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**Resistance: Traditional Knowledge and Environmental Assessment among the Esketeme  
Canadian First Nation Community.**

Ph. D. Thesis

Beth Bedard

*A Thesis submitted in partial fulfilment of the requirements for the degree of Doctor of  
Philosophy to the Department of Anthropology,*

*University of Durham,*

*Durham, U.K.*

*2013*

## **Resistance: Traditional Knowledge and Environmental Assessment among the Esketemc Canadian First Nation Community.**

### Abstract

A recurring theme in Canadian social and political history concerns the fight for the recognition of Aboriginal rights including cultural rights within a context of development. It has been stated that there is a lack of dialogue between these two discourses. There are few specific and engaged studies about these conflicts. This thesis provides an engaged examination of a Canadian First Nation from British Columbia, the Esketemc, and its struggle against a proposed mega development, the Prosperity gold and copper mine.

The study focusses on the use of power, control and the discourse of development through the lens of the environmental assessment process. It examines whether the Esketemc voice is heard through the dominant discourse, or whether the environmental assessment process obstructs it through the manipulation of people, space and resources. The analysis of the environmental assessment process identified and described opportunities and obstacles for dialogue between the Esketemc, the federal and provincial governments, the federal government selected Panel, and the mine developer. The community hearings that formed a part of the environmental assessment process provided an opportunity for many community members to tell about their deep relationships with the land, their family connections to the land, their spiritual connections to the land, and the knowledge gained from these cultural practices to determine what the impacts of this project will be on the community. The positioning of this Esketemc traditional knowledge within this assessment demonstrates how it was viewed and valued by the government and the developer and how it was used to formulate the Panel recommendations for the federal Minister of the Environment. The analysis of the environmental assessment process also illustrates the strategies of power and resistance used by the Esketemc to oppose and respond to the unequal power dynamics.

The imposition of power on First Nations within the historical colonial period endures in current encounters with government agencies such as the environmental assessment agency through environmental assessments. This unequal power permits those with control to decide what is valid, true and while dismissing that which does not conform to the prevailing paradigms. The study identified the structural processes within the Prosperity Mine environmental assessment process that served to validate some of the Esketemc concerns, while excluding others. The types of knowledge that the environmental assessment panel validated were those rooted in government processes such as a commercial venture, the Esketemc Community Forest and lands to be included in a final settlement within the British Columbia Treaty Process. The types of knowledge that were not recognized by the Panel were those that dealt with the project's negative impacts on traditional hunting, plant and medicine harvesting, family areas and spiritual values. The result is a positioning of Esketemc traditional knowledge and cultural values as marginalized in contrast to the discourse of western science and development.

## Acknowledgements

This thesis was inspired by the First Nations Elders and community members with whom I have been fortunate to work with over the years. It has been an honour to have listened to and learned from them. In particular, I would like to thank all of the Esketemc who are still fighting for their land, their culture and justice for past and present wrongs.

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## Table of Contents

Abstract	ii
Acknowledgements.....	iii
Copy right.....	iv
List of Figures.....	ix
Chapter 1. Research Rationale.....	1
1.1 Introduction.....	1
1.2 Research Focus.....	4
1.3 Rationale for Research.....	5
1.4 Purpose and Objectives of research.....	9
1.5 Theoretical Framework.....	11
1.6 The Mine Location.....	14
1.7 The Proposed Gold-Copper Mine and Transmission Line.....	16
1.8 Structure of the Thesis.....	23
Chapter 2. Discussion of Issues: Historic Context of Colonialism and the Aboriginal Struggle against Marginalization.....	24
2.1 Introduction.....	24
2.2 Conflict, Power and Traditional Knowledge.....	25
2.3 Colonialism.....	26
2.4 Institutional Power.....	28
2.5 The Land and Marginalization.....	29
2.6 The Legal Landscape.....	30
2.7 Identity, Indigeneity, Aboriginality and Status.....	31
2.8 Traditional Knowledge.....	35
2.9 Traditional Values.....	44

2.10 Timucwuleucw- Land .....	47
2.11 Loss .....	50
2.12 Summary .....	54
Chapter 3 The Esketemc: An Introduction and Background .....	55
3.1 The Esketemc Community .....	59
3.2 Research about the Esketemc: Historic and Community Information .....	59
3.3 Esketemc Land Histories and Background .....	64
3.4 Genealogical Perspectives of Esketemc History .....	66
3.5 Historical Point of Impact: The Fur trade in the Cariboo .....	67
3.6 Historical Point of Impact: Non-native Arrivals in the Cariboo .....	69
3.7 Historic Point of Impact: Mining .....	70
3.8 Historic Point of Impact: Disease.....	71
3.9 Historic Point of Impact: Land Alienation .....	72
3.10 Historic Point of Impact: Reserve System .....	74
3.11 Families and Lands.....	83
Chapter 4 Esketemc Stewardship.....	89
4.1 Attempts to Control Esketemc Knowledge and Culture .....	89
4.2 Spiritual Connections with the Land. ....	92
4.3 Sweatbaths.....	94
4.4 Location of the Esketemc on the Land.....	96
4.5 Food Resources .....	102
4.6 Medicine and Healing .....	109
4.7 Fishing.....	110
4.8 Hunting.....	114
4.9 Constraints.....	116

4.10 Traditional knowledge and its position within the Esketemc community. ....	118
4.11 Summary .....	120
Chapter 5 A Historical Background to the Environmental Assessment Process.....	121
5.1 Origins of Environmental Concern .....	121
5.2 Archaeology and the Genealogy of Assessment .....	124
5.3 The British Columbia Environmental Assessment Process. ....	130
5.4 Summary .....	133
6. Putting a Price on the Land. ....	134
6.1 The Prosperity Project and the Environmental Assessment Process. ....	135
6.2 Public Context .....	141
6.3 Process Issues in the Environmental Assessment .....	142
6.4 Information Management.....	145
6.5 Provincial Working Groups .....	147
6.6 Funding and Capacity as Exclusionary Forces .....	149
6.7 Ritualized Interaction: Spaces of Communication.....	149
6.8 Consultation .....	149
Chapter 7. If You Weren't Paid You Wouldn't Be Here.....	154
7.1 Introduction .....	154
7.2 Public Performance: Open Houses, Information Meetings and the Panel Hearings.....	156
7.3 Public Involvement: Open Houses Spring 2009 .....	156
7.4 The structuring of the CEAA and BCEAO Websites .....	162
7.5 The Panel Hearings held in the Esketemc community at Alkali Lake: White public space in a First Nations reserve.....	166
7.6 Physical framing.....	167
7.7 The Hearing Process.....	170



7.8 Multiple Discourses in the Hearings .....	171
7.9 Taseko Discourse .....	172
7.10 Esketemc Discourse .....	175
7.11 Communal responsibility for the Land.....	180
7.12 Esketemc Resistance and the Use of Secwepemctsin .....	181
7.13 What Did the Panel Hear?.....	183
7.14 No Significant Effects: The Panel Report.....	187
7.15 The Marginalization of Esketemc .....	192
7.16 Summary .....	193
Chapter 8 Conclusion .....	196
8.1 The Research Focus: Power and Knowledge.....	196
8.2 Lived History.....	196
8.3 Power.....	198
8.4 Foucauldian Power .....	199
8.5 Validated Truths .....	199
8.6 Sacrificial Landscapes and Resources.....	200
8.7 Resistance and Power.....	200
8.9 Results .....	202
Appendix I .....	203
Appendix II .....	206
Appendix III.....	209
References cited .....	210

## List of Figures

Figure 1: Map of British Columbia indicating the location of Alkali Lake and the heavy red line indicates the approximate location of the Esketemc Traditional Territory.....	15
Figure 2: A view of Alkali Lake from the west showing the forest grassland ecotone .....	16
Figure 3: A view south over Fish Lake or Teztan Biny.....	17
Figure 4: A map from the most recent proposal for the Prosperity mine from August 2011 showing the physical footprint of the mine at Fish Lake (Taseko 2011:8). .....	18
Figure 5: Approximate location of the proposed Prosperity Mine, transmission and Esket in central British Columbia. ....	19
Figure 6: Approximate location of the Esketemc territory .....	56
Figure 7: Shuswap Nation territory outlined in black, the Esketemc territory is outlined in red. Based on information from the Shuswap Nation Tribal Council. [SNTC] and James Teit’s 1909 map.....	59
Figure 8: Picture illustrating three adjacent pithouses located on a narrow promontory above the Fraser River. The entire site contains more than 20 pithouses and depressions. Picture taken facing west, April 2011.....	99
Figure 9: Picture of Alkali Lake Reserve # 1, facing west, showing the church, priests’ residence and log cabins. Taken in the summer of 1914 during the McKenna McBride visit. BC archives photograph .....	100
Figure 10: The main street at IR # 1, Alkali Lake, facing west, residential houses are situated on each side of the road. Taken September 2009. ....	100
Figure 11: Illustrates a petroglyph associated with the pithouse village shown in Figure 1. This petroglyph is described as a feminine creation figure (IJ).....	101
Figure 12: Cambium harvesting of lodge pole pine, pinus contortata in the spring. The long thin strands of cambium can be eaten fresh or dried and stored. The cambium has a sweet and slightly piney taste. ....	104
Figure 13: Above Tiger lily, textsín and below, wild potato skwenkwínem.....	106
Figure 14: Soapberry or sxúsem ready to be harvested .....	107
Figure 15: Choke cherries, tkwlóse7 almost ready for harvest.....	108

Figure 16: Choke cherries tkwlóse7 almost ready for harvest.....	109
Figure 17: Cactus sekí7.....	110
Figure 18: A traditionally made dipnet.....	113
Figure 19: Drying and smoking salmon to preserve it.....	115
Figure 20: Open House sponsored by the British Columbia Environmental Assessment Office and the Canadian Environmental Assessment Agency in Williams Lake, April 2, 2009. ....	159
Figure 21: Tshilqotin Chief, Marilyn Baptiste of Xeni Gwetin addresses the audience at the Williams Lake Open House 2009.....	160
Figure 22: Chief Ervin Charleyboy confronting the British Columbia Environmental Assessment Representative Garry Alexander in Alexis Creek. The RCMP is present to stop any conflict. .	163
Figure 23: Tshilqotin Chiefs and community members blocking Taseko and government access to the Alexis Creek Community Hall.....	163
Figure 24: Schema of Sxoxomic School gym set up for the Panel hearings. Not to scale. ....	169
Figure 25 The Federal Panel members for the Prosperity Panel hearings photographed at the expert hearings in Williams Lake. The panel members are Naline Morin, Bill Connelly, and William Klassen.....	191



## **Chapter 1. Research Rationale.**

### 1.1 Introduction

The Sxoxomic school gymnasium was quiet as Esketemc community members spoke to the three members of Canadian Environmental Assessment Agency Panel and the representatives from Taseko Mining. They spoke to the panel all day, 12 hours per day, for three days. Because of time restrictions not everyone was heard, and some had their presentations cut short. Some spoke in anguish, some cried, others were barely audible, others were outspoken, angry and directly challenged the Panel members to protect Esketemc land and culture. Everyone, from high school students to elders was serious, some were deeply pained because the stress of these hearings reignited trauma from the past.

The opportunity to speak with decision makers who influence the federal government in Ottawa; regarding a mining project that could forever change their lives and their children's lives; is a rare opportunity for most Esketemc community members. The proposed Taseko mining development and transmission line would change and alter their land, their future and their culture. For many community members it was obvious that the project was foolish and short sighted and would result in irreparable harm to the environment and the Esketemc way of life.

My presence in this Panel hearing had its origins in the early 1980's when, on my first archaeological field school to Bella Bella on the central British Columbia coast I was captivated by the beauty of the region and the pride and the welcoming nature of the Heiltsuk community members. Several years later, as a master's student at Simon Fraser University I was fortunate to work in the Bella Coola Valley, in charge of the SFU archaeological field school. It was during this time when one of the hereditary chiefs approached me and emphasized the importance of protecting the Nuxalk archaeological heritage and cultural traditions and he stressed that I could help the community with this.

I was honoured to return to Bella Coola to work for the community for several years in the mid-1990s to assist in the identification and preservation of the Nuxalk archaeological heritage. This entailed travelling throughout the territory with Nuxalk community members

and elders, to locate and record archaeological sites, to record the oral histories for the old villages and occasionally to undertake archaeological investigations to expand knowledge of the prehistoric occupations. It was during this time that the strong Nuxalk ties with the land became apparent to me; understanding the complexity of these ties was a process that emerged over time. It reminded me of looking at a totem pole. On first glance certain subjects are visible, yet every time it is studied, more depth and detail is apparent. This is the pattern with the Nuxalk land relationships, not only were there archaeological sites, but also resource harvesting locations for berries, roots and medicines, wood harvesting for totem poles and long house structures, harvesting locations for fish and shellfish, hunting locations and trap lines. On another level there were the spiritual connections to special locations, the connections to burial places, and sacred sites used by secret societies. Connections to the land were also apparent through a complex network of place names that linked the oral history to the landscape and are also the source of the Smayustas<sup>1</sup> that embody the origin stories of the families and lineages.

While I was working in the region in 1995, a forestry company, Interfor decided to log several areas that were sacred to Nuxalk families. This resulted in a Nuxalk protest against the proposed Interfor logging. In conjunction with Green Peace and later the Forest Action Network they attempted to keep Interfor out of the sacred valley of Ista and to protect it. This resulted in the eventual arrest and jailing of many Nuxalk hereditary chiefs and created a traumatic and painful chapter in Nuxalk history.

This experience raised my level of awareness of the cultural, emotional, physical and spiritual costs of practising traditional culture. It also underscored the criminalization of Indigenous peoples who are working to protect their place in the world and to protect their lands and identity.

By 1996, I had moved to the Williams Lake area in the central interior of British Columbia and began working for the Secwepemc Esketemc community undertaking a traditional land use study. This type of study focuses on recording information about land use from First Nation's community members onto maps that show the community's land and resource uses.

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<sup>1</sup> Smayustas are the origin stories that belong to a family and can only be told by authorized individuals under certain circumstances.

This type of study was funded by the provincial government and was seen as a way to expedite forest harvesting; one of British Columbia's major industries, and to avoid conflicts between the First Nations and the government. These objectives were not fulfilled because of the gap between the First Nations' relationships with their territories and the Ministry of Forests' narrower perception of what constituted Aboriginal use and consultation.

Through the years that I worked for the Esketemc conducting traditional use studies and also as Research Coordinator for the Land Settlement / Treaty office, there were several powerful incidents when the Esketemc stopped proposed logging and development. Sometimes this was done through direct action, such as blockading a road, issuing eviction orders, or communicating their opposition to provincial resource ministries. This showed that some actions could have effects on the prevailing outside constraints to First Nations' lands and resources. Unfortunately, these victories were of short duration and diluted by bureaucracy and the community's lack of resources to counteract the deluge of government paperwork, rules and labyrinthine processes.

It was in this process of working to protect the land, and of listening to many elders who have now passed on, that the idea of more fully explicate the meanings within traditional knowledge and the ties to the land developed. Almost all of the activities that I was involved with had as their focus *'the land'*. These included the histories of land use, the location of old settlements and graveyards of hundreds of smallpox victims, traditional names, and underlying this, the oral histories of protecting the land.

The original intent of my research when I began my doctoral research in 2007, was to study traditional knowledge. In 2008, I was asked by the Esketemc Chief Charlene Belleau to assist the Esketemc with an environmental assessment in opposition to a proposed mine development, called the Prosperity Project at Fish Lake in the Chilcotin area of British Columbia. The focus of my research subsequently changed to examine the larger issues of conflict between the Aboriginal people in Canada and large development projects, with a particular focus on traditional knowledge within the environmental impact assessment process and how First Nations' concerns are addressed.

This thesis is the result of my involvement within the environmental impact assessment process, and presents an engaged and reflexive perspective of the observed First Nations-government and mining company conflicts. This research is based on my observations during

this assessment. This research analyses the position of Esketemc traditional knowledge within the Canadian environmental assessment process through the study of how power is implemented within the institutional framework.

## 1.2 Research Focus

This inquiry centres on one Canadian First Nation, the Esketemc, who are located within the development area of a proposed megaproject, Taseko Mines, Prosperity Gold-Copper Mine and its transmission line. The Esketemc community is well known as one that has taken a public role in fostering healing and sobriety, based on its own journey towards healing and its fight against alcohol. It is a community with a focus on ceremony and spirituality. The community's struggle against alcohol was made into a movie called "The Honour of All". The Esketemc success in addressing alcohol issues and social issues that emerged from the trauma of residential school and colonialism, has led to community members who travel throughout the world conducting workshops on healing and reintegrating cultural traditions and spirituality (Four Worlds International Institute n.d.).<sup>2</sup>

The research focus is on a set of linked events; which are the Federal Environmental Assessment Agency's community panel hearings held at Alkali Lake, B.C. in 2010, and the historical and genealogical background to these hearings. The genealogical context is vital in order to understand the historic burden of racism and injustice carried by the Esketemc and the articulation of the Esketemc habitus with the formal and institutionalized environmental impact assessment process. The trauma of land and resource dispossession, the effects of residential school, marginalization from power and other injustices that have affected First Nations all play a role in the Esketemc reaction to a formal process such as that of the environmental assessment. An understanding of the community strengths as well as traumatic issues within their history will help to explain what an event such as the Panel hearings means to the Esketemc.

A goal of this research is also to provide a clearer understanding of the integrated and interlocking processes and effects on a First Nation who is involved within an environmental assessment process. Have the First Nation's traditional knowledge, history and concerns been heard? Is the participation within an environmental assessment process a productive one? Is a

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<sup>2</sup> <http://www.fwii.net/>



First Nation's participation reflective of their unique status within Canada under section 35 of the Indian act? In this research I work to answer some of these questions and to isolate and describe the specific elements within an engagement between a First Nation, government and resource developers. This critical analysis of the power dynamics is important, not only to understand important historic events, but it can have applications to similar situations and provide a framework from which to proceed with further research.

### 1.3 Rationale for Research

Currently conflicts between Indigenous rights and the rights of non-indigenous resource developers are being enacted in many parts of the world. Deaths, incarcerations, prolonged legal battles and community turmoil frequently characterize these conflicts (Adshaw 1993 & Voice 1991 in Fiske 2000).<sup>3</sup> These volatile and potentially violent situations are characterized by an absence of productive dialogue between the discourses. James Anaya, Special Rapporteur for the United Nations stressed that "...natural resource extraction on or near Indigenous territories ha[s] become one of the foremost concerns of Indigenous people worldwide" (2012 para 34). Violence in this context is ongoing and includes recent events such as the killing of 5 people in the Juliaca region in Peru in 2011. The conflict over natural resources and Aboriginal peoples in Canada has been described as being exacerbated by unextinguished Aboriginal Title to much of the land that is wanted for mining (Eisenberg 2001). This means that Aboriginal ownership of the land, according to the legal definition of Aboriginal Title, still rests with many First Nations.<sup>4</sup>

Indigenous efforts to have their knowledge, history, culture clearly heard and respected have been met with various levels of denial. This lack of dialogue demonstrates the difficulties

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<sup>3</sup> Examples of these conflicts include Oka ,in Quebec; Caledonia, in Ontario, Gustafson Lake in the Secwepemc territory in central British Columbia, Lyell Island, Haida Gwaii in northwestern BC, Carmanah on the coast of BC and most recently in late August of 2012 the reported massacre of Yanomamo by gold miners in Venezuela.

<sup>4</sup> In the Royal Commission on Aboriginal People, "John Amagoalik, speaking for the Inuit Committee on National Issues in 1983:" stated "Our position is that aboriginal rights, aboriginal title to land, water and sea ice flow from aboriginal rights; and all rights to practise our customs and traditions, to retain and develop our languages and cultures, and the rights to self-government, all these things flow from the fact that we have aboriginal rights ... .In our view, aboriginal rights can also be seen as human rights, because these are the things that we need to continue to survive as distinct peoples in Canada." Royal Commission on Aboriginal Peoples Governance (Canada 1996:180 ).

inherent in listening to the Aboriginal concerns that are hidden behind the discourse of resource development (Spivak 1988) and environmental assessment. The obstruction of First Nations knowledges illustrates the functioning of power in governments and industries involved in resource development and determines the uses to which land can be put. This view of power is suited to a Foucauldian perspective that examines how space, people and resources are arranged for the purposes of development (Werbener 1999).

The discourse of resource development in Canada is grounded in the perceptions of economic growth and job development. This is further linked to the discourse of saving the Canadian and local economies and using the decline in globally available resources to develop Canadian natural resources. These views have created a situation that is primed for conflict. For First Nations in the province of British Columbia<sup>5</sup>.The diminishing ecosystems, biodiversity, and resources also mean that the traditional knowledge that accompanies these features is also dwindling. This diminishing ecosystem diversity is stands in contrast to Indigenous rights as expressed in the United Nations Declaration on the Rights of Indigenous peoples. This document serves as a minimum standard of Indigenous Rights, its use in this study provides a point of comparison with the Canadian situation. The Declaration on the Rights of Indigenous Peoples affirms First Nations rights to their land, rights to their resources, the right to choose their own way of life as identified in articles 8, 12 , 18, 19, 24, 25, 26, 27, 29, 32 and indirectly through the remaining articles as well as the International Labour Organization article 169 (Feiring 2009, 2013). These expressed rights are in conflict with many of the current development paradigms and models for resource extraction present in Canada. To highlight the loss of ecosystems, resources and knowledge, the United Nations designated 2010 as the international year of Biodiversity.

Yet there are still obstacles faced by many First Nations in determining their way of life, accessing resources and their lands; these form the focus of this research. It is through the examination of one case study of a proposed megaproject, a gold and copper mine and

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<sup>5</sup> Terms used to refer to Indigenous peoples in Canada are varied. There is no single term accepted by all Indigenous peoples, hence the terms Aboriginal, Native, Indigenous, Indian, First Nations, Status and references to specific cultural or linguistic groupings will be used as cited authors employ the terms. The issues surrounding referents for Indigenous peoples are discussed in this document. The most accurate descriptor is to refer the community.

accompanying transmission line through the territories of the Esketemc in British Columbia, Canada, that the value placed upon traditional knowledge as it represents an Indigenous community's culture and right to exist will be addressed.

For many Indigenous communities, who are caught between the need to preserve the land and its resources and the western resource development paradigm, they face limited choices; accept development and see the erosion of their culture, or fight development and develop strategies to protect their culture and heritage. This development paradigm is situated in what Arturo Escobar describes as the rationality of western development. He describes this Western economic rationality as “a set of institutions, rationality, and practices, i.e. a way of organizing our perception of the world and our actions in it” (2005:140) that emphasize the commercialization of the land and resources. This economic rationality is “taken for granted, as something ‘natural’, by people in industrialized societies” (Escobar 2005:141) in the west.

This conflict between First Nations- Indigenous perspectives, the principles in UNDRIP and the rationality of western development is also reflected in the gap between on the “normative and the real, between what should be done and what is actually done” (Flyvbjerg 1998:210). In this sense the discourse of development has prevailed over the issues of human rights. In many British Columbia communities this conflict has reached a crisis point and I have observed instances where some Indigenous individuals feel they have nothing left to lose. Individuals have stated that they may as well die fighting to maintain their culture, than suffer the ethnocide, marginalization, poverty and cultural stress accompanying forced development.

Through my 25 years of work with several Indigenous communities in British Columbia I have become aware of the seemingly insurmountable obstacles and difficulties facing the First Nations as they deal with industry and government backed management of and extraction of their resources. This background has provided me with the momentum to examine this particular conflict, the proposed Taseko Mines Prosperity Project at Fish Lake in order to examine the political and social forces operating in opposition to each other and to understand the dynamics that perpetuate these situations. The Esketemc community identify themselves as stewards of the land, and land is at the core of their identity. This research examines these Esketemc – land relationships against a background of threats to the land, that

include logging, mining and the alienation of lands through land sales by the government, as well as the issuing of leases and other forms of land alienation.

Political interactions situate money, capacity and power behind industry, government power structures and to a great extent public opinion follows. First Nations are situated in a politically marginalized position excluded from access to the tools of power. In British Columbia it is often the non-indigenous perception that Indigenous people's views of their lands stand in the way of real economic prosperity because they are overly sentimental and unrealistic or dysfunctional<sup>6</sup>. These essentialised views of First Nations' relationships with the land obscure the understanding of their cultural meanings. This shallow understanding is played out in the arena of First Nations land claims and treaty negotiations, the development of natural resource projects, as well as resource and land management regimes. Evidence for this is seen in the consistent and regulated manner in which land is treated in treaty negotiations and land developments<sup>7</sup>.

Little emphasis has been placed on the diversity of land values and traditional knowledge that reflects the Indigenous communities (Fohndahl 1998; Battiste and Henderson 2000:35; 133; Turner 2000, Feiring 2013). Their relationships with the land on individual and community levels have been overlooked. The assumption of homogeneity in relationships to the land is a convenient framework utilized by different levels of non-native government and developers in Canada and is reflected in the legislation, and processes designed to address First Nations Rights on the land. Indigenous relationships to the land and the Indigenous knowledge that accompanies it have been interpreted through the lens of 'western' values, essentialised and frozen. This western lens has been described as lacking the ability to identify with the importance of places within Indigenous societies (Tipps 1973 in Windsor and McVey 2005:149).

This research seeks to move beyond this essentialised view of Indigenous relationships to the land and Indigenous knowledge, in order to describe the Esketemc expression of their culture

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<sup>6</sup> The minister of natural resources Joe Oliver made this statement in March 2012. Vancouver Observer March 21, 2012. <http://www.vancouverobserver.com/politics/2012/03/21/natural-resources-joe-olivers-speech-coloured-racism-first-nations-chief>

<sup>7</sup> Examples of this include the formulaic approach used by the Canadian Federal and British Columbia Provincial government within the BC Treaty negotiations with respect to the per capita and percentage based financial and land packages.

through traditional knowledge in the context of on-going threats to the land, resources and community.

A deeper understanding of Indigenous-land relationships has been identified as an area requiring more study (Fohndal 1998, Windsor and McVey 2005). In this research, the focus will be on undertaking an investigation of traditional knowledge and how it is viewed within the environmental assessment of a proposed development project in central British Columbia; Taseko's Prosperity Gold-Copper Mine Project. The treatment of traditional knowledge within this process permits a more contextualized and detailed view of how power relationships affect this knowledge. The research will examine how this knowledge is described and interpreted by community members and how it is perceived by and treated by non-First Nations, government agencies and the mine developer within the environmental assessment processes for the proposed mine.

This research has important applications for understanding how traditional knowledge is observed, studied and either validated or refuted by non-First Nations in the development process. This is particularly important because of the increasing loss of traditional knowledge by Indigenous communities. Marie Battiste, a Canadian First Nations scholar and educator states that this knowledge is being lost and "there is an urgent need to conserve this knowledge to help develop mechanisms to protect the earth's biological diversity" (nd p 4).

The need for this type of research has also been acknowledged by Booth and Skelton (2011) who have pointed out that there has been little study of the First Nations concerns about mining and its effect on their communities (Booth & Skelton 2011:686). The research that has been undertaken by outside agencies confirms that First Nations bear a "disproportionate burden" of the negative effects of mining in British Columbia (Harvard Law School 2010).

#### 1.4 Purpose and Objectives of research

The international acknowledgement of the importance and fragility of traditional knowledge also stresses the need to protect it (TKWB 1999:6)<sup>8</sup>. This research examines some of the views of traditional knowledge and how the Canadian governmental agencies treat traditional knowledge, how this knowledge is positioned with in the environmental assessment process,

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<sup>8</sup> <http://issuu.com/ipogea/docs/tkwb>

how traditional knowledge is expressed by the First Nations community. Within this context the question is raised as to whether the current environmental assessment process acknowledges traditional knowledge, and if so, how is this traditional knowledge is utilized and incorporated into the government planning and processes? Does the environmental assessment process help in preserving this valuable knowledge? Does it make use of the generations of experience that are carried within the knowledge? How does the environmental assessment process and the paradigm for resource development interact with the community knowledge?

The strategies, methods and processes that are used to address First Nations concerns within the environmental assessment process associated with the 'Prosperity Mine' proposal will be examined. This is significant because the environmental assessment process provides the only significant forum in which First Nations can express their views on large development projects, and have their concerns become part of the public participation.

Traditional knowledge is acknowledged by the Federal government within the environmental assessment process. However, the Federal government leaves it up to the developer as to whether they will incorporate it. This research questions whether this acknowledgement within the Federal environmental assessment process is enough? Is traditional knowledge accorded the respect and authority that First Nations and international bodies believe it merits? What does it mean to acknowledge traditional knowledge? If traditional knowledge is not incorporated into the environmental assessment process, then what is the purpose and result of involving First Nations in the environmental assessment process? Is Canada still practising resource colonialism?

This research and study of the Esketemc effort to ensure their cultural survival and to leave their cultural legacy for their children, grandchildren and the next seven generations is a process that is common in many places in Canada and around the world. Indigenous peoples and their relationship to the land is a fundamental issue for First Nations in Canada. Closely linked and in some cases dependent upon the topic of Indigenous lands, are issues such as political representation, litigation, Aboriginal rights and title, poor living standards, cultural loss, several hundred years of colonization and life under the Canadian Indian Act. All of these form the background against which the fight to maintain Aboriginal culture is enacted.

This research is focussed on how one First Nation community, the Esketemc, First Nation, an Indigenous Secwepemc community located in a rural region of central British Columbia, Canada, is fighting to protect their culture, their lands and their resources. The Esketemc community is a First Nations community 'band' in administrative terms. They have what they describe as a largely 'traditional' life way. That is, they are culturally and economically distinct from the surrounding non – native society and they are strongly linked to their past. The community has depended on hunting and fishing for a great deal of their subsistence, because of resource shortages these patterns have been changing in the last few years. The cultural identity is tied to the land; they defend their land and the life it supports as they defend their culture.

The Esketemc fight to protect their lands and to maintain their traditional relationship with the land is a struggle that is being played out in other Indigenous communities as well. Despite the UN Declaration on the Rights of Indigenous Peoples and Canada's recent qualified support for it, in many cases the continuing erosion of First Nations' rights to the land persists. There is a large gap between Indigenous values and goals, and those of the government and industry.

### 1.5 Theoretical Framework

To understand the position of First Nations and traditional knowledge within the environmental assessment process, this research will employ Michel Foucault's challenge to "every abuse of power" (Miller 1993 cited in Flyvbjerg 1998: 221) in which he identifies resistance within power. Foucault's analytical framework is important in order to understand the uses and abuses of power (Flyvbjerg 1998:221). His theories of the development of discourses, truths and knowledge and the focus on the "sayable" (Foucault 1991:59) against the background of subjugated knowledges is also employed as an analytical device. Linked with this concept of subjugated knowledge is the proposition that structural racism exists within the environmental assessment process. It also permeates the government processes and systems (Battiste and Barman 1995, Borrows 1997).

Within studies of nature, resources, environment and management (Campbell 2005; Ingold 2005) an invariable theme points to differences in world views and perceptions of land between Indigenous peoples and non-indigenous society. Battiste and Henderson (2005) stress the lack of congruence between Indigenous knowledge and Eurocentric scientific

knowledge. This will be discussed further in Chapters 4 and 6. This research will explore also explore the issues surrounding the definition of traditional knowledge and supports Battiste and Henderson's insights that traditional knowledge is more than a body of facts and observations, (2005) indigenous knowledge lives within the community. This research also interrogates whether the discourse of traditional knowledge may work as a form of resistance that works to articulate and maintain community values.

Underscoring the importance of the land to the survival of the Esketemc, the ways in which this community has worked to protect their lands in the past or in 'local history' as defined by Ellis and West (Ellis 2004), and continues to do so today are explicated. Within the Esketemc community responsibility for Esketemc lands is a frequently occurring theme that appears to have considerable time depth. The concept of responsibility for the land is a way in which the resilience and identity of the community is defined. The individual and family histories that form the community are all linked to locations and histories on the land. The Esketemc choose to live according to the responsibilities for the land that they say was given to them by the creator. This is expressed in the community's statement about the land, the *Tsemne7'ple*. The word *Tsemne7'ple* in Secwepemctsin refers to 'The Laws, correct behaviour and way of being'.

**Esketemc First Nation-Tsemne7'ple- The Creator gave us this land to look after; and everything that grows on it.<sup>9</sup>**

The Creator, Kalkukpe7, has given the Esketemc the duty to protect and safeguard our lands, forests, air, water, medicines and the life that they sustain within our Traditional Territory. It is this duty that underlies all interests of the Esketemc people. Therefore, the protection of our lands is fundamental in order to sustain the next seven generations.

All of our Rights flow from our relationship to the land. Our lives, our culture and our continued existence as a people are completely tied to the land occupied by our ancestors since time immemorial. Our land is a sacred trust. It is the living body of our spirituality. Our knowledge and our customs are understood and practiced through this relationship that protects and ensures our survival. It is our mother nourishing us in all ways: physically, spiritually, mentally and emotionally

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<sup>9</sup> This document was developed by Esketemc community members and has been posted in the Esketemc Land Settlement Department.



There is a reciprocal relationship between the health of the community and the health of the land. The land owns us; if we look after it, it will look after us

The Rights and Title of the Esketemc remain; they have not been extinguished and flow from our traditional historic ownership and occupation of the land. We base our assertion on our oral history, traditions and customs

The Esketemc First Nation asserts that we have Aboriginal Title to and the Right to use our land, resources and water within our Traditional Territory. We have never sold, ceded or surrendered our Aboriginal Title or Rights to the Crown in the Right of Canada, or to the Crown in the Right of British Columbia. Any infringement on Title and Rights impacts the resources and the land, and in turn, the Esketemc people

The Esketemc believe our Secwepemctsin is the soul and the heart of the land. The Secwepemc language is a gift from the Creator. It represents the eyes of the soul. The language connects the people to the land, the culture, the traditions, the Seven Laws and our ancestors; it is a source of strength and pride. In order to maintain Esketemc's distinctive identity and culture, preservation of the language is essential

There are no defined boundaries between First Nations. The Secwepemc communities are united by and through the land 'Secwepemculecw'. These continuing relationships and alliances with other First Nations are based on the Seven Laws from Chief Coyote: spirituality, trust, respect, honesty, generosity, humility and patience

Our Traditional Governing System also comes from the land. It represents and unites all clans and all our ancestors and their descendents through the bloodlines. Our Spirit Helpers, the animals, define our clans, our roles and our responsibilities. It is through the animals that the Esketemc are further connected to the land. The Esketemc believe that everyone is important; everyone has distinct roles and responsibilities. The Creator, Kalkukpe7, sees everyone and everything as equals.

While the Esketemc community has a strong record of community activism and assistance to other Indigenous and non-Indigenous groups (Furniss 1987; Furniss 1992; Howorth and Stiffarm 1993), issues such as residential school, loss of land, loss of language and addictions, (Furniss 1995) have all contributed to a culture under pressure. It is proposed that the resilience shown by this community despite these pressures is strongly linked to the Esketemc connections to the land and the values they place upon this connection.

Despite extensive research and dialogues about Indigenous rights and the land, there is a need to provide improved understanding of community responses to colonization and neo-colonial environments and to inform discussions about Indigenous land and resistance. Some research on Indigenous land connections has been undertaken in a decontextualized framework that occurs because of proposed development or resource extraction. In this type of research the separation of land from culture views land as a static object of study, seen in relationship to a

particular threat or issue. This reductive perspective sees land values expressed through the type, quantity and replaceability of resources used by Indigenous peoples. This view contrasts with some Indigenous descriptions of the fluid and unbreakable nature of their relationship to land (Ingold 1986:136-8; Campbell 2005:291;).

This research proposes to address this gap in the theoretical and methodological approaches to Indigenous land studies by examining Esketemc connections to the land from within a multisourced perspective which will incorporate the dimensions identified by Ingold as representing the complexity of the personal cultural, political, economic and historical context (1986). These dimensions will be addressed through a focus on the community's resistance to external colonial, federal and provincial legislation and initiatives that conflict with Esketemc needs, in particular the proposed Prosperity project at Fish Lake. This resistance provides a route by which the meanings and types of connections to land can be identified and understood.

## 1.6 The Mine Location

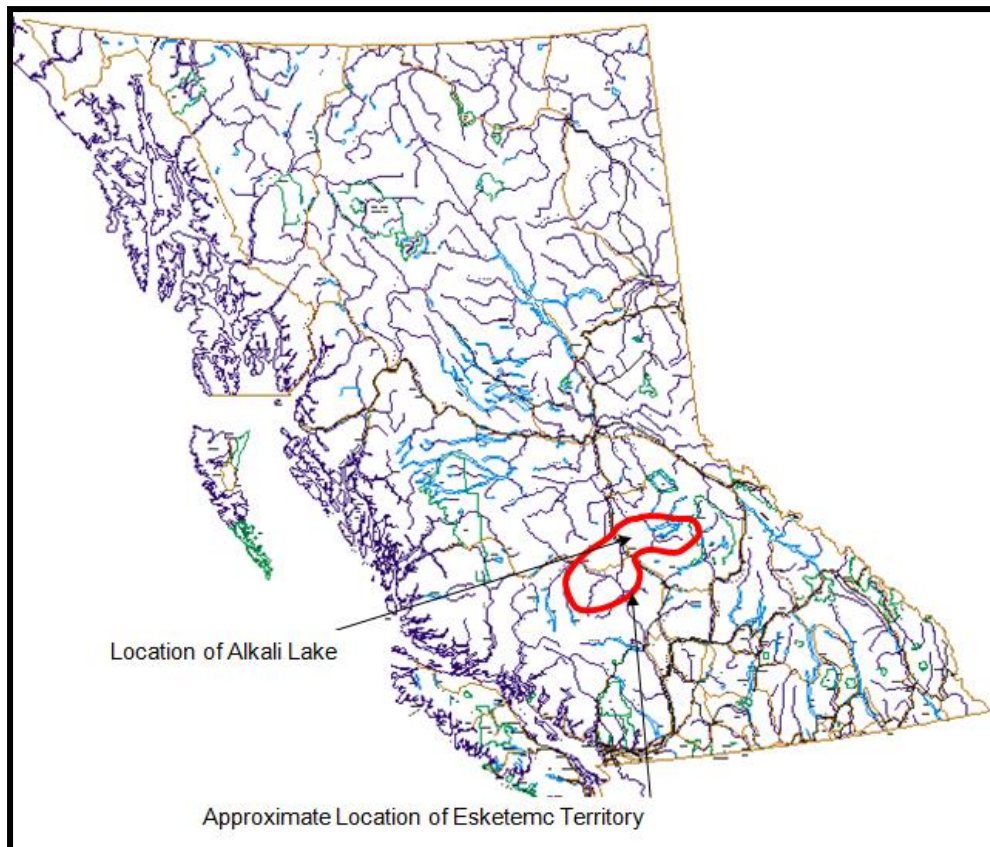
The proposed Prosperity project, a gold and copper mine is situated 125 kilometres south west of Williams Lake in the Chilcotin Plateau. This is part of what is termed the Cariboo<sup>10</sup> and Chilcotin region in central British Columbia.

The project is located within the traditional territories of several First Nations. These include the Secwepemc speaking Esketemc, the Stswecem'c/Xgat'tem (Canoe Creek Band), the T'exelc (Williams Lake Indian Band), the Llenlney'ten (High Bar Band), the Teq'escen (Canim Lake Band) and the Xat'sull First Nation (Soda Creek Band). The Carrier or Dakelh speaking Ulgatcho First Nation is also within the area to be affected by the proposed mine, as are the Tsilhqot'in speaking ?Esdilagh (Alexandria), Yunest'in (Stone Band), Tl'esqox (Toosey Band), Xenigwet'in (Nemiah Band), and Tsi Del Del (Redstone Band)<sup>11</sup>.

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<sup>10</sup> According to local history, the term Cariboo was derived from the presence of Caribou in the region at the time the first non-natives arrived. In the first gold rush in the 1850's and 1860s, early non-native gold miners misspelled the word Caribou, and the misspelling has been retained.

<sup>11</sup> There are different ways of identifying First Nations. One way is through language groupings such as Salishan, or Secwepemc. Another level of identification is through the federally organized political groups or bands that govern communities and their reserves. These bands, such as the Esketemc may or may not represent the pre-reserve cultural groupings.



**Figure 1: Map of British Columbia indicating the location of Alkali Lake and the heavy red line indicates the approximate location of the Esketemc Traditional Territory**

The interior plateau ranges from boreal forest, to areas of desert. It also contains hundreds of lakes, including some of the largest and deepest freshwater lakes in the world. This region, also shows remnants of ancient volcanic activity that resulted in the deposition of a thick mantle of basalt. This surface is on average about 1,000 metres above sea level creating a unique climatic area with occasionally very cold winters and hot dry summers and sometimes significant diurnal temperature variation. This thick basalt layer is characterized by deeply incised rivers and drainages as well as high mountains, the remnants of ancient volcanoes. Because of the altitudinal variation, the region has a rich array of resources, and significant biodiversity. It has been a very rich environment that has seen the impacts of extensive logging and a pine beetle epidemic with the result that there are now far fewer resources than in the past an issue that will be discussed further in Chapter 4.



**Figure 2: A view of Alkali Lake from the west showing the forest grassland ecotone**

### 1.7 The Proposed Gold-Copper Mine and Transmission Line

Taseko Mines Limited, a subsidiary of Hunter Dickenson has been working on developing the Prosperity project since 1993. The history of the mine development is discussed in Chapter 5. Taseko also owns an operating copper mine north of Williams Lake, the Gibraltar Mine as well as other mineral resources in British Columbia. The parent company Hunter Dickenson describes itself as a “diversified, global mining company with a 25-year history of mineral development success.”<sup>12</sup>

Taseko’s planned project is located in the remote Fish Lake (Teztan Biny)<sup>13</sup> area, in the western Chilcotin area, close to the headwaters of the Taseko River. The location of this mine is close to the Tsilhqot’in community of Xení Gwetin. Fish Lake or Teztan Biny is a spiritual area and is also used for fishing, wild hay cutting and for hunting among other uses. The gold

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<sup>12</sup> Hunter Dickinson December 27, 2010 <http://www.hdimining.com/s/AboutHDI.asp>

<sup>13</sup> The Tsilhqot’in name for Fish Lake.

and copper deposit is located within the Fish Lake drainage and is situated 1 kilometre north of Fish Lake and 10 kilometres north of Taseko Lake.

A 2010 description of the mine stated that it is

..a high volume open pit gold-copper mine to be located 125 km southwest of Williams Lake, British Columbia. In addition to the mine and associated tailings and waste rock areas, the project includes an onsite mill, an approximately 125 km long power transmission line corridor and an access road. The proposed project would have a production capacity of greater than 75,000 tonnes per year of mineral ore. (CEAA 2010 1 July).

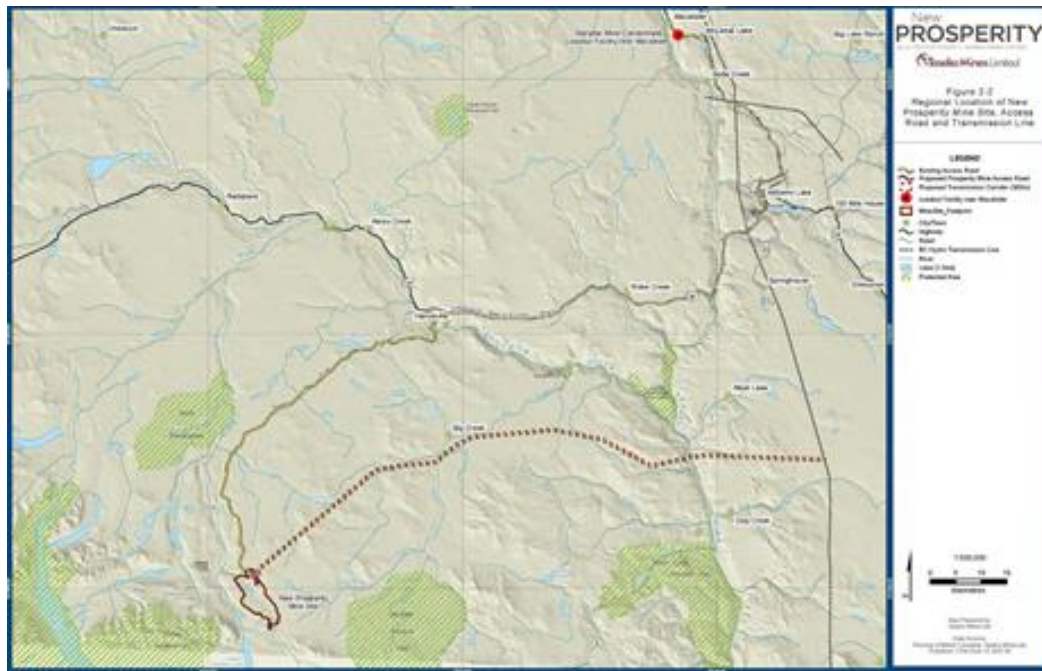
The mine infrastructure is described as comprising an area of up to 35 square kilometres. This would include an open pit mine 2 kilometres in diameter, and would mean draining the lake to enable the building of the pit and the construction of a tailings pond just upstream from the pit. In addition, the infrastructure includes a camp to house personnel, a mill to process the extracted deposits, and tailings storage area. To power the mill a 125 kilometre long 230 KW transmission line would be constructed to bring electricity to the mine. This would connect with the existing north-south transmission line on the east side of the Fraser River, between the communities of Alkali Lake and Dog Creek.



**Figure 3: A view south over Fish Lake or Teztan Biny.**



Taseko Mines Limited, a subsidiary of Hunter Dickenson has been working on developing the Prosperity project since 1993.<sup>14</sup> The history of the mine development is discussed in Chapter 5. Taseko also owns an operating copper mine north of Williams Lake, the Gibraltar Mine as well as other mineral resources in British Columbia. The parent company Hunter Dickenson describes itself as a “diversified, global mining company with a 25-year history of mineral development success<sup>15</sup>.



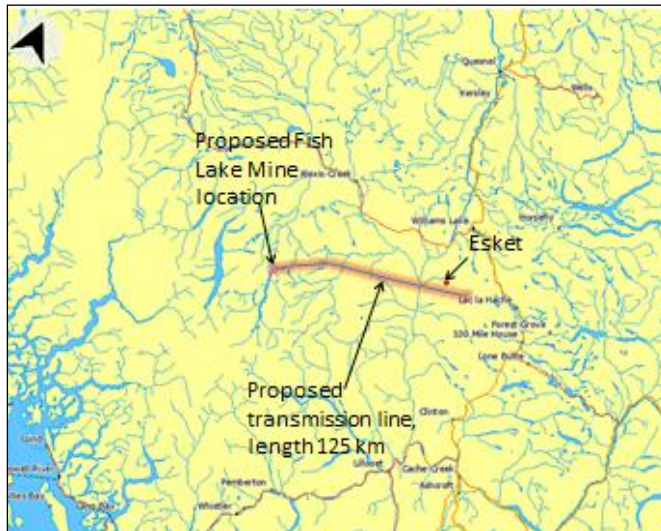
**Figure 4: A map from the most recent proposal for the Prosperity mine from August 2011 showing the physical footprint of the mine at Fish Lake and the location of the transmission line (Taseko 2011:8).**

The ore is slated to be processed at the mill on the mine site, and the concentrate would be moved by truck to rail facilities owned by Taseko and currently used for the Gibraltar Mine located in Macalister, north of Williams Lake. The mine life was initially estimated at about 20 years, based on additional ore discoveries, this was later increased to 33 years.

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<sup>14</sup> My first contact with the company was in 1993-1994 when I was working for the Nuxalk in Bella Coola. During this time one of the suggested outcomes of the development of the mine was to truck ore to Bella Coola, and the development of a deep sea port to ship the ore.

<sup>15</sup> Hunter Dickinson December 27, 2010 <http://www.hdimining.com/s/AboutHDI.asp>



**Figure 5: Approximate location of the proposed Prosperity Mine, transmission and the Esket community at Alkali Lake in central British Columbia.**

## 1.7 Methodology

The fieldwork methodology in this research developed as events around me shaped the research focus. My original interest was to examine First Nations relationships with the land. This general topic led me to speak with Kwakwakawakw Elder Noreen Hunt and Nuxalk Hereditary Chief Lawrence

Pootlass. Their knowledge was invaluable and highlighted some of the similarities and differences between

cultural and personal relationships to the land from the Kwakwakawakw and Nuxalk perspectives. This was a fruitful beginning to provide a comparison with the Secwepemc Esketemc relationships to the land. The original methodology was to be participant observation with structured interviews to gain insight into the Esketemc community's relationships to the land. Originally I had thought that Photovoice (Wang & Burris 1997) would be an appropriate tool for this research and had considered asking community members to photograph areas that were of value to them in order to elicit meanings and connections. However, I quickly discovered that this was not a tool that Elders or community members were comfortable with. Oral history and verbal descriptions are the respected form of communication and substituting another foreign technique could only impede communication.

I also noted that much of First Nations culture that has been taken seriously by western knowledge systems was men's culture. The Aboriginal Rights such as hunting, fishing and timber harvesting have been the subject of court challenges and rulings, while female activities such as berry harvesting, medicine harvesting, harvesting of materials for basketry and other needs are largely ignored. This I thought may be due to the imposition of western Euro-Canadian gendered values on Aboriginal practices which would result in less attention paid to what are largely women's knowledge and activities. Based on this I considered using a gendered approach to understand traditional knowledge.

However, with the request from Esketemc Chief Charlene Belleau to work on the Prosperity Environmental Assessment on behalf of the Esketemc my focus shifted. It was an honour to be requested to assist the Esketemc in this important effort to protect the Esketemc interests. In this work I could see that if traditional knowledge could be viewed within the framework of environmental assessment it could clarify its content, characteristics and gendering while highlighting how it is regarded by government, government agencies and developers.

Work on the environmental assessment meant dealing with government agencies; Taseko Mines and the general stress and anger within the Williams Lake community made this an intense, and fast paced but rewarding experience. The work included researching and preparing a community traditional use study for the area to be affected by the mine, preparing and sharing information about mining with community members and preparing correspondence with environmental assessment representatives in the provincial and federal arenas. In addition, I attended meetings and reported back to the community, prepared the final report and presented information during the Panel hearings in Esket and, during the subsequent specialist hearings worked to interrogate and clarify gaps in speakers' presentations.

The work also included going on field trips with community members to view the route of the proposed transmission line. A significant part of the work entailed listening and recording Esketemc life histories as they intersected with the transmission line and the future effects of the proposed Prosperity mine project. Another important subject area was to listen to accounts of what happened when another large power line was built through the community lands and how the Esketemc lands have been negatively affected by road building, logging and other incursions, resulting in a greatly diminished resource base. The community members I had the opportunity of working with often expressed their anger and frustration at the developments in their territory as well as the environmental assessment process what they saw as an unreasonable and insensitive and culturally violent process.

Throughout the almost two years that this environmental assessment took place the Esketemc was the only First Nation to take part in both the provincial and federal review activities. It was through this active participation in the different levels of the assessment process that many of the conflicts and issues and problems that affected First Nations became apparent.



To avoid a conflict of interest and because of time restraints, I did not work on my research during the environmental assessment. Much of the information dealt with was of a sensitive and confidential nature. Confidentiality is an important feature when dealing with First Nations and government relationships. First Nations carry a long history of distrust and suspicion of government motives and behaviours. Control over cultural information means a measure of control over the First Nations' culture and destiny. In my experience different First Nations communities address this issue in different ways; some take the position that the more their community is known to outsiders, the better the understanding and relationships between them. Other communities see information as being owned by an individual and it can only be made public by that one person.

Within the Esketemc community there appear some topics that are open to the public, such as the community struggle with alcoholism and the healing journey from addiction and residential school abuse. The community also has strong spiritual leaders who are ready to lead ceremonies, prayers, spiritual quests and other events and to share their knowledge as needed. Other aspects of traditional culture such as where hunting areas are located, where specific spiritual areas are located are kept confidential. Part of the reason for holding this information within the community includes a fear of others intruding on the scarce resources needed by community members. There is also a concern that outsiders may desecrate or ruin an important spiritual area by throwing garbage, drinking or disrespecting the land. A history of vandalism, burning and theft from family cabins by outsiders began once outsiders gained access to family areas by logging and other access roads.

Traditional use studies so have a strong measure of confidentiality. A reason for this is that they are often linked to non-commercial developments. Releasing information to the government or developers means that the community has no control over how the information is perceived, understood or interpreted. Many developers, whether they are miners or loggers or government representatives do not have the cultural literacy to understand the communities' relationships with the land and what is needed for their survival. Nor do many of these outsiders understand the complex issues underlying Aboriginal Rights and section 35 of the Canadian Constitution that 'recognizes and affirms' these rights. Confidentiality and control of cultural information is the most effective way to ensure control over the community's future.

After my role in the environmental assessment was completed in the summer of 2010, I began the process of reflecting on and writing about the complex process that had been undertaken. I realized that I had a unique insider perspective on how this First Nation was affected by the power dynamics of the environmental assessment process and I could provide a more nuanced account of events than an outsider. A conflict that I faced was to distinguish information and conversations that were part of the environmental assessment and belonged to the Esketemc community; from information that could be communicated within a study of this nature. Therefore, I chose to focus on the public portions of the environmental assessment, in particular the Panel hearings held at Esket.

This focus would still enable me to clarify, describe and understand the specific relationships between a First Nation, government bodies and developers by examining how traditional knowledge is addressed. It is through the analysis of a specific event in the environmental assessment process that the larger relationships can be understood. The treatment of traditional knowledge within the environmental assessment is a proxy for the macrolevel political interactions. But, it is also important that First Nations' knowledge is not seen as a static body that is subject to external forces. Foucault stressed that where there is power there is also resistance and the Esketemc resistance to the environmental assessment is also examined.

This research is based on a reflexive view of Esketemc history and Foucauldian genealogy. Through the examination of some of the genealogical events that have shaped Esketemc culture, some of the obstacles and successes of making the First Nations' traditional knowledge respected, understood and communicated within a development context are identified.

This research incorporates a multidisciplinary approach that utilizes anthropology, ethnohistory, environmental history, aboriginal rights, and archival research work. The attempt is to link the events within the Panel hearing to events within the history of the Esketemc in order to illustrate how past events have shaped the current responses to the environmental assessment process. The points of impact on the Esketemc are described.

The theoretical background for this research derives from colonial theory (Champagne 2006), and the imposition of colonial power that I argue that this is still a significant force in Aboriginal – Government relations in Canada. Because of my involvement in the

environmental assessment and my past work on behalf of land rights my approach is that of an engaged anthropologist (Kellet 2009). I have employed a reflexive approach to understand how I view information, how I interpret it and the strengths and biases within the research. All of the interpretations within this research are my own.

## 1.8 Structure of the Thesis

This thesis is structured to provide detailed background of the genealogical events affecting the Esketemc. This context will facilitate analysis of the interactions within the environmental assessment process and the position of traditional knowledge within it.

Chapter 2 provides a discussion on the theoretical framework of the research and examines important contested concepts. It describes the conflict between the developers of mineral properties and Indigenous peoples who wish to maintain their way of life is happening in Canada and British Columbia with increasing frequency as ores increase in value. This chapter will examine and discuss some of the recurring concepts that accompany this culture and resource conflict. These concepts are then applied to the case study of the Esketemc participation in the Prosperity environmental assessment in 2010.

Chapter 3 emphasizes the Esketemc historical experience of outsider control over their territory and resources and their response to many of these points of impact. It frames the ability of the Esketemc to preserve their autonomy and pass on their culture.

The focus in Chapter 4 is on ethnographic observations and descriptions. These emphasize the Esketemc physical and spiritual relationship to the land.

Chapter 5 provides a summary of the emergence of the environmental assessment process in Canada and British Columbia and the place of First Nations within that process. It also describes the history of the Prosperity Mine and the first environmental assessment process from 2008 to 2010.

Chapter 6 ties together the genealogical events and historical processes while it presents the structure and events of the public portions of the environmental assessment process. An analysis of these highlight how power is maintained and who controls the process.

Chapter 7 is a synthesis and description of the results and provides the conclusion to the research.

## **Chapter 2. Discussion of Issues: Historic Context of Colonialism and the Aboriginal Struggle against Marginalization.**

### 2.1 Introduction

Elder and spiritual leader, Arthur Dick addressing the three members Federal Panel during the environmental assessment hearings for the Prosperity Mine held at the Esket community on April 19, 2010 stated.

So I just want you to represent us, the Federal Panel, how you can. I know you have a boss. Your boss doesn't ask you. Or your boss asked you to only listen to what you need to hear and I hope you can hear what we're trying to say to you. Even like I say, we're not stupid anymore. We're not dumb. We're not drunk anymore. So I want to be clear with everybody that's here. I want you to know that. You're dealing with something, you're dealing with a people that know something.

In this statement, Arthur Dick emphasizes that the Panel members were not really hearing what was being said by the Esketemc. They were present but did not hear or understand the meaning and importance of the Esketemc presentations. In his statements, he emphasized that the Esketemc have power; they have ways of working to correct their oppression and marginalization. Unfortunately, this type of clash between systems of meaning and power is a common occurrence in contemporary interactions between Canadian First Nations and non-first Nations cultures. These conflicts are often the result of years of political marginalization by the government until a development or issue provides the spark that ignites the years of frustration. This often leads to violence or the fear of violence. There is seldom an equitable resolution to these interactions and conflicts between First Nations and Canadian government agencies persist. A great deal has been written about these conflicts, and the First Nations struggle for rights is a continual leitmotif of First Nations and Canadian history. For example in 1995 at Gustafson Lake, located within the Esketemc territory, there was a 31 day armed standoff between a group of Sundancers who were performing sacred ceremonies and the Royal Canadian Mounted Police (RCMP). This resulted in one of the biggest RCMP incidents in Canadian history with armed personnel carriers, hundreds of tactical assault officers, aerial surveillance, and the firing of 7,000 rounds of ammunition (Ts'epeten Archives 1998). Another example is the 1990 Oka conflict in Quebec that resulted in a two and one half month armed standoff between Mohawks and the Quebec police (Obomsawin 1993) and the death of one of the police officers. Other incidents include the dispute in Caledonia Ontario in which the Six Nations are working to reclaim the land (DeVries 2011),

as well as Ipperwash incident in which an unarmed young Ojibwa man, Dudley George, was shot and killed (Linden 2007). In spite of the increasing First Nations self-identity and political and social activism, the Aboriginal - Canadian government schism continues. Direct action is a common technique to obtain publicity on an issue and to create public awareness. This can escalate and result in death, but by far the most common actions include peaceful blockades and demonstrations.

The ongoing conflict about land and resources, and development is an important genealogical context for this study.

## 2.2 Conflict, Power and Traditional Knowledge

This Indigenous-institutional conflict is explored through the examination of Aboriginal traditional knowledge within the Canadian environmental assessment process. The scope of traditional knowledge is explored through the examination of the Indigenous view of and connection to the land. The question of who creates traditional knowledge and what are its parameters is investigated through the discourse applied to the labels of Native and Indigenous, as well as what the concepts of tradition, value and loss mean. These issues are presented against the background of a colonially mediated and bureaucratic environmental assessment process. All of these elements are critical components in understanding the genealogical process that has shaped current First Nations relationships with developers and the government.

The conflict between First Nations and the environmental assessment process has also been examined by other researchers (Widdowson & Howard 1996, Usher 2000). Their research has focused on procedural aspects of the environmental assessment process, as well as a search for definitions of traditional knowledge and the methods by which traditional knowledge can be made to conform to environmental assessment parameters, while examining the specific conditions within which First Nations knowledge can be brought into the government led process of environmental assessment. However, the larger theoretical issues of colonialism, institutional power dynamics and the position of traditional knowledge still remain to be addressed.

This thesis employs an analytical perspective of power dynamics in the context of the Canadian environmental assessment process for Taseko's proposed Prosperity mine in 2010.

This event is examined using a multidisciplinary methodology in order to unravel the competing discourses. The use of a Foucauldian approach to power is particularly relevant in a multidisciplinary analysis because it can reveal the social relationships that employ and maintain power. The fields of environmental impact assessment, ethnographic research, history and human rights all converge on this case study. This multidisciplinary approach will enable a fuller understanding of the power relationships and underlying issues within the environmental assessment process that can be applied to other cases to increase the understanding of hidden dynamics. This approach employs a structural framework that is based on the historic process of colonialism in Canada, and the resulting imbalance in power that affects Aboriginal people.

### 2.3 Colonialism

The contemporary theoretical debate about colonization, its nature and effects had its beginnings in the works of Edward Said and his ideas about Orientalism (1993). Subsequently, localized studies around the world researched the processes and effects of colonization. In Canada, First Nations have clearly stated that the history of colonialism has been genocidal in its intent and continues today through the federal Indian Act (Borrows 1997, Frideres 2011, Furniss 1999, Harris 2003, Nadasdy 2002). It continues in the exclusion of First Nations from their lands and territories, and the overarching control that the federal government still exerts on them (Wagamese 2012). Genocide as defined by the United Nations in 1948 describes the deliberate killing of individuals, the infliction of physical or mental harm, the infliction of conditions for the group that will cause physical destruction, preventing births and “forcibly transferring children of the group to another group” (UN General Assembly 1997). All of these conditions have been met in Canadian colonial history. Taiake Alfred proposes that the federal control of over most aspects of Aboriginal life has created a dependency that intensifies and continues the historic effects of colonialism (Alfred 2004). Furthermore, Lee (1992) and Champagne (2006) see evidence for colonial effects in the control over and disruption of First Nations political life, in the strains on family relationships, in the exclusion from traditional lands, and in the history of residential schools and in the current underfunding for First Nations education. In addition, studies of the determinants of Aboriginal health (Reading & Wien 2009) also note the continuation of significant negative effects. They implicate the colonial project in the complete disruption of Aboriginal peoples’ lives and their inability to meet basic subsistence needs through their

culturally preferred ways of hunting, fishing and gathering foods as an important factor in poor health. Calvin Helin states that "...the policies of the colonial period continue to be applied today in the modern state" (2006:88). Other theorists focus on the resistance to colonialism as the defining element and propose post colonialism as an appropriate label (Fajardo-Acosta 2005). Indigenous scholar Marie Battiste employs the concept of post-colonial in her work, but she does so in the hope that a life after colonialism is possible (Battiste 2004).

The First Nations history of colonialism is still met with feelings of anger at its oppression and the losses suffered. This was evident when Canadian Prime Minister Stephen Harper stated during the G20 meeting 2009 "Every nation wants to be Canada ... We also have no history of colonialism" (Dearing 2009). This statement was met with a strong reaction by First Nations leaders who demanded an apology. Chief Shawn Atleo of the Assembly of First Nations responded that the past needs to be acknowledged and noted that international bodies have spoken out against Canada's treatment of Aboriginal peoples. Atleo stated

The effects of colonialism remain today. It is the attitude that fueled the residential schools; the colonial *Indian Act* that displaces traditional forms of First Nations governance; the theft of Indian lands and forced relocations of First Nations communities; the criminalization and suppression of First Nations languages and cultural practices; the chronic under-funding of First Nations communities and programs; and the denial of Treaty and Aboriginal rights, even though they are recognized in Canada's Constitution (cited in Hui 2009).

The disparity between the First Nations' experience of their history and the very different perception held by some sectors of the Canadian population is a continuing source of friction. Within the context of the environmental assessment, it is important to question which voice has the greatest power, which voice has the potential to accurately depict truth, the Canadian Prime Minister or First Nations?

The colonial context and the inequities in institutional power that affect First Nations are also reflected in the position of traditional knowledge. The disparities in power tend to privilege certain members of society and marginalize others. This covert privileging is embedded in the institutions of power and governmentality and is most clearly seen when it is positioned against resistance. Traditional knowledge is examined using the concepts of subjugated knowledge and resistance that discredit and marginalize sectors of knowledge that differ from the popular and normative ones (Foucault 1980). Doxtater identifies traditional knowledge as

a “fiduciary” ward that is overseen by “Western knowledge” (Doxtater 2004:618). This closely parallels the political position of First Nations where the federal government has a fiduciary responsibility to them. The hierarchical relationships of knowledge and politics are viewed most accurately when they are approached directly through First Nations experience and not mediated through a restrictive western scientific methodology (Giles 2005:1). The direct approach enables “emergence of truth” (Ibid) and is a powerful corrective to the governmentality and the Foucauldian dispositif (Lianos 2003:415) of the environmental assessment process.

#### 2.4 Institutional Power

Lianos (2003) elaborates on the process of institutional control as one that exists without “cultural negotiations” (2003:413) but draws its power through the relationships and effects of “institutional sociality and normativity” (Lianos 2003:214). This framework of institutional power shapes its subjects. While Lianos asserts that there may not be a direct relationship between the intentions of an organizational body (Lianos 2003) such as the environmental assessment agency and the effects which it has on the participants, in particular, First Nations; this is contradicted by the evidence from the environmental assessment process. It demonstrates a clear link between what the government considers desirable, and the ultimate pressures exerted on First Nations.

The desirable goals of the institution are part of the unarticulated “natural phenomena of economic processes” (Foucault 2004:353). These assumed laws of economics view economic growth as the regulating force and the teleological result of resource development in Canada. These ‘laws’ provide a rationale for the imbalance in institutional power, legitimacy and control. These apparently natural phenomena represent the standard by which those who do not agree are marginalized and controlled, this has characterized the First Nations – government relationships.

In his Latin American research Arturo Escobar (1995, 1999) has further developed this critical approach in his analyses of the imbalance between the powerful institutions who define and decide on the uses of nature and resources and those who are affected by these decisions. He stresses that those who are affected by this domination, financial objectification and commodification of nature are limited in how they can respond (Escobar 1999). This conflict between commodification of nature and Escobar’s observation that “culture sits in



places” (2001:140) highlight the divergent views of the Indigenous kincentric (Salmon, E. 2000) approach to the land and resource development. In this conflict, the Indigenous inhabitants who live within these “lifeworlds and landscapes” (Escobar 1999:4) are fighting for their cultural survival, while the stakes for the developers and governments are of an impersonal and objectified nature. The expression of the epistemological differences between capitalist developers and Indigenous inhabitants within Escobar’s concept of ‘nature’ is one that stresses connectedness as central to Indigenous identity.

## 2.5 The Land and Marginalization

The colonial context of First Nations in Canada has variable oppressive dimensions. Some of these that apply to the Esketemc include social, economic and spatial as well as intellectual marginalization. The social marginalization refers to the lack of acknowledgement of First Nations cultural values by the Euro-Canadian settler society. This is often reflected in the racism present within the larger non-native community (Furniss 1999). The economic marginalization occurs through the dual paths of land alienation and loss of resources that has reduced their ability to make a living, either through traditional subsistence activities or through participating in the historic or current monetary economy. Historically the spatial marginalization has meant moving First Nations from their traditional lands in order to make them available for settlers. The spatial marginalization restricted First Nations to reserves. While the physical relocation or circumscription of First Nations’ lands reduced some of the historic conflicts, this is not currently the case. The search for mineral resources in remote areas has meant that conflicts over land and resources are now situated in the vicinity of many formerly remote First Nations’ communities. The outcome of this conflict over resources can have grave implications for these communities. The loss of the resources and the pollution of land will effectively mean the loss of many features that make the First Nations who they are and that signal their identity. In a post development scenario, after a mining company leaves and has rehabilitated the land, these losses will affect the ability of the community to ‘sit in its place’ within a desecrated and frequently dangerous space in the landscape. Finally, the intellectual marginalization is observed through the disregard of Aboriginal traditional knowledge and intellectual achievements as referred to by Arthur Dick.

Most First Nations adhere strongly to the belief that they still own their lands and resources, and the sale of these resources and lands by the government is considered to be theft.

This conflict between the First Nations rights to their lands and the environment and those interests that want to ‘develop’ resources under a paradigm that views land and resources as belonging to non-Native interests; is escalating. This has resulted in a polarized situation in which lines are drawn between Aboriginal rights and the Euro-Canadian concept of economic development. Escobar (1991) describes this discourse of development as economic growth and prosperity through job creation in the resource sector. This supports Foucault’s position that the institutions infer a natural economic law that equates prosperity and growth as a natural state (Foucault 2004). This perspective is contrary to the position of many First Nations communities who prefer development that is consistent with First Nations cultural values and protocols (Anderson et al. 2004) and state that they need to consider the next generations in their planning. These differences in epistemologies create a polarized and conflict ridden situation.

## 2.6 The Legal Landscape

Aboriginal communities’ interactions with government agencies are often based on legal precedents and do not reflect their cultural traditions or protocols. One of the disciplines that contribute to the current world view of First Nations is Canadian law. Prior to the Canadian Supreme Court decision in the Calder Case in 1973, the federal government inferred that the Aboriginal Rights had been extinguished through legislation. However, according to the Calder decision “the onus of proving that the Sovereign intended to extinguish the Indian title lies on the respondent and that intention must be clear and plain” (Calder 1973). This confirmed that Aboriginal Title remained with the First Nations. In addition, the subsequent Sparrow court decision (Sparrow 1990) also stated that extinguishment of Aboriginal title needed to be clear and plain. Therefore with the exception of three communities who have signed treaties, the Nisgaa, Tsawassen and Maa nulth, as well as the historic Treaty 8 in northeastern BC, the Aboriginal Rights and Title of First Nations in B.C. have not been extinguished.

Incremental changes in the legal landscape for Aboriginal rights resulted in a change of the federal and provincial legal obligations with respect to aboriginal rights. Prior to the 1997 Delgamuukw decision (Delgamuukw 1997) development could take place on Aboriginal lands without considering their interests. However, the Delgamuukw decision stated that

consultation must be undertaken with First Nations when their rights or title may be affected by developments.

As a result of the Delgamuukw decision, the federal and provincial governments began the process of consulting with First Nations regarding developments that may affect them and

...where government is contemplating undertaking, or authorizing, an activity that could impair the exercise of an aboriginal right, it is bound to consult affected aboriginal groups with a view to obtaining their approval. Where this approval is not secured, government action that impairs a recognized aboriginal right is only legally justified in three situations: where it is necessary for conservation or resource management; public safety; or other compelling public policy objectives (Tollefson & Wipond 1998:381).

This 1996 decision acknowledged the obligation of governments to consult First Nations when an action may affect their Aboriginal Rights. However, this decision still left a great deal of power in the hands of the government and the ability to infringe on Aboriginal rights can be justified for conservation, safety and ‘compelling public policy objectives’. The result of this decision means that the government policy of conducting consultation has been designed to ensure that the governments’ legal obligations are met. The process of decision making by the government departments is not transparent or accountable to First Nations, and the perception is that it empowers government decision makers, while leaving First Nations outside the sphere of decision making.

Subsequent legal decisions further clarify the government’s obligation to consult with First Nations, and include the Haida (Haida 2004) and the Carrier Sekani Tribal Council decisions (Carrier Sekani Tribal Council 2009). Currently at issue are the efforts of the governments to place the burden for consultation on industry. The legal landscape is one that increasingly points to the obligation of the federal and provincial governments to meaningfully engage with First Nations when developments may affect Aboriginal Rights and Title. However, the implementation of these decisions is still uneven. The high cost of legal challenges restricts the First Nations from challenging infringements on their Rights and Title.

## 2.7 Identity, Indigeneity, Aboriginality and Status

The focus of this study is on the involvement of one northern Secwepemc First Nation, The Esketemc, in the environmental assessment process. Composition of the Esketemc community is controlled and overseen by the Department of Aboriginal Affairs [formerly the

Department of Indian Affairs], who administer the Indian Act and decide who is qualified to be a 'status Indian'. The criteria governing this identity are largely based on blood quantum. This is a complex issue that is still affected by historical roots in racism and gender bias. Until 1985 and the passing of Bill C-31, women who had Indian status lost it when they married non-Status men. Bill C-31 reinstated many women and their children who had lost their status. The loss of Indian status was termed enfranchisement under section 86 of the Indian Act. Section 86 stated that enfranchisement was mandatory if a status Indian obtained a university degree, became a doctor, lawyer, notary public or entered the church or became a minister. Individuals who were enfranchised lost their rights to live on reserve and the band lost the financial contributions that the federal government previously provided for that band member. It was a very severe exclusionary process that separated enfranchised individuals from family members and the community. The current membership of the Esketemc consists of those individuals who have Indian status.

While Indian status plays a role in Esketemc life, the depth of culture and the identity with the land has a deeper resonance. This contributes to the ongoing debate as to who can be identified as Indigenous, Native, Indian, First Nations, and Aboriginal or traditional. Paralleling this debate, is one that asks if these fundamental concepts are in question, then how is it possible to determine the validity of Indigenous/Aboriginal connections with the land? These questions of legitimacy arise in the contexts of development and resource extraction as well as anthropology (Haley 1997; Stavenhagen 2005; Christian 2006). This area is complex enough that guides have been developed to ensure correct use of these terms such as the one developed by the Assembly of First Nations (2008) and the National Aboriginal Health Organization (2003). No one term can accurately describe all of the descendants of the First Peoples of the Americas and what is now Canada. The most accurate way to refer to or identify an individual or group is through their community (National Aboriginal Health Organization 2003), for example the Esketemc, the Nuxalk or the Haida.

The situation in Canada differs from the United States based on their differing cultural and political histories. A common term in the United States is Native American. In Canada, the term Aboriginal is frequently used. It refers to being of the original people. This term has been criticized by Mohawk writer Taiaike Alfred as "a legal and social construct of the state" (2005:6) and not representative of the reality it proposes to describe. Yet, the term Aboriginal

has a legal dimension and is used in section 35.1 of the Canadian constitution where it encompasses the terms Indian, Métis and Inuit (Monture 2004:7 footnote).

The term Indigenous also describes the quality of belonging to or being from one area. While all of the terminology is criticized, Niezen suggests there may be an element of convenience and opportunism through the use of this term (2000:120). He suggests that the term Indigenous was adopted by 'Indigenous peoples' in order to benefit from the development of international standards of human rights. In this context, the term Indigenous was used beginning with the 1957 Convention on Indigenous and Tribal Populations held by the International Labour Organization.

Tradition and the term Indigenous are closely linked. The connection to the land is seen by some (Heckler 2009) as a cultural continuation of precontact lifeways or the 'tradition'. When this cultural continuity is affected, it is often assumed by non-Native interests that the group is no longer 'authentic' therefore does not have a valid claim to an area (Haley 1997). It has been proposed that the creation of an inauthentic 'traditionalism' has been assisted by anthropologists motivated by political ends (Glowczewski 1993:3). It is proposed that anthropologists have suggested new practices and beliefs to Indigenous communities which they have adopted (Haley 1997:761). This perspective presumes that Indigenous communities are suggestible and ignorant of their own cultural traditions. Inherent in this perspective is the concept of rigid cultural boundaries and frozen cultures with no resilience or adaptive characteristics. Haley (1997) suggests that the inauthentic traditionalism may be an extremely powerful tool and exposing or identifying its false nature can be very threatening to Indigenous groups and anthropologists. He stresses that history and tradition are selective in what is chosen and what is rejected. This perspective questions the nature of cultural change and validity of Indigenous tradition and relationship to the land. For example, current hunting practices among the Esketemc include the use of pickup trucks and rifles, these adopted items do not diminish the traditional nature of the hunt or the need for meat or the community relationships that are dependent on the distribution of this meat. To pursue this line of reasoning further, why would the Indigenous culture not be able to change while the non-Indigenous culture can change? This Eurocentric reasoning ignores the legal rights and Indigenous rights, such as the United Nations Resolution on the Rights of Indigenous Peoples. Anaya points out that as part of the UN Committee for the Elimination of Racial Discrimination [CERD] that "It ...upholds the right of indigenous *groups* to maintain and

freely develop their cultural identities in co-existence with other sectors of humanity” (Anaya 2004:19). Article 11 of the United Nations Declaration on the Rights of Indigenous Peoples states;

Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures... (UN General Assembly 2007).

Haley’s perspective of a frozen Aboriginal culture is rooted in a lack of understanding of the nature of culture change and human rights. Aboriginal cultures have the right to develop and change as they have throughout time. For example, membership in Indigenous groups is based on self-identification, not imposed criteria of eligibility (UN General Assembly 2008). This is in contrast to the First Nations situation in which the Federal government decides who will have Indian status, and who is eligible to receive funding through their band.

Others describe Indigenous identity as a having a responsive and changing quality; this includes the process of self-definition (Glowczewski 1999:3). These adaptive qualities are seen an essential characteristic for survival (Fisher 2001:471, 482) in a colonial and post-colonial, and neocolonial environment. Glowczewski describes culture as being historically embedded while able to adapt to new forces (1999:3). Werbner points out that it is through history that a people can see themselves. When people remember the past, they have an identity (1998:26, 30).

The term First Nation is also utilized within Canada. While it does not have a legal definition, it is a descriptor, frequently used by bands or tribal councils who have a political organization and ‘First Nations’ emphasizes their unique and primary identity as the first occupants of the land to live in organized societies. This concept may or may not include non-status individuals who feel culturally a part of a community but may not be recognized by the federal government as having status.

The term Indian is considered derogatory. However, it does have a legal definition and describes those individuals “who are registered or entitled to be registered under the Indian Act” s. 2(1) of the Indian Act R.S.C. 1985, c.106. This refers to an identity as a ‘status Indian’. This status identity ensures certain rights that are identified in the Indian Act. These include the right to live on a reserve, the right to some subsidized education, some health benefits, and exemption from taxes based on income earned on reserve. All of these labels are

contested, Monture emphasizes that this is because they “...are externally applied... colonial” (Monture 2004:60 footnote).

Li points out “that self-identification as tribal or indigenous people is ... a *positioning* which draws ...[on] landscapes and repertoires of meaning and emerges through particular patterns of engagement and struggles.” While the points in time when self-identification as an “indigenous people... are the contingent products of agency and the cultural and political work of articulation” (Li 2000:2-3). The fluidity of the positioned identity of Indigeneity according to Kingsbury’s “constructivist position” sees continued change as occurring due to multiple levels of politics and power (1998: 450).

## 2.8 Traditional Knowledge

Traditional knowledge forms is a significant part of First Nations’ participation in environmental assessment. While traditional knowledge is a commonly used term, its meaning is far from clear and different definitions and uses of this concept are employed. The following discussion will examine some of the competing views of traditional knowledge in order to locate Esketemc traditional knowledge within this discourse of environmental assessment.

Other terms are applied to the long term accumulation of local Indigenous knowledge, such as; Native knowledge, traditional ecological knowledge, “folk knowledge, local knowledge or wisdom, non-formal knowledge, culture, indigenous technical knowledge, Indigenous science and Traditional environmental knowledge (Battiste nd: 4, Berkes 2005), local environmental knowledge local environmental knowledge (Brook et al 2005, Gilchrist et. al. 2005).

The concept of traditional Indigenous knowledge has been made an explicit part of Indigenous research in Canada since the 1960s with Harvey Feit’s (1995) research about the human – land connections of the Waswanipi Cree. The emerging research and knowledge needs around environmental assessment and the early land claims research began with the James Bay and Northern Quebec Agreement in 1975, and resulted in the crystallization of a traditional knowledge and land use research methodology that still influences these fields. This methodology has as one of its foci land use and occupancy studies (Usher 1990). These land use studies have increased dramatically along with the rapid growth of developments

such as mines, dams and forestry affecting Native communities. A common methodology of these studies includes structured interviews about land use and the mapping of this traditional knowledge (Hrenchuk 1993). The term traditional environmental knowledge began to be used in the 1980s in Canada (Feit 1987). During these early decades research work began on the complex Native-land relationships in the north and their knowledge base (Berkes 1977, 1993, Brody 1988, Feit 1987).

First Nation's expressed knowledge can be viewed through its intellectual, cultural and physical location within Canadian colonial history. However, the research that forms the foundation for this thesis focuses on the place traditional knowledge occupies within the conflicted process of resource development and Aboriginal rights. Subjugated knowledge is also linked to the concepts of governmentality, racism, and discourses of truth as articulated by Foucault and further developed by other scholars. These concepts are used as analytical tools with which to disassemble the process of this environmental assessment and the Indigenous Esketemc participation within it. The nature of First Nations knowledge within these conflicts is often a vacuum. Traditional knowledge is mentioned superficially as a concept by government agencies and resource developers, but denied and discounted when the actual knowledge is presented.

The concepts Indigenous, Aboriginal and traditional have all been problematized by the colonial history that has 'othered' these ways of viewing the world, thus separating the body of knowledge from the land and its practitioners (Alexander et. al. 2004, McGregor 2005). Indigenous peoples, anthropologists and developers and government agencies all play a role in articulating the current conflict between various types of knowledge. It has been suggested that the popularity of this topic is due to its ties with domains of resource extraction and development<sup>16</sup> projects (Sillitoe 2002:3), thus making it relevant to different non-indigenous knowledge communities.

These terms, used to refer to local knowledges have different emphases and are modified to suit particular studies. Because the knowledge is so diverse no one term can cover all

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<sup>16</sup> Indigenous knowledge research is also used in Indigenous education research and development (Battiste 2005).



interpretations. Both Traditional knowledge and indigenous knowledge are contested concepts and it has been suggested that much of the uncertainty about these concepts is due to the non-Indigenous interest in this topic (Alexander et. al. 2004, McGregor 2005). Serena Heckler objects to the use of traditional associated with knowledge, because it does not reflect the responsive and flexible quality of the concept (2009:3). It is important to bear in mind that not only is the idea of traditional knowledge applied from the outside, but the concept of traditional is an etic one. This also points to a view defined from a position outside of the culture.

In this research, the terms Esketemc knowledge, Esketemc traditional knowledge or Indigenous knowledge are used interchangeably. The following section will discuss the meanings inherent in these terms.

A voluminous literature has developed regarding Indigenous knowledge and its unique characteristics. A major focus of this knowledge has been on how it differs from European knowledge paradigms, and how it can complement, balance and add to western scientific knowledge. Much of the literature pertains to theoretical concepts and as yet little work has been done to show how western science has made use of this knowledge, or the processes by which it has been incorporated into western scientific knowledge and the results of the incorporation (Brook & MacLachlan 2005, Donovan & Puri 2004, Rist et al 2010).

Dove proposes that the developing interest in traditional knowledge was a reaction to “modernity’s delocalizing impacts’ (Dove 2005:195). The study of traditional knowledge began with ethnobotanical studies of plant nomenclature and organization (Hunn 1982, Turner 1988). This work to systematize and record the “Others” knowledge systems can be seen as part of the colonial endeavor that objectified them (Cohn 1996). In Canada, the contemporaneous development of environmental assessment regimes and the beginnings of modern treaty negotiations with Aboriginal people made this particularly relevant area of study. Peter Usher began to incorporate traditional knowledge in his research on the effects of large developments in northern Canada. He describes it “..as the knowledge claims of those who have a lifetime of observation and experience of a particular environment ... but who are untutored in the conventional scientific paradigm . . . .” (Usher 2000: 186-189). Firket Berkes, another important researcher in traditional knowledge defines it as “ a cumulative body of knowledge and beliefs, handed down through generations by cultural transmission” it

has a focus on “...the relationship of living beings (including humans) with one another and with their environment”. He also emphasized the “...historical continuity in resource use practices... these are non-industrial or less technologically advanced societies, many of them indigenous or tribal” (1993:3).

A benchmark definition of Indigenous knowledge is provided by Erica Daes, who served as the Chairman of the Working Group on Indigenous Populations, and advocate of Indigenous rights, and one of the principle drafters of UNDRIP. She states that

Indigenous knowledge comprises all knowledge pertaining to a particular people and its territory, the nature or use of which has been transmitted from generation to generation (Daes, 1995). This knowledge includes “all kinds of scientific, agricultural, technical and ecological knowledge, including cultigens, medicines and the rational use of flora and fauna” (Daes,1995).

UNESCO and the International Council for Science state that traditional knowledge is

a cumulative body of knowledge, know-how, practices and representations maintained and developed by peoples with extended histories of interaction with the natural environment. These sophisticated sets of understandings, interpretations and meanings are part and parcel of a cultural complex that encompasses language, naming and classification systems, resource use practices, ritual, spirituality and worldview (ICSU and UNESCO, 2002: 9).

While specific definitions differ, underlying all of these meanings is the appreciation that Indigenous knowledge is an inclusive concept. The different epistemological foundation of traditional knowledge emphasizes connectedness, holism and spirituality. Firket Berkes (1993) has characterized the differences between traditional knowledges and science based traditions as being “qualitative as opposed to quantitative” (1993:4), “has an intuitive component as opposed to being purely rational” (1993:4), “holistic as opposed to reductionist” (1993:4), “moral as opposed to value-free” (1993:4), “spiritual as opposed to mechanistic” (1993:4) and it is based on “empirical observations” as opposed to hypotheses testing and “experimentation” (1993:4). Traditional knowledge is also accumulated by the users of the resources as opposed to researchers, it is also “diachronic” as opposed to “synchronic” (1993:4). These characteristics create difficulties with incorporating it within the western scientific tradition. It is also acknowledged that traditional knowledge is not static. It is flexible and responsive to changing conditions. Thus it incorporates solutions to problems and preserves these solutions (Battiste 2005:6; CSTC nd, Sillitoe 2002). This

knowledge is an important part of survival for many Indigenous and traditional peoples throughout the world (ANSC nd).

Traditional knowledge must be held by the practitioners in order to be meaningful. It incorporates the idea of “citizens as experts” (Ontweller 2004:6) and is held by different community members in different degrees. A community’s traditional knowledge represents the total lived and remembered experience of all members of the community (Battiste 2005:7, Sillitoe 2002:9) and its ownership rests with the community. Traditional knowledge cannot exist independently of the holders of the knowledge (Sillitoe 2002). This poses problems when traditional knowledge is taken out of its cultural context, when it may be used incorrectly, and may be seen as theft (ANSC nd). Because of the vulnerable position of many indigenous peoples, there is a fear that this knowledge may be used against the holders of the knowledge (Ibid) or that the knowledge will be used to profit outsiders.

The scope and nature of traditional knowledge is characterized by specific information and general practice. Specificity is seen through the linkage of knowledge to a local and defined physical area. The knowledge is specific to a culture and circumstances (CSTC nd). Its contingent nature is reflected in observations of changes in resource availability and climate change (Turner and Clifton 2009). Specificity is also demonstrated through guidelines that indicate how the environment can be used and how people can establish relationships with it and other people (ANSC nd).

Generality in traditional knowledge is expressed through its practice. This practice includes attentiveness to the land and people’s relationships with the land. Indigenous knowledge is systemic, covering both what can be observed and what can be thought by all (Battiste 2002:4). This practice recognizes how actions have results on the land. In addition, based on the knowledge of the past it can provide knowledge with which to forecast future effects (ANSC nd). The practice is more than the knowledge about things, it is also the knowledge about how to live in balance, and therefore the practice of traditional knowledge comprises a system of protocol and relationships (Ibid). Another general practice within traditional knowledge is its oral transmission and a general a lack of documentation (CSTC nd).

The concept of traditional environmental knowledge pertains to the domain of knowledge that focuses on the environment and in British Columbia encompasses practices of managing

the environment (Turner and Clifton 2009). The protection of this knowledge also enables the protection of cultural identity.

The relationship between traditional knowledge and science is an uneasy one. Firket Berkes, points out that this connection is problematic because they are based on differing conceptions of the world and differential access to power (2005). Therefore, the ability to view these as equivalent knowledge systems is doubtful. The ANSC also criticizes the attempts to compare traditional knowledge to the western scientific traditional. They point out that science is only a small part of western thought, therefore, to categorize this knowledge as a science artificially constrains it (ANSC n.d.). According to Battiste, Eurocentric attitudes see European or western cultures as developing while Native people are “frozen in time, guided by knowledge systems that reinforce the past and do not look towards the future” (Battiste 2002:1; Blaut, 1993). She also describes it as encompassing a much broader field of knowledge than science, and “As a concept, Indigenous knowledge benchmarks the limitations of Eurocentric theory” (Battiste 2002:2).

A significant difference between traditional knowledge and scientific knowledge is the lack of what Foucault points out as ‘attribution’, a cornerstone of the western scientific knowledge base, within which exists the idea of a location and “... each discovery should not only be situated and dated, but should also be attributed to someone; it should have an inventor and someone responsible for it” (Foucault 1971). This causes problems for traditional knowledge within the environmental assessment process. Its sometimes anonymous and communal nature is experientially based. This non-commodified nature of the knowledge leads to a blindness on the part of some, who remain unaware of the depth and significance of the information communicated. Sillitoe describes cases in which local knowledge is ‘dismissed’ and labeled as problematic because it is perceived as “non scientific, traditional and risk adverse, even irrational and primitive” (Sillitoe 2002:3). Nadasdy also criticizes the attempts at integrating traditional knowledge with science. These attempts he thinks have more to do with imposing western science and governmental management systems onto traditional knowledges, than any attempt to treat the knowledge systems as equivalent (Nadasdy 1999). A common theme in the criticism of how traditional knowledge is used in conjunction with science is that it is reformulated to fit into a scientific paradigm (Spak 2005).

Traditional knowledge comprises some of the evidence that served as a basis for the interaction between the Esketemc and agencies such as the Canadian Environmental Assessment Agency. The traditional knowledge information is what government agencies and developers require in order to assess whether a development will be infringing on Aboriginal Rights and Title. In this context, the information is usually site specific and focuses on physical resources. There are no guidelines for what constitutes traditional knowledge, nor are there any tests of criteria such as frequency of use or type of use. This results in traditional use information being assessed by non-community members, usually in a written or mapped format, without the cultural context.

The Canadian Environmental Assessment Agency, on its web page for Considering Environmental Knowledge in Environmental Assessment provides a minimal definition of traditional knowledge, or Aboriginal Traditional Knowledge (ATK) as "...knowledge held by and unique to Aboriginal peoples" (CEAA 2010c). They point out that "...there are many different definitions of ATK in the literature, there is no one universally accepted definition. For this reason, a definition of ATK has not been provided..." (Ibid).

In its Fairness and Service Code, the British Columbia Environmental Assessment Office does not define traditional knowledge, but states that a developer may want to include First Nations traditional knowledge, interests and mitigation in their environmental impact assessment studies (BCEAO British Columbia Environmental Assessment Office 2009a).

These decontextualized references to traditional knowledge can be seen through what Mary Pratt terms as the colonial "European knowledge building project" (Pratt 1992:18). This views Indigenous knowledge from an empirical positivist perspective that positions European knowledge systems at the forefront and denigrates native or indigenous knowledge through the "systemization of nature" (1992:38). She stresses that the "discovery" of the new knowledges and the world they existed in meant "...converting local knowledges (discourses) into European national .... knowledges associated with European forms and relations of power" (Pratt 1992:203). The natural world and physical phenomena became a "finite, totalizing order of European making" (Pratt 1992:38) perpetrated through colonial and neocolonial power (1992:135). The lack of coherence that results from viewing Indigenous knowledge from a positivist perspective is emphasized by Battiste and Henderson who maintain that "Researchers cannot rely on colonial languages to define Indigenous reality"

(2000:133). They state that the colonial language contains a world view that can be inimical to Indigenous world views.

Sillitoe has indicated this is a nuanced area of study, and needs more research in order to understand the local uses of language and knowledge (2010:13). The linguistic determinism expressed by Battiste and Henderson (2000) would infer that those Aboriginal people who speak English should not understand their traditional culture. This is not the case among the Esketemc, and I suspect other First Nations as well. This can be accounted for by the localization of language, in which the weight of traditional experience and knowledge is infused into the dialect, place names and oral history of the community. While ostensibly English, it is a rich variant, infused with traditional knowledge and experience. The layered meanings of certain terms are fully accessible to people from the community but may not be so to outsiders. References to certain locations may have a deep spiritual resonance in the community because of their sacred nature. This is an important aspect that plays a significant role in some of the problems within the Panel hearings. This lack of correlation between a person's spoken local experience, and the understanding of that spoken experience by an outsider is filtered and limits comprehension. In the opening quote of this chapter, Arthur Dick told the Panel "I hope you can hear what we're trying to say to you" thereby identifying the distance between the Esketemc spoken word and what is heard by outsiders.

Traditional knowledge is a more comprehensive system of knowing than western science. This is illustrated by the awareness of relationships between people, between people and animals and the land. The use of English by the majority of the Esketemc is seen in two perspectives. First, it is seen as the legacy of residential schools, where Native students were severely punished if they spoke their language. In this sense, it is the language of colonialism. But it is precisely this colonial language that can serve to empower community members to stand up for their rights. During the Panel hearings, Arthur Dick referred to historic government agreements with the Esketemc; "That's what the old people said. Those old people over there, they knew that. The only thing about them, they were screwed. They couldn't understand English. Now we understand English" (CEAA 2010a:4638).

The layered nature of First Nations knowledge represents it through a different epistemology than the empirically based scientific knowledge that dominates much of Canadian and

western thinking. This places traditional knowledge in an oppositional position and locates it not only as a subjugated knowledge, but as representing a subjugated culture (Young 2001).

This is the knowledge that the Canadian Environmental Assessment Agency feels it most appropriate for the incorporation into environmental assessments. They state "... environmental information (such as ATK dealing with wildlife migration patterns), can be readily integrated with other environmental knowledge. Knowledge about, or based on, values and norms, is not as readily integrated with scientific data sets." (CEAA 2010c). This focus on empirically based knowledge ignores the other facets of traditional knowledge and opens it to misuse. This decontextualized framework is one of the reasons that First Nations are reluctant to share information with outsiders. Because underpinning this knowledge are the rituals and protocols that are encoded onto the land that are reflected in cultural values. A young Esketemc community member described the importance of land based rituals during the panel hearings,

You are coming through our traditional land. Ritual. You have to come in ritual. Tobacco ... you can present it to us, but the one you're talking to is ... our forefathers, you present it to them, and then you ask through the drum and through the pipe. There's a pipe in this pouch, the stone that's going to be mined is a relative of this, what we use to talk to the Creator. In ritual, you have to smoke and make a gateway to that communication. But if you come with your paper, you're going to meet disagreement. ... You met disagreement because the ritual wasn't followed. The protocol wasn't followed. The traditional protocol wasn't followed (CEAA 2010a:4714-5).

This description of following traditional values and offering tobacco in order to create a channel of communication is an important part of the context around traditional knowledge. Without the connection to the forefathers, without the respect that accompanies tobacco, respectful relationships will be difficult to achieve.

It is important to note that traditional knowledge contains empirical knowledge. This knowledge of fish spawning, characteristics of animal migrations for example, is based on generations of observations that are mediated by cultural values. The different First Nations communities' experiences of traditional knowledge can be characterized as a continuum of traditional knowledge that ranges from sacred and spiritual relationships and stewardship to empirical observations. However, the information accepted in environmental assessment is based on an empirical scientific perspective and does not readily incorporate spiritual values.

## 2.9 Traditional Values

Traditional values are embedded within the concept of traditional knowledge. The term 'value' is a contested one within anthropology. Early anthropological work on values was undertaken by Clyde Kluckhohn (1951). He represented values as guides for an individual's behaviour (Graeber 1996:2). Raymond Firth's work is linked to Kluckhohn's ideas of values and indicates that in some cases values are "...equivalent to ideals, to social imperatives, to the basic assumptions of a society, to the dictates of moral obligations" (1969:208). Graeber follows this line of reasoning and attempts to define values as ideas "... of what is ultimately good, proper, or desirable in human life (1996:1). Ultimately, Firth characterizes values as a way to understand the significance and implications of human behaviours (1969:208). Furthermore, Groenfeldt interprets values as a reflection of the positive and as "guiding principles of a social group" (Groenfeldt 2003: 919).

The concept of values has another economic interpretation that define them as "...the degree to which objects are desired, particularly as measured by how much others are willing to give up to get them"(Graeber 1996:1). The work of Charles Nicholls (1999:5-6) is mentioned by Graeber as an example of an inconsistent and untenable perspective on values. Nicholls' attempt to apply microeconomic theories to a range of cultures was inaccurate. The inapplicability of this type of economic perspective was pointed out as early as the 1920s by Malinowski who observed that time and efforts are spent by people without financial compensation being the motivation (cf. Graeber Nicholls 1999:5-6). This is an interesting observation in light of Foucault's concepts of 'natural economic laws' that he observed as an implicit value shaping society.

The concept of value is used frequently among Aboriginal groups in Canada. Its usage refers to the core cultural values that differentiate the Aboriginal culture from the non-Aboriginal or Euro-Canadian culture. According to Floyd Pepper, a member of the Creek Nation, First Nations' use of values as a concept (Pepper 1996) describe the core of "...commonly held values..." located at the centre of First Nations' society (Pepper 1996:2). He also conveys that the method of teaching these values is distinctive, and as such, in contrast to the European or dominant society. There is no formal instruction; teaching is through the use of stories and observation (Pepper 1996). Other values that he emphasizes as the core values



include assistance to others and respect for elders. These values are seen as a way of healing the history of colonization;

“First Nations values offer strength, a sense of belonging, rules for proper behavior and a fine sense of identity in their life. First Nations people who continue to rely on traditional values and institutions look at the world and see themselves as a part of it—see themselves in a caring and supportive relationship to all human beings. They feel the earth is the source of life and give reverence to the earth and to the wonders of life coming from Mother Earth. They give spiritual regard and respect to the animals, the plants, the land, and to the universe (Pepper 1996:3-5).

This expression of the relationship between people and the land underlies the concept of traditional knowledge as it is utilized in this research. In the European worldview, the concepts of land, nature and the natural world are seen as separate. Yet, as described here, many Indigenous cultures and languages have a different perspective and values. For example the Inuit word *Qaujimajatuqangit* has been described as

“...an Inuit epistemology that cannot genuinely make the translation from Inuktitut to English...” it refers to “all aspects of traditional Inuit culture including values, worldview, language, social organization, knowledge, life skills, perceptions, and expectations. [it]. is as much a way of life as it is sets of information” (Nunavut Social Development Council, 1998 as described by Aylward (2007:1).

Traditional values are also seen as a way in which healing and rebalance can take place within communities (Connors 2004:3) to counter the effects of colonialism and subjugation. The concept of values, as utilized by First Nations serves as a guide to issues that are important to a community. Values are encoded into traditional knowledge through protocols, beliefs and behaviours.

Values that are rooted in traditional knowledge are “inherently tied to land, not to land in general but to particular landscapes, landforms, and biomes where ceremonies are properly held, stories properly recited, medicines properly gathered, and transfers of knowledge properly authenticated” (Battiste 2002:8). The link between the knowledge and the land serves as a way to ensure protocols and behaviours are adhered to, because “the complete and accurate transmission of knowledge and authority from generation to generation depends not only on maintaining ceremonies... but also on maintaining the integrity of the land itself”. She notes that this can be done through “...the web of relationships within a specific ecological context...[that] has localized content and meaning; has established customs with respect to acquiring and sharing of knowledge ...and implies responsibilities for possessing

various kinds of knowledge.” (Battiste 2002:8). This dynamic practice of traditional knowledge places it outside the empirical paradigm that the environmental assessment process can utilize.

This research assumes and incorporates Lertzman’s observations that the holistic nature of traditional knowledge must be present in order to maintain “integrity” (2003:4). These elements include physical and temporal aspects, as well as “socially mediated” and “culturally located” and methodologically appropriate aspects (Ibid). He stresses that this system of knowledge is the” cultural” and “social capital” of a community. If any of the elements are missing, the knowledge system is compromised. Traditional knowledge is the capital that ensures the connection with the landscape and the life it supports, as well as community relationships and the incorporation of a spiritual view of the world.

Throughout the years of work with the Esketemc I observed that, paradoxically, traditional knowledge as a category cannot exist independently of an oppositional knowledge force. It is precisely its traditional nature which is traditional only in contrast to an oppressive and controlling type of knowledge. Battiste supports this perspective “For as long as Europeans have sought to colonize Indigenous peoples, Indigenous knowledge has been understood as being in binary opposition to “scientific,” “western,” “Eurocentric,” or “modern” knowledge”(2005:2). Sillitoe develops this idea further by stating that this binary and oppositional perspective ‘privileges’ western science, because it does not describe or acknowledge the differences between the different traditional knowledge systems, only the larger differences between Indigenous knowledge and western science are noted (2002). However, he acknowledges that there is no consensus on the nature of this ‘knowledge’ (2010). I would agree with Swazo that within a colonial perspective it is the colonizers’ hegemonic knowledge system that it being imposed on and which assesses the Indigenous system. It is the colonial dynamic that emphasizes the differences (Swazo 2005:569).

It is traditional knowledge that illustrates the Esketemc connection between the land and spirituality; it provides the link between the stewardship (Paci et al 2002) of the land and cultural values, it provides the cultural teachings as part of the interaction with the land, and it provides the detailed extensive knowledge about environmental life systems through oral history and accumulated experience. It is culture specific and creates cultural values. Traditional knowledge is the land and its history portrayed through culture and kinship, thus

it becomes a situated and bounded knowledge (Pratt 1992) that flourishes within its environment. There is little spillage of traditional knowledge into the Euro-Canadian knowledge system.

A general definition of traditional knowledge links a location and the accumulated knowledge that has been obtained there. Yet knowledge is more than facts, it is flexible and it changes; it includes what we know about a topic, the way in which we know something, what we should know and the reasons for holding this knowledge.

## 2.10 Timucwuleucw- Land

The foundation of Esketemc traditional knowledge is the land, the timucwuleucw.

Chief Fred Robbins states that,

We are stewards to the land. And are here to protect the lands and the waters and the resources which sustain our culture, our way of life. We have title to the land. We have come here from the land, which provides us with natural wealth.

For generations we have exercised our right to hunt, fish, proven in a court of law, and gather traditional medicines, plants, berries and roots. This is how we learn our culture, how we live sustainably with the land, and it is how we teach our children the land defines us (CEAA 2010a:4594).

This close connection to the physical landscape defines the Esketemc and this close relationship is beset by political, social and cultural conflict. For Indigenous peoples this issue was identified by the UN in article 25 of their recent adoption of the Declaration on the Rights of Indigenous Peoples. It has also been identified as a concern by numerous international agencies and NGOs.

Rudolfo Stavenhagen, special rapporteur in the United Nations Commission on Human Rights has said;

From time immemorial indigenous peoples have maintained a special relationship with the land, their source of livelihood and sustenance and the basis of their very existence as identifiable territorial communities. The rights to own occupy and use land is inherent in the self-conception of indigenous peoples and generally it is in the local community, the tribe, the indigenous nation or group that this right is vested (Stavenhagen 2002: para 39).

This Indigenous right to the land is a significant issue. Erica Daes in her report to the UN on the situation of Indigenous peoples, states that;

Indigenous societies in a number of countries are in a state of rapid deterioration and change due in large part to the denial of the rights of the indigenous peoples to lands, territories and resources ... Para 42 Daes as cited by Stavenhagen (2002).

While international standards acknowledge the right of Aboriginal people to their land and to their cultural integrity (Anaya 2004) this is seldom enacted to the benefit of Indigenous peoples.

The Indigenous concepts of land and landscape have overlapping meanings. Land can refer to the physical aspect, the earth and the resources the earth supports. It can also refer to a particular designated area, to a people found within one region. It can also allude to the types of land ownership represented within cultures. Landscapes refer to those physical realms surrounding individuals and to which they feel an attachment, thereby transforming them into cultural landscapes (Keller 1997).

According to Christian Keller the landscape has ideological, mythical, historical, and cultural dimensions and exists as a result of "...a physical landscape [in conjunction with]...a mental landscape [which become]... a cultural landscape" (Keller 1997:90). An interesting dimension of the mental landscape is that different groups can live in one area but have differing cultural landscapes. It is important to note that there are differing interpretations and relationships to the land (Lewis 1995).

The Gwich'in people of the subarctic state;

... land ...refers to the entire environment, including wildlife, water and air. It refers to the interconnections, the people and a larger worldview. The Gwich'in do not see these as separate; the world cannot be compartmentalized. Thus, the use of the term "land" refers to all of the land, people, wildlife and interconnections (cf. Gwich'in Renewable Resource Board 1997 from Smith 2005:61).

An indigenous animist perspective of land has also been described by Descola (1994). He proposes an ideological and spiritual perspective which perceives the world as a continual process of change or 'creation' instead of a fixed and known reality. Leroy Little Bear a member of the Blood Tribe of the Blackfoot Nation (2004:27) describes this as a continual state of 'renewal' or "transformation" (2004:30). He provides examples of the many ceremonies which focus on this renewal, such as "sweatlodge, sundance and medicine bundle ceremonies" (Little Bear 2004:28).

The differences between Aboriginal and non-Aboriginal people and their concepts of land is addressed by Little Bear (2004). He identifies the concepts of space and time to represent these different cultural perspectives. For the Aboriginal people, space is a significant organizing principle that leads to a view of existence as cyclical, resulting in a holistic view of the world. In contrast, the Euro-Canadian view uses time as a linear compartmentalized organizing principle that leads to a view of existence grounded in the 'now'. The future may be predicted or guessed at, but it is only the present one can be absolutely certain about. In this view, present resource needs, such as timber, water or gold take precedence over future cycles of life.

Lewis (1995) describes the cyclical relationship of Indigenous people and the land as comprising multiple dimensions. Not only is it "an immediate relationship with their physical environments..." but there is also a "unity in the physical and spiritual universes, the union of the natural and supernatural"... and the "...origin cycles, oral traditions, and cosmologies" form a connection "with all animate and inanimate beings, past and present" (Lewis 1995:423).

He does not see this relationship as frozen in the past but the placing of Native people on reserves, the adoption of agricultural and ranching based economies and government imposed management systems are part of the continuing cycle of adaptation. The continuing adjustment to resource based industries build on the deep cultural history (Lewis 1995:423). Native people he points out are not passive inhabitants but are stewards of the land physically and spiritually (Lewis 1995:423).

The stewardship of the land is an issue that is frequently brought up by the Esketemc. This stewardship is their obligation within their lands. The concept of territories and lands is another contested concept. Community members have stated that in the past the boundary was 'where the language changed', indicating that in the past there was a much less prescriptive approach to boundaries. This active relationship with the land has been described as responsive. Li points out that "When tribal or ethnic boundaries *are* clearly marked, they can usually be traced to specific histories of confrontation and engagement" (Li 2000:10). For many of the First Nations groups in the Cariboo, this process of identifying boundaries emerged with the beginnings of the British Columbia Treaty process in 1993. In order to file a comprehensive land claim, First Nations needed to clearly define the boundaries of their

territories. The concept of boundaries has been described by Roth (2009) and Sletto (2009) as part of the colonial commodification of the land, wherein different areas have different values and political and economic relationships.

Through the study “of region, domain, implantation, displacement, [and] transposition on, one is able to capture the process by which knowledge functions as a form of power...” (Foucault 1980:86 cited in Crampton and Eldon 2007:177 ). This means that power is managed through the identification of space and area. The identification of space is not an inherent quality of power. The identification imposes a quality and definition onto it. Thus the spatial description of an Indian Reserve, lands set aside for the use of Indians is an arbitrary designation, a form of power and meaning imposed onto the landscape and onto First Nations. Mary Pratt emphasizes that the “European discourse of landscape deterritorializes indigenous peoples, separating them from territories they may once have dominated, and in which they continue to make their lives” (1992:135).

### 2.11 Loss

An underlying theme through much of the environmental assessment process is loss. The Esketemc community had fears that the gold and copper mine project would lead to environmental degradation, irreparable cultural loss and the death of their culture. This fear of cultural loss has sparked a strong reaction within the Esketemc community and other community groups within the Cariboo.

Because of its link to the land it has been emphasized that traditional knowledge is disappearing (Battiste 2002:4) and “there is an urgent need to conserve this knowledge to help develop mechanisms to protect the earth’s biological diversity. The United Nations Convention on biological Diversity recognizes the importance of IK to the conservation and sustainable use of biological diversity, acknowledges the contributions of IK as innovative approaches to environmental studies...” (Battiste 2002:5). Battiste has also pointed out that there appears to be a process in place to intentionally destroy traditional knowledge, to erase it and entrench European knowledge (Battiste 2002: 2) as part of the colonial project.

Cultural loss is defined here in the sense of the loss of cultural meaning and knowledge. This fear of loss, is the fear of losing the knowledge that serves as a central nexus integrating spirituality, protocols, values and physical survival. This concept incorporates traditional

knowledge, and uses concepts of cultural connectedness to the land is based on the work done by Snyder, Williams and Peters on the Exxon Valdez oil spill (2003). They identified that “the very concept of a culture—cannot, as modern economic concepts presume, easily be separated from its geographic location” (2003:2). Stuart Kirsh’s work also looks at cultural loss because of industrial development. He stresses that (2001, 2002) “the theme of loss has echoes throughout the indigenous world, often in association with damages to and/or displacement from their land” (Kirsch 2001:167).

Loss can occur on a large public scale or be intimate and personal. The issue of cultural loss is complex and based on my work with the Esketemc I have observed several types and levels of cultural loss pertaining to the relationship with the land and those things that touch upon the land.

The losses fall into several different categories; these are exclusion, the loss of characteristics and invisible losses as identified by Turner et al (2008). Loss by exclusion refers to physical exclusion, or physical loss due to restrictions placed on what can be done on the land. Physical loss can result from the change in land status. Lands that were once part of the Esketemc world were pre-empted, sold or otherwise alienated from the Esketemc. The presence of exclusive leases such as mining leases may result in complete or partial exclusion from the land. This is particularly devastating and can include the inability to even view the land. This affects identity, history and reproduction of the culture. Physical loss due to restrictions can include hunting restrictions, restrictions on fishing or any limitations on other activities such as sweat bathing or Sundance ceremonies.

The loss of distinctive traits or characteristics of the land are another type of loss. These can be caused by changes in the nature of the landscape. This can entail change to plants, from their destruction or the introduction of new plants species. It can be caused by changes to water systems such as water tenures, or changes in landscape morphology. These can be due to multiple factors, including heavy recreational use, construction of mines and transmission lines, forestry and privatization of land, grazing, and hunting.

Disrespect of sacred areas constitutes another type of loss. This arises from what the Esketemc view as disrespectful uses of the land include things such as overhunting, poaching, occupation or use of an area in such a way that it becomes a hostile environment for wildlife.

Activities such as riding motorbikes, driving on sacred areas, graffiti on pictographs or petroglyphs, and the destruction of fragile ecosystems and littering constitute desecration. The loss also includes the effects of non-local hunters or fishers, or harvesters of wild plant foods such as mushrooms. These may deplete resources and affect animal populations and wild resources.

The loss through resource extraction such as forestry and mining can be profound. It can lead to the loss of landmarks, the loss of guides to navigate the land physically and spiritually. This is devastating when elders who have lived in an area for most of their lives' become lost and disoriented after it has been logged. This loss can be seen on several levels, a physical disorientation caused by the loss of landmarks as well as the personal cultural and spiritual losses that accompany it.

The loss of subsistence can mean the loss of food and more. Subsistence is a term used very differently by Natives and non- natives. Based on her work in Alaska Lee states that for Native people "...subsistence is a collective right based on sharing, [while] non-Natives...consider **subsistence to be the satisfaction** of minimal dietary need" (Lee 2002:3). Conflict between the Native collective view and the non-native individual and personal views of subsistence. Collectively subsistence products are an important item of interaction. The sharing of resources, the interaction upon going out to gather resources is an important part of social interaction, and the maintenance of social relationships. There are three areas of subsistence, its practice, the spirit within subsistence and the products of subsistence (Lee 2002:4).

Elder Arthur Dick points out "the practice of subsistence is not just the act of hunting, it is learning from the animals, respecting the animals and learning patience. Animals teach people how to live. As the Esketemc have stated "This can't be learned from a supermarket" (Dick 2010). Food sharing is expected within the Esketemc community, hunters and fishers share their meat with the community. When medicines, plants and berry foods are harvested, they are shared in a reciprocal network of obligations. It is not just the Esketemc on reserve, but those who live off reserve who also depend on the hunted food, the fish and the plant resources. Students on a limited budget going to university depend heavily on the salmon and meat obtained by Esketemc community hunters.



The Esketemc as with other First Nations and indigenous groups around the world are concerned about the disappearance of their language and what this will mean for their culture. However, Lee stresses that “Sharing of food is a more important act of bonding than even language” (Lee 2004:7).

The Esketemc have always travelled on their lands as needed. The Esketemc relationship to the land is that of a steward, and their place on the land encompasses the right to travel and to collect foods, medicines and materials as they require. In addition, it includes the right to hunt and fish and use water resources as needed. The relationship to their land also has cultural, sacred and spiritual and historic dimensions. The Esketemc place on the land is also linked with their obligations to the land. Just as the Esketemc culture belongs to the land, they also have a responsibility to the land to protect it for current and future generations. These rights of access, use and care are self-evident to the Esketemc.

The significant pressures currently experienced by the Esketemc on their lands and resources are a serious threat to the Esketemc. The inability to use the traditional resources and maintain traditional aspects of their way of life that are central to their culture is resulting in the alteration of traditional patterns of land usage. This has resulted in a pattern of incremental losses over time. There is a danger that not only will the practices themselves be threatened, but the knowledge of these practices may be lost.

Traditional knowledge as expressed within the Esketemc is more than a static body of knowledge that describes the land, its resources and its biological systems. Traditional knowledge also encompasses the history of the knowledge itself. In this way it is a philosophical approach to the natural world as much as it is a body of information.

Traditional knowledge among the Esketemc also has a spiritual component. It is linked with the relationship of the Esketemc with *Kalkukpe7*, the Creator. The Creator gave the Esketemc the responsibility to look after the land and the life it contains. To look after the land means to respect the life it supports.

The stewardship also means being aware of the different elements of the land and life. These four elements include water, earth, fire and air. They are all necessary for survival. Respect is paid to these elements. Reminders of the importance of these elements are given during ceremonies, gatherings, prayers.

The interconnection of the Esketemc with the natural world is exhibited in people's prayers. Prayers are often ended with the phrase, 'all my relations' that refers to the connection of the person saying the prayer with the other forms of life and emphasizes the close immediate bond with the earth. It stresses the multiplicity of the relationships, that as in a family, the people and the animals and other spirits are connected.

Traditional knowledge encompasses the history of itself as well as how it is passed on. It can be expressed as the guidelines for the community values.

Loss of the connection to the land has a serious effect. This means that the Esketemc have not fulfilled their obligations to the Creator. The long tradition of responsibility for the land is a frequently occurring theme within the Esketemc community. The Esketemc state that they seek to meet their responsibility for the land as given to them by the Creator Kalkukpe<sup>7</sup>. The Esketemc belong to the land.

## 2.12 Summary

This chapter has reviewed and discussed disputed concepts of identity, tradition, knowledge, land and loss to provide the analytical tools from which to approach the environmental assessment process and to understand the Esketemc struggle to hold onto their culture. The disputed nature of these concepts also provides insight into some of the external pressures facing the community.

### **Chapter 3 The Esketemc: An Introduction and Background**

*Knowledge is passed on through the Elders; it is a lifelong apprenticeship and learning.*

Esketemc Elder Nov 12, 2010

The objectives of this chapter are to provide an introduction to the Esketemc<sup>17</sup> community; to briefly describe the research undertaken about the Esketemc, and to provide a cultural and historic context. These will provide a genealogical context in which the current non-Native land development and land use conflicts that affect the community can be understood. The examination of these colonial actions and their effects on the Esketemc provide a framework with which to employ the Foucauldian genealogical method, through the comparison of the differing histories and discourses of the Esketemc and the government, its representatives and the Catholic Church, it is possible to see the antecedents to today's resource and land conflicts. The Foucauldian method enables the understanding of the historic units of analysis to develop comparative perspective in order to understand the historical, environmental and social contexts between the Esketemc and the dispositive of the mining industry at the proposed Prosperity mine project at Fish Lake.

The results of colonial power on the Esketemc are shown as are its multiple effects on the attrition of their cultural base, land, resources and the use of resistance by the Esketemc. The long term view of the changes to the Esketemc relationships with the land and the Esketemc responses to these is a topic that has not yet been addressed in the research about the community.

The Esketemc are an Indigenous Secwepemc community whose lands are located in the Cariboo region in central British Columbia, Canada. The Esketemc say that they have occupied their lands since time immemorial and the relationship with the land is central to the Esketemc world view as their Tsemne7'ple or community philosophy states. The Esketemc see it as their responsibility to steward and care for their land, and that their occupation of these lands is by the will of the Creator.

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<sup>17</sup> Esketemc is also spelled Esk'etemc

The Esketemc are part of the larger Secwepemc<sup>18</sup> Nation. This identity as a Nation is based on a common language, customs and history. This is seen in the ability of the Secwepemc to form alliances, as in the Shuswap-Okanagan confederacy (CEAA 2010a:4632). Former Esketemc Chief, Andy Chelsea spoke about the Secwepemc land extending into southern British Columbia and said, “It’s still Secwepemc land. So we own. We’re Secwepemc people and those guys speak my language down there” (CEAA 2010a:4721). According to a young Esketemc man the customs of the Esketemc and the Secwepemc are similar and “...for myself, I am a student in the Esketemc culture along the Secwepemc ways of the Shuswap People” (CEAA 2010a:4992). The extended cultural bonds and the underlying sense of Secwepemc cultural identity is strongly expressed by the Elders. While this traditional identification has been modified by the historic imposition of government segmentation into politically and economically autonomous bands and distinct reserves; the underlying identity



**Figure 6: Approximate location of the Esketemc territory as Secwepemc remains.**

<sup>18</sup>Secwepemc is also spelled Shuswap. However, confronted with the rapid loss of the Secwepemc language, and with the increasing acknowledgement of the importance of the language to the maintenance of traditional culture there has been a return to the use of traditional words, pronunciations, and the development of more standardized spellings.

The Secwepemc occupy a territory of more than 180,000 square kilometers<sup>19</sup> in south and central British Columbia [Map 2]. The territory extends from the east slope of the Rocky Mountains westward to Tête Jeune Cache, to the Quesnel Lake drainage and westward along the Fraser River and to the westernmost extent along the Taseko drainage in the Chilcotin, then south east to Kamloops and to the Rocky Mountains. The Fraser River is an important locus for settlement and resource harvesting of the large salmon runs within this territory. The Secwepemc communities lived along this river from Alexandria in the north to Lillooet in the south (Duff 1965)

Neighboring the Secwepemc Nation in the north are the Carrier Nations while to the West is the Tsilhqotin Nation; both are Dene or Athapaskan speakers. To the east are the Cree and Blackfoot, while the southeast are the Tunaxa peoples. To the south are the Salishan speaking Okanagan, and Nlakapamux, as well as the more westerly Halkomelen, and the Lillooet.

The 17 Secwepemc communities have a membership of more than 7,000<sup>20</sup>. These are Esket [Alkali Lake], Xgat'temc/Stswcemc [Dog Creek/Canoe Creek], Xats'ull [Soda Creek], T'exelc [Sugar Cane], Tsq'escen [Canim Lake], Llenlley'ten [High Bar], Sexqeltin [Adams Lake], Tk'emlups [Kamloops], Qw7ewt [Little Shuswap], Sk'etsin [Neskonlith], Simpew [Chu Chua], Tsk'wylecw [Pavillion], Knpesq't [Kinbasket], Skitsestn [Deadmans Creek], Splatsin [Spallumcheen], Pelltiqt [Whispering Pine, Clinton], St'uxwtews [Bonaparte] are linked by a common language, a common history, and by relationships and by customs that span generations.

The Secwepemc Nation is roughly divided into northern and southern peoples; the division is primarily based on linguistic, geographic and some cultural differences. The Esketemc is one of the five northern Secwepemc communities.

The Esketemc territory [see map 3] as defined by the community for treaty negotiation purposes covers an area of approximately 13,458 sq. kilometers<sup>21</sup>. Esketemc Reserve Lands<sup>22</sup>

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<sup>19</sup> From the Secwepemculeucw (<http://landoftheshuswap.com/msite/land.php>)

<sup>20</sup> This includes individuals within these communities who have 'Indian status' as defined by the Canadian Federal Indian Act legislation (<http://www.secwepemc.org/adcpplint.html>).

<sup>21</sup> This covers the area filed for treaty negotiation purposes. However, the area used by the Esketemc encompasses a much larger area.

comprise approximately 9,385 acres (37.9 sq kilometers) only a small fraction of their original lands. Reserve lands are those lands set aside by the Federal government for the “benefit” of the Indians; they are held in trust for the First Nations, but are owned by the crown. Currently, the Esketemc reside on seven reserves out of a total of 16. The development of other reserves has been hampered by the policies of the Department of Indian and Northern Affairs. This department has historically controlled most aspects of life on reserve such as what houses are built, where they are built, and what services can be provided.

### 3.1 The Environment

The Esketemc occupy a varied environment that ranges from dry sage brush desert, rare grasslands and Douglas fir interface, as well as extensive lodge pole pine forests and alpine areas. The terrain relief encompasses high elevation alpine areas to dry desert-like conditions along the banks of the Fraser and Chilcotin Rivers. This unique environmental diversity and the rich resources have been crucial aspects in shaping the nature and character of the Esketemc culture: their spirituality, world view, belief systems, social organization and subsistence base all have their foundations within this landscape. There are 14 different biogeoclimatic units within the Esketemc traditional territory which provide a diversity of resources and environmental microzones.

Since the beginning of non-native settlement in the area, 150 years ago, the regional environment and resources in the Cariboo have undergone a dramatic change. In the early 1990s, the region was still heavily forested with a predominantly lodge pole pine forest and smaller spruce and Douglas fir forests. However, many years of commercial logging and a pine beetle infestation have changed the environment and cut forest resources. In addition to large clear cuts, the pine beetle has killed most of the lodge pole pine in the area.

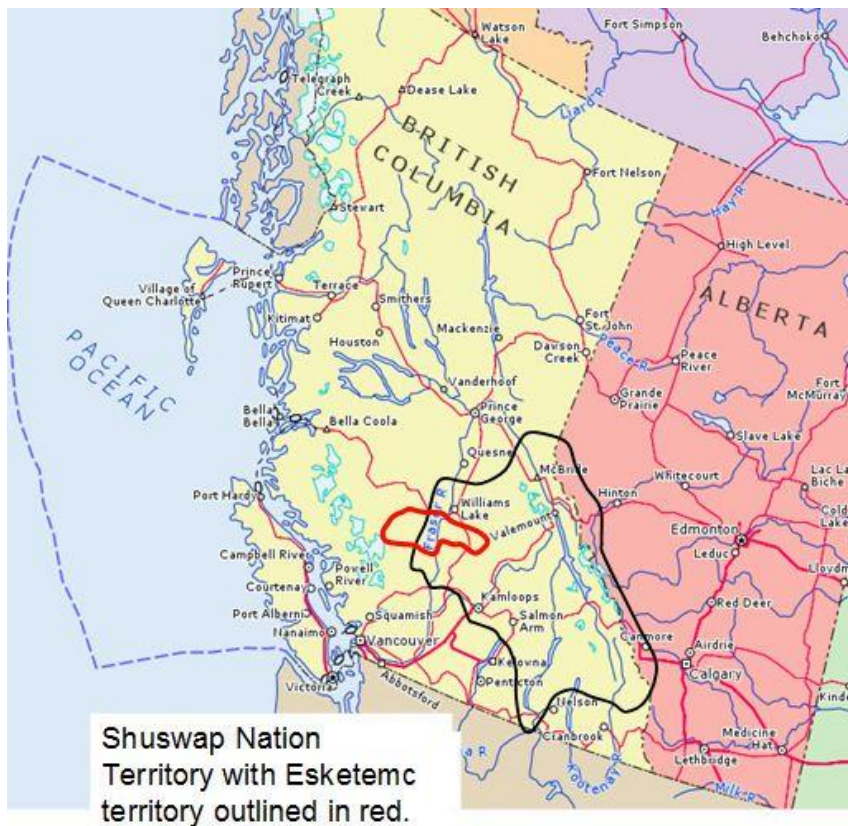
The socio-economic status of the central Cariboo area where the Esketemc are located is based on a rural regime with ranching and forestry as the economic mainstays. As of the 2006 census the population of Williams Lake was 10,744 (Statistics Canada 2007b) and the median income was \$54,929. Williams Lake is the main service and shopping centre in the area and

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<sup>22</sup> Reserve lands are lands that have been allotted to First Nations communities. They are held by the Federal government on behalf of Aboriginal communities.

draws its business from all of the remote rural areas west for some 500 kilometers to Bella Coola and east for 200 kilometres to the small community of Likely.

### 3.1 The Esketemc Community



**Figure 7: Shuswap Nation territory outlined in black, the Esketemc territory is outlined in red. Based on information from the Shuswap Nation Tribal Council. [SNTC] and James Teit's 1909 map.**

The main Esketemc community is located on Indian Reserve # 1, about one kilometer east of Alkali Lake, and approximately 50 kilometres southwest of the City of Williams Lake. Esketemc band membership, which encompasses those individuals who have 'Indian Status' under the Federal Indian Act numbers 851 individuals. As of 2012 census, 413 people lived on reserve (Aboriginal Affairs and

Northern Development 2012a).

Due to a housing shortage, lack of employment and educational opportunities, many band members have been forced to move elsewhere. The population is young; a total of 51% of the on reserve population is under 25 years of age. As of 2006 the median Esketemc income was \$10,208 or about 20 % of the median non-native income (Statistics Canada 2007a).

### 3.2 Research about the Esketemc: Historic and Community Information

Some of the units of analysis that provide information about the Secwepemc and the Esketemc consist of ethnohistoric records. These were recorded by various individuals and included the religious orders working to convert the Indigenous people in central British Columbia. According to Father LeJeune, an Oblate priest who arrived in the central interior

of British Columbia in 1882, at the time of contact with the Europeans, the Shuswap were the largest and most powerful nation in northwest North America.

The Shuswap tribe had by far the most extensive territory of all native tribes of the Pacific Coast, beginning in the neighborhood of Lillooet, running up the valleys of the Fraser River to Fort George; thence eastward to the country of Tete Jaune and the Rocky Mountains; then along that range southwards to the neighborhood of the Columbia Lakes; and westward to the Arrow Lakes, the Spallumcheen, Salmon Arm, Kamloops, Ashcroft to the starting point, Lillooet....At a rough estimate the territory covers about 40,000 square miles (LeJeune 1925).

James Teit, an ethnographer who studied and wrote about the Secwepemc in the early 20<sup>th</sup> century referred to the Secwepemc Fraser River populations, including the Esketemc as part of the Slemxu'lexamux population (Teit 1909:453). He emphasized the flexibility of movement between communities and family clusters would often spend winters with different groups. This mobility resulted in a fission – fusion type of social structure. In the past, large gatherings occurred (Beeson 1971) and remain a common cultural feature, ensuring a sharing of knowledge, and the maintenance of intercommunity connections on political, social, cultural and spiritual levels (Ibid).

The Esketemc community maintains a strong connection to their history through the Secwepemc language which is passed down orally. Individuals often tell of events from the past that occurred within a large social setting such as family gatherings and community events. More formal occasions, such as band meetings may also be a forum for hearing these accounts. When knowledge about a particular event or particular information is sought, experts in this area, often Elders, are asked to attend and provide their knowledge.

In addition to the oral histories, academic and anthropological work has been undertaken among the Esketemc and Secwepemc. Franz Boas was the first ethnographer to work with the Shuswap, in particular the southern Kamloops Shuswap. He visited them for brief periods several different times (Boas 1891). While informative, his notes are descriptive, general and apply primarily to the southern Shuswap.

During his geological surveys George Dawson recorded information about the Secwepemc. While he stated that his descriptions of the Native people were not complete, his long term work among the First Nations in 1877, 1888, 1889 and 1890 provided him with a direct and personal firsthand experience and knowledge of the communities (Dawson 1892:3). His work



provides interesting and informative observations but, his primary interest was the geology of the area and not the study of the Aboriginal cultures.

The earliest major ethnographic work undertaken in the Esketemc region consists of an ethnographic study of the Shuswap, the larger Salishan linguistic and cultural group of which the Esketemc are part. This detailed manuscript by James Teit (1909) describes the social structures among different Shuswap subgroups, their religion, subsistence strategies, material culture and myths. While Teit visited the Esketemc region in 1887, 1888, 1892, 1897 and 1900, specific information on the Esketemc is not as comprehensive as that which he provides on other Shuswap groups (1909:458). This first ethnographic report was edited by Franz Boas and published in 1909 as part of the Jessup North Pacific Expedition research.

Teit, an immigrant Scotsman, lived in the Lytton and Merrit area where he married a local Nlakapamux<sup>23</sup> woman. His work on the Nlakapamux is extensive because of his long term contact and interaction with them. However, his work on the Secwepemc tends to be uneven and has less depth. In the Alkali Lake area Teit worked extensively with several old men. He stated that,

During the season of 1900 I collected the bulk of my information from several old men in the vicinity of Canoe Creek and Dog Creek and especially from a very intelligent old man called Sixwi'lexken, who was born near Big Bar and in the early days had travelled all over the country inhabited by his tribe (Teit 1909:447).

Further ethnographic work among the Secwepemc was undertaken in 1937, by the anthropologist Verne Ray. Much of his information was based on Teit's work as well as a information from a Shuswap Elder from Soda Creek named Joe Michel (Ray 1942:101-03). His work can has been be described as the first synthesis of the plateau area. It is broad and descriptive and is has been described as centered on trait lists, the presence or absence of cultural traits (Lohse and Sprague 1998).

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<sup>23</sup> Historically this group has been referred to as the 'Thompson' and 'Couteaux' group.

Other research among the southern Shuswap by the anthropologist Gary Palmer focused on ethnobotanical information. This early interest in plants was seminal in developing this very important field of study. Palmer's work was published in 1972 and 1975.

Ethnographic work specific to the Esketemc includes an M.A. thesis written by Catherine Brow in 1967 describing the recent sociocultural history of the Alkali Lake people. Catherine's husband James Brow accompanied her and undertook a separate study (1972) for a series on ethnocentrism. This work provided individual interviews with numerous informants on intergroup relationships.

The anthropologist Elizabeth Furniss has researched and written about several topic areas in the Cariboo region. In 1987 Elizabeth Furniss wrote an M.A. thesis entitled *A Sobriety Movement among the Shuswap Indians of Alkali Lake* (1987). This thesis is an examination of the community struggle to achieve sobriety. This battle with alcohol was also made into a movie titled "The Honour of All" by the Esketemc community which has served as an inspiration to other Indigenous communities struggling with alcohol addiction.

In 1995 Elizabeth Furniss published a paper on the Esketemc and other northern Secwepemc communities' adaptation to the historic presence of the Roman Catholic missionaries. She suggests that Catholicism was utilized as a way of obtaining individual power within these communities (Furniss 1995). In 1997 she completed her PhD dissertation entitled "The Burden of History, Colonialism and the Frontier Myth in a Rural Community." This deals with the Native and non-native relationships within the context of First Nations' treaty negotiations in the Cariboo. In 2000 she published this as a book under the title *Colonialism and Frontier Myth in a Rural Community*.

During the 1980's the linguist Andie Palmer began her research within the Esketemc community, and in 1994 she completed her PhD dissertation based on this work. Palmer examined Esketemc discourse and its anchoring to land. She undertook intensive work with a several Elders. Palmer's thesis provides a solid ethnographic background to the Esketemc. This research was published in a book format in 2006 entitled *Maps of Experience, the Anchoring of Land to Story in Secwepemc Discourse*.

General histories that reference the Esketemc include *The Cariboo Mission: A History of the Oblates* by Margaret Whitehead. This work focuses on the history of the Williams Lake

Indian Residential School, St. Joseph's Mission, and describes First Nations' experiences at the school. Other popular histories that have been written for the general public as opposed to scholarly audiences include *Loss and Resilience at Alkali Lake, Jacob's Prayer*, by Lorne Dufour and *Dog Creek: a Place in the Cariboo* by Hilary Place.

Work commissioned by the Esketemc includes work undertaken as part of Specific Claims research and includes data from archival and library sources. Among these were the RG10 files at the Union of BC Indian Chiefs, the Provincial Archives and the Shuswap Cultural Center in Kamloops. Oblate documents present at the Oblate house and UBC were also perused, as were the special collections at UBC and the holdings in the Provincial Archives. In addition, information obtained from the Royal British Columbia Museum holdings and photographs were examined. Information from the British National archives in Kew also forms part of the research present in the Esketemc archives.

Pre-thesis work was undertaken in two large Traditional Use Studies between 1996 and 1999 by the author (Bedard 1998, 1999) and additional research for specific claims (Bedard 2000). In addition Esketemc prepared reports and submissions for the Prosperity Environmental Assessment process (Bedard 2010).

### 3.4 Autohistory

Separate from the research undertaken by outsiders is the study and research undertaken by the Secwepemc. This autohistory as described by Sioui (1992) comprises three different categories of information designed to educate people inside and outside the Esket community about the culture.

The cultural information that has been created for use within the community includes curriculum development materials, Traditional Land Use Studies, and website information. The recording of this information is important to maintain the cultural record, to educate the youth, and to counter some of the intergenerational effects of the residential school. In addition, increasing poverty, unemployment, health issues, housing, and changes in land use has changed the manner in which cultural information is transmitted. The focus on educational cultural materials fulfills the needs of the Esketemc community for information about their own culture. The larger Secwepemc Nation has also created similar types of materials, and the internet is one of the most powerful communication tools for this. The

various sites for the internet include the site 'Connecting Traditions' created in conjunction with School District 73 from the Kamloops area (Connecting Traditions n.d.). The Shuswap Nation tribal council also has a website (Secwepemc Cultural Education Society 2010). This site provides educational materials about Secwepemc culture and information about language courses, the Elders' society, and serves as a guide to the functioning of the Shuswap Cultural Education Society.

A second category of cultural information about the Secwepemc undertakes to educate a non-Esketemc audience. This consists of cross cultural workshops, talks on healing and about sobriety by numerous speakers who travel internationally to share the Esketemc experience of sobriety and successes.

The third type of information consists of research and information that has been obtained for legal or political purposes. This includes data such as the proceedings of the Taseko Mines Environmental Assessment Hearings for the Fish Lake/Prosperity Project and information for Specific Claims cases (Bellegarde & Purdy 2001, Bellegarde et al 2008). The southern Secwepemc materials in the site 'Connecting Traditions'(nd) have been prepared for the British Columbia School District 73 as an educational resource and contains information about the location of the Secwepemc communities, their social organization, traditional village life, archaeology and information about the Secwepemctsin language. This site has sound and includes a welcome song, eagle calls, and a pronunciation guide to the Secwepemctsin language spoken by an Elder.

### 3.3 Esketemc Land Histories and Background

Another unit of analysis consists of the Esketemc land histories. This genealogical unit leads from past events to the current Esketemc views and values. Embedded in the history experienced and created by the Esketemc are the attitudes and perspectives that characterize the community today. Esketemc history is demonstrated and validated through the strong oral tradition comprised of origin histories describing physical and spiritual origins, as well as historic accounts of family and community level events from the time period prior to contact with Europeans up to the present. Esketemc history is also known through written research and archival materials in various archives.

Another genealogical unit consists of the Esketemc and Secwepemc pre-contact archaeological history. This northern Secwepemc area has been occupied for at least 5,000 years (Reimer & Hall 2005). Archaeology in British Columbia is governed by the British Columbia Heritage Conservation Act. This Act places stringent limits on who can conduct archaeological research. Most archaeological research to date has been in the form of surveys and archaeological impact assessments conducted in response to developments such as timber harvesting or road construction. Because of this there are still large gaps in the prehistoric knowledge of the area. However, it is still possible to discern general trends in the prehistory of the region. The oral histories of the Esketemc community provide an important source of verification for the archaeological research and important information that contextualizes many of the known archaeological sites. A strong ethos of caring for these locations that were used in the past is seen among the Esketemc. Regular visits are made to these cultural locations as a way of maintaining the connection to these places and caring for them.

Current Esketemc land use and occupation emphasizes the practice of maintaining the spiritual and physical connections with the land. The maintenance of this practice contrasts sharply with the rapidly changing physical, natural resource and regulatory environment. The changes include the alienation of Esketemc traditional territories through their regulation by the government. The sales of land, regulatory obstacles and developments that impede or curtail the community's use of their traditional ancestral territory provide a continual reminder of the outside power structures imposed on the community. .

Prior to contact with Europeans, the Secwepemc and Esketemc land use was guided by traditions practised for generations. The spiritual, social and cultural requirements, the physical needs for food and resources, were based on historical models of efficiency, balance and the fulfillment of needs. A responsive mobility was practised. The composition of family and kin groups varied yearly as families merged and dispersed according to needs. After the 1850's when contact with Europeans became more sustained and the non-native settlement began in the area, the Esketemc mobility has been increasingly constrained to living in specified areas or reserves as required by the Department of Indian Affairs.

The contemporary Esketemc community, located on these government defined reserves, is a merger of several previously dispersed family groupings. The coalescence of these groups was in response to the post contact period pressures that include the devastating small pox

epidemics in 1862-63 in which a large percentage of the Esketemc and Native people in British Columbia died. Surviving Esketemc community members gathered together in the Alkali Valley where a small reserve was set aside in 1864 (Elliot 1864). However, even after the establishment of the first reserve the Esketemc continued to move seasonally from the reserve to family areas such as hay meadows, trapping areas, fishing spots, hunting areas and other resource areas as needed. The reserve served as an area where community members would gather for events, but few families lived there permanently prior to the early 1960's (Bellegard & Purdy 2001). In a continuation of ancient subsistence patterns, the past and present use of the landscape has been closely tied to resource harvesting.

In the precontact and early historic period, Esketemc winter residences were focused around pithouse villages. Pithouses are semi subterranean structures that consist of a large excavated depression, the size of which depended on the numbers and needs of the group. Very large pithouses can be up to 15-20 m in diameter and two to three meters in depth. This usually circular depression was roofed over with timbers that formed a cone shape; this was then covered with matting or bark and finally capped with a thick earth layer forming a well-insulated structure that protected the inhabitants even in the coldest winters. The entrance was through a hole in the apex of the cone which also served as an escape for smoke, it was through this hole that notched a log ladder emerged, this served as the men's entrance, while in some homes the women's entrance was a ground level tunnel. The earliest pithouses in the central interior region date to at least 3,500 to 4,500 years ago (Fladmark 1986:127). In the vicinity of Alkali Lake, there are numerous archaeological pit house villages.

### 3.4 Genealogical Perspectives of Esketemc History

Since the arrival of Europeans in the Esketemc territory, Esketemc history has been one of conflict, characterized by the continued struggle to hold on to or regain the lands stolen from them. The Foucauldian emphasis on genealogy to understand the history of the subject (the Esketemc) through power relationships (Foucault 1991) is a productive framework that is applied in this study.

To understand the operation of power in Esketemc history, the study of the Esketemc as a subject of this power is examined in the context of the Esketemc relationship with the land and traditional knowledge. The goal of the genealogical process in this study is a multidimensional understanding of the Esketemc position in history. This genealogical study

consists of a series of modifying events, or points of impact that are linked through time and contribute to the current contingent Esketemc situation. The modifying events are the colonial European expressions of power within the governmental and ideological framework that was operationalized through the Department of Indian Affairs. This structure provides an enhanced insight into current power relationships

Esketemc culture and traditional knowledge are the expression of their occupation and use of their lands. They represent the applied experience and knowledge about how the Esketemc steward and interact with the land and the life it supports. The Foucauldian genealogical process enables an understanding of the many ways in which the Esketemc have been subject to a process of authoritarian discourse that disempowers and usurps the Esketemc culture and sovereignty, while substituting levels of discourse and actions that sanction and privilege non-native power.

It is this imposed power that has been and continues to be exerted on the Esketemc in overt and covert ways that will be examined in this description of the historical relationship between the Esketemc and non-native agents of power. Only by understanding this collision of world views and uses of power, is it possible to begin to disassemble the interpretations of historic ‘truth’ to examine the intellectual foundations and assumptions inherent in processes such as the environmental assessment process and the positioning of the Esketemc within this process.

The genealogical approach to the contemporary Esketemc situation makes it necessary to identify pivotal events and moments in which Esketemc culture and agency was affected. It is the recognition of these historical points of impact that provides a mechanism to understanding how the non-native power relations were developed and maintained, while the Esketemc were disempowered and forced to live in a marginalized state.

### 3.5 Historical Points of Impact: The Fur trade in the Cariboo

The beginnings of this intercultural contact began with the earliest non-native arrivals in the central interior of British Columbia. These fur traders settled in several strategic trade locations in the northern interior of the province. The first fur trade enterprise in the area began with the construction of Fort Kamloops in 1812 (Voorhis1930:88) which developed into one of the major towns of the interior of the province, Kamloops. Other significant fur

trade locations in the Esketemc trade and travel sphere, were Fort Alexandria, first constructed in 1812 north of Williams Lake, as well as Fort Chilcotin, west of Williams Lake built in 1829 and occupied intermittently until its abandonment about 1840.

The fur trade provided the ability to participate in the cash economy and was a part of First Nations' peoples' lives until the 1970s when fur prices collapsed. During the fur trade period up until 1846 with the ratification of the Oregon Treaty and the settling of the US – Canadian border, the Hudson's Bay Company's monopoly controlled access to British Columbia and settlement in the region. Only a handful of non-native people lived in the area. These fur traders often established social linkages in the areas where they lived. They frequently had relationships and children with the local Secwepemc women. Don Marshall in his history of the gold rush in 1858 describes the fur trade period as being a relatively peaceful one (2002:199).

Among the first non-native visitors to the Esketemc area was the Northwest fur trading company's employee, Simon Fraser and his crew, who in 1808 travelled down the Fraser River searching for a route to the Pacific. While he did not record any specific information about the Esketemc people, we do know that he had contact with inhabitants within the Esketemc territory. Oral history recorded by James Teit in 1900 stated that Simon Fraser's

.... visit is remembered by a very old man, Setse'l by name, who was born in the village Peq on Riskie Creek, and was still living at Alkali Lake in 1900. He was a small boy when Simon Fraser's party came down Fraser River with canoes. Xlo'sem, the Soda Creek chief, accompanied the party as guide, and interpreted for them. Kolpapatci'nexen was at that time chief of the Canoe Creek band... (1909:449).

The Secwepemc left a favourable impression on visitors and Teit cites Simon Fraser as saying that

"The Atnah<sup>24</sup> [Shuswap] wish to be friendly to strangers. The men are tall and slender, of a serious disposition, and inclined to industry....They are great travellers, and have been at war beyond the Rocky Mountains.... The Atnahs....seem more

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<sup>24</sup> The Shuswap are often referred to as Atnah in early historical documents.



honest than any other tribe on this side of the mountains."(Simon Fraser cited in Teit 1909:470).

Teit's statements about the visits by Simon Fraser have been supported by oral histories told within the Esketemc community. These include accounts that describe the uncertainty among the Esketemc community's as to whether they should kill Simon Fraser or let him live (Dick 2010).

### 3.6 Historical points of Impact: Non-native Arrivals in the Cariboo

In addition to the fur trade, other early contacts between non-native peoples and the Esketemc were those with the Catholic Church, in particular with the Oblates of Mary Immaculate. In 1842, the priest Modeste Demers travelled north to British Columbia from the missions in Oregon where a Roman Catholic Church had been built at Champoeg (Walker 1998:144). This began the period of Catholic missionization for the Esketemc. In 1867, St. Joseph's Mission was built south of Williams Lake, some 50 kilometers northeast of Alkali Lake. This mission was a base from which to convert the Native people in the Chilcotin and Cariboo area (Gresko 1999:50).

Subsequently, the churches, in conjunction with the Canadian government, initiated and ran the Indian residential schools. These residential schools are an important part of the Esketemc genealogy and are a major point of impact (Bedard 2010, Dick 2001, Todd 1998). They caused tremendous suffering and multigenerational trauma (Haig-Brown 1988). The former Chief of the national organization The Assembly of First Nations described their purpose as genocidal (Indian Residential School Survivors Society 2011). The Aboriginal Healing Foundation also finds that the treatment of children in the schools fits the United Nations definition of genocide (Chansonneuve 2005). Recent investigations are investigating the high numbers of deaths of children, sometimes up to 50% in many of these schools (Truth and Reconciliation Commission 2012).

The residential school system had multiple levels of trauma. The residential school in Williams Lake, St. Josephs Mission was a place of terror, fear, loneliness, and abuse for most of the students who attended. Many have been emotionally, physically, mentally and spiritually scarred by their attendance. According to the Indian Act it was mandatory for 'Indian children' between the ages of 6 to sixteen to attend residential school. The failure of the parents to send their children to residential school could result in imprisonment for the

parents. In later years the children were sent to the school in the back of cattle trucks. Most of the children were so young they did not understand what was happening. Many blamed their parents, not knowing of the anguish that the parents had to go through. This experience of long term family separations caused the alienation of children from their parents and families. The years in residential school fostered a lack of belonging, a lack of affection and the intergenerational trauma that is still present.

The residential school issue in Canada has been dealt with by the government with compensation payments. A student receives a fixed amount for each year of school attended, to compensate for the loss of language and culture. Under the Individual/Independent Assessment Process, a student can meet with a lawyer to share their experience about their abuse. This re-experience of abuse causes stress, and support is often needed to deal with the grief, anger and pain caused by this re-traumatization. If a student can prove they were subject to severe physical and sexual abuse the compensation payment amount will change. A dollar amount is assigned for each type of abuse and the frequency with which it occurred (Truth and Reconciliation Commission 2012).

The legacy of the residential school is still present among the Esketemc as well as other First Nations communities. The intergenerational effect is still very much an issue and is being dealt with through various avenues of counselling and support, treatment for addictions and community justice initiatives.

### 3.7 Historic Point of Impact: Mining

The power struggles, conflict and destruction caused by mining are part of Esketemc history. The first gold rush in British Columbia began in the late 1850s. After the initial discovery of gold along the Fraser River, the news spread to miners in the San Francisco area (Marshall 2000:45). California had experienced a large gold rush beginning in 1849, and by 1858 most of the easily accessible ore deposits had been mined

Prior to the discovery of gold on the Fraser River, there were few non-native inhabitants, missionaries or traders in central or southern British Columbia (Marshall 2002). However, the gold rush precipitated the arrival of thousands of miners within a few months. In 1858, approximately 23,000 miners sailed from San Francisco to British Columbia in a three month period between May and July, and another 8,000 are thought to have travelled overland into central British Columbia at this time (Beckham 1998:157, Douglas 1858). This was a time of

conflict and tension between Indigenous inhabitants and gold miners (Douglas 1858, Marshall 2000), especially as the newcomers were described as “the refuse of California” (Begbie cited in Marshall 2000:188). Many of these miners arrived from the declining gold rush in California and brought with them the attitude that the Indigenous populations could be eliminated and that the miners were entitled to riches from the land (Marshall 2000).

Immediate conflicts between the Native people and the miners occurred. The rapid incursion of the miners onto native lands, the disturbance of the native resources, and the exclusion of native people from their traditional areas resulted in numerous deaths as well as armed outbreaks of violence, one of which was the Fraser River Canyon War in 1858 (Marshall 2000).

First Nations have a great deal of respect for salmon and wild life. This is seen in the many complex beliefs, and rituals that accompany salmon fishing and other resource harvesting. The First Nations warned the miners and government representatives that one of the effects of these early mining activities on the sand bars along the Fraser River, would be the deposition of silt and debris in the river (Marshall 2000:71,86). This in turn would affect the water quality and impact the salmon runs. The Fraser River has been described as the most productive salmon system in the world (Northcote & Larkin 1989). The concerns of the First Nations were ignored and the salmon runs were affected by placer mining downstream from Lillooet as early as 1858 (Ferguson et al 2011, Marshall 2000). A subsequent drop in the salmon runs resulted in extreme hardship and the starvation deaths of hundreds among the Native communities along the Fraser River and its tributaries who were dependent on salmon (Smith 1998).

The arrival of thousands of miners and the loss of salmon productivity were a few of the points of contact that caused dramatic and rapid change of life for the Esketemc and other Indigenous peoples in central British Columbia.

### 3.8 Historic Point of Impact: Disease

Other significant events that had serious effects on the Esketemc and other communities were the devastating epidemics that swept through the Native populations of British Columbia. These had very high mortality leading to social disruption and depopulation (Boyd 1999). Estimates of mortality range from a few percent to 90% (Harris 1998). This caused tremendous suffering and loss. While the last smallpox epidemic took place almost 150 years

ago in 1862-1863, oral histories in First Nations' communities still provide powerful and poignant accounts of the suffering endured during this time. It has recently been suggested that small pox may have been deliberately spread by Europeans. Detailed archival research undertaken by Tom Swanky (2012) points towards the intentional spread of small pox in central British Columbia. He proposes that this deliberate contamination of the First Nations' communities was carried out in order to clear the Native occupants off the land and to facilitate settlement by non-natives.

### 3.9 Historic Point of Impact: Land Alienation

Another genealogical category that continues to impact the Esketemc is the loss of Esketemc lands. This alienation is comprised of episodic and cumulative events beginning with the arrival of non-native people in what is now British Columbia. The fur trade, the missionary activity, the mining and the epidemics all brought about contingent and critical mass of events that precipitated the basic changes to the Esketemc life ways.

The gold rush and the arrival of tens of thousands of miners meant that political control was needed to protect British interests. Under the leadership of James Douglas control began to be exerted in 1859 with the requirement that miners obtain mining licenses. The control also expanded into a framework of political control that included a land pre-emption system, taxes, duties and the need to separate Native land from non-native land. This regulatory system, the centralization of power and the appointment of government agents such as gold commissioners began with the gold rush.

The discovery of gold and the subsequent establishment of large ranches changed the demographic and the settlement patterns in central British Columbia. Some of the newcomers found that providing services for the miners could be a lucrative business. One of these was Herman Otto Bowe who arrived from California in the 1850's. Initially Bowe mined at Cardis Bar at the mouth of what was then Cardis Creek, across from the Chilcotin River (Logan 2007:2; Patenaude 1995:66). He decided to settle in the Alkali Lake Valley where in 1859 he set up a road house for travellers on their way to the gold fields in Barkerville (Weir 1955:54). The main trail travelling to the north of the province wound along the Fraser River and passed through the Alkali Lake Valley. This River trail, (Furniss 1987:1) followed the Fraser River through Dog Creek to Alkali Lake and then north along the river or a branch swung east to 150 Mile house.

In 1861 Bowe pre-empted<sup>25</sup> property on the east side of Alkali Lake. This land became the nucleus for what is now the Alkali Lake Ranch, the longest continuously operating ranch in British Columbia. This ranch surrounds the Esketemc community at Indian Reserve # 1. Esketemc oral history states that the Chief at Alkali allowed Bowe to live on the land adjacent to Alkali Lake because he had married an Esketemc woman by the name of Caroline (Patenaude1995:67; Logan 2007) or Kolenik<sup>26</sup>. In 1861 Phillip Ninds, the acting colonial secretary wrote “At Alkali Lake two persons have commenced farming and broken up about 30 acres of land along the banks of the stream that feeds the lake the soil is apparently rich and capable of producing good crops” (Ninds 1861). Unknown to the community Bowe pre-empted the land and permanently alienated it. The location of this ranch bordering I.R. # 1 has constrained community growth as well as access to grazing lands, access to water, to gardens and to hay meadows.

The remainder of the Alkali Lake Valley was quickly pre-empted by non-native settlers. This alienated much of the land formerly used by the ancestors of the Esketemc. This meant that the Esketemc could no longer rely on hunting and fishing as they had before. They were forced to adopt agriculture and ranching in order to survive. Other sources of income also consisted of work as packers, guides (Furniss 1992:8) or trapping. This began the process of more nucleated settlements.

The loss of Esketemc lands to pre-emptions and the fencing of the lands and the grazing of cattle all contributed to increased hardship for the Esketemc. In 1880, the Esketemc Chief Philip complained about the difficult conditions under which the Esketemc lived and told the government surveyor that

We have a poor place, it is not enough for the Indians. The water was made for the Indians, now the whites have it. God made the salmon in the water same as medicine. They were made for the Indians. The Queen has sold the Indians' land to the whites. I

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<sup>25</sup> Pre-emption of land meant a potential settler could claim and stake land, after making improvements and living on the land, the settler could then obtain title to the land. British Columbia 1859 Land Act.

<sup>26</sup> According to the baptismal records held at the British Columbia archives, (BCARS) of Caroline and Henry Bowe's children, Andrew November 14 1867, John August 31 1870 and Emma February 8, 1872 she is listed as Kolenick and Polenick. Most names were spelled as they were heard by the French priests. Oral history indicates that Kolenick is probably the correct name.

want her to return the money to the whites and return the land to the Indians (Phillip 1880).

Esketemc oral history also confirms this with many consistent accounts of the fight to hold on to and regain lands and resources that have been stolen from them.

### 3.10 Historic Point of Impact: Reserve System

Control over populations is implemented through regulatory mechanisms and one of these was the establishment of reserves of land for the First Nations. This process began in the 1850's with the Douglas Treaties. These were based on the New Zealand model of treaties that were used with the Maori. In British Columbia, these 14 land purchases and reserves were engineered by the Chief Factor of the Hudson's Bay Company and governor of Vancouver Island, James Douglas. Funding for these 'Douglas Treaties' ended, but he continued to establish reserves in the 1860s, without the accompanying treaties (Madill 1981, Tennant 1991). These non-Treaty reserves were established in the interior of British Columbia, in the Kamloops area as well as at Alkali Lake. Douglas' intentions in the development of treaties and in establishing reserves have been debated (Tennant 1991). Some indicate that he had good intentions and only stopped because of a lack of funds. Others state that he was hopelessly out of touch with the British interests (Bagshaw 1996).

In order to diminish the tensions between the gold miners and the Native populations, James Douglas established the position of Gold Commissioner. These commissioners were tasked with issuing mining certificates as well as the laying out of Native reserves. In 1864 the gold commissioner from Lillooet, A.C. Elliot laid out the first Esketemc reserve between September 17 and 30. Elliot was given clear instructions on July 20th, 1864, by the Colonial Secretary that he was to "...take steps for marking out the Indian Reserves..." in his district and that "...such can only be done by a personal inspection and conference with the Indians in the ground...". He was instructed that the reserve was to be "...distinctly marked out by conspicuous boundary posts...". During this survey the land was measured, holes were dug for the boundary posts that were cut down and dressed. For assistance he hired native workers (Elliot 1864). Later resurvey records from 1881 indicate that Elliot only established a small

reserve of 40 acres in the area that is now known as IR # 1.<sup>27</sup> Reserves continued to be established under the direction of Douglas in response to First Nations concerns about their lands and the threat of violence similar to the attacks on Americans that occurred in Washington State.

Joseph Trutch, Douglas' successor had a very different attitude about native land reserves and native rights.

The subject of reserving lands for the use of the Indian tribes does not appear to have been dealt with on any established system during Sir James Douglas' administration. The rights of the Indians to hold lands were totally undefined, and the whole matter seems to have been kept in abeyance, although the Land Proclamations specially withheld from pre-emption all Indian Reserves or settlements (Trutch 1867).

Trutch reduced the size of the Douglas reserves. This reduction was based on his own personal biases and not previous policy. He stated,

The Indians regard these extensive tracts of land as their individual property but of by far the greater portion thereof they make no use whatever, and are not likely to do so; and thus the land, much of which is either rich pasture, or available for cultivation and greatly desired for immediate settlement remains in an unproductive condition, is of no real value to the Indians, and utterly unprofitable to the public interests (Trutch in Tennant 1990:43).

Trutch may not have understood the types of subsistence practices employed by First Nations, or the traditional strategies underlying how the land was used. It is also possible that he may have judged them to be inferior to the British custom of fencing privately owned agricultural lands. He disregarded the Indigenous territories and settlements. This discourse of dispossession became a strongly held tenet of the British Columbia government. The discourse imposed a Eurocentric evaluation of land use. It did not acknowledge that relationships to lands held by communities were stewardship based or that mobile communities would travel to different resource areas for harvesting.

Foreshadowing the serious land shortages of the future for Native communities such as the Esketemc he noted, "I am therefore of opinion that these reserves should in almost every case be very materially reduced" (Trutch 1867:7). The two ways of reducing the reserves,

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<sup>27</sup> This small reserve does not fit with the Douglas Reserve policy as enacted in other parts of the province. A longstanding question is whether Trutch destroyed the original survey documents.

included to "disavow absolutely [the surveyors] authority to make these reserves of the extravagant extent and instead to survey off the Reserves afresh " and make them smaller. This system "...was carried out last year in the reduction of the Kamloops and Shushwapp reserves where tracts of land of most unreasonable extent were claimed and held by the local tribes" (Trutch 1867:7-8).

Trutch's actions provide an example of the fluid discourse among government officials that served to enhance a specific goal. That of denying the Native peoples their land and that of providing adequate lands as Governor Douglas thought they were entitled to. Trutch's approach toward the reserves and Native Title is summed up in his statement that "The Indians have really no right to the lands they claim, nor are they of any actual value or utility to them and I cannot see why they should either retain them to the prejudice of the general interests of the colony..."(Fisher 1972:3).

The Esketemc suffered from the reduction in their access to traditional resources and lands. By 1871 the Oblate Father McGuckin at St. Josephs Mission and residential school recorded that the Alkali Lake population numbered 155 people (Grandidier 1871). Yet the only recognized land held by the Esketemc community was the 40 acre reserve that had been set aside in 1864 by Elliot. To worsen the stress on the community, by 1881 the band owned large numbers of stock including 15 pigs, 69 sheep, 561 horses, 123 cattle (O'Reilly 1881).

In 1879 Archibald McKinley responded to a plea from the Williams Lake community that they were starving and said

...the Indians from Yale to Spence's Bridge possess no land at all ...Those on the Bonaparte, Canoe Creek, Dog Creek, Alkali Lake and Soda Creek have only very small reserves at present of an extremely sterile soil, and those of Williams Lake none whatever, and for my own part really do not see where lands in these neighborhoods are to be found to give them without purchasing from white settlers (McKinley 1879).

It was not until 1881 that seven reserves were identified and surveyed by Peter O'Reilly who described the poor conditions in the Esketemc area,

This District of the Country is for the most part barren and destitute of water consequently I experienced much difficulty in selecting even a limited quantity of land suitable for agricultural purposes. The best locations have for years been occupied by white settlers to the exclusion of the Indians and these parties have



since obtained crown grants from the Provincial Government, therefore, it was not in my favor to interfere with their titles (O'Reilly 1881).

The crown grants held by settlers in the area of Alkali Lake were obtained by pre-emption. Beginning with the first guidelines for pre-emption in British Columbia in the 1859 Land Act, it was stated that

any head of a family, a widow, or single man over the age of eighteen years being a British Subject, or any alien upon making a declaration of his intention to become a British subject...may record any tract of unoccupied and unreserved Crown lands (not being an Indian settlement)... (British Columbia Land Act 1859).

This ordinance enacted by Governor Douglas permitted anyone intending to become a British subject including Aboriginal people to pre-empt. This was repealed in 1870 and the right to pre-empt was restricted to

... any male person being a British Subject, of the age of eighteen years or over, may acquire the right to pre-empt any tract of unoccupied, unsurveyed land, and unreserved Crown Lands (not being an Indian settlement) not exceeding three hundred and twenty acres... (British Columbia Land Act 1870).

Because 'Indians' were not 'persons' under the law, they were not allowed to pre-empt land. While pre-emptions were only allowed in areas that showed no Native use or occupation, this was routinely ignored. There are numerous accounts in oral histories of deception by government officials and Indian agents in order to gain control of Native lands (Bellegarde & Purdy 2001, Bellegarde et al 2008).

In 1881 Esketemc Indian Reserve # 1, also known as IR # 1 was expanded from 40 acres to 590 acres (Furniss 1988:5).

In his documentation, O'Reilly stated that Indian reserve

No. 1,.... [it] now includes a sufficient quantity of valuable timber, but only ninety acres available for agricultural purposes, which unfortunately cannot be increased, as the reserve is hemmed in on the north, east and south by mountains, and on the west by the farm of Mr. Bowie: he preempted in 1861, and has since obtained his Crown grant: his farm includes all the good land in the valley as far as Alkali Lake and should never have been disposed of until Indian Claims were defined (O'Reilly 1881).

In addition water rights were included for IR # 1 from Alkali Creek.

O'Reilly's description of IR#2 highlights the poor conditions

No. 2 contains 800 acres, it is situated on the mountain, northeast of the village; the north fork of Alkali Lake Creek runs through it, and it is valuable as a dairy farm, being principally covered with bunch grass. An effort has been made to cultivate sixty acres which have been fenced and irrigated by means of a ditch constructed by the Indians, but it is doubtful if farming can be carried on to advantage at this elevation (O'Reilly 1881).

And Indian reserve

No.3 lies still further up the mountain the same creek, and contains 180 acres: it is valuable as it is well watered and capable of producing a large quantity of swamp hay. The Indians for years past have been in the habit of wintering a portion of their stock here, and have built stabling and corrals (O'Reilly 1881).

While,

No. 4 is situated on the middle fork of Alkali Lake creek, about six miles east of the village, and contains 540 acres, embracing hay and grazing lands with a few acres of good timber. Here the Indians have endeavored to cultivate on a small scale, but without success, the frost having destroyed the crop before it reached maturity; this reserve is also well watered (Ibid).

And,

No. 5 contains 200 acres, 75 of which is good swamp hay land, and this area may be considerably increased ... by cutting away the beaver dams which at present obstruct the stream; the remainder is grassy land, thinly timbered with cottonwood and black pine(Ibid).

No. 6 known as Wycott's flat is situated on the banks of Fraser River about 19 miles below Alkali Lake, and contains 1,000 acres. It is the favorite winter run for the horses belonging to the Indians, from the fact that the snow soon disappears from it and the land being much broken by deep ravines, affords shelter from the prevailing winds. Some 250 acres is good level land, and capable of being converted into a valuable farm, should it be found possible to bring in a supply of water, a work which the Indians are most anxious to undertake. With this object in view I have reserved the entire body of water known as "Harper's Lake" about 4 1/2 miles east of the reserve, and at an altitude of at least 1,000 feet above the flat (Ibid).

No. 7 A fishing reserve situated on the North shore of Lac la Hache, between the 122<sup>nd</sup> and 123 mile posts on the Cariboo Wagon road and containing about 3 acres. Also the exclusive right to fish on the left bank of the Fraser River, from the mouth of the Chilcotin river, to the mouth of Little Dog Creek, and approximate distance of 4 miles....A burial ground situated 1 chain from the right bank of Alkali Lake Creek about 350 yards north of Mr. John Moore's house to be reserved (Ibid).

These descriptions of the reserves emphasize the poor quality of the land, and the limited acreage and water that could be used for agriculture on IR # 1 and the use of the remaining reserves for swamp hay.

With Canadian confederation in 1868, the federal government assumed the fiduciary responsibility for the First Nations. The establishment of the reserve system by the provincial and federal governments from the 1860s to the 1930s provided a minimal level of land security, in the sense that it provided land that could be lived on, but, it also restricted the Esketemc community to a small portion of their original lands. It is through the mapping of these lands that these restrictions were codified and became a genealogical fact. Furthermore, the reserves are not owned by the Esketemc, they are held in trust for them by the federal government.

The creation of Esketemc reserves by government representatives was undertaken with only minimal input from the Esketemc. Many oral histories describe the actual extent of the reserves that the Esketemc were promised. In some cases these promised reserves were pre-empted by the Indian Agent and his family and friends (Bellegarde et al 2008). These were the result of political and legislative decisions and not the implementation of Esketemc needs. Nor did the size and location of the reserves reproduce precontact, protohistoric, or early historic uses or traditional occupation or uses of their lands. The needs of the Esketemc were ignored and the promises by surveyors and the Indian Agent were not followed through. While the contemporary oral history of the community holds a strong and detailed memory of these events. The structure of any processes through treaty negotiations or specific claims marginalizes this important traditional historic knowledge. While the Delgamuukw II decision underlines the validity of oral history as legal evidence in court. The structuring of the discourse outside of court continues the process of marginalization, devaluation and subjugation of the traditional community knowledge.

The decisions about reserve creation were limited to lands that had not been pre-empted by non-natives. O'Reilly's comments in 1881 when he surveyed the Esketemc reserves indicated that the land had been taken by non-native interests, leaving almost nothing for the community.

All of these factors resulted in an untenable situation for the Esketemc. The forced shift away from their traditional way of life and their traditional subsistence strategies, without any alternatives, created serious hardships for the Esketemc.

The difficult situation for the Esketemc and other First Nations that had been created by Trutch, and which was perpetuated in the post confederation era, brought about a plea from Premier McBride of British Columbia. In 1884, he wrote to the Canadian Prime Minister, John McDonald and rebuked the federal government for its inattention to Native issues. He stressed that the province could not be responsible for the Native people of British Columbia.

He wrote,

The Indians at Alkali Lake as well as at Soda and Canoe Creeks certainly would seem to have urgent claims for relief at the hands of the Dominion Govt and I cannot but think that the Govt have not fully realized their responsibilities in respect of the Indians who are in their charge. It is manifestly wrong that the Indians whose guardianship the Federal Govt assumed at Confederation, should be left in some instances to starve, simply because the provincial govt cannot afford to do that which never ought to have been expected, never asked for at their hands, that is to purchase improved property at high prices and give it to the Dominion Govt for Indian purposes. The Indians are a heavy burthen to the province as it is. It would not be an exaggeration to 'say that the cost of administration of justice is double to the province on Indian account and yet as wards of the Dominion they contribute nothing to the provincial treasury. It is quite different however with the federal govt in that regard. The Indians are large consumers of goods upon which heavy duties are paid to the Dominion and if there were no other or better reason, the fact that the Indians contribute more to the exchequer of the Dominion than is expended on their behalf out to be sufficient to induce the Dominion Govt to make such expenditure in the interest of their Indian wards as the circumstances demand. The province is ready to give such areas of crown land for Indian reserves as necessary and are reasonable but it is not fair to expect that it can take of its small and inadequate revenue and purchase improved farms for either the Indians or the Dominion govt (McBride 1884).

Premier McBride stresses that the Dominion Government is not fulfilling its fiduciary duties as guardians of the Indians. His emphasis on the possible starvation of 'Indians' indicates the dire conditions they are trying to survive in. His concern centres on the cost to the province while any financial benefit went to the federal government.

As indicated the lands allotted to the Esketemc were inadequate to support them and starvation was a possibility.

For the first 100 years after the first contact with non-Natives, Esketemc families continued to use what areas remained available to them outside the reserves. Many Esketemc families continued with their seasonal movements and traditional harvesting, fishing and hunting, while incorporating trapping, agriculture, the raising of cattle and horses. Individual families would return to their remote meadows and cabins during the winter, and travel to harvest wild and agricultural resources during other times of the year. They would gather at the Alkali Lake reserve IR #1 only a few times per year usually during Christmas and Easter (Bellegarde and Purdy 2001).

The shortage of land led to conflicts between the Esketemc and the ranchers and settlers. These conflicts included disputes over meadow lands, such as Tselute, also known as U.S. or Wrights Meadow. This hay meadow was being used by the Esketemc for cutting wild hay also called swamp hay. The process for obtaining wild hay was to dam a stream, and allow it to flood meadow lands to encourage the growth of the hay. When the hay was mature, the meadow would be drained, and the hay dried and cut. It would then be hauled by a team of horses on a sloop, or wood sled and piled in a stack yard to be used for the winter. This hay land at Tselute (Bellegarde and Purdy 2001) was fenced and had structures had been built. In this case a non-native man, William Wright illegally pre-empted this land that was being used by the Esketemc to cut swamp hay. Land that was being used by Native people and had structures on it was exempt from pre-emption. However, in his pre-emption claim William Wright claimed that he himself had built these structures. Angry, the Esketemc physically removed him from the land at least once and took him back to Dog Creek where he lived (Bellegarde et al 2008). Despite their objections to William Wright taking over their lands and their complaints to the Oblate fathers and the Indian agent their claims for the land were rejected.

This particular case was presented by the Esketemc as a Specific Claim. While the Independent Claims Commission found in favour of the Esketemc claim to this land, the Federal government has rejected it, thus perpetuating the cycle of denial of Esketemc rights to their traditional lands.

The Esketemc dependence on these hay lands was apparent in the McKenna – McBride Commission reports. The testimony emphasized the need for more land (McKenna & McBride 1914). The McKenna-McBride Commission also known as the Royal Commission

on Indian Affairs for the Province of B.C. was established in 1912 in order to visit all of the Native communities and to solve what was termed the 'Indian land question'. The Esketemc met with the Commission on July 10, 1914. During this meeting the commissioners took sworn evidence from 10 men from the Esketemc community as well as the Indian Agent, Mr. Ogden. The men all said that they needed more land, they were cutting hay in locations off reserve lands because of the chronic shortage of land and resources.

After the McKenna McBride commission hearings three reserves were laid out in the areas identified by the Esketemc men. These reserves were numbered 15, 17 and 18. Community members continued to live on these plots until the late 1950s and early 1960s.

One of the gaps that emerges through the McKenna-McBride Commission hearings, is the lack of women's voices and women's needs. Within the multiple levels of discourse and knowledges being practiced between the government and their representatives, the Esketemc, and the non-native settlers, the discourse of women is buried under the other subjugated discourses.

In the late 1950s the occupation of reserves 15, 17 and 18 began to change. Community members were told that by the Indian agent, that this was not reserve land, and they were not allowed to live on 'crown land' any longer. They were also forced to live on reserve if they wanted medical services or education (Bellegarde & Purdy 2001). This meant another seismic shift in land use patterns and caused a great deal of anguish among the Esketemc. This leads to another genealogical theme, the dark years.

From the 1960s community members began living at IR # 1 for most of the year. This decade comprises what has been referred to by many as 'the dark years' (Four Worlds n.d.). Many community members worked at a nearby sawmill, and as ranch hands in the Alkali Ranch, the Gang Ranch and the Empire Ranch and had disposable income. In the early 1960's it became legal for Native people to purchase and consume alcohol and this became a time in which most of the reserve was engaged in heavy drinking. This time period has been described as a time when almost everyone on the community was deemed to be an alcoholic, in 1972, 93% of the population over 16 was drinking heavily (Howarth et al 1993). This story and the sobriety movement that has followed it have been told in a movie made in the Esketemc community called "*The Alkali Story, The Honour of All*".

### 3.11 Families and Lands

Further colonial changes to the Esketemc have been caused by the long history of Federal government control under the Indian Act. This type of control is described in Foucault's writings on disciplinary power (Foucault 1980). In the Foucauldian sense, the Indian Act is a form of negative power, a power that uses negative sanctions to enforce control. The Indian Act permits the use of some areas of land, by bands, while prohibiting and restricting the use of others. This form of power focusses on what cannot be done, restrictions on reserves include what can be built and where and the types of permissible zoning.

This section describes the family structures and their relationships to the land. Family has been described as a small kin linked unit that works to undertake necessary tasks (Levy and Fallers 1959). In my work in the community I was able to observe that the current Esketemc community structure is focused around immediate and extended families. Often these are centered on the grandparents or great grandparents who serve as a focal point. Family bonds, especially between same age siblings, cousins and adopted siblings were very strong. Community members have described a traditional culture focused on matrilocality and matrilineal inheritance of clans and family animal spirits. There are currently seven major family groups, and as the community grows and children are born, they find a place usually within the mother's family. They are nurtured within the extended family environment. Children learn the particular skills that are valued within each family. These can be spiritual skills, or may be skills that have to do with traditional activities such as caring for horses, hunting, fishing, and trapping, gathering traditional foods and berry and medicine harvesting.

Prior to contact and in the early post contact period, each extended family group had a focus area for resource harvesting, as well as winter settlements and sacred areas. These areas included environmentally diverse habitats that were able to provide resources at different times of the year and often included backup areas for those years when climates fluctuated. The boundaries were permeable, family members and others could move as needed. The chiefs and representatives of the families groups were men, yet women had a great deal of power and Teit recorded the presence of female chiefs among the western Shuswap (1909:582).

Marriage patterns were often matrilocal, and there was matrilineal inheritance of the spirit animal. Individuals still speak about this linkage with the matrilineal clan animal, saying "the

bear is my family”. The family animals still provide a source of spiritual power for an individual. Brow describes the acquisition of spirit power,

Both men and women had to search for their spirits. This was done in their youth when they would isolate themselves for a period of maybe 3 or 4 weeks. During this time they would live on salmon juice and bathe in the river early every morning. At night they would travel about. This was done just once, as a young man or woman, and the purpose was to obtain a spirit who would confer power, strength and long life... The spirit would come to them in a dream and give the person power which they would have for the rest of their lives. The spirit might also give the person a song (1972:150).

Furthermore Brow states,

The spirits people acquired were animal spirits. These could be dogs, eagles, swans, snakes, horse and cattle. When a man lived among wild horses, or among certain animals he was able to obtain some of their power and would not be harmed by them. The spirits made a person strong. A person would go to water, or go to swim, they would ask the spirit for help, but they could not be controlled (Brow 1972:146).

In addition,

The spirits only brought good to their owners. They made no demands of the people but would answer their requests. Spirits were not disturbed (sic) by bad behaviour. They did not harm people and they did not punish them if they behaved badly” (Brow 1972:133)

Beliefs and practices associated with these spirits include avoiding the killing and eating of them. Some say that eating the animal is like eating a person a relative. Some of the spirit animals known today include the horse, beaver, eagle and bear, deer, dogs, brown bear and Sasquatch.<sup>28</sup> While Teit also mentions the grizzly bear, raven and wolf as being *seméc* (Secwepemc Cultural Education Society 2001:130) or spirit animals (Brow 1972:133, Teit 1909: 577).

Teit states that people were initiated into crest groups and that membership in these groups was hereditary and they were exogamous. The crest of the group was carved onto the top of the ladder leading into the winter pit house. The Canon division erected the crest at a family’s

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<sup>28</sup> The Sasquatch is described as a large animal/being lives in the forest. It has a roughly human shape and is said to be covered in hair.



fishing locations as well as at grave sites (1909:576). The crest group appears to have owned<sup>29</sup> resources and fishing sites belonged to the group (Ibid).

In the past, the general pattern of seasonal occupation included family residence in the winter settlement locations. These winter village sites are visible today through what archaeologists term pithouse villages. These are located along the Fraser River, or in drainages exiting into the Fraser River. The Esketemc term for these structures is C7istkten (Kuipers 1983:20), colloquially they are also known by the Chinook term Keekwillee (Dawson 1892:7). The Esketemc region along the Fraser River and Chilcotin junction has a great deal of archaeological evidence indicating a dense population occupied the area for several thousands of years.

An example of these winter occupation sites include Clutetatus situated at the head of a broad valley beside a spring overlooking the Fraser drainage. This pithouse village is now located on private land, owned by the Alkali Lake Ranch. One of the Elders spoke about his family connection to this village site; he recounted how his grandfather lived there with his family and brothers. The Indian agent said that they were needed to help with the construction of the church at the main community of Alkali Lake, or they would 'go to hell'. The family went to help with the church construction and, when they returned to their homes, they found the Indian agent had pre-empted the land, and they were homeless. At this time the different brothers moved away, some moved to the community of Sugar Cane while others moved to Canim Lake. While the site of Clutetatus is currently registered as an archaeological site, the pithouses have been damaged by cattle grazing and the construction of a water trough.

Another example of a pithouse village is Kwellk'amt (Figure 3).<sup>30</sup> This village is located along the banks of the Fraser River. It is a spectacular site, situated on a ridge on the east side of the Fraser, overlooking a set of rapids. This village was abandoned in 1842 during a measles epidemic. The site is noteworthy for the petroglyphs situated along the edge of the river. The Esketemc community still retains strong connections to this location as well.

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<sup>29</sup> Teit's use of the term ownership is problematic, because he does not define the term, it should be interpreted with caution and within the cultural framework of the Esketemc.

<sup>30</sup> Colloquial spelling.

Other locations that were used by family groups prior to contact and after contact were resource harvesting locations. These include hunting, fishing, and food harvesting. The food harvesting can be root, berry or plant harvesting. Salmon fishing locations were and still are situated on favourable rock formations along the Fraser River. In addition, there are locations for fishing trout during the spring.

Because of the processes of colonization, Esketemc families have been excluded from many of their original family areas. While some community members are able to access these ancient traditional hunting and trapping areas, others, because of constraints such as lack of a vehicle, money for fuel, private property restrictions, or the destruction of these areas and/or the collapse of animal populations, are not able to access and use their preferred areas. Some families travelled hundreds of kilometers to the southwest into what are still termed the “Snow Mountains” in the fall for hunting. This meant crossing the Fraser River from the east to the west in the early fall. Elders tell stories of crossing the river on horseback, being tied to the horse rider so that the current would not push them off the horses’ back. On the return trip from fall hunting they would wait until the river was frozen over and cross on the ice, also a very dangerous procedure as the ice would be broken and unstable with the floes roughly piled against each other. When there were abundant resources the land was able to support larger groupings. When there were fewer, the winter settlements were sparser. The land and family structures were tied together.

Numerous other changes have affected the Esketemc use of their lands. For example, in the past, resource areas were reached through walking, by horseback or with horse and wagon. This meant long trips that lasted several days or weeks. However, today day trips are common for harvesting resources. In the past, camps would be constructed with what Dawson terms ‘summer residences at hunting or fishing places’ these he describes “as a rule roughly constructed of poles, which are then covered with matting or roughly wattled with branches. The size and forms of these are very varied and quite irregular” (1891:8). Current archaeological evidence for these locations includes the scattered remains from stone tool making, such as lithics and debitage from making and sharpening stone tools, as well as butchering animals. These locations may also exhibit burnt and broken faunal remains that are the result of food preparation or butchering as well as burnt and fractured rocks from camp fires.

As a source for support, spiritual identity and subsistence, the family group is reflected in the concept of traditional family areas on the land. These are very important to the community and the anthropologist Andie Palmer stated,

And I believe that those particular areas are not movable. They are connected to particular places. The things that happened there at those sites are related to the springs and the water sources nearby, and the proximity to salmon, which made them villages in the first place (2010:4862).

As mentioned previously, the current band divisions of the Secwepemc are largely a historic creation. Elders stress that, traditionally, the people were Secwepemc before individual areal distinctions were imposed on the Secwepemc. There were many pre-contact winter locations and these "...places were frequently changed, and even the main locality or village of a band would have more families one winter, and less another" (Teit 1909:457). Seasonal movement was variable among the different groups. The Canon Shuswap who were middlemen in the trade system between the Secwepemc and the Chilcotin were almost completely sedentary (Teit 1909:570).

According to Teit, the Western Shuswap, including the Esketemc had a greater degree of social stratification than the eastern and southern groups. This stratification was exhibited in the presence of societies, clans and greater powers for the chiefs (1909:572). Teit indicates that the north and western Secwepemc were divided into three classes: nobles, commoners and slaves (1909:536). He states this was a recent borrowing from the Carrier and Chilcotin who were influenced by coastal groups in the historic period (1909:536). Ray commented that this social stratification was recent and superficial (1939:29). The nobles inherited their position and bilateral inheritance of rank occurred (Teit 1909:576). It is interesting to note that this pronounced stratification is not a characteristic that is stressed or recalled today. The contemporary discourse when compared to Teit's written accounts leaves some gaps between the past and the contemporary discourse on social responsibilities and roles.

Yet in other matters there is a stronger continuity between the past as described by Teit and current knowledge. The locations and characteristics of the prehistoric settlements that are visible today are consistent with his descriptions. Hunting, fishing and the gathering of food plants and medicines also shows a great deal of concordance. However, Teit's historic description of the Esketemc territory represents an example of a common source of contemporary conflict. In the central interior of British Columbia, past First Nations'

territories were identified through marker physical terrain features, such as mountain tops, ridges, or other natural features. Because of intermarriage between communities, obtaining resources within these territorial boundaries could also be contingent upon family relationships. However, with the shrinking resource base, the alienation of traditional lands and their conversion to fee simple ownership, in conjunction with government issued leases, mines, or forestry operations, together with the government requirement to draw clear territorial boundaries for treaty negotiations or referrals,<sup>31</sup> intercommunity tensions concerning boundaries are remain contentious.

There is increasing pressure on the Esketemc as well as other First Nations to survive according to their cultural traditions. This has resulted in friction between First Nations communities as to the location of their territories and boundaries. This friction is exacerbated by increased resource harvesting and land development such as that of the proposed Prosperity Mine at Fish Lake. These issues will be discussed in the next chapter.

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<sup>31</sup> The referral process is one in which the government or in some cases developers must inform First Nations about developments that may affect a First Nation. An example of this would be the proposed Prosperity Mine. In order to send development referrals to the appropriate bands, the government uses maps that show the boundaries of each First Nation's territory.

## **Chapter 4 Esketemc Stewardship**

The Creator Kalkukpe7 has given the Esketemc the duty to protect and safeguard our lands, forests, air, water and medicines and the life that they sustain within our traditional territory. It is this duty that underlies all interests of the Esketemc People.

*Esketemc Tsemne7'ple*

### **4.1 Attempts to Control Esketemc Knowledge and Culture**

To understand how power is exerted on Esketemc culture and knowledge, it is important to understand the processes by which it has become a “subjugated” knowledge within the prevailing discourse of development in Canada. Esketemc traditional knowledge refers not only to the specific knowledge it describes, but it encompasses a unique epistemology that understands the world according to the Esketemc history on the land. To understand and highlight the Esketemc system of traditional knowledge, it is positioned against oppositional forms of power. This chapter will describe some characteristics of this traditional knowledge that are in conflict with the western and science based knowledges such as that expressed through the Canadian environmental assessment process.

This research explains the position of traditional knowledge and the influence of government power over it. The positioning of these two entities illustrates that these two systems of knowledge are unequal in their power to influence political and developmental outcomes. This disparity in power is demonstrated through the marginalization and devaluation of the Indigenous epistemology in the Canadian governmental agenda for development. This process of devaluation is confirmed as part of the power relationships in which the government political objectives submerge competing philosophies (Senellart 2007:1). Traditional knowledge is viewed as subject to these power strategies and becomes transformed through its definition by more powerful knowledge systems that identify and select what is legitimate.

This analysis will describe some of the characteristics of the Esketemc traditional knowledge system. It will contrast this against the knowledge system employed by the Environmental Assessment panel, and by resource developers such as Prosperity. These units of analysis are examined in order to understand how discourses are constructed and legitimized (Doxtater 2004). Traditional knowledge does not have a clear basis of comparison to European based

knowledges. This is because it has a more nuanced and complex nature and has different levels of accessibility. It includes information that is public and known to all, for example that Indigenous people may have a deeper connection to their lands. There may also be information that a community or individuals decide to share, while other information is kept within the community or within families and is not part of public knowledge. Traditional knowledge is not diametrically opposed to the scientific or western domain of knowledge, instead it can be visualized as a multidimensional overlap.

The traditional knowledge discussed in this research is that which is in the public domain. It includes ethnographic and historic research as well as the evidence presented on behalf of Esketemc interests at the first Federal Panel hearings for the Prosperity/Fish Lake Mine in 2010. Because of its embedded nature within a community, not all aspects of traditional knowledge are open to outsiders. Therefore, only that knowledge which has been exposed to the public is addressed here.

The traditional knowledge employed in this study is the knowledge which is practised and known by the Esketemc and which defines them. However, it becomes an oppositional knowledge when it is situated against the proposed development and the environmental assessment process. This oppositional tension highlights salient aspects of this knowledge that conflict with the scientific and ontological background of the Canadian Environmental Assessment Agency.

In the evaluation of traditional knowledge by government agencies this research proposes that there are two major categories, the integrated and the empirical. There is some overlap between the categories, but they are represented as separate in order to highlight their differences.

One, the integrated category, views traditional knowledge as holistic, representing a separate way of knowing and viewing the world that incorporates spirituality. The other category, the empirical one, views traditional knowledge as a set of facts supported by evidence that can be integrated into the western scientific tradition (Dove 2000, Karjala 2001, Sherry & Myers 2002).

This research builds upon the integrated perspective based in spirituality and a holistic perspective. Foucault refers to this spirit, or non-empiricism in knowledge as pre-Cartesian

knowledge, where a personal transformation is achieved to acquire spirituality and truth (2005:190-1).

For the Esketemc, insight can be gained by paying close attention to one's surroundings and the messages to be found there. Central elements in this type of knowledge include respect, interconnectedness, personal links with the land and spirituality. Traditional knowledge is also expressed through peoples' *seméc*, or their spirit helper. These can be represented as animals, spirit beings or natural phenomena. A spirit helper is often identified through a message or vision. This can be part of the process of fasting, dreaming or a vision in what may be seen at first as a coincidental encounter. The spirituality of the *seméc* is linked to the earth, the animal and the material world and can assist a person through knowledge, revelations or other signs. In the same manner, animal behaviour and natural phenomena happen for a reason. It is the person's connection to the spirit of the world that makes these messages intelligible. In one instance I was driving from Williams Lake to Alkali early one morning and was feeling sleepy. Suddenly, a moose was on the road in front of me, I was able to stop the car, but the experience left me shaken. As I recounted this experience later that morning I was told that the moose embodied a message for me. No interpretation was given, it was up to me to make sense of what that message might be.

It is this awareness of the world and the creatures that live in it that enable a balance between humans, animals, the elements and their spirit. This balance is often conceptualized through the medicine wheel which is "... a symbol of life" (CEAA 2010a:4712). A circle, 'medicine wheel' is divided into four sections. Each of these represents the physical, spiritual, emotional and mental aspects of a person. It is important to acknowledge and nurture these facets of a person in order to be healthy and balanced. The medicine wheel has multiple levels of symbolism and the four sections can also be seen as the four directions, the four races of mankind, the life cycle, earth, air, water and fire, or the four sacred colours among other symbols. In this way, the four ages of a person's life cycle are also visualized in this medicine wheel. Thus it also symbolizes the cyclical nature of life.

In their definition of traditional knowledge in the Secwepemc area, Nancy Turner, Marianne Boelscher - Ignace and Ron Ignace employ the concept of nature as encompassing respect for life (2011:1279). They also emphasize a "close identification with ancestral lands; and beliefs that recognize the power and spirituality of nature" (Turner, Ignace & Ignace 2000:1275).

The stewardship of the land and the life it supports is an important part of this traditional knowledge. The stewardship includes physical and spiritual obligations to the land. This is seen as a responsibility that present generations owe to future generations (CEAA 2010a:4536-8, Turner et. al 2011:1276). The term stewardship is used in preference to management because it connotes the care of the land as opposed to an imposed regime (CEAA 2010a:4594). The Esketemc see it as their fundamental responsibility for caring for mother earth temucwuleucw<sup>32</sup> (in Secwepemctsin) and the life it supports. This responsibility is discharged in many ways; one of these is the stewardship of plants and animals. This stewardship contains more than the concept of management or conservation. It encompasses the physical and spiritual aspects of life. Accordingly, prayers are given as a thanksgiving for the plants and animals who give their life to people. The prayers connect the people with the Creator, Spirits and the Ancestors or Grandfathers and Grandmothers. The prayers provide thanks for all of the forces that provide life for people. This gratitude is also expressed through smudging, gifts of tobacco and food for the spirits and ancestors as well as drumming and singing.

#### 4.2 Spiritual Connections with the Land.

The Esketemc mental, emotional, spiritual and physical connections with these concepts of nature and land are demonstrated through many aspects of Esketemc culture. It is seen in the Secwepemc name, Esketemc. This translates as the People of the White Earth. Esket is the location where alkali or white earth is present. The 'mc' ending means the people. The merging of the people with the physical location is an indicator of their identification with the land. Another way of conveying this is the term Esketemculeucw. This means the Esketemc people of the landscape, the territory, rather than referring to a single location it merges the Esketemc with the land and the life it contains. It conveys the ethos of being of the land and with the land.

The practice of prayers is an integral part of traditional knowledge and illustrates the way in which relationships within the community are structured; many communities end their prayers with the phrase, "all my relations",

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<sup>32</sup> Colloquial spelling.



...with this, they are acknowledging their relatedness to the land, to the animals, and to the life it contains. ... this equates the land and the animals as, for the European background, it could be mothers, brothers, your children, your sisters, and other cherished relatives (CEAA 2010a:4666).

Discourse and the production of knowledge is embedded in the local practice of traditional knowledge. It is this local practise that replicates the knowledge, perpetuates it and incorporates new information.

The practise is demonstrated in the ways, times and conditions in which plants and animals are harvested. This contemporary knowledge has been built up over years of long term observation. Fishing and hunting knowledge includes an awareness of where the animals can be found and at what season. This time sensitive knowledge is based on close attention to the multiple details of the land. This is interconnected knowledge; it understands the cycle of animal life, their movements through the lands and waters through the seasons. Effects of changes to the environment and land and related effects on animals are all part of traditional knowledge.

The Esketemc relationship to their lands is based on the responsibility given to them through the Creator. This is practised by the Esketemc families and individuals in many ways. The stewardship of the Secwepemc lands and resources are the responsibility of all Secwepemc (Boelscher - Ignace 1998). In practise the Esketemc hunting and harvesting areas were associated with particular families (Dawson 1892:14). These connections to particular areas are still an important part of family and community identity. In the past, among the Western Shuswap and the Esketemc, Teit describes the nobility of the band controlled hunting territories, root digging, berry picking areas and camping places in the mountains (1909:582). While family resource areas are still important, current practices do not exhibit any control by an elite band groups or members. Nor are these territories exclusive in use, but are shared (CEAA 2010a: 4865, 4855, 5031, 5145).

Discourse and the production of knowledge is embedded in the local practice of traditional knowledge. It is this local practice that replicates the knowledge, perpetuates it and incorporates new information. The Esketemc Secwepemc subsistence practices illustrate this interconnected nature of traditional knowledge practices. The complex knowledge of the land, its resources, plants and animals and all the conditions that affected the Secwepemc was

achieved through generations of experience on their lands over thousands of years (Hucalak 2004, Reimer/Yumks and Hall 2005).

#### 4.3 Sweatbaths

The Esketemc spiritual connection to the land is validated through the use of sweat bathing s`qilye (Shuswap Cultural Education Society 2001:93). This is a tradition with a long time depth. Dawson notes the Shuswap sweat houses are similar to those of the nearby groups such as the Cree and Athapaskan groups.

They consist usually of about a dozen willow wands, planted in the ground at both ends. Half of them run at right angles to the other half, and they are tied together at each intersection. Over these a blanket or skin is usually spread, but I have also seen them covered with earth. A small heap of hot stones is piled in the center, and upon these, after carefully closing the apertures, the occupant pours some water. The sweat house is always situated on the banks of a stream or lake, so that on issuing there from the bather may at once plunge into the cold water (Dawson 1892:9).

What Dawson omits is the spiritual aspect to the sweat house. There are spiritual and cleansing sweats that are practiced. The spiritual aspect to the sweat is confirmed through the proximity to mother earth, and the sacred elements of water, fire, earth and air. The sweathouse is a location where ceremony can help an individual become open to receive messages, visions and insights. Using a s`qilye is a frequent practice. Some families build their own sweathouse on the banks of Alkali Creek. Other sweat houses are community efforts. Including a modified sweat built for elders.

In the Esketemc community there are two categories of sweathouses. The ceremonial sweat and the cleansing sweat. The cleansing sweat is undertaken by some community members on a daily basis. While a ceremonial sweat may be held for a full moon ceremony or it can be held during important events to provide strength and guidance. The spiritual sweat is run by the spiritual leaders of the community who have learned the traditions through apprenticeship. This is sacred knowledge that is part of the information held within the community and held by individuals.

Currently sweathouses are built from willow boughs about six to ten feet long and a maximum of about two inches in diameter. Prior to the willow branches being placed in a

circular shape, a hole is dug in the centre of what is to be the sweathouse. This hole is about two or three feet in diameter and a couple of feet deep. The earth dug from this hole can be placed outside what will be the entrance. The willow branches are then inserted into holes that have been punched into the ground in the shape of a circle. The diameter of the sweathouse depends on the number of people it is to accommodate.

The frame is begun with two parallel sets of branches that are called the spine of the sweat. More branches are placed perpendicular to the spine, these are called the ribs. Then other branches are laid over these to fill in the spaces between. Usually the branches are not long enough to reach from the initial insertion point to the terminal insertion point and two branches are wound and lashed together in the centre. After the spine, ribs and fill in poles have been placed, smaller poles are inserted at random through the larger poles in order to strengthen the structure and hold it together. After the frame is complete, the structure is covered. Blankets, canvas, and rug materials are used for this. In some cases the structure is later covered with tarps. The entrance area is also covered in such a manner that it can be opened and then closed to keep the heat in. The floor inside the sweathouse is covered with fir boughs. These are fit, one into the other until the floor is covered, only leaving an area open around the fire pit.

Several hours before the sweat is to be used, a fire is laid, with split fir placed on the ground in a criss-cross pattern. The rocks, usually porous igneous rocks that have been specially gathered for this purpose are then placed on top of this wood, and more wood placed on top, then another layer of rocks and more wood. The pile is lit and allowed to burn until the rocks glow red hot. Then the sweat is said to be ready.

Once the rocks are hot and glowing, a number of them are taken from the fire using a shovel or pitch fork. The rocks are then placed within the fire pit at which time they begin to heat the sweat. When it is hot enough people can enter it. This is done by getting on your hands and knees and crawling or a low crouch to enter through the small opening flap. It is then shut and one is immersed in total darkness and heat. During the sweat water is sprinkled on the rocks creating an intense steam and sometimes sage, which is burnt to sanctify an area, is put on the red hot rocks.

Very hot sweats are made for those people who are accustomed to them. But for those who are not used to the intense heat, it can hurt to breath and one needs to keep their eyes closed.

If it becomes too uncomfortable they are told to lie down, as the temperature is slightly cooler close to the ground. Separate cleansing sweats are usually made for men and women.

Water is another important component of the sweat. Often there is a 45 gallon metal barrel outside the sweat in which water is heated for washing after the sweat or for mixing with cold water to cool off. The preferred placement of a sweat house near a creek or lake ensures that there is enough water to cool off between the rounds of the sweat.

The cleansing sweat is an individual practice and can be adapted to suit the amount of time available and the intensity of heat desired. In some cases, there may be prayers said, or thanks given for one's blessings. Often at the beginning of the sweat the participants stay inside as long as they can tolerate it, usually about 10 – 20 minutes, then they exit the sweat and splash themselves with water, or immerse themselves into the stream or lake to cool off. This completes one round. A set of four rounds is common and can take a few hours to complete. In the middle of winter often just leaving the sweat is enough to cool off. At temperatures of – 15° on still crystal clear nights; with a landscape of starry skies, and steam rising from one's body, it is an exhilarating experience.

The closeness to the earth and the elements felt in the sweathouse is also experienced in other ways. An Elder describes this connectedness,

You know, as we go through Mother Earth, every stone you turn over, you're leaving a mark. And every mark tells you a story. They say in my language Stsek'iy .... Because this is what is "Stsek'iy" in our language is what everything is on the ground. You're that tree out there. You're that water. You're that blade of grass...(CEAA 2010a:4722 - 4732).

#### 4.4 Location of the Esketemc on the Land.

The attentiveness to the land is what enabled the Esketemc and their ancestors to survive. Prior to contact with Europeans; in the early historic period, the ancestors of the Esketemc moved between different areas on their lands. This movement was dependent on the availability of resources as well as family connections and social needs. The Esketemc have been described as having a mobile subsistence strategy. People moved to where he resources were ready to be harvested (Teit 1909).

The longest and most continuous occupations are the winter village locations, or pithouse villages. These named villages consisted of an extended family or several families who would

join together in the late fall and stay together at a winter settlement until early spring. A variable number of families lived in these homes. The size of these houses varied and Dawson notes that in some cases they were up to 25 feet in diameter (Dawson 1892:7, I. Johnson 2011). There are anywhere from one to several pithouses located in one of these communities (Figure 1 shows an example of one of these).

In the vicinity of Alkali Lake, there are numerous prehistoric pit house locations that are visible archaeologically. These range from single pit houses to sites that contain up to 50 or 60. Winter pit house villages were located along the Fraser River and its tributaries. This environment provided easy access to the large salmon resources harvested along the Fraser River. The abundance of salmon permitted the drying and storage of a considerable resource for winter use. Salmon storage was in cache pits, subterranean pits lined with bark and covered with earth, measuring one to two metres in diameter.

The pithouses were entered in November, the time of year referred to in Secwepemctsin as the 'going in time' or *Pellc7ell7u'7llc7te'n* (Secwepemc News November 2010). This phenological indicator; the naming of the time periods that approximate the western months of the year describe the main activity that takes place during this time. Prior to this month adequate food supplies had been prepared and stored for the winter. Dawson states that the winter houses were called *kais-is-ti-kin* (Dawson 1892:7) or *C7istkteñ* (Kuipers 1983:20) in the current northern Secwepemc dialect. Colloquially they are referred to as quiggly or keekwillie houses, a term derived from the historic Chinook trading language.

Dawson states that winter habitation sites or villages were the "permanent centers of the tribal subdivisions, to which the people gathered during the cold months of each year" (Dawson 1892:8). Winter villages tended to have more permanent structures than the summer, spring and fall camps. The spots for these winter villages were picked with certain traits in mind. These include" .. a warm southern exposure as sheltered as possible from wind, particularly the cold down river wind of winter: a dry, sandy or gravelly soil, and convenient access to water" (Dawson 1892:8).

He goes on to state that "winter village sites, are moreover, found only in the lower and larger valleys, and particularly in those of the Fraser and Thompson rivers and their main tributaries" (Dawson 1892:8) and there are many instances of winter habitations that are found tucked away into small tributaries many kilometres from the large river valleys. Most

of the winter was spent in the protection of the pithouses with travels to cache pits to obtain food stored in the summer for winter use.

According to Dawson, by the 1890's the pithouses had largely fallen into disuse among the Shuswap (1892:7). The construction and use of log cabins was prevalent by the late 1800s (Figure 2). Many of the features that characterize post contact settlement are the result of the efforts to colonize the Cariboo by the Oblates, the Indian agents and various levels of government control. Thus a change in the settlement patterns is shown by the increasing concentration of the Esketemc community on the reserve IR # 1 (Bellegarde & Purdy 2001; Bellegarde et al. 2008, Howorth et al 1993). Prior to the early 1960's families still moved to their cabins and hay meadows a distance from the main reserve for large portions of the year. The Indian agent forced the change of this residential pattern and insisted that people move to the reserve full time (Figures 3 and 4). The children who were raised in these meadows and cabins are now middle aged and older and still recall in great detail what life was like (Bellegarde & Purdy 2001; Bellegarde et al. 2008). The movements between areas; the coalescing and diffusion of family groups would have facilitated the accumulation and spread of local knowledge about the land and the resources.



**Figure 8: Picture illustrating three adjacent pithouses located on a narrow promontory above the Fraser River. The entire site contains more than 20 pithouses and depressions. Picture taken facing west, April 2011.<sup>33</sup>**

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<sup>33</sup> The specific location of this site is confidential according to British Columbia Archaeology Branch guidelines. This stresses protection by not providing specific locational information about archaeological sites.





**Figure 9: Picture of Alkali Lake Reserve # 1, facing west, showing the church, priests' residence and log cabins. Taken in the summer of 1914 during the McKenna McBride visit. BC archives photograph.**



**Figure 10: The main street at IR # 1, Alkali Lake, facing west, residential houses are situated on each side of the road. Taken September 2009.**



In addition to habitations, other indicators of the prehistoric, and early historic occupation include complex and intriguing petroglyphs and pictographs. Some of these are very detailed, indicating the representation of complex knowledge. Much of the old information about specific meanings of petroglyphs and pictographs is vague. However, the elements in these depictions occur in many locations throughout the region. Teit (1909:590) describes some of the paintings as being the result of pubescent spirit quests.

Petroglyphs also occur in the vicinity of winter villages. Some are situated in locations that are only visible at times of low water such as the late spring before the mountain snow melt occurs. It is possible that some of these depictions may provide sacred information, histories, or specific events. Other purposes may include the monitoring of water levels for fishing. Some of the images are very faded and indistinct, often with newer images nearby; these appear to represent a deep history of traditional knowledge in the region.



**Figure 11: Illustrates a petroglyph associated with the pithouse village shown in Figure 1. This petroglyph is described as a feminine creation figure (IJ).**

Spring and summer remain a busy time of year for harvesting, travelling and attending events. In the past people travelled on foot to harvesting locations and after the late 1700s, by horse and later by wagon to visit resources locations. Today people travel by cars and trucks and four wheeled off road vehicles. The resource harvesting remains important, in some

cases, crucial for community member's survival. Salmon, trout, deer, and moose meat remain preferred foods.

In the prehistoric and early historic period, summer habitations were usually temporary and were present at hunting and fishing places (Teit 1909). The houses were "covered with matting or roughly wattled with branches. The size and forms of these are very varied and quite irregular" (Dawson 1892:8). Conical tents consisting of poles covered with a single layer of reed mats were the most common form of dwelling and could house one or two families. Currently many trips can be undertaken in one day. When overnight trips take place family built cabins are used, or tent camps may be set up.

#### 4.5 Food Resources

Food plants comprise an important focus for Esketemc harvesting. These plant foods form an important part of the traditional diet and are primarily gathered in the spring and summer. While the traditional plant foods are still highly prized, many species are rare and some, such as huckleberries, have been almost completely lost from the Alkali area due to logging and cattle grazing.

In addition to providing nutrition, plants are also viewed as having important properties. An important view of food plants is that they all have medicinal properties. This has also been confirmed in independent studies (Ritch-Krc 1992). An Esketemc Elder notes that it is important to understand the properties of traditional foods because they can help heal a person. The properties of a plant are also ingested by animals that are eaten by people, part of the interconnected relationships that exist. The harvesting of food is more than a work task; it also has spiritual components and is accompanied by prayers and offerings indicating one's respect and gratitude to the plant life. It is during the harvesting process that many cultural teachings take place.

According to Gary Palmer (1975) in his general study of Shuswap ethnobotany, there were at least 135 plants used for food or other purposes, while Marianne Boelscher - Ignace indicates that there were more than 200 species used (Boelscher - Ignace 1998:207) for different purposes and approximately 50 plants were used for food.

In the past, accompanying the harvesting of the first plants or berries to ripen were ceremonies and feasts (Teit 1909:601). Teit describes past resource ownership of berry

patches that which were under the control of the chiefs of the western Secwepemc bands, who set the day when berry picking would begin (Ibid). These were held when the berries were ripe for picking in order to ensure appropriate thanks and protocols were followed to ensure good harvests. Currently individuals as they harvest plants will offer thanks and offerings such as tobacco. This is practised on an individual level. Teit mentions that, the gathering of food plants in the past was a job undertaken by the women (Teit 1909:601). Currently, women will undertake the majority of the berry picking, but children and men also participate.

Many different types of roots were obtained by the women for food. These were dug with a digging stick made of wood or antler (Dawson 1:301) called *pétse* (Shuswap Cultural Education Society 2001:62). This digging stick had a point and a curve at one end and a wood or bone handle at the other end. There were large and small digging sticks each adapted for different roots (Palmer 1997:37). Presently shovels or deer antler may be used to loosen the soil and locate the roots.

Important knowledge in the harvesting of these plants is the right time of year for harvesting. This information comes from the Esketemc community members who have intimate knowledge of the conditions in their territory and understand the conditions that provide good quality harvested food. Some of these are obvious such as berries ripening. The quality of other plants is known by the use of secondary characteristics, such as the ripening of trembling aspen in the spring to determine the correct time to harvest cambium. This detailed knowledge is specific to each region and specific locations within regions. Because of the elevational and physiographic complexity within the Esketemc region, this knowledge is very complex and localized.

The annual, spatial and temporal variability in plant occurrences is part of the adaptive nature of the traditional knowledge of the community. Norma Sure stated that

During the summer, during the fall, I also take trips with my mother to go harvest our medicines and our foods for ... our traditional uses that we do.... And it's not areas, it's just not in your back door, a lot of these areas (2010: 4705). You know, with the different effects in our different picking areas or our hunting areas, you have to change where you go to find your blueberries or whatever it is. You have to change that, even to do with, you know, natural disasters like fires or floods. So you do have to change it. It's never just in your backyard (2010:4706).

This change indicates that larger areas of land are needed to obtain needed resources. The scarcity of food, medicinal, animal and material resources has serious effects on the quality of Esketemc life.

April is Pesll7é7llqten (Secwepemc News 2010) which is translated as the time for digging. This is the time when root foods were harvested. Some of the first plants obtained in the spring are bulbs. Balsam Root, also known as a Sunflower tséts'elq (Shuswap Cultural Education Society 2001:133) *Balsamorhiza sagittaria* was a commonly harvested plant in the past. The bulbs were dug early in the spring when they were tender, prior to blooming. These bulbs were steam cooked called `qelstém (Shuswap Cultural Education Society 2001:74) according to traditional methods in pits. The steam cooking converts the complex carbohydrates into a more digestible form, a practice that dates back at least 2,000 years (Turner et al 2000). This practice of pit cooking the bulbs is still known by many elders, but the Balsam root is currently not a commonly harvested plant (Turner et al 2000).

Another spring plant is nodding onion qwléwe (Kuipers 1983:52) *Allium cernuum*. In the early spring, in March the warm hillsides where the snow melts first are full of the smell of onions. This is harvested for use as a food and as a medicine.



**Figure 12: Cambium harvesting of lodge pole pine, *pinus contortata* in the spring. The long thin strands of cambium can be eaten fresh or dried and stored. The cambium has a sweet and slightly piney taste.**

An important spring food is lodge pole pine cambium *Pinus contorta* var. *Latifolia* qweqwli7t (Kuipers 1983:54) The cambium stkek`té1qw (Shuswap Cultural Education Society 2001:96) is harvested by removing a section of bark and scraping off the cambium layer underneath (Figure 5). This is an important spring food and has a significant nutritional value (Dilbone 2009). It is still harvested during certain times in the spring because of its pleasant taste and medicinal values.

Spring is also the time when wild potatoes skwenkwínem (Shuswap Cultural Education Society 2001:86) *Claytonia lanceolata* are harvested (Figure 6). The potatoes or corms are ready to be dug in May and were traditionally pit steamed. The wild potatoes are not common today. Elders state that this is because of the introduced plants that create a thick litter mat, as well the presence of cattle that trample the ground and compact the soil. Other bulbs harvested for food include tiger lily roots textsín (Shuswap Cultural Education Society 2001:114) (Figure 6) and *Lilium columbianum*. As with other roots these were also pit steamed.

Other plants harvested for their roots include desert parsley qweqwíle (Shuswap Cultural Education Society 2001: 115) *Lomatium macrocarpum*. This root is dug in the spring and prepared by steaming. In addition, cinquefoil, cícel (Shuswap Cultural Education Society 2001:3) *Potentilla anserina* is dug for its roots which are also steamed. Wild rhubarb stalks and leaf stems were harvested in the spring while tender and eaten. This plant is also known as cow parsnip kwtéllp (Kuipers 1983:34, Secwepemc News 2007:3) *Heracleum Ionatum*.

Early summer is known as Pellténtsk (Shuswap Cultural Education Society 2001:60, 2012 ) or strawberry month. At this time, the berries from the heather and rose families are important (Palmer 1972:37). In the rose family important plants include Saskatoon speqpéq (Shuswap Cultural Education Society 2001:90) *Amelanchier alnifolia*. In Secwepemectsín this means ‘the berry’ indicating the reliance on and predictability of this food source. The Esketemc recognize several different types of saskatoons that have different qualities, different tastes, different types of bushes and different names. The saskatoon is a staple which is easily harvested and in general widespread





**Figure 13: Above Tiger lily textsín and below, wild potato skwenkwínem**



**Figure 14: Soapberry or sxúsem ready to be harvested**

Another berry that is highly valued is the soapberry sxúsem (Figure 14) (Kuipers 1983: 87) *Shepherdia canadensis*. The presence of this berry is variable and the harvest differs year to year. Soapberries are canned or frozen to be made into juice or Indian ice cream. To make the ice cream the berries are whipped with sugar creating a frothy meringue like treat. The berry is also said to have important health giving properties.

Other important berries are the chokecherry tkwlóse7 (Figure 15) (Shuswap Cultural Education Society 1983:16) *Prunus virginiana*, and various *Vaccinium* species including blue berries sesép (Shuswap Cultural Education Society 2001:82) that continue to be used, as are

mountain huckleberry *wenéx* (Palmer 1972:37, Shuswap Cultural Education Society 1983:45). Raspberries *s7éytsqwem* (Shuswap Cultural Education Society 1983:72) *Rubus ideaus* are also harvested when available.

In the past berries were boiled and made into cakes. The berries were boiled in water tight baskets using hot rocks. After boiling, the berry mush was formed into flat cakes and spread to dry in the sun (Teit 1909:516). Today many of the berries are made into jams, pies or desserts.

A plant that is harvested for its berries and the leaves which are used as a tobacco is kinnickinnick or elk (Figure 16) (Shuswap Cultural Education Society 1983:50) *Arctostaphylosuv-ursi*. The berries on this plant are dry and it is not a preferred berry, but is eaten as an emergency food.



**Figure 15: Choke cherries *tkwlóse7* almost ready for harvest.**

Black lichen, *wíle* (Shuswap Cultural Education Society 2001:154) *Alectoria jubata*, *Bryoria fremontii* was often eaten and is still harvested from trees at any season. It is prepared by washing it thoroughly and steaming it in an underground pit. This finished product resembles dark, gelatinous unleavened bread. It can be eaten freshly cooked or dried and stored for later use (Turner 1977).

Other plants that are harvested include cactus, *sekí7* (Figure 17) *Opuntia fragilis* is an important food and medicine. The spines are burnt off and the inner pulp is cooked.



#### 4.6 Medicine and Healing

Melámen (Shuswap Cultural Education Society 2001:51) is the Secwpmetsín term for medicine and healing plants. It has been stressed by Esketemc community members that a very important factor in the use of medicinal plants is the belief that they will help you. When harvesting plants it is important that respect be paid to the Creator, and that prayers are said



**Figure 16: Upper left, Kinnickinnick and right Wile.**

and offerings made in order to harvest the plants in the proper manner. Medicine plants also comprise a vast compendium of species. These include yarrow, cactus, barks, saps and pitch, berries for skin conditions, sages and junipers for cleansing and curing, and wild rose for cleansing. Chief Fred Robbins estimated that “probably 60 percent of this community know where to go to gather medicines...” (2010:4538) indicating the continued importance of this resource. The knowledge around these plants is part of the information that is held within families and within the community and therefore is not specifically addressed in this research. The collection and use of traditional medicines is common throughout the community and represents a strong tradition of knowledge regarding the medicinal properties of plants.



**Figure 17: Cactus sekí7.**

#### 4.7 Fishing

Fishing for salmon is one of the cornerstones of subsistence for the Esketemc. There are several favoured locations used by Esketemc along the Fraser River. The closest is ‘The Point’ about 5 kilometers from the community of Esket. Other areas may be selected by families who may build small platforms and spend the night dip netting for fish.

The fishing regime has been affected by the Federal government’s attempts to control the fishing for conservation purposes. The Sparrow decision (*R. v. Sparrow*, [1990]) stated that the Aboriginal right to fish was protected under the Canadian Constitution and could only be infringed based on the need for conservation. The drastic decline in salmon stocks has resulted in the Federal government imposing quotas for First Nations fishing. It has been suggested that the close relationship between First Nations and salmon has resulted in a “co-evolution” of salmon stocks and First Nations (Garner & Parfitt 2006:1). Currently permits are issued by the band offices for salmon fishing and quotas may be set on the fish.

Fishing is an important subsistence pursuit among the Esketemc. While many different types of fish continue to be caught and used, the anadromous salmon s $\text{q}\text{l}\text{é}\text{l}\text{t}\text{e}\text{n}$  (Shuswap Cultural Education Society 1983:76) *Oncorhynchus sp.* has always been an important food source for the Secwepemc. Archaeological evidence indicates that salmon has been an important staple for at least the past 2000 years (Richards and Rousseau 1984). Hunn studied the percentages

and amounts of salmon consumed by prehistory Plateau cultures. He estimated that the Shuswap consumed about 500 pounds of salmon per person per year. He estimated that this provided about 28% of the annual calories required for survival (1981:128). Another study examined prehistoric burials along the Chilcotin and Fraser drainages to determine the  $\delta^{13}\text{C}$  value in order to establish the percentage of salmon in Shuswap diet during the past 2,000 years (Lovell et al 1986:99). It is interesting that this study indicated that salmon provided approximately 50 % of the diet of adults. Lovell's studies showed that children's consumption of salmon was about half that of the adults, indicating certain food restrictions may have been in force (1986:102-3). These studies corroborate Esketemc statements about the continuing importance of salmon to the Esketemc

George Dawson, who visited the region in the late 1800's noted: "Dried salmon forms a considerable part of the provision made for winter, and before attempts at agriculture were begun constituted the sole winter staple" (Dawson 1892:15). He also noted that "The right to occupy certain salmon-fishing places, with the annual visit to these of the more remote families and the congregation of large numbers of Indians at specially favourable places, largely influenced the life and customs of the Shuswaps" (Dawson 1892:15).

This dependence on salmon is particularly evident in historic accounts of shortages of salmon resources. Historic documents recount times when the salmon run failed such as in 1827 (HBCO 1827: 29 Annual report). In the 1850's, during the initial gold rush and in 1871 the salmon run suffered almost a complete failure. This occurrence must have happened periodically throughout prehistory. At these times, the communities had to focus on hunting and other resource pursuits to survive. However, it appears that these failures were short term events and the salmon populations would rebound. Within the last century, historic changes have had a long term negative effect on the runs. Today the greatest limiter of salmon consumption is the reduced size of the runs and in some cases the extinction of runs, which forces the First Nations to go elsewhere for their fish, or do without.

Another important fish is the Kokanee, *Oncorhynchus nerka* a freshwater salmon. This remains an important fish for some Esketemc families. It is present in large lakes and was taken by means of traps and weirs (Dawson 1892:15). Spawning Kokanee is still taken by nets along the shores of some lakes in the fall.

Technologies used in fishing were varied. In large fast rivers such as the Fraser, dipnets were and continue to be used almost exclusively by the Esketemc. Teit describes this practice in the past (1909:534). On smaller rivers and creeks, fish traps and weirs were used (Dawson 1892, Teit 1909). Ice fishing with bait through holes in the ice occurred in the past and is still common (Teit 1909:530). Dawson mentions a cylindrical fish trap that was used on smaller streams. This was called mu`yt (Shuswap Cultural and Education Society 2001:54) and was constructed of willow sticks and crosspieces of other wood (Dawson 1892:16). Teit describes this as a long “cylinder, provided inside with a conical entrance leading from the mouth and tapering near the center of the basket to an aperture just large enough to allow a fish to pass through” (1909:527) and another type was built “...of long willow wands, which were held together by hoops, and which were tied up at the pointed end so that the fish could be removed by opening the end of the trap” (Teit 1909:527).

In wide, rapid streams portable fish traps were set at the head of small wing-dams made of stones and stakes where they were securely fastened (Ibid). Other technology utilized in fishing included single pronged spears and hooks made of bone splinters. Teit describes gillnets which “...were rigged with buoys and sinkers, and set over night in lakes” (Teit 1909:526). These were made illegal in the early 1900s (Tennant 1990), but they continue to be used today (Figure 11).

Presently there is little evidence for trap and weir use; the custom was largely eradicated by the Canadian and British Columbian government. Because of the outcry against native fishing by the salmon canneries and non-native settlers in the latter two decades of the 1800s; it was made illegal for aboriginal people in B.C. to use fish traps, weirs and nets. This campaign against traditional native fishing technology began in the 1890’s and continued up until the time of the First World War (Newell 1993:90, Tennant 1990). The contemporary Esketemc manner of salmon fishing in the Fraser is by using a dipnet (Figure 18).

Sacred ceremonies are associated with fishing for salmon. Respect and ceremony was important in the past and continues to be today. Many communities have worked to revive their first fish ceremonies that commence the salmon fishing season with appropriate ceremonies.



**Figure 18: A traditionally made dipnet.**

Once caught the fish, whether it is salmon, trout or kokanee is frequently distributed to community members in need. A strong value is placed on sharing. Even children who may be present received a share of fish (Boescher - Ignace 1988).

Sturgeon *xu7t'* (Shuswap Cultural Education Society 1983:92) *Acipenser transmontanus* is another fish that was caught in the past, and are still caught occasionally. Their numbers are also

dwindling. There are certain favoured spots for fishing sturgeon. One of these is near Alkali Lake.

A clear pattern of diminishing fish resources is evident to the Esketemc community. An Elder a stated that in the 2009-2010 year she had only one meal of salmon (CEAA 2010a:4883). While salmon is important for its nutritional value, it is also important for teaching traditional knowledge. Another Elder worried “If there's going to be no salmon, and no wild meat, what are we going to teach our children” (CEAA 2010a:4900)?

The poor salmon runs have been linked to the increasing pollution that is being released into the Fraser River, and the cumulative effects of all of the developments along the Fraser and its tributaries. Elder Shirley Robbins expressed her concerns about the health of the river and its ability to support salmon,

Salmon is our main source of food, plus wildlife. And we need our traditional food. Not only to keep us strong physically, but I really believe we need the (Aboriginal Language Spoken) Semec. Our Semec [Sic] is our spirit. People say that. You know, so this wildlife, this fish, this salmon, we need that to survive (CEAA 2010a:5022).



The practise of dip netting for salmon is an important annual activity marker. Many people in the community can provide detailed information about the salmon runs, where the salmon are running, who is catching fish, and the number of fish being caught. The ties to the salmon go far deeper than physical nourishment; the salmon spirit is also important to the Esketemc spiritual survival.

#### 4.8 Hunting.

The animal populations in the Esketemc territory have changed over the last 200 years. Some animal populations of the past have been replaced by new ones. There was a significant elk population *Cervus elaphus* in the Cariboo area. However, by the late 1800s the elk population in the Cariboo region collapsed, and by the early 1920s the first moose *Alces alces* moved into the area. The first sighting of moose caused consternation because no one knew what it was.

Because of the poor fishery, hunting has become more important. As expected, hunting has a long history in the area as is demonstrated by the types of artifacts found in archaeological sites such as projectile points and faunal material. Stann Copp has identified “Windust” type stemmed points in Southern British Columbia that date back 8,000 to 11,000 years ago (Copp 2006: 114). There are reports of deer remains dating to 9,000 years ago indicating a clear tradition of hunting (Copp 2006:150, 275, Huculak 2004 :46). Within the last several thousand years the bow and arrow began to be commonly used in hunting. Teit states that juniper wood was most frequently used for making these bows, and the flat bow could measure up to 1.5 meters in length (Teit 1909:519). The arrow shafts were made of saskatoon wood (*Amelanchor alnifolia*), and runnels were incised along the shaft to permit the animal to bleed more freely (1909:519). This type of bow was held horizontally when it was released. (1909:520).

Other methods of hunting that I have heard described include the older custom chasing deer onto a promontory where they would be trapped and then killed, or run over the edge. Deer fences were constructed to move deer along certain routes toward a corral or hidden hunters. Snares were also a common way of catching game (Teit 1909:518). Snares were also used for marmots, rabbits and grouse. In addition foxes, lynx, coyotes, deer, and wolves were snared or trapped (Teit 1909:523). Deadfalls were used with black bears and grizzly bears. The skills required for snaring animals were used by trappers for smaller fur bearing animals such

as squirrels. Currently, rifles are the preferred implement for hunting. In the past, dogs were used for hunting caribou, elk and deer. Animal calls made of bone and wood were also employed (Teit 1909:524).



**Figure 19: Drying and smoking salmon to preserve it.**

Today meat from deer or moose is consumed fresh or it may be frozen or dried. An abundance of meat is usually shared with others in Esketemc community. Good hides are sought after, and for those who still have the knowledge the hides may be prepared in the traditional manner in order to make moccasins, gloves or regalia. The hides are also used for making drums.

As with other harvesting practices, offerings and thanks are given, an Elder states “And that’s our way. We always offer tobacco, to the land, when we kill a deer, you know, when we ride our horse, you know, whatever it is, we offer tobacco” (2010a:4719).

The knowledge of how to hunt, where to hunt, how to approach an animal and how to give thanks is passed on through families. Norma Sure emphasized “it is up to the responsibility of your family to pass on your traditions and your cultural..... areas that you go[to].... I hunt every fall. Like, it’s just one of the things that I choose to do and that I love to do” (2010: 4705). The process of learning how to teach about the land is further emphasized,

... I see the responsibility that my mom took upon herself to teach myself and my three brothers and sisters... I can't explain it how the deepness of [it] in your soul that this is. Because it is, it was up to me to teach my daughter, with my mother's guidance, which I did, and am doing, and we still do it, if it's either hunting or we're going out to traditionally harvest plants (2010a:4706).

She describes the continuity of this teaching

I have a 27-month-old great nephew. ....at 27 months we have started to introduce him to his hunting areas. We take him out to these areas. He can identify to you a buck compared to a doe. And a moose. He knows moose. He's becoming familiar with his areas of hunting (2010a:4706).

The basic skills of observation, identification and appreciation are passed on by some families while the children are still toddlers because "... it's so imperative that ... we pass on to our children and our grandchildren and our children's children, that those cultural activities, just who you are as a people, you're able to pass on" (2010a:4706). The knowledge of the animals, the family territories, and identity is encapsulated in these teachings.

There have been changes in game populations within the last one hundred years. Previously elk and caribou populations were very important. Moose, now an important game animal, first came into this region about one hundred years ago. The first sightings of this animal has been described as disconcerting, few people knew what it was. It is interesting to question how the change in animal species may have affected the hunting methods. While moose are solitary, elk and caribou are not. Because the latter travel in herds, it is probable that there was a greater emphasis on drives corrals and fences in past hunting strategies. The seasonal migration routes of animals are noted by Esketemc hunters. They are aware of changes in the animal's movements and behaviours, and health.

#### 4.9 Constraints

The ability of the Esketemc to access their resources has become more restricted in the latter half of the 1900s and the first decade of the 2000s. The access to Esketemc lands and resources are impeded by several interconnected factors. The first of these is the ability to travel to and on lands. There is no general access to private lands, which eliminates a significant portion of the Esketemc territory from use by the community. While privately leased grazing lands are legally open to access by others, both Natives and non-Natives; ranchers often make access difficult by locking gates and building extensive fencing. This means that areas traditionally used for hunting are no longer accessible.



In the last 200 years there has been also been a profound change to the Esketemc lands and resources. Some changes are caused by years of clear cut logging and the burning of large amounts of logged wood or slash not considered to be marketable. The region is currently at the end of a pine beetle epidemic which has killed most of the lodge pole pine *Pinus contorta* forest in British Columbia. There are programs for reforestation that focus on replanting marketable species of trees. This focus on monoculture, as well as the strategy of replanting and the use of herbicides to keep competing vegetation in check, creates areas that lack ecological diversity. The alteration of these large areas within the Esketemc territory has resulted in changes to the distribution of plants, and the loss of some commonly used resources.

Further, difficulties stem from years of extensive logging. This logging has resulted in a system of logging roads across much of the Esketemc territory. The previous construction of a major transmission line through the center of the Esketemc territory has caused dramatic change to the animal populations. It serves as a major access route for hunters. In the fall hunting season, the area is inundated by hunters from other parts of North America. A limited entry hunting system allocates licenses for moose hunting through a lottery system (B.C. Wildlife Act 2008). This is designed to avoid over hunting of moose by limiting the number of hunters. However, a great deal of poaching occurs and the moose populations are low. All of this has been facilitated by the construction of new roads enabling easier access to once remote areas. The effect on the Esketemc community of increased access to their traditional territory by outsiders is an undependable and decreasing supply of wild meat for community consumption.

Interference in the Esketemc hunting tradition occurred when a transmission line was constructed through their territory in the 1970s and 1980s. This line carries electricity from north eastern British Columbia to the Vancouver area and to the US. After this line was built, Esketemc community members noticed the significant reduction in numbers of moose and deer. Areas that were once important for hunting no longer supported animal populations forcing the Esketemc to hunt elsewhere. One of these alternate areas is Stuclaws, the area proposed for the new transmission line associated with the Prosperity project.

#### 4.10 Traditional knowledge and its position within the Esketemc community.

There is a continuous tension to maintain the traditional knowledge and lifeways that make up the Esketemc identity. This tension positions traditional knowledge in the space between the imprisoned land and the local and governmental regulatory systems that restrict the Esketemc practice of their culture. Traditional knowledge is largely hidden from the non-native world, because it is not acknowledged by government agencies. The Esketemc practise of hunting and harvesting plants appears to be seen by developers and government agencies as a lifestyle choice that is interchangeable with other choices. But culture, which is represented by traditional knowledge serves to “...encode values and fix memories to places that become sites of historical identity.” This dialogue with the land is fluid and “... becomes a form of codification of history, seen from the viewpoints of personal expression and experience” (Collins 1997:1). Embedded in the landscape and the knowledge held by the community is the Esketemc identity (Collins 1997:1). It is this land linked identity that cannot be reduced to a lifestyle choice without the loss of self.

The philosophical framework of the Esketemc lifeway uses models from the natural world. For example, a common theme in the community is the respect for difference. The colonial forces that impose their ideas of development onto the Esketemc, are antithetical to the community’s experience and belief system. Based on the model of animals an Elder states

I watch anthills do better jobs than you people (non-Natives). Those ants, there's a story about how you should live. They don't -- one ant, don't go to the next one's territory and steal everything. They have everything sorted out. And you can't see that? You don't see that on the ground? Do you look? Every tree doesn't tell the cottonwood tree or that fir tree or that spruce tree "move over, this is all mine." Don't they all grow together? (CEAA 2010a: 4726- 4727)?

This illustrates the different spheres of existence and equality among living things. Whereas mining development and the environmental assessment processes are not based on equality or respect.

Another important domain for teaching is through oral history. One of these histories told by another Elder starts with the creation of the earth and the importance of caring for the land.

Some of the Elders I used to listen to when they tell stories. And this story was one of them, about the creation. See, when he started off with when God and Chief Coyote was standing on top of the water, deciding what to do with it, when this Earth was flooded, so they decided to push the water down the South Pole and up the North Pole

and freeze it. They freeze. That's why we have South Pole and North Pole. And when they drained the water out, that's when the creation begin. They create everything on it, what's on it now. Some of it is missing already. Or a lot of it. I don't know just how much. But when everything was created, they create man.

And they say the rock called a meeting of everything that was created on Earth. They had a meeting. The rock was chairing the meeting. They asked everything, all, which one wanted to have the responsibility of protecting them, everyone they asked, every animal, every insect, every fish, and every bird, everything that was created, all the trees, nobody wanted the responsibility. But the man was sitting a ways from this meeting. So the rock said, "What about him?" And they called him over. He come, and they ask, "Do you want the responsibility to protect everything that's on this Earth?" That's when man took that responsibility. That the responsibility wasn't given just to one, one colour or one person or one. It was given to all men. He never mentioned no colour or no tribe or no type. Man. That was given to all man, White, Black, Red, Yellow.

This became all our responsibility. And I often think about this: What are we doing to protect Mother Earth and what's on it? We always talk about our children, grandchildren and great grandchildren. What are they going to have if we keep destroying what's on our Mother Earth? Our trees is getting less and less by the millions (CEAA 2010a: 4738- 4739).

In this account, he emphasizes the responsibility of protection for all things. The presence of a rock chairing the meeting, and the presence of all things emphasizes the spirit of all things; it emphasizes the equality of all things and the respect for all things. The inclusion of God and Chief Coyote is important; it is a collaborative effort to create the world and reflects the importance of consensual decision making. The uncertainty about what action to take when they created the world is also interesting because decision making and choice are part of the individual responsibility of all.

The Elder also describes how people have already destroyed many things, how “some of it is missing already”. Leaving the listener with a choice to make, either work to protect the world or to fail in the sacred obligation of man.<sup>34</sup>

He emphasizes that non-native culture ignores the sacred aspects of life.

You don't, we don't think about the little ones, the insects, the worms, the birds. When you run a big CAT (Caterpillar bulldozer) through one of them strips, 85 metres wide, how many billion little insects you're going to destroy? How many birds? How many worms? How many ants? They were also created here. They have a job to do. Every insect that's on that dirt out there's got a job to do. We supposed to protect them. You guys. Everybody. Man was appointed. Our job (2010:4745).

In this statement he mentions not only the sacredness of life, but the value of creatures that in the non-Native tradition are seen as dispensable. He emphasizes that the insects, worms and ants have a role to play and “a job to do”. This emphasis on the sacred qualities of life forms is important because this value system positions the Esketemc in opposition to the forces of development that will be discussed in Chapters 5 and 6, and underlines Foucault’s observation that resistance is located throughout culture (Bratich et al 2003).

#### 4.11 Summary

The importance of plants and animals to the Esketemc physical, cultural and spiritual survival is stressed by the community. Also stressed is the decline in resources and how the resulting scarcity affects what people can eat. It has been noted that people are not harvesting plants and animals as they once did. It is proposed that this change in harvesting is due to several factors. These are based in the change in resource availability; the dispersal of fewer animals and plants requires people to travel further to access them. Many individuals at Esket do not have vehicles or access to them. They are dependent on others to take them hunting or to bring them meat. Without the transportation or money for fuel people cannot hunt, fish or gather plant foods as they would like. It is important to note that the desire to use the resources still remains.

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<sup>34</sup> The Secwepemc language does not have male and female objects. Esketemc speakers often use he and she interchangeably.

## **Chapter 5 A Historical Background to the Environmental Assessment Process**

### **5.1 Origins of Environmental Concern**

This section briefly outlines historical, legislative and political contexts for the Canadian federal and British Columbia provincial environmental assessment processes and describes the participation of the Esketemc First Nation within the Prosperity Mine environmental assessment process in 2010. It illustrates how the environmental assessment process is constructed as a ‘system’ (Foucault 1991:54), understood through its chronological development, its boundaries and the permissible language that exists within the framework of the environmental legislation and the environmental assessment processes.

In Canada, when large developments are planned, the main point of contact between the participant First Nations, the developers and the government may be the environmental assessment. This nexus not only provides the point of contact, but its structure also shapes the types of interactions and their outcomes. Not only is this process a crucial point of contact between differing interests, it is also a potential locus of conflict.

Environmental assessments are relatively recent tools used throughout the world in order to gauge the impact of developments on the environment. The discourse that marks assessments is shaped through the regulations that govern environmental assessment concepts, methodology and hermeneutics (Foucault 1991). The rules of formation, the ‘archaeology’ of the field, reveals the current character and power relations of this discourse.

The United Nations, the International Association of Impact Assessment, and the Canadian government all emphasize a scientific and positivist view of the environment, which is understood as a knowable, exploitable and predictable system (International Association of Impact Assessment 1999; Abaza 2004:6; Canadian Environmental Assessment Agency 2012b). This paradigm employs a scientific and western gaze and posits the environment as an entity to itself. This separation of the people from the environment can result in inaccurate research of the type and magnitude of effects and impacts of developments because the scientific and technical experts are not usually the occupants of the land. The recent acknowledgement and inclusion of effects of developments upon people (Canadian Environmental Assessment Agency 2012b) appears a progressive and responsive approach. However, this methodology still separates people from the environment and authorizes and

outsider's definition of how people articulate with the environment; people become consumers of resources rather than the spiritual guardians of the land.

While the UN and Canada acknowledge that the effects of developments upon people should be considered, this consideration is secondary to the effects of a development on the environment. The British Columbia (2009b) environmental assessment process indicates that social effects “may be considered” in an assessment. The use of the term ‘may’ however makes this optional. Nor does the province provide guidelines for how this should be undertaken, such as what triggers would indicate when social effects are to be considered, or how valuation will be undertaken, or even how social effects are defined. Nor do the Guidelines provide a way in which to incorporate these into the environmental assessment process.

The International Association for Impact Assessment (1999) states in its ethics and guiding principles that, “We will seek to encourage a process of impact assessment that averts infringement of the human rights of any section of society.” They also state that they are, “especially mindful of the concerns of indigenous peoples”.<sup>35</sup> In contrast, the Canadian government emphasizes that it prefers to balance the interests of ‘all’ segments of society (Canada 2010b, 2011a). Implicit in this statements is the lack of commitment that the Canadian government places on the recognition of, and preservation of Aboriginal Rights. The mitigation of environmental effects is also incorporated into some of the definitions of environmental assessment, while it is absent from the British Columbia Environmental Impact Assessment Act.<sup>36</sup>

Another aspect of environmental assessments affecting First Nations is lack of accuracy and validity in their predictions. The possibility of predictive errors exists because of the complexity of large projects. The Canadian federal government states that prediction is used in the determination of ‘adverse environmental effects’ (CEAA 2012b). These types of

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<sup>35</sup> “We conduct impact assessments in the awareness that different groups in society experience benefits and harm in different ways. We seek to take gender and other social differences into account, and we are especially mindful of the concerns of indigenous peoples. We give due regard to the rights and interests of future generations”. International Association of Impact Assessment <http://www.iaia.org/about/missionvision-values.aspx>.

<sup>36</sup> Environmental Assessment Act, (SBC 2002)  
[http://www.bclaws.ca/EPLibraties/bclaws\\_new/dcoument/ID/freeside/00\\_02043\\_01](http://www.bclaws.ca/EPLibraties/bclaws_new/dcoument/ID/freeside/00_02043_01)

forecasts are based on scientific knowledge and not Indigenous knowledge. True predictive accuracy is based on the quality and type of information that is used to construct the model. A lack of information or inaccurate information, will all skew predictions. The exclusion of traditional knowledge from predictive models means they are lacking the intimate information about an area that is built up over hundreds or thousands of years. Environmental assessment research and predictions are not a precise science, yet in many cases, such as the Prosperity project, the company's stance is that they have undertaken comprehensive research and there are no unknowns (Taseko n.d.). The province emphasizes that adverse effects on a range of issues will be evaluated and addressed when this is possible (BCEAO 2009). This caveat does not obligate the provincial government to meet a minimum standard of mitigation. These definitions have been criticized by the New Relationship Trust, a "non-profit organization that is dedicated to strengthening BC First Nations to become healthy, prosperous and self-sufficient" (Teneese and Fregin 2010:2). It commissioned a study to identify First Nations concerns about, "their involvement or lack of involvement in the Environmental Assessment process..." (Plate et al 2009:1).<sup>37</sup> They criticize the process for not identifying in what way First Nations will be involved in the environmental assessment processes.

Plate, Foy and Krehbiel (2009) emphasize the frustrations within the First Nations' communities and the gap between their interests and the legislative environment. This view shows the need for a comprehensive definition that incorporates First Nations Rights and Title into the Environmental Assessment process in addition to the implementation of their interests. While the field of Environmental Assessment is evolving and changing, its utility to

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<sup>37</sup> "The practice of EA in BC is guided by the BC Environmental Assessment Act and the Canadian Environmental Assessment Act, and their accompanying regulations and guidelines. While these two Acts clearly describe the EA processes, they do not prescribe clearly how First Nations should be involved. With case law on aboriginal rights with respect to land and resources rapidly evolving in BC, the governments of Canada and BC have come a long way in recent years in including First Nations in EA review processes. Nonetheless, in this atmosphere of legal uncertainty without prescribed and agreed upon roles for First Nations' involvement, many First Nations are frustrated in their current role in EA review of proposed Projects that occur in their territories and that so directly affect their rights and interests. This becomes a serious frustration on large, complex Projects with serious environmental effects..." (Plate, Foy and Krehbiel 2009 p. 1).

First Nations through the incorporation of First Nations' needs, interests and rights remains unclear.

The British Columbia process illustrates some of the strategies used to maintain control over the process, its use of power and the withholding of access to the tools of power from First Nations and others (Bussolini 2010:19). This dispositif is the framework for the concentrated power where it 'expands and reproduces itself in various agencies of society' (Brabant 1977:27). This is a system in which only the actors who hold power are able to utilize it.

## 5.2 Archaeology and the Genealogy of Assessment

The development of the environmental assessment process shows that First Nations' values and concerns were not part of its archaeological and genealogical history (Foucault 1991).

The environmental assessment process emerged from the changing social perceptions of the environment which took place in the developed world in the 1960s. At this time, there emerged a heightened awareness of the impacts of the industrial and the resource development on the environment and on humans. This resulted in a shift from the western historically held view that the environment exerts influence on people, to the understanding that people have an impact on the environment (Haq cites Clark and Harrington 1988, 2004:7, Carson 1962, Leopold 1966, Marsh 1964 and Smith 2001 cited in Lindsay and Smith 2001:5; Ortolano 1984:5).

Many governments responded to this concern about the negative impacts on the environment by initiating processes to protect it through regulations, legislation and the implementation of environmental impact assessments (Lindsay and Smith 2001:5). One of these was the US National Environmental Policy Act (NEPA) in 1969. This act began to address the concerns about large developments and the environmental damage they caused. Included in this act was a section that made environmental impact assessments obligatory (Arts and Morrison-Saunders 2006:24)

A significant genealogical event or threshold occurred in the early 1970s. Foucault describes the concept of thresholds or transformations that define a discourse (1991:54), and this occurred in Canada, when the public concern with environmental damage brought pressure on the federal government and resulted in the development and implementation of the Federal Environmental Assessment Policy in 1973 and 1974 as the *Department of the*



*Environment Act* (Lindsay and Smith 2001: 5). This legislation meant that planning for environmental protection was to be part of project developments and part of the federal decision making process for project approval through the Environmental Assessment and Review Process (EARP) (Jacob 1993 as cited in Lindsay and Smith 2001:5).<sup>38</sup> Industrial developers of government projects were required to consider environmental impacts in their planning process. These impacts would then be evaluated through the established government process to obtain what was termed a balanced outcome (Lindsay and Smith 2001:5). During this early period the only projects subject to this environmental assessment process were federal government sponsored projects. By the 1980s the projects covered by EARP began to include the private sector and the crown corporation projects.

From its inception, the EARP process has been subject to criticism and has undergone changes. These criticisms, as articulated by Fenge and Smith (1986) and Gismondi (1997), describe an ineffective process marred by bias, disorganization, a lack of mandate and ambiguous guidelines, a lack of transparency and without a legal basis (Fenge & Smith 1986:598).

The bias in the process was demonstrated through its self-regulation. This meant that the Federal government was responsible for conducting assessments on its own projects, a process criticized as lacking in objectivity and checks on its performance (Fenge 1986:597). The lack of oversight of the Federal environmental assessment process was seen as the cause of its “..discretionary application and political manipulation” (Lindsay and Smith 2001:2). I would argue that this early history of government oversight of its own projects still affects the field of environmental assessment in Canada.

The EARP was also criticized because of its failure to evaluate socio economic impacts such as “the boom and bust cycles in a resource economy” (Gismondi 1997:461) and the lack of long term sustainability (Halseth and Sullivan 2003) in some projects. It also ignored the infrastructure requirements for large projects such as a skilled workforce, capital, and technology that are usually absent in the remote resource rich areas of Canada. Because the

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<sup>38</sup> “...to ensure that the environmental consequences of all federal projects, programs and activities are assessed before final decisions were made, and to incorporate the results of these assessments into planning, decision-making and implementation.” (FEARO, 1983:9 cited in Fenge 1986:597).

socioeconomic effects were not dealt with in the environmental assessment process at this time, the displacement of benefits away from the local communities was not brought to the attention of those people who would be the most affected. The provision of services and resources from the developed centers results in a disillusioned local community because "... existing residents and communities receive limited benefits...[as] most of the economic benefits...appear to 'leak out of the regional economy'" (Knight et al., 1993:17 cited in Gismondi 1997:462). The environmental assessment process was not meeting the needs of local populations.

This lack of attention to social and cultural modalities (Gismondi 1997:458) in the assessment process meant that they were not part of the privileged discourse, or the 'sayable' (Foucault 1991:59; Gismondi 1997:462). The unaddressed issues or the non-privileged topics included lifestyle changes and the lower standard of living that frequently emerged after the completion of a project. Other non-privileged topics were the adequacy of educational services, law enforcement services, health care services and housing. Gismondi emphasizes that overlooking impacts to social systems limited the effectiveness of the environmental assessment process, a continuing bias that has not yet been addressed. The end result is that the impacts of a project might be evaluated, but not the project itself (Gismondi 1997). The failure to include First Nations issues was also a significant omission, it was part of the process of limiting an assessment's scope to concentrate on a few specific items, and this limits the scope (Foucault 1991:60) and only allows a narrow focus on the permissible topics.

The changes in the environmental assessment discourse are mirrored in the changes that occurred within the Environmental Assessment process in the 1970s and 1980s. One of the changes was the establishment of a panel review process. This process meant that the public reviews, the project screenings, and the environmental evaluations were to be conducted prior to sending the information to the Minister of the Environment for project approval (Fenge 1986). The need for these screenings emerged as a result of the serious negative effects of several projects on First Nations communities such as the James Bay Project. This hydroelectric project one of the largest hydroelectric projects in North America (CBC 1994) was not subject to environmental scrutiny in its initial phases of construction. As a result, the Aboriginal Cree and Naskapi communities suffered serious impacts to their subsistence and

culture when the dammed areas flooded, which resulted in the contamination of the water and the fish with high levels of methyl mercury produced by the breakdown of organic plant materials, a process that released methyl mercury from the bedrock. The flooding of thousands of kilometers of lands also resulted in displaced communities, lost ways of life and lost subsistence (CBC 1983). Other communities seriously affected by unscreened developments included the Grassy Narrows Ojibwe community, who were found to be suffering from mercury poisoning (CBC 1970, Shkilnyk 1984).

These significant impacts on First Nations, in conjunction with other industrial projects and instances of pollution, long term environmental contamination and negative public health impacts, resulted in further changes to the environmental assessment process (Lindsay and Smith 2001:6). A primary change was the inclusion of the general public in addition to other government agencies in the distribution of information about proposed projects. The provision of information to the public was to encourage the identification of local adverse environmental effects, as well as suggestions for environmental conservation and pollution control. Further changes incorporated into the environmental assessment process included social impact analysis and risk assessment (Lindsay and Smith 2001:6-7). Other components were the principles of cumulative effects and the importance of monitoring, as well as "...ecological modeling, prediction and evaluation methods." (Lindsay and Smith 2001: 7) Finally, in 1988 the Canadian Environmental Protection Act consolidated environmental statutes<sup>39</sup> under one body of legislation.

An increasing public awareness was emerging of what appeared to be an unfettered resource industry that was seen as contributing to the destruction of important habitats and resources. Large protests occurred over proposed logging, dam construction and pollution<sup>40</sup>. In the 1980s the Esketemc were involved in a fight against the proposed Vancouver Island Mainline Natural Gas Pipeline through their territory and they negotiated for limited damages in the expansion of a transmission line corridor through two Esketemc reserves.

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<sup>39</sup> Such as air pollution and submarine dumping of mineral tailings.

<sup>40</sup> This included large protests against logging in Clayoquot in Vancouver Island, protests against logging in the Stein Valley, as well as protests against the proposed Site C Dam in the Peace River area of north eastern British Columbia.

The 1987 Brundtland Commission's<sup>41</sup> formal definition of the concept of sustainability was incorporated into the Canadian Environmental Assessment process. In the late 1990s the Environmental Assessment process expanded from its initial goals of "conservation and pollution control" (Lindsay and Smith 2001:6) to incorporate principles of sustainability. The continued broadening of the discourse included the topics of "... climate change, biological diversity, and trans-boundary effects" as well as strategic environmental assessment were developed (Lindsay and Smith 2001:7).

In 1995 the EARP process was replaced by the Canadian Environmental Assessment Act (Noble and Bronson 2005: 396). The Canadian Environmental assessment agency CEAA, has the responsibility to provide oversight for the Environmental Assessment Act and regulations (Van Hinte et al 2007) a responsibility which it still has. In 1999 after further revisions, the Canadian government stated that the legislation had been strengthened because it stressed pollution prevention, sustainable development and protection of health (Canadian 2004:1).<sup>42</sup> By 2000 all Canadian provinces and territories had implemented Environmental Assessment programs.

The continued transformation of the environmental assessment process resulted in increasing complexity. By 2000, the level of expertise required within the Environmental Assessment process had grown to the point where specialized training was required to fully participate (Lindsay and Smith 2001:7). This trend can be seen as an exclusionary practice and a form of appropriation (Foucault 1991:60) that excludes full and informed participation by all but experts. This marginalization is a frequent cause for complaint for by First Nations in the Environmental Assessment process.

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<sup>41</sup> Sustainability was defined by the World commission on Environment and Development (1987) is "development that 'meets the needs of the present without compromising the ability of future generations to meet their own needs'".

<sup>42</sup> In addition,

"CEPA 1999 is an important part of Canada's federal environmental legislation aimed at preventing pollution and protecting the environment and human health. The goal of CEPA 1999 is to contribute to sustainable development—development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs." (Canadian Government 2004).

By 2000 the Environmental Assessment Act was described as "...a planning process aimed at capturing strong public environmental values and protecting ecological carrying-capacity" (Lindsay and Smith 2001:1). The underlying goals of the Canadian Environmental Protection Act were seen as understanding and mitigating the impacts of large developments. (Lindsay and Smith 2001:1). It has been claimed that by the first decade of the 21<sup>st</sup> century the Environmental Assessment process was the strongest yet because it incorporated the concepts of sustainable development and "environmental monitoring programs" (Lindsay and Smith 2001:2). Further revision took place in 2003 when a tracking process for environmental assessments was introduced (Noble and Bronson 2005:396).

The trend within the Environmental Assessment legislation is one that stresses specialization and Foucauldian 'individualization' (1991:54) indicating the development of a discrete field of discourse. Currently federal environmental assessments can take several forms; these include screenings, comprehensive studies, mediations and panel reviews. Screenings are employed in projects with low impacts, while comprehensive studies are called for when a project is more complex, and may have serious impacts to the environment. A comprehensive study will examine cumulative effects, mitigation, project alternatives and their environmental effects, as well as monitoring and public input. Mediation and panel reviews are used when a comprehensive study shows that significant environmental impacts may occur (CEAA, 2003: s.16).

Triggers for federal comprehensive studies such as the proposed Prosperity Mine at Fish Lake include the size of a project, such as a mining project that produces 75,000 tons per year or more. The Federal government is also involved when a development includes departments that are federal responsibility. This includes effects on fish and fisheries, as well as transportation. The remaining components of a proposed development devolve to the province.

While each impact assessment is unique and the process is adjusted by the Canadian Environmental Assessment Agency or the BC Environmental Assessment Office, a joint environmental assessment may be held in which the province and federal governments share parts of an assessment. This can involve sharing information, as was the case with the Prosperity environmental assessment. Harmonization agreements exist between the Federal government and British Columbia with the intent to harmonize approvals and conduct

assessments that are more effective and that try to eliminate duplication (Boyd, 2003; Canada and British Columbia, 2004b).

### 5.3 The British Columbia Environmental Assessment Process.

Mining was one of the drivers of early non-Native settlement in British Columbia. Early legislation beginning in the late 1850s encouraged mining. Permits were easily obtained, and it is said that starting a mine or mining in British Columbia is still a relatively simple process. The province has an online staking system where a mineral claim can be filed on the internet by anyone anywhere in the world. This process called Mineral Titles Online [MTO] is still evolving. The Ministry of Energy and Mines<sup>43</sup> sets out the objectives for its online staking which are aimed at facilitating mining development. Yet on the website there is little reference to First Nations. . An icon on the side panel on the web page refers to First Nations engagement. Here the province includes information on its obligations to consult with First Nations and indicates that it may devolve this responsibility to the developer. British Columbia indicates that *this is not required*, but may assist in the earlier completion of authorizations for a mining project<sup>44</sup>. This indicates that any actions on the part of an online staker are voluntary<sup>45</sup>.

The non-native and European economic history foundations within the province is linked with resource extraction. Therefore, the right to mining has a greater legal strength than property ownership. A miner can explore, excavate and undertake some testing on private property, with only some restrictions to protect structures, by purchasing what is called a “free miners license” and online staking. In the event of a proposed mining development, the only option a property owner may have is to sell their land to the miner or company<sup>46</sup>. Water legislation in British Columbia also has its origins in mining. The first to obtain a water

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<sup>43</sup> <http://www.empr.gov.bc.ca/Titles/MineralTitles/mto/about/intro/Pages/default.aspx>

<sup>44</sup> [ftp://ftp.geobc.gov.bc.ca/pub/outgoing/CAD/CAD\\_Public\\_Map\\_Service-User\\_Guidance-FAQ.pdf](ftp://ftp.geobc.gov.bc.ca/pub/outgoing/CAD/CAD_Public_Map_Service-User_Guidance-FAQ.pdf)

<sup>45</sup> <http://www.amebc.ca/documents/Policy/Land%20Use/MTO-4.pdf>

<sup>46</sup> <http://www.empr.gov.bc.ca/Titles/MineralTitles/faq/Pages/PrivateProperty.aspx>

license on a watershed has a greater access and more rights to water than the subsequent water licensees<sup>47</sup>.

This history indicates the nature of the resource extraction environment for miners and mining companies, that privileges resource extraction over other interests.

Prior to the 1970s, no reviews of proposed mines were required. After this proposed mines were subject to the Mine Development Assessment Act and a Mine Development Certificate was required. In 1995 under the New Democratic Party government, the British Columbia environmental assessment process came into effect through the Environmental Assessment Act (R.S.B.C. 1996, c. 119).<sup>48</sup> The act established the Environmental Assessment Office [EAO] to administer the environmental assessment process. The British Columbia Environmental Assessment Office (BCEAO) undertakes technical studies, consultation with First Nations, reporting and works to develop mitigation plans in the event of negative impacts<sup>49</sup>.

This Environmental Act had been developed in consultation with environmental groups and the mining developers. It applied to reviewable projects, those with a production of more than 75,000 tons per year. The larger projects required an assessment and a project approval certificate. The assessment for large projects included “environmental, economic, social, cultural, heritage and health effects”. This legislation also enabled the establishment of independent project review committees to formulate recommendations on projects. The 1995 legislation provided comprehensive process to assess the effects on the environment of all proposed projects, except for forestry.

In 2002, the provincial mining legislation was modified by the subsequent Liberal government. They removed the ability to have independent reviews. According to the Provincial government this legislation the Environmental Assessment Act, 2002, Ch 43, was

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<sup>47</sup>[http://www.amebc.ca/Libraries/Taxation\\_Economic\\_Incentives/Fact\\_Sheet\\_for\\_Private\\_Landowners.sflb.ashx](http://www.amebc.ca/Libraries/Taxation_Economic_Incentives/Fact_Sheet_for_Private_Landowners.sflb.ashx)

<sup>48</sup> [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96020\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96020_01)

<sup>49</sup> <http://www.eao.gov.bc.ca/about%20eao.html>

designed to be more “flexible, efficient and timely [in] reviews of proposed major projects”<sup>50</sup> the revisions gave the provincial Minister of the Environment more discretionary power, and the ability to waive the requirement for a particular environmental assessment. However, mining analyst Tone Pearse has stated that this ministerial involvement also meant that there was the potential for political interference at multiple levels (Pearse 2010).<sup>51</sup>

The British Columbia government emphasizes that the British Columbia Environmental Assessment Act is a way to evaluate large projects to determine impacts while focusing on sustainability for the environment as well as socially and economically.<sup>52</sup> The province notes that the intent is that the environmental assessment process “consider issues and concerns from the public, First Nations, interested stakeholders and government agencies”.<sup>53</sup>

Negative effects on “environmental, economic, social, heritage and health effects” are also examined and considered. The province’s uses of the term consider is interesting. The Merriam-Webster defines consider as “to think about carefully” or “to take into account”<sup>54</sup>. However, there are many variables that can affect this. Up to the time of this environmental assessment the province had never turned down a mining application; therefore there is reason to question the rigor with which the analyses are undertaken. This term does not carry with it any obligations it is a conditional and open and falls into the category of a “weasel word” which has been used in other contexts to diminish the power of statements (DiCarlo 2011).

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<sup>50</sup> [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_02043\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_02043_01)

<sup>51</sup> [http://www.youtube.com/watch?v=c-f\\_807D-kA&NR=1](http://www.youtube.com/watch?v=c-f_807D-kA&NR=1)

<sup>52</sup> [http://www.eao.gov.bc.ca/ea\\_process.html](http://www.eao.gov.bc.ca/ea_process.html) retrieved Oct 20,2010) “...provides a mechanism for reviewing major projects to assess their potential impacts. B.C.'s environmental assessment process is important to ensure that major projects meet the goals of environmental, economic and social sustainability. The assessment process is also needed to ensure that the issues and concerns of the public, First Nations, interested stakeholders and government agencies are considered.” (BC government n.d.) [http://www.eao.gov.bc.ca/ea\\_process.html](http://www.eao.gov.bc.ca/ea_process.html) retrieved Oct 20, 2010)

<sup>53</sup> [http://www.eao.gov.bc.ca/ea\\_process.html](http://www.eao.gov.bc.ca/ea_process.html) retrieved Oct 20,2010.

<sup>54</sup> <http://www.merriam-webster.com/word/archive.php>.



When the British Columbia Environmental Assessment Act was modified in 2002, many changes were implemented that are considered to diminish protection for the environment. According to West Coast Environmental Law, a firm that focuses on providing support for legal challenges to strengthen environmental laws, a higher threshold for environmental assessments was implemented resulting in environmental assessments for fewer projects. The changed act was less neutral and less accountable and more susceptible to political interference (West Coast Environmental Law 2004). West Coast Environmental Law also stated that the changes further marginalized First Nations' participation in the EA process, and permitted the provincial government to give economic interests greater weight than the environment.

The provincial government EAO states that it will determine the scope of consultation that any developer must undertake. This can take the form of inclusion of First Nations in studies and the utilization of Indigenous knowledge as well as determining the mitigation that may be required to protect the interests of First Nations. The BC EAO also states that 'benefit sharing agreements' with First Nations are not required, but any agreements undertaken will be considered during the environmental assessment review process (BCEAO 2009b).

The provincial government has not guaranteed public input or participation at a meaningful level. The provincial control of the process, the scope of consultation and their determination of the type of information that is required and that may be considered by them is an example of the appropriation of the institutional process. Access to pertinent information about developments and the determination of the scope of information required is tightly controlled by the government.

#### 5.4 Summary

The background events that are described in this chapter illustrate how power is located throughout the environmental assessment process. The process is a vehicle for bureaucratic efficiency and results in the presentation of decontextualized information. The parameters and operation of the environmental assessment process situate and circulate power within a closed system. The genealogical events within the Prosperity process itself demonstrate a complexity and lack of transparency that discourages full participation by First Nations.

## **6. Putting a Price on the Land.**

What goes through your mind, how do you sleep at night-how do you put a price on somebody's land? My grandmother was one of the biggest supporters of the Xenigwetin Case. How are you going to rehabilitate the land? What would you put as the price on your land where your ancestors are from? We live out there for all of our lives, you want to take that away from us, how do you sleep at night. Seriously my ancestors were there. They tanned hide and lived there, how do you sleep at night knowing you are destroying somebody's land?

This emotional statement was made by a young woman at a meeting between Esketemc community members and Taseko Mine representatives, and indicates the level of anger felt by some Esketemc community members about the proposed mining development at Fish Lake. It underscores the different world views of the two groups and the conflicted relationship (Feit 1995). The anger is rooted in a process of disempowerment of the First Nation forced to participate in a process it would prefer to avoid. This is one of many different development interventions that the community is dealing with. These slowly eat away at the land and resource base at the same time as they are depleting the human resources, time, capital, and self-esteem of the community

The conflicts between First Nations and other actors over Aboriginal land and resources are currently addressed in several ways. These include the discourse of protest through verbal and written complaints and internet activism (Escobar 2009), networking between communities, the establishment of power alliances, as well as sacred and spiritual measures and direct action. The Esketemc have used all of these methods during their fight against Taseko's proposed Prosperity mine at Fish Lake in the 2009 – 2010 environmental assessment.

The legislated approach to the environment in Canada is centred on the idea that science and research can be applied to the management of Canadian resources to maximize financial benefits, while at the same protecting the environment. In order to understand the gap between the First Nations' and the developers and governments' views, I will describe and discuss the processes that have led to the shaping of the legislated, institutionalized (Ballard and Banks 2003:288-9) and ritualized features that constitute the environmental assessment process, which is controlled by non-Indigenous interests and based on a commodified view of the environment.

One of the underlying concepts in environmental assessment is the separation of the environment, or the natural world from the human world (Cunningham 2003; Escobar. 1999). This separation is linked to the commodification of the natural world and its resources (Ross and Pickering 2002).

### 6.1 The Prosperity Project and the Environmental Assessment Process.

The environmental assessment process represents a heavily legislated and cumbersome method to evaluate developments. The ritualized and formalized methods of communicating about developments and the assessment process are examples of the formation of a discourse. This formation and functioning is seen in three aspects of Foucauldian discourse theory; who and what is excluded, how the discourse is to be conducted and who has the power to speak (Foucault 1977). It is through the creation and the continuation of discourse that a field is legitimized. The federal and provincial environmental assessment processes work as hegemonic devices; instead of serving as a method to bring forth concerns and generate information to inform the assessment process, they limit, exclude and channel the First Nations and public input. This guided process is most useful to those who have the resources, financial and technical capacities manipulate the discourse (Skalen et al. 2008).

The mineral resources that form the focus of mineral interest for Taseko mines are located in an area surrounding Fish Lake in the Chilcotin, also known as Teztan Biny in the Tsilhqot' in language and according to an informant Pesellkwe in the Secwepemc language. The mineral reserves were first identified in the 1930s (Taseko Mines <sup>55</sup>; Turkel 2004:43) (See Table 1)

Table 1. Timeline of important events concerning the Esketemc involvement in the Prosperity environmental assessment.	
1930	Mineral reserves identified.
1963-4	Phelps Dodge Corporation files mineral claim-this is allowed to lapse.
1969	Taseko restakes claim. Intermittent work is conducted on the claim.
1993	Taseko deems the ore deposit large enough to apply for a permit. Environmental assessment legislation applies to this project.

<sup>55</sup> <http://www.tasekomines.com/tko/Prosperity.asp?ReportID=350360>,

1997	Taseko began to conduct an environmental impact assessment study.
2000	Low mineral prices resulted in the suspension of field work for the environmental impact assessment study.
2002	Higher mineral prices see resumption of environmental assessment process. The provincial process begins first.
2006	The federal environmental assessment process is resumed.
2008 Oct	Call for public comments to establish the terms of reference for the federal review panel and the development of guidelines for the environmental impact statement.
2009 Jan	Terms of reference and Guidelines for the EIS finalized and released.
	Three Panel members were appointed.
2009 March	Formal environmental assessment process begins. Taseko's environmental impact statement released for comment.
2009 May	End of the public comment period on the environmental impact statement.
2009 June	Federal request to Taseko for more information. Province suspends its timed process.
2009 Oct	Province resumes timed process.
2009 Nov	Taseko press release about new mineral deposits. Province suspends timed process. It is resumed a few days later.
	First Nations submit reports on effects of the Prosperity mine on their communities.
2009 Dec	BC completes its assessment and requests comments in the two weeks over the Christmas break.  Taseko alleges that one of the Panel members Ms Morin is biased and should be removed from the Panel.
2010 Jan	Ms Morin is found not to be biased.  BC completes its review and approves the Prosperity project.
2010 Feb	New Esketemc Chief Fred Robbins, and Council elected.
April-May 2010	Community Panel hearings Williams Lake, Xeni Gwetin,

Nov 2010	Federal Minister of the Environment Rejects the Prosperity proposal.
2012	Taseko applies for a new environmental assessment as “The New Prosperity Project”

A claim was filed by the Phelps Dodge Corporation in 1963-1964 that they subsequently let lapse. In 1969 Taseko Mines restaked the claim (Turkel 2004:44) and subsequently engaged in intermittent work on the property, conducting exploration and research when mineral prices were favourable.

By 1993, Taseko was able to state that the property had a larger ore deposit than they had originally estimated and “the deposit was ...thought to contain 6.2 billion pounds of copper and 17.3 million ounces of gold” with a predicted mine life of up to 30 years (Turkel 2004:56). At this time Taseko applied for a mine development certificate from the province, and informed the federal government about their intentions to develop a mine. In 1997 Taseko’s work included a comprehensive study that encompassed a fisheries compensation plan, a report on endangered species, information on river flows, and engineering plans. Early in the 2000 low mineral prices resulted in the suspension of Taseko’s field work and studies.

In 2002, in response to higher mineral values, the provincial part of the environmental assessment resumed, while the federal portion resumed in 2006. The federal ministries responsible for the project were identified as Fisheries and Oceans Canada as well as Natural Resources Canada and Transport Canada. These ministries referred the project to the Minister of the Environment where the proposed project was determined to have “the potential to cause significant adverse environmental effects that could not be readily mitigated and that there were important public and First Nation’s resource use issues that warranted the referral to a federal review panel” (Canadian Environmental Assessment Agency 2010:2).

The large amount of gold and copper to be mined, an estimated 75,000 tonnes per year triggered an environmental assessment under the Canadian Environmental Protection Act. Because of the potential for harmful environmental effects, the federal Environmental Assessment required a comprehensive study, and the federal environmental assessment was structured in the form of a panel review. In this type of review a selected panel develops the terms of reference for the Environmental Impact Statement and oversees the public review process. The panel is then required to write a report for the federal minister of the

environment in which it identifies the environmental effects of proposed project and it may make recommendations about the significance of the effects.<sup>56</sup>

Steps were taken to develop a federal–provincial joint review process. (Canadian Environmental Assessment Agency 2010b:2). However, in a disturbing move, during the summer of 2008, Taseko Mines changed their strategy and indicated that they preferred to have two independent reviews, and the provincial “Minister of Environment issued a Section 14 order ...requiring a review by the British Columbia Environmental Assessment Office rather than a joint review process with the federal government” (Canadian Environmental Assessment Agency 2010:3).

The environmental assessment process of control and oversight began to affect the Esketemc First Nation in October of 2008, with the start of the formal process for soliciting public comments. At this time the comments were requested to assist in the establishment of the terms of reference for the federal review panel and the development of guidelines for the EIS. At this early stage it appeared that no information had been distributed to the First Nations communities indicating what the different steps were for the environmental assessment process, nor were there ways in which to distribute comprehensible information to the populations who would be most affected by the proposed Prosperity development.

Some of the comments submitted by the Esketemc early in the environmental assessment process noted that they wanted a definition of meaningful consultation, and the ability to comment as to whether the consultation had been meaningful for the community. They also stressed that there needed to be protection for Esketemc traditional knowledge. They stressed that the transmission line that would impact them was not formally part of the environmental assessment. Other issues included Esketemc approval for any mitigative measures proposed, as well as access to Taseko’s record of consultation, and clarification of how the quantification of residual effects will occur (Belleau 2008).

The Stsecemc’c/Xgat’tem (Canoe Creek) First Nation located south of Esket (Runka 2008a & b) pointed out there was no mention of traditional knowledge, nor was there mention of the integrated Stsecem’c/Xgat’tem view of the land and culture.

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<sup>56</sup> In the environmental assessment process, impact refers to the immediate consequence of an action. While effect indicates long term or permanent changes.

The Tsilhqot'in National Government (TNG) and the Sugar Cane Band (T'exele) both emphasized that short time frames and lack of funding were creating serious concerns for their ability to participate in the environmental assessment. Comments received from the Sugar Cane Band state that the time restraints imposed by the process, and the limited funding interfered, with their ability to conduct an adequate study and provide input for the environmental assessment (Charleyboy 2008, Louie 2008). While the Tletincox and the Toosey First Nations said they had not been consulted as independent bands (Johnny 2008, Laceese 2008).

Three panel members were appointed by the Federal Minister of the Environment. The appointees were Robert Connelly, (the panel chair) a retired government bureaucrat who had worked within the federal environmental assessment process and at the time of his appointment worked as a consultant. The second member was Bill Klassen, also retired from government work. He had worked as a conservation officer and overseen environmental projects in the Yukon. He was also working as an environmental consultant at the time of his appointment. The third member was Nalaine Morin, a member of the Tahltan Nation in northern British Columbia who has a degree in metallurgical engineering and had worked with First Nation's issues and mining prior to her appointment. These terms of reference for the panel were finalized in January 2009, at this time the Panel members began their work on the environmental assessment.

The formal environmental assessment process began in March 2009. The Panel and provincial government began their work on the review of Taseko's draft Environmental Impact Statement submitted on January 26, 2009. In March 2009, the federal and provincial government review process began. The provincial application review process has a time limit of 180 days, whereas the federal review process does not have a set time frame. The two governments worked to coordinate their efforts for a portion of the two review processes. This coordination was most apparent in the first stages of the environmental assessment when open houses, information sessions and the request for comments were coordinated between the two levels of government.

In this early part of the process environmental assessment process there were many different groups and agencies at work. These groups included the federal and provincial environmental assessment agencies, the appointed Panel, the First Nations, funded groups, NGOs such as

the Friends of the Nemiah Valley, Mining Watch, SHARE the Chilcotin resources, as well as the provincial working groups. In addition to all of the different groups, the provincial and federal governments have different processes to obtain public input, and have different ways to manage and assess it as well, this contributed to some of the confusion as to who was receiving comments and what process would apply to them.

In February, Taseko's Environmental Impact Statement was released, and the public was given a 60 day period beginning on March 26th to provide comments on it. After the initial government review of the Environmental Impact Statement it was released to the public, including First Nations for a 60 day comment period beginning on March 25, 2009 and ending on May 25, 2009. The comment period was designed to obtain comments from government ministries as well as First Nations, interest groups and the general public. These comments included those from the federal government; Transport Canada, Health Canada, and Environment Canada, and Fisheries Canada. These dealt with issues such as standards for pollution, characteristics of the proposed tailings ponds, waste rock, acid rock drainage and the fish compensation plans. Hundreds of public comments were received, these ranged from strong support for the mine to complete opposition to the project (Environment Canada 2009, 2010, Fisheries Canada 2010). While all of these are important as they define the information environment in which the environmental assessment took place; the focus in this study is on the issues that directly affected First Nations in particular the Esketemc.

Because of extended delays in receiving funding to participate in the environmental assessment, the Tsilhqot'in National Government requested an extension for this 60 day period in order to undertake the technical review required. They also stressed that as of the April 6th date of the letter they had not yet received any funding to hire experts to undertake this analysis. (Williams 2009). The Stsecemc'c /Xgat'tem (Camille 2009) and the Esketemc (Bedard 2009) communities also requested extensions because of funding constraints and short time frames.

The funding for the First Nations was to enable them to participate in the process and to communicate their concerns about the project. The participant funding was also designed to research a traditional use study about First Nations traditional cultural uses in the proposed development area. I was hired to assist the Esketemc with this process. This meant leading a traditional use study. It also meant the preparation of comments, and to ensure that the



community's interests were represented in the environmental assessment process. Another aspect of the study was to keep the Esketemc community informed about the developments within the environmental assessment process.

## 6.2 Public Context

Public comments were posted on line on both the federal and provincial websites. These comments were visible to the public resulting in a performative aspect to website. In some cases the issues were less about the mine and more about personal opinions. Some of these comments served to exacerbate the conflict along Native and non-native ethnic lines and built upon existing racism (Furniss 1997).

One writer indicated he was opposed to an extension of time for First Nations because his hours of work had been cut back, and the local food bank needed federal funding. He stated that Prosperity (Taseko) has done everything they can to ensure the project is environmentally sound and the government needs to put everyone to back to work and the project would save the City of Williams Lake. (April 16 2009).<sup>57</sup>

Another comment stated

If only someone could explain to me why we should extend a timeline to allow a group to gather money from our tax dollars to use directly against us. If I could have this explained in plain english,[sic] perhaps then and only then could I see the value of offering this extension (April 16 2009).<sup>58</sup>

This illustrates the perception of a polarized 'us' against 'them' dynamic, as well as offering the opinion that the First Nations were being unreasonable.

Others opposed the extension because they were suspicious of the First Nations' intent and one person stated

I feel the TNG are doing their best to stall this review so Hunter Dickenson [the company that owns Taseko] will abandon the project or offer them part ownership of the mine. The Indians in that area have nothing to lose, no matter what happens we the

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<sup>57</sup> <http://www.ceaa.gc.ca/050/documents/34094/34094E.pdf>

<sup>58</sup> <http://www.ceaa.gc.ca/050/documents/34098/34098E.pdf>.

taxpayers will support their way of life. The more Indians that are dependent on the Reserve System the more the Indian band gets (April 15, 2009).<sup>59</sup>

Still others wrote a simple “no to any extension and that the mine is needed” (April 15, 2009).<sup>60</sup> Comment 2, (April 15, 2009).<sup>61</sup> Others opposed the extension on the grounds that the research by Taseko was done well and would be “environmentally clean” (April, 2009).<sup>62</sup> It is interesting to note that the delay in funding does not figure in the objections to the extension of the time limit.

Others associated with environmental agencies, such as the Nature Conservancy of Canada and Mining Watch supported the extension (April 15, 2009, April 17 2009).<sup>63</sup>

### 6.3 Process Issues in the Environmental Assessment

A short extension was granted to the First Nations for the assessment. On May 25, 2009 Esketemc sent a letter to the Canadian Environmental Assessment Agency and the BC Environmental Assessment Office to outline some of the challenges they were encountering. They reiterated problems with funding and the short time frame for comments, and noted that First Nations culture cannot be quickly summarized. The late arrival and the reduced amount of funding hampered progress. Another issue is the time frame to provide comments. Because it was late spring, and because of the late break up<sup>64</sup> that year, or the late effects of the winter snow and moisture, many areas were not accessible by vehicle between February and June. For this reason, visits to the proposed route for the transmission line were not possible. Because only an approximate route for the transmission line had been provided by Taseko, this meant that a much larger area needed to be covered.<sup>65</sup> As a participant in this process on behalf of the Esketemc, I could see that this was a particularly stressful time for community

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<sup>59</sup> <http://www.ceaa.gc.ca/050/documents/34072/34072E.pdf>

<sup>60</sup> <http://www.ceaa.gc.ca/50/documents/34097/34097#.pdf>

<sup>61</sup> <http://www.ceaa.gc.ca/050/doucments/34095/34095E.pdf>.

<sup>62</sup> <http://www.ceaa.gc.ca/050/ documents/33845/33844E.pdf>).

<sup>63</sup> <http://www.ceaa.gc.ca/050/ documents/33757/33757E.pdf>, <http://www.ceaa.gc.ca/050/documents/33842/33842E.pdf>

<sup>64</sup> Breakup refers to the time period in the spring when the snow has melted and the ground has dried enough for travel in forested areas away from paved roads.

<sup>65</sup> May 25, 2009 <http://www.ceaa.gc.ca/050/documents/36100/36100E.pdf>

members. A high level of attention to detail was required, but the process was unfolding without a clear map of its development. In addition, the short time frame and limited funds meant that it was not possible to monitor or research all aspects of the environmental assessment. It meant selecting the few areas that were most important to the Esketemc and focusing on these.

After the assessment period, the EIS comments were submitted to the province. Because the Taseko Environmental Impact Statement is lengthy, over 3,000 pages, only a few of the main themes that Esketemc identified were able to be addressed.

Esketemc noted that Taseko had not provided information on Aboriginal rights, practices and culture that would be affected by the proposed Prosperity mine and transmission corridor. They also criticized Taseko's incomplete and inaccurate information about Esketemc culture and dependence on the land and resources. In addition, Taseko's lack of methodology, vague promises and lack of clear commitments were noted. It was felt that Taseko misrepresented the nature of their interactions with the Esketemc, implying consultation had taken place, when in the Esketemc view, none had occurred.

The Tsilhqot'in National Government reported that there were serious flaws in the Taseko's Environmental Impact Statement. They were also concerned about the protection of sensitive cultural information, and the inability of the environmental assessment process to meet their needs. They also stressed the devastating changes that a project of this nature would bring to them, and that their ability to pass on their culture would be jeopardized. They also stated that Taseko's description of traditional knowledge and Tsilhqot'in culture is "dismissive and incomplete" (Tsilhqot'in National Government).<sup>66</sup> They point out that Taseko describes Tsilhqot'in culture in less than three pages, while writing several hundred pages on hunting and sport fishing in the area (Tsilhqot'in National Government).<sup>67</sup> They also cite experts in acid mine drainage and metal leaching who indicate that the Taseko EIS studies are flawed.

One month after the end of the comment period, on June 24, 2009 the federal Panel issued a request for Taseko to provide more information. On July 2, 2009 the province suspended the

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66 2009 <http://www. ceaa.gc.ca/050/documents/35997/35997#.pdf>

67 2009 <http://www. ceaa.gc.ca/050/documents/35997/35997#.pdf>

180 day time period to permit Taseko time to obtain and submit the missing information. On August 14<sup>th</sup> 2009, a 30 day public comment period was initiated to obtain feedback from First Nations, government ministries, interest groups and the general public about the additional information provided by Taseko. On October 2, 2009 the province resumed the 180 day application review process again. While there were several further requests for information from Taseko by the federal Panel through the fall the application review process was not suspended again until November.

As mentioned, an important element for the federal and provincial governments was to consult with First Nations. This consultation information that would describe how the proposed Prosperity project would affect First Nations communities was requested from the First Nations by November 17<sup>th</sup>.

On November 2, 2009 Taseko issued a press release stating that they had discovered more mineral deposits and the projected mine life would be extended from 20 to 33 years (CEAA 2010b). After this, the province once again suspended the 180 day time line and requested clarification as to how the EIS might be affected. Taseko responded that this information would not cause a change in their plans, and the 180 day time period was restarted on November 16 (CEAA 2010b).

The British Columbia Environmental Assessment Office completed its 180 day timeline in December 2009. Between December 12, 2009 and January 2, 2010 the province requested comments on Taseko's final report about the use of lands and resources by First Nations. This timing which coincided with Christmas holidays meant that there was little opportunity for the public and First Nations to be informed about this deadline and to respond.

On December 4, 2009, the environmental assessment ran into further difficulties when Taseko raised concerns that one of the Panel members, Ms. Morin was negatively biased towards Taseko. This was due to statements made by Ms. Morin as part of a group working to protect the Tahltan Nation's interests from resource extraction. Taseko's concerns about a potential apprehension of bias were investigated. Part of this investigation was the request for comments from the public. Once again individuals were asked to provide comments through emails to the federal website regarding this apprehension of bias. During this investigation the federal Panel put their review on hold.

In January 2010 it was decided that there were no grounds to infer that Ms. Morin was biased and the Panel resumed its work. On January 14, 2010 the British Columbia Environmental Assessment Office and the provincial Ministers of the Environment, and Energy, Mines and Petroleum Resources issued a certificate for Taseko to proceed with the mine.

The federal Panel process continued and between January 20<sup>th</sup> and 29<sup>th</sup> a request for public comments was issued with regard to Taseko's rationale as to why an extended mine life of 13 years, from 20 years to 33 years would not create problems. The final stage of the federal Environmental Assessment process was initiated on February 2, 2010 when the federal Panel issued an announcement that public hearings would be held in central British Columbia to obtain information and comments about the effect of the proposed mine on the local communities.

#### 6.4 Information Management

As noted in the previous section the complexity of the environmental assessment is beyond the level of participation for the average person, regardless of their background. Many aspects of the environmental assessment process inhibit the participation of First Nations and the Esketemc. As seen, the overall nature of the federal and provincial environmental assessment processes can be a confusing labyrinth of dates, procedures and jargon (Booth and Skelton 2011; Plate et al. 2009). Often expensive experts are required to interpret and prepare materials for a community's participation in an environmental assessment process. The creation and control of the discourse and processes of environmental assessment, the determination of what are acceptable and valid topics and what constitutes true information (Foucault 1991) reflects the locus of control in the government agencies and with the company.

Several different modes of information management were used by the CEAA. These included a complex process of submission of documents and the management of project data and comments on the federal Canadian Environmental Assessment Agency and the provincial Environmental Assessment Office's websites. The process for information management of project data and comments on the company's documents was undertaken through the federal and provincial websites. Both governments had different protocols for managing the information and different categories of organization. Within the BCEAO working group

process, Taseko was in charge of receiving and organizing working group comments in the initial stages of the assessment.

The websites used by the two government agencies provide an interesting view into structuring meanings that exclude certain types of information. They transform the observer into "...a subject *looking* according to a grid of perceptions, and *noting* according to a code; [and the person ] ceases to be a listening, interpreting and deciphering subject..." (Foucault 1991:57). This control over the way information is collected and presented constrain the understanding of information, as well as foregrounding certain topics. The process for submitting comments, and the short and variable time lines all constrain an individual's ability to participate in the process.

The specialized language and the procedures for the submission of comments may be beyond the scope of experience and comprehension for many of the inhabitants in the Cariboo region, both Native and non-native. Within the First Nations' communities elders and adults are still dealing with the traumatic effects of the residential school system and the very limited education it provided. In the larger Cariboo population there is a high school graduation rate of approximately 61.7% (Institute of Chartered Accountants of BC 2006), with an on reserve First Nations graduation rate of 30% (Assembly of First Nations 2003) and a general graduation rate of 50% (National Panel on First Nations Education 2011) indicating a broader population who may have challenges with the process for submitting comments and also obtaining information about the project from the BCEAO and CEAA websites. Both the federal and provincial websites were set up in a different manner; they had different categories and operated under very different rules for information management, communicating information, as well as the frequency and timing with which information was posted and updated. While portions of the Environmental Assessment process were shared between the Federal and Provincial governments, such as the early requests for information, all other aspects were separate. The differences between the two government systems created a situation where many people could not penetrate the system and were excluded from the process.

The marginalization of many people from the process created the opportunity for intermediaries to appropriate the consultation process and complex terminology and use it for their own purposes. One way in which this appropriation occurred was the establishment of a

group of mine supporters called “Yes to Prosperity” organized by the business community in Williams Lake. At an early stage in the process it disseminated information about the mine and solicited and collected emails from residents in the region and sent them on to the provincial and federal governments.

Later in the environmental assessment process, the First Nations and others who were opposed to the Prosperity project at Fish Lake began to organize and disseminate information about the project as well. This took place through the media who reported on demonstrations, as well as through the internet which permitted the rapid connection between people through Facebook. The Tsilhqot’in Nation spear headed much of this effort. Groups who worked together with the Tsilhqot’in included Friends of Nemiah Valley, a nonprofit group working to protect natural values in the Nemiah Valley located adjacent to the Fish Lake area, as well as the NGO Mining Watch. In the final stages of the 2010 environmental assessment process there was a great deal of public interest about the proposed Prosperity mine at Fish Lake.

#### 6.5 Provincial Working Groups

The process of information management through the appropriation, exclusion and conservation (Foucault 1991:60) were practised in the provincial government process used to address deficiencies in the EIS. This was undertaken through a topic specific working group process. These groups comprised government ministries, Taseko Mines and their consultants, and First Nations. The provincial ministries involved in these groups included the Provincial Environment Assessment Office, the Ministry of Tourism, Sport and the Arts, the Interior Health Authority, the Ministry of Environment, the Ministry of Lands and Parks, the Ministry of Energy, Mines and Petroleum Resources, the Ministry of Environment, the Ministry of Forests, the Ministry of Agriculture and Lands, the Integrated land Management Bureau, and the First Nations Initiative Division. The Federal Ministries who took part included Transport Canada, Natural Resources Canada, Environment Canada, the Canadian Wildlife Service, Fisheries and Oceans Canada, and Health Canada. Esketemc was the only First Nation that participated in these working groups. The other First Nations did not participate for several reasons. These included the belief that it is the Federal government’s fiduciary responsibility to look after First Nations and the province does not have a role in this. Others did not participate because they did not have the personnel, expertise or financial capacity to do so.

The control of information is an important part of the environmental assessment process and it is apparent within these working groups. As a participant I was able to observe the selective decisions about what information, negotiations and data would be recorded. This practice of conservation (Foucault 1991:60), is an important part of creating the truth, and of validating the discourse that is deemed to be 'correct'. Attendance was restricted, no visitors or observers were permitted. The meetings were summarized through general notes; no verbatim notes were made nor were audio recordings undertaken. The information recorded in the public record was selective and omitted many of the nuances, arguments and discussions.

The provincial working groups divided the EIS report into different topic areas of concern. These components included the terrestrial ecosystems, the fish and fish habitat, air quality and human health, the alternatives assessment and mineral leaching, acid rock drainage, archaeology and socioeconomics, and water quality and hydrogeology. First Nations issues were seen to cross cut all of these components and no specific working groups focused on First Nations issues.

Tables of concordance were used as a mechanism to track the hundreds of issues identified by the different ministries. These formats varied but generally included the author of the comments, the date of the comments, the section of the EIS report in which the topic was located, the comments and concerns, what was required to address the concern, and whether the issue had been resolved.

The issues under discussion covered a broad range that had been identified by the government ministries and First Nations. These ranged from omissions and errors in the text of the EIS, to the requests for clarifications of its content. There were also requests for further studies and disagreement with the adequacy and approach to studies undertaken by Taseko. I was able to observe the some dynamics of the intragovernmental processes, the meetings were chaired by representatives from the environmental assessment office who sought to downplay criticism of Taseko's EIS report. In these instances, they represent examples in which the rules of exclusion and inclusion were signalled verbally, or through the focus on details, thus foregrounding a secondary subject that moved attention away from the larger issues. When disagreements occurred, they were controlled by the chair. These were not mentioned in the summary notes of the meetings. The meetings were held in a small meeting room in one of the hotels in Williams Lake. The room lacked air circulation, appeared



directly linked to the exhaust fan in the kitchen and bed sheets had been used for table cloths. The numerous meetings, each with their own specialized staff meant that unless a group or community had extensive resources, they would not be able to participate in a meaningful manner.

#### 6.6 Funding and Capacity as Exclusionary Forces

First Nation's participation in the environmental assessment was hampered by many factors; one of these was the lack of funding. In order to assist the First Nations to participate in the environmental assessment process, the federal and provincial governments provided a set amount of funding for First Nations and other interest groups. This funding enabled the First Nations to participate in the process, to conduct research about the First Nations' interests as well as to inform the community about the assessment process. However, the funding allocated to the First Nations was far below the amounts requested, this funding shortfall caused serious difficulties in the types of research that could be undertaken, as well as the level of specialist expertise that could be accessed. This is clear example of capabilities being linked to power. If power is unevenly distributed, then capabilities will also be uneven (Foucault 1984).

#### 6.7 Ritualized Interaction: Spaces of Communication

The entity that holds power controls the discourse, influences the actions that arise from the discourse, and establishes its boundaries and limits as well as the manner in which subjects can be discussed. This high level of control by the government gatekeepers of the development process create a highly conflicted environment for communication that is approached defensively by First Nations. Hence, interactions between First Nations and the gatekeepers of the development process can be highly conflicted. One of the formalized routes of communication in this conflicted space is consultation. Consultation refers to the communication between government, developers, and First Nations about a particular project, ostensibly to solicit feedback and where possible take Aboriginal concerns into consideration. While there are many different views of the powers within consultation (Arnstein 1969), I focus on the federal and provincial policies of consultation as they impact First Nations.

#### 6.8 Consultation

The consultation process emerged after the 1996 Delgamuukw II Supreme Court decision which identified its importance for First Nations and other actors. This was further

strengthened in the subsequent *Haida Nation v. British Columbia* and the *Taku River Tlingit First Nation v. Minister of Forests*. While the consultation has been, and still is, implemented in an uneven manner, it provides the First Nations some access to the government policy making and provides a limited language of rights and power.

The duty to consult has been interpreted by the provinces and the federal government in different ways. The province of British states in its ‘Updated Procedures for Meeting Legal Obligations When Consulting First Nations (British Columbia 2010)<sup>68</sup> that consultation should be undertaken whenever a project or decision is proposed that may affect Aboriginal or treaty rights. The province also indicates that they may delegate some of these responsibilities to a development proponent. The stated objective of the provincial consultation process is to “meet the objectives for consultation”. The three objectives that the province identifies as part of consultation include “satisfy[ing]...the duty of the Crown to consult with and, where appropriate, accommodate First Nations” and “it advances the process of reconciliation; and , it informs the Province about the nature and scope of claimed and proven aboriginal rights (including title), and treaty rights”<sup>69</sup>. This discourse of consultation has rules and practices that deal with the First Nations’ issues in a manner that maintains provincial/institutional power (Foucault 1991) while fulfilling the court mandated obligation to consult. At no time does the province actually state that it is interested in the First Nations; perspectives, interests, and concerns. The process remains a legal exercise that is alienated from the subject: which is First Nations’ cultural continuity through Aboriginal rights and title.

The international standards for consultation, as outlined in the UN General Assembly’s Declaration on the Rights of Indigenous Peoples (2007), recognize that true consultation incorporates the Indigenous peoples’ cultural concerns and the concepts of ‘free, prior and informed consent’, and provides the right for Indigenous peoples’ decision making to be based on complete and comprehensible information. Despite the international standards for the free prior and informed consent, the Canadian federal government has refused to accept this concept, indicating that it “could be interpreted as giving a veto to indigenous people”

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<sup>68</sup> [http://www.gov.bc.ca/arr/reports/down/updated\\_procedures.pdf](http://www.gov.bc.ca/arr/reports/down/updated_procedures.pdf)

<sup>69</sup> [http://www.gov.bc.ca/arr/reports/down/updated\\_procedures.pdf](http://www.gov.bc.ca/arr/reports/down/updated_procedures.pdf) page 5

(Canada 2010, 2011a) and that this is not consistent with the principles in the Canadian Constitution. The consultation process employed by the federal and provincial governments retains the decision making process as part of their mandate.

The discourse of consultation has been created and defined by the federal and provincial governments without input from Aboriginal communities. The objectives of the federal guidelines for consultation include the intent to “promote...reconciliation of Aboriginal and other societal interests” (Canada 2011b:11). This statement does not acknowledge the Aboriginal rights that are protected in section 35 of the Canadian Constitution. Instead, this statement places Aboriginal interests on the same level as other segments of Canadian society. The objective to “reconcile the need for consistency in fulfilling the Crown’s duty to consult with the desired flexibility, responsibility and accountability of departments and agencies in determining how best to do so” leaves the implementation of the policy to the individual departments; to “foster better relations”.<sup>70</sup> None of these indeterminate expressions and objectives has actual content that provides a test to verify whether they have been met. The consultation discourse is replete with vague phrases that are open to misinterpretation, thereby limiting First Nations’ power. The ambiguous statements about reconciliation, flexibility and better relations fulfil the roles of inhibiting criticism (Cabanés 2007), while retaining control in decision making, and maintaining the power to define and protect the process from legal challenges.

The Federal government specifies that the Supreme Court of Canada has stated that consultation will occur when there is “contemplated Crown conduct; Potential adverse impact; and Potential or established Aboriginal or Treaty rights recognized and affirmed under section 35 of the Constitution Act, 1982” (Canada 2011b:12). This legitimization of the obligation to consult is modified within the federal Guiding Principles for consultation. In Guiding Principle no. 2 it is stated that

The government of Canada will assess how proposed federal activities may adversely impact on potential or established Aboriginal or Treaty rights, Aboriginal groups and their related interests. As part of this assessment, the Government of Canada will identify when consultation should form part of their operations and ensure that consultations are initiated early in the planning, design or decision making processes (Canada 2011b:12).

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<sup>70</sup> [http://www.gov.bc.ca/arr/reports/down/updated\\_procedures.pdf](http://www.gov.bc.ca/arr/reports/down/updated_procedures.pdf)

In this principle the Canadian government clarifies that it has the right to determine how Aboriginal rights will be impacted and when consultation will be undertaken (Canada 2011b:12). This underscores the control and power held by the government regarding the determination of impacts on First Nations. They emphasize that their intent is to

..avoid or minimize any adverse impacts on potential or established Aboriginal or Treaty rights as a result of a federal activity and assess and implement mechanisms that seek to address their related interests, where appropriate (Canada 2011b:13).

The use of the indeterminate words such as ‘potential’ and ‘where appropriate’ rob this statement of its power. The phrase ‘where appropriate’<sup>71</sup> adds a conditional quality to the statement implying a high degree of uncertainty. Here again the power to make decisions, and the power to determine the extent and impact of a decision is still held by the federal government.

The federal government states that it has a duty to consult with First Nations when the crown plans the approval of projects, and when First Nations’ Aboriginal or Treaty rights may be affected, or if a change in rights, such as hunting rights might occur. The government emphasizes that this does not imply actual power by First Nations (Canada 2011b:10). The concerns a First Nation may have about a development are weighed against what the government defines as the greater good of Canadian society (Canada 2011b:14).

The fourth Guiding principle of the federal Consultation Guidelines, states the intention to “...balance Aboriginal interests with other societal interests, relationships and positive outcomes for all partners” (Canada 2011b: 14). Justification for the infringement and the greater good is linked with economic benefits based on resource extraction, contributions to the government through taxes, or jobs for the larger community which may and often do take precedence over the impacts on First Nations. This privileging of a western commodified gaze over the land is chosen over the First Nations view of the land. The Esketemc relationship with the land is as an intimate, personal relationship, similar to that of a close relative. The phrase Mother Earth is especially important in this regard emphasizing the kincentric relationship with the land (Salmon 2000).

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<sup>71</sup> [http://www.gov.bc.ca/arr/reports/down/updated\\_procedures.pdf](http://www.gov.bc.ca/arr/reports/down/updated_procedures.pdf)

The federal government's conditional statements about consultation stress that "if appropriate, [they will] accommodate" First Nations. Here again the 'if appropriate' is contingent upon a government decision, without specifying any criteria to determine what appropriate means. These elusive criteria provide a level of uncertainty for First Nations and limit their power to respond. Because of this, the protection of First Nations lands and values is uncertain and the First Nations' responses to proposed developments are frequently limited to a narrow range of actions such as the government led consultation process, environmental impact assessments, legal challenges, and or direct action such as blockades.

It is this process of consultation that creates the route for the First Nations participation in the environmental assessment process. As mentioned, this legislated process is an important if limited avenue for First Nations to voice their concerns about the developments in their lands. The system is problematical. First Nations' cultural integrity, subsistence, rights or title interests are not a central objective. The issues that are identified in the United Nations Declaration on the Rights of Indigenous Peoples are largely absent from the environmental assessment process.

## **Chapter 7. If You Weren't Paid You Wouldn't Be Here.**

### 7.1 Introduction

“We’re being asked to believe that Prosperity is going to come here and life is going to be good. I don’t think so” (CEAA 2010:4882).<sup>72</sup>

The Esketemc perspective of development is expressed in this comment. Their experience of large developments in their territory, such as logging, mining, and ranching, along with the rhetoric of development, economic growth, and the “natural processes” (Foucault 2004:352) show that they have not benefitted the community. Instead benefits have accrued to the outsiders, the non-Esketemc owners of the companies, ranches, as well as the fees collected from the different levels of government.

In contrast, Taseko’s outlook is based on the assumption that the inherent logic of the market will ensure the best possible results. This is seen with scepticism by the Esketemc, whose historical and genealogical reference points, demonstrate otherwise. In their experience, the external economy will impose regulations and rules that marginalize their needs and cultural practises. It marginalizes the community and individual, while centring the economic processes. This marginalization has also been experienced historically through the subjugation of Esketemc land rights and political rights.

This chapter describes and analyses the subjugating practice of disempowerment that forms part of this external economy, as expressed during the public participation portions of the Prosperity Mine environmental assessment in 2009, and in 2010. This analysis will deconstruct power relations and provide insight into their operation, as well as providing an increased understanding of the Esketemc position within the assessment. The units of analysis are the public segments of the environmental assessment process and the final Panel report. These public events or significant evenementailles (Senellart 2007) within the assessment process enable the evaluation of the institutionally formalized objectives to be compared with the actual conduct of the hearings and the involvement of the Esketemc. The final Panel report (CEAA 2010b) will be compared with the traditional knowledge submitted by the Esketemc community during the Panel hearings. This will provide a forum to evaluate

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<sup>72</sup> <http://www.ceaa.gc.ca/050/documents/42800/42800E.pdf>

whether the Panel did incorporate this traditional knowledge in their report and recommendations.

The institutional objectives of the Panel hearings were to allow "...the Panel to receive information that will help [them] us complete [their] assessment of the potential environmental effects of this proposed Project" (CEAA 2010a:4541). The second objective mentioned by the Panel Chair, is "... to provide opportunities for Taseko to explain the project and respond to concerns and questions raised by other participants" (CEAA 2010a:4541-2) such as the First Nations. The acted behaviours, and Panel outcomes did not fully correspond with these stated goals. This disjunction demonstrates the need to understand the power that defines these events, creates the discourse, and validates the 'sayable' or truth within the Panel hearing process. The analysis of the ideological parameters, as well as the physical set up and the framing of the process will assist in this understanding.

The concept of power is used in this study as a tool to expose the operation and functioning of the Prosperity Environmental Assessment Process. This concept has often been interpreted through a Marxian perspective (Roseberry 1997). It has been described as an oppressive mechanism that imposes control from the top. In contrast, a Foucauldian perspective, as employed in this research, views power as present in organized institutional relationships. Power in this sense is produced and reproduced in the relationships between institutions and individuals or groups and is not traceable to one source. It is not solely restrictive, but by employing the perspective of the institution, or *dispositif*; control can be identified as "managerial... integral...indivisible fragmentary [and] impersonal..." (Lianos 2003:415-6). In this sense, the concept of governmentality is pertinent to illustrate the manner in which power circulates, as well as how it is channeled and controlled (Foucault 1991). This is demonstrated through the environmental assessment process, which, contains within it the nucleus of power that expands and maintains itself based on economic reasoning through resource development (Foucault 2004:354, Senellart 2007:388).

The institutional power within the environmental assessment process imposes itself on the participants in a manner which situates and solidifies power. This view of an institution as a force that creates and maintains itself is demonstrated through the different structures and

processes within the environmental assessment. Among these are: surveillance, physical structure, content, process and time.

Surveillance is the gaze of power, that observes and records. The physical structure refers to the space in which surveillance is undertaken. The control over space is important to the exercise of power over physical and temporal dimensions. This is particularly pertinent as it is practiced over the participants' activities within the assessment process. The surveillance controls the "*conduct of conduct*" (Senellart 2007:388-9) as will be seen in the description of the panel hearings in the Esketeme community. Process is the manner in which work is undertaken in the environmental assessment. These concepts will be applied in the following descriptions.

### 7.2 Public Performance: Open Houses, Information Meetings and the Panel Hearings

The CEAA obligation to involve the public is expressed through two major public fora in the environmental assessment process. These included CEAA and BCEAO open houses and the CEAA panel hearings. In addition, to these public venues, the written submissions that were posted on the federal and provincial websites were also examined. All of these processes are designed to solicit information and are a part of the integral and indivisible nature of the institutional control or *dispositif* (Lianos 2007). This moderates participant behaviour and scheduling, as well as the type of information that enters and circulates through the environmental assessment process.

The community information sessions were held at the start of the environmental assessment in the spring of 2009. These meetings were held in the First Nations communities. Within these sessions, the CEAA staff described the hearing process and answered questions about the upcoming panel hearings. Finally, the Panel hearings were held between March 22 and May 3, 2010. These public hearings were of three different types; general hearings, community hearings and topic specific hearings.

### 7.3 Public Involvement: Open Houses Spring 2009

Some of the first opportunities for public involvement in the environmental assessment were through the open houses that were held from March 31 2009 to Thursday April 2 2009. These were held in 100 Mile house and Williams Lake. An open house was also scheduled to be



held in the Alexis Creek Community Hall, although because of First Nations opposition, this did not happen.

The public notice and request for comments stated that the open houses were "...to ensure that all potential effects-environmental, economic, social, heritage and health that might result from the proposed Project are identified for consideration as part of the assessment process" (BCEAO and CEAA March 2009). Open houses are a common venue for the dissemination of information in Williams Lake and the Cariboo. They are held as a way to informally present information to the public; examples of these include open houses held by the City of Williams Lake to inform residents about hazards and emergency plans. These open houses are a familiar managerial mode of public and institutional interaction and provide a representative look at community interaction.

Events within the environmental assessment open house sessions reflected some of the strains and tensions that were exacerbated in the community (Furniss 1997) because of the proposed mine development. The two communities of 100 Mile House and Williams Lake are located about 100 kilometres apart and are similar with respect to economic base, socioeconomic characteristics, level of education and unemployment levels. The Williams Lake venue was located in the Gibraltar Room, a large hall with a capacity of 400 people often used for meetings, plays, movies and gatherings. Ironically, the Gibraltar Room was donated by the former owners of the Gibraltar Mine located approximately 60 kilometres north of Williams Lake and now owned by Taseko. The overflow audience in Williams Lake appeared to be comprised primarily of blue collar workers, miners, loggers and some business people.

The setting placed Taseko and the other presenters facing the audience from the stage in a formal and business like environment. This gaze enabled a view over the entire audience and its reactions. The sessions were recorded. Members of the Tsilhqot'in Nation began with a welcome and a drum song. After this, all participants on the stage were introduced. Taseko took the lead, and the three presenters, Brian Battison in charge of public relations, Roderick Bell Irving in charge of the project, and Scott Jones an engineer, gave a Power Point presentation in which they described their plans for the Prosperity project. Subsequently representatives from the British Columbia environmental assessment office (BCEAO) spoke about their role in the process as did the representatives from the Canadian environmental assessment agency (CEAA).

These hearings drew a large audience; attendance was primarily drawn from local resource industry workers (Figure 20). Typical of a small Canadian resource based town most of men in the audience were dressed in work clothes and wore blue jeans; many had jean jackets, working vests, working boots and baseball caps. Their ages ranged from mid 30s and 40s with some older individuals. Women of corresponding ages were present in the audience but in smaller numbers. There were no teenagers and few people in their 20s. The audience appeared to be a homogenous cross section of non-native working class men and their wives.

In addition, there was representation by First Nations. This consisted of a small group of Tsilhqot'in, including Marilyn Baptiste the Chief of the Xeni Gwetin band (Figure 21) the community located closest to the proposed mine, as well as several other Tsilhqot'in chiefs. The First Nations group numbered about 25 people and included youth, adults and elders. They were located in the front right hand portion of the room, close to the entrance.

One non-Native group evident during this open house was a vocal supporter of the mine. During 2009, an ad appeared biweekly in the local Williams Lake newspaper 'The Tribune'. It provided a "Yes to Prosperity" email address where emails supporting the mine could be sent and then be forwarded to the BCEAO. This non-native 'Yes to Prosperity' group was very visible and vocal during the Open House in Williams Lake. They made a point of publically presenting a bundle of 511 emails, from supporters of the mine.

During these hearings deep divisions appeared in the Williams Lake and Cariboo community between those who supported the mine and those who did not. The general community perception was that this division between the supporters and opponents of the mines was drawn along the lines of non-first nations and First Nations. A number of the non-native participants and pro-mine supporters were seen by some as demonstrating racist attitudes based certain angry and derogatory statements about Native people. Some audience members focussed on what they considered unfair First Nations' rights to hunt and fish. These statements did not mention, nor were the speakers were unaware of the First Nations' constitutionally protected rights in these areas. The non-native ability to hunt and fish was proposed as the standard by which First Nations should also be assessed. Some speakers focused on the stereotype that First Nations were unwilling to work, or that their hunting and fishing practices were unfair to non-natives.



**Figure 20: Open House sponsored by the British Columbia Environmental Assessment Office and the Canadian Environmental Assessment Agency in Williams Lake, April 2, 2009.**

Interestingly, within the Williams Lake community there were some suggestions that Taseko was contributing to the Native and non-native schism within the community and encouraging negative attitudes through its policies and statements. This type of ethnic manipulation by mining companies is known from other regions in the world (Abadie et. al. 2008) and serves to strengthen the company's power base while weakening community cohesion and strength. A strategy of tacitly encouraging tensions between Natives and non-native mine supporters may be seen as a covert mechanism designed to create counter conduct (Foucault 2007:357) on the part of the First Nation, that serves to bring them under disciplinary control. Foucault's later work on racism also suggested that this type of manufactured racism serves as a way to manage populations. It is through the mechanisms of biopower (Rasmussen 2011), implemented for example through the Indian Act, and echoed through different levels of government that attempts to control First Nations are found at all levels of Canadian society.

One of the strategies used by the supporters of the mine was to identify an artificially created schism between those who *want* to work and those who do not. To market the mine project to the Cariboo community, the Taseko dialogue focused on ‘job creation’. A frequent trope was the estimate that 500 full time jobs would be created in addition to many more spin off jobs. Though no breakdown of these estimations was presented, this figure became part of the public knowledge that became ‘true’. The frequent repetition of this phrase transformed it into an accepted fact. This power to create truth is one of the hallmarks of power. This discourse found a receptive audience in Williams Lake and the Cariboo, which



**Figure 21: Tshilqotin Chief, Marilyn Baptiste of Xeni Gwetin addresses the audience at the Williams Lake Open House 2009.**

have been affected by the economic downturn in the last few years. Taseko’s statements were met by an accepting and supportive audience of individuals and businesses concerned about employment security and the local economy. The use of the name “Prosperity” is an indirect way to influence people and another way to elicit support from those concerned about economic slumps.

The First Nations representatives expressed different concerns. They spoke about the environmental destruction that would be caused by the proposed mine project, and stated that

the end result would be the loss of their traditional way of life, the loss of traditional resources and the loss of the land's ability to sustain future generations.

There were many non-native people who were also opposed to the mine. In conversations with individuals a common theme emerged that there was a reluctance to speak out about their opposition. This was based on the fear that there might be retributions such as job loss, social ostracism or violence directed at them. The perception, that only the First Nations were opposed to the mine, fed into the tensions and negative stereotypes that exist within the region (Furniss 1999).

This led to a climate of fear, anger and distrust in the general Williams Lake area. This is a reflection of institutionalized control in which the normative perspective (Lianos 2007) framed public discourse about the mine development. This perspective proposes that the "natural phenomena of economic processes" (Foucault 2007: 352) represents the community standard for judging the Prosperity development. Those who did not agree fear separation and marginalization from the community.

During the informational open houses in 100 Mile House and Williams Lake, negative comments were made by non-natives about the First Nations' work ethics. These include their apparent manipulation of the government and their mistaken beliefs that the environment would be negatively affected by the mine. The prevailing position within these audiences was that the non-native resource based industry had greater rights to exist than the traditional First Nations' culture. The audience environment was hostile and threatening. Some non-natives spoke out aggressively and defiantly against the First Nations by diminishing and devaluing First Nations' culture. There did not seem to be any attempt to remonstrate with those who made negative comments, or to insist on a respectful attitude by the representatives of the provincial government who were chairing the meeting. This framing of the social environment as tolerant of these comments, provided an intimidating atmosphere that entrenched Taseko's discourse as 'real' and 'valid'.

After the Open Houses in 100 Mile House and Williams Lake, a final meeting was scheduled to be held in Alexis Creek. This small community is located west of Williams Lake and the Fraser River, and within the Tsilhqot'in territory close to the large Tl'etinqox-t'in community. On April 2nd, 2009, the Tsilhqot'in blocked access to the community hall where the open house was to be held. They made their opposition to the mine clear, and would not permit the

British Columbia Environmental Assessment Office representatives or the Federal Environmental Assessment Agency representatives, or the Taseko representatives to enter.

The RCMP was present. It was widely believed that Taseko had requested their presence because of fears of potential conflict. A Royal Canadian Mounted Police member accompanied the provincial representative Garry Alexander from the parking lot to speak with the chiefs. The chiefs continued to refuse them access to the hall (Figures 22 and 23). Thereafter the Taseko and the government representatives met and chatted briefly with some non-native community members from the Alexis Creek area, and subsequently left.

#### 7.4 The structuring of the CEAA and BCEAO Websites

As part of the institutional sociality (Lianos 2003:413) the environmental assessment included websites that provided project information and also collected comments from concerned individuals. These written comments were sent to and recorded on the CEAA website and very briefly on the BCEAO public website. The CEAA maintained its website continuously from 2008 up until November 2010. It reactivated the website in March of 2012 at the same time that Taseko applied for a New Prosperity project through the CEAA process. This website contains more than 2,360 posts that encompass all of the emails, letters, faxes and reports that have been submitted for the first Prosperity proposal in 2009-2010.



**Figure 22: Chief Ervin Charleyboy confronting the British Columbia Environmental Assessment Representative Garry Alexander in Alexis Creek. The RCMP was present to stop any conflict.**



**Figure 23: Tsilhqotin Chiefs and community members blocking Taseko and government access to the Alexis Creek Community Hall.**



This public record serves the function of the public and the institutional monitoring of content. The public views of the proposed project provide interesting reading, while people's names were attached to the comments; no other identifiable information was present. However, within a small community such as Williams Lake and the Cariboo, there is little anonymity. Individuals and companies were subsequently identified as either being pro or anti mine. This "institutional sociality" (Lianos 2003:413) affected businesses and personal relationships and connected peoples' views about the proposed mine with broader social impacts.

The establishment of this on line system of recording comments is both public and restricted at the same time. It is public in the sense that any person with the requisite knowledge of the environmental assessment system, computer skills and access to a computer can view them. The restrictions include barriers such as literacy, familiarity with the environmental assessment system, computer skills and access to a computer. This is an example of an impersonal managerial system. Here restrictions and barriers are imposed upon many people who would be most affected by the development, and they are hampered by an information process that does not respond to their realities or needs.

The website is structured as a way to obtain public comments about the project. It is problematic because of its exclusion of a portion of the population, as well as entrenching the prevailing mechanisms of power, and reflecting the discourse heard in the informational open houses. The normalization of the pro mine and anti-native sentiment created tension, fear and anger in the region. Institutional level mediation is an important form of technological control; it imposes processes, but does not respond to the marginalized.

The written discourse on the website centres on a few main themes, the same ones that were aired in the information meetings; the need for jobs, the poor economic prospects in the Cariboo region and their confidence in Taseko's studies and information. A portion of the mine supporters argue that the First Nations are creating difficulties and their opposition to the mine is groundless. In a handwritten letter one writer stated

"If no tax monies come in from said area [proposed mine] the Bands in the areas should receive less funding because they are contributing [nothing] to economy!!!



The lake in area contains wormy fish...I believe this creek<sup>73</sup> as is dries up to over half year as is the natives never fished this, poor fishing lake<sup>74</sup> before mine put in first road to site--- They should get work Jobs there to get off govt welfare. (BC EAO March 23, 2009c)

Other letters deny that the First Nations have ever used Fish Lake and accuse the First Nations of opportunism (BCEAO March 31, 2009c). Another writer complains “I find it appalling that mining company’s [sic] spend millions of dollars on studies and environmental assessments, only to be stopped by First Nations with nothing more than dollar signs in there [sic] eyes” (BCEAO March 21, 2009c). This view centres the economic project as more important than the First Nation survival. It also assumes that the profits and income generated by a mining company are valid and important, while First Nations’ economic interests are not.

Another writer threatens that First Nations will be stuck in “that impoverished way of life” (BC EAO March 18 2009) if they don’t support the project; a view that the only way First Nations can legitimately survive, is according to the dictates and rules of the mining company and its supporters. In these few examples the stereotype persists that First Nations are being unreasonable, short-sighted, and they are not contributing to the economy.

Ironically, First Nations are also accused of being motivated by money and opportunism qualities that could also be ascribed to Taseko Mines, and the business people who are hoping to profit from any economic benefits, from the mine. The negative comments, about First Nations, demonstrate a reactive discourse and scapegoating based on the needs for personal employment and economic benefits they believe are associated with the proposed project.

Those who wrote to support the mine insist that the community of Williams Lake will not survive without it. There are also statements insisting that the pollution to be generated by the mine mentioned by First Nations is exaggerated. The value of the ore is thought to be more important than the 85,000 fish that will be killed when Fish Lake is drained to build the mine.

These letters show a lack of understanding about First Nations culture and how that culture is part of the land. The protection of Aboriginal Rights and Title in the Canadian Constitution is

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<sup>73</sup>He is referring to Fish Creek which drains Fish Lake and empties into the Taseko River.

<sup>74</sup> Fish Lake.

not an issue that many seem to be aware of. The acknowledgement, of the First Nations' history of abuse through residential schools, is also absent from these comments. In my experience, after living in this area for 25 years and teaching in the community, a large percentage of the population have never had the opportunity to learn the lived history of the First Nations. This lack of historical knowledge and lack of cultural understanding further buries and excludes the Aboriginal knowledge and experience. The subsequent lack of understanding results in a climate of tension and anger, and the mechanisms of biopower, and exclusion exerted over the conduct of First Nations.

Non-native opponents to the mine raised issues such as the greater importance of ecosystems and biodiversity than profit. Writers frequently expressed the disbelief that a fish bearing lake and an intact ecosystem could be drained and then turned into a tailings pond. Those in opposition also mention corporate greed and the disparity between the long term effects of the mine and the short term economic benefits. The mine's impact on salmon is another recurrent theme. This is particularly relevant, because salmon is one of the mainstays of the First Nations' diet. Other impacts that are stressed include the pollution of the water systems and the destruction of the pristine beauty of the region. Those who wrote in support, of the First Nations' position against the mine, pointed to the destruction of a spiritual area, and the need to settle land claims, first because these lands are home to First Nations.

The ultimate use to which these online submissions are put is not known. It is assumed that the Panel members evaluated them in making their final recommendations. Yet, the Panel members did not refer to the letters or their content in its report. The environmental assessment website may only serve the token function of airing concerns, while the social residue of the website is a long lasting distrust in the community.

#### 7.5 The Panel Hearings held in the Esketemc community at Alkali Lake: White public space in a First Nations reserve.

The main forum, for expressing First Nations comments and concerns to the Panel, was through community hearings that were held in Williams Lake, Xenigwetin (Nemah), Toosey, Anaham, Alexis Creek, Dog Creek and Esket. These Panel hearings are one of the most representative features of the environmental assessment process that structure, control and monitor the information presented and the conduct of the participants.

The Panel hearings that are the focus of this research were held at Alkali Lake April 19, 20 and 21 of 2010. The participants in the Panel hearings consisted of the Esketemc community and their supporters, the CEAA panel and support staff. In addition, representatives from Taseko and visitors from other First Nations communities were present, as well as some non-native supporters of the Esketemc.

#### 7.6 Physical framing.

Foucault (1986) describes the structuring and organization of space as a central tenet in power and control. It is within a defined space where the two forces of power and control are exercised. The physical structure of the Panel hearings symbolized CEAA control over space and time. The examination of this organization and control of the Panel hearings enables the study of their process and form, while also permitting a study of the discourse and different interests that underlie that statements and actions of the participants.

The planning for the hearings began several months prior to the event. These planning stages included discussions on the set up of the space where the Panel hearings were to be located. There was not a great deal of flexibility in this set up as the CEAA had clear guidelines as to what was permitted. The preferred set up for the Esketemc was a circular arrangement of chairs. This is the usual arrangement for community meetings; the circle symbolizes equality and affords everyone the opportunity to speak. The CEAA representatives stated that for management and recording purposes, the tables needed to be arranged in a square, with a separate space for the audience. The CEAA Panel Chair also needed to be able to exert control over the meetings in order to fulfill the Panel objectives.

The Panel hearings at Esket were held in the largest structure in the community, the Sxoxomic community school gymnasium. The set up was undertaken by the community members and the assistants who were travelling with the federal CEAA Panel members (see Figure 24). Large folding tables were set up in a square shape in the eastern portion of the gym. At the far end of the room along the east wall, the three panel members were seated in front of the basketball hoops. Taseko representatives were seated on the adjacent side of the square, along the south wall. At right angles to the Taseko table was the table for the presenters located directly across from the panel. Behind the presenters' table the audience was arranged in rows facing the backs of the presenters. Comfortable chairs from the band offices were brought in for the elders in the audience.

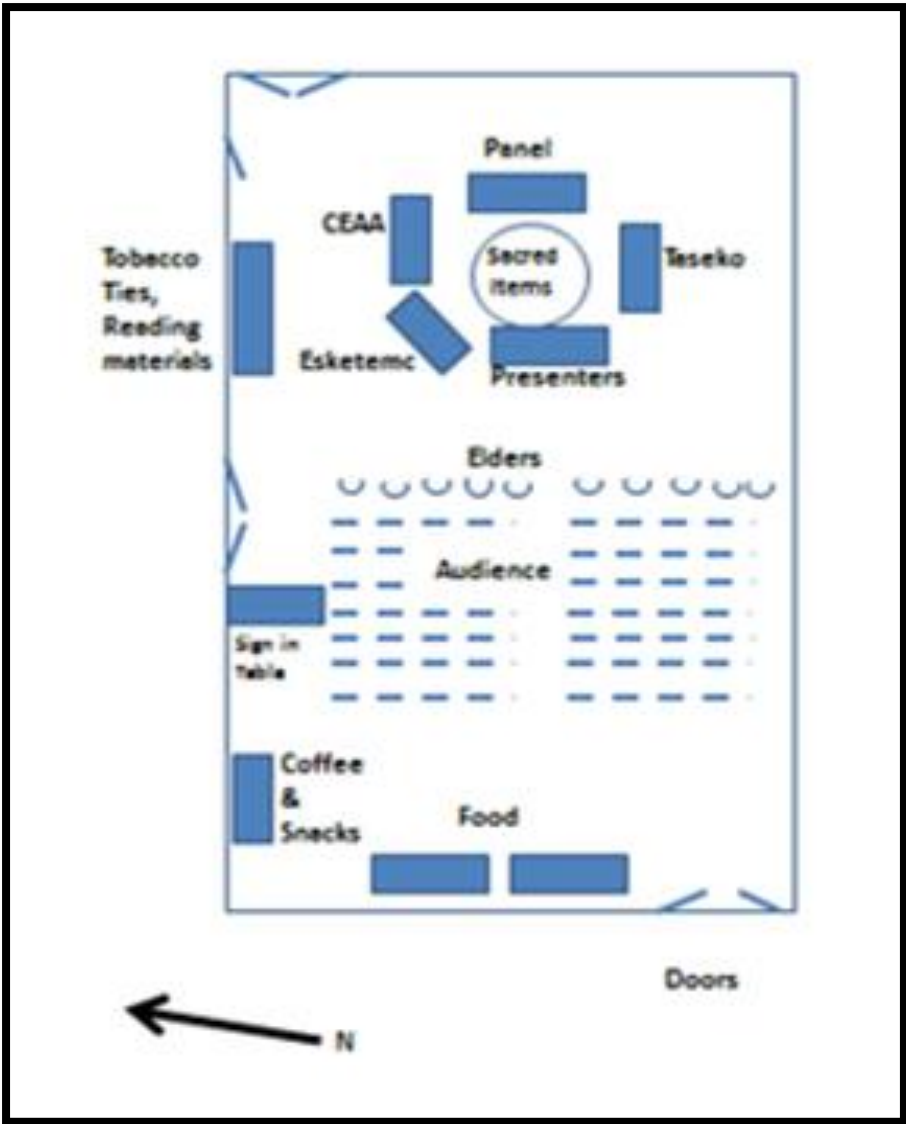
The Esketemc table was located at a 120° angle from the presenters' table. This was beside the CEAA technicians' table that was located along the north wall. Table cloths covered the tables and microphones were placed in front of the participants to ensure that they could be heard and to make certain that their discourse became part of the formal record.

The Panel hearings were held for three days. Attendance fluctuated according to the daily activities on the reserve, and at times was well in excess of 100 people. Lunch, dinner and snacks were provided by Esketemc community members who specialized in catering. While the lunch, dinner and snacks were paid for by CEAA, there was no reimbursement for breakfast needed by people who came from other communities. This was provided by Esketemc volunteers from a small fund provided by Esketemc band council.

The power dynamics were demonstrated through the physical framing of the hearings. The formal speaking area was constructed as a square by placing long tables surrounding a large floor space. This meant that the *authorized*<sup>75</sup> speakers were facing each other, but the set up excluded the audience. The symbolic and real power, of the Panel members, is present in their position at one end of the room, they faced out into the room and were able to survey and control all aspects of the hearings.

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<sup>75</sup> Here I am referring to those speakers who had been given time and permission to speak by the Panel Chair.



**Figure 24: Schema of Sxoxomic School gym set up for the Panel hearings. Not to scale.**

The Panel’s power was also expressed through its control of communication. Examples of this include control of the agenda and determining when people may speak or pose questions. In addition, the audio recording of all speech events and the requirement that all speakers be seated at the tables in order to speak into a microphone, also displays their control and management of the hearings.

This linear and controlled environment reflects the western bureaucratic environment. This arrangement, results in the creation of a “white public space” in the midst of the Esketemc community. This type of space has been described as one of “the most important sites of a

racializing hegemony in which whites are invisibly normal, and in which racialized populations are visibly marginal and the objects of monitoring...”(Hill 2009:481). While the Panel was present to listen to the Esketemc, this could only be done if they were able to exert control.

### 7.7 The Hearing Process

The hearings were well attended, and the gymnasium was often full. Throughout the three days of hearings twenty nine Esketemc spoke to the Panel about their concerns such as, Aboriginal Rights, traditional knowledge, the Esketemc culture and Esketemc resources. Ten people gave presentations in support of the Esketemc view and 13 individuals presented general concerns about the proposed project.

The panel hearings began with traditional prayers in Secwepemc, smudging, drumming and singing by community members. This is a common opening to meetings held in Esket. These activities create a spiritual link to the ancestors and the Creator, they remind the community members about what is important. The ceremonies express gratitude for life, for the resources, and they can also set goals for the meeting as well as seeking protection for everyone. After the traditional opening; Chief Fred Robbins provided an introduction and acknowledged the Chiefs and former Chiefs attending from other First Nations as well as the Esketemc Councillors. Chief Robbins stressed the importance of the hearings, for the future of the Esketemc, and urged community members to speak about any stories or information they might have regarding the lands that would be affected by the proposed project.

The Panel Chair then spoke. He stated “The purpose of this hearing...is to provide an opportunity for the Panel to receive information that will help us complete our assessment of the potential environmental effects of this proposed Project” (CEAA 2010a:4541). He acknowledged the First Nations’ political leaders and the community members in the audience. He spoke about the Panel’s role in the hearings and stressed that they could not speak with community members outside the panel hearing format. All information received needed to be presented in a public forum so that it could be recorded. The Panel’s role according to the Chair, was to listen to the presentations in order to provide information for the Panel report and their recommendations to be written for the federal Minister of Natural Resources, Jim Prentice. The Chair also highlighted the importance of community involvement in the process. He described the transcription and recording process, how the

hearings would be conducted. He also provided Chief Robbins with a gift on behalf of the Panel members. Introduction of the Panel members took place, and after this Taseko was introduced.

The managerial position concentrates the institutional control of the environmental assessment process through the Chair within an “institutional frame of activity” (Lianos 2003:413). The hearings procedures derived from an imposed position of power. The duties of the chair included determining when individuals could speak and who could speak. He indicated when questions could be asked and acknowledged and thanked the presenters. He announced breaks and at what time the hearings were to end each day. He was also responsible for keeping to the scheduled time table. He acknowledged that the time for the hearings was short, they had only been allotted a short time period for each community, and while they could not listen to everyone, they would try to listen to a cross section of the community. He also limited questions when he felt that they were taking too long or were off topic. His duties also included opening and ending the sessions each day. Because there were so many community members present, and many of them had questions and felt moved to make presentations, the hearings stretched to 10-12 hours per day. They would have continued longer but the Chair halted the presentations.

The scheduling of speakers was organized by the Panel. However, the Chair responded to the special requests to change the speaker order. A roster of speakers was scheduled, after each speaker a brief question period was moderated by the Chair. The managerial control of the meetings (Lianos 2003) was undertaken by Bob Connelly, the Chair. The position of the Chair represents the instrument that administers and controls the dispositif. It controls the bureaucratic and institutional process, and sets in motion the procedures that judge the legitimacy and the value, of the information, provided by the Esketemc and others.

#### 7.8 Multiple Discourses in the Hearings.

The discourse streams, within the Panel hearings represent two major domains. The first of these is based on the “natural processes” (Foucault 2004:352) of the economy and the beneficial outcomes of its inevitable growth; the second domain is the integrated one that focuses on traditional knowledge. Within these two domains there are multiple streams.

The ‘natural process’ domain consists of the results of formal empirical research, such as that which comprised Taseko’s environmental impact statement. Within the community hearings, these studies were referred to, but no research data was presented by Taseko at Esket. Panel hearings that focused on this specialized and expert information, were held the following week in Williams Lake. The natural process domain also encompassed the formal bureaucratic discourse that organized and created boundaries for the hearings. These boundaries are based on the original terms of reference that were drafted for the environmental assessment in early 2009. They comprise the framework that creates the benchmarks of what is valid information and what are the responsibilities of the Panel.

The cornerstone of Taseko’s perspective is the natural process domain that is grounded in the logic of the market. The company frequently stated that their responsibility is to their shareholders. This is consistent with the historical and genealogical reference points that characterize the Esketemc history. These points have shown the community, that the outside development oriented economy will impose regulations and rules that marginalize the Esketemc community, while centring the economic profits of outsiders. An Elder emphasized “See, all this money, money, money business is, is destroying our earth. Destroying, every day we destroy, destroy, destroy. We can ask ourself that question: ‘When is this going to stop’ (CEAA 2010a:4749)?

The second domain of discourse; the integrated one, comprises a holistic view of knowledge emphasizing its mental, emotional, physical and spiritual aspects. It is this domain that incorporates the traditional knowledge derived from the lived Esketemc experience and oral histories. The secondary streams of discourse, include the rights based discourse, the inherent land based cultural right, historic losses and residential school as well as the validation of cultural rights.

#### 7.9 Taseko Discourse

The Taseko discourse comprised several modes of communication. These included the media, verbal presentations, the Environmental Impact Statement [EIS] and maps. A review of the Environmental Impact Assessment and media campaign is beyond the scope of this research. However, some of the content of the EIS was brought into the Panel hearings and the public presentations. This EIS content included empirical and scientific information that conformed to the standards of western research epistemology.



Taseko began with a description of the project speaking to a Power Point slide presentation. Roderick Bell-Irving, manager of environmental assessment, spoke about the project. He described the proposed mine, hauling routes, fish compensation plan, and the transmission line. He stated that since 1993 they have "...been involved in information sharing and consultation meetings with First Nations communities throughout the area and the local communities of Williams Lake, 100 Mile, during that 17-year period" (CEAA 2010a:4550).

This statement was met by skepticism. In my experience since 1996 with the community, I witnessed meetings with Taseko in which there was no agreement on the part of the Esketemc. In fact, the community spoke out against the proposed transmission line route through their territory. The definition of "information sharing and consultation" as used by Taseko is unclear.

Brian Battison showed maps of the proposed mine site that had been taken from the EIS report, that indicate the locations of the ore, the pit, the tailings and other physical features. Battison then described a proposed 20 year mine life, 17 years of which would be active mining, the remainder reclamation.

Another map showed the location of the proposed transmission line. Taseko's method of use of maps, in the EIS report and in their presentations are part of the practices that are used to legitimize the corporate and the industrial view of development. Similar to the maps used in other developments (Willems-Braun 1997), Taseko has excluded all Native communities and placed the transmission line on a blank space. They also used orthophotos, a strip of maps that stretch for 125 km along the proposed transmission line route. These were printed without identifying creek or road names. Nor was there any differentiation in line weights between streams and rivers, creating problems in identifying exactly where the proposed route would be located. This type of map, centres the project, erases cultural and geographic contexts and creates a landscape that appears neutral and unclaimed. The absence of First Nations communities or reserves appears to weaken the First Nations' claim to the land.

Taseko also spoke about the studies they had undertaken. These ensured there were 'no adverse effects predicted'. Taseko maintained that other than the loss of Fish Lake there will not be any impacts on Aboriginal resources (CEAA 2010a:4567).

After Taseko's presentation they answered questions from the community. These questions included requests for more specific information such as how Taseko defines 'adverse effects and adverse impacts'. Taseko was also asked how any compensation could make up for the destruction of hunting, fishing and the collection of medicines.

It is through the performative aspect of these Panel hearings at Esket that information about attitudes is communicated. During the three days of hearings it was noted that the Taseko representatives signalled boredom through their body postures. They frequently leaned back against their chairs with legs extended, and slouched in their chairs while working on their computers, apparently checking the internet. They also signalled their distancing from the proceedings by seldom eating the community food, and quickly leaving the room during breaks.

In the opening of the Panel hearings at Esket, the Panel Chair stated that one of the objectives of the Panel hearings was "to provide opportunities for Taseko to..... respond to concerns and questions raised by other participants" (CEAA 2010a:4541-2). At the end of the Panel hearings at Esket the Chair gave Taseko the opportunity to respond to what they had heard. Taseko stated that they understood that no one had spoken in support of the mine. The company also stated that the Esketemc concerns were similar to what had been heard in other communities. "And we've already responded to all of those concerns to the Panel. And so out of respect, we won't take any more of your community's valuable time by repeating these comments now" (CEAA 2010a:4533). These statements were not in keeping with the stated goal of responding to "concerns and questions raised by other participants" (CEAA 2010a:4541-2).

After Taseko's statements, there was an audible gasp in the room, and shock that they would be so callous as not to respond to three days of emotional testimony. This strategy of power constitutes a form of cultural aggression. By denying the validity and importance of the community's passionate concern for their land and their cultural survival they signalled that the community has little value to them and can be ignored. Their dismissive statements signal an indifference to the Esketemc experience and knowledge and a disregard for community rights.

## 7.10 Esketemc Discourse

The Esketemc participation, in the Panel process, was approached with caution and some scepticism because of the communities past history with government processes and large companies. However, in order to protect their land, the community entered fully into the hearings and gave their stories.

The Esketemc interpersonal relationships are characterized by humility, and non-confrontational interactions are the norm. Often individuals will preface statements by saying that they only know a little about a subject. This derives from the consensus based community in which self-promotion and pride can be dangerous for community harmony. This is present in conjunction with an ethos of sharing and respect. In order to signal the strength and veracity of statements individuals will validate them through cultural practices of power, spirituality and strength. During the Panel hearings the Esketemc qualified their knowledge and their authority to speak about their culture through their connection with the land. In a small community such as Esket people recognize the depth and honesty of these statements. When people speak, they do so seriously and they tell the truth. The cultural and personal discourse, from the Panel hearings, is powerful and moving. The Esketemc see their way of life and their culture and identity as being threatened. They are concerned about the continuing losses. Chief Robbins articulated this in when stating that

This transmission line is going to be going right through our traditional hunting grounds. It's going to be going right through the centre of one of our sacred areas that we've put forward in the treaty process. So we're here today to defend our lands, and prevent any, any genocide that's going to happen for the next seven generations (2010a:4538).

A common theme here is that of genocide. The domination of the First Nations by the Indian Act, and the continual erosion of their culture, by government actions. The community equates the loss of the health of their land and animals, the loss of their sacred areas with the loss of their culture and people. “it's an attempt at the destruction, what is that word that you have in the English language, genocide. That's all part of it. You can't deny that. That's part of genocide to take away our livelihood” (CEAA 2010a:4881).

An Elder, P.C. emphasized, "Every time since the first step has been taken into our territory"<sup>76</sup>, there's been consequences, there's been loss, there's been death, there's been disease, and there's been taking. And, again, there's no other way to put it, that's what it is again" (2010a:4876). The continuation of past patterns of exploitation continues. The community members do not see this proposed mine proposal as different from previous actions by outside agencies.

The community perception, that the mining company and panel process lacks integrity, is the result of the historical and genealogical events affecting the Esketemc as described in Chapter 3. Yet another Elder, A.C. suspected the motives of the Panel and the imposed process of mining development. In his opinion the Western view, of the natural processes of development is a hypocrisy that is part of a continuum of the residential school experience. He states

...how can a culture swear on the Bible every day when they go to court, and turn around, go to confession on Saturday, go to communion on Monday, and go and start stealing, destroying everything again? Is that a belief system? Is that the way we were meant to live? Because that's what they tried to drill into my head when I went to residential school. I'd love to shoot those priests now. I wouldn't have a problem. (CEAA 2010a: 4723)

This frustration at the contradictions in Catholic beliefs and behaviours and the inconsistencies in western values and the continuing objectification and judgment of the Esketemc community and he asks

What does it take for you to understand? Are we nothing to you? We're nobody? Or is it still way back in the 1800s where everybody said, oh, they just make these funny noises. We don't just -- they don't even have a language. (Aboriginal Language Spoken) These are the noises that your people said wasn't a language or they called us animals and savages. (CEAA 2010a:4733).

The injustices of colonialism, and the attempts to eradicate First Nations' culture are still painful and acutely felt. His statements demonstrate that some community members still believe that the process of ethnocide is a continuing concern. This confirms the observation by Baker and McLelland that First Nations perceive that "...no value is placed on their concerns and opinions" (2003:600). These perception, are further expressed in the discourse

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<sup>76</sup> Here she is referring to Europeans.

of anger and outrage at the proposed Prosperity mining development and the impacts of the proposed mine. AC questions the sanity of the mining company, and observes “You can't move a lake. You got to be nuts. I think you guys should see a psychiatrist. Your lawyer first and then the rest of you” (CEAA 2012:4724).

The hearings took place during the Icelandic volcanic eruptions that closed international air traffic. He refers to this event as the result of an imbalance in the world caused by people's greed, and in disbelief he asked if Taseko could “Still walk around with your gold and buy off the God's will so he'll stop polluting the Earth? It stopped it. There's no planes in the air for three days. What's going to happen (CEAA 2010a:4725-6)?” This certainty that the plans for the mine and the greed for gold will have serious repercussions and create further imbalances underlies some of the anger expressed by community members.

The colonial practice of arbitrarily imposing external processes on the Esketemc is evident in the poor fit of the environmental assessment process and panel hearings. These processes contrast with the community's reality. This is evident in the frequent anger during the hearings. The inappropriate forum and organization of the hearings was evident in the obstacles for community participation. PC identified this concern, this lack of fit between the community reality and the Panel hearings when she said,

And when I heard the hearing was happening, you know, I heard the guys talking out there, great, they are going to be feeding lunch and supper. We'll have a meal. Because some of these people eat once a day. You don't have lunches for the kids. That's the real true life of Esket. And you guys have the audacity to come here and say we want to do this Prosperity thing, we want to put the power lines in, and that's where we're at. I don't know if that matters to you guys. I don't know if you believe me when I say that, when I'm telling you that's where things are at. Does it matter to you? Or are you here just doing a thing because you're getting paid to be here, hear us out? And just a bunch of words and sitting over there, ‘What was that? I think they were Esket or something’ (CEAA 2010a:4885).

This description of the poverty on the reserve and the concerns of day to day survival are far from the lived reality of the visitors to the community. This poverty, juxtaposed against the Panel hearings and the environmental assessment process, reveals different concerns and views. If a family has worries about having enough food, then the energy and ability to meaningfully participate in the process is affected. The disparity between the Panel members, the mining company, the federal CEAA staff and the reality of many community members

results in a gap that is not addressed, met or acknowledged in the assessment process. This gap ensures that the power within the hearings remains outside Esketemc control.

The continuing reliance on the land to supply food and medicines is a significant part of the community's concern about the proposed transmission line. The effect of the transmission line, on individual Esketemc, is also a very compelling part of the hearings. The rootedness and identity that accompany the experience of generations living in an area are powerful. In some instances it appears impossible for the individual to contemplate that anyone would dare to destroy their cherished land, their family history and their spiritual connections. Community member L.J. describes how

Living off the land has always been really strong. And our Elders have given a lot to that, you know, even though, like, you know, we've struggled through the errors and things, but that was a big important part of how they taught us. You're going to be going through an area that, where I remember, you know, like, my grandmother taking us and we'd camp during the summers so that she can go down and do her fishing down at Little Dog<sup>77</sup>. I remember camping there for weeks on end just so that they could dry their fish and stuff like that. And my grandfather has a cabin in there. And when you go in there and you take, and you build your transmission line, you're going to be destroying what our family, you know, where our family's staying. And I can't see that, you know, happening (CEAA 2010a:4911).

In this statement she draws on her connections and cultural practices to the land through her grandmother and grandfather. Salmon fishing is a cornerstone of community survival and identity; therefore practices associated with this are particularly significant.

Elder D.J. added

We lived on our fish and dry meat, salt meat, travelled with the seasons. And it appalls me to think that this Prosperity, this line<sup>78</sup> is going to go right through where I grew up as a child. We were, you know, we still go up there yet. I and my family camp out and hunt. And people here still use the whole place down there hunting. What is it going to do to our community? Our sustenance? And then with the salmon also<sup>79</sup>, you know, everything going into the -- down where the line is going to go through. Down

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<sup>77</sup> The proposed transmission line route was laid over Little Dog, the name for Little Dog Creek, also known as Meason Creek. This is an important salmon fishing location, camping location and the site of a large number of prehistoric archaeological sites indicating long term use of the area.

<sup>78</sup> Referring to the proposed transmission line.

<sup>79</sup> The very low salmon runs in recent years have resulted in very little salmon being available for community members.

the river. That's where we camp, where we camped out and got our salmon down there, in the fall time and during the summer, and we dried salmon down there (2010a:4903).

She qualifies her knowledge and statements through her early connection to the land as a child. Both of these women emphasize their dependence on the resources from this area, and the family history of spending time in the area while salmon was being dried. Their experiences in this area, when young, form an important part of their identity. The destruction of this area, its contamination by the transmission line, will “destroy” the area.

It is interesting to look at the different perspectives of destruction. Taseko implies that if there is no ground disturbance, there is no destruction. According to Taseko’s perspective the transmission lines hovering over a landscape do not constitute destruction. Yet to the Esketemc, the perspective of contamination, of a foreign entity with negative repercussions is strong. The concept of imbalance and pollution constitutes a more comprehensive view of the proposed transmission line ‘development’. This includes the post construction access by the public, access by recreation vehicles, hunting, cattle grazing, the use of herbicides to suppress plant growth along the right of way, as well as the likelihood that there will be more transmission lines added over time and the other features that characterize transmission lines in British Columbia.

The effects of the transmission line will impede the Esketemc use of the land, thus hampering the use of the land to pass on cultural knowledge. L.J. commented,

I just wanted to be able to share with you today the importance of what this land and our culture means to me as a woman. And I'm a believer in being able to pass on that knowledge that my Elders and my family and Elders in the community from Esket have taught me and also from Dog Creek. I've learned a lot from my grandmother, who was born in 1800s. She carried a lot of history of his land and what it meant to her growing up. And I find it really important, you know, to be able to pass down a lot of the culture and history to our children as First Nations because I don't want our children to forget about where they come from and our children to forget about where they come from and who they are. It's really important because, with myself, that's been taken away. I'm in my 40s now. And I have little recollection of, you know, our language and I just know, you know, some words and stuff like that. And I don't want that to be happening to our, the next generations to come, I want them to be proud and have that language because its really important (CEAA 2010a:4910).

This is a very personal act of sharing information about her development as an Esketemc and is qualified by her connection to the land. Her desire that the Esketemc children learn the

language is an acknowledgement of that the language that has been taken from her. It touches on issues that are often painful for community members because they involve residential school abuses. In these statements she affirms the importance of an Esketemc identity. For the Esketemc and other Secwepemc the language is viewed as the “heart and soul of the culture”.<sup>80</sup> In the sharing of her concerns there is the perception that if the mine developers and the government know how severely the community will be affected, they will not let the mine development proceed.

#### 7.11 Communal responsibility for the Land

Land based cultural rights are enacted through the perspective of communal stewardship of the land and resources. Chief Fred Robbins stressed “We never had ownership of what we belonged to. We ran alongside the deer, alongside the moose, alongside the buffalo, the bears. We were a part of their society as a whole. That seems to be something that is not being grasped” (CEAA 2010a:4535). The sense of belonging to the land is not a trait that is amenable to the environmental assessment process, since it is bureaucratic and based on permits and approvals.

The community view that they are part of the land, that animals are like family is encompassed the concept of stewardship. This responsibility for the land has deep cultural roots. The idea of Aboriginal title and territory are more recent concepts with a foundations in the legal system. It is this fight for the land through the courts or through the environmental assessment process that enables the continuation of stewardship.

The Esketemc communal stewardship is expressed through the sense of responsibility to the environment “We are speaking for the fish and we’re speaking for the animals, and we’re speaking for the birds and we’re talking for nature” (CEAA 2010a:4650). Arthur Dick’s expressed concern for animals is situated at a different level from that of the environmental assessment which addresses the negative impacts on rare species or particular characteristics of an area as. Arthur Dick’s concerns are rooted in the principles of respect for life and the land.

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<sup>80</sup> According to Simpcw Elder Harold Eustache August 11, 2012.



## 7.12 Esketemc Resistance and the Use of Secwepemetsín

Within an imposed process such as this assessment, where power is unequally distributed, community resistance is strong. This is demonstrated through the solidification of Esketemc symbols in order to dispute the imposed power. Foucault proposed that “Where there is power, there is resistance...” (Foucault 1990:95). The Esketemc symbolized their resistance to the assessment process, by stressing their identity, spiritual values and strength through the use of sacred items. These included a buffalo skin, buffalo skull, drums, sacred pipes and tobacco. These were used to create an altar; a sacred space in the centre of the formal ordering of tables. The formal speaking and presentations by the participants seated at the tables, passed over this sacred space. Chief Fred Robbins stressed the importance of this altar:

As you see here, we have a circle of drums, buffalo robe, they are our spirit helpers, we have a pipe that's loaded with "atie". When you see something like this, an altar addressed in such a way, the people that are going to come up and speak, they speak the truth. When you have the pipe there, it should be nothing but the truth coming out. That's why we honour ourselves when we bring this out. And the First Nations community, especially Esketemc, believe firmly we are traditional cultural people and that we belong to the land (CEAA 2010a:4535).

Their identity and their resistance were also communicated through other sacred symbols such as tobacco ties that were placed on the table along the north wall of the gym. These tobacco ties consist of small amounts of tobacco that are tied in cotton cloth in one of the four sacred colours, red, yellow, black, and white. These are painstakingly crafted while the maker recites prayers over each tie infusing them with spiritual power. These ties were to be placed into the sacred fire accompanied by a prayer. The sacred fire was located outside the east door, and was kept burning all day and night while the hearings took place. Its purpose was to carry gifts of tobacco, prayers and food to the ancestors whose strength was needed by the community during this time. The fire was maintained by volunteers who collected the wood and kept it burning. Visitors were invited to say a prayer and to place a tobacco tie in the fire. Tobacco ties, in sacred colours, were also placed at high points along the corners of the gymnasium for protection, symbolizing the power of prayer and belief. Smudging with sage was also undertaken to cleanse the gymnasium space.

The speaking of Secwepemetsín and the use of translators is another way in which the Esketemc affirmed their identity and its roots in their language. Bourdieu's perspective that language is a source of power (Bourdieu 1986) is signalled by the insistence of using

Secwepemctsin in contrast to the imposition of the managerial English language. He stressed that language "...is not only an instrument of communication or even of knowledge, but also an instrument of power. One seeks not only to be understood but also to be believed, obeyed, respected, distinguished" (Bourdieu 1986:648). The Esketemc display of their identity and culture within the white space, is embodied through traditional protocols. The Esketemc have a strong respect for the individual's word, knowledge and experience. Speakers are respected, listened to and their views are valued. This is part of a culture whose history is based on consensual decision making. This is in stark contrast to the imposed power and top down approach of the Panel, in which it is structured as a body to evaluate information, and to make use of their evaluations in their recommendations.

Other important symbols include the attendance of powerful native leaders who lent their support to the Esketemc. This included the presence of Chief Marilyn Baptiste, the Chief of the Xeni Gwetin, the Tsilhqot'in community closest to the proposed Prosperity mine at Fish Lake and other Chiefs such as Bev Sellars from the Xats'ull First Nation

The Esketemc also displayed their strength and cultural power through the formal process of receiving the Secwepemc staff. This staff is cared for by different Secwepemc communities for a fixed period of time. It was handed over to Chief Fred Robbins during a break in the hearings. The staff is about six feet long with 17 eagle feathers representing each of the Secwepemc bands and it is tipped with an eagle claw. This powerful symbol was held up by Chief Fred Robbins as he walked within the circle of Esketemc and other supporters. As he circled around the sacred items the people all reached up and touched the staff. There was a feeling of power and hope in the room. The staff symbolizes a strong Secwepemc unity, identity and power. Within the "White public space" this was a strong affirmation, that the root of Secwepemc identity, was more powerful than the hearings and their limitations.

If power can "infuse the meaning of what is said" (Thompson 1984:132), then is it possible to counteract this power? If overt power is established by the Canadian environmental assessment agency, could the Esketemc use of Secwepemctsin strengthen and effectively resist this power? Can the use of the language strengthen their statements about the importance of their land? I would argue that the Esketemc perception of the meanings of oral statements, and the process of authenticating the Secwepemc language within the white space of the Panel hearings, is powerful for the community, both politically and spiritually. Elder

Arthur Dick stated, “When you hear the language that was spoken earlier, to me that language is music. That language is sacred. That language is how we contact and communicate with God” (CEAA 2010a:4649).

The power and control represented by the environmental assessment process and the Panel hearings echo other forms of power imposed on the community such as residential school. The use of Secwepemctsin can be extended beyond this particular situation. It can be extended to a symbol of Esketemc resistance against the history of residential school, in which the use of the student’s own language was forbidden and would result in punishment by the priests and nuns.

Another way, in which the community worked to resist against the external power, was to safeguard the members against the stresses of the hearings. This was done by making counsellors available to assist community members who were experiencing high levels of stress. An important subject that runs through much of Esketemc life is the effect of residential schools on the community. Most community members over the age of 30 were forced to attend residential school and were traumatized through severe emotional, physical and sexual abuse. As part of the medically recognized residential school syndrome (Brasfield 2001) stressful events can trigger a serious emotional reaction. The provision of support counselling is an example of the Esketemc support and holistic understanding of the mental, emotional, physical and spiritual support that may be needed by community members.

### 7.13 What Did the Panel Hear?

The managerial role of the Panel during the community sessions included determining the validity and suitability of information for the hearings and finally the evaluation of this information and the preparation of their final report. There was no explanation by the panel as to how the validity of information was assessed or how they decided what data was important. Because of this the Panel behaviour was scrutinized to determine whether there were any biases, or underlying assumptions that could interfere with their understanding of information.

There were several times when doubt about the Chair’s objectivity and biases was felt. It was through statements such as “I think this is perhaps a comment, not a question” (CEAA 2010a:4582), that the Panel Chair signalled his direction that an answer was not required from the Taseko representatives. In another instance, the Chairman indicated that a speaker’s

presentation on environmental change, and specifically greenhouse gases was broader than their mandate. It was emphasized that Taseko's Environmental Impact Assessment had "characterized it as quite a minor contribution in terms of the world's contribution of greenhouse gases" (CEAA 2010a: 4949-50). This signified that the speaker's comments were not in keeping with the 'sayable' or the 'relevant'. This also indicated that the Chair appears to have assessed the adequacy of what Taseko had already covered in their environmental impact assessment and determined this speaker's comments were not relevant. In this instance, the Chairman requested the speaker to finish summing up because he was uncertain "... of the relevance of all of this at this stage" (CEAA 2010a:4950). When the speaker continued to talk about Taseko's responsibility for carbon emissions, he was again asked to finish summing up. Chief Fred Robbins remonstrated with the Chairman by saying he was interested in the topic of greenhouse emissions because the Esketemc cannot do this research themselves. At this point during the second day of hearings the Chairman requested the speaker to table his speaking notes, and stressed to Chief Robbins that, "The point I want to make here is, in response, Chief Robbins, all aspects of environmental impact are considered and have been considered in the Environmental Impact Statement. And we are reviewing those things..." (CEAA 2010a:4956). It was pointed out that Esketemc did not believe that all aspects of environmental impact had been considered in Taseko's EIS (CEAA 2010a:4969).

Chief Robbins also mentioned that it sounded like the Chairman was defending Taseko (CEAA 2010a:5076). The total managerial control held by the Chair, had the potential to influence the outcome of the hearings. Therefore, his responses were examined in detail which added an increased level of tension to the proceedings. The focus on the individual characteristics of the Chair also served as a focus of attention instead of how the process itself shaped and influenced the information presented by community members

The stated goal of the environmental hearings was to obtain information or data. This empirical compartmentalized view of experience selects some forms of knowledge as having greater validity than others. When presentations departed from the 'data' and became emotional, the Chair responded by stating that 'they 'the Panel' had a pretty good sense of your concerns" (CEAA 2010a:4937 as opposed to encouraging the individual to continue. There seemed to be a level of discomfort with displays of emotion. Because of the Panel's

mandate, they could not or were not qualified to address emotionally charged issues such as cultural survival and loss, cultural identity or cultural continuity.

The Chair also reminded people, who he felt, were speaking about issues that were too broad that the Panel could only look at the proposed mine development: their focus on the project did not include the cumulative or interactive effects of other processes. The determination of acceptable information was also seen in those instances when the Panel Chair directed that a particular issue would be noted and recorded.

The Chair provided interesting clues, as to how the Esketemc statements were perceived by the panel. The Chair described their statements as “presentations, issues, concerns, statements, views, views and message, overview of your views, thoughts, and experiences. In one instance when an Elder spoke, the Chairman acknowledged that he had spoken about *history* and had provided *information* about the sacred objects in the center of the formal speaking area. Chief Robbins noted, that in another instance an Esketemc community member presented his beliefs, and not views or thoughts (CEAA 2010a:4997) as they were described by the Chair. While these descriptors may not indicate intentional minimization of Esketemc concerns. The messages inherent in the terms imply, that the Panel did not hear information as situated within traditional knowledge, or environmental data, or confirmation about Aboriginal Rights, but instead local idiosyncratic experiences. This is reflected in the Panel report, in which a great deal of information that is significant to the Esketemc, was not addressed.

The environmental assessment hearings are a cornerstone of public participation and consultation. But what did the Panel hear? What messages did they take from the Esketemc presentations?

Did the use of the Esketemc language affect what they heard and how they heard it? The Esketemc belief in the harm that will be done to the Esketemc territory was communicated in both English and in Secwepemctsin. Despite being stated in both languages, this did not affect the Panel’s consideration of the effect of the declining animal populations and the effect on the Esketemc. Nor did the language impact on the Panel’s consideration of spiritual and family connections to the land located under the proposed transmission line. Nor did the historic Esketemc experience, with the negative effects from other transmission lines, factor into the Panel’s considerations as expressed in the Panel report. The use of Secwepemctsin

and interpreters was respected by the Panel, and accommodation was made for the translators and speakers. The Panel did mention the use of Secwepemctsin and the Tsilhqot'in language in their final report (CEAA 2010b:179,182,184,191). This indicates that the Panel did consider it as an instrument or symbol of power and an important practice to maintain the strength and keep the morale of the community strong. However, overt respect and serious consideration of content are different forms of power.

One issue that was never fully addressed through the Panel hearings and the Panel report (CEAA 2010b), was the conflict between the Esketemc traditional knowledge and the information in Taseko's Environmental Impact Statement. While Taseko has stated that there are no "impacts predicted". Elder W.D. stated, "In 1957, there were trees everywhere here. There was animals. There was a lot of fish. There was plenty of everything. That's in 1957. We're now in 2010 and there's hardly any of those resources left available to us to sustain us and to sustain our lifestyle (CEAA 2010a:4629)." This scarcity of resources is not referred to in the Panel report. Neither are the threats to the Esketemc way of life,

Now we don't have hardly anything to trap. The moose is getting less and less. And you're going to hear probably more of that from some of the people here in the community, how the lifestyle has changed (CEAA 2010a:4630). So I'm not sure and I don't think that you are hearing that, that at some point in time the resources are going to become extinct. We know that (CEAA 2010a:4630).

These observations are based on the community's traditional knowledge and the daily and yearly observations of fewer animals for hunting and the disappearance of animals from the area.

W.D. added,

See, when you dig a tree out, or a hundred, every tree that's taken out takes in water, water from the earth, water up the tree. And you cut out the mile square, a mile by mile, that piece of land goes dry. Some of it trees won't grow back on it. It's too dry. That's the trees is the ones that control the water on the land. And every day we put poison in the water, in the earth, in the air. Our water, it's poisoned. About 15, 20 years ago, or 30 years ago, I said, "I never thought I'd see the day that we have to buy water in British Columbia" an we see, can we see what we're doing? Can we (CEAA 2010a: 4749)?

These cumulative effects that impacted Esketemc survival were not addressed by the Panel in their report.

#### 7.14 No Significant Effects: The Panel Report

The Panel's 296 page report, *Report of the Federal Review Panel: Prosperity Gold-Copper Mine Project, Taseko Mines Ltd., British Columbia* (CEAA 2010b), provided the Panel's evaluation of all of the information submitted during the environmental assessment process, as well as describing some of the information that had been submitted by the Esketemc and the other First Nations. It also included some of Taseko's responses to submissions to the Panel. The Panel then drew their conclusions and made recommendations to the federal Minister of the Environment based on this information.

The Panel acknowledged the Esketemc concern about the development, and mentioned that Esketemc was one of the most active bands in the Environmental Assessment Process, and "Esketemc also actively participated in all three types of public hearing sessions and engaged expert consultants to assist with their preparation for and participation in the public hearing (CEAA 2010b:22)."

The Panel notes several issues they examined that are pertinent to the Esketemc. These include the community's opposition to the transmission line route, their concern about the overall effect of developments on their lands and the impact this would have on the Esketemc ability to practise their culture.

The Panel described Esketemc's "...opposition to the preferred<sup>81</sup> transmission line corridor from Dog Creek to the mine site... (CEAA 2010b: 35)." The Esketemc concerns mentioned in the report included the disruption and fragmentation of the "...designated...mule deer Ungulate Winter Range (CEAA 2010b:108)...on the east side of the Fraser River, as well as add to the fractured landscape on the west side (CEAA 2010b: 35)." In addition, there is "the potential for the right-of-way to open the land to increased access to non-native hunters and recreational vehicle uses (CEAA 2010b: 35)."

The Panel did note that the Esketemc and Stswecem'c/Xgat'tem described their historic experiences with the effects of the north-south BC Hydro corridor and the "complete collapse of animal populations in the areas crossed by the corridor because of increased hunting...Areas that were once important for hunting no longer had animals (CEAA

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<sup>81</sup> The 'preferred' option refers to Taseko's preferred transmission line route.

2010b:110).” This caused hardship for Esketemc community members as hunted meats form an important part of their diet.

The Panel observed that the Esketemc were also concerned about the impact of the transmission line on the old growth timber both inside and outside the Esketemc Community Forest area. (CEAA 2010b:102). The impact of the transmission line on the Esketemc Community Forest, “an exclusive timber harvest zone” in which the Esketemc hold “a tenure right management licence to the forest comprised of approximately 26,000 ha. (CEAA 2010b:49)” was also mentioned.

The Panel acknowledged that the Esketemc were concerned about the placement of the transmission line. However, they dismissed the Esketemc fears about the logging it would require to prepare and maintain the transmission line route, and the subsequent impacts on old growth timber by stating that,

...there was no assurance that the pine leading stands<sup>82</sup> would survive the continued destruction from the mountain pine beetle infestation... the total loss of old growth forest would be small at both the mine site and along the transmission line....Overall, the Panel considers the effects on old growth forest to be small in magnitude (CEAA 2010b:103).

The Panel’s reasoning seems to be that the forest may soon be gone, therefore, protection is not needed. The destructive pine beetle epidemic and the possible loss of trees are given as a reason not to be concerned about the remaining old growth forest. Yet, conversely, this epidemic would seem to be a reason for protecting the few remaining stands of old growth forest because of their increasing rarity. In this instance, the Panel is evaluating the forest as a quantifiable commodified resource, while ignoring traditional, spiritual, botanical or wildlife values present in the old growth ecosystem. There was also an error in assuming that the stands are all pine, as it was pointed out in the panel hearings that the stands contained old growth Douglas Fir (CEAA 2010a:5374) an increasingly rare forest type in the central Cariboo.

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<sup>82</sup> These are forest stands made up of predominantly lodge pole pine, *Pinus contorta*.



The impacts of the transmission line on animal populations was also identified as a concern by the Esketemc. The Panel wrote, that “The Esketemc were extremely concerned that the effects of the Project...would”...“further reduce their hunting opportunities, which they stated sustain their culture, traditions, identity, spirituality and Aboriginal rights (CEAA 2010b:134,135).”

Unfortunately the Panel appears to have dismissed the Esketemc community’s historic experience and knowledge about transmission lines and their negative impact on animal populations. They stated that,

The Panel recognizes that the proportion of the deer and moose winter habitats disrupted by the transmission line corridor would be relatively small (less than 1%) compared with the availability of these habitats in the region, and therefore agrees with Taseko’s findings that the effect of the transmission line corridor on mule deer and moose would not be significant. (CEAA 2010b:115).

In addition, “The panel concludes that the Project would not result in a significant adverse effect on mule deer and moose and their habitat. (CEAA 2010b:116).” This conclusion does not take into account the specific traditional knowledge shared by the Esketemc community about the impacts and the effects of the transmission lines. These include the increased access to the area, the increased hunting and poaching, the cattle grazing and the habitat fragmentation, all of which are familiar to them as reasons for the decreases in animal populations, traditional plants and medicines. By isolating the area of the transmission line as less than 1%, the cumulative effects of these post construction outcomes are not addressed.

Nor does the Panel’s rationale take into account the presence of family areas for hunting. The Panel referred to the availability of regional habitats, yet the Panel did not specify what region they were referring to, if it pertained to the Esketemc, Cariboo or the general interior area. Because of the familial nature of many of the harvesting areas, all of the ‘larger areas’ referred to may not be accessible to all Esketemc families. The restrictions on hunting can have several causes. These include the potential lack of familiarity with a new area. In addition, because of the poverty experienced by many community members, they may not be able to access areas that are distant from the traditional hunting areas close to Alkali Lake. They may not have access to vehicles or the budget for gas. The Panel’s reasoning treats these resources as replaceable commodities which is contrary to the Esketemc community’s relationship to the land.

There seem to be several areas where the Panel's reasoning does not touch upon the traditional knowledge information that was shared by the Esketemc. How does the Panel reasoning relate to the Esketemc submissions? Is the panel ignoring the traditional knowledge and experience in the Esketemc submissions? Is the Panel is weighing the quantitative data provided by Taseko, while sidestepping the information provided by the community members?

In appendix 1 of the Panel report (CEAA 2010b), "The Scope of the Assessment" is provided. In "subsection 16 (1) (e) of the CEAA" there is a description of the types of information that the Panel will also take into account in their evaluation of a project. These include "Community knowledge and Aboriginal traditional knowledge (CEAA 2010b: Appendix 1)." It is clear that this is what the Esketemc submitted, their knowledge and experience about the impacts of development on the animals and environment. Whether the community knowledge was not as compelling as the quantitative data, or that the loss of game animals for community subsistence hunting was overridden by economic issues associated with the project is not known. Nor is it possible to say whether the bypassing of the traditional knowledge was intentional, or whether the traditional knowledge was overlooked.

In this instance, traditional knowledge has been marginalized. However, without a clearer and more transparent evaluation process the reasons behind this can only be hypothetical. In this instance, the authority held by the Panel as representatives of the environmental assessment process, means that their decisions are hidden behind this screen of power.

However, there were two areas in which the Panel did find that there were concerns. One of these, the Esketemc concern about the reduced economic viability of the community forest because of the transmission line (CEAA 2010b:102), was echoed by the Panel. In their recommendation 12 (CEAA 2010:153) they proposed,

...that Taseko consider relocating the transmission line outside the Esketemc Community Forest, or consider options mutually agreeable to all parties involved to minimize or compensate for the effects on the Community Forest (CEAA 2010b:153).

In this case the commercial, or quantifiable value of the forest is seen as an area of legitimate concern as opposed to the reduction of game and the negative impact on hunting and the Esketemc culture.

The effect of the transmission line on future treaty settlement lands was another concern. In this case the Panel agreed with the community and noted that,

...depending on the size of the land settlement through the treaty process, the Project may result in a significant adverse effect on any such title that could be granted to the Esketemc (Alkali Lake Band) and the Stswecem'c/Xgat'tem (Canoe Creek Band) (CEAA 2010b:219)...” and “With respect to the Esketemc (Alkali Lake Band) and the Stswecem'c/Xgat'tem (Canoe Creek Band), the Project would have a direct effect on their Aboriginal title claim as the transmission line would reduce the availability of land for selection during the treaty process. Depending on the size of the land settlement through the treaty process, the Project may result in a significant adverse effect on Esketemc and the Stswecem'c/Xgat'tem title (CEAA 2010b:219).

As with the economic viability of the community forest, the potential treaty settlement lands were seen as an area of concern.

While the Panel acknowledged that the transmission line would have an impact on the Esketemc community forest as well as treaty settlement lands, they state that “The Panel concludes that the Project would not result in significant adverse effects on the Secwepemc Nation’s current use of land and resources for traditional purposes and on cultural heritage (CEAA 2010b:219).” This statement is interesting because it does not address the community members’ shared traditional knowledge and experience regarding the known past impacts on the land, plants and animals. Furthermore, the term ‘significant adverse effects’ as defined and used by the Panel emphasizes that there will be no impact on ‘current use’ (CEAA 2010b:25).

The Panel terms of reference stated that in order “...to determine whether an effect would be adverse, the Panel has compared the existing state of the environment with the predicted state of the environment if the project was in place (CEAA 2010b:25).” By using this basis of comparison the Panel is ignoring the quickly declining productivity of the area, freezing it in time, and using this snapshot as a basis for comparison. This is an artificially constructed ‘existing state’ that provides an elusive and inadequate comparative scale. Furthermore, how the Panel was able to fully grasp this ‘state’ is not clear in the report.

Other points to consider in reviewing the Panel report are that at no point was traditional knowledge or community knowledge defined by the Panel. While it is referenced in the CEAA terms of reference, the information, experience and observations that traditional knowledge contains was not directly acknowledged. The concept of traditional knowledge was mentioned twice in the Panel report. One reference was to reports prepared by Cindy English for the Tsilhqot'in, and at one point the Panel noted that the Tsilhqot'in passed on traditional knowledge.

At no point were First Nations observations described as traditional knowledge. Instead as previously noted, the First Nations' comments were described as views and perspectives.

While the Panel recommended against Taseko's Fish Lake project, they did so based on considerations other than the Esketemc traditional knowledge. The Panel's recommendations were based on the negative impacts on grizzly bear habitat and the destruction of Fish Lake. While both of these issues merited the recommendations that the Panel made, I would argue that so did the Esketemc traditional knowledge. If this traditional knowledge is outweighed by other considerations, then as part of the overall process of consultation, it is important to state this. Unfortunately, the category of and the content of the Esketemc traditional knowledge was not addressed nor was it incorporated into the Panel report or evaluation (2010b).

#### 7.15 The Marginalization of Esketemc

Another topic that was not addressed in the Panel hearings or in the Panel report is the right of the Esketemc to cultural survival, and the right to choose their way of life as identified by the United Nations Declaration on the Rights of Indigenous Peoples in Article 3. Many Esketemc do not want to be forced into a lifeway that is associated with the mainstream middle class, they want to be in control of their own cultural development. One community member stated,

The kind of way of life that your society brings don't sit good with me and I know for a whole lot of people. Because that's our survival. Do those people talk come and talk to us and ask us how we feel about it? No, they don't. Somehow they make their laws over there in the dominant society, the laws of the land, and again, that is not our way, because our way is right here (2010a:4893).

The ability to choose and practice a traditional lifeway is not a right that the First Nations have in Canada. Nor is it a right that is acknowledged through the environmental assessment

process. Chief Fred Robbins stresses that the Esketemc are “stewards of the land” and their role is “to protect the lands and the waters and the resources which sustain our culture, our way of life.” (CEAA 2010a:4594). He goes on to point out that,

We have title to the land<sup>83</sup>. We have come here from the land, which provides us with natural wealth. For generations we have exercised our right to hunt, fish, proven in a court of law, and gather traditional medicines, plants, berries and roots. This is how we learn our culture, how we live sustainably with the land, and it is how we teach our children the land defines us (CEAA 2010a:4594).

These beliefs are submerged in the large amount of data presented in all different aspects of the . The Esketemc are very politically aware, they shaped by their history of dispossession and injustice, as well as their long cultural history prior to contact. The post contact colonial history has honed the community understanding and perceptions of the mechanisms of power as well as the manipulation of the truth by outside agencies. A community member stated

What was the proper name for you? Prosperity is what they call you, but to us that translates to "poverty" The government can't lie to us anymore. The corporate people can't lie to us anymore. When the Elders say enough is enough, then we have to do something. (CEAA 2010a:4635).

#### 7.16 Summary

The processes and circulation of power are evident in the Panel hearings in the physical framing, the control over time and space, the complexity of the process, the control over communication and ultimately the different levels of environmental assessment which insulate the Esketemc from the final decision. The initial question in this research was to look at what happened to traditional knowledge within the environmental assessment process. Within this case study, in the Panel Hearings in 2010, Esketemc traditional knowledge is mentioned but it is not adequately addressed with respect to the Panel Report. The Panel noted,

“... that when the corridor selection process was undertaken, the criteria did not include consideration of effects on First Nations’ current use activities for traditional purposes and cultural heritage nor the lagging may have altered the landscape in ways that were not predicted in 1997 when both corridors were initially compared.”

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<sup>83</sup> Chief Robbins is referring to Aboriginal Title, a legal concept that is affirmed in Section 35.1 of the Canadian Constitution and is based on the long term use and occupation of the land.

This marginalization and of Esketemc Aboriginal Rights to resources and to choose their way of life through the omission of procedural criteria is a clear example of the Foucauldian circulation of power that interferes with the operation Aboriginal Rights and Esketemc cultural survival. It is through the control of time, the assumption that the terms of reference from 14 years ago are paramount over Aboriginal Rights and cultural survival as well as establishment and control of processes to determine the validity of information that limit the acknowledgement and implementation of Aboriginal Rights according to the section 35.1 of the Canadian Constitution and the Declaration on the Rights of Indigenous Peoples emphasis on the principle of free, prior and informed consent.

Arthur Dick noted “Because when we say something in court and when we say something with the Panel, like, you know, it doesn't seem to go anywhere because you're working under policy, Federal policy” (CEAA 2010a: 4637) and “you guys make up your own laws (CEAA 2010a: 4639) He recognizes that the power is with the government that creates the laws.



**Figure 25: The Federal Panel members for the Prosperity Panel hearings photographed at the expert hearings in Williams Lake. The panel members are Naline Morin, Bill Connelly, and William Klassen.**

## **Chapter 8 Conclusion**

### **8.1 The Research Focus: Power and Knowledge**

This research has focussed on one of the many conflicts currently being enacted between Indigenous Peoples and the resource development industry. I have chosen to approach this study through the examination of traditional knowledge, resistance, power and marginalization in a colonially mediated environmental assessment process. This has allowed a clearer delineation of interests, power and actions.

The specific community involved in this process, the Esketemc, is concerned about its ability to continue to practise its culture on the land and to obtain the resources required from the land. I have focussed on the position of traditional knowledge within this environmental conflict as symbolic of how power circulating within the environmental assessment process validates or negates truth and is part of a set of competing discourses.

These competing discourses include those of Aboriginal Rights, environmental data, the need for more employment in the region, environmental racism, and a science based empirical knowledge system. In addition, there are the discourses identified by Foucault as forming part of the capitalist mediated natural economy that is focused on the development of regional economies at the expense of other values, as well as the emphasis on shareholder profits. This study examined the Esketemc discourses in the midst of these surrounding ones within the imposed power structures of environmental assessment.

It is through the analysis of the power structures within the Panel hearings, that this research concludes that the Esketemc have been subject to a process of cultural and traditional marginalization during their participation in the 2010 Prosperity environmental assessment process.

### **8.2 Lived History**

As my research shows, the Esketemc are positioned in a regulatory environment that maintains its own power. This marginalization of the Esketemc is part of an ongoing historical trend that has affected them since the first gold rush. The present reality for the Esketemc is that much of their land and their resources have been eroded since the 1850's. The different stages of Euro-Canadian settlement, resource use and claiming of the land through government issued licenses and leases, still affect the Esketemc. This is not seen as



old history, it is a lived history, present every morning when community members wake up on the reserve, walk on the land used by their ancestors, or struggle to feed their families from a land that has been fenced, logged, grazed and mined by non-native activities.

The historic points of impact on the Esketemc have brought about a history of losses and sensitized the community members to be cautious and sceptical about interactions with outside developers and government agencies. This vigilance has resulted in awareness of the location of power. This includes the power situated within government agencies, and the power that is located within the community. There is no cultural safety (Brascoupe & Waters 2009, Williams 2008) for the Esketemc. Their culture is under threat and this has honed their awareness of injustices and resistance.

The residential school, one of the most chilling examples of depriving individuals of their power and agency, is still a lived reality for many of the survivors. The Panel hearings within the environmental assessment process echo the power structures of the residential school. The monolithic, bureaucratic power behind the environmental assessment process that is imposed on the community has changed little from residential school dynamics.

Within this unequal power structure, traditional knowledge and culture is still marginalized and ignored. I would argue that token acknowledgement is given to the language and ceremonial practices, but their *meanings* are not understood or acknowledged by the Panel or mining company. This is evident in the lack of response in the Panel report (2010b) to the concerns raised about the development that are rooted in their traditional knowledge.

Why is there a gap between the knowledge that is presented by the community and what is heard? It is possible that the subjects of traditional knowledge concerns are thought unimportant or marginal to the mine development because they are not part of the terms of reference for the environmental assessment. Therefore, the root cause of this marginalization demonstrated in the unequal power structure of the environmental assessment process, may be present before the Panel arrives in the community. However, this does not preclude the Panel from referring to the traditional knowledge and pointing out the lack of fit between the assessment process and the community held knowledge.

Another possible reason for the avoidance of traditional knowledge based issues is that they are beyond the control of the Panel, the mine and government agencies. It is because this

knowledge is rooted in the community, it is holistic and dynamic, and cannot be controlled, compartmentalized or analysed adding to the prevailing environmental assessment discourse practices and processes that it is not addressed.

### 8.3 Power

Both the federal and provincial environmental legislation is framed by western science and capitalist interests. The complex and monolithic assessment process imposed on the individuals affected by development projects is not user friendly. Its discourse centres on specialized terminology and complex procedures that require expert background to understand them. Furthermore, the gatekeepers of the environmental assessment process are located in the federal and provincial environmental ministries. First Nations have little access to them. The process has rigid rules that shape all participants' actions and discourse; it privileges the discourse of legislative objectives. The power within the environmental assessment process legitimizes certain subjects and domains. This means that the process and its decision making domains are not subjects that can be negotiated. The process selects topics, methodologies and data that are acceptable for inclusion in the environmental assessment process without the transparency needed to understand it. The process also establishes and controls the channels of communication through which First Nations can speak. In this sense, the legislative and government discourses that touch upon the First Nations' land and cultural connectedness have been particularly significant in this analysis.

The environmental assessment process of soliciting information and holding hearings demonstrates the disparity between the First Nations' perspective and that of the environmental assessment process. This disparity was analysed through the examination of the knowledge and power relations that highlight dynamics within the discourse of power. The focus on the "sayable" or the "constituted domain of discourse" (Foucault 1991:59) in which the permissible objects of discussion are created and defined. It is my argument that through tracing the genealogy of the concept of 'environment', and the development of the environmental assessment process, it is possible to understand not only their inception, but their current applications. This background shows that the creation of the environmental assessment process is the product of particular moments in history and is situated within the legislation and scientific hermeneutics of the latter 20<sup>th</sup> century.

#### 8.4 Foucauldian Power

The use of the Foucauldian concept of power was a productive departure point for this study. It enabled a multilayered understanding of the mechanisms of power (Foucault 2007) visible in the relationships between the Esketemc, the Panel and the mining company. It also identified the mechanisms of control through the environmental assessment hearing process.

The embedded control of the ideological, physical, spatial and temporal domains by government processes and the Panel meant that Esketemc knowledge was expressed within a system which did not recognize the meanings within traditional knowledge. This perpetuates the status of the community knowledge and culture as a marginalized and optional. In the community hearings, Esketemc community members' individual traditional knowledge was transformed into interesting experiences or anecdotes for the Panel. It was given less weight and taken less seriously than other more 'valid truths'.

#### 8.5 Validated Truths

It became clear through the types of information presented in the environmental assessment process, such as Taseko's EIS, the emphasis on empirical information to make decisions, and the specialized language of environmental assessment, that the domains of knowledge that are valued by the Panel, and the mining company, are different from those valued by the Esketemc. I would propose that the traditional Esketemc information that discusses traditional resources is seen by the Panel as a marginal or a naïve knowledge.

However, some portions of Esketemc projects that are associated with the Community Forest project and the federal and provincial treaty negotiations were seen by the Panel as representing valued knowledge and concerns. The impacts on these two areas were validated in the Panel report (2010b).

In this assessment process, the forestry and treaty related topics are integrated into the western epistemology because their links with government programs validates them. The topics that are seen as 'interesting' but not meriting close attention, include concerns about disappearing family territories, the decrease in game and other resources that present problems in obtaining food and resources from the land. The Panel failed to acknowledge the previous Esketemc experience with the negative impacts of transmission lines and their negative impact on the practise of the Esketemc culture.

The practise of obtaining preferred food resources from the land is not given the same attention that it has been given in other fora such as the United Nations Declaration Rights of Indigenous Peoples. The right to choose a way of life and preferred food resources is not seen to be of equal or greater importance than the development of resources by large companies.

#### 8.6 Sacrificial Landscapes and Resources

The concept of sacrificial landscapes can be applied to the areas affected by the proposed Prosperity Mine and the transmission line (Hooks and Smith 2004). The landscapes and cultures that depend on them are seen as expendable.

Traditional resources such as deer, moose, plants, berries, roots and medicines are often viewed as substitutable resources by outsiders. The right to choose one's own resources, foods, or cultural path is not part of the framework of environmental assessment. The replacement perspective or market value of traditional resources examines the costs of purchasing equivalent foods. This means beef instead deer or moose meat; fruit from elsewhere instead of local berries and plants, purchased pharmaceuticals instead of traditional medicines. The replacement perspective is part of the Eurocentric values system in which commodification of resources has robbed them of their deeper values.

#### 8.7 Resistance and Power

This research also highlights the long history of losses that the community has endured, accompanied by the community resistance to these losses. This history of resistance is symbolically shown through Esketemc protocols, culture and the discourse of Esketemc rights. While the Panel and the mining company may not understand the significance of many of these acts, they resonate within the community. In this research it has also become apparent that the Esketemc community actively resists attempts to control their culture. Yashar (2007) observes that a community's exposure to development stresses may be dealt with through the resistance that comes with asserting cultural identity. In this case this is a power base from which other stresses can be dealt with.

This research has shown the entrenched nature of the mechanisms of power within the Panel hearings and in the environmental assessment process. Power, as it is situated within the bureaucracy or dispositif is demonstrated through the organization of space, the manipulation of time, the control of speech and the marginalization of discourse. Power is also expressed

through the decision making process. While Esketemc may have had input into some procedural issues, the decision making process is hidden from scrutiny, it is acted out by a select group and perpetuates itself. The mechanisms of power, within the Panel hearings and in the environmental assessment process are entrenched.

The Panel report (2010b) illustrates some of the gaps within the environmental assessment process and its duty to the First Nations. The Panel report, does not employ the criteria of cultural rights, and therefore does not fulfill its responsibility to communities. The types of information, concerns and traditional knowledge that were raised in the community were not addressed in the Panel report.

The Panel process, while an advisory one, has been described as empty without real power. The final decision about a development is made by the federal minister of natural resources. The Panel's report provides recommendations; the final decision is distant from the Esketemc and other communities that are concerned. In this sense, power moves through the system and controls the information that is received and how it is received. The recording of the lived Esketemc experience onto tapes and maps, its analysis by the Panel, its translation into a written report, which is then evaluated by still another level of government removes the information from its context and empties it of its meaning. It becomes one dimensional and cannot approximate the Esketemc experience on the land. Information that is transcribed, evaluated, analysed and then passed on to other evaluators loses the authenticity, the cultural meanings and the depth of spirit it originally contained.

This distance between the community and the final decision is emphasized by Elder Arthur Dick, who points out that the actual concerns of the Esketemc are not part of the government policy (CEAA 2012a: 4637).

In this research, the Foucauldian perspective of power has been useful to understand the dynamics of systemic power. However, it does not adequately explain the contingent power that arises from resistance. This multisited resistance in First Nations culture needs to be addressed by incorporating the concepts of the diffusion of power and resistance (Escobar 2001, Yahar 2007) through the media and fluid political alliances. During the Esketemc Panel hearings one Elder thanked Taseko, because the opposition to the proposed mine served to unite all of the First Nations.

## 8.9 Results

This study of one community's struggle to have their voices heard in the midst of a proposed development brings to the forefront serious shortcomings with the way First Nations are dealt with in the environmental assessment process. The study also identifies the ways in which disempowerment has affected the expression of Esketemc concerns. The research suggests that even if the highest standards of the environmental assessment were upheld, they will not address First Nations concerns as long as the original terms under which they are drafted are inadequate.

The gap between the practise of environmental assessment in Canada and Indigenous Rights as articulated in the UN Declaration on the Rights of Indigenous Peoples is serious. The Federal response to the UN Declaration on the Rights of Indigenous Peoples is to reject the principle of free, prior and informed consent, because it "could be interpreted as giving a veto to indigenous people (Canada 2010, 2011)." Until this changes there is little possibility that Esketemc, or other First Nations' concerns and traditional knowledge will be respected and acknowledged within the environmental assessment process

It is hoped that this analysis may provide a framework from which to compare and analyze other environmental assessments. This study may provide a departure from which a more focussed and critical approach to environmental assessment may emerge.

The marginalized traditional knowledge within this study demonstrates First Nations rights to the land and resources. As this research shows, it can be demonstrated that the structure of the environmental assessment process results in the maintenance of power and control over the participants and the avoidance of the issues of Aboriginal Rights to the land and resources.

It poses the question of whether the tension between traditional knowledge and the scientific 'valid' knowledge is due to different epistemological approaches, or if it as proposed by Foucault, it derives from political agendas. The last word belongs to the Esketemc. In the hearings Arthur Dick stated

This hearing, again, to me is just a formality, that the government says, okay, you have hearings, and you listen to the people. That, that there are ear plugs. Because money speaks louder than words. If you weren't paid, you wouldn't be here. I know that. Any of you. If you weren't paid, you wouldn't be here (CEAA 2010a:4878).

## Appendix I

Alkali Lake Declaration of Independence 1975. In this declaration the Esketemc have identified their claim area, the resources they claim, as well as the conditions under which they are willing to share the resources. They are also claiming compensation for the misuse of the Esketemc lands. The public release of this statement provided a powerful tool to unite the community, as well as to put the government on notice about the band's intentions.

Alkali Lake Bands Declaration of Independence, 1975.

From PEAVINE MOUNTAIN atop the mountain known as BORDER MOUNTAIN, half of the SPRING-HOUSE HILLS, straight across to CHIMNEY LAKE to the Lac la Hache P.S.Y.U. and down that line to the South-East corner of T.P. 75; back towards the FRASER RIVER along the Williams Lake P.S.Y.U. line; and from the FRASER RIVER back along its bed to the PEAVINE MOUNTAIN; Indian Re-serve #6 (Wycotte Flats) and Indian Reserve #16.

These lands are part of the traditional territory of the Alkali Lake Band of the Shuswap Nation. We have never surrendered any of our lands, nor have we ever given up our aboriginal rights to the land, water, forests, or any of the resources on or under the land. Like our ancestors, we depend on this land for our living as will our children and grandchildren, even those as yet unborn.

The Alkali Lake Band asserts its control over these lands and is prepared to take any necessary action to re-establish our traditional Shuswap practice of living in harmony with nature. We shall use our homeland wisely and we recommend all people in this Province to do the same.

In compensation for the unjust and illegal misuse and damage done to our land under the authority of the Federal and Provincial governments we shall accept an initial payment of \$1 million, to be used in trust by the Band Council for the restoration of our lands, this sum to be paid in 1975.

We shall control our grazing land, timber, and other resources and will set such fees and stipulations as we decide for the use of these resources by our non-Indian neighbours. No resources may be used without our permission; permission will not be denied unless the best interests of our Band are threatened. Anyone who uses our land and resources without permission is guilty of an offence.

Land may be leased to the Province for right- of -way as long as the Band Council agrees.

We shall develop our resources in our own way; we shall take only what we need and waste nothing, in the manner of our fore-fathers. Our land is intimately connected with our culture and our survival. Our land and our culture have been seriously dam-aged, and our survival threatened, over the past century by the unjust, illegal and extremely destructive intrusion of non-native people, with their agriculture and industry, into our lands. We do not hold them individually responsible, nor do we seek their expulsion, but we do claim a just compensation from their governments.

During the rest of this century, we expect our people to regain from our long-established cultural heritage the wisdom and the spirit required for living through the twenty-first century in harmony with the rest of nature, including our non-Indian brothers and sisters.

We have learned much that is useful and much that is harmful from the white-man. In future we propose a more effective two-way cultural exchange so that .the non-Indians, as well as the Indians, can benefit from the best qualities of both cultures in Canada.

We believe that the social, economic, ecological and cultural health of all people in this Province — perhaps even the survival of the people — depends on our success during the next few years in achieving a cooperative interaction among all cultures. In any case we are now bringing to an end our long experience over the past five or six generations with one-way cultural imposition. We are native people and we intend to live according to the values and principles which served our ancestors so well for so long.

At a June 20th meeting between members of the Cariboo Tribal Council and provincial Resources Minister Bob Williams, Chief Ray Hance stated, "All that we got from this meeting today is little answers to little things. The reason for any meeting we have to go to is land claims. Until the government recognizes land claims and aboriginal rights, nothing is going to be settled. The position of my band at this time is...that absolutely no development is going to take place in our area until the government sits down and talks land claims. We're telling the government what we are going to do. If they want input into it, fine, we'll sit down- and talk.... make damn sure you take a message back to the legislature and tell those guys down there that this problem with the Indians is not going to be solved unless the people in power sit down and talk land claims with the Indian people (Nesika 1975:1,7)."





## Appendix II

The following petition stating the position of the First Nations in the interior of British Columbia was written in 1912. It was signed by many of the Chiefs from BC, including Chief Sxoxomic from Esket. [Samson Soghomigh, Chief Alkali Band,]

“Prime Minister of the Dominion

Dear Sir and Chief:—

We, the undersigned chiefs of Indian tribes in the Interior of British Columbia, assembled at Kamloops, B.C., this 15<sup>th</sup> day of March, 1912, desire to speak.

You know of this question of Indian Rights here in British Columbia. You know the position we take, and the position the British Columbia Government takes regarding the same. You know the Dominion Government acknowledged our rights, and that King George III guaranteed us our rights in our lands, our game, and fish, etc. To some of our chiefs George III medals were given a century ago as tokens of good faith and surety that we were under the protection of British sovereignty and British laws. You know how the Indians in other Provinces of Canada have been given their rights, and treaties made with them. We ask you why should our tribes here in British Columbia be ignored and the same rights denied to us? We have tried to obtain justice and settlement of our claims from the British Columbia Government, but without results. Why should the government here in British Columbia be allowed to oppress us, crush us, and deny us justice. We have asked them to come with us, and settle our differences in Court, Not in any court of ours, but in their own, the white man's court at Ottawa and England, but they will not consent to this. We understand that this is the only fair method of settlement. Why is the British Columbia Government afraid? If they have done no wrong, and we have no rights, and no case as they say, then why need they be averse to going to court. Now, we have already petitioned England to have this question settled, and have been told your government at Ottawa would talk with the British Columbia Government, and try to effect a settlement with them on our behalf. We have waited a long time, but there appears to have been little done towards this end yet. We sent chiefs to Ottawa last winter so they should petition you in person, and place our statements regarding our claims in your own hands, so you might read them, and understand our position thoroughly. You promised us an answer through our counsel as to what you were prepared to do in the matter, but we have heard nothing yet. In all respect we press for a speedy answer. We think we have a right to know whether you are moving in this matter, and whether you intend to do anything regarding it or not. If you have no power, nor influence with the British Columbia Government to accomplish a settlement, we want to know. We have been told your government is the central and supreme government of Canada, and that it is the desire of your government that justice be meted out to all your subjects

irrespective of race, creed, etc. This is one reason we appeal to you. We want the injustice done us righted. We want to stand on our feet. We were never made for slaves. We cannot lie down and be ridden over. We demand our rights, and we expect your help not only because you are men and chiefs, but also because we are called your wards and children. If you deem it unnecessary that we receive our right, that it is not necessary that the laws of your kings should be maintained, and that it is well the white man's word to us should be broken, then tell us. We believe ex-Premier Sir Wilfrid Laurier was prepared to do something for us had he remained in power. He told us he would help us. Have you not as great a heart as he. If you have neither power, nor inclination to help us in the obtaining of our rights, then please recommend to England that they settle the case for us. We never will be satisfied until the question is settled. If you have not yet had time to go thoroughly into this matter, which we have placed before you, be good enough to tell us when you may, as our people are becoming restive and anxious. We do not desire to blame you unreasonably, but we are in great earnest, and this is why we press the position on you so strongly.

Indian Rights Association of British Columbia Nanok, Head Chief Tahltan Tribe, for the Tahltans, Cascara, Liards, and other Nahani. John Chelahitsa, Chief Douglas Lake Band, Okanagan Tribe. Alexander Chelahitsa, Her. Hd. Chief, Okanagan Tribe. Babtiste Chainut, Chief Nkamip Band, Okanagan Tribe. John Ngamchin, Chief Chopaca Band, Okanagan Tribe. Charles Allison, Chief Hedley Band, Okanagan Tribe. John Leokomaghen, Chief Ashnola Band, Okanagan Tribem per Alexis Skius. Francois Pakelpitsa, Rep. Penticton Band, Okanagan Tribe. Babbitste Logan, Chief Vernon Band, Okanagan Tribe. John Tedtenitsa, Chief Pekaist Band, Couteau or Thompson Tribe; for self, Chief Wm. Nakeltse, Chief Thompson Band, Couteau or Thompson Tribe. Paul Hehena, Chief Spuzzum Band, Couteau or Thompson Tribe. William Luklukpaghen, Chief Petit Creek Band, Couteau or Thompson Tribe. Michel Shakoa, Chief Quilchena Creek Band, Couteau or Thompson Tribe, per Stephen Matthew Michel. Charles Kowetellst, Chief Kanaka Bar Band, Couteau or Thompson Tribe. Benedict Sipelest, Chief Keefers Band, Couteau or Thompson Tribe. George Sandy, Rep. Coldwater Band; Couteau or Thompson Tribe. Shooter Sutpaghen, Chief Nicola Lake Band, Couteau or Thompson Tribe. John Whistamnitsa, Chief Spences Bridge Band, Couteau or Thompson Tribe, per William Yelamugh. Simon Waskie, Chief Ashcroft Band, Couteau or Thompson Tribe. Jonah Kolaghamt, rep. Coutlee Band, Couteau or Thompson Tribe. Joseph Stsukwakst, Chief High Bar Band, Shuswap Tribe. Andre, Chief North Thompson Band, Shuswap Tribe. Thomas Petlamitsa, Chief Deadman's Creek Band, Shuswap Tribe. Major Cheschetsellst, Chief Leon's Creek Band, Shuswap Tribe. Adam Tagholest, Chief Chase Band, Shuswap Tribe. Basil David, Chief Bonaparte Band, Shuswap Tribe. Babtiste, William, Chief Williams Lake Band, Shuswap Tribe. Samson Soghomigh, Chief Alkali Band, Shuswap Tribe. Francois Selpaghen, Chief Tappen Band, Shuswap Tribe. Gabriel Ahabulagh, Rep. Spallumcheen Band, Shuswap Tribe. Maximin, Chief Halowt Band, Shuswap Tribe. James Cable or Capel, Chief Clinton Band, Shuswap Tribe. Loghsom, Chief Soda Creek Band, Shuswap Tribe, per Charles Chawania. Camille, Chief Canot Creek Band, Shuswap Tribe, for self and Chief Tseopiken, Dog Creek Band, Shuswap Tribe. Samuel, Chief Canim Lake Band, Shuswap Tribe. Pierre Kenpesket, Chief of Kinbaskets, Shuswap Tribe, per Chief Francois and William

Pierrish. Louis Ghlegheghken, Chief Kamloops Band, Shuswap Tribe. John Nelson, Chief Quesnel Band, Carrier Tribe. James Stager or Statzie, Chief Pemberton Band, Lillooet Tribe, for self and Chiefs William Hakon, James Smith, Harry Nkasusa, Paul Koitelamugh, August Akstonkail and Charles Nekaula, of same tribe. David Skwinstwaugh, Chief Bridge River Band, Lillooet Tribe. Thomas Bull, Chief Slahoos or Slatin Lake Band, Lillooet Tribe. James Nraitasket, Chief Lillooet Band, Lillooet Tribe, for self and Chiefs Thomas Jack, David Eksicpalus, Peter Chalal and John Koiustghen, of same tribe Jean Babtiste, Chief Cayuse Creek Band, Lillooet Tribe. Thomas Adolph, Chief La Fountain Band, Lillooet Tribe. Robert Kustaselkwa, Chief Pavilion Band, Lillooet Tribe. Francois Xavier, Her. Head Chief (St. Mary's Band), Rep. Kootenay Tribe. Abel t. Pierre, Church Chief Creston Band, Kootenay Tribe. Alexander, Gov. Chief Creston Band, Kootenay Tribe. Pierre Thunder-robe, Her. Chief Port Steele Band, Kootenay Tribe. Abel Not-Bear, Chief Windermere Band, Kootenay Tribe, per Ignatius Eaglehead Matthias Yelloweagle, Second Chief, Windermere Band, Kootenay Tribe. Paul David, Chief Tobacco Plains Band, Kootenay Tribe. Francis Plaswa, Second Chief Tobacco Plains Band, Kootenay Tribe. Dominick Salish, Sub-Chief Creston Band, Kootenay Tribe. Louis Jacob, Alexander Maiyook, John S. Starr, Ignatius Jack and Joseph David, Reps. Kootenay Tribe. Babtiste Skalorn, Chief Arrow Lake Band, Lake or Senijextee Tribe. Pierre Ayessik, Chief Hope Band, Stalo Tribe. Louis Sardis, Chief Chilliwack Band, Stalo Tribe. Harry Stewart, Chief Chilliwack Band, Stalo Tribe. Joe Quoquapel, Chief Chilliwack Band, Stalo Tribe. Charley Jacob, Chief Matsqui Band, Stalo Tribe. James Kwimtghel, Chief Yale Band, Stalo Tribe. Michel, Chief Maria Island, Stalo Tribe. Harry Yetemitsa, Chief Agassiz Band, Stalo Tribe (Indian Rights Association of B.C. 1981:2).

### **Appendix III**

This article describes an incident in 1984, when the Esketemc were awarded costs for the community to take part in a public hearing about a proposed pipeline through their territory.

**ALKALI LAKE INDIAN BAND:** The B.C. Court of Appeal ordered B.C. Utilities Commission to pay costs for the Alkali Lake Indian Band to intervene at a public hearing on applications to build and operate natural gas pipelines to Vancouver Island. Never before in Canadian history has a Board been forced to pay Indian costs to intervene, which makes this case a real victory for us. It is a victory in another way, since the court held – the Provincial Governments' restraint measures infringe upon rights protected under the Utilities Commission Act. The only other time a court held that Provincial Government restraint measures were illegal was the court compelling the Legal Aid Society to continue paying Legal Aid costs. Now, the Provincial Government is taking steps to pass legislation aimed at amending the Utilities Commission Act to prevent other Bands from taking advantage of this Court win. Political pressure may be applied against the province to compel them to respect the Court of Appeal (UBCIC 1984:2) .

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