



Plastiglomerate sample/ready-made, collected by Patricia Corcoran and sculptor Kelly Jazvac at Kamilo Beach, Hawaii, 2013. Photograph: Jeff Elstone. Courtesy Kelly Jazvac

Fish, Kin and Hope: Tending to Water Violations in *amiskwaciwâskahikan* and Treaty Six Territory

– Zoe Todd

We as humans live in a very narrow spectrum of ideal conditions. Those ideal conditions have to be there for us to exist. That's why it's very important to talk about ecology, the relationship. If those ideal conditions are not there, you and I are not going to last for very long. Just text Neanderthal. Ask the dinosaurs. What happened to them? We asked one of our elders, 'Why did those dinosaurs disappear?' He thought about it for a while and he said, 'Maybe they didn't do their ceremonies.'

– Leroy Little Bear¹

On 21 July 2016, Husky Energy Inc. spilled around 200,000 litres of oil mixed with diluents into the North Saskatchewan River, near the Saskatchewan-Alberta border.² The oil spill breached the containment booms that had been built in the river, and flowed past cities and First Nations lands downstream of the leak. The cities of Prince Albert and North Battleford and the James Smith Cree Nation were forced to enact emergency drinking-water measures. Beyond the spill's technical and infrastructural impact, the oil and diluents killed many more-than-human beings within the river:

Members of the James Smith Cree Nation have watched in horror as foam, oil sheen, dead crayfish and tar have washed up along their portion of the riverbank. They say birds, frogs, butterflies and other wildlife that used to be seen around the river have disappeared from its banks since July 25, and are attributing the damage directly to Husky.³

I watched these events unfold from my new home in Ottawa, in eastern Canada. I was horrified as I read posts that friends uploaded to social media showing dead beavers and herons and other beings floating down the river. I grew up along the *kisiskâciwani-sîpiy* (North Saskatchewan River), in the city of *amiskwaciwâskahikan* (Edmonton, Alberta).

In the aftermath of an oil spill in the North Saskatchewan River, Zoe Todd urges a rethink of human and more-than-human relations.

To speak of Edmonton/*amiskwaciwâskahikan* is to speak a water truth. It is nestled along, and spans, the banks of the mighty *kisiskâciwani-sîpiy*, which has carved its way deep into the soil and clay and sand and stone to yield steep banks that cut through Edmonton like an artery, supplying the city

with water, with life. The river binds Edmonton to a broader watershed. The clear mountain waters, which originate deep in the Rocky Mountains at the Columbia Icefield, become turbid and inscrutable by the time they flow past the factories and sewage plants and homes and bridges of *amiskwaciwâskahikan*. But upstream of Edmonton, a four-hour drive south-west of the city, near Rocky Mountain House, you can still see the river running clear and with promise. The North Saskatchewan River, which my family is so deeply bound up with, is, in many ways, an unassuming prairie river. It winds its way, insistently, through the foothills to the west of the province, and rushes along vast stretches of prairie towards the clay-and-

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- 1 Leroy Little Bear, 'Big Thinking and Rethinking: Blackfoot Metaphysics "Waiting in the Wings"', lecture at the Congress of the Humanities and Social Sciences, University of Calgary, 1 June 2016, available at https://www.youtube.com/watch?v=o_txPA8CiA4 (last accessed on 15 November 2016).
 - 2 Carrie Tait, 'The Husky Spill', *The Globe and Mail*, 27 August 2016, available at <http://www.theglobeandmail.com/news/national/husky-oil-spill-has-critics-questioning-independence-of-saskatchewans-regulatorysystem/article31585612/> (last accessed on 6 November 2016).
 - 3 Elizabeth McSheffrey, 'Feeling Neglected by Husky, First Nation Crowdfunds to Clean Up After Oil Spill', *National Observer*, 23 September 2016, available at <http://www.nationalobserver.com/2016/09/23/news/feeling-neglected-husky-first-nation-crowdfunds-clean-after-oil-spill> (last accessed on 6 November 2016).

soil-rich banks of my prairie home town, which it moves languidly through, its steep banks covered, variously, in aspen, spruce, wild roses, caragana, hazelnuts and *misaskwatomina* (Saskatoon berries). Within the city, the river lays bare dramatically steep cliffs, which, as a former *nicimos* (sweetheart/lover) taught me, hold dinosaur bones in secret pockets of the river valley. These fossils, which hide in a city of a nearly million people, act as reminders of an order of existence in this place that today churns and turns on the risks and riches of Alberta's oil and gas economy.

The fossil fuels which animate the political economy of my home province are a paradoxical kind of kin – the bones of dinosaurs and the traces of flora and fauna from millions of years ago which surface in rocks and loamy earth in Alberta act as teachers for us, reminding us of the life that once teemed here when the place that we know as Alberta was home to myriad species who made life, made worlds, within lands and waters I now know as *pehonan*. But, the insatiable desire to liberate these long-gone beings from their resting place,⁴ to turn the massive stores of carbon and hydrogen left from eons of life in this place, weaponises these fossil-kin, these long-dead beings, and transforms them into threats to our very existence as humans in prairie metropolises like my home town. The oil economy turns

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waters and atmospheres of my home province.⁶ The growing presence of these fossil-fuel progeny in every aspect of these territories creates urgency in our collective work to tend to ongoing reciprocal relationships between humans and more-than-humans in the prairies. Those long-dead dinosaur-era beings, liquefied as they are, now manifest their presence as bitumen, oil, natural gas and the plethora of materials produced from petrochemical processes that humans consume every day. The plastics, pesticides and oils, mixed with proprietary chemicals⁷ to ease their movement through pipelines that pervade every corner of my home province are constantly moving through the territories those dinosaurs and ancient plants and other beings once roamed. This summer (2016), the oily progeny of the petro-economy breached the banks of the river that four generations of my Métis family has been born alongside. This watery violation of the river prompted many people to take stock of socio-political, economic and legal-governance responsibilities we hold to the lands, waters, fish, beavers, herons and other more-than-human beings of the prairies.

From its origins in the Saskatchewan glacier in the Columbia Icefield of the Rocky Mountains, the *kisiskâciwani-sîpiy* (swift flowing river) flows 1287 kilometres east towards the Alberta-Saskatchewan border and beyond, where it joins the mighty South Saskatchewan River at the Saskatchewan River Forks. Together, these watery bodies become the Saskatchewan River, which winds its way across the prairies, flowing into Lake Winnipeg in Manitoba. The waters of Lake Winnipeg eventually flow out into the Hudson's Bay, and make their way up into the Arctic Ocean and out into the North Atlantic and rejoin the earth's water cycle. These humble waters that cut across the prairies eventually make their way into broader earth water/hydrogeologic systems, making the struggles of unassuming prairie rivers a matter of global concern.

these fossil beings into threats to the 'narrow conditions of existence', which Blackfoot scholar Leroy Little Bear reminds us we are bound to.⁵

Fossils are not the only markers of our entanglements in a petro-capitalist state of being in the North Saskatchewan watershed. As I have learned from the work of my colleague Heather Davis on human-plastic relations, other progeny of the fossil fuel economy find their way into the lands and

4 Richard Van Camp, in an interview with Shelagh Rogers on *The Next Chapter* on 11 August 2014, referenced a story in his book *Godless But Loyal to Heaven* (2012), which is also printed in the anthology *Dead North*, "On the Wings of this Prayer", a fictional tale which posits the Alberta Tar Sands as ground zero for a future/present zombie outbreak. In an earlier, but now archived, interview with Rogers from 10 June 2013, Van Camp explored the ways in which the Alberta Tar Sands feed, or operate through similar logics to, a kind of insatiable windigo/witiko spirit. The interview is available at <http://www.cbc.ca/radio/thenextchapter/august-11-2014-january-2014-encore-1.2732866?autoplay=true> (last accessed on 21 November 2016).

5 L. Little Bear, 'Big Thinking and Rethinking: Blackfoot Metaphysics "Waiting in the Wings"', *op. cit.*

6 See Heather Davis, 'The Queer Futurity of Plastic', lecture at the Sonic Acts Academy, Amsterdam, 28 February 2016, available at <https://vimeo.com/158044006> (last accessed on 5 November 2016).

7 C. Tait, 'The Husky Spill', *op. cit.*

I was born along the North Saskatchewan, at the Royal Alexandria hospital in Edmonton on a very snowy day in January 1983. My dad was born in 1948 in the same city, along the same river that animates my stories, my thinking and my scholarship. My grandfather – *nimosôm* – George Todd, was born in 1912 in St Paul des Métis settlement, north of Edmonton, and still within the North Saskatchewan river watershed. He lived a life that took him to many of places – particularly construction and road-building sites – he was a heavy-machine operator by trade. I only know him through stories, in the same way that I only know past-Edmonton (*amiskwaciwâskahikan*) through stories, and I only know the waters and fish that were once healthy and abundant and flowing in my home territory through stories about once-strident-and-teeming fish populations in Alberta.

In my life, I have been bound to fish. Fish have been my teachers. My multigenerational urban Métis family found ways to situate ourselves with care in relation to more-than-human beings in the heart of the prairie metropolis where we found ourselves. My grandfather, *nimosôm*, was animated by a different animal, horses. So to start, I want to tell you a short story about *nimosôm* and his horses. He was bound to land animals, and I feel a connection to his lifelong care and attention to horses, which I see echoed in my own artistic, philosophical and activist responsibilities, and my passion for fish.

I want art that strikes right to the core of my heart. I want art that honours the dreams of mosômms like nimosôm who had nowhere to show his work but the walls of the rental houses he lived. He drew dream horses right onto the walls of those prairie houses. He dreamt of someday having land and horses of his own.

He died but those horses keep running wild in those houses.

And you will never see them.

I want art that is tender and caring towards those who aren't coming into your sterile white galleries.

I want art that enters my veins and comes pouring out like fish, stories about the river, struggling against the current.

Carrying stories to you, for you to mull over and chew and swallow and feast and rave about as you laugh and sing and dance and move unapologetically on your own terms.

I want art that remembers that the stories we tell through it tie us to land and fish and dreams and past and present and future all at once and I want art that is attentive and tender to the stories that are told even in forms illegible to funding agencies and academic analyses.

I want art that builds up spaces for others.

I want art that declares itself to be sister, cousin, auntie and tease.

I want art that remembers that it can manifest the otherwise and build things beyond our wildest imagination.

I want art like those horses, running wild through those old houses, galloping beyond pages you will never see.

In *nimosôm*'s tending to horses through the upheavals of his life as a Métis man navigating the colonial pressures of mid-century prairie Canada, I find a manifestation of the care, love and kinship towards more-than-human beings that shaped his life and philosophy. This article is an attempt to tend to the rivers and waters of my home province with the care that my grandfather lavished on his dream horses and the worlds and hopes and dreams (and escape) they promised him. I bring his love of horses to bear on the urgent and entangled challenges of the settler-colonial and petro-state violations of the waters of my homeland. I also imagine that he drew horses on the walls of settler-colonial prairie homes as a way of re-inscribing his/our reciprocal responsibilities to more-than-human beings within landscapes that had been heavily violated by settler-colonial economic and political exigencies.⁸

I have written elsewhere about how working with members of the Inuvialuit community of Paulatuuq in the Northwest Territories taught me about the dynamic and creative ways in which Paulatuuqmiut (Paulatuuq people) assert their own legal-governance paradigms and Indigenous legal order to protect the well-being of fish in the face of complex colonial and

8 Even if George could not live with horses the way he had as a child, he found a way to right the erasures of Indigenous human-horse relations within the prairies. This is instructive for me as I formulate artistic and philosophical responses to the devastation of water-worlds in my home province.

environmental challenges.⁹ This work, with avid fishermen and community leaders such as Andy Thrasher and Millie Thrasher and their family, has also taught me that my own Métis upbringing – albeit an urban one – had oriented me to a Métis legal order which informs my responsibilities to fish, water and the more-than-human beings that populate Treaty Six Territory along the North Saskatchewan, Red Deer, Battle and Athabasca Rivers.¹⁰ Further, this upbringing taught me the necessity of *thinking about and thinking with fish* in the urban context. I just didn't know to look for the implicit legal-governance and ethical imperatives these relationships with urban fish were imparting to me. Indigenous legal scholar Val Napoleon argues identifying and rebuilding Indigenous legal orders in Canada is a challenge because

*much Indigenous law is implicit, or unsaid. In other words, many Indigenous peoples are not aware of the law they know – they just take it for granted and act on their legal obligations without talking about it. This is in contrast to explicit law, in which everything is explained and talked about and written down. Sometimes Indigenous peoples think that their laws have to look like Western laws and so they try to describe them in Western terms.*¹¹

Through the work of Napoleon, and of my friends and interlocutors Andy and Millie Thrasher, I have finally come to understand that my Métis dad and non-Indigenous mom's work in teaching me about the lands, waters, fish, berries, invertebrates and other beings of where I grew up was an instructive form of philosophy and praxis which imbued within me a sense of my reciprocal responsibilities to place, more-than-human beings and time. But what of my responsibilities to 'inert' or polluting materials, like the oil that spilled into the North Saskatchewan River this summer? What does it mean for me to dwell in an active and philosophical way in the realities of the 'modernist mess' and 'toxic vitalism' which provinces like Alberta and Saskatchewan have been saddled with through extractive settler-colonial political economies?¹²



Returning to the spill on the North Saskatchewan River in July of last year, I am forced to tease apart my relationality to the various agents involved in, and impacted by, the breach of the Husky pipeline. In my work interrogating the role of fish-as-political-citizens in northern and western Canada,¹³ I engage the political philosophies of fishermen in Paulatuuq. Having come to understand fish as nonhuman persons, it is possible for me to situate fish within the legal-political landscapes of Indigenous de-colonial resistance and refraction in Canada. Far harder for me to address have been the ways in which the very pollutants involved in the Husky oil spill are themselves the extracted, processed, heated, split and steamed progeny of the fossilised carbon beings buried deep within the earth of my home province. In this sense, I must contend with the paradoxes of the weaponisation of carbon beings within capitalist petro-state economies. What does it mean to approach carbon and fossil beings, including those spilled into the *kisiskâciwani-sîpiy*, as agential more-than-human beings in their own right?

I have turned to the works of Heather Davis and Kim TallBear to help me better understand the ways in which oil can be conceptualised as kin. Davis urges us to tend to our relationality and reciprocal responsibilities to the progeny of the petro-capitalist state, and in her work she explores how humans are making sense of, and tending to, the growing global geologic presence of plastic. She asks that we tend to these offspring of our petrochemical politics as *kin*¹⁴. Davis's approach to plastic as kin, and Kim TallBear's discussion of pipestone as kin

9 My 'Fish pluralities: Human-animal Relations and Sites of Engagement in Paulatuuq, Arctic Canada', *Etudes/Inuit/Studies*, vol. 38, no. 1-2, 2014, pp. 217-38.

10 My 'From fish lives to fish law: learning to see Indigenous legal orders in Canada', *Somatosphere: Ethnographic Case Series*, 1 February 2016, available at <http://somatosphere.net/2016/02/from-fish-lives-to-fish-law-learning-to-see-indigenous-legal-orders-in-canada.html> (last accessed on 7 November 2016).

11 Val Napoleon, 'Thinking About Indigenous Legal Orders', research paper for the National Centre for First Nations Governance, 18 June 2007, available at http://fngovernance.org/ncfng_research/val_napoleon.pdf (last accessed on 7 November 2016).

12 Kim Fortun, 'From Latour to Late Industrialism', *HAU: Journal of Ethnographic Theory*, vol. 4, no. 1, 2014, pp. 309-29.

13 My 'From fish lives to fish law', *op. cit.*

14 See H. Davis, 'The Queer Futurity of Plastic', *op. cit.*

Dakota territory,¹⁵ has forced me to reorient my relationship to fossils and stone. I have, admittedly, viewed oil and oil-progeny as contaminants, or pollutants, and the oil itself as imbued with messy human politics, which extract it from the ground and flood pipeline arteries stretched across the entire continent. Davis's work challenges me to train my attention not only towards the fleshy beings I am so intimately familiar with – fish and birds and beavers and moose – but to also mobilise those aspects of Métis law that I grew up with in the service of imagining how we may de-weaponise the oil and gas that corporate and political bodies have allowed to violate waters, lands and atmospheres across the prairies.

So, if I am to take both Davis's and TallBear's work on our messy and paradoxical kinship entanglements with the progeny of the petro-capitalist economy seriously, what do oil/gas pluralities look like? It is not the oil itself that is harmful. It rested beneath the loamy soil and clay of what is now Alberta for eons. Anecdotes of the Dene people's use of the bituminous tar that occurs naturally along the Athabasca River in northern Alberta to patch canoes reminds me that these oily materials are not, in and of themselves, violent or dangerous.¹⁶ Rather, the ways that they are weaponised through petro-capitalist extraction and production turn them into settler-colonial-industrial-capitalist contaminants and pollutants. It is here that I am challenged to reconsider my reactions to the oil flowing along the river. The oil in the Husky spill is, yes, a contaminant. And the ineffective responses of state and corporate bodies alike enabled the oil to breach its containment, to endanger drinking-water systems.¹⁷ But it is not this material drawn from deep in the earth that is violent. It is the machinations of human political-ideological entanglements that deem it appropriate to carry this oil through pipelines running along vital waterways, that make this oily progeny a weapon against fish, humans, water and more-than-human worlds.

So what other worlds can we dream of for the remnants of the long-gone dinosaurs, of the flora and fauna that existed millions of years ago? What legal-governance and philosophical paradigms can we mobilise to de-weaponise oil today? How can we tend to these narrow conditions of existence that Leroy Little Bear reminds us we live within? I am not sure if I have an immediate answer, other than that we must shift the logics of the petro-economy, which are emboldened to contaminate whole rivers and watersheds with oil and diluent, because those narrow conditions of existence are narrowing ever more in the context of the so-called Anthropocene. If we fail to do so, we may go the way of the dinosaurs, and it will be because the dominant human ideological paradigm of our day forgot to tend with care to the oil, the gas and all of the beings of this place. Forgot to tend to relationships, to ceremony (in all the plurality of ways this may be enacted), to the continuous co-constitution of life-worlds between humans and others.

For my part, I take a page from my grandfather's life, and I keep trying to draw the fishes of my home territory. With this I must also engage with the complex responsibilities that come with re-framing fossils and fossil-beings – including the petrochemical products of decayed matter buried deep within the earth of my home province – as a kind of kin. This is a difficult philosophical and political negotiation for me to make, for I have, throughout my entire life, seen oil solely in its weaponised form. However, the lessons from *nimosôm*, from fish, from Leroy Little Bear and others bring this necessary philosophical and practical engagement into focus. I hope that I can encourage settler Canadians to understand that tending to the reciprocal relationality we hold with fish and other more-than-human beings is integral to supporting the 'narrow conditions of existence' in this place.

15 See Kim TallBear, 'Beyond Life/Not Life', lecture at UCLA Center for the Study of Women, Los Angeles, 5 November 2013, available at <https://www.youtube.com/watch?v=TkUeHCURQ6E> (last accessed on 6 November 2016).

16 See 'Early Oil Sands History and Development', Institute for Oil Sands Innovation at the University of Alberta website, <http://www.iosi.ualberta.ca/en/OilSands.aspx> (last accessed on 6 November 2016).

17 See E. McSheffrey, 'Feeling Neglected by Husky', *op. cit.*