

NORTHERN FUR CONSERVATION AREA TRAPPERS ASSOCIATION:
REPORT TO
ROYAL COMMISSION ON ABORIGINAL PEOPLES

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TABLE OF CONTENTS

	PAGE
PREFACE.....	1
I. INTRODUCTION.....	2
II. HISTORY OF THE NORTHERN FUR CONSERVATION AREA TRAPPERS ASSOCIATION.....	4
III. REPORT OF LAND USE PLANNER: MARIE SYMES-GREHAN.....	5
IV. INTERPRETATIONS OF ARCHIVAL RECORDS PERTAINING TO PROVINCIAL REGULATION OF "INDIAN" HUNTING, FISHING, AND TRAPPING AND THE "CONSERVATION" OF GAME, FISH AND FUR-BEARERS IN NORTHERN SASKATCHEWAN.....	12
V. CURRENT PROBLEMS.....	32
VI. A RECENT COURT PRECEDENT.....	34
VII. CONCLUSION.....	35
RECOMMENDATIONS.....	37
APPENDICES:	
1. NORTHERN FUR CONSERVATION AREA MAP.....	40
2. RESOLUTIONS FROM THE 1993 NFCATA CONVENTION.....	41
3. EC RESOLUTION 1995.....	47
4. TRADITIONAL RESOURCE USERS MAPS.....	51

PREFACE

For over two hundred years now, the Metis of Northern Saskatchewan have lived in harmony with our land and its resources. We have made use of the land, the trees, the wild plants, the waters, the fish and the game, taking what we needed for our livelihood. During this time we built strong values, strong families, and strong communities.

These communities...were not just a small patch of land defined by some bureaucrat who defined a set of village boundaries...it includes the trap lines of our families, it includes the lakes and the fish which support our people, it includes the wild game which feeds our people, it includes the wild fruits which we harvest, it includes the wild rice which we harvest both commercially and for our own use, it includes the trees which we use to build our homes and which we also harvest commercially, and most important, it includes the people and that spirit of the Metis community that can't really be described in [the English] words we learn in school.

The spirit, the community soul that probably can only really be described in Cree (...). This is not past. It is true that in recent years the soul of [communities]... has dimmed and the spirit of some of our people has been covered over, covered but not lost.

We are fortunate, you see, because we have not been removed from our traditions for several generations, as has happened to many of our people who have lived in the cities of the south for several generations. Many of us, who live in Northern Metis communities, still make our living in the traditional ways, and almost all of us remember the days when we used our resources for our needs and processed these resources in our own communities. Today most of us remember, today we understand.

But in two or three generations who will understand, if we don't regain control over our own lives? What will become of our people and our way of life, if governments are allowed to continue to take control of our traditional sources of livelihood, then give control of these resources to the big companies and the mining companies?

[excerpt from a September 1986 Metis National Council General Assembly by a representative from a Northern Metis community]

I. INTRODUCTION

For centuries - in the lands now referred to as Northern Saskatchewan - long before written laws, government policies, and regulations, Metis and Indian peoples lived off the land as traditional resource users: hunting, fishing, trapping, and gathering. Their identity, as people Indigenous to Canada, is inextricably rooted to land and traditional land use. Over time and with the onslaught of the Hudson's Bay Company, government, non-Indigenous settlers, and sport hunters, that way of life has been consistently threatened.

The Northern Fur Conservation Area Trappers Association, hereafter referred to as NFCATA, endeavors to protect and preserve Indigenous trappers' traditional resource use rights. This report reflects the efforts of NFCATA to call attention to Indigenous peoples' traditional-resource-use-way-of-life, which is dangerously close to extinction.

Relying on some of NFCATA's history, a report of a land-use mapper, archival research, and media coverage, this report encourages an understanding of traditional resource use; illustrates the continuity, vitality, and integrity of traditional resource use for Northern Metis and Indian peoples; and delineates the socio-economic benefits (which is only one aspect) of the trapping industry. Finally, this report outlines problems and concerns of membership and makes specific recommendations which will help to maintain, develop, and promote traditional resource use for Indigenous peoples.

This report was greatly assisted by **discussions and dialogue** with Indigenous Elders from Northern Saskatchewan, NFCATA board and general members, northern community residents; **conference** with NFCATA board and general membership, the Metis Society of Saskatchewan, government of Saskatchewan, and the North West Territories Trappers Association; **consultation and discussion** with a traditional resource land use mapper; **research and consultation** with the University of Saskatchewan's Native Studies Department and student research team, and **professional legal/consultations and advice** from a Metis lawyer/consultant.

II. HISTORY OF THE NORTHERN FUR CONSERVATION AREA TRAPPERS ASSOCIATION

This organization, formed in 1987 by Indigenous trappers who had previously been members of the Saskatchewan Trappers Association (STA), institutionalized the interests and complex issues peculiar to Metis and Indian trappers of Saskatchewan. Becoming politically conscious of Indigenous and subsequent Constitutional rights, the formation and institutionalization of a separate trapping association was inevitable for Metis and Indian trappers.

The Northern Fur Conservation Area Trappers Association's primary objectives are to promote traditional resource use by Indigenous peoples; to secure the most economically beneficial prices for products; to educate and influence governments about Indigenous peoples' traditional resource use such as hunting, trapping, fishing, and gathering; to instruct young people eager to learn traditional resource use; to solicit support for the fur industry and combat the anti-fur campaign; to assist members with program and service needs that will enhance their traditional resource use; and to work co-operatively with both Indigenous governments in Saskatchewan: Metis Society of Saskatchewan and the Federation of Saskatchewan Indian Nations.

The NFCATA has to date workshopped, held conferences, and lobbied governments on behalf of its membership. Additionally, the organization established harmonious working relations with the Metis Society of Saskatchewan, the northern Tribal Councils, and the Northern Mayors Associations.

III. REPORT OF LAND USE PLANNER: MARIE SYMES-GREHAN

AREA MAPPED AND METHODOLOGY

Over three months land-use mapper, M. Symes-Grehan, interviewed and mapped the area of thirteen traditional resources users from four communities in Northwest Saskatchewan. From those sessions two complete sets of thirteen maps were produced.

The mapper interviewed the following resource users:

TURNOR LAKE: Jules A. Montgrand; Arson and Tobie Montgrand; Bobby Moberly; Frank Morin; John B. Montgrand; Archie Daigneault Jr.; Louis Morin; Marius Montgrand; and Leon Maurice.

LALOCHE: Pierre Marie Montgrand and Margerite Marie Montgrand.

ILE A LA CROSSE: Vital Morin.

JANS BAY: Ambroise Maurice and Martin Couillonneur.

The mapper, Symes-Grehan, adhering to the principles of the oral tradition, conducted the interviews orally and, for the most part, refrained from directing conversation (recognizing the limitations and restrictions of working in English, Symes-Grehan recommends that any further work with traditional resource users should be done in their first language). Generally, interviewees spoke on issues of history, the general state of resources, resource use conflicts, concepts of co-management of resources with the provincial government, lack of capital loans and subsidies to the industries, the future of resource use and ultimately their way of life.

LAND USE MAPPING AND CO-MANAGEMENT

Land use mapping primarily determines lands utilized by resource users and products harvested. Combined with a harvest study one can determine the extent and value of resources.

Although the Saskatchewan Government's Department of Resource Management has proposed a co-management relationship with traditional resource users who have significant and vital knowledge of the resources and history of land, the community of resource users have to date not been substantially involved. It's ironic that some of Canada's institutional experts whose brief seven to ten years of study authorizes them to implement policies and institutionalize the resource industry, while most traditionally resource users' lifetime of direct work on the land and their hundreds of years of inherited knowledge counts so little in the planning, maintaining, sustaining, and conserving of the natural resources.

To traditional resource users co-management means developing a model where resource harvesters, local governments, and the province participate as equal partners in determining land-use and land development. Rather than have the usual White "experts" from the South impose "conservation" methods, policies, and procedures, a co-management relationship would encourage those using the land and resources to participate in a meaningful process.

In the past forty years, according to the resource users, the closest model was the community trapping blocks. Within that system resource harvesters requested permission of the local trappers' or fishermen's association when they wanted to use the land outside their

own block.

For a successful co-management relationship northern resource users and local governments must define their powers and resource needs. According the land use mapper, Symes-Grehan, co-management should begin with an inventory of the available resources and resource users. Once appropriate financial support has been secured, northern peoples could be trained to map community lands with the traditional resource users. Over a four month period communities could hire a local resident to learn mapping and interviewing techniques. Once those skills have been acquired the actual mapping and interviewing could begin. That work could evolve into local community workshops with resource users and local governments who could begin to articulate a co-management model. The local fishermen's co-ops and northern trapping associations have communicated ideas about co-management models for many years through their specific associations and conference resolutions producing an abundant resource from which to draw on. Ultimately, co-management must be worked out and negotiated by the fishing, wild rice, and trapping associations, local and provincial governments - both Indigenous and non-Indigenous.

ECONOMIC DEVELOPMENT OF RENEWABLE RESOURCES

In regards to the traditional resource users, there has never been a comprehensive approach to economic development. However, a current study at Ile a la Crosse is examining the capacity for employment, both present and future, in resource management and development. The study proposes to also identify opportunities for expansion and diversification of natural resource industries.

THE PRIMROSE BOMBING RANGE AND THE ISSUE OF METIS LAND USE:

According to many of the interviewees there is a real need to document the history of the Primrose bombing range, a vast area of land in both Saskatchewan and Alberta leased by the provinces to the federal department of national defence. Several individuals expressed concern that White fishermen, Indians, and Metis were compensated at different rates at various times. However, all agree that the Metis were treated the least fairly.

The Metis of Jans Bay, Cole Bay, Beauval, and others in the Buffalo Narrows area have never recovered from their loss of lands, cabins, and general livelihood. Referring to Ambroise Maurice and Martin Couillonneur's maps, evidence of their displacement can be clearly seen. Those individuals were moved from a high productive area converted to a bombing range to areas outside that were marginally productive for hunting, trapping, and fishing.

As indicated previously, there are several confusing "facts" surrounding the peoples' displacement from their lands within the bombing range. However the basic issue is that people have been removed from their lands and the process used was unjust, perhaps even illegal. Many Metis, for example, were promised that they could return to their lands after twenty years. To date, none have been allowed to return as the lease was renewed, and remains subject to further removal.

Certainly, Canada has encouraged and subsequently corrected many injustices against minority peoples. Japanese-Canadians, for example, received compensation and apologies when Canada unjustly

imprisoned and displaced them. Why should Metis be treated any less fair or just?

Currently, the Cold Lake Indian Band and the Canoe Lake Band have access to the Indian Claims Commission which is examining this issue, but the Metis are excluded. A similar process should be initiated with the Metis Society for the Jans Bay/Cole Bay Metis, as well as others affected.

Also of significance to the interviewees is the issue of what they believe are scrip lots. According to their understanding, Metis families received scrip lots of approximately twenty acres. However, they were displaced from those lands without compensation. Today the Canoe Lake band resides on those lands that were originally set aside for the Metis, while the Metis are landless.

OBSERVATIONS AND CONCLUSIONS DERIVED FROM INTERVIEWS:

Traditional resources users are Indigenous peoples from specific Northern communities who use land and its resources on a regular basis for a whole or substantial part of their income.

Generally, those individuals have learned specific skills like hunting, trapping, fishing, wild rice growing, and gathering from their parents whose knowledge also came to them from previous ancestors. The generational transmission of those specific skills calls attention to a way of life which characterizes Northern Indigenous peoples.

Contrary to popular beliefs, traditional resource users are vital and productive members of a very necessary and viable industry. Most hunters, trappers, fishermen, wild rice growers, and gatherers have

sizeable capital investments in cabins, boats, trucks, skidoos, fishing, trapping, hunting, and wild rice harvesting equipment. They invest many long and hard hours in labour intensive projects such as constructing and maintaining roads and portages to the resource use area. Many are also productive and contributing members of thriving Northern communities.

A 1985 Pinehouse Study shows that traditional resource users created one third of the total community income - one third came from wage employment and one third came from transfer payments. The traditional resources users provided .76 percent of a pound of fresh meat to every child, woman, and man of the community every day of the year.

Overall, traditional resource users pay royalties, lease fees, and taxes to the province and create sizeable and profitable secondary industries that subsequently employ many community members in the fishing, wild rice processing, and garment industries. According to Symes-Grehan, when compared to the subsidy to farmers, uranium mining companies, and the oil industry, the northern traditional resource industry may be the only real free enterprise system in existence.

The interviewees felt that there is a real lack of understanding by most southerners who naively predicted the collapse of their way of life. Contrary to that opinion, since the First World War there has been a sizeable number of young people continuing or returning to fishing and the wild rice industry. This year NFCATA conducted six one week trapping schools to promote traditional resource use

among the Northern Indigenous youth.

Interviewees expressed concern that, with the exception of the James Bay Cree, there has never been a comprehensive economic development plan despite the fact that tourism, northern fisheries, wild rice, fish farming, forestry, wild fur and berries, moss and plants continues to provide income for northern people. Many feel that with appropriate planning and investments those resource sectors could expand well beyond their present limitations.

Traditional resource use however is much more than an economic issue for most Indigenous peoples. It is a way of life. That way of life has provided spiritual, political, social, and economic support since time immemorial. That way of life, according to many traditional resources users, must take precedence over provincial laws, regulations, and policies which are too often only economically or politically driven.

IV. INTERPRETATIONS OF ARCHIVAL RECORDS PERTAINING TO PROVINCIAL REGULATIONS OF "INDIAN" HUNTING, FISHING, AND TRAPPING, AND THE "CONSERVATION" OF GAME, FISH, AND FUR-BEARERS IN NORTHERN SASKATCHEWAN

Indigenous peoples' access to and management of natural resources has been substantially affected by the fur trade, protected by treaties, and encroached on by White settlers and large companies.

Rights of access and management of resources, however, have been more profoundly influenced by conservation regulations and policies.

This interpretative report guides the reader to archival records between 1905 and 1950 which are associated with the management of natural resources in northern Saskatchewan. It identifies some records which have a bearing on the management of resources utilized by Indigenous peoples. Of particular interest to the research team was the resource managers' and policy-makers' approach to Indian and Metis resource rights.

This report traces the written records from the initial establishment of provincial authority in northern Saskatchewan. In this report, the sports hunting lobby receives significant attention because of the influence on provincial policymakers, both before and after adoption of the 1930 Natural Resources Transfer Agreement. Documentation on the development of the Northern Conservation Fur Blocks is also provided.

THE HUDSON'S BAY COMPANY

Quite surprisingly, the Hudson's Bay Company (HBC) argued against unfair restrictions on Indigenous access to natural resources. For

example, in a memo to the Minister of the Interior, dated April 17, 1894, concerning early game legislation, the Company argued that:

Several of the animals mentioned in the Act are not killed for food alone, and some are killed for both Fur and food; to prevent the Half-breeds and Indians from trading the Skins in exchange for other necessities would be to entail a very great hardship.

[Hudson's Bay Company Archives, A.12/FT 230/1, hereafter HBCA]

Policy makers were very insensitive of the hardships that ensued from their laws. As the above quote suggests, Indigenous peoples were very dependent on hunting not only for food but other personal benefits derived from the larger market-economy.

The Company, at that time, exercised considerable influence on the final version of that legislation. Although the Company's self-interest is an important consideration, its involvement and influence in policy making warrants serious attention. Of note is the HBC's interest in the Metis who had been overlooked by the Department of the Interior. In a memorandum, a Company official writes:

It will be obvious that to leave the Clause as originally proposed would be to exclude from its benefits many Half-breeds and others, who are as much dependent upon the produce of hunting as the Indians themselves. [HBCA A.12/FT 230/1]

It appears, at least in terms of the archival information, that Company officials were more informed about Indigenous peoples' rights than government.

Following the signing of Treaty Ten and the issuing of scrip (1906), the Provincial government proposed to extend its jurisdiction over game protection in the north. The subsequent jurisdictional ruling presented many problems, even the Company was adversely affected. For example, the Company's possession of beaver pelts contravened the new regulation which a Company official reflected in correspondence. He writes:

As if the postmasters and employe[e] are not, careful in these matters, the Company may be committed liable for the infringement of the Game Law act. It would be well to advise the Indian Hunter to discontinue the killing of Beaver until we obtain further information. It is, also, rumoured that the Provincial Government, may be sending Agents (in plain clothes) to travel through the country to obtain information on such matter, so that you cannot be too careful in keeping your own counsel.[HBCA B.89/b/24]

The Company's district manager in Prince Albert however secured the provincial Attorney General's promise that the Game Laws would not be applied to Indians. The initial response from state officials was to extend the same rights to the Metis. Angus McKay, Post Manager for Isle a la Crosse writes in 1908:

I have taken the Game Guardian fully into my confidence and

have shown him your letter with the telegram, and he accepts, as his interpretation of the word "Indians" as including Half-breeds and Natives who are living the mode of life of Indians and will not hold them subject to the law.

At that point in conservation policy making, the mode of life, and not legal state, was the criteria for determining access to natural resources. McKay also circulated a petition to keep the old game laws in place by amending the Saskatchewan legislation. The Petition to the Lieutenant Governor in Council of the Province of Saskatchewan states:

The Petition, of the undersigned inhabitants of Isle a la Crosse and surrounding districts, dated this twenty-third (23) day of April, in the year of our lord, one thousand nine hundred and eight, (1908), humbly show that the Game Laws of the Province of Saskatchewan affect to a large extent the comfort, well-being and general means of living of the said inhabitants of Isle a la Crosse and surrounding districts, the conditions of life being totally different north of the fifty-fourth (54) parallel, [the northern inhabitants] rely almost wholly upon the natural products of the said portion of the province of Saskatchewan as a means of livelihood.

Wherefore your Petitioners humbly pray that the Game Laws of the said Province be amended to suit the conditions of life in that portion of the said Province situated to the north of the fifty fourth (54) parallel, and that such amendments be

framed somewhat similar to Section seven, (7), Paragraphs A to F., (inclusive), and Section Twelve, (12), of Chapter number one hundred and fifty one, (151), of the Revised Statutes of Canada, of the year of our Lord, one thousand nine hundred and six (1906). The North West Game Act.

And your Petitioners further pray that the open season for Wild Duck, Wild Swan and Wild Geese be extended in that portion of the Province of Saskatchewan, already mentioned, in this prayer, until the fifth (5) day of May in any year. And your Petitioners as in duty bound will ever pray.

[HBCA B.89/b/24]

More than once, Company officials attempted to draw the Attorney General's attention to Indian rights, and in the process, the needs and rights of the Metis.

The HBC, perhaps because of their own self-interest, could foresee and understand the effects of the Game Laws on the Indigenous population, which in turn encouraged them to counter the initial plans proposed by state managers. As cited above for example, the active intervention of the Isle a la Crosse post manager in 1908 resulted in negotiating the same rights for the Metis as the Indians. McKay's petition to modify the imposition of Saskatchewan legislation clearly reflects Metis resistance to outlawing their way of life.

CONSERVATION AND SPORTS HUNTING INTEREST, CA. 1918

Prior to the Transfer of Natural Resources in 1930, provincial game officials favoured sports hunting interests over Indigenous peoples' rights. Chief Game Guardian Bradshaw, for example, was strongly influenced by lobbying from sportsmen. In 1918 Frank A. Parks, a sports hunter, writes a long letter of complaint which more than adequately distinguishes Indigenous hunting practises from sports hunting practises. He writes:

Some of the finest heads that would be considered almost priceless are slaughtered off and left to rot.

[Saskatchewan Archives Board NR.3 Gr A, 21]

Similarly another sportsman writes:

If the Indians were stopped from hunting out of season the elk would increase. I consider something should be done to stop the Indians and trappers killing more than they can eat, also homesteaders kill all the year round and I consider that they should be stopped, as in the summer they can only eat about a quarter of an animal and rest goes bad.

[SAB NR.3 Gr A, 21]

Responding to the sportsman, Chief Guardian Bradshaw responds:

From time to time we have sought the cooperation of the Indian Department in the matter of controlling the Indians, but notwithstanding the repeated promises of the Department to assist us, there is ample evidence that there has been no abatement of their unlawful practices...I think that on a previous occasion I have suggested to you the necessity of

organization on the part of sportsmen to secure the maximum protection of their interests. I am more than ever convinced that the time has arrived when some such action should be taken. [SAB NR.3 Gr A,21]

In 1919, provincial authorities clearly saw Indians as a special problem for sports hunting. At that point in time, according to the archival evidence, White sport hunters significantly influenced policy. Moreover the absence of Indigenous peoples' participation in policy-making coupled with the provincial officials' lack of recognition of Indigenous rights encouraged preferential treatment of Whites in relation to resource use.

PROVINCIAL OPPOSITION TO SECTION 12 OF THE NATURAL RESOURCES TRANSFER AGREEMENT AND ECONOMIC INFLUENCES ON CONSERVATION REGULATIONS, CA.

1930s

In the early 1930s, the Saskatchewan government was eager to enforce the legal powers over lands and resources that were provided by the Natural Resources Transfer Agreement. In that context, Indian violations of provincial law were not officially tolerated. In 1937, for example, department records state:

Indians found hunting or trapping on game preserves are to be arrested forthwith.

All game, traps and firearms, etc, found in their possession, to be confiscated.

The foregoing applies to all Indians, Treaty or otherwise, as well as to halfbreeds and all others. [SAB NR 3 Gr.A4]

Consistent with previous policies and/or regulations, sports hunters had a special influence. For example, one of the Department's officials concerned about enforcing the regulations particularly in the interests of the sportsmen, writes in 1936:

I have received similar complaints from hunters during the last two or three years and the way I see the situation is that unless a check is made on the settlers and The Game Act more rigidly enforced in the future we shall have very little big game left. [SAB, NR3, Group A,4]

The protection afforded to Indian hunting, trapping and fishing in Section 12 of the Natural Resources Transfer Agreement of 1930 was a contentious issue from the point of view of policymakers and the sports hunting lobby. Dominion-Provincial conferences on wildlife often expressed opposition to this Indian right. In 1933, Game Commissioner A.E. Etter reports:

The matter of Section 12 of the Natural Resources Agreement was discussed at length. Each of the other Provinces appear to be having a hard time to prevent abuses by Indians, and if the reports are all correct, each of the other two provinces are seeking relief independently of the rest...It was very strongly urged that the three provinces should unitedly seek a solution of this serious problem.[SAB NR3 GA5 Box 1,Box 2]

According to provincial records, recognition of Indian hunting in the Natural Resources Transfer Agreement curtailed provincial authority over natural resources. However, compartmentalizing Indigenous peoples resource use into commercial and subsistence activities by resource managers was an unrealistic approach. Additionally, that kind of approach encouraged legal complications. For example, the Natural Resources Transfer Agreement was not deemed by provincial authorities to include commercial trapping rights for Indians. In 1934, Etter writes:

...I beg to advise that, while the Natural Resources Agreement obligates the Province to permit Indians to hunt, trap and fish for food, nothing is said about commercial trapping. The Fur Act makes no distinction in favour of the Indians, as did the former Game Act. [SAB NR3 GA5 Box 2]

The convention of the Saskatchewan Fish and Game Association agreed with the Provincial-Dominion Game Conference's 1932 stand. In a resolution, the convention delegates, state:

WHEREAS, unrestricted and excessive destruction of wild-life, whether by white persons or natives, is considered very deplorable, and the path to complete destruction and extermination of the valuable resources in question, and
WHEREAS, the Natural Resources Agreement between the Dominion and the Prairie Provinces provides opportunity and excuse for excessive killing of game and other wild life by

Indians in those Provinces.

THEREFORE BE IT RESOLVED that, while this Conference of Provincial and Dominion game protection officials recognizes and is sympathetic with the actual needs of the Indians with respect to wild life, it is of the opinion that the existing provisions of the Natural Resources Agreement between the Dominion and the Prairie Provinces, if literally carried out, will cause serious depletion and possibly practical destruction of game in the provinces concerned, resulting in great distress for the Indians, and therefore urges that any interpretation placed upon either any Indian Treaties or the Natural Resources Agreement should be based upon the necessity of preventing wide spread extirpation of wild life and that in the best interests of game and of the Indians this interpretation should be consistent with the generally recognized reasonable principles of conservation and perpetuation of valuable game and other wild life resources.

[SAB NR 1/1, F-5000-5]

Clearly, there was pronounced opposition to the right of Indians to hunt, trap, and fish outside of the regulation of provincial authorities. The seemingly sympathetic nature of policy is a common fallacy of state direction which covertly opposed Indigenous peoples' rights. For example, the Fish and Game Association promoted the enforcement of game laws and promoted legislation for the propagation and preservation of game and fish while blatantly ignoring Indigenous

peoples' utter reliance on resource use.

Conservation policies in the north were not simply a matter of scientific management. During the Depression, conservation policy was influenced by the prevailing economic circumstances. For the Metis, relief and illegal hunting cannot be separated. In 1936, the Supervisor of Fish and Game responded to the Acting Field Office for Green Lake:

It is further noted from your remarks that it is difficult to do anything about halfbreeds killing meat illegally, since they always plead they have nothing else on which to live and feed their families and that 90% of them are on relief and so they ought to be able to get along without so much meat... and in the meantime [I] would suggest that you warn these people that this practise must cease: and as you state that approximately 90 per cent of them are on relief, we cannot see justification in their exploiting the big game animals.

[SAB NR 3 Gr. A 5 (loose file)]

With respect to the material conditions of the Indigenous population, provincial officials continued to enforce restrictions and deflected the problem to the federal government. In 1935, Isley wrote to the HBC agent at Pelican Narrows:

In so far as your suggestion goes regarding opening the beaver season for one month or allowing each family to catch up to ten beaver, I wish to advise that this suggestion will be submitted to the Department for their consideration, but at

the same time I believe your best procedure would be to get in touch with the Dept. of Indian Affairs and endeavour to have the Indians supplied with rations, if conditions are as bad as you state. [SAB NR 3 Gr.A4 (loose file)]

Management decisions about open and close seasons for beaver were often made without Indian interests in mind. Clearly the federal responsibility for Indians and provincial control of Crown lands left Indian trapping vulnerable to jurisdictional problems.

Nevertheless, conditions were so bad during the Depression that officials could not strictly enforce regulations on the Indigenous population. Fisheries officials recognized in 1930:

Sub-section 3 of Section 2 of the Fishery Regulations authorizes the Indians and Halfbreeds to fish during the close season for daily consumption. At the moment, I do not see that we have any alternative but to allow them to fish during entire close season. [SAB NR 1/1, F-300-RR]

On some occasions, the Supervisor of Fisheries agreed to issue licences to Indigenous peoples because of their destitute circumstances.

As indicated previously, in the first decade following the Natural Resources Transfer Agreement, Treaty and Aboriginal rights were notably absent in the formation of policy. In addition, provincial authorities ignored Indigenous peoples' rights in favour of sports hunters. Also, in terms of policies and regulations, commercial and subsistence rights are an issue in this era. Specific

policies and procedures affecting Indigenous peoples' access to natural resources were strongly influenced by economic circumstances and needs.

THE MOVE TO REGISTERED TRAPLINES, CA.1935

In the 1930s, there is a shift in policy away from the exclusive concerns of the sports hunters to some consideration of the needs of "northern" trappers. In 1935, Rosser notes:

I would like to hear an expression of opinion from trappers in the North. The way I look at it the Indian has trapped in the North for years, and the leasing of traplines interferes with these people who have been in the country before we ever came into it. The white man is given the first privilege and the Indian afterwards. The Indian looks upon many of these areas as his own trapping grounds.

[SAB NR. 3 GR A, 20]

By the mid-1930s, the department seemed to be planning for a registered trapline program. Game Commissioner Etter stated:

Are you aware that it is the intention of the Department to set aside all these original Indian Trapping Grounds for the Indian exclusively before any other steps are taken. The Indian is going to be taken care of by setting aside his old trapping grounds for his own exclusive use. The Indian is going to be taken care of first, and then the land is going to be leased to establish trappers. [SAB NR Gr.A,20]

Nonetheless, it must be realized that Indigenous peoples' traditional lands had been directly encroached upon by White trappers for several decades. That encroachment left the Indigenous population in a very seriously eroding economic, social, and political environment.

FUR CONSERVATION AREA BLOCKS, CA. 1940

In the early 1940s, some policy shifts occur with respect to Indigenous peoples' access to resources. For example, provincial authorities accepted Section 12 of the Natural Resources Transfer Agreement with respect to subsistence hunting. In 1941, C.W. Isley, Supervisor, Fish and Game, interpreting Section 12 writes:

This has been interpreted to mean that an Indian can hunt game for food during the legal closed seasons but that he cannot take during that time more game than is necessary for his support and subsistence.

So far as I am aware, no provision is made either in the Natural Resources Agreement or in their Treaty or in the Game Act for an Indian to be allowed the privilege of selling or bartering any game. [SAB NR 3, Group A,2]

However, this interpretation did not allow Indians commercial usage of natural resources.

Saskatchewan's approach to restricting land tenure contrasted with other provinces. For example, resource rights were allocated

in a more extensive manner or on a block basis which was different from the trapline approach adopted elsewhere in the Subartic. These conservation areas also involved federal/provincial co-operation and co-ordination. The legislative basis for these changes can be traced to a draft of **An Act to provide for the Conversation and Development of the Resources of Northern Saskatchewan in Game, Fish, and Fur, 1939.** Its main purpose was:

Where it is desirable that steps be taken to conserve and develop the resources in game, fish and fur and thus enable population of the said area to remain self-sustaining...

and more specifically

(g) recommend to the Government of Saskatchewan such changes in the laws respecting game, fish, and fur as the board deems advisable for the purpose of conserving and developing the resources of the said area in game, fish and fur;

(h) investigate the feasibility of licensed trap lines and make such recommendations in that respect as it deems advisable.

[SAB, M11, 145]

In 1939 and 1940, the activities of the Northern Saskatchewan Conservation Board documented the demography and economy of the North. In the first annual report of the Northern Saskatchewan Conservation Board Commissioners J.L. Grew and G.N. Munroe recorded:

There is no question but that the lot of the native in all parts has become increasingly difficult in the last few years, scarcity of game, low prices, loss of other income, and

the wearing out of equipment which he cannot afford to replace are all factors in this trend. [SAB M11, 147]

This report outlined the idea of establishing game and fur preserves:

When the plan for supervision as outlined in our December Report is put into force it is the intention of the Board to select areas throughout the north to be set aside as game and fur Sanctuaries. In order to achieve this we propose that the supervisors consult with the inhabitants of their several districts and decide upon suitable territory that would act as breeding grounds for fur and game animals and in which all hunting and trapping be prohibited. In the selection of such areas consideration should be given to the remoteness of the district, the types of country involved and the number of people at present dependent upon it for a liv[e]lihood. It will be necessary of course to furnish them with alternative hunting grounds and in doing so to guard against the encroachment of established trap lines. [SAB M 11,147]

In contrast to previous policies, there is some suggestion of Indigenous involvement:

We do not believe that the setting aside of large areas of game preserves without sufficient protection and supervision will in itself necessarily achieve the conservation of game and fur that is desired if local sentiment is antagonistic toward the scheme. The cost of adequate patrolling of large

areas offsets in some measure the benefits derived from competently handled game preserves. Therefore it would seem necessary that to provide sanctuaries at a minimum of expense to produce the maximum amount of conservation the cooperation and interest of the inhabitants must be secured. It is for this reason that we wish to interest the natives in the idea, and to have them actively participate in the designation of preserves. [SAB M 11, 147]

While policy motive may be driven by fiscal considerations, a shifting in thinking about Indigenous peoples' involvement seems to occur.

Although Conservation Blocks provided some security for Indigenous land use, it also had legal implications. In the federal/provincial agreement establishing Northern Saskatchewan as a conservation area (order in council 1360 August 20, 1936), Section 7 states:

...it being agreed and understood that under such regulations Treaty Indians shall have the same rights and privileges and the same obligations, responsibilities and duties as any other persons, and that all persons, including Treaty Indians, shall be liable for the payment disposed of as may be prescribed or provided for by the said regulations. [SAB NR 3,A,25]

Obviously, this can be interpreted as an infringement of Treaty rights. In contrast to the previous emphasis on sports hunting

however, the North was not seen as big game preserve for sport hunters.

The Board Argued:

Until such time as there is a surplus of game beyond the needs of the resident inhabitants of the district we do not believe that the entry of tourists and big game hunters should be actively encouraged. [SAB M 11,147]

The principle advocated here is that the resources should be allocated to the local population.

Field Officer, W.G. Tunstead(Ile a la Crosse), argued in 1941 for extensive trapping areas:

Since the treaty indian[sic] are already in bands areas can be blocked off to accommodate the entire band. Believe that the halfbreed, or at least the great majority of them should likewise be handled in this way. They like the treaty indian have been nomads for so many generations that staying put in any one particular spot just can't be done. Having large areas where they would have ample room to move around within its boundaries should prove more to the point.

[SAB NR 1/2 120]

It's important to note here that approach to fur blocks encouraged that Metis and Treaty Indians be treated in the same manner because of their similar lifestyles.

In 1958 Conservation Officer B.C. Shannon provides a retrospective view of the agreement that established the Northern

Fur Conservation Area agreements:

The NFCA created in 1946 between the Federal and Provincial Governments was designed primarily to protect the Indian, Metis, and white trapper of the north who depended on trapping, from encroachment by trappers from the south, who might be taking trapping areas required by those in the north making their living. It provided for a Fur Advisory Committee whose duty was to study marketing, trapping methods and development projects with a view of improving them. It provided funds for the Provincial Government in undertaking improvements projects and the sharing of administrative costs, surveys and other expenses necessary in carrying out a sound fur policy. On the whole this agreement and the Northern Fur Conservation Areas have been successful and has been accepted by the trappers as good. There are a few Conservation Areas that have not kept up to more progressive ones in the utilization of the fur resources available within its boundaries. [SAB R-190,6045]

Starting with the Northern Fur Conservation Areas, the technical aspects of conservation management were submerged in the politics and economics of development. This Agreement recognizes the special rights of Indians and Halfbreeds residing in a specified area by way of special licences and distribution of benefits. Programs for community development were integrated with resource management.

CONCLUSIVE SUMMARY OF ARCHIVAL RESEARCH

The development of fur conservation areas, and other state interventionist policies of the 1940s and 1950s meant that Indigenous peoples' lives became vulnerable to other state policies such as community development. Increasingly, many Conservation Officers had the dual responsibility of enforcing regulations and administering social services. The role of Conservation Officers was so significant that the Department of Natural Resources proposed that all northern services be centralized under a single agency. Department records for 1948 note that:

Mr. Conn [Fur Supervisor, Indian Affairs Branch] suggested that the best method of control of the liquor problem was to control the proceeds of the fur. [SAB NR 1/3, G-2-2-B]

In this sense, conservation regulations could be blended with methods of social control. Provincial officials' total disregard for the people affected by their policies and regulations caused devastating social, political, and economic problems.

In 1947 Malcolm Norris, acting post manager at Deschambeault post for the Saskatchewan Fish Board, writes:

In the short time that I have had the opportunity of observing the social and economic conditions of our aboriginal friends in northern Sask[.] it is definitely noted that they are still regarded by the so-called more enlightened peoples, as fit subjects only for exploitation. [NR 3 Gr A5 (Box 1)]

Consequently, he advised the Department of Natural Resources to stay clear of the Department of Indian Affairs. Norris also raised concerns about the problem of articulating Indian resource rights.

Yet, the original aim of protecting the Indigenous economy through the Northern Fur Conservation Areas may account for the substance of T.C.Douglas' reply to a lawyer in 1961:

My understanding has always been that the Metis had certain traditional rights in the matter of trapping and fishing.

[SAB R 33.1,372 (999-16)]

Thus, towards the end of his time as Premier of Saskatchewan, Douglas acknowledged the special status of the Metis in terms of trapping and fishing.

V. CURRENT PROBLEMS

The foregoing developments paved the way for the current dilemma encountered by Indigenous traditional resource users. Because traditional resource users, and the Indian and Metis communities generally have not been in a position to control the developments around them, contemporary conflicts have begun to multiply.

One of the most blatant conflicts is resource use/resource exploitation such as: sports hunters versus Indigenous hunters, sports fishermen versus Indigenous subsistence fishing; and renewable resource use versus non-renewable resource use.

In regards to the contention over renewable resource use and non-renewable resource use, there is an acutely ever-growing conflict

between trapping and forestry, especially the clear-cutting of large tracts of the forest. In terms of forestry practices, trappers are too often displaced and their traplines destroyed. In almost every known case, the trapper is helpless to stop this destruction and is not even compensated. There is a similar conflict with mining exploration and extraction companies.

As cited briefly above, further erosion of traditional resource use rights is evidenced by the priority and promotion of sports hunting, fishing and tourism by governments. In many cases, sports fishing is prioritized over commercial fishing with fish quotas and limits imposed on Indigenous fishermen whose potential fish are conserved for the tourists. Indigenous domestic fishermen's rights are also ignored over sport fishermen and tourists. The same is true with respect to hunting of wildlife. Hiding behind the guise of conservation, Indigenous hunters are subjected to hundreds of miles of Road Corridor Game Preserves while game is conserved for American and southern sports hunters.

Added to this dilemma are the natural predators which have an adverse affect on wildlife, vegetation and fish. In this context, trappers and fishermen have difficulty with wolf and cormorant populations, yet government agencies will not do anything to help alleviate the problems.

A major concern to the traditional resource users is the very well organized, both nationally and internationally, anti-fur movement. Very strong voiced individuals with access to power in the Communication Industry, characterize the trapping industry as

inhumane. Along with non-governmental agencies and governments, such as the European Community, those individuals have encouraged a 1995 resolution to ban furs from animals not taken by so-called humane traps.

While Indigenous trappers embrace new technologies and techniques, threats to the fur industry are threats to their way of life and cultures. In addition, many Indigenous trappers simply cannot afford to replace their existing trapping equipment for new models.

VI. A RECENT COURT PRECEDENT:

Since the Constitution Act 1982 and the Supreme Court of Canada 1990 Sparrow Case decision, courts have given wider interpretations to Aboriginal rights. In March 1993, a provincial court decision held that an accused Metis fell within the interpretation of "Indian" in section 12 of the Natural Resources Transfer Agreement (R v. Ferguson March 5, 1993 Peace River, Alta - Provincial Court). Although the case is under appeal by the Crown, it nevertheless shows the willingness of judges to give Aboriginal rights some substance:

"It is difficult to imagine a more basic aboriginal right than the right to avoid starvation by feeding oneself by the traditional methods of the community".

VII. CONCLUSION

NCFATA recently hosted a gathering of traditional resource users in Prince Albert. More than 200 enthusiastic traditional resource users - hunters, trappers, fishermen, gatherers, and wild rice growers - gathered to thematically promote humane trapping, and environmental balance.

They expressed concern that too few people realize that Indigenous peoples in northern areas still feed, clothe, and shelter themselves by living off the land, just as their ancestors have done one generation after another.

One of the Elders reinforced that idea. He said "my grandfather, and my father were hunters and trappers, just like me. Thats what we know. Thats our way of life."

Traditional resource users are dependant on a healthy and balanced environment. Again and again, they strongly stated that they must maintain the ever-so-gentle environmental balance. If they don't, they have no future, no culture.

Over and over participants expressed disapproval over "Mooniyaws (whitemen) from the south" coming up north and telling them how to supposedly conserve, maintain and sustain "their" resources.

Through resolutions to government, they voiced concern over the future of the trapping industry (particulary in view of the strong anti-fur movement and the impending 1995 European Community ban on fur), lack of substantial political and economic support by government, environmental health and stability, as well as technological and legal impositions made without prior consultation

with Indigenous resource users.

At the Prince Albert gathering, traditional resource users represented a very significant wealth of environmental expertise. They were strongly represented through voices like: Martin Smith of Pinehouse, a trapper/hunter for more than 65 years; Louis Morin of Turnor Lake, a hunter/trapper for more than 50 years; Oscar Beatty of Deschambeault Lake, a traditional resource users for more than 50 years; Toby (Snowman) Montgrand of Turnor Lake, a third-generation hunter/trapper for more than 30 years; and Joe and Leon Iron of Canoe Lake, hunters/trappers for more than 50 years.

RECOMMENDATIONS

1. That the inherent right of self-government be recognized, affirmed and implemented through the Canadian Constitution.
2. That the Metis Nation's rights to land and resources be recognized, affirmed and implemented through the Canadian Constitution.
3. That the Constitution be amended to clarify that all Aboriginal peoples fall within federal jurisdiction under s. 91(24).
4. That Treaty land entitlements be fulfilled as quickly as possible.
5. That Indian and Metis peoples have access to their traditional territories within the Primrose Air weapons Range.
6. That the Natural Resource Transfer Agreements of Manitoba, Saskatchewan and Alberta be amended to clarify that all Aboriginal peoples have the hunting, trapping and fishing rights therein contained.
7. As an interim measure, that traditional resource users be directly and equally involved in the co-management of all resources in their territories.

8. That there be a promotion of the co-existence of the various uses of renewable and non-renewable resources.
9. As an interim measure, that there be established a legal regime for the protection of traplines.
10. That governments in partnership with traditional resource users implement programs of control of predators, such as wolves and cormorants.
11. As an interim measure, that governments (federal and provincial) implement legislation and regulations which promote and protect traditional resource use and industries over that of sportsmen and tourism.
12. That governments implement hunting legislation and regulations which conserve wildlife for the Northern Indigenous hunter over that of non-Indigenous sports hunters.
13. That governments develop programs to subsidize traditional resource users, similar to programs in place for farmers and other industry sectors.
14. That governments provide resources for trapper training programs for young Indigenous peoples who wish to pursue that way of life.

15. That funding programs be established which will enable Indigenous peoples to process their own furs and manufacture final products, including the necessary licenses for export of finished products.
16. That funding programs be set in place so that Indigenous fishermen can process fish in the north, rather than having them shipped to southern centers for processing.
17. That programs be set in place for the restocking of the northern fishery, as well as the utilization of rough fish.
18. That governments, especially the federal government, take a visible and proactive approach in concert with Indigenous trappers to combat the anti-fur movement, both nationally and internationally, including highly visible public education programs in all forms of media.
19. That both levels of government participate in establishing trap exchange programs so that Indigenous trappers are empowered to adapt to new trapping technologies as they develop.