

THE FORT MCKAY MÉTIS NATION: A COMMUNITY HISTORY

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Land Tenure in Fort McKay: “Split Our Very Identity into Two”

Land has always been important to the community of Fort McKay. The deep and intertwined family interconnections were responsible for using and governing the lands over a large geographical space, and boundaries to this space were fluid and not easily mapped in a European fashion. As noted earlier, the Fort McKay Tribal Council stated: “Since time immemorial we have roamed this land, lived from this land, and been part of this land. To separate us from this land would be to split our very identity in two.”¹ In the twentieth century, external government and industrial pressures would force Fort McKay members to adapt to a new land-management regime meant to reduce land availability as they strived to maintain their traditional bush-based way of life. The following two chapters will look at how the community of Fort McKay managed their land over roughly one hundred years. The first will focus on how the community worked with government to secure permanent land tenure to build the community. The next chapter will focus on the community’s response to extractivism, which greatly challenged the community’s use and management of the land from the 1960s onward. Together, both chapters provide further examples of how the Fort McKay Métis grew in the twentieth century to become a contemporary self-governing Métis community in close partnership with the Fort McKay First Nation. It will also show how the government attempted to split the community “into two” and how the Fort McKay community resisted and adapted to keep their community whole.

The ancestors of the modern Fort McKay community, given the highly mobile nature of their land use, did not have, nor need, a secure form of land tenure prior to 1960. When First Nations members entered treaty in 1899, they were worried that they might be forced to live on reserves, which had

become places of impoverishment for other First Nations in the Treaty 6 area. The treaty commissioners assured the signatories that would not be the case, and it seems doubtful the treaty would have been signed had access to “their traditional economy and freedom of movement” not been guaranteed.² As treaty commissioner James Ross stated at the time of the Lesser Slave Lake Treaty 8 negotiation: “As all the rights you now have will not be interfered with, therefore anything you get in addition must be a clear gain.”³ Thus, community members in 1899 believed their lands would remain open and managed locally so everyone could hunt, fish, and trap, as they always had, in a “collective title” or local Indigenous commons. This desire to keep managing the land communally also helps to explain why community members who chose scrip most often chose money scrip over land scrip.⁴ Those who chose scrip lived a similar (if not identical) lifestyle to those who chose treaty, and a promised land allotment in the agricultural frontier far south of the community would have little if any value. Rather, a money scrip would provide a valuable asset they could easily sell to improve their trapping outfit, even if scrip buyers never paid full value for their purchases.⁵

Despite the signing of treaty and taking of scrip, little changed for the community until well into the twentieth century regarding land uses and land-use management. As described by the Fort McKay Tribal Administration, at the beginning of the trapping season: “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.”⁶ People built log houses where they were needed, and with the land being plentiful and land-use conflicts being few, there was very little that the community could not work out amongst themselves at these meetings. The first pressure on this lifestyle came approximately a decade after the treaty and scrip commissions. This resulted from white settlers moving into the district (primarily south near Fort McMurray) in hopes of taking advantage of oil and mineral exploration to the north around present-day Fort McKay.⁷

Land speculators moved to Fort McMurray around this time and attempted to assert various claims to land in the region, but without a proper survey, such claims could only be guarded through squatter’s rights and evidence of land “improvements.”⁸ For example, by 1909, Charles Gordon had fenced off two thousand acres south of Fort McMurray, attempting to evict people from the area based on his unsubstantiated claim.⁹ Stories of such conflict undoubtedly reached Frank Oliver in Edmonton by 1910. Oliver, the

owner of the *Edmonton Bulletin* and the Canadian minister of the interior, was no stranger to the use of land speculation as a land settlement tool. He understood how such activities could increase immigration into previously sparsely settled regions like Fort McMurray.¹⁰ As such, he took a personal interest in the region and, in 1910, directed surveyor Henry Selby to inspect the occupied lots for those wishing to settle while also surveying adjoining lands “for which a demand may be seen in the future.”¹¹ Selby began the difficult task of sorting through the competing claims in July of that year. He completed initial surveys in both Fort McMurray and Fort McKay but unfortunately died in a river accident. However, the government would use his draft records to settle the majority of the claims.¹² The work seems to have been completed and approved in late 1911, and Fort McMurray lots were advertised for sale in the *Edmonton Journal* by June 1912.¹³ Dominion Land surveys to the north of Fort McMurray would be completed a few years later in 1914–15.¹⁴

At around the same time as the surveys were moving north of Fort McMurray, the Department of Interior was applying pressure to the Department of Indian Affairs to begin assigning reserves in the region. The Department of the Interior informed Indian Affairs about its plans to begin a formal survey of the Fort McMurray area, which would include lots just five kilometres south of Fort McKay. Even though a preliminary survey of lots was completed in 1898 (by the Hudson’s Bay Company) and drafts completed in 1911 by Selby, members of the Cree–Chipewyan Band (the precursor to the Fort McKay First Nation) had “refrained” from choosing their treaty land, only asking to keep the land where they had already built houses along the Athabasca River near the present-day community.¹⁵ By 1914, the status quo would evidently no longer stand. The Department of the Interior planned to initiate another survey in the region to open it up for settlement, petroleum exploration, and potentially a new railroad. It informed Indian Affairs, which prompted the latter to survey the reserve lands for the Cree–Chipewyan Band provided for by Treaty 8.

Donald F. Robnson undertook this survey in 1915. Robnson had already completed several Indian reserve surveys throughout the west and was well situated to complete the work.¹⁶ Unfortunately for Robnson, the details of earlier surveys completed in the region were not shared with him, and he was quite surprised to learn that the people at Fort McKay already had what they thought was a survey in place to organize the whole of the community. As Robertson reported:

The work [in Fort McKay] was considerably increased by my finding that the Indians desired land on the river at this point and that they had a number of houses in what is now known as McKay Settlement. This was at variance with the information I received before leaving Ottawa, and as a consequence I had not with me any information regarding the Department of Interior settlement survey at that point and lands adjoining same, as information on our files showed all lands desired by Indians in this district a considerable distance from the river.¹⁷

Robinson described some of the “variances” he had to sort through:

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 published in the Topographical Surveys Report for the year, any mention of the conditions there. Even an old Indian graveyard is included in Lot No. 4 on which Elzear Robillard made declaration.

Re Lot 5: This lot is on the settlement plan 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. One of these belongs to Chief Adam Boucher, who has had his residence there long previous to Treaty, in fact for 20 to 30 years. This information I consider authentic, since I obtained it not only from Boucher himself but also from Jno. MacDonald who was one of the first, if not the first man in charge of a trading post at Ft. McKay for the Hudson’s Bay co., and he stated that Adam Boucher was in possession of his location before the Hudson’s Bay Co., first traded there.¹⁸

Robertson recommended that Lots 5, 6, 7, 9, and 10 be provided for First Nations people, although that would not provide the local Indian band with legal title to those lots. The other lots remained with the other claimants, most of whom were Fort McKay community members who had taken scrip in 1899–1900. Neil Reddekopp concluded that the land recommended for the Band “fell well short of the full reserve status promised to the Cree–Chipewyan

Band in 1912”¹⁹ with the only substantial reserve land available to the First Nation being 257 acres surveyed on the east side of the Athabasca River, with that land “not being considered suitable for settlement” and 7,715 acres at Namur (Moose) Lake, which the government believed “would not invite settlement for some time.”²⁰

It seems doubtful that the surveys meaningfully changed the organization of the Fort McKay community for some time. Most Indigenous families were not full-time residents at Fort McKay, making only temporary visits to the community to sell furs and acquire supplies, meet with family and friends, and sometimes take summer employment, usually with Northern Transportation Company Limited (NTCL), which operated the paddle wheel-er on the Athabasca River.²¹ However, over time, these visits to Fort McKay lasted longer, and community members began to build more permanently in the community, even though they did not have title to the land on which they were building. The federal government recognized this fact and asked the Dominion Land Surveyors in 1922 to reserve Lots 7, 9, and 10 “for individual treaty or non-treaty Indians by which it is sufficient that the lands claimed be reserved for them during their occupancy thereof”. However, it seems only Lot 10 was actually set aside for settlement.²²

After the Second World War, a number of significant changes were on the horizon that would affect Fort McKay. The first concerned education. While some Fort McKay children attended residential school, mostly in Fort Chipewyan,²³ there was no formal education for other children until the first Indian day school opened in 1949. As Rod Hyde explained:

In 1949 the Department of Indian Affairs wanted to start an Indian Day School in Fort McKay in order to meet their Treaty 8 obligations. They didn’t have a teacher or a building, so they asked Father Begin to teach for one year (which became two) using the Church as the school classroom.²⁴

The Department of Indian Affairs took over operation of the school in 1951, constructing a new school that same year on the Hudson’s Bay Company lease. Although the Department of Indian Affairs managed it as an Indian day school, it actually served the whole of the community, with both First Nations and Métis children in attendance.²⁵ By the late 1950s, the federal government made school attendance compulsory, and more and more families began to



FIGURE 4.1
Paddle wheeler on the Athabasca River. Fort McKay is in the background. Ca. 1922. Fred Jackson, NWT Archives, N-1979-004: 0116.



FIGURE 4.2
Fort McKay's first school. The church altar is hidden by a screen at the back of the classroom. At this time, Father Begin held daily mass twice a day, and the desks were replaced by pews for each service. Rod Hyde Collection.

establish permanent residence in the community.²⁶ As one community member explained: “We lived off the land in the past. We had no formal school. [It was not until] the Indian agent said that everybody had to move into Fort McKay to bring kids to school, or they would be charged.”²⁷

By the mid-1950s, it seems more Fort McKay families were heeding the call of the Indian agent and moving to the west side of the river so they could easily access the recently built school. Unfortunately for them, the land on the west side of the river had not been included in the Robertson survey. Although the federal government had reserved Lot 10 for “Indians,” it was unclear who actually “owned” the land, with the Alberta government claiming it had been transferred to them as part of the 1930 Natural Resources Transfer Act.²⁸

Additional residents meant that the Department of Indian Affairs needed a larger school. The land ownership situation came to a head when the federal government attempted to build a school on Lot 10, which Alberta claimed it owned. Alberta refused the request and threatened to remove First Nation members from Lot 10 for trespassing if the federal government did not pay for the lease.²⁹ In response, R. F. Battle, regional supervisor of Indian Agencies, wrote to the Alberta Department of Lands and Forests, describing the existing situation and searching for a solution:

Briefly, though the Indians reside on Lot 10 on the west bank of the Athabasca River, they have a reserve No. 174 on the east bank, comprising 256.8 acres. We constructed a school several years ago on property owned by the Hudson’s Bay Company, and we are now considering the provision of additional facilities to include a second classroom and teacher’s quarters. It may be of interest to you to know that a number of non-Indians attend this school; in fact if we were not operating a school there, these non-Indians would be without education facilities.

Naturally, it would be rather unwise for us to enter into a sizable expenditure for a new school if the security of tenure of the Indian residents of the settlement is threatened. I believe we could agree to surrender part or all of the present small reserve in exchange of the lands they occupy on the east bank. This would have to be discussed with them and their approval obtained, but we are anxious to be advised of your Department’s attitude

before embarking on our school construction program planned for this year.

If you do not consider an exchange feasible, I wonder if there is any other basis on which the land occupied by the Indians could be made available. Apparently, the Indians were of the opinion that they occupied land set aside for Indian settlement. There seems to be some basis for this because you will note they all live on Lot 10.³⁰

Understandably, the Department of Indian Affairs believed that setting aside Lot 10 would help address the First Nations land situation by providing “more permanent tenure.”³¹ However, the ownership of the land was still in question. Even though it had been “administratively set aside” in 1922, the Fort McKay lots had not been confirmed by the Department of Indians Affairs through an order-in-council. The provincial government believed it owned the land thanks to the 1930 Natural Resource Transfer Act. In a series of letters exchanged in February and March 1958, both sides agreed that the provincial government would sell the land to the federal government for \$3 per acre. However, some federal officials felt this was unnecessary as “lands in use or reserved by Canada for the purpose of the Federal Administration were not transferred to the Province.”³² Or, as put by W. C. Bethune: “Arranging of the purchase of the 32.7 acres [in Fort McKay] should not present any difficulty as the amount involved is less than \$100.00. On the other hand, it is somewhat embarrassing to ask for the approval for payment for something that is already possessed.”³³ Ultimately, the land in the community was sold to the federal government for the purpose of building a new school and housing for Fort McKay First Nation members, but it was not made a reserve. As Neil Reddekopp explained, before 1960, “very little action was taken by the government to recognize the [Fort McKay First Nation’s] territory.”³⁴ The example also provides further evidence that the people of Fort McKay were largely left to manage their land on their own affairs without serious oversight. There was no official recognition of Métis land ownership (individually or collectively) until the early 1970s, with community members continuing to build houses when and where needed, though still mainly on a temporary basis.³⁵ To sum up, by 1960, few community members had what would be considered permanent residences, and even fewer (if any) could claim ownership of the

land to which they lived even though nearly everyone had lived there their whole lives, many for generations.

The ambiguous land tenure situation was also problematic as the Great Canadian Oil Sands Project (GCOS) began its operations in the region in 1967. While there had been exploratory and test oil sands facilities near Fort McKay since the turn of the century, this project was different; its massive scale outpaced anything the community had ever seen. The development would be the beginning of the transformation of Fort McKay and its surrounding lands from a “fur and forest area, to an energy resource frontier.”³⁶ Fort McKay would find itself at the epicentre of the new economy.



The mid-1960s brought, almost overnight, a massive influx of outside workers who moved to Fort McMurray, creating a “Boomtown in the Bush.”³⁷ The *Fort McMurray Today* and *Edmonton Journal* are filled with stories describing the issues facing Indigenous people in the region, including but not limited to workplace racism, violence, and, in Fort McMurray, the forced relocation of Indigenous people.³⁸ In Fort McMurray, community members were asking local leaders to “do something” about squatters in “Indian shacks.” In response, one anonymous author wrote:

After reading your article on the Oil Sands Boom in Fort McMurray (Sept. 3) I find myself wondering whether there is really freedom from racial prejudice in this “democratic” land of ours.

Referring to the article, it must be assumed that the Indian and Metis people living in and around Fort McMurray, perhaps longer than the white people, have been disregarded for years as the town lay dormant. Now the white land owners realized the value of these people’s property and have come to the dire conclusion: the “Injuns must go!” This problem now confronts the provincial government.

It seems the Indians are “free” to live in any part of this “free” country of ours until we whites have placed a value on their land surpassing their own. If we are to assume that the Indians are Canadian citizens this must be truly a breach of Confederation.

The Indians having been ousted, the next problem will be, to quote *The Journal*, “finding some place to put them.” Perhaps the Alberta Game Farm would serve, as the reference made to these people hardly differs from references to animals.

I am sure if the Indians were given half a chance, the so-called native shacks in the middle of the right-of-way on the proposed bypass highway to the south of town would be replaced by decent, respectable houses in town, not on the fringe, and the Indian citizens would contribute to the growth and development of this new community. This would be a much better solution to the problem than restraining these people from their rightful place in our society.³⁹

Fort McKay residents began to face their own challenges around the same time. By 1962, the GCOS project had received approval, and shortly thereafter construction began. Around 1966, the bridge to Fort McKay was completed across the McKay River, officially connecting Fort McKay year-round to Fort McMurray.⁴⁰ As described by the Fort McKay Tribal Council:

Until the mid-1960s, 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.⁴¹

While exploratory roads and cutlines had existed from the 1930s onward, the new permanent road fully connected the community to the outside world. It opened the Fort McKay lands to outsiders with competing land use interests. It also opened Fort McKay to a capitalist economy and ethos that directly



FIGURE 4.3
Bridge leading to Fort McKay crossing the McKay River, ca. 1966. Rod Hyde Collection.

challenged the traditional “Indian economy.”⁴²The region’s expanding industrialization drastically impacted how community members could operate in the bush and harvest their traditional resources. A number of traplines were destroyed without compensation, and hunting, fishing, and berry and medicinal plant harvesting were all negatively affected without any recognition by the provincial or federal governments.⁴³ These developments built upon the earlier move to town by families who wanted to send their children to school. More and more, residence veered toward the sedentary, with the

community of Fort McKay becoming the equivalent of a “single base camp,” a location from which people went to the bush for hunting, trapping, fishing, and gathering.⁴⁴

The pressure brought by the coming extractivism forced the community to respond on multiple fronts. First and foremost, they needed to secure land where they could build a permanent community. Second, they needed to protect, as best they could, their lands in the region that were now being transformed by industry and government into a new kind of space for a new type of economy. By exploring these two post-1960s developments, we are provided yet another window into the development of the Fort McKay Métis community and how they continued to chart their path forward to becoming their own unique entity.



While not documented, there is a picture of Premier Manning meeting with the leadership of Fort McKay, likely in the summer of 1966, in the leadup to the opening of the GCOS’ mine. Given the evidence of this meeting, it seems likely that the premier encouraged the community’s leadership to begin organizing. This spurred the creation of the Fort McKay Community Association, which wrote its first letters to the government in the winter of 1967. While the matters discussed at this meeting are unknown, they likely included a wide range of issues facing the community dealing with large-scale industrial development for the first time. It also seems likely that in response, Manning and his team encouraged Fort McKay to organize themselves and engage with the appropriate mechanisms of government to begin dealing with these concerns.

The first official letter from the Association came from Theresa Grandjambe in February 1967 concerning the water quality in the community. Water was being contaminated when Bechtel, the primary contractor for GCOS, emptied its lagoon downstream from Fort McKay into the Athabasca River, making it “not very healthy for us people to drink.”⁴⁵ The tone of Grandjambe’s letter is mild when compared to what was actually happening. A number of health studies were completed from 1968 onward. By 1973, Dr. C. L. Pearson, the Northern Alberta Health Services medical officer, described a situation in Fort McKay where “for several years gastroenteritis has been prevalent among those enduring the first decade of life, most the result



FIGURE 4.4
Ernest Manning meeting with leaders from the Fort McKay First Nation and Métis community. Date unknown. The picture was shared by Fort McKay community members on a local Facebook page.

of contaminated water supply. Deaths have ensued ascribable to diarrhea of dysenteric origin and frequently water borne.²⁴⁶

Grandjambe's letter was sent to the Alberta Rural Development Administration, which was responsible for encouraging "local communities to initiate self-improvement programs."²⁴⁷ The community development officer assigned to the file, L. Gareau, described Fort McKay as a settlement of "224 people, of native blood; 138 being Treaty Indians and 86 non-treaty" with some of the "Treaty Indians being "located on Crown land leased by Indian Affairs Department, most of the residents are squatters without any control of the land on which they are built."²⁴⁸ The officer went on at length to explain why he felt the community of Fort McKay was incapable of taking advantage of the Rural Development Program, concluding that:

While a few of the local people seemed interested in the immediate welfare of the community, and some of the natives have been motivated to go out and undergo training for further employment, there is an apparent attitude of apathy, a lack of foresight, and a complete absence of able leadership at the local level. Therefore, for the present, talking of rural development or of programs of self help is the height of futility. To them, their need is one of outside help, without contribution of their own.⁴⁹

Gareau's conclusion was perhaps not surprising considering the general misunderstanding — or lack of interest — about the impacts that resource development might have on rural Indigenous communities. Given that the water situation in the community was one of many logistical challenges facing Fort McKay, significant attention and investment from government *was* required.

Around the same time (and possibly as a result of the same Fort McKay Association meeting), Ernie Lacorde wrote to the Community Development Branch to request a meeting regarding a number of other issues. The request was granted, and the department agreed to pay for “transportation and food and lodging for a short trip [to Edmonton] if you were well prepared before you came.”⁵⁰ While minutes were not recorded from the first meeting, a follow-up was held in Fort McKay about a month and a half later, when approximately twenty people attended. The second meeting was organized by S. J. Sinclair, a provincial economic development officer. A wide range of topics were discussed (from trapping to firefighting), but two key community concerns were highlighted: lack of local economic development and land tenure. Specifically, the community wanted the government to help kickstart a community-operated sawmill to provide local employment and address the land-tenure situation for all residents. As Mr. Sinclair reported:

One other problem that seemed to concern them, is their location of residence which is outside the reserve. Both Metis and Treaty are in the same situation. They were told by the Chief that they had a long term lease, but nothing has ever been shown in writing. What mainly concerns them is, if a new [industrial] development moved in, what would happen in such a case?⁵¹

The situation, as described by Sinclair, was neither new nor surprising. As shown, community members knew that settlement land had been surveyed earlier (in 1911 and again in 1915). However, they probably did not know that those surveys were never confirmed through an order in council. Furthermore, once the day school was established, and the area's Indian agent told the First Nations members to move across the river so that their kids could attend school, they may have rightly assumed that the federal government would have secured land and housing for them in the settlement. But, although land at Lot 10 was purchased and leased to the Fort McKay First Nation, it was not set aside as reserve land and local people did not seem to fully understand the terms of their residence and why no services were provided on the land.⁵² Finally, nothing was done for the Métis community members, who were never provided with secure leases for land on which they could build permanent houses.⁵³ Despite the building of the school, Métis were in no better situation in 1967 than they were in 1899 in terms of a secure land base.

By 1967, the community of Fort McKay was frustrated and wanted to take ownership (literally and figuratively) of the situation. Representatives of both the Métis and First Nation travelled to Edmonton to meet with the provincial and federal governments to begin what they felt should be a relatively simple process leading to the ideal solution: providing the community with control and ownership over their land so that they could build modern houses. Unfortunately, as they would soon learn, this dream was far from reality and would require years of negotiations that ultimately would not be resolved, at least for the Métis, until 2018.⁵⁴

In October 1968, J. Audibert from the Department of Indian Affairs, Clive Linkletter, a community development officer based in Fort McMurray, and G. W. Fyfe, the chief housing advisor with the Alberta Commercial Corporation, met with the “treaty and non-treaty residents with respect to their submission of September 11th, for housing assistance in the form of materials for repair for a number of their families.” There were nine Fort McKay members, two representatives from the federal Department of Indian Affairs, and twelve from the provincial Departments of Municipal Affairs, Lands, and Forests, Human Resources, Welfare, and Community Development.

The meeting was productive. The community members were given the opportunity to express their concerns about land, water, and the lack of economic development. In particular, they “appeared determined to live [in Fort

McKay], so planning of the town site would continue.”⁵⁵ As the discussion proceeded, the Government of Alberta agreed to continue with a plot survey that would allow community members to continue living together in the settlement. The Department of Indian Affairs committed to providing “\$7,000–\$8,000” for homes to Indians “as soon as the plans were ready.” The Alberta government stated that Métis community members’ homes would “have to be purchased and would be subject to assessment and taxes,” although who would pay for the houses and lots had yet to be determined. This became a point of contention, with the Métis delegates stating they would prefer the government to provide them with just the land and lumber, which “they could use to build their own home[s].”⁵⁶ This last point seemed to raise the question “for further discussion both [by] Fort McKay and by government officials” as to what “was the differences between the policies of the two governments and thereby the kinds of problems being created at the local level.” While the details of the conversation remain unclear, the reality was that the people of Fort McKay — a community made up of First Nations and Métis people, which had come together to meet with the government to discuss their common interests — were now being treated in two different ways, according to the different legal statuses of its members.⁵⁷ The meeting continued with the group agreeing to work on solutions regarding bus transportation to GCOS, water quality, and derelict homes in the community. The provincial government agreed to send representatives from the Community Development Branch to Fort McKay during the last week of October to continue work on these issues.

Fyfe went on to inform the participants from Fort McKay that “should Government decide to assist them,” they would require the community to form “an association or an organized group who would agree to handle the purchasing and distribution of materials.” The families in Fort McKay discussed the situation and decided to form a “housing committee” headed by “Mr. Francis Orr (treaty) and Mr. and Mrs. E. Tourangeau (non-treaty).” Based upon his initial appraisal, Fyfe recommended that resources be made available to Fort McKay community members for housing repairs and that the provincial government provide the funds at the meeting that was scheduled for October 23 between Fort McKay and “senior members of the government” so community members could begin making emergency repairs to their houses. At the same time, Indian Affairs stated that it had already

processed an order on behalf of the “treaty Indian families” for \$2,600 to begin making repairs.⁵⁸

Though the meeting left a number of unresolved issues on the table, it guided a flurry of activities over the next year. On November 4, 1968, Fort McKay forwarded the Fort McKay “committee” names to the Community Development Branch, which included both Métis and First Nations representatives.⁵⁹ The committee worked with the provincial Community Development Branch to try to resolve several issues facing the community. On the same day, R. H. Botham from the provincial Planning Branch came to Fort McKay to “check out tentative subdivision designs, and ground conditions.” Upon his initial survey, he asked his supervisor a series of logistical questions to help determine how best to subdivide the land, such as where infrastructure like schools would be located, what type of water system would be installed, how many people the settlement should be sized for, how future developments such as Syncrude would affect the townsite, what types of houses were expected, and finally, what was the community’s future economic plan.⁶⁰

The provincially funded building materials arrived on November 15. The housing committee then commissioned repairs on community houses, including those belonging to Ernie Lacorde, Richard Loutitt, Henry Shott, Alex McDonald, Ian Faichney, Alex Boucher, Zachary Powder, Alphonse Powder, Basil McDonald, Edward Tourangeau, and Freddie Boucher—all Métis community members at the time.⁶¹ Additionally, the committee successfully resolved the busing problem in the community. At that point, Roy L. Piepenburg, the regional superintendent of Vocational Training and Special Services, commented that he “certainly appreciated the co-operation we had from your branch in resolving this problems which effects both Treaty and non-Treaty Indians.”⁶²

These early meetings demonstrate the community’s willingness to work together to address issues of common interest. On November 26, 1969, Provincial Planning Director Noel Dant started “to prepare a basic subdivision design at Fort McKay,” which would create about sixty new lots. However, he had to interrupt his work to obtain answers to a number of questions, many of which reiterated points made by Botham in 1968. Specifically: What have the people of Fort McKay been informed or promised? Would the establishment of an “Indian settlement attract other Métis or Indians who may want to locate there? [and] What type of housing will be provided [and] will services such as sewer and water be installed?” Finally, he asserted that

“the needs and wishes of the people should be heard and interpreted before any plan is prepared so that the first approximation may be closer to the final plan, without causing unnecessary friction.”⁶³ Unfortunately, this last idea was more wishful thinking than direction, for as time passed, the community’s needs and interests increasingly took a backseat to bureaucratic stasis.

On March 10, 1969, J. E. Oberholtzer, the director of Human Resources Development, explained to his manager, G. J. Armstrong, that Indian Affairs had placed “a freeze on all Indian housing for the coming year” and that “consequently, the Indian Affairs Department will apparently not be pursuing the town building plans for Fort McKay in the immediate future.”⁶⁴ Though it is not clear, the decision of the federal government to delay their portion of the development seems to have caused the provincial government to also slow their work on the new Fort McKay subdivision that had previously been approved. This episode suggests many of the challenges facing those in government who attempted to kickstart development in the community. The event demonstrates how difficult it was for government departments, particularly between the federal and provincial levels, to work together, especially when there was an overall lack of political will and funding to move forward.

The file remained cold for over a year, until May 1970 when C. J. McAndrews of the provincial Joint Specialist Group requested that a plan for a “permanent settlement at Fort McKay” be presented to the minister of human resources development. McAndrews went on to state that government employee Jim Ducharme should “compile a report and plans with a consensus of recommendations from those most vitally concerned” and that a broad range of provincial government departments (with representatives cc’d on the correspondence) should be consulted to provide input. He added that the opinions of Fort McKay’s residents would be “considered” and that contact with the Department of Indian Affairs “may also be necessary.”⁶⁵

Ducharme quickly got to work, completing a preliminary report by early July. Ducharme seemed to have a relatively strong understanding of the community and its desire to build consensus.⁶⁶ His July 1970 report was based primarily on interviews with key government individuals and internal correspondence generated around the Fort McKay “situation.” Additionally, Ducharme drew from his experience as a member of the Northlands School Board and a trip he had made to Fort McKay in 1967. Ducharme planned to present the findings to the community later in the summer.

The first key finding in the report was that “the people of Fort McKay almost totally want to remain in [the same] location” — an assertion they had maintained since their first meetings in 1967. Ducharme wrote that there was no “economic base right at or near the community at this time to justify full scale plans of any real permanent nature.” He explained that previous governments had been reluctant to invest in the community, which helped explain some of the long-term problems around health services, food supply, and economic development. He identified the community’s problems as follows:

1. Health, apathy – causes – alcohol – susceptibility to disease – little or no education of adults. Lack of proper health services.
2. Taking advantage of lack of sophistication – captive trade – prices exorbitant.
3. Lack of economic base – lack of game from influx of Industrial activity in the general area.
4. Water supply due to oil pollution etc.
5. Métis – Indian. Indian problems in working or co-operating together – Cree – Chipewyan – Metis.
6. Cannot compete in work situation with white and more sophisticated Natives in existing projects at GCOS, etc.⁶⁷

While he did not elaborate on these issues, it is not a leap to correlate them with the stark realities facing Fort McKay, as they were forced to adapt to the changes brought by the extractivism that was undermining the fur trade economy. The population in Fort McKay was largely isolated, and few members had received even a basic education, let alone the technical training that would prepare them to work at GCOS. Further, they were living in homes without basic services and a water supply that was tainted by the region’s industrial developers. But perhaps most importantly, they remained without land security.

Ducharme proposed several solutions, including improving housing and providing education (especially for adults), preventive health, and recreational programs in the community. He also recommended that a permanent fix

was needed for the water supply and that the government provide the community with some form of land tenure:

Land plotting for housing so that residents can at least lease their property. The guideline I would recommend here is that the present location of each resident should be considered in a flexible plan to take care of expansion in the same manner.⁶⁸

It is unclear when Ducharme presented the report to the community, but it is known that Fort McKay was beginning to agitate elsewhere. On July 8, 1970, recently appointed Premier Harry Strom drafted a response to Stan Daniels, president of the Métis Association of Alberta, about the lack of progress that was seen in Fort McKay, specifically around water quality in the community, the lack of jobs with GCOS, and the land situation. The premier's response noted the work Jim Ducharme and his supervisor, G. J. Armstrong, were doing on the file and anticipated that Ducharme's report would provide a path forward for the Provincial Executive Council to consider and implement.⁶⁹ Unfortunately, it does not seem that the provincial government officials either appreciated the depth of the problems facing Fort McKay or were willing to commit the required resources, or both, beyond planning future meetings. Fort McKay needed action, and they were given bureaucratic stalling.

In October 1970, Ducharme and his colleagues were ready to present their report to the minister responsible for Human Resource Development, R. A. "Ray" Speaker, for a decision. The report was short — only three pages — and focused on key issues. First, it recommended that water be taken from the Athabasca River and treated using a new water treatment plant, which would have to be built. This recommendation was elaborated upon in a separate Government of Alberta report that outlined the possible solutions and found this, though costly, to be the best option given the community's desire to remain in Fort McKay.

Second, the report recommended that the

Human Resources Development Authority be permitted to co-ordinate negotiations between the "Land Tenure Committee" appointed by Dr. J. D. Ross, Minister of Lands and Forests and the residents of Fort McKay as soon as possible so that housing and community plans can be put into motion.⁷⁰

Third, they recommended that a housing program be initiated once the land-tenure situation was finalized, with the Human Resource Development Authority being permitted to

co-ordinate negotiations between A.H.U.R.C.⁷¹ and Fort McKay residents; Indian Affairs and Fort McKay residents; and other interested groups such as Indian and Métis Associations and government departments as necessary, to bring the community all available resources toward an effective housing program.⁷²

The authors concluded that they were aware of the “many other problems that the community has and is experiencing, such as illiteracy, health, etc., as a result of disruptive outside influences, i.e., oil exploration and the oil sands operations, as well as the general exposure to a growing urban community nearby and all that means to the ecology of the area.” Despite this, the report concluded that the “above recommendations, when implemented, will in our minds help immeasurably toward alleviating the basic problems and other necessary services will then have a firm basis for improvement.”⁷³

Once it was accepted by the Speaker, Assistant Human Resources Officer George Sanderson presented the report to Fort McKay. He stated that the Fort McKay report “was met with favourable acceptance by the Committee,” with “general agreement that the report is representative of the true conditions and needs of Fort McKay.”⁷⁴

On January 13, 1971, G. J. Armstrong followed up with Fort McKay, sending two nearly identical letters to Phillip McDonald, Chief of the First Nation, and to Ed Tourangeau, who was representing Métis interests. The letters were a response to a petition Fort McKay had sent the government asking for the implementation of the Fort McKay report. The community had apparently (and justifiably) grown impatient with the government’s dithering. In response, the government proposed another meeting with the community in late January 1971 to begin more formal discussions about the land and moving toward a land lease agreement like that implemented in other isolated communities.⁷⁵

Unfortunately, by January 1971, frustration had overtaken the Fort McKay First Nation, and Chief Phillip McDonald removed the First Nation from the community’s negotiations with the Government of Alberta. Around this time, Indian Affairs agreed to independently start building housing for

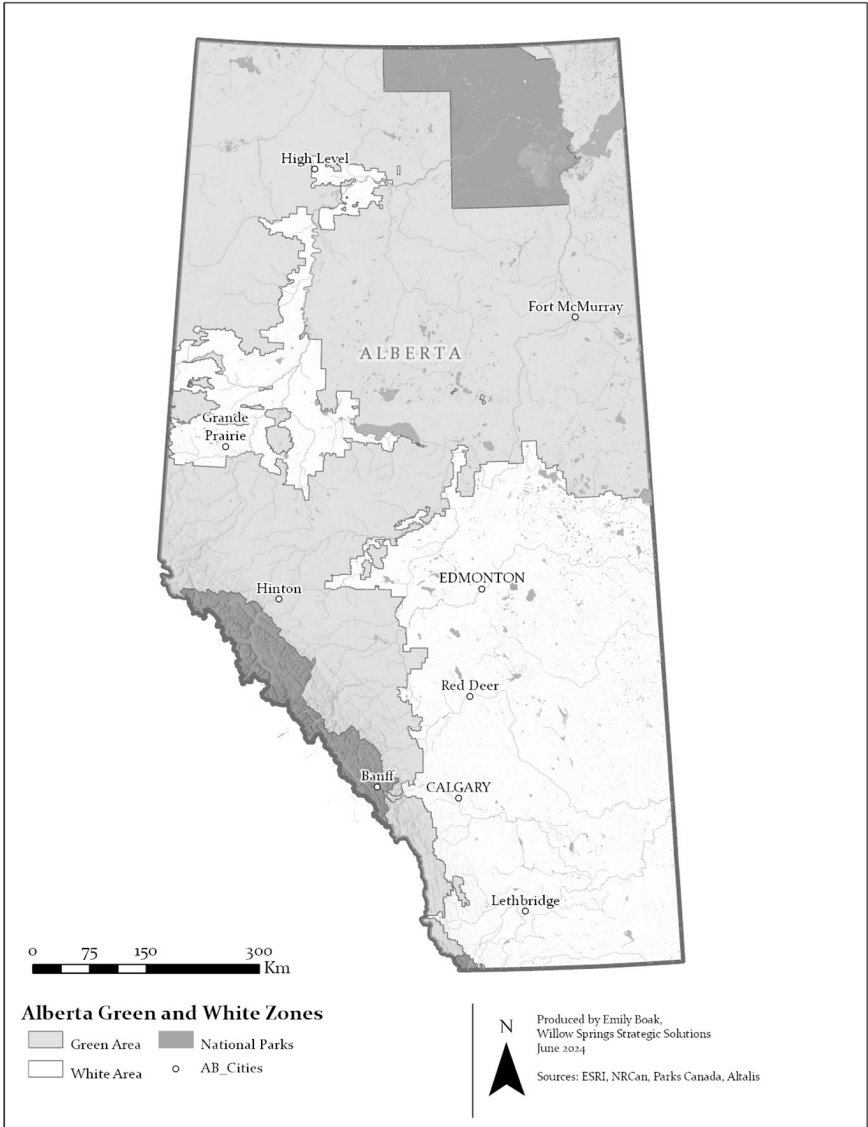
First Nations members on Lot 10, which the federal government had purchased from the provincial government. However, it was still not designated as reserve land. In Armstrong's eyes, this move "had the effect [of] encouraging the Treaty Indians to consider that it is not necessary to work with Metis residents to obtain desired benefits [of community land tenure] as they are being looked after."⁷⁶ The move also prompted the local Métis to turn to the Métis Association of Alberta (MAA) for support. In the summer of 1971, the MAA sent at least four different representatives, including President Harry Daniels, to Fort McKay in the hope of better understanding and advocating on behalf of the Fort McKay Métis to the government.⁷⁷ T. F. Roach of the Government of Alberta's Métis Study Task Force described the situation, appreciating why the Fort McKay Métis

tried to "go it alone," because the Metis people have the most to lose if the problem remains suspended in mid-air. The Treaty Indians are able to get off-reserve housing. The Metis are not because of the foul up in land. It strikes me as paradoxical that Metis people (the responsibility of the Province of Alberta) are unable to acquire land or housing on Crown Lands vested in the right of the Province yet Treaty Indians seem to have little problem in this area.⁷⁸

Roach recommended that the government attempt to establish a "local Government Authority" to begin selling or leasing lots to those community members without secure land tenure in Fort McKay. Roach noted that he

could hear the screams from Lands and Forests but possibly it is time to take the issue to them on a specific area, not necessarily on a philosophical level. Saskatchewan is able to accommodate people ahead of Green Zone policies, and I see no valid reason why it can't be done in Alberta.⁷⁹

As alluded to in Roach's letter, since 1948, the Department of Lands and Forests had implemented a policy whereby no new lands in the Green Zone could be easily sold or transferred to a third party, particularly for a "non-productive use" like Indigenous housing. The "Green Zone" was reserved for "forest management planning and protection of important watershed areas" while the "White Zone" was "set aside as land primarily suited for agriculture



MAP 4.1

and settlement.”⁸⁰ As described by Van Dyke and Loberg, through this policy, the government was “now applying southern land use rules with a pronounced effect on native people in the North” making it virtually impossible for northern Indigenous people to secure free and clear title to land in the “Green Zone.”⁸¹

A week later, Armstrong forwarded Roach’s letter to his director, J. E. Oberholtzer, stating he was “particularly interested in the proposal” to establish a “local Government Authority to set out the townsite, sell lots or have direct leases to individuals.” He reiterated that the community of Fort McKay had been “in a state of uncertainty for some 4–5 years” and that “it was extremely difficult trying to get the whole of the community to work together, when a portion of the community was being treated differently than the other.”⁸² He also wrote that he felt it would be difficult “to have the Metis Association or Indian Association representatives work out a proposal without considerable input from outside.” In reply, Oberholtzer asked Armstrong to develop a Fort McKay–specific proposal that he could present to the minister with respect to community development and housing, concluding that “although the Community is very slow, the potential via the oil sands is great.”⁸³

The next day, Armstrong redrafted the recommendations from the Fort McKay report made initially in fall 1970. In this latest letter, he asked the provincial government to establish a Fort McKay task force with the responsibility to allot the land in the townsite, devise a housing program, determine what was required to create a safe water supply, and create a training program so workers “may participate in the Tar Sand Development proposals.” Additionally, he recommended that a human resource officer be placed in Fort McKay to support the new local government and that consultation with the whole of the community should continue, but that such consultation “not be confused with consultation with the respective [provincial Indian and Métis] associations.” He concluded:

The Fort McKay situation is serious and of long duration. They have not been able to achieve a co-operative approach in dealing with their problems. Government action has followed the departmental structures in dealing with proposals, but there has been a lack of co-ordination of effort. Decisions have been postponed waiting for firm proposals representing all residents of Fort McKay.

I recommend that the Government go ahead with a Task Force, representing Departments concerned, with instructions to work out a proposal for Fort McKay, present it to them, and be prepared to negotiate with them for changes in the proposal.⁸⁴

It is unclear what happened with this proposal, but it does not seem that the government ever acted upon it. In 1971, the upstart Progressive Conservative party unseated the Social Credit government, causing a major political change that the province had not experienced for generations. The election of the Progressive Conservative government in Alberta initiated a new era in Alberta politics, and this shift affected northern First Nations and Métis communities, just as it did all Albertans.

One key shift was that the new government showed a preference for working with umbrella organizations rather than with local groups. This is evidenced in the fact that the Métis Association of Alberta got an audience with the premier to present a briefing report titled “The Metis People and the Land Question in Alberta.”⁸⁵ The brief provides a detailed background of the land-tenure situation for Métis people in the province, as well as a discussion about the current situation and a proposal for future land management.

The new provincial government seemed to believe that the Métis Association of Alberta could be a key part of the solution to the northern land-tenure issue and that long-term leases would sufficiently work around the Department of Land and Forests’ long-standing policy of not readily giving land to anyone in the Green Zone. At around the same time that Armstrong was making that suggestion, another Fort McKay committee was established to work with the community as a whole to negotiate a broader land-tenure agreement — a proposal to establish a lease with the “Red River Point Society” on behalf of Fort McKay was sent to the government that would secure land for Fort McKay Métis. The agreement was lambasted by T. F. Roach, who was responsible for heading up a provincial task force examining Métis land tenure throughout the province. He vented that the Red River Point Society lease can be seen as a

typical example of [Government] working in isolation and, the faults are many. The Métis Association [of Alberta] knows of the efforts made to create a community in Fort McKay. This lease will dispel any immediate prospects of reaching any agreement

in the area. How much consultation took place between Lands and Forests, Municipal Affairs and our office. We are not suggesting a community approach for the mere sake of unity, the Syncrude development could lead to a fairly steady increase in the Native population in Fort McKay. We will find services and/or homes spread around that area if some reasonable controls are not developed real soon. I suppose the Métis people got fed up with the stalling tactics of the Treaty Indians. Nonetheless, we could find ourselves faced with a request from the Treaty Indians for a small tract of land to be set aside as a reserve at Fort McKay Settlement.⁸⁶

Roach was undoubtedly frustrated that years of negotiations and meetings meant to work with the community had failed to secure a land-tenure system. He would likely not have been surprised that the various factions within Fort McKay were looking to take any advantage they could to better their own situations. It should not be forgotten that the Fort McKay Métis and First Nations went together to the government to request various solutions to the community's problems, but there had been very little substantive change that resulted from the five years of meetings.

The establishment of the Red River Point Society and the building of houses by the Department of Indian Affairs on the land it had bought from the provincial government seemed to have addressed the community's immediate need to secure housing and land. However, it also opened a series of new issues. The Red River Point lease did not include the existing houses in the community. Métis members had to move or rebuild between fifteen to twenty houses without funding nor a final community land survey.⁸⁷ In 1973, concerns about the continued lack of Métis housing remained. In April 1973, Zachary Powder wrote to Métis Association of Alberta's president Stan Daniels, asking about housing in the community. To this request, Daniels replied that "Hon. A. Adair, Minister without Portfolio, Responsible for Northern Development and Native Affairs is presently preparing Policy regarding the Housing Program," and he had no new information, but that Fort McKay should "remain patient."⁸⁸ It seems little information was provided to Fort McKay over the months that followed, and by July, Ed Tourangeau, acting as president of the Métis Association Local, wrote to MAA president Stan Daniels:

Dear Stan,

I'm writing about housing. Our Local had [a] meeting last nite [sic], and I was asked to write.

First:

How soon is the housing going to start here in McKay?

We would like to know if we are going to get those houses or not?

If we're getting those houses would you speed it up and let us know just where we stand?

Didn't Alberta housing start at Fort Chip all ready? I would like to get a reply back soon as possible, as I really need a house badly myself. If I don't get a house, I have to build a shack for the winter and build it at the lease. Also I'll take a picture of it and send it to premier Lougheed. I'll be waiting your answer.

Yours Truly
Edward Tourangeau
President⁸⁹

This letter was followed up with a second, more forceful letter in late August:

Dear Stan Daniels,

We Local #122 would like to see some action this week coming. If we do not hear from you in the next few days all the metis people from Ft MacKay are coming to Edmonton to your office. These promises be[en] going on to [sic] long, always different people and promises, no action.

We will put all these promises and minutes of the meeting in all the proper journals etc. If you can not build right away, how about some trailers or something. We also need a field worker in our area who speaks Cree.

Yours Truly
Ed Tourangeau
President Local #122⁹⁰

RECEIVED AUG 27 1973

To President metis association Alberta

July 23/73

Dear Stan Daniels.

We local #122 would like to see some action this week coming. If we do not hear from you in the next few days all the metis people from Ft Mac Kay are coming to Edmonton to your office. These promises is being going on to long always different people and promises no action. We will put all these promises and minutes of the meeting in all the papers journals etc. If you can not build right away. How about some trailers or something. We also need a field worker in our area. who speaks Cree.

your truly

Ed Tourangeau

president local #122.

FIGURE 4.5

Edward Tourangeau to Stan Daniels, July 27, 1973. Glenbow Museum and Archives, M4755, file 470.

Clearly, the Métis in Fort McKay were growing increasingly tired of promises made by outside agencies while being told to “be patient” and wait for the next policy to be unveiled.

It seems that the provincial Métis Association was also growing frustrated. In January 1973, it presented another brief to Premier Peter Lougheed that described the situation facing northern Métis communities. The briefing seems to have moved Lougheed to action. Lougheed initially “made \$1,000,000 available through the office of Northern Development to develop a housing program in response to the Métis Association,” with the Alberta Housing Corporation to act as the delivery agent, and with a goal to build fifty houses through a partnership with Kainai Industries Ltd.⁹¹ In 1974, the plan was expanded to provide an additional \$3,000,000 of funding through the Alberta Housing Corporation in Grand Prairie, Fort McMurray, Edson, Slave Lake, and Fort Chipewyan.⁹² The overall objective of the Métis Housing Program was to

provide adequate housing for those natives who do not have or are unable to provide their own housing at an acceptable standard. In sponsoring a Metis Housing Program, the Alberta Housing Corporation, in cooperation with the Office of Northern Development, will attempt to satisfy the following goals:

- (a) Establish a provincial responsibility for providing housing assistance to Metis people.
- (b) Assist in upgrading the housing standards of Native peoples.
- (c) To encourage a sense of personal responsibility and a pride in ownership through planned maintenance savings and an option to purchase.
- (d) To provide not only housing, but a counselling service which will attempt to encourage Native peoples to respond in a positive manner to a new environment.
- (e) To provide opportunities for local Native labour to be involved in construction of the units.⁹³

While the program was a move in the right direction, it was little more than a drop in the bucket, as the department estimated that there were “approximately 3,800 living on Alberta Crown Land in the Green Zone without satisfactory land tenure agreements”⁹⁴ An estimate by the Métis Association of Alberta suggested that just under eighty million dollars would be necessary to build 5,000 homes and effectively address the provincial-scale crisis in the province’s north.⁹⁵ By March 1974, Alberta Housing built the first three houses in Fort McKay with the program’s funds. These dwellings were for Ed Tourangeau, Teckla [*sic*] Powder, and Clara Shott.⁹⁶

By 1978, little had actually changed for the community. While some Métis members had obtained houses from the Alberta Housing Corporation, the majority were still without houses or were living in substandard houses, temporary houses (tents), or doubling or tripling up with those who did have houses on the 610 acres leased through the Red River Point Society.⁹⁷ The community lease did not include provisions for individual lease agreements, a housing authority, or the policies and procedures necessary to manage a community-housing program. Instead, the traditional land-management practices used for generations prior were employed, with the community deciding internally how land would be allotted and housing managed. While this process worked historically, the lease created a new government-mediated relationship with the Red River Point Society obliged to pay rent for the land that most community members could not afford. Furthermore, there was only a limited understanding of the difference between land ownership and land leasing in the community.⁹⁸ This meant that while many community members believed that their position had improved because “nobody bothers you if you have your own land,” in reality, their position was just as precarious, if not more so, because the lease had confirmed that the government owned the land and they, as a community, were falling further and further into debt every year they failed to pay their rent and taxes.⁹⁹

Van Dyke, in his 1978 report, also noted that the status of the leased land faced the inherent risk of the government ripping up the lease and providing each community member title to his or her own land and then having that land sold to community outsiders. He further stated that if “patent land is acquired, it may also be sold” and that if the economically deprived community of Fort McKay were allowed to sell land for “appreciably large quantities of cash” many would likely take that opportunity and would suddenly become landless, with the purchasers most likely being “whites looking for acreages.”

This would likely mean the Métis community members would be forced to revert to “squatting on Crown land,” a situation that would play out in other Métis communities in the region in the not-so-distant future.¹⁰⁰ Van Dyke went on to question whether the government would be willing to accept the ramifications of such a “long-term consolidation” that would likely transform Fort McKay from an Indigenous community to a non-Indigenous community and whether this desire for individual control would work against the community’s larger goal of maintaining its current demographic makeup and character.¹⁰¹ This desire to preserve Fort McKay’s Indigenous character may help explain why the government did not move to individualized land ownership, which would have likely led to the loss of much of the land base that the Red River Point lease agreement established. One also cannot help but wonder whether the government was concerned about how a “white” community might react to living in the same situation with massive water, land, and service problems that many Fort McKay community members were forced to accept.



In 1975, a number of First Nations in the province’s northwest attempted to place a caveat over 33,000 square miles of land “between the Peace and Athabasca rivers ‘by virtue of unextinguished Aboriginal Rights.’”¹⁰² The Alberta government took the matter to court and was successful in 1977 in passing Bill 29, which rewrote the law governing caveats and made it retroactive to a time before the group attempted to file the caveat, ultimately leading the case to be dismissed.¹⁰³ While the case was dismissed, the caveat forced the government to pay closer attention to the land issue in the north and recalibrate their direction. It was not simply an issue of balancing the poverty caused by landlessness against the cost of implementing a land tenure solution; it was also now necessary to consider the potential of future Aboriginal land claims made by landless northern communities against the government’s desire to push through an ambitious northern development program centred on the development of oil and gas projects. The government, therefore, moved aggressively on a number of fronts, attempting to limit Indigenous groups’ collective power and, at the same time, minimize the risks associated with land entitlement issues. As such, between 1978 and 1981, the government curtailed the ability of northern Indigenous groups to

organize while also offering individuals in the north title to the lands they occupied.

The new program delivered by the “Land Tenure Secretariat” agreed to waive fees associated with surveying individual lots, granting individuals 2.5 acres for a nominal \$1 fee. The catch was that the program would only be made available when 75 percent of the community agreed to implement it.¹⁰⁴

In many ways, the new program seemed to provide an opportunity for the community of Fort McKay, which was still struggling with land issues. In addition to the problems facing the Red River Point Society described above, the First Nation was running out of land on Lot 10. For Fort McKay, it was believed that this program might kill two birds with one stone, allowing the community as a whole to manage the land on behalf of the communal interests.

As such, the Fort McKay Community Association, which continued to represent both the Métis and First Nations in the community and was led by twenty-three-year-old administrator (and future Chief) Jim Boucher, made a proposal to the Land Tenure Secretariat that would see all the land in the community combined “into a municipal organization with everyone getting title to the land in the community.”¹⁰⁵ Unfortunately, I have not yet been able to locate the proposal, and it is unclear how exactly the land would be managed once transferred. However, it is clear that the goal was for the Fort McKay Community Association to lead the process. It was also reported that Fort McKay met the 75 percent community threshold required by the Land Tenure Secretariat for communities to request land tenure. Unfortunately, the Fort McKay proposal was not welcomed by the government, with Minister Marvin Moore at Municipal Affairs responding that:

I have now had an opportunity to fully review the matter of land tenure and the development of Fort McKay.

Review of the future development of Fort McKay must be done in consideration of the potential for oil sands development and inconsideration of overall development in the area.

As you are aware, the community is located on, and surrounded by mineable oil sands.

Our view of the long term development in the area is that growth should occur in the two major centres, Fort McMurray and the proposed New Town which would service the Alsands Project. The current plans for development do not include any growth or change in status for the Fort McKay community. Only additional services and facilities of an emergency nature will be provided in Fort McKay.

Consequently, we will not be approving or proceeding on any Land Tenure projects in the community of Fort McKay. Although this position will be reviewed from time to time we do not anticipate any major changes in policy in the foreseeable future.

The existing Red River Point Society leases and existing Federal Government leases will remain unchanged, although no expansion or modification of any leases will be approved. No additional provisions other than those available to existing Fort McKay residents will be entertained for status Indians [*sic*] resident in the community.

For the time being the Fort McKay Community Committee will be the avenue through which we and all authorities external to the community will deal with the community. However, we would like you to consider having elected representation on a new Improvement District Advisory Council for your area, effective the fall of 1980.¹⁰⁶

As seen in the letter, the government was unwilling to prioritize the Fort McKay community over potential future northern resource development. Furthermore, they seemingly did not support a scenario where Métis and First Nations people worked together to manage a community in the community's best interests, which would likely require the cooperation of the federal and provincial governments and potentially impact future conversations about collective Aboriginal rights.¹⁰⁷

In later correspondence with Chief Dorothy McDonald of the Fort McKay First Nation, Moore suggested that if the First Nation needed land, they should consider leasing it from the Red River Point Society, which he felt had more than they needed. This was because Moore (and the Alberta government) was

committed to limiting the community's footprint and ensuring the continued separation of the First Nation and Métis in the community. To this request, McDonald stated that the First Nation outright rejected

the provincial proposal that we negotiate with the Red River Point Society to lease some of their leased land for Fort McKay Band housing. This alternative does not provide our people with the long-term security that they have a right to. As well, it is our understanding that the Red River Point Society does not view 625 acres as excessive to their needs as suggested by the provincial government.

Chief McDonald went on to express concern with the government's interpretation of the "Fort McKay Community Plan," arguing:

The Fort McKay Community Plan was developed to promote and introduce a land tenure system of individual ownership to our community. The Fort McKay Band rejects such a [provincial] land tenure system. The Band wishes to continue to have its lands reserved by the Federal government for the benefit of its people as a whole.

The Band is in the process of developing its own plans as they relate to the interests of our Band members. We wish to assure the Minister of Municipal Affairs that our plans can and will complement the plans of the whole community. We have always lived in co-operation with our Metis neighbours.

The provincial government has opposed our Band Council Resolution requesting reserve status for the 40 acres of Federal Crown land we now occupy. The reason for this opposition is that the province's developmental planning for the area is not yet complete. This position is completely unacceptable to us. The Band has never had any meaningful involvement in the provincial planning process. As a responsible Indian government, we have and will continue to plan a type and style of development which best benefits our own people. Provincial planning, to date, has left both the Indian and Metis people of Fort McKay without

proper or adequate housing, running water sewage or sanitation facilities or adequate health care services.¹⁰⁸

The government's refusal to develop a system that would acknowledge Fort McKay's right to self-government demonstrates how the land tenure program was designed to limit Indigenous people's rights in the north, particularly around areas where there were competing resource developments.

McDonald's response confirms the First Nation and Métis were committed to working together as a "responsible Indian government" to meet the community's needs, even as provincial and federal planning continued to fail. Additionally, this letter likely stopped the government from implementing its broader land-tenure plan in Fort McKay, which would have transformed the Métis lease into individual freehold lots and, as described by van Dyke, led to community members selling lots on the open market and ultimately creating a new generation of landless community members similar to what happened in other Métis communities in the region, such as Conklin and Chard/Janvier.¹⁰⁹ In the end, the Red River Point Society lease was maintained for the entire term, leaving the community under-resourced, and many of the problems, such as "adequate housing, running water sewage or sanitation facilities or adequate health care services" originally identified as issues in the late 1960s, still waiting to be properly addressed.

In 1987, the twenty-five-year Red River Point lease expired, and suddenly, the Métis community members, who had at least some level of security, were faced with possible expulsion. Further complicating matters was that the Red River Point Society was defunct, and Métis Local 122 had taken over as the community's governance body.¹¹⁰ The Department of Municipal Affairs, hoping to avoid a situation where Métis community members would once again become squatters on their own land, signed an updated five-year lease with Métis Local 122 for one dollar per year, with terms similar to those originally given to the Red River Point Society — namely, the local would agree to pay and was responsible for "(a) all taxes, rates and assessments, including local improvement charges levied against the lands and premises during the term of the lease; and (b) all utility rates and charges incurred in respect of the lands during the term of the lease." While it is unclear, it seems that the government decided to waive any outstanding debts held by the Red River Point Society when it was folded.

The new lease set out that Local 122 could only use the land for the construction of a community-housing development, must keep the land clean and free of refuse, and also included the language that “any right the Lessee may grant to individuals to occupy the community housing development, the Lessee shall not sublet, assign, encumber, or charge the lands in any way without written consent of the Lessor.”¹¹¹ Interestingly, the Local, at least under the 2001 version of the lease, was given the option to purchase the land in the final year, provided that all taxes, charges, and assessments had been paid, that the terms of the lease were still valid, and that the land had been developed to the satisfaction of the ministry. The purchase price of the land was to be one dollar more than the rent paid during the lease.

While the Métis Local 122 lease maintained the status quo in the community, the land-tenure situation remained tenuous. The five-year lease term made it virtually impossible for those living on the lease to make permanent improvements through mortgages or other lending agreements. Fort McKay residents who lived on the leased land had uncertain legal entitlement. Additionally, the informal management structure first utilized by the Red River Point Society remained, and the Métis president routinely “gave” houses and land to community members, as had been the custom. The new “owners” of the houses believed they were theirs to manage, similar to personal property, without the responsibilities or commitments due to modern landowners. Yet none of these “owners” had formalized sublease agreements with either the Red River Point Society or the Métis Local. The lack of a formal agreement with members made it nearly impossible for either the Society or the Métis Local to collect rents from members or monitor improvements made on the land. As noted by a community member in 1978: “We have been in trouble for a number of years trying to pay taxes in common for the Red River Point Lease,” a situation that would get worse, not better, as the yearly rents increased when the land was transferred to the Métis Local.¹¹²

The situation became even more complex when the federal government began to change its rules over who qualified for treaty status. Bill C-31 was the first of these measures, passed in 1985. These bills meant that many of the Fort McKay Métis population could now qualify for First Nation status (or requalify, for those who had lost it due to marriage to a non-First Nations person). With Fort McKay First Nation’s settlement of their treaty land entitlement and the growth of their community-owned businesses in the early 2000s, they could suddenly offer members per capita distributions, new

houses, and other related services on newly incorporated reserve land.¹¹³ While these developments provided a number of former Métis community members the opportunity to reclaim their “status,” it also led to questions about “their” houses that were given to them by the Métis president on the leased land. The Métis Local, without a proper sublease agreement, had very little authority to control the houses, and a number of recently enfranchised First Nations members chose to keep and rent out the property they “owned” on the Métis side of the community, sometimes to non-community members, even though this explicitly contravened the Métis Local 122 lease agreement with the government.¹¹⁴

By the early 2000s, Métis Local 122 was in financial trouble, having failed to pay the required taxes on the lease for a number of years, and in 2003, the local was struck from the corporate registry.¹¹⁵ In 2002, the Métis Nation of Alberta¹¹⁶ declared Métis Local 63 to be the legitimate representative of the Métis people of Fort McKay, replacing Métis Local 122.¹¹⁷ In March 2006, Calvin Kennedy, then president of Fort McKay Métis Local 63, sent letters to the president of the Métis Nation of Alberta and MLAs Bill Bonko and Pearl Calahasen advising them of the imminent expiry of Local 122’s lease on Crown lands and the transfer of Métis political representation from Local 122 to Local 63.¹¹⁸ They also sent a letter to Alberta Municipal Affairs Assistant Deputy Minister Brian Quickfall, offering to purchase the land leased by Local 122 to construct a housing project in Fort McKay for Métis members. Under the existing terms of the 2001 lease, the Fort McKay Métis seemed to be within their rights; however, the lease terms had been violated by Local 122’s failure to pay its taxes. Assistant Deputy Minister Quickfall wrote, in response to the request of the new president of Fort McKay Métis Nation Local 63, Ron Quintal, that

Honourable Rob Renner, Minister of Municipal Affairs, has asked Municipal Affairs staff and their counterparts in Alberta Seniors and Community Supports and in Aboriginal Affairs and Northern Development, to assess options for securing Métis land tenure in the Hamlet of Fort MacKay. This includes assessing the impact on all of the Métis residents in the Hamlet of Fort MacKay, including those who are members of Fort McKay Métis Local 63 and any who are members of Fort McKay Métis Local 122. The Minister will then make a decision about what course

of action to take, including how to respond to Local 63's offer to purchase. In the meantime, please be assured that the current residents can continue to live on the land in Fort MacKay.¹¹⁹

After several drafts and revisions, and after the Métis Local 63 cleared up the unpaid taxes,¹²⁰ the new lease agreement between Fort McKay Métis Local 63 and the Ministry of Municipal Affairs and Housing was signed on September 21, 2007, for a period of fifty years for the fee of one dollar per year.¹²¹ The lease included provisions for non-residential/commercial use by the Fort McKay Métis members, as requested by the Métis community in earlier drafts of the agreement, while emphasizing the use of the land for affordable housing. The agreement specified that Fort McKay Métis was responsible for all taxes, rates, and assessments charged against the lands and all utility rates and charges incurred in the use of the lands during the term of the lease. Clause 6 stated that “the land shall be used by the lessee for the purpose of constructing and maintaining an affordable housing development and such other residential and commercial uses as may be authorized from time to time in writing by the Lessor.” This represented a shift from the strictly residential provision of the 2001 lease of five years granted to Local 122 and opened the possibility of limited commercial use by Fort McKay Métis members. In developing the lands, the Métis community needed to comply with all laws and obtain necessary licenses, permits, and approvals. The 2007 lease did not contain the option for the Fort McKay Métis community to purchase the land upon successful fulfilment of the terms of the lease, but again, it was now for fifty years as opposed to the five-year lease granted to Local 122 in 2001.

Métis Local 63 President Ron Quintal continued to seek clarity on the relationship between the Fort McKay Métis and occupants of houses on the settlement that existed before the 2007 lease. In response, in a June 2009 email, Wayne Jackson of Municipal Affairs asked that the Métis move toward a formal land and tenure management framework to clarify the relationship between tenants and existing and new occupants. Jackson also wanted further information, wishing to clarify the number of dwellings, whether they were being rented or leased to third parties, who had title to them, and the state of new homes constructed with funds from Alberta Housing.¹²²

On January 10, 2010, Jackson additionally asked that Quintal provide the “Fort McKay Métis policies and procedures manual used to govern landlord-tenant relations, rights, and obligations between the Fort McKay



FIGURE 4.6
Fort McKay Métis Nation Council at McLean Lake, circa 2018. Felix Faichney, Janice Richards, Loretta Waquan, Ron Quintal, Glen Faichney. Barb Faichney Collection.

Métis and members residing on leased lands, including details about new home allocation, payment of property taxes, insurance requirements, and so on.”¹²³ He also asked for a business plan for the future commercial use of leased lands and a community plan with a focus on land planning and development. He encouraged Quintal to strengthen ties with the Regional Municipality of Wood Buffalo (RMWB), which Jackson stated had “planning

responsibilities for Fort McKay (outside of First Nations lands) as a hamlet within the RMWB,” under the Municipal Government Act. Finally, Quintal was asked to provide Municipal Affairs with plans for the subdivision design that would designate commercial versus residential land within the lease area and to point out how the plans would benefit the community as a whole. Quintal and the Fort McKay Métis did not have these policies and procedures at the time. However, the request demonstrated that the Alberta government was seriously considering the Fort McKay Métis as a self-governing group expected to manage its own land. The lack of procedures also demonstrates that Fort McKay’s traditional management practices for the land would no longer suffice, as the impacts of industrial projects nearly completely transformed the community. New or “modern” policies and procedures would be necessary to govern the community effectively going forward.

In 2011, the Fort McKay Métis were able to secure funding to begin construction of a new community office and housing on the leased land, but they came to face new obstacles. Specifically, banks were unwilling to provide Fort McKay Métis with a mortgage unless they offered the land lease as collateral. Due to the size of the lease (over 600 acres in the centre of the oil sands region), it made no sense to offer the whole lease as collateral on a single building or even a few buildings, so the Fort McKay Métis requested that the lease be divided into smaller leases or parcelled up to facilitate the acquisition of mortgages for new homes on the part of members.

An email dated March 8, 2012, from Thomas Droege, executive director of Métis Relations for Alberta’s Intergovernmental, International, and Aboriginal Relations Ministry, raised a number of issues regarding land transfer to the Fort McKay Métis. First, it was clarified that Municipal Affairs wished to dispose of the land since it was the only land it held, and it did not have the capacity to administer it effectively. However, Droege brought up concerns that the land could not be transferred to a Métis political organization considering the organization’s political and cultural character. As a political organization, community divisions such as those that occurred in the past between Métis Local 122 and 63 could potentially happen in the future, for the MNA required only twenty-five local members of the MNA in good standing to form a separate Métis Local, leading to potential conflict over ownership of the leased lands if a new group in Fort McKay emerged. Further, he argued that the Constitution Act, 1982, and the Charter of Rights and Freedoms required the need for governmental neutrality regarding culture,

race, and religion; he, therefore, stated that the government would prefer to transfer land to a new “community” organization or a municipal housing authority rather than a particular cultural community such as the “Métis.” Such a statement by a government official again failed to recognize the realities of Fort McKay, notably that they had been managing their land since the 1800s and, although they were now forced to take on various names by colonial governments, they were, in essence, the same community, who were by and large descendants of the original Fort McKay community.¹²⁴ It was also a direct strike against the rights of a community such as the Fort McKay Métis to self-govern, which is their right under the constitution and, more recently, the United Declaration on the Rights of Indigenous Peoples.¹²⁵

Despite the possible legal arguments that could have been made to the government, the Fort McKay Métis took a more pragmatic approach, establishing the Fort McKay Métis Community Association, the precursor to the Fort McKay Métis Nation. While the details of the last few years of negotiations remain confidential, the Fort McKay Métis Community Association worked diligently to address the concerns outlined in Jackson, 2010 and Droege, 2012 to develop a governance structure that enshrined the community as a self-governing Métis Nation, maintaining linkages to their historic past, but developing new policies, procedures, and a constitution that would allow them to move towards self-government in the future.¹²⁶ That work included building the administrative capacity of the organization to manage their leased lands, growing the community business to generate funds for the new houses and social programs that had been requested since the 1960s, and ultimately negotiating the purchase of the land originally leased by the Red River Point Society in 1972 in 2018.¹²⁷



A few key points stick out when considering the story of land tenure in Fort McKay in relation to the evidence for a continued community from the historic period to the present. First, there was always a commitment to manage the land through community consensus and historical processes. Before 1972, the local people had a clear commitment to secure their land and maintain it for themselves and future generations by working together as one community. The Fort McKay Métis and First Nation did this by approaching the government together as the “Fort McKay Community Association” and later

the Fort McKay Housing Society. However, after years of meetings and a failure by governments to overcome their own silos, the First Nation and Métis were “split into two.”

After the formation of the Red River Point Society, Fort McKay common law structured the relationships and organization in the community and organized how houses were built. While this would lead to growing pains in the future as the community learned how to function within the new colonial relationship, paying rent, and managing the housing program, those practices would contribute to the community’s establishment of a modern Métis Nation that has passed a constitution and is prepared for self-government.

Finally, it is also worth noting that after the Métis received the Red River Point lease and the First Nation secured housing on Lot 10, the groups stopped officially working together on land-related issues. However, they continued to work together to protect their interests against industrial incursion. The next chapter will look at community cohesion, particularly in reference to Fort McKay’s response to industrial development in the region.