of the registered trapline areas that are in within our territory?" The answer to this question lies in understanding the progressive restriction process referred to throughout this report. It lies, as well in understanding the imagery of the "new frontier" that has been projected by government, industry and the public at large on the lands which have always been our hunting and trapping territory and what this has meant as settlement and resource exploration and development have proceeded in the past, and, if it continues in this way, what will be the future of our economy and culture of the Fort McKay people.

Looking at the map on page 97 which shows the traplines currently registered to Fort McKay people within our hunting and trapping territory we can see that of the approximately 50 areas "created" by Alberta Fish and Wildlife, 25 or 50% are held by outsiders. Our own examination of the history of trapline allocation in these portions of our territory has led us to the conclusion that a large area on the east bank of the Athabasca (in the south-east of our territory) has been lost to the Fort McKay people by the registration of traplines to non-Fort McKay people. Still on the east side of the Athabasca, looking northward, we can see the loss of a whole section of land which has been withdrawn from the legal description of available registered trapping areas. This is one of the costs of Alsands. Looking farther northward we can see that we have been pushed away from the Athabasca River and have lost more traplines to non-McKay people.

Turning to the west side of the Athabasca, we see that areas near the river have been allocated to others. This has been the case from Fort McMurray, running northward towards what is now known as the Syncrude lease. Within the Syncrude lease area itself, only one of the Fort McKay people's traplines is still

"officially" allocated to us. The rest of the trapping areas within the lease are currently not allocated. This represents an extensive part of our hunting and trapping territory and one of the richest areas for the practice of our Indian economy. Looking along the southern reaches of the McKay River to the north-west of Fort McMurray, we see more registered trapping areas that have been allocated to others.

Still on the west side of the Athabasca if we look north of Fort McKay, we see that along the river, here too, we have been pushed back from the river and these registered traplines have gone to non-Fort McKay people. The same is true farther to the west in the areas under the McIvor River and east of Eaglenest Lake. While, damaged by fire, these areas are being "reserved" by Fish and Wildlife for the non-McKay people from the south.

Turning to the area around the Namur and Gardiner Lakes, an area which has everything to support a rich hunting and trapping economy, we see that the registered trapping areas adjacent to our reserves have been allocated to non-Indians from Red Deer and Edmonton. The registered trapping areas to the north and west of Gardiner Lakes have been allocated by Fish and Wildlife to natives from other areas who have different territories of their own. This mis-allocation of registered traplines to natives from other areas has also happened just west of Legend Lake. To the north of Legend Lake, the area has been allocated to a non-Indian who lives in Edmonton.

In short, it is not difficult to see the pattern of disregard for the interests of our economy, or the restriction of our treaty rights. As we will see further in the next chapter, the areas that we have been forced out of conveniently correspond to the expansion of industrial and related developments within our

territory. The invention and control of a system of registered traplines by the provincial government has served to dislocate our economy as it has been practiced since long before there was an Alberta. The misadministration of the registered trapline system since its introduction, and, more recently, its way of dealing with our interests within our territory, have showed a clear preference for facilitating industrial expansion in, and penetration of, our territory at the expense of the land and resources upon which our Indian economy depends.

Since the 1960's our economy has responded to these pressures in a number of ways including shifting our harvesting to different parts of our territory within the range of possibilities open to us. However, the means of being able to resolve these difficulties have been progressively taken away from us, along with increasing amounts of the land and resources. We continue to inventory and observe the changes in the animal population and manage those critical habitat areas to ensure their survival. This has been made increasingly difficult by the destruction of habitat by the oil industry and more recently by a resurgence in the forest industry which has included clear-cutting of mature stands of spruce right on the banks of the McKay River to the south-west of McKay near the Syncrude lease. Critical habitat is also being lost by massive forest fires which have burned whole areas. These can be seen in the map on page 171. These fires are now of a scale never before experienced in the history of the area as we can recall it. We are now prevented from doing our spring burnings which may have been what prevented this from happening before.

The government scientists seem to want to take over managing the animals in our territory. Maybe they didn't know we were doing it before. The way they go about studying the animals is a

shame. To try to figure out how the animals behave "normally" they put radio transmitter collars around their necks and maybe even inside the smallest ones. The bears are collared in the spring when they are skinny after coming out of hibernation. By the time late August comes and they have grown, they are just about choked to death. The same is true for the weasels. We find them with the collars rubbed right through the fur and skin and into the raw flesh. The bull and cow moose that are collared usually don't have a chance. They run and run after they are collared. They don't stop moving. They get weak, they don't eat, their meat tastes bad, and they usually die. If a cow is collared it is particularly bad because, rather than stay put with her calf in an area with good browse and protection throughout the summer, the strangeness of the collar makes them move. This usually means death for both the calf and the cow. The government and oil company scientists just add more problems by doing these things. Besides the loss of the animals, and the disturbance to their year and their movements (which affects our round, too),the scientists still won't know how the animals behave "normally" or where, or how far they move, because the only way to know that is to do what we do. That is, to follow them on foot, year in and year out and then you begin to understand how the animals are.

The sportshunting has gotten so bad that it is not even safe to be in the bush during the open season. The sportshunters shoot at just about anything that moves. They shoot up our cabins just for the fun of it. They shoot a moose and just cut off the horns or the hind quarters and leave the rest. Recently we have heard that the sportshunters are using charter airplanes to spot moose and are even shooting them from the air. What would happen if we hired a plane to shoot a farmer's animals or his house? Since economic "hard-times" have come to the non-Indian alternate

economy, many more people have begun to see a moose as having a two thousand dollar price tag on it in terms of the meat it could provide for the freezer. That is probably why more and more people seem to be coming into our territory and killing our moose. Now we have to go farther and farther to get moose. The mule and white tail deer have become very scarce, as have the caribou. There hasn't been a porcupine for about five years. The squirrels have become scarce. There haven't been any berries to speak of since the oil sands plants. The hunting pressure has been very bad on the east side of the Athabasca for many years since it has been opened up by exploration and pilot or commercial oil sands development.

The non-Indians have begun a new form of invasion of the blocks of registered traplines that we still hold. This has been going on for a few years now. With the approval of Fish and Wildlife, they are becoming placed on our traplines as junior partners, or, if this is not possible, then they offer to buy up what the outsiders call "improvements" on our traplines. By having a "stake" in the line, the newcomers eventually come to get control of the line by having it formally allocated to themselves. The Fort McKay person, who may be cash-poor for whatever reason, is bought out and/or gives up trapping. There is no shortage of cash or interest in buying up our trapline areas. Even the most casual study of correlation between oil sands development and movement of non-Indian, non-Fort McKay interests into the registered trapping areas in these locations indicates that this is more than coincidence. The results are that we lose more and more of our territory, our hunting and trapping patterns are changed again and a new portion of our territory is opened up. This process has been repeated again and again within our territory, increasing in intensity since the early 1960's. While the Department of Indian Affairs was managing the administration of

the payment of registered trapline fees for the Treaty Indians of Fort McKay, the chances of losing a registered trapline were minimized. But in 1968-69 the Department's policy changed to favour the stopping of payment of the $10.00 registered trapping licence fee to the province, increasing the amount of contact with and effective control over Indian trapping practice by the provincial agency. In this change of policy, the Fort McKay Treaty Indians became responsible for payment. Rather than signalling an end to paternalism and the beginning of new rapport between provincial fish and game wardens, this policy change by Indian Affairs opened the door wider to the discretion of the local game officers in deciding legitimacy of claims in our area and gave the officers in the field effective control over registered trapline allocation.

More of our traplines were lost. This had reached such a proportion in our territory and in the province as a whole that the Indian Association of Alberta and the Department of Indian Affairs conducted a review of the Treaty Indian trapline situation in 1975 and 1976. They found that between 1963 and 1973 Alberta Indians had lost between 1/4 to 1/3 of their trapping area. The Department of Indian Affairs, which has a trust responsibility for "Indians and lands reserved for Indians", had become concerned with the financial or trusteeship implications of the increased potential for dependence on social assistance payments which accompanies the loss of traplines. The Treaty and Aboriginal Rights Research Program compiled maps, information and data on the situation and this resulted in the Department and the Indian Association urging mutual cooperation to halt the loss of Treaty Indian traplines. These discussions were to some extent successful and at least on one occasion the province indicated that it would be prepared to correct the loss of Indian traplines

but that it was not clear as to whether or not the traplines that were lost would be given back or other traplines would be made available.

One clarification following these discussions was the issuance of a clear policy statement with regard to the problem of lost Indian traplines in Alberta. This was known as the "Native Trapping Policy". At this time (1976) the Fish and Wildlife criteria for allocating a Trapline to a "senior holder", whether Native or non-Native, in use for all types of registered trapping were:

1. Thorough knowledge of trapping devices and techniques
2. Thorough knowledge of trap size for specific species
3. Knowledge of recent trapping developments
4. Knowledge of regulations regarding trapping
5. Knowledge of handling and preparation of skins or pelts
6. Knowledge of marketing procedures
7. Knowledge of trapping area management
8. Knowledge of species and track identification
9. Knowledge of risks and privileges conferred by Certificate of Registration
10. Production of wild fur in the past
11. Familiarity with the area applied for, and
12. When applicable, the investigation of previous trapping area records.

The policy regarding Native Trapping is:

> All trapping area applications are assessed by the above mentioned criteria with a special effort being made to communicate with the native trapper. In order to maintain the native trapping in the province every effort is made to register a Treaty Indian on a trapping area that has historically been trapped by a Treaty Indian. (Fish and Wildlife Memorandum, December 1, 1976)
>
> (Emphasis Added)

It is clear from our view that the Fish and Wildlife policy was intended to ensure the continuity of Treaty Indian trapping areas. While this represents a recognition of the loss of traplines problem, and implicitly recognizes the community character of the Fort McKay people's trapping, it was a case of too little too late and was not implemented with regard to the registered trapline areas within our territory.

The Region and District personnel of Alberta Fish and Wildlife have, at various times:

1. disavowed any knowledge of the existence of such a policy regarding Native trapping, or

2. taken this to mean that allocation of a registered trapping area is at the discretion of the District staff in Fort McMurray and could or could not involve placing another Treaty Indian on an area historically trapped by a Treaty Indian, or

3. have not interpreted the phrase of the policy regarding making "every effort" to mean that the Band Council or Administration should be notified of traplines becoming available for allocation, or

trapping areas within our territory that are currently allocated to us. At present we have a list of some 25 Fort McKay people who require traplines and who have been unable to get them. In the meantime, more and more traplines have been taken up by non-Indians from Edmonton and Red Deer or by other Indians whose hunting and trapping territory is to the west or north of ours. All this is happening within our hunting and trapping territory. Not only has the provincial government, with the approval of the federal government initiated a system of registration of traplines and taken on its administration, but, we submit, it has mis-managed that system and ignored their own "Native Trapping Policy". We are the net losers and pay all the costs in the implementation of this system within our territories.

Our trappers have discussed at length the current situation within our territories and have concrete proposals for dealing with the effects of rapid resource development over the short and long term.

By way of finding a solution to the problems we are having with our Indian economy, and particularly regarding trapping, we propose:

1. All meetings regarding Fort McKay traplines take place in Fort McKay and no changes of any sort be made with respect to these traplines without first sitting down with the Band Council to discuss the matter.

2. All traplines in the Fort McKay hunting and trapping territory are to be frozen until the representatives of Fish and Wildlife, Forestry and Fort McKay have come to some understanding.

of fisheries and wildlife resources. We were not informed of the drafting of the policy until after it was put forward in the legislature. While the Indian Association of Alberta allegedly had some participation in the discussions surrounding the formulation of this policy, we did not. Now Fish and Wildlife is asking for discussions with the public at large to develop the criteria, guidelines, and/or procedures necessary to put the various elements of the policy into effect. The Alberta Government's preferred vehicle for consultation on implementation is to be another instant institution - the Fish and Wildlife Public Advisory Council comprised of some fifteen or so organizations reflecting such a divergence of interests as the oil and gas industry, forestry, agriculture, municipalities, the travel industry, conservation organizations and sportshunting interests. Representation also comes from the Indian Association of Alberta, the Metis Association of Alberta, the Alberta Trapper's Central Association, and the Alberta Outfitters Association among others. The Treaty Indians, the only group to have guaranteed rights to hunt, trap, fish and gather has minority representation on this Advisory Council. In short, the policy has been set by Alberta Fish and Wildlife and now they are calling for public participation to contribute to the implementation of the policy.

The policy itself is comprehensive in scope and includes outdoor recreation, hunting, trapping, fishing, outfitting, guiding, licencing and enforcement. While we continue to look to the full implications of the document for our rights and interests within our hunting and trapping territory, the following are essential elements of the policy which in our view lead to further enfringement of our Treaty rights, encroachment of our territory and make more difficult our management of wildlife resources within our area.

1. The Government of Alberta recognizes the rights of Alberta Indians, while maintaining wildlife resources in a viable state for the benefit of all Albertans.

2. The Alberta Government will consider the extension of hunting and fishing rights for food purposes beyond those who have Treaty Rights to others in remote areas during the closed season. As such this is an extension or creation of right and means increased competition for these resources.

3. The Alberta Government would become allocators of wildlife to tourist lodge and/or outfitter use by licence. Not only does the Government think they own the animals but that they can sell them at the prerogative of the Minister! The Minister would, in effect, decide on the allocation of wildlife resources to the different "users." Given the history of our area and the treatment of our legal rights and interest by those competing for the land and the wildlife, this would spell disaster for our people and our economy.

4. The Government of Alberta's policy approach to wildlife and the lands that support them is to view these all as marketable resources; that is, that a free-market economic model is good for all, regardless of the fact that for the Fort McKay people this is our food, our right and the basis of our Indian economy. Rather, Alberta's real concern is to get a better return on the investment of what they consider to be their resources for the provincial treasury. We have seen this tendency elsewhere in this report with respect to Fish and Wildlife's approach to registered trapping in the past.

5. While paying lipservice to respecting our rights which are ours by Treaty, the Alberta Government is in fact opening up the wildlife resources to more competition from sports-hunters using a right-to-hunt, individual rights notion, and selling more of the resources to tourist lodges, guides and outfitters under licence. In effect this amounts to increasing access to wildlife resources which are guaranteed to us by Treaty and which are already in a precarious situation within our area from past and present sportshunter invasions described throughout this report. The policy and any legislation regarding wildlife usage would be based on the minimum infringement of individual choice for the licenced user.

6. The Minister's allocation of the resource would extend to fishing as well. Here the Alberta Government would limit out Treaty right to one of fishing for food, by licence, and to specific sites. Fish and Wildlife would develop and implement a system of allocating fish resources by a licence or quota which can, in theory, be bought and sold or transferred for five year terms under a contract which would in effect create rights for both the individual and the Alberta government as parties to the agreement. These licences would be available for commercial fishing, tourist camps and/or lodges, commercial bait fisheries, and for fish farming on unoccupied crown land.

In short, we view and must further analyze this policy initiative of the Alberta Energy and Natural Resources in light of the progressive restriction process which has been operating within our territory.

This policy represents a direct infringement of our Treaty rights to freely practice the hunting, trapping, fishing and gathering aspects of our Indian economy according to our own systems. Within our hunting and trapping territory, the thrust of such a policy could well provide for further sportshunting and fishing invasion and removals of the already scarce resources upon which our economy and culture depend. This policy and the notions upon which it is based are in direct conflict with our rights and interests. Can it be that the Federal Government is about to or has already made a decision to allow further infringement of our Treaty rights? We cannot and will not allow this to happen within our territory.

I. FORT MCKAY DOMESTIC ECONOMY ANALYSIS

The maps show the extent of our land and resource use but we wanted to know about the intensity of our people's usage of the bush and how this compares to other ways of living within our Indian economy as a whole. This would help us to document how important the bush and bush life is for our people. One way of doing this was to figure out what the land provides and what value the people themselves put on this.

In doing this we would see in a different way, with the use of numbers and value equivalents what living from the land provides and what it would cost us if we could not live from the land even as we do now.

In doing this our people again emphasize how important it is to maintain our ties to the land and everything that the land provides. We produced this analysis because everyone from game management agencies, to governments and the oil industry have

asserted that we overharvest, waste, or simply don't need to hunt. Others, such as representatives of the Department of Indian Affairs, assert in their memoranda that we are not "serious" or "professional" trappers according to their values and models of what trapping is supposed to be about. There is pressure being exerted to take up more of our hunting and trapping territory by industrial developers and by "serious" or "professional" harvesters whose harvesting patterns find more favour with registered trapline administrators. Recently there have been statements attributed to a representative of the Fort McMurray public health official to the effect that we:

1. Are unemployed,
2. Have no viable economy,
3. Are a drain on the taxpayer, and
4. Should be relocated to more "economically viable communities" such as Fort McMurray

We bring this up here simply to point out that statements made out of ignorance and not based on data only provide more misinformation about the Fort McKay people and add to the racism and inertia to relocate us either "for our own good" or simply because we are "in the way". This type of argument is obviously self-serving and helps to perpetuate the ideology that Indians are in the way. It is also useful to examine these in the context of our Indian economy.

First, the calculations and evaluations of our Indian economy by governments, industry and other reinforce these notions that we "unemployed", have no "viable economy", are "ungrateful dependents" and so forth. Wage employment and transfer payments are usually understood as income, while what we earn from the bush is not treated as income. This often leads to the stereotype that

our hunters are unemployed and that what the land provides is minimal. This results in the continual misrepresentation of our Indian economy and feeds the convenient stereotype that we are a people "without an economy".

These misunderstandings about our economy by Indian Affairs and provincial government officials have serious consequences at the level of official policy formulation and at the level of non-policy areas which are left to the discretion of government office and field staff. These misunderstandings lead to policies and/or actions which minimize or define our Indian economy as unimportant or inappropriate in the regional scheme of things. In the case of trapping, for example, a recent study of trapline affidavits (A. Todd, 1978) in the AOSERP study area from 131 traplines estimated that the mean annual value of wild fur reported per trapline was $1,252.61 over the period from 1970 to 1975. It also concluded that "many traplines were greatly under-utilized" and that "the potential economic value of the wild fur resources in the area were several-fold that realized during 1970-1975." Further, it acknowledged that "cultural and recreational aspects of trapping which were ignored in this report should also properly be considered in judging the significance of trapping." These types of conclusions echo the assertions as to the nature and value of Indian trapping made in Department of Indian Affairs memos and correspondence over the years which view trapping as an income producing occupation of itself, rather than as a way of life and a part of the annual round of hunting and related harvesting. For example:

1. Serious trappers should have large enough traplines so that the trapper, using "modern" methods can get enough fur to make a good seasonal living without affecting his basic stock for the next year.

2. Seasons and regulations must allow the trapper to "farm" his trapline according to the person's location and circumstances.

3. Individual trapper must have full control over his particular trapline so that he is not subject to pressure from other trappers concerning the manner in which he will crop his fur.

4. Trapline geographical location must be set up with due regard for the present community type of life led by the trapper now, and for the forseeable future.

5. Every trapper who traps a registered trapline must be of a "professional trapper status", i.e. "an individual well enough motivated so that he is prepared to trap on a full time basis during the trapping season" and "must have enough native intelligence to absorb basic trapping principals presented to him by a trapper education officer."

6. "Professional trapper" is the opposite of the "hobby trapper" or the "forced trapper", the latter being he "who has no other means of obtaining a bit of cash, and no other employment available to him - so in order to maintain his dignity as a man and to keep from going stark-raving mad goes out trapping for a short period."

7. How to devise a way to tell when a trapper is properly utilizing a trapline (in order to decide on trapline allocation) with the rule of thumb being ultimately discretionary, i.e. "the logical way to determine this is simply to ask yourself 'Is this man making a reasonable living off of the line?' If the answer is no then one of two things is wrong - the line is not satisfactory or the trapper is not a professional. If the line has

a proven satisfactory professional background then the man is unsatisfactory, and some other occupation should be found for him. If the line does not have this background, then a move is in order for the man and he should be allowed one more try to substantiate his professional status.... a man should either be making a decent living as a professional trapper or he should not be holding a registered trapline; and in this there can be no compromise, it must be black or white, yes or no."

8. Dogs are obsolete generally and the answer is mechanization i.e. the "motorized toboggan" should be introduced into communities.

9. Education in the latest trapping methods. Fur handling and preparation, marketing and youth training programs should be instituted to give more returns to the trapper.

10. The registered trapline system should be changed to accommodate the new distinction between "professional" and other trappers.

11. Only one administrative body should have full control over the sale or disposal of a trapline. Without this control the traplines tend to wind up belonging to the man with money irrespective of his trapping ability or seniority. In order to bring this about regulations should indicate and prospective registered trappers should be made aware that all trapline improvements, including trail cutting and camps become the property of the crown when a licence is invalidated. All trapping equipment may be sold by the owner but no trapline or its improvements may be sold by the holder of a licence." (Emphasis added)

12. The relicencing of vacant traplines should be handled by public posting of the vacancy and acceptance of all appli-

> cations for the line by the local officer. The picking of the successful candidate should be done annually at a spring trappers meeting, not by vote but by discussion of all trappers concerned with the officer having the final say as to which candidate is the successful one. The Officer's decision is final but in each case he must justify his decision by a report, on each trapline posted to an administrative body. (H. Thrall DIAND 701/20-10, March 12, 1965)

These points from a discussion paper prepared by a Department of Indian Affairs official in Edmonton Regional Office set out a very adamant view of how Indians should be doing their trapping and what should be done to make trapping an "occupation." This discussion paper is revealing in several ways. First in the role of those directly affected by the design of the program:

> The acceptance for these proposed changes must come from the people involved in the changes. As a matter of fact it must be presented in such a manner that the trappers believe that they planned and initiated the program. (Emphasis added)

Secondly, it reveals imposition of non-Indian models of trapping and trapline management. It under lines as well, the dangers for the "cross-pollinization" of ideas in the grey areas of discretion which have tended to undermine our Indian economy through regulation and restriction and the enfringement of our Treaty Rights. The pronouncements of such discussion papers and memos, whether or not they are formally adopted as policy, begin to have a life of their own and become the basis by which decisions about trapping tend to be made. Interestingly enough, the working paper cited above entirely overlooked in its analysis of the "trapping problem" the need and means for retaining the Indian interest in and occupation of traplines to ensure that non-Indians do not subsequently displace them.

We have gone on at some length here to convey the misunderstandings of our economy as a whole, and of the trapping aspect of it in particular. In short, non-Fort McKay people fail to see that our domestic economy is a source of income.

Let us begin with the analysis of meat. Table 1 shows the average weight of the major species harvested. We have not included any information on caribou harvests or elk harvests as we are currently trying to conserve the few that are left.

TABLE 1

AVERAGE WEIGHT OF EDIBLE MEAT FOR MAJOR SPECIES

SPECIES	MEAT PER ANIMAL (POUNDS)
Moose	450
Deer	80
Black Bear	150
Beaver	18
Rabbit	2
Grouse	1

From the information that our hunters and trappers have given us, we found that each community resident has available to them one pound of hunted meat on average per day. It is this fresh meat that provides our strength and is the most important item in our hunting economy.

We can attach an economic value to this meat in order to compare the returns from hunting and trapping with other economic activities as well as costs associated with participating in the hunting and trapping economy. This type of economic valuation does not in any way represent everything the meat we get from hunting means to us. There is no equivalent or market-value for wild meat, nor for our hunting. "Willingness-to-pay" is a ludicrous concept and question to apply to Treaty Indian hunters and trappers. These are our rights. Further, we firmly believe there is no equivalent value or replacement for hunted meat. Nor is it really possible to understand our returns and economy in these terms. Nor can these values be taken as a means, or even a beginning, to compensate us in dollars and cents. This cannot be overemphasized. The dollar values which we attach to the meat here are solely for understanding the relation and importance of the meat <u>within</u> our Indian economy. the irony of this is that to make this understandable to outsiders we must use models and methods that do not really apply <u>within</u> our own economy. We stress this because there are those resource developers or government agency policy-makers and administrators who believe that a moose is worth "X" amount of dollars and if that is provided, either to "habitat enhancement" or "alternative foods" then "just" mitigation or compensation results. Such an approach calls for our economy to move over and allow business usual for resource development within our hunting and trapping territories. However, this model of valuation is not true, nor do we believe that it will ever be true.

Having pointed this out, we can turn to Table 2 which sets out the dollar "value" of hunted edible wild meat if priced as store bought domestic meats. We have used here the prices of the

3. The need to travel farther and farther to find game because the game have been disturbed by industrial development and killed off by sportshunters, particularly where access has been opened.

4. The way that we are forced to leave our hunting areas when we find that sportshunters are present because we are afraid for our safety.

5. The destruction of prime habitat for the major species within our hunting and trapping areas directly by resource and related development and by increased sportshunting and poaching.

Tables 3 and 4 give average annual values and expense costs per household for our Indian year 1980-81. This analysis indicates that, from a Western non-Indian point of view, balancing costs against the hypothetical value of the returns of the products we harvest from the land, the hunting and trapping side of the Fort McKay economy is a roughly "break even" economy. If we compare the average annual value or income from the land per household figure of $12,585.00 with average annual expenses figure of $11,185 we find average household returns to be $1,400.00

Some may wonder why people would continue to hunt and trap since the Western economic sense or cost-benefit analysis would find the return so low, particularly with respect to alternative ways of investing time, energy and money. When we compare these earnings to the poverty line, we appear to be totally impoverished. Even when we include all other sources of cash income (including transfer payments), as is discussed in Chapter VII, our people have an average monthly cash income of $660 when trapping is not included. However, the reason that we continue to practice our economy is because it is our culture, as is the land. It is the way in which our culture is passed on to the

coming generations. Through our economy and our sharing we are able to survive. We share what we kill and what cash earnings we have and use our cash to support our hunting and our trapping. It is this very flexibility as a people which is the central part of our Indian economy and allows us to face the most difficult times. It is not of our doing that animals are getting fewer and are moving away but we are the ones paying the costs.

Through our reading of archival materials and our conversations with our hunters and trappers, we have found that it has been the strategy of the governments to ignore or explain away what has been happening within our hunting and trapping territory. We see this in many of the AOSERP reports which do not fit what we know. We see this as well in the "blaming the victim" assertions of the Department of Indian Affairs and some provincial government ministries and their field agencies.

Our analysis of our renewable resource harvesting has been on the conservative side. There has been no valuation of plants, birds' eggs and the numerous sources of food, medicines and materials which come from the land. We do not see ourselves as "poor people". Sometimes we are "cash-poor" in terms of paying the rising costs of our land-based harvesting or for buying groceries when there is not enough wild meat for the table. If others were to compare what we, as a people, have got from oil sands development and the conditions under which we live at Fort McKay with what has gone to the non-McKay people of Fort McMurray, we are the net losers. Net losers from resource development in terms of what has happened to the resources within our hunting and trapping territories on which our Indian economy depends and the conditions which we face at Fort McKay. But we are not yet "poor people."

Our analysis of our domestic economy re-affirms the continued importance of wild meat to our diet. It also underlines the significant losses to our economy and strength as a people if our access to and yields from the bush were to be further affected or restricted. This would mean increased cash dependence and we could become chronically "cash-poor". Given the instability of wage employment in the oil sands and related industries, the world oil market and the projects themselves, to allow our economy's future to depend only or mainly on cash injections from project-related work would be to destabilize our economy. The high costs of maintaining our hunting and trapping and the need for a comprehensive hunting and trapping support program are clearly indicated in order to deal with the problems of high capital and operating costs, and returns from how our furs are now marketed.

Our analysis clearly conveys the overall heavy reliance of our Indian economy on the "bush" sector. It is supplemented by largely seasonal, wage employment or the unstable and intermittent employment in oil sands related work. We hope we have pointed out both the strength and persistence of our Indian economy as well as the serious problems it faces which require immediate support and action.

How our people as a whole feel about our hunting and trapping is clear. Chapter VII discusses the fact that trapping, hunting and fishing persist in intensity as desired occupations and in practice and we need not repeat our findings here. In short our Indian economy is very much alive, even if it has been restricted. We continue to manage our harvests of caribou, moose, beaver and other animals and their distribution and reproduction by rotating the use of our territories and by temporary shifts to using other resources like the smaller species and/or store

bought foods to offset the shortages. We continue to practice to the fullest extent possible a rotational scheme of management of the animal resources in our areas but the encroachment of industrial development has made this more difficult. The non-Indian people, in governments or in industry, do not appreciate that we manage and utilize the natural resources within our territories, that this is necessary for our survival and is the foundation of our Indian economy. They do not recognize this, nor consult with us, nor allow us to meet our needs, and are progressively taking away areas of land and the animal resources available to us on what has come to be called a "sustained yield basis" while we plan and work to maximize both the efficiency and security of our harvesting economy. Our maps clearly demonstrate that we continue to use and need all of our territories.

In summary, the problems facing our Indian economy include:

1. "Lost" traplines within our hunting and trapping territories which have been allocated to non-Indians and Indians from other areas;

2. Continual infringement of our rights to practice our economy, beginning with early hunting and trapping restrictions, trapping permits, registered traplines, registered trapping areas and effective removal of, and damage to, lands by industrial development and the loss of the wildlife resources which is associated with this process;

3. Unilateral changes and impositions of non-Indian values, institutions and policies without our consent and without even consultation;

4. Increased hunting pressures which have accompanied industrial and related settlement growth;

5. A system of guiding and outfitting which allows licence holders to operate wherever they choose, i.e. without defined territories; and

6. Still no policy or program of merit exists to deal in a serious way with the issues of compensation and mitigation of industrial development impacts on our hunting and trapping.

The shocking thing about this situation is that it has been known for quite some time. Concerning the issue of "lost traplines" the annual report of a Department of Indian Affairs fur supervisor in 1949 noted:

> The principal problem in Alberta seems to be that there is still a tendency on the part of some of the Game officers to favor the white and half-breed trapper and because of this there have been instances where the Indian trapper has lost his line or area and it has been given to a white or half breed. This tendency may have its roots in political expediency as it is usually a local man who receives the appointment in a district and they are inclined to favor those other than the Indian to secure their position locally.
>
> (Annual Report, W.B. Skeed
> Edmonton, January 11, 1949-RG10)

Our analysis of the historical allocation of registered trapping lines and areas within our hunting and trapping territory confirms that this process has continued to the present day. Our research has been very thorough as to the extent and reasons for trapline losses and damages. It is time, not only for this to stop, but to replace the losses and repair the damages.

VII THE FORT MCKAY PEOPLE AND RESOURCE DEVELOPMENT

A. WHAT HAS BEEN HAPPENING ON THE LAND?

In the previous chapter, we have described our Indian economy and resource harvesting within our hunting and trapping territories. Our maps indicate our land and resource usage patterns quite clearly. This is the basis from which we will analyze the land and resource usages and activities upon our lands and economy. In short, Chapter VI sets the stage for understanding what has been happening within our hunting and trapping territories, particularly in recent history. Our analysis here will concentrate on the activities and natural resource requirements of the different sectors of the industrial economy as these have gone ahead and discuss major development policies and actions which have influenced industrial and related development within our areas.

Before we begin to look at specific sectors in more detail, a brief overview of the "milestones" in the progressive restriction process is in order. This will focus on policies and resource and related development activities as they have tended to affect changes within our territories. This chronology of major events is summarized on the following pages. Briefly, what has been affecting our lands, lives, resources and our Indian economy has been a succession of penetrations of our hunting and trapping territories by exploration, fur trade, settlement and natural resource and energy frontier development. Unfortunately for us, our territory was to become the setting where the policies and decisions of non-Indian economies and governments were to be played out and infringe upon our systems of economy and culture. These decisions tended to be made in office and boardrooms far

CHRONOLOGY OF MAJOR EVENTS AND THE PROGRESSIVE RESTRICTION PROCESS IN THE FORT MCKAY HUNTING AND TRAPPING TERRITORIES IN RECENT HISTORY

1888	Federal Unorganized Territory of the McKenzie Basin Canadian Senate Sponsored Committee to Inquire Into the Resources of the McKenzie Basin and Prepares Report The Great McKenzie Basin: Report of the Select Committee of the Senate Session 1887 and 1888
1894-97	Geological Survey of Canada Drills Wells for Conventional Oil and Abandons
1890's-1920	Forestry Official Restricts Indian Spring Burnings for Habitat Enhancement
1899	Treaty 8 Signed, Fort McMurray
1901	Federal Government Establishes Regulations Which Allow Successful Well Driller to Purchase Surface and Underground Rights For 40 Acres @ $1 Per Acre Around Each Well.
1890-1914	First Oil Rush By Von Hammerstein And Others And Starts a Rush for Land and Fake Schemes to Get Patented Leases Which Turn Out to be Based on "Salted" Wells
1906	Alfred Von Hammerstein Brings First Oil Rig to McMurray Area and Drills Unsuccessfully at Tar Island for Conventional Oil the Following Year
1915	Reserves Surveyed Land Cut Out at Fort McKay

1917	I.R. #174 Set Apart
1923	Alberta Great Waterways Railway Reaches Waterways
1920's-1930's	Invasion of White Trappers Fleeing Depression and to Take Advantage of High Fur Prices Oil Sands Speculation
1922	Initial Proposals For Exclusive Hunting and Trapping Territory Advanced to Deal with Mounting Conflicts and Displacement by White and Native Trappers Who Came From Outside the Area Result From Chipewyan Lobby to Indian Affairs
1929-30	Natural Resource Negotiations Between Government of Canada and Alberta and Agreements Result in Redefining our Treaty Right Without Our Consent to Harvesting for Food
1925	I.R. #174B Set Apart
1930	I.R. #174A Set Apart
1938-39	Breakdown of Negotiations Between Canada and Alberta Over Exclusive Hunting and Trapping Territories to Protect Our Hunting and Trapping
1940	Provincial Government Opts for Registered Trapline System and Begins Direct Attack Upon and Restriction of Our Lives. Government Focus is Production and Revenue from Licences and Fur Tax

1930's-1950's	Follows 1921-30 Early Oil Sands Experiments Near McMurray, Salt Plan and Sawmilling Ventures. Post Depression Fur Trapping Predominates But With Forestry and Oil Company Exploration and Pilot Schemes of Abasand and Bitumont Oil Sands Plants Beginning Operations (1930-1940)
	Government Attitudes and Actions Work to Limit and Control Our People
	Fort McKay People Pulled More Towards Fort McKay Settlement for Longer Periods by Family Allowance, School Attendance
1934	Gold Discovered on Lake Athabasca
1942	Fort McMurray Houses 3000 American Troops for Canol Pipeline Project During World War II
1943	Airport Opened at Fort McMurray
1944	Bitumont Plant Closed
1945	Abasand Plant Destroyed by Fire Near McMurray
1947	Fort McMurray and Waterways Amalgamate to Become Village
1948-1950	Research Council of Alberta Opens Experimental Plant at Bitumont
1949	Fort McMurray Becomes Town

1951	Alberta Government Sponsors First Athabasca Oil Sands Conference and Announces Policy on Oil Sands Leases and Royalties. Prospecting Permits Available for 50,000 Acres for up to 3 Years at Modest Fee and Rental. Any Part of Permit Area Could Then be Applied for As A Lease @ $1 per Acre for 21 Years Renewable. Total Acreage Dependent on Premise of Sustaining a Plant for 30 Years. Restriction Was to Build a Plant in 2 Years and be Operating in 5 Years.
1956	Egypt Blocks Suez Canal and Oil Companies Start Taking Out More Exploration Permits
	Fort McMurray Population is 1,100
1958	Exploration Permits Increase to Total 93 and Sun Oil Contracts with Great Canadian Oil Sands Limited and Abasand Oil Limited to Develop Leases No. 4 and 14
1960's	Oil Sands Plants of Commercial Scale Begin Major Boom and Marks End of Dominance of Fur Trapping in General Regional Economy While Forest Industry Peaks and Declines
1963	Great Canadian Oil Sands Plant Approved by Alberta Government Without Consideration of Fort McKay Peoples' Interest
1964-1967	G.C.O.S. Project Construction Phase Near Tar Island Goes Ahead
1967	G.C.O.S. Project Becomes Operational

1970's	Second Major Boom for Syncrude project Superimposed on G.C.O.S. Boom While McKay People Still Trying to Recover
1973	AERCB Approves Syncrude Consortium Project Without Consideration of Fort McKay Peoples' Interest. OPEC Cartel Forms. Major Land, Habitat and Resources Losses Fort McKay Community is Overrun by Outsiders
1974-78	Syncrude Construction Phase Forestry Moves to Stop Our Late Summer Dry Meat Fires
1978	Syncrude Becomes Operational
1978-79	Northeast Alberta Regional Commission Proposes Preliminary Regional Development Plant to Attempt to Better Deal with Mega-Project Boom Problems Created by G.C.O.S. and Syncrude
1979	AERCB Hearings on Alsands Consortium Project
1980-81	Federal-Provincial Oil Pricing Negotiations Continue and AERCB Recommendations for Alsands Approval Granted by Alberta Cabinet
1982	Alsands Consortium Dissolves During Royalties and Revenue Negotiations Without Measures to Protect Our Interest Having been Put In Place
1975-82	CanStar Oil Sands Limited Pursue Major Project
	CDC Oil and Gas Development of Leases

Gulf Oil Pursues Sandalta Project Lease Work

Athabasca 7 Consortium Lead By Esso Resources Develop Leases

Texaco Steepbank Pilot Project Developmental Work

Union Oil, Amocc, Develop Oil Sands Leases- Rabbit Lake Area

Nova Proceeds With Pipeline Development, - Thickwood Hills

Increased Pressures for Using Fort McKay as Transportation Corridor

Forest Industry Resurgence

outside of the region and resulted in the increasing invasion of our traditional hunting and trapping lands. We came into conflict with the newcomers and their systems of regulations and laws designed to secure control over our lives, lands and resources. Our review of archival documents and research on the history of Indian-Government-Industry relations in our area guided by discussions of our elders who have lived through this restriction process has been a useful but painful experience. In analyzing what has happened to us, how it has happened, why it has happened, we have put our own history in relation to resource development and impacts in clearer perspective. This has strengthened our commitment to securing Parallel Development and the conditions necessary for it to be achieved. While more work remains to be done, this comes none too soon as the temporary lull of the oil sands mega-projects has given us time to research, analyze and reflect. But the mega-project plans for Alsands are being re-scaled and work on pilot scale projects, and drilling, and oil and gas pipeline right of way clearing and building, and so on, have continued in earnest. Forestry has just given a disposition to cut timber near a fire damaged area in the Birch Mountains and this will add to the winter disturbances on our traplines. While some planners and politicians see the world in "big project-big impact" and "small project-small impact" terms, this is not what happens. We know this from experience and analysis. Neither is this simplistic view of scale of impact an excuse for disregarding the backlog of common sense and justice due our people from what has come before. Impacts from past settlement and natural resource and related development continue to act upon our people and our economy. We cannot emphasize this enough. We continue to pay the costs for the failure of those who were entrusted to protect our interests but who, the record

clearly shows, were not concerned or were ineffective in seeing that our rights to our Indian economy and culture, guaranteed by Treaty 8, were not infringed upon.

We live daily with the legacy of the failure of the Department of Indian Affairs to protect our rights, lands and interests as a people. At the signing of the Treaty at Fort McMurray in June 1899, there was no indication in the discussions that our way of living and economy would be interfered with. On the contrary, we were constantly reassured by the Queen's representatives that these needs and rights were being affirmed by the Treaty and were symbolized by making provisions for the ammunition and other goods we used for hunting, trapping and fishing. There was no indication that our territories would be interfered with.

Now we find that in 1888 the Senate sponsored a committee to inquire into the resources in our area. Had the Treaty Commissioners envisaged the invasion of our territory by outsiders in search of oil, gas and minerals, surely they could not in good faith sign a Treaty with us which focussed so clearly on our rights and needs to hunt, trap and fish and to practice our economy as we had done before. Would the Queen's men lie and would the officials, whose responsibility it subsequently became to uphold and administer the provisions of our Treaty and ensure that our economy would not be restricted, turn around with the ink not long dry on the Treaty and begin to act in a manner detrimental to our interests and our Aboriginal and Treaty rights? The facts are that they did so. In many cases, their personal motives and the expediency of government policy are very clear. A pattern clearly emerges from reading the old correspondence and documents: it is difficult if not impossible to find examples of the Government of Canada taking a firm stand in support and protection of our Aboriginal and Treaty rights. This

is particularly evident in the file documents as they relate to the practice of our Indian economy and systems of management and government. A picture emerges of the Government of Canada encouraging oil exploration in our area which compounded the drastic situation of the invasion of our territory by white trappers. The attempts to deal with over-harvesting of fur bearing animals were not needed as a result of our activities but rather the activities of the new intruders who were little concerned about the survival of the animals and the McKay people. The results of their harvesting were that we came close to starving and that the "conservation" regulations of the government were applied to the Treaty Indians whenever possible.

During the first mini-boom of oil exploration in the McMurray area, the Department of Indian Affairs Surveyor Robertson was sent to survey our reserves. At that time he noted our houses and gardens at Fort McKay and set aside land in the settlement for us. This was part of the provisions of the Treaty. Between the surveying and setting apart of our lands at Fort McKay and our other three Reserves, their affirmation by Order-In-Council was delayed by years. This delay by the Department and the Government of Canada resulted in the Orders-In-Council coming after the 1929-30 natural resources transfer agreement between the Governments of Canada and Alberta. This arrangement for resources transfer to the provincial level was in keeping with what had been done in the more eastern provinces. It represents a fundamental break in the direct responsibility of the Government to uphold the Treaty 8 commitments and promises. The drafting of the Natural Resources Transfer Agreement was done by our trustee without our consultation or consent. The result was that the wording of the Agreement served to contravene our understandings of the Treaty 8 and to attack our Indian economy in a direct way. The Agreement would facilitate an interpretation that our economy

could be practiced only to the extent that we could feed ourselves from harvesting but no more than that. The Agreement and the common view of both governments since that time onwards has been to allow the province to regulate trapping as if it were a commercial resource industry in and of itself, rather than the integral part of our Indian economy it has been since long before there was a Canada or an Alberta. This policy accord and the "profit maximization" strategy of the Alberta Government, with the approval of the federal government, has pervaded every aspect of our lives within our hunting and trapping territory. The transfer of resource management authority and control between governments represents only a change in the dynamic of the process of under-development and colonization within our territory. This set the stage for wholesale exploitation of the natural resources within our area to proceed while ignoring the fact that this was a violation of our Treaty rights. It was tantamount to taking the food out of our mouths and the income out of our community. Our right to the resources necessary to sustain our Indian economy were guaranteed by the Treaty. The invasions of lumbering, oil and gas exploration and development and their demands upon our lands and resources constitute a violation of our rights and an undermining of our economy.

The methods for securing control over resource development within our territory were brought from Europe and have been played out by conquerers' rules.

From the chronology outline one can see that the effects of settlement and industrial demands on the land and resources within our territory have come in waves. They have affected different parts of our area at different times.

By allowing white trappers to overrun our area in the 1920's and 1930's, game officials failed to preserve our fur supply and contributed to our dependence on other forms of employment over the years, and, since the late 1950's, on welfare payments. A succession of fur and game restrictions were imposed but failed to affect the fundamental problems of over-trapping by non-Indians, invasion of our territory and the indiscriminent use of poisons. The province was more interested in pursuing a non-discriminatory policy of game management and collecting fur taxes than limiting over-harvesting of animal resources by U.S. miners, returned soldiers and transients or confronting the overexploitation and rapid decline of fur-bearers in our area.

With the beginnings of very intensive oil and gas exploration in the 1950's and its associated destruction of the lands and animal habitats which come from the cutting of seismic lines, wellsites and trails, our hunting and trapping territory came under a severe attack. Besides the direct destruction of the land, the access created by these cat trails and well sites has opened up our country to sportshunters and poachers. The Fish and Wildlife agencies have looked the other way or have been unwilling to pursue any rational policy of dealing with the invasion of thousands of sportshunters into our hunting territory during the GCOS and more recently the Syncrude construction phases. Anyone with the money for a licence can hunt in Big Game Zone 1 which includes our hunting and trapping territory. There was no attempt made to control the numbers of the sportshunters in the bush in our areas. The Athabasca River Valley, particularly along its banks, are the most important areas for moose in the whole area, according to Fish and Wildlife's own maps of critical areas for important species. Yet, this is where GCOS and later Syncrude were built, and where the provincial government has designated an energy and transportation corridor. Right through the most

critical area for the moose. This is not the first time, nor will it be the last, that those agencies who deem themselves to be responsible for managing the animals will interfere with our animals and territory. The result of such insensitivity to the needs of the animals is the senseless slaughter of wide-open sportshunting and the lingering death of collared animals choked to death. Sometimes the decline in our animals comes from the destruction of critical habitat which forces the animals to move farther away and not come back. In the winter of 1981-82 Tri-Union Resources Ltd. were allowed by Fish and Wildlife and Alberta Environment to clear and prepare for Nova's pipeline to pass right through a critical area for the caribou to the south-west of Fort McKay. Rapid oil and gas drilling and pipeline and compressor station construction is pushing northward into our territory from Wabasca in the south west to Fort McMurray in the south-east. Fish and Wildlife, while claiming to be interested in the conservation of the animals, pursues a totally inept policy with drastic consequences for our hunting, trapping, fishing and gathering rights, particularly as our territory becomes taken up by natural resources and energy development. We find this is also true of other areas. When the Esso Resources Cold Lake Project was moving quickly towards approval in 1979, rather than anticipate the significant hunting pressure which would result from a large immigrant workforce, Fish and Wildlife moved to open up a previously closed area for big game hunting adjacent to the Cold Lake Reserve. A major herd of moose moves back and forth from those reserve lands. Fish and Wildlife have just not shown any common sense. Despite the reams of numbers they produce, they just do not know how the animals are or when they are in danger or not. The encroachment on our hunting and trapping territory must stop now.

So far in this chapter we have given a brief overview of the historical restriction process, general governmental policies and major impacting factors. From this emerges a better understanding of how resource development goals are translated into policy and in turn into decisions about the land and activities on the land itself. That which affects the land affects our systems of economy and culture. In the rest of this chapter we will look at some of the trends in the penetration of our hunting and trapping area in recent history by looking at the demands of the industrial economy.

B. INDUSTRIAL SECTOR OVERVIEW

Land Use Designations by Other Governments

In order to talk sensibly about effects and impacts it is appropriate to address the land use designations of other governments and their effects upon our lands, economy and culture. These land use decisions and strategies are also addressed in Chapter IX.

Alberta Energy and Natural Resources publishes a map entitled "Public Lands General Classification Map" (February 1, 1982) for Alberta. It divides Alberta into three main classifications of land and indicates what are "suitable" (legitimate) uses:

> Yellow Area-Available public lands in this area, which are suitable for the proposed use and are not required for conservation, recreational, wildlife habitat, forestry and other purposes, may be applied for pursuant to the Public Lands Act and the regulations

> White Area-Except for homestead sale applications, available public lands in this area, which are suitable for proposed use and are not required for conservation, recreational, wildlife habitat, forestry and other purposes, may be applied for pursuant to the Public Lands Act and the regulations.
>
> Green Area-Forest lands not available for agricultural development other than grazing. Provincial public lands are managed for multiple uses including forest production, water, recreation, fish and wildlife, grazing and industrial development. (Emphasis Added)

The hunting and trapping territory of the Fort McKay people is found within what the government of Alberta calls the "Green Area". As such, the government recognizes the extremely limited conventional agriculture potential. However, obvious conflicts have arisen between our needs and rights to our economy and culture and the use of the land for forest production, water, recreation, fish and wildlife (particularly sport hunting and fishing) and industrial development.

Such an approach to classifying land, combined with the Northeast Alberta Regional Plan, and the Improvement District #18 Land Use Strategy, effectively minimizes or ignores the needs of our economy and even our rights to engage in it.

Rather obvious conflicts between industrial development in our territory and adjacent to our main settlement are apparent. While, in theory, some kind of "multiple use" strategy is possible, without an appreciation of our economy, its land and resource requirements, our sources of rights, and respect of our Indian systems, and serious consideration of our interest in the greater "region" and province, implementation of land use decision-making by other governments has been tantamount to dis-

location and dispossession. This has been done without consultation, consent or consideration or compensation to the Fort McKay people.

Oil and Gas

Map 12 shows the oil sands and bituminous leases in the greater Fort McKay area. Map 13 shows the various terminated and operating oil sands projects. These commercial and pilot scale plants, the seismic trails, cleared areas for drilling sites, the pipelines, powerlines and supporting facilities for these projects represent a principal source of past, present and future impacts to our lands, lives, resources, economy and our Indian government.

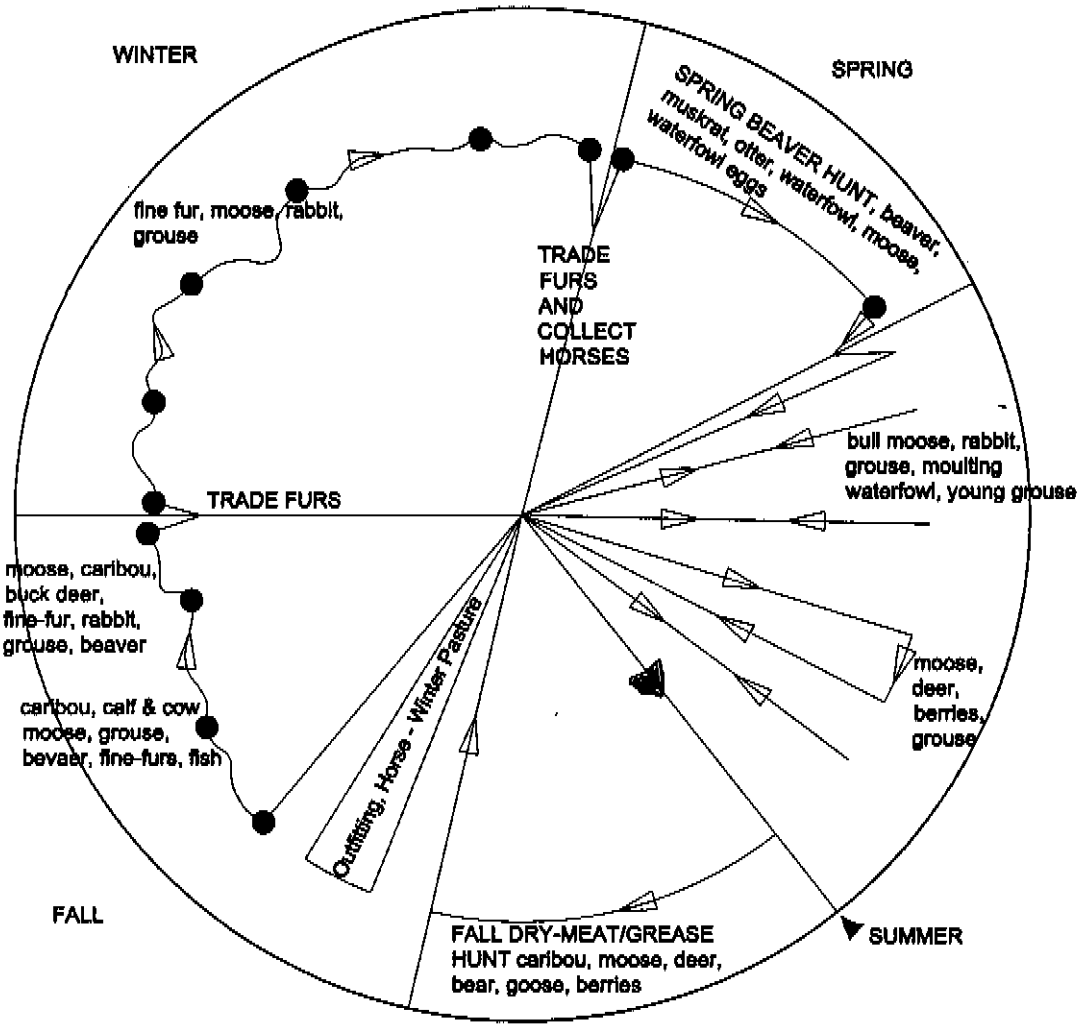
If one were to overlay these various leases and plantsites with the hunting, trapping, fishing, gathering, cabins and campsites or our registered trapline areas from Chapter VI one could better understand both the meaning and scale of impact that oil and gas development has had within our hunting and trapping territory. The land usage of such projects is extensive. It has taken many of our best hunting and trapping areas in the case of Suncor and Syncrude and the proposed Alsands projects. The encroachment of oil and gas development, beginning in earnest since about 1958, has dislocated our economy and the potential for future conflict remains great. Many of us have been pushed away from parts of our hunting and trapping territory.

While the lease map shows the imposition of industrial land use that conflicts with our Indian economy, Map 14 which shows the wellsites should put this in better perspective in terms of accumulated impact and damages to our interest. This map, com-

piled from Alberta Energy Resources Conservation Board and Alberta Energy and Natural Resources maps shows the scale of impact to our interest. The solid black dots indicate single wells drilled while certain areas have been so densely drilled that there are as many as 15 or more per square mile within our hunting and trapping territory. This gives in very graphic form an indication of impact which is undeniable, particularly when one considers that each wellsite requires access to it via seismic lines, or roads and the clearing of the bush for the drilling site itself, not to mention for support facilities. Our hunters and trappers kept telling us that the oil companies had set up their drilling rigs right next to their cabins. This map shows how true this is.

Land Alienation in Fort McKay Hunting and Trapping Territory

Here we are referring to the lands which have been leased, sold or reserved from disposition or restricted. All of these represent encroachment and attempts to dispossess us of the land and resources we require to maintain our economy and culture. Map 12 showing the bituminous and oil sands leases gives an indication in general terms. The greatest losses have come from the taking away of the lands now used by Suncor, Syncrude and the pilot or experimental oil sands facilities within our territory. As well, the patented lands along the Athabasca River were taken away from our use. These rectangular plots of land were removed without any consideration whatsoever.



The centre of the circles represents the summer meeting place, and the black dots represent cabins on traplines. The arrows indicate movement. Backand forth arrow indicate short term hunting trips. The principal resources and activities of each season are indicated near the perimeter. (After Brody, 1981)

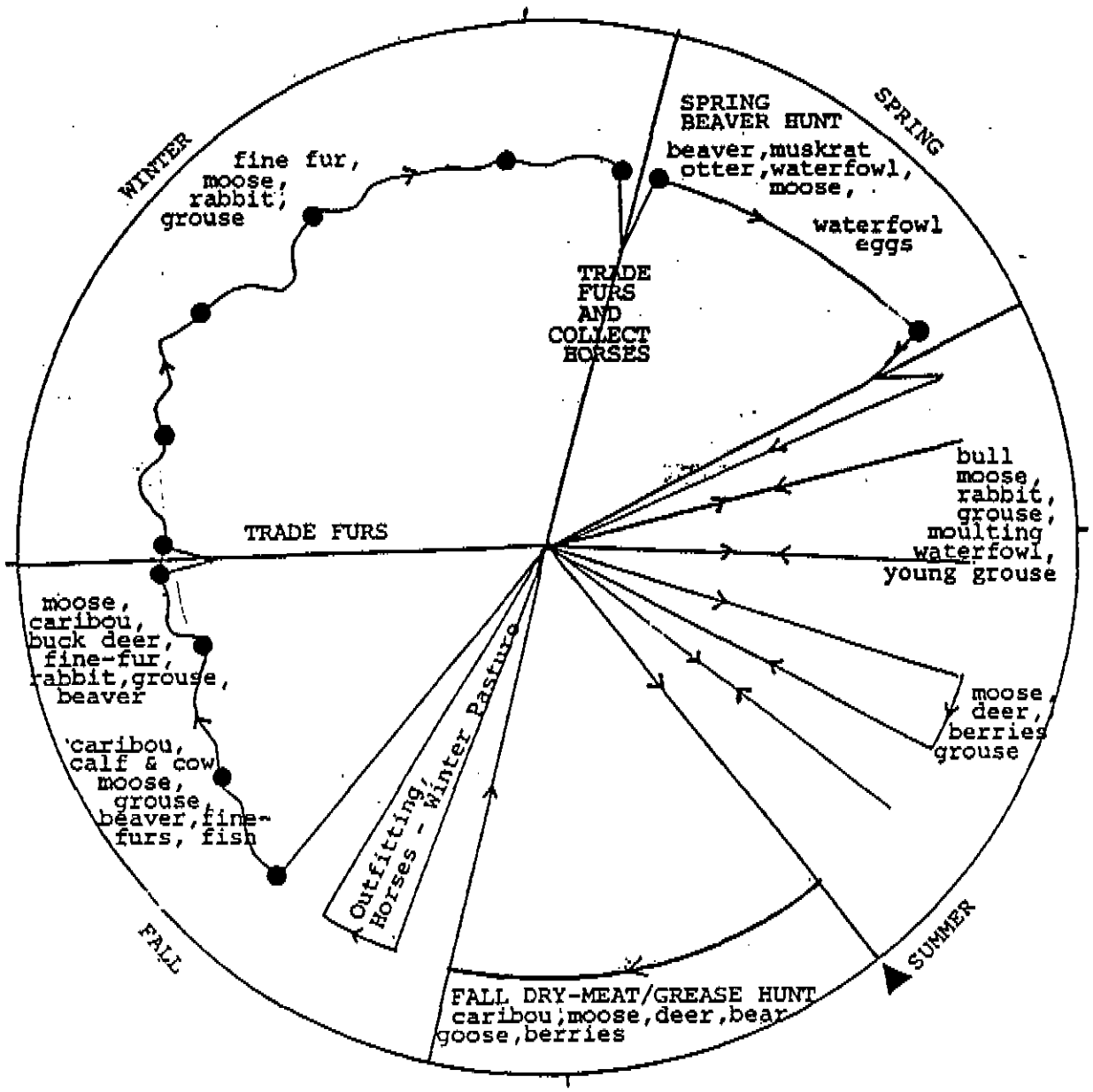
Source: Fort McKay Tribal Administration 1983.

Figure 1 The Year - Pre-1960

Mobil / Kearl Oil Sands.

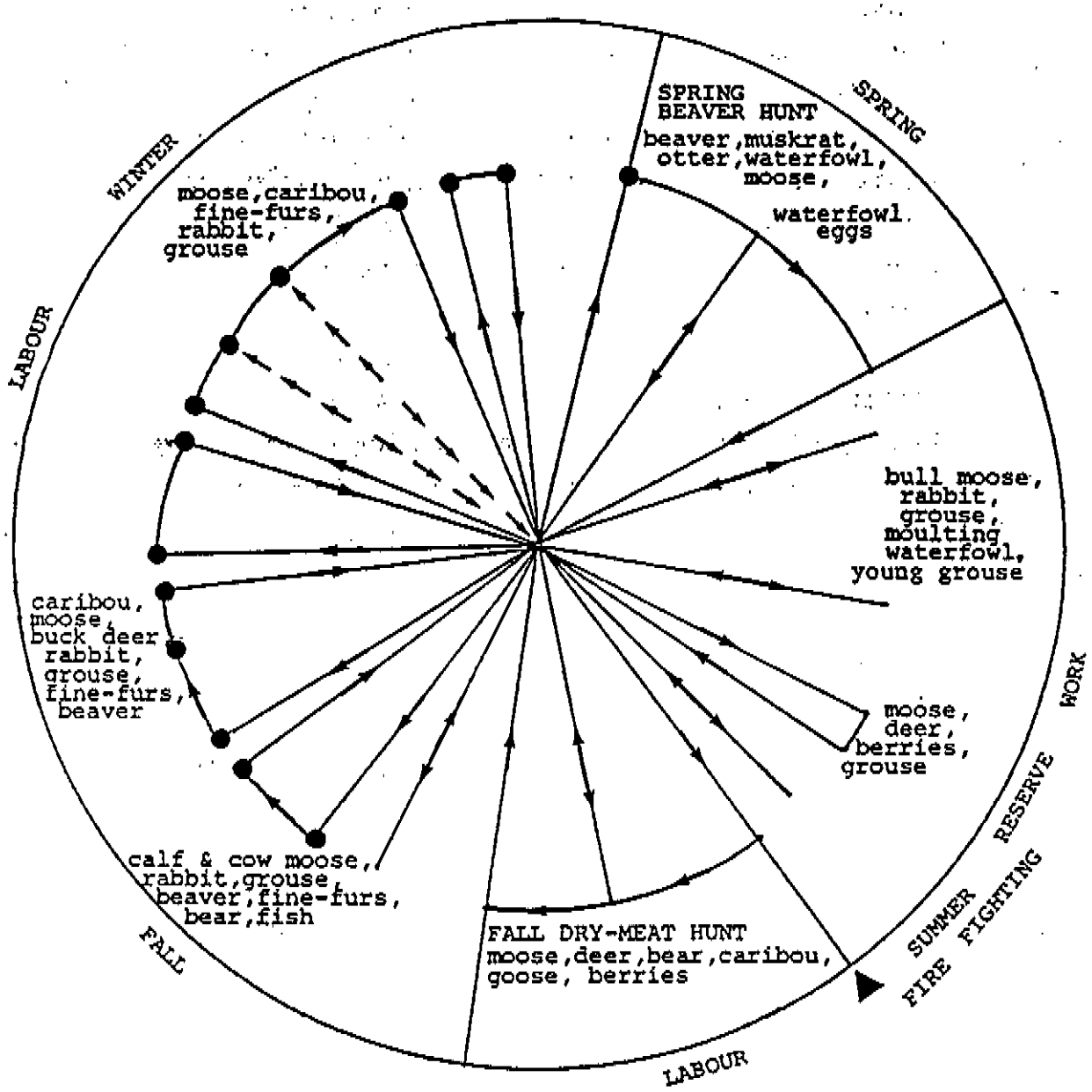
CLIENTS LOGO

Conor Pacific
Environmental Technologies Inc.



OUR YEAR -------- PRE-1960

The centre of the circles represents the summer meeting place, and the black dots represent cabins on traplines. The arrows indicate movement. Back and forth arrows on one line indicate short term hunting trips. The principal resources and activities of each season are indicated near the perimeter. (After Brody, 1981).



OUR YEAR -------- POST-1960

In this figure, seasonal wage labour is marked outside the circle

Source: Fort McKay Tribal Administration 1983.