

Sagkeeng First Nation: Developmental Impacts and the Perception of Environmental Health Risks[©]

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ENVIRONMENTAL HEALTH RISKS

FINAL REPORT

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1.0 Introduction

In 1988, a critical assessment was conducted on how governments and industry address potential health impacts of industrial developments in northern regions of Canada. The Canadian Environmental Assessment Research Council (CEARC) held several regional workshops across Canada to foster discussion on northern and Aboriginal understandings of environmental health issues. Many broad recommendations emerged:

- * *the health of a community should be understood before a development project is underway;*
- * *the impacts of an existing industrial site on a community over time should be understood by actually studying whether there is industry-related diseases (such as cancer or lung problems) developing in that community;*
- * *a communication approach that provides scientific information on contaminants to northern communities should be developed;*
- * *a constructive and respectful way of understanding what northerners consider to be a danger to their health should be developed.*

This study is a critical response to these recommendations. It examines the cultural basis of risk perception and the importance of local knowledge in changing the assessment and management of health risks.

1.1 Redefining Risk and its management

Communities, scientists, governments, industry, and environmental groups have all been involved, in one way or another, in the debate over what is a health risk. Communities and their advocates have recommended that we should respect community perceptions of risk as an important source of knowledge and that they should be given equal weight when a development project is being assessed. It has been proposed that the "public's judgements about risk are not inferior, but different, and arguably richer than those of the experts."¹ It has also been recognised that, although communities may face difficulties due to "differing conceptions of risk, lack of resources, poor access to information, and unresponsive government", their involvement is "necessary to make progress in health care and health policy."² In other words, their close involvement with professional scientists in socially constructing perceptions of environmental health risks is both a social movement and a new paradigm that constructively challenges the scientific canons of risk assessment and management.

Some risk assessors, according to Shrader-Frechette (1991), have contended that government, science and industry still know what is best, and people who don't trust what they propose or what they do with

¹ Daniel J. Fiorino, "Technical and Democratic Values in Risk Analysis," *Risk Analysis*, Vol. 9, No. 3, 1989. p. 296.

² Phil Brown, "Popular Epidemiology and Toxic Waste Contamination: Lay and Professional Ways of Knowing," *Journal of Health and Social Behavior*, Vol. 33 (September), 1992. pp. 278-9.

the environment are misguided, irrational, ignorant, or suffering from mass paranoia.³ Consequently, scientists have advocated an objective way of assessing risk; a world view that minimises the importance of diverse accounts which represent a multiplicity of views and interests.⁴ The danger of such scientific objectivity is that it restricts people who are not scientists from having any say about the substance of scientific work; a process described as "boundary work" by Jasanoff (1990).⁵ When scientists label lay people as non-scientists, they unknowingly construct the perception that lay perceptions have no authority in describing what is a risk to health.

An alternative approach begins with the assumption that both public and scientific perceptions of risks are culturally defined.⁶ Brown and Mikkelsen's (1990) study into toxic waste and community action illustrates how community activists, through resistance, directed scientists toward knowledge previously unavailable.⁷ This knowledge has convinced some scientists that they need to adopt a middle ground by emphasising better hazard assessments and by promoting the democratic control of environmental risks.⁸ Webler (1992) suggests that such involvement would bring cultural rationality into the risk analysis project. By doing so, risk communications would be based on an analysis of environmental risks that utilised the strengths of both forms of rationality, while attending to their weaknesses.⁹

However, it has been suggested that such a 'communicative synthesis' is not that viable. Throgmorton (1991: 173) states that:

I can see more clearly how the tensions and ambiguities associated with the various analytical roles are deeply intertwined with the tensions and ambiguities of modernism and the Enlightenment. 'Communicative synthesis' now strikes me as a modernist solution to the quandaries of modern life, for the 'synthesis' is to seek a 'central plateau' (a place from which one can look but not be seen) from which an analytical team can perfectly and legitimately represent the voices of three quite diverse communities.¹⁰

³ K. S. Shrader-Frechette, *Risk and Rationality: Philosophical Foundations for Populist Reforms*, Berkeley: University of California Press, 1991. pp. 15-17.

⁴ See Dennis J. Paustenbach, *The Risk Assessment of Environmental and Human Health Hazards: A Textbook of Case Studies*, New York: John Wiley & Sons, 1989.

⁵ Sheila Jasanoff, *The Fifth Branch: Science Advisors as Policy Makers*, Cambridge, Massachusetts: Harvard University Press, 1990. p. 14.

⁶ See Mary Douglas and Aaron Wildavsky, *Risk and Culture: An Essay on the Selection of Technological and Environmental Dangers*, Berkeley: University of California Press, 1982.

⁷ Phil Brown and Edwin J. Mikkelsen, *Toxic Waste, Leukemia, and Community Action*, Berkeley: University of California Press, 1990.

⁸ Shrader-Frechette, *Risk and Rationality*, p. 52.

⁹ Thomas Webler, Horst Rakel and Robert J. S. Ross, "A critical theoretic look at technical risk analysis," *Industrial Crisis Quarterly*, Vol. 6, 1992. p. 34.

¹⁰ J.A. Throgmorton, The rhetorics of policy analysis, *Policy Sciences*, Vol. 24: 153:179.

Instead, scientists and policy analysts need to be open to the many interpretations of risk, rather than opting for a central plateau in risk assessment and management. What is being advocated is a post-modern form of risk analysis; one that is open to various local perceptions of risk, including scientific perceptions.¹¹ Perspectives which contest the boundaries of science and which resist risk assessment and management activities must be encouraged and incorporated into the risk communication process.¹² By including local knowledge in the risk assessment and communication process, we expand our understanding of the social and cultural context in which the perception of risk occurs.¹³

1.2 Aboriginal Resistance to Environmental Threats

In Canada, Aboriginal resistance to environmental policies and polluting industries is rooted in the Aboriginal self-government movement. Through resistance, Aboriginal peoples have demonstrated that governance issues and treaty rights encompass the most fundamental aspects of the relationship between Aboriginal peoples and the Canadian State. Aboriginal governmental powers did not disappear in 1867 with the implementation of the *British North America Act*. *The Constitution Act of 1982* finally settled this dispute. Section 35 of the Constitution entrenched Aboriginal peoples inherent right to self-government, and the *Sparrow* decision concluded that Aboriginal rights and treaty rights are resilient to legislative inroads, except where a high constitutional standard could be satisfied.¹⁴

According to the Royal Commission on Aboriginal Peoples (1993), Aboriginal laws may very well prevail, except where external laws can be justified under the *Sparrow* standard. In *R vrs Sparrow*, the Court suggested an analytical process for determining the constitutional validity of governmental actions, and the questions relevant to that determination include (Vanderzwaag and Duncan, 1992):¹⁵

1. Whether the limit was unreasonable;
2. Whether the regulation imposes undue hardship;
3. Whether the regulation denies holders the preferred means of exercising their rights, as well as;
4. Whether there has been as little infringement on Aboriginal rights as possible;

¹¹ R.A. Rappaport, Toward Postmodern Risk Analysis, *Risk Analysis*, Vol. 8(2): 189-91.

¹² B.D. Elias and J. O'Neil, *A study into the social, cultural and disciplinary understanding of risk perceptions and risk acceptability of contaminants in the Canadian Arctic*. Report prepared for the Arctic Environmental Strategy Contaminants Program, Indian and Northern Affairs Canada, 1995.

¹³ See Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality*, Boulder, Colorado: Westview Press, 1994.

¹⁴ Royal Commission on Aboriginal Peoples, *Partners in Confederation: Aboriginal Peoples, Self-government, and the Constitution*, Ottawa, 1993.

¹⁵ David Vanderzwaag and Linda Duncan, Canada and Environmental Protection: Confident Political Faces, Uncertain Legal Hands, in Robert Boardman (ed.) *Canadian Environmental Policy*. Toronto: Oxford University Press, 1992.

5. Whether, in a situation of expropriation, fair compensation is available; and
6. Whether an Aboriginal group has been consulted as to the implemented conservation measures.

The Commission concluded that there might be a considerable degree of Aboriginal autonomy, but that external legislation in matters of transcending importance would prevail, unless an Aboriginal individual or group can prove a prima-facie infringement on an Aboriginal right. For instance, aboriginal individuals or communities would have the right to challenge a government permit allowing an industrial project to proceed, especially if that project may have potentially negative effects on traditional lands or uses. The Supreme Court, however, stopped short of examining the possibilities of shared management arrangements, or Aboriginal self-regulation subject to conservation requirements (Vanderzwaag and Duncan, 1992).

At this time, the precise form that self-government will take in the field of environmental risk assessment and management, is not known. The Royal Commission on Aboriginal Peoples (1993) is of the opinion that Aboriginal governments and the federal government will have independent, but overlapping powers to legislate. When a conflict does arise between Aboriginal law and federal law, and both laws are valid, this interpretation implies that Aboriginal laws will take priority except when the *Sparrow* standard applies. Under the *Sparrow* standard, federal laws will prevail if need is shown to be compelling and substantial, and if legislation is consistent with the Crown's fiduciary responsibilities to Aboriginal peoples. The Commission, in its consideration of the interaction between Aboriginal and provincial laws, recommended that this interaction should follow, with relevant adaptations, the constitutional rules that govern the interaction between federal and provincial laws.

A problem, however, arises when there is jurisdictional ambiguity, as in the case of environmental matters. In Canada, there is no explicit provision in the Canadian Constitution that relates directly to environmental matters (Skogstad and Kopas, 1992).¹⁶ Consequently, federal-provincial relations on matters of environmental policy follow the traditional pattern of federal-provincial relations. The federal government, for instance, proposes national guidelines and objectives, and federal-provincial consultation and bargaining establish regulatory standards, which the provinces enforce. The federal government justifies its legislative and regulatory presence by virtue of its authority to make laws for the peace, order and good government of Canada, trade and commerce and criminal law. They also have jurisdiction over the sea coast and inland fisheries, Indians and Lands reserved for Indians, agriculture, navigation and shipping, direct and indirect taxes, and the negotiation and signing of treaties, which indirectly authorise a federal environmental presence. The provinces, by virtue of the *Constitution Act 1930*, have the legal authority to manage, develop or conserve natural resources, including forestry and hydroelectricity, within their borders. This authority, combined with the belief that pollution offences are civil not criminal offences, provides them with a strong voice in environmental matters.

¹⁶ Grace Skogstad and Paul Kopas, *Environmental Policy in a Federal System: Ottawa and the Provinces*, in Robert Boardman (ed.) *Canadian Environmental Policy*. Toronto: Oxford University Press, 1992.

There is also authority originating in Aboriginal rights, including the right to hunt, trap, and fish in traditional ways and the right to certain water uses. These rights could very well restrict government and industrial actions that have environmental implications (Vanderzwaag and Duncan, 1992). Conflict, of course, will be inevitable. Conflict is certain when there is jurisdictional ambiguity and considerable overlap of legal authority between governments. The following observation, made by Skogstad and Kopas (1992: 45), suggests some areas where conflict has occurred and some possible problems that may likely emerge as Aboriginal governments define the assessment and management of developments:

The greatest source of potential conflict has been between federal authority with respect to fisheries and provincial ownership of natural resources, including the right to manage and develop forestry resources. More generally, the spill-over of environmental problems across subject matters assigned to the two levels of government creates the possibility for unco-ordinated legislation: that is, each level of government legislating and regulating in many of the same general policy areas.

As we noted elsewhere, environmental risk assessment and management is a contested terrain, continuing a long tradition of conflict between governments.¹⁷ How all three governments will contend with the assessment and management of hazards is an interesting self-government issue, given that environmental hazards locally experienced can be defined as a matter of transcending importance. At this time, Aboriginal communities are challenging federal and provincial environmental impact assessment legislation from a position based in Aboriginal title.

In Canada, Aboriginal title is a right from which Aboriginal peoples negotiate their shifting relationships with non-Aboriginal society and their claim to resources that long supported them in a traditional way.¹⁸ The courts have acknowledged that Aboriginal title underlies Crown title, rather than the reverse, and that land claims or treaties have not extinguished it. This report assesses the importance of understanding the relationship between Aboriginal title and the social construction of risk. In particular, it demonstrates how local indigenous knowledge of traditional land use activities and of the impact of development on these activities and public health, is employed to de-colonise the risk assessment and management process to advance Aboriginal self-government.

1.2 Methodology

The study, overall, involved three community case studies conducted in different regions of Canada. The first study occurred in Wollaston Lake; a Dene community located in North-eastern Saskatchewan. Over the years, this community has indirectly and directly experienced the impacts of uranium mining. It has also been participating in a number of Joint Federal-Provincial environmental impact assessments concerning several proposed uranium mining projects. The second study occurred in Kuujjuarapik; an Inuit community

¹⁷ B.D. Elias and J. O'Neil, *A study into the social, cultural and disciplinary understanding of risk*.

¹⁸ P. Kulchyski (ed). *Unjust Relations: Aboriginal Rights in the Courts*. Toronto: Oxford University Press, 1994: 11.

located on the Eastern Shore of Hudson Bay in Northern Quebec. This community was taking part in a Joint Federal-Provincial environmental impact assessment of Hydro-Quebec's Great Whale Dam. The third case study occurred in Sagkeeng First Nation; an Anishnabe community located in Manitoba at the mouth of the Winnipeg River and Traverse Bay of Lake Winnipeg. The impacts, in question, largely involve the pulp and paper industry and hydroelectric developments on the Winnipeg River. There is, however, some concern regarding nuclear waste disposal. Just east of the community, located in the town of Pinewa, is the Atomic Energy Commission of Canada research facility. This crown corporation is exploring the concept of an underground nuclear waste disposal site, and at this time, the federal environmental impact assessment panel is assessing its siting within the Precambrian shield.

This report is an analysis of the Sagkeeng Case Study conducted in 1994. Before initiating the actual study, the research team negotiated access at a meeting with the Chief and a Council of Elders. The community approved the study and selected a Committee of Elders to supervise the project. From this committee, one Elder was designated as the overseer of the project and worked closely with the research team.

A questionnaire, assessing perceptions of development impacts, was drafted for the community. The survey covered many diverse and inter-related environmental health issues that have emerged in this region. After pre-testing it, first with the Elders committee and then with community members, the survey was revised. The final version assessed contemporary cultural patterns, such as land use activities and country food consumption. It also assessed the following environmental health risk areas: 1) land use activities, 2) global environmental impacts, and 6) development impacts such as hydroelectric and pulp and paper developments along the Winnipeg River.

A sample framework was then established. The band membership list was updated to best reflect the on-reserve population as of July 1994. This population was then divided into the following age groups: a) 18-25 years, b) 26-39 years, c) 40-54 years, and d) 55 years and older. These groups were then divided by gender to ensure that men and women had an equal opportunity to participate in the survey, and to secure a representative sample of the adult population. Lists of names were randomly generated to reflect these age and gender groups. With the aid of these lists, community members were approached and asked to participate in the study.

A random sample of 86 community members was finally attained. Of the 86 community people who responded, 48.8% were women and 51.2% were men. Approximately half of the respondents (44.2%) were between the ages of 18-39 years; 55.8% were 40 years or older.

We also conducted open-ended interviews to attain a greater understanding of the issues and perceptions concerning resource development impacts. Fourteen community members agreed to discuss their history on the land, their opinions of resource developments, and their thoughts on what is a risk or danger to

their health. For instance, stories of land use activities or resource development impacts were recorded to get a better sense of what was considered dangerous or not dangerous. The Band also gave us access to transcripts of interviews conducted with seven elders (1993) which provided additional understanding of development impacts. These oral histories take into account past and ongoing environmental damage to the land and to the water systems long utilised by community members. Additional documentation and literature helped locate these impacts in the political economy of time and space. Our analysis of this material is framed in the following way.

1.3 Framework of analysis

The political economy of time and place is critical in the understanding of environmental health risks. Our analysis begins with an historical review of the Anishnabe's relationship with the land and the encroachment of government and industry on a diverse ecosystem claimed by the Anishnabe through Aboriginal title. Early encroachments, such as the fur trade, are examined to illustrate that the Anishnabe continued to exercise control over their economy and their way of life. However, the impact of government supported settlements and the transfer of natural resources to the Province of Manitoba alienated the Anishnabe from a land they depended upon for both subsistence and commercial purposes. One notable impact discussed is the impact of government policy on indigenous fish trade operations, which the Anishnabe practised long before the Province of Manitoba took shape. Further encroachments, by such primary industries as the pulp and paper and hydroelectric development, are then discussed to illustrate how these industries, along with the residential school system, added to this alienation. This discussion summarises the cumulative impacts of development on the Anishnabe and their territorial base.

The next section profiles how developments along the Winnipeg River affected traditional land use activities of community members. The argument advanced is that, although development impacts may have eroded their participation in traditional land use activities, their experience with development has forged a form of local indigenous knowledge of development impacts on these activities and on public health. Survey results reveal a pattern of knowledge that reflects a history of assessing cumulative impacts. It also describes a strategy of resisting development, which excludes their full participation. The data suggests that the community has embraced frameworks of risk to demonstrate that risk is not only a biomedical or toxicological issue, but involves aboriginal title over the land and waters. By contextualising risk through aboriginal title, the community has attempted to demonstrate that risk assessment and risk management is a self-governing right.

2.0 Ecosystems Diversity, Geopolitical Boundaries, and Early Environmental Impacts

The community of Sagkeeng First Nation is located at the junction of several interior continental zones, namely, the sub-arctic, the northeast plains and the Great Plains region.¹⁹ Along the Winnipeg River is the sub-arctic region, which is distinguished by its coniferous woodlands of mostly pine, spruce, and fir, as well as stands of aspen, willow, and birch. The geological massif and crustal block of the Canadian shield also sets this region apart, along with the many streams, rivers, ponds, swamps, bogs and lakes. Lake Winnipeg is one of the larger lakes of this region. Emptying into Traverse Bay is the Winnipeg River, which marks the northern boundary of where the northeast region meets the sub-arctic. The northeast region, although representing a varying physiography, has one constant - the forest. To the southeast, where the southern basin of Lake Winnipeg and the Red River meet, is the eastern boundary of the great plains region. This ecosystem, historically, was characterised by hectares of prairie grasses and by stands of oak growing along the rivers.

Before Euro-Canadian colonization, these diverse ecosystems provided a variety of food resources for the Aboriginal peoples. Woodland caribou, moose and deer were hunted in the forests, and bison were found south throughout the prairies. Small game and prized fur-bearers were also available. Marten, fisher, lynx, wolf, bear, coyote, snowshoe rabbit, otter, mink, muskrat, and beaver were taken not only for fur but for food (especially, rabbit, muskrat and beaver). Another important food resource was fish. Sturgeon was netted at the many rapids found along the Winnipeg River system, and white fish, sauger, and walleye were taken at the mouth of this river and the many lakes and rivers found throughout this area. In season, waterfowl (ducks and geese) and wild rice were also harvested, along with berries (blueberries, raspberries, etc.) and other fruits (wild plums). Plant medicines, such as wild ginger, could also be found to treat health conditions that responded to its medicinal qualities. The availability of food resources, of course, varied from season to season. However, fluctuations in food availability did occur, largely due to diseases and short-term climatic changes.²⁰

In the Pre-Contact period, Indigenous peoples representing various tribal affiliations traveled and resided within and between these zones to share and to trade what they harvested on a seasonal basis. They shared with other Aboriginal peoples their occupancy of the land, their knowledge of natural resource extraction, their varying approaches to resource development, and their regulatory interest in conservation. In this context, the land was not a lesser form of ownership, or a legal burden on Crown title. It was a cultural, economic and geopolitical territory of the people indigenous to it.

It was just a matter of time before the North-West and Hudson's Bay fur trading companies discovered its potential. These companies extended their interests into this region, and others followed in their wake. The Dominion Government of Canada assessed the settlement and resource development potential,

¹⁹ Carl Waldram, *Atlas of the North American Indian*, New York: Facts of File Publications.

²⁰ Arthur J. Ray, *Indians in the Fur Trade*, Toronto: University of Toronto Press, 1974.

and the Province of Manitoba, after passage of the Natural Resource Transfer Act 1930, continued this assessment. The following section discusses the extension of these new geopolitical boundaries and the many surveys that assessed natural resource potential. Overall, these developments contributed to the economic alienation of the Anishnabe from the land. Such acts, however, did not destroy their knowledge of or title to the land. Evidence suggests that instead this process has fostered techniques of knowledge to resist colonial assessment and management of development.

2.1 Economic-Geopolitical Boundaries and Resistance to Colonization:

The first attempt to restructure the land by way of new economic and geopolitical boundaries was through the fur trade. Trading companies, like the Hudson's Bay Company (H.B.C.), secured the sole right to extract natural resources from the lands in question. The Hudson's Bay Company Charter (1670) is a clear example of this process. In this Charter, all the fur bearing animals were designated the property of this Company, and the lands described in the Charter became Rupert's Land; a land base that was under the administrative control of the Hudson's Bay Company. However, free trading companies, like the North-West Company, resisted the legal intent of this charter and traded freely throughout the territory.

The Winnipeg River system, extending from Lake Superior in the east to Lake Winnipeg in the west, was a critical transcontinental canoe route that opened the West up to these companies. In 1732, under the leadership of La Vérendrye, the French penetrated the southeastern margins of the Nelson River drainage basin by way of this river. Subsequent excursions down the Winnipeg River system eventually established ongoing relations with the Assiniboine and Woodland Cree. In 1734, La Vérendrye instructed René Cartier to descend the Winnipeg River to Lake Winnipeg and build Fort Maurepas near the mouth of the Red River.²¹ Five years later, Fort Maurepas was relocated to the northern bank of the Winnipeg River, near its mouth.

Throughout this period, the Cree controlled much of this territory. The journals of La Vérendrye and the Jesuit missionaries reported that the territory of the Cree extended north along the Winnipeg River into the transitional region that intersected the three continental ecosystems. Their economic control of this region, including their control over the trading companies, was based on the advantages of serving middleman in the trading economy.²² They obtained furs and provisions like buffalo meat and corn from various tribal groups, and later traded them with the fur trading companies. By the late 1700s, however, the Cree's upper hand in trade had diminished, as fur companies moved inland and traded with other indigenous groups. In the late 18th century, a smallpox epidemic further eroded what control they had left. The Cree eventually migrated to the north-west, where trading companies were not yet firmly established. As the Cree shifted their territorial base, the Anishnabe (Ojibway) eventually expanded their territories east beyond the Lake of the Woods region through a process of kinship interaction and small band movements.

²¹ Robert Coumts, *The Forks of the Red and Assiniboine: A Thematic History, 1734-1850*

In 1776, Alexander Henry noted that the territory of the Anishnabe primarily extended southward along the canoe route between Lake of the Woods and Lake Superior. By the 19th Century, however, the Anishnabe had established their claim over the many ecosystems surrounding the Winnipeg, Red, and Assiniboine Rivers. They had also extended this claim into Cree territory, located just north-east of the Assiniboine River.²³ Their movement into this region involved conflict, and the “war” at Fort Alexander (Sagkeeng First Nation) eventually displaced the Cree from the banks of the Winnipeg River.²⁴

Resistance and conflict characterised relations in this region at the time. For example, free traders, represented by the North West Company, resisted the H.B.C.’s claim to the land and its resources, as well as their administrative control over trade and commerce. The following discussion illustrates this critical development. In 1792, the North West Company re-established their presence when Troussaint Lesieur constructed the Post Bas de la Riviere on the south bank, near the mouth of the Winnipeg River. Clouston, of the H.B.C., soon followed and established a post nearby in an attempt to reclaim H.B.C. territory. In competition, both companies claimed the diverse resources found throughout this region and attempted to change the subsistence and trading relations of the Aboriginal peoples to that of subsistence labour. From the trading company’s perspective, they needed surplus labour to provide the necessary resources for the fur trading houses throughout the winter trading season. In 1798, David Thompson concluded that:

The greatest use of the Winepeg House is for a depot of Provisions, which are brought to this place by the canoes and boats from the Bison countries of the Red and Saskatchewan Rivers, and distributed to the canoes and boats for the voyages to the several wintering furr trading Houses.

At Winnipeg House, provisioning activities included guiding, timber harvesting, boat building, wild rice harvesting, and fishing. Out of these activities, timber cutting, wild nice harvesting and fishing were the most important, and they largely contributed to the success of these administrative centres. By 1814, the H.B.C. records reported that this region had been successfully transformed into a provisioning depot for the northern trading posts, and Fort Alexander stood in stark contrast to the hinterland environment; that is, it had

more the air of a large and well-cultivated farm, than of a fur-trader’s factory; a neat and elegant mansion, built on a slight eminence, and surrounded by barley, peas, oats & potatoes.

By the early 1820s, the Anishnabe were the principal inhabitants of the lands around the Winnipeg River system, which the Hudson’s Bay Company designated as the Fort Alexander District. This designation symbolised the Company’s control over economic productivity. However, the land was still the legal territory of the people indigenous to it.

²² Paul C. Thistle, *Indian-European Trade Relations in the Lower Saskatchewan River Region to 1840*. Winnipeg: The University of Manitoba Press, 1986.

²³ Jody F. Decker, “*We should never be again the same People.*” Ph.D. Dissertation: York University, 1989.

²⁴ Chreod Ltd., *Environmental Audit of the Sagkeeng First Nation*, Ottawa: Walpole Island Heritage Centre, 1994.

The Anishnabe, like other indigenous groups, managed trading relations in areas that primarily served their best interests. Between 1798 and 1801, Thomas Vincent reported a number of successful attempts by the Cree, and later the Anishnabe, to encourage the location of trading posts that favoured indigenous migratory and land use patterns. He also gave an account of their proficiency at managing trading negotiations leading up to the gathering of wild rice and other necessary provisions:

*2 Indians came in from the lake; they want me much to abandon this place and settle at Blood River or the Big Island (1798).*²⁵

*mett 6 large tents of Indians in Lake la Bona from whom I procured about 20 mkat and a little dried meat. They inform me themselves and many more are going to Winter at the bottom of the river and are earnest for me to remain there as they are mostly good hunters and I think right not to disappoint them (1800).*²⁶

*My expenses last fall ... was very great owing to every opposition endeavouring to procure as large a quantity of wild rice as possible.*²⁷

Journal accounts also suggest that the Anishnabe controlled the commercial fishery, as independent resource harvesters. In the years 1832-3, the Fort Alexander H.B.C. post journals recorded a catch of 3,000 fish for the Fort Albany district (Northern Ontario), and 1500 fish for the Governor at Lower Fort Garry (Red River district).²⁸ The following observation, documented in 1863, further illustrates this point:

*Tasoosi, Estaban and other Indians with their families were found during the day on their way to their usual fishing stations. A few of the Red River fishermen have already made their appearance at the "Pointe."*²⁹

This evidence suggests then that the Anishnabe's participation in commercial (trading) activities was not a mere reflection of subsistence living or dependency, but that of relative autonomy over their economic well-being. Arguments that suggest that this economic activity was not traditional are somewhat troublesome in that all forms of economic life which involve actions that provide for basic needs such as food, clothing, shelter, warmth, and safety should be regarded as "traditional." Suggestions that Aboriginal peoples had little interest in utilising their territorial resource base are not supported by historical evidence, which indicates that commercial transactions occurred on a seasonal basis between Aboriginal peoples and other societies. Each transaction followed a complex set of protocols in the hope of attaining new knowledge, technology, and food resources that could balance out resource inequities, and that could be employed to maintain the upper hand in managing territories. For the Anishnabe, their participation in trade had essentially exemplified their

²⁵ Thomas Vincent, *Journal at River Winnipeg*. HBC B/4/a/1 1797-8.

²⁶ Thomas Vincent, *Journal of the Principal Occurrences at River Winnipeg during the Winter of 1800*. HBC B/4a/3 1800-1.

²⁷ *Ibid.*

²⁸ Fort Alexander HBC Journal, B 4/a6 1832-33.

²⁹ Fort Alexander HBC Journal of Occurrences, 1863.

allocative and authoritative control over resources, as well as their long history of conducting commercial trade. The following observation, made by Blain (1991: 102), illustrates their mastery over commercial negotiations that involved the fur trading companies:

[They] were quick to seize any opportunity to manipulate, bargain and get the prices and the merchandise they wanted by pitting post master against post master. They resisted successfully the numerous attempts of the Company to bring in the barter system.³⁰

Overall, the Anishnabe's traditional methods of subsistence and commercial food production, their intimate knowledge of resources, their negotiation skills, and their inherent right to the land had largely secured their self-governing structures and independence.³¹ In a sense, the land and all its resources fell under their regulatory systems of control, which included shared resource use. The following passage, abstracted from Friesen (1991:144), provides some evidence of the nature of this autonomy throughout the Red River settlement, and the resistance that occurred when resource utilisation occurred without consent:

From the 1830s to the 1860s there had certainly been a shared use of the resources by all the peoples of Red River. The Metis regulated some aspects of the buffalo hunt themselves. The Indians distributed appropriately the wild-rice harvest amongst themselves. Sugar camps were allocated by agreement amongst both Indians and Metis. European and mixed-blood farmers regulated their own hay season. But in spite of the shared use, Indians expressed a clear proprietorial interest in resources. They had, for example, protested the expansion of the Metis buffalo hunt; they prevented some farmers from expanding beyond the two-mile limit of the Selkirk Treaty into the hay grounds; they successfully forbade the taking of some areas before the treaty had been signed; and the Roseau River and Lake of the Woods Indians requested (unsuccessfully) compensation for both fish and timber used by construction crews before the signing of treaties.³²

The erosion of indigenous regulatory control coincided with the increased numbers of settlers migrating into the Red River Settlement from the East. As the population of this region increased, higher resource utilisation occurred resulting in the depletion of buffalo herds, fish stocks, fur bearers, and timber areas. The impact of human agency on the existing resource base, coupled by climate variability had a negative impact on the various indigenous groups. Between 1821 and 1846, for example, the Anishnabe experienced declining fur returns and a series of harsh winters and crop failures. These outcomes, coupled with a number of infectious disease epidemics (whooping cough, measles, and influenza), often associated with increased settler migration, had a devastating impact on the Anishnabe's most important resource base; their people. It was estimated that over a span of twenty-five years the Anishnabe lost 80% of their population primarily from disease.³³ As consequence, their extensive knowledge system, based on oral tradition,

³⁰ Eleanor M. Blain, "Charles Bishop and the Northern Ojibway," in K. Abel and J. Friesen, *Aboriginal Resource Use in Canada: Historical and Legal Aspects*, Winnipeg: University of Manitoba Press, 1991.

³¹ Paul C. Thistle, *Indian-European Trade Relations*.

³² Jean Friesen, "Grant Me Wherewith to Make My Living," in K. Abel and J. Friesen, *Aboriginal Resource Use in Canada: Historical and Legal Aspects*, Winnipeg: University of Manitoba Press, 1991.

³³ Jody Decker, *We should never be again the same people*.

diminished, as well as their ability to produce at a subsistence and commercial level during the epidemics, which is alluded to in the Fort Alexander HBC Post Master records (1833):

*... weary and are the greates in a disease - They are starving ... had to give them ... barley and potatoes ... ammunition ... tobacco ... although they are due greates balances.*³⁴

The Anishnabe, throughout this period, experienced great economic hardship, as well as diminished control over their resource base. All of this occurred contrary to the Royal Proclamation of 1763. Although recognised by some observers as the Aboriginal peoples "Bill of Rights" (Wildesmith, 1989), the Royal Proclamation also represented British intentions; that is, only the Crown could direct the appraisal of and transfer of land. This assumed right, and the unauthorised practices of the H.B.C., prompted the Anishnabe and the Métis to act.

As settlement activities increased, conflicts over environmental conservation and regulatory control over resources steadily increased. Unlicensed traders freely operated, and settlers from the east continued to move into territory controlled by the Anishnabe and Métis. In addition, "Warrants of Survey" issued by the H.B.C. authorised the appraisal of and transfer of land (e.g. river lots) to encourage agriculture and settlement. At no time were the Anishnabe and Métis consulted or involved in any negotiations to actually transfer land, with the exception of preliminary discussions held between Chief Peguis and Lord Selkirk, which, according to Chief Peguis, were never completed. In 1863, Chief Peguis published a statement in the *Nor'Wester*, that contended that the agreement they reached with the Selkirk settlers did not constitute a surrender of traditional lands, in that:

*The things we got ... were not in payment for our lands. We never sold them. We only proposed to do so; but the proposal was never carried out, as Lord Selkirk never came back. At the time we held council with him there was no mention of the Hudson's Bay Company. They were not spoken of or taken into account at all. All of a sudden some years afterwards it turned out they were claiming to be masters here.*³⁵

The Dominion government's solution to this question of ownership was the treaty process, which opened the door for the establishment of the Province of Manitoba following the H.B.C.'s transfer of Rupert's Land to the Dominion government. However, Payment (1990: 38-9) rightfully contends that events prior to this transfer had justifiably provoked much unrest in the Red River Settlement:³⁶

Unauthorised surveys of the settlement, ordered by the Canadian Minister of Public Works, William McDougall, and the presence of speculators on lands at Pointe Coupée (St. Adolphe) in the summer of 1869, set into motion the first phase of organized Métis resistance to Canadian prerogatives in Red River. The fact that the Canadians were

³⁴ HBC B4/a/7 and B4/a/8, June 1833.

³⁵ *The Nor' Wester*, 14 October 1863 in Robert Coutts, *The Forks of the Red and Assiniboine: A Thematic History, 1734-1850*

³⁶ Diane Payment, *Native Society and Economy in Transition at the Forks, 1850-1900*, Winnipeg: Environment Canada - Canadian Park Service, 1990.

staking out land in anticipation of the little explained transfer was very disturbing to the Métis. They feared the lands they occupied and the territory they regard as belonging to their "nation" might be lost to newcomers for want of title recognized by the Canadian Government.

The Métis challenged the right of Canada, as a foreign state, to conduct surveys anywhere in the North-west, particularly in the Upper Settlement, known as the Métis' traditional homeland (Payment, 1990). After much conflict, the Métis succeeded in protecting the "old order" under the Manitoba Act (1870), but settlement pressures and legislation amendments undid what Riel and his followers secured. The two most important provisions of the Manitoba Act, continuity of land tenures and self-government, were limited and even denied, as increased settlement diminished the indigenous presence in this region.

In this period, the Anishnabe leaders had also resisted government and settler encroachments, with some measure of success. According to Payment (1990: 61), the Anishnabe were able to demonstrate that settlers were trespassing and laying claims to land that they had never been ceded:

Yellow Quill's band of Saulteaux turned back settlers who tried to go west of Portage la Prairie in 1868 and the leaders insisted upon enforcement of the Selkirk Treaty of 1817, [which] ceded lands adjacent to the Red and Assiniboine rivers... the distance of two English statute miles back from the banks of the river. The descendants of Peequahkeequah (The Bear), who had signed the treaty with Lord Selkirk, protested with justification that White settlers were trespassing and laying claims to lands that had never been ceded.

Such acts of resistance occurred in other regions as well, and subsequently established the need for a treaty to secure sovereign interests. In 1870, the Fort-Francis-Rainy River Lake Bands (North-western Ontario) invoked the principles of Aboriginal sovereignty and limited land transfer when they forced the Canadian Government (Wolseley Expeditionary Force) to accept "right of passage" in exchange for appropriate indemnity. The Dominion Government, however, wanted extinguishment, not limited transfers; a perspective that signified the Euro-Canadian belief in exclusive property rights, a resource based economy, and the dislocation of indigenous control over land and resources.

2.2 Alienation, Resource Potential, and New forms of Resistance:

The Dominion government of Canada set out to realign geopolitical boundaries by extinguishing indigenous control over the land through the Treaty process; a process that coincided with government-encouraged settlement and industrial/resource development. The Dominion Government encouraged these developments through in-depth surveys that mapped out resource potential. In the Red River Settlement, much like Robinson-Superior region (Ontario), land assessments occurred before the signing of any Treaty. The knowledge acquired by these surveys primarily benefited those individuals who had access to this information. In 1843, for instance, the Geological Survey of the Dominion of Canada reported that the Lake Superior region possessed substantial mineral resources. This report consequently attracted prospectors, miners, and settlers to this region. As migration increased, the Anishnabe foresaw their future and resisted

these developments. Peau de Chat, the Chief of the Fort William Band contended that such encroachments occurred in clear violation of their rights:

*The miners burn the land, and drive away the animals, destroying the land ... Much timber is destroyed and I am very sorry for it, when they find mineral they cover it over with clay so that the Indians may not see it, and now I begin to think that they wish to take away and steal my land.*³⁷

In response, a Royal Commission, in accordance with the Royal Proclamation, recommended a treaty of cession between the Dominion government and the Anishnabe, who claimed vast areas along the north shores of Lake Huron and Lake Superior. The outcome of this Commission was the Robinson Treaties (1850), which did little to establish the framework for subsequent treaties as the following statement by Gordon (1995: 354-355) clearly indicates:

*Except for the general principles espoused in the Royal Proclamation and, to some extent, the precedent of treaties completed in previous administrations, the Canadian government in 1871 had not established policy or procedures to follow in making treaties with the Indians... For the most part treaty negotiators were given some broad parameters and left to work out details in the field. Treaty Commissioner Wemyss Simpson's instructions from Ottawa, for example, included a copy of the Robinson-Superior Treaty and strong admonitions to be frugal.*³⁸

The first of the numbered treaties involved the lands west of Lake Superior, primarily surrounding the Red River Settlement. In 1858, a government survey, requested by Lieutenant Governor Adams Archibald, preceded these negotiations, and surveyors explored the resource potential of the lands between Lake Superior and Red River. The following is a summary made by Dawson (1898) of this expedition, which he reported in the Annual Report of the Geological Survey of Canada:³⁹

The expedition to explore the country between Lake Superior and Red River was placed under the command of the Geo. Gladman with S.J. Dawson, surveyor; and Prof. H. Y. Hind, geologist. The parties started out during July, 1857, and pushed through to Fort Garry. The first report for 1858 contains letters descriptive of the country between Lake Superior and Red River, and in it Prof. Hind outlines a report of the country.

In the spring of 1858, the expedition was divided under the direction of S.J. Dawson and Prof. Hind, and the final reports form Appendix No. 4 of the Assembly of the province of Canada, Session 1859. The report by S.J. Dawson contains a short description of the country and large maps and profiles. That by Prof. Hind deals more fully with the geology of the Lake Winnipeg Basin.

³⁷ R. H. Bartlett, *Resource Development*.

³⁸ D. Gordon, *Treaty Land Entitlement: A History*, In *Indian Claims Commission Proceedings. Special Issue on Treaty Land Entitlement: A publication of The Indian Claims Commission*. Ottawa. 1995.

³⁹ G.M. Dawson, *Geological Survey of Canada - Annual Report, Volume XI, 1898*, p. 96.

Reports also portrayed settlement resourcefulness. For example, Fort Alexander was the most productive in supplying agricultural produce and wild game to Fort Garry (Winnipeg), York Factory (northern Manitoba), Fort Francis and Rat Portage (North-Western Ontario).

In 1867, the *British North America Act* constituted the Dominion parliament with the exclusive power to legislate and negotiate with Indians, and lands reserved for Indians. Two years later, the federal government passed the *Indian Enfranchisement and Management Act (1869)*, which, according to the Royal Commission on Aboriginal Peoples (1993), had severely disrupted and distorted Aboriginal political structures and left them with limited power. The Act, as intrusive as it was, did not however deprive Indian peoples of all governmental authority. Aboriginal title remained intact.

Between 1871 and 1921, the Dominion government continued to use their authority to negotiate eleven Treaties with Aboriginal peoples in the northern and western parts of Canada (Zlotkin, 1989). Additional factors contributed to this development. They included the transfer of Rupert's Land from the H.B.C to Canada (1870) and John A. MacDonald's National Policy for settlement and development of the West. Both initiatives, according to law, could only succeed if there was a peaceful settlement of the Aboriginal population into a reserve system. The following instructions given to Treaty Commissioner Wemyss Simpson from Ottawa reveals their strategy (reported in Gordon, 1995: 355):

One part of your duty, and by no means the least important, will be to select desirable Reserves for the use of the Indians themselves, with a view to the gradual introduction of those agencies which in Canada have operated so beneficially in promoting settlement and civilisation among the Indians.

The Anishnabe, however, wanted solid guarantees from the Dominion government, for they had already experienced the affects of increased settlement. The Anishnabe wanted political, social, and economic assurances before signing any treaty, and they resisted, according to Payment (1990), by not allowing settlers free use of their traditional lands. The Anishnabe leadership eventually met with government representatives at Lower Fort Garry in August 1871 to negotiate Canada's first "settlement" treaty. Throughout this process, the Anishnabe requested several measures of security. They demanded, for example, secure land boundaries and protection from unpredictable immigration. Economic security was another assurance they sought, which was best captured in the political statement "*grant me wherewith to make my living*" made by the Chief of Lac du Bonnet.⁴⁰ This statement, according to Friesen (1991), signified the understanding that any loss of land, along with any power associated with it, would have a great economic impact. The Anishnabe therefore demanded two-thirds of the new Province of Manitoba, while agreeing to relinquish small portions to the new settler government. Lieutenant Governor Archibald and Commissioner Wemyss Simpson, however, declared this request unacceptable and issued an ultimatum (Payment, 1990: 62):

⁴⁰ Jean Friesen, "Grant Me Wherewith to Make My Living."

if they thought it better to have no treaty at all, they might do without one, but they must make up their minds; if there was to be a Treaty, it must be on a basis like that offered.

Negotiations resumed three days later and the Queen's Commissioners promised to provide education, farm animals and agricultural implements to the bands. Assurances were also given by the Commissioners concerning the right to hunt and fish (Freisen, 1991: 143):

When you have made your Treaty, you will still be free to hunt over much of the land included in the Treaty ... Till these lands are needed for use, you will be free to hunt over them, and make all the use of them which you have in the past ... There will still be plenty of land that is neither tilled nor occupied, where you can go and roam and hunt as you have always done; ... reserves did not mean hunting grounds, but merely portions of land set aside to form a farm for each family. A large portion of the country would remain as much a hunting ground as ever after the Treaty closed; ... the reserves will be large enough ... [to] enable you to earn a living should the chase fail, and should you choose to get your living by the soil ... But the Queen, though she may think it good for you to adopt civilized habits, has no idea of compelling you to do so. This she leaves to your own choice, and you need not live like the white man unless you can be persuaded to do so with your own free will.

By these promises, the Anishnabe signed Treaty #1. The bands of Kakekopenais (Bird Forever) and Nashakepenais (Flying Down Bird), which also included Métis or English-born, were instructed to take reserves around Fort Alexander and Brokenhead respectively. By 1874, the government surveyed the reserve lands of Fort Alexander, and set aside land for agricultural purposes. In 1875, the federal government amended Treaty #1 to include provisions granted in Treaty #3 (Northwestern Ontario).

In the decades following the signing of Treaty #1, thousands of new settlers moved into Manitoba to utilise its diverse resources to their exclusive benefit. Explorers also continued to report on the resource potential of lands just north of Fort Alexander. All of these accounts have been documented in a series of annual reports, largely produced by the Geological Survey of Canada.⁴¹ In 1872-4, for instance, A.R.C. Selwyn reported on mineral deposits along the Southeast shore of Lake Winnipeg. R. Bell (1874 and 1878) followed, and added to a growing list of mineral deposits already documented followed him. He also produced a map of Lake Winnipeg. A.S. Chorane followed in 1882, and made track-surveys of the rivers north of Fort Alexander. In 1886, A.P. Low reported his observations of the Berens River region, and F.W. Wilkins, under instructions from the Dominion Lands Branch, made a micrometer survey of the shore of Lake Winnipeg and provided a description of the surrounding area.

As these events unfolded, the Anishnabe and Métis of Fort Alexander explored agriculture in the attempt to adapt to changing environmental and economic circumstances. The "so-called" humanitarian policies pursued by the federal government, however, sabotaged their efforts. The goal was not to promote Aboriginal appropriation of new knowledge; knowledge that could maintain their sense of security and relative autonomy.

⁴¹ See Dawson 1898. p. 97-8.

In 1876, the federal government passed the first Indian Act, and much like its predecessor, the Act continued to subordinate Aboriginal peoples to the discretion of federal officials. The same applied to the Métis, who did not take Treaty. Their control over their land base quickly diminished with the large influx of settlers. Their dislocation, according to Chartier (1993), was a further example of the federal government's hidden agenda to extend their dominion to areas controlled by an indigenous population base.⁴² The following discussion illustrates some policies that oppressed the existence of Aboriginal title in this region.

The first documented attack on treaty rights came in 1880, when the Provincial Ministry of Agriculture restricted Indians from harvesting game during a "closed" wildlife season. On the surface, these measures symbolized a conservation ethos, but in reality, they negated the intent of Treaty. This policy, instead, extended provincial jurisdiction over dominion resources, through the equal application of regulatory measures to whites, Indians and the Métis. The Anishnabe and Métis resisted these measures, but the government thought otherwise. At the core of the dispute was the social and cultural context of land, in relation to Aboriginal title. Payment (1990: 64) summarised this difference in the following comment:

It was evident the government and the Indian bands were negotiating on the basis of different interests and assumptions. The most crucial and irreconcilable was the concept of land. The Indians entered in to negotiations for a treaty on the basis of the right to use their lands. The sale of land was not a familiar concept. Land was a commodity for common, not private use. The Indians were willing to negotiate with, and to a just extent, accommodate the newcomers. Euro-Canadians, however, thought in terms of exclusive property rights, a resource-based economy and eradication of Native cultures.

Euro-Canadian conceptions of the land took precedence over Aboriginal title. There was little concern given for the people indigenous to this area. The Dominion government supported settlement and the development of a resource-based economy. This support, however, came at the expense of Treaty rights and the environment itself, as the following discussion illustrates.

In Manitoba and Ontario the Dominion Department of Marine and Fisheries, while supporting the spirit of conservation, promoted the expansion of the commercial fishery. This policy provoked a provincial-federal jurisdictional dispute over the regulation of the freshwater fishery. With no resolution in sight, fishermen continued to have free reign, and they mined the lakes and rivers of Northwestern Ontario and Manitoba of whitefish, sturgeon and pickerel. The Ojibway of Northwestern Ontario voiced their opposition to commercial over-fishing and its impact on their principal resource base. Eleven Chiefs (Treaty # 3) requested, through their Indian Agent, the support of Dominion Department of Indian Affairs in protecting their fisheries (J.J. Van West, 1990: 40):

We ... Chiefs, in the Rat Portage Indian Agency beg leave to humbly represent to the Indian Department: ... that we want that they would try and do something to prevent American fishermen from destroying the fish in the Lake of the Woods. There are also

⁴² Clem Chartier, "Métis Lands and Resources," in Royal Commission on Aboriginal Peoples, *Sharing the Harvest: The Road to Self-Reliance*. Ottawa, 1993.

*Canadians that have licenses from the Government and we are of [the] opinion that if no such licenses were granted it would be easier to put a stop to this wholesale depleting of fish in the lake. This, one of our main resources, is getting more and more scarce, and we can now hardly catch enough to feed ourselves in the summertime. Some strong measure should be taken to remedy the actual state of things.*⁴³

The Department of Indian Affairs was not successful in preventing such mismanagement. By the turn of the century, fish stocks declined in Lake Winnipeg and Lake of the Woods. Like the Ojibway of Ontario, the Anishnabe and Métis of Fort Alexander considered the fishery, as one of their paramount commercial resources. For example, the 1895 Sessional Papers reported that a councillor of the new Province had “a thriving [fish] business of thousands of dollars with the Indians and others about Lake Winnipeg.”⁴⁴

The Anishnabe and Métis continued to manage their own resource base. However, government policies continued to discourage their participation in commercial activities. For example, provincial government policies limited their involvement in agriculture, at a time when game or fish stocks could diminish (Friesen, 1991). This development occurred as the Department of Indian Affairs’ support for Treaty stipulations, rights and privileges turned to acts of negligence. This development is clearly illustrated by the federal government’s failure to secure Aboriginal riparian rights to water.

In 1894, the Northwest Territories Irrigation Act passed by the Dominion government (s. 7) forfeited any water right not authorized by license by July 1, 1896 to the Dominion government. According to Bartlett (1980), the Department of Indian Affairs failed to apply for any licenses to protect Indian water rights on the prairies. Their Treaty and riparian rights to water, as result, disappeared shortly after being granted.⁴⁵

The failure to respect Aboriginal Treaty and riparian rights, the mismanagement of the commercial fishery, and the imposition of colonial policies determined the fate of the Anishnabe and Métis. Several letters, written by the Fort Alexander band, notified the federal government of impending or actual starvation in their community due to these infringements. The government remained silent on these matters, and the community opted instead to resist these policies by diversifying their economy, as illustrated in Lithman (1984: 37):

The Indians tried to counter their problems by gearing their economy towards fishing and agriculture, with additions from winter and spring hunting, wild rice harvesting, berry picking and some wage labour work in a couple of saw mills, one actually located on the reserve.

Fishing continued as their main economic resource, but government policies attempted to regulate their control over this industry. In 1898, the Dominion government passed the Fisheries Act, which forced the

⁴³ John J. Van West, “Ojibway Fisheries, Commercial Fisheries Development and Fisheries Administration, 1873-1915: An Examination of Conflicting Interest and the Collapse of the Sturgeon Fisheries of the Lake of the Woods,” *Native Studies Review*, Vol. 6 No. 1, 1990.

⁴⁴ Yngve Georg Lithman, *The Community Apart: A Case Study of a Canadian Indian Reserve Community*. Winnipeg: University of Manitoba Press, 1984.

⁴⁵ Richard H. Bartlett, “Indian Water Rights on the Prairies,” *Manitoba Law Journal*. 11, 1980.

Anishnabe and Métis to obtain fishing licenses. In response, the Chief and Council of Fort Alexander submitted, through their Indian Agent, a letter which redefined the Department of Marine and Fisheries policy as a form of taxation on the Anishnabe and Métis (Friesen 1991: 150):

1(a) Under the original Treaty, no provision was made which embraced the subject of taxation of the Indians directly, under any circumstances whatever.

(b) That the Indians under Treaty were permitted to enjoy all privileges of hunting and fishing for their own use and benefit in perpetuity without payment of any license or fee for game, fish, nets, or hunting implements.

(c) That the tax presses sorely upon them; they being in many cases very poor and with difficulty maintaining large families.

(d) That many Indians who do not dispose of more than \$1 worth of pickerel during the whole season is nevertheless compelled under the Act to pay a license of \$2 to the Government.

(e) The exchange of pickerel with traders for flour, groceries, clothes is in a number of cases the only means of providing the necessary food for their children during the winter. [This is the more] keenly felt as the Indian may have to travel 20 miles on the lake, cut through 3 feet of ice to get at his nets, with the thermometer at 30 below zero and return with perhaps half a dozen pickerel to exchange for bread (or the evening meal).

The Department of Indian Affairs initially supported their claim, but other Federal Ministries disregarded it. The Commissioner of Indian Affairs eventually shifted his position and supported these Ministries, as the following comment abstracted from Friesen (1991: 151) illustrates:

[The] grumbling on the part of a few local white and half-breed fishermen should be allowed to affect the question of keeping faith with the Indians with regard to Treaty stipulations, or to interfere with their contributing towards their own support and to a corresponding extent relieving the whole country of the burden of their maintenance, when nothing of graver impact than a license fee is in question.

As the evidence suggests, the Department of Indian Affairs decided to restrain Aboriginal peoples, rather than challenge other federal department's policies or disallow provincial legislation that negated Treaty rights. According to Friesen (1991), Indian agents were encouraged to be less sensitive to encroachments on Aboriginal rights, and to cease encouraging "Indian Talk" about treaty stipulations, rights and privileges. The intent behind this policy was clear. It countered any movement that would assign exclusive Indian use of large tracts of public lands and waters fronting their reserves. Anaquod's (1993) discussion of Titley's account of Duncan Campbell Scott, who worked for Indian Affairs from 1880 until 1932, the last 20 years as Deputy Minister, clearly illustrates the impact of this development:

Titley quotes Scott, who in 1905 was talking about preparations for the signing of Treaty 9 and about the vast wealth in Northern Ontario:

This vast territory contains much arable land, many million feet of pulpwood, untold wealth of minerals, and unharnessed water-powers, sufficient to do the work on half the continent (p. 62).

Initially signed in 1905, and again in 1928, the beneficiaries of Treaty 9 received \$40,000; however, the author, Titley, goes on to state:

The silver mines at Cobalt which had started all the excitement, produced in excess of \$206,000,000.00 of the precious metal during their first eighteen years of operation. Knowing that the budget for the first round of Treaty negotiations was less than \$40,000.00, makes the magnitude of the "bargain" clear. And Cobalt was no exception (p. 73).⁴⁶

By discouraging fair Treaty negotiations and by minimising Treaty rights, the federal government maximized its control over the land and its resources. Further encroachments included assimilationist policies of the Federal government; all of which dislocated Aboriginal peoples from self-governance and the land itself.

In 1918, revisions to the Indian Act increased the Department of Indian Affairs jurisdiction over the management of reserve lands (Lithman, 1984). These changes enabled white farmers to lease the reserve lands of Fort Alexander, without the required consent of Chief and Council. In addition, the government legislated the right to expend capital funds from Band trust funds, again without consent. These revisions symbolised government condoned encroachment; all of which minimised the Anishnabe's and Métis' right to regulate, through Aboriginal title, the progress of White society.

Further government policies transformed Treaty education rights into rights legitimating assimilation. In 1880, a day school at the Fort Alexander church opened to provide education to the Anishnabe and Métis children of Fort Alexander. By 1905, a residential school was built on reserve, and later expanded in 1912 and 1922 when school attendance increased (Boniface Guimond, ca. 1930). Indian Affairs entrusted the Oblate Fathers with the responsibility to educate all Aboriginal children in the Clandeboye Indian Agency and to ensure their compliance, the government dislocated the children from their families. The intent, as the following government account indicates, was to minimise resistance and to secure White societal interests (Sessional Papers, 1904: XXVII as reported in Lithman, 1984):

As a civilization factor the advantage of the removal of the pupils from the regressive influence of home life is shared pretty equally by the industrial and boarding schools, although the latter are generally situated on or near reserves with a view to overcoming the strong objection manifested by the parents to the removal of their children to any great distance.⁴⁷

The residential school system consequently dislocated the children from family socialisation and from their traditional economic and ecological knowledge. While under Indian Affairs' jurisdiction, the children experienced verbal, physical and sexual abuse, as well as economic exploitation by members of the church. School rules, for example, stipulated that the children had to remain 10 months of a school year, which

⁴⁶ Del Anaquod, Education, "Training, Employment and Economic Development," in Royal Commission on Aboriginal Peoples, *Sharing the Harvest: The Road to Self-Reliance*. Report of the National Round Table on Aboriginal Economic Development and Resources. Ottawa. 1993. P. 177

⁴⁷ Lithman, *The Community Apart.*, p. 45.

included weekends.⁴⁸ This policy consequently affected the sustained expansion of the Anishnabe and Métis economy. Any expansion of agriculture, trapping, timber or fishing operations required a large enough labour pool, and at that time, the family served as a principle source of labour. The residential school system, however, dismantled the Anishnabe and Métis family and their primary source of labour. It further fragmented their traditional economic and ecological knowledge base, by limiting the children's appropriation of it. The residential school system, rather than let this source of labour stand idle, subsequently exploited the children to advance the economy of the church sanctioned industrial school system. The following observation, made by Lithman (1984: 45), illustrates the nature of this exploitation:

The girls were often kept at the school up to their late teens, and had to handle all domestic tasks. A considerable farm on reserve land was [also] attached to the school and was worked by the male students.

As these various policies fell into place, the federal government commissioned surveys to evaluate the natural resource potential of the land and rivers around Fort Alexander. In 1900-1, Dowling of the Geological Survey of Canada noted that the region around the Winnipeg River, although still producing enough fur bearing animals, had tremendous hydroelectric potential, especially the Winnipeg River:

The natural resources of the district may still be said to include the game and fur-bearing animals, though these are fast being depleted as settlement encroaches on the wilderness. The country on the east and north still produces many bales of furs for the trader. The natural water-powers of the Winnipeg River, which are within reasonable distance of the City of Winnipeg, should in the near future become of great importance for electrical power and light. All the streams on the east side also have many eligible sites for water-powers ...⁴⁹

Additional surveys mapped out the potential of this region, and established the boundaries between Manitoba and the Provinces of Saskatchewan (1905) and Ontario (1912). These surveys provided entrepreneurs and the provincial governments with information on resource potential still under federal jurisdiction. The Johnston Report (1915), for example, was a critical document, promoting the development of the forestry industry and of hydroelectric power on the Winnipeg River.

⁴⁸ "From the Beaches to the Falls": A Winnipeg River - Lake Winnipeg Heritage. Winnipeg: Inter-Collegiate Press of Canada, 1989.

⁴⁹ D.B. Dowling, "Report on the Geology of the West Shore and Islands of Lake Winnipeg," in D.M. Dawson, *Geological Survey of Canada: Annual Report*, Ottawa: S.E. Dawson, Printers to the King's Most Excellent Majesty, 1901.

3.0 Natural Resource Development and dislocation

In Manitoba, surveyors of the Dominion Lands Branch transformed the land into a checkerboard of townships, ranges and sections for disposition as Crown lands. Water potential was also surveyed and placed under government jurisdiction, so it too could be disposed of through the sovereign claim of the Crown. The benefactors of this process were largely farmers, railroaders and colonisation companies. These groups, along with others, were granted property rights, timber and grazing permits, and the right to prospect and claim minerals.⁵⁰ Such developments, although denoting social, economic, and political progress, had a consequence. By transforming the land and its resources into an exploitable commodity, the governments delimited the social, economic, and political structures of the Aboriginal peoples.

At the turn of the century, surveys along the Winnipeg River reported on the potential of this region. Developers attracted by such claims moved into this region, and large-scale development projects ensued. The following discussion examines this development, as federal and provincial government policies further dislocated the Anishnabe and Métis from the land.

3.1 Hydroelectric Development:

In Manitoba, Aboriginal peoples secured Treaty and riparian rights to water, but federal legislation confiscated them shortly thereafter in 1896. The Department of Indian Affairs failed to secure licenses to protect Indian water rights on the prairies. They chose, for whatever reason, not to do so. This oversight or policy consequently resulted in all natural resources, including water, falling under the jurisdiction of the federal government. Up to 1930, any form of water use, including hydroelectric development, had to be approved by the Dominion Water Power Branch, as evidenced by the following passage abstracted from the Manitoba Boundaries Extension Act (1912):

*The interest of the Crown under the Irrigation Act in the waters within such territory, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada.*⁵¹

In this period, conservation continued to be an issue. However, development of hydroelectric power for the City of Winnipeg overshadowed much of this concern. The following comment made by J. B. Challies (1915: i), superintendent of the Dominion Water Power Branch, in a letter to the Deputy Minister of the Interior clearly illustrates this focus:

⁵⁰ Irene M. Spry, "Aboriginal Resource use in the Nineteenth Century in the Great Plains of Modern Canada," in K. Abel and J. Friesen, *Aboriginal Resource Use in Canada: Historical and Legal Aspects*, Winnipeg: University of Manitoba Press, 1991.

⁵¹ *Manitoba Boundaries Extension Act, SC 1912 C.32 S.6* in Thomas Thompson, *Manitoba Hydro, Northern Power Development, and Land Claims pertaining to Non-status Aboriginal's in Norway House and Cross Lake*, Masters Thesis, Winnipeg: University of Manitoba, 1994.

*the people of the province of Manitoba have a keen interest in the important economic problems now brought so forcibly to the attention of the Canadian people as a result of "the conservation movement." That interest is particularly manifested at this time because probably no province in the Dominion is so endowed with conditions so favourable and opportunities so promising for the early accomplishment of material progress from practical and sane conservation of its most valuable natural resources. ... Water is practically the only natural resource within the province for the development of power, that great and fundamental requisite for the prosperity and comfort of a civilized community.*⁵²

A report produced by Johnston accompanied this letter, and it provided a detailed account as to why hydroelectric development along the Winnipeg River should proceed. The following is a summary of its potential based on, at that time, his account of past and present development patterns and the potential provided for the development of other industries in the region.

Johnston (1915) reported that, around 1875, the Fort Alexander community was involved in the construction of a small-scale hydroelectric installation on the Winnipeg River. It was built to power a lumber and shingle mill operated by the community. The rock and shore formation on the left riverbank, according to Johnston (1915: 138) helped create a "power raceway for the purpose of carrying the headwater level to a lumber and shingle mill located some 900 feet below."⁵³ It was further noted that the rock and shore formation was able to sustain the impact of the waters that flowed through the raceway, with little consequence to the Fort Alexander community or to the lumber and shingle mill. The community operated this power raceway at a time when Treaty and riparian rights over water were securely under their control. The power installation fell into disrepair, after a fire destroyed the lumber and shingle mill.

By 1896, the federal government confiscated the Anishnabe's and Métis' Treaty and riparian rights, when demands for hydroelectric power increased. At the turn of the century, the City of Winnipeg had evolved into the gateway to the West. The city had a growing industrial sector and immigrant population that, in time, would eventually demand, with the arrival of affordable electrical technology, this new form of power. The Winnipeg General Power Company, incorporated by special Act of the Manitoba Legislature (1901), was the first company granted the power to develop, transmit and distribute electricity in the province. The first site slated for development was the Pinawa channel, located within close proximity of Winnipeg and just north of the community of Fort Alexander. The construction of the dam began in 1902 and was completed in 1906. Its design included a fish ladder and a log slide to accommodate the future prospects of the fishery and the forestry industry in this region. The project also included the installation of a ferry service at Lac du Bonnet and the building of roads in order to transport workers and construction materials to the site.

The Pinawa dam marked the beginning of more developments to follow. In 1905, engineers reassessed the hydraulic resources of the river, and their study identified the Point du Bois site as the next site

⁵² Correspondence of J.B. Challies to W.W. Cory, Deputy Minister of the Interior in J.T. Johnston, *Report on the Winnipeg River Power and Storage Investigations*, Ottawa: Government Printing Bureau, 1915.

⁵³ J.T. Johnston. *Report on the Winnipeg River*. p. 138.

for development. The site was ideal. It was conveniently located near the village of Lac du Bonnet, where a transportation system was in place to service the dam. Construction began in 1906, the year when Winnipeg received hydroelectric power for the first time. By 1913, the powerhouse was in operation, and like the Pinawa dam, the Point du Bois dam included a fishway and a log slide.

The next site developed was Great Falls. In 1913, the Winnipeg River Power Company, an affiliate of the Winnipeg Electric Railway Company, was created under the Dominion Companies Act to develop this site. After submitting a preliminary engineering report in 1914, the company was granted a charter to develop the Great Falls dam and generating station. Although the company initiated the project, it never actually completed its construction. Instead, the Manitoba Power Company, a subsidiary of the Winnipeg Electric Railway Company, acquired the rights and properties of the Winnipeg River Power Company, as well as the mandate to complete this project.

In 1915, the Pinawa, Pointe du Bois and Great Falls hydroelectric projects clearly stood out as success stories in Johnston's account of the development potential of this river. Johnston identified two other sites under review. They were Pine Falls and McArthur Falls. He initially concluded that any development at these sites could potentially impact settled, agricultural lands between Pine Falls and Silver Falls. He argued that dam construction and the fluctuation of Lake Winnipeg water levels could lead to excessive flooding and bank erosion; a position which he would later alter in 1914 after redefining the impact as a problem confined to the immediate banks of the river (Johnston, 1915:):

[T]he contours of the river banks above Pine and below Silver falls, do not, however, allow the raising of the headwater level above that proposed hereunder, except at the cost of excessive flooding or embanking. Since the land along this section of the river has been taken up and is under cultivation, it is not desirable to incur any more flooding than is necessary...

The tail-water of the Pine Falls concentration is practically Lake Winnipeg Level and will be affected by the fluctuation of the lake. A maximum high water elevation of 719 is in evidence on the rocks in the river channel below. This would probably indicate the extreme conditions, which may be anticipated. The lake level varies from year to year; it also varies from day to day, depending on the direction and force of the wind...

Flooding is entirely confined by the immediate banks to the river channel. Between Pine and Silver falls the land bordering the river has been settled and is under cultivation. As the banks rise rather abruptly from the water's edge, little of this land will be flooded by the proposed development.

In this account, flooding was an acceptable engineering risk that developers could under take given the potential benefits of development. Johnston (1915) contended that a dam could provide cheap and accessible electricity to a pulp and paper operation. The natural transportation link between the Winnipeg River, Lake Winnipeg and the Red River would support this operation, until a railway line could service this operation. The impact on water levels, due to the dam, was another benefit. The Winnipeg River at Pine Falls flowed into Lake Winnipeg (Traverse Bay). Any widening of these sources, through dam construction, would

support a pulpwood area large enough for log booms. This area would store timber, until a pulp and paper mill processed it. Johnston (1915), however, cautioned that more information was required on regional timber resources before any development could proceed.

Nevertheless, the driving force behind any future development had to be large-scale industrial development. Between 1915 and 1930, existing dams expanded to meet increasing demands from the City of Winnipeg and new industrial developments. For example, the Pinawa generating station expanded in 1914, 1917, 1921 and 1926 through the addition of several turbines. The same occurred at the Great Falls dam (1928), which would eventually service mining interests in the region. In 1932, a hydro line from the Great Falls generating station to Rice Lake provided power to the San Antonio gold mine.

Future development prospects accelerated the need to reconsider the potential of the Pine Falls site. In 1921, J.D. McArthur, a railroad builder, secured timber concessions north of the Winnipeg River and a lease and option to purchase a portion of the Fort Alexander Reserve. The intent was to build a pulp and paper mill. A railway line, however, had to connect Pine Falls to the C.N.R. Beaconia Line that ran south along Lake Winnipeg to the City of Winnipeg to make the mill viable. In 1926, with a railway line in place, the Spanish River Pulp and Paper Company purchased his holdings and initiated construction of the Manitoba Paper Company Mill.

These events supported the expansion of hydroelectric development on the Winnipeg River, as did the transfer of natural resources to the Province of Manitoba. In 1930, the Natural Resources Transfer Agreement (1930) transferred all natural resources to the Provinces of Manitoba, Saskatchewan and Alberta. This addendum to the Canadian Constitution gave the provinces the constituted authority to exploit natural resources within their boundaries, and to increase their administration over trapping, fishing and hunting.⁵⁴ According to Thompson (1994), Manitoba Premier John Bracken had negotiated control over all natural resources so that the province could diversify its own economy.⁵⁵ He also sought economic diversity through such developments as the pulp and paper industry in the Lake Winnipeg area, mining around Flin Flon, and hydro-power generation on the Winnipeg River, particularly around Seven Sisters.⁵⁶

In the wake of this agreement, two new dams on the Winnipeg River underwent construction. In 1931, Winnipeg Hydro initiated the construction of the Slave Falls dam at Pointe De Bois. In the same year, the Winnipeg Electric Company initiated construction of the Seven Sisters generating station. Both projects were in operation by 1948.

⁵⁴ Gerald Friesen, "Northern Manitoba 1870-1970", in Y. G. Lithman, R.R. Riewe, R.E. Wiest, and R.E. Wrigley, *People & Land in Northern Manitoba*. Winnipeg: University of Manitoba, 1992.

⁵⁵ Thomas Thompson, *Manitoba Hydro, Northern Power Development, and Land Claims Pertaining to Non-Status Aboriginals in Norway House and Cross Lake*. Master Thesis. Winnipeg: University of Manitoba, 1994.

⁵⁶ John Kendle, *John Bracken - A Political Biography*, Toronto: University of Toronto Press, 1979.

In 1947, the provincial government anticipated that hydroelectric developments to date could not meet the needs of the rural areas of the province, so they appointed a royal commission to study Manitoba's power industry and to recommend ways of developing and supplying electrical energy. The Hogg Report advocated that future capital costs of high-cost electrical power development should be merged with existing low-cost power. However, a legislative framework was necessary to make this possible.⁵⁷ In 1948, both levels of government amended the Natural Resources Transfer Agreement to give Manitoba sweeping powers in hydroelectric development. The following additions to Paragraph 2, abstracted from Thompson (1994: 78-9), clearly illustrates the sweeping powers that they acquired:

a) legislation relating to the control and regulation of the generation, development, transformation, transmission, utilisation, distribution, supply, delivery, dealing in, sale and use of electrical power and energy in Manitoba, and of the flow and the right to the use, for the generation and development of such power and energy, or any other purpose connected therewith, of the water at any time in any river, stream, water course, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh or other body of water within the province and the taking, diversion, storage or pondage of such water for any of the said purposes whether by restriction, prohibition or other wise and whether generally or with respect to any specified area therein.

b) legislation providing for the taking, acquisition and purchase by agreement or compulsorily or otherwise or by expropriation of any indentures, agreements, arrangements, permits, interim permits, final licences, licences, interim licences, leases, interim leases, rights, liberties, privileges, easements, benefits, advantages or other concessions of every person of whatever nature, in relation to the flow and right to the use of the said water or the taking, diversion, storage or pondage thereof for the generation and development of electric power and energy, the utilisation, transmission, distribution and sale of such power and energy, the occupation and use of crown lands of the province for the maintenance and operation of hydro electric and other works of any person and any other rights, liberties, privileges, easements, benefits, advantages and concessions connected therewith or incidental or appurtenant thereto

c) legislation providing for the taking, acquisition and purchase by agreement or compulsorily or otherwise or by expropriation of any property, works, plant, lands, easements, rights, privileges, machinery, installations, materials, devices, fittings, apparatus, appliances, and equipment of any person constructed, acquired or used in the generation, development or transmission of such power and energy or in the taking, use, diversion, storage or pondage of said water and whether generally in the said province in any specified area therein.

In 1949, the provincial government passed the Manitoba Hydro-Electric Board Development Act to better co-ordinate all policies, regarding future power requirements in the province. It also created the Manitoba Hydro-Electric Board. The first responsibility of this Board was the immediate construction of the Pine Falls hydroelectric generating station. Between 1949 and 1951, the provincial Department of Mines and Natural Resources, acting on behalf of this Board, initiated and completed the Pine Falls dam (a.k.a. Powerview). In 1951, the board decided to dismantle the Pinawa Generating Station to provide more efficient use of water flows for the 1952 extension of the Seven Sisters Generating Station.

⁵⁷ Manitoba Hydro, *The History of Electric Power Industry in Manitoba*, 1994.

Development continued under this new board. In 1954, Manitoba Hydro initiated the construction of the McArthur Hydroelectric Generating Station, located just above Great Falls (Lac du Bonnet). This generating station was the last hydroelectric project undertaken on this river system. It, however, was not the last hydroelectric project to have an impact on this region.

In 1966, the provincial and federal governments signed an agreement that authorised Manitoba Hydro to transform Lake Winnipeg into a reservoir that would accommodate several hydroelectric generating stations slated for construction in northern Manitoba on the Nelson River system. Lake Winnipeg water levels, however, had to be regulated if this venture would succeed. The outflow into the Nelson River was greater in the spring and early summer and much lower in the fall and winter. This natural occurring event posed a problem for hydroelectric generation. Efficient hydro generation required regulated water levels to secure a higher volume of outflow in the fall and winter when demand was greatest. Consequently, the province extended the right to Manitoba Hydro to regulate water levels on Lake Winnipeg between 715 feet (upper storage limit) and 711 feet (lower storage limit) above sea level for power production purposes (Manitoba Hydro, 1994: 39).

The Lake Winnipeg, Churchill and Nelson Rivers Project, completed in 1977-8, diverted most of the Churchill River flow into the Nelson River and regulated Lake Winnipeg to manipulate water levels for primarily winter energy production (Larcombe, 1995).⁵⁸ The Northern Flood Agreement, ratified in 1978, attempted to address the impacts of this project on Aboriginal communities situated along the Nelson and Churchill River system, and the northern basin of Lake Winnipeg. In 1971, a Canada/Manitoba Advisory Committee, formed under the authority of the Canada Water Act, examined potential impacts on Aboriginal communities located in these areas. Government bodies involved in the impact assessment process concluded that the regulation of Lake Winnipeg would substantially alter the surrounding environment and lead to adverse effects on the communities living along the waterways. The communities of Cross Lake and Norway House consequently received letters from the Provincial Premier (Edward Shreyer) informing them that there would be negative effects. The letters further acknowledged that the government would make available a compensation program to assist anyone who “may suffer a loss of income or whose property or equipment is damaged as a result of the project” (as reported in Thompson, 1994: 92).

Manitoba Hydro, five northern First Nations (Cross Lake, Norway House, Nelson House, Split Lake and York Factory) and both levels of government agreed in principle to address the adverse effects of flooding on reserve and traditional lands bordering the reserves. The five First Nations involved formed the Northern Flood Committee, and in 1977, all parties signed the Northern Flood Agreement, which began the process of addressing impacts. By 1994, four of the five First Nations signed compensation agreements (with the exception of York Factory), which ranged from \$8 million to \$18 million per community. The communities of

⁵⁸ P.M. Larcombe, *The Northern Flood Agreement: Implementation of Land, Resource, and Environmental Regimes in a Treaty Area*. A Report Prepared for the Royal Commission on Aboriginal Peoples Land, Resource, and Environment Regimes Project. October 1995.

Chemawin-Easterville and Moose Lake also signed compensation agreements, which addressed social and economic changes they experienced from this development. These agreements emerged, however, through a process of resistance, as the following statement of Lacombe (1995: 2-3) illustrates:

Essentially, the NFA represents an agreement –in-principle where the Parties agreed or undertook to perform certain tasks and negotiate on others. Lacking any implementation framework or funding, it appears the NFA was to be implemented by sheer good faith. In reality, since about 1980, the NFA has been implemented on the basis of legal claims filed by the NFC and NFA First Nations under the arbitration mechanism. As of February, 1993, a total of 173 claims have been filed, 92% of which have been filed by the beneficiaries, approximately 35% have been filed by individual First Nation members and the balance have been filed either by community based resource harvesting organizations, individual First Nations on behalf of their general membership, or by the five First Nations collectively.⁵⁹

Many of the affected communities consequently were not satisfied with the federal government's performance in protecting or compensating First Nation communities. Darcy Linklater, representing the Northern Flood Committee, commented on this lack of performance at the Fourth Round of Public Hearings for the Royal Commission of Aboriginal Peoples (1994: 77).⁶⁰

In the meantime, Manitoba Hydro has operated its project since 1977, earning substantial revenues. Manitoba has earned substantial water rental revenues each year, and the residents of Manitoba have enjoyed reliable, and by Canadian standards, reasonably priced rates.

In our view, the parties reneged on the deal. Canada, as trustee for our lands, has done nothing to ensure we received our land entitlements nor assisted us in any way to punish Manitoba for breaching the NFA.

We have felt the pain of this environmental and ecological terrorism, which is supported by a government who is supposed to protect our people under treaty obligations. ...

What did we do to deserve this? We never stole potatoes, chickens, or pigs from the white man nor interfered with their lives. Yet, they slaughter our animals, destroy our sacred garden and our way of life.

Lacombe (1995) examined this issue and other problems in greater length for the Royal Commission, and concluded that a more meaningful environmental impact assessment process is required, which recognizes both scientific data and the traditional knowledge of community members. The following passage, abstracted from Lacombe (1995: 4), best summarizes these problems and the action needed to effectively and respectfully deal with development impacts:

Key problems involved with implementing the NFA include: vaguely worded clauses resulting in wide ranging interpretations of obligations by the Parties; lack of an

⁵⁹ P. M. Lacombe (Cobb) – Symbion Consultants, *The Northern Flood Agreement: Implementation of Land, Resource, and Environmental Regimes in a Treaty Area. A Report Prepared for the Royal Commission on Aboriginal Peoples Land, Resource, and Environmental Regimes Project*. October 1995.

⁶⁰ Royal Commission on Aboriginal Peoples. Public Hearings. *Toward Reconciliation: Overview of the Fourth Round*. Ottawa. 1994.

implementation framework; lack of defined implementation funding arrangements; lack of baseline data and documentation of impacts; ineffective institutions; and adversarial and unilateral positions which have created an atmosphere of frustration and distrust.

Future like agreements should be entered into at the earliest stages of project planning and involve meaningful consultation and participation by Aboriginal people in the environmental impact assessment process. To the maximum extent feasible, potential adverse impacts should be identified and obligations and strategies to mitigate or compensate for damages should be clearly reflected in the agreement. The agreement should recognize that unforeseen or unknown impacts may arise. A rigorous environmental monitoring program, implemented by a joint party entity with authority and specified funding arrangements should form part of the agreement. The agreement should include a framework to address implementation, management, execution, monitoring and evaluation and a concrete commitment to fund all aspects of implementation. The agreement should clearly recognize the role of the Aboriginal party in implementation and include a clear commitment to equitable, adequate, long-term funding for this party to fulfil its role and obligations. Finally, a built-in dispute mechanism as a first level of recourse is considered advantageous over use of the courts exclusively.

Sagkeeng First Nation, much like other First Nations impacted by Hydro development, attempted to change this process. In 1992, they agreed to undertake with Manitoba Hydro an initial post project evaluation of the environmental, social and cultural impacts caused by Manitoba Hydro works and operations. The consortium of consultants involved in this assessment showed little concern for the social and cultural impacts of hydroelectric development on Aboriginal communities situated along the southern basin of Lake Winnipeg, or along the Winnipeg River system. They argued instead that there was no baseline data to compare impacts and that other factors could have had an effect of traditional resource areas along the Winnipeg River system. They concluded that it was impossible to quantify impacts because of the presence of confounding variables and a lack of pre-project data. In short, the consortium of consultants ignored traditional knowledge and instead transformed cumulative impacts into confounding variables, which freed Manitoba Hydro of any responsibility. In 1993, Symbion Consultants critiqued the report on behalf of Sagkeeng First Nation, and they concluded that, regardless of the consortium's findings, there was a need to get reliable and quantitative estimates of the losses suffered by Sagkeeng.

In June 1994, Sagkeeng First Nation commissioned Chreod Ltd. to do an environmental audit of their community. This audit included an assessment of local infrastructures (water and sewer) and of development impacts (hydroelectric and pulp and paper developments). In the case of hydroelectric developments, Chreod Ltd. (1994: III-3) concluded that such developments were initiated with, *at worst, a disregard for the environmental and human impact on the area, or at best an assumption that these would be of minor significance.*⁶¹ They recommended the following strategy for the community to pursue in dealing with Manitoba Hydro (Chreod Ltd., 1994: v-3):

This auditor argues elsewhere in this report, and also in these recommendations for Sagkeeng to adopt a cooperative approach to substantive matters. However, the

⁶¹ Chevod Ltd., *The Sagkeeng Environmental Audit*, 1994.

relationship with Manitoba Hydro may be a case apart for several reasons including the following: (a) the situation is not one in which cooperation on substance has much meaning at present; (b) the sums that have been mentioned in connection with compensation are so great that they automatically move the relationship to a different level; (c) the results of the cooperative exercise that produced the Manitoba Hydro Impacts report give at least the appearance that Sagkeeng was out-manuevred by Manitoba Hydro.

As noted earlier in this audit, this recommendation has immediate relevance to the work that Manitoba Hydro may undertake to protect the Reserve shoreline from further erosion. More broadly, however, this auditor recommends that Sagkeeng develop a careful plan for the further prosecution of its claim against Manitoba Hydro, and that it seek the best engineering, legal, and other advice involved. This experience of First Nations in northern Manitoba does not encourage the belief that relying on cooperation is necessarily in the best interests of the First Nation. There is too much at stake for both parties.

Soon after receiving this report, the Chief and Council called a community meeting to ask community members for direction on how to contend with Manitoba Hydro. Facilitators, at this meeting, informed participants of provincial, federal and Anishnabe riparian rights, and then asked them to provide them with direction on how they should proceed in developing their own laws concerning water. The lawyer of the Band explained that Sagkeeng could draft laws to regulate conditions under which Manitoba Hydro could operate. Many of the participants agreed that the power to make laws was an inherent right, especially in areas of traditional concern. Participants contended that existing laws did nothing to protect their interests. They indicated that under the existing legal system Winnipeg and Manitoba Hydro received a licence for each dam built, and that this occurred without the community's involvement. They felt that the federal government did little to secure the well-being of Aboriginal peoples during this process, resulting in the community bearing the full impact of development. The following comments made by participants illustrate their frustration with the federal government's fiduciary performance and the need for the community to draft their own laws in areas of traditional concern:

We had our own laws from the beginning.

Before 1871, Anishnabe had their own laws, and then we were forced to adopt white man's laws.

We became Treaty when white men came, before then we were a Nation.

Anishnabe should develop their own laws and utilise them fully.

Participants, however, questioned how their laws would relate to this process and other governing bodies. They questioned, for example, what power they had over the province, and whether anyone would listen to their laws. They also questioned how they could make laws based on traditional ways of nature. Participants recognised that there would be some difficulty in the beginning, but that Sagkeeng First Nation should make their own laws. They recognised that the success of initiative was contingent on the government recognising their judicial system and their vigilance in securing their well-being. They concluded that someone should always be present, when issues at the provincial and federal level affect their interests. Participants

also discussed compensation for past damages. Everyone agreed that Hydro should pay for damages, but they questioned the form in which the settlement should take (free hydro, payments over time, or payments in one lump sum divided up amongst community members). This issue required much more thought, and the meeting closed.

From this meeting, it is evident that Sagkeeng First Nation had mobilised to challenge the established order. They demanded room for that which is not only different but in many ways opposed to the very foundations of a Western environmental health and regulatory tradition. Their recommendations clearly demonstrated that resistance was critical, and that reconfiguring environmental policies and polluting industries through legal frameworks rooted in Aboriginal title was necessary to secure their well-being. In short, participants at this meeting demonstrated that governmentality and treaty rights encompass the most fundamental aspects of the relationship between Aboriginal peoples and the Canadian State. Their relationship with the pulp and paper industry and the governments involved in its legitimization has also contributed to the development of this political process.

3.2 Pulp and Paper developments:

In 1921, J.D. McArthur, a railroad builder, secured timber concessions on lands lying north of the Winnipeg River from the federal government. He also acquired a lease to a portion of the Fort Alexander Reserve, and an option-to-purchase River Lot 25 adjoining the east-side of the reserve to develop a pulp and paper mill. Financing and additional timber concessions for the mill were negotiated between 1921 and 1925.⁶² By 1925, the Spanish River Pulp and Paper Company bought out McArthur's lease and timber concessions and purchased River Lot 25, along with an additional 390 acres of the Fort Alexander Reserve (south-east corner). The legitimacy of this purchase is somewhat questionable. The 1918 revisions of the Indian Act minimised the political and economic rights of the community and increased Indian Affairs' jurisdiction over the management of reserve lands. In Fort Alexander, Lithman (1984) reported that Indian Affairs' Agents had leased reserve lands to White farmers without the required consent of Chief and Council. As in the past, third party interests dictated how Indian Affairs would respond. The policy, at that time, instructed Indian Agents to be unsympathetic to "Indian Talk," concerning Treaty rights. Instead, Indian agents were to support other interests, contrary to their fiduciary responsibility. The result of this policy, and perhaps through bribery as local knowledge has it, was the lease and sale of the south-east corner of the Fort Alexander Reserve to the Spanish River Pulp and Paper Company. The following citation illustrates the outcome of this policy, as documented in Gaver's (1989: 10) historical account of the Winnipeg River:

The Indians who signed the letter from the band to McArthur in 1921, were Joe Kent, William Bruyere, John Thompson, and they subsequently became Chiefs of Ft. Alexander Reservation.

⁶²

Ann Cavers, "History of Pine Falls," in *"From the Beaches to the Falls:"*

Other industrial developments followed, as Indian Affairs minimised the community's involvement in determining its participation in the political economy of the region. Just north of Fort Alexander at Great Falls, rail access was already available through the C.P.R. branch line built to service the construction of that generating station. A branch line, however, was required to service the mill, which was constructed by the Canadian National Railway. A nineteen-mile branch line was built from Beaconia Beach on Lake Winnipeg to the proposed mill site, and with that line in place, the construction of the Manitoba Paper Company Mill began. In the fall of 1926, trainloads of men and supplies arrived by rail, and in the following year, approximately 1800 men were involved in constructing the mill. A camp was constructed adjacent to the Mill and the Fort Alexander Reserve to house workers. The company also recruited experienced workers from other Spanish Company mills and the United States. In January 1927, the first paper was turned out.

By December 1927, the ownership of the Manitoba Paper Company Mill changed hands. Abitibi Paper Company Limited purchased all the mills of the Spanish River Pulp and Paper Company, including the mill at Pine Falls. In 1928, it purchased several stores and other miscellaneous properties to create the company town of Pine Falls. They also built homes for workers, a school, swimming pool, tennis court, golf course, and a company staffed hospital, complete with an X-ray machine and operating room. The hospital had three wards (private ward, men's public ward, and semi-private ward for women), which primarily served company employees, which included employees from Sagkeeng. Ten years later, the federal government built a hospital across the street to exclusively serve members of Sagkeeng First Nation in 1938

By 1929, paper production averaged 258 tons per day. In 1930, the natural resources agreement transferred jurisdiction over forest resource from Canada to Manitoba. The province renewed the original federal permit, and the company secured timber rights to the year 1975. In 1932, the Depression hit and the mill shut down until the economy improved. Most families left Pine Falls in search of work. However, a skeleton staff remained to run the office, maintain the town site, perform security duties, and to operate the telephone switchboard in the expectation that the Mill would eventually reopen (Cravers, 1979). In Ontario, the Abitibi Mills continued to operate and provide periodic employment for the former Pine Falls paper workers. The Company, intent on retaining an experienced and educated labour pool at the Pine Falls mill, only charged a nominal rent to former workers. A relief office was also set up so they could apply for provincial assistance. In addition, Company credit was advanced, and odd jobs were provided so any debt could be paid off. The Manager of the Mill, optimistic that the downturn would be short lived, encouraged residents to play golf, and instead of paying fees, they worked at maintaining the golf course. The Company school, hospital, and store also remained open to serve those that remained.

During the depression, Company relief policy was largely supportive of the families that remained. Single men, however, had to go to relief camps or take up hunting, trapping or fishing near Pine Falls, while waiting for the mill to reopen. The depression and this shift to a subsistence way of life had a great impact on the Fort Alexander community. The Anishnabe and Métis mill workers were hit equally as hard as the Whites. In the late 1930s, Lithman (1989) reported that more than 300 Indians (not all from Sagkeeng) worked in the

wood cutting department, out of a labour force of over 700. A similar percentage worked in the mill. At first glance, the Anishnabe and Métis may have been better off during the depression due to their diversified economy, but the shift to a renewable resource oriented way of life by the unemployed, White mill workers impacted their resource base, rightfully theirs by Treaty. The following comment abstracted from Lithman (1984: 39) clearly illustrates the extent of this impact:

There was ... a marked decline in returns from hunting, trapping, and fishing ... The depletion of fur-bearing animals coupled with competition from white trappers, accounted for the decline in trapping and hunting returns. In fishing, the competition with White commercial operations, still employing Indians, especially in the northern part of the province, would require the Indians get larger boats. They [were not able to] raise the required capital, and were thus gradually squeezed out of commercial fishing with self-owned boats.

Erosion of their renewable resource base continued well after the depression, and their exclusion from long-term employment began to take shape during the war years and throughout the post-war period. In 1935, the mill re-opened and the community of Pine Falls expanded in 1937 and 1938 as production increased. The outbreak of war, however, resulted in several workers joining the armed services. White women from Pine Falls filled some of the positions. German prisoners-of-war also worked in the Company timber camps between 1944 and 1946. When the war was over, many of the former employees, who served in the Canadian military, returned to work. However, the policy of hiring at the mill and the contracting system in the woods department had shifted. In the Post-war years, some community members maintained their jobs at the Mill or in the bush cutting timber, but many were squeezed out of regular, long-term skilled employment (Lithman, 1984). In the late 1950s and early 1960s, for example, the independent woodcutters of Sagkeeng First Nation could not compete in a unionised environment. The union representing pulp and paper workers demanded that the mill handle only wood cut by company employees or from sub-contractors who ran camps that had fair living conditions (e.g., running water). According to Lithman (1984), the independent harvesters from Sagkeeng could not compete because they did not have the capital to build camps, which met these new standards. Consequently, more and more community members were forced to rely on short-term employment in other areas.

Work at the hydroelectric development projects provided some short-term employment, as well as railroad and highway construction. Their only long-term alternative source of temporary employment was “migratory agricultural work,” such as potato and berry picking. This shift into a transient work environment was due, in part, to the oppressive policies of Indian Affairs, which countered any attempts by the community to capitalise on the sale of their produce or livestock. Indian Agents enforced a strict policy of “subsistence farming only,” which limited attempts to diversify their economy commercially (Lithman, 1984). The community, consequently, had little choice, but to grow dependent on temporary wage employment.

All of these developments occurred at a time, quite ironically, when mill operations were expanding. In the post-war years, Abitibi shifted their attention exclusively to pulp and paper production and subsequently

sold all their mercantile operations to the Hudson's Bay Company, which formerly operated on the Fort Alexander Reserve. By 1948, mill production was up to 345 tons per day. Pulp wood production increased, and in 1950, the Company celebrated a production record of 370.6 tons. Such success translated into further infrastructure developments in Pine Falls. In 1951, a new swimming pool complex was built, and by 1952, the Company instituted a Home Ownership Plan to help employees purchase new homes built by the Company. After another successful year (1955), the Company extended the Plan to employees renting houses owned by the Company.

By 1965, the Company's sources of pulpwood expanded to outside the province, while the Company maintained their right to harvest timber under an interim agreement between 1975 and 1979. In 1979, they secured 20 more years of harvesting rights under the authority of a Forest Management Licence (FML).⁶³ This licence, subject to renewal every five years, ensured that the company became directly responsible for forest renewal in the FML. Sagkeeng First Nation countered this development, and in 1978, they filed a land claim to the Indian Claims Commission for approximately 22,000 hectares, which extended north into Nopiming Provincial Park and east into Treaty #3 (Ontario). As the Indian Claims Commission reviewed their claim, the Company continued its management of the FML.

With timber rights secured by Abitibi, prosperity continued at the mill. In 1984, the mill celebrated another record of 500 tonnes per day. By 1988, however, the provincial government had passed the Manitoba Environment Act, which regulated companies involved in environmentally significant developments. Companies, like forestry companies, had to go through an assessment process to obtain an environmental licence before construction or operations could begin. Abitibi-Price, directed by the Government of Manitoba, had to prepare an Environmental Impact Statement of their proposed forest resource management activities for the period of 1991-1998. In October 1990, Abitibi-Price submitted its Forest Resource Management Plan for proposed forestry activities to the Director of Forestry, as required by the company's Forest Management Licence Agreement (Synthen Resource Limited, 1991). This document was placed in the public domain for review. After this review, it was determined that public hearings would be necessary. Public hearings were subsequently called by the Clean Environment Commission to address potential impacts within the Abitibi-Price forestry management licence block.

The EIA Statement prepared by Synthen Resources Limited (1990) for Abitibi-Price was a clear negation of Aboriginal title and a complete misinterpretation of their participation in the forestry industry and the risk analysis and management process. The report completely ignored Sagkeeng First Nation's involvement in producing, distributing, managing and consuming natural resources in this region throughout the fur trade, the establishment of Canada and the Province of Manitoba, or throughout the development of the forestry industry. The document instead minimised their presence in the region by restricting their

⁶³ Synthen Resources Limited. 1990. Environmental Impact Assessment of Abitibi-Price Inc. F.M.L. #01 Forest Management Plan 1991-1998.

occupancy to that of traditional resource users or hobbyist in need of management. Indeed, the plan partitioned indigenous use of the forest into heritage, harvesting, and non-harvesting domains that marked their disappearance, abuse, absence, or incomprehensibility.

For example, the Plan acknowledged the existence of petroglyph (rock carving) and burial sites, primarily of the Paleo-Indian period, and indicated that such sites were significant. Sites identified as “uninterpreted,” especially along the Winnipeg River and to the north of the river, had little significance until provincial heritage, resource experts could make them comprehensible. Other characterisations, like campsites, implied an indigenous presence in the region, but they had no significance until assessed. The following statements, abstracted from this document, illustrate the value placed on the disappearance of a particular culture. They also illustrate the emphasis placed on provincial government “experts” in the interpretation of sites, with no consideration of or respect for indigenous traditional knowledge:

An important consideration is the potential importance of the known and unknown sites. Sites, which yield new or considerable information, are particularly valuable. The significance of a site is determined by its physical condition, activities or events that it represents, its uniqueness, its research value and its education potential. For example, Paleo-Indian sites are of high importance because of the dearth of information on this period [FMP, 7-45]

The risk of disturbance of heritage sites on the FML can be kept low if ... mitigation measures are practised. The most important elements of a successful heritage resource protection plan are systematic communication and information exchange among the parties (heritage resource experts [Provincial Heritage Resources Branch and Department of Natural Resources], Abitibi-Price and RPC members) [FMP, 7-50-1].

Resource protection issues carried over into the current use of the forestry management area. In this document, indigenous use of the forest was characterised as a cultural domain in need of monitoring. In the section titled “Impacts of Proposed Operations on Aboriginal Values,” the company portrayed traditional resource use as an Aboriginal value that could potentially abuse wildlife stocks. This portrait, in many ways, is a colonial depiction consistent with regressive provincial natural resource conservation policies that negated treaty rights. It further represents a belief that continues to persist, especially in sports and commercial fishing circles. In these circles, stakeholders have reacted to the *Sparrow* Case that reinstated the Treaty right to hunt, fish and trap. The contention is that Aboriginal peoples use resources in an unsustainable way by indiscriminately killing game or harvesting fish out of season. The following statement from this document makes this insinuation (Synthen Resources Limited, 1990: 7-62):

Aboriginal people use the FML area extensively for a variety of traditional resource uses, notably hunting ... [I]mproved access to forest lands resulting from extension of primary roads will facilitate access to ... wildlife populations for hunting purposes. As noted in Section 9.3 of the report, however, improved access is a mixed blessing. Easier hunting access will lead to increased pressure on wildlife populations and, in some situations, may well lead to indiscriminate killing beyond the sustainable yields of some species. Easier access may also lead to killing of woodland caribou whose populations are threatened on the FML.

In the next section, the company strategically depicted themselves as a good corporate citizen, in tune with the rhetoric of the day. The company employed a new age perspective of the indigenous forest to represent their vision of a sustainable forest. The following passage, set under the title “Non-Harvesting Values and Perceptions,” illustrates how the company, which has a record for clear cutting and chemical spills, would set themselves apart from such unsustainable practices (Synthen Resources Ltd, 1990: 7-63):

To Indian people, the forest is a living entity that supports people both materially and spiritually when people live in harmony with the forest. Sustainable forestry has been described in Section 3 of this report from the perspective of (1) commercial forest harvesting and management, and (2) an ecologically sustainable system. Sustainability should also include the spiritual-cultural values important to the traditional lifestyles and pursuits of Indian people. The essential concept here is the forest, like mankind, birds, fish and plants, is a living thing with a soul or spirit. A balanced circle of life interconnects the spirits of people with the spirits of the other elements of Mother Earth. Everything in the forest and surrounding areas, streams and rivers are in a balanced harmony, the experience of which and natural medicines derived therefrom give Aboriginal people health and strength.

Whenever a part of the forest is removed, the balance is disrupted. The medicine is not as strong, or it is lost and cannot be replaced. Removal of the forest in large sections creates a scar that not only hurts Mother Earth but also the spirits and health of people.

The next section then strategically acknowledged “Aboriginal people” as the major stakeholders in the FML whose interests they need to understand. The company made no significant effort to understand their concerns or their claim to this area. For example, the Plan minimised the Anishnabe’s and Métis’ historic claim to the forestry management area, by relegating their presence in the region to that of “Other Local History.” The company did acknowledge that Sagkeeng First Nation filed a Land Claim in 1978 for approximately 22,000 hectares, but further claimed that the entitlement area was not specific and that the claim was not valid according to the Indian Claims Commission. The company then went on to describe Aboriginal interests in the FML, from the perspective of the benevolent employer (sovereign) responding to a potential employee (subject):

Commercial and economic interests of the native people in the FML, its forest and other resources are unlikely to be threatened by proposed forestry operations. On the contrary, forestry operations are important generators of employment and incomes for native people. The welfare of native people would be hurt by any reduced level of these operations. Every attempt should be made by Abitibi-Price to maintain and, if possible, increase the level of native participation in forestry operations. This EIA recommends specifically that the level of native participation be reviewed at the mid-point of the plan.

The rhetoric of co-management did appear in the area of mitigation and monitoring, which sought managed participation of indigenous resource use. The company recommended that a Stakeholders Monitoring Committee be developed. An essential element for its success would be communication, with the implication that the Anishnabe and Métis get on board the conservation wagon (Synthen Resources Limited, 1990: 7-64):

Native interests should be represented on this committee so that native perceptions and values are reflected in committee input to forestry operating plans and decisions. Discussion and consultation in this forum could also be beneficial in influencing the way in which resources are exploited. Tendencies to over-exploit are a result of for example, improved access to wildlife populations may be countered via this kind of co-operative resource use planning.

The aboriginal concept of the forest as a living spirit intimately associated with the spirit of people using the forest is closely related to the ecological principles of balance, equilibrium and stability. Constant communication between industrial forestry interests, Aboriginal people and ecologists is essential if these values are to be protected.

In summary, the environmental impact statement clearly demonstrated little understanding of Aboriginal rules of governance. There was no attempt to understand their appropriation of new territories, their management of resources, the direct association between subsistence and commercial activities, or their understanding of sacred places. The document instead depicted them as not environmentally responsible or concerned with environmental health. It implied that they were only concerned with their right to accessing traditional foods, implied in other sections as a non-sustainable approach.

Upon reviewing the evidence collected, the Clean Environment Commission made a series of recommendations to the Manitoba Department of Environment. They recommended that the Province should develop and issue a licence that would address forestry operations by Abitibi-Price within the Forestry Management Licence Area (#01).⁶⁴ They recommended the mitigation and monitoring plan proposed by Synthen Resources, and they banned logging in Nopiming Park. The Clean Environment Commission's report also reinforced the perception that Aboriginal people were not concerned with potential health effects, as the following statement illustrates (CEC, 1990: 44):

In terms of impacts for forestry operations, non-aboriginal public health concerns focused on the potential health effects of forestry chemicals, whereas aboriginal concerns focused on loss of access to traditional foods.

The Clean Environment Commission also banned logging in Nopiming Provincial Park. In response, Abitibi-Price created a strong pro-lobby group to urge the province to ignore the CEC's recommendations. Less than a month later, the provincial government reversed the CEC's recommendations and granted the Forestry Management Licence to Abitibi-Price to continue logging in the park, until another public review could occur. The Manitoba government had a financial interest in the continuing operation of the Abitibi-Price mill. The Winnipeg River Review (1991) reported that Abitibi-Price was the third largest electrical consumer in the province of Manitoba.⁶⁵

New federal environmental related legislation, however, would soon make this satellite operation a financial burden for Abitibi-Price. In 1971, amendments to the Canadian Fisheries Act forced new pulp and

⁶⁴ The Clean Environment Commission. *Report on Public Hearings: Abitibi-Price Inc. FML #01, Forest Resource Management Plan 1991-1998*. Manitoba Environment. 1990.

⁶⁵ Mill third largest power consumer in province, *The Winnipeg River Review*, June 11, 1991.

paper companies into using treatment technology that discharged a non-toxic effluent. Existing mills, like Pine Falls, were exempt under this Act. Federal effluent guidelines did exist for these mills, but they carried no legal obligation (Chreod, 1994). The trend, however, was clear, and it was just a matter of time before all mills were legislated into treating effluent. In 1992, that day came. Further amendments to the Fisheries Act extended similar effluent control measures to all mills.

By the end of 1992, Abitibi-Price represented an estimated \$80 million of the eastern Manitoba economy.⁶⁶ Logging operations extended east to the Ontario border and north to the southern boundary of Atikaki Park. Third party companies operating in west-central and southeast Manitoba harvested much of the timber processed at the Mill. However, amendments to the Fisheries Act offset any gain made by securing logging operations in the Nopiming Provincial Park. Abitibi-Price subsequently reviewed its obligations and decided to sell the mill.

A local worker-management group mobilised and offered to buy the mill. This group approached Sagkeeng First Nation, and offered them a 5 per cent stake in the new deal, as well as a seat on the Board of Directors. Chief and Council considered the offer, and indicated that they would participate, providing that they received several financial, educational and economic guarantees.⁶⁷ They requested, for example, remuneration for the decades that they were forced to live in an impoverished state, while the Pine Falls community flourished at the expense of their Treaty and riparian rights to water. They also wanted up to 20% of the five hundred full-time jobs at the Mill, and 20% of related commercial contracts (i.e., cutting, trucking, and reforestation). In addition, they requested the establishment of an engineering-and-forestry technology scholarship for five Aboriginal students per year, and a \$150,000 contribution towards an economic development fund for small on-reserve businesses. Officials leading the buyout plan rejected this request, as did the community of Sagkeeng. In August 1992, community members voted in a special referendum and rejected any participation.⁶⁸ Newspaper accounts identified environmental concerns rather than personal economic benefit as the reason why they had voted against their involvement in the Pine Falls Mill. The community wanted compensation for past damages, as the following comment made by the Chief of Sagkeeng (Winnipeg Free Press, 1992).⁶⁹

“Depending on what happens, we will probably step up our claim for damages to the river and damages to our hunting and trapping area,” he added.

⁶⁶ Fierce lobby launched to renew Abitibi-Price licence, *Winnipeg Free Press*, 10 April 1992.

⁶⁷ Chief Fontaine discusses Abitibi-Price buyout. *The Winnipeg River Review*, June 11, 1991; Chief Fontaine says 5% okay, but wants additional benefits, *The Winnipeg Review*, October 22, 1991.

⁶⁸ Band members reject involvement in Pine Falls mill, *Winnipeg Free Press*, 28 August 1992.

⁶⁹ Band members reject, *Winnipeg Free Press*, 28 August 1992.

In June 1993, the Manitoba government, following public hearings, reformed the Parks Act to allow logging in parks, providing that some areas are set aside as wilderness areas.⁷⁰ In this process, there was nothing said of a co-management arrangement between the community, the governments, and industry regarding the management of this area.

A week later, Abitibi-Price announced that it could not meet the new effluent parameters by the required deadline. They considered the cost of installing new primary and secondary effluent, treatment facilities, and found them prohibitive. The government granted the company a two-year extension, and a technical impact study, produced by the Federal departments of Environment and Fisheries, supported this extension.⁷¹ The study reported that any untreated Mill effluent would not substantially add to the environmental damage that had already occurred over the past 67 years (Cherod, 1994).

The chief of Sagkeeng publicly responded to this extension, and indicated that the government's decision was consistent with how they had dealt with Aboriginal peoples historically.⁷² He stated that the government expressed little concern about the health and well being of community residents, living directly downstream from the mill. The community, in light of this decision, decided to formulate a new strategy to deal with this negation of their rights. The Chief indicated that Band residents, who live along the banks of the Winnipeg River, would file lawsuits against Abitibi-Price for polluting their property, and if unsuccessful, the community would consider others forms of confrontation.⁷³

"We've lost the use of a very important part of our history and culture," said Fontaine who has vowed to pursue a multi-million dollar lawsuit for damages he says his people have suffered because of mill pollution. At the same time, Fontaine said yesterday, he's not against economic development. "All we ask is that our concerns, our needs are addressed and taken seriously," he said. "We will no longer tolerate crimes against our people."

In 1993, Federal Fisheries and Oceans study found a direct biochemical effluent effect on fish sampled downstream from the out-fall of the mill (Cherod, 1994). They also found a significant effluent plume that extended several kilometres into Sagkeeng, along the south shore of the Winnipeg River. This finding was contrary to a long held "assumption" made by Abitibi. Historically, the company contended that the effluent quickly dissipated in the strong water currents produced by the Powerview Dam (Cherod, 1994). Sagkeeng First Nation's presentation, at the second round of Public Hearings at the Royal Commission into Aboriginal

⁷⁰ Parks bill allows logging, *Winnipeg Free Press*, 1 June 1993.

⁷¹ Mill gets breather on emissions, *Winnipeg Free Press*, 21 January, 1994.

⁷² Mill gets breather, *Winnipeg Free Press*, 21 January, 1994.

⁷³ Mill extension opposed, *Winnipeg Free Press*, 18 February 1993.

Peoples (1993), described the impact of forestry practices as a complete disregard for Aboriginal title, of which Abitibi-Price clearly had little understanding:⁷⁴

The problems that industrial development can create, for an Aboriginal community, were spelled out in a round table at the Sagkeeng First Nation hearing in Manitoba. Chief Jerry Fontaine noted that the nearby Abitibi Price mill had dangerously polluted the Winnipeg River, which runs through the reserve, and that Abitibi had shown no regard for First Nation hunting, trapping and spiritual areas. The Fort Alexander First Nation intends to seek compensation for damages.

In reply, Glen Pinnel, local manager for Abitibi, stated that the mill did adhere to environmental regulations, although he admitted that there had been problems in the past. Abitibi is spending \$25 million on environmental improvements as part of a planned renovation. The plant also complies with provincial harvesting regulations, he said.

On Friday March 11 1994, 828 kilograms of Busan-52, a pesticide used to control bacteria in the paper making process, discharged into the Winnipeg River through the mill's sewage system. The spill occurred when a hose, linking two containers used for refilling, disconnected from a pump. Mill officials waited until Monday to report the spill to provincial authorities. Federal health and environmental officials contacted the community that Monday. On Tuesday, they advised them not to drink the water.⁷⁵ Water sampling occurred that day and continued two days later, to determine if there was any evidence that the pesticide affected the quality of their drinking water. Tests indicated that there was no supportable evidence of contamination. Government officials informed residents that their water was safe to drink.⁷⁶ In their communications, Abitibi-Price attempted to downplay the danger, and stated, to the Winnipeg Free Press, that the manufacturer of the pesticide informed them that the chemical did not pose a health threat since it would dissipate quickly in water.⁷⁷ In the Community Voice, a local paper, Abitibi attempted again to downplay the risk and stated that the pesticide would have diluted in the river currents long before reaching the Reserve's water filtration plant.⁷⁸ They explained that the pesticide, Busan-52, had a half-life of only 19 minutes in well-oxygenated waters. They contended that only 15 grams of the original 880 kg of the chemical could theoretically be still active by the time it reached the Sagkeeng water intake, assuming that it took approximately 5 hours to travel that distance.⁷⁹ However, the Fisheries and Oceans study, conducted in 1993, indicated that the high level of BOD in the river had decreased oxygenation, and a significant effluent plume still extended along the south shore of the Reserve. On Wednesday evening, the company met with the

⁷⁴ Royal Commission of Aboriginal Peoples, *Public Hearings - Overview of the Second Round*, April, 1993: 71.

⁷⁵ Mill spill shocks band, *Winnipeg Free Press*, 16 March 1994.

⁷⁶ Experts to investigate health risks, *Winnipeg Free Press*, 22 March 1994.

⁷⁷ Mill spill shocks band, *Winnipeg Free Press*, 16 March 1994.

⁷⁸ Tests prove water is safe in the Winnipeg River, *The Community Voice*, 23 March 1994.

⁷⁹ Test prove, *The Community Voice*, 23 March 1994.

community to legitimate their use of Busan-52, to present their interpretation of water quality, and to demonstrate that community's fears were irrational. The following is an account of this presentation:⁸⁰

Brian Young, vice-president of environmental affairs for Abitibi said yesterday that based on dilution and flow of the Winnipeg River, the chemical did not present a health problem for the band. Young noted that Busan-52 is approved by the federal government for use in paper mills that manufacture food-safe paper products, such as paper cups, wrappers and fast food containers. "The chemical is also approved by Agricultural Canada for direct application on growing vegetables to control mould growth," he added. In fact, Young, along with two other company employees, drank water offered to them by band members at the reserve yesterday. "It looked like clean water. It smelled like clean water. It was clean water," Young declared.

The community resisted the company's attempt to downplay their concerns, and declared that they would march from their reserve to Abitibi-Price paper mill on Friday, March 18 1994 to protest the chemical spill. As the community marched in protest, a group of band officials and members of the company met to iron out their differences. The Company agreed to some demands, but deferred others demands to company officials in Toronto:

Abitibi-Price has agreed to: Pay for the band's out-of-pocket expenses, such as the hauling of bottled water; Immediately notify the band of any further spills. However, other demands by the band, such as a new water pipeline from the other side of the mill and shutting down the plant whenever a spill occurs, will have to be taken up with company officials in Toronto, said Mike Innes, who was called in from Toronto to negotiate with the Band. Meanwhile, federal Environment Minister Sheila Copps said in Ottawa her department is mounting a vigorous investigation into the incident and charges are pending against the company.⁸¹

On March 22 1994, Health Canada announced that a team of medical experts and toxicologists would look into the possible health risks of low dose exposures from the pesticide spill.⁸² Tests from the previous week had not shown any residue of Busan-52 in the river. Community residents, however, were of the opinion that the company should have a licence to use it. Provincial officials explained that a license is a public domain issue and not a requirement when Busan-52 is applied on private property.

The community continued to resist the company's efforts to downplay the spill, and staged a demonstration at the Manitoba legislature where they announced their intention to continue their fight against the company and the government. The Winnipeg Free Press covered the demonstration, and reported on Sagkeeng First Nation's intention to set up blockades.⁸³

⁸⁰ Band plans march over spill, *The Winnipeg Free Press*, 17 March, 1994.

⁸¹ Natives take to streets in protest over spill, *The Winnipeg Free Press*, 18 March, 1994.

⁸² Experts to investigate health risks from Pine Falls spill, *The Winnipeg Free Press*, 22 March, 1994.

⁸³ Chief vows blockades if mill not punished, *The Winnipeg Free Press*, 23 March, 1994.

During a demonstration at the Manitoba legislature yesterday by about 200 reserve residents, Chief Jerry Fontaine promised to block roads and rail feeder lines into the reserve if he is not satisfied with action taken against Abitibi-Price.

Some residents of the Mill town of Pine Falls, in an interview with reporters, blamed radical environmentalists for stirring up resentment following the chemical spill. They also accused environmentalists of spreading misinformation among Sagkeeng community members. They also blamed the media for blowing the situation out of control.⁸⁴ The same interviewer informed Chief Jerry Fontaine of this perception, and he countered by describing it as another form of racism, that Sagkeeng must confront:⁸⁵

Band Chief Jerry Fontaine knows what it's like to get not respect. He remembers bitterly the whites-only entrance to the local theatre and the rundown hospital waiting room reserved for natives. "I've travelled a fair bit in my life and I've never seen a more racist community than Pine Falls," he said ... He bristles when he hears people from the mill blaming environmentalists for the band's discontent. "How dare they say something like that," he snarled. "I take offence to statements like that. They're taking the position that we can't think for ourselves." The band is now taking action in the hope of righting years of wrongs, said Fontaine. "We don't need the mill," he said. "In an ideal world, there would be no Abitibi pulp and paper mill in Pine Falls." But the mill is a fact of life, and in an effort to live alongside in peace, the band is demanding an environmental audit of the mills operation, as well as an environmental review committee made up representatives from the town, the reserve, the mill and the local community. The mill, for too long, has turned a blind eye to the environment, said Fontaine. "It's got to stop," he said. "Our survival depends on this."

On May 17 1994, Chief Fontaine met with Sheila Copps, the Federal Minister of the Environment, to discuss the fiduciary responsibility of the federal government.⁸⁶ The community demanded stringent inspections at the mill, a plan to respond to spills, a water quality monitoring station, and a comprehensive study of environmental effects on drinking water. They also wanted an emergency response plan for the reserve in case of another spill. The Minister held out hope that she would be able to find the money to fund a new \$7 million water treatment system up stream from the mill. The next day, more than a dozen federal environment officers raided the Abitibi-Price's Pine Falls mill offices with wide-reaching search warrants. At the same time, the province had concluded, after its own investigation, that the company was negligent in reporting the spill immediately, and it passed this information on to the provincial Justice department to decide whether to lay charges.

On June 14 1994, the community received the environmental audit produced by Cherod Ltd., which also assessed the pulp and paper industry. In the report, the auditors covered several areas. They outlined the government's responsibility regarding effluent quality from pulp and paper mills. They identified the Federal government's disregard of their fiduciary responsibility to First Nation peoples. They also examined the mills

⁸⁴ Environmentalists accused of stirring up hatred, *The Winnipeg Free Press*, 23 March, 1994.

⁸⁵ Woes on Mill, *The Winnipeg Free Press*, 23 March, 1994.

⁸⁶ Mill raided; probe finds negligence. *The Winnipeg Free Press*, 18 May 1994.

processing system to illustrate how the company was not operating within existing standards. The following discussion is a summation of their findings.

At the Pine Falls mill, the processing of pulpwood into paper is heavily dependent on water; much of which becomes waste water that is often discharged into natural water systems, as noted by Chreod (1994):

Most mills discharge their effluent directly into the receiving waters -- 122 mills out of a total of 155 mills. Each day, those 122 mill's discharge 800 tonnes of suspended solids and 2,000 tonnes of materials, which absorb oxygen from the water, otherwise known as biochemical oxygen demand (BOD) ... More than 70% of the mills discharge an acutely lethal effluent.

A sulphite (kraft) processing method is used at the mill, which yields approximately 63% product and 37% waste.⁸⁷ Eventually this waste, coupled with a "cooking liquor," containing sulphurous acid and suspended solids and materials, is discharged as effluent into the Winnipeg River just upstream from Sagkeeng First Nation. At the time of the Audit, the Mill had substantially reduced its water use and quantities of suspended solids. Effluent discharge, however, was still acutely lethal to fish and regulation concerning discharged mill effluent had been ineffective or non-existent.

Fourteen days after the release of this report another spill occurred. On June 28 1994, 240 litres of a chemical called Nalkat 8674, leaked into the Winnipeg River when a worker mistakenly left a valve open. The Mill responded and attempted to minimise the damage, but the community was not convinced, as the following account illustrates:

Al Wingate general superintendent at the Abitibi-Price pulp mill confirmed the accident occurred. "There was a small spill but it's a totally harmless chemical," said Wingate. "It was a slow leak over 12-14 hours and it was discovered first thing yesterday morning. The band office was informed within 45 minutes."... Whether it's a toxic chemical or not is really besides the point," said Jerry Fontaine, chief of the Sagkeeng First Nation. "The point is there's been another spill and we have to take a look at that. The mill has to improve its operation or shut down."⁸⁸

On August 24 1994, the provincial government charged Abitibi-Price for the March 11 Busan-52 spill. Mill management refused comment because the issue was before the courts. The Community Voice reported that the Sagkeeng First Nation would continue resisting institutional negation of their rights to a clean environment.⁸⁹

Sagkeeng Chief Jerry Fontaine said the charge is a good first step, but won't solve the problem of a polluted river. He said the court hearing will draw a lot of attention from the community.

⁸⁷ Winnipeg Free Press, 11 June 1991.

⁸⁸ Pine Falls mill leaks chemical into river. *The Winnipeg Sun*. 28 June 1994.

⁸⁹ Abitibi Charged, *Community Voice*, August 24 1994.

Over this period, Abitibi-Price met with the government and the local buyout group to negotiate the sale of the mill.⁹⁰ The company indicated that they would not invest \$30 million to meet the new effluent standards. They instead chose to pass this problem on to the local worker-management group and the provincial government. The provincial government eventually agreed to loan \$30 million to the local group, so they could upgrade the effluent treatment plant. With this agreement in hand, the local worker-management group and outside investors purchased the mill from Abitibi-Price in September 1994. The community of Sagkeeng did not participate in this purchase, but had to contend with the cumulative impacts of development on their lands.

⁹⁰ Deal Completed, *Winnipeg Free Press*, 4 September 1994.

4.0 Cumulative Impacts, management and the Perception of Risk

The community of Sagkeeng, throughout 1991 to 1994, challenged the established order, and demanded an opportunity to oppose the current risk assessment and management structure. Their drive to challenge federal-provincial relations concerning the environment originated in a context of indigenous environmentalism that advocates Aboriginal title, resource rights, and full participation in the risk analysis and management process. The community, through acts of resistance, revealed how colonialism, and its industrialised manifestations, restricted their government, their economic well being, and consequently their health.

In this period, the vast majority of the community lost trust in any benevolence expressed by either mill or government officials, and their mistrust grew after a number of chemical spills. They consequently challenged the provincial government's authority in the assessment and management of risk by arguing that the provincial government failed to recognise that Aboriginal title preceded Crown title. They further accused the federal government of not living up to its fiduciary responsibilities, when assessing and managing the affects of developments on public health and traditional resources. They also targeted the hydroelectric and pulp and paper companies, and initiated a process to seek compensation for damages incurred, as the following account illustrates in a contextual way:⁹¹

"The water is polluted. Everything is polluted," said the 69 year old Ojibway elder ... I've seen a lot of change in the last 68 years ... It's not the same anymore." In 1923, the Sagkeeng First Nation leased [under the direction of Indian Affairs] a parcel of land to the pulp and paper mill with the promise of jobs and prosperity for everyone. Two years later, it sold the land to the mill – a deal the reserve now calls coercion on the part of the federal government. While a few people work at the mill, including [the Elder], most were eventually laid off in favour of outsiders, he said. Now, there is little work of any kind for young people on the reserve, which is trying to develop its own industries to combat an unemployment rate as high as 70 per cent among the 4,400 residents. The reserve, located 100 kilometres north of Winnipeg near Pine Falls, is also pursuing a claim on nearly 240 hectares of land on which the mill and town site sit.

It is important to stress that the community is not anti-development. The community, as this report demonstrates, has historically diversified its economy to benefit community members. In the early 1990s, the community was open to a co-management arrangement, but they saw little movement on the part of government and industry to respect Aboriginal title. Nevertheless, the forests, according to Sagkeeng officials and community timber harvesters, still represent a renewable resource that can sustain First Nation economic development. Co-management is a viable strategy, providing that it involves equitable sharing based on respect for Aboriginal title. This strategy is consistent with co-management recommendations made by Aboriginal intervenors at Round 4 of the Royal Commission of Aboriginal Peoples:

⁹¹ Woes on mill. *The Winnipeg Free Press*, 23 March 1994.

Aboriginal communities should have control over resources or an effective share in decision making in areas where jurisdiction is shared. The federal government's performance in living up to its fiduciary duty with respect to Aboriginal peoples was strongly criticised, as was its record on the environment.⁹²

Co-management agreements, however, have to recognise the nature of Aboriginal title in resource management and public health, before Aboriginal peoples embrace it. In Sagkeeng, community members would not settle for less. They have demanded their constitutional right to self-government and the right to an equitable risk assessment and management process that respects Aboriginal title. The following comment, made by a community member, best illustrates the failure of the federal government to respect this right, as well as the provincial government's record on monitoring Abitibi-Price's historic and recent disregard of the environment:

[The] mill has been in operation since 1926. There were no regulations to stop an industry to pour chemicals, and as much as they wanted to pour into that river, [they did]. It has only been recently because of the environmental movement, I suppose, that people are saying we have to stop polluting the water. There has been a national movement ... and the government has had to respond to that and come up with what are stronger measures to stop the pollution. They have not done that in Pine Falls. They have given them [mill] extensions and the right to continue to pour poison into the water. Who in their right mind who holds any sacredness to life would allow something like that? Industry would, government would, because they are poisoning their own minds with greed. They are not concerned with the health and welfare of people. What they are concerned with is the exploitation of resources for the sake of greed and power and profit ... That is the truth!

The community of Sagkeeng, at the time of research, was of the opinion that the environmental impact assessment process at both levels of government should deal with impacts of all forms of development, existing and new. The process should also account for cumulative impacts on traditional land use activities and community health. Sagkeeng Band Officials released to the research team a series of interviews they conducted with community Elders, which succinctly described the cumulative impacts of development on the land and water surrounding Sagkeeng. The following comments, abstracted from these interviews, clearly illustrate the collective memory of the community before development and its impact on their culture, health and traditional lands:

Before they built the dams, we were talking our language; before the white man came, we were talking our language. Ever since they came, we are steadily losing everything. The kids today can't even talk their own language. These power dams are destroying [many] things.

There is lots of diabetes, before there was none. No one from our people had any heart attacks. No [one had] cancer. The only thing that killed a few of our people was TB, but our people cured themselves. That is why our people are dying lots today. Over the years, the white people have poisoned our water, [and] the fish and other river animals we eat. They have caused a chain reaction of sorts. The rabbits are sick. The moose are getting sick too.

⁹² Royal Commission of Aboriginal Peoples, *Public Hearings - Toward Reconciliation - Overview of the Fourth Round*, April 1994: 75.

Not only that, way over there, the Dryden Ontario Paper Company is dumping pollution into the English River. Pinawa [AECL] dumps pollution into the Winnipeg River. Abitibi Price dumps into the Winnipeg River. The English River flows into the Winnipeg River system. In the end here, we get all that pollution. That is what we should also talk about.

The water is a very dangerous because you didn't know where the currents are anymore. One day they will be here, the next day somewhere else. The dams make the water rise and fall all the time. I repeat. The water is no good to drink. The rapids are not at work anymore. [They] killed the rapids with their dams. Our creator did not put the rapids there for nothing. They kept the water fresh and clean. The rapids, our creator put there, were blocked by the white man. Now our people do not have good water.

... You have to blame them [hydro companies] to a degree only ... Now look at the white people ... They are permitted by law to pollute our river, our drinking water. Not only Abitibi [is polluting]. Everybody that lives upstream, powerhouses, golf courses, department of highways, are all polluting.

... We have the paper mill, Abitibi-Price, Manitoba Hydro, we have TanCo, which mines tantalum, and we have Atomic Energy of Canada Ltd., which is self-explanatory (nuclear products). As well as farmers who use fertilisers, which eventually leaches into the groundwater and the various areas of the watershed that feed the Winnipeg River ... Hydro developments in northern Manitoba affect us as well.

The highways department pollutes not only the water, they pollute the environment with their chemicals. You walk around the bush close to the road and you will see partridges laying dead. Hydro pollutes with erosion, then they pollute through the spraying of their transmission lines to prevent growth. Abitibi pollutes by spraying chemicals too and then they pollute by burning coal, by sewage.

From these interviews, the research team designed a survey with the help of an Elder's committee, and the following section reports on their perceptions of cumulative impacts and the health risk such developments create.

4.1 Community Perceptions of Risk

Some risks can be specific or locally experienced (i.e., cutting timber for pulpwood, trapping, or smoking), whereas others can be more global in nature (i.e., AIDs, nuclear waste, or chemical pollution). Sources of risk can be a part of a traditional way of life, or a product of another cultural tradition, such as hydroelectric developments. In this section, we discuss how community members view environmental health risks associated with development impacts in their territory. Perceptions are compared across various domains of activity to ascertain whether there is 1) a pattern of perception, 2) a shared discourse that contributes to these perceptions, or 3) whether diverging opinions are the norm.

Traditional Land Use

The domains of traditional land-use activities and country food consumption represent the community's involvement in the generation of that knowledge and their perception of danger associated with them. To understand the extent of traditional land use activities in this community, we asked a series of questions regarding lifetime participation and participation as of 1993.

In Table 1, the percentage of respondents who participated in land use activities at some time in their life is highly variable. Their responses ranged from 24% to 67%. A similar pattern of responses emerged for activities practised in 1993. Overall, the majority (67%) indicated that they participated in berry picking for subsistence and commercial purposes at some point in their life. Of those respondents, 48% continued to pick berries in 1993. Fishing followed as the activity respondents did most. Fifty-seven per cent indicated that they had fished commercially and for subsistence purposes. Of that group, over half (55%) claimed that they continued this activity.

Nearly half of the respondents indicated that they had hunted, harvested wood for fuel, or picked wild rice in their lifetime. Of those that hunted, 48% continued to do so, whereas only 39% harvested wood and only 34% picked wild rice in 1993. The pattern changed for trapping and logging as well. Thirty per cent of the respondents indicated that they had trapped at some point in their life, and just less than half (40%) decided to continue trapping. Of the 24% who logged, 28% indicated some involvement in logging operations as of 1993.

Table 1: % of Respondents Involved in Land Use Activities, comparing Lifetime involvement (n=86) with activities undertaken in 1993 (n=86)

| Land Use Activities | % of Respondents involved in land use activities sometime in their life (n=86) | Of those ever involved in land use activities, % involved as of 1993 |
|--------------------------|--|--|
| Berry Picking | 67.4 | 51.7 |
| Fishing | 57.0 | 55.1 |
| Hunting | 45.3 | 48.6 |
| Harvesting Wood for fuel | 45.3 | 39.5 |
| Wild Rice Harvesting | 45.3 | 34.2 |
| Trapping | 30.2 | 40.0 |
| Logging | 24.4 | 28.6 |

The responses suggest a very significant decline in traditional land use activities. The historical section of this report provides some insight into how best to explain this pattern of responses. Berry picking and fishing are two activities that the community heavily relied upon, as development impacts restricted their participation in other activities. Development impacts, from government policy to the construction of hydroelectric dams, had minimised their use of their traditional land use areas. When we compared participation in Sagkeeng to other more remote communities, it was much lower, which is not surprising. Their continued participation in these activities, of course, is dependent on resource availability and the extent to

which they exercise their right to participate in the actual harvesting of resources. However, it is evident that resource extraction declined as developments industrial increased. The community, for example, had to contend with major flooding east of the Powerview dam. One elder, in her late eighties, described the frustration felt when the dams flooded major land use areas upstream from the community:

The river has got wider and wider since the dams ... We used to camp at St. George. On the river, there was [once] an island with nice spruce trees. [It] was a beautiful camping spot before the water rose, and submerged it. ... There was lots of sadness in our clan, because our favourite camping areas were underwater. ... Some people got sick because the camping areas were flooded. ... We had to make new campgrounds and get new wood while it was raining [or] sometimes snowing.

Developments also affected other subsistence activities, such as wild rice picking in the Whiteshell region, located along the Ontario border. In the past, picking wild rice was a major community activity that continued their spiritual ties to the land, as indicated by one Elder:

The people used to start picking rice usually around the 15th of September. The elders would send one canoe out to go and pick. No one else would go out except for that one canoe. Then the women would process the rice. After that, we would have a big feast and pray that the season would be good right through. After these ceremonies, everyone was allowed to pick rice.

Most people used to go by canoe, but when the roads opened up, most of us went by truck. I don't know what year that was, but I know we used to go to Rennie, then from Rennie we would take horses into Jessica Lake. Jessica Lake used to have a lot of rice. From Jessica Lake, we could go to Lone Island by canoe and the other nearby lakes ... We used to have pow-wows at Lone Island. It was a great meeting place for our people, rice pickers of different areas, same race.

Other dams, located along the Winnipeg and English River system in Northeastern Ontario further affected water levels; all of which are regulated by water control boards. The Elders of Sagkeeng strongly believe, as the following comment indicates, that controlled flooding only benefited sports fishermen and the tourism industry:

They flooded the lakes in the Whiteshell to attract the sports fishermen.

The most serious impact, for some, was the disruption of the fishery. Several elders recalled that, at one time, no one went hungry because the size of catch was always significant enough to share, but after the dams were built that all changed:

There was a lot of fish in [those] days. There was no problem in getting one net, putting it in the river, and you'd row out there in a rowboat, and stay out there all day pulling out fish. You come in, and there used to be buyers waiting for you along the shore ... In them days, thirty dollars was a lot of money, so that's what I used to make a day fishing. In them days, we used to have pickerels, sauger, and whitefish ... Then later on, in the fifties I guess, the dam was built upriver here, Pine Falls, and that was the first time I noticed a change in fishing. There was hardly any fish in the river.

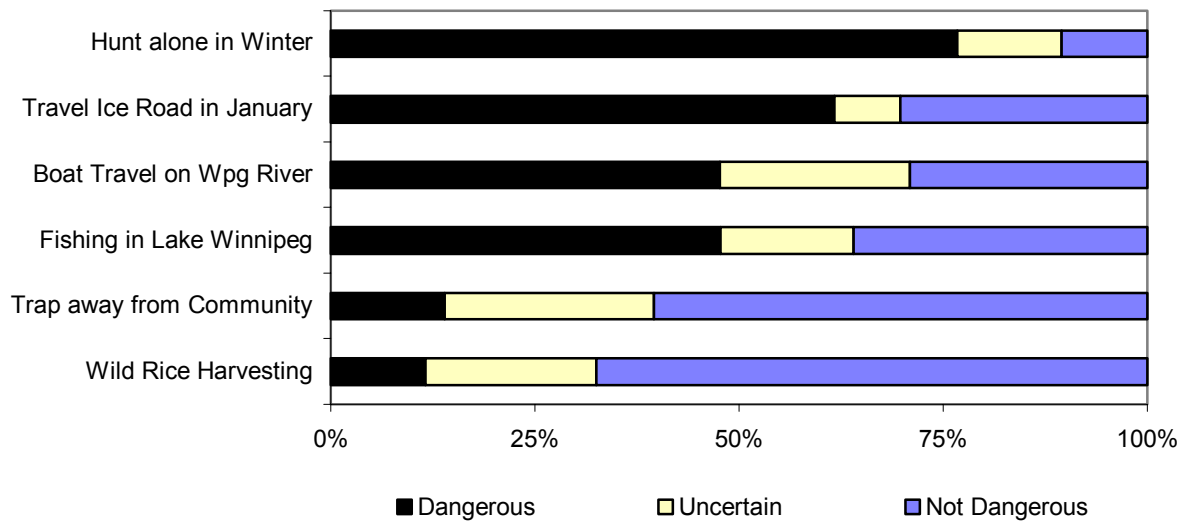
Government policy related to hunting, trapping and fishing also minimised their involvement in traditional activities, and the residential school system further limited any opportunity to acquire harvesting knowledge. The hiring bias of the Manitoba Pulp and Paper Company also accounts for the pattern of responses regarding logging operations. Although logging is a specialised activity with a somewhat limited participation, the prevalence of forestry operations in this area should have resulting in more logging opportunities. The historical section of the report clearly indicates that this was not the case. The pulp and paper company, in its early development stages, hired community members from Sagkeeng, but in the post-war years the trend became all too clear. Technological developments, union policies, and racism in the work place eroded Sagkeeng's participation in the forestry industry. When the mill did give First Nation people contracts, they often gave them areas that did not have great harvesting potential (Lithman, 1984). The decline in their participation may also reflect Sagkeeng's resistance to Abitibi-Price. While some community members may have decided to continue to exercise their right to participate in a traditional and sustainable resource, others chose not to do so. The decline could also reflect the company's position on awarding contracts in an adversarial climate, or the community's ability to finance their independent operations.

Overall, it is apparent that traditional land use activities have persisted over time, but development impacts have eroded that way of life. Nearly everyone (90-100 per cent) indicated that land use activities were important before the building of the pulp and paper mill, including logging (90.7%) which is not surprising. The community participated in timber harvesting throughout the fur trade, and they are intent on continuing their participation well into the twenty-first century. The community, in short, considers logging a right derived from Aboriginal title. The same applies for other activities. Consequently, we should not underestimate the value awarded to traditional land use activities.

We should also be wary of implying that little involvement in traditional activities means little understanding of the dangers associated with those activities. Traditional activities, whether practised or not, are part of the collective memory of the community. Any dangers associated with them are part of the everyday life of community members who continue to partake in these activities. Even those who do not participate directly, share in the discourse associated with these activities. However, if we consider these perceptions in the context of Aboriginal title, the appreciation of danger, directly or indirectly, is an appreciation of what value each activity has for the community as a whole.

Table 2 illustrates the perception of dangers associated with land use activities. The overall trend indicates that community members are confident in their knowledge of dangers associated with specific land-use activities. In some cases, however, the range of uncertainty and degree of danger expressed is difficult to discuss without accounting for development impacts on traditional activities.

Table 2: Sagkeeng Perceptions of Land Use Dangers (n=86)



Travelling on the ice road in January, for example, is a dangerous activity according to 61.6% of respondents. Indeed, fluctuating water levels on the river, due to hydroelectric developments, make the ice unstable, and logging trucks have broken through the ice, resulting in the loss of life. Boat travel on the Winnipeg River is also another activity impacted by this development, which perhaps accounts for why 47.7% of respondents indicated that this activity was dangerous.

Hunting and fishing accounted for another domain of experience. The respondents' perceptions of fishing dangers illustrate the importance of hunting and fishing knowledge in the context of climatic change. In this community, a large majority (76.7%) considered hunting alone as dangerous, which is consistent with what people know of the danger associated with venturing out alone on the land in the winter. Forty-seven per cent considered fishing on Lake Winnipeg as dangerous as well. However, thirty-six per cent indicated that it was not. In this community, fishing on Lake Winnipeg is a traditional activity that has a long history. Community members are fully aware of weather fronts, and the impact high winds can have on the lake. The small amount of uncertainty expressed clearly indicates the confidence community members have in assessing the dangers of these activities. It also signals the importance of not committing oneself without more information to further contextualise the risk of fishing and hunting. For example, questions, like when is fishing on Lake Winnipeg dangerous, and when is hunting alone not dangerous, are valid only in the context of assessing contingencies related to these activities.

Trapping and wild rice harvesting solicited another type of response, which further demonstrated respect for these activities. The majority (respectively 60.5% and 67.4%) felt that these activities were not dangerous. In Sagkeeng, community members are fully aware that trappers have established trap lines away from the community, and have developed a familiarity over time of the area around their lines. The same applies for wild rice harvesting. Community members return to the same lake year after year to harvest rice,

and their method of transportation has changed, minimising the danger of travelling to wild rice areas (e.g., the use of trucks instead of canoes). The small amount of danger perceived perhaps indicates the respect given to trapping and wild rice harvesting in this community. Knowledge of these activities is part of the collective memory of the community, and a right that is highly valued. The community continues to have a high level of involvement in these activities, and through acts of resistance, they demonstrated the value they place on these activities and the importance of assessing and managing risks, as the next section illustrates.

Development Impacts

We asked respondents to consider the effects of development on traditional land use activities, and found that their perceptions, in general, illustrate a cumulative knowledge of impacts. In Table 3, we see evidence of this knowledge. The vast majority responded affirmatively that developments have negatively effected traditional activities. Some variation is evident within activities and between developments. Pulp and paper impacts, however, appear to solicit a slightly higher response, with the exception of wild rice harvesting which is directly impacted by hydroelectric developments. Events occurring in the community at the time of the research are possible factors influencing this opinion. The level of uncertainty is another indicator. Only a small percentage (ranging from 10-19%) of respondents expressed uncertainty, possibly due to the “effects” discourse in the community at the time of the survey.

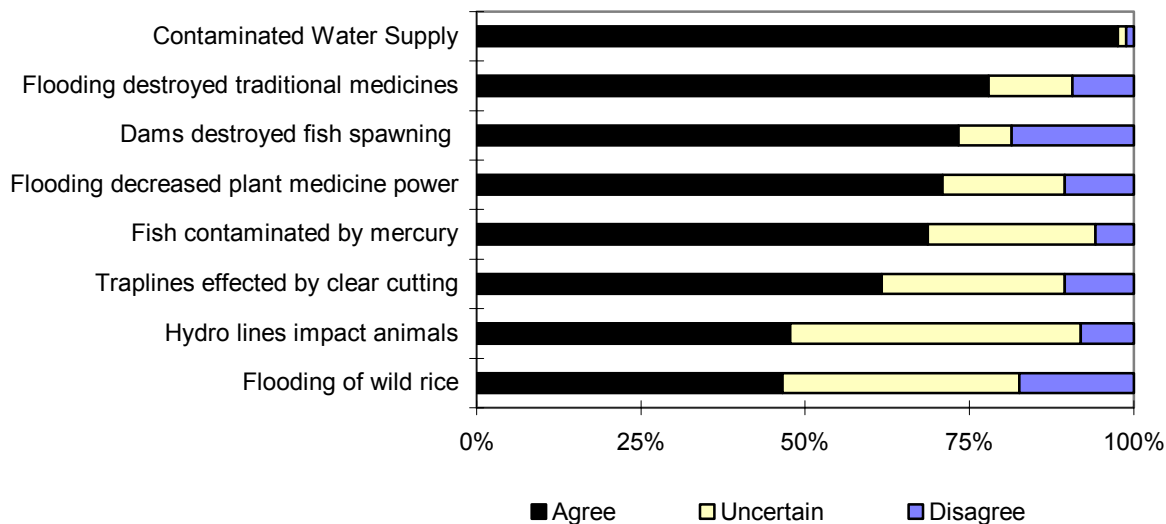
Table 3: % Perception of Negative Effects on Land Use Activities, comparing Pulp and Paper Impacts and Hydroelectric Impacts (n=86)

| Land Use Activities | Pulp & Paper Impacts | | | Hydroelectric Impacts | | |
|----------------------|----------------------|-----------|-----|-----------------------|-----------|------|
| | Yes | Uncertain | No | Yes | Uncertain | No |
| Berry Picking | 76.7 | 17.4 | 5.8 | 68.6 | 16.3 | 15.1 |
| Fishing | 88.4 | 11.6 | 0 | 84.9 | 10.5 | 4.7 |
| Hunting | 82.6 | 16.3 | 1.2 | 74.4 | 17.4 | 8.1 |
| Harvesting Wood Fuel | 76.7 | 17.4 | 5.8 | 68.6 | 16.3 | 15.1 |
| Wild Rice Harvesting | 76.7 | 14.0 | 9.3 | 77.9 | 14.0 | 8.1 |
| Trapping | 82.4 | 14.1 | 3.5 | 76.7 | 15.1 | 8.1 |
| Logging | 74.4 | 18.6 | 7.0 | 72.1 | 16.3 | 11.6 |

Awareness of hazards is strongly associated with events held in this community to resist development. Demonstrations and meetings helped inform and mobilise community members against Abitibi-Price and Manitoba Hydro. This awareness has developed over a long period, as community residents resisted cumulative impacts on their community. For example, Elders’ accounts, as already noted, clearly illustrate the

cumulative affects of development along the Winnipeg River. Their assessment of risk indicates that, although development impacts may have eroded their participation in traditional land use activities, their experience with development has forged a form of local indigenous knowledge of development impacts. In Table 4, we see evidence of these developments.

Table 4: Sagkeeng Agreement with Statements concerning Development Impacts on Land Use (n=86)



Respondents, overwhelmingly, agreed that the spill contaminated their water supply, contrary to scientific perceptions. Although government and industry acknowledged that Busan-52 did spill into the river, they argued that there was no physical evidence of negative impacts. Community residents, on the other hand, argued that the mere presence of such a toxic chemical within their water supply was a health threat. Busan-52's presence in the Winnipeg River system jeopardised their water supply and their health, and, like hydroelectric developments, it defiled their right to clean water, their access to other resources, and their right to health. The extreme oppositional context, in which this perception occurred, accounts for the high level of agreement on the potential health risks.

The same reasoning applied to debris in the Winnipeg River. The vast majority (82.6) agreed that debris from the forestry industry and hydro developments had affected the setting of nets. The following comments illustrate this point:

We found a lot of dead animals, dead logs, in the nets. Where the dead animals came from, I don't know. They [may have] washed down the tributaries, the side rivers, caused by some high water and the spraying of their (white people's) chemicals. It occurred from the 1950s till today.

They flooded the land all over the place above the dams. You even see plywood and square timbers sometimes. The water is dirty now ... We used to leave our nets in the

river for a few nights and days at a time. Now one night is even too long for the nets. They get full of slime overnight ... You will find anything in the nets now. White people caused this pollution.

There was also considerable agreement concerning the impact of floodwaters and pollution on traditional medicines. Over 75% indicated that floodwater had destroyed traditional medicines, and for 70%, the power of these medicines had decreased with pollution. Elders contended that this affect is indisputable, but often overlooked by scientists and government. The following comment summarises one Elder's account of impacts on traditional medicines:

Along the shores of the Winnipeg River, there were all kinds of berries. Now there is very little. Just about all the berry bushes [have] washed away. ... There was wild ginger, [one of the most common traditional plant medicines used in the area], just about anywhere on the shoreline ... Even the little creeks that run into the Winnipeg River don't have any more wild ginger.

There was also much agreement over impacts on fish. Seventy-three per cent of respondents agreed that flooding severely affected spawning areas, at rapids on the river and along creek beds. This agreement decreased somewhat (68.6%) when respondents considered mercury contamination of fish found in the Winnipeg River. Uncertainty also increased from 8.1 to 25.6 percent. According to one respondent, hydro dams have increased levels of organic mercury in fish, but *we don't know the levels and we can't see it*. Several studies occurred in the community at the time of this research, and one study assessed the impact of various contaminants on the fish. Preliminary results presented to the community suggested that organic mercury is present, but no health advisories have been issued. Damage to fish spawning areas, however, is something community members directly observed on a day to day basis, as the following comments illustrate:

Where the Great Falls dam is, my husband, worked somewhere there. When hydro blasted the rock, we could see fish, mostly sturgeon getting tossed out of the water. They looked like a bunch of wood being tossed in the air. There was dead fish all over the water. That is why I say they destroyed a lot of the spawning areas for fish.

The dams covered their original spawning areas. Look at McArthur Falls. Sturgeon never used to spawn there. Now there are some [fish] that spawn there. I think that the fish try to spawn below these dams, but when they lay their eggs, if the water is released, then the eggs are destroyed by all the turbulence from these dams. It goes back to the white man again. He is destroying everything.

Respondents shared similar perceptions (69.8%) about fluctuating water levels, unpredictable water currents, and riverbank erosion. According to community members, the land, at one time, gradually sloped towards the river, but now it drops off in vertical cliffs, and more land is lost each year from fluctuating water levels. Indeed, most of the garden plots have disappeared into the river, and there is a concern that a gravesite will follow. The instability of the riverbanks has also affected fishermen and recreational boaters. Many can no longer launch or dock their boats safely. Riverbank instability has also created uncertainty (20.9%). Community members are now concerned with the safety of young people and their families along the banks, as one respondent indicated:

Look at the shorelines yourself, the steep banks are a danger. I can't let my grandchildren play there anymore. When we were kids we could play there, but not our grandchildren. You go to the edge of the bank and some places it is 20 feet down.

Fluctuating water levels have created unstable, year round conditions, which have adversely affected subsistence, commercial and recreational use of the river. Indeed, water currents have been especially unpredictable for the inexperienced resource users. In some cases, accidental deaths have occurred, as one official sadly pointed out:

Last summer there was a death that I personally attribute to higher, faster water flows at noon hour. That's when the kid died ... He was in a boat that apparently had a leak in it, and he got out. Because of the higher levels, I think, he couldn't swim out of the currents. If you swim in the morning, it's all right. The water's calm. If you swim between the hours of two to four or five o'clock even, you're still safe. If you swim after seven o'clock, you're safe. But if you swim at noon or at supper, which are the most popular times to use the river or any recreational area, well then you're placing yourself in danger.

When asked about the affect clear cutting had on trapping, 61.6% of respondents indicated that trap-lines are affected, but 27.9% expressed uncertainty. Community members are aware that forestry operations can reduce availability of some fur-bearers due to loss of habitat (e.g. the Pine Martin), the destruction of trails, and increased harassment of wild life. Some cut over areas, however, can improve habitat for some fur-bearers. This uncertainty is perhaps indicative of the need to know all the contingencies related to trapping areas, and the type of fur-bearers affected. Respondents pointed out that we should have assessed the affect of flooding on trapping. According to community members, fluctuating water levels have also produced a negative affect on their right to trap:

When we trapped sometimes, we would find our traps underwater, sometimes on the shoreline - a ways from the water. These dams make the water go so high and low, so they destroyed a living for us. We don't hardly trap any more.

In the table, we also see that uncertainty substantially increased for statements assessing the permanent flooding of traditional wild rice areas (36%), and the health of animals along hydro transmission corridors sprayed with herbicides to control plant growth (44.2%). In the Whiteshell, water levels fluctuate from year to year, temporarily flooding wild rice areas. In good years, water levels are conducive for wild rice, and depending on the year, the rice yield is high. This variation is perhaps why many respondents remained open to such contingencies. Nevertheless, approximately 46% agreed. Permanent flooding and animal poisoning had occurred, as illustrated in the following comments:

The highways department pollutes not only the water they pollute the environment with their chemicals. You walk around the bush close to the road and you will see partridges laying dead. Hydro pollutes with erosion, then they pollute through the spraying of their transmission lines to prevent growth. Abitibi pollutes by spraying chemicals too and then they pollute by burning coal, by sewage.

They blocked the rivers and the rice won't grow. When the rice grows now, it is only out of the water about six to fifteen inches. In the old days, [it] would be seven feet tall. ... We

used to pick a canoe full every time we [went] out and picked. ... Now, when we go to pick, if there's any rice, we're lucky to get one or two bags.

It is evident that impacts are cumulative. Virtually all Elders indicated that the Powerview dam (Pine Falls) symbolised a major turning point for this community. The community, during and after its construction, had to live face to face with hydroelectric development impacts. The dam added to the impact of the mill. One respondent, who worked approximately eighteen years at the mill, commented that chemical spills were not unusual, and that around 1990, there was a major spill of sulphite which, to his knowledge, was never reported to authorities. The 1994 spill, as this table indicates, created a more in depth awareness of forestry impacts. When asked whether they would agree that new, pollution technology at the mill would improve water quality, respondents were split (44.2% respectfully). They responded in much the same way (38% split) when asked if they would agree that moving the water treatment facility upstream would improve water quality. What is most interesting, comparatively speaking, is that uncertainty increased for technology that improves access to treated water (22.1%), but remained low for improved quality of discharged wastewater from the mill (11.6%). The respondents appear more confident giving an opinion on something that is embedded in law (effluent levels) and potentially enforceable, than on government promises contingent on future funding.

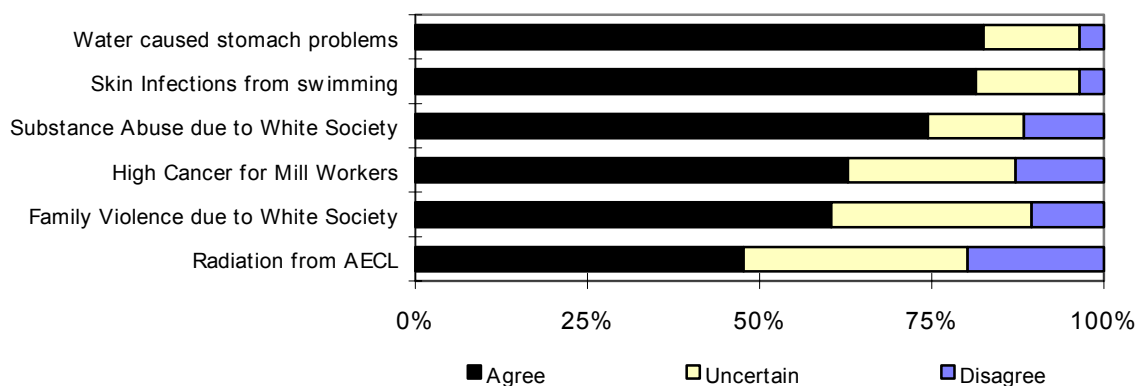
Overall, survey results reveal a pattern of knowledge that reflects a history of assessing cumulative impacts. They also illustrate an overall pattern of resistance to development. The data further suggests that the community has embedded health risks in a biomedical or toxicological context, and has associated them with aboriginal title over the land and waters. By contextualising risk perception through aboriginal title, they have demonstrated that their approach to risk assessment and risk management, like that of the provincial and federal governments, is a self-governing right.

Community perceptions of development impacts on public health are a further example. At the time of the research, a notice circulated throughout the community notifying members of an emergency meeting scheduled to discuss water quality problems in Sagkeeng. The following is the text of this notice, which directly associates specific health outcomes with exposure to an insecure water source:

The Sagkeeng Health Commission will be holding an emergency meeting at the Sagkeeng Arena Complex on Thursday, August 18, 1994 from 1:00 pm to 5:00 pm to discuss the serious problem of "water quality and safety." This meeting is open to all members and we urge you to attend and share your concerns. Members of the Health Commission have been approached by an increasing number of Sagkeeng people who are deeply concerned about the rise of skin rash and stomach ailments affecting our children. Many others have expressed concern about additional chemical spills into our river by Abitibi. We believe that there are more problems with our children and our elders because of the water and we would like people to come out and speak about them. How will Sagkeeng deal with this serious matter? How will Sagkeeng ensure that our children and elders receive safe, clean water? How will Sagkeeng ensure that a proper, water delivery system is immediately established? We need your input so please make every effort to attend.

At this meeting, health officials were present to discuss direct impacts on health, but also had to contend with the indirect impacts, such as heightened awareness of health issues in general. In Table 5, what is most interesting is that direct effects over-shadowed two major indirect effects often associated with increased development. In the other case studies, we noted that respondents ranked “increased alcohol and substance abuse” and “increased family violence,” as community health outcomes of greatest concern. In this community, these problems ranked significantly behind more direct health concerns associated with a contaminated water supply.

Table 5: Sagkeeng Agreement with Statements concerning Development Impacts on Community Health (n=86)



Instead, skin and gastrointestinal problems were of more concern during the research period, which is likely associated to the immediacy of the chemical spills. For example, respondents overwhelmingly agreed (ranging from 81.4% to 82.6%) that tap water, river water, and water polluted by sewage can cause health problems. Respondents were less certain about the relationship between water quality and chronic health conditions, although nearly half of respondents did agree that there might be a causal relationship between cancer and water taken upstream near the pulp mill. This inference is most probably a product of the increased awareness of the link between health conditions and chemicals entering their water supply, regardless of whether the link is bio-medically or toxicologically valid. When we contextualised the risk as an effect experienced by mill workers, agreement nearly doubled. Sixty-two per cent were of the opinion that workers at the mill were at risk of developing cancer. This link is largely due to a perception that workers tend to receive higher exposures to chemicals in the workplace. Respondents also expressed concern over the potential impact of radiation, associated with activities conducted at the Atomic Energy Commission of Canada research facility located upstream in Pinawa. Forty-seven per cent agreed that the community should be concerned, but again many (32.6%) were uncertain. At the time of the research, respondents were just beginning to become aware of the many risks associated with radiation. This awareness has increased, as the community has prepared itself for the Federal-Provincial scoping hearings, currently looking into the concept the nuclear waste disposal in the Pre-Cambrian Shield.

5.0 Conclusion

The Sagkeeng First Nation case study is an excellent example of how health risk perceptions associated with industrial developments are affected by the wider social and political context. Sagkeeng has experienced nearly 50 years of gradual industrial encroachment on their territory and community. Not only has this encroachment impacted directly on environmental features such as water quality, but fundamental understandings related to Aboriginal rights and title to land and water have been threatened as well. Much of the opposition in the community to industrial activities such as forestry expansion, pulp and paper manufacturing, hydroelectric development, and now, nuclear waste disposal, is framed by this colonial history and the experience of betrayal and coercion that has characterized relations with the wider society. Needless to say, trust in the institutions of either provincial or federal governments is very low.

In this context, fears related to deteriorating water quality in the Winnipeg River, and concerns about the health of wildlife in the surrounding forest area, are widespread. People in this community are highly sensitive to the potential health threats associated with chemical spills and other environmental damage, and consider it a community responsibility to monitor changes in the health of children and elders as a marker of the dangers of industrial pollution. Lower levels of uncertainty and a higher tendency to associate any change in health status with environmental threats are characteristic of Sagkeeng residents in comparison to the other case studies in Wollaston Lake and Kujjuarapik.

These findings suggest several general conclusions. First, in communities where political resistance to the historical experience of colonial exploitation is very high, health risk communication and management activities are not likely to generate much support, unless they are under community control and linked to wider processes of establishing political autonomy and rights. This finding is particularly important in relation to a new industrial activity such as nuclear waste disposal. Although risk management activities, from a government perspective, will likely assume no connection between nuclear waste disposal and pulp and paper manufacturing, this will not be the approach at the community level. When other environmental concerns remain unresolved, and where environmental concerns are generally linked to political resistance, a narrow sectoral approach to a new environmental issue is likely to exacerbate local distrust of government agencies.

Second, Sagkeeng is an example of what can happen when local community knowledge and aspirations for self-determination are ignored over a period of time in the context of encroaching industrial activities. Members of Sagkeeng First Nation have witnessed a gradual deterioration of the both the quality of their local environment and the extent of their managerial control over this environment. They have also experienced a gradual deterioration in their health with a steady increase in various chronic conditions. At the same time they have heard many assurances that environmental changes are not exposing them to health threats and that health risks are being effectively mediated. Distrust of externally controlled risk management activities is profound.

For other more isolated communities, there is an opportunity to avoid this experience if local knowledge concerning environmental health risks and local aspirations for environmental management are supported in risk assessment protocols. The lesson here is that questions of risk assessment are not resolved through an increase in the communication of scientific information. Risk perception is embedded in wider cultural understandings of history, environment, and social relations. The problem is not one of determining whose perceptions are accurate or valid; rather the problem is related to developing an appropriate political structure where both community and external understandings of health risks are accorded equal weight.