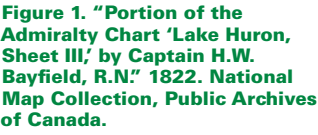


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## 1

# Dani Kastelein-Longlade



Since European contact, surveying and mapping throughout Canada have exerted dominion over the landscape, wielding their power over the land as well as its Indigenous peoples. Georgian Bay, the vast waters of eastern Lake Huron, provides an interesting perspective on this topic because it has a complicated history characteristic of this type of conflict. Surveys of the Bay, which began as a tool for colonial acquisition of the land, would later produce a system of control over the environment and its resources. These practices were not only used to commodify the landscape, but also to divide and classify it in a way which allowed the government to put restrictions and policies over areas they deemed worthy of environmental conservation. These conservation strategies, as well as the prevalence of cottage ownership in the area, has led Georgian Bay to become a contested ground. Indigenous harvest practices, and the temporal habitation that has traditionally been part of this, have come into conflict with the uses of settlers. These harvest practices include building shoreline shanties during hunting and fishing expeditions and the gathering of maple syrup and *manoomin* (wild rice).<sup>1</sup> Indigenous people of the Bay are placed in direct conflict with an aesthetic paradigm that has been perpetuated by many artists and poets—including the Group of Seven—one that identifies the Bay as a distinct wilderness, a pristine and untouched landscape of pink granite, limestone bluffs, and wind-swept jack pines.

### History of Mapping in Georgian Bay

European surveyors had already characterized Georgian Bay as a “barren and uninhabited landscape,”<sup>2</sup> which ignored the fact that this place had been home to many different Indigenous tribes and histories spanning thousands of years. Claire Campbell’s *Shaped by the West Wind* puts into perspective the Bay’s complicated past and underlines what Graeme Wynn so aptly calls a “comforting deception” that has been created over time and continues to overshadow the “contested environmental history” of this place.<sup>3</sup> Early maps of the Great Lakes roughly described their shorelines, but the War of 1812 made it clear to the British that they needed to better map the water bodies if they hoped to defend Canadian territory, so more accurate maps were made.<sup>4</sup> These records were initially purely functional and only represented the physical characteristics of the shoreline, difficult terrain, and major waterways, as seen in some of the earliest surveying maps (Figure 1).<sup>5</sup>

As these early examples show, surveying practices in Ontario and throughout the country were linked to the Crown’s title to land, undertaken by the military. Soon after the war, changing attitudes and agendas towards the environment were reflected in subsequent surveys. These became tools designed to divide land for future settlement.<sup>6</sup> These invisible lines on the landscape demarcated the British Crown’s authority over the land, infringing on Indigenous people’s sovereignty.<sup>7</sup> Ultimately, surveys aided in the creation of various colonial institutions, including reserve lands and residential schools, which removed Indigenous people from their lands, forcing them to exclusively adopt a life of farming and adhere to the Christian faith.<sup>8</sup> From the beginning, the government ignored the use of the land by Indigenous people throughout the country, as those in power wanted to “safeguard” the land for future ownership and settlement, and the development of Canada’s economy.

However, the land surrounding Georgian Bay was not initially used for permanent settlement as the Crown had hoped. For most of the nineteenth century, surveyors declared much of the land surrounding it bleak and inhospitable, rendering it largely worthless for agricultural purposes.<sup>9</sup> The area instead became seasonally inhabited, both for leisure and commercial harvest. Over time, the inevitable decline of the commercial harvesting industry allowed the summer holiday business to take precedence. This in turn promoted a relationship with the land opposed to Indigenous value systems, which included temporal habitation for the purpose of seasonal, expeditionary harvesting.

## Decolonization Multiplies Our Relationships With Land

**Figure 2. "Fishing Grounds, Georgian Bay, Pre-Contact Map # 1" By author.**







## Indigenous Land Use and Ownership

Colonial assumptions that Indigenous people had no pre-contact concept of property or laws organized by their own commercial economies or social and political structures is false.<sup>10</sup> In fact, Indigenous people had agreements between other Nations and kin establishing territorial boundaries, especially those linked to harvesting. The islands within the Bay for example were “owned”/taken care of/watched over by individual Anishinaabe families. Each family would effectively live on the islands seasonally and fish from its shores using spears or nets made of braided cedar fibre rope, while the men left to pursue other forms of harvesting elsewhere.<sup>11</sup> The shallow waters found along the shorelines of Georgian Bay, which were excellent environments to throw these nets from, have been documented as inhabited (with the use of wigwams) and harvested by the Saugeen and Anishinaabe since time immemorial and post-contact by the Métis during fishing excursions throughout the nineteenth and twentieth centuries (Figure 2).

Prior to European settlement, it was identified that a framework needed to be put in place for how land “negotiations” would be treated between Indigenous people and the Crown. The Royal Proclamation of 1763 provided such a framework. This colonial document required that the Crown acquire the unceded territories or “hunting grounds” of Indigenous people be acquired by the Crown through purchases and land cessions documented in treaties ultimately recognizing Aboriginal title.<sup>12</sup> In total there would be 11 treaties signed for the land surrounding Georgian Bay. Each document defines the boundaries of land being surrendered to the Crown, areas set aside for the creation of reservations, and some even establish payments to be made to the tribes who entered them. These lands, including the islands that they had long cared for, were to be held in trust by the Crown (Indian Affairs) in order to protect the rights of the Indigenous tribes and that of the chiefs who signed the agreements.<sup>13</sup> The treaties were thought to be intended to protect the rights to their traditional territories, permitting them ongoing access to their traditional fishing and harvesting grounds when in fact they were put in place to extinguish Aboriginal title. Some treaties, however, such as the Robinson-Huron treaty, are explicit in their promise that Aboriginal peoples could continue to hunt and fish throughout their ceded territory. Even though these agreements existed to protect Indigenous harvesting grounds, it did not prevent others to encroach within Indigenous territories, whether they had ceded their rights to the land or not, and exploit the resources which were meant to be shared.

During the boom of the commercial fishing industry that started in 1830, Ontario’s provincial government passed the Fisheries Act in 1858, which allowed individuals to purchase leases to fish from the islands and smaller bays in Georgian Bay. These were of particular interest to both local and foreign fishermen in order to establish fishing stations with exclusive fishing rights.<sup>14</sup> These fishing stations would serve as a home base where fisherman could dry nets and salt fish. Since most islands in the early nineteenth century belonged to the Crown following the signing of treaties, access to the islands was generally obtained through Crown licenses of occupation and required that the fisherman respect the rights of Indigenous fishermen. What followed were decades of conflicts between Indigenous and non-Indigenous commercial enterprises due to the ambiguity of the rightful ownership of these exclusive fishing rights. In an enquiry with the government, the Anishinaabe asserted that when they ceded their “ownership” of these islands it did not mean that they surrendered their inherent and exclusive rights to fish there (Figure 3).<sup>15</sup> In the case of the Saugeen First Nation, who asserted that they had never ceded their exclusive rights to inhabit their islands, tried to protect them from invaders by burning any settler construction placed upon them.<sup>16</sup> Disputes often led to nets being tampered with, boats and docks being burned and/or vandalized and the appropriation of Aboriginal fisheries (Figure 4).<sup>17</sup> Relations worsened when the government failed to clarify their jurisdiction to manage these conflicts and enforce native fishing rights which they promised to protect during treaty negotiations.<sup>18</sup> External fishing enterprises, such as those coming from the United States, had the resources and the men to pressure Indigenous fisherman away from their harvesting grounds as was in the case of the Saugeen. One particular case brought forth to government authorities describes Saugeen fishermen being driven away from the “Fishing Islands” on the other side of the Bruce Peninsula in Lake Huron.<sup>19</sup>



Figure 3. "Two men fishing off a dock at Steamboat Pier, Northwest Angle, Lake of the Woods, Ontario," October 1872. Library and Archives Canada.

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Figure 4. "Lake Huron Beach, Southampton," 1910. Toronto Public Library.

Figure 5. "Southampton Boardwalk." Official Tourism Website of Southampton.



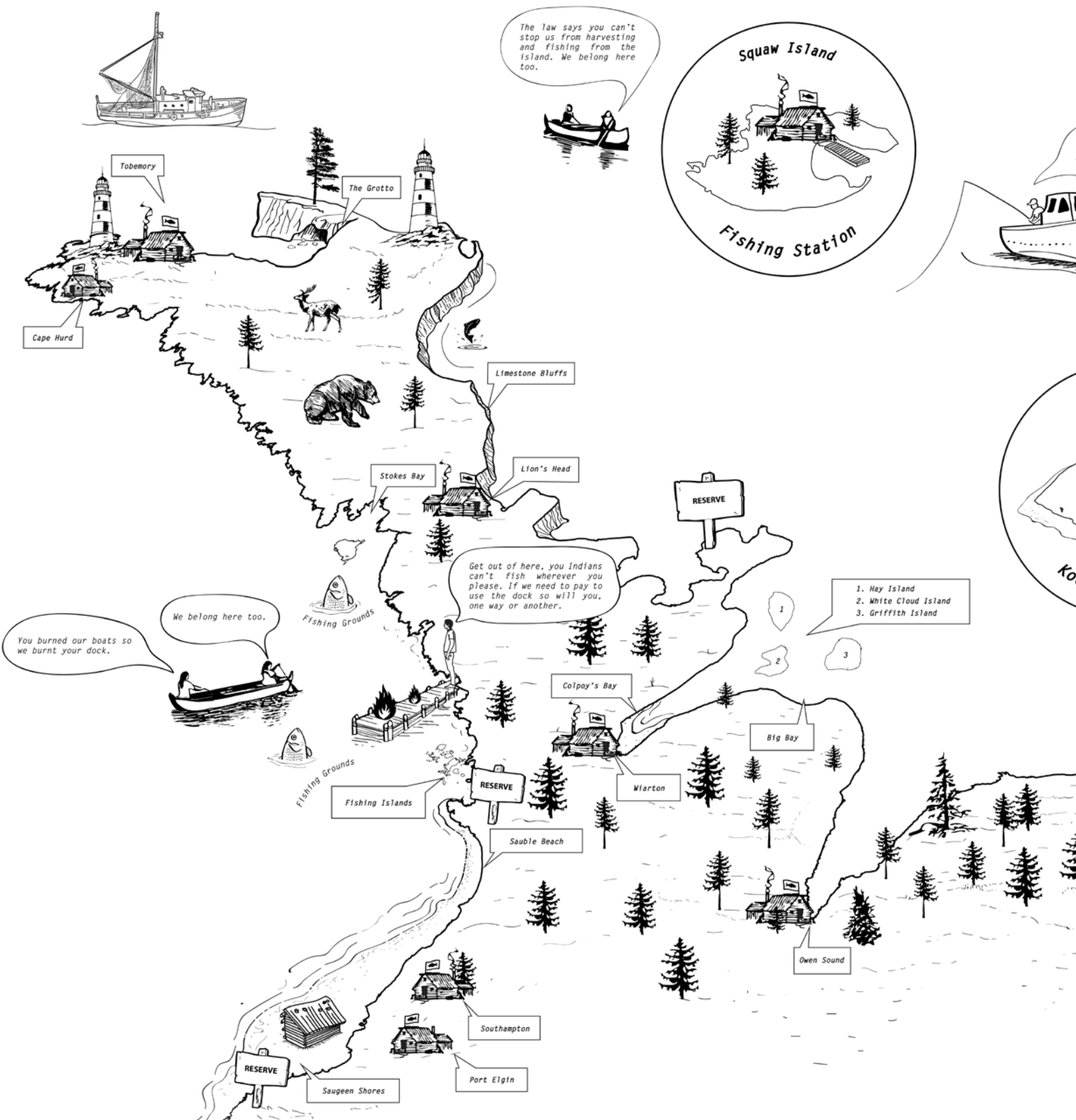
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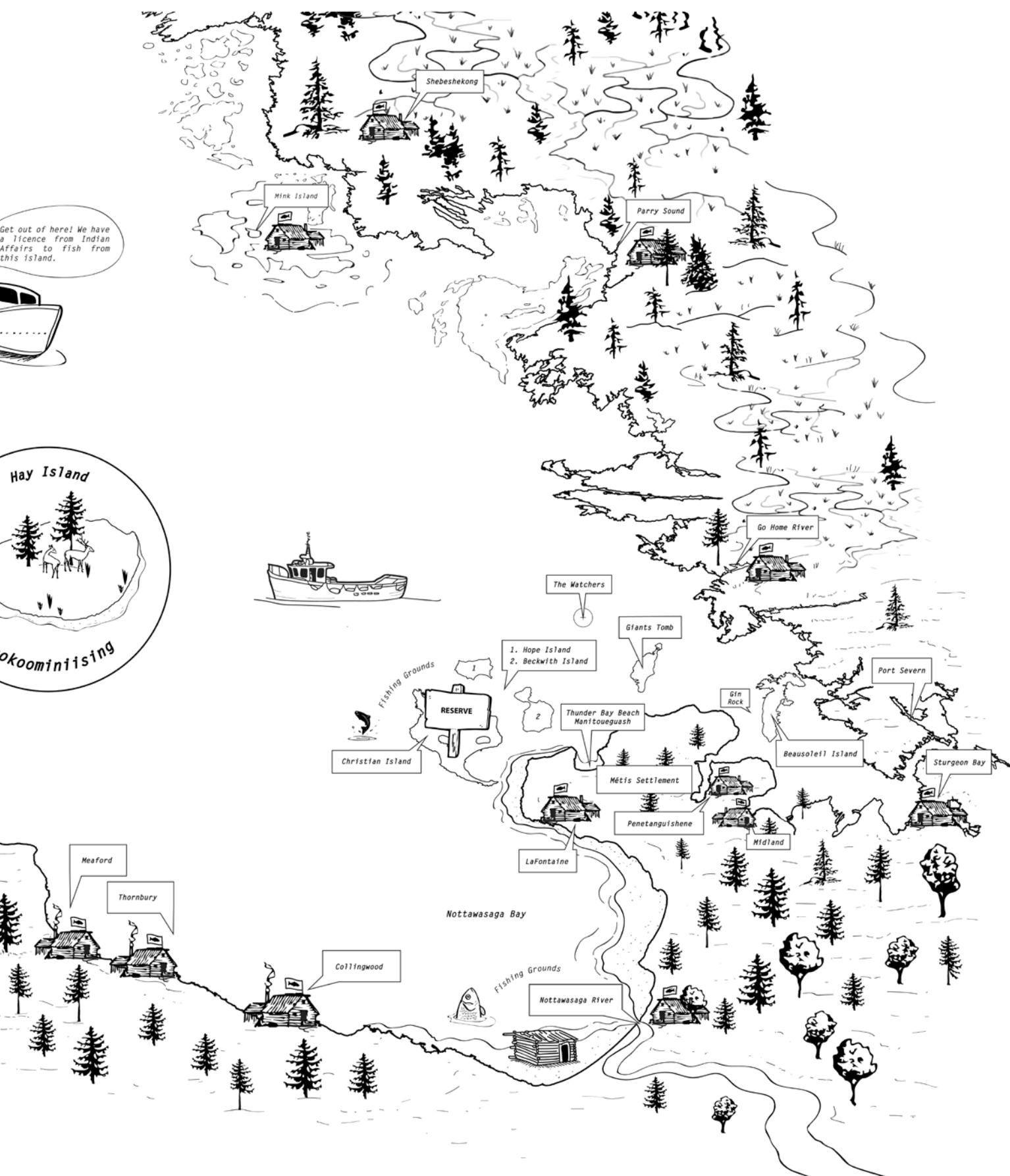
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## Decolonization Multiplies Our Relationships With Land

**Figure 6. "Classes of Industry, Georgian Bay, Post-Contact Map # 2" By author.**









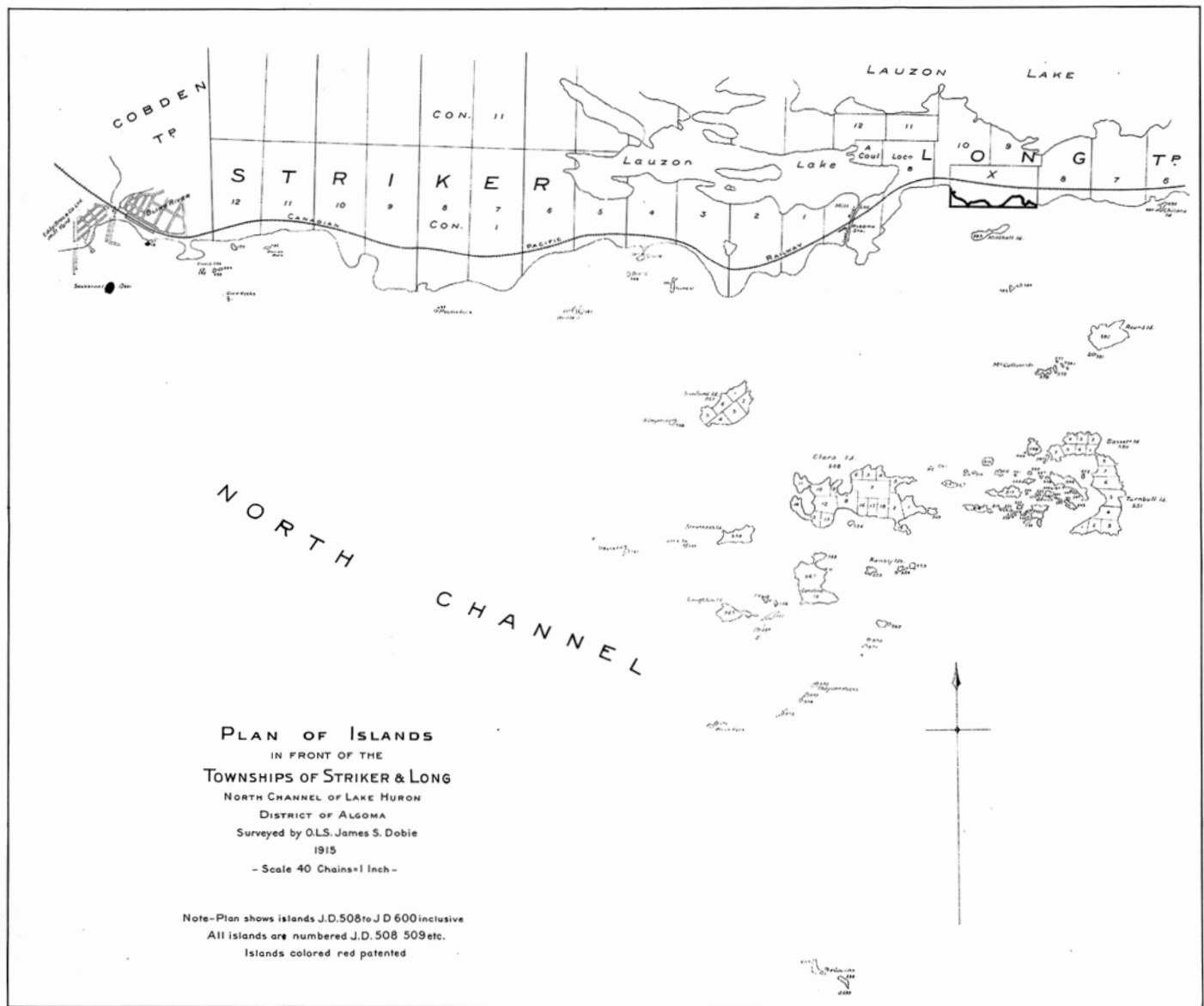
∞ In the mid-to-late nineteenth century, tourists from Canada and the United States began to flock to the area, establishing recreational fishing clubs, cottages, and shoreline hotels that advertised fishing expeditions throughout the Bay.<sup>20</sup> Tourists saw the land as an endless resource to exploit. The Department of Indian Affairs assisted this new form of consumption, publishing lists of islands and handling requests to locate and purchase property for cottagers.<sup>21</sup> By the 1920s, with the rise of the Group of Seven, this famous landscape became even more popular. As time went on the number of cottages increased along the shoreline, including the recreational activities which accompanied them, fish stocks eventually were depleted due to the commercial fishing industry.<sup>22</sup> During the first couple of decades of the twentieth century, Indigenous constructions such as fishing shanties, wigwams, smoking and drying racks which coexisted with the cottagers on the Bay's many beaches eventually disappeared (Figures 5 and 6). One can only speculate the reason for their disappearance. It may be due to the decline in commercial fishing; however, if temporary Indigenous dwellings existed on the shoreline prior to settlement could the reason be linked to what was "allowed" to exist on the beach and perhaps even whom?

The consumer culture that undergirded family cottaging in Ontario further experienced a boom following the Second World War, producing a greater demand for cottage lots. The sale of land for these privately owned romantic cottage retreats was commercialized on a grand scale. Surveyors were tasked by the government to number all the islands in the Bay and subdivide many into parcels to be sold (Figure 7). They were also instructed to quantify their aesthetic qualities, which helped to commodify them when advertised for purchase.<sup>23</sup> These divisions in the landscape made by these surveys and plans to sell off the islands continued to reflect a different relationship with the land, one which promoted its possession by non-Indigenous people—as well as a romantic, non-Indigenous conception of "nature" based on sensorial gratification. Ultimately the change in ownership from Crown land to privately owned lots would displace Indigenous harvesting rights. This relationship continues, producing the cottage country we know today, usurping one centred on its care and harvest by the original caretakers of the land.<sup>24</sup>

7 Due to the paternalistic structure of the Department of Indian Affairs (DIA) at the time, there was no opportunity for First Nations to stop their lands from being transferred into a system of private ownership or contest this infringement on their harvesting rights. Indian Agents, charged with the management of reserve lands and acting and speaking exclusively on behalf of First Nations people to the DIA, also acted on behalf of the department itself. As a result of this conflict of interest, there was no real possibility for Indigenous people to contest these arrangements.<sup>25</sup> As a result, many agents took advantage of their power and position. For example, in 1899, the agent responsible for the region of the Saugeen treaty territory transferred ownership of Hay Island from the Chippewas of the Nawash First Nation to his daughter to develop it as a cottage for her family.<sup>26</sup> This island, which had been used for gathering medicines, fishing, and burying the dead, has not yet been returned to its Indigenous people.<sup>27</sup>

### Contemporary Western Standards and Conflicts Regarding Conservation and Recreation

In the mid-twentieth century, the Ontario government became increasingly concerned about the province's natural conservation and surveys focused on areas the government saw as worthy of protection. In 1959, the Wilderness Areas Act was passed by Ontario's legislature and called for the protection of sensitive habitats and environments. The Wilderness Act was conceived with a specific philosophy put forth by Howard Zahniser: "humans should be guardians not gardeners."<sup>28</sup> In *Controversial Issues in Adventure Programming*, Howard Welser argues that the wilderness experience has been adversely affected by human intervention, preventing us from experiencing nature in a "historical context" of "how it used to be."<sup>29</sup> Tourists, hikers, and nature-lovers alike often pair the notion of wilderness with a "historical absence of human impact" and its "spoilage" due to that impact.<sup>30</sup> This standard is expressed within the works of the Group of Seven, which treat the wilderness of Georgian Bay as a pristine entity, devoid of human presence; in fact, societies with organized political structures had been living there for thousands of years.



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**Figure 7. "Plan of islands in front of the townships of Striker & Long north channel of Lake Huron District of Algoma." 1915. Toronto Public Library.**

This hegemonic wilderness paradigm is problematic because it excludes the existence of Indigenous people by putting legislative barriers around Indigenous sovereignty. Preserving this idea of wilderness experience is dependent on limiting the use of land by minimizing the existence of permanent or temporary human constructions, including fish shanties and fishing camps belonging to Indigenous people (Figure 8). Cottage culture has assisted by making fundamental changes to bylaws to promote and safeguard the use of the wilderness for recreation. Traditions such as harvesting require land and access to places that have been altered by changing ideals of how nature should be experienced. Recreational activities surrounding cottage culture, such as sport fishing, boating, and swimming on the shorelines of smaller bays and beaches within Georgian Bay, have also significantly altered natural habitats for fish and plants. Effectively, these changes in relationship with the land and the water have contributed to the erasure of Indigenous harvesting from these spaces (Figure 9).

In his article "Decolonizing Cottage Country," historian Peter Stevens explores the complicated history of Indigenous traditional harvesting techniques and the direct conflict between Indigenous and outdoor recreation practices in Canada.<sup>31</sup> Stevens asserts that First Nations (and the Métis) were "frequently erased from landscapes that settlers associated with wilderness recreation."<sup>32</sup> The islands and beaches once inhabited by Indigenous fisherman along with their shanties are now overpopulated by a sunbathing crowd and waterfront cottage-owners who want to enjoy a private beach paradise. Increases in private property ownership and changes in land use is only one side of the issue. Designated conservation areas have also affected Indigenous people's diverse harvesting practices such as: temporarily inhabiting and

delineating nation state capitalism

**Figure 8. "Clash of Cultures,  
Georgian Bay Present Day Map  
#3:"** By author.







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**Figure 9.** Jack Long. "Four Native men lunch in their fishing shack.," Manitoba, March 1945, Item N.11264, 1971-271 NPC, Still Photography Division (R1196-14-7-E), National Film Board of Canada.

**Figure 10.** "A sign reading 'Private beach to water's edge. No Trespassing' at a property on Balm Beach in Tiny Township, Ont." Barrie CTV, 15 July 2016.

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building on islands and beaches during hunting and fishing expeditions, cultivating wild rice fields, and gathering plants along the shoreline.

For example, the dynamic, tidal-like beach environments such as those found in Georgian Bay have been defined as sensitive environments requiring environmental protection, according to the Ontario Government.<sup>33</sup> This delineation of the land has established laws and restrictions in many townships prohibiting anyone from disturbing these spaces save for "passive enjoyment," ensuring they be "maintained as close as possible to a natural state."<sup>34</sup> This includes building within them and altering the landscape in any way, all in the hopes to protect the shoreline and its sensitive habitats from erosion.<sup>35</sup> These divisions and classifications of land for conservation have also added a level of bureaucratic difficulty for Indigenous people.

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Today, one must apply for an “Incidental Structure Building Permit” to build a small shack or cabin on Crown land.<sup>36</sup> In addition to the many rules stipulating the location of the cabin (to make sure it won’t disturb these sensitive areas), one must prove their eligibility by showing evidence that their Indigenous community is engaged in seasonal harvesting patterns (e.g. hunting or fishing), which involve expeditionary trips requiring a shelter, “an explanation of the relationship between the proposed incidental building and the person’s Aboriginal treaty rights,” and “support from the Aboriginal community with which the applicant may be affiliated” (e.g. Band Council).<sup>37</sup>

These “pre-screening guidelines” bring to the surface a number of questions and problems. Firstly, what if the Aboriginal person in question is non-status? Second, what kind of evidence would someone have to provide in order to prove that their community is engaged in seasonal harvesting? Would they offer pictures, or oral history? Thirdly, how far away does the cabin need to be to prove that the trip you are taking is expeditionary? Finally, how does one begin the process of explaining the relationship between incidental buildings and a person’s Aboriginal treaty right? Hasn’t this already been established at the supreme court level through the *R. v. Sundown* case, which concluded the need for incidental buildings in the act of harvesting for Aboriginal communities?<sup>38</sup> Although it is evident that the government of Ontario is concerned with public safety and protecting the environment, the permit system process further relegates Indigenous people into a subservient position with the government, removing any sense of agency by requiring them to “prove” the existence of their traditions. Furthermore, it may not be possible for many individuals and communities to provide some of the information requested in the application.

### Cause for Conflict: Incidental Structures

Even though Indigenous harvesting rights are protected under the 1982 Constitution in Article 35 (and in the case of wild rice, a specific act exists that protects rice harvesting), there can be many conflicts encountered when trying to uphold them. In the case of the wild rice fields, a great number of cottagers have banded together to have the rice removed from the water claiming that it interfered with generations of wilderness recreation such as swimming and boating.<sup>39</sup> The shanties were likely a similar issue; the Ministry of Natural Resources and Forestry (MNRF), cottagers and residents surrounding the Bay may have claimed that they were a danger along the beaches where tourists and cottagers liked to frequent. Although there is no official record of this, current bylaws, which state regulations prohibiting construction on the beaches is a matter of public safety, were likely developed following conflicts about how the land was to be used and managed and/or incidents that threatened public safety.

For Indigenous people, these laws seem to contradict constitutional and treaty rights in place to protect harvesting rights and territories. In the past, First Nations people, believing they were well within their rights to build cabins in their traditional harvesting territories, faced the prospect of having them torn down or be subjected to fines if they were built without a permit or within prohibited areas (including provincial and national parks). Many were even brought to court after finding out that they needed special permissions to build.<sup>40</sup> Some, like Elsie and Howard Meshake from the Aroland First Nation, have fought back in court to have their treaty rights upheld, winning the right to not have their hunting cabin on Ogoki Lake’s Comb Island (north of Thunder Bay) torn down by the MNRF in 2011.<sup>41</sup>

If the Ministry of Natural Resources and Forestry manages Ontario’s Crown lands, this in turn makes them responsible to accommodate the existence of seasonally used camps and docks in a sustainable way that respects the treaties and does not interfere with conservation initiatives and sensitive habitats. At the same time, the provincial government must recognize in a meaningful way the existence of Indigenous rights, people, their architecture, and sovereignty of the land. Ultimately, the practice of building cabins or shanties near the shoreline shouldn’t be inhibited because many Indigenous people throughout the Bay still rely on the land and the water for their subsistence. Furthermore, these practices help reinforce a temporal knowledge of fish and medicinal plants and help to reinforce a



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close relationship with the land; a connection that is central to these Indigenous communities. In Edwin C. Koenig's thesis, a member of the Chippewas of Nawash First Nation describes the use of fishing cabins within the Williams Treaty territory at Rabbit Island (deep in the bush between Honey Harbor and Moon River), in the early 2000s:

*We followed the fish. When I fished with my father we started in the spring, and by June we moved toward Rabbit Island. Then we'd move again, to Cove of Cork. You know where to set [...]. When fish were getting scarce there, we'd move over again toward the lighthouse. It took about two and a half hours to row from the Harbour where the government dock is now to the lighthouse. At six in the morning the water is calm so we would row along the shore. We had a fish camp, two shacks, at Rabbit Island and anyone could stay there if they got stuck. They could come back the next morning.*<sup>42</sup>

Indigenous people who have been stewards of the land since time immemorial, altering the landscape in a way that sustained them for thousands of years, have for generations been pushed to the fringes and excluded from spaces which have been temporarily inhabited and built upon. The ongoing violence that the province enacts upon the landscape is apparent, giving the government, municipalities, and individual property owners complete sovereignty over the land and water, and marginalizing the knowledge and expertise of Indigenous people (Figure 10). In addition, it also puts stringent regulations on where First Nations and Métis people can exist, build, and harvest. In John Burrows's article *Living between Water and Rocks: First Nations, Environmental Planning and Democracy*, he touches on the difficulties Indigenous people have faced regarding their sovereignty concerning environmental decision making.<sup>43</sup> He describes the condition in the Bay as a "legal geography of space," which has been constructed by "federalist structures" meant to "organize, separate, and allocate water and rocks in a manner which promotes unequal distributions of political influence."<sup>44</sup> The act of building these seasonal cabins on islands and shorelines fall under this political influence. As a result, a great deal of knowledge has been lost by making traditions such as fishing expeditions and gathering medicines more difficult or often impossible.

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### Conclusion

Two-hundred years of history has not changed the underlying political and social violence enacted by colonial powers that continue to systematically erase Indigenous people from the landscape. Surveying has made it possible to exploit the Bay, allowing governmental powers to commodify the landscape, monetize its resources, divide up the land for purchase, and effectively assert control and dominance over it. Indigenous people and communities are still affected by past and contemporary acts of colonialism tied to Eurocentric surveying policies and laws that govern colonial classifications of the land. John Borrows explains this perfectly: "the culture of the common law has imposed a conceptual grid over both space and time which divides, parcels, registers, and bounds peoples and places in a way that is often inconsistent with Indigenous participation and environmental integrity."<sup>45</sup> The way in which space is organized within Canada's dominant culture as well as the rules and regulations that accompany the common law grid work together to create an unequal distribution of power and authority. Not only does this system subvert Indigenous laws, geographies, knowledge, and land use, but also the stories and traditions that accompany them. In the pursuit of a more sustainable and equitable future we can no longer rely on these colonial tools and systems in the act of organizing, building, and planning our communities. After all, they could never serve as a substitute for recording and understanding the complex knowledge systems and history of the land—or the spirits that lie in the depths of its waters.

1

Endnotes

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- 19 Ibid. p.106.
- 20 James P. Barry, *Georgian Bay: An Illustrated History* (Erin, Ontario: Boston Mills Press, 1992), 195, 202, 212. Hotels included the Bellevue, Ojibwe, and Penetanguishene Hotel, all of which advertised leisure fishing expeditions. These were often led by Indigenous guides who had a great knowledge of the land and water.
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