Death by development | The boreal nations and the boreal forest

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DEATH BY DEVELOPMENT:
THE BOREAL NATIONS AND THE BOREAL FOREST

by
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The Disturbance Forest

When the great ice sheets spread across what is now the boreal forest of Canada, perhaps eleven millennia ago, they crushed, buried, froze and drowned a forest very like that present today. Remnants survived in the rare alpine zones of the south that were unaffected by glaciers, yet similar in climate to the boreal zone. The complex of organisms we call the boreal forest survived that onslaught, and from its alpine enclaves followed the retreating ice sheets to again become the dominant forest type of the north.

Since the retreat of the ice, fire has been the element most responsible for changes on the face of the forest. Some analysts of fire frequency in the boreal forest estimate an average life expectancy between stand-killing fires as brief as 50 years.

Trial by fire has bred a forest well able to regenerate in the wake of conflagration. This is particularly true of the dominant species, trembling aspen, which, if the fire doesn’t scorch through

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to mineral soil, will send up many thousands of shoots (called suckers) from the intact root system per hectare\(^3\).

In recent decades a new threat to the integrity of the boreal forest has asserted itself, one the forest has never before faced: invasion by a new kind of human.

The newcomers pursue a relationship with the natural world radically different from that pursued by the peoples who had lived in the forest for millennia: they alter the forest to suit them, twisting it to suit their vision, rather than adapting to the forest. I will call these invaders “European,” and their evolving practices “European civilization.” These terms are a regrettably imprecise way of referring to the invasion (it includes modern Japanese industrialists, for example), but I believe it captures well the origin of and driving force behind the invasion.

In Alberta -- a division of the Canadian boreal forest that makes sense because its fate is so closely tied to provincial policy -- the assault began as conversion of forest to farmland, a process that continues today.

Agricultural development brought with it an extensive program of road building, which makes wildlife vulnerable, fragments the forest, and encourages further settlement. And, of course, vast tracts of land were cleared. The aspen parkland region of Alberta, once a rich zone of aspen groves (or bluffs),

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fescue prairie, and ponds and lakes, is nearly all plowed under. And the land clearing continues, even though at present it would be much cheaper to buy farmland than to clear it.

The next wave of development was oil exploration and production. To run seismic tests, convoys of bulldozers cut straight swaths through the forest, eventually creating a dense network of "cutlines," providing nearly unlimited access to hunters. More road building followed, and with it more access.

The oil development, particularly development of the Athabasca Tar Sands, resulted in a tremendous increase in atmospheric sulfur, the impact of which is just now being explored.

Along with oil development came forestry development, first in the form of sawmills, then pulp mills. Recent years have seen an explosion in pulp mill development, with five new mills completed or planned in the last five years, and one mill expansion completed, two contemplated. If a new mega-project, Grande Alberta Paper, goes through, Alberta may find itself with every stick of wood in the Province allocated, or worse, with timber over-allocated, as it is in neighboring B.C.4

So this latest disturbance, European culture, has taken from about 1899, when it came to covet the forest enough to negotiate a treaty for it, to about now, the early 1990s, to allocate for exploitation, if not to actually exploit, the forest.

Other cultures have been in the Alberta boreal forest for millennia, probably following the forest as it reclaimed the land from retreating glaciers. While these cultures have undoubtedly affected the forest, they have taken as a method of survival and as an ethical obligation conforming to the forest -- learning what gifts it has to offer, and receiving them with gratitude.

These cultures have been pushed before the onslaught of European culture as the forest was pushed before the advancing glaciers, into enclaves where they hope to survive. The following is an examination of how the foreign culture advances, and how the native culture resists obliteration -- both its own and the obliteration of the forest of which it is a part.
The Raid

In the evening darkness of November 24th, 1990, perhaps as many as 21 men wearing ski masks moved through a remote, occupied logging camp in north-central Alberta, slashing the tires of logging equipment, smashing beer bottles full of gasoline on it, and setting it on fire.

Just over two weeks before, on November 8, 1990, the Chief of the Lubicon Cree Indian Nation, Bernard Ominayak, had warned loggers that they would be “subject to removal without further notice” if they continued to cut on lands the Lubicons claim they never surrendered.

Ominayak was targeted in the RCMP investigation following the raid, an investigation marked by intimidation. According to Lubicon attorney Bob Sachs, one Lubicon was arrested in the middle of the night and taken to a remote landfill for questioning. Fifteen others were taken to the town of Peace River, and held incommunicado for interrogations lasting up to five hours before being released without charges. One Band member says he was assaulted during interrogation, and another had his boots confiscated and was dropped off in the town of Peace River, 50 miles from his community, to find his own way home.

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5Lubicon Lake Indian Nation Press Statement of Nov. 8, 1990.
When 13 Lubicons were eventually charged, Ominayak was not among them -- perhaps for lack of evidence, but surely for political reasons. Shortly before the 13 were charged, Rod Hill, a Mohawk observer from the Six Nations Reserve in Ontario, warned, “If they take Mr. Ominayak in, they are looking for trouble. Then the war paint comes on.” Coming from the Mohawks, this was not viewed as an idle threat. The Edmonton Journal issued an editorial plea for “Averting an Alberta Oka,”8a reference to the bloody confrontation with Mohawks at Oka, Ontario that ended with an army assault.

I had the opportunity to spend some time in Lubicon territory recently, and have come to appreciate the integrity and fatalistic determination that inspired Chief Ominayak’s warning. By the time the Province of Alberta leased Daishowa Canada, Ltd., a Japanese paper company, logging rights to all the deciduous timber on Lubicon land, the Lubicon Band had seen oil companies extract billions of dollars worth of oil from land the Band never ceded, while Band members free-fell into abject poverty. All the Lubicon Nation had to base any hope for a future on was, and is, its claim to unbroken sovereignty over its ancestral lands. To allow the province of Alberta to sell Lubicon trees, as it had Lubicon oil, would be to accept the death of the Lubicon People.

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The Nature of the Beast
and the Failure of its Potential Master

Corporations are doomsday machines. They were created by the mind of man, but they have become the masters, driving us to ever more clearly suicidal acts that shelter under the thin veil of rationality. But of only one sort of rationality. Corporations epitomize what has been called operational rationality. If we take the end as given, the best way to reach that end is the business of operational rationality. Engineers are needed to build bombs and concentration camps no less than to build sewer systems. Substantive rationality, though, is the rationality that questions the desirability of the end. Substantive rationality is the deadly enemy of the modern corporation.

Jerry Mander, in his book In the Absence of the Sacred: The failure of Technology and the Survival of the Indian Nations, enumerates ELEVEN INHERENT RULES OF CORPORATE BEHAVIOR. They are, in title only:

1. The Profit Imperative
2. The Growth Imperative
3. Competition and Aggression

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4. Amorality
5. Hierarchy
6. Quantification, Linearity, and Segmentation
7. Dehumanization
8. Exploitation
9. Ephemerality
10. Opposition to Nature
11. Homogenization

The clash between the Cree people in northern Alberta and Daishowa is a clash between substantive and operational rationalities.

In the economy characterized by the corporation, perpetual economic growth is imperative. If the economy grows 2% annually, it is considered anemic. Yet a 2% growth rate, using the rule of 70 to figure compound growth, means a doubling of the economy in 35 years -- utterly irrational in the long term. Ask almost any economist what the ideal growth rate is and he or she will say something like 4%. This is the growth imperative of cancer, and cultures that operate under this imperative, not humankind itself, are rightly identified as a cancer on the Earth.

It is clear, then, that talk about "good corporate citizens," and "corporate ethics" is at best delusional, at worst dishonest. If the modern corporation can be made to serve substantively
rational purposes, it will be because true citizens have used the coercive power of government to force it to serve those purposes.

What is striking about the assault on the Lubicon Cree, and on the Alberta boreal forest, is the role played by the governments of Alberta and Canada. They have at times taken the lead in the assault, and less frequently mildly restrained it. For that reason it seems misguided to direct outrage at Daishowa, which is, after all, expressing its essential nature by trampling everything in its path to profit. The appropriate target of outrage and action is the governments.
Boreal Forest Development

While the attention of industrial nations is focused on massive deforestation taking place in poor southern countries like Malaysia and Brazil, deforestation in several industrial nations either proceeds apace or accelerates. Nowhere is this truer than in Canada, where old growth temperate rain forest, the forest type that stores more carbon than any other, is in an advanced stage of destruction.

The most extensive forest type in the world, the boreal forest (known in Eurasia as taiga) is just entering a phase of intensive exploitation similar to that of the tropical and temperate rain forest. This forest type lies entirely in the northern hemisphere, in countries we have come to think of as belonging to the developed world. Russia, with 58% of the boreal forest, is now perhaps a debatable case, but Canada, with 24%, the US, with 11%, Finland, Sweden, and Norway, with 2%, 1.5%, and .75% respectively, are all unquestionably thought of as first world. Of countries containing boreal forest, only China, with 2%, and Mongolia, with .75%, would be considered underdeveloped^10.

The true boreal nations, however, are not those named above. The true boreal nations are the Cree, Dene (or Athapascan), Ojibwa and others in Canada, the Yakut, Khants, and

Mansi among more than two dozen boreal peoples in Siberia, to mention a few. These nations are neither developed nor developing, neither first nor third world. The conceptual construct that divides the world that way can't account for them.

Those nations are, largely still, subsistence cultures. The necessity and desirability of growth is not the foundation axiom of these nations; growth is not their god. A stable and reciprocal relationship with the Earth, as profoundly spiritual as economic, is their guiding principle. They have lived in balance with the boreal forest ecosystem, as an integral part of it, for thousands of years.

In the next few dozen years, if current trends continue, the people whose god is growth will make these nations fit their conceptual construct. They will do this by turning the forest, the system those nations are an integral part of, that they call their mother, into a resource, a source of wood fiber. It will be transformed from a forest into boards, plywood, oriented strand board, and, overwhelmingly, into pulp. And as the forest is made into pulp its people will be made into the poor fringe dwellers of a developed society, into human slash. The boreal peoples will cease to exist as surely as if they were fed to gas chambers and ovens. Yet the governments and corporations responsible for their destruction don't call it genocide. They call it development.
Boreal Forest in a Larger Context

The conversion of the boreal forest to pulp is critically important both in a global context and in the particular case of Alberta. Alberta is an ideal candidate for a case study because that province has recently led the charge on intensive boreal exploitation, granting long-term leases to 221,000 square kilometers of public timberlands, or one third of the province, in the course of just 18 months. These leases went to only six companies, with two Japanese companies winning rights to over half of the total.11

Probably the best reason for considering the boreal forest in a global context is that it's the largest natural ecological zone on Earth, making up a quarter of the world's forests.12 It divides treeless or sparsely-treed zones to the south and north, with tree cover to the south generally fading because of lack of moisture and agricultural encroachment, and tree cover to the north giving way to tundra, the climate being too harsh for trees to survive.

The boreal zone contains a dozen or more distinct forest types. In North America, tree species include, jack and lodgepole pine, birch, larch, balsam fir and balsam poplar, and aspen, with white and black spruce being the dominant softwoods, and aspen

the dominant hardwood. Being in general colder, Siberia is dominated by larch, poplars, and birches, which are somewhat more cold-tolerant species. In Europe, where the east-west trending Alps cut off the southern boreal escape route during (geologically) recent glacial advances, fewer tree species occur, with Norway spruce and Scots pine being the only conifers.

The boreal zone is also rich in bogs and fens, and contains by far the majority of peatland areas in the world.\textsuperscript{13}

Compared to more southerly, stable ecosystems, boreal ecosystems contain less diversity. The Canadian boreal forest is estimated to contain between 26 and 28 thousand species, compared to the one to two million estimated to inhabit the Brazilian rain forest. Yet in Alberta alone there are over 100 plant species found only in the boreal, as many as half of which are rare.\textsuperscript{14} There are also many bird and mammal species endemic to the boreal, including the endangered woodland caribou in Canada, and the Siberian tiger, of which only about 250 remain in the wild.\textsuperscript{15}

The forest most hospitable to wildlife in the boreal is mixed, containing both conifers like spruce and pine, and deciduous trees like aspen and balsam poplar. Where regeneration occurs after

logging in the boreal (and regeneration is by no means assured) it tends to produce either coniferous or deciduous stands.

In Sweden, the country with the longest record of intensive forestry in the boreal, mixed forests have fallen from 40% of the total in the '20s to 14% in 1988, thanks largely to a government policy that encouraged, with subsidies and outright grants, replacement of mixed, or "litter forests" as they were called, with coniferous monocultures (many of exotic lodgepole pine) requiring extensive treatment with pesticides and fertilizer. Although 57% of Sweden is now covered with trees, more than in the '20s, hundreds of species dependent on the more diverse mixed forest are disappearing. And coupled with the conversion of mixed forest to tree farms, the government has subsidized the drainage of wetlands to bring them into production.

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**Biodiversity on the Edson Forest**

Rocky Notnes suggested I drop in and see the Weldwood Mill that had so polluted the Athabasca that it wasn’t safe to eat migratory mountain whitefish in Jasper National Park, and maybe talk to someone at the Ranger Station.

No one at the mill would talk to me, but the woman at the Ranger Station desk suggested I talk to Frank, the Chief Ranger, who was down in the coffee room. They were playing the universal foresters’ game, cribbage -- Frank, a younger woman, an older guy, and the oldest guy, a helicopter pilot. Upon explaining who I was and what I was doing, the woman forester said, hostility in her voice, “Coming up to see how we are tearing up our forests?”

The game broke up, and Frank got me a cup of coffee. We talked about forest management, in Montana and in Alberta. We agreed that having so much private forest land in Montana was a bad way to go. He seemed to get more comfortable as he discovered I could talk a little forestry lingo. We got to talking about woodland caribou, the species of most public interest on the Edson Forest.

Frank didn’t think much of the woodland caribou. They weren’t adaptable because they ate only one thing. They also didn’t necessarily want to go the same places all the time, so you
couldn't predict what you had to save for them. They were old growth dependent. They had no sense around roads. "Deer, elk, moose, they will all listen to see if cars are coming, but the caribou will walk right out in front of you, in droves."

When asked whether there were other sensitive species on the forest, or if they used indicator species, he was sure there were both, but just couldn't think what they were. About the caribou, though -- people say they wanted to save them, but Weldwood had bought the right to harvest trees, and that had to be honored.

Frank was interested in my going to college, and wanted to know about it. His son had decided not to go, because, if he got an education, it likely wouldn't make sense for him to live around Hinton. Besides, he had hired on as a laborer at the mill for $17.50 an hour. That was a long way toward what Frank, after decades in the Alberta Forest Service, got paid.
Since Time Immemorial

The Lubicon Cree have lived in the vicinity of what is now called Lubicon Lake for as long as anyone can remember, and certainly since 1763, the legal definition of “since time immemorial.” 1763 is a good year to begin a history of the Lubicons’ relations with European society.

The history presented here is a condensation of that found in Last Stand of the Lubicon Cree, a comprehensive history of the Lubicon struggle written by the journalist John Goddard. While the book details many outrageous acts, even crimes, committed by the Canadian federal government and the Alberta government, the official Canadian government line, as given to me by the Manager of the Communications Branch for the Alberta Region of Indian and Northern Affairs Canada, Wayne Hanna, is that the book was meticulously researched by Mr. Goddard, the department does not dispute any statement of fact in the book, and does not have any comment on the book. As the department for which Hanna speaks committed many of the harmful acts, and has a trust responsibility to protect the Band from those committed by Alberta, I take his statement as an endorsement of the book, and rely on it with confidence.

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In 1763 the British Crown issued a Royal Proclamation establishing the procedure for extinguishing aboriginal title, which had to be done prior to settlement. King George III proclaimed that, “If at any Time any of the said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians.” The Canadian treaty-making process developed from this proclamation.

As ever more land-hungry farmers spread across the Canadian plains they were preceded by treaty-making parties, which bargained cash payments, annuities, and promises of farm implements, cattle and agricultural expertise for title to vast tracts of land. Stricken by unknown diseases, and hunger brought on by scarcity of buffalo, the Indians made treaty with the representatives of the crown.

The treaty process had run its course in the prairies by 1877, and the crown was in no hurry to make treaty with forest-dwelling Indians. The land they occupied was thought to be worthless, and it cost a good deal to make and maintain a treaty.

Finally, in 1899, inspired by the influx of whites attempting an overland route to the Klondike gold fields, and the discovery of petroleum deposits on the Athabasca River, Canada sent a treaty commission to negotiate Treaty Eight at Lesser Slave Lake. For the balance of that river-travel season, and during that season the

following year, the commission then traveled the Peace, Athabasca, and Slave River systems, hastily arranging gatherings where they induced those present to adhere to the treaty.

In their rush up the main river systems the treaty parties failed to penetrate an area called the Lesser Slave Interior, roughly bounded by the Peace River on the west, the Athabasca on the east, and Lesser Slave Lake on the south, failing to contact the Lubicon Lake Indians and several other bands. It was not until 1939 that federal officials finally penetrated the Lesser Slave Interior as far as Lubicon Lake, finding an intact community doing well for itself. They formally recognized the Band and promised a reserve under the terms of Treaty Eight.
How We Treat One Another and the Land

I called Ann Notnes from Jasper, a town depressingly heavy with cold rain clouds and the air of a tourist town after the tourists have gone. The warmth of the voice on the other end was comforting, the offer of a place to stay welcome.

My timing had been just a bit off. A little over a week before, Ann and Rocky Notnes had hosted a gathering of environmentalists and native leaders to attempt an alliance in the face of expected mega-water diversion projects from B.C. to California, or more perhaps to convert the environmentalists to the cause of honoring and deferring to the more mature wisdom of the native perspective. But Ann was excited that I would have a chance to meet and interview Lester Howse, an Indian activist working to reclaim a large portion of Jasper National Park for its original seasonal users, who had never surrendered their rights to it.

The drive to the Notnes’ house, most of the way to Hinton down the Athabasca river, filled me with awe. The aspen were in full color, the river that eerie glacial blue, and the trees as thick out of the mountains as in them.

The house was bigger, more impressive than I expected from avowed environmentalists, a log house on a large piece of
land, with outbuildings all around. Ann met me at the door, and made me feel a little at home, and a little uneasy, with the offer of a wonderful vegetarian dinner, and many apologies for its meatlessness.

Ann looked worn, sad. Like she was bearing the burden of too much knowledge, too much insight. She said she no longer considered herself an environmentalist, because that suggested a separation from the environment that kept her from the proper relationship with the world around her.

Rocky was more animated, thin, with big ears and the look and appetite of someone who worked hard outside. He had been a director of the Alberta Wilderness Society (AWA), and had supported the suit against Daishowa that destroyed the finances of the organization.

AWA, the Sierra Club of Western Canada, the Peace River Environmental Association, and farmer Peter Reese had sued Daishowa and the Government, saying that the FMA could not support sustained yields, as Alberta forestry law requires. The Judge ruled that it was enough that the province and Daishowa intended the FMA to produce a sustainable yield, and that the requirement applied only to wood fiber, not to any other forest resource, like wildlife.

Forestry Minister Fjordbotten, in a precedent-setting move, had sought court costs, and the judge had awarded them.
Far from being discouraged, Rocky thought the hard times would strengthen the group, removing the illusions of those who thought the government was merely misguided, and strengthening the hand of hard-liners.

It was the first time since I took on this project that I was talking to someone who knew quite a lot about it, and I was enjoying it. But I was waiting to meet Lester Howse, whom Ann had spoken so highly of, and he was expected to return at any time.

When Lester did show up he was preoccupied with eating, his new son, his young wife, and his other children. It was another good while before I could talk to him.

When we finally sat down to talk, and I told him what I was up to, he had a story to tell me about the relationship between the Cree, whites, and the land.

After Treaty Seven was signed, the status Indians contained on the reserves, the non-status Indians driven off, and the Riel Rebellion had run its course, Indian people found themselves cut off from their normal contact with one another, so necessary for religious observances which the Great Mystery required of the people.

It was necessary to perform a ceremony every year, which Lester declined to name, that gave thanks for both the sunshine and the rain, or both would cease. For the ceremony to be performed properly many tribes had to gather, and the whites in
charge of the reserves refused to allow the people to gather, even after the necessity of the ceremony, for the survival of whites and animals as well as of Indians, had been explained.

Enough of the Indians slipped off the reserves to keep the ceremony and harmony of the land intact, for whites as well as Indians. But in the conflict whites betrayed themselves as being opposed not just to the Indian, but to life itself. The Indians came to see that whites were either insane or evil. And, Lester said, carefully, slowly, “not much has happened since to change Indian peoples’ minds.”

The next day I had the good fortune to sit in on a conversation with a Cree elder, Peter O’Chiese. Lester wanted to discuss the land claims in Jasper Park and get Peter’s blessing for some action they were planning, and when Lester mentioned the lack of a treaty Peter discussed at some length the significance of treaty.

Peter, who is reputed to be in his nineties, had been conducting what whites call a “chicken dance,” and other ceremonies nearby. He was wearing new high-top basketball shoes, laced lose like cool kids wear them, jeans, and a black “Just DO It” sweatshirt with florescent lettering. His long thin hair was gathered under a matching “Just DO It” hat.

Although it was difficult to make sense of Peter’s every word, he made clear that a treaty is a covenant on how those making treaty are to treat the land, and how they are to treat
each other. The gravity in his voice and manner when he discussed treaty-making was unmistakable.

Peter illustrated with his hands how Treaty Eight (the treaty covering boreal Alberta) went -- he had known people who were at the treaty. He waved one arm out and said, "this part we share." Then he curled the other back, made a fist and said, "this part we reserve." (Indian lands retained by treaties are called "reserves" in Canada.) Then, to illustrate the current threats to reserves, he would peel back his fingers one at a time as he enumerated the threats, ending with nothing.

Peter impressed me quite differently than had Lester, the reason becoming clear later that night when Lester and I stayed up late drinking coffee, Lester talking, me listening.

Lester talked about boarding school, about the shame of having scrip takers in his family, and the evil genius of those who invented the non-status Indian, ripping him from all that Indians held dear. He talked about his relationship with his son, whom he had and raised when quite young, how they grew up together. About his other children: how for an Indian every child is an act of defiance against the forces of genocide.

And Lester talked, got carried away talking about, his boozing days, getting in fights, going to Crow Fair with other American Indian Movement Indians, trying to burn down a bar in Montana and getting sent to prison in Deer Lodge.
Lester was a man without a home, without a culture. He spoke the language of his oppressors. He lived life by the terms they set. Peter was what Lester could never be. He was a Cree Elder.

When I was packing my truck to leave, Lester's eldest son was sitting in a pickup listening to the radio. I expected it to be the same country radio I heard all over the dial, but it wasn't. I had to listen closely to pick up the cynical, hard lyrics by Concrete Blonde, surely the product of urban America: "Everybody knows that the war is over/ Everybody knows that the good guys lost..."
The Long Nightmare Begins

To consummate the Lubicon Lake Band's entry into Treaty Eight, a reserve, calculated at 128 acres a person, had to be surveyed. In 1940 the surveyor general ordered the Lubicon Lake Reserve to be staked out, and surveyors flew north to complete the job, only to be stopped by a forest fire. The job was again scheduled, but the pressures of the war intervened. "Then," as John Goddard, author of Last Stand of the Lubicon Cree, puts it, "the long nightmare began."

A prime figure in the nightmare is Malcom McCrimmon, a federal bureaucrat who made it his personal mission to reduce the Indian burden on the Canadian government. Operating as a law unto himself, he struck members from Band lists all over northern Alberta, reducing official Lubicon numbers over several years from 154 to 30, below the threshold for a reserve. In the process he split families, expelled the old and lame from established reserves, and threw prosperous Indians off reserves, reasoning that it wasn't possible to be successful and an Indian.

The significance of being striped of Indian status increased in 1951, when a new Canadian Indian Act was passed. At the time of Treaty Eight, living an Indian life qualified one as an

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Indian, entitled to treaty annuities, and other benefits that flowed from treaty Indians’ special relationship with the Canadian Federal Government. At treaty time, individuals could lose Indian status by taking scrip, a one-time certificate with a face value of $240 or 240 acres of land, which speculators following the treaty party often bought for a fraction of the face value (taking scrip disqualified one’s descendants from being treaty Indians as well). But the new Indian Act held that only direct descendants in the male line of status Indians could have status, with the exception of illegitimate children, unless the father was known to be non-status. As Goddard says:

“The definition has less to do with Indian blood and way of life than with entrenching a philosophy that held Indians as inferior to white people and Indian women as inferior to men of either race. If an Indian man married a white woman, she became an Indian; it was assumed an Indian man was not a capable provider and his wife would need treaty benefits. If an Indian woman married a white man, she legally became white; it was assumed a white man could look after her.”21

While McCrimmon was wreaking havoc on the Indians of northern Alberta, an event that would have profound effects on the Lubicons took place to the south. In 1947 two oil strikes in the Edmonton area launched the Alberta oil and gas industry, and

shortly after that, oil exploration crews began seismic testing in Lubicon territory, which continued for many winters after.

The seismic surveys were destructive enough by themselves. The method was to run a bulldozer convoy (a “cat train”) through the bush, clearing a wide swath in a straight line for miles, drilling deep holes along the line, and then setting off blasts so that their echoes could be monitored to map the subsurface geology.

Each company wanted to run its own set of lines, and now a map of the area looks like a maze, with each line accessible to snowmobilers in the winter, or ATVers in the summer, and of course to hunters. The lines are also an unbridgeable barrier to many plants and insects, profoundly fragmenting the forest, with unforeseeable consequences.

Then oil development hit Lubicon territory. In 1967 The Marten River settlement, near the main Lubicon settlement of Little Buffalo, was burned and bulldozed six days after residents had been induced to sign quit-claim deeds they couldn’t read and didn’t understand. In 1969 the first oil field in Lubicon territory came into production next to the site of the old Martin River Settlement. Said former resident Muriel Oslie: “I was furious. The government had no right. I think they knew there was oil there.”

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By 1979 oil development had exploded in Lubicon territory. Without a single environmental or social-impact study, over the next five years over 400 wells were drilled within a 15-mile radius of the Lubicon community of Little Buffalo. The traditional economy of hunting, gathering, and trapping was not just incidentally, but deliberately destroyed. Oilfield workers, on orders, bulldozed traplines, and chased game out of the area.

By 1983 the Lubicon moose harvest had fallen from over 200 animals in 1979 to fewer than 20. Income from trapping had fallen from over $5,000 per trapper to less than $400. As a result, welfare dependence ballooned from under 10% in 1981 to more than 95% in 1983.

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Retroactivity as a Legal Principle?

The Lubicons had in store further experience with notions of the rule of law. Left without illusions by the Marten River episode, the Band started to seriously consider pursuing its land claim, inviting the Indian Association of Alberta to hear the band’s concerns in 1973. The band’s appeal ultimately went to Harold Cardinal, then president of the Indian Association, who was deeply involved in the struggle to defend Indian rights in the face of an all-out assault by Pierre Trudeau’s liberal government. When it became clear that some pressure would be necessary to spur serious negotiation, Cardinal finally recommended that the Lubicons, with the other communities of the Lesser Slave Interior, file a caveat at the Alberta land registration office, which would put everyone on notice that title to 33,000 square miles in northern Alberta was in dispute.

The caveat was submitted on October 27, 1975, but the provincial land registrar refused to register the caveat. It was clear that court action against the province would be necessary, and Cardinal applied for funding to the federal Department of Indian and Northern Affairs, which has a trust responsibility for Indians. To Cardinal’s shock, the federal government entered the case on Alberta’s side, arguing, as it has since, that aboriginal title had been extinguished by Treaty Eight.
The Indians went ahead with the case. When it first came to trial, Alberta won a postponement so that a case before the Supreme Court of Canada involving caveats filed in the Northwest Territories could be decided. Three months later the Supreme Court ruled against the caveatees in the Territories, but suggesting that a similar case in Alberta would succeed. When the case resumed, seemingly soon to be settled in the Indians’ favor, Alberta asked for and got another postponement, this time to prepare legislation that Alberta’s lawyer said would have “a very substantial impact on the fileability of the caveat.”

According to Goddard:

In truth, the government was preparing to pass legislation to win the court case -- a measure almost unheard of in a democracy. Bill 29 would change the wording of the Alberta Land Titles Act to prohibit caveats on unpatented Crown land, and the law would be applied retroactively.

At the time the Alberta government’s prime motivation in twisting the very concept of a society run by laws was to protect its title to the Athabasca Tar Sands. But the lesson to the Lubicons was clear: the government would do whatever it had to do to further virtually any interest over the Indians'.

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Water and Warming

Large-scale industrial projects sometimes produce their desired effects, and always produce unintended effects. The Alberta government's willingness to flaunt the principle of government by laws may have been one of the unintended effects of Athabasca Tar Sands development.

Disturbance of wetlands is sometimes an intended effect of boreal logging, and always a consequence. The significance of this to global warming is just beginning to be understood. Boreal forests, despite their extent, had been largely overlooked as storers of carbon because the biomass of live vegetation is considerably less than in temperate or tropical rain forest, and because the oceans were thought to absorb much of the carbon "disappearing" from the atmosphere (that is, of the carbon added to the atmosphere by fossil fuel combustion and deforestation, only about half "sticks").

A recent article in the journal *Science*\(^2\) argues, based on a computer model of the atmosphere, that the majority of carbon absorbed from the atmosphere is absorbed in the northern hemisphere. Based on measurements of sea water in the northern hemisphere, the authors decided the sea wasn't absorbing the

carbon dioxide, so it must be going into northern hemisphere forests.

Because boreal forests are so extensive, and because they store carbon not just in live plants but in bogs, fens and other peatlands, they are coming to be seen as quite significant carbon sinks.

But the ability of boreal forests to store vast quantities of carbon, when considered in light of their fragility, makes them prime candidates for positive feedback systems in global warming. As the forests are cut, carbon from trees, bogs, and peat-rich soils exposed to direct sunlight is released into the atmosphere. The climate warms, making the forest more vulnerable to fire and drought, releasing more CO2, and so on.

The boreal forest wetlands store not just carbon, but vast quantities of water as well, producing a "sponge effect" for some of the world's great river systems. Without them, spring flooding would cause immense erosion, and low winter flows would cause massive fish kills.

Other wildlife species depend on wetlands associated with boreal forest, particularly places like the Peace-Athabasca delta, on the west end of Lake Athabasca in Alberta. The largest freshwater delta in the world, it provides critical habitat to up to a million ducks, geese and swans from all four major North
American flyways, including the only naturally reproducing population of Whooping Cranes in the world.\textsuperscript{27}

The Peace-Athabasca delta is already threatened by industrial development. Satellite images have shown an average annual decline in delta wetlands of 1263 hectares between 1976 and 1989, thought to be caused by the Bennett Dam on the Peace River in British Columbia.\textsuperscript{28} The dam has so moderated river flows that the perched basins of the delta are not being recharged.

\textsuperscript{27}Wood Buffalo National Park, \textit{Wood Buffalo Tales}, Published by the Park, Summer 1991. 10.

\textsuperscript{28}Wood Buffalo National Park, \textit{Wood Buffalo Tales}, Published by the Park, Summer 1991. 15.
A more insidious threat to the delta than hydrologic disruption is the pulp mill effluent flowing toward it, borne by the Peace and Athabasca Rivers. Along with material that discolors and odorizes the rivers, starving them of oxygen, the pulp mills up river discharge organochlorides, the product of mixing chipped trees (the organic part) with chlorine, which is used to bleach the pulp.

The process of producing pulp that uses chlorine as a bleaching agent, called the bleached kraft process, produces as many as 1,000 different organochlorides ("organic" in this context means involving carbon atoms, so an organochloride is a chemical that includes both carbon and chlorine). Only 300 or so of these organochlorides have been identified, but among them are furans and dioxins.

The most toxic of dioxins, 2,3,7,8-TCDD, present in bleached kraft effluent, is reputed to be the most toxic substance ever manufactured. The most toxic furan, also present in bleached

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29 The Valhalla Society, Position Paper on Pulpwood Agreement No. 9 and Other Pulpwood Agreements in the Province, [of B.C.], The Valhalla Society, 1990. 22.
kraft effluent, 2,3,7,8-TCDF, is ten-fold less toxic than the dioxin, but generally occurs in concentrations ten-fold higher.\textsuperscript{31}

For a long time the toxic effect of concern with dioxin and dioxin-like chemicals (which include the ubiquitous and extremely persistent PCBs, furans, and others), was thought to be cancer. In the mid eighties research began to accumulate that suggested the cancer risk from dioxin and similar chemicals was considerably less than previously thought, and there was some movement toward loosening controls on them. But at the same time research into other toxic effects of dioxin-like chemicals began to emerge showing that those chemicals disrupted the immune and endocrine systems of organisms at concentrations 100 times lower than those originally associated with cancer.\textsuperscript{32}

Dioxin and dioxin-like chemicals were discovered to act as "environmental hormones," altering the endocrine systems of affected organisms. The strongest effects occur in organisms exposed at the earliest developmental stages, and include feminization of males, masculinization of females, and likely eventual reproductive failure of the exposed organism. These compounds affect wildlife and humans alike.


One class of dioxin-like compound, PCBs, have produced "poorer short-term memory function on both verbal and quantitative tests in a dose-dependent fashion" in children exposed in-utero\textsuperscript{33}. It is important to note that dioxins, furans, and other compounds present in pulp mill effluent behave much like PCBs in organisms, and that the exposure used in the study was the result of mothers eating Lake Michigan fish.

Although these poisons are present in minute quantities in bleached kraft effluent, and may be undetectable even with tests sensitive to parts per trillion in the best new mills, they bio-accumulate radically and are extremely persistent. Depending on the type of organochloride and several other factors (many of which are poorly understood) bio-concentration factors can range from 2,000 to as high as 159,000\textsuperscript{34}. The more toxic compounds, being highly attracted to fats, have among the highest bio-concentration factors. For instance, on the Fraser River in B.C., although 2,3,7,8-TCDD was undetectable in the effluent of bleached kraft mills on the river, it approached Health and Welfare Canada’s (H&WC) permissible limit in fish for human


consumption of 20 parts per trillion in whitefish and salmon.\textsuperscript{35} Furan concentrations of 290 ppt. were found in the same fish.

In Alberta, fish consumption advisories are in effect for the entire Athabasca and Peace River system affected by pulp mill pollution, even including streams upstream of the pulp mills that are accessible to migratory fish. 2,3,7,8 TCDD and 2,3,7,8, TCDD have been found in fish as distant from the mills, and in waters with as high dilution factors as, Lake Athabasca and the Slave River. Although H&WC has issued assurances that the tainted fish in the Slave River should be safe to eat, their judgment is based on questionable assumptions.

H&WC’s limit of 20 ppt of dioxin is based on the assumption that a 150 lb. person will eat an average of one ounce of fish per day. This may be a reasonable assumption for an Edmonton dweller, but is wildly inappropriate for subsistence fishermen. Even with this same assumption, some jurisdictions in the world use guidelines of around one ppt.\textsuperscript{36}

Water pollution has been the rallying point for much of the opposition to the pulp mill explosion in Canada, and although it is the direst pollution problem associated with pulp mills, it is not the only one. Air pollution will include carbon dioxide, sulfur dioxide and other reduced sulfur compounds, and organochloride.


compounds, including chloroform. The air is bad enough in many mill towns that residents have to wash their cars daily to keep them from rusting.37

Alberta’s “Hamlet” Strategy

Alberta’s tool to “occupy” Little Buffalo was the Land Tenure Program, whereby the community was divided up into two-acre plots which would be sold for a dollar apiece to community residents. The province first appointed a local Metis (a problematic term, meaning most strictly a person of mixed French and Indian ancestry) farmer a “provincial advisory councilor,” which bypassed the Band government. His first official act was to request the tenure program, which would have made Little Buffalo a “Hamlet” under Alberta law, and his subsequent actions were in the same spirit.

When the Lubicon lawyer caught wind of the scheme, its purpose was immediately clear to him. An alerted Bernard asked that the program be suspended, and the Minister in charge refused. A campaign of harassment began, with bulldozers running through peoples’ yards, tax notices being delivered, and provincial officials referring to community members as “squatters on Alberta Crown land,” and “trespassers.”

The province resorted by threatening to evict whole families, some of which had suffered from the Marten River evictions. The Premier of Alberta, Peter Lougheed, used a petition, likely with many forgeries, to cast the issue as an Indian versus Metis conflict, when in fact the major division in Little
Buffalo, thanks to McCrimmon, scrip, and the Indian Act, was status versus non-status Indians, virtually all of whom were accepted as Lubicons among the Lubicon.

The province finally relented in Little Buffalo, but not until the verified list of those desiring land tenure had been reduced to just a handful, and a meeting concerning the destruction of three Lubicon homes was well attended by armed Lubicon hunters. The other six isolated communities eventually succumbed, though. Not as well organized as the Lubicons, the pressure proved too much.
I had been hanging out around Bernard’s house for a few days, feeling very uncomfortable, when John Auger showed up.

Fred Lennarson had arranged for me to talk with Bernard after a forum at the University of Alberta, and I had nearly blown my chance. After the formal question and answer of the forum was over Bernard had bee-lined out of there, and I assumed he needed to get rid of some coffee. I stayed and listened to Fred answer questions until he was ready to leave, and went out with him. Bernard had been waiting at the truck for half an hour, and was ready to go. Fred quickly introduced me, and I asked about going to Little Buffalo. Bernard was evasive. I suggested a date, and he said OK, give me a call when you get there.

I found the band office easily enough, but the woman there had heard nothing of my coming. When I got Bernard on the phone he had clearly forgotten I was coming, and clearly wasn’t thrilled that I had. “Where are you going to stay?” he asked, knowing better than I that there was no public accommodation within 50 miles. “I have everything I need to camp, I just need a place to park.” Long pause. “Well, come over to my house, then. I’ll find a place for you.”

Bernard had one of his daughters open up the community meeting house for me, and she did, while making a point to have
as little to do with me as possible. There was a hot plate I could use, and a kettle, and Bernard would be able to talk with me tomorrow.

After a few days of being meticulously avoided by all but Bernard's youngest kids, and seeing nothing of Bernard or anyone else I felt comfortable asking questions of, I was getting antsy. John showed up just in time.

He worked for the Band, mostly taking people around to see things, generally people in a far better position to do something for the Band than I. But my lack of status didn't seem to daunt John. He was out for a drive, had brought a thermos of weak, sugary coffee, and was looking for moose. What he didn't like about the expedition was that all of us (visitors) only wanted to see the things that had been destroyed, never what was still beautiful.

The first bit of destruction we came across was a provincial gravel pit by a slow moving stream. This pit particularly offended John because one of his brothers-in-law was born just across the road from it, in a tent. His brother-in-law had, for his own reasons, "wanted to be born there," and now this spot of great significance to him, and therefore to John, had been callously desecrated.

John loves the bush, and lives to be out in it. He worked for many years for the oil companies, and did some forestry work, but came to realize that the work he was doing was contributing
to the destruction of the country he loves. So he went to work for the Band, at a 50% cut in pay.

We stooped in at Summer Joe’s cabin, newly built just across the road from Fish Lake (so called because it’s the only lake in Lubicon Country that supports fish). Summer Joe, though quite old, was very interested in hunting, and had gotten a shot at a moose from his porch the day before. I had the feeling that John brought me here as an opportunity to question Summer Joe, but I fear I’m not a good journalist. I felt too much an intruder; I couldn’t make myself disturb the old man’s peace.

I did notice a tapestry the old man had hanging on the wall, one of those cheap prints one can find at yard sales for a quarter, of Jesus and a flock of sheep. After we left I asked John if Summer Joe was a Christian. He shook his head firmly. “No.” I mentioned the tapestry, and John insisted the old man didn’t know what it meant. “Do you think it is possible for someone to both be a Christian and follow the traditional Cree ways?,” I asked. John again shook his head, this time not so firmly. “No. I don’t think you can do both.”

Our conversation turned naturally from religion to what was sacred to people, particularly as it applied to Daishowa’s logging methods -- clearcutting with feller-bunchers.

With a flash of emotion, John pointed at a big white spruce by the road, saying, “We think of the tree as being a living thing. We don’t just go and chop it down without having a good reason.”
Then, concerning the clearcut we were going to see, "When I see something like this clearcut...then later, at night, I close my eyes, and I can just see it."

I asked John what the relationship between speaking Cree and keeping up the old ways was, and he was adamant that his people must speak Cree. For that reason, and others, he was ambivalent about sending his kids to the Provincial school in Little Buffalo. Parents had no control over the curriculum. He said a copy of *Last Stand of the Lubicon Cree* had been donated to the school, but it sat on the shelf unread. The kids, many of whose names are in the book, are discouraged from reading it.

After we had seen the devastation at the clearcut, our conversation turned to what had been lost. John said he was recently telling his wife that, during the first 20 of his 43 years he could count the number of people from the band who had been killed without using all the fingers on one hand. In the second 20 years of his life, he didn't have enough fingers and toes to count all the people.

The worst part for him personally was the feeling that the last 15 years of his life had been lost to involvement in the struggle. It didn't make sense for him or anyone else to put great effort into making Little Buffalo the community they wanted, because if they reach a settlement they are all moving to Lubicon Lake, to the place they picked for their permanent settlement over 50 years ago.
John would have liked to raise horses, that was his great passion. An example of the difficulties he faced happened when he was ordered to tear down corrals and fences in 1984, as the Province struggled to assert sovereignty with the Land Tenure Program. He received notice, let the deadline pass, and was visited by an agent of the AFS. The agency relented only after John told the agent “Nobody will take down those fences unless they take me away first.”

Listening to John talk about the tragedies that have befallen him and his people -- the alcoholism, violence, crime, and deaths on the highway, starting with “our six young people” (a reference to the fiery crash that killed six Lubicon youths and marked the beginning of the society’s downward spiral) -- I got a sense that there is a very strong bond between people here, that thinking someone is ruining his or her life doesn’t make that person into an outcast.

That sense isn’t diminished when he talks about the people the government constituted into the Woodland Cree. John seems surprisingly free of bitterness. His main concern is that they settled for less than they will be able to make a future of. There lies those people’s tragedy. Less important is that they made it more difficult for those who didn’t settle to get a fair settlement.

As we drove back in the waning day John became more alert for Moose, and the conversation turned to a subject dear to

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his heart: hunting. John could tell from its tracks the sex and approximate age of a Moose -- from the moving pickup. When I questioned him about what kind of moose he was looking for, young or old, bull or cow, the criteria had to do with user preference, not conservation, although he would not forego a shot no matter what sort of Moose he saw.

We stopped and examined fresh tracks, John explaining how to read them. He then took a birch bark cone held in shape with sheet metal screws from his truck, a Moose call, and sent the two long and two short grunts into the breeze. No answer.

When we got back in I made it clear that I had nothing pressing to get back for, and I would be happy to tag along looking for Moose. John was pleased, saying twice, as if to make clear the importance of the distinction, “OK, we’re not working anymore, we’re Moose hunting!”

It was getting near dark when we pulled just off the road onto a muddy lane that led down toward a small lake. Fresh-looking Moose tracks led down to the water’s edge. John called a few times by the road, then started walking down toward the lake. I followed, 20 feet behind.

It was so quiet. I could hear the few ducks on the small lake change their swim cadence. John called Moose. We listened, slowly turning our heads. He called again. Then, after a long pause, again. I heard it, the answer, just like the call, faintly, from across the lake.
John swiftly walked back to a stand of white spruce, waving me back and telling me to stand still in front of a big tree.

As I stood under the tree watching John I could smell for the first time the perfume of the bush, spruce perfume. And as I watched this man, small and slender, a pony tail of course black hair poking over the collar of his Levi’s jacket, wearing sneakers with Velcro closures and a black ball cap with the proud words “Lubicon Lake Nation” stenciled on it, watched him enact this ritual of life and death between Bush Cree and Moose that had been enacted for longer than anyone could remember, I could see that what we were standing on wasn’t a lane down to the lake. It continued on the other side, in a straight line as far as I could see. It was a cutline, a seismic line. They had driven the Cat train, destroying everything in its path, right through here, cutting a straight line through the heart of the bush, across the face of this lake.
If pulp development is so bad, why did Alberta plunge into it? One might think that a province so buffeted by economic dependence on export of natural resources might shy away from developing yet another such industry. Yet people seem to stick with what they know, and Alberta’s Torys (more formally known by their tellingly contradictory name, The Progressive Conservatives), certainly know wheeling and dealing with multinational corporations. Premier Peter Lougheed left as his legacy the Alberta oil industry, and his successor, Don Getty, wanted to leave a similar legacy in the form of a world-class forest industry. I read an inscription on a chalkboard over a urinal in the Alberta Forest Service Edmonton Headquarters that should perhaps be hanging in large letters above the building entrance, a sort of plea for understanding: “Never attribute to malice that which can adequately be attributed to stupidity.”

Frontier mentality still runs rampant in Alberta, particularly regarding the boreal forest, which is not seen as friendly in any way, but as something to be conquered.

European Albertans are running riot over a land that is not, in any significant way, their own. The colonial cultures of the United States, Brazil and Canada come to mind, as does that of Malaysia in Sarawak. With the possible exception of European
cultures, indigenous cultures seem unwilling to convert the source of their ancestry and posterity into a resource to be extracted.

The resource in Alberta that started this pattern in its modern industrial form is oil, which, according to writers Andrew Nikiforuk and Ed Struzik, had enslaved the Alberta economy for almost four decades.39

The oil business is notoriously cyclical, and during the boom of the 1970s, the Alberta government tried to broaden its economic base by "sowing the oil," a particularly apt image, as it turned out. It invested in a regional financial network that collapsed in the mid '80s, with nearly every indigenous lending institution going broke. It poured $500 million into a tourism scheme involving the creation of one provincial park, which also died. Then, in a drive to create infrastructure, presumably animated by a theory similar to the "rain follows the plow" theory that once animated its southern neighbors, the government built airports that now sit empty and roads that still lead nowhere.

At that time the pulp industry wasn't an attractive candidate for investment because the vast majority of Alberta's forests were mixed-wood, with aspen making up about 45% of that mix. Aspen was then considered a weed tree, of no use to pulp companies, and its abundance made these mixed forests uneconomical to log.

That changed in the late '70s when midwestern pulp mills in the US, running short of their staple, spruce, began to experiment with aspen. They found that it produced more pulp than spruce and required less bleaching to attain the same whiteness. When mixed with a little of the longer-fibered spruce pulp, it made a fine paper. With this innovation in mind, forest economists in Alberta calculated that the value of Alberta's forest products could increase from $840 million to $3 billion in just five years. The ingredients of a rush were in place.

For several years, until 1987, not much happened. But then Alberta's Tory government created a separate ministry of forestry, and put LeRoy Fjordbotten in charge. A former minister of agriculture and rancher, Fjordbotten had a reputation for getting things done, which certainly hasn't suffered during his tenure at forestry. Demonstrating its seriousness with a loan guarantee of $120 million for a $205 million project granted to Millar-Western, an Albertan firm, the ministry sent trade delegations to Japan and the U.S., the world's greatest consumers of paper.40

The first company to come calling was Daishowa, Japan's second-largest pulp and paper company, with annual sales of $3 billion a year. It walked away with a 20-year lease to over 24,000 square kilometers of forest and a promise of $74.5 million worth of infrastructure (roads, a rail spur and a bridge) to be built

at government expense. When news of the Daishowa deal spread through the industry, as Nikiforuk and Struzik say, "the great boreal land rush was on."

The Daishowa mill on the Peace River was under construction before an environmental assessment had been finished; in fact the forest tenure lease was signed and the mill construction permit issued before the public was even notified. The mill as originally designed would not have met the environmental standards of Germany, Sweden, or Japan, and was not required to meet Alberta's "leading edge technology" standard for three years. Friends of the Peace, an environmental group formed in response to the surprise news of the mill, was able to get the government and Daishowa to meet the leading edge technology standard from the beginning.

Daishowa's willingness to meet a higher technology standard than originally imposed by the government was echoed in the company's dealings with indigenous peoples. When Daishowa executives asked the Alberta government about speaking with the Lubicon Cree, an Indian band with outstanding claims to a third of the land included in Daishowa's forest management agreement (FMA), they were told not to, that it would "jeopardize delicate negotiations." Soon after, the executives discovered that no

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negotiations were taking place, and, embarrassed by the publicity the Lubicon raised, pressed Premier Donald Getty to work on settling the dispute.\textsuperscript{43}

The Lubicon band was similarly misled by provincial authorities. From a Lubicon mail-out:

...the Lubicon people did hear that a new pulp mill was going to be built just to the west of their traditional area and therefore asked Provincial officials for information about the source of the trees to supply the proposed new mill. They were told by Provincial officials that no decision had yet been made about timber leases but that the Lubicon people have no cause for concern since there are lots of trees on the west side of the Peace River -- outside of the traditional Lubicon territory. In any case, Provincial officials promised, the Lubicon people would be informed just as soon as any decisions about the timber leases for the proposed new pulp mill had been made. The Lubicon people were of course not informed about the Daishowa timber leases and didn’t learn that the Alberta Provincial Government had sold the trees from their entire traditional territory to a Japanese forestry company until they read about it in the newspaper -- the day after construction of the new Japanese pulp mill had been announced.\textsuperscript{44}

The episode with the Lubicon demonstrates that the boreal land rush is not the doing of predatory industrial giants, but the result of deliberate government policy. Nikiforuk and Struzik say that "Adam Zimmerman, chairman of Noranda Forests Inc.,


\textsuperscript{44}Lubicon Lake Indian Nation. Letter dated October 28, 1990.
admired the way Alberta did business. When his forestry company pulled out of a $1-billion pulp mill project in Tasmania because of environmental guidelines, Zimmerman told the Australian government that it could learn a thing or two from Alberta, where 'they kiss (pulp companies) on both cheeks and give them grants.'

The policy that resulted in this cheek kissing began with its architects identifying a problem. The problem they saw was low and unstable employment. As Fjordbotten said, "No one wants to sacrifice the environment for jobs, but you gotta remember that I would rather have my kid working in Alberta than having to go to Ontario or somewhere else to get a job." There were more people in Alberta than jobs because previous extractive enterprises, particularly oil, were in decline, were cyclical, or both. Fixed in their minds as it was that all wealth is produced by ripping things of value from the ground, and armed with the knowledge that an enormous forest previously thought to be worthless had been transformed by technical innovation into something valuable, their course was clear. The challenge lay in steering that course through the perilous straits of public review and other forms of inefficiency. "If (cost-benefit analyses) were

around when God created the earth," said Fjordbotten, "it would have taken him more than six days."47

To begin with, Fjordbotten waived the ministerial requirement for public hearings on forestry projects. All of the deals were made behind closed doors. As Nikiforuk and Struzik say, "Alberta stands as the only jurisdiction in North America where 221,000 square kilometers of public forests maintained by public dollars can be signed away without public hearings."48

The government also avoided hearings on the pulp mills, with one exception. The Alberta-Pacific pulp mill will be the largest bleached kraft mill in the world when it comes on line, perhaps in 1994. (The company Alberta-Pacific was created to carry out this project. It is owned by Crestbrook Forest Industries of B.C., whose majority owners are Mitsubishi Corp., the largest industrial corporation in the world and the driving force behind tropical deforestation in the Pacific, and Honshu Paper Co., both of Japan, each with a 32.4% holding49.) No public review of the company-prepared environmental assessment was planned at first, but the Canadian federal government, under pressure from environmentalists and the government of the Northwest Territories, reluctantly agreed to conduct an environmental

impact assessment review. Its right to do so was based on the mill's impact on federal lands and jurisdictions, like Wood Buffalo National Park, which contains the Peace-Athabasca delta and is a United Nations World Heritage Site, and the Northwest Territories, which are a federal jurisdiction because of their territorial status.

The review board's terms of reference were negotiated by provincial and federal authorities, and included investigation of the cumulative effects of water pollution from mills on the Peace and Athabasca Rivers, and the FMA's effect on aboriginal land claims. The board was not allowed to investigate the forestry aspects of the deal, and was originally given just eight weeks to review AlPac's Environmental Impact assessment. Limiting reviews, both in duration, that is, not giving those charged enough time to do the job, and in terms of reference, that is, not letting reviewers look at a project in its totality, is so common in the literature of the pulp rush in Canada that it can only be viewed as an element of policy.

Public pressure eventually won the AlPac review panel more time, but not broader terms of reference. The review panel recommended against the project, primarily because almost no baseline data exist on the Athabasca River. The mill would certainly damage the river, but no one knows for sure how much damage it can stand. This recommendation apparently caused the mill to be shelved for a time, or at least was given credit for doing so.
The Review Board’s recommendation did occasion the most amazing gyrations on the part of the Federal, and particularly the Alberta Government. The first of these was the official response of the two governments to the Review Board. The response was the subject of a wonderful piece of analysis written by the prominent Alberta zoologist Dr. W.A Fuller entitled “Smoke and Mirrors: How to misinform with half truths, or, How to disembowel a scientific report.”

The Alberta Government then contracted, for $400,000, the Finnish forestry consulting firm Jaakko Poyry to do a Complimentary Scientific Review of the project, which review Fuller found flawed and without power to weaken the Review Board’s recommendation.

In a final attempt to create scientific cover for its determination to proceed with the project, the Alberta Government established a Scientific Review Panel to review AlPac’s Mitigative Response document, in which an untried process was put forward as the solution to problems raised by the Review Board. According to Fuller, the Panel’s “mandate was so restrictive that any assessment of the environmental impact of the changes was excluded.... Although the report was submitted to the Minister [of the Environment] in October, 1990, it was not

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released to the public until after the Cabinet had approved the project on December 20, 1990.\textsuperscript{51}

In December of 1990 Premier Don Getty announced that the mill would go forward, with an additional $100 million in loan guarantees to compensate AlPac for the delay. This additional loan guarantee brought the financial enticements for AlPac up to as much as $475 million -- $250 million in loans for construction of the pulp mill, $75 million in direct payments for infrastructure, and $150 million in loans if a proposed paper mill is built\textsuperscript{52}, which AlPac promises to do if "the synergy is right.\textsuperscript{53}"

These subsidies point to another element of Alberta's boreal policy: to offer whatever subsidies are necessary to cement the deals quickly. Over an 18 month period beginning in 1986 the Alberta government committed over $1 billion to the projects, without ever doing a cost-benefit analysis. That may seem rash to those of us plagued with doubts about the wisdom, of even the economies of natural resource exploitation, but it didn't seem to bother the Tories in Edmonton. When a farmer living near the AlPac site asked Premier Getty about long-term effects of mill

\textsuperscript{53} Andrew Nikiforuk and Ed Struzik, "Going to Pulp," Canadian Forum, Feb 1990. 10.
pollution or clear-cut logging on the land, Getty told him he had "no time for complainers."\textsuperscript{54}

And the farmer well should have been concerned about clear-cut logging. He lives in the middle of by far the largest FMA granted in Alberta, entitling AlPac to 73,430 square kilometers of forest. And, as clear cutting is the most economical method of moving large volumes of trees, and the method most agreeable to mechanization, it is the dominant, if not the only form of timber extraction in the boreal forest. While legal limits on the size of clearcuts are on the books, there are in every province, according to Tony Pearse, "examples of cutover tracts which exceed by orders of magnitude the official limits, some ranging beyond 500,000 hectares."\textsuperscript{55}

Provinces also have legal requirements for reforestation and preservation of a non-extractive reserve within a FMA. Fortunately for the lease holders in the boreal forest, the 30% non-extractive requirement applies to the entire area of the FMA, and the boreal forest is about 30% water, with the balance easily made up from ground too steep to log, stream buffers, and so on. Almost no productive tree-ground need be spared.

While reforestation is legally required on cut-over ground, Pearse says Alberta's reforestation record is "abysmal." "Of the

\textsuperscript{54}Andrew Nikiforuk and Ed Struzik, "Going to Pulp," \textit{Canadian Forum}, Feb 1990. 9.

20,256 ha cut in 1975, only 6,000 (29%) were replanted. In 1985 the figures were 33,825 ha cutover; 9,229 replanted. These figures are for replanted lands only, they say nothing about the health and vigour of trees surviving to maturity.\textsuperscript{56}

Pearse’s numbers may be a bit misleading. With lodgepole pine, replanting is not the ideal method of regeneration, and it never is with aspen. But his numbers capture the essence of spruce forestry in Alberta. A late successional species, spruce competes poorly with aspen and grasses when clearcut. To give spruce better conditions for regrowth, clearcut areas are dozer scarified before planting, leaving a horribly scared landscape extremely vulnerable to erosion. Even so, many replanted cutblocks are not expected to meet Alberta’s tough new “Free to Grow” reforestation standards (a response to criticism like Pearse’s), which require that spruce be substantially free of competition when surveyed around 14 years after harvest.

The new reforestation standards are driving a renewed effort on the part of the forest industry in Alberta toward widespread use of herbicides. While all of Alberta’s forestry propaganda shows a man with a huge string trimmer freeing the spruce saplings to grow, this method is more costly that most operators are willing to bear.

At a Canadian Institute of Forestry convention I attended in Peace River, Murray Summers, woodlands manager for Blue Ridge Lumber, gave a presentation entitled “Need for Use of Herbicides in Forestry Management -- Industrial Perspective.” It was an all-out call to arms, an appeal to his fellow foresters to do everything in their power to save the spruce forestry in Alberta. He estimated that, if his company weren’t given a free hand to use herbicides, it would experience a 30% reduction in its annual allowable cut due to noncompliance with reforestation standards.

Land designated agricultural need not even be reforested. The major land use division in Alberta is between the Green Area (53%) and the White Area, with the Green Area being administered by the Alberta Forest Service. The White Area is primarily for agriculture, though large tracts of it remain forested. Farmland prices in Alberta are severely depressed right now, but deforestation for conversion to farmland proceeds apace, and another 9.2 million acres presently in the Green Zone have been identified for future conversion to farmland.

Pearse recounts a story about Daishowa’s operations on such "agricultural" land that appeared in the Edmonton Journal on Nov. 15, 1989. 161 ha of poplar were removed in 11 days by 20 men with two feller-bunchers, yielding 45,000 cubic meters of wood.

To put numbers like that in some kind of perspective, Nikiforuk and Struzik tell us that "a stand of 16 aspen 16 metres high fetches tree royalties of about $1.40 for Alberta. That same
aspen, converted to bleached kraft pulp, is worth $950 in the hands of a company like Daishowa. The paper refined from that pulp is worth between $1,300 and $2,000. Consequently, Daishowa, by shipping nearly 70% of its pulp to paper mills in Japan, could recoup its $550 million investment in Peace River in just three years.\textsuperscript{57}

Daishowa is not typical of the pulp industry in Alberta if it ships 70% of the raw pulp it produces abroad. The industry average is more like 90%\textsuperscript{58}.

Shipping raw resources abroad with minimal value added – this is seems to be an Alberta specialty. New Zealand creates about five direct jobs per thousand cubic metres logged, the U.S. about 3.6, and Canada as a whole about 1.7. Alberta creates 0.8, the worst record of all provinces but two, Saskatchewan and Prince Edward Island, whose logging is also in the boreal forest.\textsuperscript{59}

A cost-benefit analysis of this sort of resource exploitation surely would have revealed that over $1 billion in public money could have created more jobs in value-adding industries without the extreme environmental costs of raw material export.

\textsuperscript{58}Andrew Nikiforuk and Ed Struzik, "Going to Pulp," Canadian Forum, Feb 1990. 10.
Professing Versus Knowing

Often one of the extreme environmental costs of large-scale raw material exploitation is decimation of wildlife. The job of anticipating and trying to manage the costs to wildlife generally falls to wildlife biologists.

Daishowa’s wildlife biologist, Bob Wynes, is passionately interested in his work, and believes deeply in his profession. He is a stocky man with a Canadian brogue and piercing blue eyes, who looks you right in the eye when he talks with you.

Chief Bernard Ominayak looks at the forest and says, “How can anyone look at this and think they can do as well, or improve it?” Bob Wynes says that when the Province decides what wildlife it wants Daishowa to have in its FMA, an essentially political decision, Daishowa, with Bob’s expertise, will modify logging plans to deliver it -- a forest better for industry and moose hunters, and at least as good for wildlife.

Bob used to work for the Province, and he says he can exert a lot more influence over his forester colleagues at Daishowa than he could over the AFS, and his account was verified from an unexpected source.

Bob Cameron, an environmental activist and small sawmill owner from near Grande Prairie, told me that Wynes had the audacity to suggest that a piece of critical woodland caribou
habitat be taken from Procter and Gamble’s FMA, and P&G be compensated with a less sensitive piece of ground. He was given the choice of quitting or being transferred to Red Deer, the Alberta equivalent of Siberia. He went to Red Deer for a while, but eventually quit and went to work for Daishowa. According to Cameron, Wynes is very lucky to be working in the profession.

I met Bob at a meeting with Daishowa’s woodlands staff arranged for me by Wayne Crouse, the Communications Coordinator. The meeting started out tense, with Barry Heinen, the Woodlands Manager, challenging my right to even ask questions about, let alone judge Daishowa’s operations. Bob played the good guy on Daishowa’s side, carrying on the conversation even as Barry questioned my being part of it.

The meeting broke up quickly, as everyone was busy finalizing the annual budget, but my conversation with Bob continued, even into the night. He showed me maps, made me copies, discussed computer modeling and the process of choosing indicator species. But most of our conversation was about the goal of a totally managed forest, and to what degree the forest already was managed.

At the heart of his argument were three sub-arguments. First, that the forest already was under human management, and had been for some time. This argument was based on the long-time Indian practice of burning to maintain moose habitat, and the more recent practice of universal fire suppression. Given this,
as he saw it, the challenge was to continue to manage the forest, but in a smarter way, that would yield both sustainable timber harvests for industrial development and better wildlife habitat.

The second part of his argument was based on the characteristics of aspen as a commercial species. Unlike spruce, which as a later successional species presents tremendous regeneration problems to the forester, aspen is well suited to the kind of forestry practiced in Alberta -- winter clearcutting.

Because aspen drop their leaves, a portion of the nutrients usually lost in spruce forestry remains in the system, either as leaf litter or stored in the root systems of the aspen themselves. The nutrients stored in the root systems are converted directly into young stems, as the root system sends up suckers (as shoots from the root system are called) by the thousands in the spring. The organism itself is not killed.

Aspen's ability to regrow from root suckers is perhaps its most significant adaptation to the fire regimen of the boreal forest. Aspen has a clonal structure, which means that each organism puts up many stems (each stem is what we would call a tree) from a common root system. In a study near Smith, Alberta, clones were found to have between 35 and 1002 stems, and a single clone can cover as much as a square kilometer. So if a fire burns a patchwork, the remaining stems can support the suckers

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 going up in the cleared area. And, even if every stem in a clone has been burned, as long as the soil hasn’t been scorched down to mineral soil the large root system has great resources for regeneration.

Minimum soil disturbance is important for aspen regeneration, and with careful winter logging this can be achieved. By contrast, spruce reforestation depends on maximum soil disturbance, which creates erosion problems and shatters the soil system.

Also in contrast with spruce forestry, select logging of aspen would hinder or prevent regeneration, as a crucial factor in suckering is soil temperature, which can only reach the critical level in direct sunlight.

The third part of his argument was that the boreal ecosystem has always been in flux, so to fix our notions of what the mix of forest types and wildlife habitats ought to be based on what they were at any particular time didn’t make sense. As that mix always changed, we may as well decide what we want it to be, and then Daishowa could effectively set about creating that mix on its FMA.

Given the assumptions inherent in the professions of forestry and wildlife biology, everything Bob was saying made sense. Daishowa seemed to be operating a professional woodlands operation. But it was the assumptions I had trouble with, particularly the certainty Bob and others in the nature-
manipulating professions had about the results of their manipulations.

I contrast Wynes' certainty with the attitude of a Cree Hunter who was testifying in a Quebec courtroom about the disposition of his ancestral land near James Bay:

In the courtroom the round-faced, cheerful Francois, deeply serious as he was asked if he would tell the truth, the whole truth and nothing but the truth, placed his hand on the Bible. Before answering he began to talk to the translator. After some conversation the translator looked up to the judge and said: "He does not know whether he can tell the truth. He can only tell what he knows."

Of course Wynes and others in like professions don't know what will happen, but they believe they do. Bernard and other Indians know their ancestors lived a good life in the forest essentially as they found it, and know what small creatures they are to think they have the power to do anything other than damage it.

Fortunately, Indians are not the only ones with humility toward nature. I had the chance to talk with Ellen Macdonald, a Professor of Forest Science at the University of Alberta. An attractive younger woman, Macdonald exuded confidence in the same way many AFS people I interviewed exuded paranoia.

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The distinction between being a Professor of Forest Science rather than a Professor of Forestry is an important one. Professor Macdonald is working to understand the forest, not understand how to exploit it. But Macdonald is bitingly critical of the state of forestry in Alberta, which is, she said, “still in the mining phase,” and “refusing to learn from elsewhere.”

“Why,” I asked.

“Money. Greed,” she said.

And, she said, the lack of knowledge is a result of lack of research as well as not learning from elsewhere. The AFS cut out its research branch recently, which Macdonald says wasn’t a great loss, as it had produced only two internal reports and no published reports in its history. “Here they use bush foresters to do research,” she said. “They can’t do it.” The cut was more important for its symbolic value. “The value [to the AFS] of research or finding out about things before they do them is abysmal...abysmal,” she said.

I then asked her about the arguments Bob Wynes had given me, particularly the universal forester’s argument that clearcuts mimic fire. “Clearcuts are like fire just as chimps are like humans,” she said, agreeing that the comparison was the “big lie” of forestry.

Fire leaves a different pattern on the landscape, she said, going down the list of differences. In fires, vegetation and woody

matter are left on site. Clearcutting compacts soil. Fire and clearcutting change soil chemistry in different ways. Clearcutting fragments the forest in ways fire generally doesn’t. And fire has a purifying effect, destroying stem diseases that may survive clearcutting.

In addition, with the clearcutting system Daishowa and almost every forest products company in Alberta uses, called the two pass system, there is a real danger of the extinction of certain forest types and age classes.

There are also regeneration problems, even with aspen. On a field trip she went on in the spring, Macdonald saw standing water on half of the clearcuts they inspected. This prevents regeneration because soil temperatures never reach the critical level, and is a problem frequently encountered in Saskatchewan, where large-scale aspen harvest has a longer history. Daishowa and AFS foresters I spoke to said there was little similarity between conditions in Saskatchewan and Alberta, or hadn’t heard of problems in Saskatchewan. But Macdonald says “problems with aspen in Saskatchewan are directly applicable.”

Concerning the effects of seismic cutlines, Macdonald said they produce an “edge effect” where they occur, promoting edge-adapted species over those adapted to unbroken forest. Insects can find a cutline to be an impenetrable barrier. Yet other species, from weeds to wolves, can use it as an avenue for invasion.
The biggest problem with the explosion in forest exploitation, as she saw it, is that "it is a huge experiment, and we won't know how it turned out 'till it's too late."
Heat Leads to a Ray of Light

Despite the risks inherent in experimentation, by 1983 the Lubicons had little to lose, and were ready to experiment with a new source of support and leverage. Moving decisively to turn up the heat, they took their plight to the World Council of Churches, at their 1983 global assembly in Vancouver. Their presentation captured the attention of Anwar Barkat, director of the council’s program to combat racism, who researched the case wrote a direct letter to Prime Minister Trudeau stating, “In the last couple of years, the Alberta Provincial Government and dozens of multinational oil companies have taken actions which could have genocidal consequences.” 63 The pressure generated by this and other church investigations made its way through the federal to the provincial government. The Alberta government responded by lying and dissembling, but the Lubicon story was spreading, and the Federal Government’s embarrassment at what Alberta was doing was growing more acute.

Encouraged by the limited success of the James Bay Cree, the Lubicons hired James O’Reilly, the Lawyer for the James Bay Cree to press their claims in court. Legal challenges became a long process of exhausting every avenue open to the Band, usually before Judges whose background was as lawyers for oil

companies. One judge ruled that oil work should not be enjoined because, should the Band's land claim be substantiated, the damage could be made up with money. He also found the Band liable for court costs, which could be demanded at any time, thus enabling opponents to seize any money the Band might raise for an appeal. The Band prepared an appeal anyway, which was denied by the appeals court. "If successful at trial," the appeals court judge wrote, the Band could "gain through damages sufficient moneys to restore the wilderness."\(^{64}\)

In 1984 the Lubicons finally got a break. The election of Brian Mulroney brought a changing of guard at the Federal Department of Indian Affairs, known as INAC. In a drive to address outstanding native rights cases, a rash of special envoys was appointed. E. Davie Fulton, a former justice on the British Columbia Supreme Court and federal Justice Minister, was charged with researching the claim, with the object of drafting a "discussion paper" that would serve as the basis for negotiations.

Instead of the few months Fulton expected, it took a full year to produce the paper. Fulton found four principal areas of dispute, and largely upheld the Band's position on each. Reserve size should be calculated with the Treaty Eight formula based on current population. Band membership should be determined by the Band, as had the signatories to the Treaty. Wildlife management was to be a shared project between the province

and the Band, but any irreconcilable conflicts would be decided in favor of wildlife conservation. *Cash compensation* took up half of the report, and while Fulton arrived at no specific figure, his analysis gave the Band reason to expect that the issue could be satisfactorily settled based on the paper.

But by the time the paper was ready the energy for settling aboriginal disputes seems to have dissipated in Ottawa. Fulton’s paper was not released to the public, and his mandate faded away.

But Fulton’s endorsement of the Treaty Eight formula for determining reserve size energized the Band to stake out the 90 square miles the formula yielded and begin to treat it as their own. In mid 1986 the Band declared the reserve area off limits to outside resource exploitation, and required companies to apply to the Band to work elsewhere in Lubicon territory. Having got a taste of Lubicon seriousness, the companies complied, and an efficient mechanism for dealing with requests developed.

At about the same time a new Minister for Indian Affairs in Ottawa with a mandate to lower expectations among Indians took over. Bill NcKnight started out his relationship with the Lubicon Band by appointing a federal negotiator to deal with the Band, confirming the demise of Fulton’s initiative. The negotiator, Roger Tasse, began by offering a reserve based on the number of status Indians in on the Lubicon Band List, yielding a reserve of 39.2
square miles. It looked like the negotiations were back to square one. It was time to turn up the heat again.

As Band supporters cast about for ideas, the idea of organizing a boycott of the upcoming Calgary Olympics gained appeal. Though reluctant to attack something so popular, it became clear that the same companies profiting from Lubicon land were bankrolling the games. An exhibition of North American Indian artifacts at Calgary's Glenbow museum quickly became the main target. The show's major sponsor, Shell Canada, Ltd. was a major participant in the oil development on Lubicon land.

The boycott of the exhibition quickly gathered support from museums interested in live Indians as well as dead ones. The museum's curator, Duncan Cameron, added support to the Lubicon cause by his crude methods of opposing it. To support the boycott, Bernard traveled to Europe, making contacts that serve the Band well to this day. The pressure was building, with an appeal to the United Nations Human Rights Committee in Geneva filed in 1984 being granted a hearing.

The pressure was paying off. The desire to settle before the Olympics developed in Indian Affairs, and a series of feelers were put out to the Band. McKnight turned up the heat as well, threatening to sue the Band to determine once and for all Band membership, a suit that would give the government access to genealogy records the Band had compiled to demonstrate the
validity of its aboriginal claim. Eventually a face to face meeting was arranged between Ominayak and NcKnight, but it broke down over the question of membership. The Chief was simply unwilling to leave anyone out in the cold.

Five days before the Olympics, with pressure building, Alberta Forestry Minister LeRoy Fjordbotten announced that logging rights to the hardwood in an 11,000 square mile area, encompassing all of Lubicon territory, had been leased to the Japanese pulp and paper company Daishowa, to feed what would be the biggest hardwood pulp mill in Canada. "They're coming in for the kill," Ominayak said of both governments.\textsuperscript{65}

The response was instantaneous. The entire spectrum of people unsympathetic to the Daishowa deal, from environmentalists to xenophobics, focused their anger on Daishowa and Alberta, and their sympathy on the Lubicons. There were demonstrations outside Daishowa's Vancouver offices.

Eager to address Daishowa's anger over getting involved in the Lubicon dispute, Getty took a personal interest in the Lubicon case, arranging for a meeting with Ominayak. In a rare stroke of luck, the two hit it off, and Bernard let himself develop some hope that Getty really wanted a settlement.

McKnight, meanwhile, decided to press the issue, and filed suit to determine membership and reserve size against both

Alberta and the Lubicon Band. This was too much for the Band. As Goddard puts it:

McKnight’s lawsuit pushed the Band members to a new militancy. In the previous eighteen months, they had buried twenty-two people at Little Buffalo. All had died violently: in fires, car crashes, accidents, and, in one case, by suicide.

“We don’t have any option,” Ominayak said. “Our people are dying left and right and the government seems to like it.”

If the government didn’t want to negotiate the Lubicon entry into Canada, the Band would “assert jurisdiction on the ground.” After a series of futile attempts to get an independent mediator appointed, the Band made its move. On October 6, 1988, the Band withdrew from all court proceedings. On the courthouse steps, Ominayak told reporters, “It’s time we tried to protect what’s ours. As of 1:00 p.m. on October 15, anybody who wants to come on our land will have to deal with us and recognize this land as ours.”

The residents of Little Buffalo prepared for nationhood, constructing the elements of checkpoints to be installed on the roads, enacting a code of laws, receiving visitors from all over who had come to stand with the Lubicon. Meanwhile, Getty was angry and anxious, and arranged a meeting with Ominayak just two days

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before the checkpoints were to go up. Teams from the Band and Province tried to break the deadlock, but got stuck on the central issues of membership and consequently reserve size. As negotiators talked, oil company crews evacuated.

The checkpoints were up as scheduled, and negotiations stopped; Getty would not talk while provincial roads were closed. For nearly six days a confusing exchange of positions bounced through the press. Then, in a dawn raid the morning of the sixth day, the RCMP stormed the checkpoints in a military-style raid, carried out without injury.

As the Band made preparations to reestablish the checkpoints, and sympathizers from near and far made preparations to man them, Getty and Ominayak arranged what came to be called the “Grimshaw Summit,” for the town near Peace River where it was held. After a hard day of negotiation they arrived at a settlement, the first in Lubicon History. The reserve size would be considered a negotiated settlement, not explicitly tied to Band membership. The Province would return to the federal Government 79 square miles of land with full rights, for the purpose of a reserve, and sell the federal government an additional 16 square miles, to be given to the Band, with the Province retaining subsurface rights, resulting in a 95 square mile reserve. Wildlife management was left for future discussion. The remaining elements in a settlement were now up to the feds to negotiate.
“Take It or Leave It”

At first it looked like the Canadian Government was seeking a settlement. Prime Minister Brian Mulroney had defused what promised to be a confrontational rally in Edmonton during the election campaign by meeting with Bernard, and after his election negotiations seemed to move well until the issue of compensation came up. The government was willing to set up a $5 million trust fund, but stated flatly that no compensation was owed, and that the Band could take the government to court if it thought so.

According to Goddard, the offer, which came to be known as the “take it or leave it” offer, “was close to the minimum the federal government could possibly put forward.”\textsuperscript{68}

The Band discovered upon closer inspection that the text contradicted verbal agreements made to band negotiators, and was written quite loosely, giving the government room to wiggle lose on every point but land, which the Band had settled with the Province. This agreement, unlike the numbered treaties, would be ultimately unenforceable, and the Canadian government had shown in 1986 that it was willing to violate provisions of the James Bay Agreement, withholding $190 million in programs.\textsuperscript{69}

Band membership has always been, and remains, not negotiable. The people are not willing to freeze anyone out. The land question had been settled, at least for as long as Alberta would stand by the Grimshaw Agreement. The federal government had shown willingness on occasion to accept the Lubicon Band List. But the money issue has never been close to settlement. The federal government has taken the position that Alberta got the oil money, and should pay up. Alberta takes the position that the claim isn’t settled because the federal government was negligent in not surveying the reserve in 1939, so it should pay up.

The Lubicons take the position that any settlement must give them the means to develop an economy to replace the one destroyed by oil development. “We don’t want to just build a community where people are going to have nice houses but remain on welfare,” Bernard told a radio reporter.70 “We want to get out of that system. We don’t want to get into it deeper.” The Band rejected the offer.

The Canadian government responded with decisive action. It went on a hunt for a dissatisfied faction of Lubicons, and when it could find none, created one by recruiting “native people from all over northern Alberta to create a new band designated to lay claim to Lubicon territory and accept the federal offer.”71

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Eight months after the "take it or leave it" offer was turned down, the Minister of Indian and Northern Affairs constituted the recruits into Woodland Cree Band (the generic name for boreal forest dwelling Cree), using a provision of the Indian Act that allows him to split or combine Bands at will. Around 70 Bands had been waiting for such consideration, some up to 50 years; the Woodland group waited 12 weeks.

Soon after the Woodland Band signed a settlement with the federal government which ensured their perpetual poverty, and set up a plebiscite to approve it.

As each eligible voter deposited a ballot (the number rose during the course of the election by 41 names), the band secretary wrote the voter a $50 check. Members had also been promised a $1,000 bonus if the issue passed. If buying an election doesn't seem bad enough:

A few days later, band members received word that the $50 and $1,000 payments they thought they were getting as part of their aboriginal birthright would be deducted from their welfare payments. An estimated 90% of band members would be affected. Slowly, the significance of the arrangement began to sink in. The payments totaled $713,400. They were to come from the $512,000 fund created by the sale of sixteen square miles of otherwise inalienable Indian land, plus
$201,400 in economic-development money. But almost all the money was going back to the federal government in the form of welfare savings. 72

Just a few days after the Woodland vote, the federal government announced it was negotiating with another group in the Lubicon Lake area. The government had settled on a strategy to go around the Lubicon Band.

Goddard ends his book with the information that the stress of the struggle had finally broken Bernard's marriage of 13 years, that Alberta appears to have abandoned the Grimshaw agreement in the face of federal machinations, and that Daishowa is poised to enter Lubicon territory to log just north of the proposed reserve at freeze-up.

Since the book was published there have been further setbacks and a few events that leave room for hope that the Lubicons will yet survive their ordeal.

The federal government's campaign to impose Woodland-type settlements on the other Isolated Communities of the Lesser Slave Interior, in the process drawing off Lubicon Band members who have come to believe the government holds all the cards, continues apace.

The governments, particularly the federal government, have further developed their public relations machinery, repackaging

the “take it or leave it” offer as bold new initiatives, claiming that negotiations are moving forward when they are frozen, refusing to discuss details of negotiations so as not to jeopardize “delicate negotiations,” and blaming the Lubicons for making their frustrations known, saying they are undermining negotiations.

In response to the Lubicon’s frustration, the Leader of the Official Opposition (the New Democrat Party) in the Alberta Legislature, Ray Martin established the Lubicon Settlement Commission of Review, a citizen panel with a mandate to investigate the history of negotiations for a settlement and recommend a mechanism for settling the issue.

The commission members held eight public hearings, receiving testimony from Lubicon elders, advisors, and Chief Ominayak; from interested religious and aboriginal rights groups; from E. Davie Fulton; from John Goddard; and from members of the business community and local politicians. The only interested parties not represented were the governments involved, representatives of which were invited but chose not to attend.

The Commission issued its final report in March of 1993, nearly a year after it hoped the work would be done. For the Lubicons it was worth the wait:

Our principal finding is that the governments have not acted in good faith. They have:
a) passed retroactive legislation to undermine legal claims,

b) appropriated royalties that, had a reserve been established at an appropriate time, would have been in Lubicon Hands, and

c) been in conflict of interest because they act as interested party, beneficiary of royalties, and presumed judge of the validity of Lubicon claims.\(^7\)

The report goes on to back the Lubicon position in essentially every particular, proposing an approach that would virtually guarantee a settlement along the lines the Lubicons seek within a year. While there is not yet any clear indication that the report will “kick start” negotiations, as Martin hoped it would, it should energize Lubicon members and supporters, and strengthen their hand in enlisting the support of foreign governments and the U.N. Human Rights Committee.

Supporters continue to push a boycott of Daishowa products, begun in late 1991, which has been quite successful, due largely to the focus and seriousness of the effort. Retail outlets that use Daishowa bags have been the targets, and the case of the Pizza Pizza chain in Toronto perhaps best illustrates the strategy.

The chain initially resisted the overtures of the group spearheading the boycott, Friends of the Lubicon (Toronto). The group contacted supporters and launched a public campaign to call Pizza Pizza outlets on New Year’s Eve, traditionally the chain’s busiest night of the year, and express outrage at the chain’s continued use of tainted bags. The action destroyed the night’s business for Pizza Pizza, and the chain soon after agreed to drop Daishowa.

The effectiveness of the action made it easier for Friends of the Lubicon to persuade other users of Daishowa bags that joining the boycott would be the course of least resistance. Perhaps the group’s largest single success was with Kentucky Fried Chicken, which joined the boycott in late 1992, bringing the number of companies participating to 18, affecting over 2600 retail outlets.

The goal of the boycott is simple and clear: Daishowa must make “a clear, public, and unequivocal commitment not to cut or to buy wood cut on unceded Lubicon territories until a land rights settlement is reached with both levels of government and a harvest agreement is negotiated.”74

Daishowa Corporate Office

I met Jim Morrison in his elegant office high up in Edmonton’s Royal Trust Tower. Although his title is General Manager of the Edmonton Office, which would include the High Level sawmill, the largest in Alberta, and the Brewster sawmill on the eastern edge of Lubicon territory, Lennarson thinks his job is public relations. In fact, Lennarson has referred to Morrison in print as Daishowa’s “doublespokseman” and “Daishowa’s paid professional liar.” The fact that Morrison was able to spend an afternoon talking with me reinforces the notion that his job is PR.

I wanted to talk with him about the Lubicon situation more than anything, and although we touched on every aspect of Daishowa’s operation in Alberta, Lubicon dominated discussion.

The issue immediately at hand was whether Daishowa would attempt to log on Lubicon traditional lands during the fast-approaching winter. Morrison assured me that Daishowa wanted to stay out in the coming winter, but that the AFS may force their hand.

Although Daishowa has a FMA that gives it sole right to the deciduous timber in the leased area, the AFS must approve each season’s logging plans. While staying off Lubicon land had not yet

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resulted in over-exploitation on the balance of the FMA, it was bad forestry to stay off a third of the ground indefinitely.

What Morrison didn’t say, but is clear to me, is that Alberta has the power to use Daishowa to assert Provincial sovereignty, and may choose to do so, particularly as more Woodland-type deals are struck.

Daishowa, although willing to stay away from Lubicon territory the winter of ‘93, was not willing to give the Lubicons the assurance they wanted, and thought they had, that Daishowa would stay out until the claim was settled. Daishowa could not make such a commitment because, first, it would be bad forestry. Second, the AFS could make them go in. But most importantly, because the life of the mill depended on that timber, and if Daishowa made a commitment that called into question the reliability of the wood supply, investors would abandon the company, leading to its demise.

Morrison brought up the issue of the jobs at stake, but to his credit he did not minimize the primacy of corporate health in Daishowa’s unwillingness to give the Band a blanket assurance.

I questioned Morrison closely about the ethics of the situation, and he could not mount an argument that the Lubicon position was unjust. He asked me what I would do, and I told him that the only way I could approach the problem was to first decide what was right, then to do it. The justice of the Band’s
position was clear to me, so I would give the blanket assurance, even if it meant putting a few thousand people out of work.

I mentioned to him what Lennarson had so often repeated in person and in Lubicon mailings, that Daishowa could pressure the governments into settling if it tried hard enough. Morrison said that was ridiculous. Compared to the money the governments stood to lose, particularly the federal government, Daishowa was insignificant. If the feds settled for what the Lubicons wanted, an INAC official had told Morrison, the precedent would eventually bankrupt the nation. Canada, according to the unnamed official, just wasn’t a wealthy enough country to be just, much less generous with these bands.

I have seen the squalor of Little Buffalo, a place so unhealthy that about a third of the residents were affected by a tuberculosis outbreak there, and have gotten some sense of what injustice has cost the people who live there. I have been in the glass and chrome Canadian Federal Government building in Edmonton, and sipped espresso in its basement. I have walked in the mirrored glass canyons, through the skyway-connected shopping malls, in search of Daishowa’s PR perch in Edmonton.

It is clear to me that, if the society that affords the latter two at the expense of the first can’t afford to be just, it is more deeply afflicted with spiritual and moral poverty than the Lubicons are afflicted with material poverty.
Prospects for the Future

It is customary to end a study like this by giving cause for hope. Yet there is little reason to believe the forces that generated the present crisis will ease.

For the Lubicon, the best cause for hope is the incredible tenacity and clarity of vision they have shown in carrying on the fight to remain a distinct, viable people. But the stress of the struggle is showing. Chief Bernard Ominayak has led his people well, and been the source of much of that clarity and tenacity. But Fred Lennarson says that Bernard spends most of his time these days in sweats and other healing ceremonies, and is becoming more and more autocratic.

Fred Lennarson, another mainstay, is becoming disenchanted with the Lubicon struggle. He says that he made a commitment to Bernard to stick with it as long as he could be effective. But events lately have left Lennarson feeling impotent, a feeling he despises. He is starting to think that the governments do have the power to destroy the Lubicons, and the will to use it.76

One potential hindrance to Canada destroying the Lubicons is the United Nations. The U.N. Human Rights Committee has looked into the issue, and now has a Rapporteur assigned to keep

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tabs on the situation. Yet, when asked about the Rapporteur, Sharon Venne, an international indigenous rights lawyer who worked for the U.N., said,

They’ve [the Rapporteur] asked them four times [for information about the Lubicon situation] and Canada has not responded. I think if Canada says anything they’re going to have to own up to the lie that they told the Canadian public which is that the Committee said, “You guys did a great job in relation to the Lubicon,” which is an out and out lie. And they’re going to have to own up to that and they don’t want to, so they just stone-wall and hope it will go away.\(^7\)

The U.N. was also suggested as a possible arbitrator in The Lubicon Settlement Commission of Review Final Report, but most commentators think that scenario unlikely. Other aspects of the Commission of Review’s work do give cause for hope. Because it was a panel widely perceived as impartial despite its genesis, it has great credibility with other nations and the U.N. This in turn discredits government propaganda both abroad and in Canada.

The increase in awareness in Canada coincides with the decision of Brian Mulroney not to seek reelection as Prime Minister. Given the policy of the current government it seems the Lubicon have nothing to lose and everything to gain from a change in Ottawa.

Meanwhile, on the Daishowa front, a victory of sorts was won when the deadline for a mill expansion passed, meaning that

\(^7\)Transcript of “ITV Newsmakers,” Television show. 27 March, 1993.
mill capacity will not double and Daishowa will lose rights to a part of the FMA granted on condition of expansion. In theory this development leaves a large potential supply of wood unallocated, making it available to compensate Daishowa if harvest levels were lowered on that part of the FMA that would be affected by a Lubicon settlement. So it has not yet become impossible, from a Provincial point of view, to allow some Lubicon input on forest management on Lubicon traditional lands.

Last winter Daishowa elected not to push logging plans in Lubicon territory despite completion of a bridge over the Peace River, the completion of which was always cited as the reason for not logging in Lubicon territory. As next winter approaches, though, pressure to log in Lubicon territory will again build. If either the Province or Daishowa want to press the issue, some sort of response from the Lubicons or their supporters will no doubt follow.

In any future confrontation, as in the last, the Lubicons stand to lose the most. Although the first trial of one of the Lubicon 13 recently ended in a mistrial, largely due to RCMP and prosecution misconduct, it was a hollow victory. The government has managed to increase the burden of defending the men several fold, for instance by claiming that one of the defendants was a "confidential police informant," a claim that turned out to be untrue. This maneuver made it necessary to obtain a different

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lawyer for each of the accused, as presumably the interests of one conflicted with those of the other twelve.

As the machinery of the state continues to grind the Lubicons down, the machinery of industrial society continues to grind the boreal forest into pulp. Inexorable as the action of that machine sometimes seems, there is a ray of hope there. Daishowa did not expand its mill. Nor did Procter and Gamble, as it was scheduled to do. A reason Jim Morrison gave me for doubting Daishowa would expand was the time involved in reviewing such a project. The laws had changed so much in response to public outrage over the “boreal land rush” that it was no longer possible to complete the process in the time frame set out in the original FMA.79

And Dr. David Schindler, an environmental scientist at the center of the pulp mill debate in Alberta, told me he had inside information that P&G abandoned its expansion when its preliminary studies turned up far worse organochloride pollution in the Wapiti and Smoky Rivers than anyone had expected, including fish carrying dioxins and furans at concentrations 100% over the legal limit. In fact, P&G was selling its mill to Wererhaeuser, not wanting the company name associated with toxic pollution.80

The toxic pollution, and toxic product (organochloride traces can be found in the products), are why chlorine-bleached pulp

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products are becoming increasingly unwelcome in the marketplace. Some European markets are already closed to chlorine-bleached pulp products, and awareness of what is at stake with these products is growing. Ken Stashko, of Friends of the Athabasca, says that “Alberta is diversifying into a dying market: bleached kraft pulp.”

Perhaps that is where the “average reader” can most easily put to work any urge to act this study has inspired. Do your part to make bleached kraft pulp a dying market. Alternative pulping technologies are not necessarily kinder to the forest, but a method of closing the loop for liquid discharge from pulp mills has recently been proven at a pulp mill in Meadow Lake, Saskatchewan. While it is not a kraft mill, the crucial difference is not the pulping method, but the lack of chlorine bleaching -- chlorine makes the effluent too corrosive to process.

Every time you use paper, check its whiteness. Does it need to be white? If not, avoid the product.

But don’t kid yourself that everything will be OK if you use gray toilet paper. The beast continues to gnaw at the vitals of the Earth. Every time you use toilet paper, gray or not, you feed the beast, and it grows stronger. The opportunity for us to choose decisively against the beast has probably already passed. We can only hope that there will be enough left when we are gone that

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the native peoples, like the boreal forest after the cataclysm of the glaciers, can advance as we recede and restore balance to the land.
Proposed Lubicon Reserve

Letters refer to the same points on both maps for comparison.

Existing & Proposed Forest Management Agreements

- Indicates Proposed FMAs

- Procter & Gamble
- Canadian Forest Products
- Weldwood (Hinton)
- Weldwood (Slave Lake)
- Alberta Energy Company
- Slave Lake Pulp
- Slave Lake Pulp Reserve Area
- Weyerhaeuser Canada
- Daishowa Canada
- Daishowa Canada Reserve Area
- Alberta Pacific
- ANC Timber
- Sunpine


Proposed F.M.A. Boundaries subject to change.

February, 1990
LUBICON LAKE BAND
HUNTING/TRAPPING TERRITORY

TRADITIONAL HUNTING TERRITORY AND CURRENT WINTER AND SUMMER MOOSE HUNTING AREA

TRADITIONAL HUNTING TERRITORY
CURRENT WINTER MOOSE HUNTING AREA
CURRENT SUMMER MOOSE HUNTING AREA