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# An Aboriginal Perspective on the Remediation of Mid-Canada Radar Line Sites in the Subarctic: A Partnership Evaluation

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ABSTRACT. The Mid-Canada Radar Line (MCRL) was built during the 1950s in response to the perceived threat of a Soviet nuclear attack over the Arctic. The MCRL was an entirely Canadian project, consisting of 98 radar stations that stretched across the 55th parallel from Dawson Creek, British Columbia, to Hopedale, Labrador. Seventeen MCRL sites were located in Ontario, and by 1965, all had been closed for strategic and economic reasons. Since these sites were improperly decommissioned, they have become point sources of contaminants in northern Canada. In 2001, MCRL Site 050 was remediated. The Fort Albany First Nation (located near Site 050), the Department of National Defence, and the Ontario Ministry of Natural Resources had formed a "partnership" to undertake this. We determined that from an Aboriginal perspective, a true partnership (as we define it) did exist between these organizations; a partnership based on the essential elements of respect, equity, and empowerment. We show that these cornerstones of a true partnership were present in the initial documents that discussed remediation of this site. This evaluation will provide insight, guidance, and a potential framework to benefit future partnership endeavours, helping to foster stronger collaborative relationships between Aboriginal organizations and governments at all levels, especially with respect to the remediation of abandoned radar line sites.

Key words: Mid-Canada Radar Line, remediation, partnerships, Aboriginal perspective

RÉSUMÉ. Le réseau mitoyen d'alerte radar du Canada a été aménagé dans les années 1950 en réaction à une menace perçue d'attaque nucléaire soviétique qui passerait par l'Arctique. Ce réseau mitoyen était un projet entièrement canadien. Il consistait en 98 postes de radar répartis à la hauteur du 55° parallèle, de Dawson Creek, en Colombie-Britannique, à Hopedale, au Labrador. Dix-sept postes de radar avaient été installés en Ontario, et vers 1965, ils avaient tous fermé leurs portes et ce, pour des raisons stratégiques et économiques. Puisque ces postes n'ont pas été désaffectés dans les règles de l'art, ils sont devenus des sources ponctuelles de contaminants dans le nord du Canada. En 2001, le poste 050 du réseau mitoyen a fait l'objet d'une biorestauration. La Première Nation de Fort Albany (située près du poste 050), le ministère de la Défense nationale et le ministère des Richesses naturelles de l'Ontario avaient formé un « partenariat » pour s'acquitter de cette tâche. Nous avons déterminé que du point de vue des Autochtones, un vrai partenariat (comme nous le définissons) a existé entre ces organismes. Il s'agissait d'un partenariat reposant sur des éléments essentiels de respect, d'équité et d'habilitation. Nous montrons que ces éléments essentiels d'un vrai partenariat étaient présents dans les premiers documents ayant trait aux efforts de biorestauration de ce poste de radar. La présente évaluation a pour but de fournir une perspective, une orientation et un cadre de référence éventuel pouvant servir de modèles à d'autres partenariats et ce, dans le but de favoriser des relations de collaboration plus étroites entre les organismes autochtones et les gouvernements de tous les échelons, surtout en ce qui a trait aux travaux de biorestauration des postes de radar abandonnés.

Mots clés: réseau mitoyen d'alerte radar du Canada, biorestauration, partenariats, perspective autochtone

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#### INTRODUCTION

The threat of a Soviet nuclear attack during the Cold War motivated the partnership between Canada and the United States that led to formation of the North American Aerospace Defence Command (NORAD) in 1958. This highly controversial arrangement from the past is once again receiving attention after US President Bush's 2001 proclamation of a desire to create a national missile defence

(Office of the Press Secretary, 2001). For many Canadians, especially those in the North, the national missile defence plan echoes past early detection systems, such as the Distant Early Warning (DEW) radar line, the Mid-Canada Radar Line (MCRL) or Mid-Canada Line (MCL) or McGill Fence, and the Pinetree Line.

The Pinetree Line was commissioned in response to the successful testing of the first Russian-made atomic bomb in 1949 (Myers and Munton, 2000). The perceived threat of a

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Soviet nuclear attack was heightened in 1954, when the Soviets announced they had a working hydrogen bomb (Huebert, 2000). Canada's defence priorities were seriously altered by this announcement because the shortest route to the populated industrial centres of the United States was a path that crossed the northern regions of North America. Despite its hope to remain a peripheral player in the Cold War, Canada was drawn into a closer defence relationship with the United States by the NORAD partnership. Canada and the United States responded to the Soviet nuclear threat by building two more radar lines (DEW and MCRL), which were fully operational by 1958 (Thorne, 2003). In theory, the radar lines enabled the early detection of a nuclear attack from the Soviet Arctic region. Early detection of incoming Soviet bombers would in theory allow for a quicker counter response than had been previously available with the Pinetree Line (Myers and Munton, 2000).

The original Pinetree Line was built at approximately the 49th parallel. It was a joint Canadian-American effort, composed of 34 sites stretching from Vancouver Island to Newfoundland. The DEW line, located at approximately the 70th parallel, spanned the Arctic from Alaska to Greenland. The DEW Line was primarily an American initiative; however, 42 of its 63 stations were located in the Canadian territories (the Northwest Territories, which included what is now Nunavut, and the Yukon) (Myers and Munton, 2000). In contrast, the MCRL was an all-Canadian project, with eight manned and 90 unmanned radar stations that stretched across the 55th parallel from Dawson Creek, BC, to Hopedale, Labrador. By 1958, all 98 stations were operational (ESG, 1999a; Thorne, 2003). The Royal Canadian Air Force operated the MCRL, which could detect Soviet bombers between the altitudes of 300 feet and 60000 feet (ESG, 1999a). Three of the 15 stations located in Ontario were manned: Winisk, Site 500; Cape Henrietta Maria, Site 415; and Fort Albany First Nation (FN), Site 050. The remaining 12 sites were small and unmanned (ESG, 1999a). Two more manned MCRL sites (Site 060 and Site 070) have recently been investigated, bringing the "known" number of sites in Ontario to 17 (ESG, 1999c; SNC Lavalin 2001a, b, 2002a). In 1965, after only seven years of operation, the MCRL was closed for strategic and economic reasons (ESG, 1999a; Thorne, 2003). Since these sites were improperly decommissioned, they have become point sources of contaminants such as polychlorinated biphenyls (PCBs) and lead (Gibson, 1993).

A PCB spill at MCRL Site 415 was the first documented case of PCB contamination associated with the abandoned MCRL sites. The cleanup in 1983–84 was a joint effort by the Department of National Defence (DND), the Ontario Ministry of Natural Resources (OMNR), and the Ontario Ministry of the Environment (OME), but details were "sketchy" (Gibson, 1993). Beginning in 1989, the Chiefs of the Mushkegowuk Territory began to voice concern over contamination originating from the MCRL sites (E. Metatawabin, former chief, Fort Albany FN, pers. comm., 1989; Hunter, 1998). In 1991, the Fort Albany FN reported

the presence of PCBs, later verified by measurement, at Site 050. Materials with PCB levels above 50 ppm are considered hazardous waste, but soil samples from Site 050 had PCB levels up to 21000 ppm (Gibson, 1993). Moreover, the removal of electrical equipment from Site 050 to Moosonee resulted in leakage of PCBs from the trailer during transport (Gibson, 1993). It became evident that a cleanup initiative was imperative for the health and safety of FN people, whose lives and livelihoods depended on these contaminated lands. Therefore, in 1997 representatives of the federal government, the provincial government, and FN organizations formed a partnership to negotiate the remediation and cleanup of the MCRL sites in Ontario. Site 050 on Anderson Island was selected as the first MCRL site to be remediated because of its proximity to the Fort Albany FN and the high levels of PCB contamination in its soil and vegetation (ESG, 1999a). In this paper, we deconstruct and evaluate the partnership arrangements between FNs and government organizations (with respect to remediation of MCRL sites) to determine whether a true partnership existed between these groups.

#### PARTNERSHIP DEFINITIONS

#### Western Perspective

To evaluate the remediation process in terms of partnership, we need to understand how the word "partnership" is defined and used from two cultural perspectives (Western and FN). The Concise Oxford Dictionary, 9th edition, defines partnership as "the state of being a partner or partners" or "a joint business" or "a pair or group of partners." Two of its definitions for "partner" are "a person who shares or takes part with another or others, esp. in a business firm with shared risks and profits" and "a player (esp. one of two) on the same side in a game." Together, these definitions provide us with a general understanding of the significance of the word. These dictionary definitions point to a strong emphasis on business—partnership as a strong, formal alliance. This emphasis on business alliances is expressed in the legal system, which defines partnerships in business terms. The legal definition for partnership defines the relationship and also explores the requirements for fulfilling this relationship. Partners owning a business are jointly responsible for all liability of the partnership (Cohen, 2003).

A more comprehensive definition of partnership combines elements of collaboration, democracy, empowerment, equality, mutuality, reciprocity, and respect (Clement et al., 1996; Maxwell and Riddell, 1998; Brinkerhoff, 2002). At the community level, a partnership can be viewed in terms of negotiations between a community and a government (Clement et al., 1996). This form of partnership attempts to integrate the community into the process, usually requiring a third party who acts to provide extra resources to the community (Clement et al., 1996).

#### Aboriginal Perspective

The Royal Commission on Aboriginal Peoples was established in 1991 to address one comprehensive question: "What are the foundations of a fair and honourable relationship between the Aboriginal and non-Aboriginal people of Canada?" (RCAP, 1996a:1). Seven commissioners (four Aboriginal and three non-Aboriginal) held 178 days of public hearings, visited 96 communities, critically evaluated the literature, consulted with experts in the field, and commissioned research studies in an effort to answer this question. Four main concepts were put forward to restore the harmony between Aboriginal and non-Aboriginal people in Canada: a renewed relationship, self-determination, self-reliance, and healing. A renewed relationship (partnership) will be the focus of our discussion, as it pertains directly to building a partnership between government and FN. Within this concept, we outline four main principles: mutual recognition, mutual respect, sharing, and mutual responsibility. These principles begin the process of rebuilding a strong partnership: "When taken in sequence, the four principles form a complete whole, each playing an equal role in developing a balanced societal relationship. Relations that embody these principles are, in the broadest sense of the word, partnerships" (RCAP, 1996b:678).

Mutual recognition is based on the inherent qualities of equality, co-existence, and self-government (RCAP, 1996b). The need for mutual recognition is historically based on early treaties and negotiations (RCAP, 1996b). Respect is essential to create a strong positive climate for a healthy partnership between Aboriginals and non-Aboriginals (RCAP, 1996b). Aboriginal peoples respect all members of the circle of life; failure to show proper respect violates natural and spiritual laws and has consequences (RCAP, 1996b). Sharing recognizes the need to return to early interactions of reciprocity between Aboriginals and non-Aboriginals (Morse and Kozak, 2003). Public ceremonies hold many Aboriginal communities together and sharing is seen as the basis for all relationships. Lastly, the Royal Commission on Aboriginal Peoples points to the Constitution as the basis for the partnership between Aboriginals and the Canadian government (RCAP, 1996b). A constitutional partnership implies mutual responsibility: each partner has the obligation to act responsibly towards the other regarding the lands all Canadians share (RCAP, 1996b).

In response to the Royal Commission on Aboriginal Peoples report (RCAP, 1996b), the Canadian federal government released its action plan to renew the relationship with the Aboriginal peoples of Canada, entitled *Gathering Strength* (INAC, 1997). The plan outlined four main objectives: renewing the partnerships, strengthening Aboriginal governance, developing a new fiscal relationship, and supporting strong communities, people, and economies (INAC, 1997). *Gathering Strength* outlined elements that reflect a renewed partnership, focusing on clearly

defining authority, accountability, and responsibility (INAC, 1997). Other key elements included full Aboriginal participation in program initiatives affecting Aboriginal lives; redesigning of programs; and creating strong communities, people, and economies by empowering individuals and their communities (INAC, 1997). Empowerment of Aboriginal peoples can be achieved by investing in people's knowledge and strengthening economic development. These types of initiatives can be directly evaluated with respect to the Fort Albany case, as many of them are reflected in the Mid-Canada Line Principles Paper (MCL Working Groups, 1998) and the MCRL Memorandum of Understanding (OMNR and Fort Albany FN, 2000).

Through an examination of the Royal Commission on Aboriginal Peoples report (RCAP, 1996b) and the federal government's response *Gathering Strength* (INAC, 1997), we have identified key elements of a successful partnership and used them in modifying the framework initially proposed by Schell and Tarbell (1998). The concept of partnership we put forward focuses on respect, equity, and empowerment. Each of these categories can be expanded to encompass accountability, collaboration, democracy, governance, mutuality, and reciprocity, and all of these elements have contributed to the final framework that represents a successful partnership. We use this framework (Table 1) to evaluate from an Aboriginal perspective the partnership between FN organizations and government agencies for remediation of MCRL Site 050.

#### **BACKGROUND**

Fort Albany First Nation

The Fort Albany FN is a Cree community of approximately 850 people located in northern Ontario, Canada, on the west coast of James Bay (52°15′ N, 81°35′ W). The community is made up of three areas connected by a gravel road system: the mainland; Sinclair Island, which contains the village proper; and Anderson Island, where the abandoned MCRL Site 050 was located (Fig. 1). The community is accessible by barge during the summer and fall, and by snow/ice road in winter, but year-round access is only by aircraft. Services available in the community include piped water and sewage, electricity, telephone, and television. Health care is also available on the mainland and there is an on-reserve primary and secondary school (Tsuji et al., 2001).

Fort Albany FN is a member of the regional political organization called Mushkegowuk Tribal Council or Mushkegowuk Council, which represents First Nation communities in the western James Bay region, and of the supra-regional organization Nishnawbe-Aski Nation, which includes most First Nation communities in northern Ontario. Normally the Chief represents the community in these organizations.

TABLE 1. Essential elements of a partnership with a First Nation organization (modified from Schell and Tarbell, 1998; the Royal Commission on Aboriginal Peoples, 1996b; Indian and Northern Affairs Canada, 1997).

Respect	recognize the First Nation community as distinctive     consider special interests of the community     recognize traditional environmental knowledge (TEK) as a knowledge system equal to Western science     use local language to ensure understanding     acknowledge proper customs and religious rites
Equity	<ul> <li>sharing of resources (i.e., commodities that have value)</li> <li>money</li> <li>knowledge (technical and specialized)</li> <li>personnel</li> </ul>

- Empowerment sharing of power (equality through governance)
  - · training/learning opportunities

• economic opportunities

· use of TEK and recognition of its value

· jobs or opportunity for advancement

- reciprocal flow of information (e.g., community meetings)
- · community input, suggestions, and recommendations
- · joint authorship of publications

#### The Partners

To fully comprehend the dynamics of the case study and the partnership that existed between the Fort Albany FN and the other organizations involved in the cleanup and remediation of MCRL Site 050, some background on the fate of the site after it was "decommissioned" is needed. In 1965, the DND informed the Roman Catholic (RC) Church of the western James Bay region that Site 050 would be closed. The assistant minister of defence offered the radar site to the RC Church because the radar base had in the past supplied electricity to the Church's residential school and hospital. With the purchase of MCRL Site 050 from the DND and entry into a land lease agreement with Ontario's Ministry of Natural Resources (OMNR), the RC Episcopal Corporation of James Bay acquired vehicles (e.g., tractors), tools, buildings, fuel storage and transfer lines, and three electrical power generators. Surplus electricity was sold to the Fort Albany FN: the RC Episcopal Corporation generated the power, and Ontario Hydro distributed the electricity on behalf of Indian Affairs starting in April 1972 (Leguerrier, 1994; Langstaff, 1998). With the purchase of two more generators in 1973, enough electricity was being produced to supply the Kashechewan FN (10 miles north of the Fort Albany FN; Spooner, 1976a; Leguerrier, 1994). After expiry of the five-year agreement with Ontario Hydro, the RC Episcopal Corporation decided to discontinue production of electrical power (Leguerrier, 1994). The Church gave Ontario Hydro due notice on 1 April 1977 that the agreement to supply electricity to Ontario Hydro for distribution to the Fort Albany and Kashechewan FNs would be terminated (OH, 1977a).

The RC Episcopal Corporation put up for sale five diesel generators, a generator building, a garage, an oil shed with a 100 000 gallon diesel fuel storage tank con-

nected to the generator building with piping, and all equipment on the premises except the vehicles (Spooner, 1976a). (Not up for sale were the fuel pipeline from the loading dock on Anderson Island, the oil storage tanks, and the oil within [Spooner, 1976b]; the RC Episcopal Corporation would continue in the heating-oil business until the sale of the assets to Harwood Oil in 1991 [Leguerrier, 1994].) Ontario Hydro, acting as Agent for the Department of Indian Affairs and Northern Development (DIAND), now Indian and Northern Affairs Canada (INAC), was interested in acquiring the assets listed by Spooner (1976a). However, the RC Episcopal Corporation informed them that the Crown (provincial) land lease for the diesel plant property was not transferable, and that the Church would have to relinquish it upon sale of the land. Ontario Hydro would have to apply for its own Crown land lease (Snook, 1976).

In a memorandum to the Ontario Hydro board of directors, J.C. Farrell recommended purchasing the MCRL diesel plant from the Church for \$450000 rather than replacing it with a new diesel plant (Farrell, 1977). The purchase cost of \$475 200 (sale price plus provincial sales tax) was fully recoverable by Ontario Hydro from DIAND (OH, 1977a). On 2 August 1977, the RC Episcopal Corporation of James Bay sold the MCRL generator building and other Church assets, as detailed in Spooner (1976a), to Ontario Hydro (OH, 1977b). An important part of the contract stated: "AND that the party of the first part [RC Episcopal Corporation of James Bay] shall indemnify and save the party of the second part [Ontario Hydro] harmless from and against all former and other bargains, sales, gifts, assignments, grants, titles, charges and encumbrances of the Assets whatsoever" (OH, 1977b:4).

All buildings except the diesel generating building on MCRL Site 050 were demolished in 1986; local demolition labourers were allowed to salvage building materials from the site (ESG, 1998). The old MCRL diesel generating plant remained in operation until its closure in 1988, when the new Ontario Hydro generators housed beside James Bay General Hospital (Albany Wing) came on line (Langstaff, 1998).

#### THE PARTNERSHIP ARRANGEMENT PRIOR TO **CLEANUP OF SITE 050**

The MCL Principles Paper (1998)

In the spring of 1997, representatives of the federal government (the Environmental Sciences Group of the Department of National Defence), the provincial government (the Ontario Ministry of Natural Resources), and two FN organizations (the Mushkegowuk Council and the Nishnawbe-Aski Nation) entered into a three-way partnership agreement to examine the 15 abandoned MCRL sites located in Ontario (ESG, 1999a). The number of sites later expanded to 17 (ESG, 1999c; SNC Lavalin, 2001a, b,

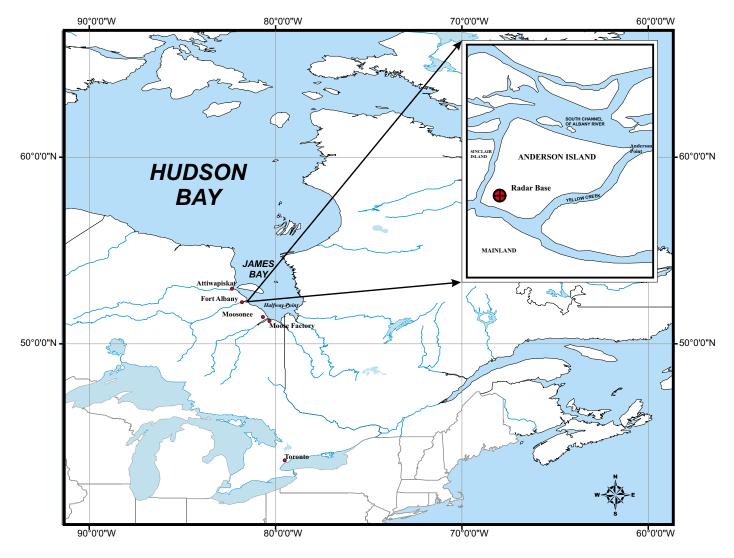


FIG 1. The location of the contaminated area (Mid-Canada Radar Line Site 050) in relation to the Fort Albany First Nation, Ontario, Canada.

2002a). Three committees were formed under this agreement: the Mid Canada Line Steering Committee would oversee the whole project; the Technical Working Group (TWG) would investigate and assess the sites and make recommendations to the Steering Committee; and the Policy Working Group would "integrate and coordinate the guidelines and standards of various offices of the government" (ESG, 1999a:2). As outlined in the MCL Principles Paper (MCL Working Groups, 1998), the relationship between the Mushkegowuk Council and Nishnawbe-Aski Nation, the provincial government, and the federal government was to be one of equal partnership. After approval by all members of the Steering Committee, the MCL Principles Paper would form the basic approach to the preliminary site investigations by the TWG, which would submit a written report to the Policy Working Group once these investigations were complete. Next the Policy Working Group would develop an Agreement in Principle, which would require Steering Committee approval. Then the TWG could develop site-specific cleanup plans and costing and seek Steering Committee approval.

Once approved, the documents would be sent to the respective governing bodies for final approval to proceed with the cleanup. The Policy Working Group would then meet regularly to discuss concerns and modify the Agreement in Principle as required; the TWG would oversee the implementation of the project; and the Steering Committee would meet semi-annually to review progress (MCL Working Groups, 1998).

It is clear from the MCL Principles Paper (MCL Working Groups, 1998) that the partnership between the Mushkegowuk Council and Nishnawbe-Aski Nation, the DND, and the OMNR was founded on all the essential elements of a true partnership as described in Table 1. We will now examine in detail how the MCL Principles Paper met the essential elements of the modified partnership framework, noting that the three categories in Table 1 are not mutually exclusive.

**Respect**: The First Nations communities of the Mushkegowuk Territory were recognized as being distinctive in that the traditional harvesting of wild game was still important to them (Berkes et al., 1995; Tsuji, 1998; Tsuji

and Nieboer, 1999; Tsuji et al., 2001); thus, protection of the food chain from contaminants was one objective of the cleanup. Special interests of the community were also considered, in that another objective of the cleanup was to protect people who live near the contaminated sites or visit these sites for recreation or harvesting activities.

Although traditional environmental knowledge (TEK) was not mentioned specifically by name in the document, we believed that TEK and Western science would be used in a complementary way as suggested by Tsuji and Ho (2002). We base this opinion on the fact that the TWG was to supply technical and specialized knowledge to the Steering Committee. The DND and OMNR would have expertise in Western science (e.g., toxicology), while the Mushkegowuk Council/Nishnawbe-Aski Nation would have specialized information from TEK (e.g., historical data). The TWG was a vehicle for exchanging knowledge and sharing personnel among the three partners. The use of the Cree language during the project was not directly addressed at this stage; however, it would be required to collect, collate, and interpret TEK. Furthermore, community meetings were mentioned as an important part of the cleanup, and Cree translators are typically employed at these functions. Lastly, First Nation customs or traditions such as cooperative interactions were acknowledged in the MCL Principles Paper.

**Equity**: Within an equal partnership, there is sharing of resources. The MCL document did not restrict the Mushkegowuk Council from seeking DIAND funding to support the costs of the MCRL project. This is an important point because sometimes access to funding can be denied if an organization is involved in an agreement with another government agency, program, or project. Moreover, DND and OMNR would pay for the logistical and analytical costs associated with the site visits, which would be substantial considering the location of the sites and the type of analyses required (e.g., PCBs). The Mushkegowuk Council wanted to clarify whether equal partnership would also include sharing the cost of the overall MCRL cleanup (Hunter, 1998). Monies for equal cost sharing of the whole cleanup project were not available to the Mushkegowuk Council; in fact, the Council did not have funds to cover members' initial travel expenses for these meetings (Hunter, 1998).

Jobs, opportunity for advancement, and economic benefits were directly addressed in the MCL Principles Paper. First Nations were to accrue economic benefits from business opportunities but were also to have access to training opportunities related to the cleanup.

**Empowerment**: It is clear that there was to be sharing of power between the three partner groups during the MCRL site assessment, delineation of contaminated areas, and cleanup. The Mushkegowuk Council had representation on the Steering Committee, the TWG, and the Policy Working Group, and decisions were to be made by consensus. Further, community input/involvement was specifically addressed in the MCL Principles Paper (MCL Working

Groups, 1998:2): "the aboriginal communities will be made aware of all developments and have an opportunity to voice their interests, concerns and support for the project." Even the sharing of authorship was addressed, in that the Mushkegowuk Council and Nishnawbe-Aski Nation (as well as the DND and the OMNR) would get credit for contributing to the production of TWG reports. Thus, in theory, the MCL Principles Paper (MCL Working Groups, 1998) set the foundation of a true partnership between government and FN organizations.

Implementing the Essential Elements of the MCL Principles Paper (March 1998–December 1999)

The Technical Working Group: The TWG's written report on its initial investigation and assessment of the 15 MCRL sites in Ontario was completed in 1998 (ESG, 1998). Further investigation of the MCRL sites by the TWG allowed the partial delineation of contaminated areas at the different sites (ESG, 1999a). MCRL Site 050 on Anderson Island (close to the Fort Albany FN) was identified as the top priority for cleanup (ESG, 1999a). Fort Albany FN personnel now took an active role on the MCRL Steering Committee and associated committees. Final delineation of Site 050 (i.e., identification of the spatial boundaries of contamination and the amount of contaminated soil or other material to be removed from the site for disposal) was completed in 1999 (ESG, 1999b). The TWG members worked well together and all publications, although produced by the Environmental Sciences Group, acknowledged the joint efforts of all members of the TWG. For example, the cover of the initial assessment and delineation report (ESG, 1999a) prominently displayed the logos of all TWG parties. Members of the TWG worked as equal partners, sharing power, information, and personnel. First Nation traditions were also respected through the process of consensus.

The Use of TEK: The Generic MCL Site Protocol (MCL Working Groups, 1999:1) specified that FN members of the TWG were to "provide local knowledge [TEK] with respect to Cree use of the area, wildlife patterns, and past events and occurrences that may have impacted on site [MCRL] conditions." During the site investigations by the TWG, TEK collected at community meetings (and from Elders with specialized knowledge) was used to help identify suspected or potential sites of concern (ESG, 1999a; Tsuji et al., 2001). Community meetings were held in Peawanuck, Attawapiskat, Kashechewan, Fort Albany, and Moosonee (ESG, 1999a). In Peawanuck, TEK was very useful on three occasions: 1) Mr. J.G. Koostachin identified an area that had been used previously as a vehicle oil dump. Contaminant analysis revealed an area where ~80-100 m<sup>3</sup> of soil was contaminated with TPH (total petroleum hydrocarbons). Approximately 10 m<sup>3</sup> of PAH-contaminated soil was also identified. 2) Mr. Koostachin also identified the area where a large drum of fuel had been dropped accidentally from a helicopter.

There was little indication that a spill had occurred because so much time had elapsed. The ground was not stained, and surface soil samples were not contaminated. However, sampling showed deeper soil was contaminated and would need to be excavated. 3) The barrel (fuel) dump at Site 500 (near the Peawanuck FN) was investigated for TPH, but none was found in nine samples. During a community meeting, several individuals explained that the barrel dump had been flooded on numerous occasions and that contaminants present initially may have been washed away (ESG, 1999a). At the Attawapiskat FN community meetings, Band members provided helpful historical data relating to FN land use at MCRL Site 415 on Cape Henrietta Maria (ESG, 1999a).

In the Fort Albany FN, Mr. J. Kataquapit located on maps numerous sites of potential concern related to buildings and materials that originated from MCRL Site 050 or the Carter Construction camp; neither these sites nor the Carter camp had been previously identified (Tsuji et al., 2001). Subsequently, paint samples collected from buildings Mr. Kataquapit had identified as potential sources of contamination were tested, but both paint samples contained less than 0.05 ppm of PCBs (ESG, 1999b). Since only a few paint samples were collected and analyzed, further investigation is required, especially given that the TWG did find high levels of PCBs and lead in paint used on other MCRL buildings (ESG, 1999a). It should be mentioned that the examination of these buildings was considered part of the Health Canada mandate (MCL SC, 1999a). Soil and water samples analyzed from the Carter Construction camp were found to contain levels of metals, hydrocarbons, pesticides, and PCBs below their respective detection limits (ESG, 1999b). The previously unknown Anderson Island dump (identified through the use of TEK) had yet to be investigated (ESG, 1999b; Martel, 1999).

As detailed by Tsuji and Ho (2002), TEK and Western science should act as complementary forms of knowledge; integration of the two knowledge systems should not be the goal. TEK (including local knowledge) was respected in the MCRL site assessment and delineation as an alternative knowledge system. The TWG not only collected TEK, but also listened to the communities and acted upon community concerns as presented through TEK. TEK provided information that was not available to Western science (e.g., spatial information concerning potentially contaminated areas, historical information), and Western science added information not provided by TEK (e.g., actual contamination levels of different environmental media). Even when potential sites of concern identified by TEK were found through Western science (i.e., chemical analyses) not to be of concern from a contamination perspective, an important function had been served: community knowledge and concerns had been respected and addressed. Having one's concerns addressed and knowing that an area or building is not contaminated are forms of empowerment important to the wellness of a community.

FN Involvement (Training and Economic Opportunities): On behalf of the DND, Defence Construction Canada (DCC, a federal entity) awarded a contract worth approximately \$500000 to A.K.A. Construction (A.K.A. = Attawapiskat, Kashechewan, Albany) for site delineation work at MCRL Site 050 (Mereb, 1999). Delineation included tree clearing, piling of debris, digging watermonitoring pits, erecting a fence to enclose the contaminated area (with large signs attached in both Cree and English specifying the areas contaminated), and constructing a decontamination facility and lunch room (Martel, 1999; Williams, 1999). A training course for Fort Albany FN members working in the contaminated area was arranged with a consulting firm from eastern Canada (Hill, 1999a). In-community training and a Contamination Health and Safety Manual were customized for Site 050 (Environmental Management Solutions Inc., 1999).

Monies left over from the contract allowed the Fort Albany FN to finance other aspects of the remediation process for which funding was not available. In this way, the Fort Albany FN received not only valuable training and a source (albeit temporary) of income for workers, but also revenue. Moreover, the completion of the delineation work laid to rest any doubt about FNs' honouring contracts awarded to them; there had been government concern whether a FN organization could complete the contract within the specified time and budget. Thus, training and economic opportunities were assured for the actual cleanup. Indeed, as stated in the consultant's statement of work for the MCRL cleanup:

Aboriginal content is a requirement for the project and applies to the implementation of the Mid Canada Line Cleanup. Once preliminary designs are received, DCC will evaluate what the Aboriginal Content can be. After evaluation, clauses specifying Aboriginal content and audit of Aboriginal content will be included in the tender for the cleanup. (Hill, 1999b:8)

Monetary Issues: Although the MCRL cleanup was founded on equal partnership, it was not equal when it came to sharing the cost of the actual cleanup. The DND representative made it clear that the cost-sharing negotiations for the cleanup were strictly between the DND and the OMNR and did not include the FN organizations (MCL SC, 1999a). However, FN partners were to be involved as equal partners in all other negotiations related to the MCRL cleanup (MCL SC, 1999a). The stance by the DND alleviated FN concerns that they would be equally responsible for cleanup costs because they were equal partners (Hunter, 1998).

Finding available funds to participate as a partner in the actual MCRL cleanup was difficult. The Nishnawbe-Aski Nation applied to INAC for funding to cover the costs of legal and environmental review of the Agreement in Principle, technical assistance (an engineer), and travel costs (Hunter, 1998). INAC responded that "First Nation in-

volvement in the clean up of the former Mid Canada Line Radar sites is a cost associated with the project, and as such should be borne by those funding the project, namely, Ontario and the DND" (Litzgus, 1999:1). INAC reasoned that the department had already provided monies for travel, administration, and community consultation and had brought DND and the Government of Ontario to the negotiation table (Litzgus, 1999). Nevertheless, INAC stated that the FN request for independent legal advice might be eligible for funding (Litzgus, 1999). As often happens when different levels of government, as well as different government departments, are involved in FN matters, money matters became clouded.

Community Involvement: In addition to the community meetings held by the TWG, described earlier, other community meetings were held in Fort Albany to inform the community of MCRL cleanup developments and to listen to community views (Hill, 1999c; MCL SC, 1999a). Posters made for community presentations were left with the Fort Albany FN to be posted.

To facilitate greater communication with the community, the Fort Albany FN passed a Band Council Resolution (an enforceable act on FN land) that supported the creation of a Community Liaison Committee for the cleanup project (Fort Albany FN, 1999). This independent body, consisting of seven community members, would act on behalf of the Chief and Council. It would evaluate all MCRL cleanup information and make recommendations to the Chief and Council; provide information to the community and answer all their questions and concerns; meet with the Chief and Council to detail community concerns; and provide some direction to the Band on health and safety issues (Fort Albany FN, 1999). The liaison group received information from the various partners to review and distribute to the community (e.g., Rew, n.d.). Defence Construction Canada contributed \$80,000 partial funding to Fort Albany's representation costs, which included honoraria for the members of the Community Liaison Committee (Hill, 1999c). Clearly, great effort and money were put forward by the government partners to keep the FN communities involved in and informed of the cleanup process.

Health Issues: On 2 March 1999, Becking and Bickis (1999) were contracted by the Medical Services Branch of Health Canada, the federal department that coordinates FN and Inuit health programs, to conduct a health study in relation to the MCRL and the Fort Albany FN, with a deadline of 31 March 1999. The rationale behind the health study was given as a "need to further investigate the human health implications arising out of the Technical Working Group's (TWG) Mid-Canada Line Radar Sites environment assessment that indicated some evidence that PCBs had entered vegetation and thus, the food chain" (MSB, 1999:1). Although this study was supposedly done on behalf of the Fort Albany FN, the Chief and Council were never informed of the study until after its completion; in fact, Fort Albany was excluded from the study. The

Medical Services Branch notes that the Band and community should have been consulted, adding that "the rationale for the oversight is unclear and further inquiries are necessary to determine the reason" (MSB, 1999:2). The health report (Becking and Beckis, 1999) was also criticized by members of the Steering Committee and TWG for interpretation errors and inflammatory statements (e.g., Downs, 1999; Gibson, 1999; MSB, 1999; Zeeb and Reimer, 1999). As a result, the Medical Services Branch made a commitment to the Fort Albany FN to "work in partnership with them to address the potential health risks" (MSB, 1999:7).

In keeping with this commitment, the Medical Services Branch gave a community presentation about PCBs and human health (Schwartz, 1999), and Chief Metatawabin later welcomed the Branch to conduct a health study and take blood samples in the Fort Albany FN to see if there was a problem (MCL SC, 1999a). Although blood samples were collected there for a contaminant study in July 1999 and January 2000 (MSB, 2000), participation was limited because the researchers were in the village only briefly (MSB, 2000). Further, results were given to the participants in a letter, with no oral feedback, which was distressing to the people (J. Wheesk, FAFN Band Councillor, pers. comm. 2004). Even the final report (MSB, 2000) was never received by the Fort Albany FN. (We just recently examined the report, obtained from another source, and found that it lacked even basic descriptive statistics, such as mean PCB levels in community members.) The Fort Albany community received only generalities, for example, the statements made at the 1 September 1999 Steering Committee meeting that "generally the results indicate low levels of PCB" and that 56 people were tested and "some were high" (MCL SC, 1999b:3). At one meeting, there was questioning about whether the sample was a representative cross-section of the population that included women of reproductive age and children (MCL SC, 1999b). The Fort Albany FN felt that no partnership existed between the community and the Medical Services Branch. Band and community concerns were never adequately addressed, and the Fort Albany FN was excluded from the process. Compare this "partnership" to the one the Fort Albany FN enjoyed with both the DND and the

Disintegration of the Partnership Between the DND and the OMNR

Although the Fort Albany FN and the other FN organizations (Mushkegowuk Council and Nishnawbe-Aski Nation) involved in the MCRL cleanup had excellent relationships with both the DND and the OMNR, the federal and provincial government agencies could not resolve their differences concerning cost sharing. The OMNR maintained that "Ontario's position continues to be that DND is responsible for the full costs of the cleanup... [DND] continues to bear responsibility for contamination" (Currie, 1999a:1). In contrast, DND held the position

that "the assets were sold to various private sector companies ... In all these cases these assets became the responsibility of the purchasers who then were subject to provincial law ... Our earlier offer to contribute to the costs of the clean-up was based on cooperation and goodwill without any admission of liability and also on the fact that DND would have a say on the nature, scope and level of the clean-up. The position of Ontario prevents the fulfillment of this essential condition for any DND involvement" (Downs, 1999:1-2). Their disagreement in December 1999 was very unsettling for the Fort Albany FN (Metatawabin, 1999a), who even sought legal advice on Fort Albany's position (Metatawabin, 1999b). Correspondence from the OMNR on 31 December 1999 reassured the Fort Albany FN that Ontario was committed to proceed with the cleanup even though the DND (and all other federal entities, such as Defence Construction Canada and the Environmental Sciences Group) were no longer involved (Currie, 1999b). The dynamics between the DND and the OMNR are beyond the scope of this paper and will not be covered. What is important is examining the new partnership relationship between the OMNR and the Fort Albany FN starting in January 2000.

## THE PARTNERSHIP ARRANGEMENT DURING THE CLEANUP OF SITE 050

The Memorandum of Understanding between the OMNR and the Fort Albany First Nation

In the fall of 2000, representatives of the provincial government (OMNR) and the Fort Albany FN came together and entered into a two-way partnership agreement whereby MCRL Site 050 on Anderson Island would be remediated (OMNR and Fort Albany FN, 2000). Two committees were formed under this agreement: the Fort Albany Steering Committee, which would monitor the progress of the cleanup and work with OMNR to resolve any issues arising during the project, and a new Technical Working Group to perform any technical or specialized work related to assessment and delineation issues (OMNR and Fort Albany FN, 2000). The Fort Albany Steering Committee would remain in existence until remediation of Site 050 was complete. As detailed in the MOU (OMNR and Fort Albany FN, 2000), the relationship between the Fort Albany FN and the provincial government was to be one of equal partnership.

Respect: The Fort Albany FN was recognized as being distinctive, in that the OMNR specified in the MOU (OMNR and Fort Albany FN, 2000) that Fort Albany seek independent legal and engineering advice before signing the MOU. This clause was there because the two partners had discussed that the Fort Albany FN needed to seek legal advice but lacked the funds to do so. The awarding of MCRL-related projects to the Fort Albany FN by the OMNR allowed the Band to acquire funds to secure legal

counsel. Typically, agreements between partners do not include this safeguard of equal representation; the OMNR respected the wish of the Fort Albany FN that they meet as equals. Special interests of the community were also considered when not only the provincial portion of land associated with Site 050, but also the Crown land leased by Ontario Hydro was included in the cleanup. At a meeting of the Steering Committee, G. Iannucci, Fort Albany FN capital projects coordinator and MCRL project coordinator, expressed community concern over treating the two portions of land as separate projects because of the longer time frame and uncertainty associated with two cleanups (MCL SC, 1999b). Ontario Hydro had been indirectly involved in the cleanup negotiations almost from the beginning, but would not decide on participation in the remediation project until February 2000 (Hill, 1999c). Ontario Hydro and the OMNR reached a cost-sharing agreement that was not detailed in the MOU (OMNR and Fort Albany FN, 2000).

The Fort Albany FN was also concerned that the cleanup itself might contaminate the environment even more and place the community at risk. To alleviate this fear, an onsite laboratory would be set up during the cleanup to monitor air quality, and it would post results regularly to share them with the community. Further, if evidence indicated that an area of contamination had been missed by the earlier delineation process, the Technical Working Group would investigate the potential areas of concern. In this way, there was always recourse for the community if something was missed; an arrangement such as this is important to community well-being.

Although TEK (or local knowledge) was specifically mentioned in the MOU (OMNR and Fort Albany FN, 2000) as being important and would be used throughout the project, the importance of TEK was especially evident in the original delineation of Site 050 (Tsuji et al., 2001). Nevertheless, TEK would be important during the cleanup phase in identifying any potentially contaminated areas missed in the delineation phase or in dealing with other issues of concern.

The use of the Cree language to ensure understanding by the community of the cleanup phase of MCRL Site 050 was directly addressed in the MOU, as well as the acknowledgment of proper customs and religious rites (OMNR and Fort Albany FN, 2000). A community liaison coordinator would be hired to act as a liaison between the Chief and Council, the community, and the OMNR. The community liaison coordinator was to address all community concerns daily. Since this person was to be chosen with FN input, language and cultural concerns would be of paramount importance. To allow time for the appointed person to become familiar with all aspects of the project, he or she was to be hired one month before the start of cleanup activity and employed until one month after cleanup to tie up all loose ends. In essence, the community would be informed of all activities each day and supplied with a mechanism (their liaison coordinator) to voice their concerns, which in theory could be immediately addressed.

**Equity:** The Technical Working Group for MCRL Site 050 cleanup consisted of representatives from the OMNR, the Ontario Ministry of the Environment, the Fort Albany FN, Ontario Hydro, the Mushkegowuk Council, and SNC Lavalin; there was to be a sharing of knowledge and personnel within this group. To ensure economic benefits (and job opportunities, including training) to the Fort Albany FN and its Band members, each tender submission for the cleanup contract had to have a section addressing local hiring and the type of arrangement made with the Fort Albany FN project coordinator of capital works. In addition, the tender submission would be evaluated with respect to the issue of local hire. The issue of local workforce was to be addressed not only in the form of tender but also in the legal agreement, with stiff penalties for any breach of the contract (Anonymous, 2000). Clearly, the best interests of the Fort Albany FN were addressed in the MOU (OMNR and Fort Albany FN, 2000) with respect to economic opportunities and training.

**Empowerment**: Fort Albany had a say in who would be selected as a contractor, which would be especially important for the issue of local hire. Chief Mike Metatawabin and project manager Guy Iannucci were also given the power to convene the Fort Albany Steering Committee whenever necessary. If the committee could not resolve an issue, the OMNR would not make a decision unilaterally; the Fort Albany FN would still have input into the final decision because the OMNR would consult with the Chief before any final decision would be made. Chief Metatawabin was not excluded from the decision-making process but was an active, equal participant in all major decisions. True power sharing was evident throughout the MOU; inclusion rather than exclusion was the main theme in this document. Community input was also addressed with the appointment of a community liaison coordinator. In principle, the MOU (OMNR and Fort Albany FN, 2000) described the basis of a true partnership between the OMNR and the Fort Albany FN.

Implementing the Essential Elements of the Memorandum of Understanding Between the OMNR and the Fort Albany FN (2000)

Governance and Community Involvement: The OMNR representative met at least weekly with the Fort Albany FN project manager to discuss all issues arising from the cleanup and was constantly in touch with the Chief and Council. An equal partnership did exist, and information flowed equally both ways. There were no surprises for the Fort Albany FN.

The Fort Albany FN community liaison coordinator met regularly with the OMNR representative to voice community and worker concerns. All Fort Albany FN concerns were quickly addressed.

**Special Interests**: Although establishing a waste disposal site on the mainland for PCB material (containing 5–50 ppm) was not in keeping with FN values, the Chief

and Council issued a Band Council Resolution reluctantly supporting the waste disposal site (OMNR and Fort Albany FN, 2000). Logistical and monetary factors were important determinants influencing this action. Nevertheless, when the community liaison member questioned the shape of the waste disposal site (a circular design was requested) during the evaluation of the tenders, this issue was addressed. A circular waste disposal site could not be constructed because changing the tender and seeking a new certificate of approval from the Ministry of the Environment would delay the project considerably. Nevertheless, within the confines of the conditions stated before the tender was awarded, some changes were made to the design: the landfill was elongated and physically separated from the biopile. The community liaison coordinator was part of the process in making these changes and accepted the final designs.

During the cleanup, an onsite laboratory was set up to monitor air quality. Instantaneous results were quickly conveyed to the community representative to alleviate fears that the cleanup itself might be contaminating the environment further. Water test pits were also monitored. Great care was taken to keep the community informed. Moreover, the monitoring of the waste disposal site still continues (SNC Lavalin, 2002b) in accordance with the MOU (OMNR and Fort Albany FN, 2000).

Lastly, a Fort Albany FN community monitor accompanied the contaminated material as it was transported off site by barge to a ship, from the ship to the port of Grand Anse, Quebec, and finally to the incineration facility. There was concern about the hazardous material not reaching its final destination, since weather in James Bay is sometimes unpredictable.

FN Involvement (Training and Economic Opportunities): In order to build a causeway joining Anderson Island (Site 050) to the mainland location of the waste disposal site, and (addressing a community concern) to avoid hauling the contaminated soil through populated areas, the Fort Albany FN participated in the gravel haul. This gravel haul agreement with the OMNR produced a profit for the Fort Albany FN, thus indirectly supplying monies for the Band to fund other important aspects of the remediation project that they felt were not adequately addressed, such as aquatic contamination surrounding Site 050 (McCreanor, 2003). Although some terrestrial receptors (vascular plants) were examined for PCBs, examination of the aquatic component was limited (ESG, 1999a). The Fort Albany community was concerned that PCBs might have moved into the Albany River before and during remediation. On this point, there is some indication that a contaminated sump pit did drain into a septic tank and emptied into Yellow Creek (part of the Albany River system) (Gibson, 1993).

Approximately 20 Fort Albany community members were employed in various aspects of the cleanup, illustrating that the extra effort that the OMNR and the Fort Albany FN put into the Aboriginal Content section of the MOU (OMNR and Fort Albany FN, 2000) was fruitful. The type

and amount of training the Band members received depended on the type of job they performed.

Other economic benefits to the community included revenue generated from the use of local merchants (e.g., for gas, accommodation, and equipment rental). Also, the two recently constructed buildings located on site were later relocated to the village and became the property of the Fort Albany FN. These spinoff benefits are equally important to the community as the jobs themselves.

Monetary Issues: The cost for the cleanup of MCRL Site 050 rested with the OMNR and Ontario Hydro. The Fort Albany FN was not responsible for the costs of any part of the project. Although the partnership between the OMNR and the Band was to be equal, it would not have been equal if Fort Albany had had to pay part of the cleanup costs. As Chief Metatawabin pointed out, the contamination of Site 050 was not the fault of his community (MCL SC, 1999a).

Health Issues: Health Canada became involved in assessing the Fort Albany FN workers' contaminant body burdens only after they had worked in the contaminated area; body burdens prior to work in the contaminated area were not measured (Tsuji et al., 2005). The Band generally felt that Health Canada did not seek Band or community input. The Fort Albany FN did not enjoy a true partnership with Health Canada, although it did with the OMNR.

#### IN RETROSPECT

Although the OMNR and the Fort Albany FN enjoyed an excellent partnership during the remediation of Site 050, some issues were not fully addressed. For example, the role of the RC Church was never specified during all the remediation negotiations, even though the Chief (Metatawabin, 1999c), the DND (Downs, 1999), and Ontario Hydro (MCL SC, 1999b) questioned the Church's involvement and liability, especially taking into account its involvement as a business entity with Site 050 (RC Episcopal Corporation of James Bay). Ontario Hydro also brought up for discussion the issue of liability on the part of Harwood Oils (MCL SC, 1999b). Perhaps these issues will be resolved in future negotiations over compensation. With respect to the compensation issue, notable by its absence in the MOU (OMNR and Fort Albany FN, 2000) was a clause prohibiting future legal action over compensation (Pope, 2000). This is extremely important because discussion of the compensation issue would have prolonged the negotiations and the real concern—removal of contaminated material—would have been delayed. This is another way in which the OMNR acted as a good partner and negotiated in good faith. The cleanup of Site 050 was given the highest priority because of community concerns, with the compensation issue to be dealt with later; that is, the OMNR did not use the compensation issue as a tool to gain an advantage in negotiations with the Band. Nevertheless, there are some issues of contention.

Although the time between the beginning of negotiations by the Fort Albany FN for the cleanup of Site 050 and the actual cleanup of the site was relatively short, Chief Metatawabin raised the important point that the Ontario Government had been aware of contamination as early as 1993, asking "Should it not have been cleaned up then?" (Metatawabin, 1999c:1). In addition, the Chief wanted the cleanup to be all-inclusive, including those items moved from Site 050 into the community (MCL SC, 1999a), items that might be highly contaminated with lead (only PCB contamination was addressed with respect to these buildings). Also, the Chief and Council reluctantly endorsed the siting of the waste disposal unit on the mainland because of logistics and economics. Ideally, the Band wanted all contaminated soil moved out of Fort Albany FN territory for processing. Leaving contaminated soil (5-50 ppm of PCBs), even in a contained landfill, was not in keeping with the FN tradition of stewardship. The last issue of contention is that the Chief and Council have yet to receive results from the OMNR concerning contaminant levels in a small number of birds and rabbits sampled from Anderson Island.

In overview, a true partnership did exist between the Fort Albany FN and the OMNR during the remediation process, despite some issues of contention. We hope that this evaluation has provided insight into the negotiation process and, moreover, that it may serve as a guide to other Aboriginal organizations that enter into partnerships with government organizations, especially to remediate abandoned radar line sites in Subarctic Ontario and other regions of Canada.

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