

## Chapter V: Akaitcho and the Dogrib-Yellowknife Conflict

### Introduction

As stated earlier, the region north of Great Slave Lake was not the extent of the Copper Indians' territorial range. Several authors state that their movement south to present-day Fort Resolution was a reaction to their "war" with the Dogribs. Other evidence suggests that the range of the Copper Indians included both the north and south of Great Slave Lake long before this "war" occurred, and that the war served merely as a catalyst for the further exploitation of their southernmost territory.

### Akaitcho: The conflict between the Dogribs and the Yellowknives

In a postscript to Hearne's 1795 journal, Tyrrell described the impact of smallpox on the Northern Indians and their subsequent trade with the "Canadians" settled "in the heart of Athapascow country":

Since this Journal was written, the Northern Indians, by annually visiting their Southern friends, the Athapascow [Athabasca] Indians, have contracted the small-pox, which has carried off nine-tenths of them, and particularly those people who composed the trade at Churchill Factory. The few survivors follow the example of their Southern neighbours, and all trade with the Canadians, who are settled in the heart of the Athapascow country . . . it is impossible to say what increase of trade might not, in time, have arisen from a constant and regular traffic **with the different tribes of Copper and Dog-ribbed Indians.**<sup>661</sup>

This interaction was often violent. During the early 1800's the Copper Indians were known to plunder, maraud, and occasionally murder Slave, Hare, and especially Dogrib Indians.<sup>662</sup> In

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<sup>661</sup> Tyrrell, J. B. (Ed.). (1911). In S. Hearne's, *A Journey from Prince of Wales's Fort, in Hudson's Bay, to the northern ocean undertaken by the order of the Hudson's Bay Company, for the discovery of copper mines, a northwest passage, etc. in the years 1769, 1770, 1771, & 1772* (new edition - 1911). Toronto: The Champlain Society. Retrieved October 12th, 2012, from [http://www.gutenberg.org/files/38404/38404-h/38404-h.htm#Page\\_5](http://www.gutenberg.org/files/38404/38404-h/38404-h.htm#Page_5). p. 178, footnote AT.

<sup>662</sup> Keith, G. (1890). Mr. George Keith. Letters to Mr. Roderic McKenzie 1807 - 1817: McKenzie River Department, Bear Lake, 19th November 1812. In L. R. Masson (Ed.), *Les Bourgeois de la Compagnie du Nord-Ouest; Récits de Voyages, Lettres et Rapports Inédits Relatifs au Nord-Ouest Canadien* (pp. 60-132). QC: Nabu Press. p. 106.

March 1821, Franklin described the Copper Indians encroaching on Dogrib territory and harassing them:

Indeed this part of the country was formerly exclusively theirs, and most of the lakes and remarkable hills bear the names which they impose upon them. As the Copper Indians generally pillage them of their women and furs when they meet, they endeavour to avoid them, and visit their ancient quarters on the barren grounds only by stealth.<sup>663</sup>

Franklin then referred to “the Hook, the chief next in authority to Akaitcho amongst the Copper Indians. His band was between West Marten and Great Bear Lakes [traditional Dogrib territory].”<sup>664</sup> Robert McVicar’s comments in 1825 also placed the Copper Indians in this area. He stated:

The skins they formerly brought to the Fort being mostly obtained by bartering or even plundering the dog ribs and Hare Indians that frequented the neighbourhood of Martin and Bear Lakes.<sup>665</sup>

The skirmishes between the Dogribs and Copper Indians culminated in a "war" in 1823, as Tyrrell described:

. . . having been totally neglected for several years, they have now sunk into their original barbarism and extreme indigence; and a **war** has ensued between the two tribes, for the sake of the few remnants of iron-work which was left among them; **and the Dog-ribbed Indians were so numerous, and so successful, as to destroy almost the whole race of the Copper Indians.**<sup>666</sup>

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<sup>663</sup> Franklin, J. (1924). Narrative of a Journey to the Shores of the Polar Sea in the Years 1819-20-21-22, vol. II, 3rd ed. London: John Murray. (Original work published 1824). p. 83.

<sup>664</sup> Franklin, J. (1924). Narrative of a Journey to the Shores of the Polar Sea in the Years 1819-20-21-22, vol. II, 3rd ed. London: John Murray. (Original work published 1824). p. 88.

<sup>665</sup> McVicar, R. (1825-1827). *Report for Great Slave Lake Outfits 1825-1827*, HBCA 1M781, B.181/e/1. fol. 13.

<sup>666</sup> Tyrrell, J. B. (Ed.). (1911). In S. Hearne's, *A Journey from Prince of Wales's Fort, in Hudson's Bay, to the northern ocean undertaken by the order of the Hudson's Bay Company, for the discovery of copper mines, a northwest passage, etc. in the years 1769, 1770, 1771, & 1772* (new edition - 1911). Toronto: The Champlain Society. Retrieved October 12th, 2012, from [http://www.gutenberg.org/files/38404/38404-h/38404-h.htm#Page\\_5](http://www.gutenberg.org/files/38404/38404-h/38404-h.htm#Page_5). p. 178, footnote AT.

Of course, given the subsequent visits of Akaitcho, "Chief" of the Copper Indians, and his band to Fort Resolution during the 1820s and early 1830s, it is evident that the above statement referring to the destruction of "almost the whole race of the Copper Indians" in or about 1795 was an exaggeration at best, although a massacre of some magnitude had likely occurred. By contrast, McVicar, a Fort Resolution HBC fur trader, recorded in 1825 that "about one-fifth of the Copper Indians were killed by the Dog Ribs of Martin [*sic*] Lake in winter 1823–24."<sup>667</sup>

After this famous battle, the Copper Indians retreated from Great Bear Lake and inhabited the region east and south along the shores of Great Slave Lake for some time (as witnessed below in Akaitcho's, the Copper Indian Chief's conversations with Fort Resolution Factor Robert McVicar).<sup>668</sup> During the mid-1800s, the Copper Indians, also known as the Red Knife or Yellowknife Indians, moved toward the Taltson River (now called Rocher River) area. It is suggested that this move was not an expansion into a new territory but rather into the southernmost region of their traditional territory. For example, the name "Taltson" River was derived from the word "Tall chu dezza" or "Red Knife [River]" by Peter Fidler, a fur trader who travelled in the region in 1791 and 1792.<sup>669</sup> Fidler also noted the presence of Copper Indians in the region south of the lake long before the purported Dogrib/Copper Indian "war":

16<sup>th</sup> Friday In the evening arrived at our Tent a Coppermine river Indian[.] **he says that there a good many of his countrymen a good way down the Thay thule dezza[.] this river empties itself into the Tall chu dezza [Taltson River.]**<sup>670</sup>

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<sup>667</sup> McVicar, R. (1825-1827). *Report for Great Slave Lake Outfits 1825-1827*, HBCA 1M781, B.181/e/1. fol. 13b.

<sup>668</sup> McVicar, R. (1824-1825). *Fort Resolution Post Journal, 1824-1825*. HBCA 1M120, B.181/a/5. fol. 19; Hearne, S. (1795). *A Journey from Prince of Wales's Fort, in Hudson's Bay, to the northern ocean undertaken by the order of the Hudson's Bay Company, for the discovery of copper mines, a northwest passage, etc. in the years 1769, 1770, 1771, & 1772*. London: for A Strahan and T. Cadell. p. 200.

<sup>669</sup> Fidler, P. (1934). A Journal with the Chepawyans or Northern Indians, to the Slave Lake, & to the East & West of the Slave River, in 1791 & 2 by Peter Fidler. In J. B. Tyrrell (Ed.), *Journals of Samuel Hearne and Philip Turnor* (pp. 493-556). Toronto, ON: The Champlain Society. p. 520, 521, 524, 546-547, & 551.

<sup>670</sup> Fidler, P. (1934). Journal of Journey with the Chepawyans or Northern Indians, to the Slave River, & to the East & West of the Slave River, in 1791 & 2, by Peter Fidler. In J. B. Tyrrell (Ed.), *Journals of Samuel Hearne and Philip Turnor*. pp. 493 - 556. Toronto, ON: The Champlain Society. p. 549.

As mentioned above, Akaitcho was a Copper Indian Chief who guided various explorers in the late 1700s and early 1800s. In 1825 he fled south and met with McVicar at Fort Resolution, where they had “a long parly [*sic*] . . . on the subject of Establishing a Post for his Tribe [the Copper Indians/Yellowknives] at old Mountain Island.” McVicar reported that Akaitcho said:

. . . ‘that for his part he could not think of returning so soon to the country where so many of his Relatives were so resently [*sic*] murdered by the Slave Tribe [see explanation below], that it was his full intention to secure his supplies at this Establishment and remain with the Chipewyans until time would efface the grief and anguish with which his bosom is inflicted on account of the untimely death of his Relations.’<sup>671</sup>

McVicar's claim that the Slave Indians murdered the Copper Indians was clearly an error. There is no available historical documentation recording a war between these two parties. McVicar also stated that Akaitcho wanted to meet with "4 principle leaders of the Slave Tribe."<sup>672</sup> In fact, Akaitcho and three of his followers:

. . . expressed an [illegible] wish of accompanying [the Chipewyan] Hallyaze and family this **spring** to the vicinity of the old Establishment of Hay River [the territory of the Slave Indians] in order to get acquainted with that part of the country as it is their intentions to make their Hunts thereabouts next **winter**. I immediately acquiesced.<sup>673</sup>

One year later, on May 29<sup>th</sup> 1826, Robert McVicar wrote a letter to Sir John Franklin, which stated:

None of the Copper Indians (Pied Traverse excepted) would undertake the journey via Thilloodessy to the sea, under the plea of their being perfect strangers to that part of the country, neither

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<sup>671</sup> McVicar, R. (1824-1825). *Fort Resolution Post Journal, 1824-1825*. HBCA 1M120, B.181/a/5. fol. 19.

<sup>672</sup> McVicar, R. (1824-1825). *Fort Resolution Post Journal, 1824-1825*. HBCA 1M120, B.181/a/5. fol. 19.

<sup>673</sup> McVicar, R. (1824-1825). *Fort Resolution Post Journal, 1824-1825*. HBCA 1M120, B.181/a/5. fols. 19 - 19b.

would any of them go as hunters to Bear Lake, they being still apprehensive of the dog rib Indians.<sup>674</sup>

After the Yellowknives' trek south, the Dogribs moved east to occupy Yellowknife territory. Eventually, as anthropologist Beryl Gillespie notes, "Dogribs were also sharing the east arm of Great Slave Lake with Yellowknives before 1900."<sup>675</sup> Frank Russell, a University of Iowa graduate student, corroborates this account with his own dating from the early 1890s:

Several Bands of this tribe have therefore moved along the lake shore, into and beyond the territory occupied by the Yellow Knives.<sup>676</sup>

Franklin then noted that Akaitcho, the leader of the "Copper Indians," sought peace with the Dogribs:

The Copper Indians and these men, are extremely jealous of each other, and live in a species of hostility . . . The Leader [Akaitcho] has requested also, that we should propose to their Leader to make peace, if the opportunity should offer on our route to the Sea, which of course will be complied with.<sup>677</sup>

Beryl Gillespie, an anthropologist, presumed that this led to an:

. . . amicable sharing of their ranges [which] began the same process of intermarriage and amalgamation that had started earlier with the Chipewyans.<sup>678</sup>

In fact, in the summer of 1908, René Fumoleau reported that "Inspector Ephrem Pelletier, NWMP, met 125 people of the Yellowknife [Copper Indian] and Dogrib bands crossing Great

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<sup>674</sup> McVicar, R. (1826-1827). *Fort Resolution Post Journal, 1826-1827*. HBCA 1M121, B.181/a/7. fol. 14b.

<sup>675</sup> Gillespie, B. C. (1981). Yellowknife. In J. Helm (Ed.), *Handbook of North American Indians, Volume 6: Subarctic* (pp. 285-290). Washington, DC: Smithsonian Institution. p. 286.

<sup>676</sup> Russell, F. (1898). *Explorations in the Far North: Being the report of an expedition under the auspices of the University of Iowa during the years 1892, '93, and '94*. Iowa City: IA: University of Iowa. p. 162.

<sup>677</sup> Franklin, J. (1995). The Journal of Occurrences from Fort Chipewyan in 1820 by Lieut. Franklin, RN & Commander of the Expedition. In R. C. Davis (Ed.), *Franklin's First Arctic Land Expedition 1819 - 1822* (pp. 1-276). Toronto, ON: University of Toronto Press Inc. p. 120.

<sup>678</sup> Gillespie, B. C. (1981). Yellowknife. In J. Helm (Ed.), *Handbook of North American Indians, Volume 6: Subarctic* (pp. 285-290). Washington, DC: Smithsonian Institution. p. 286.

Slave Lake in their York boats" (plate 41: "flat-bottomed vessels about thirty-five feet long").<sup>679</sup> The inspector reported that "they were hurrying to Fort Resolution to await the Treaty Commissioner" and their annual payment.<sup>680</sup>

**Plate 41: A York boat**<sup>681</sup>



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<sup>679</sup> Fumoleau, R. (2004). *As Long as this Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939*. Calgary, AB: University of Calgary Press. pp. 134-135 & 8.

<sup>680</sup> Fumoleau, R. (2004). *As Long as this Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939*. Calgary, AB: University of Calgary Press. p. 135.

<sup>681</sup> Northwest Territories Information. (1981). York Boat, In "Dènè Traditional Life Series." Photo from Provincial Archives of Alberta, image B-5857.

## Chapter VI: Continued Use of the Barren Lands

### Introduction

During July, August, and September 2012, three rounds of interviews were conducted with members of the Deninu K'ue First Nation. Linda Vanden Berg, Justin Fritz, and Sophie Henderson conducted interviews in Yellowknife (at the Akaitcho Treaty Office and The Explorer hotel), and in Fort Resolution (at J's Bed and Breakfast, the DKFN Band office, and the homes of the individuals interviewed). Throughout this report we rely upon both transcriptions of the words spoken, which were approved by the interviewees, and the interview notes taken by Linda Vanden Berg. Quotes in bold belong to the interviewer (Linda Vanden Berg unless otherwise noted), and those in standard font belong to the interviewee.

These quotes illustrate the DKFN's continued use of the Barren Lands and their connection with their past—the stories of both the past and the present are remarkably similar. The DKFN have fished, hunted, trapped, and lived in the Barren Lands, and they continue to do so, teaching their children in the process.

The Barren Lands, as described by Eddy Lafferty, contain lakes, rivers, and land teeming with an abundance of wildlife:

The Barren Lands to me just looks like, lots of fresh water, at one time, like when the ice melts and all that runs down. It's just like lakes, lakes, lakes, lots of fresh water. Really clear. To me that's where all our clean water is coming from. But now all those mines are there. The main places where the trappers trap are on the eskers. Where there's still a little bit of trees, little bit of shelter, little bit of firewood. That's where some of the animals will go that we hunt. In the summer, it's lots of rock country, lots of gravel bottom lakes. Very shallow. Some of them have fish. I still have a feeling when I go there, it's like I'm back—it's like I'm home. I don't know if it's a spiritual feeling, but I have a connection with that area, to the mine. I have it at Snap Lake, I have it at Gahcho Kué. I go to that area just for that feeling to see where the ancestors were. It's like

that feeling that you're finally home. I have a really good feeling when I get in that place.<sup>682</sup>

## **Continued Use of the Barren Lands**

When Linda Vanden Berg asked DKFN member Frank "Rocky" Lafferty (hereafter referred to as Rocky Lafferty) "How old were you when you first went hunting?", he answered with a statement reiterated by many DKFN members:

Like the rest of my family, we were all born into it. I stayed out all winter, I'd never seen town until trapping season was over. Until I was 7 years old, when I had to go to school. I was probably about 4 when I first went hunting. So about 37 years I've been hunting and trapping with my father. We share the same trap lines, share the same areas, same cabin.<sup>683</sup>

Or, as Henry King stated when asked, "Did you hunt when you were a boy?":

Yes. I hunted and trapped all my life. After my wife died, my kids hunt and trap for me.<sup>684</sup>

Among those living at Fort Resolution, hunting is a tradition passed from generation to generation. Most DKFN members begin to hunt before they reach their teenage years. Solomon King was 12-years-old when he first went hunting, and, like most others, his dad took him.<sup>685</sup> Wayne King, Solomon's son, was also 12-years-old when he first went out onto the land to hunt:

**... [did] your dad teach you how to hunt?**

Yes I used to trap with him all over, when I was young.

**How old were you when you shot your first caribou?**

Probably about 12 years old.<sup>686</sup>

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<sup>682</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. pp. 3 - 4.

<sup>683</sup> Lafferty, Frank "Rocky." (July 16th, 2012). Statutory Declaration. p. 1.

<sup>684</sup> King, Henry George. (July 15th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 1.

<sup>685</sup> King, Solomon. (July 17th, 2012). Statutory Declaration. p. 1.

<sup>686</sup> King, Wayne. (July 17th, 2012). In Solomon King. Statutory Declaration. p. 3.



Like Solomon and Wayne King, Raymond Giroux started hunting when he was "12 or 15":

I remember the first time we went for caribou we went an hour and a half out of Res. That was far for me. We only had 12 horsepower skidoos. I must have been 12 or 15 . . .

My dad got his arm cut off at the school there. It was cold and the saw blade broke . . . I used to stay in the bush with him every spring and every fall. All my brothers and sisters went to residential school, I didn't because I was watching my dad in the bush. We would fish all summer and stay in the bush all winter.<sup>687</sup>

Paul Boucher, Jr. started at an earlier age. Like Henry King (as quoted on page 248), he has been hunting, trapping, and skinning the game animals all of his life:

My mom and dad raised me. They taught me traditional ways, especially my dad, ever since I can remember, 3 years old. [They] taught me to skin moose, fox, ducks, light fires, make camp, traditional routes and [how to] [travel].<sup>688</sup>

Gabriel Lafferty has a similar history. He began hunting at nine years old. Unlike the others, he was not taught by his father or his grandfather. Instead, as he and his son Rocky Lafferty stated, he taught himself:

**How many years of your life did you say you trapped?**

Gabriel: I started when I was 9. On my own.

Rocky: He was too slow for my grandpa, so he took him to the store and bought him a .22 and a box of traps and sent him out.

G: The bush is my home.<sup>689</sup>

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<sup>687</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

<sup>688</sup> Boucher, Paul, Jr. (July 31st, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 1.

<sup>689</sup> Lafferty, Gabriel, and Frank "Rocky" Lafferty. (September 24th, 2012). In Frank "Rocky" Lafferty. Unsworn Statement. Justin Fritz's Interview Notes. p. 6.

Chrissy Lafferty, like her father Gabriel Lafferty, was taught young. In fact, her father taught her to hunt along the south shore of Great Slave Lake toward the east arm when she was 7-years-old:

**Did your father take you hunting?**

Ya. I was seven when I first went out.

**Where did he first take you [drawn in brown on map 25, page 294]?**

Out on Slave River and on the east arm by Lutsel K'e and Fort Reliance.

**What did you hunt?**

Moose around Slave River, but up by Fort Reliance caribou.

**And you hunted all the way?**

Yes.<sup>690</sup>

Martha Beaulieu is a rare instance: she shot her first moose as an adult when she was 22-years-old.<sup>691</sup> When asked who taught her, she replied, "My father. He taught us to hunt, [and] trap."<sup>692</sup> Her son Bobby, like the others, was 12-years-old when he shot his first moose.<sup>693</sup> As well, when Martha Beaulieu's granddaughter was 12-years-old, Martha Beaulieu taught her to trap:

I've been trapping now for many years. I took my granddaughter with me to teach her the ways. She just turned 12.<sup>694</sup>

George Kenneth Larocque has also raised his son in the traditional ways. Together they would travel into the Barren Lands to hunt the caribou herds:

**When was your son's first hunt?**

Jay, he came out with me when he was 7 [years old].

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<sup>690</sup> Lafferty, Chrissy Gail. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 1 - 2.

<sup>691</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declaration. p. 2.

<sup>692</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declaration. p. 1.

<sup>693</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declaration. p. 2.

<sup>694</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declaration. p. 3.

**When did he shoot his first caribou?**

When he was nine.<sup>695</sup>

Kevin Giroux, George Larocque's eldest son, was also taught how to hunt by his father. He went out hunting with his dad, his uncles, and Hewey Arden, a family friend:

**Tell me about hunting in your family?**

All my uncles, they raised me and we all went out into the bush. I've been out on the land ever since I was a kid. On the boat, checking nets, feeding the sled dogs. I remember going for the seasonal geese, and the fall hunt. I remember going up to the Barren Lands at 12 years old.

**When was the first time you went hunting?**

I was about 12 years old and they gave me a .30-30 to use, and that was way out in the middle of nowhere. There's no one around for days. It takes 2–3 days to get out there. I was out by Gordon Lake; We were going up toward the Bathurst herd.<sup>696</sup>

Gerald Norn, a 17-year-old DKFN member, is of the next generation, yet, like those in his parents' generation, he is an avid hunter. Linda Vanden Berg asked, "Who taught you to hunt?" He answered by citing the reciprocal relationship between the generations and the pleasure of "being on the land":

Friends, family, elders. I try to go by what the elders tell us, it's more better because you have more luck. And if you give meat to them it gives you good luck. Some elders are just used to eating meat off the land instead of eating the foods we have nowadays.

**How often do you go hunting?**

Whenever I get the chance to. I like being out on the land more than I do in town. Good to think being out on the land.<sup>697</sup>

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<sup>695</sup> Larocque, George Kenneth. (July 15th, 2012). Statutory Declaration. p. 2.

<sup>696</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

<sup>697</sup> Norn, Gerald William Robert. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 1.

Gerald Norn also enjoys taking people out hunting with him. When asked, "Who do you go with?", he responded:

Whoever I can. My cousins and friends.

**How many people?**

Between one person and many. 30 people is the largest group I've ever gone with. I show the kids out on the land, show them what to hunt. What the tracks are.<sup>698</sup>

Rocky Lafferty's hunting patterns represent the culmination of these two ideals. He hunts with his family, teaching others (specifically youngsters) in the process (plate 42), and brings meat back to share:

We donate lots to the elders. We get about three or four [caribou] sometimes, we make a few phone calls, and if people want some meat we send it home.

We always go up in big family groups. With my dad and his common law and his two youngest. We always take other kids too to come out, because they enjoy it and they don't get that very often.<sup>699</sup>

George Kenneth Larocque and his younger brother Frank also continue to frequent the Barren Lands, bringing back meat for themselves and others:

**Tell me about hunting in your family.**

In this generation of my family, there's two guys who hunt and provide for the rest of the family . . .

**Who hunts?**

Me and my next younger brother, which is Frank.<sup>700</sup>

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<sup>698</sup> Norn, Gerald William Robert. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

<sup>699</sup> Lafferty, Frank "Rocky." (July 16th, 2012). Statutory Declaration. p. 2.

<sup>700</sup> Larocque, George Kenneth. (July 15th, 2012). Statutory Declaration. p. 1.

**Plate 42: From left to right: Tamara, Rocky, Tori, and Tanis Lafferty skinning a beaver near their cabin on Shit Island in the Slave River (unknown man in far right).<sup>701</sup>**



Gordon Beaulieu recounted an experience similar to that of many DKFN members. His father, August Beaulieu, taught him to hunt caribou when he was "preschool age" in the hopes that when he was older, he could support himself through traditional pursuits as well as in the Western way (through wage labour):

**Who taught you where to go to hunt the caribou?**

My dad was illiterate. He had a hard time getting jobs because he was illiterate. He drove it into us that we had to get an education. So, me and all my siblings are educated. My dad forced us.

**Who taught you how to hunt?**

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<sup>701</sup> Lafferty, T. (personal communication, September 24, 2012).

He did. He made sure that we were able to survive on the land and off the land. He taught us a lot of traditional skills. He taught us how to hunt and how to trap . . . [H]e took us out. There were nine of us in our family. I remember since I was preschool age, a lot of my memories it's just my dad and me. So, he used to take us out one at a time and teach us. Put us in the canoe, and go out for a few days at a time.<sup>702</sup>

Gordon Beaulieu hunts with brothers, friends, and relatives, much like Gerald Norn, George Larocque, Kevin Giroux, and their ancestors. This association is similar to the "task group" described by Van Stone.<sup>703</sup> Gordon described the hunt with members of his extended family and friends as follows:

We've gotten caribou all along Gordon Lake. We've gotten caribou before Gordon Lake, and even, in the past, we've had to go passed. So, we go up there.

**Who do you go [hunting] with?**

Different people. I have brothers that I used to hunt with. Brothers, cousins, friends.

**What are your brothers' names?**

Ron Beaulieu, and Philip who goes by the nickname of Peppy. Some other friends. I've even had people from Fort Smith. They come by snow machine.<sup>704</sup>

Don Balsillie, a DKNF member and the Chief Negotiator for the Akaitcho Treaty 8 Tribal Corporation, was taught to hunt when he was "probably 7- or 8-years-old" by his father and other Fort Resolution elders.<sup>705</sup> At first, he killed only "small animals: squirrel, chickens [spruce hen, and grouse], ptarmigan, muskrats, beavers . . . [and] rabbits."<sup>706</sup> However, as he grew older, "Fred Lafferty, Pete King, [and] Solomon King" taught him:

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<sup>702</sup> Beaulieu, Gordon. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

<sup>703</sup> VanStone, J. W. (1974). *Hunters and Fishermen of the Arctic Forests*. Chicago: Aldine. p. 46.

<sup>704</sup> Beaulieu, Gordon. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 1.

<sup>705</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

<sup>706</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

. . . [w]here to look for certain animals, how to skin the animals properly, how to prepare the meat, etc. Other ones are James Balsillie, Alex Lafferty, Tommy Beaulieu, Bob Boucher, Ronald Boucher, but I've hunted with so many people over the years. And my mother of course, she taught me a lot about properly cleaning fish, and possible diseases.<sup>707</sup>

While detailing the contents of his freezer, Don Balsillie spoke of the practice of giving meat to the elders. By accumulating different game, Don Balsillie is able to provide for those who taught him to hunt:

I've got connie, I've got pickerel, I've got whitefish, I've got northern pike, I've got ducks, wild geese, buffalo, moose, caribou, beaver meat. Some of it's smoked, some is dried, some just cut out for barbequing. One of the elders dropped by just a few minutes ago because I promised to give him some duck, geese, and some moose meat.<sup>708</sup>

Don Balsillie also spoke of the current use of the Barren Lands by hunters from Fort Resolution:

**Do members in your community still exercise their right to hunt trap and fish?**

Yes, they do.

**When they exercise this right, are they aware of the territory that their parents use?**

Yes, they are aware of their parents land use, but they don't go as far as they used to. The range currently depicting on a map is the range that I've used since I was very young. The one thing you have to remember is Aboriginal peoples in this area were nomadic: travelled great distances to go to certain locations that were within this geographical locations at certain times of the year to harvest certain types of animals in those locations, in either winter,

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<sup>707</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 1-2.

<sup>708</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 7.



summer, spring, or fall. They had a number of cabins, or shelters that they depended on.<sup>709</sup>

Don Balsillie's hunting range can be seen in the map below (map 13).

**Map 13: Don Balsillie's hunting range (in blue pen marked as "Don"), which he drew during his August 1<sup>st</sup> 2012 interview with Linda Vanden Berg in Yellowknife at the Akaitcho Treaty Offices<sup>710</sup>**



<sup>709</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 6.

<sup>710</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 7.



It is clear: the members of DKFN continue to hunt and trap, generation after generation. Even with the influx of wage labour into the region, the DKFN have continued to use the land. Now, however, the DKFN members hunt to supplement wage labour. As Don Balsillie stated:

[Some] members still live in Yellowknife . . . and have 9-5 jobs but [they] still exercise their hunting rights in the area N and NE of Great Slave Lake.<sup>711</sup>

And, again:

There are band members that have migrated north of the lake, now living in a western lifestyle, but still exercise their treaty rights to harvest north of the lake. They fish, and hunt, and trap on the north side of the lake with their families. [They] come back and reconnect with [their] family at least once a year.<sup>712</sup>

Kevin Giroux is a modern-day example of this. He lives full-time in Yellowknife to be closer to various mining employment opportunities, but he also hunts and traps in that area north of the lake. He remains connected to Fort Resolution through family ties.

In this sense, the hunt functions as a wage supplement by providing hunters and their relatives access to meat in a region that has skyrocketing food prices but abundant wildlife. As Mary Pierrot recounted, during her childhood (she is 78-years-old), there was little choice:

**What type of meat did you eat?**

We don't get meat in the store so we eat only moose. They kill a moose. No work in those days so they have to travel in the winter time to make good money. Spring time the same thing, they make money with beaver and muskrat. In those days things were cheap too. We eat nothing but wild meat.<sup>713</sup>

Stan Beck also stated that there was really no alternative:

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<sup>711</sup> Balsillie, Donald William. (July 17th, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 1.

<sup>712</sup> Balsillie, Donald William. (July 17th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 1.

<sup>713</sup> Pierot, Mary Christina. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

[In the] 60s . . . we had to hunt for our meat unless you want to eat canned.<sup>714</sup>

When Linda Vanden Berg asked Raymond Giroux "What did you eat as a child?", he responded:

Mostly wildfood, moose, fish, berries. Live off the land. Set rabbit snares, musk rat, beaver, moose, beaver, geese, ducks.<sup>715</sup>

To this day, families continue to support each other by sharing their cabins, which are distributed about the regional hunting range (as indicated by Rocky Lafferty in the quote below). Individuals travel and hunt with their kin and close friends, and when they return, they give thanks to the elders by distributing some of the meat to them. Rocky Lafferty explained, the past use of dog teams and the sharing of cabins:

**When you were hunting with the dog teams and you couldn't go further, did you have little cabins that you stayed in?**

People lived out there. If a dog team showed up in the middle of the night they wouldn't turn you away. That's how it was back then.<sup>716</sup>

With each hunt and the subsequent redistribution of meat, the members of DKFN are perpetuating their traditional lifestyle and teaching their children in the process. The frequency of these hunting activities is, over the decades, subject to the ebb and flow of the market economy. Therefore, the portion of Don Balsillie's range (map 13) that he actually exploits expands and contracts from year to year, but the whole area remains *his* to exploit. As he has explained:

Just because a particular group of people haven't expedited an area for a certain number of years, doesn't mean they've given up on the area and they no longer consider it important. It depends on the economic environment. That is not to say that now this group that is

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<sup>714</sup> Beck, Stan. (July 15th, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 3.

<sup>715</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 8.

<sup>716</sup> Lafferty, Frank "Rocky." (September 24th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

extradited, by choice, that they will not have to go back into those larger, further areas, to support their families.<sup>717</sup>

## **Oral Histories**

The use of the Barren Lands by the DKFN's ancestors is traced through the stories of their fathers, mothers, grandfathers, and grandmothers. These stories inform the current members about how, when, and where to hunt. Some families travelled great distances; others only went across the lake. Gordon Beaulieu's father, as an example, had a large family. Accordingly, he hunted near what is now Yellowknife. His ancestors, however, travelled much further north and east:

### **What did [your father] tell you about the Barren Lands?**

I know he had uncles and ancestors that went all over the Barren Lands, but because he had a big family he didn't got that far. He used to go to Yellowknife.

### **Did he bring home caribou?**

Yes. Moose, caribou, buffalo.<sup>718</sup>

On the other hand, Gordon Beaulieu's uncle told him stories of his hunts deep into the Barren Lands near Lac de Gras, northeast of Great Slave Lake:

My uncle, Angus Delorme, he always used to tell stories about trapping way out in the Barren Lands . . . [H]e used to talk about the Barren Lands all the time and I used to hang around with him. I travelled all along the lake with him.

### **He went almost up to Caddy Diamond mine there?**

Ya, he used to trap on the Barren Lands. And, he used to tell me stories about trapping on the Barren Lands. He's deceased now, and he's been deceased for a few years.<sup>719</sup>

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<sup>717</sup> Balsillie, Donald William. (July 17th, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 1.

<sup>718</sup> Beaulieu, Gordon. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

<sup>719</sup> Beaulieu, Gordon. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 1.

Martha Beaulieu made a similar statement. Her father hunted and lived in the Barren Lands, whereas her grandfather "hunted all over (the lake)."<sup>720</sup> These statements regarding the ancestors of DKFN members and their activities in the Barren Lands are not extraordinary; they are commonplace among Fort Resolution's population:

**Where did your father hunt?**

He lived up in the barren lands before he married my mother and hunted there. He lived in Lutsel[k'e] . . . for 10 years too. My dad hunted and fished right till his very last day. He fished out on Slave Lake. My grandfather hunted all over (the lake).<sup>721</sup>

Mary Pierrot's father also hunted muskrats north of Great Slave Lake:

**Do you know where your dad and brother's hunted?**

. . . Sometime during the spring time they used to get rats on the north side of the lake. We hardly get rats on this part. But, we get lots of beaver. Not only my dad, but everybody, they used to go down there. Henry used to go for rats there too . . .<sup>722</sup>

Eddy Lafferty's grandfather told him stories about the Barren Lands, the hunt, and the fur trade. Eddy Lafferty also spoke about the spiritual significance of the area:

I've got relations in Simpson, Providence, Yellowknife. All over. I was told they were the first guides[, t]he Lafferty's and the Beaulieu's, to guide people through the north.

As a kid they used to tell me stories of out there in the Barren Lands. When fur ran out here, they used to go out and get white fox out in the Barren Lands. They went out for white fox and out for caribou too.

They would leave their families on the Barren Lands, at the edge, the treeline, for the summer. Most of the time it was around the . . . spiritual gathering there every year at the Old Lady Falls, at Reliance.<sup>723</sup>

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<sup>720</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declarations. p. 2.

<sup>721</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declarations. p. 2.

<sup>722</sup> Pierot, Mary Christina. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>723</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 1.

Eddy Lafferty's relatives would move through the Barren Lands, in much the same way as we have seen in the historical documentation: by canoeing across the lake, then walking, snowshoeing, or dog-sledding:

**How did your parents get around for hunting? And your grandparents?**

All dog team or canoe paddling. I heard stories, those old timers were telling me when they used to canoe all the way there [across the lake] and when they got to the edge of the barren lands they would walk.<sup>724</sup>

Therese Georgina Simon (referred to by her nickname "Dolly" Simon for the remainder of this report) also recalled how her grandfather (Victor Lafferty) hunted in the 1970s, with dog sleighs, for days and weeks at a time. He hunted caribou, moose, wolf, lynx, and muskox, along with his brothers, sons, and nephews, on the Barren Lands north and east of Great Slave Lake:

**Did you go hunting with your grandparents?**

No. But, I know they did. I used to wait for my grandfather coming back with dogs to ride on top his big bundle.

**Can you tell me about his dogs?**

He had 10 but he always took 5 . . .

**When he came home what would he have on his sleigh?**

A lot of fur. Sometimes moose.

**What about caribou?**

Ya. When he goes by himself he usually has a moose, but when he goes in a group he'd get caribou.

**Who's in the group?**

Usually his brothers. Ed Lafferty, Alec Lafferty, Jim Lafferty, Norman Lafferty, sometimes my uncles went with him . . .

**What animals did they bring back?**

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<sup>724</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 3.

Caribou, and furs. Whatever they catch along the way: wolf, lynx. I remember he came back with something that was out of the ordinary. It was a muskox.<sup>725</sup>

David King-Beaulieu, originally a Yellowknife 'A' Band member at Rocher River but now a Yellowknives Dene Band member (he was obliged to move to Yellowknife after the burning of Rocher River's infrastructure), recalls how "in the old days" his family would hunt in the Barren Lands and return to their home at Taltson/Rocher River each summer (David King-Beaulieu still desires to return to Rocher River and settle there for the rest of his life):

**Tell me about hunting in your family?**

My family, in the old days, people hunt, they never settled in one place. they're always going, when the trappings over they move back to Taltson and they fish. In the fall camp they are hunting in the Barren Lands. when it freezes they leave their boats and take their dogs.<sup>726</sup>

James Robert Balsillie's father, while engaged in wage work with the RCMP, continued to hunt in the Barren Lands:

My dad and uncle hunted caribou out there in the Barren Lands and white fox. And my dad worked for the RCMP and in those days it was by dog team and a boat called schooner. They need to get around with that in the summer. Myself, I have been out past Snowdrift, hunting caribou.<sup>727</sup>

Don Balsillie's grandfather, on the other hand, did not engage in hunting and trapping because of his commitment to the HBC as a wage labourer. His father and ancestors from the 1700's, did have a hunting range. Don Balsillie states that their range is much larger than his own (just as he has on pages 255 - 256), then added that, one can still see the generational continuity. When asked, "Do you have any other uses of your family's known range . . . that you pursue today?" Don responded:

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<sup>725</sup> Simon, Therese ("Dolly") Georgina. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 2 - 3.

<sup>726</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>727</sup> Balsillie, James Robert. (July 15th, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 1.

My family used a larger territory than I did, simply because of their lifestyle back then—50 years ago. They used right from south of Fort Smith all the way to Providence all the way up passed Fort Rae, and east to the Seymour River for well over 200 years as I can recall. Some of my family was involved in trading. Because the fur history is quite aggressive a number of years ago in the 1700s, 1800s, and 1900s, and today, they were involved in harvesting white fox and hunting and trapping. Their range was much more aggressive than mine.

**Did your father or grandfather hunt or trap on the Barren Lands themselves?**

Not that I'm aware of. My grandfather on my father's side was a HBC manager, so his trapping expeditions were very non-existent. My father's expeditions in the area were extensive, but he did not trap the Barren Lands for white fox. On my mother's side, her father and other family members did use the area quite extensively. They were on Great Slave Lake east into the Barren Lands and north into the Barren Lands. They were harvesters as well as involved with the fur trade, so they did use the area.<sup>728</sup>

The stories these DFKN members recounted defined hunting ranges, consequently emphasizing the importance of the Barren Lands north and east of Great Slave Lake. The interviewees also emphasized acceptable hunting practices. In contrast to what Stan Beck says the tourists do, the DFKN were told by their ancestors to hunt with care to preserve the animals. In this case, Stan Beck argued that the caribou are at risk because the tourists camp on their well-worn trails, thus scaring them away. Also, those same tourists, in their haste, kill the first caribou that comes their way—the lead caribou. Stan Beck draws an analogy between the effect this kind of treatment has on the caribou and how a human society might also be affected given the same circumstances:

[An] Old man [told me that] caribou follow the leaders[.] The tourists' camps are sitting right on their trail . . . and . . . alongside the road . . . [They] shoot the leaders and kill the big bulls because

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<sup>728</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 5.

they want trophies and the leaders get confused. If we killed all our leaders we would be confused too.<sup>729</sup>

These stories help link the members of DKFN with the Barren Lands through familial ties and a shared landscape. And, as we will show, this use and occupation of the Barren Lands did not end with their grandparents and parents: the DKFN's use continues to this day. The stories recounted above are remarkably similar to those told by current DKFN members of all ages.

## **Trapping**

Trapping has been, and continues to be, a method of procuring meat and fur. Many Band members, like Jerry Patrick Sanderson, Paul Boucher Jr., Rocky Lafferty, Henry King, Solomon King, Dexter Simon, David King-Beaulieu, Clayton George Balsillie, Kevin Giroux, Gabriel Lafferty, George Larocque, Stan Beck, James Balsillie, Eddy Lafferty, Gordon Beaulieu, Gerald Norn, Tendah Lafferty, Raymond Giroux, Chrissy Lafferty, and Don Balsillie (below), trapped along the Slave River System:

### **Where [did you trap]?**

A little in the Buffalo River water system, as far as Birch Creek, and through Fort Resolution to the Slave River Delta to Simpson River, and up the Taltson River System. That was my trapping area.<sup>730</sup>

Kevin Giroux, although trapping in largely the same area, was much more descriptive in both his illustrations and his discussion of his and his father's (George Larocque's) traplines (see map 14):

### **Did your dad take you trapping [in dotted orange on map 14]?**

Oh ya, he's got a big trap line up by Pine Point. Very large. It takes three days to complete. It starts on pit PN-81, it'll take you all the way to the lake, then it takes you all the way into the prairies by woodland national park, and then back onto the highway, where we can get back to the truck. His second trapline is out by Kakisa. Kakisa is a different band all together. But, we still use that general

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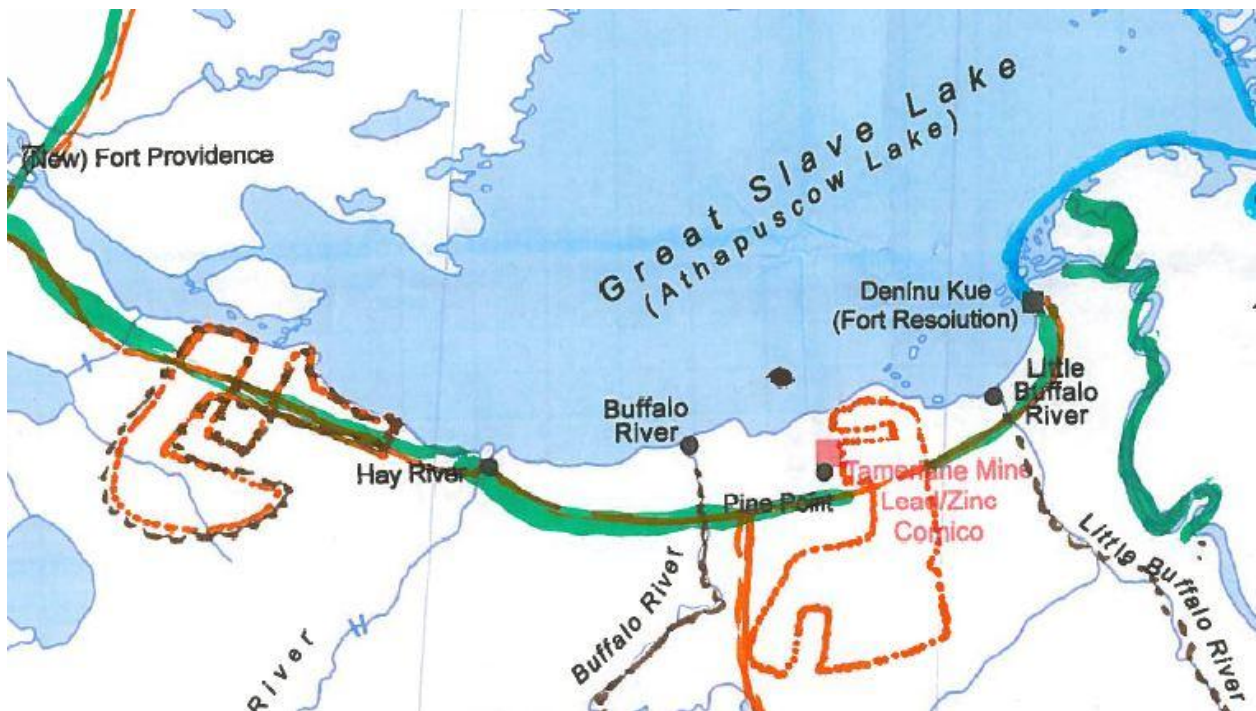
<sup>729</sup> Beck, Stan. (July 15th, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 2.

<sup>730</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.



area. It goes from the highway all the way to Great Slave Lake. We have a cabin out there as well. We need one because the commute is way too long, and it takes three days to do a complete circuit. Generally, you're 5 to 10 kilometers off the highway. There's cougars, lynx, wolverine. We're there for fur, Martins, weasels, squirrels—they get caught in the bait. It's about a 400-500 dollar trip so you want to make sure you're getting the good stuff. It's worth the trip.<sup>731</sup>

**Map 14: Kevin Giroux and George Larocque's traplines (dotted in orange) south of Great Slave Lake.<sup>732</sup>**



Kevin Giroux has trap-lines north of the lake near Yellowknife (map 23, page 284) in addition to the ones that he shares with his father south of Great Slave Lake:

The next area I'm familiar with . . . I just basically got it set up. This one takes me up Yellowknife river, by Prosperous and Prelude, there's a couple line, they call them dew lines, I follow the dew line into the Dettah region. Then there's a good little trail that takes you up by Duck Lake and back to the cabin. This is the area I'm trying

<sup>731</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

<sup>732</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 8.

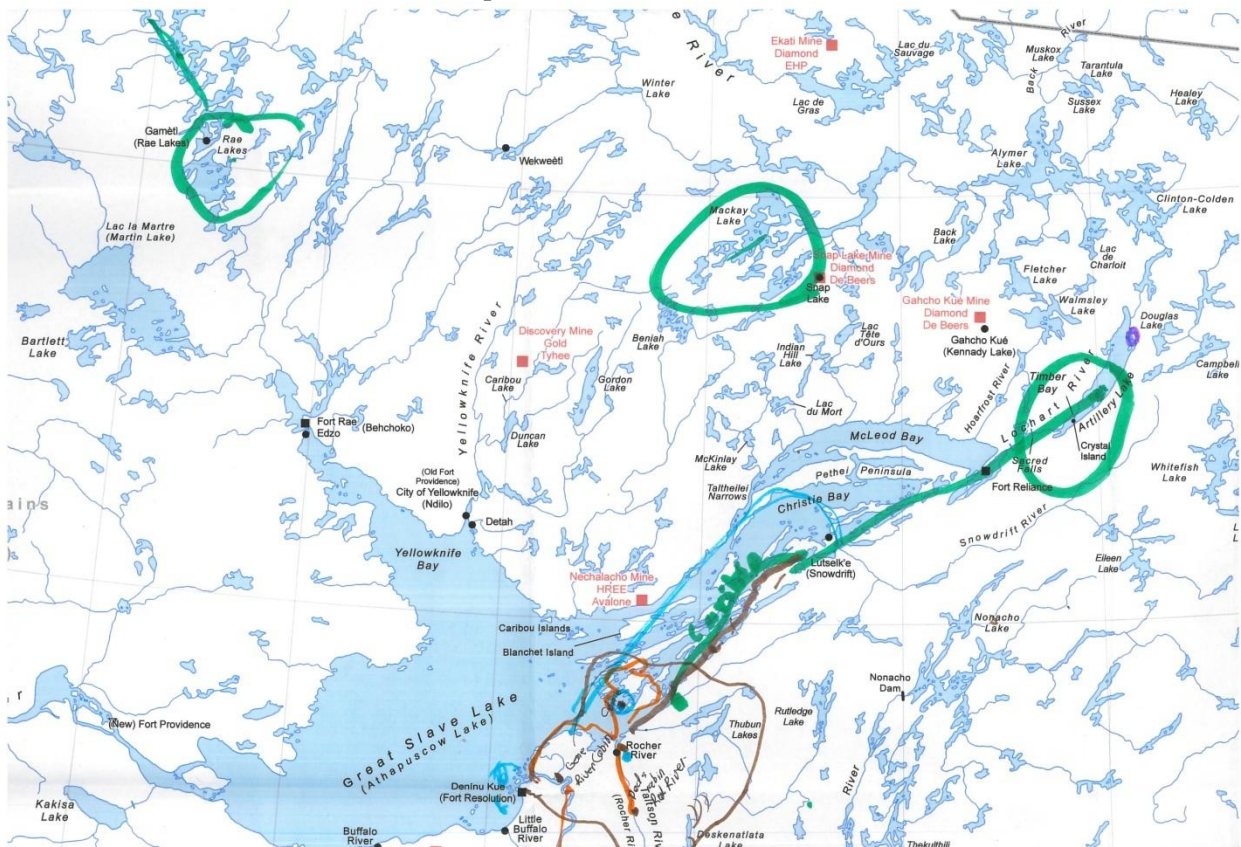
to use now. I've gotten 2 lynx, 1 wolverine, 3 foxes, the black tailed one, red fox too, martin was another one, and weasel.<sup>733</sup>

Raymond Giroux, like Kevin Giroux and others, traps south of the lake. He also trapped further east along the south shore toward Snowdrift (see map 15):

**Can you show us where you used to trap and cabins [in brown on map 15]?**

We trapped all in the islands just me and my dad. When there used to be caribou in Snowdrift, I used to set traps all the way to Lutsel K'e. I always catch lynx and marten when I go there. Lots of lynx and lots of martin. There used to be no martin. They came north and in 1999, boy there was lots that year.<sup>734</sup>

**Map 15: Raymond Giroux's hunting, fishing, and trapping area. Blue = fishing, brown = trapping, orange = moose, green = caribou, and purple = his son's (Cameron Sayine's) most recent caribou hunt (which he was out on at the time of the interview—September 25th, 2012).<sup>735</sup>**



<sup>733</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 2 - 3.

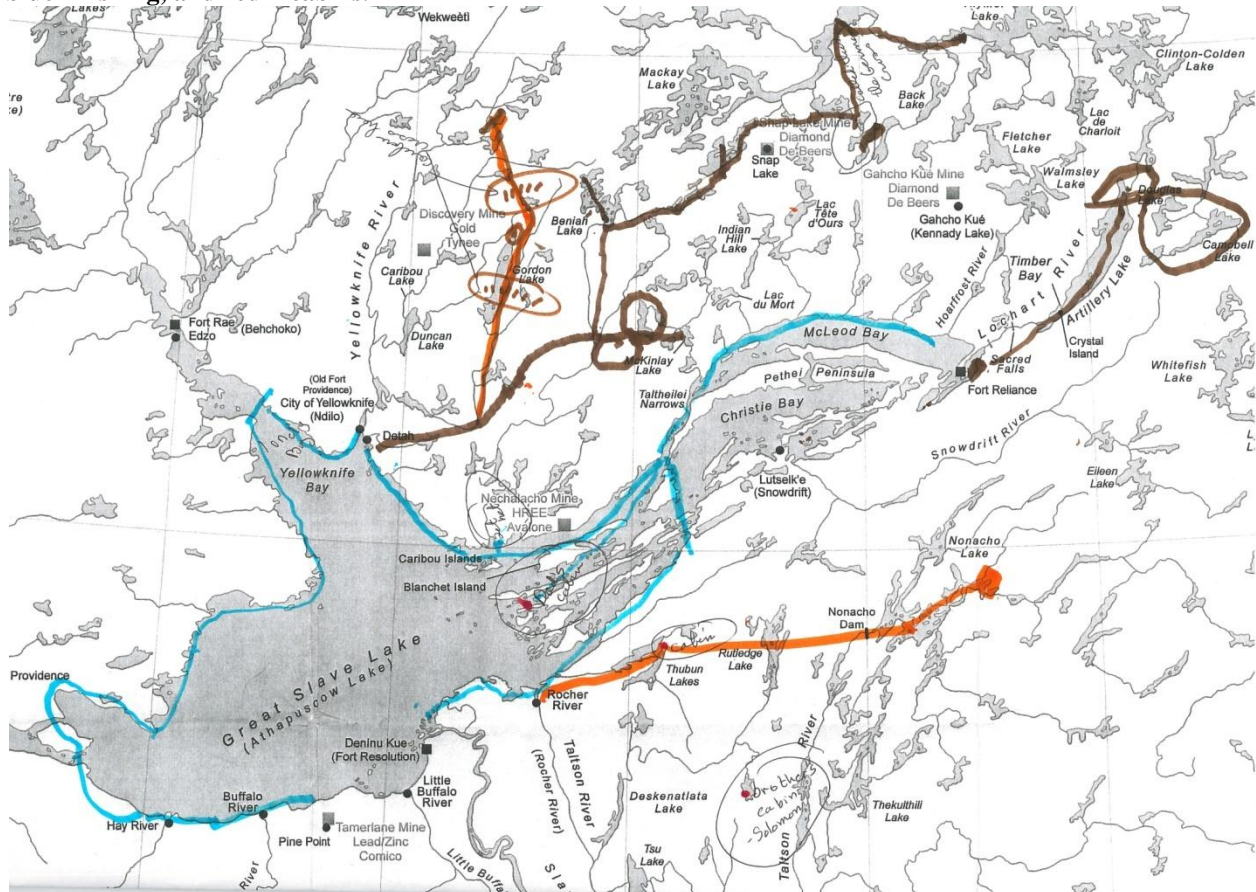
<sup>734</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 2 - 3.

<sup>735</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 9.



This trend continues. David King-Beaulieu trapped even further east on Nonacho lake (see map 16).<sup>736</sup> Also, note his trap line along his caribou hunting route running through Gordon Lake to Thetis Lake on the north side of Great Slave Lake (to be discussed later on page 291).

**Map 16: David King-Beaulieu's hunting, trapping, and fishing range. Brown = caribou, orange = trapping, blue = fishing, and red = cabins.**<sup>737</sup>



Solomon King, however, trapped in what constitutes the westernmost portion of the Barren Lands. Travelling along the south shore of Great Slave Lake by dog team, he would pass McLeod Bay, journey through the last of the transitional forest up the Lochart River, and eventually trap on Artillery Lake off the east shore of Great Slave Lake.

<sup>736</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

<sup>737</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 5.

I went up to Artillery Lake to trap. I trapped wolves, fox, and wolverine.<sup>738</sup>

Martha Beaulieu adds several more trappable animals to Solomon King's list including:

Mink, weasels, squirrels, wolverine, martens, wolves, foxes, [and] otters.<sup>739</sup>

Gabriel Lafferty also adds silver fox, white fox, and white wolf to the list of animals trapped, as discussed by DKFN trappers. The latter two are found exclusively in the Barren Lands. Incidentally, he trapped north and east of the lake well into the Barren Lands (see map 21, page 278):

**Did you ever trap in that area?**

Ya, when you go for caribou you take some traps with you. You set some on the way, and on the way back you get your fur. There's good money in the wolves, the white wolves they're the best priced ones . . .

**What about the fox?**

. . . Trapped silver and whitefox in the area, wolverines too they're worth a lot.

**Any animals I missed?**

Lynx, martin.

**Did you trap Lynx and martin on the north side of the lake?**

Ya.<sup>740</sup>

George Kenneth Larocque's stepfather Archie Larocque was born in 1915 and passed away in 2008 at the age of 93. He trapped primarily in the Barren Lands and because of his experience was hired as a "special constable with the RCMP":<sup>741</sup>

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<sup>738</sup> King, Solomon. (July 17th, 2012). Statutory Declaration. p. 1.

<sup>739</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declaration. p. 2.

<sup>740</sup> Lafferty, Gabriel. (September 24th, 2012). In Frank "Rocky" Lafferty. Unsworn Statement. Justin Fritz's Interview Notes. p. 5.

<sup>741</sup> Larocque, George Kenneth. (July 15th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

He trapped in the Barren Lands for quite a while, that's why they hired him.<sup>742</sup>

Rocky Lafferty's ancestors were also identified as having trapped in the Barren Lands. They, like George Laqocque's son Kevin Giroux (on pages 265 - 266, and map 23 on page 284), his stepfather Archie Larocque (on pages 268 - 269), Gabriel Lafferty (on page 268, and map 21 on page 278), and David King-Beaulieu (on page 267, and map 16 on the same page), trapped north of Great Slave Lake:

**Have you ever trapped in any other area (other than the Slave River area)?**

No, not personally, but my ancestors did.

**Do you know where they trapped?**

Up to where the mines are. They trapped for white foxes and wolves. That's where all the money was. They hunted out that way.

## **Hunting**

While trapping did occur north and east of Great Slave Lake in the Barren Lands the major activity in this region was hunting. Animals taken north of Great Slave Lake, much the same as those recorded in the historical documentation, include moose, duck, geese, fish, beaver, "rabbit" (hares), wild "chicken" (spruce hens and grouse), grizzly bear, muskrat, ptarmigan, arctic (white) wolves, tundra wolves, deer, wolverine, lynx, and arctic (white) fox.<sup>743</sup> Most cannot inhabit the Barren Lands year round and move between the transitional forest and the Barren Lands seasonally. The arctic fox, arctic hare, and muskox exclusively inhabit the Barren Lands. Regardless, the main source of both food, fur, and other materials continues to be the barren-ground caribou who range along the transitional forest during the winter and summer in the Barren Lands.

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<sup>742</sup> Larocque, George Kenneth. (July 15th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

<sup>743</sup> Sanderson, Jerry Patrick. (July 31st, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 1; Boucher, Paul, Jr. (July 31st, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 1; Pierot, Mary Christina. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2; Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2; Beck, Stan. (July 15th, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 3; Larocque, George Kenneth. (July 15th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

More than simply a game animal, the caribou provide the DKFN with the raw materials needed for countless finished products. In the past, as James Balsillie recalls, the DKFN "[u]sed to wear caribou skin gloves; everyone used to get gifts: gloves, moccasins, blankets, *etcetera* of caribou skin."<sup>744</sup> Henry King states that they made "jackets, shoes, [and] clothing."<sup>745</sup> Martha Beaulieu has enumerated other uses: "[s]hoes, mitts, vests, slippers, hats, [and] jackets. Everything you could use the hides for. Dresses. A lot of people got married in caribou hide dresses."<sup>746</sup> Mary Pierrot also recalled how "nobody threw the hides away. Nobody got shoes in the store."<sup>747</sup> She stated that the women would make clothes: "jackets, or, with the fur on, robes."<sup>748</sup> Today, Solomon King says the caribou hide is used as a "mattress, [or a] cover for your seat."<sup>749</sup>

Additionally, Chrissy Lafferty has described how members of DKFN use the caribou as a food source (Carol Collins has recounted a similar practice on pages 289 - 290):

**What meat do you eat daily?**

Everything on the caribou, even the guts.<sup>750</sup>

Most members of the DKFN travel regularly into the Barren Lands to hunt caribou and other game animals, and nearly all eat caribou. During the interviews Linda Vanden Berg provided maps to the interviewees on which they plotted their hunting routes and areas (as well as other areas of significance). Jerry Sanderson described one of his hunting trips and drew his route on map 17:

[I] Went out to the Gordon Lake area. [Took the ice] road to Snap Lake—to Ekati [mine]—a few years ago in about 2002. [I went with a] couple of guys from L[utsel] K[e], one from McPherson. [We] got 2 caribou that day . . . [I have] hunted all the way from Ingram Trail to between Mackay Lake and Lac de Gras.<sup>751</sup>

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<sup>744</sup> Balsillie, James Robert. (July 15th, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 2.

<sup>745</sup> King, Henry George. (July 15th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

<sup>746</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declarations. p. 2.

<sup>747</sup> Pierot, Mary Christina. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 5.

<sup>748</sup> Pierot, Mary Christina. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 5.

<sup>749</sup> King, Solomon. (July 17th, 2012). Statutory Declaration. p. 3.

<sup>750</sup> Lafferty, Chrissy Gail. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

<sup>751</sup> Sanderson, Jerry Patrick. (July 31st, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 2.



Dotted in green on the map below (map 17) is the route that Jerry Sanderson took along the ice road to get to this hunting area near Lac de Gras.

Map 17: Jerry Sanderson's hunting road map. His route to Lac de Gras is dotted in green felt pen, and his signature is in the top right corner in the same green felt pen.<sup>752</sup>



Gordon Beaulieu hunted caribou in the same region—near Lac de Gras:

**So where do you hunt the caribou?**

Well whenever they come close, close enough that's where we hunt them . . . I've been all the way up toward Caddy [Ekati mine].

<sup>752</sup> Sanderson, Jerry Patrick. (July 31st, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 3.

**Near Lac de Gras?**

Yes. I travelled all over the lake.<sup>753</sup>

Don Balsillie' has hunted along the entire east arm of the lake, both north and south. In his interview, with the help of the map below (map 18), he defined his range:

**Where did you hunt the caribou [in green on map 18]?**

. . . We hunted caribou as far as Gordon Lake, Mackay Lake, Beniah Lake, Duncan Lake, in around Yellowknife, East of Yellowknife toward Caribou Islands, Rocher River, Simpson Island, Big Narrows, up by Lutsel K'e, Christie Bay, as far as Reliance . . .

**What else did you hunt?**

Moose [in purple on map 18]. All the way passed Hay River . . . all the way out to Rocher River as far as Lutsel K'e. All the way around the lake on the highway. You know what I forgot: I hunted caribou all around Rae and Bechoko. Hunted caribou there all the way up to Lac la Martre.

**Did you follow the ice roads?**

Yes. I hunted moose all along the lake shore. Everywhere I hunted caribou I hunted moose as well. Everywhere I hunted moose I hunt caribou as well. They're pretty much the same.<sup>754</sup>

This range should be considered in the context of his earlier quote (on page 263 of this report) where he described his ancestors' territorial range which has since been altered with the influx of "westernization," wage labour, and the school system. Don Balsillie has also hunted "into the Lutsel K'e area, as far as Artillery Lake, I've hunted caribou and moose."<sup>755</sup>

Don Balsillie and his brother, Clayton Balsillie, hunted mainly from the ice roads built annually by the mines.<sup>756</sup> With the help of skidoos and sleds, Don Balsillie would travel along

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<sup>753</sup> Beaulieu, Gordon. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>754</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 2 - 3.

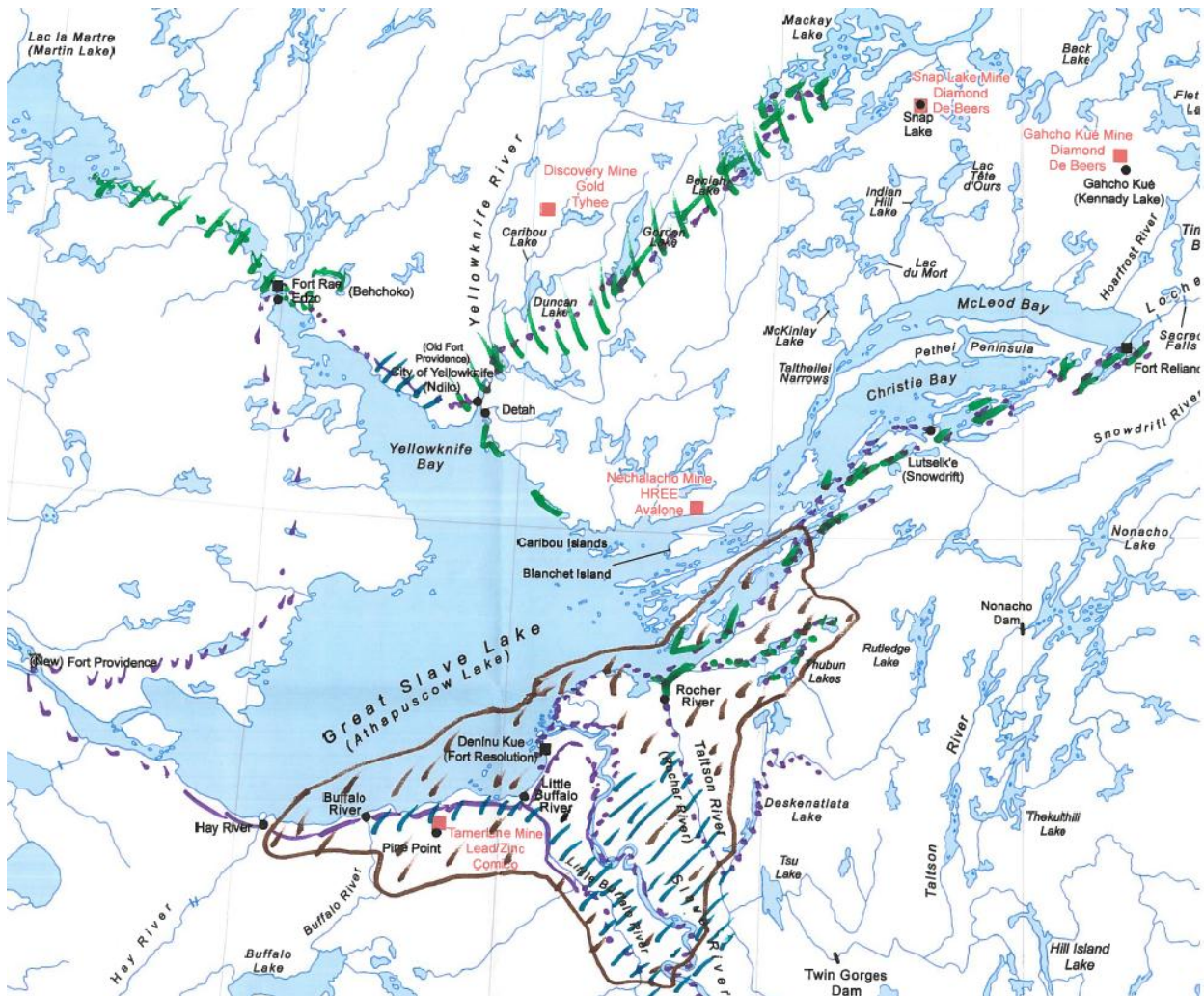
<sup>755</sup> Balsillie, Donald William. (July 17th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 1.

<sup>756</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.



these road at a distance of one to ten kilometers on either side searching for caribou.<sup>757</sup> At night, if there were no cabins in the area, he would tent.<sup>758</sup>

**Map 18: Don Balsillie's various hunting paths for caribou (green) and moose (purple) drawn on August 1st, 2012.**<sup>759</sup>



Clayton Balsillie has done the same. With his truck and skidoo Clayton Balsillie has hunted caribou north, northeast, and east of the lake (see map 19):

**Where did you hunt caribou [in brown]?**

<sup>757</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>758</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

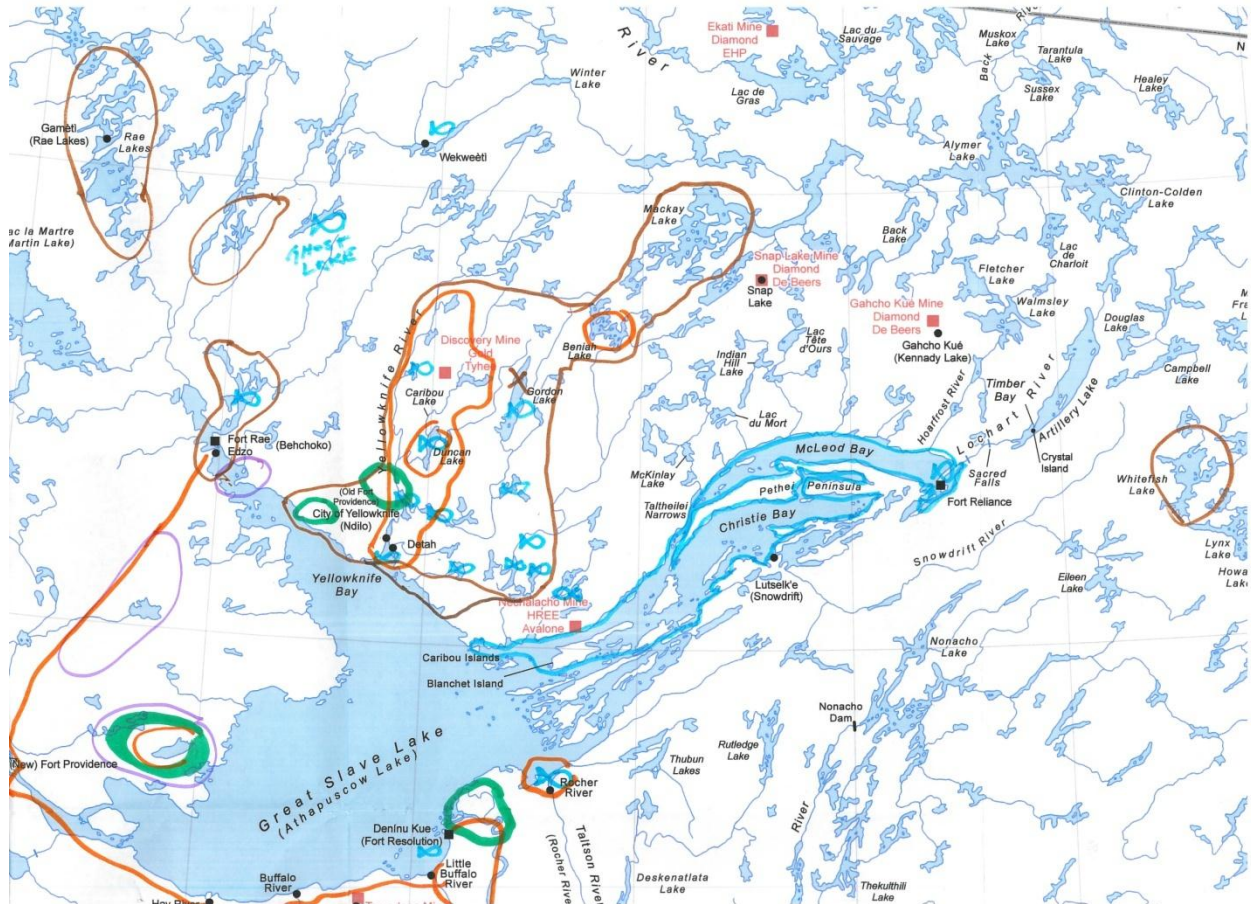
<sup>759</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 8.

Gordon Lake, in the north arm here, all up here by Mackay Lake, up the Yellowknife river system. I've also hunted caribou on Whitefish lake.

**Which herd is it?**

Bathurst Herd.<sup>760</sup>

**Map 19: Clayton Balsillie's hunting map. Blue = fishing sites, brown = caribou, purple = buffalo, green = trapping, and orange = moose.<sup>761</sup>**



Henry King, born in 1925, is now 87 years old. When he was younger he hunted often along the east, north, and west arm of the lake. Like Don and Clayton Balsillie he hunted with both skidoos and sleds. But, unlike Don and Clayton Balsillie, he was hunting before skidoos were introduced in 1959—he didn't have the luxury to choose:

**Where . . . did you hunt caribou?**

<sup>760</sup> Balsillie, Clayton George. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

<sup>761</sup> Balsillie, Clayton George. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

Buffalo narrows, Barren Lands, near Lutsel K'e, lots of little islands, Reliance.

**Where did you go?**

Yes, we went around the lake to Yellowknife and Providence.

**How did you travel?**

By dog team. It was all done by dog team. After we moved to Fort Res, done by skidoo.

**What year did you start using the skidoo?**

1959.<sup>762</sup>

Unfortunately, due to his age, Henry King is now unable to hunt. However, the system described above, in which younger DKFN members bring back meat for the elders (as discussed by Gerald Norn on page 251, George Larocque on page 252, Rocky Lafferty on page 252, and by Don Balsillie on page 255), has allowed him to continue to eat caribou meat:

**Do you still eat caribou?**

Yes. If someone hunts it for me. I can't get it myself no more.

**Who gets you the caribou?**

The community goes hunting by plane and passes meat to the elders

**Who goes hunting for the community?**

The young people. As long as you're strong and able to handle your gun.<sup>763</sup>

The transition (as described above by Henry King), from dog team, to skidoo, to trucks and ice roads, occurred in the span of 30 years between the late-1950s/early-1960s and the 1980s—and between the generations of Henry King and George Larocque. Rocky Lafferty's multiple hunting expeditions have spanned this shift (map 20):

**Where on the map did you hunt the caribou [his truck route is drawn in purple on map 20]?**

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<sup>762</sup> King, Henry George. (July 15th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 1.

<sup>763</sup> King, Henry George. (July 15th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

We hunted around Gameti, where we hunted caribou . . . I hunted north of the lake.

**What did you hunt?**

Caribou, that's all I've hunted on that side

**From what herd?**

the Bathurst herd

**How did you get there?**

We went with pickups, then when we went off the ice road we used snowmobiles.

**What roads or trails did your grandparents take to access those same herds?**

They did it by dog team.

**Tendah:** In the olden days it was dog team . . .

**Can you describe a dog sled?**

Ya, I remember them. I broke trail for them. That was in my earlier years out in the wilderness. I was about 10 or 11. My grandfather, Victor, he was trapping and we were working with snow machines. We also had dog teams. He chose his grandson with the longest legs to break trail.<sup>764</sup>

Gabriel Lafferty and his son Rocky Lafferty then discussed how common dog teams were in the past:

**Gabriel:** One dog team to each family. The whole community had dog teams, each family.

**Rocky:** Everybody used to cross the lake meet up at Yellowknife, Hay river. There were dog trails all over.<sup>765</sup>

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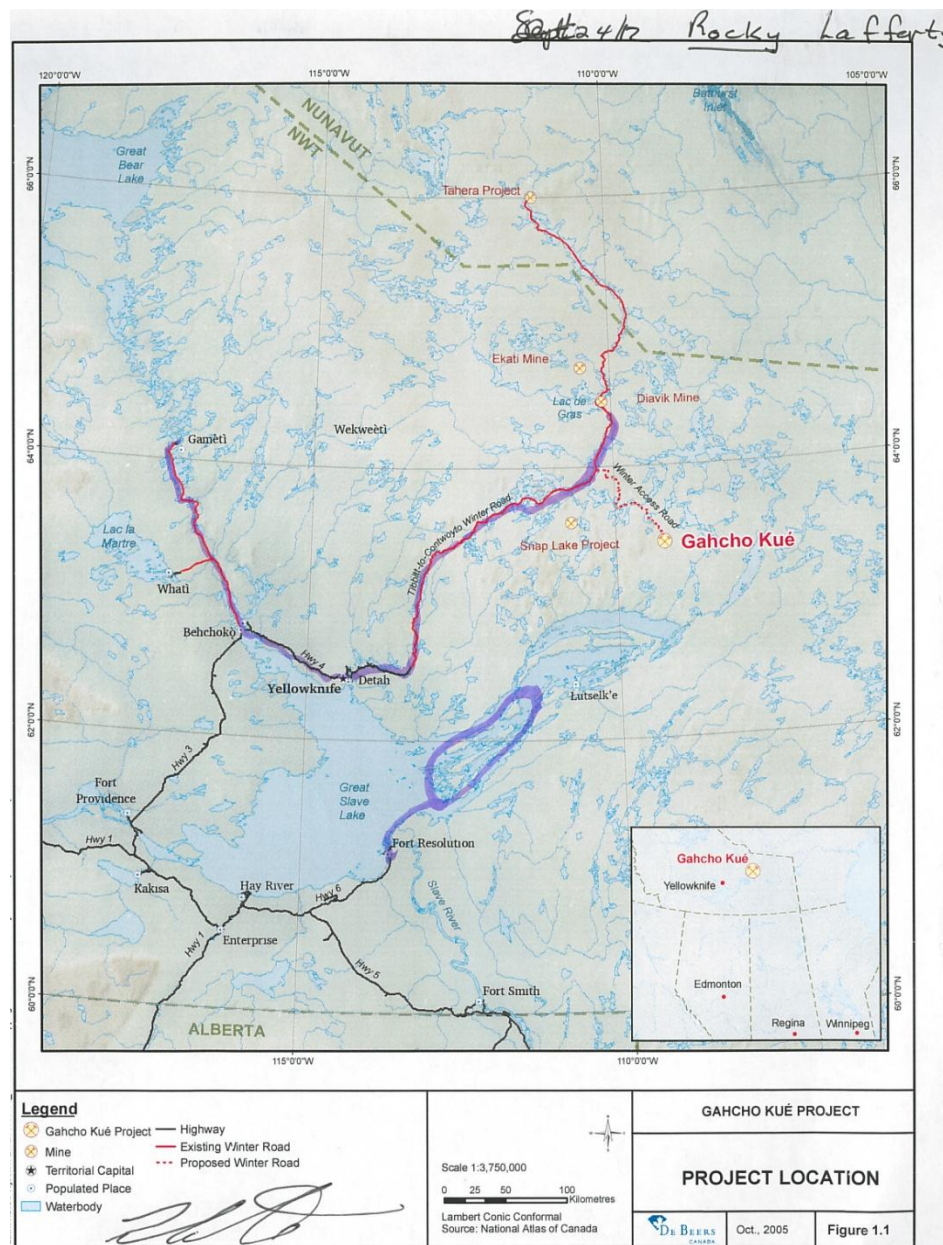
<sup>764</sup> Lafferty, Frank "Rocky," and Tendah Lafferty. (September 24th, 2012). In Frank "Rocky" Lafferty. Unsworn Statement. Justin Fritz's Interview Notes. p. 1.

<sup>765</sup> Lafferty, Frank "Rocky," and Gabriel Lafferty. (September 24th, 2012). In Frank "Rocky" Lafferty. Unsworn Statement. Justin Fritz's Interview Notes. p. 2.



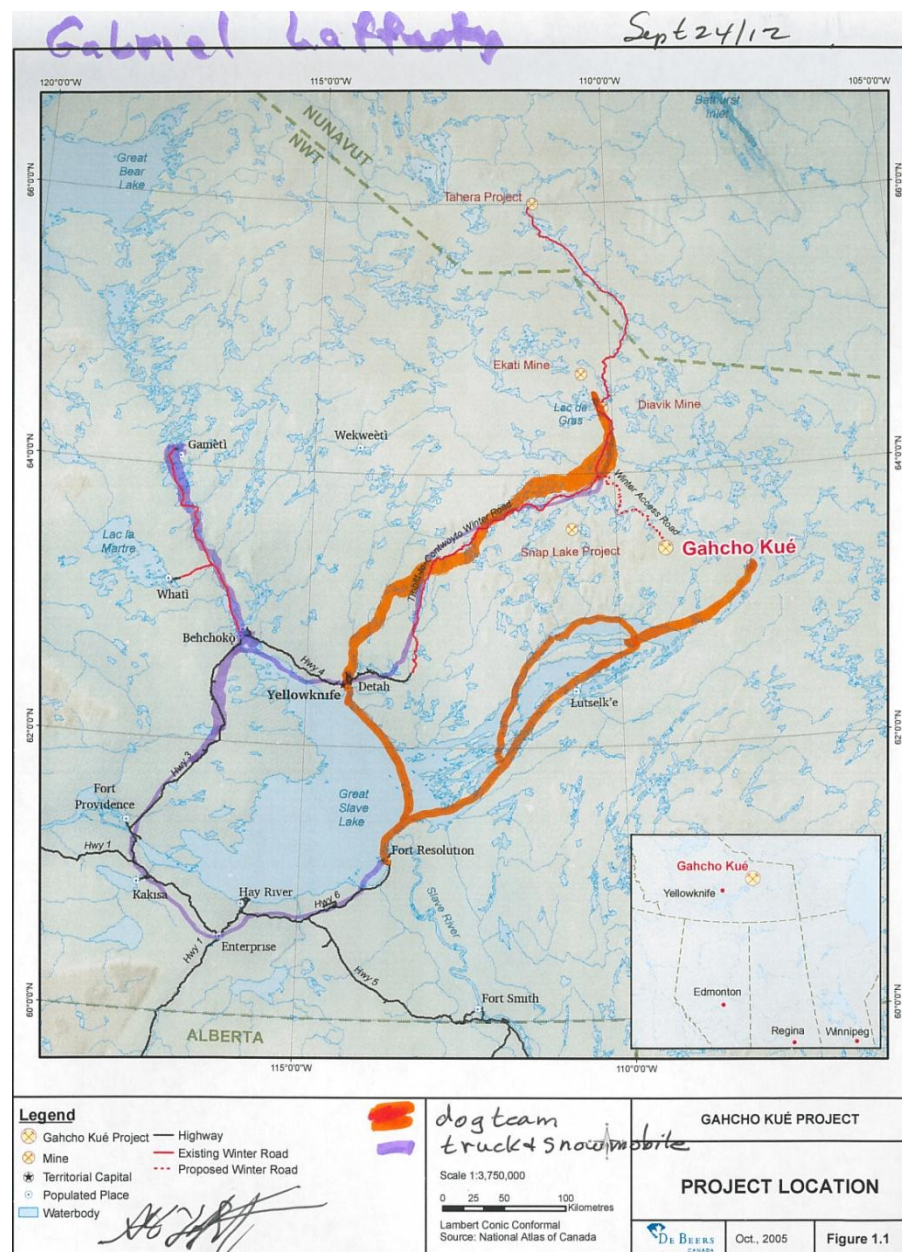
Gabriel Lafferty drew both his dog team hunting routes and his ice road routes (map 21) in contrast to the map of his son, Rocky Lafferty

**Map 20: Rocky Lafferty's caribou hunts (in purple) along the ice roads (in red).<sup>766</sup>**



<sup>766</sup> Lafferty, Frank "Rocky." (September 24th, 2012). In Frank "Rocky" Lafferty. Unsworn Statement. Justin Fritz's Interview Notes. p. 8; Original map (and others used throughout this report) retrieved from: De Beers Canada: Gahcho Kué Project. (2005). Application Report for the Mackenzie Valley Land and Water Board. Yellowknife, NT. p. 1-3.

Map 21: Gabriel Lafferty's caribou hunt with trucks (in purple) and with dog teams (in orange).<sup>767</sup>



Raymond Giroux described a dog team, its composition, and its advantages over the skidoo. Dog teams do not need gas, and, as Rocky Lafferty has stated, "Dogs never broke down"<sup>768</sup>:

<sup>767</sup> Lafferty, Gabriel. (September 24th, 2012). In Frank "Rocky" Lafferty. Unsworn Statement. Justin Fritz's Interview Notes. p. 9.

<sup>768</sup> Lafferty, Frank "Rocky," and Gabriel Lafferty. (September 24th, 2012). In Frank "Rocky" Lafferty. Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

We use 6 dogs. Before they were different, the dogs used to be bigger. I was born in the 1950s, and they used to just use 3 or 4 dogs. We used to have 60 dogs I remember. We fed them fish or buffalo meat. Always a lot of fish in Taltson. Set a net in winter get a lot of fish: Whitefish, jackfish, pickerels.<sup>769</sup>

So, while out hunting a hunter could gather the materials needed to feed their dogs, unlike with a skidoo. David King-Beaulieu stated the proper way to care for the dogs was just as you would for a person. David King-Beaulieu would build little tents for his dogs. As he has stated, "that's all we had before"<sup>770</sup>:

**Tell us about the dog sleds?**

That's all we had before. We used to trap. We set up a camps, we set nets right away, and we would cook for a dogs. We would get spruce boughs and let the dogs in there. They pull you around they do things for you, you got to treat them good. Just like a person. You got to treat them good.

**What about for you?**

A canvas tent, 12 by 10, sometimes we use spruce bough. just for overnight when we hunt or trap. or we set up a main camp and trap out in lines. We would trap by Thubun lake at our cabin [red dots on map 16, page 267].<sup>771</sup>

Gabriel and Rocky Lafferty further noted the differences between skidoos and dog sleds which they recognized above:

**What did you feed them?**

**Gabriel:** Fish meat.

**Rocky:** Kind of depends on what you're doing, because you couldn't carry their food because it's heavy . . .

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<sup>769</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 6.

<sup>770</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>771</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

**Could you go further with a dog team than you could with a skidoo?**

**Gabriel:** In the long term, yes.

**Rocky:** With skidoos you have to carry all sorts of stuff. We used to just travel with meat, lard, and dried tea. Dried meat. Sometimes salt.<sup>772</sup>

David King-Beaulieu has made a similar statement. Not only does he state that a dog team can travel further, he also notes that skidoos scare animals away. Skidoos may be faster and allow for easier hunting day trips, but in the end you will see, and thus kill, fewer animals:

**What was better for Long distances?**

Dogs, you don't have any gas, you don't need anything. The exhaust also scares the animals away. You have to get away from your skidoos.<sup>773</sup>

Also, as Clayton Balsillie has stated: "You could fall asleep on your dog sled."<sup>774</sup> However, through the 1950s, 1960s, and 1970s skidoos began to make their way into the community. Clayton Balsillie noted this shift:

**Did you use dogs?**

Ya, as a kid we'd hook up the dogs to go to the Bay. You'd see other dog teams hooked up to get their groceries. All the way from Res. In the early 70s you get the first skidoo, the Bombardier, they replaced the dog teams.<sup>775</sup>

These skidoos, as described by Raymond Giroux, were "pretty solid," but he has stated that today's modern engines allow for much more economical travel:

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<sup>772</sup> Lafferty, Frank "Rocky," and Gabriel Lafferty. (September 24th, 2012). In Frank "Rocky" Lafferty. Unsworn Statement. Justin Fritz's Interview Notes. pp. 2 - 3.

<sup>773</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

<sup>774</sup> Balsillie, Clayton George. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>775</sup> Balsillie, Clayton George. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.



Pretty solid. They were straight steel, the skis were wooden, about 6 feet long. They have better machines now. Now you can buy a 1000, 1200 machine. It used to be 12 hp.<sup>776</sup>

This statement runs counter to that of Rocky and Gabriel Lafferty (on page 126) where they state that a dog team is more efficient for long distance travel. However, in terms of speed, the skidoo is unmatched. Raymond Giroux, with his skidoo, is able to turn a hunt near Lutsel K'e into a daytrip:

We went to Lutsel K'e with my dad. I went to Artillery Lake about half way up the lake. I caught 7 caribou by skidoo. I was alone. I could go from Snowdrift and back in the same day.<sup>777</sup>

Born in 1943, Solomon King is now 69 years old. Like Henry King, Gabriel Lafferty, and Raymond Giroux, he saw the transition from dog team to skidoo. In the 1970s Solomon bought his first skidoo and used it for hunting. During this time he primarily hunted caribou along the east arm near McLeod Bay and Artillery Lake:

**What's the farthest north you've been hunting?**

[Solomon:] McKay [Mackay] Lake, Gordon Lake.

[Wayne:] All the way around toward Yellowknife. A few kilometers north of Gordon Lake is the treeline.

[Solomon:] We used to hunt along here (the north side of McLeod Bay).

**How did you get to Artillery Lake?**

[Solomon:] Skidoo. With dogteam before.<sup>778</sup>

In the winter of 1982 the Tibbit to Contwoyto Winter Road was first constructed. With this advance into the region, DKFN members could drive their trucks to Yellowknife and continue along into the Barren Lands with relative ease after freeze up. Raymond Giroux has noted the

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<sup>776</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 6.

<sup>777</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 5.

<sup>778</sup> King, Solomon. (July 17th, 2012). Statutory Declaration. p. 2.

advantages the ice road gave hunters during freeze up (from "around Halloween: November 10th") to spring and the thaw<sup>779</sup>:

I'm going to go out to Rae Lakes this winter for a hunt. I could drive right to Rae Lakes to hunt rather than skidoo out to Artillery Lake. Hottah Lake that's where they go to. We got half way there from Rae Lake.<sup>780</sup>

Dolly Simon's husband, Raymond Simon, also travelled east of Great Slave Lake and onto Artillery Lake (map 22). On his hunts he took their son—Dexter Simon:

**Where did your husband hunt caribou [in green on map 22]?**

They would hunt at Artillery Lake, we went to Whitefish Lake, Thor Lake, Nonacho Lake, He brought our son.

**What's his name?**

Dexter. They even went on this side. Up to Rae. They also went to Christie Bay.

**How old is your son?**

28.<sup>781</sup>

Kevin Giroux's range is extensive. He hunts in the Barren Lands north, northeast, and east of the lake extending into what is now Nunavut (see map 23). In these areas, as he has stated, the caribou are so numerous that their herds are mistakable for brown islands on the ice, even in the winter:

Sometimes we'll go through the lake area, down through the island, by Drybones Bay, you'll cross Francois Bay, and Francois River. We'll keep on going out into Big Narrows, there's so much current in that area you have to be very careful. This is where we do our hunting in McLeod Bay. This is all in the winter. Sometimes we go along here into Christie Bay, and into Artillery Bay. We go down

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<sup>779</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

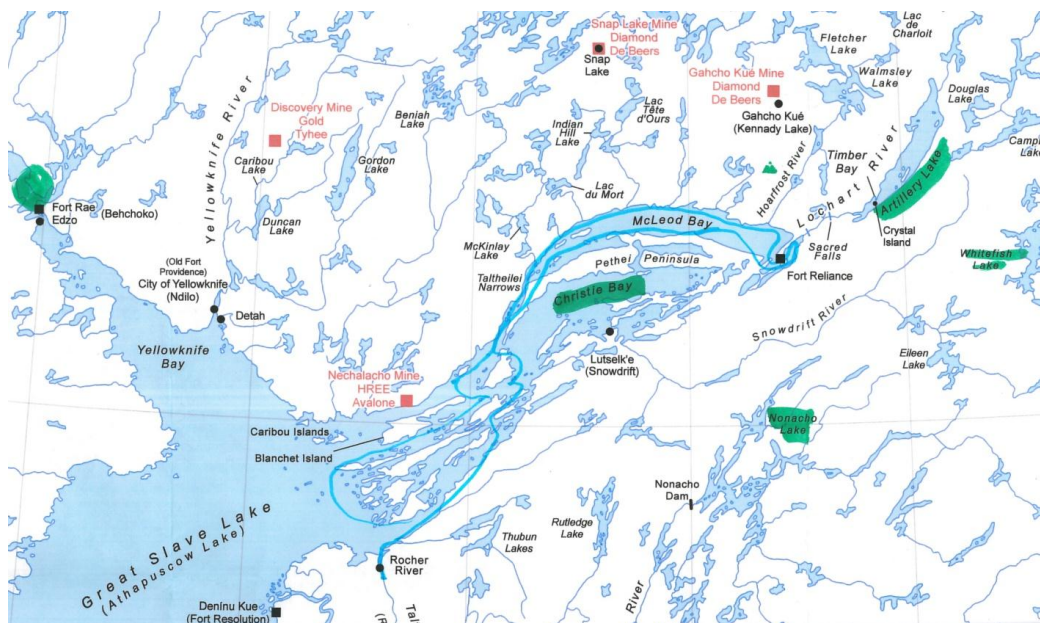
<sup>780</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 7.

<sup>781</sup> Simon, Therese ("Dolly") Georgina. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

Snowdrift River, it's beautiful. This is a big travel. This is days of harvesting. Down to Nanacho Lake, then we'll go back and hit up Pickatooey, and the south shore of the lake, and go through the Simpson Islands. We're going over 180 miles just to Snowdrift, we're looking at a 700 mile trip. The next one, when we go out to Lutsel K'e, we go out to the Barren Lands. We go out from Lutsel K'e and go to Artillery Bay, then Fort Reliance then Artillery Lake, one person on the south shore, one on the north shore, we have little CB radios. Up to Clinton-Colden Lake. We go up the Hoarfrost River, up to Walmsley Lake, off the perimeter off McLeod Bay. Sometimes you're going by on the ice, and you say I don't remember that island. And it's the caribou. They're all huddled together, they leave the land because there's too much noise. They go out onto the ice . . .

We used to hit up all the Contwoyto lake, and to Lac du Sauvage, that would be the edge of the area. up from the top of Mackay Lake.<sup>782</sup>

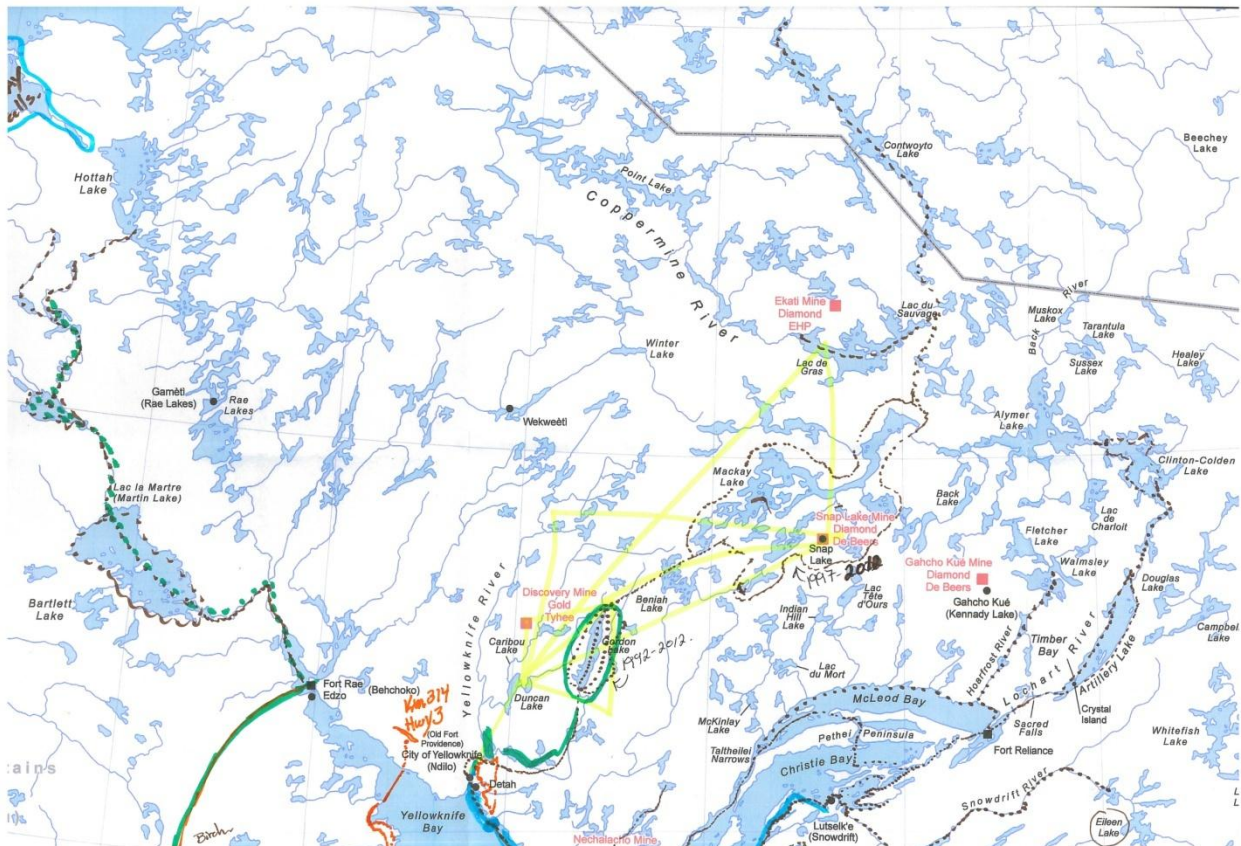
**Map 22: The hunting range of Dolly Simon's husband, Raymond Simon, and son, Dexter Simon. Green = caribou, and blue = fishing.<sup>783</sup>**



<sup>782</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 4 - 5.

<sup>783</sup> Simon, Therese ("Dolly") Georgina. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 5.

**Map 23: Kevin Giroux's hunting range. Yellow = Environmental Assessment Aerial Survey transects for Diavik and Ekati, brown = caribou, orange = trapping, blue = fishing, and green = moose.**<sup>784</sup>



Further, Kevin Giroux mentioned hunting caribou at specific mine sites and the years in which he visited the areas:

**Can you draw where you hunt caribou [drawn in brown on map 23]?**

I would depart right here: Yellowknife area. You go down below the lake systems, hit up Prosperous and Pontoon. We go up to Gordon Lake, It's one of the best hunting areas around, there's a massive amount of caribou, we come up through here, to Bathurst Inlet, and to Snap Lake. I was raised by Hewey Arden, he's the one who took me out on the land, he's a great prospector, and ice road maker. I went out on the land with him for months at a time. He was my mentor. He brought me up toward Mackay Lake, that whole area, by Snap Lake.

<sup>784</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 7.

**When did you used to hunt there?**

MacKay Lake, it was 1997 to about 2012. In the Gordon lake area, we went from 1992 - 2012.<sup>785</sup>

George Larocque, Kevin Giroux's father, continues to hunt caribou on the east arm of Great Slave Lake, and, as mentioned earlier, gives some of his kill to the elders (e.g. Solomon King and Henry King). He also hunts further north toward Lac de Gras much like Kevin Giroux, Solomon King (in his younger days), David King-Beaulieu, Gabriel Lafferty, Rocky Lafferty, Clayton Balsillie, Don Balsillie, Jerry Sanderson, and Gordon Beaulieu:

**How often do you go out to hunt?**

All fall, all of winter. During that time we hunt the moose. And caribou we hunt twice a year.

**Where do you go?**

Up towards Snowdrift, we take the winter road to Lac de Gras up towards Gord[o]n Lake area . . . we also go to Lockhart Lake.

**How many caribou?**

We try to get at least 10 each.

**Which herd?**

Bathurst.<sup>786</sup>

On another trip George brought a young man, named Dean Apagana, to his usual hunting place by Snare Lake (north-east of Great Slave Lake) to teach him to hunt. The next year, George had to hunt further west near Lac la Martre where "most of the people who hunt . . . are the Dogribs" because of the 2010 ban on hunting barren-ground caribou north of the lake (to be discussed in more detail starting on page 312).<sup>787</sup> On that trip they got 14 caribou:

Dean Apagana . . . 15 years old came with us. We went to Indian Lake, over towards Snare [Lake]. That's where I like to go; less traffic, less people . . .

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<sup>785</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>786</sup> Larocque, George Kenneth. (July 15th, 2012). Statutory Declaration. p. 1.

<sup>787</sup> Larocque, George Kenneth. (July 15th, 2012). Statutory Declaration. p. 2.

That's where I used to go. But this year, as soon as the road was open—the last week of January—I had to go to Lac la Martre. Me and my step brother Jackie [Burke] we drove up to Lac la Martre, left our truck there, unloaded two sleighs, two skidoos, it was 40 below, 2:30 in the afternoon. Found a place to leave the truck. Went across the lake to find a cabin before dark. We had to find our way with a skidoo trail. It took 3 hours. To the far end of the lake, we found a cabin. At the north end of the lake. Next day we went inland a little ways and got some caribou at Grandin lake. We spent two days out there. There was no one else in there. We got fourteen caribou that day, and then the next night, we ended up back at the little cabin. And then the next day we headed back to Lac la Martre.<sup>788</sup>

Raymond Giroux, instead of hunting west as George Larocque has, hunted further east as a result of the ban. Without the benefit of an ice road, Raymond Giroux hunts caribou, white wolf, wolverine, and foxes, all on the east arm of Great Slave Lake in the Barren Lands with his skidoo and sleigh:

**Where else did you hunt moose?**

Sometimes moose go to Snowdrift, but then I'm hunting caribou so I just leave them.

**Where do you hunt caribou [drawn in green on map 15, page 266]?**

I go to Artillery Lake, I didn't have to go that far but now we have to go to the other end. We didn't used to have to go to the Barren Lands, but now we do. I used to take caribou by Big Narrows. Mackay Lake. Right at the Lutsel K'e airport there used to be caribou all over there. Mackay Lake, Snap Lake. Rae Lakes.

**How do you get there?**

By the winter road. I used to work there by Gameti, the ice road, from Lac le Martre to Rae Lakes I worked there. Same with by Mackay Lake I used to work there at Tundra mine, and went hunting at Snap Lake. I drove there with my truck.

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<sup>788</sup> Larocque, George Kenneth. (July 15th, 2012). Statutory Declaration. pp. 2 - 3.

**When was the last time you hunted at Snap Lake?**

4 or 5 years ago. Before the ban at least. I drove there, there's a road right to it.

**How many people were with you?**

Just me and my brother Velmar.

**Do you take a skidoo?**

We take a truck a skidoo and a sleigh.

**How many caribou do you take?**

We took about 10, just enough to eat . . .

**Did you trap the white wolf?**

I shot a few white wolves. When there's a herd of caribou around they will hang around. They all follow the caribou around. Wolverines and foxes hang around too. They take the food away from the wolves.<sup>789</sup>

As a consequence of the 2010 caribou ban, Raymond Giroux's son also hunts east of Great Slave Lake on the Barren Lands. Cameron Sayine, with his friend Kyle Enzo, ("a week or two" before the interview, which took place on September 25th, 2012), went passed Artillery Lake to hunt caribou and white wolves (in purple on map 15, page 266)<sup>790</sup>:

Some guy from Lutsel K'e just goes passed the boundary on Artillery Lake and kills a few caribou. His name is Kyle Enzo. My son went back with them. He phoned me last night. They got a bunch a week or two ago . . .

My friend Kyle shot 58 white wolves in the Barren Lands and sold them. Kyle Enzo. They're out hunting him and my son. He shoots a lot of wolves.<sup>791</sup>

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<sup>789</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 4 - 5 & 8.

<sup>790</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 7.

<sup>791</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 7 & 8.

Martha Beaulieu also hunted near Lutsel K'e (Snowdrift) along the ice roads.<sup>792</sup> During a hunt with her son Bobby and her nephew Jonathon they brought along skidoos thinking they might have to use them, but the caribou were so close to the road the skidoos were unnecessary.<sup>793</sup> Instead, they used snowshoes: "We're real bush people."<sup>794</sup> On that particular trip her kill count was seven:

**Where did you hunt caribou?**

Around Snowdrift. I drove all the way to Yellowknife to get caribou on the ice road and almost all the way to the mines.

**How many caribou did you get?**

I got 7.<sup>795</sup>

Carol Collins, with her husband Donald Beaulieu, has hunted on the north side of Great Slave Lake on Gordon Lake. They also hunted along the south shore near Lutsel K'e. With the ban, however, they no longer hunt near Gordon Lake. They do continue to hunt along the south shore travelling as far as Snowdrift:

I go by Snowdrift to hunt caribou and if I see a moose we harvest it for our community. I also hunted at Gordon Lake, I got 15 caribou with Donald.

**Where else have you hunted caribou [in orange on map 24]?**

In this area, it was in Gordon Lake with Donald where we got 15 this time. CBC or APT took a film of me loading them into the truck. The mining trucks were whizzing past us while we were there, as we loaded the trucks with about 3 or 4. That was about 10 years ago.<sup>796</sup>

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<sup>792</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declaration. p. 1.

<sup>793</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declaration. p. 1.

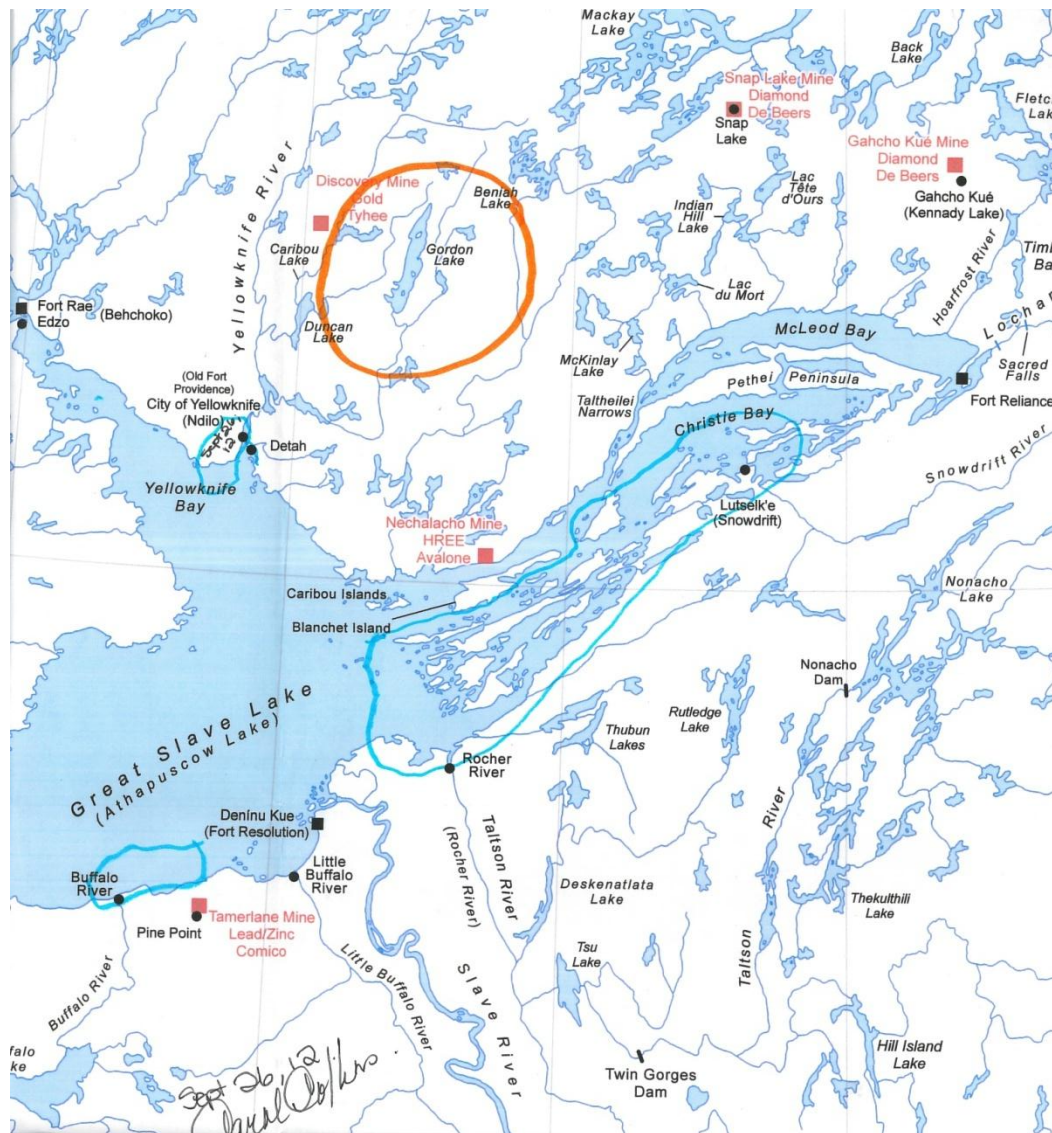
<sup>794</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declaration. p. 2.

<sup>795</sup> Beaulieu, Martha Doreen. (July 17th, 2012). Statutory Declaration. p. 1.

<sup>796</sup> Collins, Carol Margaret. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.



**Map 24: Carol Collins' and her boyfriend Donald Beaulieu's hunting range. Orange = Caribou, and blue = fishing.**



As a DKFN woman in the 21<sup>st</sup> century, Carol Collins has insight into the worlds of both hunting and preparing the animals. When asked, "How do you make dry meat?" Carol replied:

I'll get a little piece of meat and split it down the middle and carve it thin like a blanket. Try not to make it too thick. I do it thin so I can dry it. I like to smoke it as I dry it. I like it without the smoke too. It still tastes good. I usually hang it on these little racks that I make. Some people use baby crib slats.

**What types of meat do they use?**

Everything, they eat the guts, the heart, the kidneys, liver, everything, the head. The only thing they don't eat is the hooves. Like rabbits, they eat the brains.<sup>797</sup>

This reference by Carol Collins to eating the entire caribou is similar to statements by Chrissy Lafferty (on page 270) in which she said that she eats "everything on the caribou, even the guts," and other DKFN members (on pages 269 - 270) which describe how the hides and other parts of the caribou are used for purposes other than mere consumption.

While Carol Collins and Donald Beaulieu dropped fifteen near Gordon Lake, Eddy Lafferty shot twenty-one on one trip to Brown Lake just north of Gordon Lake:

I remember one time we passed Brown Lake. Couldn't find any caribou. But on our way back, we saw some around Brown Lake. I noticed there was old camp there, by Brown Lake. We took 21. It was me and Brad King.<sup>798</sup>

In comparison to Martha Beaulieu's 7, George Larocque's 10 and 14, Carol Collins' and Donald Beaulieu's 15, and Eddy Lafferty's 21, Rocky Lafferty killed 51 on his skidoo in one day, working with other community members from sunrise to sunset:

We travelled on snowmobile sometimes for caribou. The east arm of the lake. We went towards McKay [Mackay] lake, out where the mines are. We went out with trucks, filled up our pick up (with caribou) then came home.

**How many people?**

A couple of trucks, as much help as we can. One day we got 51 (caribou) and we were there from sun up to sun down. We would do it like a community hunt.<sup>799</sup>

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<sup>797</sup> Collins, Carol Margaret. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

<sup>798</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. pp. 2 - 3.

<sup>799</sup> Lafferty, Frank "Rocky." (July 16th, 2012). Statutory Declaration. pp. 1 -2.

David King-Beaulieu has hunted caribou both north and east of Great Slave Lake. In the past, with his father, he exploited the northern region taking caribou and trapping along the way. But, since the ban he now mainly hunts east (passed the boundary line) onto Artillery Lake:

**Where do you hunt caribou [in brown on map 16, page 267]?**

My dad took me out hunting all this way. Here, Beniah Lake, in the German Cross [circled in black pen], at the end of Artillery Lake. Snap Lake. Aylmer Lake. You got to go a long ways for caribou, 3 or 4 days. Last winter I went all the way to Lutsel K'e, to Reliance, and then to here, Artillery Lake.

**What was your trail?**

I hunted in Mackay lake. We used to have another road off Mackay Lake, a dog team road, up toward Beniah Lake, and then toward Aylmer Lake.<sup>800</sup>

Dave Pierrot, Mary Pierrot's son, recalls hunting north of the lake during the winter 1984. He travelled, with his two grandfathers toward Brown Lake to hunt caribou:

When my grandfather was still alive in '84, Raymond Simon, myself, and my grandfather Mandeville used to harvest in Brown Lake [north of Gordon Lake]; [we] used to hunt caribou and it would be -40° and we would use the warmth of the caribou to keep our hands from freezing and drop another couple further on. I was 20 years old.<sup>801</sup>

Dave Pierrot, at that time, was hunting without the advantage of the ice roads. Scott Lafferty, Rocky Lafferty's son, has stated that the caribou are always roaming along the sides of these ice road. This observation corresponds with the statements (to be discussed later) made by Gordon Beaulieu (on page 306), Eddy Lafferty (also on page 306), and Carol Collins (on page 304; see map 28, page 305) in which they state that the mines annually build the roads along traditional caribou trails:

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<sup>800</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>801</sup> Pierot, David. (July 15th, 2012). In Mary Christina Pierot. Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 2.

**Where do you hunt the animals?**

Simpson Islands, with my grandfather. I went out to the mine . . . probably Lac la Gras. It was the first mine [site] we pulled up to (Same route as the father)[.] The caribou are always by the ice road, along the side.<sup>802</sup>

Mary Pierrot and her son Dave Pierrot, while discussing the caribou harvest listed all the people who had been out in the past season (during the summer of 2012):

All the people from Res go to the Barren Lands to hunt white fox. Everybody in those days went out hunting white fox and harvesting caribou . . . Every year we used to get caribou.

**David:** Out there this past harvest season Chrissy Lafferty [Gabriel's daughter] was out there harvesting. Sam Lafferty was out there as well, and Frank Rocky Lafferty.

**Mary:** Jerry King was out there.

**David:** Catherine Boucher was out there too and Georgina Biscaye. Roy King was out there. M. Petit is an old man, he was out there.

**Mary:** Henry Calumet was out there and Pete King and Freddy King. They used to stay out that way. And, Don Edjericon, he was out there too . . . Mike King, he harvested in that area—he was fishing, that was [with] Leo King.

**David:** Gab Lafferty got charged for hunting and his son too.<sup>803</sup>

Chrissy Lafferty (Gabriel Lafferty's daughter and Rocky Lafferty's sister), as David Pierrot stated, was, in fact, hunting in the Barren Lands over the past season. As indicated in her previous quote (on page 250), she has been hunting caribou around, and past, Fort Reliance since she was seven years old. When asked "where did you hunt in the past few years?" Chrissy answered:

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<sup>802</sup> Lafferty, Scott. (July 16th, 2012). In Frank "Rocky" Lafferty. Statutory Declaration. p. 2.

<sup>803</sup> Pierot, Mary Christina, and David Pierot. (July 15th, 2012). In Mary Christina Pierot. Unsworn Statement. Linda Vanden Berg's Interview Notes. pp. 1 - 2.

We went out by Artillery Lake, along the treeline. We went out onto the Barren Lands. It's true about your spit freezes before it hits the ground.

**What time of year did you go?**

March 2012.

**How many caribou did you take?**

Our first trip we took 18 caribou back. We went back in April with my common law [Arthur Beck] . . .

**What did it look like? How many caribou were there?**

About 400. But, that wasn't the really big herd. We saw musk-ox out there. Over the hill there were thousands.

**How did you and your common law [Arthur Beck] get there?**

Skidoo.

**Did you have a sleigh?**

Ya. The longest 29 hours of my life. Just to get one way. We took two skidoos out . . . We travelled a day to where we set up camp, then we travelled two more hours and hunted on the Barrens.<sup>804</sup>

Chrissy Lafferty marked her hunting and fishing range on a De Beers Gahcho Kué Project Location map (see map 25). On a regular basis she would fish around Fort Resolution, but she would also fish "up by Reliance too when we're out hunting" (note the light blue dots at the east end of McLeod Bay and on the Taltheilei Narrows on map 25).<sup>805</sup>

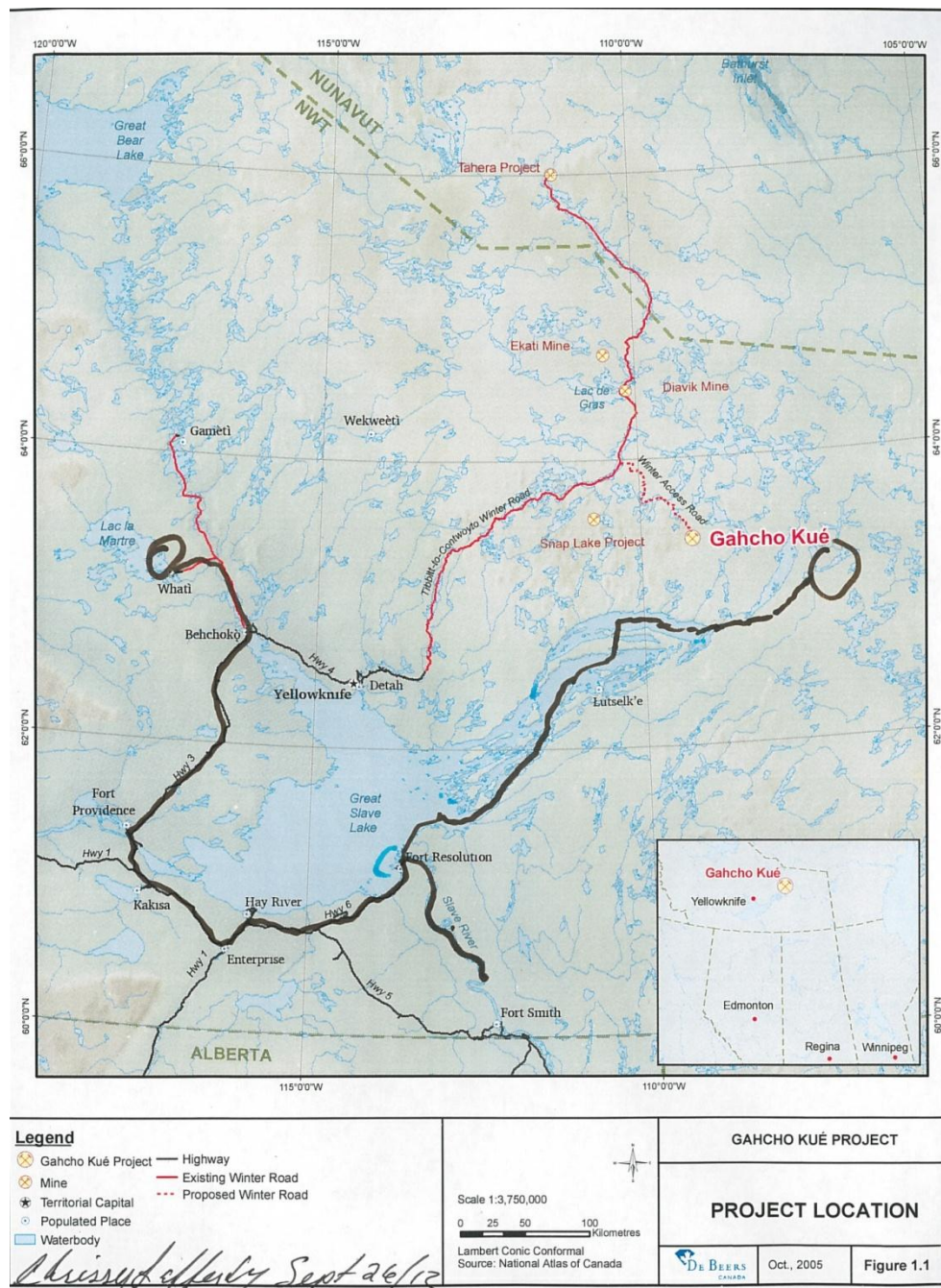
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<sup>804</sup> Lafferty, Chrissy Gail. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 2 - 3.

<sup>805</sup> Lafferty, Chrissy Gail. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.



**Map 25: Chrissy Lafferty's hunting and fishing range. Brown = caribou, and blue = fishing.**<sup>806</sup>



In each of these scenarios the DKFN are hunting caribou on the Barren Lands. However, as Gordon Beaulieu has stated the caribou occasionally "come down, sometimes all the way to

<sup>806</sup> Lafferty, Chrissy Gail. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 5.

Saskatchewan."<sup>807</sup> But, as Eddy Lafferty recalls, focusing on the effects the mines have had on these migrations, they rarely come south anymore:

Caribou, they migrate throughout the lake. Some years they come up to Taltson Bay, about 10 years ago. But it's never come back there since then, I don't know what's going on. Maybe it's the shock of the land, through the vibrations on the land, from the explosions. I know the government likes to use climate change a lot on this stuff, but I think it has more to do with man.<sup>808</sup>

Further, as Stan Beck has stated, "[There is] not much caribou unless you went to the Barren Lands."<sup>809</sup> The movement of the caribou away from their traditional migratory routes has been explained most often by DKFN members (as Eddy Lafferty has done above) as the result of the mines and their intrusive activity. These effects will be discussed in more detail later in this report. Some DKFN members have offered other causes for the caribou's movement away from their traditional migratory routes. Rocky Lafferty has stated that the caribou's main food source, the area's lichen, has been lost and thus the caribou have moved north—away from Fort Resolution:

The lichen has been burnt (takes 100 years or so to grow back) in the 1980s forest fire by Rocher River. That's why the caribou don't come back to Rocher River no more but they used to.<sup>810</sup>

## Fishing

These same areas were also used for other purposes (as indicated by Chrissy Lafferty on page 293). Paul Boucher Jr. has fished more extensively than he has hunted caribou. His fishing range extends from Rocher River and the Caribou Islands on the south and north of the lake respectively to the eastern end of McLeod Bay (map 26). He stated:

I have fished all over the Great Slave Lake [marked in blue] - jackfish, trout, walleye [a type of pickerel] - [with] Fishing rods, [and] nets.<sup>811</sup>

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<sup>807</sup> Beaulieu, Gordon. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

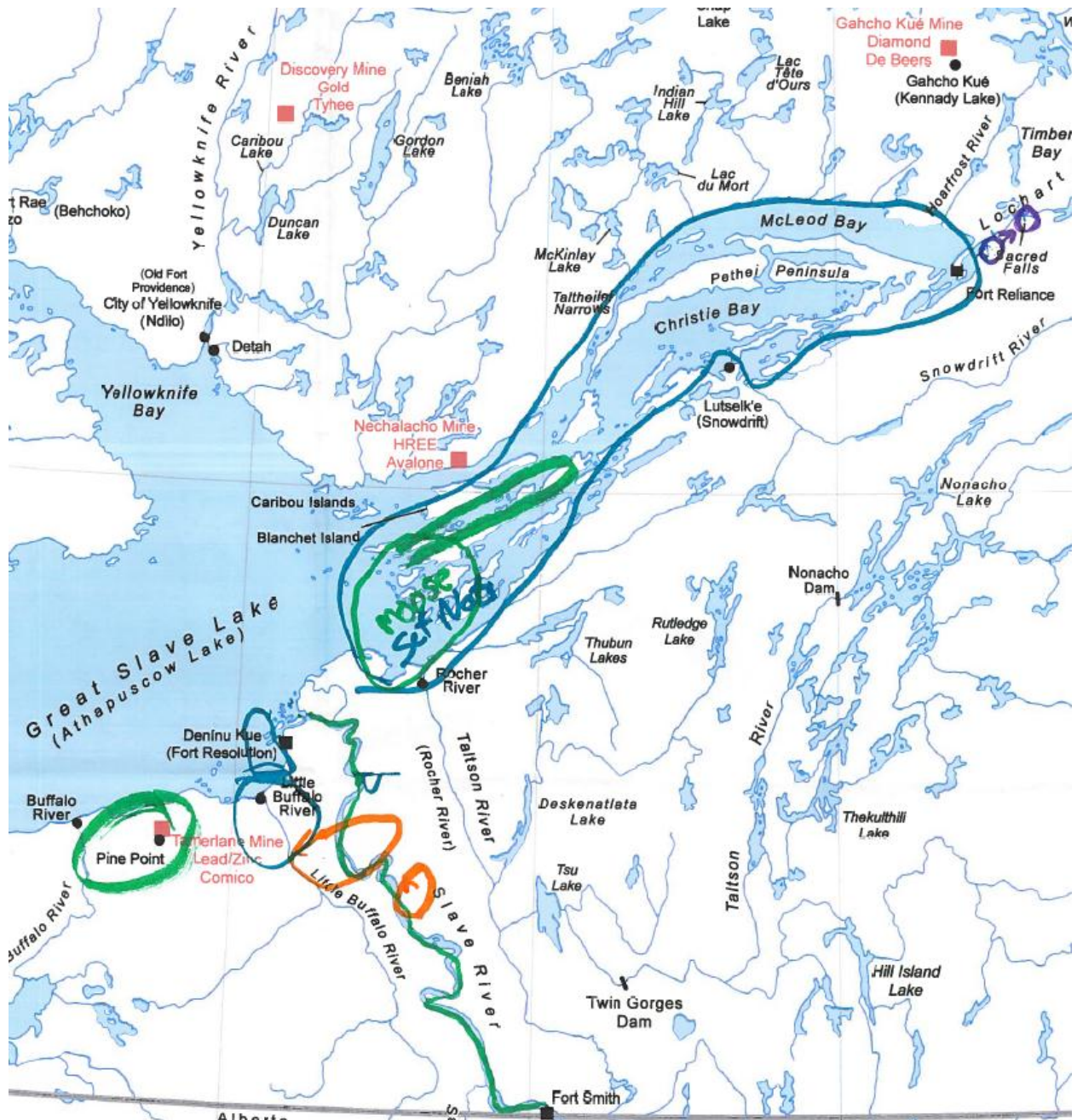
<sup>808</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

<sup>809</sup> Beck, Stan. (July 15th, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 3.

<sup>810</sup> Lafferty, Frank "Rocky." (July 16th, 2012). Statutory Declaration. p. 3.



Map 26: Paul Boucher, Jr.'s fishing ranges in blue, moose hunt in purple, trapping in orange, and "Old Lady Falls" in purple.<sup>812</sup>



Solomon King also fished "all the way through Great Slave Lake" year round when he was younger. Much like how Paul Boucher Jr., Martha Beaulieu, George Larocque, Henry King, Chrissy Lafferty, Clayton Balsillie, David King-Beaulieu, Dolly Simon, Donald Beaulieu,

<sup>811</sup> Boucher, Paul, Jr. (July 31st, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 1.

<sup>812</sup> Boucher, Paul, Jr. (July 31st, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 3.

Kevin Giroux, Raymond Giroux, Rocky Lafferty, Gabriel Lafferty, and Don Balsillie travel on the east arm of Great Slave Lake for game animals and fish, Solomon King has as well:

I commercial fished all the way through Great Slave Lake, Simpson Island, McLeod Bay.

**What time of year did you fish?**

We started in June when there's no ice.

**When does it start freezing?**

September.

**Did you ice fish?**

Yes, same areas.<sup>813</sup>

Mary Pierrot, her husband Henry, Paul Biscaye, Edward Sayine and his son, and Ernest Paulette and his son Teddy also fished near Snowdrift, and toward McCleod Bay on "East Arm":

**You're on the Barren Lands. Can you tell us what it looks like down there?**

Where we stayed was mostly close to Snowdrift because it was in the fall time . . . It's called East Arm that place . . . Everyday we make 100 box to put fish in there.

**So you went fishing?**

Well, Henry goes fishing.

**Did Henry fish in this area here [east arm of McCleod Bay]?**

Ya, but not only him. Edward Sayine and his son, and my uncle Ernest Paulette and his son Teddy. And every spring they go fishing, and my old man too -- Henry. And Paul Biscaye. They used to be on a fish camp at Marine Bay. I used to make boxes there.<sup>814</sup>

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<sup>813</sup> King, Solomon. (July 17th, 2012). Statutory Declaration. p. 2.

<sup>814</sup> Pierot, Mary Christina. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

The east arm of the lake, on McLeod Bay and Christie Bay, was exploited by Clayton Balsillie. Map 19 (on page 274) shows the extent of his fishing range as he has described it below:

**Where have you fished or hunted [in blue on map 19]?**

I've gone all here, Zig-Zag Lake, I've fished all over the east arm. I've fished in near Wild-Red Bay, by Reliance, all around there, McLeod Bay, Christie Bay, Hearne Channel. I've fished in Yellowknife Bay.

**What type of fish?**

East arm: lake trout, grayling. Taltson: pike and whitefish. North of the lake: lake trout, pickerel. Russell Lake and Slemen Lake: pike and pickerel. Weekweeu and Ghost Lake: lake trout. Fished in Trout Lake for trout. Gordon Lake, and some of the smaller lakes around there.<sup>815</sup>

Dolly Simon, her husband Raymond Simon, and their son Dexter Simon, all subsistence fished on the east arm of Great Slave Lake:

**Where did you go fishing [in blue on map 22, page 283]?**

All the way down to East Arm, back along the north shore and a lot along the Simpson Islands.

**How did you fish?**

By boat.

**What did you catch?**

Trout, whitefish, jacks. Not just with rods, we used nets too. Also at Big Buffalo River. And on Taltson area.<sup>816</sup>

David King-Beaulieu, stated that he fishes along the east arm of Great Slave Lake on McLeod Bay. His map (map 16 on page 267), however, shows a more robust range in his fishing ventures. He has travelled the extent of all three arms (west, north, and east):

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<sup>815</sup> Balsillie, Clayton George. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 1 - 2.

<sup>816</sup> Simon, Therese ("Dolly") Georgina. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 3 - 4.

**Show me where you fished [in blue on map 16]?**

I've been up to here, all this part, here it's called Lonely Bay [on the west arm], fished along here. We used to get fish in here in McLeod Bay, it takes us 16 hours to get fish past here.<sup>817</sup>

Raymond Giroux has also fished all along the south and east shore of Great Slave Lake, from Hay River to McLeod Bay (see map 15, page 266). His fishing methods show continuity with the past which, apart from the materials used, is a regular occurrence among DKFN members (Hearne described the exact same netting procedure as seen below):

**Can you tell me about fishing [in blue]?**

. . . I used to fish all summer with my dad. We caught 10 box a day. I used to have to cut them all because my dad had one arm. We set nets.

**What do you catch?**

Whitefish, jackfish, trout, pickerel, losh, mariah, suckers, connies. I fished in Rocher River and the Simpson Islands. We also used to fish on the lake. We take about 20 each and freeze it for the winter. Big whitefish. 4 foot long, 2 foot wide.

**What about in the winter?**

You drill two holes, and string a net between the two holes. We fish all over there from McLeod Bay to Fort Res.<sup>818</sup>

## **Sacred Sites**

Other uses of the region near the Gahcho Kué mine site and Fort Reliance are the gatherings at "Old Lady Falls" (or Sacred Falls) on Lockhart River (as alluded to by Eddy Lafferty on page 260; see maps 25 and 26 and note the purple circles).<sup>819</sup> As indicated by the name, this place is sacred to the Dene in the region. Jerry Sanderson is 49 years old, and he continues to go to "Sacred Falls" year after year (map 27):

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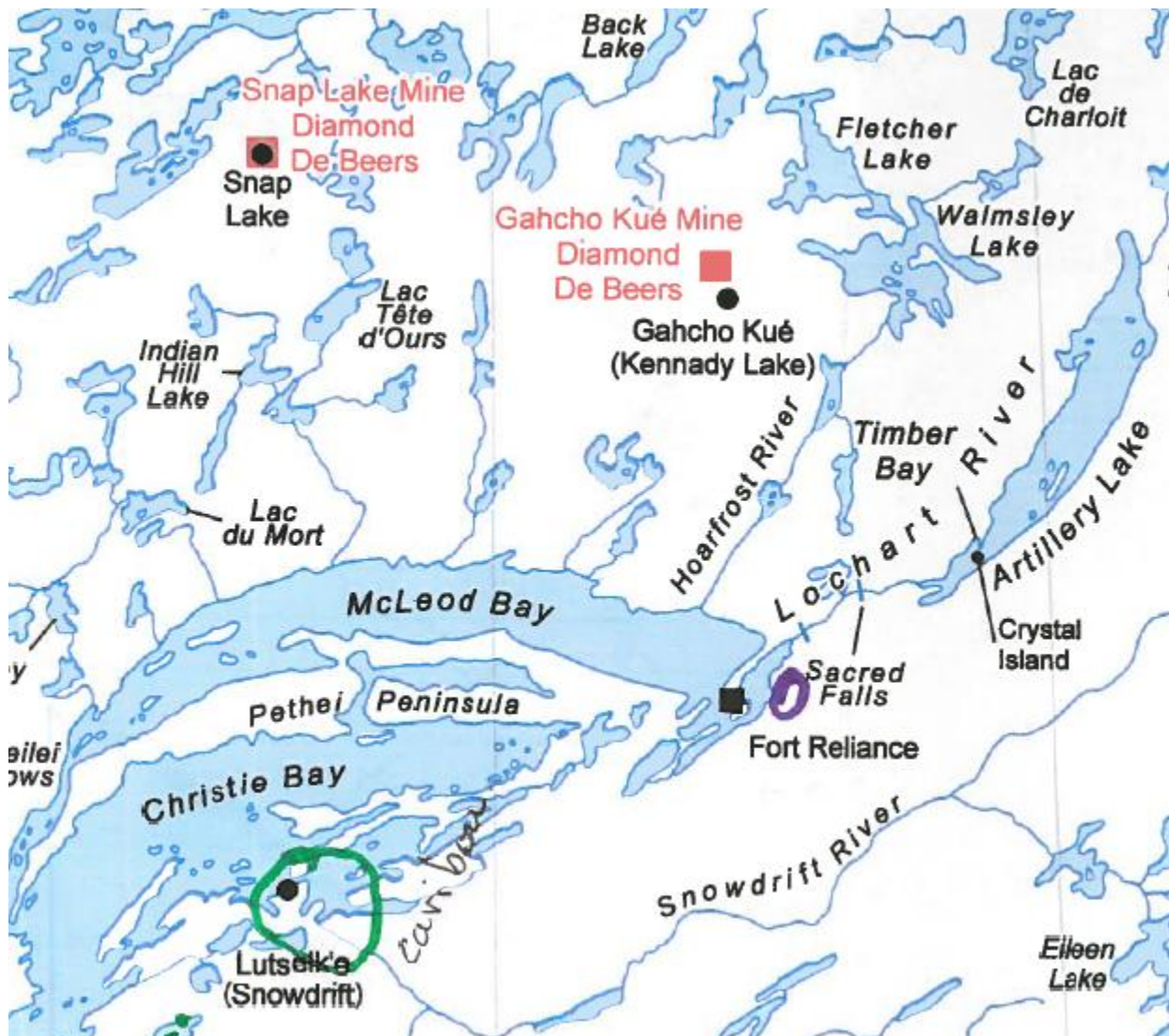
<sup>817</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>818</sup> Giroux, Raymond John. (September 25th). Unsworn Statement. Justin Fritz's Interview Notes. p. 7.

<sup>819</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 1.

Went to Fort Reliance for the traditional gathering every August—  
went by boat. Walk to Sacred Falls. [I] Go there and pray and ask.  
[there is] no hunting and fishing. [It's] by the Lockhart River. [The]  
camp site for the gathering [is] very important to the people.

Map 27: Jerry Sanderson's map which shows the "Sacred Falls" (or "Old Lady Falls) circled in purple.<sup>820</sup>



The Sacred Falls, near Fort Reliance, were also frequented by Raymond Giroux. He travelled there five times with his "20 footer with a 90 [horsepower motor]." <sup>821</sup> Each time he boated, flew, then walked on the land to reach this sacred site:

<sup>820</sup> Sanderson, Jerry Patrick. (July 31st, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 4.

<sup>821</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.



I went to Fort Reliance 5 times with the boat to Sacred Falls.

**What are the significance of the falls?**

We go there to pray. You have to go to Reliance, then you have to jump on an air plane, and then it's another hour walk to the falls.<sup>822</sup>

Paul Boucher, Jr. has also gone to "Old Lady Falls" before. On his fishing map (map 26, page 296) he circled it in purple much like Jerry Sanderson has. Paul Boucher, Jr. recognizes the danger of a mine being located so close to a sacred place dependent on the Lockhart River system:

[I m]ade a couple of trips to Reliance. I went to a couple of the gatherings at Reliance. It is a very spiritual place. The people go visit the Lady of the Falls—about 200 people. The first [time] I ever went was when I was 6 years old[,] 15 years ago. I went by boat all the way. [I u]se to back pack it in the past—walk up there . . . The falls being impacted would be scary. The falls looks like a lady with a dress on.<sup>823</sup>

**The Mines and Their Impact**

These fears of environmental degradation in relation to "Old Lady Falls" are similar to those expressed with regard to the caribou. As alluded to by Eddy Lafferty (on page 295), the DKFN feel that the mines have pushed the caribou further away leaving them with a less fruitful hunt. Eddy Lafferty continues:

[T]hey, the mining companies, ended up ruining my dad's whole trap line. From the explosions. The vibrations going through the ground, disturbs the animals. The vibrations going through the ground scare off the caribou, make them change their migrations. They're kind of lost like now. They've probably got new routes now. I remember caribou coming all the way down this way before.<sup>824</sup>

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<sup>822</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

<sup>823</sup> Boucher, Paul, Jr. (July 31st, 2012). Unsworn Statement. Linda Vanden Berg's Interview Notes. p. 2.

<sup>824</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. pp. 1 - 2.



When asked "Does the blasting bother the caribou?" Raymond Giroux responded

That probably bothers them too, especially in the cold weather. They do blasting and drilling in the cold. They only do it in the cold, because they need the ice to get there . . .

I used to work at Colomac Mine [north of Rae-Edzo] and there were lots of caribou there, by Indian Lake, there aren't many caribou now though.

**What drove the caribou away?**

Since the mines opened, there's less caribou and they have different routes. Probably all that noise.

**What type of noise?**

Probably all the equipment and the noise, and the blasting. They work 24 hours a day.<sup>825</sup>

With these changes, Eddy Lafferty now has to drive much further past Snowdrift than he previously did to hunt caribou:

A few years ago, when they first started to make this highway to the mines [the ice road] we would go on it by truck. But now people are going way past Snowdrift to go out for caribou now. About 2-3 hours outside of Snowdrift. Maybe four hours, five hours. Because they're not coming as close as they used to. You have to go way out on the Barren Lands to get them now.<sup>826</sup>

Raymond Giroux has made a similar statement. He recalled that before the mines opened the caribou were located much closer to Fort Resolution. Now, after the mines have begun their operations, the caribou have retreated deeper into the Barren Lands:

We've been hunting all our lives. We still do hunting now. Before, you didn't have to go to the Barren Lands before the mine opened up. We used to get caribou just out of Taltson. We used to get caribou on Rocher River. But now with the mines they're way out

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<sup>825</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 2 & 5.

<sup>826</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

there. Out there at Artillery Lake . . . The caribou used to be close. I used to only have to go as far as Lutsel K'e. When they opened up the mines the caribou must have changed their routes. They work 24 hours a day and you can hear the equipment a long while away.<sup>827</sup>

He continued citing a connection between the ice roads and the caribou's migratory routes:

**Do the caribou use the ice roads?**

Ya, you see caribou tracks. But lately, last year, he had to go hunting past Rae Lakes because of the ban. He had to go near Good Hope to find them. I bet you wouldn't find them until Mackay Lake. People used to go hunting before that, there used to be all kinds of lakes and people used to hunt before the mine. Even after the mine there used to be lots of caribou even on Gordon Lake, now you won't see a caribou track until you hit Mackay Lake. They got a pretty big lodge in Mackay Lake too. Big tourist camp right in the middle of Mackay Lake. They come from the states.<sup>828</sup>

George Larocque also discussed the impact that the Ekati Mine (located north-east of Yellowknife near the Northwest Territories/Nunavut border) has had on the caribou:

**How do you think the mines impact the caribou?**

It has. They (the caribou) used to come up to the BHP mine, but now they won't come up. But the last 5 years I was up there for 4 – 5 months, and there was no caribou in the area whatsoever.

**What do people think is the cause?**

Sheer amount of activity.<sup>829</sup>

In 2006, Carol Collins worked as a cook in the camp at Gahcho Kué. Her time at Gahcho Kué and Kennady Lake occurred before the first ice road was built into the region when the only route along which to transport materials and people to the mine was via Lockheed C-130 "Hercules" aircrafts.<sup>830</sup> On De Beers' proposed ice road map, Carol drew the caribou migration

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<sup>827</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

<sup>828</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 6.

<sup>829</sup> Larocque, George Kenneth. (July 15th, 2012). Statutory Declaration. p. 2.

<sup>830</sup> Collins, Carol Margaret. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

she witnessed as a cook (map 28). Her observation corresponds with those also made by Scott Lafferty (on page 292), Gordon Beaulieu (on page 306), and Eddy Lafferty (also on page 306):

The way I see it is that industry is coming before the caribou because all that area [the no hunting zone] is all industry, and all this area is also the caribou.

If the camp is right here [Gahcho Kué]. I know the caribou come by here [purple on map 28].

There's little hills by their airstrip and the camp and there's thousands and thousands and thousands on after the other going on their migration route right by the camp. I saw that. Right by Kennady Lake that's where the camp is. You also see a lot of different wildlife there too. Wolverines, foxes.

I was worried about how the animals were going for the garbage at Kennady Lake.

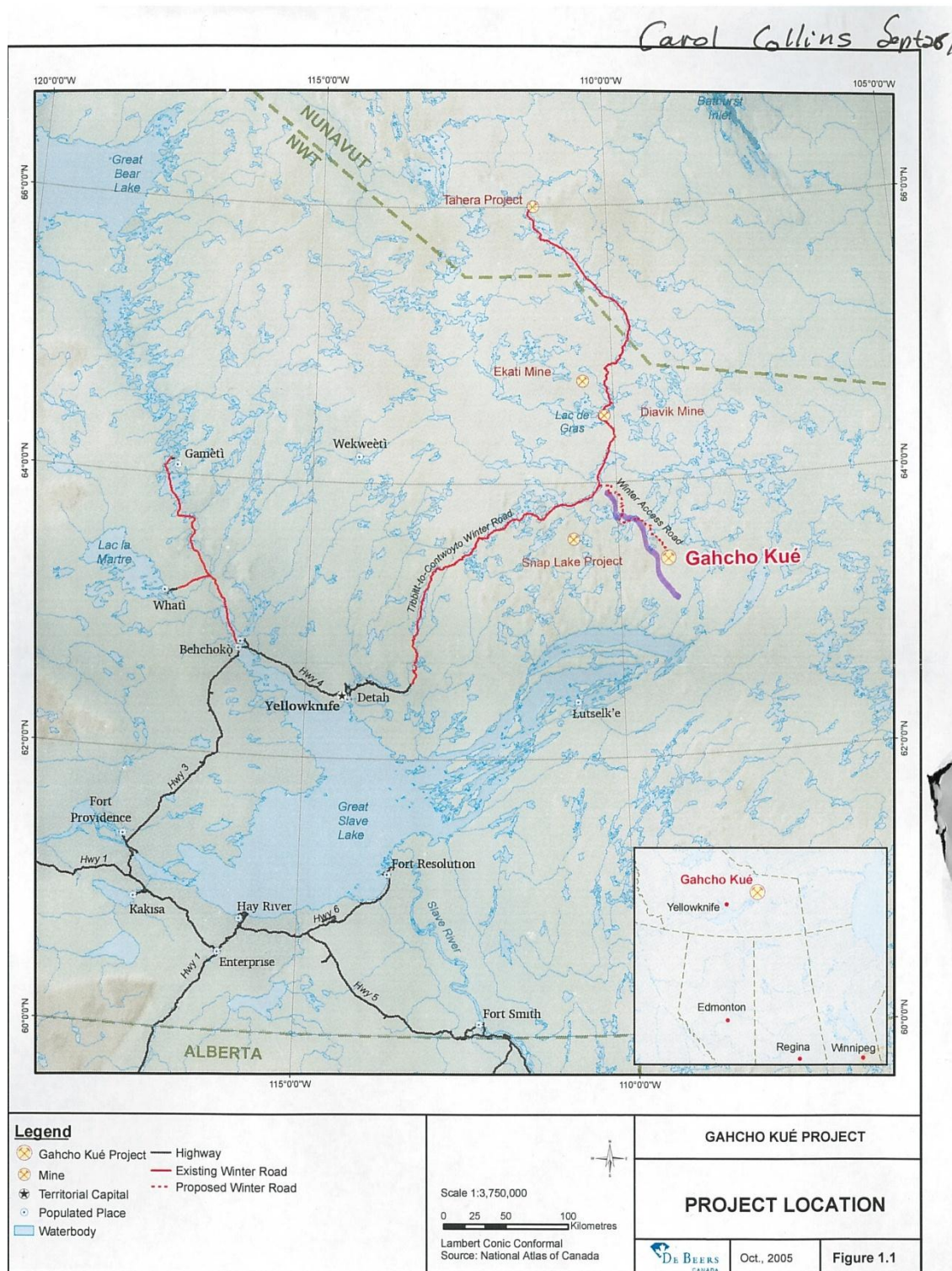
**What year were you there?**

I was a cook. It was about 6 years ago. They had a kitchen and all these little camps with tent frames, when I was there there was two rows and they were building a third. The tents are huge. fit 4 men comfortably. The workers were drilling and they would lose all their tools and bits in the water. They didn't care. It's probably still happening today.<sup>831</sup>

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<sup>831</sup> Collins, Carol Margaret. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 2.

Map 28: Carol Collins map showing the caribou migration the year she was a cook at Gahcho Kué.<sup>832</sup>



<sup>832</sup> Collins, Carol Margaret. (September 26th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 6.

Gordon Beaulieu has also stated that the Bathurst herd have been pushed out of the area by the mines and their constant activities along the caribou's traditional migratory routes:

In 1996 it was the year I saw the most caribou around Caddy [Ekati] mine. The environmental people said it was a herd of about 10,000. It came through one evening and the hills in front of the camp were just full of caribou. It looked like the hills were moving. That was the only year I've ever seen caribou like that at the Caddy [Ekati] diamond mine. A few years after the mine started the caribou stopped coming through there. They found somewhere else, they go somewhere else.

**Do you know if the mines are built close to the trails that the caribou's take?**

Yes, they're built right on the migratory route. That's what I gathered when I saw them on the BHP property.

**What do you think causes them not to return?**

I think the mines, I think all the equipment, I think the smog, I think the blasting. Even the planes landing, the big jet planes. On a calm day you can see the smog from all the heavy equipment. All the exhaust from all the big trucks, the loaders, and the backhoes.

**Do you know which herd it is?**

I'm pretty sure it's the Bathurst.<sup>833</sup>

Eddy Lafferty has also made a statement concerning the mines' operations and their infringement on traditional caribou territory and migratory routes. This corresponds with the statement of Gordon Beaulieu and Carol Collins above. When asked "Who built the roads?" Eddy Lafferty responded:

The mines. But some of the road that they use, are built on the old caribou trails. Back then they used to just travel with dog team. I'm sure there's traces of Chipewyan people up there. Like camp grounds, and part of a harness, or an axe head and knives. stuff like that.<sup>834</sup>

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<sup>833</sup> Beaulieu, Gordon. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

<sup>834</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

These observations also correspond with Scott Lafferty's statement (on page 292) where he explains that "[t]he caribou are always by the ice road, along the side."<sup>835</sup> The caribou were at first, as Gordon Beaulieu has stated, near the mine sites because these mine sites were built on traditional caribou migratory routes. But, with the "equipment," the "smog," and the "blasting" the caribou have moved on.<sup>836</sup> Don Balsillie elaborates on this idea further:

**Who builds the winter roads?**

Robertson Trucking which is contracted by the mines.

**So, the mines are ultimately responsible for the winter roads?**

They're the reason the roads are put in there.

**How have the winter roads impacted the herds?**

They have had an impact. One reason is access to the area and access to the caribou is more readily available. Secondly, the amount of traffic that goes into the area, the hauling of goods and fuel supplies to the mines, created like a corridor, a curtain, of activity in terms of noise and movement for periods of months at a time when the caribou are in the area. After a number of years the caribou began to move away from the area because of its noise and activity and the pressure by hunters in that particular location.<sup>837</sup>

This "curtain of activity" has been mentioned independently by Raymond Giroux, Kevin Giroux, David King-Beaulieu and Rocky Lafferty. As a former mine employee, Raymond Giroux explains how the mine workers create this wall through which the caribou cannot pass:

**How do you think the ice roads have affected the caribou?**

I used to haul to Tundra mine with a semi. They'll give me a time like tomorrow at 1 o'clock, and every 20 minutes a truck takes off. they got a big train. Coming back they have a different road, you can go 60. Really long convoy. 15 to 20 km an hour. It's because of the weight. If you go to fast it can damage the ice.<sup>838</sup>

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<sup>835</sup> Lafferty, Scott. (July 16th, 2012). In Frank "Rocky" Lafferty. Statutory Declaration. p. 2.

<sup>836</sup> Beaulieu, Gordon. (July 31st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

<sup>837</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 4 - 5.

<sup>838</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 7 - 8.



Kevin Giroux has described the same phenomena, relating it to an experience he had at Snap Lake in 1997 (on pages 311 - 312), and the dwindling caribou which he counted on his 2007 aerial survey with Diavik and Ekati (as seen on map 23, page 284)<sup>839</sup>:

**How have you noticed the hunting change over time?**

It's barren. It's gone to nothing. Even on a non-hunting basis. I used to build ice roads and every 20 minutes they're sending 4 semis, super B's. The oil tankers, they have double trailers. They stick together like a convoy. It doesn't allow enough time for the caribou to go through. It doesn't allow enough time to cross in the natural migration patterns. When I was up in the Barren Lands in 1997 you couldn't cross the fields, because there was so much caribou. We had to shut down our boat because they were crossing the river system swimming. We had to sit there for 3 and a half hours waiting for them to go by.<sup>840</sup>

Rocky Lafferty, as mentioned above, has also discussed Don Balsillie's "curtain of activity":

**What caused the decline in the caribou herds?**

The diamond mines. There were tons of caribou walking all around the lake, then the explosions started and we don't see them anymore. If someone dug a big hole around me I wouldn't go around there anymore. One year there were 12,000 truck load in 6 weeks, the trucks stop the caribou from crossing the roads. Bumper to bumper, one right behind the other. They have to stay one speed because the ice bends with the weight. They only go 15 to 20 miles an hour on the ice. On the portage it doesn't matter. They aren't very far apart, maybe 100 meters between the trucks. They aren't allowed to stop . . .

**Are trucks coming at night?**

24 hours a day. Just after January till march.

**And, when do the caribou migrate?**

Just after freeze up and in the spring. It's around January when the caribou go through the area . . .

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<sup>839</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 4-5.

<sup>840</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

**What is the purpose of the ice road?**

To supply the diamond mines

**What other animals are found along the ice road?**

Moose, wolves, wolverines, all fur-bearing animals.<sup>841</sup>

Additionally, as a former "highway and transport" employee, David King-Beaulieu has described the dangers these trucks pose to the caribou population of the regions<sup>842</sup>:

**Have you ever used the ice roads?**

The ice road is pretty good. It's smooth like a highway, it's 30 meters wide.

**How many trucks use it?**

When they're hauling they send hundred trucks 5 minutes apart. The caribou can't get across. The only time they can't across is when it's stormy. When the trucks stop in white out. They have one place to stop by Gordon Lake [brown dot circled on map 16, page 267]. Sometimes they can cross between them. But they get hit. When I drove a grater for the mines. Sometimes you hit them 15 at a time.<sup>843</sup>

To cross this "curtain," the caribou not only have to avoid the trucks (as indicated by David King-Beaulieu above), they also have to maneuver the road itself. Raymond Giroux has described this process:

You get snow banks on the side. Icy banks. Each side's got a big bank so the caribou has to climb over two banks about 6 feet.<sup>844</sup>

The ice roads not only inhibit the caribou from traversing the region, they also allow the hunters easier access to the herds. Rocky Lafferty concurs with the statement made earlier by Don Balsillie's (on page 307) where he argued that the ice roads allow for easier access to these areas causing the herds to be depleted by hunters from all ethnic backgrounds:

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<sup>841</sup> Lafferty, Frank "Rocky." (September 24th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 4 - 5.

<sup>842</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

<sup>843</sup> King-Beaulieu, David Alexander. (September 28th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

<sup>844</sup> Giroux, Raymond John. (September 25th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 8.

**Will you go when the roads come in?**

Probably, Wherever there are caribou the hunters will go. They're just making easier access.

**How will the new ice road to Gahcho Kué affect the caribou?**

Easier access to the hunting. Everyone used to hunt there. Last time I was there there were vehicles everywhere going back and forth looking for the caribou. We went on our skidoos off the road. That was before the ban, about 7 years ago.<sup>845</sup>

While access may be physically easier, legally, the land on which the mines sit is in the hands of specific mining companies and their subsidiaries. Kevin Giroux noted that the mine companies hire security guards to kick hunters off the "private" ice roads (those branching off the Tibbit to Contwoyto Winter Road: see map 25 as an example), further inhibiting the members of DKFN's hunting practices:

**When was the most recent time at Snap Lake?**

February 8th, 2010. I remember that day specifically. In the area, first of all there was the construction of the mine. And second, the security kicks me off, you technically aren't allowed in the mine site area. There's a road, and it's a private road. It doesn't make any sense. it's in the middle of nowhere, and we aren't allowed on it. We were out in that area, before the mines were in that area. The trout in this area is awesome. Every day we just ate caribou and trout all day every day. The meat off the fish is just awesome. Every second third cast you're catching trout, anywhere from 15 to 30 pound trout. Cast after cast.<sup>846</sup>

Eddy Lafferty states, on the other hand, that the environmental impact of the mines on the caribou and thus the caribou hunt is the most detrimental. Echoing the explanation as to why caribou don't visit Rocher River given by Rocky Lafferty (on page 295), Eddy Lafferty talked about the effects the mines have on the region's caribou food-sources and the waterways in general:

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<sup>845</sup> Lafferty, Frank "Rocky." (September 24th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>846</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

At Snap Lake, the water flows this way [toward the Arctic Ocean] but then flows back down to Great Slave Lake (takes about 8 years) so we're eventually affected by the water. All the disturbance of the land and that gives out natural mercury. So that's how the mercury is getting into the water.

**So you're affected by the water from the mines?**

Yes. Eventually. The powder when the explosions go off, the sediment goes into the water. That's where all our fresh water is coming from (the mine areas). The older areas around Yellowknife are polluted. There used to be all those fresh water lakes up there at one time. So the diamond mine areas will also change and get polluted . . .

They [the caribou] would move around and be in one area for 10 years then move and be in another area for 10 years. Before the mines they used to move around everywhere. It takes the lichen a long time to grow. But now the chemicals from the mine are infecting their food. We're impacted through fish too.<sup>847</sup>

Much like Carol Collins' experience in 2006 at Gahcho Kué (on page 304; and map 28, page 305), Kevin Giroux experienced a similar gathering of caribou in 1997 at Snap Lake. These herds, he stated have been greatly reduced (he is former employee of EBA engineering who conducted the aerial surveys for the Diavik and Ekati mines). While flying the aerial transects for Diavik and Ekati in 2007 (in yellow on map 23, page 284) he counted "75 caribou, that's the total count of caribou."<sup>848</sup> He noted the caribou's past numbers in 1997, and why they may have gone down recently:

For 7 days straight you couldn't even cross the Barren Lands. It was like a traffic jam. Caribou are standing outside your door. They aren't even scared of you. We would sit there and watch the caribou cross for 7 days the Barren Lands. That was one of the most beautiful things I've ever seen. That was 1997. With the De Beers mines, we go out there and it's not just the quantity, the quality of the caribou has gone down. Before they look all healthy and bushy tail. You could tell if they're fat by their bushy tail, it would jiggle.

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<sup>847</sup> Lafferty, Edward Roland. (July 16th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. pp. 1 - 2.

<sup>848</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 5.

Lately they don't get the proper nutrition, the fat's not as good. The tails are droopy. They don't stick up nice and perky. The meat isn't as good. I noticed there's a chemical taste to it, a gasoline, diesel, engine taste to it. Hewey Arden and me would hunt. He would shoot a caribou from the boat, we would give thanks, and then eat the meat right from the caribou. You can't anymore, the caribou is all buggy. The ecology, was all messed up, it's not just the caribou everything is messed up.<sup>849</sup>

## The 2010 Barren-ground Caribou Hunting Ban

The DKFN consider the dwindling herd to be the result of increased mine traffic, pollution, and human activity, while the mining industry and government officials believe it is due to overhunting. Of course this said overhunting is occasioned by the use of the ice roads by any and all hunters including those brought in by guide outfitters. So, as the DKFN continue to face increasing pressure from the mining companies (in their impact on the caribou herds), the Government has further restricted their ability to hunt.

As noted earlier in Chapter III, in 2006 the NWT Department of Natural Resources implemented a Caribou Management Plan due to an increase in mining activity on the Barren Lands and the resultant cumulative impacts of these mines and their infrastructure on caribou herds. Their site contains the following rationale for the development of such a plan:

A management plan for the Bathurst caribou herd has also been developed. Interest in the Bathurst caribou herd grew in the 1990s with a surge in mining activities on the herds annual ranges. Since then, **two diamond mines have been built on spring migration and post calving/summer ranges and a third diamond mine is under construction.** The diamond mining companies monitor caribou abundance and behavior in the vicinity of the diamond mines, however uncertainties remain about the cumulative effects of the mines on the caribou.<sup>850</sup>

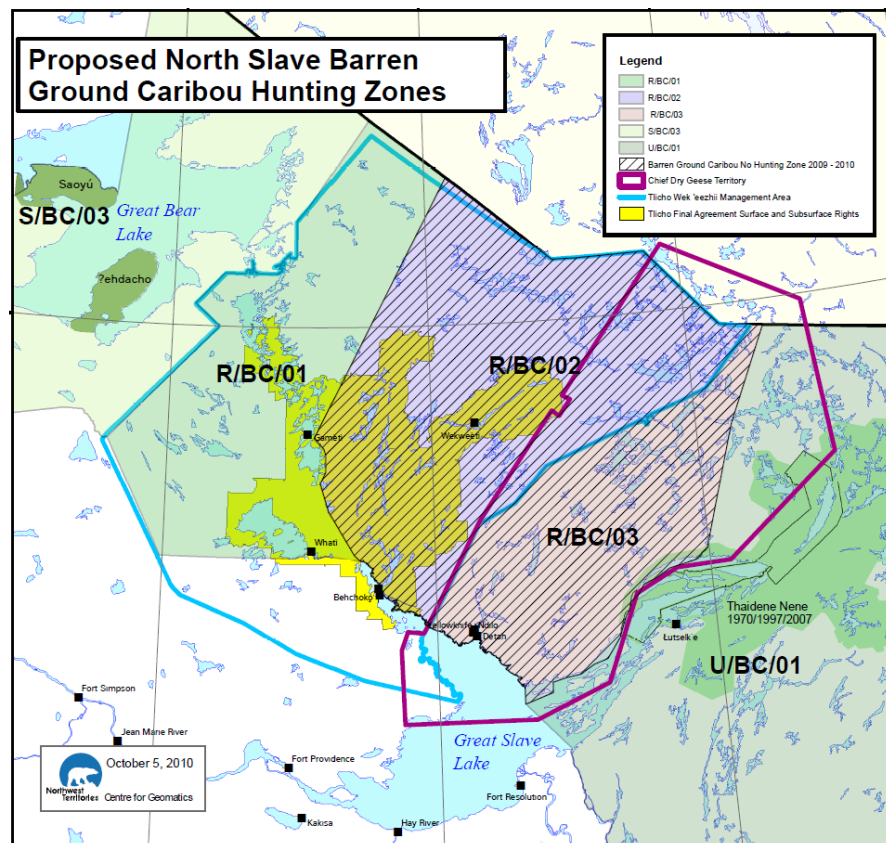
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<sup>849</sup> Giroux, Kevin Justin. (September 29th, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 3.

<sup>850</sup> NWT, Environmental and Natural Resources. (n.d.). NWT Barren-ground Caribou (*Rangifer taradus groenlandicus*). Retrieved November 22, 2012, from [http://www.enr.gov.nt.ca/live/pages/wpPages/caribou\\_information.aspx](http://www.enr.gov.nt.ca/live/pages/wpPages/caribou_information.aspx).

The management plan failed. On January 1<sup>st</sup>, 2010 a ban was placed on the hunting of the Bathurst herd in an area stretching from the north shore of Great Slave Lake to the Nunavut/Northwest Territories border (map 29).<sup>851</sup> Amidst protest, on October 7<sup>th</sup>, 2010 an agreement was signed with the Yellowknives Dene (of Dettah and N'dilo) where the community was allowed to take a target number of 150 barren-ground caribou per year.<sup>852</sup> No such agreement has been signed with the DKFN.

**Map 29: The Barren Ground Caribou No Hunting Zone established January 1<sup>st</sup>, 2010.**<sup>853</sup>



<sup>851</sup> Northwest Territories: Environment and Natural Resources. (2010). Caribou Harvesting Regulation Changes in North and South Slave Regions. Retrieved September 21, 2012, from [http://www.enr.gov.nt.ca/\\_live/documents/content/Harvest\\_Regulation\\_Changes.pdf](http://www.enr.gov.nt.ca/_live/documents/content/Harvest_Regulation_Changes.pdf). p. 1.

<sup>852</sup> Northwest Territories. (2012, October 7). News Release (R(16)515): Yellowknives Dene First Nation and GNWT Sign Agreement to Support Recovery of Bathurst Caribou Herd. Retrieved September 21, 2012, from [http://www.enr.gov.nt.ca/\\_live/documents/content/Yellowknives\\_Dene\\_and\\_GNWT\\_Sign%20Agreement.pdf](http://www.enr.gov.nt.ca/_live/documents/content/Yellowknives_Dene_and_GNWT_Sign%20Agreement.pdf). pp. 3 - 4.

<sup>853</sup> Northwest Territories. (2012, October 7). News Release (R(16)515): Yellowknives Dene First Nation and GNWT Sign Agreement to Support Recovery of Bathurst Caribou Herd. Retrieved September 21, 2012, from [http://www.enr.gov.nt.ca/\\_live/documents/content/Yellowknives\\_Dene\\_and\\_GNWT\\_Sign%20Agreement.pdf](http://www.enr.gov.nt.ca/_live/documents/content/Yellowknives_Dene_and_GNWT_Sign%20Agreement.pdf). p. 5.



When asked "How is the ban implemented at the present time? is anyone allowed to take caribou?" Don Balsillie responded:

Yes, the Yellowknife [Yellowknives Dene] and the Tlicho people are allowed a certain amount of tags annually [150].<sup>854</sup>

The DKFN have not been given any such allotment:

**How have the hunting restrictions that were brought in recently impacted hunting in that particular area [north of Great Slave Lake]?**

It's restricted myself from harvesting in the area . . .

**Do you know which herd you were hunting in the past?**

The herd that came into Yellowknife and Lutsel K'e area.

**The Bathurst Herd?**

Yes.

**Do you continue to hunt in any other area where they are not restricted?**

Yes, down in the Lutsel K'e area and Simpson Islands.

**What caribou herd are they?**

Same caribou. They're outside of the zone.<sup>855</sup>

George Larocque, in response to a series of questions, elaborates on the ban and its consequences:

**Can you still hunt?**

No. They forced us out.

**When did you get forced out?**

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<sup>854</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 5; Northwest Territories. (2012, October 7). News Release (R(16)515): Yellowknives Dene First Nation and GNWT Sign Agreement to Support Recovery of Bathurst Caribou Herd. Retrieved September 21, 2012, from [http://www.enr.gov.nt.ca/\\_live/documents/content/Yellowknives\\_Dene\\_and\\_GNWT\\_Sign%20Agreement.pdf](http://www.enr.gov.nt.ca/_live/documents/content/Yellowknives_Dene_and_GNWT_Sign%20Agreement.pdf). pp. 3 - 4.

<sup>855</sup> Balsillie, Donald William. (August 1st, 2012). Unsworn Statement. Justin Fritz's Interview Notes. p. 4.

2-3 years ago. I don't remember what year.

**What did they tell you?**

Don't come here, we'll confiscate everything.

**What was their reason?**

Dwindling herd.<sup>856</sup>

Rocky Lafferty further connected the mines, the caribou, and the hunting ban in the region:

They [The Government of the Northwest Territories] put a ban on it [caribou hunting north of Great Slave Lake] because of the decline in the caribou. My brother works out there and he tells me it's because of the blasting. Twenty miles away, you can feel it he says. That's why he says he thinks the herds are moving.<sup>857</sup>

The ban has impacted the caribou hunt and as a result members of DKFN have been negatively affected. In a continuation of his quote (on pages 285 - 286), George Larocque has stated that his trip up toward Lac la Martre with Jackie Burke and Dean Apagana was in response to the recent ban:

We couldn't go anywhere else though, we're not allowed to go up that way anymore up towards Gordon Lake.<sup>858</sup>

George Larocque stated:

I couldn't understand why our leaders wouldn't fight the government tooth and nail against the ban . . . How do you tell an 80 year old woman that you cannot have caribou meat this year—how do you explain that to them?

**What did the elders say when the ban came into effect?**

Well they didn't say much, it was just like they rammed it down our throats.<sup>859</sup>

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<sup>856</sup> Larocque, George Kenneth. (July 15th, 2012). Statutory Declaration. p. 2.

<sup>857</sup> Lafferty, Frank "Rocky." (July 16th, 2012). Statutory Declaration. p. 2.

<sup>858</sup> Larocque, George Kenneth. (July 15th, 2012). Statutory Declaration. p. 3.

<sup>859</sup> Larocque, George Kenneth. (July 15th, 2012). Statutory Declaration. p. 3.

Rocky Lafferty, when asked "if you were allowed to hunt again, would you go north of the lake?" replied:

Oh yes.

**Do you prefer to hunt there?**

Yes. Definitely.<sup>860</sup>

Gabriel Lafferty has suffered several heart attacks in the past and the cold found in the Barren Lands aggravates his condition; however, he still traps. When asked "If it wasn't too cold, and you didn't have a heart attack would you be still hunting on the north side of the lake?" he responded:

Oh ya, there's no way you can stop a guy from doing these things.<sup>861</sup>

The members of DKFN continue to hunt caribou and other animals north and east of the lake in the Barren Lands despite the change in the migratory habits of the caribou, the mines, and the recent ban. In discussing the ways in which community members preserve barren-ground caribou meat when out hunting caribou (wherever they may be at that time), elder Henry King stated that they have been doing it that way since he was seventeen and they continue to do it today:

**How did you preserve the caribou in the summer and winter to keep it good?**

In winter, you freeze it in a plastic bag. In summer, you smoked and dried it.

**When did you stop doing this?**

1942 still doing it. 1960s still doing it. 1970s still doing it. We still do it today, when we go out in the bush.<sup>862</sup>

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<sup>860</sup> Lafferty, Frank "Rocky." (July 16th, 2012). Statutory Declaration. p. 3.

<sup>861</sup> Lafferty, Gabriel. (September 24th, 2012). In Frank "Rocky" Lafferty. Unsworn Statement. Justin Fritz's Interview Notes. p. 6.

<sup>862</sup> King, Henry George. (July 15th, 2012). Unsworn Statement. Sophie Henderson's Interview Notes. p. 2.

## Chapter VII: A Genealogy of Bands

Today, indeed since 1876, the *Indian Act's* “bands” are assumed to be the structure upon which all Indian societies were, and are, based. This is a misconception brought about by the passage of time; it has been approximately 125 years since the first consolidated *Indian Act* was passed in 1876, which defined “Bands” and imposed a Chief and Council as its leadership.

In 1886, the *Indian Act* was applied enforcing the construct of "bands" in today's Northwest Territories, making the organization of groups simpler, in the short term, for both academic and administrative purposes.

In 1899 and 1900 the people living south of Great Slave Lake entered Treaty. The Indian Act Model of Chief and Council was pressed upon them. However, as seen elsewhere in Canada, this model, of a Chief and Council leading their people through decisions made at Band Council meetings, did not easily gain acceptance in the Great Slave Lake area. The traditional pattern in this area was to follow a well-respected leader of a local group within a larger regional band, a system well suited to their way of life. Their relative isolation and unique socio-economic structures made it difficult for local groups to fit into the structure of the Department of Indian Affairs, Treaty 8, and Band life.

The Department of Indian Affairs generated fixed membership lists for each “Band.” on which each individual was tied to a specific “Band” which was attached to a fixed locale. However, until about the 1950s, few families or local groups lived in specific location year round due to various economic imperatives.

In the absence of Indian Reserves in the Great Slave Lake area, people resided wherever social and economic vagaries took them in their larger regional territory. The diversity of residences throughout the various communities of the Great Slave Lake region is consistent across all family groups, a fact which was not necessarily reflected in the records of the Indian Agents.

The Department of Indian Affairs and their Agents sought to bring about a sense of order to the administration of these fluid communities. As in other areas of Canada, the Indian Agents began fissioning and fusing the Bands of the Great Slave Lake region illustrating their frustration with, and lack of understanding of, a culture with an entirely different worldview and social structure.

The tribes of interest for the purposes of this chapter are the Chipewyans, the Yellowknives, and the Dogribs (specifically the group which, during the 1920s, came to be referred to as the "Dogribs, of Yellowknife River"). Although geographically dispersed, and historically divided by Indian Agents, all are described in the early records as possessing similar linguistic and cultural traits. Their similarities are more accurately attributed to their common Athabaskan linguistic affiliation.

The Yellowknives were, in the early records, variously referred to as the "Redknives," and the "Copper Indians." They acquired these appellations due to their mining and use of copper from the Coppermine River region in northern Northwest Territories. In a number of early accounts the "Copper Indians" are identified as "a branch of," or "the same people" as, the Chipewyans.

In 1771, explorer Samuel Hearne reported that

Copper Indian women seem to be much esteemed by our Northern traders [the Chipewyans]; for that reason I know not, **as they are in reality the same people in every respect**; and their language differs not so much as the dialects of some of the nearest counties in England do.<sup>863</sup>

Later, in Alexander Mackenzie's 1789 journal, the "Redknives and Chepewyans" are referred to as "adjoining tribes."<sup>864</sup>

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<sup>863</sup> Hearne, S. (1795). *A Journey From Prince of Wales's Fort in Hudson's Bay, to the Northern Ocean. Undertaken by order of the Hudson's Bay Company, for the Discovery of Copper Mines, a North West Passage, & in the Years 1769, 1770, 1771, & 1772.* London: A. Strahan and T. Cadell. p. 157.

<sup>864</sup> Mackenzie, A. (1801). *Voyages from Montreal on the River St. Laurence through the Continent of North America to the Frozen and Pacific Oceans: In the Years 1789 and 1793. With a Preliminary Account of the Rise,*

In 1812, North West Company trader George Keith stated in a letter to Roderick MacKenzie regarding the Copper Indians: “This tribe, I imagine, is a branch of the Chipewyans; the same manners, customs, and language, with little variation, are common to both.”<sup>865</sup> Franklin drew a similar conclusion, stating that the Copper Indians “were originally a tribe of the former people [the Chipewyans] . . . Their language, traditions, and customs, are essentially the same with those of the Chipewyans.”<sup>866</sup> Other names for Chipewyans living on the Barren lands (distinct from those using and occupying the boreal forest south of Lake Athabasca) in the literature include the “Caribou Eaters” and “Mountaineers.”

An 1823 Hudson’s Bay Company census of “Natives Trading at Fort Resolution” (figure 2) is one of the earliest attempts at an enumeration of these groups

**Figure 2**<sup>867</sup>

<b>1823 Hudson’s Bay Co. Log:</b>	Yellowknives 192	Chipewyan 362
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The above informs us that in 1823 the Yellowknives (Copper Indians) and the Chipewyans were identified as distinct local groups. In 1863 Father Émile Petitot, a Roman Catholic missionary and amateur ethnographer, recorded a similar census (see figure 3):

**Figure 3**<sup>868</sup>

<b>1863 (Petitot):</b>	Yellowknives 332	Chipewyan 245
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*Progress, and Present State of the Fur Trade of That Country. Illustrated with Maps.* London: R. Noble, Old Bailey. pp. 38-39.

<sup>865</sup> Keith, G. (1890). Mr. George Keith. Letters to Mr. Roderic McKenzie 1807 - 1817: McKenzie River Department, Bear Lake, 19th November 1812. In L. R. Masson (Ed.), *Les Bourgeois de la Compagnie du Nord-Ouest; Récits de Voyages, Lettres et Rapports Inédits Relatifs au Nord-Ouest Canadien* (pp. 60-132). QC: Nabu Press. p. 106.

<sup>866</sup> Franklin, J. (1924). Narrative of a Journey to the Shores of the Polar Sea in the Years 1819-20-21-22, vol. II, 3rd ed. London: John Murray. (Original work published 1824). pp. 76.

<sup>867</sup> McVicar, R. (1826-1827). *Fort Resolution Post Journal, 1826-1827*. HBCA 1M121, B.181/a/7. fol. 2.

<sup>868</sup> Petitot, E. (1883). On the Athabasca District of the Canadian North-West Territory. *Proceedings of the Royal Geographical Society and Monthly Record of Geography, New Monthly Series*, 5(11), 633-655, & 688. p. 653.



In both the 1823 and 1863 census records, the Yellowknives (Copper Indians) are clearly distinguished from the "Chipewyans." These records also provide an indication of the number of Indian traders (564 in 1823, and 587 in 1863) frequenting Fort Resolution during these years.

In 1881 the first coast to coast Canadian census was conducted, eighteen years after Petitot's 1863 census cited above. This census included the Northwest Territories. The Hudson's Bay Company was hired for the task in the far north. For the District of Athabaska, located across several current-day provincial borders including Saskatchewan, Alberta, and the Northwest Territories, Roderick Macfarlane, the Factor at Fort Chipewyan, was asked to take the census. The records the people present at the forts during the taking of the census. The Fort Resolution's census was taken in the spring when the Indians had come to the fort to trade. It records 230 individuals, leaving (with reference to the numbers below) 15 non-Indian individuals<sup>869</sup>:

**Figure 4**<sup>870</sup>

**Census of the Population of the District of Athabaska 1881**

Fort Resolution	Yellow Knives 116, Chipewyan 64, Slaves 18, Dog Ribs 27
Fort Smith	Yellow Knives 9, Chipewyans from Great Slave Lake 66

In these figures we see that the Yellowknives (Copper Indians) and Chipewyans continued to be recorded as distinct groups (bands) and that some Slaves and Dogribs are now trading at Fort Resolution. Neither Slaves nor Dogribs had previously been recorded at Fort Resolution in census records nor in the fort journals.

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<sup>869</sup> Macfarlane, R., and E. E. (1881). Census of the Population of the District of Athabaska. In Indian Affairs Headquarters Files: General Housekeeping Records and Correspondence Regarding Ile-a-la-Crosse Treaty (Maps and Charts), RG 10, Black Series, Volume 4006, File no. 241209-1, Microfilm reel C-10171, MIKAN no. 2059135. pp. 43 - 44.

<sup>870</sup> Macfarlane, R., and E. E. (1881). Census of the Population of the District of Athabaska. In Indian Affairs Headquarters Files: General Housekeeping Records and Correspondence Regarding Ile-a-la-Crosse Treaty (Maps and Charts), RG 10, Black Series, Volume 4006, File no. 241209-1, Microfilm reel C-10171, MIKAN no. 2059135. pp. 43 - 44.

On July 6th 1893, biologist Frank Russell encountered a large encampment of Indians most of whom were Yellowknives upon his arrival at Fort Resolution:

. . . we reached Resolution early in the morning of the 6<sup>th</sup> . . . I counted **sixty lodges on the beach before the fort**. The most of them were occupied by Yellow Knife Indians from the north shore of the lake.<sup>871</sup>

In a 1960 memo from District of Mackenzie Regional Supervisor J.G. McGilp to the Indian Affairs Branch, McGilp stated that the restructuring of the Great Slave Lake region tribes “will make it administratively easier” for organization.<sup>872</sup> While such an *administrative* move did not necessarily physically uproot the people and force them to move to different locations, it did result in a great deal of confusion surrounding the original tribal identities of the people now settled in villages such as Yellowknife, Lutsel K'e (Snowdrift), and Fort Resolution.

Reorganizing the Bands of the Great Slave Lake region in such a manner proved to be a much more difficult and complicated process than anticipated. Inspector H. A. Conroy states in the 1902 Indian Affairs annual report that

**The Indians on the north side of Great Slave lake** are anxious to come into treaty as are those of Providence on the Mackenzie River. They claim that the Slaveys and **YellowKnives** who were taken into treaty in 1900, **have hunting-grounds outside of treaty and are akin to them.**<sup>873</sup>

Conroy's account reveals one key theme that the Indian Agents seemed to have missed when attempting to group the natives into Indian Act Bands—the Indians of the Great Slave Lake region did not move about on their seasonal rounds as one large band; they moved instead as local or task groups coming together as regional bands at specic times and places.

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<sup>871</sup> Russell, F. (1898). *Explorations in the Far North: Being the report of an expedition under the auspices of the University of Iowa during the years 1892, '93, and '94*. Iowa City: IA: University of Iowa. p. 67.

<sup>872</sup> McGilp, J. G. (1960). Letter to Indian Affairs Branch, Regional Supervisor - District of Mackenzie, Chipewyan Band - Yellowknife Agency, May 25th, 1960. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization of the Fort Smith Agency (MAP) 1958 - 1964, RG 10, Volume 8212, File 140/1-1 1. p. 2.

<sup>873</sup> Conroy, H. A. (1902). Report from Inspector for Treaty No. 8. In *Annual Report of the Department of Indian Affairs for the Year Ended June 30 1902*. Ottawa: S.E. Dawson. Part 1, p. 178.

The Copper Indians, for example, have traditionally occupied territory north of the Great Slave Lake along the Coppermine River and south near Rocher River and the Slave River. In later years, the Copper Indians traded at the trading posts south of the lake. The shift, as seen in Conroy's quote above, was not the movement of an entire tribe, but rather of a series of task groups. Not all members of these smaller groups moved south of Great Slave Lake.<sup>874</sup>

In the Department of Indian Affairs Annual Report for 1902 (see figure 5), the Treaty 8 tribes listed “at” Fort Resolution are the Chipewyans, the Yellowknives (Copper Indians), and the Dogribs. Members of these Bands are not necessarily resident at Fort Resolution but have gathered there in order to receive their Treaty annuity payment (an annual event later referred to as “Treaty days”). At Hay River, the Slaves are divided into the “Slaves of Upper Hay River” and the “Slaves of Lower Hay River.”<sup>875</sup>

**Figure 5**<sup>876</sup>

<i>Treaty No. 8.</i>	
Crees and Chipewyans at Ft. McMurray.	147
Chipewyans at Fond du Lac .....	248
Beavers at Dunvegan .....	138
Crees at Little Red River.....	58
Chipewyans at Fort Chipewyan.....	325
Crees at Fort Chipewyan.....	200
Chipewyans at Smith Landing.....	245
Crees at Wabiscow.....	216
Crees at Peace River Landing.....	54
Beavers at Vermilion, Peace River.....	141
Crees at Vermilion, Peace River.....	77
Crees at Lesser Slave Lake.....	302
Crees at Sturgeon Lake.....	131
Beavers at Fort St. John.....	47
Stragglers at Fort McMurray.....	29
Crees at Whitefish Lake.....	75
Slaves of Upper Hay River.....	238
Slaves of Lower Hay River.....	120
Chipewyans at Fort Resolution.....	122
Yellowknives at Fort Resolution.....	240
Dogribs at Fort Resolution.....	207
Stragglers at Athabaska Landing.....	6
<b>Total .....</b>	<b>3,376</b>

<sup>874</sup> Conroy, H. A. (1902). Report from Inspector for Treaty No. 8. In *Annual Report of the Department of Indian Affairs for the Year Ended June 30 1902*. Ottawa: S.E. Dawson. Part 1, p. 178.

<sup>875</sup> Department of Indian Affairs. (1901). Census Return of Resident and Nomadic Indians; Denominations to which they belong, &c—Continued. In *Annual Report of the Department of Indian Affairs for the Year ended June 30 1901*. Ottawa: S.E. Dawson. Part 2, p. 176.

<sup>876</sup> Department of Indian Affairs. (1902). Census Return of Residential and Nomadic Indians; Denomination to which they belong, &c—Continued. In *Annual Report of the Department of Indian Affairs for the Year Ended June 30 1902*. Ottawa, ON: S. E. Dawson. Part 2, p. 84.

In this document, the words “Natives Trading at Fort Resolution,” are replaced by Yellowknives (Copper Indians), Dogribs, and Chipewyans “at Fort Resolution.”<sup>877</sup>

On October 12<sup>th</sup> 1904, Inspector H.A. Conroy reported that:

From Fort Smith we took transportation with Hislop & Nagle’s steamer for Resolution. We met the Indians here two days before the time appointed. There were three bands of Indians here, viz: Chipewyan, Yellowknives and Dogribs.<sup>878</sup>

The following year, in 1905, the census recorded fewer Indians trading at Fort Resolution:

**Figure 6**<sup>879</sup>

***DIA Annual Report 1905 – Treaty No. 8***

Chipewyans at Fort Resolution	105
Yellow Knives at Fort Resolution	171
Dog Ribs at Fort Resolution	174

In 1907, Inspector H. A. Conroy, Inspector for Treaty 8, documented his journey through the north which he made in order to give out the annual treaty payments:

I left for Resolution on July 7, and arrived at the Fort the next day, and made preparations for settling with the Indians. There are three quite large bands of Indians here: Dog Ribs, Yellow Knives, and Chipewyans—nearly 600 altogether.<sup>880</sup>

The following year, attending to similar matters, he wrote:

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<sup>877</sup> McVicar, R. (1826-1827). *Fort Resolution Post Journal, 1826-1827*. HBCA 1M121, B.181/a/7. fol. 2.

<sup>878</sup> Conroy, H. A. (1904). Report of Inspector for Treaty No. 8. In *Annual Report of the Department of Indian Affairs for the Year Ended June 30 1904*. Ottawa, ON: S. E. Dawson. Part 1, p. 201.

<sup>879</sup> Department of Indian Affairs. (1905). Census Return of Resident and Nomadic Indians; Denominations to which they belong, &c—Continued. In *Annual Report of the Department of Indian Affairs for the Year Ended June 30 1905*. Ottawa, ON: S. E. Dawson. Part 2, p. 80.

<sup>880</sup> Conroy, H. A. (1907). Report of Inspector for Treaty No. 8. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1907*. Ottawa, ON: S. E. Dawson. Part 1, p. 182.

We left Fort Smith on July 6 for Fort Resolution by the Roman Catholic mission steamer. The annuities were paid there to the three bands, the Yellowknives, Dogribs and Chipewyans, on July 11. Altogether there were 561 Indians paid. During the year there were 20 births and 25 deaths.<sup>881</sup>

His census showed the following:

**Figure 7**<sup>882</sup>

<i>DIA Annual Report 1908 – Treaty No. 8</i>	
Chipewyans at Fort Resolution	115
Yellowknives at Fort Resolution	205
Dogribs at Fort Resolution	193

In the 1909 report Inspector Conroy recorded the following numbers of people trading at Fort Resolution:

On [July] 7<sup>th</sup> we started for Resolution on the McKenzie River steamer. Here three bands were settled with on the 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup>: Yellowknives 287. Dogribs 182 and Chipewyan 116; 502 in all. Among these Indians 18 deaths and 16 births. They were prosperous and had quantities of dried meat. They were also in good health.<sup>883</sup>

By 1910 the Upper and Lower Hay River Slaves were recorded simply as the “Slaves,” and those who gathered at Fort Resolution for Treaty days were enumerated as “Chipewyans – 134,” “Dogribs – 197,” and “Yellowknives – 209.”<sup>884</sup>

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<sup>881</sup> Conroy, H. A. (1908). Report of Inspector for Treaty No. 8. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1908*. Ottawa, ON: S. E. Dawson. Part 1, p. 189.

<sup>882</sup> Department of Indian Affairs. (1908). Census Return of Resident and Nomadic Indians; Denominations to which they belong, &c.—Continued. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1908*. Ottawa, ON: S. E. Dawson. Part 2, p. 87.

<sup>883</sup> Conroy, H. A. (1909). Report of Inspector for Treaty No. 8. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1909*. Ottawa, ON: S. E. Dawson. Part 1, p. 198.

<sup>884</sup> Department of Indian Affairs. (1910). Indians and Eskimos.—Religions, ages, sexes, births and deaths by provinces, &c.—Continued. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1910*. Ottawa, ON: C. H. Parmelee. Part 2, pp. 102 - 103.

Those who gathered at Fort Resolution included Bands with territory further to the north—i.e. the Dogribs and the Yellowknives (Copper Indians)—the administration of these Bands at Fort Smith became more difficult. In 1923, the administration of the Indians at Fort Resolution was transferred from the Fort Smith Agency to the newly created Fort Resolution Agency:

The department now has three agencies in the Northwest Territories, namely Fort Simpson, Fort Smith, and Fort Resolution, the last mentioned having been established during the present year owing to the increased requirements of administration.<sup>885</sup>

On May 4<sup>th</sup> 1923, Indian Agent C. Bourget received a letter informing him that the Dogribs wanted their annuities paid at their Yellowknife River location as the “Dog Rib Band” did not actually live at Fort Resolution:

In connection with the Fort Resolution Bands; I have to inform **you that the Dog Rib Band does not live at Fort Resolution** and the Chief has requested that his Band be paid their annuities in future at the Yellow Knife River, owing to the danger of making the trip to Resolution by canoe.<sup>886</sup>

Nevertheless, Bourget continued to pay Treaty annuities to the “Yellow Knives” (Copper Indians) and “Chipewyans” at Fort Resolution on July 9<sup>th</sup>, 1923.<sup>887</sup>

In his report for the following year, 1924, Bourget stated that the “Dogribs of Yellowknife River” were paid their Treaty annuities at their village at the mouth of the Yellowknife River:

At the Yellow Knife River we arrived the night before treaty, and Treaty was paid on date advertised, with most of the Indians present.<sup>888</sup>

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<sup>885</sup> Scott, D. C. (1923). Report of the Deputy Superintendent General. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1923*. Ottawa, ON: F. A. Acland. p. 20.

<sup>886</sup> Author Unknown. (1923). Letter to C. Bourget, 4th May, 1923. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D.

<sup>887</sup> Bourget, C. (1923). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Re[: ]Payment of Annuities at Resolution, Rae, Hay River, And Providence, August the 6th, 1923. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 1.



Bourget recounted that the "Dogribs of Yellowknife" wanted

. . . to establish a Post in time at the mouth of the Yellow Knife and have a regular settlement there, and the danger of crossing the lake was given as an excuse and chief reason for this.<sup>889</sup>

Bourget suggested that this was a poor excuse as the Yellowknives who were also living on the north shore of Great Slave Lake managed to make it to Fort Resolution for treaty days and were thus able to be enumerated:

The danger is real to a certain extent but not worse for them than for some of the **Yellow Knives who live on the north shore of the lake and manage to come [to Fort Resolution]**.<sup>890</sup>

The quote above tells us that Copper/Yellowknife Indian families continued to live on the north side of Great Slave Lake.

Bourget's voiced his concerns with the Dogrib Chief's insistence on establishing a new post and settlement in Yellowknife, explaining that

. . . since they are paid at the Yellow Knife river they stay by themselves and do not get the influence of the White people; Missionaries or even Traders and they seem to have lost all ambition and courage and pride of themselves.<sup>891</sup>

The 1924 Fort Resolution Indian Agency "Census of Indians and Eskimos" (see figure 8) reads:

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<sup>888</sup> Bourget, C. (1924). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, August the 5th 1924. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 4.

<sup>889</sup> Bourget, C. (1924). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, August the 5th 1924. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 4.

<sup>890</sup> Bourget, C. (1924). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, August the 5th 1924. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 4.

<sup>891</sup> Bourget, C. (1924). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, August the 5th 1924. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 4.

**Figure 8**<sup>892</sup>***DIA Annual Report 1924 - Fort Resolution Agency  
Census***

Dog Ribs, Barren Land	135
Dog Ribs, Bear Lake	231
Dog Ribs, Marten Lake	110
Dog Ribs, No. 8 Rae	235
Dog Ribs, Slave Lake	93
Dog Ribs, Yellow Knife River	190
Chipewyans of Resolution	120
Yellow Knives of Resolution	176
Slaves of Hay River	101
Slaves, No. 1 Providence	301

The **1924** Department of Indian Affairs Census of Indians and Eskimos for the Fort Resolution Indian Agency listed the “Yellow Knives of Resolution” along with “Chipewyans,” to the right of which “*Resolution*” is scribbled in ink.<sup>893</sup> The Dogribs were enumerated as six groups—Barren Land, Bear Lake, Marten Lake, No. 8 Rae, Slave Lake, and Yellow Knife River. The majority of the Dogribs were listed under Bear Lake and No. 8 Rae with populations of 231 and 235 respectively. The Slaves at Hay River were combined (back) into one group and a new Slave group emerges, titled “Slaves No. 1, Providence.”

In his Treaty annuity report of 1925, Bourget stated

All the Indians of the Yellow Knife [Copper Indian] Band and the Chipewyans had arrived to Resolution, very early this year . . . They were all present and the shortage of fish in the bays close to the Fort was a handicap, in order to feed so many families and dogs to the number of six or seven hundred . . . Treaty was paid on June the 29<sup>th</sup> for these two Bands and 30<sup>th</sup> for more than a hundred Indians belonging to the Yellow Knife river, who had come to Resolution for

<sup>892</sup> Department of Indian Affairs. (1924). Table No. 1.—Census Arranged Under Departmental Inspectorates, Agencies and Districts, 1924. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1924*. Ottawa, ON: F. A. Acland. p. 54.

<sup>893</sup> Department of Indian Affairs. (1924). Table No. 1.—Census Arranged Under Departmental Inspectorates, Agencies and Districts, 1924. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1924*. Ottawa, ON: F. A. Acland. p. 54.

treaty. They had found it more convenient to come and trade at Resolution and consequently were paid.<sup>894</sup>

The Treaty 8 Dogribs were consistently located at Yellowknife River in Bourget's reports.<sup>895</sup>

In his treaty annuity report of 1926, Bourget noted that "the Indians of Resolution, the Chipewyans and the Yellow Knives were practically all present at the date set: June the 30<sup>th</sup>."<sup>896</sup> He also noted that "the ploughs and instruments were also received and I promised the Yellow Knives a similar plough for **their ground at Rocher River**."<sup>897</sup> It is clear from this statement that the Chipewyans and Copper Indians "of Fort Resolution" have a settlement at Rocher River (plate 43).<sup>898</sup>

In 1927 Bourget continued to pay Treaty at Yellowknife village, while he also indicated that

. . . [a] few years ago the chief [at the Yellowknife village] had brought few families from Resolution and Rae who asked to get paid there [at Yellowknife village], they were paid but we did not try to have them transferred [to the Yellowknife village group], and most of them went back to their original post [i.e. Resolution or Rae].<sup>899</sup>

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<sup>894</sup> Bourget, C. (1925). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, August the 6th 1925. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 1.

<sup>895</sup> Bourget, C. (1925). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, August the 6th 1925. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 1.

<sup>896</sup> Bourget, C. (1926). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, October 2 1926. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 1.

<sup>897</sup> Bourget, C. (1926). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, October 2 1926. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 1.

<sup>898</sup> Bourget, C. (1926). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, October 2 1926. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 1.

<sup>899</sup> Bourget, C. (1927). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, August the 11th 1927. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 2.

**Plate 43: A 1950s photo of the Rocher River settlement.<sup>900</sup>**



Bourget also mentioned a request to pay Treaty at Reliance, and noted that

. . . the Resolution Indians were late in arriving due to the ice conditions of the lake, the **spring** being late and ice covered the bays till the later part of June.<sup>901</sup>

Apparently most of the “Resolution” Indians continued to travel to Fort Resolution for Treaty days and did not yet reside there (see plate 44).

In his 1929 report, Bourget noted that the (Treaty 8) Dogribs wanted to be paid at “Rae” due to their self-identification as Dogribs. (Prior to this, they had asked to be paid at Yellowknife River where they resided.)

**The Indians from Yellow Knife River had sent a delegation to us asking to pay them at Rae instead of Resolution, *because they were Dog Ribs first and sympathize more with their friends of***

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<sup>900</sup> Aerial View of Indian Village at Rocher River: NWT Archives Rocher River Photo Gallery. (195?). Retrieved from [http://pwnhc.learnnet.nt.ca/databases/archives/Item\\_Display.asp?Accession\\_Number=N-1979-052&Item\\_Number=3320](http://pwnhc.learnnet.nt.ca/databases/archives/Item_Display.asp?Accession_Number=N-1979-052&Item_Number=3320)

<sup>901</sup> Bourget, C. (1927). Letter to the Assistant Deputy and Secretary, Department of Indian Affairs, Ottawa, August the 11th 1927. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 1.

*Rae.* We had agreed to that in concert with the Missions knowing their point correct, so long as they do mix with other bands at a regular Fort we had no objection to that. A few had been paid at Resolution, but most of them were at Rae, thus making these bands the most numerous of the North, we believe, close to nine hundred all told.<sup>902</sup>

**Plate 44: Indians landing at Great Slave Lake, with birch bark canoes coming to trade at Resolution.**<sup>903</sup>



In the same report, Bourget once again tied the “Yellowknives” (Copper Indians) to Rocher River:

**A small plow for dogs was asked to us by the Yellow Knives, so that they could raise potatoes at Rocher River. We promised to put that in the estimates for next year.**<sup>904</sup>

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<sup>902</sup> Bourget, C. (1929). Letter from C. Bourget, M. D., Indian Agent's Office, Fort Resolution, N.W.T., September the 9th 1929. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 2.

<sup>903</sup> Indians landing at Great Slave Lake, with birch bark canoes coming to trade at Resolution. (1901). Retrieved from [http://pwnhc.learnnet.nt.ca/databases/archives/Item\\_Display.asp?Accession\\_Number=N-1979-058&Item\\_Number=0012](http://pwnhc.learnnet.nt.ca/databases/archives/Item_Display.asp?Accession_Number=N-1979-058&Item_Number=0012).

<sup>904</sup> Bourget, C. (1929). Letter from C. Bourget, M. D., Indian Agent's Office, Fort Resolution, N.W.T., September the 9th 1929. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 2.

Bourget also noted that “Michel Francois, no. 43 Chipewyan [was] appointed headman of the Yellowknives in which band he is living.”<sup>905</sup>

In 1929 the census for the Fort Resolution Agency continued to show the Chipewyans, Yellow Knives, Dogribs, and Slaves of Hay River as separate entities (see figure 9). The various Dogrib Bands were amalgamated to become the Dogribs of Rae, totaling 766 members (they were the signatories to Treaty 11 in 1921). Dogribs not included in Treaty 11 were referred to as the “Dog Ribs of Resolution” (Treaty 8 signatories), in spite of the fact that these “Dog Ribs of Resolution” had repeatedly stated that they were Dogrib who **resided at Yellowknife River**.

Figure 9<sup>906</sup>

***DIA Annual Report 1929 - Fort Resolution Agency Census***

Chipewyans of Resolution	137
Dog Ribs of Resolution	186
Dog Ribs of Rae	766
Yellow-Knives of Resolution	142
Slaves of Hay River	111

During the early- to mid-1800s, Fort Resolution, Fort Smith, Old Fort Rae, and Hay River were the only forts in the Great Slave Lake region, but as fur prices rose trading posts expanded rapidly. By 1920 there were 14 trading establishments in the area. During the 1920s and 1930s an influx of independent non-native traders increased the number to 24.<sup>907</sup> New trading posts were constructed at Rocher River, Snuff Channel, Rat River, Snowdrift, and Fort Reliance. The Yellowknives (Copper Indians) and Chipewyans were the main residents and/or traders at these posts, which were established by the HBC for trade purposes.

<sup>905</sup> Bourget, C. (1929). Letter from C. Bourget, M. D., Indian Agent's Office, Fort Resolution, N.W.T., September the 9th 1929. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 4.

<sup>906</sup> Department of Indian Affairs. (1929). Table No. 1.—Census of Indians Arranged Under Provinces and Agencies, 1929—Continued. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1929*. Ottawa, ON: F. A. Acland. p. 55.

<sup>907</sup> Usher, P. J. (1971). *Fur Trade Posts of the Northwest Territories*. Ottawa, ON: Northern Science Research Group, Department of Indian Affairs and Northern Development. p. 41.



In 1930 Bourget again reported that the Dogribs of Yellowknife River were asking to receive their annuities at either Yellowknife River or Rae:

The Indians of Yellow Knife River were present at Rae and many at Resolution . . . Of course we were asked again to have treaty at Yellowknife River as other years, but we explained to them again the advantage for them in coming to other Forts, and it was settled.<sup>908</sup>

As stated previously, the Indian Agents were concerned that the Dogribs would be living too far from 'civilization' if they remained at the settlement in Yellowknife. Additionally, Indian Agents were concerned about overcrowding at Fort Rae, a settlement that was already almost 900 Dogribs strong:

These Dog Ribs from Rae Yellow Knife river are using Rae and Resolution as their point of businesses, but we are now trying to bring them back to Resolution, for many reasons. Rae is already a post so large in population that the small lake is overcrowded during the summer with nets.<sup>909</sup>

The 1934 DIA Census of Indians in Canada further ties certain Bands to settlements. It lists the Indians of the Great Slave Lake region as the "Chipeweyans," "Dog-Ribs," and "Yellow-Knives" (Copper Indians) "of Fort Resolution," as well as "Slaves of Hay River" and "of Providence."<sup>910</sup> The vast majority of the Dogribs are at Rae.<sup>911</sup> Although Indian Agent J. H. Riopel has stated upon arriving at Yellowknife that "this small Band of Dog-Ribs is the most

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<sup>908</sup> Bourget, C. (1930). Letter from C. Bourget, M. D., Indian Agent, Resolution, N.W.T., September the 23ed 1930. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 3.

<sup>909</sup> Bourget, C. (1931). Letter from C. Bourget, M. D., Indian Agent, Resolution, N.W.T., Great Slave Lake Agency, July the 23ed 1931. In LAC: Payment of Annuities in the Yellowknife Agency, 1921-1932, RG10, Volume 6879, File 191/28-3, Part 1D. p. 2.

<sup>910</sup> Department of Indian Affairs. (1934). Table No. 1.—Census of Indians Arranged Under Provinces, Agencies and Districts, 1934—Continued. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1934*. Ottawa, ON: J. O. Patenaude. p. 40.

<sup>911</sup> Department of Indian Affairs. (1934). Table No. 1.—Census of Indians Arranged Under Provinces, Agencies and Districts, 1934—Continued. In *Annual Report of the Department of Indian Affairs for the Year Ended March 31 1934*. Ottawa, ON: J. O. Patenaude. p. 40.

miserable of all Indians in the Agency, but they have only themselves to blame for being so."<sup>912</sup>

In a **1943** memo to Ottawa from J. H. Riopel, the Indian Agent at Fort Resolution to Ottawa, Band names are accompanied by the location where the Band was said to reside at the time:

1. the Yellowknife Band – *Resolution 'A'*,
2. Chipewyan Band – *Resolution 'C'*, and
3. Dog-Rib Band – *Yellowknife & Resolution 'B'*,
4. Dog-Rib Band – *Fort Rae 'F'*<sup>913</sup>

In other words, in 1943 three Bands (*Resolution A, B, and C*) were located on paper at the fur-trading post of Fort Resolution, with one of those Bands (*Resolution B*) — the Dogribs who signed the Treaty 8 Adhesion — with members resident at both Fort Resolution and the newly burgeoning mining centre of Yellowknife.

Riopel, noted in 1943,

On account of the late opening of navigation on the Great Slave Lake, the Indians were late coming into the Fort and Treaty Annuities were paid much later than planned at first.<sup>914</sup>

A second Dogrib Band (Treaty 11) was located at the Fort Rae fur-trading post and was named Fort Rae 'F'. At this time, 1943, fur trapping and trading was the principal economic pursuit of all of the above-named Bands; although their subsistence activities on the Barren

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<sup>912</sup> Riopel, J. H. (1940). Letter to the Secretary of the Department of Mines and Resources, Indian Affairs Branch, Ottawa, Signed J. H. Riopel, Indian Agent, Fort Resolution, N. W. T., August 1940. In LAC: Annuity Payments in the Yellowknife Agency, 1938-1943, RG 10, Volume 6880, File 191/28-3, Part 4-4B. p. 4.

<sup>913</sup> Leslie, A. G. (1943). Letter to J. H. Riopel, Esq., M.D., Indian Agent, Fort Resolution, N. W. T., Ottawa, September 20 1943. In Indian Affairs Headquarters Files: Annuity Payments for the Fort Resolution Agency. 1943/1947, RG 10, Volume 6881, File 191/28-3 5.

<sup>914</sup> Riopel, J. H. (1943). Letter to The Secretary, Dept. of Mines & Resources, Indian Affairs Branch, Signed J. H. Riopel, Indian Agent, August 16th/43. In Indian Affairs headquarters Files: Annuity Payments for the Fort Resolution Agency. 1943/1947, RG 10, Volume 6881, File 191/28-3 5. p. 1.

Lands continued. They resided in traditional tent-like structures or used small log huts near the fur trade posts (see plate 45).

**Plate 45: Chipewyan temporary camp at Fort Resolution (1948 - 1956).<sup>915</sup>**



On August 8, 1944, in a letter written to Ottawa, the Indian Agent at Fort stated that the Chipewyan, Dogrib, and Yellowknife (Copper) Indians from Rocher River had met at the post:

Alexis J.M. Beaulieu, Headman for the Dog-Rib Band, Resolution and Boniface Alphonse, Chief for the Chipewyan Band, Resolution were present with every member of their respective Band. **Pierre Frisè Snuff, Chief for the Yellowknife ['A'] Band, Resolution**

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<sup>915</sup> An Indian [Chipewyan] camp at Fort Resolution. (1948 - 1956). Retrieved from [http://pwnhc.learnnet.nt.ca/databases/archives/Item\\_Display.asp?Accession\\_Number=N-1979-062&Item\\_Number=0318](http://pwnhc.learnnet.nt.ca/databases/archives/Item_Display.asp?Accession_Number=N-1979-062&Item_Number=0318).

**had come from Rocher River with several Indians from Rocher and Snowdrift.<sup>916</sup>**

This passage illustrates the fact that the Yellowknives (Copper Indians) occupied the settlement at Rocher River. These Yellowknives, along with the Yellowknives associated with Fort Resolution, became known as the Yellowknife 'A' Band.

As a consequence of the repeated requests of the Dogribs, whose members for the most part resided at Yellowknife, the “Dog Ribs of Resolution” were renamed the “Dog Ribs of Yellowknife and Resolution” in the 1944 census (see figure 10) -- a concession of sorts:

**Figure 10<sup>917</sup>**

<i><b>DIA Census of Indians in Canada 1944</b></i> (Department of Mines and Resources - Indian Affairs Branch)	
Chipewyans, Resolution	110
Dog-Ribs, Yellowknife and Resolution	288
Dog-Ribs, Rae	740
Yellowknives, Resolution	168
Slaves, Hay River	133

In the Fort Resolution Agency report for the year 1947 it is stated:

The Chief, Pierre Frise, was absent from the Band meeting being held up on the Lake due to wind and ice conditions and the Headman of the Chipewyan-Resolution 'C' Band, Samuel Simon [Patrick Simon's grandfather] spoke on behalf of the Indians present.<sup>918</sup>

<sup>916</sup> Author Unknown. (1944). Letter to the Secretary, Dept. of Mines & Resources, Indian Affairs Branch, Ottawa, Fort Resolution, N.W.T., August 8th, 1944. In Indian Affairs Headquarters Files: Annuity Payments for the Fort Resolution Agency. 1943/1947, RG 10, Volume 6881, File 191/28-3 5. p. 1.

<sup>917</sup> Department of Indian Affairs. (1944). Table No. 1.—Census of Indians: Arranged Under Provinces, Territories, Districts and Indian Agencies, 1944—Continued. In *Report of Indian Affairs Branch for the Fiscal Year Ended March 31, 1944*. Ottawa, ON: Edmond Cloutier. p. 16.

<sup>918</sup> Skead, W. B. (1947). Re: Payment of Annuity in the Fort Resolution Agency for the year 1947, Signed W.B. Skead, July 15th, 1947. In Indian Affairs Headquarters Files: Annuity Payments for the Fort Resolution Agency. 1943/1947, RG 10, Volume 6881, File 191/28-3 5. p. 2.

This passage is found in Section 4 of the letter, under the heading “*Yellowknife-Res. ‘A’ Band, Rocher River,*” which informs us that the Rocher River settlement was comprised of Yellowknife-Resolution ‘A’ Band members.

In addition, the Headman of the Chipewyan ‘C’ Band was able to speak on behalf of the Yellowknife-Resolution ‘A’ Band members who had cabins at Rocher River in place of the absent Yellowknife ‘A’ headman, Pierre Frise, stated that some members of the Chipewyan ‘C’ Band also had cabins at Rocher River. It was and is the norm for a family to have cabins in a number of areas for hunting, trapping and fishing purposes at various times of the year.

In or about 1948 the Fort Resolution Indian Agency began to react to issues at the community level. In compliance with the new DIA policy, they began to reorganize and evenly distribute the number of settlements, bands, and their members across the Indian Agencies. The communities of Rocher River and Snowdrift were subject to these policies. As a consequence families were transferred to "renamed" bands. The Yellowknife-Resolution ‘A’ Band became the Yellowknife ‘A’ Band.

Sergeant Fred Fraser, District Agent, wrote to Deputy Commissioner R. A. Gibson, Administration of the Northwest Territories, reporting on a number of matters pertaining to members of the community at Rocher River. He stated “Indians from Snowdrift, Rocher River and Fort Rae visit Yellowknife during the summer months, as there are opportunities for employment there.”<sup>919</sup> Sergeant Fraser’s comments indicate that the Indians along the south shore of Great Slave Lake continued to move around the region in pursuit of their subsistence activities of hunting, trapping, or short-term employment with the mining industry.

The headquarters for the Fort Resolution Agency was moved from Fort Resolution to Yellowknife in 1950. "The Census of Indians in Canada," provided by Indian Affairs, indicates the continuation of an administrative re-organization, which had earlier renamed the

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<sup>919</sup> Fraser, F. (1948). Lands and Development Services Branch, Letter to R. A. Gibson, Deputy Commissioner, Administration of the Northwest Territories, Fort Smith, N. W. T., June 18th, 1948. In Indian Affairs Central Registry Files, 1844 -1970: Yellowknife Agency - Semi Annual Reports 1945 - 1965, RG 10, Volume 8438, File 139/23-4. p. 2.

Yellowknife Resolution 'A' Band as Yellowknife 'A'. The bands of the Fort Resolution Agency are listed as follows:

**Figure 11**<sup>920</sup>

<i><b>DIA Census of Indians in Canada 1949</b></i> (Department of Citizenship and Immigration—Indian Affairs Branch)	
Chipewyan 'C' (Resolution)	105
Dog Rib Rae 'E' (Fort Rae)	718
Slave "D" (Hay River)	142
Yellow Knives 'A' (Resolution)	159
Yellowknife 'B' (Yellowknife and Resolution)	279

Most importantly, this renaming of the bands in 1949 explains how eventually (after further reorganization in 1960—see below) the Dogribs of Fort Resolution come to be referred to as “Yellowknives” (more specifically Yellowknife 'B'). This has led to a great deal of confusion both for the mining industry and for successive government officials who (without the benefit of a corporate memory) have presumed that the Yellowknives Dene First Nation are the former Yellowknives (or Copper Indians) rather than their primarily Dog Rib composition.

### ***The Indian Act and the "Movement" of the Bands***

The *Indian Act*, in its many forms, contains more than a few amendments pertaining to the structure of Chief and Council and the rules for membership within Bands. Through the use of these amendments, and several other sections of the *Indian Act*, Indian Agents were able to tweak and manipulate the organization of the Indians of the Great Slave Lake region to their own purposes. The following section will assist the reader in understanding the legalities underlying the subsequent reorganization of the Bands around Great Slave Lake during the 1950s and the 1960s.

In 1886 The *Indian Advancement Act* established who exactly the act applied to:

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<sup>920</sup> Department of Indian Affairs. (1949). Census of Indians: Arranged under Provinces, Territories, Districts and Indian Agencies, 1949—Continued. In *Report of Indian Affairs Branch for the Fiscal Year Ended March 31, 1949*. Ottawa, ON: Edmond Cloutier. p. 20.

## 2. Application of Act

This Act may be made applicable, as hereinafter provided, to any band of Indians in any of the Provinces, or in the North-West Territories of Canada . . . except in so far as it is herein otherwise provided:

2. The provisions of “The Indian Act” shall continue to apply to every band to which this Act is, from time to time, declared to apply . . . <sup>921</sup>

Much later, in 1951, Section 17 of the *Indian Act* gave control to the Indian Agents in deciding who was to belong to which Band:

17. (1) The Minister may, whenever he considers it desirable,
- (a) constitute new bands and establish Band Lists with respect thereto from existing Band Lists or General Lists, or both, and
  - (b) amalgamate bands that, by a vote of a majority of their electors, request to be amalgamated.

(2) Where pursuant to subsection one a new band has been established from an existing band or any part thereof, such portion of the reserve lands and funds of the existing band as the Governor in Council determines shall be held for the use and benefit of the new band. <sup>922</sup>

Additionally, Chapter 33, section 1 of the 1887 version of the *Indian Act* reads:

The Superintendent General, may, from time to time, upon the report of an officer, or other person specially appointed by him to make an inquiry, determine who is or who is not a member of any band of Indians entitled to share in the property and annuities of the band; and the decision of the Superintendent General in any such

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<sup>921</sup> Canada. (1886). *The Indian Advancement Act*. R.S.C. 1886, c. 44. (49 Vict.). In S. H. Venne (Ed.), *Indian Acts and Amendments 1868 - 1975: An Indexed Collection* (1981). Saskatoon: University of Saskatchewan: Native Law Centre. p. 167.

<sup>922</sup> Canada. (1951). *The Indian Act*. S.C. 1951, c. 29. 15 George VI. In S. H. Venne (Ed.), *Indian Acts and Amendments 1868 - 1975: An Indexed Collection* (1981). Saskatoon: University of Saskatchewan: Native Law Centre. p. 321.



matter shall be final and conclusive, subject to an appeal to the Governor in Council.<sup>923</sup>

These amendments gave the Superintendent General and Minister the authority to control band membership and, more broadly, the structure of bands. The control held by Indian agents over Canada's Indigenous population increased as further amendments were made. In section 78 of the 1951 *Indian Act*, it states that the Governor in Council has the authority to reject an elected leader of an Indian band:

- 78.** The Governor in Council may set aside the election of a chief or a councilor on the report of the minister that he is satisfied that
- (a) there was corrupt practice in connection with the election,
  - (b) there was a violation of this Act that might have affected the result of the election, or
  - (c) a person nominated to be a candidate in the election was ineligible to be a candidate.<sup>924</sup>

Furthermore, there are sections of the *Indian Act* which set out the manner in which Band members can be removed from their respective Bands and placed elsewhere:

- 12. (1)** The following persons are not entitled to be registered, namely,
- (a) a person who
    - (i) has received or has been allotted half-breed lands or money scrip,
    - (ii) is a descendent of a person described in subparagraph (i),
    - (iii) is enfranchised, or
    - (iv) is a person born of a marriage entered into after the 4th day of September 1951, and has attained the age of twenty-one years, whose mother and whose father's mother are not persons described in paragraph (a), (b),

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<sup>923</sup> Canada. (1887). *An Act to amend "The Indian Act"*. S.C. 1887, c. 33. S. 1 and 2. In S. H. Venne (Ed.), *Indian Acts and Amendments 1868 - 1975: An Indexed Collection* (1981). Saskatoon: University of Saskatchewan: Native Law Centre. p. 166.

<sup>924</sup> Canada. (1951). *The Indian Act*. S.C. 1951, c. 29. 15 George VI. In S. H. Venne (Ed.), *Indian Acts and Amendments 1868 - 1975: An Indexed Collection* (1981). Saskatoon: University of Saskatchewan: Native Law Centre. p. 340.

- (d), or entitled to be registered by virtue of paragraph (e) of subsection 11, unless being a woman, that person is the wife or widow of a person described in section 11, and
- (b) a woman who marries a person who is not an Indian, unless that woman is subsequently the wife or widow of a person described in section 11 . . .<sup>925</sup>

And, further:

**14.** A woman who is a member of a band ceases to be a member of that band if she marries a person who is not a member of that band, but if she marries a member of another band, she thereupon becomes a member of the band of which her husband is a member.<sup>926</sup>

In 1958 a new Indian Agency was created at Fort Smith, which, in 1961, took over the administration of the Bands at Fort Resolution and Rocher River from the Yellowknife Agency. The Yellowknife Agency, however, retained the administration of the Dogribs at Yellowknife River, and the Yellowknives and Chipewyans at Snowdrift River. The Yellowknife 'A' and Yellowknife 'B' Bands were each split in half between these two Indian Agencies, creating administrative confusion.<sup>927</sup>

The minutes of a meeting held in Yellowknife on July 3<sup>rd</sup> 1959 record that Superintendent McGilp "advised those in attendance that Chief Joe Sangris, as Chief of the Yellowknife 'B' Band, was also Chief of the Indians of the Fort Resolution."<sup>928</sup> McGilp asked the Indians present whether they thought the current arrangement with Sangris as Chief of the Fort

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<sup>925</sup> Canada. (1970). *Indian Act*. R.S.C. 1970, c. I-6. In S. H. Venne (Ed.), *Indian Acts and Amendments 1868 - 1975: An Indexed Collection* (1981). Saskatoon: University of Saskatchewan: Native Law Centre. p. 413.

<sup>926</sup> Canada. (1970). *Indian Act*. R.S.C. 1970, c. I-6. In S. H. Venne (Ed.), *Indian Acts and Amendments 1868 - 1975: An Indexed Collection* (1981). Saskatoon: University of Saskatchewan: Native Law Centre. p. 414.

<sup>927</sup> Department of Citizenship and Immigration: Indian Affairs Branch. (1958). Northwest Territories. In *Report of Indian Affairs Branch for the Fiscal Year Ended March 31, 1958*. Ottawa, ON: The Queen's Printer and Controller of Stationary. p. 72.

<sup>928</sup> McGilp, J. G. (1959). Minutes of Band Meeting of the Yellowknife "B" Band Held at Yellowknife Indian Village July 3, 1959, from Superintendent, J. G. McGilp. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 3.

Resolution people was “a good thing” and whether it should continue.<sup>929</sup> One member of the Chipewyan ‘C’ Band objected at a meeting on July 5th, 1959 at Fort Resolution stating: **“the people of Resolution did not want a man from Yellowknife [River] as Chief.”**<sup>930</sup> In addition, Joe Sangris agreed with this sentiment at the meeting on July 3rd, 1959:

Chief Joe Sangris said that he did not want to feel responsible for the people at Fort Resolution, as he had not been there for years, and did not intend to go there in the future. **The general feeling of the meeting was that the people of Fort Resolution should be quite separate from the people living in Yellowknife**, as they do not have anything in common, divided as they are by the widest part of the Great Slave Lake.

The Superintendent asked the Chief and the meeting if anyone would have any objection if the people in Resolution should be transferred out of the Yellowknife ‘B’ band.<sup>931</sup>

Chief Joe Sangris was apparently in agreement with the reorganization, as it reflected the reality of just where the people of his Band were located on the ground (in Yellowknife). The July 3<sup>rd</sup> 1959 minutes reflect that,

Chief Joe Sangris said he felt they should be transferred, and had always said so whenever the question arose. The Superintendent said he hoped to make the necessary arrangements to have this done.<sup>932</sup>

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<sup>929</sup> McGilp, J. G. (1959). Minutes of Band Meeting of the Yellowknife "B" Band Held at Yellowknife Indian Village July 3, 1959, from Superintendent, J. G. McGilp. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 3.

<sup>930</sup> McGilp, J. G. (1959). Minutes of a Meeting of the Yellowknife "B" Band and Chipewyan Band Held at Fort Resolution July 5th 1959, from Superintendent, J. G. McGilp. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 1.

<sup>931</sup> McGilp, J. G. (1959). Minutes of Band Meeting of the Yellowknife "B" Band Held at Yellowknife Indian Village July 3, 1959, from Superintendent, J. G. McGilp. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. pp. 3-4.

<sup>932</sup> McGilp, J. G. (1959). Minutes of Band Meeting of the Yellowknife "B" Band Held at Yellowknife Indian Village July 3, 1959, from Superintendent, J. G. McGilp. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 4.

The community of Snowdrift was not considered to be a permanent settlement until the 1950s. Until then it had been the site of five or so cabins used during seasonal rounds. By 1959, the small settlement at Snowdrift and the larger settlement at Rocher River were treated as communities belonging to the Yellowknife 'A' Band, which was nominally located at Fort Resolution.

The minutes of the Council Meeting held at Snowdrift in July of that same year reveal a discontent surrounding the mismatch between the location of the nominal Band leadership and the evolving situation on the ground. Superintendent McGilp agreed to explore the possibility of the Snowdrift community becoming a "band in its own right" due to the internal politics of the day and the statements of a few people. Councilor Joe Lockhart (Yellowknife 'A' Band) led the fray:

Councillor Joe Lockhart said that there had been previous conversations with the Indian Superintendent as to the right of Chief Frise at Rocher River to style himself "Chief of the Snowdrift Indians." The Snowdrift people wanted their own chief, and few of them had ever seen Chief Frise of the Yellowknife 'A' band, and it was believed he had never in his life visited Snowdrift.<sup>933</sup>

So, in 1959 individuals residing at both Snowdrift and Rocher River still belonged, to the Yellowknife 'A' Band. McGilp, however, offered to remedy this. The transfer of the Rocher River Yellowknife 'A' Band members out of that Band, leaving only those at Snowdrift, would be the simplest solution. At the time the settlement at Snowdrift was within the Yellowknife Indian Agency while the settlement at Rocher River was administered by the Fort Smith Indian Agency. Having one band split between two agencies was an administrative nightmare.

Superintendent McGilp promised to look into the matter and attempt to arrange for the Snowdrift Indians to become a band in their own right, and at that time, he would arrange for an election, when they could choose their own chief. In the meantime, the

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<sup>933</sup> McGilp, J. G. (1959). Minutes of Yellowknife "A" Band Meeting Held at Snowdrift, July 5, 1959. In Indian Affairs: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 1.

people should note that he would merely attempt to do this, but for the present, they would remain members of the Yellowknife 'A' band, and Councillor Lockhart would remain a councillor, with Chief Frise technically the chief of the band.<sup>934</sup>

The minutes of a meeting held in Snowdrift in December of that year record Zepp Casaway as "Sub-Chief," apparently under Frise's now somewhat nominal position as Chief.<sup>935</sup>

In the minutes of the Council Meeting held at Rocher River in January 1960, the Superintendent was informed that the **majority** of the people at Fort Resolution were Chipewyan, which concurs with the following:

Councillor S. Simon, #58 Chip Band, advised the Superintendent that he had been a Councillor of the Chip Band for 29 years, and **that the majority of the Chipewyan people lived in and around Fort Resolution and Rocher River.**<sup>936</sup>

One possible explanation for Mr. Simon's statement is that he believed such a comment would be significant to a Superintendent interested in reorganizing the existing Bands into geographically consolidated entities for the purposes of more effective Band governance and administration through the institution of Chief and Council.

At a Council Meeting of the Yellowknife 'A' Band located at Snowdrift held in July 1960, Superintendent Kerr explained the DIA's planned reorganization of the Bands for administrative purposes. The members of the Yellowknife 'A' Indian Band living at Fort Resolution and Rocher River were now to be transferred to the Chipewyan Band. The minutes read:

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<sup>934</sup> McGilp, J. G. (1959). Minutes of Yellowknife "A" Band Meeting Held at Snowdrift, July 5, 1959. In Indian Affairs: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 2.

<sup>935</sup> Kerr, K. (1959). Minutes of meeting of Yellowknife "A" Band Held in The Hudson's Bay Store: Snowdrift, N.W.T. on December 21, 1959. In Indian Affairs: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 1.

<sup>936</sup> Kerr, K. (1960). Council Meeting Held at Rocher River on January 12/60 8:00 P. M. In the Federal School. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 1.

Superintendent Kerr explained to the Council that **all the people living at Fort Resolution and Rocher River** [who belonged to the Yellowknife 'A' Band] **were being transferred into the Chip Band.**<sup>937</sup>

Kerr further stated:

The Chief of the Yellowknife 'A' Band, Pierre Frise, lives at Rocher River and he was being transferred into the Chipewyan Band.<sup>938</sup>

Kerr concluded by stating that the Yellowknife 'A' Band would now be comprised of only those people living at Snowdrift.

When all transfers are completed, then the people living at Snowdrift would form the Yellowknife 'A' Band and elections would be held to nominate a Chief and Council.<sup>939</sup>

Snowdrift retained the appellation Yellowknife 'A' while the communities at Rocher River (who were also part of the Yellowknife 'A' Band and traditionally Copper Indians) and at Fort Resolution were now to be called the Chipewyan Band. The Dogribs at Yellowknife (River) would continue to be referred to as the Yellowknife 'B' Band.

At a Council Meeting held in Yellowknife on July 4<sup>th</sup> 1960 with the Dogrib members of the Yellowknife 'B' Band,

The Chief and Council agreed to the proposed transfer of people from the Yellowknife 'B' Band to the Chipewyan Band at Fort Resolution. At the present time the majority of people living at Fort Resolution belong to the Yellowknife 'B' Band; they have no

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<sup>937</sup> Kerr, K. (1960). Minutes of the Yellowknife "A" Band Council Meeting Held at Snowdrift - July 8th, 1960. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 1.

<sup>938</sup> Kerr, K. (1960). Minutes of the Yellowknife "A" Band Council Meeting Held at Snowdrift - July 8th, 1960. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 1.

<sup>939</sup> Kerr, K. (1960). Minutes of the Yellowknife "A" Band Council Meeting Held at Snowdrift - July 8th, 1960. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 1.

representative as their Chief and two councillors live at Yellowknife.<sup>940</sup>

J.G. McGilp wrote in his 1960 memo to Ottawa that:

**At Fort Resolution and Rocher River the Indians are presently members of the Yellowknife A, Yellowknife B and Chipewyan Bands.**<sup>941</sup>

He added:

Most of the Yellowknife A and Yellowknife B Band . . . are presently resident in and around Yellowknife, Yellowknife Indian Village and Snowdrift.

It is my intention . . . to arrange for the Indian residents of Fort Resolution and Rocher River to be transferred into one band; namely, the Chipewyan Band of the Yellowknife Agency . . . the transfer of the Yellowknife A and Yellowknife B residents of Rocher River and Fort Resolution will increase the Chipewyan Band by about 150, thus bringing the size of the Chipewyan Band to about 270 members.<sup>942</sup>

Interestingly, McGilp also wrote that

This matter was discussed with Chief Joe Sangris of the Yellowknife B Band during Treaty Meetings at the Yellowknife Indian Village in 1959 when he agreed in principle to the transfer of

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<sup>940</sup> Kerr, K. (1960). Minutes of Council Meeting of Yellowknife "B" Band Held at Yellowknife Indian Village on July 4th, 1960. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 1.

<sup>941</sup> McGilp, J. G. (1960). Letter to Indian Affairs Branch, Regional Supervisor - District of Mackenzie, Chipewyan Band - Yellowknife Agency, May 25th, 1960. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization of the Fort Smith Agency (MAP) 1958 - 1964, RG 10, Volume 8212, File 140/1-1 1. p. 1.

<sup>942</sup> McGilp, J. G. (1960). Letter to Indian Affairs Branch, Regional Supervisor - District of Mackenzie, Chipewyan Band - Yellowknife Agency, May 25th, 1960. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization of the Fort Smith Agency (MAP) 1958 - 1964, RG 10, Volume 8212, File 140/1-1 1. p. 1.



the Yellowknife B members who live in Fort Resolution to the Chipewyan Band.<sup>943</sup>

Yellowknife 'A' councilors and members living in the village at Snowdrift in effect requested that the Rocher River and Snowdrift communities be separated on paper as they were on the ground. McGilp continued:

On the files of the Yellowknife Agency we have a petition from the Councillors and people of the Yellowknife A Band at Snowdrift asking that the members of the Yellowknife A Band resident in Rocher River be detached from them.<sup>944</sup>

McGilp concluded with:

[a]ll the ground work has been laid for us to arrange for one band to be set up in the Resolution – Rocher River area by the transfer of all the Indian residents to the Chipewyan Band.<sup>945</sup>

In 1960 and 1961, anthropologist James W. VanStone visited the relatively new permanent settlement at Snowdrift. In 1960 and 1961 VanStone stated that there were twelve "half-Dogrib" people living at Snowdrift, three of whom were family heads.<sup>946</sup>

Indian Affairs enumerated the local Bands in 1960 and 1961, discrediting the Yellowknife 'B' council members' earlier statement that "the majority of people living at Fort Resolution

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<sup>943</sup> McGilp, J. G. (1960). Letter to Indian Affairs Branch, Regional Supervisor - District of Mackenzie, Chipewyan Band - Yellowknife Agency, May 25th, 1960. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization of the Fort Smith Agency (MAP) 1958 - 1964, RG 10, Volume 8212, File 140/1-1 1. p. 1.

<sup>944</sup> McGilp, J. G. (1960). Letter to Indian Affairs Branch, Regional Supervisor - District of Mackenzie, Chipewyan Band - Yellowknife Agency, May 25th, 1960. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization of the Fort Smith Agency (MAP) 1958 - 1964, RG 10, Volume 8212, File 140/1-1 1. p. 1.

<sup>945</sup> McGilp, J. G. (1960). Letter to Indian Affairs Branch, Regional Supervisor - District of Mackenzie, Chipewyan Band - Yellowknife Agency, May 25th, 1960. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization of the Fort Smith Agency (MAP) 1958 - 1964, RG 10, Volume 8212, File 140/1-1 1. p. 2

<sup>946</sup> VanStone, J. W. (1965). *The Changing Culture of the Snowdrift Chipewyan*. National Museum of Canada Bulletin 209, Anthropological Series No. 74. p. 83.

belong to the Yellowknife 'B' Band."<sup>947</sup> McGilp stated on May 25th, 1960 that the Chipewyan Band at Fort Resolution and Rocher River, before any of the transfers, contained 120 members.<sup>948</sup> After the transfer of both the Yellowknife 'A' and Yellowknife 'B' Band members living at Fort Resolution and Rocher River into the Chipewyan Band, it was composed of only 239 members.<sup>949</sup> With the transfer only 119 people belonging to the Yellowknife 'A' and Yellowknife 'B' Bands were added to the Chipewyan Band. The claim that the majority of Fort Resolution Indians belonged to the Yellowknife 'B' band, and were thus Dogribs, is an impossibility.

To effect these changes, in 1960 the Fort Smith Agency Registrar wrote to the Regional Supervisor stating:

We will require a Council Resolution signed by the Chief and Councillors of the Chipewyan Band covering the transfer of the Yellowknife A and Yellowknife B Bands to the Chipewyan Band. In the resolution the names of all the individuals to be transferred should be indicated, also their Band and numbers, and when received the request for the transfers will be recommended to the Director for his approval.<sup>950</sup>

Unfortunately, this file does not indicate who the Chief and Councillors of the Chipewyan Band were. A Band Council Resolution to bring into effect the required changes has not been located. In addition, the reader is not informed as to whether "*a vote of a majority of their electors* request[ed] to be amalgamated" as required by section 17 of the 1951 *Indian Act*.

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<sup>947</sup> Kerr, K. (1960). Minutes of Council Meeting of Yellowknife "B" Band Held at Yellowknife Indian Village on July 4th, 1960. In LAC: Minutes of Council - Yellowknife Agency, RG 10, Volume 7129, File 191/3-6, Part 1. p. 1.

<sup>948</sup> McGilp, J. G. (1960). Letter to Indian Affairs Branch, Regional Supervisor - District of Mackenzie, Chipewyan Band - Yellowknife Agency, May 25th, 1960. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization of the Fort Smith Agency (MAP) 1958 - 1964, RG 10, Volume 8212, File 140/1-1 1. p. 1.

<sup>949</sup> D'Astous, J. (1961). Organization - Yellowknife and Fort Smith Agencies, Letter to the Chief, Agencies Division, March 20, 1961. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization in the Yellowknife Agency 1959-1963, RG 10, Volume 8212, File 139/1-1 1.

<sup>950</sup> Author Unknown. (1960). Chipewyan Band Yellowknife Agency, Letter to the Regional Supervisor, from the Registrar Fort Smith, N.W.T., June 7th, 1960. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization in the Yellowknife Agency 1959-1963, RG 10, Volume 8212, File 139/1-1 1.

The newly amalgamated Chipewyan Band was then moved, administratively, to the Fort Smith Agency in 1961, while the Yellowknife 'A', and the Yellowknife 'B' Bands remained with the Yellowknife Agency<sup>951</sup>:

Administrative changes in the region were the creation of a regional office in Fort Smith, of the Fort Simpson Agency and a new sub-agency at Fort McPherson, and the transfer of three bands south of Great Slave Lake from the Yellowknife to the Fort Smith Agency.<sup>952</sup>

These three bands were those of the “settlements at Hay River, Rocher River, Little Buffalo River and Fort Resolution.”<sup>953</sup>

The names of the Bands changed again in 1962 when, as we are informed by R. G. McGilp, the Chipewyan Band of Fort Resolution “concur that the name ‘CHIPEWYAN’ be deleted from the identification of our band and that henceforth this band will be identified as the Resolution Band.”<sup>954</sup>

In February 1991, the Yellowknife 'B' Band changed its name by Band Council Resolution to the Yellowknives Dene Band.<sup>955</sup> The same date is given for the Yellowknife 'B' Band members, living in the community at Dettah, changing their name to Yellowknives Dene Band. Snowdrift (Yellowknife 'A') changed its name to Lutsel K'e in 1992. And, in January 1992, the Resolution Band of Fort Resolution changed its name to Deninu K'ue First Nation.

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<sup>951</sup> Kerr, K. (1961). Yellowknife Indian Agency Quarterly Report. April 1st - June 30, 1961. In Indian Affairs Central Registry Files, 1844 -1970: Yellowknife Agency - Semi Annual Reports 1945 - 1965, RG 10, Volume 8438, File 139/23-4. p .1.

<sup>952</sup> Jones, H. M. (1961). The Provincial Picture: Mackenzie Region. In *Report of Indian Affairs Branch for the Fiscal Year Ended March 31, 1961*. Ottawa, ON: Roger Duhamel. p. 78.

<sup>953</sup> D'Astous, J. (1961). Organization - Yellowknife and Fort Smith Agencies, Letter to the Chief, Agencies Division, March 20, 1961. In Indian Affairs Central Registry Files, 1870-1967: The Administrative Organization in the Yellowknife Agency 1959-1963, RG 10, Volume 8212, File 139/1-1 1.

<sup>954</sup> Presloski, W. (1962). Chipewyan (Fitz/Smith) and Chipewyan (Ft. Resolution) Bands - Ft. Smith Agency, March 14, 1962 (Attached Document - February, 1962). In Indian Affairs Central Registry Files, 1870 - 1967: The Administrative Organization of the Fort Smith Agency (MAP), 1958 - 1964, RG10, Volume 8212, File 140/1-1, Pt. 1.

<sup>955</sup> Ginnish, S. (1991). May 18 1991, Yellowknife "B" Band Change of Name to Yellowknives Dene Band, with attachment (Attached Document: Band Council Resolution for the Council of the Yellowknife B Band, Chronological No. 90-336, File Reference E-4215-4-763). In Indian Land Registry: Registration No. 133863, Region 8, Instrument type 4, Log # P789. p. 3.

## Summary

In 1900 the signatories to the Treaty Eight Adhesion and their “followers” were enumerated as Dogribs, Yellowknives (historically also known as Copper Indians), Chipewyans, and Slaves of Hay River. Subsequent census records show that these distinctions continued until about the 1940s when reorganizations *within* the Department of Indian Affairs resulted in new Bands and new Band names. At this time, families were not, as Indian Affairs Agents have stated, attached to forts and settlement. Instead, they were moving around in response to both employment and hunting opportunities.

It was during this turmoil that the new Yellowknife ‘A’ and Yellowknife ‘B’ Bands were formed. To add to the confusion, in 1961 the Yellowknives people of both Rocher River and Fort Resolution were removed from the Yellowknife ‘A’ and Yellowknife ‘B’ band lists. They were added to the Chipewyan Band. In 1961 Pierre Frise, the former Chief for 26 years of the Yellowknives of Fort Resolution and Rocher River, is moved from his Yellowknife ‘A’ Band to the Chipewyan ‘C’ Band. The Snowdrift settlement then became the Yellowknife ‘A’ Band, and a new Chief, a Snowdrift resident, was appointed.

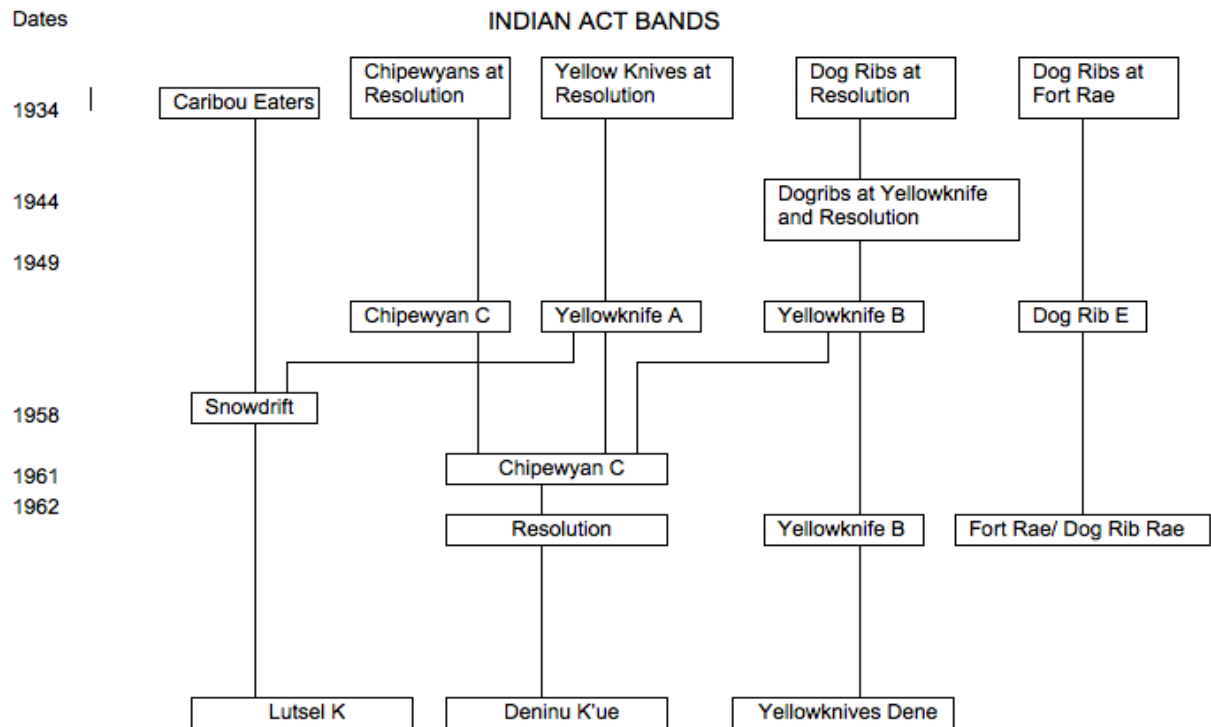
The Chipewyan Band changed its name by Band Council Resolution to the “Resolution Band” in 1962. The Band removed the “Chipewyan” designation after the addition (on paper) of approximately 119 members from the Yellowknife ‘A’ and the Yellowknife ‘B’ Bands in 1960.

To reiterate, members of the Yellowknife ‘A’ and Yellowknife ‘B’ Bands appearing on the Rocher River and Fort Resolution band lists were removed from these lists and added to the Chipewyan Band list. These were largely Yellowknives, descendants of Chief Snuff, Chief Akaitcho and their followers.

Today the majority of the people of Fort Resolution, the Deninu K'ue, are direct descendants of the Copper Indians (the original Yellowknives, not the Band that bears this name today) and the Chipewyans. The Copper Indians are *not* an extinct, completely-assimilated tribe of people, as some have suggested. The only disappearing act that these people did took place on

paper in Ottawa when the Department of Indian Affairs re-structured and reorganized the Bands and their respective memberships in 1961 and 1962.

**Figure 12: Department of Indian Affairs Band Names: Yellowknives, Chipewyans, and Dogribs**



## **Chapter VIII: Conclusions and Findings**

The overall goal of this report was to demonstrate that the ancestors of the DKFN were Chipewyans and Yellowknives, and that the DKFN have exerted a continued presence in the Barren Lands north and east of Great Slave Lake in the area surrounding Gahcho Kué since time immemorial.

In our first chapter we introduced the hamlet of Fort Resolution, enumerating the many events which have affected the town and its people. The goal of this chapter was twofold: first, it acts as a necessary introduction serving both to situate and contextualize the reader, and, second, it documents the many pressures the Athabascan Indians living at Fort Resolution have faced since contact with Europeans. As the fur trade took hold the Athabascan people began to move toward towns and settlements for trading purposes. Fort Resolution is one such settlement. With the imposition of the Department of Indian Affairs on the lives of the Athabascan Indians of the region, a whole new set of constraints on the lives of the people were instituted and enforced. These constraints relate to the Barren Lands and the DKFN's continued exploitation of the caribou, and are set out in more detail in Chapter IV and Chapter VI.

Next we provided a broader account of the people in the region. The Chipewyans and Copper/Yellowknife Indians, as the ancestors of the DKFN, are discussed in detail. Additionally, we examine the Dogrib (who now call themselves, confusingly, the Yellowknives Dene First Nation) and Slave peoples. These two cultural groups criss-cross the paths of the DKFN and play a role in the region's indigenous composition. Additionally, we have provided an ethnographic description of the Athabascan Indians' ranges, marriage practices, cultural traits, use and occupation of the land, interconnections, and unique histories. These four cultural groups (the Chipewyans, Copper/Yellowknife Indians, Dogribs, and Slaves) are the main First Nations actors in the events surrounding Fort Resolution. Dividing these Indigenous groups into discrete bands, in the past and present, allows us to draw genealogical lines from the Copper Indians and Chipewyans to the present day DKFN.

In our third chapter, we have located the above groups in space—the Great Slave Lake Region. In this section, the relationship between and among the land, the plants, the animals, and the Chipewyans and Copper/Yellowknife Indians are explored. We describe the caribou, the Barren Lands, the animals of both the Barren Lands and the transitional forest, the Athabascans' various hunting techniques, their modes of transportation, and their use of fur and meat. Changes through time are discussed with regard to modes of transportation, the caribou hunt, and general hunting practices. However, contrary to what others have claimed, these changes have not affected the core of the DKFN's cultural practices. The DKFN continue to hunt caribou for meat, and white fox, white wolf, and other animals for fur on the Barren Lands.

In the fourth chapter, we dissected the historical documents dating back to the time of contact between Europeans and the Athabascans in the region (Hearne's exploration of the region began in 1769). In this section the previous three chapters are linked together: through time we see the Chipewyans and Copper/Yellowknife Indians moving toward Fort Resolution and Rocher River (eventually settling there) while continuing to hunt, trap, and fish, using both traditional and modern techniques. The literature has described their hunt of the caribou, white fox, muskox, and other animals, from the late 18th century until the present day. In this chapter we described the Deninu K'ue's continuous use of the Barren Lands despite legislative restrictions. In spite of the establishment of Fort Resolution and the gradual commitment to a relatively sedentary life, the Deninu K'ue continue to return to the Barren Lands to hunt, trap, fish, socialize, and pursue other cultural imperatives as their ancestors have done for millennia. This section also situates the regions' various historic events affecting the Athabascan peoples in time.

One such event, labelled "Akaitcho and the Dogrib/Yellowknife Conflict," takes place in the 1820s and is described in detail in Chapter V. We have highlighted this particular event due to the fact that a mythology has arisen from an interpretation of the various documents relating to this "war." The statements found in the secondary sources are often personal opinions. It is said that the Dogrib attack on the Yellowknives pushed the Yellowknives south of Great Slave Lake and there they stayed forevermore. However, as we have shown, the Yellowknives lived



south of Great Slave Lake before the 1820s, and continued to live north of Great Slave Lake after the 1820s. It would appear that the Yellowknife Indians, since time immemorial, used and occupied a region north and south of Great Slave Lake.

The sixth chapter continues where we left off in Chapter IV. The historical documentation regarding the use and occupation of the Barren Lands becomes particularly sparse in the 1960s and 70s. It is during this period that the Department of Indian Affairs re-organized, reducing the type of reports and accounts that are useful for a report of this nature. Fortunately the information gathered from interviews with DKFN members documents to the modern-day hunting, trapping and fishing. Additionally, the DKFN members discuss issues regarding the current caribou hunt (i.e. the 2010 barren-ground caribou hunt ban, and the impact of the mines on the region). These interviews serve as substantive proof of the continued use of the Barren Lands and the region surrounding Gahcho Kué.

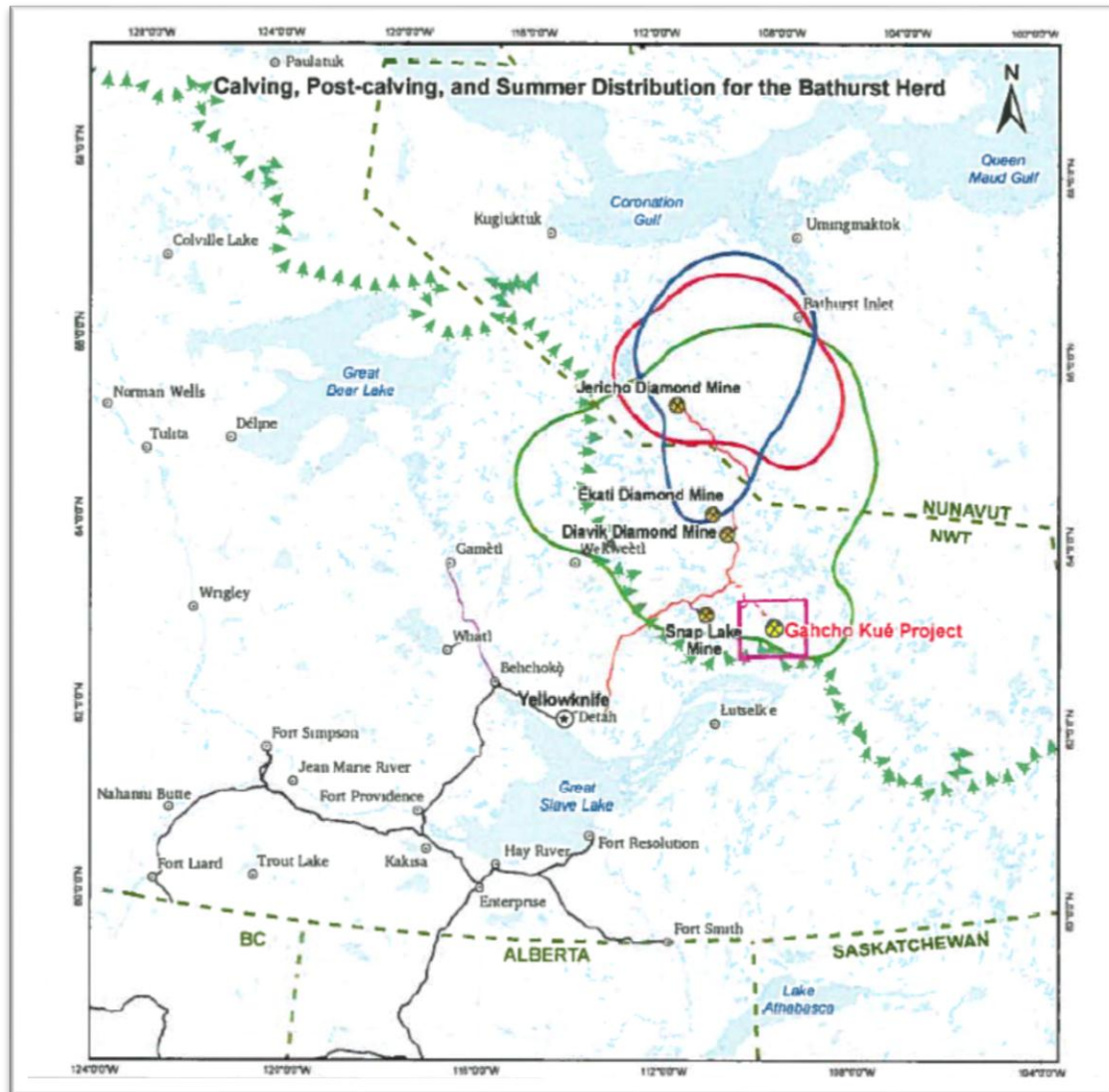
Chapter VII establishes the DKFN as Chipewyan and Copper/Yellowknife Indians. It traces the Chipewyans and Copper Indians through time as they began trading at Fort Resolution. As the DIA entered into the affairs of the region in 1900 with the Treaty 8 Adhesion, it began to divide regional groups into bands. The DIA first grouped the Athabascans somewhat along tribal lines. However, as time passed, government agents, for greater administrative ease, divided the people into bands according to the settlement at which they traded. The present day DKFN descend from Chipewyan and Copper/Yellowknife Indian who traded furs and collected annuities at Fort Resolution. This section discusses the ways in which the DIA has moved the Athabaskan peoples of the region about both on paper and on the land for administrative purposes. However, despite all of these movements, we have provided clear evidence of the continuous use of the Barren Lands by the DKFN and their ancestors.

By tracing the genealogy of the bands and determining the linguistic and cultural affiliation of the members of the DKFN, we have determined that those living at Fort Resolution are for the most part of Yellowknife and Chipewyan origin. We have traced these people through the records of the federal government, churches, and the HBC among others.

These documents also provide evidence of their continued use of the Barren Lands for the barren-ground caribou hunt. In good years, when caribou were plentiful, they were able to remain on the Barren Lands without having to travel toward the forts to trade. However, when the caribou herds failed to appear, as they sometimes did, and hunting restrictions were drafted and enforced in the 1920s, the Chipewyans and Yellowknives were forced into both wage labour and into travelling much further afield to continue their hunt. Nonetheless, the practice of caribou hunting continued.

Further, interviews conducted with present day DKFN members provide evidence of continuity with practices witnessed by explorers, DIA agents, and fur traders in the past. These living DKFN members, however, have also expressed a frustration with the current state of their hunt. The DKFN have experienced numerous impediments to their exploitation of the barren-ground caribou: in the past few years the caribou have declined in numbers, the government has banned the DKFN from hunting in a region north of Great Slave Lake, and the mines have impacted the ecology of the region.

Obstacles such as these have arisen in the past in the form of game reserves, hunting restrictions, and the exploitation of the land by white trappers. However, in both the past and the present, the Chipewyans and Copper Indians have adapted as necessary. Unfortunately, these adaptations have never been the result of choice: if the Athabaskan Indians wished to continue practicing their culture, they were forced to change by circumstances beyond their control.



Map 30: "Calving, Post-calving, and Summer Distribution for the Bathurst Herd." The pink square surrounding the Gahcho Kué Project is the RSA (the Regional Study Area).<sup>956</sup>

The Gahcho Kué mine will be another such impediment to the barren-ground caribou hunt north and east of Great Slave Lake within the DKN's traditional territory. De Beers predicts that "the Project will likely alter the behaviour and movement of individuals [referring to caribou] that travel through the RSA [Regional Study Area]" over the next 27 to 32 years.<sup>957</sup> The Gahcho Kué mine is projected to have a ZOI (Zone of Influence) around the project of 10

<sup>956</sup> De Beers Canada Inc. (2010). Section 7: Key Line of Inquiry: Caribou. In *Gahcho Kué Project Environmental Impact Statement*. figure 7.1-2, p. 7-10.

<sup>957</sup> De Beers Canada Inc. (2010). Section 7: Key Line of Inquiry: Caribou. In *Gahcho Kué Project Environmental Impact Statement*. pp. 7-48 & 7-148.

to 30 kilometers.<sup>958</sup> However, it is important to note that the mine is not simply a single point on the land. There are exploratory projects, flight paths, and roads which have effects beyond the mine itself. De Beers calculates that the projected cumulative impacts of the mine will result in a "12.2% (moderate magnitude) reduction in projected final herd abundance relative to reference conditions."<sup>959</sup> Further, as De Beers has stated: "These changes may ultimately affect the persistence of caribou population, and the continued opportunity for traditional and non-traditional use of caribou."<sup>960</sup> We have shown that since time immemorial the DKFN have relied and continue to rely on the barren-ground caribou hunt as both a source of cultural continuity and as a means of survival. The Gahcho Kué mine, as an impediment to caribou migration patterns and as an enterprise destructive to local ecology in numerous ways, is not simply a benign addition to a "barren," unused land; rather, it is the next event in a long history of the casual destruction of Indian cultures.

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<sup>958</sup> De Beers Canada Inc. (2010). Section 7: Key Line of Inquiry: Caribou. In *Gahcho Kué Project Environmental Impact Statement*. p. 7-96.

<sup>959</sup> De Beers Canada Inc. (2010). Section 7: Key Line of Inquiry: Caribou. In *Gahcho Kué Project Environmental Impact Statement*. p. 7-170.

<sup>960</sup> De Beers Canada Inc. (2010). Section 7: Key Line of Inquiry: Caribou. In *Gahcho Kué Project Environmental Impact Statement*. p. 7-50.

## Epilogue: Adaptive Change and "Territory" of the Chipewyan and Yellowknife DKFN in David M. Smith

De Beers Canada, in their report regarding the Gahcho Kué Project, relies heavily upon the work of David M. Smith. Smith states that his monograph is about:

. . . the major adaptive changes which occurred in the lives of the **Chipewyan** and **Métis** people trading into or living in Fort Resolution, Northwest Territories, Canada, between the years 1876 [*sic*: should be 1786] and 1972. These changes were largely in response to the policies and actions of European and Euro-Canadian personnel and institutions.<sup>961</sup>

He informs us that the year 1972 is the date that he last did his research and that in only a few instances has he used articles published later than 1975.

It is important to note here that contact in the area for the Chipewyan people occurred in or about 1769 and that the accepted date that Britain declared sovereignty is 1846. These dates are of little consequence to the Métis as, although they are of mixed blood, they were not, as of 1769 nor 1846, the original and/or indigenous peoples using and occupying the area around Great Slave Lake.

On page 13 of his report, Smith, in referring to the best times for hunting in “aboriginal times” stated that

. . . the most important hunting season was **in the fall** “at the edge of the woods” as the caribou came together in large aggregations for their migration into the transitional forest. At this time the Chipewyan, in groups of up to 600 persons (Oswalt 1967:31), came together to spear caribou at a water crossing point.<sup>962</sup>

He continued:

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<sup>961</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. viii.

<sup>962</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. 13.

Another major season for large scale communal hunts was in **April** as Caribou aggregated to move back into the tundra.<sup>963</sup>

Smith continues by adding that the impoundments were often so successful that people could subsist without having to move their tents more than once or twice “during the course of a whole winter”. As noted earlier in this report, winter in this region lasts on an average from October to May – these tent communities of upwards of six-hundred Athapaskans comprised of various Chipewyan task groups can therefore be regarded as semi-permanent settlements challenging the erroneous but widely held belief/theory that these were “nomadic” people who used a **territory** but have little or no claim to title due to the fact that they were constantly on the move.

Further support for these long term settlements can be found on page 15 where Smith notes:

In the transitional forest it was often possible for a band of five or six to perhaps as many as a dozen families to remain for a rather long time in an area by setting snares.<sup>964</sup>

Contrary to the changing **territories** described by Smith (see “Territorial Range of Native Groups Trading at Fort Resolution” maps found on pages 107, 108 and 109) is the information provided by DKFN Band members in interviews conducted by ourselves during the summer of 2012 as recounted in Chapter VI.

In support of the DKFN continuity of caribou hunting practices dating from contact in 1786 to the present Smith writes at page 17:

Perhaps aboriginally, and most certainly in post-contact times **until the present**, much caribou and moose meat was converted into dry meat.<sup>965</sup>

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<sup>963</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. 13.

<sup>964</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. 15.

Smith divides the transition timeline of the DKFN from a hunting gathering society to a participation of sorts in the market economy into three phases (the first of which is divided into two sub-phases): "The contact-traditional phase," which consists of "the early contact-traditional phase" from 1786 to 1890 and "the late contact-traditional phase" from 1890 to 1950; and "The micro-urban phase" which lasted from 1950 to 1982 (when Smith published his Mercury Series Report).<sup>966</sup>

At page 59 Smith writes:

[In] 1823 the Dogribs defeated the Yellowknives in a battle (MacVicar [sic] H.B.C. B 181/a/1; Helm and Gillespie 1981; Gillespie 1970) and in the 1830s Back (1970: 457) noted that they were in a state of "decline" as a consequence of this defeat and as a result of contagious disease. It now appears that, while reference continues to be made to Yellowknives trading into Fort Resolution into the 1920's, they were actually **"disappearing" as a distinctive cultural entity** throughout the nineteenth century (Gillespie 1970).<sup>967</sup>

In direct contrast to this statement made by Gillespie and cited by Smith, at pages 326 to 346 of our Chapter VII entitled "A Genealogy of Bands," we set out the demographic data for the Yellowknives. This data is in the form of excerpts from censuses dating from 1863 to 1949 and later. The majority of the census data show that the recorded population of the Yellowknives, spanning nine decades, depicts the Yellowknife population as exceeding that of the Chipewyans and Dogribs. We therefore conclude that the Yellowknives were not "actually **disappearing as a distinctive cultural entity.**"<sup>968</sup>

Smith continues:

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<sup>965</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. 17.

<sup>966</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. 2.

<sup>967</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. 59.

<sup>968</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. 59



While in later years of the nineteenth and early years of the twentieth Centuries [sic] the native people living in the vicinity of Yellowknife Bay were referred to by whites as Yellowknives, my informants at Fort Resolution, as well as Indians in Fort Rae and in Yellowknife itself, say that intermarriage and assimilation to Dogribs had by this time made them hardly distinguishable from the Dogrib.<sup>969</sup>

Intermarriage outside of your own group is hardly a new phenomenon. Village or group exogamy, that is, marrying outside of your own group, was a common practice among the Athapaskan people. Although people marry out and marry in, the group maintains its own identity and does not assume the identity of the people marrying in, nor does the group lose its identity due to people marrying out. It is always some of the people, not all of the people moving in or out.

My Fort Resolution informants also maintained that **some** of the Yellowknives, known to them as the Tatsot'ine, (cf., Franklin 1823 vol.2: 76; Richardson 1852:245; Petitot 1876:26; Mason 1946:12) had also intermarried with and assimilated to Chipewyan south of Great Slave Lake.<sup>970</sup>

We therefore conclude that the Yellowknives did not disappear due to intermarriage.

Smith's hypothesis pertaining to changing territories in the period 1890 to 1950 is premised upon a presumed here-to-for unprecedented movement of the Chipewyan into the Boreal forest, a movement demanded by a new emphasis upon trapping and trading for a livelihood. The DKFN were forced to acquire new methods for procuring animals.

Smith appears to be unfamiliar with the 1791 to 1792 journal of Fidler wherein he encountered Chipewyan people camping at the mouth of the Buffalo River in the Boreal Forest. They had constructed raised log caches for the storage of meat during the winter

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<sup>969</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. 59.

<sup>970</sup> Smith, D. M. (1982). *Moose-Deer Island House People: A History of the Native People of Fort Resolution*. National Museum of Man Mercury Series: Canadian Ethnology Service, Paper No. 81. p. 59.

months. They clearly included this area as part of their seasonal rounds. Chipewyans were not new to the Boreal forest.

### **The confusion regarding the definition of the oft used word “Territory”**

Smith had neither the assistance nor the complications of recent case law in developing his hypothesis on the “changing territory” of the DKFN. As a consequence, his dissertation and Mercury Series report influenced the interpretation of the rights of the Chipewyan by legal counsel and employees of both government and industry. In addition, due to the biases of the people that he did interview, and the need to interpret what they told from within his own worldview and that of his dissertation committee members, David M. Smith affected the position of the DKFN in future negotiations with reference to the impacts upon their hunting, fishing and trapping "territory" by mining companies.

His apparent misinterpretation may be due to his use, or misuse, of the word "territory," a word which is in the process of being clarified by the courts, as well as his own ideas as to just what constitutes "use". *Reduced* use of an area does not equate to *no* use of an area. The reality was that, as he himself has described, the DKFN continued to use their "territory" for hunting for food purposes although it was not, and is not, the DKFN membership's primary subsistence activity as it had been prior to the 1950s.

Smith's use of the term is loosely applied. He appears to define territory as an area used intensively for subsistence purposes as it was used pre-contact. He does not contemplate a less intensive seasonal use of a region. The maps found at pages 107, 108 and 109 of his Mercury Series report appear to definitively depict a lack of continuity of use of the area exploited by the DKFN in the past for hunting fishing and trapping purposes. This is not the case – they simply depict a change in the daily, weekly and monthly reliance of the areas frequented by the DKFN. The DKFN continue to use the area on the north shore of Great Slave Lake in the vicinity of the Gahcho K'ue mine for the acquisition of meat for themselves, their elders and their community.

## Appendix 1: Treaty Eight Boundary Report

### Introduction

This report on the Treaty 8 boundary describes the boundaries and outlines the social, political, economic and local influences behind the development of the boundaries. The geographic region bounded by the metes and bounds description for the area covered by Treaty Eight includes those First Nations who live within an area that includes most of northern Alberta, part of the Northwest Territories, at least one quarter of the land area of British Columbia, and the northwest corner of Saskatchewan. The Treaty 8 boundary runs along the south shore of Great Slave Lake south of which lie Reliance, Lutsel K'e, Fort Resolution, Pine Point, Hay River, and other points located south of Great Slave Lake. Treaty 8 does not include Providence, Rae-Edzo, Yellowknife, Dettah, N'dilo, the diamond areas north of Great Slave Lake, or the Barren Lands aside from the northeast corner of the Treaty area. To be specific – it does not include lands located north of the south shore of Great Slave Lake.

The boundary of Treaty 8 was drawn in 1900. The Treaty 8 boundary had been proposed in one form in 1891, announced in a simplified form in the summer of 1898, and executed in a final form during the summers of 1899 and 1900. The boundary commission had likely not been provided with a map of the boundary; the boundary was drawn based upon the reports of the treaty commission after their two summers in the north. For the most part, the Treaty 8 boundary is today as it was in 1900.

The description of western boundary lead to confusion in regards to its true meaning. It read in part “thence due west **to the central range of the Rocky Mountains**, thence northwesterly along the said range to the point where it intersects . . .” at a time when mapmakers were just starting to understand how many mountain ranges were in the Western Cordillera. This report also examines different understandings of the treaty aims, processes and results.

The term ‘Indian’ is used to reference the persons covered under the *Indian Act*.

## Maps

Begin by looking at the Treaty 8 boundary as it is understood by government today. Examine the following map, which was produced by Indian and Northern Affairs Canada (INAC, now Aboriginal Affairs and Northern Development Canada (AANDC)) and titled “1999 Canada – Territorial Evolution Map.”<sup>971</sup>



<sup>971</sup> Aboriginal Affairs and Northern Development Canada. (1999). Canada - Territorial Evolution 1867 - 1999. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100032297>.



Natural Resources Canada has a similar yet more detailed map on its website, titled “Historical Indian Treaties,” last updated in 2003, which mirrors the AANDC understanding of the boundaries of Treaty 8.<sup>973</sup>



Finally, observe the Department of Indian Affairs map from 1900, which will be consulted within this report. The map is below and also at Tab 1.<sup>974</sup>

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<sup>973</sup> Natural Resources Canada. (2003). The Atlas of Canada. Retrieved November 26th, 2012 from <http://atlas.nrcan.gc.ca/site/english/maps/historical/indiantreaties/historicaltreaties>.

<sup>974</sup> Department of Indian Affairs. (1900). Map Showing the Territory ceded under Treaty No. 8 and the Indian Tribes Therein. In *Report of the Department of Indian Affairs for the Year Ended June 30, 1900*. Part 1, p. xlviii (map).





### Why have a treaty?

In order to better understand the boundaries of Treaty 8 it is helpful to examine the colonial reasons for such a treaty. To understand the reasons for Treaty 8 it is worthwhile to consider earlier treaties for neighbouring First Nations people. In 1876, Canada drafted Treaty 6 for the people of what is now central Alberta [Tab 2]. The third paragraph of the final treaty says, in part:

. . . it is the desire of Her Majesty to open up **for settlement, immigration and such other purposes** as to Her Majesty may seem meet, a tract of country . . . [and] so that there may be **peace and good will** between them and Her Majesty, and that they may

know and be assured of what **allowance** they are to count upon and receive from Her Majesty's bounty and benevolence.<sup>975</sup>

The 1877 final wording of Treaty 7, for the people of what is now southwestern Alberta, has similar wording regarding the government's desire [Tab 3]. The word 'immigration' is not present as it is in Treaty 6; the phrase 'and Her Majesty's other subjects' has been added.<sup>976</sup> The third paragraph of Treaty 7 says in part:

. . . it is the desire of Her Majesty to open up **for settlement**, and such other purposes as to Her Majesty may seem meet, a tract of country . . . [and] so that there may be **peace and good will** between them and Her Majesty, and between them and Her Majesty's other subjects; and that Her Indian people may know and be assured of what **allowance** they are to count upon and receive from Her Majesty's bounty and benevolence.<sup>977</sup>

Treaty 8 was approved by the Privy Council in 1898, by Order in Council 2749 [Tab 4 is from R. W. Scott's handwritten version, signed by Governor-General Minto; Tab 5 is the typed version on the website of Aboriginal Affairs and Northern Development Canada].<sup>978</sup> It provides us with a critical reason for the treaty – the protection of white travelers heading from Edmonton to Pelly River located near the Klondike gold fields. In the second-to-last paragraph of OIC 2749 it is written (on page 8 of 13 of Tab 4):

. . . that the country to be treated for should be thrown open to **development** and the lives and property of those who may enter therein safeguarded by the making of provision which will remove

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<sup>975</sup> Canada. (1876). Copy of Treaty No. 6 between Her Majesty the Queen and the Plain and Wood Cree Indians and other Tribes of Indians at Fort Carlton, Fort Pitt and Battle River with Adhesions. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028710/1100100028783>.

<sup>976</sup> Canada. (1877). Copy of Treaty and Supplementary Treaty No. 7 between Her Majesty the Queen and the Blackfeet and Other Indian Tribes, at the Blackfoot Crossing of Bow River and Fort Macleod. Retrieved November 26th, 2012 from <http://www.aadnc-aandc.gc.ca/eng/1100100028793/1100100028803>.

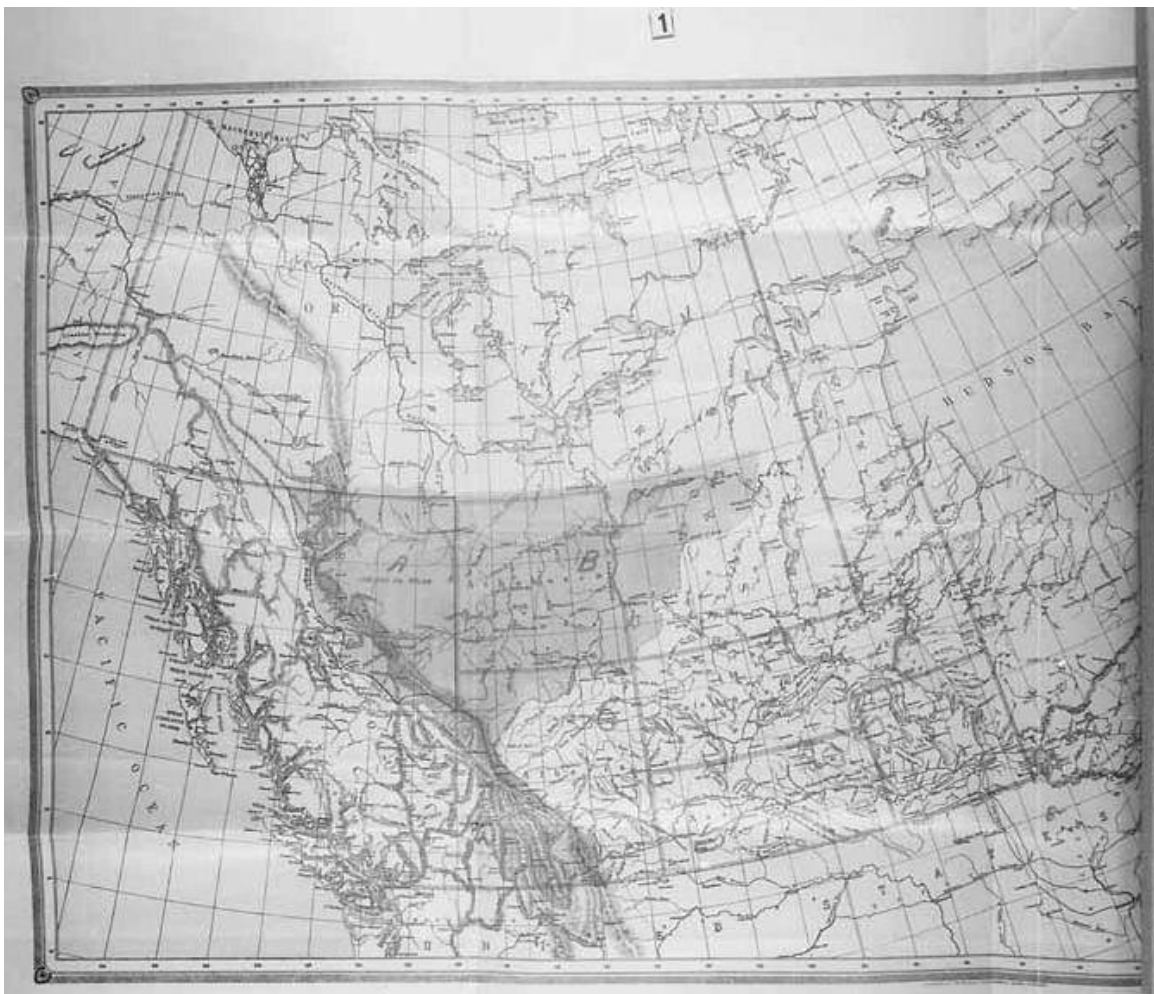
<sup>977</sup> Canada. (1877). Copy of Treaty and Supplementary Treaty No. 7 between Her Majesty the Queen and the Blackfeet and Other Indian Tribes, at the Blackfoot Crossing of Bow River and Fort Macleod. Retrieved November 26th, 2012 from <http://www.aadnc-aandc.gc.ca/eng/1100100028793/1100100028803>.

<sup>978</sup> Scott, R. W. (1898). Order in Council 2749, 30th November 1898. In LAC: Privy Council Minutes 5 December - 13 December 1898, R.G. 2, Series 1, Volume 783; Canada. (1899). Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.



all hostile feeling from the minds of the Indians and lead them **to peacefully acquiesce** in the changing conditions.<sup>979</sup>

The map at page 12 of Tab 4, reproduced below, indicates two shaded areas north of the Treaty 6 area which is signified with a large “6.”<sup>980</sup> The shaded area called “A” is that portion of the treaty area which is within British Columbia; the area called “B” is that portion which is not in British Columbia. You will note that the shaded area does not extend north of 60 degrees latitude, which is to say that in this Privy Council handwritten order-in-council, none of Great Slave Lake or the Mackenzie River is included within the Treaty 8 boundary.



<sup>979</sup> Scott, R. W. (1898). Order in Council 2749, 30th November 1898. In LAC: Privy Council Minutes 5 December - 13 December 1898, R.G. 2, Series 1, Volume 783. p. 8.

<sup>980</sup> Scott, R. W. (1898). Order in Council 2749, 30th November 1898. In LAC: Privy Council Minutes 5 December - 13 December 1898, R.G. 2, Series 1, Volume 783. p. 8. p. 12, figure 1.

The articles of Treaty 8 [Tab 5, pages 9 to 11 of 21] were drafted by treaty commissioners David Laird, James McKenna and James Ross at Lesser Slave Lake in June of 1899, and signed in the summers of 1899 and 1900. The third paragraph provides the following reasons for the treaty:

. . . it is Her desire to open for **settlement, immigration, trade, travel, mining, lumbering** and such other purposes as to Her Majesty may seem meet . . . and to obtain the consent thereto of Her Indian subjects . . . so that there may be **peace and good will** between them and Her Majesty's other subjects, and that Her Indian people may know and be assured of what **allowances** they are to count upon and receive from Her Majesty's bounty and benevolence.<sup>981</sup>

The fifth paragraph of Treaty 8 says in part,

. . . 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, to the lands included . . .<sup>982</sup>

In a letter from the Indian Commissioner, North-West Territories, Winnipeg, to the Secretary, Department of Indian Affairs, Ottawa, dated April 25, 1898 the commissioner notes on page 3 that northern natives do not like “any proposition involving the cession of their rights to the country” [Tab 23].<sup>983</sup> From this we may conclude that the Honourable Clifford Sifton, in his role as Superintendent General of Indian Affairs, knew one year prior to the treaty commission entering into negotiations that the commissioners could meet resistance to the federal plan. The resistance would involve rights but not boundaries.

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<sup>981</sup> Canada. (1899). Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.

<sup>982</sup> Canada. (1899). Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.

<sup>983</sup> Forget, A. E. (1898). Letter to the Secretary of the Department of Indian Affairs, Ottawa, 25 Apl, 1898. In Indian Affairs: RG 10, Volume 3848, File 75,236-1. p. 3.

After their summer round of treaty talks, the commissioners provided Clifford Sifton, Superintendent General of Indian Affairs, with a “Report of Commissioners for Treaty No. 8” dated September 22, 1899. In the report they stated that the native people were concerned that a treaty might lead to restrictions on hunting, fishing and trapping [Tab 5, page 2 to 5 of 21].<sup>984</sup> In response the commissioners assured the people of Treaty 8 that the government would never curtail their hunting, fishing and trapping. The commission report does not mention Indian concerns related to the Treaty 8 boundaries, nor does the commission report discuss the geographical extent of the Treaty 8 boundaries. The boundaries of Treaty 8 were described before the treaty party went out, but possibly drawn after the signing of the 1899 treaty and 1900 treaty adhesions. The 1900 rendition of the map [Tab 1] reflects the mapmaker’s understanding of the Treaty 8 boundary.<sup>985</sup>

For a more in depth discussion of the Dene understanding of the treaty’s wording, see Wendy Aasen’s 1994 report, “The Spirit and Intent of Treaty 8 in the Northwest Territories.”<sup>986</sup> Aasen’s report was commissioned by the Treaty 8 chiefs in response to the appointment of a Constitutional Development Steering Committee (CDSC) for the creation of a new territory, i.e. Nunavut by the government of the Northwest Territories. Aasen wrote little that was new but she did a competent job of compiling earlier reports by Rene Fumoleau, the witnesses at the Paulette court case, and the Oberle Task Force Report, May 1986. Her key points are taken from the decision of Justice Morrow.

The September 6, 1973 finding of the Honourable Mr. Justice William G. Morrow, based largely on interviews with elders and by reviewing transcripts of earlier interviews and testimony of Dene people, was that although the Dene were very careful to understand what the treaty language said and implied, **they did not understand** the treaty language around the

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<sup>984</sup> Laird, D., J. H. Ross, & J. A. J. McKenna. (1899). Report of Commissioners for Treaty No. 8, Winnipeg, Manitoba, 22nd September, 1899. In Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.

<sup>985</sup> Department of Indian Affairs. (1900). Map Showing the Territory ceded under Treaty No. 8 and the Indian Tribes Therein. In *Report of the Department of Indian Affairs for the Year Ended June 30, 1900*. Part 1, p. xlviii (map).

<sup>986</sup> Aasen, W. (1994). The Spirit and Intent of Treaty 8 in the Northwest Territories: "As Long as the Sun Shines, the River Flows, and the Grass Grows." A Report Prepared for the N.W.T. Treaty 8 Tribal Council.

terms “surrender” and “cession of their land title or rights.”<sup>987</sup> The Dene people in 1899/1900 believed that Treaty 8 was an agreement for peace and friendship which would allow them to continue their traditional lifestyle.<sup>988</sup> It is reasonable to conclude that **the geographical boundaries of Treaty 8 were therefore irrelevant to the aboriginal signatories in 1899 and 1900.**

On page 48 of the book, “Legacy: Indian Treaty Relationship” by University of Alberta professor Richard T. Price (Edmonton: Plains Publishing Inc., 1991), Dr. Price writes that the main goals of the federal government in treaty making were:

- a) To acquire legal title to western and northern lands for farming, railways, mining and other types of development;
- b) To peacefully settle the west with . . . immigrant farmers;
- c) To keep the costs of this westward expansion at a minimum, and in particular to avoid costly wars with Indian and Métis inhabitants;
- d) To stop American expansion into Canada’s western and northern territories, and to protect these territories; and
- e) To respond, to some degree, to Indian requests for treaties and treaty benefits.<sup>989</sup>

To conclude this report’s “Why Have a Treaty?” section, the federal reasons for treaties in the west included:

- a) **"To acquire legal title to western and northern lands"** by which the government intended to erect legal structures to permit non-Indians to live on Indian land.<sup>990</sup>
- b) **instilling "peace and good will"** by which the government intended to impress law and order structures on the treaty lands, for the protection of Indians but also to for the protection of

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<sup>987</sup> Aasen, W. (1994). The Spirit and Intent of Treaty 8 in the Northwest Territories: "As Long as the Sun Shines, the River Flows, and the Grass Grows." A Report Prepared for the N.W.T. Treaty 8 Tribal Council. pp. 17 – 18.

<sup>988</sup> Abel, S. as cited in Aasen, W. (1994). The Spirit and Intent of Treaty 8 in the Northwest Territories: "As Long as the Sun Shines, the River Flows, and the Grass Grows." A Report Prepared for the N.W.T. Treaty 8 Tribal Council. p. 29; Aasen, W. (1994). The Spirit and Intent of Treaty 8 in the Northwest Territories: "As Long as the Sun Shines, the River Flows, and the Grass Grows." A Report Prepared for the N.W.T. Treaty 8 Tribal Council. p. 42 – 43.

<sup>989</sup> Price, R. T. (1991). *Legacy: Indian Treaty Relationships*. Edmonton, AB: Plains Publishing Inc. p. 48.

<sup>990</sup> Price, R. T. (1991). *Legacy: Indian Treaty Relationships*. Edmonton, AB: Plains Publishing Inc. p. 48.

settlers, colonists, immigrants prospectors and oil workers who might fear the Indians.<sup>991</sup>

- c) **informing** the Indians as to what "allowance they are to count upon and receive" from the federal government in exchange for their rights to their traditional lands.<sup>992</sup>
- d) leading the Indians "**to peacefully acquiesce** in the changing conditions' as settlers, colonists, immigrants and prospectors moved into and through their lands."<sup>993</sup>

The federal reasons for treaties in the west did not include a mechanism for the distribution of royalties in exchange for mining their land for gold, coal, oil or diamonds. Nor did the treaties discuss preferential hiring of local Indians, although a form of this had been in place since the earliest days of the North West Company and Hudson's Bay Company. Nor did the treaties include language about how to alter or amend the boundaries.

Bishop Gabriel Breynat, who had been present for at least three treaty signings (Fort Chipewyan, Fond du Lac, Fort Simpson), swore an affidavit on November 26, 1937 in Ottawa, [at Tab 7 is a copy of Breynat's affidavit, taken from appendix 4 to Wendy Aasen's 1994 report, "The Spirit and Intent of Treaty 8 in the Northwest Territories"]. Earlier on in 1937 he had collected affidavits from forty-six native and non-native witnesses to the Treaty 8 and Treaty 11 signings. In his affidavit Breynat affirmed that the commissioners of Treaty 8 and Treaty 11 promised the northern natives that:

- a) . . . nothing would be done or allowed to interfere with their way of living, as they were accustomed to and as their antecedents had done.
- b) the old and destitute would always be taken care of, their future existence would be carefully studied and provided for, every effort would be made to improve their living conditions.

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<sup>991</sup> Canada. (1876). Copy of Treaty No. 6 between Her Majesty the Queen and the Plain and Wood Cree Indians and other Tribes of Indians at Fort Carlton, Fort Pitt and Battle River with Adhesions. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028710/1100100028783>

<sup>992</sup> Canada. (1877). Copy of Treaty and Supplementary Treaty No. 7 between Her Majesty the Queen and the Blackfeet and Other Indian Tribes, at the Blackfoot Crossing of Bow River and Fort Macleod. Retrieved November 26th, 2012 from <http://www.aadnc-aandc.gc.ca/eng/1100100028793/1100100028803>.

<sup>993</sup> Scott, R. W. (1898). Order in Council 2749, 30th November 1898. In LAC: Privy Council Minutes 5 December - 13 December 1898, R.G. 2, Series 1, Volume 783. p. 8.

- c) . . . they would be protected, especially in their way of living as hunters and trappers, from white competition, they would not be prevented from hunting and fishing, as they had always done, so as to enable them to earn their own living and maintain their existence.<sup>994</sup>

In his 1991 book “Legacy: Indian Treaty Relationship,” Price writes that the First Nations people wanted the following from Treaty 8:

- a) To ensure the physical survival of Indian nations;
- b) To keep peaceful relations with the Canadian government through ongoing relationships of equality and respect;
- c) To affirm the ongoing cultural and spiritual survival as distinct Indian tribes and nations, by preserving distinctive traditions and institutions; and
- d) To be able to make a transition to a new life by borrowing certain technologies, including the treaty promises involving educational, economic, health and other benefits.<sup>995</sup>

Price does not say that the Indians were concerned with the boundaries of Treaty 8.

There is an important point to be made about the Indian reasons for accepting treaty in 1899 and 1900. There were bands of Indians who had gathered at Fort Resolution in July 1900 to sign the treaty adhesion, but they were unclear as to why the federal government was offering them money for nothing. In village after village (according to the Treaty 8 Commission Report written in December 1899 [Tab 5, pages 2-5]), the Indians wanted assurances that their traditional lifestyles – specifically hunting, trapping and fishing – would not be disturbed after they signed the treaty.<sup>996</sup> The Commission Report states [Tab 5, page 3],

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<sup>994</sup> Breynat, G. (1937). Appendix 4: Affidavit, Sworn in the presence of Commissioner for Caths., 25th November, 1937. In Aasen, W. (1994). *The Spirit and Intent of Treaty 8 in the Northwest Territories: "As Long as the Sun Shines, the River Flows, and the Grass Grows."* A Report Prepared for the N.W.T. Treaty 8 Tribal Council.

<sup>995</sup> Price, R. T. (1991). *Legacy: Indian Treaty Relationships*. Edmonton, AB: Plains Publishing Inc. p. 48.

<sup>996</sup> Laird, D., J. H. Ross, & J. A. J. McKenna. (1899). Report of Commissioners for Treaty No. 8, Winnipeg, Manitoba, 22nd September, 1899. In Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.

There was expressed at every point the fear that the making of the treaty would be followed by the curtailment of the hunting and fishing privileges, and many were impressed with the notion that the treaty would lead to taxation and enforced military service.<sup>997</sup>

Further [Tab 5, page 3],

Our chief difficulty was the apprehension that the hunting and fishing privileges were to be curtailed. The provision in the treaty under which ammunition and twine is to be furnished went far in the direction of quieting the fears of the Indians, for they admitted that it would be unreasonable to furnish the means of hunting and fishing if laws were to be enacted which would make hunting and fishing so restricted as to render it impossible to make a livelihood by such pursuits. But over and above the provision, **we had to solemnly assure them that only such laws as to hunting and fishing as were in the interest of the Indians and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would be if they never entered into it.**

**We assured them that the treaty would not lead to any forced interference with their mode of life, that it did not open the way to the imposition of any tax,** and that there was no fear of enforced military service. We showed them that, whether treaty was made or not, they were subject to the law, bound to obey it, and liable to punishment for any infringements of it. We pointed out that the law was designed for the protection of all, and must be respected by all the inhabitants of the country, irrespective of colour or origin; and that, in requiring them to live at peace with white men who came into the country, and not to molest them in person or in property, it only required them to do what white men were required to do as to the Indians.<sup>998</sup>

The December 1900 report of Treaty 8 Commissioner Macrae notes [Tab 5, pages 16-17]:

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<sup>997</sup> Laird, D., J. H. Ross, & J. A. J. McKenna. (1899). Report of Commissioners for Treaty No. 8, Winnipeg, Manitoba, 22nd September, 1899. In Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.

<sup>998</sup> Laird, D., J. H. Ross, & J. A. J. McKenna. (1899). Report of Commissioners for Treaty No. 8, Winnipeg, Manitoba, 22nd September, 1899. In Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.

As was reported by your commissioners last year, there is little disposition on the part of most of the northern Indians to settle down upon land or to ask to have reserves set apart. Dealing, under your instructions, with demands for land, two small provisional reserves were laid out at Lesser Slave Lake for Kinosayo's band, and fifteen or sixteen applications were registered for land in severalty by Indians who have already, to some extent, taken to agriculture.

It appears that this disinclination to adopt agriculture as a means of livelihood is not unwisely entertained, for the more congenial occupations of hunting and fishing are still open, and agriculture is not only arduous to those untrained to it, but in many districts it as yet remains untried. A consequence of this preference of old pursuits is that the government will not be called upon for years to make those expenditures which are entailed by the treaty when the Indians take to the soil for subsistence.<sup>999</sup>

Therefore the question of “Why have a treaty?” is answered differently for the two parties involved – the government and the Indians. Because they were thinking primarily of the protection of white prospectors and settlers, the geographical boundary was important to the federal side. Because they were thinking primarily of non-interference from immigrants and peace with Canada, the geographical boundary was not relevant to the Indian side.

### **What Area Did Treaty 8 Encompass?**

The preliminary **1891** proposal included all of Great Slave Lake, the first 450 km of the Mackenzie River, part of what is now the Yukon Territory, and no part of British Columbia. Tab 8 is a January 7, 1891 draft memorandum from Edgar Dewdney, Department of Indian Affairs, to the Privy Council, ten pages with edits, reporting the discovery in the district of Athabasca and in the Mackenzie River Country, of “immense quantities of petroleum” and the belief that other minerals and substances of economic value such as sulfur on the south shore of Great Slave Lake, and salt on the Mackenzie and Slave Rivers, “the development of which ~~will~~ (sic) may add materially to the public weal, and the further consideration that several

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<sup>999</sup> Macrae, J. A. (1900). Report of Commissioner for Treaty No. 8. In *Report of the Department of Indian Affairs for the Year Ended June 30, 1900*. Part 1, p. xl.



railway projects in connection with this portion of the Dominion . . . ”<sup>1000</sup> Also, that it is “advisable that a treaty or treaties should be made with the Indians who claim those regions as their hunting grounds, with a view to the extinguishment of the Indian title . . . ”<sup>1001</sup> The boundary limit description has been crossed out, and reference made to the area “shown in pink upon the map of the Dominion of Canada hereto attached.”<sup>1002</sup>

One section of this January 1891 draft, partially crossed out on pages 7 and 8, hints at earlier thoughts of a treaty:

In writing, in May 1884, on the subject generally of the condition of the Indians of the Hudson's Bay Coy's District of Athabaska (sic), and upon the advisability of the Gov't negotiating a treaty with them, Mr. MacFarlane, the Hudson's Bay Co's officer at Fort Chipewyan made the following statement: “The proposed treaty should be primarily entered into at Dunvegan on the upper Peace River, where delegate representatives from the Indians attached to Hudson's Hope, St. John's, Battle River, Vermillion, Red River and Lesser Slave Lake, might be invited to attend. You can easily form some correct estimate of the relative cost, say from Carleton to Dunvegan. A supplementary treaty will then require to be made at Chipewyan, with like appointed delegates from Resolution, Smith, Fond du Lac, McMurray and, if need be, Portage la Loche, leaving the latter and the Indians of Isle a la Crosse to be dealt with [illegible] Green Lake.”<sup>1003</sup>

Two weeks later, a January 26, 1891 report of a Privy Council committee and approved by the Governor General in Council, addressed to the Superintendent General of Indian Affairs [Tab 9], recaps the report of January 7, then says “The Minister, after fully considering the matter,

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<sup>1000</sup> Dewdney, E. (1891). Memorandum to the P. C. [Governor General] of Canada, January 7, 1891. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. pp. 1 - 2.

<sup>1001</sup> Dewdney, E. (1891). Memorandum to the P. C. [Governor General] of Canada, January 7, 1891. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. p. 2.

<sup>1002</sup> Dewdney, E. (1891). Memorandum to the P. C. [Governor General] of Canada, January 7, 1891. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. p. 3.

<sup>1003</sup> Dewdney, E. (1891). Memorandum to the P. C. [Governor General] of Canada, January 7, 1891. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. pp. 7 - 8.

recommends that negotiations for a treaty be opened up during the *[illegible]* season with the Indians interested in those portions . . . »<sup>1004</sup> The boundary limits are stated as,

Commencing at a point on the eastern boundary of Alberta, east of the 112 meridian, where the northern boundary of Treaty Six intersects the height of land as shown on a certain map of the Dominion made in the Department of the Interior and dated 1887, thence following said height of land in a north-easterly direction to the 58 parallel of north latitude, then easterly along the said 58 parallel to the 105 meridian, thence north to the 63 parallel, thence following the 63 parallel to the summit of a northern spur of the Rocky Mountains which divides the waters of the Mackenzie River from those of the Yukon River, thence southerly following the summit of said spur of mountain to the 60<sup>th</sup> parallel at the northern boundary of British Columbia, thence easterwardly following the northern boundary aforesaid to the north-east corner of the British Columbia boundary at the 120 meridian, thence southerly following the easterly boundary of British Columbia to the northern boundary of Treaty 7, thence easterwardly along the boundary of Treaty 7 until it intersects the eastern boundary of Treaty 6, thence north-easterly and easterly following the limits of Treaty 6 to the point of beginning, containing approximately 319,900 square miles.<sup>1005</sup>

The Minister observes that the population of this area is about 900 souls, “distributed at the following points”:

Lesser Slave Lake and outposts –	105 families
Fort Vermillion	45     "
Fort McMurray	40     "
Fort Chipewyan	20     "
Battle Creek	15     "     . <sup>1006</sup>

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<sup>1004</sup> Mcfee, J. J. (1891). Report to the Governor General in Council [and the Honourable Superintendent General of Indian Affairs], 26th January, 1891, signed John J. Mcfee, Clerk Privy Council. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. p. 2.

<sup>1005</sup> Mcfee, J. J. (1891). Report to the Governor General in Council [and the Honourable Superintendent General of Indian Affairs], 26th January, 1891, signed John J. Mcfee, Clerk Privy Council. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. pp. 3 - 4.

<sup>1006</sup> Mcfee, J. J. (1891). Report to the Governor General in Council [and the Honourable Superintendent General of Indian Affairs], 26th January, 1891, signed John J. Mcfee, Clerk Privy Council. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. p. 5.

Further, the letter states that “As regards the Indians of the Mackenzie River Country, it will not be necessary to treat with all of them, but merely with those whose hunting grounds lie within the territory, a surrender of which it is proposed to ask the Indians interested therein to make.”<sup>1007</sup> Supplies will have to be assembled, including gifts of “uniforms, medals and flags for the Chief and Headmen” and a \$12 gratuity for every man, woman and child.<sup>1008</sup> Finally, “The Committee submits the above for Your Excellency’s approval.”<sup>1009</sup> Signed by John J. Mcfee, the Clerk of the Privy Council. The copy at Tab 9 notes in the heading that the original was approved by the Governor General in Council. At Tab 10 is a draft letter, likely from the secretary of the Interior, giving a similar description of the treaty boundary.

The **1898** Order in Council called for treating with the Indians essentially along “the proposed line of route **from Edmonton to Pelly River**” in the Yukon, 300 km south of the Klondike goldfields.<sup>1010</sup> Tab 11 is a copy of OC 1703, handwritten, June 18, 1898. Order in Council 1703 gives “Authority to issue formal notice to the Indians and Half-breeds of the territory aforesaid [the proposed line of route from Edmonton to Pelly Route]” based on a memorandum dated June 18, 1898 from the Superintendent of Indian Affairs, reporting on the NWMP’s advice to treat with the Indians along a proposed line of route from Edmonton to Pelly River during the summer of 1899.<sup>1011</sup> The order in council notes that the Indian Commissioner at Winnipeg,

expressed the conviction that the time had come when the Indian and Halfbreed population of the tract of territory north of that ceded to the Crown under Treaty No. 6 and partially occupied by whites either as miners or traders, and over which the Government

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<sup>1007</sup> Mcfee, J. J. (1891). Report to the Governor General in Council [and the Honourable Superintendent General of Indian Affairs], 26th January, 1891, signed John J. Mcfee, Clerk Privy Council. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. pp. 6 - 7.

<sup>1008</sup> Mcfee, J. J. (1891). Report to the Governor General in Council [and the Honourable Superintendent General of Indian Affairs], 26th January, 1891, signed John J. Mcfee, Clerk Privy Council. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. pp. 7 - 8.

<sup>1009</sup> Mcfee, J. J. (1891). Report to the Governor General in Council [and the Honourable Superintendent General of Indian Affairs], 26th January, 1891, signed John J. Mcfee, Clerk Privy Council. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. p. 8.

<sup>1010</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. p. 1.

<sup>1011</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. p. 11.

exercised some measure of authority, should be treated with **for the relinquishment of their claim to territorial ownership.**<sup>1012</sup>

For supplies, annuities and gratuities the amount of \$43,165 was voted in the last session of Parliament.<sup>1013</sup> OIC 1703 also gives certain discretionary powers to the treaty commissioners.<sup>1014</sup> The Minister “is of the opinion that the territory to be treated for may in a general way be restricted to the Provisional District of Athabaska, and such of the country adjacent thereto as the Commissioners may deem it expedient to include within the treaty.”<sup>1015</sup> On the question of the roughly 1700 halfbreed persons,

it is of the utmost importance that their acquiescence in the **relinquishment of the aboriginal title** should be secured; and the Minister considers that to that end the Commissioners should be empowered to treat with them. It is to be noted, however, that it is practically impossible in instructing the Commissioners to draw a hard and fast line between the Halfbreeds and the Indians, as some of them are so closely allied in manners and customs to the latter that they will desire to be treated as Indians.<sup>1016</sup>

OIC 1703 names two men as commissioners: Amedée Forget, Indian Commissioner for Manitoba and the North West Territories, and James McKenna, of the Department of Indian Affairs.<sup>1017</sup> A third commissioner is to be named later. OIC 1703 ends with “The Committee submit the same for Your Excellency’s approval.”<sup>1018</sup> In another hand is written “Approved 27<sup>th</sup> June 1898.”<sup>1019</sup> What is significant to the current report is that there were no other details

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<sup>1012</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. pp. 3 - 4.

<sup>1013</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. p. 6

<sup>1014</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. p. 7.

<sup>1015</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. p. 8.

<sup>1016</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. pp. 9 - 10.

<sup>1017</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. p. 11.

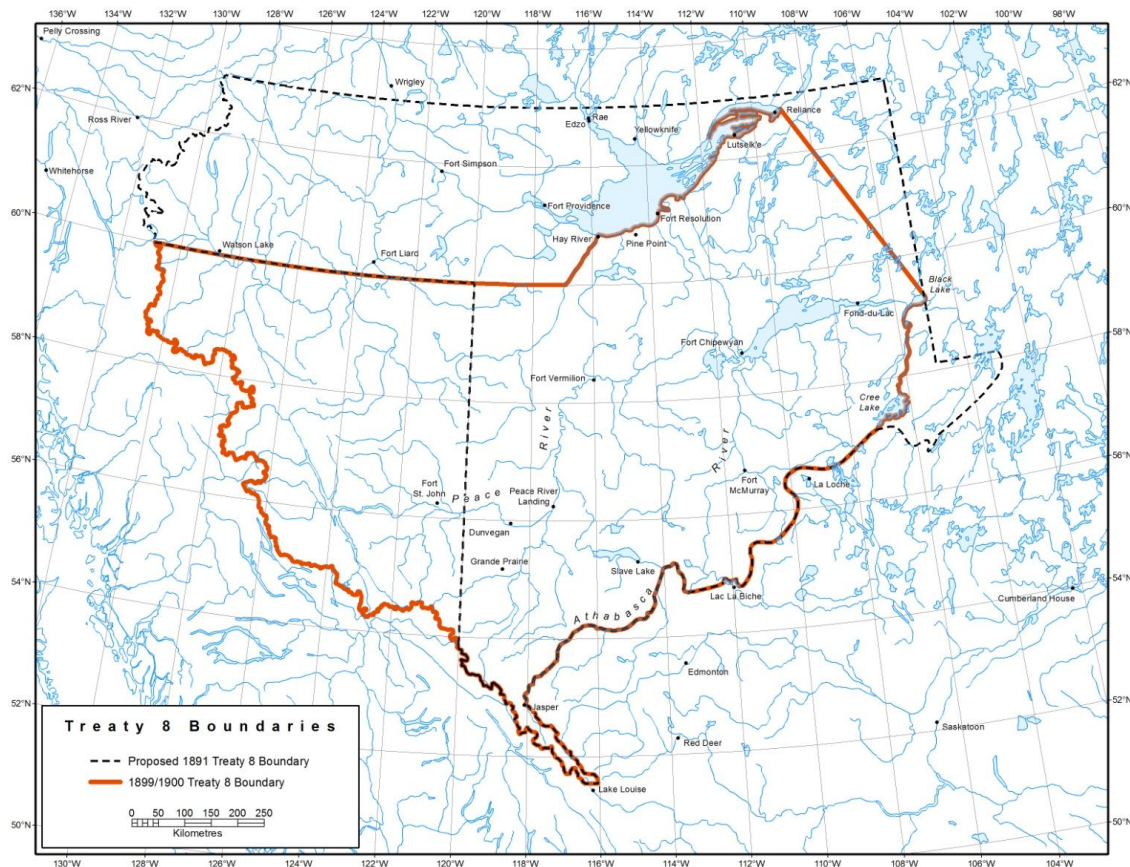
<sup>1018</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. p. 12.

<sup>1019</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. p. 12.

about the boundaries of that proposed treaty, and no reference to the 1891 treaty boundary proposal.

The **1899/1900** Treaty 8 boundary as described in Tab 5 included none of the Yukon, a sizeable portion of northeast British Columbia, none of the Mackenzie River, and neither Great Slave Lake nor any people north of that lake. The changes from 1891 to 1898 and 1899 reflected and were shaped both by the Yukon gold rush and by the ability of the Treaty 8 commissioners to travel. The Treaty 8 boundary was not surveyed by the commission, nor was the boundary walked by the Indians. Nothing in the record of the Treaty 8 Commission suggests that the commissioners showed a map to the Indians at the various stops.

The following map produced by LGL Limited Environmental Research Associates depicts these proposals.<sup>1020</sup>



<sup>1020</sup> Produced by LGL Limited Environmental Research Associates.

### **What changed between 1891 and 1898, and between 1898 and 1899/1900?**

Aside from the changes in government in Ottawa, and changes to the management of the Geological Survey of Canada – most notably the prominence of John Macoun's writings about the north – the three main changes between 1891 and 1900 were the increasing importance of oil, the Klondike gold rush of 1898, and the ability of the treaty party to travel and hold meetings. These are described below in terms of what was at stake in Treaty 8.

### **What was at stake in 1899?**

There were five issues that set the stage for the Treaty 8 boundary. The issues at stake, briefly, were (a) access to oil along the Mackenzie River, (b) access to gold in the Yukon, (c) federal supports (education, medicine) for First Nations, (d) extinguishing aboriginal title, and (e) opening the land for immigrants and settlers. The first two of these likely had an impact on the boundary of Treaty 8; they are dealt with in detail, below.

It would be difficult to improve upon elements of the study by historian Arthur J. Ray, "Treaty 8: A British Columbian Anomaly" [Tab 12, 54 pages].<sup>1021</sup> Dr. Ray, a frequent expert witness called to Indian-related court cases in British Columbia, gives a detailed account of the events leading up to the 1899/1900 signing of Treaty 8, including periods of **starvation** among the natives, discoveries of **gold** in BC and the Yukon, and **crimes** against Indians especially by white prospectors stealing their horses and the subsequent threat of an Indian **uprising**.<sup>1022</sup> Because Ray is concentrating on the western boundary of Treaty 8, he speaks little of the treaty boundary in the vicinity of Great Slave Lake. However, his Map 1, on page 6, shows clearly the different boundary proposals of 1891 and 1900.<sup>1023</sup> The map on the previous page of today's report reflects the 1891 proposal and 1900 final.

### ***Access to Oil along the Mackenzie River***

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<sup>1021</sup> Ray, A. J. (1999). Treaty 8: A British Columbian Anomaly. *BC Studies*, 123.

<sup>1022</sup> Ray, A. J. (1999). Treaty 8: A British Columbian Anomaly. *BC Studies*, 123. p. 8, 13-14, & 24.

<sup>1023</sup> Ray, A. J. (1999). Treaty 8: A British Columbian Anomaly. *BC Studies* 123. p. 8.

Oil and coal in the region were known to European explorers as early as the 1700s.<sup>1024</sup> In 1719 a Cree man, Wa-pa-su, had shown sand-impregnated bituminous tar to the HBC at Fort Churchill.<sup>1025</sup> Also in the 1700s Europeans noted that some canoes were sealed not with tree pitch but with tar taken from the ground.<sup>1026</sup>

In 1788, Alexander MacKenzie wrote in his journal:

At about twenty-four miles from the Fork, are some bitumenous fountains; into which a pole of twenty feet long may be inserted without the least resistance. The bitumen is in a fluid state, and when mixed with gum or the resinous substance collected from the Spruce Fir, serves to gum the canoes. In its heated state it emits a smell like that of Sea Coal. The banks of the river, which are there very elevated, discover veins of the same bitumenous quality.<sup>1027</sup>

Alexander Mackenzie noted, on July 24, 1789, “pieces of *Petroleum*, which bears a resemblance to yellow wax.”<sup>1028</sup> On August 2, 1789 he reported a seam of low-grade coal near the mouth of the Great Bear River [see Tab 13, page 96].<sup>1029</sup> The petroleum that Mackenzie found was not ‘oil’ as we know it; that would be revealed to explorers a hundred years later.

Willard-Ferdinand Wentzel was a North-West Company man who lived in the north for more than twenty years. In a letter [Tab 14] to Roderick Mackenzie on March 27, 1807, reprinted on

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<sup>1024</sup> Alberta Energy and Utilities Board, Alberta Geological Survey. (2000). Historical Overview of the Fort McMurray Area and Oil Sands Industry in Northeast Alberta. *Earth Sciences Report 2000-05*. p. 1.

<sup>1025</sup> Alberta Energy and Utilities Board, Alberta Geological Survey. (2000). Historical Overview of the Fort McMurray Area and Oil Sands Industry in Northeast Alberta. *Earth Sciences Report 2000-05*. p. 1.

<sup>1026</sup> Government of the Northwest Territories: Industry, Tourism and Investment. (n.d.). Minerals, Oil & Gas: History of Oil and Gas in the NWT. Retrieved November 26<sup>th</sup>, 2012, from <http://www.itl.gov.nt.ca/miningoilgas/historyoilgas.shtml>.

<sup>1027</sup> MacKenzie, A. (1801). *Voyages from Montreal on the River St. Laurence through the Continent of North America to the Frozen and Pacific Oceans: In the Years 1789 and 1793. With a Preliminary Account of the Rise, Progress, and Present State of the Fur Trade of That Country. Illustrated with Maps*. London: R. Noble, Old Bailey. p. lxxxvii.

<sup>1028</sup> MacKenzie, A. (1801). *Voyages from Montreal on the River St. Laurence through the Continent of North America to the Frozen and Pacific Oceans: In the Years 1789 and 1793. With a Preliminary Account of the Rise, Progress, and Present State of the Fur Trade of That Country. Illustrated with Maps*. London: R. Noble, Old Bailey. p. 79.

<sup>1029</sup> MacKenzie, A. (1801). *Voyages from Montreal on the River St. Laurence through the Continent of North America to the Frozen and Pacific Oceans: In the Years 1789 and 1793. With a Preliminary Account of the Rise, Progress, and Present State of the Fur Trade of That Country. Illustrated with Maps*. London: R. Noble, Old Bailey. p. 96.

page 79 of Volume I of Louis Francois Rodrigue Masson's 1899 compilation "*Les bourgeois de la Compagnie du Nord-Ouest; récits de voyages, lettres et rapports inédits relatifs au Nord-Ouest canadien*," Wentzel reports seeing 'volcanoes' from which issue,

several columns of smoke which have a strong smell of coal and sulphur. I was told by Mr. John Thain, one who had personally inspected them, that the fire was not above one foot under ground; the flames are pale and the smoke black; the holes from which the blazes appear are small and numerous.<sup>1030</sup>

The first government-sponsored geological study of the oil sands was initiated in 1875, a hundred years after Mackenzie, and carried out by John Macoun. In his autobiography, page 119, Macoun wrote of seeing tar sand on the Athabasca River between Fort Chipewyan on Lake Athabasca, and the mouth of the Clearwater River at Fort McMurray [Tab 15]:

As we ascended the river, we gradually passed from mud to sand, but were fully fifty miles up it before we saw anything like a pebble. The first indications of "tar" were in the form of pebbles composed of sand and tar, formed above and carried down by the ice. From this time forward, we continued to see deposits of tar wherever we came near the river margin . . . On the 7th of September . . . I observed a bed of tar conglomerate about thirty inches above the river. There was sand above and below it and the ooze along the shore, both at this point and many places below, looked like the ooze from petroleum streams.

That there must be enormous quantities, I am quite satisfied, on account of having seen the tar along the bank for over one hundred miles.<sup>1031</sup>

All of this tar-impregnated land would be included within the boundary of Treaty 8.

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<sup>1030</sup> Wentzel, W. F. (1890). Mr. W. F. Wentzel, Letters to the Hon. Roderic McKenzie 1807 – 1824: Forks MacKenzie River, March 27th, 1807. In L. R. Masson (Ed.), *Les Bourgeois de la Compagnie du Nord-Ouest; Récits de Voyages, Lettres et Rapports Inédits Relatifs au Nord-Ouest Canadien* (pp. 77-80). QC: Nabu Press. p. 79.

<sup>1031</sup> Macoun, J. (1922). *Autobiography of John Macoun, M. A., Canadian Explorer and Naturalist, Assistant Director and Naturalist to the Geological Survey of Canada, 1831 - 1920*. Ottawa: The Ottawa Field-Naturalists' Club. pp. 118 - 119.



In his 1975 book “As Long As This Land Shall Last,” in a section titled “The North is Floating on Oil, 1888-1891” [Tab 16], René Fumoleau describes the findings of the Geological Survey of Canada in 1882, 1883, 1887 and 1888. Essentially, they found that there was tar sand and oil throughout the Devonian rocks of the Mackenzie River Valley. Fumoleau quotes that Robert Bell’s report of his 1882-83 journey, in which Bell

mentioned repeatedly in his report the presence of “petroleum bearing and stone,” “petroleum-impregnated marl,” “flowing asphalt,” “petroleum strata,” “petroleum bearing strata,” “tar,” “petroleum bearing rocks,” “petroleum producing strata” and “free petroleum.”<sup>1032</sup>

Fumoleau quotes from Robert McConnell’s 1887-88 exploration for the Geological Survey of Canada, that there is tar and oil at the western end of Great Slave Lake and along the Mackenzie River. McConnell was not searching for petroleum along the south shore, nor along the north shore.

In his 1893 exploration of the Mackenzie River, sponsored by the University of Iowa, Frank Russell noted the presence of yellowish-white clay that is generally associated with lignite [Tab 17]. Lignite, or brown coal, is the poorest form of coal; lignite can include pieces of tree material which have not yet converted.

We stopped for wood, at a high bank just above Norman, where extensive beds of lignite were burning. A recently caved portion exposed a section of lignite eight feet in thickness.<sup>1033</sup>

This is further evidence that the coal value of the north was known at the time of Treaty Eight.

Senator John C. Schultz, a Manitoban and a promoter of northern exploration, created the Senate Select Committee on Resources of the Great Mackenzie Basin, after March 1888. Oral testimony was taken in 1888 from William Christie [Tab 18], a former chief factor of the

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<sup>1032</sup> Fumoleau, R. (2004). *As Long as this Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939*. Calgary, AB: University of Calgary Press. p. 24.

<sup>1033</sup> Russell, F. (1898). *Explorations in the Far North: Being the report of an expedition under the auspices of the University of Iowa during the years 1892, '93, and '94*. Iowa City: IA: University of Iowa. p. 132.

Hudson's Bay Company who had been the HBC Inspecting Factor for the country from Winnipeg to Fort Simpson on the Mackenzie River. Although most of the testimony is about the agricultural prospects of the territory, on page 49 Christie was asked about the pitch and tar along the Athabasca River:

The deposit was very deep. It was in springs in the sides of the banks of the river. The bank at that point was not very high. A few pine trees grew at the top of the bank, and there are one or two springs there. They boiled up there in the summer. You could put a long pole down, ten or twelve feet long, and you could not find bottom. The pitch was black and very adhesive. It was like English pitch, but it had no smell of tar. They used it at Fort McMurray to cover some of the houses, and it looked like an asphalt pavement.<sup>1034</sup>

William Christie felt that the pitch had no value except to the people who used it in place, because they were saved the cost of transporting pitch. It appears that he did not realize that this is precisely the value of naturally-occurring pitch in 1888.

Charles Mair<sup>1035</sup>, a chronicler of the Treaty 8 expedition in 1899, noted the oil sand along the Athabasca River [Tab 19 is pages 121-125 of Mair's "Through the Mackenzie Basin: An Account of the Signing of Treaty No. 8 and the Scrip Commission, 1899"]:

We were now traversing perhaps the most interesting region in all the North. In the neighbourhood of McMurray there are several tar-wells, so called, and there, if a hole is scraped in the bank, it slowly fills in with tar mingled with sand. This is separated by boiling, and is used, in its native state, for gumming canoes and boats. Farther up are immense towering banks, the tar oozing at every pore, and underlaid by great overlapping dykes of disintegrated limestone, alternating with lofty clay exposures, crowned with poplar, spruce

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<sup>1034</sup> Christie, W. (1908). Evidence of the Hon. William Christie. In F. Oliver (Ed.), *The Great Mackenzie Basin: The Senate Reports of 1887 - 1888* (pp. 47 - 50). Ottawa, ON: S. E. Dawson. (Original work published 1888). p. 49.

<sup>1035</sup> Charles Mair was an official with the federal immigration service in 1899. He accompanied the Treaty 8 Commission and the Half-Breed Scrip Commission as one of the official secretaries during the summer of 1899: Mair, C. (2004). *Through the Mackenzie Basin: An Account of the Signing of Treaty No. 8 and the Scrip Commission, 1899*. Edmonton, AB: The University of Alberta Press.

and pine. On the 15th we were still following the right bank, and, anon, past giant clay escarpments along it, everywhere streaked with oozing tar, and smelling like an old ship.<sup>1036</sup>

Further on the same page, Mair writes:

The tar, whatever it may be otherwise, is a fuel, and burned in our camp-fires like coal. That this region is stored with a substance of great economic value is beyond all doubt, and, when the hour of development comes, it will, I believe, prove to be one of the wonders of Northern Canada. We are all deeply impressed by this scene of Nature's chemistry, and realized what a vast storehouse of not only hidden but exposed resources we possess in this enormous country.<sup>1037</sup>

Importantly, whereas in 1891 there was little use for oil, by 1899 the industrialized world was making the transition from coal-fired steam power to oil-fired internal combustion. This caused a growing demand for oil. This growing demand led to a rise in exploration and a realization that places that had oil – like Canada's northwest – were going to be valuable. The oil in the Mackenzie River valley was largely under land inhabited by Indians. Therefore to ensure easy access to oil it would be necessary for the government to treat with the people of the oil-bearing lands. The 1891 treaty boundary proposal included the first 450 km of the Mackenzie River; the 1899/1900 treaty did not include any part of the Mackenzie River.

In conclusion, oil was not dramatically important to Ottawa in 1891 when the original boundary of Treaty 8 was drawn to include the first 450 km of the Mackenzie River. Oil was becoming important to the industrialized world by 1900. The federal government was well aware of the oil sand along the Athabasca River, and of the oil, tar and lignite along the Mackenzie River. When the Treaty 8 commission went north in 1899 and 1900 it was not encouraged to travel to the Mackenzie River country. There is no discussion in the Indian Affairs papers after 1891 of treating with the Mackenzie River people, who would not get to

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<sup>1036</sup> Mair, C. (2004). *Through the Mackenzie Basin: An Account of the Signing of Treaty No. 8 and the Scrip Commission, 1899*. Edmonton, AB: The University of Alberta Press. p. 121.

<sup>1037</sup> Mair, C. (2004). *Through the Mackenzie Basin: An Account of the Signing of Treaty No. 8 and the Scrip Commission, 1899*. Edmonton, AB: The University of Alberta Press. p. 121.

negotiate until Treaty 11 in 1921. The oil along the Mackenzie River may have been one of the reasons for the change to the Treaty 8 boundary between 1891 and 1900.

### *Access to Gold in the Yukon*

Along the Klondike and Yukon Rivers, placer gold in large quantities was discovered in 1896.<sup>1038</sup> Word reached Seattle in July 1897 and suddenly the Klondike gold rush was on; thousands of American and Canadian prospectors travelled toward the gold fields, which were located in unincorporated mountain valleys north of British Columbia.<sup>1039</sup> Canada's Minister of the Interior, Clifford Sifton, moved swiftly in 1897 to establish *de facto* government control in the region by enacting and enforcing new mining regulations and deploying the North West Mounted Police.<sup>1040</sup> In 1898 he created the Yukon Territory and established a government there.<sup>1041</sup> In a September 1898 visit to Washington D.C. for negotiations, Sifton helped to draw a temporary boundary between the Yukon and Alaska.<sup>1042</sup> This is significant because it informs us that when the Treaty 8 boundary was proposed in 1891 there was no Yukon Territory and no formal boundary between the United States and Canada, but when the treaty commission travelled in 1899 and 1900 the Yukon was a separate government.

Sifton “believed that the gold fields constituted a **national resource**, the benefits of which should accrue to the dominion as a whole.”<sup>1043</sup> It is reasonable to assume that Sifton would feel the same about coal and oil being national resources, and that lands bearing coal, oil and gold would be treated with care so that prospectors would have safe access thereto.

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<sup>1038</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 159.

<sup>1039</sup> Berton, P. (1972). *Klondike: The Last Great Gold Rush 1896 - 1899*. Toronto, ON: McClelland and Stewart Limited. pp. 98 – 101; Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 159.

<sup>1040</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 163.

<sup>1041</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 190.

<sup>1042</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. pp. 199 – 200.

<sup>1043</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 164.

The gold rush initiated plans for **railroads in the north**. In 1898, at the same time as the United States Congress approved railroad schemes from the Pacific coast to the Klondike, the Canadian government approved a project to provide an "All-Canadian Route" to the Klondike, via Edmonton or the Stikine River in British Columbia.<sup>1044</sup> In 1897 the Hudson's Bay and Yukon Railways and Navigation Company was incorporated to construct a line from Hudson's Bay to Great Slave Lake, the Mackenzie River and the Yukon River.<sup>1045</sup>

There were two possible "all-Canadian" routes to the Klondike: one that ran up the northwestern interior of British Columbia, and one from northern Alberta. In his 1972 book, "Klondike: The Last Great Gold Rush," Pierre Berton colourfully describes the routes – mythical and real – between Edmonton and the Klondike. Although there were boosters of this route, Berton writes that, "There was, in fact, scarcely a trail at all" [Tab 20].<sup>1046</sup> Berton's book includes a map on page 217 that shows the "Edmonton Trails"; compare this to the western boundary of the 1899 boundary of Treaty 8 and you will note that the western-most route is essentially an overlay of the Treaty 8 boundary.<sup>1047</sup>

As one all-Canadian route to the Yukon gold fields, the Canadian government proposed in 1898 "to build 150 easy miles of railway through the comparatively gentle mountain valleys of northwestern British Columbia" and had received a proposal from an American company to develop a railway north from Vancouver.<sup>1048</sup> The contract was led to Mackenzie & Mann on January 25, 1898.<sup>1049</sup> Work was ordered stopped on June 7.<sup>1050</sup> In the summer of 1898 Sifton

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<sup>1044</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. pp. 177 – 179, & 330, note 56.

<sup>1045</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 330, note 56.

<sup>1046</sup> Berton, P. (1972). *Klondike: The Last Great Gold Rush 1896 - 1899*. Toronto, ON: McClelland and Stewart Limited. p. 216.

<sup>1047</sup> Berton, P. (1972). *Klondike: The Last Great Gold Rush 1896 - 1899*. Toronto, ON: McClelland and Stewart Limited. p. 217.

<sup>1048</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 177.

<sup>1049</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 179.

<sup>1050</sup> *Globe, The*. (1898). The Miners' Wrath. An Indignation Meeting at Glenora. Governments Condemned. Two Thousand Miners Stranded. A Distressing Situation. Miners Selling Their Outfits and Returning Home. How the Meeting was Called – The Speeches Delivered – Miners want to Build the Waggon Road. In *The Globe*, Toronto, Monday, June 27, 1898, Vol. LIV Number 15087: "The Mann-Mackenzie outfit had been gathered from its various winter-bound places along the river and centralized here to the number of 200 men . . . "When,

rejected a **proposed railway from Edmonton**, through the northeastern corner of BC, to the Yukon, but he approved a trail suitable for driving cattle along that route which was begun in 1898.<sup>1051</sup> The *Yukon Railway Bill* was defeated in the Senate and neither railway was built in the 1800s.<sup>1052</sup> A cattle trail was planned through land that was not in the 1891 treaty boundary proposal but was in the 1899 Treaty 8 final report.

In conclusion, although these railroads were never constructed, one would have been routed through land that was within the 1891 proposed boundary of Treaty 8. The change between the 1891 proposal and the 1899 treaty commission trip may have been influenced by these goldrush-related factors.

### Neighbouring treaties

Because the boundary of Treaty 8 refers to its boundaries with two neighbouring treaties, it is worthwhile to read the descriptions of those treaties. They are Treaty 6, signed in 1876, and Treaty 7, signed in 1877.

As printed in Tab 2 (at page 2), the Treaty 6 description (1876) reads:

Commencing at the mouth of the river emptying into the north-west angle of Cumberland Lake; thence westerly up the said river to its source; thence on a straight line in a westerly direction to the head of Green Lake; thence northerly to the elbow in the Beaver River; thence down the said river northerly to a point twenty miles from the said elbow; thence in a westerly direction, keeping on a line generally parallel with the said Beaver River (above the elbow), and about twenty miles distant there from, to the source of the said river; thence northerly to the north-easterly point of the south shore of Red Deer Lake, continuing westerly along the said shore to the western limit thereof; and thence due west to the Athabasca River; thence up the said river, against the stream, to the Jasper House

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on June 7<sup>th</sup>, orders reached the big Mackenzie-Mann outfit to permanently suspend operations, Glenora was stunned.”

<sup>1051</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 177.

<sup>1052</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 186.

[sic], in the Rocky Mountains; thence on a course south-easterly, following the easterly range of the mountains, to the source of the main branch of the Red Deer River; thence down the said river, with the stream, to the junction therewith of the outlet of the river, being the outlet of the Buffalo Lake; thence due east twenty miles; thence on a straight line south-eastwardly to the mouth of the said Red Deer River on the south branch of the Saskatchewan River; thence eastwardly and northwardly, following on the boundaries of the tracts conceded by the several treaties numbered four and five to the place of beginning.<sup>1053</sup>

As printed in Tab 3 (at page 2), the Treaty 7 description (1877) reads:

Commencing at a point on the International Boundary due south of the western extremity of the Cypress Hills, thence west along the said boundary to the central range of the Rocky Mountains, or to the boundary of the Province of British Columbia, thence north-westerly along the said boundary to a point due west of the source of the main branch of the Red Deer River, thence south-westerly and southerly following on the boundaries of the Tracts ceded by the Treaties numbered six and four to the place of commencement.<sup>1054</sup>

### **Boundary as it was envisioned in 1891**

A January 26, 1891 Privy Council note describes a massive area for Treaty 8 [see Tab 9 and compare to map at Tab 21]. Significantly, the area includes all of Lake Athabasca, all of Great Slave Lake including Reliance, Rae-Edzo and the site of Yellowknife, the first 450 kilometers of the Mackenzie River including Fort Providence and Fort Simpson, 250 km of the Liard River, and a large part of what is now the Yukon Territory.<sup>1055</sup> The area does not include any of British Columbia.

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<sup>1053</sup> Canada. (1876). Copy of Treaty No. 6 between Her Majesty the Queen and the Plain and Wood Cree Indians and other Tribes of Indians at Fort Carlton, Fort Pitt and Battle River with Adhesions. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028710/1100100028783>.

<sup>1054</sup> Canada. (1877). Copy of Treaty and Supplementary Treaty No. 7 between Her Majesty the Queen and the Blackfeet and Other Indian Tribes, at the Blackfoot Crossing of Bow River and Fort Macleod. Retrieved November 26th, 2012 from <http://www.aadnc-aandc.gc.ca/eng/1100100028793/1100100028803>.

<sup>1055</sup> Mcfee, J. J. (1891). Report to the Governor General in Council [and the Honourable Superintendent General of Indian Affairs], 26th January, 1891, signed John J. Mcfee, Clerk Privy Council. In Indian Affairs: RG 10, Volume 3848, File 75, 236-1. pp. 3 - 4.

## Ottawa's Long pause 1891-1897

Due in part to the death of Prime Minister John A. Macdonald in office on June 6, 1891, for at least six years there was no activity related to the Treaty 8 proposal. Senator John Abbott was a caretaker prime minister for seventeen months, then John S.D. Thompson was prime minister for 24 months, and Mackenzie Bowell was prime minister for just over sixteen months until his forced resignation on April 27, 1896.<sup>1056</sup> Charles Tupper was prime minister for only 69 days.<sup>1057</sup> Finally, Wilfrid Laurier became the Prime Minister, serving from 11 July 1896 to October 1911.<sup>1058</sup> During Laurier's tenure Ottawa was able to get back on track with treaties in the Northwest Territories. In 1896 Laurier appointed as his Minister of the Interior and superintendent-general of Indian Affairs a 35 year old lawyer, Clifford Sifton, a pro-CPR politician who had served as Attorney-General of Manitoba, 1891-95.<sup>1059</sup> In 1898, David Laird was appointed to the position of Indian commissioner for Manitoba and the Northwest;

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<sup>1056</sup> Parliament of Canada. (n.d.). Abbott, The Hon. Sir. John Joseph Caldwell, P.C., Q.C. Retrieved November 26<sup>th</sup>, 2012, from <http://www.parl.gc.ca/Parlinfo/Files/Parliamentarian.aspx?Item=959f168d-f7ee-466d-b436-7b270c318fe1&Language=E&MenuID=Compilations.FederalGovernment.PrimeMinisters.Gallery.aspx&MenuQuery=http%3A%2F%2Fwww.parl.gc.ca%2FParlinfo%2FCompilations%2FFederalGovernment%2FPrimeMinisters%2FGallery.aspx>;

Parliament of Canada. (n.d.). Thompson, The Right Hon. Sir John Sparrow David, P.C., K.C.M.G., Q.C. Retrieved November 26<sup>th</sup>, 2012, from <http://www.parl.gc.ca/Parlinfo/Files/Parliamentarian.aspx?Item=1b8a9dea-475a-476c-b45c-1bd8af526c32&Language=E&MenuID=Compilations.FederalGovernment.PrimeMinisters.Gallery.aspx&MenuQuery=http%3A%2F%2Fwww.parl.gc.ca%2FParlinfo%2FCompilations%2FFederalGovernment%2FPrimeMinisters%2FGallery.aspx>;

Parliament of Canada. (n.d.). Bowell, The Hon. Sir Mackenzie, P.C., K.C.M.G. Retrieved November 26<sup>th</sup>, 2012, from <http://www.parl.gc.ca/Parlinfo/Files/Parliamentarian.aspx?Item=1871c43c-bda4-464a-949f-e8206ed0d673&Language=E&MenuID=Compilations.FederalGovernment.PrimeMinisters.Gallery.aspx&MenuQuery=http%3A%2F%2Fwww.parl.gc.ca%2FParlinfo%2FCompilations%2FFederalGovernment%2FPrimeMinisters%2FGallery.aspx>.

<sup>1057</sup> Parliament of Canada. (n.d.). Tupper, The Right Hon. Sir Charles, P.C., G.C.M.G., K.C.M.G., C.B., D.C.L., LL.D., M.D. Retrieved November 26<sup>th</sup>, 2012, from <http://www.parl.gc.ca/Parlinfo/Files/Parliamentarian.aspx?Item=24d7bdd8-53ef-4f57-a585-5c5b9effd3dd&Language=E&MenuID=Compilations.FederalGovernment.PrimeMinisters.Gallery.aspx&MenuQuery=http%3A%2F%2Fwww.parl.gc.ca%2FParlinfo%2FCompilations%2FFederalGovernment%2FPrimeMinisters%2FGallery.aspx>.

<sup>1058</sup> Parliament of Canada. (n.d.). Laurier, The Right Hon. Sir Wilfrid, P.C., G.C.M.G., K.C., B.C.L., D.C.L., LL.D., Litt.D. Retrieved November 26<sup>th</sup>, 2012, from <http://www.parl.gc.ca/Parlinfo/Files/Parliamentarian.aspx?Item=e2f3ce71-bd81-4d34-8a08-56a140552231&Language=E&MenuID=Compilations.FederalGovernment.PrimeMinisters.Gallery.aspx&MenuQuery=http%3A%2F%2Fwww.parl.gc.ca%2FParlinfo%2FCompilations%2FFederalGovernment%2FPrimeMinisters%2FGallery.aspx>.

<sup>1059</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 121.



he was based in Winnipeg.<sup>1060</sup> Sifton later appointed Laird to be head of the Treaty 8 negotiations.<sup>1061</sup>

### Decisions in 1898

Indian Commissioner A.E. Forget at Winnipeg wrote to the Secretary of the Department of Indian Affairs, Ottawa on January 12, 1898, with recommendations for treaties with First Nations north of Treaty Six, and a rough map [Tab 22]. Forget writes,

I am convinced that the time has now come when the Indian and Halfbreed title to at least a portion of the territory to the north of that ceded to the Crown under Treaty No. Six, should be acquired, i.e. those tracts which are already partially occupied by whites either as miners or traders and over which the Government has for some years past exercised some measure of authority.<sup>1062</sup>

Forget knows that there is already mining activity in the vicinity of the Indians on the Lower Peace River and the Nelson River. Therefore Forget recommends that the Indians be asked to cede the territory within the Provisional District of Athabasca and northwestern British Columbia, marked 'A' and 'B' on an accompanying map. (Forget has erred; from his map we can see that he meant 'northeastern' British Columbia.) Because gold prospectors will pass along trails and rivers south of 60 degrees North, therefore "it will not be found necessary to deal at the present time with any part of the district known as the North West Territory."<sup>1063</sup> Forget goes on to recommend that treaty not be entered with the people of the Mackenzie Basin, and not with the Great Slave Lake people. This is a considerable alteration from the 1891 boundary proposal, and highlights the fact that protection of gold prospectors was a major reason for Treaty Eight.

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<sup>1060</sup> Dictionary of Canadian Biography Online. (2000). Laird, David. Retrieved November 26<sup>th</sup>, 2012, from [http://www.biographi.ca/009004-119.01-e.php?&id\\_nbr=7503](http://www.biographi.ca/009004-119.01-e.php?&id_nbr=7503).

<sup>1061</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 272.

<sup>1062</sup> Forget, A. E. (1898). Letter to the Secretary of the Department of Indian Affairs, Ottawa, 12 Jan. 1898. In Indian Affairs: RG 10, Volume 3848, File 75,236-1. pp. 1 - 2.

<sup>1063</sup> Forget, A. E. (1898). Letter to the Secretary of the Department of Indian Affairs, Ottawa, 12 Jan. 1898. In Indian Affairs: RG 10, Volume 3848, File 75,236-1. p. 3.

On April 25, 1898, Indian Commissioner A.E. Forget wrote to the Secretary of the Department of Indian Affairs [Tab 23], that Bishop Grouard would not have enough time to alert the Indians of the north that the treaty commission would be arriving in the summer of 1898. Forget wrote that it would be “necessary to postpone the negotiations until the summer of 1899 and in the interval to notify the Indians at the various points that a Commission will meet them at specified points during the months of June, July and August 1899.”<sup>1064</sup> In this letter, Forget declares that there is not enough money in the Estimates to allow for the treaty party to venture north of Fort Smith; this issue is dealt with earlier in today’s report. McKenna replied to Forget on April 19th, 1898 [Tab 51] saying that “the minister is disposed to agree with the view expressed as to the impracticality of making the proposed treaty with the Indians this year.”<sup>1065</sup> This correspondence hints that financial concerns – the ability or willingness of Ottawa to pay for a far-reaching treaty party – will limit the range of Treaty 8.

Two months later, on June 28, 1898, Indian Commissioner A.E. Forget at Winnipeg wrote to J. McKenna at the Department of Indian Affairs, Ottawa [Tab 24], to inform McKenna that “five hundred **Indians camped at Fort St. John** [British Columbia] are opposing the Mounted Police and miners getting further north until treaty is made with them. Whether there is any foundation for this report or not, I think no time should be lost in notifying the Indians of the intention of the Government to treat with them next Spring.”<sup>1066</sup> McKenna responded to Forget on July 6, 1898 [Tab 25] to say that Minister Sifton “is quite convinced that it will be necessary to take immediate steps to assure the Indians that the Government has no intention of ignoring their rights and has already arranged for the making of a treaty with them next summer. He, therefore, desired me to say that he wished you to proceed at as early a date as possible as far North as you conveniently can, in order to personally meet some of the Indians and give them the desired assurance; and at the same time to make effective arrangements for notice being sent through the Hudson’s Bay Company and other sources to the Indians generally. It is not the Minister’s intention that any large expenditure should be incurred, or

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<sup>1064</sup> Forget, A. E. (1898). Letter to the Secretary of the Department of Indian Affairs, Ottawa, 25 Apl, 1898. In Indian Affairs: RG 10, Volume 3848, File 75,236-1. p. 1.

<sup>1065</sup> McKenna, J. A. J. (1898). Letter to the A. E. Forget, Indian Commissioner, Winnipeg, Man., 19th April, 1898. In Indian Affairs: RG 10, Volume 3848, File 75,236-1.

<sup>1066</sup> Forget, A. E. (1898). Letter to the J.A.J. McKenna, Dept. of Indian Affairs, Ottawa, 28 June, 1898. In Indian Affairs: RG 10, Volume 3848, File 75,236-1.

that you should make any extraordinary effort to penetrate farther into the country. His idea is that if you personally meet some of these Indians, the news would soon travel among them that the Commissioner had come to the country to represent the Government and officially assure them that their rights would be protected, and that this would make the notices which are to be sent out much more effective.”<sup>1067</sup> This is significant to the Treaty 8 boundary because Fort St. John is outside of the 1891 proposed boundary, and is likely part of the reason that the final Treaty 8 boundary included northeast British Columbia.

In June 1898 the Interior Ministry under Clifford Sifton proposed Order in Council 1703, to treat with the Indians and Métis “on proposed line of route from Edmonton to Pelly River,” in support of travel to the Yukon gold fields.<sup>1068</sup>

### **Treaty 8 Boundary**

The final boundary description was written into the 1899 Treaty [Tab 5], and remained unchanged by the 1900 Treaty adhesion trip. The following description is reflected in the 1900 map [Tab 1]:

Commencing at the source of the main branch of the Red Deer River in Alberta, thence due west to the central range of the Rocky Mountains, thence northwesterly along the said range<sup>1069</sup> to the point where it intersects the 60th parallel of north latitude, thence east along said parallel to the point where it intersects Hay River, thence northeasterly down said river to the south shore of Great Slave Lake, thence along the said shore northeasterly (and including such rights to the islands in said lakes as the Indians mentioned in the treaty may possess), and thence easterly and northeasterly along the south shores of Christie's Bay and McLeod's Bay to old Fort Reliance near the mouth of Lockhart's River, thence southeasterly in a straight line to and including Black Lake, thence southwesterly up the stream from Cree Lake, thence including said lake

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<sup>1067</sup> McKenna, J. A. J. (1898). My dear Forget, Indian Commissioner, Winnipeg, Mn., 6th July, 1898. In Indian Affairs: RG 10, Volume 3848, File 75,236-1. pp. 1 - 2.

<sup>1068</sup> Scott, R. W. (1898). Order in Council 1703, 18 June 1898. In LAC: Privy Council Minutes 27 June - 30 June 1898, R. G. 2, Series 1, Volume 771. p. 1.

<sup>1069</sup> The phrase “along the said range” would later result in disputes about whether this means ‘along the peaks of the Rocky Mountains’ or ‘up the continental divide’ or other.

southwesterly along the height of land between the Athabasca and Churchill Rivers<sup>1070</sup> to where it intersects the northern boundary of Treaty Six, and along the said boundary easterly, northerly and southwesterly, to the place of commencement.<sup>1071</sup>

The boundary description in Treaty 8 covers the northeast corner of British Columbia but none of the Yukon Territory, and none of the Mackenzie River valley.

### **Current Dispute**

It is important to note that the western boundary of Treaty 8 (in British Columbia) is in dispute. The following is an excerpt of a case overview [Tab 26] produced by the Victoria law firm Devlin Gailus, accessed on April 25, 2012:

In August 2005, six BC Treaty 8 First Nations (West Moberly First Nations, Halfway River First Nation, Sauteau First Nations, Prophet River First Nation, Doig River First Nation and Fort Nelson First Nation) filed a lawsuit in the B.C. Supreme Court seeking a declaration as to the geographic location of the western boundary of Treaty No. 8. The location of the western boundary of Treaty No. 8 directly affects the question of where the Plaintiffs may exercise their rights guaranteed under Treaty No. 8. The Plaintiffs say the western boundary of Treaty No. 8 is the height of land following the Continental Divide, to the west of which water flows to the Pacific Ocean and to the east of which water flows to the Arctic Ocean.

The Plaintiffs sued Canada and British Columbia. Canada agrees the location of the western boundary of Treaty No. 8 is along the Continental Divide. British Columbia believes the boundary is located considerably to the east.<sup>1072</sup>

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<sup>1070</sup> This 'height of land' is crucial because waters to the east of it flow into Hudson's Bay and therefore define the trading monopoly of the Hudson's Bay Company. Waters to the west of this height of land flow north to the Mackenzie River and the Arctic Ocean.

<sup>1071</sup> Canada. (1899). Treaty No. 8. In Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.

<sup>1072</sup> Devlin Gailus Barristers and Solicitors. (2012). Wilson et al v. HMTQ et al (Western Boundary of Treaty No. 8): Case Overview. Retrieved November 26th, 2012, from [www.devlingailus.com/litigation/westernboundary/overview\\_of\\_case.pdf](http://www.devlingailus.com/litigation/westernboundary/overview_of_case.pdf). p. 1.

From the third page of this overview, which was likely written in early 2011, the case is ongoing but is stuck on issues related to which First Nations are included in the claim. From documents available publicly, one of the sticking points is that the lands of the Kaska Dena Council (KDC) lie within the disputed area.<sup>1073</sup>

Indian bands in northeast British Columbia were added to Treaty 8 in 1899. By 2012, eight bands in BC have adhered to the treaty: Blueberry River, Doig River, Fort Nelson, Halfway River, Prophet River, Saulteau, West Moberley Lake, and McLeod Lake (which adhered to the treaty in March 2000).<sup>1074</sup>

The current Treaty 8 boundary dispute has little to do with the people who live around Great Slave Lake. Any changes to the Treaty 8 boundary in northeast British Columbia are unlikely to affect the Hay River, Fort Resolution and Lutsel K'e people.

### **Treaty Commission trips in 1899, 1900**

Following a November 30, 1897, meeting with Major James Walker, retired NWMP, Clifford Sifton issued orders for preparations to negotiate a treaty.<sup>1075</sup> Sifton's biographer writes that the boundaries were still under active debate in the department in 1897 but Sifton wanted the treaty process to move forward.<sup>1076</sup> Therefore, "When Sifton eventually appointed the treaty commission he decided to grant it considerable latitude in determining the precise terms of the treaty and the region to be encompassed."<sup>1077</sup> Sifton left it up to David Laird, J. McKenna and J. H. Ross, the treaty party in 1899, to determine the boundary of Treaty 8 [Tab 27].<sup>1078</sup>

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<sup>1073</sup> Devlin Gailus Barristers and Solicitors. (2012). Wilson et al v. HMTQ et al (Western Boundary of Treaty No. 8): Case Overview. Retrieved November 26th, 2012, from [www.devlingailus.com/litigation/westernboundary/overview\\_of\\_case.pdf](http://www.devlingailus.com/litigation/westernboundary/overview_of_case.pdf). p. 1.

<sup>1074</sup> Devlin Gailus Barristers and Solicitors. (2012). Willson et al v. HMTQ et al (Western Boundary of Treaty No. 8). Retrieved November 26th, 2012, from <http://www.devlingailus.com/litigation/westernboundary/westernboundary.html>.

<sup>1075</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. pp. 271 - 272.

<sup>1076</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 272.

<sup>1077</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 272.

<sup>1078</sup> Hall, D. J. (1981). *Clifford Sifton: Volume One: The Young Napoleon, 1861-1900*. Vancouver, BC: University of British Columbia Press. p. 272.

When considering the boundary of Treaty 8 it is essential to note that the treaty commissioners did not travel the full extent of the treaty area. In the Treaty 8 pages at Tab 5, pages 2 to 6 are the Report of the Commissioner, written on September 22, 1899 after the 1899 treaty adhesion visits to “the Indians of the provisional district of Athabasca and parts of the country thereto.”<sup>1079</sup> In fact in 1899 they travelled to ten settlements, compiled by Vanden Berg and Associates, as follows:

Lesser Slave Lake – June 21, 1899 – Commissioners Ross, McKenna and Laird

Dunvegan (Beaver Indians) – July 6, 1899 - Ross & McKenna

Peace River Landing (Cree Indians) – July 1, 1899 - Laird

Vermillion (Beaver Indians) – July 8, 1899 - Laird

Red River Post, on Peace River (“Cree Band at Vermillion”) – date is unclear

Fort Chipewyan (Cree Indians of Gull R. and Deep Lake; Chipewyan Indians of Athabasca R., Birch R., Peace R., Slave R., Gull R.) – July 13, 1899 - Ross & McKenna

Smith's Landing (Chipewyan Indians of Slave R.) – July 17, 1899 - Ross & McKenna

Fond du Lac (Chipewyan Indians) – July 25 and 27, 1899 - Laird

Fort McMurray (Chipewyan and Cree Indians) – August 4, 1899 - McKenna

Wabiscow Lake (Cree Indians) – August 14, 1899 – Ross.<sup>1080</sup>

In the Treaty 8 pages at Tab 5, pages 16 to 20 are the Report of the Commissioner, written on December 11, 1900 after the 1900 treaty adhesion visits. In 1900 J.A. Macrae of the treaty commission went to four settlements along a route from Fort St. John to Fort Resolution, as follows:

Fort St. John (Beaver Indians of the Upper Peace R.) – May 30, 1900

Lesser Slave Lake (Cree Indians of Sturgeon Lake) – June 8, 1900

Vermillion (Slave Indians of Hay R.) – June 23, 1900

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<sup>1079</sup> Laird, D., J. H. Ross, & J. A. J. McKenna. (1899). Report of Commissioners for Treaty No. 8, Winnipeg, Manitoba, 22nd September, 1899. In Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.

<sup>1080</sup> Laird, D., J. H. Ross, & J. A. J. McKenna. (1899). Report of Commissioners for Treaty No. 8, Winnipeg, Manitoba, 22nd September, 1899. In Treaty No. 8 Made June 21, 1899 and Adhesions, Reports, Etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>.

Fort Resolution (Dog Ribs, Yellow Knives, Slaves of Hay R., Chipewyans) – June 21, 1900.<sup>1081</sup>

The 1899 and 1900 treaty commission trips were transported entirely by Hudson's Bay Company horses, wagons and boats. At Tab 28 is the "Articles of Agreement" between Clifford Sifton and the HBC, for transportation of the treaty party and its supplies to specific places.<sup>1082</sup> The furthest north is Fort Smith, i.e. not to any site on Great Slave Lake. There is a two-page map attached to the Articles of Agreement. On the map there is a large letter "A" printed north of Little Slave Lake and there is a large "B" printed south of Fort Nelson in British Columbia. The last page in Tab 28 is a composite of the HBC map, prepared by the author of this report with red markings to indicate the date and location for the supply deliveries. Tied as the treaty party was to its forwarded supplies, this composite map gives a reliable sketch of how far the Treaty 8 part expected to go during the summer of 1899.

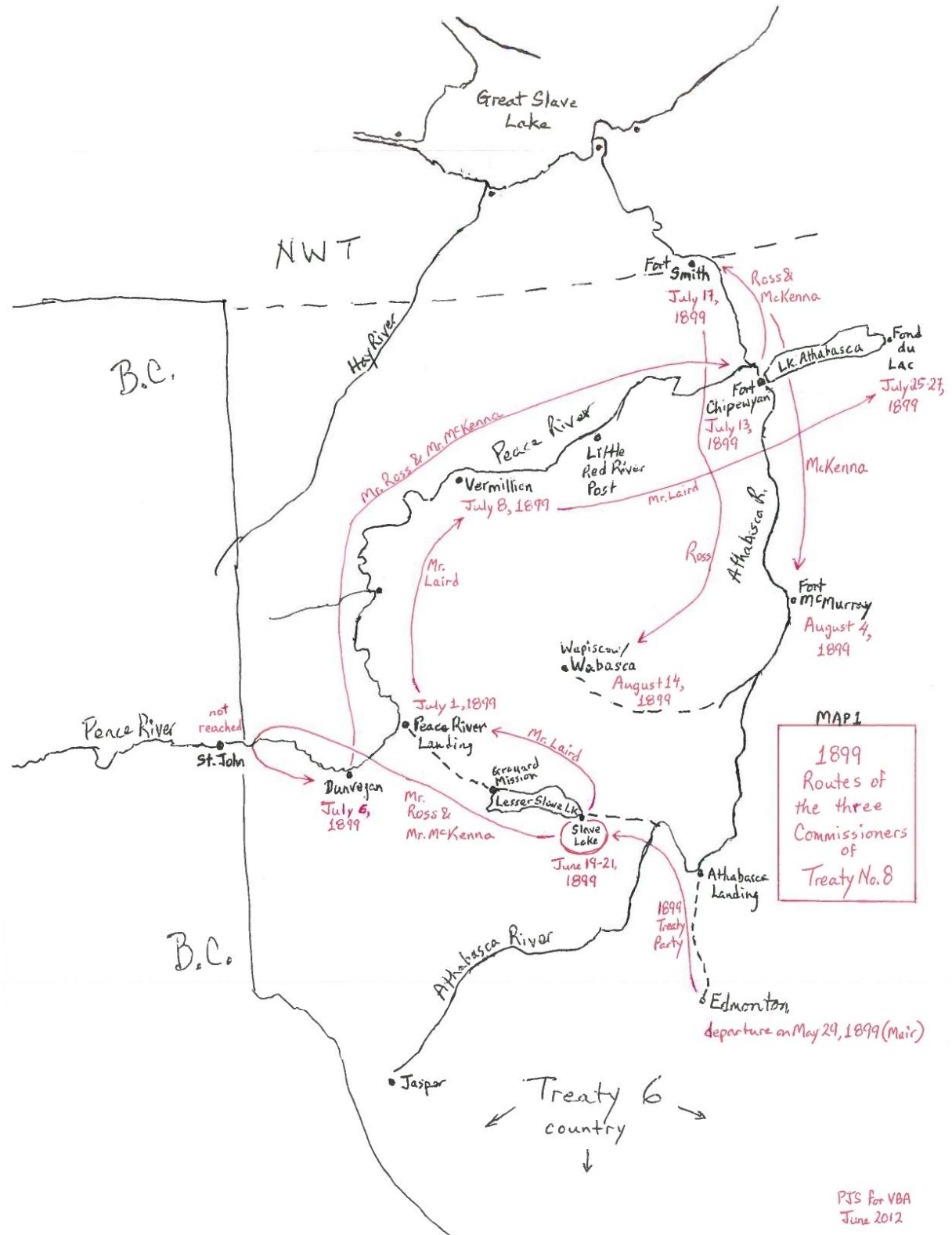
Sketches of the routing of the 1899 and 1900 treaty commissions are attached as the following pages and at Tab 29 to show the amount of land that the commissioners likely saw with their own eyes. Significantly, the treaty commissioners did not travel to the Mackenzie River, nor to the north side of Great Slave Lake.

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<sup>1081</sup> Macrae, J. A. (1900). Report of Commissioner for Treaty No. 8. In *Report of the Department of Indian Affairs for the Year Ended June 30, 1900*. Part 1, pp. xxxix – xli.

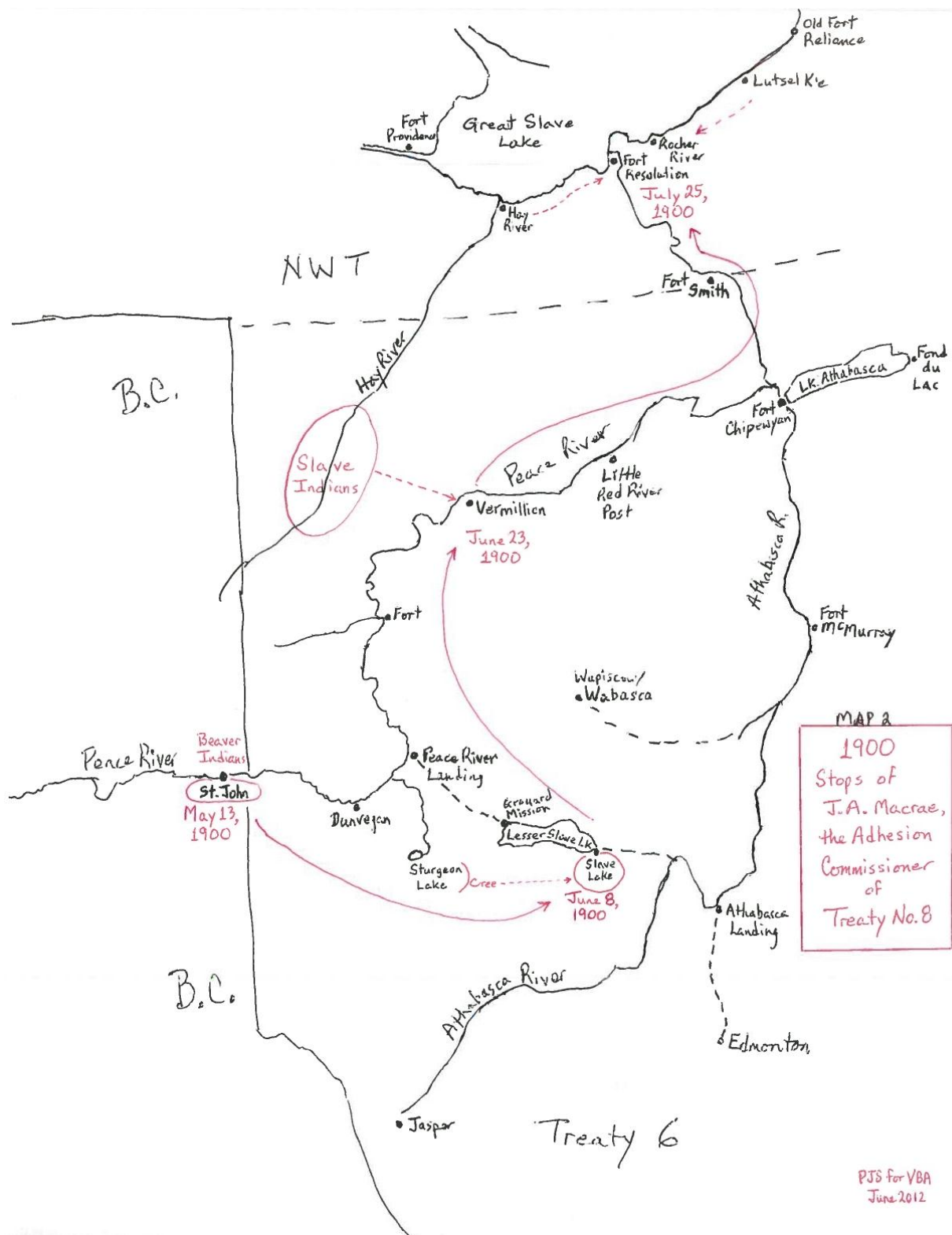
<sup>1082</sup> Canada. (1898). Articles of Agreement between the Superintendent General of Indian Affairs, Clifford Sifton, and the Hudson's Bay Company, 25 August, 1898. In Indian Affairs: RG 10, Volume 3848, File 75,236-1.

[sketch of routing of 1899 Treaty 8 commissioners; see also Tab 29]





[sketch of routing of 1900 Treaty 8 commissioner; see also Tab 29]



## **Treaty 11 in 1921**

Treaty 11, the last of the numbered treaties, was signed by representatives of Canada and several First Nations living north of Treaty 8. The current federal page [Tab 30] gives the Treaty 11 text, the report of the treaty commission, and a map. The Treaty 11 text reads in part that King George V was represented by Commissioner Henry Anthony Conroy, and that the treaty was signed by “the Slave, Dogrib, Loucheux, Hare and other Indians, inhabitants of the territory within the limits hereinafter defined and described.” The Treaty 11 language is similar to that of Treaty 8. Treaty Eleven [Tab 30, page 3] states that

the said Indians have been notified and informed by His Majesty's said commissioner that it is His desire to open for settlement, immigration, trade, travel, mining, lumbering and such other purposes as to His Majesty may seem meet, a tract of country bounded and described as hereinafter set forth, and to obtain the consent thereto of His Indian subjects inhabiting the said tract, and to make a treaty, so that there may be peace and good-will between them and His Majesty's other subjects, and that His Indian people may know and be assured of what allowances they are to expect and receive from His Majesty's bounty and benevolence.

. . . the said Commissioner has proceeded to negotiate a treaty with the Slave, Dogrib, Loucheux, Hare and other Indians inhabiting the district hereinafter defined . . . the said Indians do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for His Majesty the King and His Successors forever, all their rights, titles, and privileges whatsoever to the lands included within the following limits, that is to say . . . <sup>1083</sup>

The Treaty Eleven boundary [Tab 30, pages 3 - 4] is defined as:

Commencing at the northwesterly corner of the territory ceded under the provisions of Treaty Number Eight; thence northeasterly along the height-of-land to the point where it intersects the boundary between the Yukon Territory and the Northwest Territories; thence northwesterly along the said boundary to the

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<sup>1083</sup> Canada. (1921). Treaty Number Eleven. In Treaty No. 11 (June 27, 1921) and Adhesion (July 17, 1922) with Reports, etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028916>.

shore of the Arctic ocean; thence easterly along the said shore to the mouth of the Coppermine river; thence southerly and southeasterly along the left bank of said river to Lake Gras by way of Point lake; thence along the southern shore of Lake Gras to a point situated northwest of the most western extremity of Aylmer lake; thence along the southern shore of Aylmer lake and following the right bank of the Lockhart river to Artillery lake; thence along the western shore of Artillery lake and following the right bank of the Lockhart river to the site of Old Fort Reliance where the said river enters Great Slave lake, this being the northeastern corner of the territory ceded under the provisions of Treaty 8; thence westerly along the northern boundary of the said territory so ceded to the point of commencement; comprising an area of approximately 372,000 square miles.

AND ALSO, the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in the Yukon Territory, the Northwest Territories or in any other portion of the Dominion of Canada.

To have and to hold the same to His Majesty the King and His Successors forever.<sup>1084</sup>

The critical aspects to note about the boundary of Treaty 11 for Treaty 8 people are (a) that it includes Fort Simpson, Fort Providence, Rae-Edzo, N'Dilo, Dettah, and Lac La Martre, (b) includes the diamond-bearing areas in the Barren Lands north of Great Slave Lake, and (c) the town of Yellowknife which was not yet established at the time of Treaty 11 (1921) and the subsequent Treaty 11 adhesion at Fort Liard (1922).

### **Summary and Conclusions**

The boundaries of Treaty Eight were defined and developed by the federal government in response to internal factors such as a desire to use treaties to keep the peace between Indians and non-Indians, which would lead to peaceful settlement of immigrants, and external factors such as access to oil and gold.

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<sup>1084</sup> Canada. (1921). Treaty Number Eleven. In Treaty No. 11 (June 27, 1921) and Adhesion (July 17, 1922) with Reports, etc. Retrieved November 26th, 2012, from <http://www.aadnc-aandc.gc.ca/eng/1100100028916>.

The metes and bounds of Treaty Eight include the First Nations who live within a massive area that includes most of northern Alberta, part of the Northwest Territories, at least one quarter of the land area of British Columbia, and the northwest corner of Saskatchewan. Treaty 8 settlements include Reliance, Lutsel K'e (Snowdrift), Deninu K'ue (Fort Resolution), Pine Point, Hay River, and points along the south of Great Slave Lake. Treaty 8 does not include Providence, Rae-Edzo, Yellowknife, Dettah, N'Dilo, the diamond areas north of Great Slave Lake, or the Barren Lands aside from the northeast corner of the Treaty area.

The Treaty 8 boundary was proposed in one form in 1891, announced in a simplified form in the summer of 1898, and executed in a final form during the summers of 1899 and 1900. This report of the Treaty 8 boundary has described the boundaries and outlined the social, political, economic and local influences on the development of the boundaries. This report has also examined different understandings of the treaty aims, processes and results. For the most part, around Great Slave Lake the Treaty Eight boundary is today as it was in 1900.



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