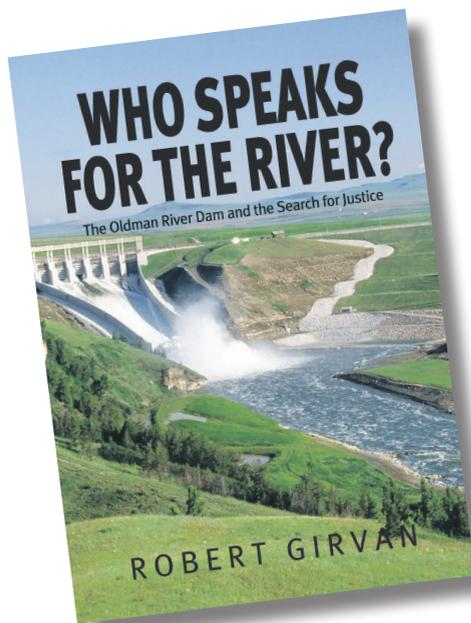


# Who Speaks for the River?

## *Who Speaks For The River?*

*The Oldman River Dam and the Search for Justice*

By Robert Girvan, © 2013, Publisher: Fifth House Ltd., 392 pages  
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by Maggie Paquet

Part of this book reflects the saga of western expansion; the misuse and overuse of land, the political and social ignorance that parallels the settlement of Canada – of settlers and politicians trampling the human rights of the First Peoples, of engineers believing Nature was something to conquer.

On one hand, it's the straightforward story of the Oldman River dam, the Piikani (Peigan) Nation, this part of Alberta, and the effects (social, economic, cultural, ecological) on some people and the environment. On the other hand, it's an indictment of the behaviour of Alberta's government and parts of its "justice" system and political decisions regarding public resources. The book offers insight into the realm of what often passed for justice in cases involving Aboriginal people 25 and more years ago.

While the story is historical, this book touches on many of today's issues: Aboriginal rights and title, how governments honour treaties, water, climate change, loss of species, best use of land, use of the media as a propaganda tool, and democracy. A critical part of the story is about laws and our legal systems. What are they for? Who are they for?

There had been long years of

drought in this nearly desert land of southwestern Alberta. The land had experienced too many demands; too many trees had been cleared, it was being farmed from corner to corner. By the 1980s, there was a great demand for water. Farmers and the City of Lethbridge demanded a dam. At a community meeting in 1984, one farmer complained that, "We're running out of water too often here. You're letting all that water go down the river and just dumping it in the ocean...." Meanwhile, the Piikani had been left out of all the land and water use decisions, including those for building the dam.

After a major flood in 1923, the Oldman, which ran through the Piikani reserve, had formed a new channel. Milton Born With A Tooth, a member of the Piikani First Nation, wanted to send the river back down the old channel, bypassing the farmers' weir that fed their irrigation ditches. He maintained that government wanted to put the dam in the wrong place. If there needed to be a dam, it should be in a different location and be done in co-operation with the Piikani, including profit-sharing for their community.

Girvan gives insightful descriptions of the characters involved, including Martha Kostuch; Milton Born With A Tooth, others of the Lonefighters Society, and members of the Piikani Nation; Roy Jensen, a farmer who managed the irrigation system; Rick Ross, an engineer; and a number of lawyers and judges.

Alberta began constructing the dam in fall 1986. They dug tunnels under the riverbed to divert the flow away from construction. They issued a permit to themselves and did not give notice to the public. They didn't do an environmental assessment in spite of a Supreme Court of Canada ruling, and they didn't have a permit from DFO to destroy fish habitat. They exhibited extreme hubris, running roughshod over the law, the environment, and the Piikani. This is what Martha Kostuch challenged – and won. At a major protest at the site, Milton Born With A Tooth, facing an army of well-armed police, aimed an old rifle at the sky and fired. He was charged with attempted murder – and lost. One can indeed ask about justice.

Martha's premise was that Alberta had broken its own law. Her group, Friends of Oldman River, launched a lawsuit against Alberta, which they won, but Alberta appealed, further stalling while continuing to build the dam. What followed was an inundation of spin and counterspin. By disagreeing with Alberta and the farmers, Milton challenged the whole system that allowed government to make decisions that he felt would have a major detrimental effect on his community.

This book is excellent background for understanding where we are today, relevant to all kinds of destruction of rivers and regional ecologies in the name of "progress." Girvan describes the turf war between Alberta and Canada over permission

to destroy fish habitat, contrary to section 35 of the *Fisheries Act*. Clearly, this discourse illuminates the federal government's recent achievement in nixing that section so that rivers and lakes all over Canada can be sacrificed for any and all industrial projects. Tar sands, anyone?

There is a wealth of fascinating detail and well-expressed insight in this book. It describes the dismal and racist treatment of the Piikani, fenced into their reserve and having no voice. It explains very well the relationship between water, power (political), money – and bias and ignorance. Site C comes to mind.

I read about how some decisions are made that fly in the face of reason, enlightened understanding of natural systems and human fairness – and ecological (environmental and social) justice. The fight of the Xení Gwet'in and Teztan Biny comes to mind.

As I read this book, I wondered: Justice for whom? The farmers in southwestern Alberta, who believed they needed more water for irrigation? Albertan politicians who may have thought that building the dam would garner votes in the next election? Biologists and environmentalists who knew the irreplaceable value of an intact river; that damming it would destroy the fragile ecology? The Piikani, for whom the Oldman River was a sac-

cred part of their Creator belief, their spirituality, and a deeply integral part of their culture as it grew out of the local environment over many thousands of years?

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Parts of this story could have happened – *has* happened – in every part of Canada where there is a river, a First Nations reserve, politicians, and bureaucrats who are more concerned with their careers than with conserving nature or furthering justice.

The primary question: Who speaks for the river? is examined thoroughly. The answer depends on

your values, experiences, needs, and on your understanding and knowledge of biological systems that are, in themselves, formed by geophysical systems. Social and cultural systems are, ultimately, the determinants of decisions that affect those other systems. From my point of view, there are two main entities who spoke for the river: Milton Born With A Tooth and the Lonefighters, and Friends of Oldman River, led by Martha, Cliff Wallis, and others.

This book builds suspense like a novel. Girvan has done an exceptional job of writing about so very sensitive an issue as whether or not justice prevailed...justice for the Piikani, for the Oldman River, and for Milton Born With A Tooth. It tells a very complex, yet also simple, story: How to achieve justice. There's no doubt that it describes a colossal – and age-old – battle between power and justice. I suspect that battle will never end.



Maggie Paquet is a biologist, activist, and writer/editor. She is a recipient of the Martha Kostuch Lifetime Achievement Award, conferred by the Canadian Environmental Network.



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