

ENERGY UNCERTAINTY:
THE EFFECTS OF OIL
EXTRACTION ON THE
WOODLAND CREE FIRST NATION

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By

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Abstract

One of the most pressing and polarizing issues in Western Canada today, and for many First Nations groups in particular, is the oil sands of Alberta. My thesis is entitled *Energy Uncertainty: The Effects of Oil on the Woodland Cree First Nation*. My research is focused on understanding how long-term energy extraction affects the past, present, and futures of the members the Woodland Cree First Nation (WCFN) who are demanding an active role in the planning and consultation processes that affect their lives and their traditional lands. I have found that the energy consultation process is not working for the interests of the WCFN and the effects of oil extraction in this community are examples of how and why it is not working.

During the summer of 2013 I spent nine weeks in the WCFN community and used three methods of research: participant observation, interviews, and literature analysis. I completed 22 interviews during my field work research, and made use of nine transcribed interviews with WCFN elders collected in 1995 by Rhonda Laboucan. I used a grounded approach to the content and thematic analysis of my interview and field note data.

My thesis is guided by a political ecological approach because this framework challenged me to look at this subject from many angles and perspectives. This approach has kept my research from being narrowly focused on abstracted or stereotypical aspects of the energy extraction process which I cannot understand without attention to its social, political, environmental, and spatial aspects.

The body of my thesis includes three chapters which explore:

- The practical realities of energy consultation and its relation to Treaty Eight and Traditional Knowledge.
- The complex relationship between temporality, fatalism, and the effects of the oil industry on the people, land, and animals of the WCFN.
- A detailed ethnographic description of the events and processes that followed a contaminated water spill on the WCFN traditional land.

My key findings include: consultation is not working for the interests of the WCFN; oil is impacting the animals, environment, and WCFN community; oil-related spills are affecting (but not being dealt with in a way that respects) WCFN people or land; and there are problems with collection, interpretation, dissemination, and even access to energy extraction and consultation information.

My research helps to fill the gaps in our understanding of the complex effects of long-term energy extraction on small communities, in particular the impacts of oil and oil sands development in a small First Nations community context.

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This thesis is dedicated to the people of the Woodland Cree First Nation. It is also dedicated to the memory of my grandfathers Eldon Gerbrandt and James Hume, my step-grandfather Peter Stobbe, as well as my good friend Duncan Renaut.

TABLE OF CONTENTS

PERMISSION TO USE.....	i
ABSTRACT.....	ii
ACKNOWLEDGEMENTS.....	iii
TABLE OF CONTENTS.....	iv
LIST OF FIGURES.....	vi
1. INTRODUCTION: OIL AND THE WCFN IN CONTEXT.....	7
1.1. Introduction.....	7
1.2. Research methods.....	8
1.3. Research limitations.....	11
1.4. WCFN past and present context.....	13
1.5. A political ecological approach to data collection and analysis.....	19
1.6. Oil literature.....	21
1.7. Oil and energy in the Alberta, Canadian, and international context.....	23
1.7.1 Alberta context.....	23
1.7.2 Canadian context.....	25
1.7.3 International context.....	26
1.8 Ethics.....	28
1.9 Participants.....	29
1.10 Fieldwork: a day in the life.....	31
1.11 Thesis overview.....	33
2. CONFLICT AND INTRICACY: CONSULTATION IN THEORY AND PRACTICE.....	34
2.1. Introduction.....	34
2.1.1. Evolution of the duty to consult.....	35
2.2. The practical details of consultation: how is it understood, experienced, used, and criticized?.....	40
2.2.1. Explorations of consultation within energy extraction literature.....	41
2.2.2. Consultation in the WCFN.....	47
2.3. Treaties and consultation: the complex meaning & importance of Treaty Eight.....	54
2.3.1. The historical and current meanings of Treaties, and Treaty Eight in literature.....	55
2.3.2. The meaning and importance of Treaty Eight within the WCFN.....	58
2.4. Different ways of knowing: The necessity and difficulty of using Traditional Knowledge within consultation.....	60
2.4.1. Traditional Knowledge use in the literature.....	61
2.4.2. Traditional Knowledge use within the WCFN.....	63
2.5. Conclusion.....	66

3. ENERGY EFFECTS AND TEMPORALITY: THE INTERSECTION OF OIL AND THE WCFN PAST, PRESENT, AND FUTURE	68
3.1. Introduction.....	68
3.2. Fatalism and energy extraction	69
3.2.1. Inevitability and complexity within energy extraction literature	70
3.2.2. Inevitability and complexity within the WCFN.....	71
3.3. The past, present, and future: by definition a complex and circular relationship. 73	
3.3.1. Explorations of the past, present, and future within published literature....	74
3.3.2. Explorations of the past, present, and future within the WCFN	77
3.4. Land, animals, water, and people: the effects of oil on the WCFN.....	81
3.4.1. The effects of oil in energy extraction literature	82
3.4.2. The effects of oil in the WCFN.....	87
3.5. Conclusion	93
4. WHEN A PIPE BREAKS: AN EXPLORATION OF A PRODUCED WATER SPILL.....	95
4.1. Introduction.....	95
4.2. Notification and visits to the spill	96
4.3. Themes and concerns raised by the spill	100
4.3.1. Emotion and land connection	100
4.3.2. Community challenges, workings, and worries	103
4.3.3. Respect and its ties to notification, consultation, and information	105
4.3.4. Differences of opinion about the spill	106
4.3.5. The spill and uncertainty	108
4.4. The company and media portrayals of the spill.....	110
4.5. June 2015 spill update.....	113
4.6. Conclusions and questions regarding the spill.....	114
5. CONCLUSION: RECOMMENDATIONS, FINDINGS, AND FURTHER RESEARCH	116
5.1. Introduction and research contribution.....	116
5.2. Key findings and themes for the WCFN	117
5.3. Key findings about the flaws in the oil extraction and consultation process.....	119
5.4. Recommendations for the WCFN.....	120
5.5. Opportunities for further study	121
5.6. Concluding remarks.....	122
REFERENCES CITED.....	124
APPENDIX A Consultation Flowchart	143
APPENDIX B Environmental Assessment Process Flowchart	145
APPENDIX C Penn West produced water spill photographs	146

List of Figures:

Figure 1.1 Forest on the WCFN traditional land (Gerbrandt 2013).	7
Figure 1.2 Map showing the three WCFN reserves and other relevant communities (Alary, Robert 2015 unpublished map).	14
Figure 2.1 Tipis at a Treaty Eight celebration at Whitefish Lake (Gerbrandt 2013).....	34
Figure 3.1 Shell oil pumps on the WCFN traditional land (Gerbrandt 2013).	68
Figure 3.2 Cut line through the forest on WCFN traditional land (Gerbrandt 2013).	68
Figure 4.1 Brown trees and range fencing around the assumed area of the Penn West contaminated water spill on WCFN traditional land (Gerbrandt 2013).	95
Figure 5.1 Beaded WCFN crest (Gerbrandt 2013).	116
Figure A Consultation flowchart (GoA 2014b).....	143
Figure B Environmental Assessment Process Flowchart (GoA 2013a).....	144
Figure C1 Dead trees and damaged soil downhill from the location of the produced water pipe break (Gerbrandt 2013).	145
Figure C2 Coniferous trees that turned brown because of contact with produced water (Gerbrandt 2013).....	145
Figure C3 Alternate view of Figure 4.1 showing the area of the produced water pipe break after heavy rain (Gerbrandt 2013).....	145
Figure C4 Hay bales were set around the perimeter of the spill site in order to keep the spill from spreading to the surrounding area (Gerbrandt 2013).....	145
Figure C5 Rainwater at the perimeter of the spill site (Gerbrandt 2013).	146
Figure C6 Hay bales at the perimeter of the spill site weighed down and covered with plastic (Gerbrandt 2013).	146
Figure C7 Produced water at the spill site was stored in this pool until it could be cleaned via reverse osmosis (Gerbrandt 2013).	146
Figure C8 The top of the collecting pool shown in figure C7 (Gerbrandt 2013).	146
Figure C9 A large pit was dug at the spill site and lined to provide storage for the most damaged material before it was removed (Gerbrandt 2013).	146
Figure C10 Once the produced water was cleaned, it was stored in these tanks until it could be safely pumped back into the spill area (Gerbrandt 2013)	146

Chapter 1 Introduction: Oil and the WCFN in context

1.1 Introduction:

In March of 2013 I had lunch in Saskatoon, Saskatchewan with two Woodland Cree First Nation (WCFN) councillors who had travelled there to attend the graduation ceremony of a training course a staff member had completed. We discussed my upcoming fieldwork research in their



Figure 1.1 Forest on the WCFN traditional land. (Gerbrandt 2013).

community, the overwhelming amount of oil activity on their reserve and traditional lands, and how it was affecting their lives. The most pressing matter the community is facing is energy extraction, consultation, and in some cases a lack of consultation about a myriad of daily energy activities in terms of expansions and new projects on their traditional territory. One of these councillors discussed the fact that this activity is everywhere and it is difficult to know how best to deal with it; he called it “a tsunami.” This thesis is based on my subsequent efforts to investigate this metaphor in ethnographic terms, the nature of the industrial and natural processes behind it, as well as its impacts on this Cree community. In the following chapters I use a political ecology framework to explore the ways that the oil industry is understood by and is affecting the lives of the members of the WCFN.

I spent nine weeks during the summer of 2013 studying in the WCFN community at Cadotte Lake and in the surrounding boreal forest. My main research question asks how energy extraction affects the daily lives, traditions, social interactions, and futures of the members of the WCFN. I have found that the energy consultation process is not working for the interests of the WCFN and the effects of oil extraction in this community are examples of how and why it is not working. My key findings also include: the fact that oil is changing the animals, environment, and WCFN community; oil-related spills are affecting (but not being dealt with in a way that respects) WCFN people or land; and there are problems with collection, interpretation, dissemination, and even access to energy extraction and consultation information. As William Whitehead, the former Chief of the WCFN states, “We have been placed in a very difficult

situation as a result of these developments and the lack of proper government consultation and planning. We cannot and will not stand idly by while developments destroy the lands, air, water and the environment on which we rely” (Freedman and Whitehead 2007). Energy consultation (as a duty of the Crown) is an important aspect of the lives of the members of the WCFN. It is not the sole focus of my thesis because attention to consultation as a process abstracted from the other aspects of this community confuses the reality of the WCFN experience. This community and its relationship with oil cannot be understood simply or without attention to current and historical, individual and large-scale issues and experiences. I have provided one interpretation of the answer to my research question with my literature review and ethnographic research at the WCFN at Cadotte Lake.

1.2 Research Methods:

In order to help fill the acknowledged gap in research and understanding about First Nations people and energy extraction in Northern Alberta (Haluza-DeLay *et al* 2009; Smith 1982), I have utilized three methods of research: participant observation, interviews, and literature analysis. In his famed 1974 Social Science Prize acceptance speech to the members of the American Academy, Geertz echoed Malinowski’s view of anthropological understanding. He argued that it is not a psychic connection between a gifted anthropologist and those they study, but careful and always imperfect and incomplete observations by social scientists with their own biases, histories, and motivations. My fieldwork in the WCFN and the Peace River area has provided me with such useful but imperfect access and opportunities to engage in research interviewing and participant observation. As an ethnographer, it is important for me to combine a review of primary and secondary literature and documents with participant observation and interviewing. These three research tools provided me with a nuanced understanding of the complex energy extraction process as conceived of and experienced by WCFN members.

My spending time in the WCFN office as well as shadowing land and environmental monitors allowed me to assist the people of the WCFN as I collected (where informed consent could be gained) observational and interview data for my thesis. This also assisted me in understanding the way WCFN members deal with the energy extraction process and its related documents. It allowed me the opportunity to observe: the process of decision-making about land, treaty rights, and membership; site visits during which field technicians locate and

document proposed oil sites (and in some cases sacred or historical sites); and the general day to day workings of the administration of the First Nation. In addition to providing opportunities for participant observation, my position allowed me to form relationships with members of the community and provided me with access opportunities to meet potential research participants. I engaged in participant observation (where invited and ethically appropriate) in several contexts including the WCFN office, at meetings, during field visits with technicians, in the wider community, at community gatherings, and during a tour of the DMI pulp mill (Daishowa-Marubeni International Ltd. Peace River Division).

Interviews form the focus of my research. I have made extensive use of a collection (Laboucan, ed. 1995) of nine transcribed interviews with WCFN and area elders and the 22 interviews I conducted during my fieldwork at the WCFN during the summer of 2013. Some of the WCFN community members had detailed knowledge of the oil industry and its related consultation processes but many community members did not. This provided an interesting contrast and window into the complex and varied ways that the members of WCFN conceive of and are affected by the energy extraction process. I also interviewed two oil industry employees, one pulp industry employee, and one government energy regulator employee in order to understand the consultation process from differing and sometimes contrasting perspectives. I completed 20 of my 22 interviews in English, and the other two with the assistance of Cree translators who did not wish to be named. I asked participants whether they would prefer me to take notes or record our conversations. I recorded 14 interviews and took notes during eight. I found that taking notes during interviews left me with a smaller amount of data than did the recorded interviews and that my taking time to write notes sometimes interrupted the flow of stories told during my interviews. I found that though they gave their consent for my use of a recorder, many people were noticeably uncomfortable with being recorded. Both of my methods of interview data collection had strengths and weaknesses.

Prior to my fieldwork, I compiled a lengthy list of questions about the oil industry and how the members of the WCFN conceive of it and are affected by it. However, during my interviews in WCFN I found that I used very few of those prepared questions. Everyone I spoke with or interviewed about the oil industry had very strong opinions about what was going on, so many of my interviews began without questions. I would explain the goals of my thesis project and many would respond by telling stories about the oil industry that answered many of my

questions without me having to ask them. In some cases, people's stories and statements caused me to adjust and add to the aspects of the oil industry and the WCFN community that I wanted to find out about during subsequent interviews. For example, during my third interview at the WCFN, Billy brought up the subject of his community's greatest strengths and weaknesses and how he believed they relate to the oil. After that interview, I began to ask people what they saw as their community's greatest strengths and challenges and found the ways that these related to the oil industry to be very intriguing. In these and many other ways, those who agreed to be part of my research project became co-creators of my data.

The way that I made interview contacts and arranged interviews varied. I arranged an interview with an energy industry employee in Calgary through a childhood friend of mine who works at the same company. I arranged the interviews I conducted in the WCFN area with a government official and two industry employees via phone and email inquiries. My office-mate at the WCFN and the two lands monitors who allowed me to accompany them during their work arranged many of my interviews in the WCFN via their friends, family, and colleagues. I arranged still other interviews when I visited with members of the community in the WCFN office, the store, or during gatherings. I found that it was important to be prepared for interviews, but also to allow participants to tell me what they felt was important about the oil industry and its effects on their lives so that I was not obtaining only the information that I thought was significant. It was important as well to conduct interviews and conversations where and when people felt most comfortable, whether that was in a car, a kitchen, a coffee shop, a workshop, an office, a treaty gathering, or in the forest. I also found that it was impractical to categorize participants and questions by whether they were an elder, worked in the WCFN office, or had a job related to the oil industry, because it prevented me from gaining important information. For example, some participants had little to say about formal consultation processes when I brought them up, but I obtained a great deal of information through the stories they did tell me about their interpretations of the process and its effects on their lives.

During my fieldwork I wrote field notes almost every day about the events I had participated in, observed, and discussed. I also wrote field notes before and after each formal interview. This amounted to almost 100 pages of field note data. I took almost 500 photos during my fieldwork, which also assisted me in contextualizing my data. After my fieldwork I transcribed my interviews, which amounted to 250 pages of data. I analyzed this interview and

field note data (350 pages) in several stages. Bryant and Charmaz (2007) and Madden (2010) define grounded theory as a flexible method in which the processes of data collection and analysis inform each other and hypothesis flows from the data itself. Though I engaged in my research and analysis with the aim of finding out how and why the lives of the members of the WCFN are affected by and understand the oil industry, I used such a grounded approach to data analysis.

My first step was a broad content analysis. I reviewed all of my interview and field notes while keeping track of those themes and subjects that were raised often,¹ and some that were seldom or never discussed,² all of which shaped my interview data collection and subsequent analysis. While coding this data I also made summary notes of approximately 50 pages in length, which was more practical to work with than 350 pages. Next I used my list of themes and subjects to code my condensed data set for interrelations, themes, commonalities, and contrasts, as well as to categorize and interpret my data. This thematic analysis, along with the input of my thesis supervisor and committee, formed the basis of my overall thesis outline and my chapter outlines.

1.3 Research limitations:

There is no project or researcher without background, context, limitations, and difficulties. It is important to acknowledge these in order to do justice to those people who are learned from during anthropological study. This is especially important to keep in mind while doing research with First Nations people as there has been a long history in Canada, and most countries, of people ignoring, co-opting, or destroying their history, viewpoints, opinions, culture, and traditions. They are also important considerations because I am learning and writing about people in the same country as I live, many of whom speak and read the same language and can read and/or be directly affected by my anthropological research. There are barriers in the WCFN and many Canadian communities in terms of geography, language, literacy, and access to anthropological research, so it is imperative that data be collected, analyzed, and presented in a

¹ Several themes arose many times during my interviews such as: the importance of access to accurate information, the offensiveness of the idea that oil or consultation can be considered without a wider current or historical context, the specters of mistrust and the unknown, and the importance of Treaty Eight and Traditional Knowledge (TK).

² Several important themes arose during my research that were not mentioned often but surprised me and clearly had importance including: the disconnect between the effect of oil extraction and the dependence of WCFN members on oil-related products, and the question of whether anything can be done to stop the oil industry.

way that acknowledges the experience of First Nations people and is accessible and understandable to them in their current context.

As mentioned above, Geertz argued that attention must be paid to the imperfect and incomplete observations made by social scientists, because they have their own biases, histories, and motivations (1974). Mine include my gender, my age, the scope and timing of my master's research, my limited experience as a researcher, as well as my own opinions about First Nations and environmental issues. In order to collect and present anthropological or any other type of data in a responsible and accurate manner, it is imperative to present the above issues as well as understand and discuss the ways that they affect said research. Basso refers to "the barrier to constructing appropriate sense and significance which arises from the fact that all views articulated by people are informed by their experience in a culturally constituted world of objects and events with which most of us are unfamiliar" (1996:39). My methods have not allowed me to understand these issues as the people of the WCFN do. They have allowed me to assist in filling the gap in the academic and public understanding of how the members of First Nation communities conceive of and are affected by the energy extraction process and I will communicate my findings and recommendations to the WCFN.

As much as I attempted to allow stories and learning to occur naturally, the realities of master's fieldwork research, such as time constraints, made this difficult at times. I required information about certain subjects in a small time frame, which affected the knowledge I was able to collect. As Andie Palmer notes in her exploration of land, story, and discourse, while observing and listening, it is imperative not to remove discourse from its "presentation as situated on the land and in relation to our interlocutors' particular historical and world knowledge" (2005:21). To remove information from its physical, political, and social context is to lose some of its meaning. This is the difficulty of all anthropological research. There are always the competing goals of fulfilling the demands of a pre-determined research question and an academically structured research process, and the goal of being able to recognize and honour what is implicitly and explicitly important to the people we as scholars are learning from, as well as how and where they wish to teach us.

As Waldram (2010) points out, when scholars engage in the issues we research, we must take a stand and therefore risk closing certain doors to ourselves and creating opponents. While completing my participant observation and research interviews I faced both opportunities and

opportunity costs by volunteering at the WCFN office, repeatedly inspecting a contaminated water spill, and spending many hours job-shadowing two trained WCFN monitors. This meant that I was associated with certain individuals and with the community power structure, which affected the information people shared with me, and their decisions to participate in my research project. The people I interacted with were at all times aware that I was a non-First Nations person in the community and that I saw and understood things from that perspective.

There were many parts of my research that did not go as expected. I had planned to live in the WCFN community for 16 weeks but construction and repairs in my summer residence at the WCFN reduced that time to nine weeks. My interviews and observation did not begin immediately after my arrival because of my efforts to get to know community members and build rapport in general, as well as the sometimes overwhelming nature of ethnographic fieldwork. I completed 20 English interviews and two Cree interviews with the assistance of a translator. While conducting interviews in English I wondered what I was perhaps missing or misinterpreting because this was not the first language of some of my participants. As mentioned above, I completed 22 interviews, which means my research contains 22 valuable perspectives on the subject of energy extraction in the WCFN but not all of the perspectives that exist in this community. These 22 perspectives on oil vary based on age, gender, education, employment, and time in the community or oil industry. They are an important part of filling the gap in knowledge on this topic in small, long-term community settings.³

1.4 WCFN past and present context:

The Woodland Cree First Nation (WCFN) at Cadotte Lake, Alberta is located within the Peace River oil sands area (in which many different ways of accessing bitumen, heavy oil, conventional oil, and natural gas are used). It is 81 kilometers northeast of the town of Peace River and 500 kilometers northwest of Edmonton. The highway from Peace River to the WCFN has been paved since the 1990s. Many WCFN members and elders point out that until it was paved, access to the WCFN was hampered by the very “poor condition of this road” (Laboucan,

³ I attempted to complete many more than 22 interviews. Over 20 industry employees and almost 30 WCFN community members declined my requests for research interviews for various reasons. I cannot be sure of all of the reasons but some that were mentioned to me include: timing, employment, sickness, community politics, public relations concerns, the nature of my research, understandings about knowledge and respect, the people and opinions with which I was associated, my own understanding that at some times it was simply inappropriate to request an interview, as well as misunderstanding about the meaning of anthropology in general. I also attempted to return to the WCFN during the winter of 2014 but my schedule and financial situation did not allow this.

J.E. 1995). This semi-remote community is located in the boreal forest of Northern Alberta. It has a population of approximately 760 on reserve and 350 off reserve,⁴ and it neighbours a Métis Community and the Lubicon First Nation. The WCFN community consists of three reserves: Cadotte Lake, Marten Lake, and Golden Lake (see figure 1.2) on 16,106 hectares (AANDC: 2015). The overall direction of the WCFN is provided by a Chief and four councillors, each of whom are assigned specific portfolios. The day-to-day operations are overseen by the WCFN Band Manager. Community amenities include: a convenience store, gas station, medical center, WCFN office, daycare, post office, school, maintenance and industry buildings, as well as several houses in and nearby Cadotte Lake and Marten Lakes (the communities of Cadotte Lake and Simon Lake are on the Cadotte Lake Reserve). Several members of this community engage in hunting, fishing, trapping, and wild foods are regularly consumed in many homes.

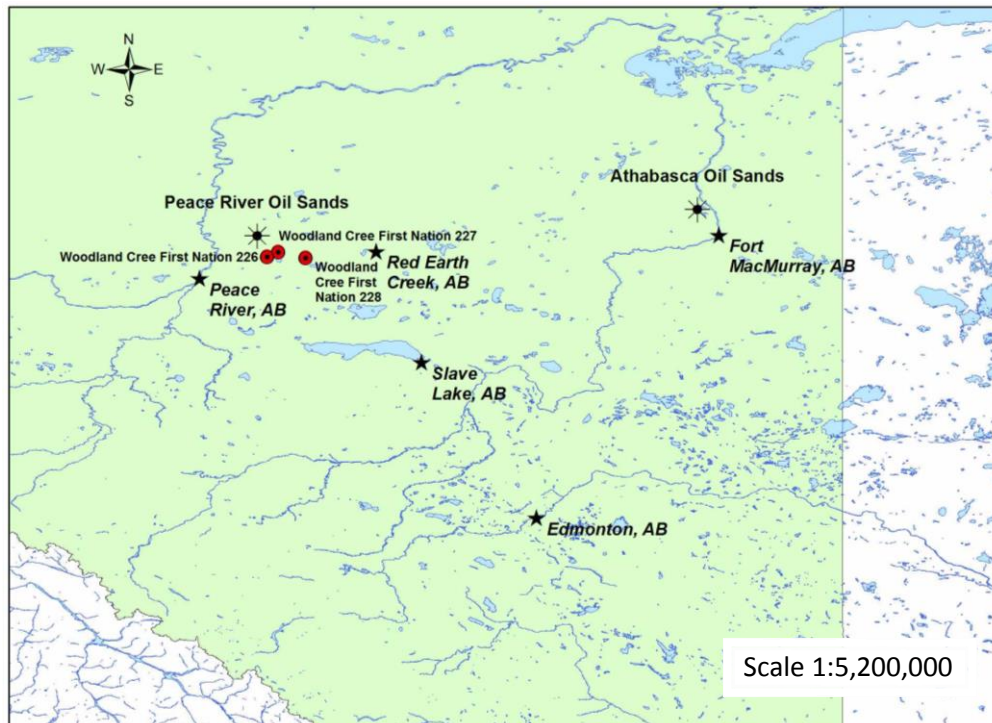


Figure 1.2 Map showing the three WCFN reserves and other relevant communities (Alary, Robert 2015 unpublished map).

⁴ According to Aboriginal Affairs and Northern Development Canada, there are 372 males and 291 females living within the WCFN. Approximately 250 registered male and female members of the WCFN do not reside on WCFN reserve land. They are listed as living: on other reserves, on other band land, Crown land, on no band Crown land, and off reserve (AANDC 2014 b, c).

There are several companies operating in the Peace River region (including the Peace River oil sands and the WCFN traditional territory). These companies include Andora Energy Corporation, Baytex Energy Corporation, Murphy Oil Company Limited, Northern Alberta Oil Limited, Penn West Petroleum Limited, Petrobank Energy and Resources Limited, Royal Dutch Shell PLC, and Southern Pacific Resource Corporation (Government of Alberta 2013b). According to Alberta Energy, the Peace River oil sands may contain in “excess of $30 \times 10^9 \text{m}^3$ barrels of oil” (2015:295) and in 2010 Alberta Energy estimated that 36,947 barrels per day (bpd) of crude oil was produced in the Peace River area (Holly *et al*: 8). Alberta Energy lists 29 oil projects in operation in the Peace River area (2015). Unconventional or heavy oil production methods such as in-situ steam assisted gravity drainage (SAGD) and open pit mining have been producing more oil than conventional crude oil drilling methods in Alberta in recent years. According to the Government of Alberta, “in 2012 52% of Alberta’s oil was produced using in-situ methods” and Alberta will rely more and more on oil sands projects such as Shell Canada’s Carmon Creek project, because “80% of the provinces bitumen reserves are too deep underground to recover using mining methods” (2013a). All of the projects run by these companies have impacts on the WCFN, but those that the WCFN talked about and worried about the most during my summer 2013 research included Baytex’s Cliffdale project,⁵ Murphy Oil’s exploration and drilling,⁶ Penn West’s 2013 contaminated water spill and 2011 oil spill,⁷ the DMI pulp mill,⁸ as well as Royal Dutch Shell (Shell)’s Carmon Creek expansion.⁹ According to Alberta Energy (2014a), total oil sands production averages at 1.98 million barrels per day.¹⁰

⁵ Baytex Energy Corporation holds 310 net sections of oil sands leases in the Peace River area. In 2014 Baytex produced 25,318 bpd heavy oil, 665 bpd of bitumen, and 2,498 Mcf/d of natural gas in the area. At their Cliffdale CSS operation they produced an average of 767 barrels of oil per day in 2014 (Baytex Energy 2015). Baytex operations will be discussed in chapter three in relation to emissions concerns.

⁶ Murphy oil has three projects in the area: Cliffdale, Murphy Seal, and Peace River (Murphy Oil 2013). Most of the time I spent with the WCFN lands monitors was also spent with Murphy oil consultants and surveyors.

⁷ Penn West’s operations, as well as its 2013 water spill and 2011 oil spill will be discussed in chapter four.

⁸ The DMI (Daishowa-Marubeni International Ltd Peace River Pulp Division) is located on the outskirts of Peace River Alberta. The mill has been producing pulp since 1990 (DMI 2014). Though their concerns were refuted by the DMI employee I interviewed, and have not yet been proven by long-term scientific study, many members of the WCFN are concerned about the DMI pulp mill’s effects on their water quality and animal habitat loss related to forest clearing.

⁹ Shell Canada’s Carmon Creek oil sands facility is located 40 kilometers northeast of Peace River. Its expansion is projected to expand production from 12,500 to 80,000 barrels of bitumen per day using thermal or steam recovery methods (Shell 2009a,b; 2013). As will be discussed in chapter three, several WCFN members expressed concern about this project’s possible effects on area water.

¹⁰ Please note that in October of 2015, Shell announced it was halting development of its Carmon Creek expansion project due to uncertain transportation methods and markets for oil. (Cryderman 2015).

The members of the WCFN are currently dealing with oil activity and consultation on their traditional territories in many ways, including formulating and enforcing their own consultation policy, partnerships with oil industry, agreements with industry partners to use local employees, negotiating and receiving compensatory payments and consultation funding from the oil industry, and employing lands monitors who inspect and observe oil activity. They are actively demanding a role in the industry decisions that affect their lives, as demonstrated by their 2011 *Consultation Protocol* and their partnerships with local oil and pulp industry companies. Estimates of the amount of affected land in Northern Alberta vary but most estimate tens of thousands of square kilometers (Ervin 2012:280; Westman 2006a:33). Like all First Nations communities, the WCFN cannot be understood without attention to their pre and post-European contact history, their relations with government and industry, and their relationship with historical treaties.¹¹

An important part of the past and present of the WCFN is its complex relationship with the Lubicon Nation and other area First Nations groups. The Lubicon Nation is located near Cadotte Lake, at Little Buffalo Lake, and there has been much media and scholarly coverage of their struggle. While this information needs to be read with a critical eye because of the political context in which it was written, it is an important part of understanding the WCFN. Martin-Hill (2008) and Westman (2010) provide detailed explorations of this complex struggle and its implications. During the 1970s, 1980s, and 1990s the Lubicon Nation struggled to file a caveat, obtain recognition of aboriginal title, obtain an injunction against oil activity, and negotiate a land claim. Discontent within the Lubicon Nation itself as well as other nearby groups grew as their tactics became more confrontational, and because many people in the area were not considered Lubicon Nation members and would therefore be left out of any settlement that was eventually reached. There continues to be problems with leadership within the Lubicon community at Little Buffalo. In 2013, Billy Joe Laboucan was elected chief but some in the community still consider former Chief Bernard Ominayak to be their chief (CBC News 2014a) and do not accept the result of this election.

¹¹ Many scholars, such as Madill (1986) point out the importance of Treaty Eight to understanding First Nation and government relations, in this case how the members of the WCFN deal with and conceive of the current energy extraction on their reserve and traditional lands. The influence of the contents of Treaty Eight, as well as differing interpretations of its meaning and processes will be discussed at length in chapter two.

When discussing this situation, several WCFN members talked about the fact they joined the WCFN because they did not agree with how the Lubicon Nation leadership at the time handled status and membership. One WCFN member noted that he and his family joined the WCFN because they did not agree with the Lubicon leadership “dictating everything about status and moving people here and there” (Field notes 8/13/13). In 1988 the Canadian government recognized the land claim and admission to Treaty Eight of the WCFN at Cadotte Lake (Martin-Hill 2008; Westman 2010). This newly formed group was diverse and included people with family connections to, as well as those residing in, the immediate region including Little Buffalo, Haig Lake, Bison Lake, Lubicon Lake, Marten River, and Cadotte Lake. The WCFN was created, their land claim was negotiated, a referendum was held, and then their claim was implemented including the provision of 55 square miles of reserve land as well as facility construction and money for further infrastructure. The continuing high profile of the Lubicon grievance and claim has overshadowed the legitimate aspirations and rights of WCFN and other regional communities (Westman 2010). The Lubicon Nation has had sometimes strained relations with Woodland Cree and other area First Nations, who have reached official but still far from perfect agreements.

There is an acknowledged lack of research about the people who occupied Northern Alberta both before and after contact (Smith 1982:256). Several scholars note that the assumption that Cree Peoples did not move into the area until the 18th or 19th century is proven inaccurate by archaeological, oral-historical, and ethnographic evidence (Malinowski 1998; Smith 1982, 1987; Westman 2006b, 2010) and point out that many WCFN and Lubicon Nation members have ancestors that were born in the area. When interviewed, Edward Laboucan stated that “Ever since I can remember we were from this part of the country, Laboucan Lake and the surrounding areas” (Laboucan, E. and J. 1995). In his 1998 paper about the origin and history of the Little Buffalo and Loon Lake Alberta Cree, Reddekopp argues that this area (which includes what is now the WCFN) was “almost exclusively Cree in population at the time Treaty Eight was signed and had been so for at least several generations” (1998:2-3). Nevertheless, the shortage of research, particularly ethnological perspective, adds a layer of complexity and contradiction to a political and legal climate that relies on questions of ancestry, land occupation, land rights, as well as past and current traditional land usage.

Scholars use the available ethnological research regarding this area to portray the ancestors of the Cree as people who moved over their territory with game resources and the seasons. The moose was (and still is) important to their survival and their culture. Its use and significance was discussed by all nine of the WCFN elders interviewed in 1995 by Rhonda Laboucan and several people I interviewed in 2013. Every elder interviewed in 1995 spoke about the importance of moose hunting, as well as the process of moose hide preparation. Several noted that plentiful moose is an important part of their identity in the past and present. A WCFN member and employee told me that “Moose makes us who we are” (Daisy 7/30/13). One WCFN elder stated that: “There was a lot of moose in the early times, we were able to share our food with other families. I guess this is one of our traditions, families sharing meat with one another. This was the way of survival in the early times, times have changed” (Laboucan, D. 1995). A WCFN councillor echoed this elder’s point when he stated that: “We have to survive by eating our animals, just to make a few bucks. You can’t understand where I am coming from, maybe you are an animal lover but you never did this, and you had money given to you” (Phil 8/12/13). Moose and all animals are part of the culture, identity, and pride that First Nations people place in hard work. Problems with moose and other animals are also a part of their frustration at how non-First Nations people see them. Many WCFN members believe that outsiders simply do not understand them, the issues they face, or their connections to animals and their land. While talking about the importance of the moose, two elders (Hackworth, F. 1995; Laboucan, J.E. 1995), and a lands monitor spoke about the fact that in the past, their people did not have to buy anything because they depended on and used the moose. Daisy told me that because of oil, more and more people are “spending money on what could be free” (7/30/13). Though the health and numbers of moose have been and still are affected by the oil industry, moose remains an integral part of the practical and cultural life of the WCFN.

Northern Alberta area Cree ancestors had a flexible social organization that changed with seasons, included gendered division of labour, and, as pointed out by elder David D. Laboucan, survival depended on following and hunting game (1995). They also had complex healing and spiritual beliefs and rituals based upon respect for the spirit of all parts of the earth as gifts of the Great Spirit. Herbal medicine was used to treat sickness. Elder Florence Hackworth notes that “the creator gave us these herbs to heal ourselves” (1995). These people relied upon bows, snowshoes, canoes, horses, and toboggans for travel, trapping, and hunting (Hackworth, F. 1995;

Laboucan, D. 1995). They lived most often in conical or oblong wigwams constructed with poles and covered with hides (Malinowski 1998:96, Smith 1982:262). Important aspects of survival included sharing, coming together in large groups in the summer time, and smoking meat and fish for storage (Hackworth, F. 1995; Halcrow, J. and M. 1995; Reddekopp 1998:3). Until the 1950s, many people of this area were isolated from government controlled education and did not speak English. Some of the people in this area lived in cabins, but many lived along a seasonal round rather than in permanent dwellings (Smith 1982). Oil transport via pipelines began on the periphery of the WCFN traditional lands in the 1950s - 1960s and expanded exponentially during the 1970s when hundreds of oil wells were drilled. The encroachment of oil in the area and the collapse of the moose population and international fur prices severely impacted the subsistence economy of the First Nations people in this area. Until the 1970s the people of this area relied almost exclusively on animal traction power, and the first motor vehicles in the area were planes. There was limited use of trucks and bombardiers in the 1950s but the first (unpaved) road access was in the 1970s.

The WCFN is not immune to the influence of the globalized world. Many of its members buy and use the same mass-produced food and goods as other Canadians, and many of its members work within the oil industry. However, it is a community where tradition remains important and the Cree language is still in use. Like many First Nations communities, the people of the WCFN deal with matters of culture change, funding, infrastructure, housing, water quality, landscape change, and membership (Agyeman et. al 2009; Ominayak and Thomas 2009; Watkins 1977). However, the most pressing issue the community is facing is energy extraction, consultation, and in some cases a lack of consultation about a myriad of daily energy activities in terms of expansions and new projects on their traditional territories.

1.5 A political ecological approach to data collection and analysis:

One afternoon during my fieldwork, I sat in the kitchen of a senior WCFN member discussing oil and the WCFN community. She told me that “the oil companies they don’t care. They just go wherever they want to go. They don’t know our way of life and as long as they don’t understand it we’re always going to be treated bad. If you don’t understand something you can’t fix it” (Mary-Anne 8/7/13). Her comments effectively sum up the implications of not understanding consultation, and its interconnections to many other matters. Laura Nader (2010a) also makes this point that we will not be able to make informed energy decisions, or understand

reactions to those decisions, until we have a better understanding of the underlying issues, values, and beliefs involved. Understanding these interrelated aspects of energy decisions requires using a diverse theoretical framework; learning from a variety of scholarly literature and recent research; as well as politicizing and problematizing the political, economic, and social factors which relate to the relationship between First Nations people and environmental issues and changes. Theory is an essential aspect of any and all anthropological research because scholars cannot consider or study any group, characteristic, or problem without some sort of framework. It is important to be explicit about the theoretical frameworks that influence us in carrying out and presenting anthropological research as they are in essence biases, which invariably move us towards some information and move us away from others. In my attempt to understand and explore the way the energy extraction process affects the lives of the people of the WCFN, I have used various theories under the framework of political ecology.

Political ecology is an interdisciplinary framework, which makes use of many perspectives and methods in order to discuss and debate the political relationships between humans and their environments. In his 2015 exploration of cultural transformations and globalization, Ervin argues that “political ecology at its core is a conflict theory” (21). He goes on to define political ecology as:

A rapidly emerging interdisciplinary field ... Here the global and local environmental impacts of the penetration of global industrial capitalism, through its extraction of resources, are critically described and analyzed. These are shaped by differentials in socio-economic and sociopolitical power, further framed by conditions of class, race, gender, and ethnicity. [252]

According to Jarosz, the application of political ecology to environmental issues “raises difficult and necessary questions about politics, ethics, and social justice in relation to human activity and environmental change” (Poole and Hudgins 2014:38). In the case of the relationship between those who live and/or work in the WCFN and its traditional lands, political ecology highlights questions about the relationships, values, and unequal power relationships within, between, and across the WCFN itself, as well as the landscape, several levels of community and national government, oil companies, researchers, and environmental activists.

I have undertaken literature review, field research, data analysis, and thesis writing under the framework of political ecology because this framework challenged me to look at this subject from many angles and perspectives. This approach has kept my research from being narrowly

focused on abstracted or stereotypical aspects of the energy extraction process, which I cannot understand without attention to its social, political, environmental, and spatial aspects. Political ecology enabled me to focus attention on individual and community conceptions and actions regarding the oil extraction process and the relationship between conceptions of temporality, consultation, as well as conflicting understandings about change in the WCFN community.

Laura Nader has stressed the importance of understanding the politics and conflicting value systems inherent in all of our energy choices (Nader 2010a; 2010b). Without investigating and questioning these intertwined relationships, my exploration of the effects of oil on this community could fall into the trap of stereotyping, essentializing, and victimizing the WCFN members, their culture, and their environment. There is no shortage of disagreement and debate about the flaws, strengths, and future directions of political ecology as a research tool. These debates are an example of the importance of problematizing not only the topics we study but also the theoretical frameworks from which we study them (Maganda 2012; Paulson et. al 2003; Pritchard 2013). The political ecological focus from which I have gathered and analyzed information, as well as debates within and about political ecology itself, have allowed me to use multiple perspectives and questions to provide a nuanced (if incomplete) understanding of some of the complex relations between the WCFN community and the oil industry. These perspectives assist me in understanding the barriers and complexities inherent in the way the people of WCFN conceive of, affect, and are affected by energy extraction.

1.6 Oil Literature:

A review of literature published on the subject of First Nations people and energy extraction in Canada and elsewhere has assisted me in contextualizing the information I collected during my fieldwork. It is important to be aware of the social, political, academic, environmental, industrial, and legislative context in which I am researching and writing. In fact, it is those very gaps, biases, and misunderstandings that can provide important contextualization and background for the information that I obtain through observation, participation, and interviews. Much of the available literature on the subject of First Nations people and energy pertains to high profile and large projects or inquiries such as the Mackenzie Valley Pipeline (Sabin 1995; Stern 2007), and the Alaska Pipeline (Roddick 2006; Stern 2007). Several disciplines are contributing to the small but growing scholarly and public understandings of their environmental, social, and cultural impacts (Anderson and Bone 2003; Ervin 2012; Westman

2006a). The research that is available about energy extraction in the area must be read critically because some of it serves to maintain the current unequal power relations between the government, the oil industry, and First Nations people (Davis Jackson 2010; Harding 2007; Westman 2006a). Stern points out in her exploration of the Mackenzie Valley Pipeline Inquiry, that we are “both puzzled by and at pains to explain the positions of the several indigenous communities that appear at times to both support and oppose the development” (2007:417). Statt argues that the “crux of the matter is figuring out how to balance the interests of the larger Canadian society and those of pre-existing Aboriginal societies” (2008:206). This statement is an example of our tendency to view these two sides as distinct and monolithic, which is inaccurate and impedes our understanding of these issues.

This energy literature raises as many questions as it does answers. While I cannot reference all of the literature or all of the questions that came to my mind as I researched, there are several that have shaped my research design and point to the importance of research of this type in Northern Alberta. These questions include: why is there so much published literature on large projects or conflicts, what is being missed by excluding smaller ones, what are the problems with the oil extraction and consultation processes, and what are scholars and the public still not understanding. They also include: why do we often portray First Nations people’s opinions of energy in a simple manner, why do scholars research and write as if energy extraction can only be positive or negative, and is there a fundamental problem with the way we are looking at energy extraction and First Nations people?

Energy extraction and consultation are not easy subjects to study because of their inherently complex, cultural, and political nature, as well as the fact that each individual involved has different information that is viewed from a different perspective (Behrends and Schareika 2010). My research at the WCFN is not generalizable to all other contexts in Canada, but it will assist in addressing the above-mentioned questions, as well as the acknowledged lack (Haluzá-DeLay *et al* 2009) of academic exploration of these topics in small community settings such as northern Alberta. This type of research is necessary in the current energy focused context of Alberta, Canada, and the world. It is the responsibility of anthropologists and other scholars who are in a position to learn from First Nations people.

1.7 Oil in the Alberta, Canadian, and International context:

Many scholars point out that the oil sands of Alberta and Saskatchewan are “second only to Saudi Arabia” in terms of possible oil production and economic profit (Schindler 2010: 499; Sinclair 2011:68; Westman 2006a:31). Many point to the devastating effects that oil activity has had on people, animals, water, and the environment (Agyeman *et al* 2009; Ervin 2012; Mantyka-Pringle *et al* 2015; Sinclair 2011). The projects in Alberta that have and are affecting land and people include megaprojects in bitumen and pulp, as well as countless small projects seeking conventional oil, heavy oil, natural gas, and timber. It is important to consider Alberta energy extraction and transportation within its provincial, national, and international context in order to understand its effects on the WCFN.

1.7.1 Oil in the Alberta Context:

Oil is an important part of the history of Northern Alberta. The majority of oil projects in Alberta are small but the main growth region in Alberta oil mining is certainly the oil sands. The Alberta oil sands include the Athabasca, Peace River, and Cold Lake deposits. The Athabasca oil sands near Fort McMurray Alberta (approximately 300 kilometers northeast of Peace River), produce more oil than do the Peace River or Cold Lake deposits. They provide an important contrast and context to the Peace River area because they involve similar issues on a larger scale, and have been studied in more detail. The Alberta oil sands did not produce commercially until the late 1960s and have become more and more profitable since the early 2000s because of economic and technological changes, as well as significant tax and royalty incentives (Alberta Energy 2014a; Sinclair 2011). In his exploration of the history of oil in Canada, Bott outlines the first historically significant crude oil discovery in Turner Valley, Alberta in 1914 (2012:7). Due to the changing nature of Canadian and world politics and economics, there have been fluctuations in the history of oil production in Alberta. There were booms in the 1950s, 1970s, and again since the early 2000s, which includes expansion(s) of the Peace River Shell plant for bitumen and more recently heavy oil (Alberta Energy 2014b; Bott 2012). Alberta Energy estimates that the oil sands alone contain 168 billion barrels of oil (2014b). Schindler states that oil production “rocketed from 760,000 bpd in 2005 to 1.3 million bpd in 2006, and is projected to reach 3.3 billion bpd by 2020” (2010: 500). All of this oil activity has had and still is having significant social, environmental, political, physical, and cultural effects on the Albertans who live near the sites of this resource extraction and transportation.

As will be discussed in detail in chapters two and three, the oil sands, and all oil-related projects, bring up many difficult questions about consultation, treaty rights, environmental damage, economic concerns, and differing levels of access and power (Agyeman *et al* 2009; Environmental Defence *et al* 2010; Usher 2003). As Davidson and Gismondi (2011) point out, though many members of government and industry paint energy extraction as easy and plentiful economic and political necessity, many First Nations groups and many who study the effects of energy extraction see this very differently. Even though many of its members benefit directly or indirectly from the oil industry, this difference can be seen in the *Consultation Protocol* of the WCFN itself. The first sentence of this protocol states that “WCFN is concerned about the increasing [negative] impact of development on our traditional land” (2011). The protocol (as well as the 2010 Treaty Eight Nations of Alberta position paper on consultation) includes information on the many infringements on their constitutionally protected treaty rights that the WCFN have experienced, and the necessity of protecting those rights with a lengthy and detailed consultation process. Many First Nations and other affected or concerned groups argue that consultation, participation, notification, and environmental damage are the most pressing problems with this industry in Alberta. All of these problems relate to perceived violations of their rights, mistrust of the government and oil industry practice, and fulfillment of the duty to consult. In their 2010 Pembina Institute report, Droitsch and Simieritsch summarise key concerns of Aboriginal communities regarding the impacts of oil sands extraction. They argue that the growing environmental effects of oil extraction and problems with consultation represent “violations of their [First Nations people’s] constitutionally protected rights” (2). All of these viewpoints about the positive and negative aspects (moral and otherwise) of the oil industry are important to understanding how it affects those who deal with it every single day.

Examples of Alberta First Nations challenging oil leases and court decisions include but are certainly not limited to: the Fort Chipewyan First Nations 2009 challenge of the oil leases granted to Shell on the basis that they were not notified (Sinclair 2011), and the 2013 oil sands healing walk by Alberta First Nations at the legislature in Edmonton to demand better consultation (Klinkenberg 2013a). They also include the decade long struggle of some farmers and other residents in the Three Creeks, Alberta area about their oil emissions concerns, that were recognized by the Government of Alberta in the summer of 2014 (CBC 2014b; Edmonton

Journal 2014).¹² Some First Nations, such as the WCFN and the nearby Sawridge Nation, have entered into partnerships, benefit sharing agreements, and other joint industry efforts. This lends some credence to the argument that things are slowly getting better in some ways (Dacks 2004; Mortona *et al* 2012; Notzke 1994). The above-mentioned challenges to oil extraction practice and policy lend credence to the opposite argument that there are continuing problems with oil practice and policy.

1.7.2 Oil and energy in the Canadian context:

Canadian extraction, production, transportation, and exportation of conventional oil, oil sands products, and natural gas are economically, environmentally, and socially complex. As Bott (2012) points out, oil and energy have long been affecting and have been affected by political and economic factors in Canada and elsewhere in the world. These include changes in economic trends, energy prices, policy, laws, land claims, international regimes, public opinion, technology, as well as federal and provincial governments (34-36). There have also long been arguments about the successes and failures of projects such as the Gateway and Keystone pipelines, the Mackenzie pipeline, the James Bay Hydroelectric project, and countless other oil, nuclear, and hydro-electric projects, as well as the 2012 federal and 2013 Alberta provincial changes to consultation and assessment processes (CEAA 2012; Government of Alberta 2013c; Plourde and Whittingham 2012). While there are too many proposed and completed projects and inquiries to explore here in this introductory chapter, a few deserve mention in order to contextualise Alberta and WCFN involvements with energy consultation in the national context.

Justice Thomas Berger's famed 1976-1977 Mackenzie Valley Pipeline Inquiry has long been and is still used as an example of how the energy extraction, review, and consultation process can work for First Nations people. This is because of Berger's efforts to listen to First Nations people's concerns, his making sure they had the ability to voice their concerns, his questioning of the benefits of the project, and his recommendation of a ten year moratorium (Anderson *et al* 2008:11; Nuttall 2006: 23; Walden and Rohzon 2012:25). Many point out that changes in the gas market also contributed to this project being halted, as well as the fact that there have been few examples of First Nation involvement and power in energy decisions since (Nuttall 2006:24, Sabin 1995:18). The 2005 and 2013 attempted revivals of the Mackenzie

¹² The Three Creeks group is comprised of non-First Nation farmers and Peace River area residents. Their struggle to have their concerns recognized is discussed in detail in chapter three.

Valley pipeline have highlighted the need for large-scale and cumulative regional environmental assessments that include the meaningful participation of a range of concerned parties, particularly First Nations people (Voutier *et al* 2008). The current and former status of this inquiry and project is both an example of how consultation can recognize and incorporate the history, values, and concerns of Canadian First Nations people, as well as the fact that there are pressing problems within the consultation and energy extraction process.

LaDuke and Curry point out that many First Nations people are opposed to the Northern Gateway Pipeline. They argue that the environmental, political, and social issues that projects such as this pipeline raise are fundamental to all of Canada. This is because they are examples of the intent of government and industry to push projects through without proper consideration of their ramifications, risks, or benefits (2012:2-5). The opposition to the Northern Gateway Pipeline is one of many examples of the fact that the climate of consultation has not greatly improved since the 1970s and Justice Berger's famed inquiry. No matter the positives or negatives of an energy project in Canada, there are some that argue the economic benefits cannot outweigh the environmental, animal, human, or cultural risks, and vice versa. Energy in general and oil in particular are important and complex aspects of the past, current, and future Canadian political, economic, social, cultural, and environmental context.

1.7.3 Oil in the international context:

It is important to situate the WCFN and Alberta experience with oil in the international context. There are many groups outside of Alberta and Canada that are dealing with oil activity and debates about environmental change or damage, consultation, health problems, culture or tradition loss, and violence in relation to oil. There is a global dependence on oil that affects all communities and has its own related culture and power. Several of the WCFN members and non-First Nations people that I spoke with made reference to the fact that the whole world depends on oil or that it is a part of many of the products that they, and everyone, use daily. Di Muzio argues that every country in the world is dependent on oil and that everyone must do more to understand not only the local and national aspects of oil, but also international and transnational factors in terms of its effects, extraction, and usage (2010). According to the U.S. Energy Information Administration (EIA 2012a) statistics, Canada is fifth in the world in oil consumption, behind the United States, China, Japan, and Brazil. There are 12 countries using over two million barrels per day, ten more using over one million barrels, and these countries

span the globe and the economic spectrum (EIA 2012a). The EIA lists Canada as sixth in the world in terms of oil production, behind Russia, Saudi Arabia, U.S., China, and Brazil. There are 15 countries producing over two million barrels per day and six more countries producing over one million barrels per day (EIA 2012b). Canada's importance in terms of global oil production continues to grow.

Two particularly egregious examples of the environmental, human, and political damage that can come along with oil are the oil industries in Ecuador and Nigeria. Scholars who explore the power and effects of the Nigerian oil industry point out many difficulties that have a long history and continue today. These include: the role of international companies and policies, problems with and a lack of consultation, environmental damages, corruption, and coercion. They also include: conflict between the government and ethnic groups, militarization, civil war, pipeline spills, and even the execution of protestors such as members of the Movement for the Survival of the Ogoni People or MOSOP¹³ (Apter 2005; Klieman 2012; Osha 2006). LaDuke and Curry (2012) compare the Nigerian and Albertan oil context in terms of politicians being past or present parts of the oil industry, the domination of oil in the economy, what they call lax environmental regulation, income gaps, and even death (in Nigeria at the hands of the military, and in Alberta in terms of suicide and substance abuse). Though the problems that the oil industry causes and exacerbate in Nigeria and Canada are different, oil plays an important and complicated role in the social, political, and environmental context of both countries.

Oil exploration began in Ecuador in the 1920s and now covers two thirds of the Ecuadorian Amazon. It has led to countless problems in the country and larger Amazon regions. These problems include deforestation, logging, over-hunting, oil spills, water contamination, disease, voluntary and forced movement or isolation, and disagreements about the meaning of consent and consultation (Bilsborrow *et al* 2004; Finer *et al* 2008; San Sebastian and Hurtig 2004). Indigenous people in Ecuador have and continue to take legal action against oil companies regarding matters such as dumping waste water, and they have even halted exploration in some cases (Quito 2013; Finer *et al* 2008). Energy in the international context

¹³ As Osha (2006) points out, the Ogoni people, as well as their struggles against environmental damage and land rights degradation are much more complex than the November 1995 execution of famed author, activist, and president of MOSOP, Kenule Beeson Saro-Wiwa, with eight other members of the MOSOP. She and others use this execution as an example of the unfairness and violence with which the Ogoni and other Nigerian people have and still are treated by their government and the oil industry. These executions sparked international outrage and Nigeria's three year suspension from the Commonwealth of Nations.

raises more questions than it resolves, and it cannot be fully discussed here, but it is important to understanding oil contexts such as that of the WCFN.

1.8 Ethics:

My thesis research adheres to the University of Saskatchewan's ethical policy and the federal Tri-Council Policy Statement (TCPS) on Ethical Conduct for Research Involving Humans, 2nd Edition. This includes the practice of using written forms and oral consent discussions to obtain informed consent. I used oral consent processes when requested because some of my participants faced obstacles in terms of literacy, as well as a lack of trust in written documents, and a belief in the value of one's word. The process of obtaining informed consent¹⁴ was at times difficult because many of my participants did not understand my project or the process of informed consent in the same way that it is understood in the academic setting of the University of Saskatchewan. In one case a WCFN elder took offence to the consent process and emphatically asked "Why is this needed? I'm telling the truth!" (Andy 8/15/13). He assumed that the portion of my consent form that allowed him to remove his information from my project for up to six months from the date of our interview was based on the assumption that he might not tell me the truth.

I have adhered to the TCPS policy regarding respect for informants, confidentiality, the right to withdraw, and data protection and storage. In particular I have adhered to the practices outlined in chapter nine of the TCPS policy entitled "Research involving the First Nations, Inuit, and Métis Peoples of Canada." Confidentiality is a particularly important but difficult aspect of my research in the WCFN community. I made it clear to those who agreed to interviews that even though I was not using their names, other members of their community may be able to discern their identities because of the information they shared with me. I also kept in mind the fact that this knowledge affected what participants did and not share with me. Only one of my participants allowed me to use his name; in fact he asked me to use it. Five of my participants explicitly told me not to use their names, and 16 of my participants were not sure about their real names being used, even after reading transcriptions of their interviews. I erred on the side of

¹⁴ The process of obtaining written or oral consent included discussions about: reviewing and discussing written and recorded interview transcripts as needed, the choice between recording or writing notes during interviews, participants' right to stop the interview and/or revoke consent at any time, the purpose and scope of the study, the potential risks and benefits of their participation, confidentiality, data storage, and post-interview follow-up.

caution, and have used one real participant name and 21 code names¹⁵. I have also omitted references to these code names when WCFN members' statements might still be traced back to them and might negatively affect their standing in the community. I completed 12 written consent forms and 10 oral consent processes. During the oral consent process I read the consent form to my participants and during both processes we discussed the consent process in detail until the participant was comfortable with beginning the interview.

My supervisor, Dr. Westman, has obtained clearance from the University of Saskatchewan Behavioral Research Ethics Board for a large long-term research project that is focused on ethnographic investigation of energy issues through analysis of energy impacts and consultation processes in Northern Alberta First Nations. This project includes my thesis research and the research of other M.A. and PhD students in the future. Dr. Westman and I also obtained verbal consent for my research prior to its commencement through phone-calls, emails, and meetings with Chief William Whitehead, two WCFN councillors ("portfolio holders" for consultation and lands), and a land manager at the WCFN. While in the WCFN community during the summer of 2013, I obtained an updated ethical approval for my research that included oil industry employees and other area residents. Dr. Westman and I negotiated (and continue to participate in) a mutually beneficial fieldwork research plan for my and other future research in the community. This includes sharing the results of my research and recommendations with the community during and after the completion of my thesis.

1.9 Participants:

The focus of my field research was understanding how the oil industry affects the lives of those who live in the WCFN. This research includes 22 interviews I completed before and during my fieldwork, nine elder interviews that were recorded and edited by Rhonda Laboucan in 1995, as well as the 100 pages of field notes I wrote during my fieldwork. During my nine-week stay at the WCFN, I interviewed 20 people, 13 were members of the WCFN, and seven were non-First Nations people. I did not formally engage with the members of the Métis community that neighbours Cadotte Lake.

¹⁵ None of the names used for the elders interviewed in 1995 by Rhonda Laboucan have been changed because this is the way this information was published by Rhonda Laboucan. This is the way Professor Westman and I have been asked to use and cite this information.

Three of the WCFN members that I interviewed work in the WCFN office, three are employed by the WCFN in the areas of safety and lands monitoring, and three work for or derive income from work-related to the oil industry. The occupations of the other WCFN members that I interviewed included: independent contractors, construction workers, at-home parents, and some who were retired or elderly. Several of the WCFN members that I interviewed had lived there their entire lives. Two of them told me that they came to live at Cadotte from B.C. and elsewhere in Alberta when the WCFN was formed 25 years ago. Many WCFN members told me stories of the various places other than the WCFN community that they had lived due to their occupations, their parents' occupations, and residential schools. The smallest amount of time that my WCFN participants had spent in the community was 20 years.

The focus of my field research and my thesis is on the members of the WCFN. As such I spent most of my field research time with WCFN members, and they represent the bulk of the interview data I have collected and used (13 of my 2013 field interviews and nine 1995 elder interviews). In order to contextualize and expand my understanding of the oil industry in the WCFN area, I also interviewed one government agency employee and three industry employees, as well as five non-First Nations area residents. Prior to beginning my fieldwork I visited family in Calgary and while there I interviewed an employee of the National Energy Board and an employee of an energy distribution company who asked me not to reveal his name or his employer. The occupations of the non-First Nations people I interviewed during my fieldwork included a teacher, nurse, community service worker, at-home mother, retired teacher, oil industry manager, and pulp industry manager. The oil and pulp industry employees had been working in their industry in Alberta for over 20 years.

I interviewed 10 women and 12 men. Their average age was 49. The oldest person I interviewed was 90 years old, the youngest was 32 years old, and three were recognized by the WCFN community as elders. Nine of 22 participants had jobs that were related to the oil industry directly. My interviews with WCFN members and non-First Nations people of varying ages, genders, occupations, and levels of experience with consultation and the oil industry have allowed me to understand important aspects of the oil extraction process and its effects on those who live and work in the area. While all of my interviews and conversations were integral to my understanding this community and its relationship with oil, seven were particularly rich. These interviews included one elder, two WCFN councillors, and four people in their 30s and early 40s

who work directly in relation to the oil industry. Two of these members were close relatives and so had related perspectives based on the similar life experiences. These particularly rich interviews took place in the contexts in which these people felt most comfortable: Andy, Phil, Hanna, and David at the WCFN offices; Billy and Eddie in their homes; and Courtney in her truck as we drove. I found it important to interview these seven, and all of my interviewees in the settings of their choice as these settings often elicited the richest, most complex, and interesting stories.

1.10 Fieldwork: a day in the life

My fieldwork research was arranged by my thesis supervisor, Doctor Clint Westman, who has extensive fieldwork research and consulting experience in the WCFN community. Dr. Westman also arranged for and accompanied me on a short trip to the WCFN in April 2013. I completed my ethnographic fieldwork over nine weeks between June 18 and August 22, 2013. My accommodations were located across from the WCFN office and behind the WCFN School in teachers' housing. Some of my typical fieldwork days included six to ten hours in the WCFN reserve and traditional forest lands among existing and proposed oil well sites (see figures 3.1, 3.2) and weekly visits to the site of an oil-related produced water spill.¹⁶ Other days included building relationships and doing internet research in the WCFN office, as well as interviewing WCFN members and other area residents in the WCFN office, their homes, their places of work, or in their cars as we drove along the highway or very muddy dirt roads.

I also spent time attending community gatherings such as: tipi-building, Treaty Days, Elders' Gathering, and plant collecting. It is WCFN policy to send two people into the field to monitor oil extraction and as an employee had recently left, I was able to assist the WCFN by acting as a field assistant to one of their lands monitors while collecting useful observational and field note data. Palmer notes that "various kinds of talk are situated in particular places on the landscape, and in travel between them" (2005:4). Several of my interviews were not formally planned or scheduled, but rather arose from the setting I and an interviewee were in, which inspired them to speak about oil and other things. My interview with Courtney is one such example. One summer day as we drove along and I used her GPS unit to guide us to a particular

¹⁶ This spill occurred sometime in early June 2013, and consisted of 4-600 cubic meters of contaminated water leaking from a break in a pipe, which threatened a wetland area, a creek, area wildlife, and killed many trees and plants. This spill will be discussed in detail in chapter four.

proposed oil well site on WCFN traditional territory, we began to discuss oil and consultation. Since I carried consent forms, questions, and a small audio recorder with me at all times, we easily transitioned into the interview as we drove along. Courtney seemed to be inspired to discuss things as we passed trucks, camps, trees, and animals along the way.

I observed and took part in the processes of mapping and photographing potential oil well sites, monitoring current oil well sites, riding on all-terrain vehicles, the difficulty of navigating through muskegs on foot and all-terrain vehicles, and chatting with oil consultants and surveyors (none of whom agreed to be interviewed). As soon as I arrived in this community I was aware of the importance of respect, visiting, and getting to know people before I requested to interview them. Nineteen of the twenty interviews I completed at the WCFN and in the Peace River area took place during the last five weeks of my fieldwork. All of my interviews and most participant observation took place on weekdays because most people indicated that they were busy with personal or family activities on the weekends.

During my fieldwork I was often amazed at the beauty of the landscape that I travelled through and observed. I felt lucky to be able to spend time among lakes, muskegs, trees, wild flowers, birds, deer, coyotes, bears, and wolves instead of my usual summers spent in offices and classrooms at home. Many people at the WCFN and in the surrounding communities went out of their way to welcome me, check in on me, assist me in my research, and offer me delicious homemade food. Several found it quite humorous that I am extremely organized, do not smoke, and unlike most WCFN members, I swelled quite noticeably whenever I was bitten by a local insect called the “no-see-um.” During my stay in the WCFN community, I was told about several instances of drunk driving, vandalism, and even a police chase, but I did not witness anything of this nature and felt quite safe. While my fieldwork days were not always easy, they were some of the most exciting, challenging, and rewarding days of my life. My favourite fieldwork experiences include: listening to elders speak; exploring the boreal forest (see figure 1.1), assisting in the construction of a tipi, feeding wolf pups on the side of a dirt road, eating moose-meat, learning about the day-to-day workings of the WCFN, and visiting with people whose experiences are quite different from my own.

1.11 Thesis overview:

In the following chapters I explore the ways that the oil industry is understood by and is affecting the lives of the members of the WCFN. Each chapter contains a discussion of relevant literature as well as fieldwork data.

In chapter two I examine consultation in relation to oil and discuss the reasons that this process is not working for the interests of the WCFN. This includes: the evolution of the duty to consult, and understandings and implications of Treaty Eight (1899). It also includes discussions about what government and industry can and should be doing with Traditional Knowledge (TK) within the context of consultation, as well as the strengths and weaknesses of the consultation processes as it is practically applied.

In chapter three I examine the complex relationship between understandings of temporality and the effects of oil in the WCFN community. This includes: exploring the sense of fatalism many people have about oil; the relationship between the past, present, and future and oil industry effects; and conflicting understandings of the effects of oil on the land, people, animals, water, and culture of the WCFN.

In chapter four I provide a detailed ethnographic description of events and processes flowing from a contaminated water spill. I do this in order to provide a snapshot of the practical realities and adverse effects of spills in particular and the oil industry in general within the WCFN. I discuss my visits to the spill site and the reports about the spill I helped write. I also discuss the themes and concerns brought forward by the spill as well as the differences between the company and media portrayal of the spill with what I saw and heard.

I conclude my thesis with a fifth chapter that includes a discussion about the ways that consultation is not working for the interests of the WCFN; the ways that oil is changing the animals, environment, and WCFN community; the fact that oil-related spills are affecting (but not being dealt with in a way that respects) WCFN people or land; as well as the problems with collecting, interpreting, disseminating, and even access to information that permeate all of these problems and the relationship between the WCFN and the oil industry in general. I will also discuss my key findings, recommendations, the importance of further research in this area, as well as the implications of my research for understanding this community and the long-term relationships between First Nation communities and oil.

Chapter 2 Conflict and Intricacy: consultation in theory and practice

2.1 Introduction:

Energy extraction in Alberta affects rights that are still not fully defined or understood uniformly. In turn, energy consultation creates a process, which requires a great amount of infrastructure, labour, and knowledge from the WCFN. The Government of Alberta defines consultation as “the legal



Figure 2.1 Tipis at a Treaty Eight celebration at Whitefish Lake (Gerbrandt 2013).

and constitutional duty to consult First Nations and, where appropriate, to accommodate their interests when Crown decisions may adversely impact their continued exercise of constitutionally protected treaty rights” (Government of Alberta 2013c: 1). No exploration of the economic, environmental, political, and social effects of oil or any other industry on First Nations people would be complete without attention to consultation. It is an important part of how and why resource extraction affects people in many communities, such as the WCFN. As many scholars and researchers point out, consultation is a much more complex process in practice than it is in theory. Walden and Rozhon argue that the contextual intricacies involved in consultation include but are not limited to “the interplay of legislation, custom and culture, the status of hereditary chiefs and tribal councils, and ongoing treaty negotiations” (2012: 23). While it is useful to debate about how and why consultation does or does not work, or whether or not the Government of Alberta’s 2013 changes to its consultation policy will make a difference, it is also imperative that scholars and governments explore how the people involved see and experience this process. When this is done, it becomes evident that the current consultation process and practice is not working for or and does not value the interests of the WCFN.

In this chapter, I will explore the duty to consult as well as scholarly and WCFN perspectives on the complications within consultation. I will explore some of the practical problems and struggles created by the consultation process in general, the way it is understood, experienced, and acted upon by the many parties involved. I will also discuss the understandings and implications of Treaty Eight as it relates to consultation. Next, I will explore one of the most

often-mentioned difficult aspects of consultation: collecting and using the knowledge of those people who know the land. I explore questions such as: what government and industry can and should be doing with Traditional Knowledge (TK) and the difficulty of combining two (or more) very different types of knowledge and ways of seeing the world. Finally, I will conclude by discussing the implications of all of these factors as they relate to consultation within the WCFN. My exploration of the realities of consultation with the WCFN will serve as one part of the growing focus on and understanding of energy consultation, which is an integral part of the current and future economic, environmental, political, cultural, and social context of Alberta and the rest of Canada.

2.1.1. Evolution of the Duty to Consult:

The Canadian government has an acknowledged legal duty to consult with First Nations before energy extraction occurs on their reserve and traditional lands and impacts their rights as protected by the *Constitution Act*, 1982. However, as will be discussed in detail in this chapter, what constitutes “adequate consultation” is still debated. The history and evolution of the duty to consult, as well as current practical challenges to this duty, are important aspects of the impact of energy extraction in the community, provincial, and national context. In his explorations of the duty to consult, Newman states that it is a “legal requirement, described by a body of case law from the courts. But the body of case law that has developed and applied the duty has raised nuanced questions concerning its application, and refined in detailed ways many aspects of the duty” (2014: 7). Reducing the experiences of the WCFN to case law would be unfair, but as their struggle to have their rights recognized the way they see fit hinges on the duty to consult, a summary of this complex topic is necessary to understanding their experience. There are several cases and pieces of legislation that have led to the current understanding and application of the duty to consult, eight of which will be summarized and discussed here. The first six cases do not address treaty rights directly but are important as part of the national legal framework of the duty to consult. The two most recent cases, *Mikisew* and *Cold Lake*, are more directly relevant to the current treaty context in Alberta.

The *Natural Resources Transfer Agreement* of 1930 (NRTA) is an important part of the past and current position that the provinces and First Nations find themselves in as well as the differing perspectives from which governments and First Nations view the duty to consult. This act effectively transferred ownership and responsibility for natural resources from the federal

government to the provinces of Manitoba, Saskatchewan, and Alberta. The federal and provincial governments viewed this agreement, in part, as a way to protect the subsistence hunting and fishing rights of the First Nations people and a way to put the provinces on equal footing (AANDC: 2003; Hall 2006). However, Ross argues that “this unilateral transfer took place without the involvement and the consent of the Indian signatories of the three numbered treaties in Alberta” (2005:11). First Nations groups point out that this lack of consultation, as well as subsequent interpretation of the NTRA and its relationship to treaty rights by the courts, are examples of their constitutionally protected treaty and traditional rights not being respected or acknowledged by the federal or provincial governments. The scope of this agreement, as well as the motivations behind its creation and application are mentioned in many of the court decisions that have shaped the duty to consult, but like the duty to consult, it remains much debated and open to interpretation.

The *Sparrow* (S.C.C., 1990) ruling is a landmark decision in terms of the meaning and limits of the legally evolving duty to consult Aboriginal people. This case began with a member of the Musqueam Band in British Columbia being caught and charged for fishing with a net that was longer than permitted under the Band’s fishing licence. Eventually, the Supreme Court found that the Musqueam right to fish had not been extinguished and was protected by Section 35 of the *Constitution Act*, 1982. This decision is one of the early important post-1982 cases where the Supreme Court explored and commented on the nature and scope of Aboriginal rights, how and when they were or were not extinguished, and how infringement of these rights should be justified. The ruling resulted in what is now called the “Sparrow Test,” which asks certain questions in order to determine whether an Aboriginal right exists, whether or not it has been infringed upon, and whether that infringement is or can be “justified” as having a valid objective. However, as has been pointed out by scholars and subsequent court decisions, the general nature of this decision leaves much to be desired. McGilligan argues that “since its introduction the Supreme Court of Canada has revised this test to the point where the compelling and substantial legislative enactments envisioned by its authors is no longer applicable” (2004: 161). *Sparrow* has the potential to become an important aspect of the protection of Aboriginal rights, but its use by the Supreme Court has moved it away from the vision of its authors. *Sparrow* does not and could not solve all of the problems with the understanding of and application of the duty to consult as it relates to Aboriginal rights. It does make clear that adequate consultation is the

fiduciary duty of the federal government, which must respect Aboriginal peoples' existing, evolving, and constitutionally protected rights when those rights are infringed upon by actions or regulation.

The *Van Der Peet* (S.C.C., 1996) decision, as included in the “commercial fishing rights trilogy” or “Van Der Peet trilogy” with *Gladstone*, and *N.T.C. Smokehouse Ltd.*, resulted in what is now called the “Van Der Peet test.” It has had far-reaching consequences for the understanding of Aboriginal rights and the federal government’s duty to consult Aboriginal peoples. The case began with a judge finding that a member of the Stó:lō Nation in British Columbia did not have the right to sell fish, a decision which was appealed and eventually heard and upheld by the Supreme Court. Its importance lies in the decisions that were made about what constitutes an Aboriginal right. The Supreme Court’s Van Der Peet, or “Integral to a Distinctive Culture” test, contains ten criteria that must be met in order for a practice to be considered an Aboriginal right that is protected by Section 35 of the *Constitution Act*, 1982. The fourth criteria: “The practices, customs and traditions which constitute Aboriginal rights are those which have continuity with the practices, customs and traditions that existed prior to contact” (S.C.C., 1996) has been much criticized by dissenting judges, First Nations, and scholars as a step backwards. Borrows argues that this test tells us that “Aboriginal is retrospective. It is about what was, 'once upon a time,' central to the survival of a community, not necessarily about what is central, significant, and distinctive to the survival of these communities today” (2002:60). Not only does this test place what many call an unfair burden on First Nations in asserting their rights, it places the definition of their rights exclusively in the past, and does not allow for any sort of cultural, political, environmental, or social shifts.

Delgamuukw (S.C.C., 1997) is a landmark decision, which built upon the Sparrow and Van Der Peet decisions but is distinct from them because it deals directly with Aboriginal title and rights. This lengthy and complex case began in 1984 when the Głtʷan and Wet’suwet’n First Nations began a lawsuit in an effort to bypass the slow land claims process in order to claim Aboriginal title on 58,000 square kilometers of their traditional lands. In its eventual decision in this case, the Supreme Court provided clarification about the definition and range of Aboriginal rights and title (which it found does exist in British Columbia), as well as the ways that inadequate consultation may constitute a just or unjust infringement of those rights. The decision is also significant because the Supreme Court stated that courts are required to

accommodate the use of Aboriginal oral histories and stories on an equal footing with documented evidence. Some call *Delgamuukw* a step in the right direction as compared to *Van Der Peet* because it focuses on “the actual date of Crown assertion of sovereignty over the land in question” (Rudin 1998:79). It further clarifies aspects of the Sparrow decision regarding the responsibilities of both sides in negotiating Aboriginal title, yet it is still general enough to make room for interpretation in future decisions. This decision made clear the importance of adequate consultation (though that was not defined), clarified the distinct but related concepts of Aboriginal rights and title, and paved the way for the growing (yet still far from perfect) use of and respect for Aboriginal oral histories in court proceedings.

The *Haida Nation* (S.C.C., 2004) and *Taku River Tlingit* (S.C.C., 2004) decisions were issued on the same day in 2004 and both are important parts of the evolution of the duty to consult. Lambrecht notes that while “*Haida Nation* is directed to recognition of a duty to consult and where necessary, accommodate, *Taku River* is directed to the contours of the duty including its limits” (2013:58). The *Haida Nation* decision began with the Haida challenging the transfer of a tree farm licence over land for which they were in the process of claiming title, without them being consulted. The Supreme Court found that this process had triggered the duty to consult and accommodate which was solely the responsibility of the federal government (not any company), but also that both industry and First Nations had a duty to engage in the consultation process in good faith. The *Taku River Tlingit* decision began with the Tlingit First Nation challenging the consultation and approval (which they participated in but felt was unfair and rushed) given to a resource company to construct a road to and re-open an old mine site. The Supreme Court eventually reversed an earlier decision and found that: the Tlingit had been adequately consulted, the duty to consult does not equate to a duty to reach an agreement, and that both Aboriginal and other concerns should be balanced when consultation decisions are made. Both of these decisions have built upon the above-mentioned rulings and clarified much-debated aspects of the duty to consult, which arises when the government knows or should know about a potential Aboriginal right, regardless of whether that right has been legally proven. Both decisions have also set the stage for future debates because the meaning of adequate and reasonable consultation has not been objectively defined.

One of the most often-mentioned aspects of the ever-evolving duty to consult, is the fact that court decisions often raise as many questions as they answer. The Mikisew Cree brought a

lawsuit against the federal government, arguing that it had not met its duty to consult or accommodate before construction of a road was allowed on their traditional lands. The Supreme Court ruled in favour of the Mikisew Cree and acknowledged the lack of direct communication between Parks Canada and the Mikisew Cree during the planning stages of the project. It found that, in the case of the approval for the construction of the winter road, “the duty of consultation, which flows from the honour of the Crown, was breached” (2005 S.C.C. 69:389). Schwartz and Rettie argue that there was still “no clear indication of what level of accommodation would be necessary” in such a case (2006:475); and Lambrecht argues that this case “turned on Crown indifference during the planning process to the routing of the road ... and not the significance of the environmental impacts of the project on treaty rights to hunt, fish, or trap” (2013:62). However, the important and influential aspect of this case and this ruling is its exploration of the scope of treaty rights and its recognition of the Crown’s duty to consult with First Nations in the context of both established and asserted rights.

The *Cold Lake* (A.B.C.A. 443 2013) decision presents instructive examples of the challenges within the ever-evolving duty to consult, as well as the differing opinions about this duty and its application within the Canadian court system. This case began in 2010 with the Cold Lake First Nation seeking a judicial review about what they saw as incomplete consultation before the redevelopment and expansion of a campground outside their reserve but within their traditional lands. The Cold Lake First Nation participated in the consultation process but they were not satisfied with how the consultation was concluded. The Alberta Court of Appeal ruled in favour of the provincial government, and the Supreme Court refused to hear the case. While the Appeals Court considered the scope of the duty to consult in this case to be low, its ruling is significant. Its ruling clearly indicated that before the adequacy of consultation can be decided, the scope of the duty to consult, the strength of the First Nation claim, and the seriousness of the potential impacts must be determined. Though the dissenting judge strongly criticized the majority’s method, results, and the exclusion of a Traditional Land Use (TLU) study, an important aspect of this decision is the Appeals Court statement that “at some point consultation has to come to an end” (2013 ABCA 443:56). This means that at a certain point a reasonable attempt at consultation must end with a decision, despite the concerns that affected groups may have about the adequacy of that consultation. This decision again focuses attention on difficult

legal and ethical questions that have always been central to the evolution of the duty to consult: what sort of consultation is adequate, how long consultation should be, and who should decide.

The above cases and court decisions are both examples of the progress that has been made in defining and applying the duty to consult, but also the problems and vagueness that still pervade this application. These cases provide a window into the complex reality which the leadership and members of the WCFN are forced to navigate in order to advocate for their rights in the context of energy development. In theory, the evolution of the duty to consult has improved the ability for Aboriginal concerns to be heard and incorporated into energy development plans. However, as Natcher points out “owing to procedural inconsistencies, as well as the volume of industrial referrals sent for community review, Aboriginal communities argue that their concerns and opinions remain excluded from the final decision-making process while their rights to traditionally used lands continue to be subjugated” (2001:115). He made this point in 2001, but despite further court decisions and legislation, it is proven to still be accurate some 12 years later by the experience of the members of the WCFN.

2.2 The practical details of consultation: how is it understood, experienced, used, and criticised?

Chief Isaac Laboucan-Avirom states that “Our nation (WCFN) is not opposed to activity, but we required adequate consultation and accommodation before activity occurs” (WCFN 2014). When I began my field research at the WCFN I wanted to find out about the practical and long-term applications of consultation in the community because it is such an influential part of their past, present, and future. I ended up with what I believe is a realistic portrait of the realities of consultation in this community, but it was not the portrait that I expected. According to the WCFN 2011 *Consultation Protocol*, consultation is necessary because of “increasing activity on their traditional land,” which is protected by their “inherent treaty rights.” Consultation includes but is not limited to: notification, participation, impact assessment, land use studies, and Traditional Knowledge studies. At first glance, this seems to be an ethically sound, transparent, and simple process. During my fieldwork I found that practical application of consultation is complicated by politics, economics, ignorance, competing values, motivations, and countless other factors. The very definition of what consultation was, is, and should be, becomes difficult if not impossible to agree upon and is often misunderstood by those (such as myself) who attempt to study it from the perspectives of those First Nations people who live with it. Although

each person would define it differently, I learned that in the WCFN, consultation is much more than the process as defined above. It should also include a relationship based on trust, respect, and communication.

2.2.1 Explorations of consultation within energy extraction literature:

Consultation is the duty of the Crown. Consultation as legislated and practiced by the provincial and federal governments is an evolving process. In the spring of 2013, the Government of Alberta released “The Government of Alberta’s Policy on Consultation with First Nations on Land and Resource Management,” which was implemented in 2014. Under this new process, the Aboriginal Consultation Office (ACO)¹⁷ determines the adequacy of consultation with First Nations and can provide advice to the Alberta Energy Regulator (AER) about steps that are required in order to address project impacts on traditional land use and treaty rights. When discussing this new policy, WCFN members were sceptical about how well it would address their concerns. This scepticism is echoed by several scholars and activists, and as of December 2015, these policies are under review by the new provincial government due to First Nation protests.

According to the *Consultation Guidelines*, which the Government of Alberta released in 2014, consultation can be triggered in the following four ways (and potentially others):

- Regulation, policy, and strategic initiatives or changes to public access;
- Fish and wildlife management – A decision that may limit or alter the quality and quantity of fish and wildlife;
- Natural resource development – A decision about surface land activity related to petroleum, forestry, mines and minerals, and other forms of resource development; and
- Land use planning that provides a long-term framework for Crown decisions. [Government of Alberta 2014b: 8]

The practical realities of this process are complex and are outlined in this procedures document. If a project does not fall into the category of “not requiring consultation,¹⁸” “requiring enhanced

¹⁷ The ACO was created under the Government of Alberta’s *Policy on Consultation with First Nations on Land and Resource Management*, 2013 and it is administered by the Ministry of Aboriginal Relations. The ACO’s purpose is to provide consultation management services to meet the needs of Government of Alberta ministries, First Nations, the AER, and project proponents (Government of Alberta 2015).

¹⁸ “Projects not requiring consultation either correspond to Appendix C of the Government of Alberta *Consultation Guidelines* (2014a), or the application is accompanied by the ACO’s pre-consultation assessment indicating that no consultation is required.” Please see *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities* (Government of Alberta 2014a: 4) for further details and an illustration of process one.

consultation,¹⁹” or “extensive consultation,²⁰” it falls under ACO-AER process three, “non-enhanced approval process applications.” In summary, according to the *Joint Consultation Policy* (Government of Alberta 2014a: 4-9) and the *Consultation Guidelines* (Government of Alberta 2014b 9-17), this consultation process involves several steps including: pre-consultation assessment, information sharing, determining the level of concern, exploring concerns, verifying the record of consultation, and determining consultation accuracy. The first step involves the industry proponent applying to the ACO to request a pre-consultation assessment to determine the required level of First Nations consultation. The second step involves the proponent providing information on the project and its specific impacts to First Nations in accordance with the *Consultation Guidelines* (2014a), and filing their application with AER. The third step involves the AER providing statements of concern from First Nations or other Aboriginal groups to the ACO, and if necessary, directing the proponent to address potential impacts on First Nation treaty rights as part of the consultation process. The fourth step involves the ACO assessing the adequacy of the consultation process and advising the proponent and First Nations communities whether or not further actions are needed to address potential impacts. The fifth step involves the ACO completing its review and issuing a regulatory decision after it has determined consultation adequacy.²¹

The Environmental Impact Assessment (EIA) process was not the focus of my research but it is discussed often by WCFN members and scholars in relation to consultation. There are both federal and provincial EIA processes in place, and as Creasey and Hanna point out, the energy context of Alberta creates a unique challenge. They argue that “the Alberta experience well illustrates the problems, limitations, and needs associated with EIA” (2009:319). If a

¹⁹ “Certain land-use applications for energy resource activities made under the specified enactments are handled through the AER’s EAP. For EAP applications, the ACO may require streamlined (level one) or standard (level two) consultation, which must be completed before the proponent applies to the AER. Once the consultation has been completed, the ACO may provide advice to the AER on mitigating impacts on treaty rights and traditional uses and will inform the AER of whether the ACO has found the consultation to be adequate or adequate pending the outcome of the AER’s process.” Please see *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities* (Government of Alberta 2014a: 5-7) for further details and an illustration of process two.

²⁰ “ACO-AER process four applies to energy resource activities for which the ACO requires extensive consultation. The coordination of the consultation and regulatory processes between the ACO and AER will begin during the development of a consultation plan by the proponent, which is required by the ACO on projects requiring extensive consultation.” Please see *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities* (Government of Alberta 2014a: 9-12) for further details and an illustration of process four.

²¹ Please see Appendix A for a flow chart illustration of this consultation process.

project is required to undergo both assessments, the process is outlined in the bilateral *Canada – Alberta Agreement for Environmental Assessment Cooperation*. The purpose of the Alberta Environmental Assessment (EIA) process is defined as “examining a project to determine what the environmental, social, economic, and health implications of a project might be” (Government of Alberta 2013a:1). Its threefold purpose includes: “gathering information, public involvement, and supporting sustainable development” (2013:2). It has four main steps, which differ depending on whether the project is considered an exempt, discretionary, or mandatory activity. These include environmental assessment, public interest decision by board, approval with conditions, and compliance. These steps do not (in theory) guarantee that a project will be approved.²² Much of the uncertainty, lack of clarity, and differing interpretations found in the consultation process, can also be located in the EIA and other impact assessment processes.

The consultation process for energy extraction in Canada is varied, complex, and dynamic, as is the way that First Nations and other people who study this extraction see it and its purpose, practice, and results. Harding argues that “we are unwilling to problematize the power and privilege within these processes ... they are instruments to create an illusion of objectivity and public participation” (2007:28). In many cases scholars and First Nations people are quick to point out the obvious shortcomings of the consultation process but hesitate when it comes to asking questions about the larger issues that underpin consultation and its power in Alberta. Wiles *et al* argue that the consultation process is in theory based on fairness and objectivity but also point out that little attention is or can be paid to the complex cultural and social impacts of energy extraction because they are beyond the scope of the process (1999:112). Environmental Defence *et al* point out that another inherent weakness and bias in the system is the fact that though the government has a legal duty to consult, they “delegate primary responsibility to industry ... they do not fulfill their constitutional obligation to protect Aboriginal and treaty rights” (2010:5). The conflict created by placing the same industry that is affecting the lands and rights of First Nations people in charge of the practical application of consultation with them is clear but not acknowledged by the governments of Alberta or Canada. There cannot be objectivity or fairness in energy consultation if this consultation is left up to those who benefit from energy extraction.

²² Please see Appendix B for a flow chart illustration of this EIA process.

Some scholars, such as Walden and Rozhon, point out that even when First Nations people are included in the consultation process (such as membership on the 2011 Gateway Pipeline Joint Review Panel in B.C.), it does not guarantee that their concerns will be considered (2012:28). This lack of clarity about whether or not First Nations people's concerns are listened to can be seen in the 2006 petition that the Treaty Eight Nations of Alberta sent to the Commissioner of the Environment and Sustainable Development. The petition asks for a joint federal and provincial assessment of the resource activity in Northern Alberta; outlines many First Nations concerns about animals, fish, transparency, and trust; and asks whether or not recent rulings (such as the cases of the Mikisew) will change consultation procedures. Several government representatives responded to the petition but they responded mostly in generalities about commitment to consultation and openness to change (2006). The perceived lack of inclusion of First Nations people's concerns in resource planning, as well as the lack of specific responses to these concerns, is telling about the consultation process as a whole. In many cases, First Nations people do not feel that they are a part of this process.

It is important to understand the realities of consultation as a legislated process, but it is also important to understand how it is seen by those affected by it. LaDuke and Curry quote a B.C. First Nation Chief as saying: "You know what it's like sitting down to negotiate with the Canadian government? It's like sitting down to talk with a cannibal. You can make as much small talk as you want, but in the end, you both know what he is thinking" (2012:2). This quote is an extreme representation of the level of mistrust that First Nations people and some scholars have about the intentions of the government. The government is driven by economic concerns, which appear to trump all others no matter what is said during consultation. To make matters worse, consultation and its related research and resource planning is often completed by consultants or employees of governments or industry who have little to no training in social impact (Westman 2006a, 2013). These scholars' concerns about consultation are mirrored by several WCFN members who spoke about how the perceived motivations of governments and the overwhelming nature and pace of the energy activity on WCFN make them feel angry, frustrated, and stressed. Their thoughts and feelings about the consultation process were full of conflict, uncertainty, and contradiction.

There is little agreement about the meanings of: the duty to consult, consent, accommodation, title, land use, fairness, infringement of treaty rights, or how and when we

should consider them. This leaves much for individual interpretation and inconsistency, which concerns both First Nations and industry (Mantyka-Pringle *et al* 2015; Natcher 2001; Urquhart 2010; Usher 2003). Some argue that the 2013 changes made to Alberta's consultation policy fix problems such as unfairness and vagueness. However, the Alberta Government's 2013 policy documents simply state that "flexibility and responsiveness" are necessary rather than clearly defining many of these terms. The documents make it clear that though the province has a duty to consult, and is committed to "strengthening relationships with First Nations," that "does not give First Nations or project proponents a veto over Crown decisions, nor is the consent of First Nations or proponents required as part of Alberta's consultation process" (Government of Alberta 2013c:4). The practical ability to give or refuse consent for a project is what many First Nation groups want, but also exactly what government (and industry) will not and cannot give them in the current economic and political context.

Another often-mentioned problem is the limited amount of funding and resources that Indigenous communities have in order to deal with all aspects of these processes, as well as the sheer volume of consultations they are faced with, all of which can often be fatiguing and overwhelming (Esteves *et al* 2012). Many members of industry find it frustrating that First Nations groups expect assistance with funding and capacity before they will consult. However, First Nation groups argue that meaningful consultation requires that all sides have the tools to participate, so without this assistance, meaningful consultation will not and cannot occur (Natcher 2001; Notzke 1994). Many First Nations groups would not be able to participate in consultation in any way without funding from the very industry that creates the need for energy consultation. This is in itself an inherently unfair aspect of this process because it creates a conflict of interests between the desire to protect WCFN members and land, the desire to at least be a part of the processes that are changing their lives, and the necessity of obtaining funding and infrastructure for the WCFN.

Scholars as well as the Treaty Eight First Nations of Alberta (2010) point out that the cumulative effects of energy extraction projects, which affect First Nations people's lives and perceptions of energy extraction, are often not adequately (or at all) dealt with by the consultation process and should not be limited to consideration of energy extractions themselves (Lawe and Wells 2005; Notzke 1994; Roddick 2006). They can include new and ongoing issues such as road constructions, residential schools, and governmental social policies. The effects

that are connected to consultation are so far-reaching and difficult to quantify or understand that they are left out because the current consultation process does not have the ability to deal effectively with them. In 2009, Chief Bernard Ominayak of the Lubicon First Nation argued that in Alberta oil companies often avoid dealing with cumulative effects by painting large-scale projects as many small unrelated projects, which allows for large-scale water usage and construction of roads and wells without assessment of the possible environmental, social, and economic impacts (2009: 115-116). Members of the Lubicon and Woodland Cree First Nations argue that meaningful assessments of projects are impossible because they are done after decisions are made and because the environment has already changed so drastically (and with little government or scientific attention). They do not foresee situations in which consultation results in meaningful changes to projects, or attention to cumulative effects before they begin.

In her exploration of the citizenship of First Nations people in North America, Altamirano-Jiménez argues that the consultation process by definition cannot respect First Nation knowledge or concerns, because “when market logic and cultural sensitivity clash, the market logic prevails” (2004:354). Altamirano-Jimenez explores the way that the very concept of First Nation citizenship is based on a model of market force driven development, which can result in “the loss of control over their culture and the sale of their past for a paycheque and for a decision that has been made without their input” (2004:359). Her argument mirrors the concerns raised in my exploration of oil and inevitability in the WCFN (Chapter three) as she asks: if the economy trumps First Nations rights and culture, what is the point of consultation? In their exploration of the Northern Gateway Pipeline, Walden and Rozhon explore the First Nation Chief’s demands for their rights to be respected within consultation and for the pipeline project not to proceed without “free, prior, and informed consent of the affected First Nations,” (2012:28). They also point out that industry cannot acknowledge these demands because that would mean making them truly equal players and giving them veto power. It is clear that the current consultation policies (and related political and economic contexts) are not respecting First Nations people, their land, or their knowledge. Because consultation is by definition about resource extraction, it will likely never have the ability to fully honour the wishes of First Nations people. There is the potential for consultation to respect First Nations rights, but until consultation policies are created and practiced in a way that respects First Nations people, the phrase ‘meaningful consultation’ will remain just that, a phrase.

2.2.2 Consultation within the WCFN:

Within my first 48 hours at the WCFN, I could see the importance of respect, as well as how the notion of respect (or in many cases a lack thereof) was tied to the concept and process of consultation. While a WCFN office employee gave me a short tour of the WCFN office, she talked about how explicitly and inherently flawed she thinks the consultation process is. As she showed me some of the dozens of boxes of consultation documents for the previous year, she remarked that “Alberta’s consultation process sucks because they only get 21 days to get the site all documented and stuff ... they should accommodate us and not just tell us and give us no time!” (Field notes 6/18/13). No matter whom I asked about consultation, or how much they did or did not know about consultation, almost everyone mentioned respect as a concern. These conversations also included much more than the process as it is legislated and published by the government. Conversations about consultation in the WCFN included but were not limited to: respect, meetings, notifications, monitoring, training, daily industry interactions, employment, capacity, motivations, spills or leaks, history, treaties, knowledge, assessments, and communication within the WCFN as well as between the WCFN and industry or government.

Members of the WCFN view the consultation process in a very negative light for many reasons relating to power, capacity, timing, the unknown, and a mistrust of the very premise of this process. Many are particularly unsatisfied with the notification aspect of consultation and talked about how they are not given time to be actively involved. They feel that notices arrive after decisions have already been made, and remark that sometimes they do not arrive at all. The people I talked with and interviewed did not define consultation itself, but rather the problems they saw with this process (and in a few cases its strengths), which is just as instructive. Two female Peace River residents spoke about the fact that notices appearing in the paper are not consultation. They spoke about the fact that advertising “a hearing or inquiry is happening in seven days, that is ridiculous!” (Dorothy 7/23/13). One WCFN member told me that “They’ve already done the damage when they send us the letter 21 days before a project. They never come ask us first ... consultation is an insult because they are lying” (Mary-Anne 8/7/13). These women felt that the notification aspect of the consultation system was set up for them to fail because they were not given time to prepare. There are glaring problems with the consultation process as experienced in this community. These members’ statements also relate to the inherent

distrust and uncertainty that permeates every interaction that WCFN members have with government and industry.

Several people I spoke with talked about issues within the WCFN that they saw as making consultation difficult, such as information distribution problems and disorganization. Two WCFN members who also work within the oil industry argued that the biggest problem with consultation is the fact that community members do not have enough information about it. This creates troubling unknowns. Billy told me that he worries about all the consultation problems and environmental damage he does not see (7/21/13). When we discussed consultation, David talked at length about how “There needs to be more communication. Years ago the council had meetings about what was going on, about effects and changes. That happens less and less, if you do not have a Facebook page you are out of the loop” (8/8/13). This comment speaks to a larger problem that permeates WCFN members’ thoughts about the effects of oil on their community as well as problems with the energy industry and consultation process. Information about consultation, and many other things, is not reaching all those who require it. Many feel left out of decisions that are made by local and federal governments, as well as the oil industry. This perceived pattern of being excluded or forgotten relates to feelings of uncertainty and mistrust that also permeate these processes.

Two WCFN office employees voiced their frustrations about consultation decisions being made without enough information. They argue that “they [oil companies] don’t have enough information, oil companies only talk to the Chief and Council who don’t know it all ... their plans are a waste of time” (Field notes 8/13/13). These WCFN members believe that without regular input by community members, important information is being left out of the process of consultation with industry. They do not feel that they are a part of their community’s planning and consultation process and so they do not trust and engage with it. Interestingly, a WCFN council member argued that the community leadership did try to hold information meetings but he said that “very few people attended” (Phil 8/12/13). Both members and community leadership at the WCFN are aware that information is not reaching those that need it but are unsure about how to remedy this problem. Information, a lack of information, or information that cannot be trusted, is one of the most troubling aspects of the current consultation process for the members of the WCFN. Many state that information problems are the reasons why consultation is not working, their lands are being adversely affected, and why their community

leadership is somehow both overwhelmed by consultation information but also left out of the process of information production and analysis.

Two of the WCFN members with experience in lands monitoring for the WCFN stated that their jobs (and consultation) were made more difficult because of communication and organizational problems within and outside the WCFN office and lands department. They worried about how easy it was for trails, moose licks, graves, and other important sites to be ruined when information from oil companies is not forwarded to the proper WCFN departments and employees within the required timeline of 21 days. Several WCFN employees discussed their concerns about the costly delays on monitoring and consultation that were caused by overworked or overwhelmed WCFN employees, inefficient communication, disorganization, and the contradiction inherent in their lands office depending on oil industry funding. One of them argued that “Our lands [Unit] are disorganized. Every minute should go to protecting our land but things aren’t getting done. Slowness makes the whole nation look bad” (Field notes 7/30/13). A WCFN member who works in the oil industry and also assists the WCFN in mapping and protecting sacred and valuable spaces echoed these concerns about the nation’s ability to monitor and protect. He stated “If I wasn’t there, well it wouldn’t happen because who would be there to catch that? Would our monitors catch that? They need more training, someone has to be there to actually walk the perimeter outside and right know I know they cannot” (Eddie 8/13/13). The lack of information and knowledge that decision makers and community members have about oil is a barrier to consultation as well as trust and communication in general.

There are many WCFN members who feel that the reclamation aspect of the consultation process is particularly disrespectful to them, their land, their rights, and their knowledge. Several WCFN members mentioned how they do not trust the current practices of notification and claims about reclamation. They find these claims to be disrespectful and insulting because they often come too late or are impossible. One woman stated that “Notification just means you have 21 days and then they were going to wreck it. They say we will reclaim but reclamation is offensive. You can never reclaim it back to nature” (Courtney 7/16/13). To Courtney, reclamation itself is an example of ignorance. Reclamation is seen as a particularly inaccurate and offensive aspect of consultation by many WCFN members, because many disagree with the very premise underlining it. A WCFN councillor told me that “You cannot replace anything that the mother-nature put there. It doesn’t matter if you try and transplant stuff, it won’t taste the

same or look the same. It doesn't matter if you replace the medicine, it is not going to be the same" (Phil 8/12/13). Phil and many others do not discount the effort made by government and oil companies to reclaim oil extraction sites, but still feel that the concept and practice of reclamation is offensive and ignores their knowledge of and connection to their land.

One particularly instructive example of the problems within consultation in general and notification in particular at the WCFN, is the destruction of the trees surrounding an elderly member's cabin. As McIlwraith points out in his exploration of the meaning of Iskut camps and the importance of their location, "camps [and cabins] symbolize the intimate, historically deep, and enduring relationships between people, local lands, and animals" (2012:100). The meaning of cabins and other sites are far more complex than their location on a map. I did not have access to any of the documents produced by the oil company preparing to extract oil in the area, or the logging company that was assisting them. I did speak to two of this woman's family members, several other community members, and two oil and pulp industry employees about it. Neither of these industry members gave me permission to use their words about this cabin clearing incident, which is telling about how they feel it was handled and their fear of being reprimanded for speaking out about it. They both shared the general opinion that this woman was consulted, that the WCFN had "dropped the ball," and that the clearing was not in fact near her cabin, nor did it affect a large part of her trap line. This directly contradicts WCFN members' perceptions of this incident.

During interviews and casual conversations, many WCFN members mentioned this as an example of the importance of cabins, the destruction of their land, and the flaws in the consultation process. Billy used the destruction of the trees around his mother's cabin as an example of the conflict the oil industry created for him, as well as what is wrong with consultation. He stated that "For people like me, economically it [oil] is good," but also that "The forests get less and less, it affected my mom. She was supposed to be consulted, but no-one consulted her. It was like they dropped an atom bomb at her hunting cabin, she just about cried" (Billy 7/21/13). He is angry not only that this occurred, that his mother was not consulted or notified, but also that the oil and pulp companies involved tried to "pass the buck" and would not admit responsibility. This incident brought to light deeply held emotions and values for the family of this woman, as well as the rest of the community.

Another WCFN member spoke a lot about this incident. She shared her thoughts about why it happened, what was being done about it, and what it revealed about the consultation and notification process and the relationship between extraction companies and the WCFN. Like Billy, this woman did not actively fish or hunt on WCFN traditional lands, but she saw this cabin as an important part of her family and WCFN's lifestyle and culture. She told me that the owner of the cabin had gone out to check her traps and was shocked and surprised to find that the whole area around her cabin had been cleared of trees without her knowledge or consent. This woman said "You know and she's an elder in the community. Everybody is affected by it because we are all supposed to keep elders together and respect and learn from them" (8/16/13). She also commented that even if the trees near the cabin had not been cleared, there is an oil plant which will soon be expanded that is less than a kilometer away from her cabin, which means the animals are being pushed away anyway. She argued that the cabin owner, like many First Nations people did not know how to navigate the legal system to redress this wrong, or to demand respect for her rights in general, which means the process of compensating her for this loss and moving her cabin, was by definition flawed. Billy and several other WCFN members mentioned that this incident was both an example of problems with the way that oil and pulp companies notify and consult their nation, as well as information and communication gaps within the WCFN. They both felt that even if the oil company did send the required letter, and even if that letter did not make it through their Nation to this woman, a letter is still not effective or respectful consultation given the importance of cabins and hunting territories.

Many members of the WCFN see consultation as extremely problematic process. In order to accurately understand the complexities of the practice of consultation in this community, however, it is important to also consider why and how some WCFN members see strength and improvements in this process. I was surprised to find that some of them located these strengths in the past. When discussing consultation, four of the WCFN members I interviewed reminisced about how much better and more personal consultation was when they or their parents were young. One elderly WCFN woman discussed how insulting consultation and the 21 day notification by letter process is. She also talked about how consultation used to be better in her eyes because "25 years ago they [oil companies] actually did come out and talk to us" (Mary-Anne 8/7/13). Interestingly, a younger WCFN woman argued the exact opposite (perhaps indicating a generational or educational shift), that in the past "Oil company members would

come and pay or flatter their way through consultation and consent” (Courtney 7/16/13). She felt that in the past consultation was essentially lip service and pay-offs. Another WCFN member worried that the 2013 changes that the Government of Alberta made to streamline its energy consultation process by creating a single energy regulator would not benefit First Nations and would take away what little honour, personal contact, and fairness that was left in the consultation process. She stated “I don’t like that fact of the one regulator system. It’s like here (oil companies), here’s one stop shopping. It’s streamlined, faster and quicker for them!” (Hanna 8/7/13). Not only are there problems with the consultation process, there are many very different interpretations of this process in the past and present context.

Several other members of the WCFN had the opposite view of consultation. They located its strengths in the present or future and its weaknesses in the past. Several WCFN members who work in the oil industry told me about how today some companies really do try very hard to consult properly, how governments are now cracking down on oil companies, and how “In the past no oil companies had to consult First Nations at all” (Eddie 8/13/13). Two WCFN members argued that consultation was problematic, but changing for the better along with general political and social changes in Canadian society. One told me that “Before the 1980s and 1990s oil companies did not have to consult. Canada sympathizes with natives now and doesn’t kick them in the corner” (Eddie 8/13/13). Both of these men are both hopeful about the future of consultation. When I talked to him about consultation, one WCFN member argued that First Nations people, oil companies, and governments were all responsible for the weaknesses in the consultation process, but also that they could all contribute to its improvement. He said that:

First Nations are too biased and stubborn and so are oil companies and governments. They jump on bandwagons without thinking ... I see that consultation is a strength in our community but only because I work with them [oil companies]. We [all] need to step back and learn from our mistakes! [Bob 7/31/13]

It is important to note that many (but not all) of the people who indicated that consultation was improving were younger than those who argued that it was getting worse, perhaps giving credence to the idea that there is a generational gap in the way that consultation is considered. Whether their perceptions of current consultation are positive or negative, it is understood and experienced by WCFN members as an ongoing and inherently complex political, social, economic, cultural, and ethical process.

Consultation was a subject that also came up often in my discussions and interviews with oil, energy, and pulp industry employees. Matters such as: the difficulty of cumulative effects, First Nation groups' consultation capacity, and the difficulty of First Nation groups' expectations about money and past problems were mentioned by many oil industry employees. A federal energy regulatory employee talked about how difficult it is for governments, communities, and companies to deal with cumulative effects within consultation. He stated that "Each project is little from the company's perspective but from the community's perspective every project is massive on its own and in combination with others" (Martin 6/13/13). An oil industry manager told me that First Nations people's anger about past problems and their expectations that they should be dealt with within consultation create "a real barrier" (Bradley 7/15/13) to consultation. The dichotomy between these perspectives is key. For the WCFN it is impossible not to attend to cumulative effects (both current and past) and yet industry and government employees are not willing or able to deal with those impacts. Several WCFN members mentioned how important it was for First Nations to have the capacity (training, money, time) to truly engage in consultation. Some oil industry employees indicated a commitment to assisting First Nations with capacity, while others argued that "Funding and capacity is the government's responsibility, not ours" (DMI employee 8/6/13). As discussed previously, many WCFN members and staff are acutely aware of these capacity problems as well as the tendency of government and industry to deflect responsibility. They continue to ask for more training that is specific to their needs in relation to energy and consultation, and is accessible in or near their community.

All of the industry and government officials that I spoke with acknowledged that respect was essential to but also made difficult by the practical and political realities of consultation. One oil company manager told me that "It [consultation] is about balance, relationships, listening to people's concerns, and doing it in a respectful manner. You must have a mutual respect for each other's position" (Bradley 7/15/13). This manager wants to consult with the WCFN in a respectful manner but was restricted by the system in which he is forced to work. Several others also talked about the importance of, and difficulty of building and maintaining long-term relationships and trust. An oil company manager argued that "Relationships are important, as is mutual respect, but how do you effectively engage the collective, the leaders, and the individuals?" (Bradley 7/15/13). Two industry employees pointed out that relationships are important within consultation but are difficult to maintain when there are changes to First

Nations staff and leadership. One expressed his frustration that new chiefs and councils were elected every three years and sometimes several different people would move through the same position within a year (DMI employee 8/613). While the latter anecdote may be exaggerated, it represents how perceptions of the practical realities of consultation may create problems for industry and government employees.

Several oil industry employees I spoke with mentioned their concerns about the fact that governments had devolved the responsibility of consultation to industry and only required the bare minimum for consultation. This leaves them with vague and frustrating policies that make their jobs difficult. An energy company manager discussed his annoyance at the way people saw his company's consultation efforts. He argued that the government had left consultation responsibilities to companies who were doing their best and often going beyond the minimal government requirements (Bradley 7/15/13). He is angry that he and his company are working hard to create what they see as respectful consultation relationships, only to be met with judgement and derision. Many mentioned their concerns about the quick timelines of energy projects and consultation, how overloaded and overwhelmed First Nations are with the high numbers of projects they are consulted about, and how easy it is for good consultation to "get off track" or for the message to be lost by the time it reaches project sites (Albert 6/6/13; DMI employee 8/6/13). All of the industry and government employees that I spoke with and interviewed are aware that the current consultation process isn't working and places First Nations people in a very difficult position. A management-level employee of an oil company made a statement that deftly summarizes both the point of consultation and its difficulty. He stated that "It is important to acknowledge First Nation interest in the land, consultation is a two-way street" (Bradley 7/15/13). The problem is that there are too many unknowns and differing understandings. Everyone involved in the energy industry sees these "two ways" differently and there is no agreement about what "acknowledging interests" actually means.

2.3 Treaties and consultation: the complex meaning and importance of Treaty Eight:

One rainy afternoon during my fieldwork, I visited with Hamilton, an elderly WCFN member. We talked about many things including tradition, knowledge, consultation, respect, and the changes that this man saw happening in his community. Like most of the members of the WCFN, Hamilton referenced Treaty Eight when talking about consultation and the general changes that his community is going through. Also like many people who spoke about treaty

rights, he did not actually use the word ‘treaty’ but it was clear that he was referring to them. He made statements such as “Our land is now sold off” and “The government is taking over and selling what they stole from us long ago” (Hamilton 11/7/13). His statements are an example of the explicit and implicit ways that Treaty Eight and treaty rights affect the lives of the people of WCFN and the way they understand, experience, and react to energy consultation and its related practices.

2.3.1 The historical and current meanings of Treaties, and Treaty Eight in literature:

The past and current status, contested meanings, differing interpretations, and applications of the Historical Treaties (such as Treaty Eight) are imperative to understanding the context of consultation in the WCFN. This treaty is protected by the *Constitution Act* of 1982 and is a 115 year old example of the complexities and contrasts that still underlie energy extraction and First Nations people’s concerns to this day. The government is required to “consult with First Nation communities when their actions or land management decisions may infringe upon First Nation or treaty rights” (Natcher 2001: 113). Though the Supreme Court of Canada recognizes the need to consider the “social, political, and cultural circumstances both before and after a treaty was made” (McCormack 2012:3), there is still much room for differing interpretation and misunderstanding.

The Treaty Eight process itself was very complex and foreign to many First Nations people (Madill 1986). Many of the diverse communities in Northern Alberta (including the ancestors of what are now the WCFN and Lubicon Nation communities) were missed during the flawed 1899-1901 Treaty Eight and Métis Scrip processes (Reddekopp 1998:5; Commission for Treaty Eight: 1901). At the time the treaties were signed the government and many First Nations people viewed them differently. Some of the reasons for this relate to the language in the treaty, which is at times vague, ignorant, condescending, and/or contradictory between seeming to accommodate the First Nations completely or completely accommodating the government.

Treaty Eight states:

And Her Majesty the Queen hereby agrees with the said Indians that they shall have right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the country, acting under the authority of Her Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes. [Government of Canada 1899-1901]

The key issues here are the language of the treaties as well as the disparities between the many written and oral promises and accounts of the Treaty Eight process. Many First Nations people viewed the treaties as permanent agreements of peace that signalled the protection of their rights to hunt, trap, fish, and their willingness to share the land.

McCormack points out that during the Treaty Eight negotiations, the “Commissioners reassured them [the First Nations] that nothing would interfere with the resource base (which was distributed all over the landscape) except for laws to protect the animals in the interests of the Indians” (2012:100). Many scholars point out that the Canadian government saw these treaties as First Nations people ceding control over their lands, or a surrender of their lands, rights, title, and privileges (Madill 1986, Ross 2003:4, Sabin 1995:26, Usher 2003:368, Westman 2006a:31). This view can also be seen in the language of the treaty itself: “The said Indians do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and Her successors for ever, all their rights, titles and privileges whatsoever” (Government of Canada 1899-1901). The differences in interpretation are due to many factors that include: differing motivations, assumptions about the spirit of the negotiations, as well as English literacy and comprehension levels. In the years that followed this process the government seemingly randomly revoked, re-instated, and moved some First Nations individuals’ treaty entitlements and Indian status. As Goddard points out, this added yet another layer of complexity to an already intricate and confusing situation (1991). The terms of Treaty Eight resulted in the creation of over 30 reserves and granted land to the Nations of those who chose to take treaty, a yearly annuity to individuals, agricultural implements, and other gifts. This and the also problematic scrip process resulted in a complex social organization in Northern Alberta.

In their 2000 exploration of First Nations’ oral traditions about treaties, Cardinal and Hildebrandt point out that Treaty Eight is still debated because “there is no formal agreement between the Crown and the First Nations as to the meaning and content of the treaties” (48). They go on to explore the implications of Canada using only the articles of treaty as printed by the Queen’s Printer to determine treaty rights. They argue that the exclusion of “oral evidence and history of Treaty First Nations; Treaty Commissioners Reports; as well as records of missionaries, the NWMP, and other eyewitnesses (and the context in which they were written

and signed) precludes a true and honest understanding of the treaties” (50). This also disrespects the treaties, the history, and present context of First Nations people. Madill points out that “the overriding factor in the government’s decision to negotiate Treaty Eight involved economic considerations, not humanitarian or ideological concern for the Indians of the Peace River Athabasca region” (1986:71). For the Canadian government, Treaty Eight was a means to a desirable economic end, not a way to respect First Nations. Government refusal to incorporate oral and written contextual information in explorations of the treaties perpetuates confusion and precludes a formal or practical agreement on their meaning.

Many argue that to this day Treaty Eight has not been fully implemented in Alberta. Urquhart (2010: 28, 29) and Madill (1986: 74) point out that subsequent legislation and its vague definitions of consultation and justifiable infringement have not stemmed the erosion of Treaty Eight rights. Many scholars point out that the government leaving the practise of energy extraction, negotiation, and consultation to members of industry is another way that the government has failed to adhere to its treaty obligations (Ross and Potes 2007; Westman 2006a). This creates an inherently conflictual and un-objective consultation process. In their 2010 position paper on consultation, the Treaty Eight Nations of Alberta point out that many First Nations people feel that “Alberta’s leadership and officials do not understand Treaty Eight, and, therefore, do not have the will to honour it” (4). In his 2013 article, Reddekopp explores and goes beyond these concerns to point out the continuing problems and vagueness within consultation as well as when and if it is required. He delves into the very different motivations for participation in and fears about the future of consultation by the government and First Nations people. Reddekopp also points out that there are even disagreements about terminology and whether consultation does and should affect First Nations people or Aboriginal people (54-59). He points out that these problems began with contact and assertion of sovereignty, long before treaties or industry involvement in Alberta, and will continue for the foreseeable future.

Many scholars have differing interpretations of Treaty Eight and the discussion of treaty rights within consultation (Irwin 2000). In his exploration of Treaty Eight, Daniel argues that it is imperative that we understand not only the treaty itself, but the other promises and agreements made during the treaty process, as well as the “spirit” in which both the government and the First Nations people entered into Treaty Eight (1999). In 2013, there were countless news stories about First Nation groups and leaders who are compelled to protest the infringement of their

treaty rights. One such example is the First Nations leaders and members who gathered in front of the Alberta Legislature on November 28, 2013, “demanding that the government respect their treaty rights ... and voicing concerns that they are being ignored or bypassed with respect to oil sands activity [consultation]” (Klinkenberg 2013b). This is just one of many examples of the effects of differing interpretations of, and the unclear nature of, consultation policy and procedure. There is much practical overlap between discussions of treaty rights and energy extraction. First Nation elders point out that they do not agree with the region-and nation-specific separation of treaties in the first place “because they do not accord with the fundamentally unified First Nations spiritual philosophies and teachings that accompanied the treaty negotiations” (Cardinal and Hildebrandt 2000:9). This misunderstanding of First Nations spirituality and values in relation to treaties affects the way that treaty rights are applied to the energy extraction process. These treaties are the basis of the current regulations and practices that govern resource extraction and consultation; they are the basis of many critiques of these laws, practices, and the governments that carry them out; and an example of the difficulty of understanding all aspects of energy extraction and First Nation concerns.

2.3.2 The meaning and importance of Treaty Eight at the WCFN:

Understanding Treaty Eight becomes even more complex when it is considered in the context of the WCFN. Some members view the treaties as a sacred, unbreakable, and permanent agreement between themselves and the government. Some view them as the tool by which their land, rights, and culture was and continues to be stolen from them. Some view them as both, and others argue that Treaty Eight does not mean a lot in their lives. All of the different ways that these people relate to Treaty Eight and treaty rights are important factors in understanding this community, and its relationship with energy consultation. This subject was important in over half of my interviews, and many of my conversations with WCFN members and Peace River residents. Several WCFN members made reference to the fact that Treaty Eight and its related processes were inherently unfair and a blatant attempt to steal from them because the First Nations people did not and could not know what they were getting themselves into. Even when it was not explicitly discussed, Treaty Eight underpinned the way that many people spoke about consultation and energy extraction, no matter what their opinions about it were.

When I asked WCFN member Billy about how Treaty Eight played into his thoughts about oil and consultation, his responses made clear the conflicts and contradictions surrounding

Treaty Eight. He stated when his ancestors signed treaties “They didn’t understand them. They didn’t understand ownership. They didn’t understand they were literally trading Canada and they didn’t even know about the minerals or mineral rights” (7/21/13). He is proud of what his ancestors tried to do during the negotiations for what he sees as a sacred agreement, but also felt that this process was by definition unfair. Several WCFN members commented on the many people that were missed by the Treaty Eight process and how complex status had been ever since. A female WCFN elder in the community made a very telling (if inaccurate) joke when I asked her about treaties and consultation. This joke humorously underscores how little she believes the First Nations people understood during the process. She stated that her people agreed upon and still get five dollars on treaty day because “They liked the blue color of the five. They should have picked the brown 100” (Ingrid 8/9/13). When I asked an elderly WCFN man about how treaties play into energy extraction and consultation, he stated that “We are an oral not a paper people” (Hamilton 7/11/13). Like many others, he talked about how the whole process of a written agreement was foreign to his people, so it was no wonder they did not understand then and do not agree now with government and industry about how they are currently interpreted.

As discussed above, many people believe that Treaty Eight was not fully understood by their ancestors when they signed it, and it was and is a tool to take the land and rights of First Nations people. Many of those same people also refer to it as more than just an agreement. It is a sacred, binding, and permanent promise that should never be broken. These somewhat contradictory ideas are important to understanding this community and their relationship with Treaty Eight and oil extraction. Billy emphatically states that “The treaty is legally binding, so neither we nor the government can break it!” (7/21/13). Bob is deeply offended by what he sees as the practice of not adhering to treaty rights. He stated passionately that “People [government and industry] are just bastardizing treaty rights completely, that is what I don’t like. I don’t like that at all!” (7/13/13). Two WCFN councillors talked about how the government and oil industry are not recognizing their treaty rights. One talked about how angry it made him when industry or government representatives want to do consultation without attention to and appreciation for Treaty Eight (Field notes 6/18/13). Another stated that “What worries me is the Treaty Eight land, I’m so frustrated ... We did get the treaty right to have the land but it’s taken away from us because of the government! (Phil 8/12/13). The meaning of Treaty Eight in this

community is extremely complex because this document and process represents a sacred agreement that is not being honoured, an unfair agreement that put their people at a disadvantage in the past and present, as well as varying levels of trust or mistrust in the government.

The strong feelings that WCFN members have about Treaty Eight were made as noticeable by their actions as by their words. During my first week at the WCFN, one of the elders gave me an information booklet about Treaty Eight and several Treaty Eight celebrations that were taking place in First Nation communities in Alberta over the summer. I was invited to and attended two Treaty Days gatherings, one at Whitefish Lake, and another at the WCFN because WCFN members thought it was important to my project for me to do so. These events involved a lot of preparation by many people at the WCFN and other nations. In fact, there were times when I was explicitly told elders and other WCFN members were too busy to do an interview with me about oil and consultation because they were preparing for these community and Treaty Eight Celebrations. The members of the WCFN have very complex and sometimes contradictory feelings about Treaty Eight itself, in addition to their feelings about how consultation systematically violates those treaty rights.

2.4 Different ways of knowing: The necessity and difficulty of using Traditional Knowledge within consultation

During the second last week of my fieldwork at the WCFN, I met a man who had just been hired by the WCFN to work on consultation. He and I visited for quite a while on his first day of work about his prior work, my project, and Traditional Knowledge (TK) in general. Near the end of our conversation, he stated that he wanted to give me a report on a research project to which he had contributed. He felt this report was important to my thesis research and understanding of the effects of oil extraction. This report is entitled *Traditional Knowledge Research Guidelines* (Simmons *et al* 2012) and it provided guidelines and best practices for completing TK research within the context of the oil industry. The fact that this WCFN employee gave me this report and stressed the importance of TK is telling. It indicates the importance of TK to any study of First Nations and industry or consultation. It also indicates the assumption (which is true in most cases), that First Nations people have about non-First Nations lacking an understanding of what TK is, how to research it, or how to use it in a way that does it justice. TK is the vast and complex knowledge that First Nations people have about their land, history, and culture. They and their environment cannot be understood without it.

Reading this document during my fieldwork made me aware of how often TK is compartmentalized and disrespected. Even the term TK is an example of that because it is a term invented by Europeans. Simmons *et al* point out that “before the arrival of the Europeans, First Nations people never had to use a specific term to describe their knowledge [in the way that non-First Nations people do today with TK]” (2012:6). As Nadasdy points out, while Traditional Knowledge is an important part of consultation, this process requires that we compartmentalize it, categorize it, and decontextualize it, which seems to go against the very point of what we call “Traditional Knowledge” (2005:120). My research was not focused on TK per se, but TK was present in most of my discussions about oil consultation and the effects of the oil industry. It is an important part of understanding this challenging process. The members of the WCFN made it clear that without learning from those people who have used and protected the land with knowledge passed down through generations in their families and communities, one cannot understand the implications of altering it. The knowledge that WCFN elders shared in 1995 as well as the knowledge I collected during my field research make it clear that while TK is difficult to define in certain terms, any discussion of consultation would be incomplete without it. This is because consultation by definition attempts to combine and do justice to differing values and types of knowledge.

2.4.1 Traditional Knowledge use in the literature:

Several scholars point out the need to pay attention to the complexity and politics inherent in the study of and use of TK. They also argue we must acknowledge the contradictions and changes that are inherent (for both sides) in the expectation of First Nations people to speak about their knowledge and land in a language that government and industry can understand (Menzies and Butler 2006; Usher 2000; Wiles *et al* 1999). Usher defines traditional ecological knowledge (TEK) as “all types of knowledge about the environment derived from the experience and traditions of a particular group of people” (2000:185). He also points out that TEK and all terms used to describe this “well intended but ill-defined”(2000:185) concept are by definition problematic because of the assumptions attached to the term traditional and the risk of simplifying this knowledge by naming it. Terms such as TK, traditional ecological knowledge, traditional environmental knowledge, or traditional land use, are used interchangeably by some but are understood differently by others, which is part of the problem with the categorization and use of this knowledge. I am using the term TK to encompass this type of knowledge as a whole

as it is compared to western or scientific ways of knowing in order to try to understand the intricacies of the legally required use of TK within consultation.

In their exploration of TK use in resource management scenarios, Menzies and Butler argue that to “place TK in opposition to western science at all oversimplifies them both” (2006:6). Their point is that we need to honestly consider the context(s) in which TK is produced and maintained. Many scholars argue that even if all of the people involved in the use of TK were not constrained by the history, dominant narratives, and political-economic structures of which they are a part, there is still the problem of a lack of understanding of what TK is, how it is formed, and what gives it meaning (Simmons *et al* 2012; Westman 2006a; Wiles *et al* 1999). Simmons *et al* point out that what non-First Nations people often miss is “the heart of TK, the people who maintain it as a means of cultural survival, adding to the collectively held pool of knowledge ... it is embodied, unlike science which stands outside of people” (2012: 8). Menzies and Butler argue that “the strength and the weakness of TK is that it is detailed and not easily generalized ... contemporary resource management has been guilty of isolating resources, people, and species” (2006: 3, 5). There is a conspicuous lack of understanding of the formation and meaning of TK in many assessment and consultation contexts, as well as a lack of understanding of the relationships between what we refer to as TK and what we separate as non-Traditional Knowledge, politics, and narratives.

Legislation requiring consideration for TK within consultation is an important step forward, but it has not fixed the problem. Several scholars point out that it does not make clear which factors and perspectives are important or at what scale they are being considered by the groups involved. There is also often a lack of connection between TK and the purpose and scope of the assessment or consultation (Menzies and Butler 2006:3; Wiles *et al* 1999:112-113). It is difficult to find detailed information from the Alberta or Federal Government about the use of TK, and it is not mentioned in the Government of Alberta *Consultation Guidelines* (2014b) or the Government of Alberta *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities* (2014a) documents.²³ Usher argues that the lack of clarity and

²³ On May 7, 2015 I did a word search in the Government of Alberta pdf documents: *Consultation Guidelines* (2014b) and the Government of Alberta *Joint Operating Procedures for First Nations Consultation on Energy Resource Activities* (2014a). I also went to the Government of Alberta website and performed a search for “Traditional Knowledge.” This search created six results, four of which did not mention Traditional Knowledge, and two of which mentioned it only briefly. Finally, I performed a Google search for “Traditional Knowledge Alberta government” and found a Canadian Environmental Assessment Agency (CEAA 2010) document entitled

practice of leaving decisions about how to implement TK within EIA to panel members is evidence of a fundamental lack of understanding by policy makers of what TK is as well as the implications of its use (2000: 184). He goes on to argue that at some point we need to begin fitting EIA and consultation processes into TK and not the other way around. However at present, the most important changes we can make in order to better understand TK and its use within these processes, “is transparency in public policy making processes” (2000:192). The current consultation process in theory has the ability to include First Nations concerns and knowledge in decision-making, but in reality the fast pace of the industry and the vagueness of the consultation process preclude this from occurring in a meaningful way. Governments, industry, and scholars alike often do not understand the definition, importance, formation, or implications of TK. This has led to unclear and frustrating policies and practices on the part of the government, and mistrust and apprehension on the part of First Nations people about the use of TK.

2.4.2 Traditional Knowledge use in the WCFN:

I found that searching my interviews and field notes for stories or statements that would be useful for this section about TK was very difficult, more so than for other sections of this chapter and thesis. I began to wonder how I could (and if I should) separate what I understand as TK from the other complex subjects which I learned about during my fieldwork. In particular, much of the field data that appears in this section on TK within consultation could easily fit into the section in chapter three about the effects of oil in the WCFN. This is an example of the fact that all of the WCFN members’ knowledge is tied to their land, whether it is looked at from the perspective of TK use in consultation, the effects of oil, or any other perspective. What governments, industry, and scholars attempt to separate into discrete categories is all part of the whole of “TK,” which is imperative to meaningful consultation. My difficulty is perhaps the point that several WCFN members, and many other First Nations people and scholars are trying to make—it should not be easy to isolate examples of “TK.” Though the stated point of the elders’ interview project that Rhonda Laboucan undertook in 1995 was to “pass on and record

Considering Aboriginal Traditional Knowledge in environmental assessments conducted under the Canadian Environmental Assessment Act -- Interim Principles which outlines: a definition of TK, why it should be considered, when it can be brought into EIA, how to work with communities, informed consent, intellectual property rights, and bringing Aboriginal TK and western knowledge together, but provides no specific guidelines on how this is done or how much weight TK is given.

Traditional Knowledge,” none of the nine elders talked about “TK” as it is defined and used here. That is not how they think about their knowledge. Their “TK” is told in stories about their land, their families, as well as the respect and hard work that is required to survive. These stories make it clear that WCFN elders understand their land and the way that it has changed in a way that outsiders do not understand and governments do not seem to be able to handle. It is important to acknowledge the fact that the term “TK” not being mentioned does not mean that it is not present or important. This is a term coined by non-First Nations people.

Within a few days of my arrival at the WCFN, I realized that I was naïve about how First Nations people think about knowledge (such as animal numbers or health) and naïve about differences of opinion about that within a First Nation community. I assumed that the oil extraction in the area was (adversely) affecting animal numbers, so I asked several people about animals. Some of the responses I got surprised me. Several people mentioned the fact that there were less animals around their land, that they had to go farther and farther to hunt, and even that the animals themselves were changing. Several WCFN members mentioned that when they were young there were many more moose, caribou, and birds; and that they were worried about there being no animals left for future generations. A senior WCFN member told me that she worried about the fact that her husband “has to go out farther and farther [to hunt]” (Ingrid 8/9/15). At the end of my interview with an elderly WCFN member, I asked her if there was anything else that she thought was important for me to know. She stated that “Any animal is harmless. If you don’t bother with that animal, it won’t bother you, it just goes its merry way. Nowadays you can’t trust the animals” (Mary-Anne 8/7/13). It is telling that not only are people such as this woman worried about declining animal numbers, some sense a difference in the behavior of the animals themselves.

Other people I spoke with had very different views on the numbers and health of animals, which they thought involved longer and more complex cycles than one season. One elder gave me a Treaty Eight First Nations of Alberta newsletter to read that spoke of the fact that “The oil will be gone someday but the trees and animals will always be here” (Field notes 7/3/13). An elderly WCFN member stated: “I don’t buy the whole animal depletion thing as animals are on cycles longer than a year. It is multiple years and they come back again like the high amount of bunnies now” (Field notes 7/18/13). One young WCFN member stated “I worry about energy extraction pushing away animals. But also animal cycles are long and nature gets rid of animals

that are overpopulating areas” (Eddie 8/13/13). These viewpoints are in clear opposition to those in the above paragraph and those in the growing body of literature about the effects of the oil industry on animals. It is important though not to discount either viewpoint as both are imperative to understanding the complex knowledge that people have about animals, as well as the many other aspects of their lives, land, history, and the effects of the oil industry.

When I asked members of the WCFN about oil or consultation, they often talked about wisdom, elders, history, respect, what knowledge means, and what it does not mean. There were no questions that I could ask them in order to receive the “exact” meaning of TK, and few specific answers they could give me. During my fieldwork I began to understand that asking for a black and white definition of TK downplays its significance because TK is more than a two sentence or even a 20 sentence definition. When we discussed consultation and TK, several WCFN members spoke about the fact that being a wise elder, or having knowledge, was a lifelong commitment to learning, moral or ethical principles, and thinking clearly. One WCFN member stated that “It [knowledge] takes a lifetime. Wisdom and knowledge are two different things ... Wisdom is an emergence of understanding of knowledge” (Hamilton 7/11/13). One elderly WCFN member even declined to be interviewed because he did not consider himself an elder and he did not feel that he had a right to share knowledge with me (Field notes 7/30/13). TK, or any other type of or aspect of knowledge cannot be fit in a box or defined in a simple sentence or two because it spans lifetimes and it is attached to the history of the community and the individuals who hold that knowledge.

One of the most useful examples of the difficulties inherent in combining different types of knowledge or ways of knowing is found by comparing the ways that WCFN members and industry or government members spoke about TK or knowledge in general. Many industry members understand and therefore attempt to work with TK in simple, black and white terms. When I spoke with a local industry manager about TK, he argued that “The WCFN should be building a business out of it. Figure out plant values, copyright that, put in a booklet and build a training program for anyone in their traditional area” (DMI employee 8/6/13). He was trying to be helpful to both sides in suggesting this. He thought that this way the WCFN could make money on their TK and industry employees would be aware when they came upon plants, animals, or sacred sites. These well-meaning statements are an example of the lack of

understanding many oil industry employees have about TK. These statements bring up difficult questions about TK and how it is used.

Both WCFN members and some oil industry employees recognized that their current consultation and assessment systems were not doing justice to TK. A National Energy Board (NEB) employee I interviewed made comments about the importance of and difficulty of using TK. He said that “Companies must be clear on how the data was gathered, how it is used, and what First Nation concerns are. It is very difficult to combine data with TK, oral statements, and information that must remain confidential” (Martin 6/13/13). He knows that the current process is not working, but is not sure how to change it for the better. One energy company employee mentioned the “absurdity of trying to collect TK data in one season” (Albert 6/6/13). Some WCFN employees talked about how consultation does not allow them to do justice to TK when at times they are only able to go in before oil extraction takes place to collect a bit of information that ends up in a report that is filed away. They mentioned that they did not always have the training or time to make sure important sites (and TK) are protected as well as their desire for the tools and training to protect their nation’s knowledge. In many cases, the perceived lack of respect shown for WCFN members and their land was thought to be related to non-First Nations people’s (and some community members’) inability to understand the interconnectedness of people, the environment, and the land. If industry or government cannot understand these interconnections, they will not be able to respect First Nations people or their rights in relation to energy consultation.

2.5 Conclusion:

Energy consultation is a flawed process, but one that is an important aspect of the lives of the members of the WCFN whether they know little or a lot about it. Some members are more concerned with other matters, which they see as more directly affecting their lives. Some are not willing to discuss it at all. WCFN member opinions about consultation range from: it is positive, it is an insult, it means nothing in my life, it is better now than in the past, and more information is needed in order to judge it. During my fieldwork research I began to problematize the way I define consultation. I asked myself whether it shows a lack of understanding to talk about consultation as industry and government do, in terms of legislation, reports, TK, formal meetings, notification, and large-scale decision-making. Or, does it show a misunderstanding of consultation to speak of it the way some WCFN members do, in terms of employment, profit-

sharing, daily interactions, equipment use, animal shortages, water concerns, emissions concerns, as well as respect for land and knowledge. In truth, all of these aspects are important to the meaning of consultation.

It is far easier to define and explain the importance of the duty to consult, consultation, Treaty Eight, and TK, in theory or on paper than in practice because every First Nation and non-First Nation person experiences and conceives of them in a different way. I found this out quickly when I began my field research with the WCFN community. This lack of clarity makes the practice application of consultation difficult and fraught with uncertainty and mistrust. If there is no agreed upon definition of Treaty Eight or TK within consultation, then consultation itself cannot be effective. My exploration of the challenges of consultation in this community forms one necessary part of the growing understanding of the effects of the oil industry on small First Nation communities such as the WCFN as part of the current and future economic, environmental, political, cultural, and social context of Alberta and the rest of Canada.



Figure 3.1 Shell oil pumps on the WCFN traditional land (Gerbrandt 2013).



Figure 3.2 Cut line through the forest on WCFN traditional land (Gerbrandt 2013).

Chapter 3 Energy effects and temporality: The intersection of oil and the WCFN's past, present, and future

3.1 Introduction:

One of the most common subjects that arose during my research with the WCFN was the complexity and contradiction inherent in WCFN members' conception of the oil industry and its effects on their lives, land, and futures. An ethnographic perspective on temporality – the lived experience of time – is important to understanding WCFN members' culture, social life, sense of self, and therefore their understanding and experience of consultation and the energy industry. None of the people that I interviewed or spoke with about energy extraction related it or its effects to their past, present, or future in exactly the same way. Some of what I observed and heard caused me to wonder if there is a place for Cree tradition or historical practices in the present or future. Some of what I observed and heard caused me to question how I assume WCFN members define the past, present, and future. Bruner, anthropologist and co-editor of *The Anthropology of Experience*, argues that it is difficult, if not impossible, to separate the present context from interpretations of the past and future because the perceived past and future give meaning to the present (1986). Whether they acknowledge this point or not, every person involved in the energy industry is affected by their culturally constructed perceptions of the relationship between the past, present, and future. Whether it is consciously mentioned or implicit in the way the people spoke about energy extraction, this relation between the past, present, and future is intertwined with fatalism about the energy industry and with understandings of its effects.

Within this chapter I will explore why and how WCFN members speak of oil extraction and the oil industry with a sense of fatalism. I will also use and expand upon the sources and arguments brought forward in Westman's 2013 article *Social Impact Assessment and the Anthropology of the Future in Canada's Tar Sands* in order to explore the complexities of temporality and oil that I observed during my fieldwork. I will explore how perceptions of the past, present, and future are intertwined and affect understandings of the oil industry. Finally, I will explore visible, subtle, and in many cases conflicting understandings about the effects of the oil industry on the land, people, animals, water, and culture of the WCFN. Moran points out that the environmental decisions people make every day are intricate and cannot be understood in isolation from the myriad of factors that affect them (2010). It is imperative to explore these issues, and try to understand why people experience and understand them the way that they do. Attention to these complexities is extremely important to understanding the WCFN community and the way it is affected by and experiences resource extraction and the flawed consultation process.

3.2 Fatalism and energy extraction:

My first fieldwork interview in the WCFN area took place in the kitchen of a local non-First Nation farmer and environmental activist. Chris and his family have lived in the area and worked with and traded with the First Nations people for generations. He set up an interview with his friend Tanya, who moved away from the area because of emissions-related health concerns. Towards the end of the interview, Tanya commented that "There is so much money involved, they [First Nations] don't really have a choice. They say we are not idiots, we know it's going to happen. We just want to get something out of it when we can." Chris, who was in the next room during my interview with Tanya, suddenly interrupted her and passionately exclaimed that "They do have a choice!" (6/26/13). My fifth fieldwork interview took place in a truck driving along a dirt road. The WCFN employee I interviewed told me that because there was nothing they could do to stop oil from destroying their land, "Some of my friends and family members planned to move away to where there is no oil. That is all they can do" (Courtney 7/16/13). These comments caused me to think critically about oil, fatalism, inevitability, and the unique ways that First Nations people and non-First Nations people consciously and unconsciously subscribe to or reject these ideas.

3.2.1 Inevitability and complexity within energy extraction literature:

One of the most noticeable narratives within recent literature about energy extraction and First Nations people's concerns is that of inevitability. Merriam-Webster defines fatalism as belief in "a doctrine that events are fixed in advance so that human beings are powerless to change them," and inevitability as "something that is incapable of being avoided or evaded" (2014). While many First Nations and non-First Nations people question the process of energy extraction and its impacts, many do not question the political, economic, or social power that is involved in it. For example, in its exploration of the Northern Gateway Pipeline and its attempt to showcase the strengths of assessment regulations, the Canada Energy Research Institute states that "Canadian law requires consideration and stakeholder consultation before pipeline construction is permitted" (Walden & Rozhon 2012:1). The language used here is key, consultation is required before construction is allowed, but the assumption is that this construction will occur. The fact that many scholarly works about energy extraction do not include inevitability or power (or a lack thereof) as key arguments is an example of the problematic way in which scholars and the public understand the energy industry.

Howitt's exploration of this problem in his 1995 work about mining impact assessments can be applied to oil and energy literature in general. He argues that the impact assessment and consultation process is not serving the people or lands they are supposed to protect because they do not require or even allow for questioning of the ideas, futures, and people who are legitimized or ignored by the process. He states that:

The channels of ideological power are dominated by developmentalist thinking and values in ways that discredit and marginalize alternative constructions and interpretations of emergent geographies in resource regions. Yet power is not problematized in assessing the impacts of development projects. [390]

Howitt points out that the assessment process and practice is built upon the powerful narrative that development is positive and inevitable. He also points out that it blinds practitioners and the public to the power it has over alternative ways of understanding energy extraction, impact assessment, and the people affected by both.

Clint Westman also explores these challenges in his writing about the impacts of oil sands and the inherent weaknesses of the impact assessment process. He points out that impact assessments explicitly narrate activity as inevitable (2006a:35) and "they have the power to inscribe, rather than just describe, the future" (2013:111). There is no room for questioning or

even acknowledging the power of the oil industry within the future presented by impact assessment, the media, or even some scholars. The power of the oil industry is so engrained in thinking about energy extraction that it is not questioned. Things will not change based on whether or not an interested party believes in or explicitly discusses the power of the oil industry or its effects. However, the sometimes explicit and often implicit adherence to this narrative complicates the articulation of concerns about energy extraction and possible solutions to the problems it creates.

3.2.2 Inevitability and complexity within the WCFN:

I found that the influence of fatalism and inevitability is even more complex in ethnographic terms than can be gleaned from a critical view of the recent published research on the subject. Before I arrived at the WCFN for my fieldwork, I had the opportunity to interview a federal energy regulatory employee in Calgary. This employee made a comment about the fact that this regulatory body had never stopped a project because of problems with consultation with First Nations people (Martin 6/13/13). I was struck by this comment at the time, but it gained new importance when I considered it along with the comments made by WCFN members and other residents about the power of the oil industry and the world's dependence on oil. During several of my interviews, WCFN members made reference to the fact that oil or the oil industry literally "runs the world" (Billy 7/21/13; Eddie 8/13/13). They are very much aware of their and everyone else's dependence on oil and oil products. One WCFN member discussed her and others' inability to leave the problems that oil creates on their land; while two other WCFN members commented on the fact that the oil industry and its expansions gave them only one choice, to save their money and move away (Courtney 7/16/13; Field notes 7/11/13). The point these people are making is clear. There is no stopping the oil industry or its effect on their lives.

When I interviewed a WCFN elder, he spoke at length about what his community is losing because of the oil industry. He talked about the importance of current and historical sites and cabins, and he said that "Traditions that are dying out. Maybe that is why they want us to GPS these old cabin sites" (Andy 8/15/13). It was difficult to schedule an interview with Andy as he and other elders were often busy finding and mapping sites in an effort to avoid their destruction. Still others commented about the fact that "Oil drives everything [and that] our whole society is utterly dependent on oil" (Field notes 7/16/13). This speaks to the fact that they believe not only that they cannot stop the oil industry in their traditional lands, but that the

problem is bigger than that. The oil industry is the largest source of Alberta's wealth and the entire world is completely dependent on oil. Many people do not see any option other than the inevitable and destructive impact of oil in the present, and in the future.

Several WCFN members made comments about oil extraction happening no matter what and there being nothing that they could do (Eddie 8/13/13). Bob, a WCFN member who has worked in the oil industry for over 20 years, explained that it was not that he thought the oil industry in his community was perfect by any means. His point is that there is nothing he or anyone can do to stop it so it makes more sense to work with the industry than to make a futile attempt to stop it. He stated: "You know I don't know why they would stop that. You can't stop this. It's like a building snowball coming down a mountain, you can't stop it (7/31/13). Bob believes that the best thing for his nation to do is to work with the oil industry to get what they can, rather than trying to protest or ignore it on principle because that will not stop or even slow down the industry and they will end up with nothing. While many of these people feel their nation deserves more respectful treatment by industry and government, they do not see that or any change to the oil industry as realistic.

Not every member of the WCFN or non-First Nations person that I spoke to subscribed to the narrative of fatalism or inevitability about the oil industry. I was intrigued by the ways in which some resisted the inevitability of the oil industry, the reasons that some felt they were unable to voice their opinions about the oil industry, and the factors (other than the inevitability of oil) that they mentioned when speaking about why oil in the area will or will not change. When I was discussing the fact that some WCFN members feel that without oil they would have no jobs, a community service employee stated "That is a limited vision because that is all we know ... There's the opportunity here for a lot of growth that hasn't been recognized" (Tamara 8/20/13). While I was visiting with an elderly WCFN member at a treaty gathering, he spoke about the fact that not only are his people able to do something about their dependence on oil and government, "It is our responsibility" (Field notes 8/11/13). This man argued that he and his fellow community members needed to move away from dependence on oil and back towards their strength, which he located in their traditional values and practices. He believes that if they do not do this, they are disrespecting themselves and their ancestors. Some WCFN members feel that the problem is the way that WCFN members and other residents view oil, themselves, and their job opportunities with a sense of inevitability about their dependence on the very oil

industry that is damaging their lands. According to them, the problem is not only the oil but also how people see the oil and themselves.

Several people remarked that even if WCFN members or others do not believe in the inevitability of oil – whether they want to point out its destructive effects or make suggestions about how to change the industry or society’s dependence on oil – they are not always free to do so. When I interviewed them together, two residents spoke about the “Alberta or oil-patch mentality,” which makes people scared to state their worries or ideas because “They are afraid of being ignored or ostracized in their community” (Dorothy 7/23/13). Such people have dealt with the backlash that comes along with voicing an unpopular opinion in their community. A WCFN employee scoffed at the idea of the WCFN being able to voice their opinions and concerns about the oil industry, pointing out that both members of her community and its leaders are “caught between a rock and a hard place” (Field notes 8/30/13). They are dependent on the oil industry for jobs, income, infrastructure, even consultation funding. They are certainly not in a position to be able to voice their true opinions because that could ruin the delicate balance their community is placed in by the oil industry. Opposition (in terms of words or actions) to the oil industry in any form puts one in a difficult financial and social position because of the political, economic, and moral influence of the oil industry and all those involved with it. All of these discussions about fatalistic conceptions of oil industry power are examples of why we cannot consider consultation, or any aspect of the oil industry, without attention to the past and present political, economic, and social contexts in which they exist.

3.3 The past, present, and future: by definition a complex and circular relationship

During my first full day in the WCFN, I became aware that understanding the relationship between the WCFN past, present, and future would be imperative to my understanding of consultation and the effects of oil. On this day, a WCFN councillor invited me into his office to discuss my project and the community. Within the first five minutes of our discussion, he stated that “You cannot do consultation without the larger issues of history, trust, forced dependency, and residential schools” (Field notes 6/19/13). On many occasions during my field work, he and several other WCFN members made reference to this idea, as well as what they saw as the mounting and inevitable snowball-effect that oil and other industries were creating. As I discussed previously, before I began my fieldwork at WCFN, I spent time in Calgary and had the opportunity to interview an employee of a federal energy regulator and an

Alberta energy company. Both of these men discussed how they and their organizations did not have the ability to deal with First Nations concerns about past and/or cumulative issues, as well as how frustrating it could be when First Nations groups expected these things to be dealt with before or during consultation. Albert noted that “It becomes a challenge in that if you come to the table they not only want to talk about your project but all that they have not gotten over the past hundred years” (6/6/13). Both of these men see these larger concerns as a hindrance to consultation because the consultation process does not provide the tools to deal with them. These concerns were later echoed in some form by most of the industry employees and WCFN members that I spoke with during my fieldwork.

The juxtaposition of these different attitudes about the relation between current practices and past concerns caused me to think in detail more than I had before about the relationship between the past, the present, the future, and inevitability. In the case of many of the WCFN community members who I spoke with, this includes their belief that their past cannot be separated from present negotiations and work; their differing understandings of the inevitability of oil extraction; as well as each of their interpretations of their past, current, and future dealings with industry, government, and their own community. In the case of these energy industry and regulatory employees, this includes: their belief that the past should not be brought into current negotiations; their understandings of progress and the inevitability of oil extraction; each of their interpretations of their past, current, and future difficulties in negotiating and working with certain First Nation groups; and their differing levels of awareness about WCFN and general First Nation history in Canada. Conceptions of the past, present, and future power of the oil industry (inevitability) are one example of the complex relationship the members of the WCFN have with temporality. During my interviews, several WCFN members mentioned that “They just think about these things differently.” Their conception of oil and temporal relationships is also affected by the belief that many (but not all) members of the Woodland Cree and other First Nations hold about the past, present, and future being parts of the same larger whole.

3.3.1 Explorations of the past, present, and future within published literature:

Several anthropologists argue that in order to understand any group’s identity, or their relationships, it is important to consider how their perceived past, present, and future are intertwined (Collins 2008; Ferry & Limbert 2008; Westman 2013). Collins argues that the often simplistic and linear way scholars and the public understand what is actually a complex and

circular relationship between the past, present, and future, greatly restricts our understandings (2008:125). Collins' point is that scholars' understandings will be restricted until they can do research without this assumption, or at least without ignorance about this assumption. Though he does not focus on oil itself, Collins' and other anthropologies of future can be used to focus analytical attention on the ways that people's perceptions of the past and future affect their day to day decisions in the context of oil extraction, as well as how that effect varies among the people of this community. Collins argues that we should pay as much attention to dominant images of the future as they "govern what we expect of and allocate to other peoples, and the ways in which we interpret what they do" (2008:17). There are many assumptions at play within the WCFN about the past, present, and future. Attention to these assumptions and perceptions, as well as how they relate to fatalism about the oil industry is imperative to understanding the WCFN and the way they perceive and experience energy extraction.

Ferry, Limbert, and the contributors to their edited volume *Timely Assets* ask difficult questions about energy and temporality such as: "What kinds of temporal experiences, concepts, or narratives does thinking of things as resources entail, and how does the making and imagining of resources assume or condition particular understandings of past, present, and future?" (2008:4). They argue that resources both effect and are affected by temporality. Any discussion about the pros, cons, or complexity of energy extraction is informed by implicit or explicit notions of temporality. At the same time, our understanding of the lifespan of energy resources informs our experience of our individual and societal past, present, and future. Ferry and Limbert state that "Studying these interconnections shows us the ways in which temporal effects and experiences of the past, the future, imbue resource making and resource imaginations, as well as the ways in which these temporal qualities are immanent in the material world" (2008:20). We cannot discuss the effects of resource development without discussing temporality because the way we conceive of time and the future is thought of in terms of the resources we have or do not have access too. At the same time, we think of resources value in terms of how many years of energy they can provide. Discussions of resources require the inclusion of past and present events, but also abstract experiences such as those of temporality. In today's complex and contradictory world of resource fear, faith, dependence, fatalism, and mistrust, understanding these connections is not only necessary but also urgent. This urgency becomes acute when

energy and the past, present, and future of small First Nation communities such as the WCFN is considered.

A review of the literature that focuses on First Nations and energy extraction reveals a common narrative that portrays oil extraction as part of the future and tradition as part of the past, as if they are completely separate entities. Asch and Sahlins are two of the few scholars who address this narrative at length. Both argue that people are only surprised by the continued use of traditional or subsistence practices because they cannot understand the relationship between tradition and modernity without the latter destroying the former. Traditional First Nation practices are often seen as slipping away when modern practices or products are incorporated, but as Asch points out in his exploration of hunting in Northern Alberta: “We would not say that farming was dying because the plow replaced the digging stick” (1990:27). Asch goes on to point out that “Crass material interest drives this development [inevitability] orientation in Northern Alberta. It is re-enforced by the self-serving belief in that inevitability” (1990:28). In his article, Sahlins includes a quote from a Yukon village leader that effectively summarizes the absurdity of our black and white conception of the relationship between the tradition and modernity.

We take whatever technology works and shape it to our purposes and uses. Apparently that bothers people who want us to remain pristine, or to admit to our contradictions of wanting technology and controlling and preserving the resources of our own use ... Why not? We have always accepted and reshaped technology that works for our own purposes. [Jorgensen 1990:69]

We (the oil industry and the public) created this inaccurate and abstract concept of what is in the past and in the future, and then we judge First Nations groups by that concept. Our habit of doing this can be seen in industry and academic writing about the oil industry, and it blinds us to understanding the energy industry and the First Nations people who are affected by it.

Memory is an integral part of the relationship between the past, present, and the future. The members of the WCFN have complex relationships with memories, which affect their conceptions of oil, and their past, present, and future. Connerton and White point out that all memory is influenced by the politics of power and legitimacy, and even those societal or collective memories that may not have legitimacy within a particular time or a particular group (such as the WCFN), still exert influence (Connerton 1989:1-2; White 2004:306). Memory does not exist in a vacuum, free from the influence of the political and social context in which it was

created or the context in which is remembered and relived. Memory itself also has power over the way people see their present and their future. In his 1996 book, *Wisdom Sits in Places*, Basso states that “places possess a marked capacity for triggering acts of self-reflection, inspiring thoughts about who one presently is, or memories of who one used to be, or musings on who one might become” (1996:55). He argues that identity, wisdom, knowledge, and memory cannot and should not be separated from those physical and social spaces in which events take place. The places that we visit have a remarkable way of bringing forward memories and attachments that affect the way we conceive of our current and future context. Trying to remove memories from their physical context or conjure them away from that context changes their meaning. All of these perspectives on temporality and memory add to the complexity of discussions about the past, present, and future. These discussions are imperative to understanding the effects of consultation and oil extraction.

3.3.2 Explorations of the past, present, and future in the WCFN:

Three weeks into my fieldwork I had the opportunity to attend an elders gathering and celebration of Treaty Eight that was hosted by the Kee Tas Kee Now Tribal Council (KTC) in Atikameg,²⁴ on the Whitefish Lake First Nation (140 kilometres southeast of the WCFN). When I arrived at this gathering of over 20 nations, I was surprised to find that the WCFN was the only group to have brought and constructed tipis (see figure 2.1). All of the other First Nations camps were comprised of modern tents, trailers, and tarps. I remember being shocked at first to see so few tipis (or any other type of traditional dwelling)²⁵ and so many motorhomes at a gathering that celebrated First Nation history and culture. As I interviewed and visited with more people around WCFN, I began to realise that the cultural relationship between the past, present, and the future is much more complex than my early observations at this gathering had allowed. I began to pay attention to how people spoke about what belongs in the past and what belongs in the present or the future, and this allowed me to form a more useful understanding of the effects of the oil industry in this community.

²⁴ The Kee Tas Kee Now Tribal Council (KTC) is an important part of the political context of the WCFN and other northern Alberta First Nations. They provide advisory services and political organization for four member First Nations: Loon River Cree Nation, Whitefish Lake First Nation, Woodland Cree First Nation, and Peerless Trout First Nation. Please see <http://www.treaty8.ca/Education/Treaty-8-AB-Region/>

²⁵ While Wigwams are generally noted as the traditional dwelling of Woodland Cree peoples, the members of the WCFN consider tipis to be important to their heritage. This is evidenced by their bringing tipis to this gathering, and by the tipi construction lesson I participated in at a women’s gathering at the WCFN.

There is a pronounced and complicated mixture of the past, present, and future in the way that members of the WCFN speak about oil, and every part of their lives. Residential schools are an important aspect of Canadian and First Nations' history; one that is often left out of studies of the effects of energy extraction on First Nations people. Aboriginal scholar Robin Gray notes the powerful and long lasting effects of residential schools, which caused "devastation to land base, culture, families, language ... and even the way people remember" (2011:4). She argues that this intergenerational trauma has persisted because residential schools "broke down intergenerational connectivity" (2011:17). During my time at WCFN, I found that residential schools were both directly and indirectly related to the oil industry in the area. Several people mentioned residential schools in relation to energy in general, consultation, WCFN parenting styles, general barriers that their communities face, and their difficult younger days. Though residential schools are by no means a direct effect of the oil industry, they play an important part in how the oil industry and the political, environmental, and social climate in Alberta and Canada are conceived.

While we were discussing the effects of the oil industry, a WCFN office employee commented that "Residential schools made families dysfunctional by ripping kids away from their parents ... Because of that they would never force their children to go to school or to leave the house" (Field notes 6/19/13). When talking about residential schools, an elder remarked that "The priest just grabbed a hold of the kids just like pigs. It was awful" (Laboucan, D. 1995). This aspect of the WCFN history means that many members feel differently than non-First Nations people about their children and sending them far away for school, training, or work. This affects their ability to obtain education and training. One day I was invited by a WCFN land monitor to accompany her as she checked oil extraction sites but instead we attended a traditional plant-gathering trip that was specifically organized for survivors of residential schools (Field notes 8/7/13). She thought it was important to take time from her busy day to bring me to this gathering. One of the most forceful references to residential schools being a part of the present came from a community service employee in Peace River. When speaking about energy and the other difficulties many people at WCFN experience, she argued that residential schools were one of the top problems that affect First Nations people. She stated that "It's huge and people don't recognize the residue of residential schools ... They say they are sick and tired of hearing that, it happened a long time ago. They don't understand intergenerational trauma." She

argued that residential schools were very much intertwined with consultation, legislation, education, addictions, violence, language loss, health, treaty concerns, tradition loss, and poverty, among other issues. Residential schools are but one single example of the fact that in the context of oil, making a simple division between the past, present, and future is difficult, if not impossible.

While it can be argued that any discussion of the relationship between the past, present, and future by definition involves memories, I have chosen one particularly influential event that effects the way that members of the WCFN conceive of the oil industry and the government. When I interviewed or chatted with people about oil and energy, one of the most often-mentioned events was the forced eviction of people from the former Marten River settlement. In fact, I was told about it by two WCFN members within 24 hours of my arriving at Cadotte Lake. The 1965 exile of people from the Marten River settlement to Cadotte Lake was mentioned by many people across ages, genders, and occupations in the WCFN. This forced movement is mentioned in literature about the history of the Lubicon and Woodland Cree Nations, such as Goddard's 1991 book *The Last Stand of the Lubicon Cree* (35-42). It is important to note that people's interpretation of this event and its meaning differ based on the way they relate to the event: as a survivor, family member of a survivor, community member, government official, church official, or scholar. For the purposes of this thesis, the important aspect is not whether or not it can be proven that the motivations behind this move related to oil, centralizing services, competing churches, or anything else; but rather how the memory of this event effects people in the WCFN community as they live with and deal with oil and other energy extraction.

I was told that the officially stated reason for this forced move was to give people a better life and more access to centralized services and programs, but 50 years later, WCFN opinions still contradict this reasoning. When elders discuss this move, they talk with still palpable sadness and anger about how people's cabins were pushed down or destroyed and how "People lost everything in a few minutes" (Andy 8/15/13; Laboucan, J.E. 1995). Several themes emerged when Marten River was discussed including: people being forced to move; sudden destruction of homes, lives, and culture with a bulldozer; and people standing guard at their homes with guns. They also include: lies about the reason for the move, suspicions about oil deposits being the motivation, lack of compensation for or acknowledgement of the damage caused, and the belief that the local priest was in collusion with the oil companies (Eddie 8/13/13; Tamara 8/20/13;

Laboucan, ed. 1995). It is difficult for Andy, and other WCFN members, to understand how all of a sudden a community could be destroyed in this way. It is also difficult for them reconcile this event with a government which claims it had then and still has the best interests of First Nations people in mind. The move from Marten to Cadotte is one of many past events that cause First Nations people to view consultation, the oil industry, and everything about the federal and provincial governments with suspicion and anger.

One WCFN member talked about the above-mentioned incident in addition to an alleged long-term effort by the government to hide the true motivation (oil) for this forced move (Eddie 8/13/13). This belief was shared by several of the elders interviewed in 1995. John E. Laboucan stated “There is a lot of oil under there ... That is why they tried to push people out of there” (1995). One of the most striking comments I heard about Marten River was made by a middle-aged woman who works in Peace River and has family ties in Little Buffalo and WCFN. When I asked her about the effects of the Marten Lake move, she said: “Well, did 9/11 affect the way you think about things [yes]? Well that is in a different country so what about people that live close?” (Tamara 8/20/13). This woman did not experience this move herself, but the fact that she spoke about it a lot in relation to oil, and the fact that she likened it to a terrorist attack that killed thousands of people, is significant. When I mentioned this comment to WCFN members, many of them agreed with the comparison. While each person connects to this event in a different way, it is clear that disconnecting it analytically from their experience of oil extraction, their present, and their future is misleading. The fear, sadness, outrage, and frustration connected to this event is still very much a part of this community, their thoughts and emotions about the oil industry, and the level of mistrust with which some view the government, the oil industry, and official versions of past and current events.

A large part of the concern or worry about oil or energy development the past, present, and future is the youth of the WCFN community. Almost every person I interviewed and talked with mentioned the attitudes and priorities of today’s youth, how today they do not listen, and how their futures will be very different from their parents and grandparents (Bob 7/31/13; Daisy 7/30/13; Ingrid 8/9/13; Laboucan, ed. 1995). Several commented on the fact that with the oil industry comes money, and with money comes consuming technology such as headphones, cellphones, T.V., computers, and tablets. These technologies are seen as being a factor in young people’s lack of respect and their inability to communicate, help, listen, and wait. This

negatively affects the whole community. One elderly woman angrily commented that “The young have no patience. They don’t know how to be quiet and listen. They are always texting, talking, or listening to music. There is no eye contact . . . Technology has ruined our way of respecting [elders]” (Mary-Anne 8/7/13). Many people that I spoke with also commented on the fact that their culture, tradition, and language is being lost because the young are not listening and the elders are passing away. They feel that the future is being lost because the money and fast-paced lifestyle that oil brings prevents the past from being truly valued. One WCFN employee stated that “Young people drink and carry on because they do not know their culture” (Hanna 8/7/13). Several commented that in “the old days” children and everyone would help out when help was needed; now they will not, because there is too much money, competition, and selfishness (David 8/8/13; see also Laboucan, ed. 1995). There would likely be worry about the future of the WCFN youth with or without the energy industry, but it certainly adds complexity and practical difficulty to the lives of the young and elderly WCFN members.

3.4 Land, animals, water, and people: the effects of oil in the WCFN:

The effects of oil are essential to understanding the flaws in the consultation process and the oil industry in general. There have long been concerns raised by First Nations and others about the effects of oil extraction, but until recent scientific papers and publicized studies proved otherwise, government and industry denied that the oil sands had any impact on the environment. Since 2010 there have been some admissions by government and industry but much more study is still needed and many concerns are still not being recognized. While talking about the positive and negative effects of oil, a WCFN member and employee made me realize the complexity of these matters. She stated that “It’s almost like it’s, the less of the evils. You have to work in the oil industry to feed your families but what do you sacrifice? Do you sacrifice your land or your ways? Do you sacrifice the water quality and other things?” (Courtney 7/16/2013). I found during my field and literature research that while both First Nations and non-First Nations people study, critique, and mention the impacts of energy extraction, they do not see these impacts in the same way or give them the same importance. In truth these types of oil impacts cannot fit into separate or discrete categories, such as water, air, animals, or income. Dividing them in this way enables exploration of the dynamic nature of oil impacts. It allows focused attention to how these effects are experienced and conceived, and what they reveal about the relationship between and within the oil industry, government, First Nations groups, and other residents. In this

section, I will explore scholarly and WCFN explanations of some of the many effects of the oil industry, all of which are linked by conflict, mistrust, and uncertainty.

3.4.1 The effects of oil in energy extraction literature:

The environmental effects of oil extraction are mentioned constantly by all sides of the energy extraction debate and they are very much intertwined with the economic, social, and other effects of oil. What is most insulting and infuriating for some First Nations people is the perceived mismanagement and misrepresentation of their concerns about animal loss, environmental degradation, and illness rates. These concerns are listened to, ignored, portrayed as being inaccurate, or economized and trivialized, to varying degrees by government and the consultation process (Davis Jackson 2010; Urquhart 2010). In Ervin's 2012 article, he explores the social, environmental, and political vulnerabilities of the people in the Mackenzie and Athabasca drainage system at the hands of oil, gas, and uranium interests. He argues that those who do rely on traditional foods (First Nations people) are most at risk and that "We do not understand the full impact of ongoing oil, gas, and uranium development on the ecology and people of this area" (282). Ervin's point is that the unknown is one of the most pressing aspects of the effects of the energy industry. Schindler (2013) and Mantyka-Pringle *et al* (2015) make an important point in their explorations of the oil sands that applies to the WCFN context. We are lacking reliable baseline data, which means our studies of oil effects are by definition flawed (2013: 206; 2015:801). Schindler also discusses the troubling unknowns that permeate the oil industry such as what might happen to oil extraction sites when industry or the oil itself is gone. He asks "Who will maintain the pumps and dikes after the companies are gone" (210)? Uncertainty and mistrust are common themes that link many of the scholarly discussions of the consultation process and effects of the oil industry on the WCFN.

Health concerns are one of the most controversial aspects of the oil industry. There is a growing awareness among scholars and First Nations people that more information is needed about the effects of oil extraction on human health so that we can understand these links. Timoney and Lee argue that "The attention of the world's scientific community [to the pollution caused by oil] is urgently needed" (2009: 78). Much of the existing literature about oil-related health concerns in Canada (and other oil extraction impacts) pertains to refining processes in Ontario or the Athabasca oil sands near Fort McMurray, Alberta. However, the concerns raised by this literature (and reactions to those concerns) apply easily to the WCFN context. This

literature also makes clear the need for researchers and policy makers to investigate similar problems in the Peace River oil sands region, and the non-minable reserves and in situ extraction processes used there. In her 2011 exploration of the Aamjiwnaang First Nation in Ontario's "Chemical Valley" and their connection to their land in the face of mounting health concerns and chemical smells, Davis Jackson expands on this point. She calls attention to the relationship between nearby petrochemical plants and elevated rates of respiratory problems, the pollution of the river that runs through the reserve, as well as government and industry responses to those issues (2011:610). She argues that even as more and more is understood about the relationship between industrial pollution and health, that does not necessarily help the interests of First Nations people because of difficulties with funding and the difficulty of "connecting abstract data to their lived experiences" and affecting meaningful change (2011:611). Many researchers cite Dr. O'Connor's 2006 warnings about the health effects of the oil industry on the residents of Fort Chipewyan to make a similar point about the difficulty of proving the connection between industry and health problems, as well as effecting change in the face of the power of industry and its influence on government and health officials.

In 2006 Dr. O'Connor reported on what he called worrisome illness rates among the Mikisew Cree First Nation at Fort Chipewyan, Alberta. He stated that "overall cancer rates are 30% higher than expected, including alarming increases in leukemia, lymphomas, and bile duct cancer" (Droitsch and Simieritsch 2010:2). The Government of Alberta released its own study that countered O'Connor's arguments, methods, and data. In their press release regarding this study, Alberta Health indicated "there was no cause for alarm" because there was no problem related to oil (Alberta Health Services 2009). The government touted this report as an example of their listening to and addressing First Nations people's concerns about the impacts of oil. The Mikisew viewed this report as un-objective and incomplete as they felt it left out many groups and did not attend to the possible relationships between oil sands activity and disease. A former chief of the Mikisew Cree First Nation, George Poitras, argued that oil and in particular tailings ponds were affecting his people's health. He is quoted as saying that "Chemicals leaking from tailings ponds affect anybody or anything that relies on water as a source of drinking or a place to live in [including fish, moose, and birds]. The majority of our people rely on the traditional diets, on moose" (Tenenbaum 2009:153). The Mikisew response to this report is an example of

the lack of trust and transparency that permeates the relationship between First Nations and governments, and is just one example of how complex the debate about oil and health is.

Droitsch and Simieritsch (2010) point out that this same government study also paradoxically revealed that “overall cancer rates are 30% higher than expected, including three-fold increase in leukemia and lymphomas, seven-fold increase in bile duct cancer, and other elevated cancers” (Alberta Health Services 2009). They also point out the conflict of interest (and questionable accuracy) inherent in committees and reports when funded and/or influenced by industry (2010:3). These and other government produced reports about oil-related illness concerns sometimes indicate problematic illness rate changes but also present 100% certainty that oil is not the source of the problem, as a problem does not exist. In his 2010 paper, Urquhart explores the government response to Dr. O’Connor’s study of the Mikisew First Nation’s pollution and sickness concerns, including their criticism of his methods and results (7-14). Urquhart argues that [whether future studies confirm or refute his concerns]²⁶ the response of the government and Alberta’s College of Physicians and surgeons to Dr. O’Connor’s warnings “may well discourage physicians from following O’Connor’s lead in the future” (2010:14). These types of reports and responses add to the uncertainty and mistrust that permeates these challenges and the energy extraction process as a whole. If doctors and First Nations people are met with objections and censure when they question the oil industry’s effects on their health, the only possible outcome is uncertainty and mistrust.

Animal habitat loss and the related decline in animal numbers are also impacts of oil extraction that cause great concern among First Nations people and add complexity to the consultation process. In their 2009 report Timoney and Lee argue that more long-term, peer-reviewed studies of the oil industry are urgently needed in the areas of habitat conversion or degradation, as well as landscape fragmentation due to features such as roads and seismic lines, increased access, and industrial noise (71,72). Timoney and Lee also argue that mercury levels in several species of fish in oil sands areas are “a cause for concern, and under US EPA subsistence fishery guidelines, all of these fish would be considered unsafe to eat” (2009: 72). This argument is echoed by Mantyka-Pringle *et al*, who point out that “The increasing incidence

²⁶ Please note that a 2010 Royal Society of Canada Expert Panel Report (Gosselin *et al*) stated that more research is required on cancer and other oil related health concerns and a 2014 University of Manitoba report (McLachlan) pointed to the risk of cancer in relation to the oil sands in Alberta.

of fish malformations has also been a complaint of Aboriginal communities for more than 20 years” (2015:799). In 2008, an Environment Canada report acknowledged the decline in caribou numbers in northeastern Alberta that is due to energy extraction, causing all herds to be considered “non-self-sustaining” (Droitsch and Simieritsch 2010:4). In their paper *Duty Calls: Federal Responsibility in Canada’s Oil Sands* (2010), Environmental Defence *et al* reference this 2008 study and add to the relatively new but growing scholarly acknowledgement of the long held concerns by First Nations people about the increase in animal disease and deformity. Environmental Defence *et al* point out that the federal government is not properly managing the environmental effects of the oil sands in terms of enforcing existing laws or creating new ones (2010:2). They explicitly argue that in situ oil sands extraction is negatively impacting animal health when they state that its extraction “poses a risk to boreal ecosystems ... by contributing to habitat loss and fragmentation” (2010:12). It is clear there may not ever be agreement about the environmental effects of oil extraction among or between First Nations people, environmentalists, or members of government or industry. It is also clear that the oil industry is affecting animal health and habitat, and more long-term study is required.

The problem of oil-related land and water contamination is difficult to understand because water cannot be disconnected from historical, political, environment, legal, and health factors. Recent literature describes the impacts of oil extraction and exploration on boreal lands and waters. Environmental Defense *et al* argue that oil extraction processes affect and use up a lot of water but also that “clearing forests and wetlands for mine pits, roads, well sites and pipelines destroys habitat and harms the ecosystem’s ability to store, recharge and filter water” (2010:10). In their 2010 article, Kelly *et al* present their study of the effect of oil extraction on the Athabasca River and their findings that the oil sands industry releases 13 priority pollutants (PPE) into the area water and air, posing risks to animals and residents (16178, 16182). Scholars and First Nations people are noticing pronounced differences in the water, and by extension the animals and people, in the areas where oil is extracted. They are also noticing that these differences and their concerns about their sources are not being acknowledged by government, industry or by current monitoring practices (Schindler 2010:499; Droitsch and Simieritsch 2010:3). In their 2009 report on the effects of oil on Fort Chipewyan Alberta, Timoney and Lee point out that community members were not provided with complete information about the state of their environment. They quote elders who discuss the changes they have seen in their local

environment: “The river water tastes differently now, oily, sour, or salty. When boiled, a brown residue remains in the pot. Fish and muskrat flesh has become soft and watery” (2009: 77). The effects of the oil industry on waterways (and by extension animal and human health) are an excellent example of the uncertainty, lack of information, and mistrust that pervades the problematic understanding of the effects of the oil industry and its effects on land and water.

Oil or other energy extraction brings money to First Nation communities in many forms including but not limited to: employment income, consultation funding, funding for infrastructure improvement, and profit-sharing.²⁷ Though each of these types of money affect communities in different ways, important questions must be asked about the effect of this money in general: who does or does not benefit and why, what values come with it, and do the communities have access to the tools and training to handle it? Large sums of money entering the economic and social lives of any community do not equal automatically improved lives for members. Ed Schultz, the former chair of the Council of Yukon First Nations, points out that “Simply creating economic wealth does not mean you will create healthy cultures and lifestyles” (AAC: 2005). Many scholars point out that that industry wage labour and the money it brings to First Nations communities can be more of a problem than a benefit; it can be destructive to the social and physical health of the community (Asch 1977; Roddick 2006; Urquhart 2010). A lack of money or income is not the only problem that is faced by the leaders and members of First Nations, and it does easily solve other problems.

Alberta Métis researcher Elmer Ghostkeeper (1996:46) uses his personal experience as an oil industry employee to argue that working within the oil industry affects people’s social relationships because it takes time away from the land and places utmost importance on money and efficiency. He also argues that it restricts their ability to engage in spiritual and social exchanges and it changes their sense of time itself. He states that working in the oil industry creates an atmosphere of “working off the land rather than with the land” (1996:46). The social effects of oil, and specifically oil employment and money, are just as complex as any other effects, but often receive less attention than the “more obvious” physical, environmental, or economic effects. Money exacerbates existing social stratification and social problems and it

²⁷ There are many types of income related to the oil industry. Some people are directly employed by oil companies, some work for or own their own companies which are sub-contracted by oil companies, and some communities receive research and/or community funding as part of consultation or impact benefit agreements.

also creates new ones. The effects of this and any type of oil industry money are far more complicated and value-laden than many First Nations and non-First Nations people understand or acknowledge. They are no less important than the environmental effects that often receive more attention during discussions of the problems within energy extraction and consultation.

3.4.2 The effects of oil in the WCFN:

Challenges with testing, monitoring, and therefore the unknown often came up during discussions about the effects of the oil industry at the WCFN. When one young WCFN father was discussing the effects of oil on his community, he pointed out “There are just no long-term studies so we don’t know” (David 8/8/13). He is unsure about what to think about the oil industry because he believes that we do not know enough about it. He talked about the fact that right now he and his community members are told that their water and air are safe but he worried that in 10 or 20 years with different technology they [the government] might decide differently. Two WCFN monitors talked to me and their council about their need for further training in testing and monitoring the physical or environmental effects of oil (Courtney 7/16/13; Daisy 7/30/13). These women worried that they were not able to test or understand some of the scientific aspects of the oil industry, which they saw as a weakness for their community. Courtney commented that her community “cannot afford to show any weakness” (7/16/13). Several other WCFN members and area residents echoed their concerns. These challenges affect not only how they see the consultation, testing, and monitoring processes, but also their experience of temporality as the inevitability of a future filled with impacts and uncertainties.

WCFN futures are not certain when members do not trust or have access to the testing and monitoring processes or information in their community. One young WCFN father commented that “I’m not sure how good they are taking care of the water because you are supposed to have trained water testers to take samples. So I don’t know how the upkeep is, you’d question it,” (Eddie 8/13/13). He and many WCFN members do not trust government or industry testing because it is in the best interests of both to claim that things are fine. Some WCFN members pointed out that testing and monitoring was by definition biased and inaccurate because baselines are consistently being changed to accommodate the oil industry. One WCFN office employee angrily argued that “The environmental baseline is constantly being reduced for arsenic. So you [oil companies] went past the first baseline we set but now we’ve increased the baseline to accommodate you. The government is accommodating industry” (Hanna 8/7/13).

She felt that each time the government claimed higher chemical baselines were safe, they were doing this to assist the oil industry without any care for the members of the WCFN or any other people. The ways that WCFN members and non-First Nations people trust (and more often do not trust) these processes have a noticeable and important effect on how people see the oil industry and its effects.

Three quarters of the WCFN members that I interviewed and all of the elders interviewed by R. Laboucan in 1995 mentioned their concerns about animal sickness and animal numbers declining on their traditional territory. Elder Edward Laboucan noted that “People used to be able to survive from these fish ... Today, there is no fish in this Little Buffalo Lake, no fish at all” (1995). One WCFN member said “I worry so much about the disease and deformity in the fish that I fish at the IGA store” (Billy 7/21/13). This man mentioned the importance of hunting but like many others he was so afraid of the state of the animals that could be hunted in and around the WCFN that he no longer felt safe eating that meat. Many elders and middle-aged WCFN members do not trust the animals on their land. A WCFN councillor told me many times that she is worried about the fact that the oil industry is killing animals and harming the health of the ones that were still surviving. She does not trust the information she is given about animal health on their land. She commented “I’ve seen moose with giant cysts on their necks ... We’ve killed moose here on the reserve that had big cysts on their legs and throats” (Hanna 8/7/13). She and others are incensed by government and industry claims that the animals are not sick because they can see animal sickness with their own eyes and touch it with their hands.

Several male and female members of the WCFN mentioned the fact that hunting was being affected by the oil industry because it was driving away animals and forcing hunters to go farther and farther to hunt. A WCFN employee told me “You are going 200 miles away from your own area because there is nothing here” (Hanna 8/7/13). Many also spoke about the fact that hunting was also declining because of increased population, land access through roads, and the demands of employment that takes people away from their community. All of this is linked to the oil industry. An elder, as well as many others, told me that not only are there sick animals, and declining numbers of animals, but also that oil-related changes are affecting the predation rates of some animals. He said that “Right now there’s a bunch of wolves in that area [because it has been opened up by roads and cut lines]... The moose are thinning out” (Andy 8/15/13). He and others worried that some animals might become problematic while others have already

become scarce. Perhaps the most pressing concern voiced by WCFN elders and employees is the future generations of their community. A WCFN councillor told me that “Generations of our kids are going to be suffering greatly. You know there will be no animals, clean water, or birds ... The sun seems to be hotter. There is not enough wildlife, none left, no birds” (Hanna 8/7/13). The problem is much more complex than whether or not the industry is killing or forcing away animals, it includes what might be happening to the ones that are left in the WCFN territory and what will happen to members’ grandchildren.

A WCFN grandmother told me that she worries about changes in animals also changing who the WCFN are as people. She commented that “Oil is affecting us in a lot of ways. We grew up on a lot of moose meat ... Now there are so few moose. We have to go farther and farther to hunt” (Daisy 7/30/13). She went on to talk as many others did, about how important moose is to their livelihood, diet, and culture. One WCFN councillor told me that “We want our moose back. Until the 1990s it was a daily staple and makes us who we are” (Field notes 6/19/13). Phil and others spoke a lot about the change in moose numbers and how imperative it was to protect moose as part of their community and identity. Some spoke about this with a sense of resignation because they believe that this might be impossible or already too late. This attitude was not voiced explicitly but was made clear by their comments about animals. Phil told me that he and others could taste the sickness and change in the moose and other animals. He said “You can taste it too ... A lot of people can taste the difference in the meat.”(Phil 8/12/13). This speaks to Phil and other WCFN members’ complete knowledge of and connection to the animals and land that, like the concept of TK, is not understood by others. It is clear that for many WCFN members, the moose is a part of their identity and the fact that moose are scarce and unhealthy are signs of problems in their land and culture. This issue is something that causes them to worry about their futures, and is one of many concerns that WCFN members feel non-First Nations people do not understand or take seriously in the context of oil activity.

Many WCFN members and others who live and work in the area voiced concerns about the emissions created by the oil industry and told me stories of health problems they believe are related to oil emissions (Courtney 7/16/13; Ingrid 8/9/13; Mary-Anne 8/7/13). These concerns were mentioned in 19 of my 22 field research interviews. Many worry that they do not know enough information about (and were not being told the truth about) the damage that these emissions are doing to their health, or the health of the animals and birds in the area. One

WCFN employee told me “I can smell that crude (oil) from my house in the mornings. The crude smell really concerns me ... I once drove by a crude truck that had tipped over and the fumes burned my eyes and throat!” (Hanna 8/7/13). She does not trust government information claiming that this smell is not a danger to her and other community members’ health. Another WCFN employee told me about how the oil emissions had caused his daughter’s breathing problems that required hospital stays in Edmonton, as well as how the emissions affected his own health. He said “I can smell the oil and diesel in the air ... It just makes me feel sick” (Phil 8/12/13). The fact that government and industry do not acknowledge these concerns does not change their pervasiveness. Many people are very concerned about the oil industry emissions in the WCFN and Peace River area and these concerns carry over into many aspects of their physical and social lives.

WCFN members are not the only group in the area to voice concerns about emissions, air pollution, and health concerns via oil extraction and processing. The “Three Creeks Residents Group” is a group of residents of the Three Creeks area, near Peace River, who are concerned about the emissions that area oil companies’ practices are creating. They have been using meetings, newsletters, and signs in their yards to lobby governments, oil companies, and media outlets for years for recognition of their concerns with little success. Several of them have moved from the area because of the health problems they have experienced, which they feel are due to emissions from nearby oil processing by companies such as Baytex. A young mother told me that she moved her three young children away from the Three Creeks area because she was sure that their (and her) sores, incontinence, and listlessness were being caused by these emissions (Tanya 6/26/13). Two other members of this group showed me several binders documenting the emissions-related health concerns of area residents. They told me that when they brought these concerns to Baytex at community meetings they were brushed off and accused of “getting their information on Saturday night at the bar” (Dorothy 7/23/13). In April 2014 (seven months after my research and several years after this group began voicing their concerns,) the AER released a report stating that these emissions could cause health problems and gave Baytex four months to contain them (CBC News 2014b; Edmonton Journal 2014). It is telling that, despite years of denials from government and industry, these emissions concerns were recently recognized as valid. This is just one example of the conflict, uncertainty, and

mistrust that exists in the way both most WCFN members and many non-First Nations people in the area experience and understand the oil industry.

During my field research I found that oil money (i.e. industry donations to communities, employment income, or consultation funding) was a hotly contested issue and nearly everyone had an opinion about how this is positive or negative in their community and why. Five WCFN members commented that oil industry money (such as community donations) is positive and that companies owed their community a lot more. A female WCFN employee told me “I think it’s [oil funding] a joke because you can get \$150,000 from Baytex and put a sign up. How much money are you [the oil companies] taking out of there, millions upon millions? (Hanna 8/7/13). Others argue that it is long-term commitment and connection that the community needs, not money. One WCFN father told me that “Oil money is good. Companies could give more ... In the end they need to be more involved. They cannot just throw money at the band” (Eddie 8/13/13). One WCFN member who works for an oil company feels that employment income in particular cannot truly be a positive in this community because it is actually a way for oil companies to control people by making them dependent on oil. He told me that “Oil company wages and hours are simply a pay-off” (Field notes 7/9/13). He worries that oil industry employment was a way to keep WCFN members quiet and dependent the oil industry. Another WCFN member talked about the WCFN leadership being beholden to the oil industry. She told me that “The band making money from oil is a bad conflict ... Council members with oil companies, that is a conflict of interest” (Field notes 7/30/13). She felt that it was impossible for individual leaders or for councils to truly advocate for their rights when they and their communities depend on money from oil companies, while another WCFN member argued the exact opposite. It is undeniable that infrastructure funding, employment earnings, and First Nation dependence on oil can create conflicts of interest and there are no easy solutions to these conflicts.

Any discussion of the effects of the oil industry on this community would be incomplete without attention to its positive effects. These positives are not as simple as they may seem. They create conflicts within and among WCFN members. Three WCFN men told me that the oil industry roads were an excellent aspect of this industry because they make travel in and around their community easier. Two of these men are conflicted about these roads and also commented that the roads fragment animal territories. One stated that “We have better roads going in but for

the most part animals get pushed out. Moose will move away cause of sounds and smells. They are pushed away into smaller fragments” (Eddie 8/13/13). Four WCFN members talked about the fact that, while the oil industry brought with it jobs near their homes, new skills, and income from personal and WCFN-owned equipment rental, it also brought negative tradeoffs. One man stated that “The tradeoff for infrastructure is the health of the land” (Hamilton 7/11/13). He argued that the tradeoff for oil-related income and infrastructure was not worth the costs. One young WCFN father argued that without employment in the oil sector and oil-related employment in the service and government sectors “1000 people [the entire WCFN] would be on welfare” (Eddie 8/13/13). While this is an exaggeration, this man was conflicted because he had concerns about the negative effects of oil but also believed that without it he and his community would have nothing.

My interview with Billy, a WCFN member whose companies both depend on the oil industry, best displays the conflicting nature of the benefits of the oil industry. He did not grow up at the WCFN; his family moved here when the nation was created over 20 years ago. He spoke about the fact that he is a supporter of the oil industry because it gave him and many of his fellow WCFN members income. Billy even remarked that the WCFN should be doing more to generate income from the oil industry. He also told me about his worries about the fish, the animals, and that his plan was to save up enough money to move away from the area and the oil activity (Billy 7/21/13). Billy acknowledged the contradiction in his views when he talked about how oil was both good and bad for the community and himself, as well as the fact that the safety rules were getting better and better but also that he “doesn’t trust the animals or fish.” When talking about the safety of fish and water he said “Who knows what happens that we don’t see.” He also said that “The oil sands are a good idea. But when industry comes in, the natural forest gets less and less.” Billy talked at length about how consultation and environmental rules are improving. He also spoke about his anger and frustration at the way that the area around his mother’s cabin had been cleared of trees without consulting her, as well as his worry about the drugs, traffic, and people the oil was bringing to the area. Billy, like many other members of the WCFN, is conflicted about oil and has no simple answers to give about whether it or its related consultations are positive or negative.

Eddie, a young WCFN member and father, echoed Billy’s concerns and his conflicted feelings. He commented on the conflict he felt within himself and his family because of his

work in the oil industry. He stated that “You are opening areas and you are falling trees. You think oh shit I am taking this living thing here. It does affect you because you are part of the system. I accept that and want to change it” (Eddie 8/13/13). One WCFN employee involved in monitoring echoed Billy and Eddie’s complex feelings about the oil industry. She mentioned several times that the changes to her land, water, and animals sicken her, but also that she is grateful to have a job and that there was nothing she could do to stop what was happening. She said that:

It affects me negatively right. Obviously I want the land to stay as it is ... I’ve learned that it’s going to happen anyways so we’ve got to try as a nation to work with them. But I think that in the end we are all going to be paying a hard price for it because we won’t be able to hunt, fish, and trap anymore. We are doomed.
[Courtney 7/16/13]

She is very conflicted as she sees the oil extraction and consultation process as inherently destructive and flawed. She also feels that she has no choice but to be a part of the oil industry, in fact, she feels it is her responsibility to be a part of it so that she is able to do what she can for her community. All of these factors mean that it is not possible to definitively state how direct and indirect oil employment, activity, and infrastructure impact and benefit this community. This does not diminish, however, the importance of these and other effects of oil in this community. Many WCFN members consider the oil industry to be crucial to their financial stability. At the same time, they are deeply concerned about what they see as the negative effects of oil and are ambivalent about the positive effects of this industry.

3.5 Conclusion:

The oil industry is adversely affecting the social, political, and physical environment of the WCFN. My objective in writing this chapter was to point out how important it is to explore the explicit and implicit relationship between: fatalism about the energy industry; the relevance of the cultural conceptions of the past, present, and future in understanding oil impacts; and the economic, social, cultural, and physical impacts and benefits of the oil industry on the WCFN community. The relationship between fatalism, temporality, and the effects of oil in the WCFN is very complex. There is no simple answer to questions about what effects the oil industry has on this community and why, how much power the oil industry has, how we should visualize the future, and what role the past should place in the present or future. Asking all of these questions is imperative to understanding how and why consultation is not working for this community and

how this community is being affected by oil extraction. Whether they are overloaded with information, or lacking information, when it comes to energy extraction and consultation, WCFN members are unsure of what to believe about themselves and their governments, communities, leaders, youth, lands, water, air, animals, and futures. As Westman points out, First Nations people have complex and conflicting relationships with the oil industry as well as their lands and traditions (2006). Not only do WCFN members and others who live and work in the area disagree about whether or not the oil industry is negative, positive, or a mix of both; they disagree about what the oil industry is doing in their community, how, why, and what that means.

Chapter 4 When a pipe breaks: an exploration of a produced water spill

4.1 Introduction:

One of the many challenges related to the oil and energy extraction that First Nation communities such as the WCFN deal with on a daily basis is land and water contamination via spills.

I am going to use a contaminated water spill that occurred in June

2013 outside the WCFN reserve (but on the WCFN traditional lands on which members hold some rights) in order to explore some intricate and important difficulties within the WCFN community and current energy consultation context. The data I will use to discuss the contaminated water spill include: my field notes, interviews, and seven spill summaries written by myself and a WCFN member for the WCFN council. The WCFN member whose registered trap line was affected by the spill did not wish to be interviewed for my project but I was able to interview his niece. I will provide an introduction to the spill itself, my first knowledge of it and first visit, as well as my subsequent visits to the site. I will then explore the themes and concerns that emerged during my spill visits, spill report compiling, conversations, and formal interviews with WCFN members. Finally, I will conclude by exploring the differences between Penn West's and the media's portrayal of the spill and its cleanup efforts, with what I observed and heard, as well as the larger implications of this spill.

The themes and concerns brought forward by this spill are important because oil and oil-related spills and leakages are often happening on (and affecting) WCFN reserve and traditional lands but are not often acknowledged or dealt with in a way that respects the WCFN, their land, or their rights. Spills such as this one are important to understanding consultation, temporality, and inevitability because the consultation process includes consulting about possible future accidents as well as conceptions of past spills and the overall influence of the oil industry. My exploration of this spill echoes the points made by scholars that are studying these matters, such



Figure 4.1 Brown trees and range fencing around the assumed area of the Penn West contaminated water spill on WCFN traditional lands (Gerbrandt 2013).

as Roddick (2006) and Weszkalnys (2010). They point out that the cumulative effects that influence First Nations people's lives and perceptions of energy extraction are not and should not be limited to or attributed only to energy extraction projects. Understanding and addressing these types of spill problems and concerns are difficult, but necessary, in order to begin to understand the WCFN community and its relation to the current energy extraction context. This spill is certainly not the only one that has or will occur on the WCFN reserve and traditional lands.²⁸ It provides insight into the community as well as into how aspects of the energy industry are understood, spoken about, and experienced by community members, oil industry employees, regulators, and governments.

4.2 Notification and Visits to the Spill:

This contaminated water spill occurred on the WCFN traditional land at some point in early to mid-June 2013 when the produced water pipe of energy company Penn West²⁹ developed a leak. Penn West later indicated on their website that it was noticed on June 19, 2013. A Penn West employee at the spill site told WCFN members and me that Penn West did not know when exactly the spill occurred as it was discovered by one of their employees who was passing by and noticed the browned and deadened trees. He also indicated that the spill itself consisted of 4-600 cubic meters of salt-contaminated or produced water, which is a byproduct of oil extraction and processing. Normally, the contaminated water is removed from the oil product and sent via pipelines to deep underground storage areas, but in this case it leaked 500 meters threatening a wetland area, a creek, many trees and plants, as well as nearby wildlife. When Penn West and its sub-contracted cleanup consultants first began testing the contaminated area, salt readings were as high as 1500 to 2000 parts per million, well above Alberta's (ESRD 2014) stated safe level of 120 parts per million.

²⁸ One of these other spills mentioned above is the November 27, 2014 Canadian Natural Resources Limited pipeline failure and crude oil spill near Red Earth Creek. According to a November 30 Canadian Press online article, which quotes the AER, 60,000 liters of crude oil have spilled into a muskeg area. This article also includes mention of an April 2014 problem with a pipeline owned by the same company, which spilled 70,000 liters of oil and processed water in the same region (2014a).

²⁹ Penn West (which has had several name and organizational variations) produces oil in Alberta, British Columbia, and Manitoba. The company began by operating in west and central Alberta and has been operating in the Peace River area since 2002 (Canadian Business Resource 2015). The Penn West website describes the company's oil production at 103,989 bpd in 2014 and details policies and commitments to Aboriginal relations, sustainability, the environment, and water safety (Penn West 2015). WCFN members see this spill as an example of this company's lack of commitment to the above.

The way that I and many WCFN members were notified about the spill, what information we received, and when, is instructive. Five days after I began my thesis fieldwork, on June 23, 2013, I was eating supper at a restaurant in Peace River when I heard several men discussing “Some sort of spill that had occurred on reserve land” (Field notes 6/23/13). The next day, two WCFN councillors told me about the spill and asked if I would like to go and see it. They wondered why it took so long for the WCFN to be officially notified and were worried about the extent of the damage as well as whether or not the spill occurred on Chief Whitehead’s or one of the WCFN elders’ trap lines. Some people were told that the spill happened on the land of the neighboring Lubicon Nation. These two councillors and other WCFN members were angry that it took days for them to be officially notified.

Ian’s comments during the first few meetings about the spill I attended demonstrate the influence of a history of perceived and actual mistrust and mistreatment by oil companies on the way that current WCFN council members react to and interpret spills. He told me “you should put mud on you face to look scary and to make sure that you are not taken advantage of. We might have to send ninjas” (Field notes 6/24/13, 6/26/13). I assumed he was joking until he and Phil followed up these comments by discussing the way that Penn West and other oil companies often do not provide them with timely or complete information and are rude to their representatives at spill sites. They were concerned about the spill itself, but what seemed to bother them more than that was the way it was handled. Phil and Ian passionately indicated that they wanted respect for their treaty rights and for this spill, its effects, and cleanup to be well documented by myself and the lands monitors.

The first time I attended the site on June 25, I attended with two WCFN lands monitors. The three of us toured the site as much as we could without hip-waders and talked with a Penn West employee. He informed us that 400 cubic meters of “mostly water³⁰” had leaked and that the WCFN had been notified five days prior, not one day prior as we had been told by Phil and Ian. This employee also indicated that he wanted us to leave and return for a formal visit and safety orientation a week from that date. Our experiences during this first visit echo issues raised by Nadasdy in his 2005 exploration of the difficulty of claim negotiation and co-management

³⁰ Technically, using the phrase “mostly water” to characterize the presence of salt at 2000 parts per million is not incorrect. Our assumption that this was an untruth was influenced by the tone of voice the employee used, the way he treated WCFN members and me at the site, and all of our perceptions of mistreatment by oil companies.

processes. Neither side in such discussions (even claiming there are two sides is an oversimplification) is free to make whatever choices or recommendations suit them. Both sides are dealing with power structures, institutions, and ways of seeing the world that are difficult to change.

I cannot comment on the motives of the company employee we spoke with on this first visit, who may very well have been pressured by his superiors and affected by past dealings with the WCFN; however the WCFN monitors and I felt that we were very unwelcome. This feeling set the tone for some of the further mistrust, anger, and disrespect that arose during the spill cleanup process. When we returned to the WCFN office, we had a very emotionally charged meeting with Phil and Ian. They immediately contacted a manager at Penn West's office in Calgary and stressed the WCFN right to attend the site as well as the fact that they would attend tomorrow, and whenever they saw fit. This manager indicated that she agreed with these councillors, understood their concerns, and would speak with the employee. We all worried that not attending the site the next day, and every day, would mean we would miss critical information that might not otherwise be shared with us, but it turned out that the spill cleanup and investigation moved quite slowly so daily visits were not always necessary.

On this first and subsequent visits WCFN staff and I donned appropriate protective equipment including hard hats, coveralls, rubber boots, hip-waders, gloves, and safety glasses.³¹ We would navigate the often very wet and difficult dirt roads to the site; park near the site entrance; speak with Penn West employees and cleanup contractors; walk around the holding tanks and pools, water pumps, lined storage area, and sometimes the hay bale perimeter of the site (See figures C2, C3, C4). We would write notes after each visit, which we later used to compile a report that WCFN councillors used during meetings with Penn West.

On our first visit we noted: the dead brown trees and bushes, the disturbed soil, many hoses and pumps used to pump water into holding tanks, several small holding tanks, one large holding tank, as well as several hay bales covered in plastic and weighed down by chains to keep the contaminated water from spilling further into the wetland (See figures 4.1, C1, C6, C7, C8,

³¹ My other field visits to proposed, current, and past oil well sites were very similar to my visits to this spill. Each time the WCFN monitor and I donned the relevant protective equipment, liaised with oil company employees, and often slowly made our way through muddy and wet fields, trees and roads. At all times we carried GPS units, cellphones, horns, and bear spray. During our spill and other oil site visits we walked or used all-terrain vehicles and we often ate our lunches while sitting on fallen trees.

C9). On subsequent visits we also noticed: coolers that held daily water and soil test samples; WCFN and non-First Nation employees; a large lined storage area for affected soil and plant material; drive point wells used to test soil; the reverse osmosis machine used to clean the water; and the location where the leaking pipe was excavated (see figure C5, C9). We were told that according to the daily soil and water tests within and beyond the acknowledged affected area, the nearby creek was not affected. We were also told that the containment measures were successful, and that the cleanup work and water treating would continue at least until the ground froze in the fall of 2013.

Over the next six weeks the WCFN councillors negotiated with Penn West and the lands monitors and I developed relationships and a certain level of respect and trust with the two spill cleanup consultants who most often supervised the spill site. Speaking with the same employees each time saved a lot of repetitive explanations of who we were, why we were there, and the particular questions we had. We found that these consultants were much more willing to explain the cleanup progress, tour us around the site, and answer all of our questions, perhaps because they did not work directly for Penn West, which was legally responsible for the spill. They were open to planning elders' visits, and explained to us the processes of and difficulties they had with weather, equipment break-downs, road conditions, Alberta Environment requirements and site inspections, obtaining all the necessary permits, water cleaning or processing, report and testing delays, and reclamation plans. They were also relatively open about their attempts to lessen their own footprint at the site and about their own questions, feelings, and fears about the spill and the other pipes in the area.

The consultants explained that their first priority was and would continue to be preventing the spill from spreading further and they constantly tested outside the site perimeter to make sure that was not occurring. During every visit they mentioned Alberta Environment's requirement that surface water have a concentration of salt no more than 120 parts per million. Their estimates on how long the cleanup would take and how much material would be too damaged by salt to be left in the area changed with time, and with the different reports and tests that were performed. They admitted that they and the company were not sure what exactly happened or why, and would not know until the pipe tests were completed (these tests were completed after the conclusion of my fieldwork research). Some of the consultants expressed worry and frustration at the amount of old pipelines in the area, the unstable and/or wetland

characteristics of the area, and improper pipe installation and repairs. They seemed to be worried in general about how many possibilities there are for spills to occur.

4.3 Themes and concerns raised by the spill:

This spill was one of the most mentioned subjects during my interviews and conversations with people at the WCFN. Out of my 22 formal interviews, 17 people mentioned this spill, and it often was mentioned while I was talking with people about other topics. In order to explore the intricacies of how people understood the spill and its affects, as well as general concerns it raised, I organized statements about the spill, what the spill was related to, and what I observed about it into several categories based on the concerns most often discussed in relation to this water spill. These include: emotion and emotional connections, community worries and workings, respect, differences of opinion, and uncertainty. All of these categories overlap and there were of course different opinions among the people I talked to about this spill. As Basso points out “Place-based thoughts about the self lead commonly to thoughts of other things, other places, other people, other times, whole networks of associations” (Basso 1996:107). There would certainly be differences of opinion among anyone else asked about it, as well as among those same people if I asked them now, two years later, or if I asked people about other spills that occurred before or since this one. Even so, the following statements and concerns are important to examine in order to build an understanding about the oil industry, oil consultation, and spills as experienced and conceived of by the WCFN.

4.3.1 Emotion and Land Connection:

While I was observing the spill itself and chatting with and interviewing WCFN members and other residents, I noticed that many of them related the spill to the more general sadness and devastation they feel at this and any destruction of such a beautiful landscape. Many of the people that I interviewed or conversed with did not say the words “I am devastated by this spill,” or “This is another example of the ruin of our land.” They would speak about this spill, as well as roads, tree-cutting, or pump jacks with a certain amount of sadness or devastation in their faces and their voices. When we discussed this spill and the effects of oil in general, Phil stated: “I love my traditional land, but people don’t trust the animals [they taste funny] or the water here ... Oil companies clear land and don’t respect mother earth” (Phil 8/12/13). There is a complexity of emotions that comes along with anything that WCFN people see as affecting their land, or their treaty rights to that land.

When this spill was mentioned, some WCFN members would discuss their concerns about the state of their traditional ways, how they are being changed, and in some cases lost. Many mentioned the emotions that invariably come with anything that involves their traditional rights as well as the fact that non-First Nations people often cannot understand First Nations people's relationship with their land and their past. They see this as hampering negotiation, consultation, and industry work in general. Each of the people I spoke with or interviewed had their own unique connection to their land, their history, and their traditional ways, as they understand them. While every person had an emotional reaction to this spill, they included combinations of some or all of the following: sadness, anger, futility, and hope. Many people's emotions about this spill were very contradictory. For example, one WCFN member talked about the fact that she was angry and upset about this water spill, but at the same time she was grateful for the steady work and income it provided WCFN employees and members who were part of the team containing and cleaning up the spill. She was conflicted about what this spill meant for her life and the life of the nation.

When asked about what she thought about the spill and how she found out a WCFN member stated that:

I was like, I was angry! Because I knew what it was going to do! I found out through the other community because Lubicon were claiming it was their land, right? And we didn't even know it was on our land until three days later. If Lubicon hadn't made up a fuss then we might not have known! [Daisy 7/30/2013]

She was angry because of the way that the WCFN was notified about this spill, but it was also clear that her past experience colored her feelings about this spill and its effects on their land. This speaks to the mistrust that she and other WCFN members have about what information they get from industry, when they get it, as well as the uncertainty she and others feel about the changes to their land that they see and in some cases do not see. Some others used this spill as an example of the difficult situation that neighboring groups find themselves in. The nearby Lubicon Nation at Little Buffalo does not have a land claim agreement with the government and so some people remarked with anger, pity, or sadness that those Lubicon members have a much more difficult time dealing with problems such as spills, and demanding acknowledgement of

their rights.³² This spill brought forward deeply held anger relating to WCFN's past and current difficulties in dealing with government and industry, relative to their neighbors.

Worrying about their land and their culture is also tied to people's deeply held emotions about the health and futures of their families. While these examples are not directly related to the spill, they are symbolically similar as conceived by WCFN members. When talking about the spill, many outlined health concerns their family members had or have, and worries about their children's health. One WCFN member related the spill to the increase in general sickness at Cadotte Lake, as well as the serious health problems his wife and daughter have experienced (Phil 8/12/13). He is very concerned and angry about the health of his family and the fact that his concerns are not being acknowledged. He also related this spill to his anger about having to travel to Peace River and even farther to Edmonton to obtain needed medical treatments for himself and his family. One woman related the spill to the water quality on the reserve, and the fact that it gave her young daughter a rash. It took her quite a while to figure out what was going on and when others saw this rash she felt guilty because she sensed that they judged her to be a terrible parent (Hanna 8/7/13). This woman's comments relate to her strong sense of responsibility as a mother and the helplessness, guilt, and isolation that come along with oil-related health concerns and visibly ill children.

I felt strong emotions while I was visiting and talking about the spill as well. It was difficult for me to watch such a beautiful landscape being drastically changed. I felt anger and pity for the condescending and ignorant manner with which the WCFN members were sometimes treated. I also felt in awe at the bravery and perseverance of these two women who dealt with rudeness, condescension, sexism, and misunderstanding on a daily basis as part of their already difficult and exhausting jobs as lands monitors. Finally, I felt pity for all of the First Nations people, industry employees, and other interested parties who are caught in an economic, environmental, and political context that seemingly cannot be controlled. Emotions color every perspective from which this spill is understood, including my own.

³² While the Lubicon Nation did not have a land claim agreement at the time of my thesis research and writing, their prolonged struggle for recognition of their rights has raised the profile of their Nation. They are the community referenced in media coverage about this spill and many other challenges related to energy extraction.

4.3.2 Community challenges, workings, and worries:

There are countless concerns related to general community workings that were brought forward by this spill. In their exploration of energy extraction and impact assessments, Esteves *et.al* point out the limited amount of funding and resources that Indigenous communities have in order to deal with all aspects of these processes, which can often be fatiguing and overwhelming (2012). A concern about more general challenges of employment and capacity that was mentioned by three of the WCFN members whom I interviewed is instructive about the fears or opinions of the rest of the WCFN and also their loyalty to their nation. When discussing this spill and the WCFN's response to it, three members commented on the lack of education of some of those who worked in the WCFN office. They felt it was important for the WCFN to employ and train its members, but wondered if they had the capacity to deal effectively with non-First Nations people such as the company responsible for this spill, to negotiate with industry, and to manage the financial and infrastructural affairs of the WCFN itself. These members seemed uncomfortable making these statements and made it clear that they were concerned with the training and not the motives of their fellow WCFN members. However, their level of concern was plain to see. I saw two WCFN employees express these concerns to WCFN council members on several occasions. These and many other members felt that this lack of capacity was not the fault of their community leadership, but rather the industry and government that are not fulfilling their duty to assist with training and other capacity difficulties. This opinion was shared by several WCFN councillors.

Most people related this spill to general water concerns in the WCFN area and the fact that in the past they could just drink water from anywhere but today they cannot. When one elder was asked about this spill he said "It is sad. That's why you can't drink too much water because you don't want to take a chance. Yesterday, we found a dead mud hen in the creek. You know that's not a good sign" (Andy 8/15/13). The water at the WCFN is piped from the Peace River. Many WCFN residents do not trust this water because of the water intake's proximity to the DMI Pulp Mill and their concerns about its smell and possible contamination. I was advised to drink bottled water on my first day there, and almost every subsequent time I discussed water with anyone. When relating this water spill to their drinking water system, many stated that they are worried about or frustrated by the way that many levels of community and provincial government are handling the water itself as well as their concerns about it. They do not believe

that they are being told the truth by the industry or the authorities about what is in the water, what it is being tested for, and what the health consequences of its content could be.³³

When talking about the spill, a Peace River area resident and environmental activist who has spent years documenting her concerns about the oil industry spoke about her mistrust of the Alberta Energy Regulator (AER) and government. She commented that “The energy regulator said it was actually just brine you know. Just brine is an absolute catastrophic environmental event. They say a little salt water won’t hurt much, I mean those are the attitudes” (Daphne 7/23/13). Another Peace River resident and environmental activist asked: “Oh my God! If we were to truly test our water, my God! What would we find?” (Wilma 7/23/13). She was concerned about what she saw as obvious environmental problems and government mistakes, but also about what she and others do not know about their water. These concerns were also voiced by WCFN members. As mentioned in the previous chapter, one WCFN councillor often spoke to me about the fact that “The environmental baseline is constantly being reduced for arsenic ... The government is accommodating the oil industry” (Hanna 8/7/13). Both WCFN members and non-First Nations people do not trust the government about spills and many other environmental problems.

When asked about this contaminated water spill, a WCFN office employee related it to a large oil spill that had occurred approximately two years prior; a prior forest fire that forced evacuations from Cadotte, Marten, and Simon Lakes; and the high level of crime on the reserve. She feels that many non-First Nations people have no idea what it is like to watch constant and inevitable damage being done to one’s traditional land without the ability to stop it, ignore it, or leave. She angrily stated “Where can we go? You know, we are not rich here we can’t just take our money and run ... We can’t do that. All your stuff is here. Someone will do everything to your place if you don’t watch!” (Hanna 8/7/2013). All of these concerns and statements speak to the anger and frustration that were brought forward by this spill even if they were not always directly related to it.

³³ In general for most people in the area, tap water is safe but there are serious concerns about water quality in WCFN and other Aboriginal communities. As discussed in chapter three, some of these concerns are related to oil, some are not, but all of them are evidence of the climate of fear and mistrust that exists. In December 2014, a new water pipeline and truck fill station was completed at Marten Lake. This is one of many examples of the water challenges in the area, as well as efforts by government and First Nations to provide safe, convenient access to drinking water for members of First Nations (AANDC 2014a).

4.3.3 Respect and its ties to notification, consultation, and information:

It was clear to me from the way WCFN members spoke about this spill that respect is very important to them. Incidents such as this one highlight both perceived and actual absences of respect, as well as changing and differing ideas of respect. When I and two WCFN employees returned from our first visit to the spill and observed the call between Phil, Ian, and a manager at Penn West, it became clear that this and other energy company managers might very well attempt to be respectful and honest with First Nation groups. The problem is often that messages get delayed or lost between those who contact and negotiate with WCFN governance and those who deal with monitors and other members at the actual sites. Treatment of WCFN members and employees by lower level industry staff working on sites such as this spill can often be disrespectful. Both groups are influenced by past dealings with each other that are perceived as being positive or negative in different ways by each of the people involved. The current and historical lack of respect with which First Nations (and their treaty rights) have been treated by government and industry is still very much tied to the way that some WCFN members conceptualize incidents such as this spill. One councillor commented on how offensive it is for anyone to even suggest that these issues can or should be separated (Field notes 6/19/13). This speaks to the complexity of all of the factors related to energy extraction, including past mistreatment, disrespect, and ongoing mistrust. This same councillor was very pleased by Penn West's simple apology, acknowledgement of this contaminated water spill, as well as its reaction and information sharing process. To him this was an example of respect, to others, it was disrespectful to assume that this could solve the larger issues at play.

Several WCFN councillors, employees, and members believe that the "right" way to deal with spills such as this is simply with honesty and respect. As I observed it, this spill highlighted the fact that respect and consultation mean different things to the people that are living and working within the WCFN and its traditional lands. Ascribing one opinion to all those involved in this spill about respect or any aspect of consultation is misleading. To some WCFN members respect in this context meant simply understanding and honesty and to some it meant employing First Nation companies and workers. Some members stated that timely information was most important, some stated that in this case respect was built upon adequate training or capacity, and many felt that respect within consultation was a combination of some or all of these characteristics. Some WCFN members pointed out the lack of time they have to investigate and

deal with both spills and consultation about water, oil, and forestry. It often seems to some WCFN members that respect, consultation, and treaty rights are nothing more than buzzwords or meaningless concepts that are thrown around but not taken to heart or fully understood by those whom the WCFN deals with in the spill or larger energy context. This assumption colors how they understand and deal with this spill and many other difficulties related to energy extraction.

4.3.4 Differences of opinion about the spill:

When I was observing it and talking with people about this spill, I noticed many differences of opinion about it: what was happening, the best way to react, and the larger meaning of the spill. This spill and reactions to it mirror the larger conflicts and uncertainties that the oil industry creates in this community, its members, and their families. While in the WCFN office, I heard a WCFN construction employee state that he “doesn’t trust the spill cleanup or explanation” (Field notes 7/15/13). This concern was echoed by many who dealt with and visited the spill. They wondered whether or not they were being given the full information about the extent of the damage caused by the spill. Others felt that they were being given accurate information and were frustrated by those who related it to long-term concerns. At first when I attended the spill I found myself accepting the information I was given. Eventually I began to understand WCFN councillors’ and employees’ questions about the cleanup consultant’s insistence that the spill was not spreading or reaching the nearby creek in any way, as well as about the safety of the oil industry in general. I wondered if these consultants were actually that sure, how they could be so certain, and if they were telling us this simply so that we would not worry or cause them problems.

Some members commented on the high cost of cleaning up spills such as this (as well as their general lack of sufficient funding and staffing) but also insisted that the WCFN should be sending an employee to the spill every single day. Some WCFN members saw the spill, its laborious cleanup, and its related mitigation negotiations, as a way to secure much-needed money and employment for the WCFN and show that the WCFN should and would continue to do whatever was needed in order to demand that its rights be honoured. Some members, however, did not believe that the WCFN was getting what it deserved and saw this spill as one of many examples of their rights, knowledge, and land being trampled and their limited funds and staffing being stretched ever further. One WCFN office employee stated “They come and they just disrupt everything and ship it off ... And we get the tail end of the labour and a little bit of

peanuts [money]” (Hanna 8/7/13). Still others seemed to see the spill in a slightly different light, as a way to build successful relationships and improve on future spill notification and cleanup. As a female WCFN member pointed out to me many times: just as the oil industry in general does, this particular spill brings both positive and negative changes to the community and causes conflict between members and colleagues. As mentioned above, this spill is an example of the interpersonal and internal conflicts that energy extraction and consultation creates in the WCFN.

I found a marked difference in the concerns and events that people related to the spill. Some related it immediately to past oil spills, emissions, and forest fires, how they were handled, and how that affected them. Others related it to problems of education, capacity, and training in terms of reacting to and monitoring spills and all energy extraction. Still others related it to their more general concerns about their water and how they were handled, or the perceived lack of honesty on the part of governmental bodies. Some called the spill and the company reaction to it an example of how things are improving in terms of rules, monitoring, and information sharing. Others saw it as an example of what is wrong with all of these processes. This spill is an example of the complexity of all factors related to consultation and the futility of attempting to paint them in black-and-white terms or to separate them from past, present, or future contexts.

When asked if spills such as this one, or energy activity in general worried him, a WCFN member stated:

I’m not worried that this stuff happens. It’s going to happen with all of the trucks and pipelines. What concerns me is past spills before we had regulations that we don’t know about. When it happens, some of the older 50 plus guys’ attitudes, they try to cover it up before they say ‘we had a spill and come help us.’ The new up-and-comers are more polite. There have been huge gains in the last five years in safety and it’s getting ridiculous now as its too safe...One good thing about oil is that safety is big on the agenda now. [Billy 7/21/13]

One of the land monitors echoed these statements. She worries about “Old or overgrown pipelines, spills that we don’t know about, and garbage that was buried ... Pipelines that cross and could affect each other and our water” (7/16/13). These two members’ concerns were mirrored by other members, who also worry about the spills and leakages that they do not see and are not cleaned up. When asked about the water spill, a female WCFN member related this water spill to the Lac-Mégantic, Quebec oil tanker derailment and deadly fire, and her worries of a deadly disaster in her community. She stated that: “All these different things are coming into play. Look at that spill at that lake, the Quebec one there ... I mean I was driving through Peace

River and I see all these oil tankers. This town of Peace River can be obliterated” (Hanna 8/7/13). In discussing this spill and relating it to another oil disaster, this WCFN member described her visceral fears about what could happen to her community because of oil. It became clear to me over the summer that the spill was not as simple as it first seemed to be, nor were the motivations and understandings of anyone involved with it. The myriad of understandings about what was happening, the best way to react, and what the spill itself meant, is an example of the multifaceted way that the oil industry affects and is understood by this community.

4.3.5 The spill and uncertainty:

When talking about and viewing the spill, many WCFN members and other area residents mentioned their unease and uncertainty about the spill, as well as the entire energy industry and its inevitable effects on their community. Uncertainty, and the way it affects their present feelings and concerns about the future, colored every aspect of this spill, even the way the community learned of the spill by accident. One WCFN employee mentioned several times that she is concerned about the fact that no matter their motivations or level of honesty, oil companies simply do not have the ability to monitor all of the many kilometers of industry pipelines that run within and nearby WCFN lands. She and some of the spill cleanup consultants themselves mentioned their worries about the wet and unstable landscape making pipe problems very likely as well as the red tape of spill cleanup regulations and government bodies. There are simply too many unknowns and too much uncertainty involved in spills and the oil industry for WCFN members not to be worried and unsure. Many WCFN members spoke about the oil industry and its inevitable accidents and spills with a pronounced sense of fatalism. More than one member noted that there are likely many spills and problems that they do not and might not ever know about because of the much more lax or even non-existent regulations of the oil industry in the past, and continuing problems with notification and monitoring. Another WCFN member argued that the way spills are dealt with is an example of the way industry and government do not understand or value the Traditional Knowledge (TK) of First Nations people. He stated that “It is all connected and we cannot understand the ripple effects of what we do” (Hamilton 7/11/13). He discussed the interconnections of the problems being dealt with by the WCFN with nationwide and even global problems. His point is that what might seem like a small or discrete problem (such as a water spill), has far-reaching effects that most people cannot or will not

understand. The fact that people with very different knowledge about and involvement in this industry are so clearly troubled by the lack of certainty about many of its aspects, is telling in terms of the lack of information and understanding that pervades this industry.

I observed these general uncertainties being compounded by many other uncertainties and difficulties that are inherent in this community and its relationship with oil. The dirt roads that WCFN members and I used to travel to the spill and other sites were often difficult and sometimes dangerous or impassible. One land monitor asked me “How are we supposed to monitor spills and other activity when the roads are so slow or unusable ... Who is going to pay for the damage to my vehicle?” (Field notes 8/13/13). Several people noted in passing the difficulties created by uncertain and unreliable access to internet and other communication methods. I noticed these difficulties during several WCFN office internet outages, when I was in the many areas of the community in which cellular and internet coverage did not work, and when I was forced to drive to a WCFN member’s home late in the evening in order to access the internet to send a spill report to a councillor before his meeting with Penn West. If people are not able to reliably travel to sites, or send and receive information, it is very difficult to participate in cleanups, consultation, or monitoring with any degree of organization or certainty. Poor infrastructure creates difficulty for the WCFN and the oil industry.

As I visited this spill, it became clear to me that it is hard to understand, let alone believe, information one is told about this spill when the WCFN members and Peace River residents acknowledge all of this uncertainty that relates to capacity and training problems, as well as a history of mistrust and disrespect between their people, this industry, and the government. One environmental activist angrily told me that “If they’d had even a rudimentary plan, and the infrastructure that is needed to support those kinds of things, from our local and provincial government. I mean, it wouldn’t look like this!” (Daphne 7/23/13). Peace River residents and WCFN members alike see this spill as evidence that oil extraction as a whole is being fast-tracked at all costs and with little to no planning. When asked about this and other spills, another area resident and several WCFN members provided me with equally instructive responses. During her comments about the lack of monitoring of spills and pipelines, a resident and activist stated that she believed that government and industry were purposefully ignoring the negative consequences of their actions and policies (Wilma 7/23/13). When asked about spill information and concerns, one WCFN employee made a statement that was echoed by two others: “This is all

very complex and we don't understand the effects of what we do. I'm just unsure, cautious ... There have been no long-term studies about the effects [of oil] on animals, fish, or berries" (David 8/8/13). The aspect of this spill (and the oil industry in general) that people seemed to be most concerned about was that there is a perceived lack of understanding of what has happened in the past, what is happening now, and the future effects of current actions.

4.4 The company and media portrayals of the spill:

The way that this spill was portrayed by the media and by Penn West sheds light on the differing perspectives, the intricacy, the misinformation or disinformation, the mistrust, and the conflict that characterizes these occurrences within and outside affected communities. In order to explore the spill from these perspectives, I will use the section of the Penn West website dedicated to providing information to the public about this spill. I will also use six articles I obtained via a Google search as well as a search of the Peace River Gazette, Edmonton Journal, and Calgary Herald websites.

A very simplistic portrayal of this spill by the media is not surprising. In fact, many examples of this coverage contain copies of the exact same two articles, one short, and one more detailed (BoeReport 2013; Global News 2013; Globe & Mail 2013; Huffington Post 2013). The Peace River Gazette article was the most detailed, but in general these articles included similar information. This information includes: growing estimates of the amount of produced water spilled, quotations from Lubicon officials regarding their concerns for the environment and their traditional practices, descriptions of the affected landscape and spill size, and Penn West denials that nearby waterways were affected. It also includes: links to the 2011 Plains Midstream oil spill, the 2013 Calgary flooding hampering communications from Penn West's office, the spill location near the community of Little Buffalo and Lubicon proposed reserve land, Penn West's speedy cleanup equipment and efforts, and quotations from Lubicon officials calling the spilled water toxic. This media coverage brings up complex interrelated factors that are present within the WCFN including: overlapping traditional territories, politics, infrastructure, inter-group communication, as well as the fact that the Lubicon Nation remains the most well-known group in the area.

The dates of the coverage provided are intriguing. Most of the coverage that is available online is from the same ten days, June 23-July 3, 2013. This is an example of the difference between the way those within WCFN or other affected communities, and those outside these

communities, view these spills. Those at the WCFN are still dealing with this spill (and many others). The large spill site is still present on their traditional land, but according to the media, the story and the spill were over within ten days. Is this because media outlets are aware that public interest wanes, because they were not provided information after that week, or because Penn West itself created a website to inform the public? These questions cannot be answered with certainty. This is but one of the many examples of differing knowledge, information, opinions, and effects generated by this spill and the difficulty of providing accurate information to those who need it in a way that they will understand, use, and trust.

What I found most surprising when reading the media coverage of this spill was that it was portrayed as being on Lubicon and not WCFN land. Several WCFN members pointed out the spill site to me on maps of their traditional territory and yet the media referred to it as being “a few kilometers from the community of Little Buffalo” and as being “near proposed future Lubicon Nation reserve lands” (Calgary Herald 2013; Clow 2013; Globe & Mail 2013). The media coverage of this spill is written as though the WCFN is not involved at all. It is not surprising that two First Nation groups have overlapping claims on traditional land in the area of the spill, but it is surprising that WCFN members and the media portrayed the location of this spill so differently. Quotes are provided in these articles from Lubicon members, but the WCFN was not mentioned. The chief of the Lubicon Nation was quoted as being worried about the groundwater and wildlife, as well as referencing the devastating 2011 Plains Midstream oil spill³⁴ (Globe & Mail 2013). These are concerns shared by the WCFN, but they were not contacted for these articles.

All of the media depictions of the spill stated that the initial estimate of the amount of produced or salt water that leaked to be much lower than what Penn West found once they fully explored the site (from 600-5000 meters³ to 600,000 meters³). It is telling that several WCFN members told me they did not trust the official version of the spill (or the evolving estimates of the amount of salt water) at any time during the cleanup process. They have learned to be wary

³⁴ In April, 2011 Plains Midstream’s Rainbow pipeline leaked more than 28,000 barrels of crude oil near the Lubicon Nation and WCFN communities. It was the second largest oil spill in Alberta’s history and it contaminated several hectares of land. The Government of Alberta charged the company three counts of violating environmental protection laws. These charges related to the spill itself, Penn West’s failing to take all reasonable measures to repair the problem, and its failure to pursue all steps possible to remediate the affected area and dispose of the oil. The company later pled guilty and was fined 1.3 million dollars in relation to this and one other spill (Canadian Press 2014a,b; Clow 2013; McClure 2013).

of what they are told by the media, industry, and government. The article on BoeReport.com provided a cursory explanation of how the spill was being cleaned up and completely contained, as well as mention of “several affected First Nations,” but the only specific First Nation mentioned was the Lubicon community at Little Buffalo. This article, like the rest, stated that “The First Nations say they are concerned because they use the area for traditional purposes such as hunting and trapping” (BoeReport 2013), when in reality, their concerns about and because of this spill are much more multifaceted.

A portion of the Penn West website (Penn West June 19, 2013 - October 2, 2013) was dedicated to providing updates on this spill. This website provided longer and more detailed coverage of this spill than did the media. However, Penn West’s coverage also creates the impression that this spill definitely did not occur before June 19 (which cannot be proven), and its cleanup is finished as of February 12, 2014 (the date of the last update provided on the website)³⁵. This website does provide admissions that the amount of water leaked and depth of soil affected was larger than first assumed, as well as details of the permits acquired and Alberta Environment inspections and reports carried out. It also provides a simplistic yet frustratingly complex version of the story of this spill. As of January 2015, the Penn West website no longer contains a section dedicated to this spill, indicating that the company feels this incident and its obligation to provide information has ended. This is indicative of the industry’s generally low level of industry post-spill communication and follow-up. It is also indicative of the barriers to understanding and communication that are created by the company’s and the WCFN’S differing perceptions of land and temporality. The company sees this spill as a discrete, simple event with identifiable start and end dates. The WCFN understands it as part of a past, present, and future relationship that is disrespectful of their connection to their land and therefore by definition flawed.

This Penn West site in theory provides a lot of information, but in reality provides little usable information. It is telling that the website includes 27 identical notations about “continued sampling of the wetland area to ensure the integrity of the containment and assess the effectiveness of the recovery program” (Penn West 2013), but only five notations about the

³⁵ This February 12, 2014 update is 100 words long. It includes: information about the preparation for and then removal and stockpiling of impacted soils into lined cells (1551m³), information about the continuing remediation of impact soils, as well as monitoring of delineation activities in the upland and wetland areas.

actual salt or chloride readings that were found. It is significant that this website contains no mention of the 120 parts per million standard that was mentioned by cleanup consultants on every single one of my visits to the site. Much of the language used refers to policies, procedures, and terms that most people are unfamiliar with so it is difficult to obtain an informed and adequate picture of the spill from this website. At the same time, this website does not speak in detail of the social, emotional, political, cultural, environmental, and health effects of the spill, or the many different people and First Nations groups that were affected in different ways.

Clearly Penn West has a unique perspective on this spill, faces legal restrictions and obligations, and has obvious reasons for portraying it as they did, but it is interesting that First Nations groups were mentioned so little in over 5000 words over almost four months. These mentions include a June 22 notation about “notifications of First Nations,” which was not clarified. There are several unexplained references to “information being made available to the First Nation communities,” (Penn West 2013) and six notations about WCFN visits to the site. I was present for seven visits to the site and was told about several more. It is telling that the website itself contains a notation that it was AER that requested that Penn West notify the WCFN on June 24, five days after the spill was noticed. This contradicts what WCFN members and I were told on our first visit to the spill site. More than one frustrated WCFN member made assertions that Penn West has been operating in the area for years and they and all companies know exactly whose territory is whose because everyone has detailed maps. They were very frustrated and suspicious about the delay in their nation being officially notified and about the accuracy of information they were given. There was a noticeable feeling that industry and other non-First Nations interests left the WCFN and other First Nations groups out of decisions and situations that greatly affect their lives. Such assertions, and my research into the spill itself, provide important examples of the mistrust and misinformation within and between different complex and overlapping interested parties that are part of this industry.

4.5 June 2015 spill update:

In mid-June 2015, the WCFN filed a ten million dollar lawsuit against Penn West because of the damage to their traditional lands that has been caused by this and several other spills. In their statement of claim, the WCFN cite Penn West pipeline spills in June 2013, October 2013, and April 2014, and they point out the “loss of both culture and livelihood” that they have caused (Cormier 2015). WCFN’S claim also cites Penn West’s failures to: safely and

responsibly operate its pipelines, conduct proper testing and maintenance on its pipelines, respond properly to leaks, and notify the WCFN of their pipeline leak procedures (Cormier 2015). As of June 30, 2015 Penn West has yet to respond publicly to this lawsuit and the allegations of the WCFN have yet to be proven in court. However, these allegations are an example of the frustrating and problematic relationship that the WCFN has with many oil industry companies. Because the current consultation process maintains this flawed relationship, First Nations such as the WCFN feel that in cases such as this, their only way to assert and protect their treaty rights is to begin court proceedings.

4.6 Conclusions and questions regarding the spill:

According to an October 2, 2013 entry on Penn West's website (which as of January, 2015 no longer contains information about this particular spill), "flushing and recovery operations for the year are complete and the site will be monitored next spring to determine if additional flushing and recovery is required" (Penn West 2013). Since I completed my fieldwork, cleanup and meetings between the WCFN and Penn West regarding this and other spills have continued. This has led the WCFN to file the above-mentioned lawsuit against Penn West in June 2015. There are many spills and other incidents related to the daily workings of the oil industry that the WCFN leadership deal with on a daily basis. In the fall of 2013, when I contacted a WCFN councillor for more information about the spill in order to write this chapter, he replied "which spill, there are so many?" I was only able to gain a small part of the information that is required to understand a complex event by observing the spill and speaking with people about it. It is important to note that the understanding of this spill that I have provided above is different than those of the councillors, environmental monitors, other WCFN members, as well as spill cleanup consultants and Penn West employees involved. It is also important to note that there were many important perspectives on this spill that I was not able to explore.

While this spill does not exemplify everything I learned in this community, or everything I explore in this thesis, it does provide a useful snapshot of some of the most pressing problems that the people of WCFN and other northern Aboriginal communities are dealing with in terms of oil extraction and consultation. The interrelated themes of emotional connections, community challenges, respect, differences of opinion, and uncertainty are important to understanding this spill. They are also important to understanding many other aspects of the relationships between

the energy industry and First Nations people such as the role that TK and treaty rights play in the practical application of consultation, as well as the role that fatalism and temporality play in understanding and experiencing the effects of the oil industry. This spill is an example of the flaws, complexity, mistrust, and differing understandings that pervade the role of the WCFN in oil consultation and the relationship of the WCFN with the oil industry. It provides a key ethnographic example of how the oil industry is affecting this community as well as how and why the consultation process is not working for the interests of the WCFN.

Chapter 5 Conclusion: Recommendations, findings, and further research

5.1 Introduction and research contribution:

The members of Woodland Cree First Nation are actively demanding a role in the energy planning and consultation processes that affect their lives as demonstrated by their 2011 *Consultation Protocol*, their constant involvement in large-scale and every day aspects of consultation, and their partnerships with the oil industry. They face many problems including but not limited to: the mechanics of consultation, environmental change, spills, information accuracy and access, as well as the complex relationship of

oil industry issues with other past, current, and future issues. Their understandings of and reactions to the oil industry are complex and varied because each WCFN member benefits from and is impacted by the oil industry in unique ways. I have found that consultation is not working for the interests of the WCFN and the effects of oil extraction in this community are examples of how and why it is not working. The current consultation process has many flaws and does not respect their Traditional Knowledge or their treaty rights. The complex relationship between fatalism about the oil industry, experiences of temporality, and the damage caused by the oil industry on the WCFN are not well understood. Oil-related accidents and spills are affecting WCFN land, animals, and culture, but they are not often dealt with in a way that respects WCFN people or their land.

Studies of energy activities and conflicts provide useful insight into political, economic, legal, and environmental realities in Canada. What they do not include is attention to the complex daily realities of energy extraction and consultation outside the courtroom, away from the negotiation table, and in the long-term. They do not attend in detail to questions about how energy extraction affects the social relations of the members of communities such as the WCFN. This includes but goes beyond disagreements about how best to handle protests, consultation, agreements, or the role of First Nations in the impact assessment process. Government, industry,



Figure 5.1 Beaded WCFN crest (Gerbrandt 2013).

scholars, and the public all lack a full understanding of the socio-cultural complexities of recent large and small scale energy activities. This skews our conceptions of and decisions about energy extraction.

In this concluding chapter I will discuss three key findings and two key themes specific to the WCFN that emerged from my field data collection, literature research, and analysis. The two themes underlie my key findings and are present in all of the above discussions about the problematic relationship between the WCFN and the oil industry. Next I will discuss seven key findings about the flaws in the energy extraction and consultation process in general. I will also provide eight recommendations specifically for the WCFN, and finally I will explore opportunities for much-needed further study in this community and about the challenges related to energy extraction and consultation. I respectfully present these findings and recommendations in the hope that they will assist the members of the WCFN in their efforts to assert and protect their rights. I provided a draft copy of this thesis to the WCFN for their review and I will provide them with the final version, as well as a short summary for their use.

5.2 Key findings and themes for the WCFN:

The current consultation process and practice is not working for the interests of the WCFN or honouring the values, land, or people of the WCFN. Treaty Eight is an important part of WCFN members' identities as well as the way they see the energy extraction and consultation process. WCFN members feel that their constitutionally protected treaty rights are not being protected, honoured, or even acknowledged by the current consultation process. They also point out that the process of consultation by definition compartmentalizes and generalizes WCFN Traditional Knowledge (TK). The problems with consultation as articulated by WCFN members, area residents, and even some industry and government employees include: timing, authorship, transparency, misunderstanding, training, capacity, access, power differentials, and conflicts of interest. These problems make it clear that this process is not working.

The oil industry is adversely impacting the animals, water, air, landscape, and people of the WCFN. In a 2014 filing with the National Energy Board (NEB) regarding the proposed construction of a Nova Gas Transmission Ltd pipeline on WCFN traditional lands, Chief Isaac Laboucan-Avirom states: "We used to be able to drink the freshest water on earth, right from the springs. Unfortunately, we can't do that anymore. How am I supposed to teach my children to connect with the earth if we can't trust what the earth has to offer?" (WCFN 2014).

This statement and this question summarize the situation the WCFN find themselves in. There are economic, social, and political limitations on First Nations people's abilities to question and understand this process. Past, present, and future problems and concerns are interrelated with uncertainty, confusion, conflict, and WCFN members' diverse understandings of what the oil industry is doing in and around their community. These concerns include: the study, testing, and monitoring of oil effects (which does not respect or in some cases even acknowledge TK); changes to animal numbers and health; oil emissions and related health concerns; the changes that oil money brings; and the general positive and negative changes brought by the oil industry.

Oil and oil-related spills and leaks are often happening on WCFN reserve and traditional lands. They are not often acknowledged or dealt with in a way that upholds the rights or interests of the WCFN. The spill that occurred in June of 2013 on WCFN traditional land is one of many oil-related spills that have and will continue to occur. Themes brought forward by this spill include: emotional connections, community challenges, respect, differences of opinion, and uncertainty. They also include the above-mentioned components of consultation, temporality, and the effects of oil extraction. This spill is an example of the daily realities, strengths, and weaknesses of the energy extraction and consultation process as it is experienced by the WCFN.

One of the two themes that link all of the above discussions about the relationship between the WCFN and the oil industry is information problems. Government, industry, and the WCFN are not currently able to collect, interpret, or disseminate information about oil extraction and consultation in a transparent way that reaches everyone who needs it and engages those who do receive it. The informational challenges of the oil industry include: differing access to, understanding of, and authority to produce and question information. They also include uncertainty about whether and when to trust information about the oil industry. These challenges are seen by members of the WCFN as part of the reason why consultation is not working, their lands are being adversely affected, and why their community leadership is somehow both overwhelmed by but also left out of the process of consultation information production, analysis, and decision-making.

The second theme that links all of the above discussions about the relationship between the oil industry and the WCFN is the nexus of complexity, conflict, and interconnectedness. My field and literature research makes it clear that the habit of some in and

outside government and industry to view challenges within energy consultation as separate from the other past and current First Nations concerns is not useful, is not working, and is disrespectful of the WCFN lived experience. At the same time, the habit of some to paint First Nations people in black-and-white terms as exclusively victims or profiteers of the oil industry is incorrect and misleading. This industry creates conflict within individual members, families, communities, the province of Alberta, and the country as a whole. First Nations people, such as the members of the WCFN, are to varying degrees both victimized and empowered by a system that requires their input but also gives corporations and government much more practical power over negotiations and decisions.

5.3 Key findings about the flaws in the energy extraction and consultation process:

Energy consultation can and should more effectively honour the lived experiences and constitutionally protected treaty rights (Treaty Eight) of the WCFN in both policy and practice. This requires difficult and complex discussions about how to balance differing understandings of Treaty Eight, as well as First Nations knowledge (TK) and history as they relate to WCFN rights and energy extraction.

Long-term monitoring and peer-reviewed studies must be carried out about every aspect of the consultation and energy extraction processes. This includes but is not limited to: animal health, numbers, and habitats; air quality and oil emissions; water usage and pollution; oil industry training and employment; oil-related health concerns; socio-cultural impacts; and conventional oil versus oil sands and forestry. This also includes the many potential conflicts of interest created by the system that makes First Nations such as the WCFN (as well as individuals) financially dependent on the very industry that is changing their land, environment, and culture.

The authorship of the above-mentioned studies must be independent of industry and government. If information is obtained by individuals that are separate from government and oil industry it is more likely to be seen as accurate and worthy of First Nations people's trust. Information must also be provided that is accessible and understandable by WCFN leadership and members.

The current timing of consultation is not adequate or fair to the WCFN (or any First Nations communities) and should be adjusted so that free, prior, and informed consent is at least possible. Consultation should take place before energy extraction decisions are made and should

provide more time for First Nations people to gather the information they need to be meaningfully involved.

Long-term funding, training, and community involvement are needed in the WCFN and many other communities in order to give them the skills and capacity to be effectively involved in the studies and consultation processes that have the power to affect their lives. This is also required in order to allow the WCFN to effectively monitor and deal with oil and oil-related spills and accidents on their reserve and traditional lands.

A more fair and effective balance must be reached regarding: the division of the risks and benefits of the oil industry; the protection of First Nations' rights, society, and environments; as well as the political and economic health of the province and country.

Government, industry, and WCFN leadership all share a responsibility to find new and more effective ways involve, engage, and empower First Nations (and other affected) people in the process of oil information-gathering, analysis, sharing, interpretation, and decision-making. This is necessary in order to move consultation towards being a fair, balanced, and transparent process.

5.4 Recommendations for the WCFN:

- Obtain soil and water training and certification for WCFN lands and environmental monitors. The need for this was voiced by WCFN staff and leadership and would assist the WCFN in many aspects of the consultation process.
- Expand the current WCFN consultation policy and include policies for dealing with the many aspects of consultation including notification and monitoring that attends to and is not easily derailed by communication and infrastructure challenges (such as internet outages or impassable roads), staffing changes, or staff unavailability.
- Make use of a database such as “Community Knowledge Keeper” (<http://knowledgekeeper.ca>) which allows storing of interview and land-use data, archiving community history, tracking of regulatory and consultation projects, and detailed map creation.
- Develop and publicize a policy to deal with the perceived conflict of interest created by community members and leadership whose employment and/or income is derived from the oil industry.

- Educate members of government and industry (in a way that respects WCFN members and their knowledge) about WCFN lived experience, values, history, and concerns.
- Develop and enforce a specific and detailed policy for spill notification, cleanup, and monitoring. The June 2013 Penn West contaminated water spill is one of many examples of the problematic relationship between some oil companies and the WCFN, as well as the fears that many WCFN members have about the noticeable and unseen effects of the oil industry.
- Continue to work towards obtaining funding, and more importantly, long-term community involvement and infrastructural support from oil industry companies.
- Improve the process of sharing industry and consultation information within the WCFN community to include and engage elders, youth, men, women, and all members of the community. WCFN members and leadership express dissatisfaction with the current process for sharing information about the oil extraction and consultation process.

5.5 Opportunities for further study:

Both my fieldwork and literature research bring forward many opportunities for further research on the subject of oil extraction and First Nations people. While there is a growing public and scholarly awareness of the dynamic ways these activities are affecting First Nations people such as the members of the WCFN, there is much research to be done in order to fully understand these issues. Laura Nader has done extensive research about the anthropology of energy. She has long been arguing that anthropological and any other study of energy needs to not only study “down” in the affected communities, but also study “up” in energy organizations and governments (2010a; 2010b). Her work highlights two important areas of knowledge that need to be built upon: study in the Woodland Cree and other First Nation communities in northern Alberta, as well as study within government and the oil industry.

I obtained a useful portrait of the relationship between the First Nations people and the oil industry at the WCFN, but further research is required in order to complete this portrait. This research includes focused study on several of the subjects discussed within my thesis. It should include the perspectives of more WCFN members of differing ages, genders, occupations, and involvements with the oil industry and leadership of the nation. It should also include obtaining similar information from other First Nations and Métis Nations in the area. Participant observation and interview research focused on land users such as trappers, hunters, and plant

gatherers would provide essential information about the WCFN and its land. It would be instructive to compare the experiences of the WCFN with other First Nations and Métis groups who are navigating the oil extraction and consultation process. Further study should also include all levels of oil companies including: oil labourers, oil consultants, and oil management. As many levels of the provincial and federal governments are involved in policy and decision-making regarding First Nations and energy extraction, they are important sources of information as well. It is necessary to systematically compare WCFN consultation experiences with officials within the federal and provincial governments, and within industry. My research is one of the beginning steps to understanding the WCFN community and their relationship with the energy industry, and potentially by extension, the relationship between other First Nations communities who are dealing with long-term energy extraction in and around their reserve and traditional lands. Such further study could contribute to the urgently needed cumulative understanding of energy extraction and consultation in Alberta and Canada.

5.6 Concluding remarks:

I began my research at the WCFN wanting to investigate a WCFN councillor's metaphor about the "tsunami" of development that his community has and continues to face. I wanted to find out what members of the WCFN community thought about the oil industry and its social, environmental, political, cultural, and economic effects. During my fieldwork and literature research, I learned that the energy consultation process is not working for the interests of the WCFN and the effects of oil extraction in this community are examples of how and why it is not working. The present and past leadership and members of the WCFN and other First Nations are demanding an active and meaningful role in the energy planning and consultation that is affecting their lands and lives. The factors at play here are much more complex than a First Nation group such as the WCFN simply being for or against energy extraction. Their relationship with the oil industry is far more multifaceted, contradictory, and fraught with uncertainty and mistrust than this type of simple dichotomous view allows. The lack of trust in, access to, or connection with information about the oil industry is difficult to measure but it affects every other aspect of WCFN and other First Nations' relationships with oil. In Northern Alberta there is an enormous amount of non-renewable resources and their extraction does have an effect on the environmental, social, physical, and economic health of communities near these projects. The questions scholars can and should be asking about energy extraction and

consultation include: whether or not their extraction is worth the social and environmental costs, just what those costs are, how important they are, and who should decide the implications of their importance.

There are many arguments within the WCFN about whether energy extraction and consultation is getting worse or better, who should be doing consultation, and its impacts and benefits. Benefits include: meaningful consultation, joint resource planning, income, jobs, contracts, and profit-sharing agreements, but the risks or impacts are just as numerous. They include: damage to water, animals, land, and people; ignoring or disrespecting TK; non-compliance with consultation protocols; the conflicts of interest and values that all types of oil money can create; late or no notification; and the fact the government and industry funds a consultation office at WCFN, which they then bombard with forms and requests that cannot be dealt with within the required time period. There are also arguments from many perspectives about which changes are happening, whether they are a problem, and what can or should be done about them; however it is clear that oil is changing the realities of the WCFN. How and if recent and future changes in oil prices, as well as changes to provincial and federal governments, will affect the resource extraction and consultation process is yet to be seen. As Ross and Potes point out:

Time will tell if the current negotiations between government and Aboriginal peoples (both First Nation and Métis) will eventually result in a consultation process that is acceptable to the First Nation parties, meets the honour of the Crown, and advances the objective of reconciliation between First Nation and non-aboriginal societies. [2007:52]

Improved consultation and impact assessment have the potential to make meaningful differences in the lives of First Nations people such as the members of the WCFN. My research findings and recommendations will add to the urgently needed public and scholarly understanding of the long-term effects of energy extraction and consultation on First Nation communities, as well as assist in transferring knowledge and authority to the WCFN.

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Appendix A Consultation Flowchart

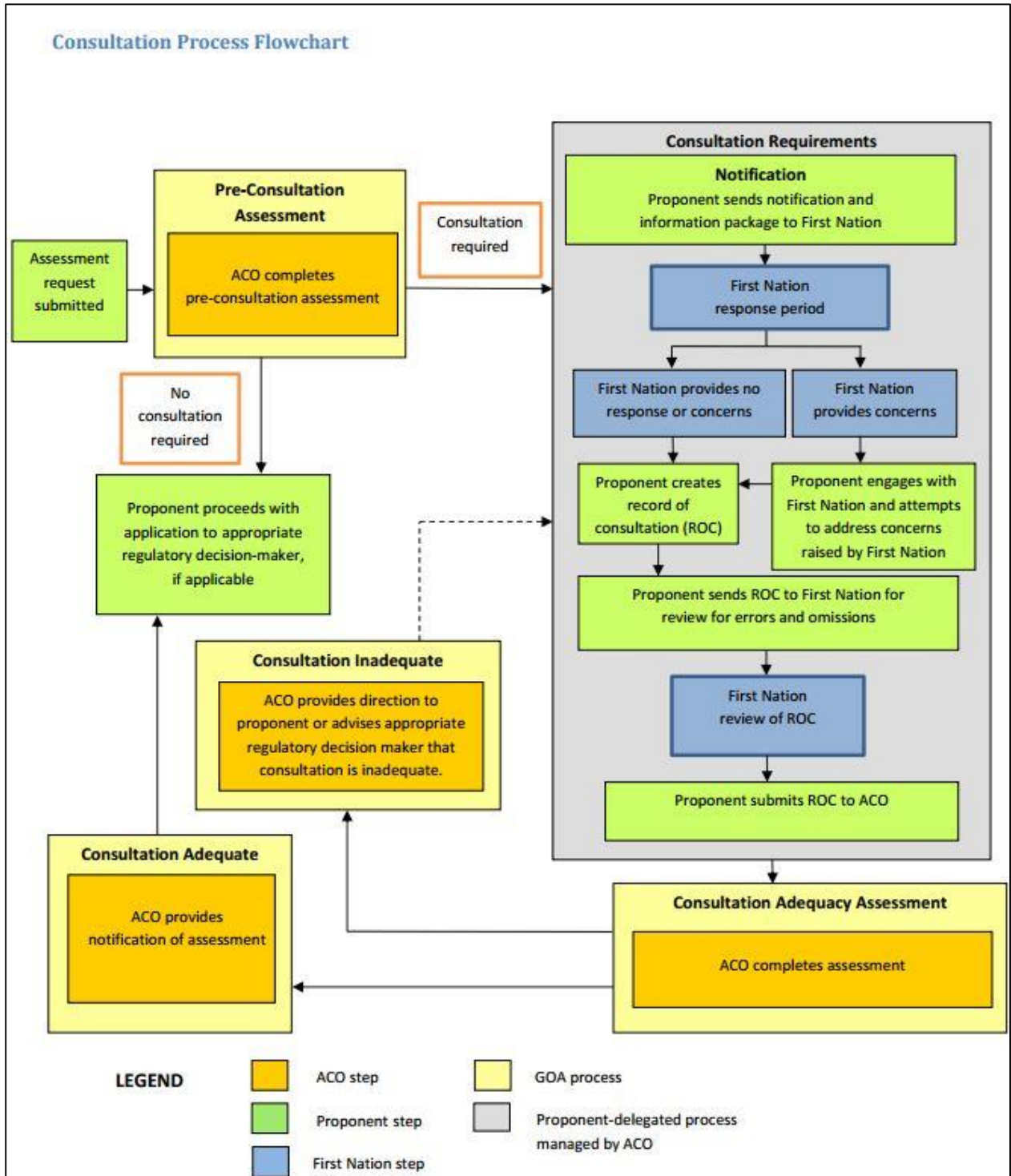


Figure A Consultation flowchart from Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management (2014a:14)

APPENDIX B Environmental Assessment Process Flowchart

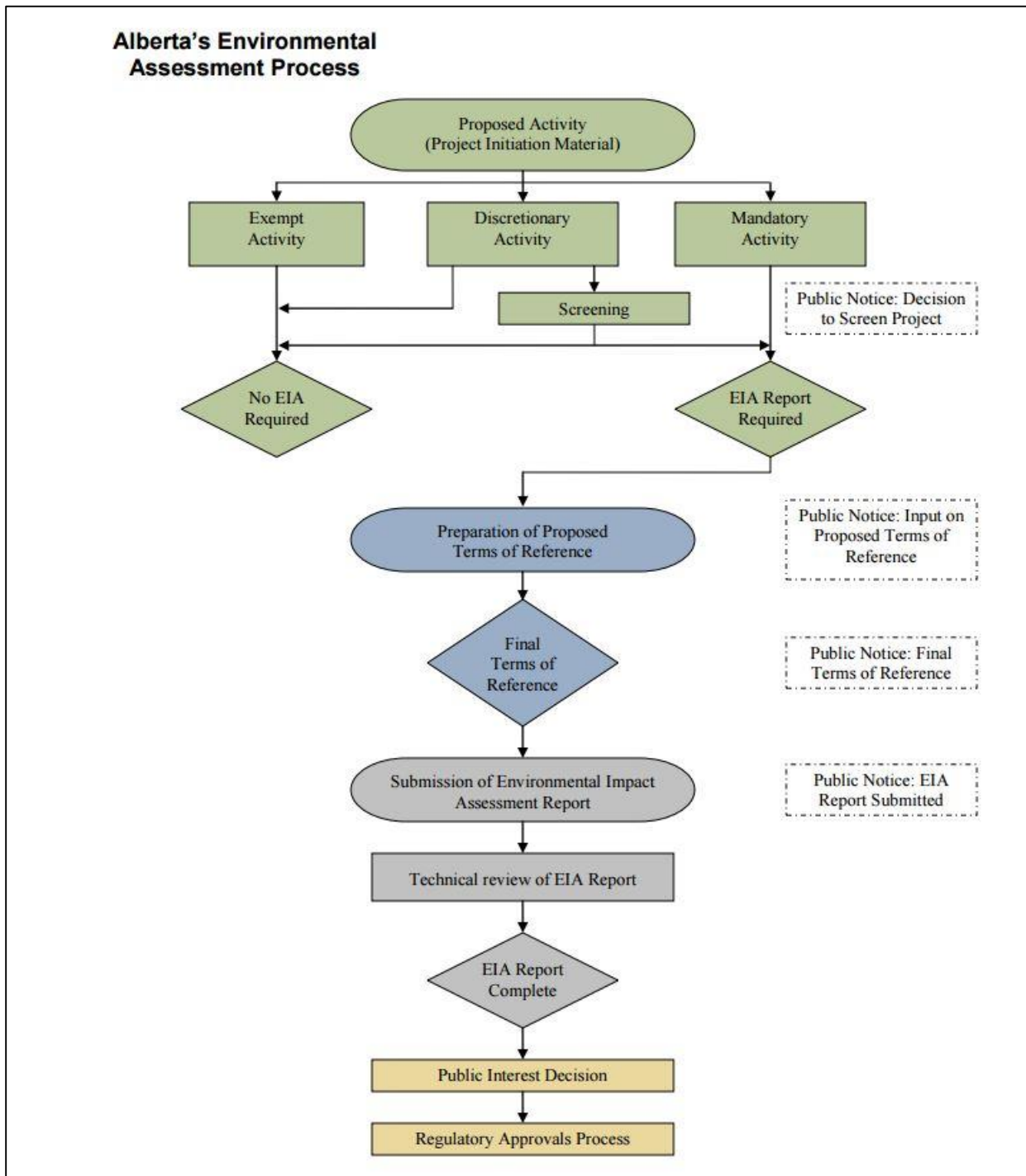


Figure B Alberta's Environmental Assessment Process Flowchart (Government of Alberta 2013a)

Appendix C: Penn West produced water spill photographs



Figure C1 Dead trees and damaged soil downhill from the location of the pipe break (Gerbrandt 2013).



Figure C2 Coniferous trees that turned brown because of contact with produced water (Gerbrandt 2013).



Figure C3 Alternate view of Figure 4.1 showing the area of the pipe break after heavy rain (Gerbrandt 2013).



Figure C4 Hay bales were set around the perimeter of the spill site in order to keep the spill from spreading to the surrounding area (Gerbrandt 2013).



Figure C5 Rainwater at the perimeter of the spill site (Gerbrandt 2013).



Figure C6 Hay bales at the perimeter of the spill site weighed down and covered with plastic (Gerbrandt 2013).



Figure C7 Produced water at the spill site was stored in this pool until it could be cleaned via reverse osmosis (Gerbrandt 2013).



Figure C8 The top of the collecting pool shown in figure C7 (Gerbrandt 2013).



Figure C9 A large pit was dug at the spill site and then lined to provide storage for the most heavily damaged soil and plant material before it was removed (Gerbrandt 2013).



Figure C10 Once the produced water was cleaned, it was stored in these tanks until it could be safely pumped back into the spill area (Gerbrandt 2013).