

## THE FORT MCKAY MÉTIS NATION: A COMMUNITY HISTORY

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ISBN 978-1-77385-593-6

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## The Bush Economy and the Registered Trapline System

As the previous chapter explained, the members of the Fort McKay community have always maintained a close connection to the land, moving with the seasons for sustenance. Since the late eighteenth century, trapping and hunting to produce commodities for sale have been part of their land-based activities. Several scholars have demonstrated that participation in the fur trade was an essential characteristic of many of the communities in Athabasca country beginning around the same time and extending well into the twentieth century, with only the changing fur market and industrial development in the mid-twentieth century placing considerable strain on the fur trade in Indigenous communities in northeastern Alberta.<sup>1</sup> This chapter will explore the history of the fur trade in Fort McKay and how the trade influenced the development of the Fort McKay Métis community. All the key historic families described in the section above actively participated in the fur trade economy before “effective control.” Their families continued to trap throughout the twentieth century and even into the twenty-first century. However, that continuity of culture, economy, and land use was badly disrupted in the 1960s due to the expanding oil sands industrial complex.

By the early 1900s, the region was attracting outside white trappers who began disrupting the traditional “Indian trapping economy.” The majority of these trappers came north, viewing the region as an untapped resource where profits could be maximized by using poison and other “modern” techniques that were typically avoided by Indigenous trappers, if for no other reason than because they often ate the meat provided by animals they trapped.<sup>2</sup> This intrusion continued to intensify and reached a tipping point in the 1920s and 1930s, as described in “From Where We Stand”:

The next major wave of influence and restriction accompanied the invasion of white trappers during the 1920s and 1930s who were fleeing the Great Depression at a time when fine fur prices were high. They came into our hunting and trapping territories in droves. This inevitably led to competition and/or conflict and considerable amount of racism where the European notion of land and resources collided with ours within our territories.<sup>3</sup>

The creation of the trapline system was partially developed as a response to these disputes.<sup>4</sup> White trappers lobbied the provincial government to be able to control trapping areas directly, and the wildlife department wanted to be able to accommodate them. First Nations lobbied Indian Affairs for the removal of white trappers from their lands, and some, such as the Cree and Chipewyan Bands of Fort Chipewyan, called for the creation of exclusive Indian game-hunting preserves. While the federal government contemplated the establishment of such areas, none were formally implemented. The Métis had little formal voice but presumably made their arguments through their First Nations relatives. From at least the early 1920s, Indigenous people in northern Alberta had been calling for measures to protect their access to game, prompted also by the establishment of the Wood Buffalo National Park in the Northwest Territories and northern Alberta in 1922 and 1926.<sup>5</sup>

The conditions shaping the discussions between Indigenous people and the federal government over game preserves for Indian hunters were affirmed by the transfer of control over natural resources from federal to provincial jurisdiction in 1930. Section 12 of the transfer agreement concerned Indian harvesting rights:

In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Provinces from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, fishing and trapping game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access.<sup>6</sup>

As noted by H.W. Theisen, the provincial legislation that followed the transfer of resources to the province included:

Ch. 43, The Provincial Lands Act, assented to on 28 March, 1931. Section 72(1)(b) allowed for the setting aside of lands for Indians in fulfillment of treaty obligations. Ch. 44, The Alberta Forest Reserves Act, assented to on 28 March, 1931, among other things, provided for the preservation of game. Ch. 71, The Water Resources Act, assented to on 28 March, 1931 transferred authority for the administration of water from the federal statutes to Alberta. It made no mention of Indians.

This was the first time since 1870 that the administration of Crown lands, and the regulation of game was the responsibility of a single government: Alberta.<sup>7</sup>

Regulation and control of the fur trade were initially provided by various licensing arrangements, fur stamps, and closed seasons. As early as 1933, provincial authorities indicated their preference for a registered trapline system similar to the one that had been introduced in neighbouring British Columbia in 1925.<sup>8</sup> Legislation was passed in 1939, and formal implementation began in the 1940s, though it was not fully implemented until the 1950s.<sup>9</sup>

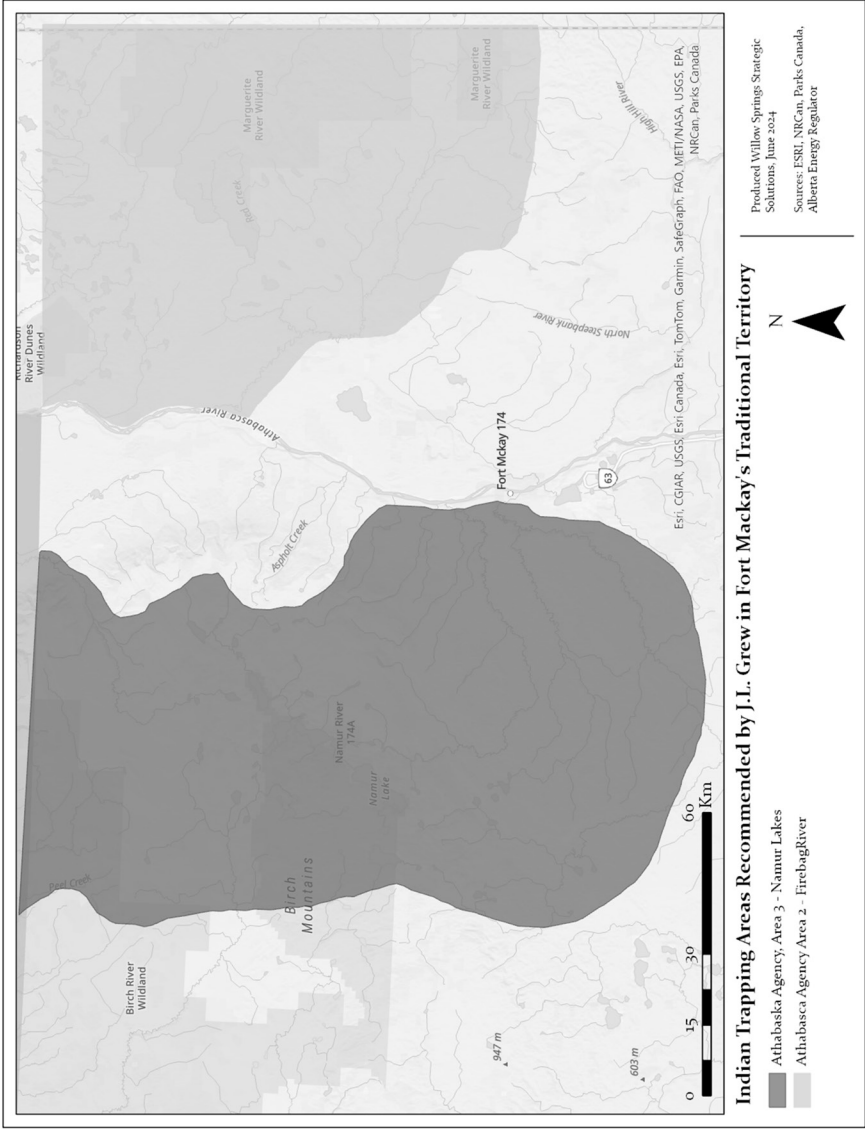
Under the new licensing and registration system, the federal government agreed to pay the province for Indian trapping licenses. Licenses for Métis people did not have a special process, nor were they differentiated in the records, though federal agents themselves often distinguished between “half-breeds” and “whites”; largely, however, Métis and First Nations were lumped together in their discussions and recommendations. For example, on February 9, 1938, Fort Chipewyan Indian Agent Dr. P.W. Head asked for clarity regarding muskrat and beaver laws as conflict between “Treaty Indians, Treaty Halfbreeds, non-treaty Halfbreeds and White trappers” was increasing.<sup>10</sup> By 1939, the concerns had reached a boiling point with the two Fort Chipewyan Indian Bands supported by local Métis community members complaining to a sympathetic reporter about how local game restrictions were contributing to regional suffering and starvation.<sup>11</sup> Presumably, in an attempt to deal with some of these conflicts, N.E. Tanner, the provincial minister of lands and mines, seemed willing to entertain a federal plan to create

a “trapping and hunting grounds for Half-Breed and Indian population of Alberta” as a solution for “the difficulties with which they must contend.”<sup>12</sup>

Tanner’s letter suggests that as late as 1938, the provincial government was considering the idea of creating larger trapping areas for Alberta’s “Half-Breeds and Indians,” and later, correspondence from the federal government went as far as to propose where such areas could be located.<sup>13</sup> Disagreements over the terms and limits of Indian trapping permits are well documented between federal and provincial agents in and around the Fort McKay traditional territory, just when the provincial trapline system was implemented. Indian Agent Dr. P.W. Head articulated the federal government’s position when he stated that “Fort McKay Indians” trap “mainly in the Birch Mountains to the West of Athabaska River (*sic*) and North of the 25th Base Line. This area, like Poplar Point, is uncharted to great extent and should be covered by a blanket permit.”<sup>14</sup> The federal Indian agent argued in favour of the province issuing blanket permits to Indians in the area. The provincial response is not included in the record. However, in the federal record, we learn that the Alberta government disregarded the request and stated that it “would not issue blanket permits.”<sup>15</sup>

The next series of correspondence begins with a memorandum written by Mr. J.L. Grew in December 1944. Grew discussed the “two most difficult problems that beset the Indian trapping situation in Alberta.” These were “the payment of fees by Indians and the removal of white trappers from traditional Indian country.” He then suggested ways to “solve” the “difficulties,” including a proposal to create set-asides or group areas for Indigenous people in areas that were traditionally used by communities. Accompanying this proposal is a series of maps showing two areas encompassing much of Fort McKay’s traditional territory. The first region outlines a “2,650 square mile” area near the Firebag River with “14 Indians registered [. . .] 1 or 2 Indians without lines; about 5 half-breeds and possibility 1 or 2 whites included.” The area was described as “badly burned over and overtrapped” but would “present fewer difficulties in organization because of the small number of whites to move,” with the “Indians not [being of] a particularly good class morally but [are] good hunters.” The second region was described as a “3,750 square mile area” centred around Namur [Moose] Lake and was noted to contain “at least 24 Indians registered [. . .] 11 Indians without lines; 8-10 half-breeds and 2 or 3 whites.” Similarly, the report states that these were “not particularly good type of Indian although most of them [are] good trappers and hunters.”

MAP 3-1



While this statement suggests that the writer held Indigenous people in low esteem, it also demonstrates that the government recognized the importance of these areas to the community of Fort McKay.<sup>16</sup>

It is not particularly surprising that the report understated the number of Métis people in these areas. Mr. Grew was responsible for “Indians” in the region and did not have good census information for Métis people. As later data shows, the number of Métis community members was likely higher than he recorded. Nonetheless, the memorandum underscores the fact that the federal government of the day recognized that areas both east and west of the Athabasca River were traditionally used by Fort McKay Indigenous people and believed they could and should be set aside for the creation of an Indigenous hunting and trapping territory. It also supports the assertion by Fort McKay Métis that the federal government has long recognized these areas for traditional land use by both the Métis and the First Nation.<sup>17</sup>

The provincial government did not support Mr. Grew’s recommendation to establish Indian-specific areas. Instead, the province implemented a registered trapline system where individuals controlled specific lines and areas. Despite this direction, J.L. Grew, in a 1945 report, discussed how Indian Affairs continued to push for the establishment of “Indian blocks” through unofficial means, stating that “provincial field men have been very helpful in securing trapping grounds for the Indians.” Grew explains that the provincial field men were similarly “anxious to have the Indians grouped as far as possible in areas where they are free from interference with white or non-treaty trappers.”<sup>18</sup> Grew, working with provincial “field men,” did his best to group Indigenous trappers together, in practice creating de facto Indian blocks, but without official provincial sanction in law or policy. In the Athabasca region in particular, Grew mentions that local Indigenous communities were concerned that white trappers were moving into their traditional land use areas and causing “friction.” Within the registered trapline system, Grew preferred to create a “block of Indian lines or areas” where the agents and province might have “better control” over their activities. The report refers to “at least 32 trappers . . . out of a possible 45 to 50” from the Cree–Chipewyan Band who had been able to secure lines, many in the Birch Mountains–Namur Lake area.<sup>19</sup> It does not speak to how many Métis community members also secured lines, but later trapline maps show that a significant proportion of Fort McKay Métis community members were also successful. The fact that federal Indian agents attempted to ensure that Indigenous trappers obtained licenses

under Alberta's registered trapline system in blocks within their traditional and customary harvesting areas to avoid potential conflict with non-Indigenous trappers is significant. It indicates that Fort McKay's claims to areas within their traditional territory predate the registered trapline system and are not purely a product of it. The concentration of Fort McKay traplines is evidence of a long history of community land use in the area.

Fort McKay's use of the region is not simply because of the abundance of community members' traplines post-1940. Additionally, the provincial government's refusal to officially adopt a block system suggests a deliberate attempt to downplay the collective character of land use in the province. Since the registered trapline system was based on individual ownership of traplines rather than collective or community use, Indigenous trapline holdings in the region could be jeopardized over time if registered traplines — now Registered Fur Management Areas — become increasingly fragmented and divided between Indigenous and non-Indigenous trapline holders. The Fort McKay Tribal Administration was not far off when it claimed that “the registered trapline system was the first major attack upon and restriction on our way of life and economy within our territories.”<sup>20</sup>

Even registered traplines in the Fort McKay traditional territory were organized around interconnected family groups to the extent they could do so within the registered system. That helped limit disputes amongst the trappers and helped community members continue to trap in ways they had always done. As stated by W. B. Skead in his 1948 Alberta fur supervisor's annual report:

The principal difficulty is encountered in that it is the nature of the Indian trapper to operate in family groups and bands and they do not seem to be inclined to confine themselves to a fixed line or area. This is particularly so in the North. There is difficulty, too, that the Indian does not know the exact location of his line or area and the existing maps being what they are the local Ranger is faced with an almost insolvable [*sic*] problem in trying to show line or area locations to an Indian in a very inaccurate map.<sup>21</sup>

Skead was obviously wrong in claiming that the Indians did not know where their lines were located; they were hardly lost in the bush. Instead, it speaks

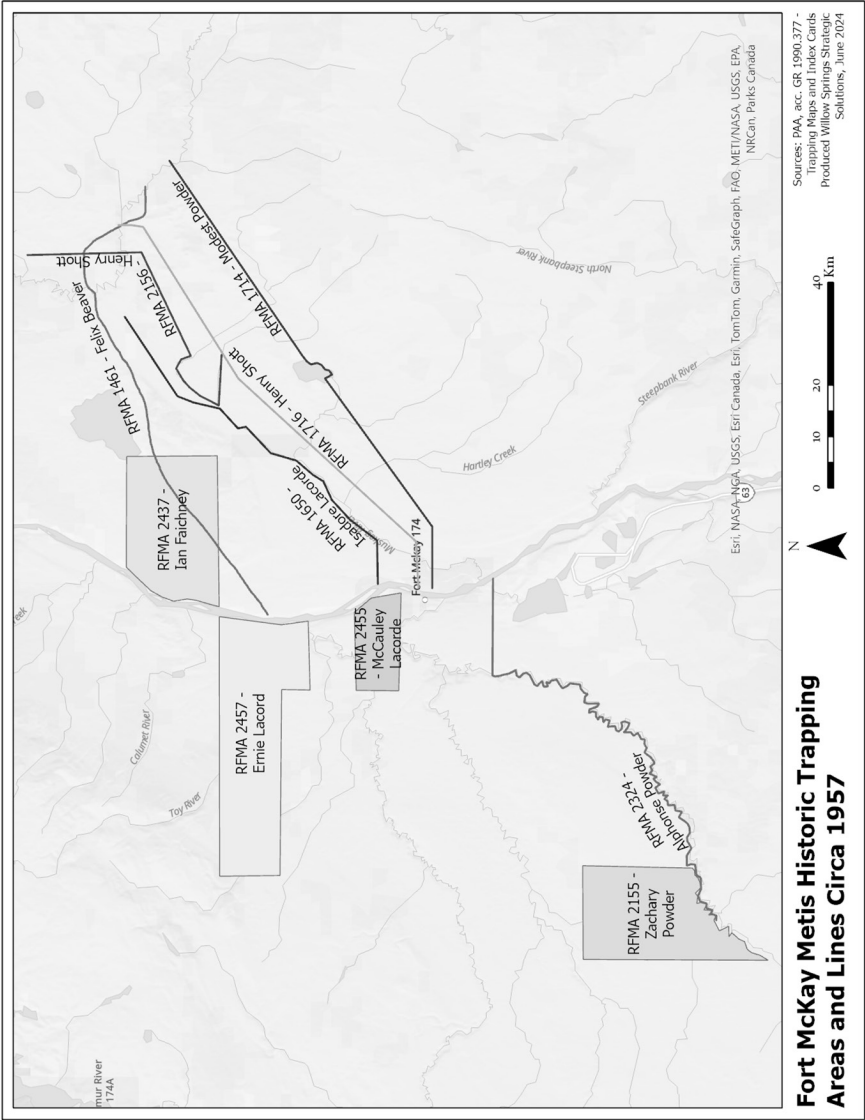


to a disconnect between those trappers and attempts to record the lines on official maps.

In the late 1950s and early 1960s, the Forestry Department created maps representing the traplines across the north, with a second group produced roughly ten years later. These maps provide a provincial government record specifying who held or “owned” individual lines over time.<sup>22</sup> The maps were created to enable administrators to identify, on one map for the first time, the location of traplines held by those who had registered leases with the government. At first, specific trapping areas and lines were hand-drawn with coloured pencils on aerial maps. The government created two series of maps, one using the 1957 aerial maps and a second using the 1967 aerial maps. The first set includes names on the maps, whereas the 1967 series only contains numbers that had to be cross-referenced with registration cards. This was likely done because the ownership of the lines and areas could be easily transferred and were, sometimes yearly. It is unclear when exactly the maps were created, though it seems likely that they were produced shortly after the aerial maps were made. Administrators used geographic details about trapping areas and trapline locations to regulate trapping activities and licensing. Another important difference between the two series of maps was the shift to using trapping “areas” nearly exclusively in the second series. What this meant was that the initial registered traplines, which had formalized trappers’ customary long “lines” that followed creeks and rivers for upwards of forty miles (and sometimes crossed with other trappers’ lines), were redrawn to bounded registered “areas” that were easier for government to administer. The Fort McKay Tribal Administration argued that this policy change had a major detrimental effect on the community: “As a result of this imposition, our people were forced to change the way they did their trapping. They were expected to just move over. Cabins, trails, caches and many improvements were rendered useless as our peoples’ registered trapping lines were shifted. There was no compensation whatsoever.”<sup>23</sup>

There are approximately twelve 1:50,000-scale maps that detail the area in and around the Fort McKay traditional territory. As discussed in federal government correspondence, Indian Affairs’ preference for grouping traplines together according to family or band membership prevailed. The 1957 map series shows an overwhelming majority of Fort McKay First Nation and Fort McKay Métis trappers controlling lines within the traditional territory, with an estimated seventeen of the forty total traplines being connected

MAP 3.2



with historic Fort McKay Métis members. Those seventeen lines represent the family groups of McDonald, Beaver/Faichney, Lacorde, Powder, Shott, Tourangeau, and others.

It is very likely that there are even more connections between community members and traplines in the region, particularly considering the pervasive interconnectedness among members of the Fort McKay community.<sup>24</sup> However, the Fort McKay Tribal Administration pointed out that the registered trapline/fur management system still caused an overall loss of trapping areas in the community, with approximately “half” of the traplines within the Fort McKay traditional territory in 1983 owned by “non-Fort McKay people.”<sup>25</sup> This forced Fort McKay members “to double and triple up on traplines which were in the poorest parts of [their] territory.”<sup>26</sup> In 1994, the community again identified the traplines held within the community’s traditional territory. This exercise revealed that approximately thirty-five RFMAs belonged to Fort McKay members, and based upon the genealogical analysis, about eleven belonged to Métis community members, with the historic Fort McKay Métis families McDonald, Lacorde, Faichney, Shott, and Tourangeau all being represented.<sup>27</sup> Undoubtedly many First Nations’ trapline lease holders had informal Métis connections through marriages and friendships.

While the collective and communitarian nature of Indigenous ties to traditional harvesting areas was not formally recognized through the creation of “Indian blocks,” the Alberta government did formalize Fort McKay’s ties to its traditional customary harvesting areas. As long as Fort McKay Métis and First Nations members can hold lines in customary trapping areas, the traditional and community character of the area can be assured. However, a clear official policy on how to do this is still lacking. Of course, the traditional character of the area is now in jeopardy as traplines are eliminated by the expanding oil sands industrial footprint.<sup>28</sup> Unfortunately, provincial government records on the creation of the registered trapline system fail to provide detailed information concerning the processes by which Indigenous people obtained lines. This is particularly true when those documents are compared to those from the federal government. This said, the 1933 Alberta legislative debate demonstrates that the issue of traplines was front and centre for the government of the day and that there was a clear understanding at that time that Indigenous people’s rights needed to be considered. One of the debaters noted that “the fur trappers” in his northern Alberta “district are 90% Half

Breeds or Indians” who needed to be protected against “migratory trappers” who were increasingly moving into the north.<sup>29</sup>

Provincial documents also outline the erosion of Indigenous ownership of traplines, which accelerated in the late 1960s when a number of Fort McKay traplines were not renewed for various reasons.<sup>30</sup> As detailed by Dawn Balazs, the Government of Alberta wanted to “professionalize” the trapping industry, which conflicted with the view of Indigenous people that trapping was a “way of life” — with community members using their trapping areas to hunt, fish, and gather — rather than a capitalist industry.<sup>31</sup> A comparison of the 1957 and current trapline maps shows that changing provincial policies and increasing industrial encroachment on Fort McKay territory impaired the ability of community members to continue using the land. In 1983, community members stated that “some 25 Fort McKay people who require traplines and who have been unable to get them.”<sup>32</sup> This situation has changed little in the modern day, as noted by one participant in the 2016 Fort McKay Métis Nation Integrated Cultural Impact Assessment:

A long time ago, you have a trap line, that’s yours to keep. Yours to make a living on. Nowadays people come in here give ten thousand dollars, here they have already taken over the line, and now companies they got it [the trap line]. Yeah, ten thousand dollars, what the hell is that nowadays? It’s ten dollars. Now industry’s they come in, they come in to trap line. They tell you, get the hell out I’m taking over and I’ll give you this much, don’t ever come back. Where the hell is that guy from? But for fifteen thousand, you know, full of baloney, that.<sup>33</sup>

As noted in the above quote, industrial expansion is, today, the most direct source of stress on the local traplines. This pressure began with the Great Canadian Oil Sands mine in the 1960s, and conflict between Indigenous trappers and oil sands development was recognized early on. For example, in 1972, G. A. Kemp, then senior management biologist with the provincial Department of Lands and Forests, Fish, and Wildlife, stated in a memo that it would be “far more difficult” to address the problem of

the loss of a trapper’s right or privilege to trap [for] trapping is a very traditional activity and for many members of this community the fact they can indulge in this type of activity is far more

important than any financial gains they make from trapping. In short, “the way of life” far out-weighs the financial returns of the activity. Some trappers in the McMurray area have been resident on their traplines for over twenty years. What happens to this individual when he is displaced?<sup>34</sup>

The memo concluded that the Government of Alberta should develop policies regarding the loss of Indigenous hunting and fishing rights in the “Tar Sands,” for the “topic” had as of yet been “relatively unexplored.”<sup>35</sup>

By October 1974, the issue had reached the desks of Syncrude’s Executive Committee, which sought a way to compensate the Indigenous trappers whose traplines would be disrupted by the proposed Syncrude development.<sup>36</sup> A confidential memo spelled out the options for Syncrude regarding three Fort McKay community members who owned traplines in the project vicinity: “Vincent Boucher (Métis), Theodore Boucher (FN), and Francis Orr (FN).” The report noted that all three community members were at least “partially dependent on the lines for income (fur) and food (meat)” and that the Syncrude project would destroy or had already destroyed significant proportions of Vincent and Theodore’s lines. While Syncrude’s legal department believed the company had no legal reason to compensate the individuals, the public relations department felt it would “be very damaging to Syncrude’s public image not to voluntarily agree to a reasonable settlement.” The report pointed out that “both men [Vincent Boucher and Theodore Boucher] are natives; both are unskilled and poorly educated; both have families to support; both are in ill health” and that “a voluntary settlement with both men, based on reasonable guidelines, would be a strong demonstration of good corporate citizenship and social responsibility.”<sup>37</sup> Syncrude’s memo recommended that the company should develop a compensation guideline that would provide each affected trapper the average annual earnings over the previous three years “times ten or the number of years to retirement.” The memo reiterating that this “matter [should] be decided quickly” as “any delay may result in the issue getting into inflammatory headlines.”<sup>38</sup>

While it is clear that representatives in Syncrude’s public relations department understood the potential ramifications of the company completely obliterating Fort McKay members’ traplines, the Alberta government seemed less convinced. At a meeting between J. J. Barr, representing Syncrude, and Gordon Kerr, the Director of Fish and Wildlife, Kerr agreed to “speak to the

Government of Alberta within a week or two as to whether they support” the proposed agreement. Still, Kerr seemed concerned about “the precedents that this settlement might create for other tar sands developers, and other industries, e.g., Forestry.” Barr commented that he found it “interesting that the first thought that came to Kerr’s mind was that we [Syncrude] should be compensating the Government rather than the trappers” for the trapline’s loss. Kerr stated that in the future, Syncrude should seriously consider “having his group represented in any negotiations with the trappers.”<sup>39</sup> While the letter was clear that Syncrude felt it was important to inform the provincial government of its plans, it is also clear that they would not change those plans for fear that it may make the government look bad. As such, Syncrude prepared and delivered offers to the trappers approximately a month later.

Before Syncrude made an offer, Vincent Boucher made a request for \$10,000, which the public relations department felt was reasonable based on an average take from the trapline of about \$1,000 per year.<sup>40</sup> Boucher’s lawyer then sent a letter in mid-December 1974 asking why Syncrude had not paid the requested \$10,000, to which Syncrude responded that it required evidence from the claimant, such as an income tax return, before it would consider the offer. In early January, Syncrude moved forward with a counteroffer for \$6,500, which was accepted once Boucher agreed to sign a release with the company.<sup>41</sup> Syncrude also reached an agreement with Theodore Boucher to provide \$1,591.56 in compensation, which seemed to be based on how many furs he had trapped in the three years prior, as outlined in the Syncrude memo above.<sup>42</sup> Given that Syncrude’s lease only crossed a small portion of Francis Orr’s trapline, no compensation seems to have been given at the time, and, as shown in the section below, was the beginning of a deteriorating relationship between Orr and Syncrude that would boil over in the mid-1980s.<sup>43</sup> No compensation was paid to anyone for the loss of other valued bush products, especially bush foods.

Trapline compensation appears to have been a complicated matter in the mid-1970s, and there seemed to be little, if any, willingness by provincial officials to recognize the potential impacts of industrial development on Indigenous people.<sup>44</sup> Further, it is fair to state that both the companies and the government were concerned that trappers were now viewing their lines as “economic opportunities,” something that would “bring them money in the future through compensation by oil companies ready to develop their leases.”<sup>45</sup> However, such a view failed to recognize the importance of traplines to



FIGURE 3.1  
Francis Orr on his trapline, 1978. Terry Garvin Collection.

the community as a cultural space that allowed for a way of life or as a source of livelihood. As outlined by Fox and Ross:

If neither the Department of Energy and Natural Resources nor the Fish and Wildlife Department has the power or the inclination to help the trapper, this leaves the trapper in the unenviable position of having to depend on the goodwill of the company for compensation. This is a bad situation, for the trapper lacks an understanding of the legal system, as well as the education and sophistication to deal with large oil companies [with] compensation for loss of livelihood [being left with] the discretion of the company at this time.<sup>46</sup>

A number of other provincial government pieces of correspondence discuss the need to develop a compensation plan for trappers who are negatively impacted by resource development. However, besides the already referenced

Kemp report, there is little recognition of the Aboriginal rights potentially held by trappers. This policy position was questioned by Fox and Ross, who asked “whether it is sufficient for the government to allow enlightened corporate self-interest to be the sole guiding principle for future negotiations” with trapline holders.<sup>47</sup> Fox and Ross go on to question whether any amount of money would compensate the community for their lost income<sup>48</sup> — a point that is emphasized in later Fort McKay reports and publications.<sup>49</sup> A 1986 *Fort McMurray Today* article astutely observed that “modern trappers (are) caught in a squeeze between encroaching civilization, resource hungry timber companies and government indifference.”<sup>50</sup> While the exact numbers are unclear, there has been a dramatic decline over the last fifty years from the number of RFMAs owned in the 1960s. This reality has caused a great deal of concern for the Fort McKay Métis community and is still an issue today.<sup>51</sup>

Fort McKay Métis community members, and Fort McKay community members as a whole, still believe that the traplines are essential to the Fort McKay “way of life,” not just for trapping but for other bush products as well. There are at least eight traplines still used regularly by Fort McKay Métis community members, and the community would like more traplines for their members, particularly if they could have a greater role in managing the negative impacts of industrial development more effectively.<sup>52</sup> It is important to understand that traplines have *always* been more than commercial leases. As perceptively recorded in *There Is Still Survival Out There*:

All [community members] remember childhoods in the bush economy, and fondly recall trapline life. The term “trapline” as used in this study means more than just a place to harvest furs for sale on the commercial market. It means the territory where people hunted, fished, picked berries, gathered duck eggs and trapped fur for local domestic consumption and trade. The trapline was the community food supply for the people interviewed in this TLUOS; it was and is synonymous with meat for the table; with stewardship of all natural resources; with extended family sharing; with the socialization of children; with the role of the elders as carriers and teachers of traditional environmental knowledge; and with cultural sustainability.<sup>53</sup>



In short, traplines are areas where Fort McKay people continue to go out and practice their traditional livelihoods, similar to how they did in earlier times. Their continued use demonstrates the Fort McKay Métis's connection to the historic community. The Métis community's response to oil sands encroachment will be analyzed in more detail in chapter 5, but first, I will set the stage with an examination of the uncertain legal title that the Métis of Fort McKay had to the lands on which they had resided for hundreds of years.