

**FOREST MANAGEMENT AND CONSERVATION GOVERNANCE IN RELATION TO  
INDIGENOUS FOOD SOVEREIGNTY WITH THE LÍLWAT FIRST NATION IN  
BRITISH COLUMBIA, CANADA**

by

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## **Abstract**

Indigenous Food Sovereignty (IFS) involves the sacred responsibilities and relationships of Indigenous Nations and communities, including urban communities, with their food systems. IFS relies on Indigenous Peoples' ability to restore and maintain relationships with culturally desirable foods, ensuring the sustainability of their food systems. The ability of Indigenous Peoples to experience food sovereignty continues to be adversely impacted by statutory laws and policies in the nation states whose land grabs enclose customary and traditional territories. In this dissertation, I show how government regulations and forestry, protected areas, and ecosystem services programming in British Columbia (BC), Canada impact the Lílwat First Nation's processes to recover food sovereignty.

This dissertation draws on ethnographic fieldwork with the Lílwat First Nation between 2015-2020. Firstly, I summarize some of the food-based practices and experiences of Lílwat Nation that constitute the foundation of Lílwat food sovereignty. Secondly, I analyse the impacts of payments for ecosystem services (PES) programs on Indigenous Peoples and local communities as ecosystem services providers, finding that PES programs run the risk of reifying Indigenous knowledges to fit into ecosystem services approaches, legitimizing settler colonial jurisdiction over Indigenous peoples' territories. Thirdly, I assess the BC Government's changes to forest policy since 2003 that have created both new opportunities, as well as constraints, for Lílwat Nation. Fourthly, I present ethnographic evidence to show how recreational tourism creates challenges for Indigenous food sovereignty through impacting both food sources and food practices. I find that the continuing erasure of Lílwat ontologies by conservationist land

managers constitutes 'slow violence'. Indigenous peoples' community spaces are critical fora for deliberating on and creating desired food futures that include Indigenous food sovereignty. This dissertation finds that settler government policies and inaction towards safeguarding food provisioning landscapes, including so-called 'Crown forests' and protected areas, impede the ability of Indigenous peoples to realize food sovereignty in these spaces, unhindered by settler colonial violence.

## **Lay Summary**

Indigenous Food Sovereignty (IFS) involves the sacred responsibilities and relationships of Indigenous Nations and communities, including urban communities, with their food systems. The ability of Indigenous Peoples to experience food sovereignty continues to be negatively impacted by laws and policies by the governments, federal and provincial, that claim ownership to Indigenous traditional territories. In this dissertation, I show how settler forestry and conservation management in British Columbia (BC), Canada impact Lílwat First Nation's processes to recover food sovereignty. Over a five-year period, I worked closely with Lílwat community members to record and understand what Indigenous food sovereignty means for Lílwat Nation, and how settler colonial government policies impact the ability of community members to experience food sovereignty. This dissertation presents insights and potential pathways forward for supporting and enhancing Lílwat Nation food sovereignty.

## Preface

This dissertation is an original and independent work by the author T. Smith. Throughout the Ph.D. process, the author received guidance and feedback from their Ph.D. supervisor, Dr Janette Bulkan, and committee members Dr Hisham Zerriffi, Dr Jeanine Rhemtulla, and Dr Paige Raibmon. The supervisor and committee members helped shape the doctoral research objectives and provided feedback for the dissertation manuscript.

Two peer-reviewed journal articles based on this dissertation research have been published in academic journals. A third manuscript has been submitted and is under review by an academic journal at the time of defence. These are listed below.

A version of Chapter 3 was published: Smith, T., Bulkan, J., Zerriffi, H., Tansey, J. “Indigenous peoples, local communities, and Payments for Ecosystem Services.” *Canadian Geographer* 63(4): 616-630. I identified the research objectives, collected the data, performed analysis, and prepared the manuscript. Bulkan J. and Zerriffi H. provided advice concerning the data and analysis. Bulkan J., Zerriffi, H. and Tansey, J. provided recommendations and inputs for the manuscript.

A version of Chapter 4 was published: Smith, T., and Bulkan J. “A ‘New Relationship’? Reflections on British Columbia's 2003 Forest Revitalization Plan from the perspective of the Lílwat First Nation.” *Land Use Policy* (105): 105345. I identified the research objectives,

conducted the fieldwork and analysis, and prepared the manuscript. Bulkan J provided recommendations and inputs for the manuscript.

A version of Chapter 5 was submitted for publication: Smith, T., Dan, K., Bulkan, J. “‘Loved to Death’: Conflicts between Indigenous food sovereignty, settler recreation, and ontologies of land in the governance of Lílwat tmicw.” I identified the research objectives, collected the data, performed analysis, and prepared the manuscript. Dan, K. helped define the research objective and provided advice and input to the data. Bulkan J. provided advice concerning the data and analysis, and provided recommendations and inputs for the manuscript.

This research has received research ethics permissions from UBC’s Behavioural Research Ethics Board. The ID reference number is H17–00053

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## List of Abbreviations

CORE: Course on Research Ethics

DRIPA: the *Declaration of Rights of Indigenous Peoples Act* 2019 (DRIPA) passed by the provincial legislative arm of the BC Government in November 2019

ES: ecosystem services

FPIC: free, prior and informed consent

IFS: Indigenous Food Sovereignty

IPs: Indigenous Peoples

LCHLA: Lílwat Culture, Heritage and Language Authority

LFS: Lílwat Food Security and Sovereignty Project

LFV: Lílwat Forestry Ventures

LTR: land, territory, and resources

MEA: Millennium Ecosystem Assessment

NGO: non-governmental organization

OCAP: Ownership, Control, Access, and Possession Principles

PES: payments for ecosystem services

RSS: Residential School System

SCC: Supreme Court of Canada

UNDRIP: United Nations Declaration on the Rights of Indigenous Peoples

## Glossary of Ucwalmícwts (Lílwat Language) Terms

Á7xa7cal: locating the infinite capacity we all have to answer our own questions as learners

I Ucwalmcíwa: stewards or protectors of the land

Kúkwi7: Chief

Kúłtsam: take only what you need

Lílwat7úl: citizens of Lílwat Nation

Lhkwalús: baskets

Mecáyen: birch bark baskets

Nlepçáalten: food gardens

Nlháxten: Cerise Creek Conservancy, a trapline area owned by Lílwat families

Ntákmen: our way

Nxekmín: our laws, Lílwat laws of the land

Páts7aož: Oceanspray, *Holodiscus discolor*

Qwelh7ín: birchbark, *Betula papyrifera*

Saqóta: drum and dancing celebrations

S7ílhen: food

S7ítsken: underground pit houses

S7ístken Research Protocol: the research protocol of Lílwat Nation

Skél7awlh: stewards or guardians of the land

Skwelwín: mountain potatoes of four different species of tubers

Skw̓wú7mesh Úxwumixw: Squamish Nation

Sqwéqwel: true stories

Sptakwlh: legends

Stsáqwem: Saskatoon berry, *Amelanchier alnifolia*

Státyémc Nations: Interior Salish peoples of 12 Nations, speak the Ucwalmícwts language

Sútik: winter

Tmicw: territory

Tsátawaož: western red cedars, *Thuja plicata*

Tšwan: wind-dried salmon

Ucwalmícwts: the language of Lílwat Nation and the 11 other Státyémc Nations

Úcwalmicw Tmicw: people of the land

Úcwalmicwa ti tmícwa: the people and the land are together as one

Xúsum: soapberry, *Shepherdia canadensis*

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## **Dedication**

This dissertation is dedicated to Qwílqen Cameron Abbott and future generations of Lilwat Nation. May you live free as Lilwat7úl and follow your dreams.

# Chapter 1: Introduction

## 1.1 Overview and Research Objectives

The territories of Indigenous Peoples around the world have been labelled by nation states as ‘Crown forests’, or ‘State’ or ‘public’ forests, as a central tactic of colonial domination. The term ‘Crown forests’ itself signifies the imposition of colonial property law which cleared the way for states’ governments to sell or lease Indigenous lands for natural resources extraction by individuals or companies. Though the term ‘forests’ is presently used by governments, companies, foresters and forest researchers alike to describe an ecological state of being, defined for example in British Columbia (BC) as ‘a complex community of plants and animals in which ... tree crown density...is greater than 10%’ (BC Ministry of Forests and Range, 2008), the word has origins from before the imperial navies of western Europe sought to expand their respective empires around the world. Etymologically, the term ‘forests’ was coined under the rule of Charlemagne during the Middle Ages to describe a jurisdiction of land (Colchester 2013). In 11<sup>th</sup> century England, the Normans introduced the term ‘forests’ to designate hunting lands for the ruling élite, and expelled local commoners from the woodlands that had provided them with subsistence materials for generations (Colchester 2013). Within a hundred years, rulers of England had designated 25% of the land as royal forests, over the bitter objection of local people (Colchester 2013). Other rulers throughout Europe followed suit, eventually bringing the designation of forests as a legal jurisdiction to colonies, including to India and later, Canada. Thus, the term ‘forests’ has been marked by a long history of governments removing local people from their customary lands to enable the extraction and utilization of wood and woodlands. Though the mechanisms used to dispossess Indigenous Peoples of their land around

the world differ greatly, the rationalization of using ‘forests’ to benefit the élite, albeit nominally owned by the nation, has been somewhat of a common experience. Logging and wood products processing are industries in which consolidation has conferred significant benefits (Edenhoffer and Hayter 2013b). However, consolidation tends to benefit the wealthy, and today 26% of the world’s lumber production, for example, is done by only 26 large corporations, headed by billionaire CEOs like British Columbia’s Jim Pattison (Taylor 2021).

In the context of BC, the majority of forests, parks, and areas designated for resource extraction are under the legal control of settler governments that, in turn, make the land available for industrial resource extraction, development and public activities like recreation. Though most provincial forests are designated as ‘public lands’, owned by the Crown and under the management of the BC government, a major part of the designated ‘production forests’ are in effect treated as private property by timber, pulp and fibre companies. In BC, a handful of companies hold long-term licenses issued by the government to extract wood in tenure arrangements that grant them most of the strands in the bundle of rights, conferring on the holders rights nearly akin to private property rights (Baron 2014; Tonya Smith and Bulkan 2021). Throughout much of the 20<sup>th</sup> century and still today, the fact that these ‘forests’ remain unceded and are central to the livelihoods, subsistence and identity of Indigenous Peoples has been wilfully ignored in practice by the BC and Canadian governments and licensees.

Increasingly from the 1980s, Indigenous Peoples have been advocating for their rights to their traditional lands, territories and resources in international fora. Of the estimated 370 million Indigenous Peoples around the world, approximately half depend on forests (Colchester 2013).

Indigenous Peoples are organizing at the international, national, provincial and regional levels to have their rights to their customary forests recognized. In each forest, there is a constellation of people, institutions and rules that characterize and compose forest governance (Beaudoin, Bouthillier, and Chiasson 2015). As the global climate crisis becomes more immediate, discordance in their respective visions for forests continues to increase amongst forest managers, commercial forestry sectors, environmental activists and communities (Tauli-Corpuz et al. 2020; Arias-Bustamante and Innes 2021). New perspectives, solutions and transformative actions to steward and maintain forests are necessary. One pathway that Indigenous Peoples are pursuing to safeguard their forests is through engaging in research that makes their values, perspectives, and preferred pathways forward more visible to settler society. This dissertation is based on such research that was done with the Lílwat First Nation, whose territory lies in the coast mountains on the west coast of Canada.

## **1.2 Theoretical Approach: Political Ecology of Forests**

This dissertation is informed by a political ecology approach. I consider how forest management is related to issues of power within social-ecological systems. Through examining the rules, institutions and practices that govern the ‘forests’ of Lílwat territory, I attempt to unpack the ways that ongoing histories of settler colonialism play into current socio-political relationships influencing the governance of land and ‘resources’.

In North America during the 20<sup>th</sup> century, approaches to logging transitioned from a ‘cut and run’ approach to one concerned with maximum sustained yield (Rajala 2006). Rajala (2006) documents how forest policy changed in response: first to streamline logging operations, and

then later to mandate tree planting so as to ensure the regrowth of commercially desirable timber species. Those employed in logging companies, who had exploited forests as though they were endless, began to realize that even the vast forests across colonial frontiers of North America were finite. Schools like the University of British Columbia's Faculty of Forestry were created to carry out research and train professional foresters. These schools were heavily supported by funding from forestry companies, which influenced the research questions, methods and ways of thinking about research on forests (Rajala 2006). Writing as a student in UBC's Faculty of Forestry, I have been conscious of this ongoing history, and the ways that forestry faculties at universities across North America treat as normative such Western and extractivist notions like 'working forests', 'timber', 'fibre', and so forth. These terms and their underlying conceptual framework make the histories of Indigenous territories invisible. The imposition of an extractivist world view and approach did the work of justifying in the settler colonial mind the stealing of land from their (Indigenous) human and non-human communities. The goals of much of the forestry research centred on maintaining the profits from logging.

This thesis contributes to the political ecology research on forestry in BC, and the Pacific seaboard more broadly, following the pioneering research done by resource economist and historian Dr Richard Rajala and others. Rajala's seminal work analysed how the emergence of the oligopolistic forestry industry in BC followed in lockstep the investments in capital-intensive mills throughout the province during the 20<sup>th</sup> century. To entice the investments of forestry firms for the creation of a competitive forest industry, the BC Government issued large-scale, long-term ('evergreen') forest licenses to firms. The licenses enabled companies to fulfil the fibre requirements for large mills to be running 24 hours a day. In chapters 4 and 5, I build on this

history told by Rajala and others (Brody 1981; Hayter 2004; Prudham 2008; B. Williams 2018) through an ontological lens, analysing how Western thinking about ‘resource management’ has impacted the Indigenous food sovereignty of Lílwat Nation. The Nation is one among over 200 First Nations whose forests were illegally appropriated by the colonial government and then issued to settler companies under forest concession licenses. I assess the power imbalances that persist because of this legacy of privileging corporate interests and market values over the rights of Lílwat Nation.

This work also contributes to the analyses of modern forest policies in BC, following the work of policy analysts Ben Parfitt and Bob Williams. Parfitt (2005; 2007; 2010) has documented the steady erosion of regulatory control in the forestry sector, documenting how powerful lobbying by international forestry companies led to the new model of ‘professional reliance’, which devolves the responsibility for monitoring compliance with forest laws and regulations onto Registered Professional Foresters (RPF) in the employ of the same companies. In effect the ability of the BC Ministry of Forests to regulate what happens in the Crown forests is limited, and which, in turn, has led to a significant decrease in societal support for forestry in BC. I build upon Parfitt’s work by naming and describing common concepts that are normalized within settler governance structures and which reinforce structural power on the one hand and the marginalization of Lílwat people within their territory on the other hand. I reappraise concepts like ecosystem services, Crown forestland, natural resources, protected areas and conservancies, and conservation. I also analyse BC forest policy as an imposed system of governance and contrast it to the customary governance systems of Lílwat Nation. Following former forestry minister Bob William’s work advocating for more regional management of BC’s forests (2018),

I contextualize the calls of Lílwat Nation members and other First Nations organizations in BC for meaningful reforms towards a government to government relationship. Through interrogating Western concepts of ‘natural resource management’, I point to areas of policy and practice impacting Lílwat Nation’s customary practices and ways of life. I offer suggestions for the redistribution of power, and the dismantling of Western ontological supremacy, to create more equitable and socially-just futures.

This work can perhaps be considered under the umbrella of advocacy research, in which by naming power and how it works within governance systems, I take the side of Lílwat Nation, who has historically been a group made marginal within Canadian society and for whom, through my scholarship, I strive to bring voice and visibility (Wisner 2015).

### **1.3 Research Questions**

The research questions for this work were developed with the objective of contributing to both Lílwat community understandings, as well as scholarly and land managers’/practitioner understandings, of how settler colonial land and forest management interact with the Indigenous food sovereignty of Lílwat Nation. Here, I note that the contributions contained within this dissertation are primarily intended for an audience of scholars and forestry practitioners, rather than Lílwat Nation members themselves, who know all too well of the impacts of ‘forest governance’ on their traditional territory. The findings of this research have been made available to members of Lílwat Nation in other formats than the scholarly articles and chapters contained within this dissertation. Some of those products are listed later in this chapter.

The broader questions this dissertation seeks to answer are:

- What does Lílwat food sovereignty mean for Lílwat Nation members? How has Lílwat food sovereignty changed through time?
- How have Lílwat Nation members' experiences of colonization shaped Lílwat food sovereignty today?
- What types of protections are in place today to support Lílwat Nation's food security and sovereignty? How can these be safeguarded and enhanced?

The answers to these questions are considered within the dissertation chapters, as follows:

- In Chapter 2, I define aspects of Indigenous Food Sovereignty in Lílwat Nation, including how food sovereignty interacts with food security, and analyse how a community-led research methodology can enhance outcomes for food sovereignty research
- In Chapter 3, I analyse how ecosystem services approaches and payments for ecosystem services programs produce different outcomes when Indigenous Peoples and Local Communities are ecosystem services providers
- In Chapter 4, I assess the impacts of the BC Government's reforms of forestry policy since 2003 on Lílwat Nation's rights and livelihoods
- In Chapter 5, I appraise the impacts of Western ontologies of conservation and protected areas management, and how the ongoing privileging of Western ontologies in management strategies represents 'slow violence' that impacts Lílwat traditional food systems, and subsequently Lílwat food sovereignty

#### 1.4 Place and context: Lílwat Nation Territory

The traditional territory of Lílwat Nation spans nearly 800,000 hectares in the coastal mountains of present-day BC, extending south to Rubble Creek, north to Gates Lake, east to the Upper Stein Valley and west to the Pacific Ocean (Lílwat Nation 2008). Lílwat Nation lies directly north of Sk̓w̓x̓wú7mesh Úxwumixw (Squamish Nation) territory. Lílwat Nation is one of twelve Stát'yém̓c Nations, who are Interior Salish peoples speaking the Ucwalmícwts language and among whom there are many intermarriages and family bonds. Lílwat is the third largest First Nation in BC, with 1,450 of the total 2,200 registered members living in the community's Reserve land (Lílwat Nation 2021). The heart of Lílwat Tmicw (the Ucwalmícwts word for territory) is the convergence of three rivers which descend from the surrounding mountains that stretch along the entire coastline of BC, separating the wetter, mild coastal areas from the drier interior of the province. Lílwat7úl (citizens of Lílwat) are historically and contemporarily traders, enabling the flow of goods between neighbouring First Nations communities on the coast and the interior (Lílwat Nation 2008). Lílwat7úl are fishers and hunters who have close ties with the land, as Ucwálmicw Tmicw (people of the land)<sup>1</sup>.

Much of Lílwat Tmicw is occupied by non-First Nations people, who live predominantly in the towns of Whistler (a major tourist destination) and Pemberton. Outside of townships, industries like forestry, hydroelectricity generation and tourism and recreation are major uses of the land. The government's professed intentions to work towards a reconciliatory relationship with Lílwat

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<sup>1</sup> Smith Field Notes, including conversations with Jordon Gabriel Sr., Swuwa Martin Nelson, and Community Meetings, 2015-2021

Nation take place in the context of the ongoing claims of Crown tenure policies, and the continuing financialization of land and resource extraction for increasingly globalized markets. Settler governments and institutions continue to overlook the rich society that existed in Lílwat prior to the arrival of European settlers<sup>2</sup>.

Before Western colonisation the Lílwat7úl led a semi-nomadic life<sup>3</sup>. Sútik (winter) was spent tending to traplines and residing in s7ítsken (underground pit houses) where close family members would share teachings encoded in narratives and live on s7ílhen (food) from the tsípun (root cellars) that had been gathered through the year. Families maintained traplines, which are areas that small game were trapped along, and areas adjacent to these lines that were used as hunting grounds, through agreements and protocols with other families<sup>4</sup>. Traplines and trails were marked and maintained with a sophisticated system of markers using natural features such as tree limbs and rock cairns to designate directions<sup>5</sup>. During the snow-free portion of the year families moved to sources of food such as maintained gardens of food plants, areas where game was abundant, and fishing camps. Lílwat7úl facilitated trade between families and communities, sending seafood and cedar goods (among other items) inland from coastal communities and game meats and furs (among others) from the interior to the coast (Lílwat Nation 2008). Through maintaining customary relationships with the two-legged (humans), the four-legged (deer, bears, moose, wolves, coyotes and other mammals), the flying (birds) and finned ones (fish), the lands

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<sup>2</sup> Smith Field Notes, including conversations with Arthur Pascal and Community Meetings, 2015-2021

<sup>3</sup> Smith Field Notes including conversations with Sawt Martina Pierre, Kwikws Eliza Peters and Koskas Dan, 2016-2021

<sup>4</sup> Smith Field Notes, including conversations with Swuwa Martin Nelson, Jordon Gabriel Sr., Koskas Dan, 2015-2021

<sup>5</sup> Smith Field Notes, including conversations with Jordon Gabriel Sr., Johnny Jones and Koskas Dan, 2015-2021

and the water, Liłwat7úl thrived and had a strong pre-colonial society, economy and culture. Much of what settlers came to find in Liłwat existed purposively, as part of a sophisticated and organised society<sup>6</sup>. The landscape and waterways were maintained in ways that best supported life for Liłwat7úl and all non-human relatives, using the protocols of respect for all creatures.

Like other Ucwálmicw (people of the land, Indigenous Peoples), Liłwat7úl were advanced in what western scientists call ‘agroforestry’. Small-scale selective tree harvest done by the Liłwat people historically never threatened forest resources with extinction or extirpation as it followed the protocol of Kúłtsam̓ (take only what you need)<sup>7</sup>. Throughout the valley bottoms, where the highest densities of human settlement in Liłwat are found today, grew large tsátawaož (western red cedars, *Thuja plicata*). These trees were cultivated across generations, recognized as sacred life-givers and valuable materials for supporting human life. In the valley bottoms, tsátawaož developed shallow roots because of the high-water table. These roots could easily be harvested for making many tools and clothing by Liłwat7úl. Tsátawaož would grow straight in the valley bottoms, producing close grained, knotless wood. This wood was used for house posts and canoes, which were the primary mode of transport between Liłwat and neighbouring territories<sup>8</sup>. Sweat lodges, also known as mother lodges, are an important aspect of Liłwat spirituality, sites of ceremony for spiritual cleansing. Traditionally, Liłwat lodges were made from large, notched

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<sup>6</sup> Smith Field Notes, including conversations with Arthur Pascal and Koskas Dan, 2017-2021

<sup>7</sup> Smith Field Notes, including conversations with Swuwa Martin Nelson, Jordon Gabriel Sr., 2015-2021

<sup>8</sup> Smith Field Notes, including conversations with Koskas Dan, 2017-2021

cedar logs and lined on the inside with cedar bark<sup>9</sup>. Other trees were harvested for firewood, with selection favouring standing dead and recently fallen wood that would burn easily and avoiding living trees.

Lilwat tmicw was maintained by Ucwálmicw to produce hyper densities and abundances of food and medicinal plants. Many trees and shrubs are used medicinally for treatment of symptoms and as preventative medicines. Over a hundred different plants have been identified by Lilwat7úl as food-medicines and are maintained and cared for throughout the territory. Tree medicines are numerous. Various tree species are also used extensively as tools. Red willow (red osier dogwood, *Cornus sericea*) is known for its flexible wood and is used to make lhkwálús (baskets), modern sweat lodges and other tools and implements. Lilwat7úl are famous for their excellence in weaving lhkwálús, which demonstrate beauty, functionality and technical skill. Lhkwálús are decorated with the qwelh7in (birchbark, *Betula papyrifera*) and cherry bark (*Prunus virginiana*). Mecáyen are birch bark baskets, which are made to be watertight.

Other tree species would be made into topiaries, their limbs trained to serve as bows that were given to young men during their rights of passage at or just before puberty<sup>10</sup>. Often, the training of these trees would start long before their user was born. Shrubs such as páts7aoz̓ (Oceanspray, *Holodiscus discolor*) were used for straight, strong sticks as part of the dipnet for fishing, a practice which few continue today. The blossoms are used medicinally as a tea to treat flu and

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<sup>9</sup> Smith Field Notes, including conversations with Craig Dan and Koskas Dan, 2015-2021

<sup>10</sup> Smith Field Notes, including conversations with Koskas Dan, 2017-2021

stomach aches. Páts7aož is pruned annually so that it produces abundant, healthy blossoms for medicine in the next year<sup>11</sup>. An abundance of other plant species were used in similarly specific ways for unique purposes. Every species of tree and shrubs in Lílwat tmicw is honoured and respected, and each has a way of supporting human life. Varieties of certain plants used for tools, foods and medicines are also recognized. For example, there are eight varieties of stsáqwem (Saskatoon berry, *Amelanchier alnifolia*) known to grow in Lílwat territory, with certain varieties being preferred for specific uses over others (e.g., some are sweeter, seedier, juicer and are preferred canned, dried, fresh, etc.)<sup>12</sup>.

Nlepćáalten (food gardens) were historically maintained by Ucwálmicw doing controlled burning of forests and shrublands. Fires would be set intentionally during the early spring or late autumn based on detailed knowledge about the direction and intensity of the winds, moisture, amount and type of ground fuels and approaching weather to ensure that the flames did not burn out of control. Family members would create fire breaks (areas cleared of flammable undergrowth through controlled burns and large enough so that fire could not spread across, thus containing the fires) and would tend to the moving flames so that the flames would reach only areas targeted for the burn<sup>13</sup>. This burning was done to maintain berries and a variety of other plants that thrive in fire-maintained landscapes<sup>14</sup>. These areas in which foods and medicinal plants were found

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<sup>11</sup> Smith Field Notes, including conversations with Jean Andrew, 2015-2021

<sup>12</sup> Smith Field Notes, including conversations with Jean Andrew, Koskas Dan, 2015-2021

<sup>13</sup> Smith Field Notes, including conversations with Koskas Dan, Lloyd Williams 2017-2021,

<sup>14</sup> Smith Field Notes, including conversations with Jordon Gabriel, 2017-2021

were burned at regular intervals to decrease competition with other plants, control the spread of pests and diseases, keep the canopy open for light penetration and to return minerals to the soil in the form of ash.

### **1.5 The history of settlement in Lílwat Territory**

As in many places in BC, the spread of the smallpox virus carried by incoming settlers pre-dated the arrival of a permanent settler population in Lílwat territory. Records from early American ethnographer John Mooney suggest that smallpox would have made its way up the Fraser River canyon in 1782-83, and thus this epidemic was likely to have reached Lílwat and other Státýemc Nations at this time. Lílwat7úl Elders tell of the large population that existed in the territory prior to smallpox, with some estimating that the population today (around 2,000 people) is still not what it once was<sup>15</sup>. Some consider the pre-colonial population to have been much greater. As Lílwat7úl lived in s7itsken, underground pit houses with a population averaging 1 person for every 2.3 m<sup>3</sup>, contagious disease would have moved quickly through these winter homes (Cole Harris 1997, 3).

When early settler Simon Fraser reached Lílwat territory in 1808, he would have seen the land depopulated and the survivors weakened (Nemoto 1998). As with most of BC, this depopulation was used by the European settlers to justify the racist land doctrine of *terra nullius* (no man's land) and the appropriation of Indigenous lands for (predominantly Euro/White) settlement. In

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<sup>15</sup> Smith Field Notes, including conversations with Arthur Pascal and Kwikws Eliza Peters, 2017-2021

1847, the Hudson's Bay Company first reached the Birkenhead River area in Lílwat tmicw (Decker et al. 1977 in Nemoto 1998). Lílwat territory was considered Mile Zero for gold seekers of the Cariboo Gold Rush Trail in 1858. In the following decade, thousands of gold prospectors passed through the area. Lílwat7úl recall stories of the gold rush period as bringing further disease and death, saying that up to 2/3rds of Lílwat family members died during that time (Nemoto 1998). In 1892, the high prices of vegetables needed to feed gold prospectors led to the first pre-emptions of land in what is now known as Pemberton Meadows in the upper valley of Lílwat territory, wherein European settlers were given private land deeds for a low price in exchange for promises to clear and develop the land for agriculture (Nemoto 1998). Though most gold seekers and service employees did not stay in Pemberton after the Cariboo Trail opened in 1862, BC's 1860 *Pre-Emption Proclamation*<sup>16</sup> opened an era of Indigenous land dispossession, to make way for settlers who acquired private property rights to newly created acreages in Lílwat territory. Throughout the 1880s-1980s, Lílwat7úl experienced a continued loss of rights to their territory and on 6<sup>th</sup> September 1881, were forcibly relocated to five small reserves of 1,200 acres in total (485 hectares) by Commissioner O'Reilly (Crompton 2006). In 1904, an additional 400 acres (approximately 160 hectares) were designated reserve land, and by 1929 an additional four pieces of land added 1,200 acres (485 hectares) to the Lílwat reserves (Crompton 2006). These reserves that now total 2,930 hectares constitute the area lived on by community members today, and represent only 0.4% of the nearly 800,000 hectares of Lílwat traditional territory (Lílwat Nation 2008).

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<sup>16</sup> The 1860 *Pre-Emption Proclamation* created private property rights for white farmers on unceded Indigenous territories and drove widespread settlement of Indigenous lands for agricultural development

In 1911, Lílwat Nation signed the Declaration of the Lillooet Tribes with other Stát'yemc Chiefs, that outlined their demands for the reinstatement of Lílwat and Stát'yemc rights to their lands (Lílwat Nation 2008). The document, which was signed at Spences Bridge on May 10, 1911, and recorded by anthropologist James Tait, asserts Stát'yemc sovereignty over traditional territories and protests the theft of Stát'yemc lands. Today this Declaration remains the most important document for Lílwat Nation on the history of relations between Lílwat and the BC and Canadian governments. Lílwat7úl have never been involved in any treaty discussions or agreements with either the Canadian federal or provincial government (Lílwat Nation 2008).

## **1.6 Foodways of Lílwat Nation**

Foodways is a term used by social scientists to refer to the cultural, social and economic practices relating to the production and consumption of food. The foodways of Lílwat Nation have commonalities with other Indigenous Nations across so-called Canada, in that they are land- and water- based, overlap and intersect with settler colonial jurisdictional boundaries. Foodways involve not only agricultural foods, but are also centred in practices of hunting, trapping, fishing and enhancing the productivity of forest foods (Daigle 2019).

Lílwat Nation refer to themselves as a Salmon People, a term which references the centrality of salmon to the lives of Lílwat and other Stát'yemc peoples. Historically, Stát'yemc individuals were part of a loose network of kinship wherein villages were the primary political units and oversaw controlled access to fishing areas, general control over harvesting through 'first food' ceremonies that designated the beginning of seasonal harvest periods for specific foods, and

extensive intergroup connections which permitted harvesting and exchange of foods over wide areas (Turner and Jones 2000). Today these political relationships around food persist to some degree, despite the imposition of colonial Band Councils under the federal *Indian Act*.

For Lílwat people, salmon remain a hugely important food. Fishing by Lílwat7úl takes place both on the rivers and lakes of their territory as well as in adjacent Státýémc Nation territories. The Fraser River continues to be an important source of sockeye (*Onchroynchus nerka*) for most Státýémc people, including Lílwat7úl, as the local climate provides the perfect conditions for wind-drying salmon. Wind-drying is a preferred preservation technique, creating many beloved foods such as tswan (wind-dried salmon jerky) and spápkw (sliced sockeye strips), and many Lílwat people travel to hereditary fishing camps along the banks of Satáqwa7 (the Fraser River), each September. The salmon stocks of Státýémc Nation territories have experienced a precipitous decline since colonial settlement, and in the early 2010s the Fraser River sockeye stocks were officially declared ‘endangered’ by the International Union for the Conservation of Nature’s Salmonid Specialist Group (Jacob, McDaniels, and Hinch 2010). This endangerment is thought by both Lílwat participants in this research as well as western researchers to be primarily caused by habitat changes, including the damming of rivers and changing ocean conditions, over-fishing by large industrial enterprises and fish diseases (Jacob, McDaniels, and Hinch 2010; Smith Field Notes 2015-2020). During my research, there were some years when the stocks were so low that many Lílwat people did not travel to the Fraser River fishing grounds in September, which historically would have been unimaginable. According to more than one Elder, “the rivers used to bubble and boil with salmon” within living memory (Smith Field Notes 2015-2020). It was also common in our research conversations for Lílwat people to comment that they limited

or ceased eating salmon in recent years to preserve what small stocks remain, though others engage in traditional fishing practices annually despite small runs to ensure that the knowledge of traditional fishing practices persists into the future.

Lílwat Nation's right to fish, which is a right that the Lílwat people say is part of their Inherent Rights as Úcwalmicw (people of the land, Indigenous People), has been challenged by the settler governments of both Canada and BC throughout the past century. From the mid-1900s, officers from the federal Department of Fisheries and Oceans (DFO) began to enforce newly-enacted Canadian fisheries laws that made Lílwat fishing practices illegal (more on this in Chapter 6). Today, though DFO has been forced by the Canadian Supreme Court and findings of cases like Sparrow (1990) to recognize Aboriginal fishing rights, the DFO still requires Stát'yémc Nation members to get an Aboriginal Communal Fishing License to fish in shared fishing ground, which remains a point of contention for Stát'yémc peoples (Moritz 2012). BC Hydro, the public corporation responsible for producing hydroelectric power for consumption by BC residents, has constructed dams in Stát'yémc territories, such as the Bridge River hydroelectric complex which is composed of a series of three dams and produces 6-8 per cent of BC's hydroelectricity (BC Hydro 2022). That project significantly degraded salmon stocks, in addition to flooding a federally-designated Indian Reserve in the 1960s, for which the Stát'yémc Nation members living there received no compensation or resettlement assistance at the time (Smith Field Notes 2015-2020). Though the destruction of fishing grounds was later compensated by BC Hydro, many Lílwat people believe monetary payments and shared-decision making after the fact do not go far enough to retribute for the catastrophic impact the dam complex had on anadromous salmon migrations.

Despite the large disturbances to fish that continue under the permissions and licences of the BC and Canadian governments, Lílwat Nation does what it can to protect salmon. Lílwat7úl maintain a deep collective understanding about the interdependency of people, water, land and salmon. To honour the salmon and to practice the Lílwat law of kúłtsam̓ (take only what you need), Lílwat fishers use every part of the salmon. The only parts that are not eaten by people (the intestines and innards) are returned to the river to honour the fish and the water, or are fed to snakes waiting in the bushes near the fish camp, who are honoured with these food for the important roles they play in keeping balance on the land (Smith Field Notes 2018). Any additional fish parts become prized fertilizer for home gardens. Even the water from washing fishing equipment is commonly used to fertilize home gardens (Smith Field Notes 2018). At a collective level, Lílwat Nation engages in fish protection strategies by careful monitoring of salmon stocks in the territory on behalf of their Department of Lands and Resources, and coordinates with other Indigenous and non-Indigenous agencies for the conservation of salmon. The forestry company and forestry referral committee (more about these in Chapter 4) work to ensure that buffers around streams and waterbodies from logging are larger than required by BC Government regulations, in order to preserve riparian fish habitat (trees for shading, etc). While Lílwat Nation members advise against swimming in rivers during the times of salmon spawning, to avoid disrupting redds (areas where salmon deposit their egg), the Nation has recently started to restrict recreational access to the river by non-Lílwat people during this period as well.

In addition to fishing, hunting is central to Lílwat foodways. Deer is a prized food, and though reportedly less common in Lílwat kitchens today than prior to colonial incursions in the territory,

it is shared throughout the community by hunters. Hunting is often done in pairs or small groups, with skilled tracking done by individuals, who meet at checkpoints with their companions and are adept at dragging deer long distances and preparing deer carcasses on the site for easy transport. Moose are hunted less often, as they are less abundant and large enough to necessitate a significant group of people to engage in the long process of carving up and transporting this large animal. Other animals, like mountain goat (*Oreamnos americanus*) and Roosevelt elk (*Cervus canadensis*), used to be more abundant in the territory prior to European settlement, but due to their increasing rarity are not often hunted by Lílwat people now. Though Lílwat people are exempt from most of the provincial hunting regulations that apply to non-Indigenous peoples, Lílwat7úl maintain strict community protocols about where and what to hunt and when. Violating these protocols comes with social repercussions for community members. However, during my research in Lílwat I never heard of a Lílwat person violating these protocols, which are held in high esteem and are a part of maintaining the food resource for future generations (Smith Field Notes 2015-2020).

Other traditional foods used by Lílwat Nation are over 100 plant and fungi species, which provide both important calories and nutrition for food sufficiency for the Nation, and also have an important affective value. Many Lílwat7úl commented during our research that having the ability to go out on the land and tend to forest gardens was part of their identity as Úcwalmicw, a person of the land. The knowledge of plant and fungi foods is held with pride by Lílwat7úl, and many people recount personal and collective stories associated with plant foods. These foods include both indigenous and non-indigenous (introduced) plant species. Many plants that are labelled as ‘invasive’ by Western scientists and non-Indigenous peoples are used as food-

medicines by Liłwat7úl, and in our research we joked a lot about going out to pick the weeds, as many of the important preventative and soothing medicines are indeed weedy, non-indigenous species. The forest food plants that are harvested by Liłwat7úl are said to be there only because they have been tended for generations. Liłwat7úl maintain plant abundances and enhance productivity by actively tending to (pruning, burning, seeding, etc.) plant communities, which leads to hyper-abundances of these species in specific locations in the territory. These sites are accessed by an informal system of rules that are held at a community level, with many spots being kept secret even from other Liłwat7úl to ensure they do not become degraded or overharvested. Sadly, as referred to throughout this dissertation, especially in chapters 4 and 5, many herbs and fungi have experienced degradation from non-Indigenous peoples' activities in the territory, including commercial logging and recreation.

In addition to traditional food sources, Liłwat7úl have relied on market foods since the mid-1900s, when members of the Nation entered the wage economy. Prior to the introduction of grocery stores in Liłwat in the 1960s, most food in the community was either foods from the territory or grown in home gardens. Home gardens were maintained even prior to European settlement in the 1800s, when western agriculture became prevalent throughout the newly-coined Pemberton Valley. Home gardens grew staple foods like potatoes, which were traded with Indigenous Peoples as far away as so-called South America prior to European colonization. Significantly, Liłwat research participants state that their food system has always been international—they have relied on trade relationships with other Indigenous Peoples – both nearby and far away – for generations. People of Liłwat would make sea-going voyages on long canoes down the coast in centuries past, creating bonds with Nations all the way down the west

coast to South America vis-à-vis marriages and trade relationships (Smith Field Notes 2020). When asked to circle his traditional food gathering areas, Líltem (Elder) Koskas circled the entire globe, to emphasize that many territories and peoples were required to maintain Lílwat foodways.

Today, most Lílwat rely heavily on grocery store foods to supply their daily food needs. However, these foods are supplemented with the food sources mentioned above. Additionally, a significant proportion of Lílwat people rely on food banks to ensure food sufficiency, with 41% of surveyed Lílwat people self-reporting as food insecure in a 2011 survey (UNBC and AFN 2011). The goals of Lílwat food interventions are thus often geared towards helping those who are the most vulnerable to food insecurity in the Nation.

### **1.7 Research Approach: Following an Indigenous Research Methodology**

Within this research, I built flexibility and adaptability into the research design with the intention that in doing so, the process could evolve to follow a Lílwat research methodology that is best suited to creating meaningful outcomes with and for Lílwat7úl. Indigenous Research Methodologies have been developed by Indigenous scholars to implement pedagogies that are fitted to the needs and traditions of specific Indigenous communities (Ellis and Bochner 2008; Kurtz 2013). While they are newer within academia, Indigenous Research Methodologies have always existed within Indigenous community contexts following processes of empirical observation, traditional teachings and revelation (Brant Castellano 2004; Chilisa 2012). Much of Western scientific research *on*, rather than *with*, Indigenous Peoples has been historically linked

to colonization. In contrast, Indigenous Research Methodologies aim to reverse this trend (Kurtz 2013; Chilisa 2012; L. T. Smith 1999b).

Due to the diversity and uniqueness of Indigenous Peoples and their communities, there is no pan-Indigenous approach to research (Lavallée 2009). However, there are practical applications led by the specific knowledges, values and beliefs of Indigenous communities that can be applied to research (Lavallée 2009). It is through following these specific knowledges and a set of guiding values that Indigenous Research Methodologies are united. Indigenous Research Methodologies ‘privilege Indigenous knowledge, voices, experiences, reflections, and analysis of their social, material and spiritual conditions’ (Rigney in L. T. Smith 2005, p. 87) to increase the presence, visibility and voice of Indigenous People and protect Indigenous knowledge (Kurtz 2013). Rather than relying on Western theories as the foundation of research, Indigenous Research Methodologies provide a more appropriate framework for incorporating and implementing Indigenous knowledges in ways that respect community-specific protocols (Lavallée 2009).

Within an Indigenous research approach, the way in which the researcher(s) interact(s) with community members as participants and collaborators is of paramount importance, not unlike in community-based research (Lavallee 2009). Indigenous research methodologies begin with a research topic of importance to the Indigenous community or collective within the community (Lavallée 2009; Chilisa 2012; L. T. Smith 1999a). In Western research, Indigenous Peoples have often been stereotyped in a pathologizing, deficit-based way of having ‘problems’ that require solutions. Contrastingly, within research led by Indigenous Peoples, all people involved in the

research are considered equal partners in a process to enhance and preserve community strengths. Each participant is recognized for the unique strengths, skills and talents that they bring to the research (Lavallée 2009; Kurtz 2013). Indigenous Peoples, therefore, are best positioned to be the ones to dream, plan, implement and evaluate solutions to the complex issues within their communities (Kurtz 2013). Through having access to the university and the ability to set the research agenda and processes, Indigenous Peoples gain access to power, authority and opportunities for creating self-determination in daily life (Barnhardt and Kirkness 1991). Indigenous knowledge systems are fluid and relational (Kovach 2005). Indigenous Research Methodologies must therefore be a part of a living process, not a static one (Kurtz 2013). Emergent learning within the research is embraced, leading to a process that is non-linear, and an accepted sense of unpredictability (Kurtz 2013). Indigenous research is often a grounded process, featuring real-life situations and settings where perspectives held at different vantage points are converging over time to create empirical knowledge (Lavallée 2009). Researchers are thus often challenged to stay true to the methodology when unpredictability arises, while also being mindful of respecting cultural protocols and traditions (Kurtz 2013). Indigenous research approaches value relational knowledge and making clear the context in which knowledge translation is occurring so that deeper understandings emerge (Estey, Kmetz, & Reading, 2008 in Kurtz 2013). Indigenous research approaches are often also united in their focus on connections between issues or topics of importance, so that the researchers look with a wide lens that is considered useful, rather than problematic, to generating knowledge for complex situations (Kurtz 2013).

## **1.8 Epistemology, Ontology, Axiology of an Indigenous Research Methodology**

The objectives for the research were set by myself, my supervisor Dr Bulkan and members of Lílwat Nation, including Chief and Council, Elders and employees of Lílwat Nation. The specific terms of my involvement in the research were decided upon collectively by myself and Dr Bulkan along with managers of Lílwat Forestry Ventures (Lílwat Nation's own forestry company), the Director of Lílwat Nation's Department of Lands and Resources, and members of the Lílwat Culture, Heritage and Language Authority (LCHLA), who oversee all research carried out with Lílwat Nation. This research with Lílwat Nation was informed by our previous research together, as part of co-creating Lílwat Nation *Botanical Resources Strategy* from 2014-2016 (Lílwat Nation 2015). That research was requested by members of Lílwat Nation to implement an agreement between Lílwat Nation and the BC Government on land use in their territory. The Director of Lílwat Nation's Department of Lands and Resources requested support from a local non-governmental organization, Ecotrust Canada, to create the Botanical Resources Strategy. As I had collaborated on a previous project with Ecotrust Canada, I was considered for the opportunity, which I very eagerly accepted.

Much of my role in the Lílwat Food Sovereignty research was done alongside Kwikws Eliza Peters, Lílwat researcher, so that knowledge translation of the project also included capacity- and skill-building for her as a Lílwat Nation Future Elder. The axiology is about the foundation of the research, which includes the set of ethics, morals, principles or values that are being used to inform the research (Dei 2013). The axiology of this research involved following the interests and leadership of Lílwat Nation researchers and collaborators, and to ensure that the outcomes would include items meaningful to members of Lílwat Nation, along with academic outputs.

Within a critical Indigenous research perspective, all research is associated with an axiology, or the values which frame the inquiry, an epistemology, or knowledge system, and an ontology, which is a philosophical belief system about the nature of reality (Chilisa 2012; Chilisa et al. 2016). Whereas some Western scientific researchers insist that their methods are value-neutral, known as a positivist approach to research, critical researchers from various disciplines have pointed out the ways that the ethics and values of Western-trained researchers characterize how research is done and to what end. Rather than viewing researchers as neutral bodies in the research, researchers within an Indigenous research perspective instead are active participants in a relational web, shaping and being shaped by every aspect of the research process (Cram, Chilisa, and Mertens 2014; Chilisa 2012; Dei 2013). When researchers claim that their work is value-neutral, within a positivist approach, they perpetuate power asymmetries, such as the imbalance of power between the ‘researcher’, as the one with access to knowledge, resources and prestige, and the ‘researched’, as those who have problems that they themselves cannot fix, and which require solutions (Kovach 2010). Through questioning positivism in research, it follows that expertise and knowledge production are not confined to academics, nor is knowledge impartial (Fortmann 2014). Instead, certain types of expertise and knowledge production are located outside of academia, particularly in contexts where those involved have been oppressed or made marginal to mainstream society, and thus have unique and critical insights about what they typically experience and how they understand their experience (Fortmann 2014). Therefore, it is productive to diversify research approaches to challenge power asymmetries and dominance/subordination in research, moving away from the idea of value-neutral science and towards one where values are considered from multiple viewpoints (Kurtz 2013).

Prior to the start of the research, myself, Dr Bulkan and members of Lílwat Nation co-created ethical agreements to guide the knowledge creation and dissemination, as well as ownership of outputs from this research. While my own research interests included creating visibility for Lílwat Nation customary governance and land-based systems, this community-led research was identified by Lílwat team members as part of a longer-term, collective intention of Lílwat Nation to have more of a say in creating protections for culturally important food and medicinal plants, and to have more involvement in the production of locally grown foods. Thus, on more than one level, the health and well-being of community members, both now and in the future, are the central focus of this research. The research relationship between myself and Dr Bulkan with Lílwat Nation has subsequently blossomed into a longer-term relationship, rather than a project-based one. Together, we are committed to the ongoing co-creation of knowledge and sharing that benefit the lives of Lílwat people and from which settlers benefit through the practice of Reconciliation, learning about and becoming aware of Lílwat knowledges, pedagogies, and ways of being (Kurtz 2013).

Within this research, the knowledge of Lílwat researchers and collaborators guided our process. Lílwat Indigenous knowledge focuses on multiple ways of knowing (verbal and non-verbal), the Ucwalmícwts language and tmicw (territory), values of ntákmen (our way) and nxékmen (our laws), a holistic view of connections between beings and objects, teachings from dreams, visions and ceremonies, and emphasizing relationships between the person and these entities (Snively and Williams 2016; McGregor 2000; Simpson 2017). The relational nature of a Lílwat Indigenous epistemology acknowledges the interconnectedness of the physical, mental,

emotional, and spiritual aspects of individuals with all living beings and with the earth and all of creation. Lílwat Indigenous epistemology, like other Indigenous epistemologies, is highly relational (Kovach, 2005). Indigenous knowledge is not simply ‘data’ in an objective sense, but part of the collective understanding that supports community wellbeing (Peloquin and Berkes 2009) and is often shared within reciprocal, ongoing relationships wherein the requester commits to a willingness to listen, and the teacher commits to ‘doing the work necessary until that work is completed’ (Stiegelbauer 1996, 51). Rather than looking at the reduction and separation of target variables through an objective lens, Lílwat Indigenous science is grounded in the experience of interrelationships where subjectivity is recognized and embraced (Lertzman 2009; 2010). Attention to the details of collaborative, community-based research process, methodology and method are more important than the outcomes of this research in this relational approach (L. T. Smith 1999a).

An integral part of the Lílwat ontology that guided the ‘doing’ of this research is the inclusion of cultural protocols, values and behaviours that are ethical, respectful and useful (Kurtz 2013). I sought out support from Lílwat Elders and made sure that the research was done in accordance with the Lílwat S7ístken Research Protocol (see Chapter 2 for a description of this protocol). Within our process, I asked questions and encouraged conversations about ontological pluralism, especially in conversations on forestry, and the differences between the BC and Canadian governments’ policies to ‘manage land and resources’, and how those contrast with Lílwat ontologies where the tmicw (land) is seen as a relative, with whom humans share responsibilities and obligations for sustaining life (Blaser 2013; Todd 2014). An important aspect of reflecting on ontology involves practicing reflexivity. Reflexivity involves making a conscious effort to

transcend one's own worldview, and accepting that there are truths different than one's own (Hyett, Marjerrison, and Gabel 2018). It involves constantly questioning one's beliefs, assumptions and motivations, and consideration of how these affect the research (Hyett, Marjerrison, and Gabel 2018). Reflexivity became an important part of my research process (Kurtz 2013). During the research, I would write daily in a diary, to note down what thoughts stood out from the day, or ideas that were new or most challenging to me. Through reflecting on these ideas, I sought a continual process of uncovering my own assumptions and challenging what is normatively taken to be true. This process of reflexivity allowed me to better engage with the Lílwat ontology and is part of what made this research such a personal transformative journey. My role throughout both research projects has been supported by research grants which also funded honoraria for the participation of Lílwat Nation community members as researchers and collaborators as well as the costs of field visits, meals, gasoline for local travel, tobacco for asking for participation, and small gifts as tokens of gratitude, as small gestures of reciprocity to all participants (Barnhardt and Kirkness 1991).

## **1.9 Positionality**

Within an Indigenous research framework, it is customary to identify oneself: who you are, where you come from, who your ancestors are, so people can get a glimpse of who you are and the worldview from which you speak (Lavallée 2009) and so others may relate to who you are based on this information (Kurtz 2013). I am a third-generation White settler born on the traditional territories of the W̱SÁNEĆ Nations in a place called SET, TINES, which means 'chest sticking out' in the SENĆOŦEN language, named after the way the land sticks out into the sea. The settler town that now occupies this site is called Sidney, British Columbia. My paternal

ancestors came mostly from Ireland and emigrated to Canada during the Irish Potato Famine in the mid-19<sup>th</sup> century. They initially settled in Algonquin Anishinaabe territory in so-called Ottawa, Ontario as uninvited guests, and with their descendants, my grandparents, moved west in the 1970s. My maternal ancestors are from Germany, and left East Germany following World War II, initially settling as uninvited guests on the traditional territory of the Attawandaron, Anishinaabeg, Haudenosaunee and Lunaapeewak peoples before moving west in the 1970s. I am grateful to the peoples of these lands for providing safe places for my family, uninvited as they were, in their times of hardship.

This dissertation represents an aspect of my personal commitment to working towards being in right relation as a settler with the Indigenous Peoples of the lands I occupy/live with and is part of my journey on the road of being in allyship with Indigenous Peoples. To me, being in right relation requires a fundamental reworking of how settlers, particularly White settlers, understand our roles on stolen lands. It requires that I actively work towards becoming a humble and respectful guest. I try to practice ‘right use of power’, using the power that White people violently assert(ed) and from which I am a beneficiary in our society to stop colonial violence. I believe that in order to engage in a role of allyship, I must stand behind or beside, not in front of, Indigenous Peoples, to dismantle the many forms of colonial violence that continue to take place. Much of this violence is derived from the disconnection and displacement of Indigenous Peoples from their territories due to resource extraction, including forestry. For Indigenous Peoples, who are often minorities in the nation states in which their territories are located, it may be useful to have allies who are a part of majority society so that Indigenous issues can become key political issues amongst a broad enough constituency group for politicians to care about them. In this

dissertation, I demonstrate how the path of allyship can include a decoding of settler colonial policies, through naming and analysing the government structures and policies, and associated technocratic language, used to make decisions about so-called ‘natural resources’, to identify the ways in which policies continue to create barriers for and impacts on the desired futures of Indigenous Peoples. Being in allyship with Indigenous Peoples requires active listening, as well as cultural sensitivity. That includes amplifying the voices of Indigenous Peoples and speaking up/out against anti-Indigenous racism. Allyship also requires an emotional intelligence to move beyond the shame and guilt experienced by non-Indigenous Peoples about the violence of settler colonialism into meaningful actions towards societal reform. According to Dr Brenda Macdougall (Métis) (McIvor and Macdougall 2021), Indigenous Peoples are often required to do the hard work as part of truth and reconciliation, which can be exhausting, and so part of allyship is learning to follow the pace of Indigenous Peoples and help to provide the adequate time and resources for Indigenous Peoples to do the necessary work of regrouping, planning and strategizing for their desired futures.

This research has been a deeply transformative journey for me and has enriched my knowledge of the lands I call home. I learned not only about Indigenous histories and the histories of Lílwat Nation, but also about settlement and how desperate European settlers were to survive, how much their survival depended on Indigenous Peoples, and how survival still depends heavily on Indigenous Peoples’ stewardship of the land. I learned about the racist policies put in place by White settlers that impact not only Indigenous Peoples, but also Black, Chinese, Japanese, and South Asian Canadians. I have learned about the privileging of able bodies, straight bodies, wealthy bodies, cisgender bodies, and how this relates to processes of colonialism. I have

learned about and read different perspectives on decolonization, Indigenization, Two-eyed seeing (the peaceful co-existence of Indigenous and Western worldviews) and Reconciliation and restitution. Gratefully, I witnessed and took part in land-based healing activities led by Lílwat7úl, from which I benefitted in a myriad of ways and which instilled in me a new sense of hope for the future. My goal is to walk in the world in honour of all I have learned, and to take actions that support justice and restitution, so that the future can be brighter.

I am deeply grateful for the ability to learn with Lílwat Elders and community members as part of this research and am committed to maintaining long-term relationships with the people who became my close friends. I have thought deeply and for a long time about what it means to be a White settler researcher doing research led by Indigenous Peoples, and how to put my privilege into right use. An important aspect of doing this research for me is that I was invited to participate by Lílwat community members, that this invitation remained ongoing throughout the process, and that Lílwat researchers communicated that they found value in what we were doing. One quote that really resonates with me is by Botswanan scholar Bagele Chilisa (2014, 44), who says:

*'Our space in discussing these issues of social justice, human rights and research from the perspectives of Indigenous peoples, is larger than yours because we experience it. Your space may be smaller, because you are seeing from outside, but all the same, we appreciate that you may see what we may not see. We may be blinded by some things because we are from inside.*

*Looking from outside, you may also help us to see beyond'.*

In engaging in this work, Pulxaneeks (Haisla), whose consulting company is Indigenous Relations Consultation, provided me and two Lílwat researchers, Kwikws Eliza Peters and Ntoaza Arthur Pascal, with the opportunity to join two weekend-long intensive sessions on 13-15<sup>th</sup> July 2018 and 14<sup>th</sup>-16<sup>th</sup> September 2018, on what it means to be in allyship with Indigenous Peoples. The workshop weekends provided helpful space and resources for Kwikws, Art and me to begin to openly acknowledge the depth of what it means to work together as Indigenous and non-Indigenous researchers, and to acknowledge the meaning and intensity of sitting honestly and openly with the devastating and ongoing history of colonialization in which we each have a role. Learning from Pulxaneeks was formative in my understanding of what being in allyship with Indigenous Peoples can be. I am grateful to Dr Bulkan for allocating the resources for us to attend those weekend sessions. This process was deeply transformational in how Kwikws and I work together and how the subsequent research took shape.

### **1.10 Methods: Knowledge Gathering and Meaning Making**

The research activities associated with my dissertation research created space for everyone involved to dream about how to enhance Lílwat food sovereignty based on Lílwat Indigenous and Western knowledges. The research methods involved an immersive, embedded research process, which included conversations with over 70 Lílwat community members between 2015-2021 in one-on-one interviews, field visits, sharing of meals, community gatherings and small group discussions. At the onset of the Lílwat Food Sovereignty Project, after having already been doing research with Lílwat community members for three years prior, I was introduced by two Elders to other Elders and community members, which helped me to gain trust and foster respectful relationships (Kurtz 2013). I was taught appropriate and culturally safe ways to

conduct the study to ensure it was relevant, meaningful and acceptable for the community and those who joined the study (Kurtz 2013). Community support and participation of community members were critical. Líltem (Lílwat Elders) had special roles in educating all research collaborators and participants about the role of food sovereignty and its relation within holistic systems of which we are a part (Iseke 2017). They ensured that the research focused on generating knowledge and outcomes to contribute to the collective good of Lílwat Nation. My research unfolded under their guidance and became closely entangled with my every day, and activities of myself and of some members of Lílwat Nation.

A key way to generate and share knowledge in this study was the sharing of personal stories and experiences by Elders and community members using conversational methods (Kovach 2018; 2010). Storytelling would often focus on topics related to the research goals and create linkages between these topics and other issues of importance. These narratives are often being told in an open way so that the listener has an active role in interpreting what is said (Iseke 2017). As a newcomer to Lílwat, and as a non-Indigenous researcher, this mode of storytelling and engaged listening was not immediately evident to me. As I began to get more comfortable with the interpretive nature of Lílwat community members sharing personal stories, and the holistic worldviews they invoke, I was increasingly able to observe how others interpreted these stories based on their own capabilities in listening and hearing the different messages being given. I could sometimes perceive my own limitations in being able to receive the core lessons of these stories in the deeper way that Lílwat community members, who have received teachings through childhood, can (J. Wilson 2016). I also perceived my own growth in interpreting and learning from this form of storytelling as I got to know individuals and their personal stories, values,

beliefs and experiences, and the histories and collective stories of Lílwat people, more deeply. Through learning this way, I was/am sometimes able to get a glimpse of a more intimate perspective of the collective experiences of Lílwat7úl that allows me to better understand, and stand with, people of Lílwat Nation.

The same stories were also often narrated to me more than once, with each recounting emphasizing a different theme within the story. I received each recounting differently depending on my personal experiences and situation at the time of telling. Although the storytellers never directly told the listeners the meaning of each story, it was expected that I/we listen carefully to learn why the story was being told (J. Wilson 2016). The role of the listener in being attentive to these meanings became evident in conversations I would have with Kwikws. We would often recount what we learned from stories, often to find that we took different meanings and lessons away from the same story. Moreover, the answers to the research questions that guided this study were not directly given in any one story or recounting. Rather, they were provided by individual storytellers in a body of stories that is presented to the listener over time, throughout an extended conversation (J. Wilson 2016). Meaning making required me taking the initiative in personal learning to convey what I saw as the important findings and answers from my own perspective and experiences following the S7ístken learning concept of Á7xa7cal (locating the infinite capacity we all have to answer our own questions as learners). I was never provided with simple answers, but guided into learning new concepts, ways of thinking and being, and encouraged to find solutions to the questions I was interested in myself and encouraged to pursue self-reliance in thinking and problem solving.

Lilwat researchers selected participants for inclusion in the research based on their identification as experts on the topics, representation from different families (so that each family of the community had an opportunity to participate), and a person's availability, interest and consent to participate. Whereas in the Botanical Resource Strategy research, I conducted more formal one-on-one interviews that took place primarily in communal spaces like the Band Office and school and were recorded with an audio device, I took a more familiar approach for this research – participatory action research – which involved meeting with people in community gathering spaces, in their homes (at their request), and inviting people to join us in activities at the garden or out harvesting on the land. Recruitment was primarily word-of-mouth, wherein people would hear about the research and ask to be involved. I documented diary notes each day along with photographs, poetry and arts and crafts projects, as well as medicines and foods that we harvested, processed, prepared and shared. Notably, the medicines and foods we worked closely with were important teachers throughout the research, too. Whereas Western scientists often treat plants as having no consciousness and as a lower life form, I was taught by many Lilwat7úl that plants are relations, teachers, healers, and supporters. Plants are associated with teachings, and working with them is an important form of learning (Simpson 2017e; R. Kimmerer 2013).

Many participants shared stories with us about the impacts of colonization and cultural genocide (Lavallée 2009; de Leeuw and Hunt 2018). Some of these stories were intensely personal and involved the stories of people's experiences of trauma and subsequent healing. Reflecting on these stories, I thought about how 'stories shared are as sacred as the space created when they are being shared' ...and 'in story there is spiritual reciprocity' (Iseke 2017, 559). It was both an honour and responsibility to listen to these stories. Many of these stories did not get written

down, because ‘some stories, because of their sacredness, should not be revealed because this strips them of their spiritual and sacred elements. To write them down is to transform them, to endanger them, and ultimately may serve to deactivate them’ (Haig-Brown & Dannenmann, 2002, p. 23 in Iseke 2017). Though participants wanted us to learn from their experiences, which happened in a deeply affective way, it was communicated to us that it was our choice and responsibility how and if to share aspects of their stories. For many of the stories shared, I recognize my own limitations in being able to share these stories with the adequate respect and attention they deserve. So, while many stories were heard and impacted the answers and findings that were generated, not all stories were recorded for reproduction in the outputs, including in my dissertation.

Knowledge generated during the interviews, field visits, small group discussions, as well as participant observation at community events from 2015-2020, were triangulated with extensive literature reviews for chapters 2, 4 and 5 of this dissertation. My literature reviews included legal and policy documents, grey (technical) literature, academic theses, summarizing minutes from historical Lílwat Band Council meetings, archival materials and media records. Data interpretation followed a political ecology approach (Bridge, McCarthy, and Perrault 2015) and involved sorting my research findings into major concepts and themes, and reflecting upon the data in repeated meetings with Lílwat researchers and research participants. In addition, chapter 3 of the dissertation, which focuses on analysing Payments for Ecosystem Services programs in relation to the rights of Indigenous Peoples and Local Communities, is based on an extensive literature review, and not on qualitative fieldwork. Chapter 3 has been published (Tonya Smith et al. 2019).

### **1.11 Validity and Limitations**

One of the ways I sought to ensure validity of the findings was through adapting the research questions and methods during the research process. As the researchers learned more together, the research questions that we initially started with were changed and edited in an iterative process.

An important aspect of ensuring validity of this research was the adaptive process I used to guide the research. Rather than entering into a relationship with the Lílwat Nation wherein research questions were informed by gaps in the literature, I made sure that the research questions were co-created with Lílwat Nation members. This was an important aspect of doing reciprocal and relational research that created meaningful outputs and findings for Lílwat Nation. In the first stage of my doctoral research, I was interested in ‘ecosystem services’ approaches, and in particular, in whether Payments for Ecosystem Services (PES) programs could be used as a modality to improve or maintain Lílwat food sovereignty. The original research questions, listed in Chapter 2, were interesting as they were not wholly addressed within the existing scholarly literature on ecosystem services. Additionally, I thought they might be interesting to Lílwat Nation because the Nation is a partner in the Cheakamus Community Forest carbon sequestration project (CCF 2015), which is a PES that has not yet been evaluated from the community’s perspective. The focus on ecosystem services was approved by employees of Lílwat Forestry Ventures and the Lílwat Department of Lands and Resources in preliminary research meetings. However, upon beginning qualitative interviews and talking circles with Lílwat Nation members, I quickly realized that the focus on ecosystem services was not desired by participants in the

research. People told me they did not understand the language, and it reminded them of the many times before that Western researchers had looked down on them or dismissed their knowledge as Lílwat Indigenous Peoples. People told me directly that while they understood the focus of a research project on food sovereignty, which is also language that is not from Lílwat, they did not grasp the language of ecosystem services, as it was too far from the Lílwat cosmology to make intuitive sense. Rather than continue down the line of inquiry focused on ecosystem services, I chose to adapt the research questions (listed in Chapter 2) to ensure that the research proceeded in a way that was respectful and relevant for Lílwat participants.

During this time, I was bolstered by the literature on Indigenous Research Methodologies, in which being guided by community and cultural protocols takes precedence as a way to reduce the harm caused on Indigenous communities by Western academic researchers. However, I was nervous, as a graduate student in the discipline of forestry, that my research would still be considered relevant for publication in peer-reviewed ecology and forestry journals. In retrospect, this co-creation of the research project was hugely important to building confidence among the research team, and fostering a trust-based, long-term relationship between members of Lílwat Nation and the UBC research team. This adaptation was also important for making the results more valid from a Lílwat perspective, wherein the language used better represents Lílwat ontologies and cosmologies. Chapters 4 and 5, which are on the topics of forestry and recreation, are directly reflective of Lílwat research participants' interests. Through pivoting away from the topic of ecosystem services, I identified forestry and recreation as creating impacts on Lílwat food sovereignty that Lílwat people wanted to bring more attention to. Those chapters are written in response to direct calls of Lílwat community members to shed light on these issues which are

seen as distant from community food systems by non- Lílwat people, but are actually directly relevant to Lílwat food sovereignty.

Another way that I ensured validity in the results was to present the content of draft manuscripts to members of the LCHLA and Lílwat Forestry Ventures<sup>17</sup>, and Lílwat Department of Lands and Resources. Each person gave meaningful suggestions and feedback that enhanced the validity of the findings. Moreover, permission was first sought beforehand from each person that was quoted in a paper, and we had discussions about the context within which the quote was being presented. I also had conversations with some community members about the objectives of each chapter, during which I sought advice, insight and general approval or suggestions about what was being written. These conversations relied on our ability to speak frankly and openly with one another, which was a product of building trust and friendship with one another. Here I am cognizant of the words of geographer Sarah Hunt (Kwagu'ł) (Hunt 2014, 31), quoted in Chapter 5, who states, '[Indigenous] knowledge's relational, alive, and emergent nature means that as we come to know something, as we attempt to fix its meaning, we are always at risk of just missing something.... any attempt to fix Indigenous knowledge can only be partial'. Whereas on one day, what was written in a draft chapter might have seemed quite pertinent and relevant to people, on other days that we spoke about that topic, it seemed less important, or other ideas came up. Since each chapter was written, my own ideas have developed and changed. This speaks to the

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<sup>17</sup> Lílwat Forestry Ventures LP (LFV) has been managed under the Lílwat Business Corporations Department since 2006, at arms-length from the activities of the Band Council government. LFV currently holds four logging licenses with a total AAC of 70,000 m<sup>3</sup>

fluidity and emergent knowledge that characterized the Indigenous research approach that we followed.

Critically, while each chapter of this dissertation features topics that relate to the food sovereignty and ontologies of Lílwat Nation, I do not attempt to tell the story of the community or write on their behalf (J. Wilson 2016). These chapters are about interactions I observed and was told about among Lílwat Nation and the BC and Canadian governments and settler society. This work is done with the intention of supporting Lílwat Nation's Indigenous Food Sovereignty and the restoration of land-based health practices led by the Lílwat people within their unceded territory. While some people in Lílwat Nation have contributed significantly to these findings, there are certainly others who would not agree with research done about/with Lílwat Nation from an outside perspective. There were many who chose not to participate in the research, demonstrating what theorist Leanne Betasamosake Simpson (Michi Saagiig Nishnaabeg) (2017b) calls 'generative refusal', which is a productive form of refusal that rejects colonial organizing platforms, such as academic research, as effective platforms and mechanisms for dismantling colonial domination. Moreover, while the findings of this research include recommendations for policy and decision makers towards respecting and upholding the Inherent Rights of Indigenous Peoples, my own political leanings tend more towards what Simpson (2017, 217) describes as a 'radical resurgence'. This concept recognizes that working within the State and its institutions is not the most effective means to create the necessary transformative changes required for Indigenous-settler relations, and that a more effective set of politics to 'dismantle colonial domination' is to embody alternative politics within our minds and communities, and in everyday practices of care, exchange and accountability to one another.

## **1.12 Structure of Dissertation**

Chapter 2, the following chapter, summarizes the history and present context of Indigenous food sovereignty and its manifestations in Lílwat Nation. Through conversations with around 70 Lílwat Nation members over the course of five years, a brief history of Lílwat Nation food access and provisioning is provided. The chapter synthesizes three major themes that were identified as ‘answers’ or findings related to the research questions. The intention of this chapter is to tie together what I learned, and to frame how the following three chapters (3, 4 and 5) contribute, each in their own way, to answer the research questions through a participatory action research approach, wherein the results point to specific areas of intervention that can potentially act as solutions to improve Indigenous food sovereignty in Lílwat Nation.

Chapters 3, 4 and 5 of this dissertation are intended to be standalone publication-ready articles. Chapter 3 is the result of an extensive literature review analysing how Payments for Ecosystem Services (PES) programs impact the rights of Indigenous Peoples differently from Local Communities and other ecosystem services providers. This chapter was the outcome of a scoping review that was used to inform the original questions for this dissertation research and provides insight into why the original research questions were shifted to better represent and respect Lílwat Nation ontologies and interests.

Chapter 4 takes a governance lens to analyse how forest policy reforms implemented by the BC Government since 2003 have worked to increase the participation of Lílwat Nation in the forestry sector. While more tenure opportunities have been made available to Lílwat Nation, this

chapter demonstrates that high-level decision making about forestry remains with the provincial government, and that further and more significant reforms to land use policies and tenures are necessary to respect the Inherent Rights and food sovereignty of Lílwat Nation.

Chapter 5 focuses on the management of protected areas within Lílwat Nation territory by the BC Government in association with Lílwat Nation. The reforms made to the way that land use planning occurs at a broader scale, as well as within protected areas like parks and conservancies, are reviewed. These protected areas are at the same time integral to the food sovereignty of Lílwat Nation, as they provide critical habitat for the plants and animals that constitute important sources of traditional food. As in Chapter 4, the findings show that more significant reforms to the management and jurisdiction of protected areas are required in order for the BC and Canadian Governments to uphold stated commitments to Indigenous Peoples' rights, as part of recent initiatives including the harmonization of federal and provincial laws and policies with the United Nations Declaration on the Rights of Indigenous Peoples.

## **Chapter 2: Introduction to Researching Lílwat Food Sovereignty**

### **2.1 Introduction to Food Sovereignty**

The term food sovereignty was created by La Via Campesina, a group of agrarian peasants, Indigenous peoples and farmers from the Global North and South engaged in a collective struggle to define alternatives to the globalization of a neoliberal, highly capitalized, corporate-led model of agricultural development (Desmarais and Wittman 2013). Originally defined as ‘the right of each nation to maintain and develop its own capacity to produce its basic foods respecting cultural and productive diversity’, definitions of food sovereignty were broadened to encompass the right of humans to take action over the means of production of their food systems (Patel 2009). Food sovereignty is used by its proponents to be a much more encompassing term than food security. Food security is an earlier idea which is focused on the availability of adequate, nutritious and culturally appropriate food, but which does not also address important related concepts like land degradation and ecosystem health or accessibility to foods and power inequities in food systems (M. Huambachano 2018). Food sovereignty is not only about consumption, but relates to questions about the entire food system, along the value chain from production to consumption and distribution (Desmarais and Wittman 2013).

Food sovereignty ‘has its own geographies; ones determined by specific histories and contours of resistance’ (Patel 2009, 36:668), and its flexibility makes it amenable to strengthen social networks amongst those engaged in various food-related struggles. Robin (2019) defines food sovereignty as a process rather than an outcome; a definition which responds well to calls from people around the world for food sovereignty initiatives to involve specific policy reforms that

support both individual and community food system sustainability (Wittman 2015). Other food sovereignty objectives include reforms in areas like food security and social safety net programmes; agricultural land policies; market interventions; public procurement practices and policies; government price floor programmes; and environmental regulation of agricultural production practices (Wittman 2015) and, increasingly, in ecosystem services programming (Cruz-Garcia et al. 2016). Food sovereignty initiatives are often localized and autonomous initiatives, which can either be challenged or supported by state actions and which may be linked to initiatives in the global policy arena. Thus, multi-level governance approaches to instituting food sovereignty are often pursued by communities and their advocates (Wittman 2015). Food sovereignty proponents seek social change and a transformation of society as a whole that can be achieved, in part, through the vehicle of food (Desmarais and Wittman 2013). This goal is pursued by a range of strategies including respect for place and diversity, acceptance of difference, understanding the role of Nature in production, human agency, equitable distribution of resources, dismantling asymmetric power relations, and building participatory democratic institutions (Desmarais and Wittman 2013).

## **2.2 Indigenous Food Sovereignty**

According to Corntassel (2012), a rights-based approach to self-determination, such as that used by food sovereignty advocates, does not go far enough in guaranteeing the meaningful restoration of Indigenous homelands and food sovereignty. Sovereignty, as a term more generally used in Western contexts, is often used to place emphasis on state authority and control; which is opposite to many Indigenous peoples' philosophies that foster relationships with land and territory based on respect and reciprocity (Kamal et al. 2015). Sovereignty is a

term often associated with Western ontological concepts that are foreign to Indigenous Nations, such as a focus on the individual, power, statehood, citizenship and political boundaries (Nadasdy 2016). Conversely, food sovereignty, and particularly Indigenous food sovereignty, is concerned with the collective, and is about relationships amongst people, with the land and its creatures, as well as with non-humans (Morrison 2006; Robin 2019). While food sovereignty encompasses the needs of many agrarian communities, smallholders and farmers and enables a collective voice in advocating for their food system rights, the term ‘sovereignty’ was received with some uncertainty by some Indigenous Peoples, including by members of Lilwat Nation who questioned its meaning within this research. Sovereignty is therefore recognized to reference a very different dialogue than conversations about Indigenous Food Sovereignty.

To address these concern stemming both from the Western language of sovereignty and the inability of the food sovereignty movement writ large to address issues important to Indigenous Peoples, Indigenous scholars and activists have put forth a food sovereignty discourse that emphasizes cultural relationships and responsibilities that Indigenous peoples have with their environments. Indigenous Food Sovereignty (IFS) is a term first used by Indigenous groups across Turtle Island (North America) in the early 2000s, for example by prominent Anishinaabe author and activist Winona LaDuke who protected wild rice populations from genetic modification, and the BC Food Systems Network’s Working Group on Indigenous Food Sovereignty (2008), headed by Dawn Morrison (Secwépemc), which put forth a vision for IFS that unites the diverse interests and goals of unique Indigenous Nations. As an umbrella term to unite Indigenous peoples’ struggles, IFS is defined as having four key principles, including: recognizing the *sacredness* of relationships with land and food; supporting the *self-determination*

of Indigenous peoples via traditional foods; a *participatory* action based in daily practices of traditional foods and benefits for all in the present and future generation; and engagement with strategic *policies* that impact traditional land and food systems (WGIFS, 2008). The term ‘sovereignty’ was further clarified by political theorist Coté (Tseshah/Nuu-chah-nulth) (2016), who contends that when used within Indigenous contexts, sovereignty refers to Indigenous peoples’ struggles for autonomy, self-determination and self-sufficiency in ancestral homelands, and is about re-establishing relationships with the land for the benefit of all beings. Sovereignty, in this sense, is as an inherent, collective and interconnected autonomy that Indigenous peoples nurture through relationships with the land (Kamal et al. 2015), rather than the Western ontological concept of nationhood, citizenship and political boundaries.

IFS differs from the wider umbrella of food sovereignty due to the colonial contexts and ongoing histories experienced by Indigenous peoples. Coté (2016) discusses how many of the health issues and inequalities that Indigenous peoples face today are often closely linked to food and diets, which in turn are directly linked to colonization, the brutal dispossession of homelands, globalization, migration, culture and language loss. Though these histories are unique to specific places, Cree sociologist Priscilla Settee (2018) argues that in many places, IFS involves Indigenous peoples grappling with unequal power relations and the dispossession of land, corporate developments on Indigenous lands which cause further disempowerment, and lack of transparency in scientific research which exploits Indigenous intellectual property. Therefore IFS is often defined by Indigenous scholars as occurring within a restorative context, wherein food practices along the entire food chain work to nurture individual and community health by

repairing and fostering healthy relationships among peoples, animals, plants, other beings, spirits and the land (Coté 2016; M. A. Huambachano 2019; Paul et al. 2019; Todd 2017).

Following these conceptual developments of IFS, Indigenous activists, scholars and their supporters have worked to further refine IFS as a food-centered discourse, and connect conversations on IFS with topics such as political economy, health and agriculture. For example, Kamal et al. (2015) links decolonizing activities of IFS, such as berry picking, hunting, fishing, trapping, community food gardens and wild food programs with the restoration and development of cultural practices, values and thoughts by demonstrating how local food harvesting programs can mobilize the restoration of both cultural food values and practices. Lepofsky et al. (2015) show the extent and significance of traditional maricultural systems to the Indigenous peoples along the Northwest Coast of Turtle Island using archaeological methods and generating information to support Indigenous restoration of these systems. Johnnie Manson (Tla-oh-qui-aht) (2018) explores how food trading and sharing practices of contemporary Indigenous peoples are shaped by both Indigenous ontologies and market relations. Both Kepkiewicz and Dale (2018) and Matties (2016) examine how (pre-dominantly White) settler colonial agriculture and food movements continue to contribute to violence for Indigenous peoples, through insufficiently confronting private property in relation to stolen Indigenous lands, and perpetuating colonial, gendered and racialized food systems that are often economically or socially exclusive. These authors, along with Morrison, Coté, and Robin (2019) call for the further development of conversations around the political implications of IFS, including looking at IFS from multiple angles such as land use policies. Robin (2019: 95) conceptualizes IFS as a process; one which is cyclical and includes doing the work to feed the people and continuing to articulate the struggle

for Indigenous self-determination. Wires and LaRose (2019) found that when Indigenous people are recognized stewards of the land, then it becomes possible to relearn traditional methods of taking care of the land, including bringing back and enhancing traditional foods.

### **2.3 An Investigation of Lílwat Food Sovereignty**

The Lílwat Food Sovereignty research reported herein contributes to the ongoing scholarship and activism around IFS to extend these conversations about restoring relationships with land and addressing political inequities related to IFS within the context of Lílwat Nation. IFS must not be considered in isolation from other land uses like forestry (Robin 2019), and IFS activists point to the need for non-Indigenous peoples to advocate for policy changes that “recognize, respect and include Indigenous land, food, and cultural values in research and development proposals” (WGIFS, 2008: 8). Through focusing on specific strategies being used by members of Lílwat Nation to make their connections with their homeland, tmicw (territory), visible to outsiders and to policy makers, and to have a say in the management of forests in their territory, Lílwat Nation has been making significant advances in how IFS can connect with substantive, concrete considerations for settler colonial land management. My following chapters lay out considerations for supporting Lílwat food sovereignty in terms of policy and process changes for forestry and recreation management, as well as more conceptual reflections on the power and responsibilities of non-First Nations land use planners and decision-makers in BC.

Lílwat Nation Food Sovereignty research is a community-led research project dedicated to finding new pathways to support community food sovereignty. Food sovereignty is not a Lílwat term. Although Lílwat community members did not explicitly use the terminology of food

sovereignty in their day-to-day activities, community goals and ways of thinking about local food systems are closely linked with concepts of food sovereignty. At the core of food sovereignty is a set of goals that include strengthening community, livelihoods and social and environmental sustainability in the production, consumption and distribution of nutritious and culturally appropriate food (Desmarais and Wittman 2013), and these goals very much align with the goals discussed by myself and members of the Lílwat Nation at the onset of this research. For participants in this research, engaging in discussions and activities related to food sovereignty has demonstrably provided the intellectual space for people to consider how food relates to larger goals of self-determination and self-governance.

This chapter presents an overview of the connections between IFS and land management as they were presented by several members of Lílwat Nation and interpreted by me. Firstly, I review the process of building research relationships, followed by a discussion of how the research questions evolved from an ‘ecosystem services’ framing to a framing situated within the concepts and worldviews of Lílwat Nation, and the research activities we used to investigate these questions. Three main themes of the research are presented, linking the questions to the following chapters of this dissertation, including: 1. Connections to the land as the foundation of Lílwat food sovereignty; 2. Experiences of the impacts of colonization on Lílwat food sovereignty; and 3. Making Lílwat Ntákmen [Lílwat word meaning ‘our way of life’] visible: Inherent Rights to Indigenous Food Sovereignty. This chapter ends with a short reflection on how IFS for Lílwat Nation relates to the following chapters of this dissertation.

## **2.4 Seeds of Research: Building Relationships**

The Lílwat Food Security and Sovereignty (LFS) Project began in response to Lílwat Nation community members' desire to find ways to protect and enhance knowledge and practices about locally produced foods. This work grew out of the ongoing research and implementation of Lílwat Nation Botanical Resources Strategy (Lílwat Nation 2015), which formed the basis of my Master of Forestry research.

During the research for the Botanical Resources Strategy, I worked closely with Jordon Gabriel, Field Manager of the Lílwat Forestry Ventures (Lílwat's registered forestry company), Elder Jean Andrew (Jeanie), her sister Susan Andrew (Susie), and others Lílwat7úl (named in community publications) to identify and document information on over 100 plants that are cultural foods and medicines. The information was documented over the course of many field visits from 2015-2017. Some of this information was published in the book 'Gifts of the Land: Lílwat Nation Botanical Resources' (Lílwat Nation 2017b), at the request of those involved, following the publication of Lílwat Nation Botanical Resources Strategy (Lílwat Nation 2015). The copyright and joint authorship (with Tonya Smith) of both publications are held by Lílwat Nation. Ensuring community ownership of this publication and all research outputs was an important aspect to building trust between myself, as a non-Lílwat researcher, and members of Lílwat Nation, as well as between UBC's Faculty of Forestry and Lílwat Nation. Ensuring that Lílwat Nation held the copyright and authorship to the Gifts of the Land book is very important for Lílwat community members who in the past have worked with researchers who claim ownership rights to Lílwat knowledge. This book is currently being sold at the Lílwat7úl

Cultural Centre and the Squamish-Lílwat Cultural Centre, with all proceeds going to the Lílwat7úl Cultural Centre.

The Botanical Resources Strategy was implemented as part of a land use agreement between Lílwat Nation and the BC Government. Lílwat Nation was required to identify culturally important food and medicinal plants, collectively known as ‘botanical resources’, and was used by the nation to advocate for the protection of cultural materials in activities on their territory. Since 2016, logging companies that hold licences to log on Lílwat territory are provided with the BRS, which recommends specific actions and procedures to avoid harm to the named plants and materials. Forest companies are asked to take measures to avoid harming the named plants and animals in their harvest plans, and to enact such measures on a good-will basis (for more information, see chapter 4 of this dissertation, Smith & Bulkan, 2021).

Following on from this early work together, our research team, led by myself, alongside Jordon Gabriel and Jean Andrew, felt our work together was only just beginning. In the time between the Botanical Resources research and the beginning of the LFS project, we continued to go out together on the territory voluntarily and document knowledge of food and medicinal plants. The costs of doing so were covered by the personal funds of Jordon and myself, with support from LFV. Notably, Klay Tindall, LFV forester, has been a key ally in this work. Klay fully grasped, as an employee and helper to Lílwat Nation, how the work around botanical resources could support other community goals. The formal continuation for the research began with my doctoral work in 2017, with approval given by the LCHLA for the LFS project.

## 2.5 Research Approval Processes

As part of a relational research process, and following the guidance and leadership of Lílwat Nation researchers, several steps were taken before the LFS project began. Firstly, the research topic was defined by Lílwat Nation-UBC research team with guidance from the Lílwat Culture, Heritage and Language Authority (LCHLA) to ensure it met the needs of the nation. The LCHLA is composed of Lílwat community members selected to speak on behalf of the community and to guide research on culture, heritage and language. These initial steps to define the research topic were done in a collaborative way, which is important for members of Lílwat Nation who have often experienced extractive research conducted by non-Indigenous researchers (Leo et al. 2006). For members of Lílwat Nation, working with Western research institutions is still considered dubious, given the extensive record of the harms of Western research that have been incurred even recently (Smith Field Notes 2015-2020). Yet, assistance from non-Lílwat researchers is sometimes desired to accomplish community goals such as protecting and recording cultural knowledge and practices in forestry in ways that are legible to forest managers and government decision makers. My involvement in the research as a non- Lílwat person was supported only because of the ongoing relationships and trust between myself and Jordon, Jean, Susan, Dr Bulkan and several others in the community, alongside support from members of the LHCLA and Harriet VanWart in the Department of Lands and Resources. Defining the research objectives of my proposed doctoral project together involved an iterative process of listening to and reflecting on Kúkwpí7 (Chief) Dean Nelson's goals for community food security and sovereignty, discussions with Jordon and Klay of LFV, speaking with key Lílwat community members in the LCHLA and having multiple meetings and discussions with UBC researchers (who are listed as co-authors).

Secondly, approval for the research to begin was sought from the LCHLA. In a process of presenting, discussing, deliberating, disagreeing, modifying and consenting on each aspect of the research, the project was considered from the many points of view held by each member of the LCHLA, who bring their unique experiences and knowledge to assessing the goals, methods and outcomes. For the LCHLA, it was crucial that this project was focused on enhancing community goals, rather than being driven by the research goals of academics who are not embedded in the community. Therefore, the guidance and support of the research from Lílwat community members was integral to the LCHLA's approval of the project. The LCHLA provided me with the ultimate design and decision-making authority to shape the research, but the process of listening, learning and modifying the research based on our conversations together deeply contributed to the positive outcomes that this work has enabled within the community.

Thirdly, a clear agreement was made at the outset of the research, between Lílwat First Nation and the UBC Faculty of Forestry about ownership, access, control and possession of knowledge and data used and produced during our research. These agreements conform to the Ownership, Control, Access and Possession (OCAP) Principles created by the First Nations Information Governance Centre (2021), and the TCPS 2: Course on Research Ethics (CORE) guidelines created by the Canadian Government's Tri-Agency funding councils. However, the agreements also go beyond these ethical guidelines in supporting the specific principles and wording requested by the LCHLA in defining what ethical data ownership, control, access and possession entail for Lílwat Nation. Lílwat Nation ensures that all outside researchers who want to work with the community follow ownership and access guidelines that give Lílwat Nation executive

ownership to and say over research results and data collected within the community. This step is not in place to prohibit research that is critical of Lílwat processes or decisions. Rather, it is a crucial way to allow for protections for Lílwat intellectual property and data to be protected given the historical extraction and use of this property without consent from the nation, and to give both credit and protection to those who share their knowledge or information with outsider researchers.

In addition to these steps, the standard approvals from the University of British Columbia's Behavioural Ethics and Review Board were also obtained. The drafting of each chapter in the dissertation received preliminary approval from the LCHLA, and none of the content herein has or will be published without their consent, and the consent of individual researchers and participants quoted herein.

## **2.6 Research Questions: From Ecosystem Services to Lílwat Ntákmén**

The focus of my doctoral research was to support Lílwat food sovereignty and to analyse its links with land management in the territory. One of the first goals of the research was to create research questions that were meaningful from both a community and an academic perspective. Here, the evolution of the research questions is presented for other researchers to consider how research axiology and ontology may evolve within a participatory Indigenous community-led research approach. The transition from a research approach based in Western, non-Lílwat concepts, namely ecosystem services, to one based firmly in Lílwat ontologies, is described hereon.

At the onset of the LFS project, the research team was interested in exploring connections between ecosystem services approaches and LFS, along with consideration for potential involvement in Payments for Ecosystem Services (PES) programs. Since the publication of the Millennium Ecosystem Assessment (2005) framework, research on ecosystem services has rapidly expanded. Across Canada, new modalities are being created to financially support the provisioning of ecosystem services. Focused on the protection of specific ecosystem services, like carbon sequestration and provisioning clean water, institutional relationships are being built between governments, industries and various stakeholder groups to broker agreements and pilot new PES programs.

In British Columbia, one group of farmers and ranchers is developing a PES-type program to compensate smallholders for management activities that safeguard and produce ecosystem services (Farmland Advantage 2015). During the early months of the LFS research, the Lílwat-UBC research team considered partnership with this group of farmers and ranchers who were interested in working with First Nations to see how the programming could be expanded to include cultural ecosystem services. Within this context, my research proposal (2016) originally included a set of research questions based on ecosystem services (Table 2.1).

**Table 2.1. Original questions of Lílwat Nation Food Security and Sovereignty Project**

Original Research Questions	Sub-questions
Is the concept of ecosystem services compatible with Lílwat Nation teachings and knowledge?	<ul style="list-style-type: none"> <li>• How does the ecosystem services concept compare and contrast with Lílwat teachings and relation to the environment and Territory?</li> <li>• What are the synergies and points of dissonance between the idea of ‘ecosystem services’ and Indigenous worldviews in describing and operationalizing relationships to land?</li> <li>• Can the ES framework be broadened to make space for Indigenous teachings and relational values, and if so, what are some elements that could contribute to the expansion of this concept?</li> </ul>
How does Lílwat Nation negotiate with outside claims on their territory, using examples from recent and emerging ecosystem services applications?	<ul style="list-style-type: none"> <li>• How might the applications of ES concepts, such as quantifying ES and payments for ecosystem services (PES) programs impact Indigenous rights and claims to land and territory?</li> <li>• What are the internal and external actors and institutional structure in Lílwat Territory that are responsible for environmental governance?</li> <li>• How might new and novel ES-related arrangements create shifts in governance structures and how might these impact Indigenous rights to territory?</li> </ul>
What role, if any, may applications of the ecosystem services framework have in restoring Indigenous food security/sovereignty?	<ul style="list-style-type: none"> <li>• How do specific ES and related environmental processes support food security/sovereignty?</li> <li>• How does the maintenance of other ES and related environmental processes act against food security/sovereignty?</li> <li>• Are there pathways for ES to be operationalized to support Lílwat food security/sovereignty?</li> </ul>

These questions were considered interesting by the Lílwat-UBC research team in part because Lílwat Nation is a partner of the Cheakamus Community Forest in Whistler, BC, which is involved in a carbon sequestration program that has not yet been assessed in terms of community support for this project. Another point of interest was how engagement with ecosystem services initiatives may create visibility and support among non-First Nations for Lílwat land stewardship activities.

During the initial research meetings with Lílwat community members, however, it quickly became evident that any approaches to supporting LFS needed to be firmly rooted in Lílwat concepts and worldviews to be supported by community members. Here is an excerpt from one early conversation with Swuwa Martin Nelson (2017), a respected Lílwat hunter and teacher:

*“I’m not interested in any of these words [ecosystem services]. We have a way to talk about this, it’s about being out here, on the land. It’s about ntákmen [Lílwat word meaning ‘our way of life’]. It’s not about that samá7 [non-First Nations] stuff. You see, they [researchers] try to confuse us, to make us feel like we don’t know what we are talking about. No, I’m not interested in that. I’m interested in \*this\*, here, all what I’m showing you and talking about.”*

Here, Martin references past research done by non-Lílwat researchers which was often without the consent of Lílwat Nation members and has more than once led to disastrous outcomes for Lílwat7úl. At the start of this 2017 phase of my research process, many of the activities were about building trust amongst the research team members and with community participants in the research. This conversation with Martin, along with other similar conversations with Lílwat community members, influenced the research questions and processes from thereon. In conversation with other community members, there was also a hesitancy to engage with language and Western ontologies of ecosystem services. Responses ranged from blank stares to polite acknowledgments like, “Yes, that’s [ecosystem services] what we are talking about. You can call it that, if you want, it’s the same thing” (Smith Field Notes 2017).

Rather than continuing down this line of inquiry concerning ecosystem services, it was more important for me and our research team to work towards building trust, transparency and engaging in respectful research with Lílwat7úl research participants. Following on, the research questions were adapted with support from Jordon Gabriel to be more relevant to Lílwat community members' interests as they emerged and evolved throughout the community-led research process. Chapter 3 of this dissertation speaks to how ecosystem services and PES arrangements often fail to acknowledge Indigenous peoples' rights to their territory and risk reifying Western approaches to environmental management (Smith et al., 2019). While this chapter is based on a literature review, it was informed by these early conversations with community members who pointed out the importance of working with Ucwalmícwts concepts and ways of knowing in the collaborative research.

The subsequent set of research questions and sub-questions emerged naturally within conversations with Lílwat community members, which followed a conversational method of personal storytelling that was led by the participants themselves (Table 2.2) (Kovach 2020).

**Table 2.2 Revised research questions of Lílwat Nation Food Security and Sovereignty Project (2017)**

Revised Research Questions
What do Lílwat food security and food sovereignty mean to community members? How have these changed through time?
How have experiences of colonization shaped how Lílwat food security and food sovereignty are experienced by community members today?
What types of protections are in place today to support Lílwat food security and sovereignty? How can these be safeguarded and enhanced?

## 2.7 Research Activities

After many months of pre-planning, the LFS research began in the spring of 2017. Jordon, Jean, Susan and I, supported by Klay, participated in regular field outings to locations throughout Lílwat territory to learn about and engage in traditional food harvesting, preserving and preparation. Several other community members joined us over the course of the seasons.

Kwikws Eliza Peters was hired as Lílwat Youth Researcher to assist me in the research and to co-create a vision for the Lílwat Community Garden. Kúkpi7 Dean's vision for this garden was to grow food for the students of Xetólacw Community School, Lílwat Nation's own school. To support this initiative, Kwikws and I interviewed or spoke with over 70 Lílwat community members to understand what it was that people wanted to see happen in the Lílwat Community Garden, and to listen to peoples' individual experiences, knowledge of, and goals for Lílwat food security and food sovereignty. Several of the people we interviewed became regular participants and co-researchers within the research, including Koskas Dan and Swuwa Martin Nelson.

Within all research activities, we were actively engaged with Lílwat teaching and learning pedagogies, following the principles of Ntákmén (meaning 'our way', the Lílwat way of life). We harvested and documented knowledge about Lílwat food and medicine plants. We also planted an orchard and vegetable garden, working alongside students of the Xetólacw Community School, as a pilot for what became the Lílwat Farm, a community-owned market garden. At this place that Koskas called 'Nlepcáalten', meaning the place where we garden together in Ucwalmícwts (the Lílwat language), we were honoured with frequent and lengthy conversations with community members, shared meals together and gather and grew food as one form of reciprocity to the community for all that we were learning. The early administration of

Nlepcáalten was done by Harriet VanWart, Director of the Lílwat Lands and Resources Department, who took on a range of administrative tasks associated with the busy first year of starting a community food initiative.

In addition to these community-based research activities, the Lílwat-UBC research team continued research with Jordon and LFV to create an inventory system for botanical resources in the territory. The research team briefly collaborated with the Lílwat Lands and Resources Department and BC Parks in the creation of a management plan for Nlháxten/Cerise Creek Conservancy, which is a trapline area owned by Lílwat families, and which had recently been designated as a Conservancy by the BC Government (more information on this in Chapter 5). We assisted by collecting data on what traditional foods are found within the Conservancy boundary and suggested some action steps to maintain community access to these foods. Research activities also involved presenting at academic conferences and community meetings. In 2017-2019, Jean, Jordon, Susan, Kwikws, Koskas and myself presented on the research at Lílwat Nation Annual General Meetings. In May 8-11, 2019, Koskas, Kwikws and I presented at the Society for Ethnobiology Conference, on x<sup>w</sup>məθk<sup>w</sup>əyəm (Musqueam) territory at the University of British Columbia. In June 2019, we three attended the Indigenous Gender and Wellness Idea Fair and Learning Circle in Kanien'kehà:ka territory in Tiohtiá:ke/Montreal, Quebec, which was hosted by the Canadian Institute for Health Research (CIHR), which helped us extend our thinking on LFS to consider related impacts on the health and well-being of Lílwat community members. Subsequently, we responded to a CIHR call for proposals for additional funding for future research together; CIHR returned a positive response for funding to us in November 2021. In August 2019, Koskas and I attended the IUFRO/UBC conference entitled

‘Transforming approaches to Forests and Forestry through traditional and local knowledges’, once again on x<sup>w</sup>məθk<sup>w</sup>əyəm (Musqueam) territory at the University of British Columbia.

## **2.8 Themes of the Research**

Responses and common themes related to these questions are reflected here and in the following chapters of this dissertation. These are: 1. Connections to the land as the foundation of Lílwat food sovereignty; 2. Experiences of the impacts of colonization on Lílwat food sovereignty; and 3. Making Lílwat Ntákmén visible: Inherent Rights for Indigenous Food Sovereignty. These themes are each co-equal contributors to understanding Lílwat food security and sovereignty as defined by research participants.

### **2.8.1 Theme 1: Connections to the land as the foundation of Lílwat food sovereignty**

During this research, we (researchers and participants) endeavoured to support food sovereignty in numerous ways, including: growing food at Nlepcáalten as a pilot for a community market garden; documenting knowledge and practices related to Lílwat traditional foods; and conceptualizing desirable futures to enhance Lílwat food sovereignty.

When defining what food sovereignty means for Lílwat Nation, participants demonstrated that this is not an essentializing concept, in the sense that it is not limited to traditional food procurement alone. Lílwat food sovereignty encompasses a wide array of activities and food sources, including the agricultural foods grown by Lílwat and non-Lílwat farmers, home food gardens, traditional foods, and foods traded with other First Nations and nearby communities. Lílwat7úl demonstrate that they are engaging in industries like forestry, agriculture, energy

generation and others to further the self-determination of Lílwat Nation within these spaces, and that these activities too are linked to supporting food sovereignty. This is exemplified for example by Jordon Gabriel, whose work with LFV involves protecting and enhancing traditional foods in forestry activities and redistributing funding earned from forestry to support community agricultural initiatives.

Locally-procured foods are fundamental to Lílwat food sovereignty, as they allow the Nation to access foods that do not necessarily rely on connections with the wage economy and give people more say over the means of production of their foods. Local foods are procured from a variety of sources, including produce grown in home gardens as well as herbs, roots and fungi produced in the tmicw (territory). Two types of gardens of Lílwat7úl , which can be labelled ‘home gardens’ and ‘forest gardens’, share many similarities. Lílwat7úl regularly maintain both by weeding, pruning, clearing, seeding, coppicing, harvesting, and resting. According to Elder Koskas, both types of gardens are tended by Lílwat7úl using permaculture techniques, wherein the natural aspects of a site are used to enhance the abundance and productivity of foods grown there. There is one major difference between home and forest gardens: more often home gardens tend to be planted with species that would not otherwise be found there; wherein forest gardens work to enhance the productivity of existing species. To some degree this is a false dichotomy, as it can be argued that the plants of the forest gardens maintained by Lílwat7úl would not exist without people tending to them. Successional growth of the forest would mean that the locations of foods would continue to shift through time and be found in much lower abundances than they are with human tending. Yet, the main difference with home gardens is that they are planted with species

that would otherwise not grow in the area, such as cabbage or corn, which only exist throughout much of their current range because of planting in agricultural fields.

According to Lílwat Nation members, home gardens have been a feature of homes since at the least the time of colonial settlement, when Lílwat people were forcibly relocated to federally designated government ‘Indian Reserves’. Lílwat research participants stated that prior to the introduction of social assistance payments from the provincial government in the 1980s, home gardens were essential for most families in the Nation to experience food sufficiency. Home gardens were maintained by all members of the family, and contained an abundance and variety of foods. While many of the garden varieties of foods were introduced by settlers who came to Lílwat to farm starting in the late 19<sup>th</sup> century, it is notable that there are also varieties of foods that were grown in home gardens that pre-date non-Indigenous settlement. These foods include staples such as potatoes, which originated in South America and were traded up all the way to Lílwat throughout generations. Lílwat people have long been seed keepers, working to store and perpetuate diverse plants, some of which have origins in pre-colonial trade relationships.

Each of the many ways that Lílwat Nation works to enhance local food procurement contributes to both the food security and the food sovereignty of community members. In British Columbia, nearly 41% of on-reserve households experience food insecurity (UNBC and AFN 2011). Many Lílwat Nation members experience food insecurity and rely on food banks and imported market foods to meet their basic nutritional needs (UNBC and AFN 2011). Therefore, considerations for immediate food security must not be overlooked in the pursuit of supporting longer-term food sovereignty. According to a 2011 survey (UNBC and AFN 2011), 88% of Lílwat Nation

members stated that they would like to eat more traditional food, with lack of knowledge, time, and availability being among the top barriers for not consuming more traditional food.

Though people would like to learn more about traditional foods, these foods are still staple foods in many Lílwat households today. Many of our research meetings involved the sharing of traditional foods like t̓swan (wind-dried salmon), xúsum (soapberry drink), deer, swamp tea and other favourite foods. Traditional foods are tied to a long history that includes records from ancient petroglyphs found throughout Lílwat tmicw (Squamish-Lílwat Cultural Centre 2021). Some petroglyphs provide instructions on where to go to find foods, which Lílwat people say shows the ancient connections of their ancestors with the land and with the foods. Animals like the deer and salmon are sacred relatives, with the people only able to survive because the deer gives its life to the hunter (Smith Field Notes 2017-2021).

Knowledge of these foods has been handed down orally through the generations. Knowledge relating to foods is present in both sqwéqweł̓ (true stories) as well as sptakwlh (legends), some of which, like those of the late Baptiste Ritchie and Charlie Mack, have been recorded by anthropologists (Kennedy and Bouchard 2010). There are many community members today teaching others how to identify seasonally available foods, along with protocols, best practices, locations and general information about where and how to harvest/hunt/gather/tend and grow foods. They teach steps to preserve and store foods using age-old techniques. These food practices are a part of spiritual practices (rituals) including harvesting ceremonies, saqóta (drum and dancing celebrations), and communal food festivals, such as the First Salmon Ceremony, and follow customs such as teaching people to give away the first salmon and deer they catch.

Though Lílwat7úl have deep and extensive knowledge about traditional foods, the legacy of settler colonialism in Lílwat has made traditional food practices and relationships with the land largely invisible to non-First Nation settlers and visitors to the territory. There are few markers that are visible to non-First Nations to recognize Lílwat Nation's presence and stewardship of their territory. Signage in Whistler and Pemberton, the settler towns within Lílwat territory, fails to acknowledge that they are located on unceded territory. The practices of Lílwat Nation members of caring for the territory, which include many practices related to traditional foods, are for the most part unseen to non-First Nations people. There are many reasons for the lack of visibility, including the erasure of Indigenous occupation by settler colonials following the pre-empting<sup>18</sup> of Indigenous lands throughout BC and the proscription of Lílwat7úl practices under various settler colonial government policies like fishing and game regulations, the Indian Pass System, which was in place from 1885-1951 officially, but enforced on Lílwat territory into the 1960s according to Elders and prohibited Lílwat people from leaving the reserve without permission from an Indian Agent, and the *Indian Act* (K. Smith 2009). Following the 2010 Winter Olympic Games, in which Lílwat Nation advocated for recognition and acknowledgement of their territory as one of the four host nations of the Olympics (Sidsworth 2010), Lílwat7úl have been working to make their connections with the land more visible to non-First Nations people. Lílwat Nation is interested in a form of recognition that does not reproduce

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<sup>18</sup> The 1860 *Pre-Emption Proclamation* created private property rights for white farmers on unceded Indigenous territories and drove widespread settlement of Indigenous lands for agricultural development

colonial configurations of power (Coulthard 2007), and remains true to the Ucwalmícwts ways of being and knowing.

One of the ways that members of Lílwat Nation are working to reaffirm their history, culture and rights within the territory is through engaging with culturally affirming traditional food practices. Traditional foods are one aspect of experiencing food sovereignty that act in a foundational way to reaffirm and restore traditional governance of the territory. Being in connection with traditional foods is part of revitalizing language, practices and social relations of Lílwat7úl Ucwálmicw. Culturally affirming food practices, including those experienced during this research, engage Lílwat7úl in rekindling and renewing connections with the land and with one another. They are an important part of Lílwat7úl practicing their Inherent Rights (rights bestowed by the Creator) as Úcwálmicwa ti tmícwa (the people and the land are together as one) (Lílwat Nation 2017a). Food-based practices and protocols are an important part of following nxeqmín (Lílwat laws: the laws of the land) and living ntákmen (our way: the Lílwat way of life). Through connecting with traditional foods, Lílwat7úl are teaching one another the unique lessons handed down within family structures through the generations. Traditional foods are how people are connecting with their culture, with the land, and with one another. These foods hold an immense affective value for individuals within the community. As Martin Nelson states:

*“It’s like our bodies just know what’s good for us. I could eat the finest beef steak in the world prepared by the best chef, and it wouldn’t hold a candle to deer... our bodies know what is good for us. Our food \*is\* the medicine”.*

Lílwat traditional food practices and teachings honour plants and animals as equal to, not less than, humans (Todd 2014; N. J. Wilson 2019). Animals and plants are sacred teachers.

Instructions from Craig Dan include:

*“Before you pick, get quiet. You set your intention for the medicine. If you try to force the plant, and it doesn’t come easy, then think about what that teaches you. It’s like in life, if you try to force something, what happens? Something can go wrong, someone might get hurt... All the plants and animals have teachings like that.”*

Following a Lílwat pedagogical approach, each person is encouraged to learn about traditional foods by drawing their own lessons in processes of experiential learning (Snively and Williams 2016). This includes reflecting on the many steps involved in harvesting, processing, and preparing traditional foods, learning by doing, being together as community, and ensuring that each member of the community is fed adequately and appropriately.

Practices of Lílwat food sovereignty, including traditional food and agricultural practices, along with working in various occupations like forestry, are a way for Lílwat7úl to reference inwardly, to community members, as well as outwardly, to settlers and visitors to the territory, that they are I Ucwalmcíwa, stewards of the land. The following chapters of this dissertation analyse and make visible the ways in which LFS is impacted by settler land management and systems of settler colonial governance. This territory has been claimed as part of the sovereign nation state of Canada since BC joined the confederation in 1871. It is governed by the Government of British Columbia and, at lower levels, the municipal governments of Whistler and Pemberton.

Today, though the territory of Lílwat has been carved up into Crown forestlands, municipal lands (including industrial and residential areas), lands used for energy generation, mining, the transmission of hydroelectricity, transportation corridors (highways, forest service roads and railways), recreation areas and the small federal Indian Reserves, Lílwatúl are still accessing and relying upon food from every part of the territory. While some Indigenous peoples ask for ‘land back’ in the form of restitution of land, members of Lílwat Nation say they have always been the true caretakers for the land, rights which have been affirmed since even before the 1911 Státyémc Declaration. In Chapter 4, I present an analysis of how forests are governed under BC Government policies and approaches and assess the impacts of policy changes that have occurred since 2004 on the engagement of Lílwat Nation in the forest sector, as well as on the Inherent Rights of the Nation.

Within settler government land use planning activities, park rangers, decision makers and land use planners are each increasingly seeking to recognize Lílwat uses of the land within co-management approaches. In these approaches, land use planners and decision-makers often try to document, map, list, quantify and provide evidence of Lílwat uses of land in a way that makes them visible and compatible with Western forms of knowledge gathering and documentation. However, in doing so, land use planners risk missing the complexities of Lílwat knowledge and reducing it to a form that can be made useful or productive towards the goals of non-First Nations land managers. In Chapter 5 of this dissertation, I analyse the experiences of Lílwat Nation in trying to work with non-First Nations land managers in recreational planning, and discuss how Lílwat relational ontologies, as shared with me by community members, compare and contrast with current Western approaches to conservation and recreational land management.

## **2.8.2 Theme 2: Experiences of the impacts of colonization on Lílwat food security and sovereignty**

An important aspect of IFS in Canada today is the legacy of the Residential School System (RSS), which is a collective trauma experienced by Indigenous Peoples directly for over a century from the 1880s to 1996, and indirectly since. Lílwat children were escorted by Royal Canadian Mounted Police officers to residential schools across Canada, including St. Mary's Residential School in Mission, St. Joseph's Mission in Williams Lake, Kamloops Indian Residential School, and the Sechelt Indian Residential School. Children at these schools were forced by priests and nuns to do unpaid agricultural labour but were prohibited from eating the foods that they grew. Instead, they were fed highly processed government-issued meals that lacked nutrition and caused digestive problems and illnesses (Talahongva 2018, Smith Field Notes 2017). Secret nutritional experiments were frequently conducted on malnourished Indigenous children (Coté, 2016; Talahongva, 2018, Smith Field Notes 2015-2021). Participants in this research shared their stories of how the RSS impacted their individual relationships with foods and reflected on how these experiences impact the collective food sovereignty of Lílwat Nation. An important aspect of this research was to listen to, and hear, these stories, providing a safe and respectful space for these stories to be told.

Other participants told of how they were apprehended in the 'Sixties Scoop', which occurred from the 1960s as Indigenous children were apprehended from their homes, without parental consent, by the Province of BC's so-called 'child welfare system' and relocated to the homes of non-First Nations families. As with Residential Schools, many victims of the Sixties Scoop also

experienced abuse and disconnection from their families and culture. This trauma continues to impact survivors. Lílwat children who did not attend Residential Schools and who were not apprehended in the Sixties Scoop viewed it as their responsibility to support Lílwat Nation's growing of food, filling a helper role that would have otherwise been shared amongst the youth. Koskas, a member of the research team, says that the experience of having everyone else in his age group being apprehended into Residential Schools was also painful for those like him left behind. One consequence, in his case, was that he was ploughing the fields and tending to the crops of multiple families who were left without youth to fill these essential roles. Moreover, the 'Indian Pass System' prohibited Lílwat people from leaving the reserve without the permission of the Indian Agent. Lílwat community members tell of how their family members would have to get permission to leave the reserve to hunt and fish; to provide food for their families. It is against this painful backdrop that the IFS resistance is carried on today.

The impacts of the RSS, the Sixties Scoop and the Pass System on the collective experiences of Lílwat food sovereignty hold important lessons for those interested in IFS more generally. As allies and supporters of Indigenous Peoples, in roles like research, community organizing, co-management, collaboration and other partnerships, being open to hearing and listening to these stories can create a deepened understanding of the context in which IFS operates. The experiences of listening and witnessing these life histories allow for the truth of colonial violence to inform the ways that Indigenous and settler peoples move forward together. Truth telling is an important aspect of Truth and Reconciliation in Canada, evidenced by the sharing of stories as a main activity during the work of the Truth and Reconciliation Commission (Truth and Reconciliation Commission of Canada 2015b). Participants in this research indicated the

importance for every Canadian to know about this common, collective experience of the RSS, the Sixties Scoop and the Pass System, and to consider how each impacts relationships with land and foods. Moreover, an awareness of these experiences, and their significance in the formation of the settler colonial state, including the unilateral claiming of Indigenous lands, points to the ways in which ongoing extractivist systems continue to impact the food systems of Indigenous Nations and communities.

### **2.8.3 Theme 3: Making Nt'ákmen visible: Lílwat Nation Inherent Rights for Indigenous Food Sovereignty**

In research activities as part of the LFS Project, Lílwat team members were reasserting and making visible their knowledge of the land and connections and relationship to it, thereby pursuing a larger discursive endeavour to create awareness and support for Lílwat rights to land. Although the importance of LFS goes beyond a rights-based discourse, many participants spoke about how their Inherent Rights continue to be disregarded within the settler colonial state and mainstream society, and thus the need to respect and uphold the Nation's Inherent Rights formed a third major theme of this research.

Inherent Rights is a term that derived from Indigenous legal cases in Supreme Courts around the world. When used by Lílwat7úl, the term Inherent Rights is used specifically to refer to their rights as Úcwalmicw, a people of the land. It is sometimes used to mean the rights give to the people by the Creator in the form of the original instructions on how to live (Lílwat Nation 2017a). Inherent Rights are unilaterally understood by Lílwat7úl to be rights that exist outside of

a Western rights framework, and thus cannot be granted by the Crown. Instead, they are intrinsic rights, and are the cornerstone of self-governance (Lílwat Nation 2017a).

Members of Lílwat Nation like Jordon, Jean, Susan, Koskas, Martin, Craig and others are demonstrating practices of Lílwat food sovereignty to educate both Lílwat7úl youth, along with non-First Nations, about these practices. This forms an important part of Lílwat7úl enacting their Inherent Rights as Úcwalmicw. Each Lílwat person does this in their own unique way, and for some it is done in part from their desire to be seen and treated as equals in Canadian juridico-political systems that continue to perpetuate racism and violence towards Indigenous peoples. Lílwat Nation is engaging with their Inherent Rights in a myriad of ways. One way is through transitioning governance of the Nation from a Band Council to the Heads of Families system. The Band Council is a colonially-imposed system of governance whereby Chief and Council are elected by Lílwat Nation members, who have a Westernized form of rights to vote as ‘citizens’ of the Nation. This form of governance has been plagued with problems since its conception (see for example Crompton 2006; Pasternak 2017), and is often more divisive than unifying when dealing with issues affecting Lílwat Nation. The Heads of Families system would involve the transferring of decision-making power to those regarded as respected decision-makers to represent the different families that compose Lílwat Nation. The Nation has been undergoing a series of workshops to further develop what the Heads of Families governance system would look like. This is an important transition from an imposed governance system to one that respects Lílwat Nation’s Inherent Rights. However, Inherent Rights are not only important in how the Nation governs itself, but are also enacted in the everyday lives and practices of Lílwat7úl. In the

everyday food practices of Lílwat7úl, the Inherent Rights of the Nation are being enacted in a very tangible and real way, as I will describe below.

Members of Lílwat Nation position their food sovereignty as part of a bigger discursive movement to rewrite systems of governance and move away from colonized thinking and structures to processes that better represent the customary and pre-colonial governance of Lílwat territory. When speaking of IFS with research participants, all participants shared that it involves much more than consumption choices, food access, food sufficiency, and traditional knowledge (Wires and LaRose 2019). It is fundamentally about access to the land, such as for sacred ceremony and traditional practices; it is about maintaining and re-establishing balance with the non-human relations with whom Lílwat people share the earth and whose survival and thriving are entwined with the Lílwat. Lílwatúl are communicating to a broad audience that these areas are not solely ‘Whistler’ or ‘Pemberton’—the settler names given to towns. They are part of Lílwat tmicw, and each place within Lílwat is associated with an Ucwalmícwts place name. Place names are connected to traditional and contemporary land use by families. Community members are chosen to carry traditional names based on their family histories as caretakers of specific areas within the territory. These names are associated with the honour and responsibility to care for those places and are bestowed upon Lílwat7úl in ceremony, with four people being chosen as witnesses of their naming. The person being named provides gifts for the witnesses, and upon accepting those gifts the witnesses agree to call that person by their name and keep a record of this naming. Connections with named places are enacted by all community members through collective food relations that constitute the political, social and legal institutions of Lílwat Nation. These relations are shaped through everyday customary practice and are

regenerated through collective food practices (Whyte 2016 in Huambachano 2019). Participants would often discuss how by restoring Lílwat traditional foodways, the people can maintain and reinstate their customary land stewardship practices. When Lílwat people are recognized stewards of the land, then it becomes possible to relearn traditional methods of taking care of the land, including bringing back and enhancing traditional foods, as was found in Wires and LaRose (2019).

The Botanical Resource Strategy is one of the ways that the Lílwat-UBC research team is extending the conversation of Lílwat food sovereignty to be not only about food, but also intricately entwined with the governance of land. Jordon Gabriel emphasizes that Lílwat Nation needs to have a say in what's happening on their territory. This is a demand that was echoed throughout interviews with community members: for Lílwat7úl to experience food sovereignty, and maintain access to traditional foods, Lílwat Nation needs to be involved in all aspects of decision-making about land use. The following chapters, particularly chapters 4 and 5, tell of how Lílwat Nation has been involved in land use planning processes with the BC government, alongside pursuing internal processes such as re-establishing the Inherent Rights system of governance and taking an active role in forestry.

According to Jordon Gabriel, “everyone thinks they have a solution to our Nation’s problem, everyone has the answer”. The following chapters are informed from contributions of Lílwat Nation members themselves, who have collaborated on developing the questions, methods and processes involved with this research, and who extended these conversations into discourses about land use management and forestry. Solutions for Lílwat Nation’s future need to come from

Lílwat Nation community members themselves and I do not attempt to provide any easy solutions for Lílwat IFS. As Martin Nelson states, “no government is going to give us what we need to survive. That has got to come from us, as a people” (Smith Field Notes 2018). However, support for IFS in Lílwat can contribute to Canadians learning to be better guests on unceded Indigenous territories, in relationships in which Lílwat Nation is treated as an equal, rather than inferior. This relationship needs to honour the space needed by Lílwat Nation to design their own pathways forward but can also involve settler peoples learning how to better support Lílwat goals and visions for self-governance and self-determination.

Though the LFS research involved a relatively small sphere of around 80 Lílwat Nation community members who have been actively engaged in food sovereignty activities, it is part of bigger conversations happening in food studies, Indigenous studies, and interdisciplinary studies. These conversations intersect with global struggles of Indigenous peoples who are advocating for protection of their food systems. Many advocates of IFS say that food sovereignty necessarily relies on relational links to the land. The following chapters expand on those linkages, and show how IFS is impacted by policies and governance approaches to land use, particularly from forestry and resources management. This work extends the contributions of Indigenous scholars and activists like Charlotte Côté (2016), Leanne Simpson (2017) and Dawn Morrison (2006) to support the Indigenous Nations and communities through naming and analysing the specific settler colonial processes and policies at play that continue to act as barriers to Indigenous food sovereignties. By examining and untangling the subtle and overt ways that settler colonial governance in British Columbia continues to impact Indigenous territories, for example through the multiple jurisdictions overlapping Lílwat territory, this research extends current

conversations about IFS to create specific linkages with impacts from forestry and recreational land management. Through a nuanced look at how ecosystem services, forestry and recreational policies and processes are playing out, this research points to some of the possible areas for intervention and considers pathways forward for supporting Lílwat Nation food sovereignty.

The next chapter examines Payments for Ecosystem Services (PES) as a potential modality for engaging in land use planning to support Lílwat food sovereignty. Chapter Three was done early on in my research with Lílwat Nation, as I was considering pathways to enhance and support Lílwat food sovereignty. Though that work was not directly based on field work with Lílwat Nation members, it strongly informed the approach our research took as it progressed.

## **Chapter 3: Indigenous peoples, local communities, and Payments for Ecosystem Services**

### **3.1 Introduction**

In Canada and around the world, Payments for Ecosystem Services (PES) programs are gaining acceptance in environmental decision making and land management. In a PES contract, ecosystem services providers (landowners and managers) are compensated for protecting and restoring the contributions of nature to human well-being. PES promote goals like biodiversity and watershed protection, high conservation values, landscape beauty, and climate change mitigation (Wunder 2005). PES contracts aim to provide protection for the multiple benefits that humans derive from ecosystems and that are often overlooked by the market economy. Beyond tangible commodities, such as timber, wood fibre and raw materials (known collectively as provisioning services), PES work to assess values for regulating service, such as climate and water regulation, supporting services, such as pollination, and cultural services, such as subsistence and educational services. PES programs are underpinned by a growing body of research that links the benefits arising from ecosystem functioning to environmental decision making.

Often, the provisioning of ecosystem services within PES around the world is located in spaces that are unceded, contested, or otherwise not legally recognized as Indigenous lands, territories, and resources (LTR), overlapping invisible geographies that have been redrawn by colonial powers (Cram, Chilisa, and Mertens 2014). In many cases, resources management done in the

name of ecosystem services provisioning continues to exclude both Indigenous and local communities as active participants and stakeholders (Global Forest Coalition 2010; Ibarra et al. 2011; Fuente and Hajjar 2013). A key challenge to effective inclusion of Indigenous peoples (hereafter referred to as IPs) in PES programs has been their conflation within the broader group of service providers. We posit that this conflation perpetuates the continuing invisibility of Indigenous contributions to human well-being that flow from their ways of being and knowing on LTR—a story which has not yet been wholly told in the PES literature. It is crucial to review how the consideration of Indigenous management systems might change assumptions about the legitimacy of PES, especially in terms of jurisdiction, in order to develop mitigating actions and prevent further marginalization of IPs (Turner et al. 2013).

This paper is the outcome of a review and analysis to assess how the governance of PES impacts IPs differently from non-Indigenous groups. In terms of the Lílwat Food Sovereignty project, this research was used to inform the design of the research, along with how the research questions were adapted as the research progressed. Though not based upon qualitative research with Lílwat Nation, this review looks at cases of PES from around the world to analyse and assess whether PES could potentially help protect or promote Lílwat Food Sovereignty. Looking broadly at international experiences with PES to date, we employ a critical assessment that synthesizes Indigenous scholarship with the ecosystem services literature.

### **3.2 Background**

Since the introduction of the ecosystem services (ES) concept in the 1990s, scholars and activists have critically engaged with the complex and subjective nature of valuing the benefits that

humans derive from nature. The Millennium Ecosystem Assessment (MEA) (2005) was the first major international effort to value the contributions of ecological functioning as goods and services and to link those contributions to human well-being. Early approaches to ES-type thinking, such as those put forth in the MEA, focused primarily on ecological production functions, with economists and ecologists working together to determine flows of benefits stemming from ecosystems. To explain environmental values that did not fit well into this way of thinking, cultural ecosystem services was considered a separate category of ES that encompasses the many, often intangible, non-monetary benefits humans experience from ecosystems (Fish, Church, and Winter 2016).

Within the more recent Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), scientists have been working to re-evaluate the role of culture and how it characterizes perceptions of human-environment relationships. Rather than being considered an independent and somewhat ill-fitting category within the ES framework, culture in the IPBES framework is understood as informing perceptions, preferences, and ways of knowing (epistemologies) and being (ontologies) in relation to the contributions of nature to human well-being (Díaz et al. 2018). This critical work in reframing the role of culture in understanding human-environment interactions opens new possibilities for how ES modalities may exist in the future, possibly enhancing or reshaping arrangements such as PES.

PES is an application of ES-type thinking that operationalizes the economic valuation of ecosystem goods and processes with the aim of producing collective benefits. Largely since the first MEA was published, PES has emerged to encourage the protection of ecosystem services

via new mechanisms. Defined as a “transfer of resources ... which aims to create incentives to align ... land use decisions with the social interest in the management of natural resources” (Muradian et al. 2010, 1205), PES focuses on the delivery of public goods, such as carbon sequestration, watershed services, and biodiversity/habitat, through new valuation methods and contract arrangements.

Much of the discussion on PES has focused on how authority in decision making plays out in program planning and design and how these relate to issues of procedural justice (fairness in the process of decision making and/or implementation of decisions) and distributive justice (fairness in distribution of benefits/risks) (Corbera 2015). However, there is currently no comparative analysis of PES programs to determine how IPs may experience outcomes of PES programs differently from other groups of ES providers. Calls have been made by activists, practitioners, and scholars alike for research to better understand how PES programs interact with diverse socio-cultural histories, power relations, and the inclusion/exclusion of different social and cultural norms (Kosoy and Corbera 2010; Kumar, Kumar, and Garrett 2014; Van Hecken, Bastiaensen, and Windey 2015). This paper offers one response to these calls.

IPs around the world experience often recent and still ongoing histories of dispossession of their claimed LTR. Due to these histories, “[Indigenous] perceptions are powerful and inform a deep-seated resentment of settlers who are perceived to [cheat]” IPs of their land (Okwaare and Hargreaves 2009, 19). For many IPs around the world, Indigenous systems were in place prior to colonization that recognize(d) collective access to lands and resources by families, clans, tribes etc., along with protocols for access and usage by outside Indigenous groups. The support

systems for Indigenous communities are/were accessed seasonally and according to agreed upon knowledges, laws, customs, and negotiated arrangements. The spread of imperial systems from the 16<sup>th</sup> century, beginning from Europe, to secure control over new resources for growing industrial economies, led to physical and cultural genocides and the repeated destruction of ancient ways of being and sacred livelihoods. In modern nation states, surviving IPs have continuously organized and rallied in local to global fora to have their inherent rights respected and to be able to heal their families and communities according to new and renewed lifeways, cultural responsibilities, and knowledges.

Along with movement to heal families and communities is the need to heal customary LTR, which have too often been ravaged by unregulated and/or unsustainable resource extraction. Global resource extraction often leaves the Indigenous hosts with few if any benefits, and more often harms, in such forms as environmental contamination, disempowerment, and violence against women and non-binary people (Stephens et al. 2006; Benjamin and Hansen 2018). IPs often make strategic alliances with settler environmental activists to further common goals of environmental protection. However, it is important to understand that while these two groups may share goals, IPs are driven by culturally unique motivations—for example, the desire to assert rights to autonomy and cultural survival that hinge on clean waterways (McGregor 2015). For many Indigenous communities, the pain and anger experienced because of colonialism are still real and need to be acknowledged for true healing to commence (Caxaj et al. 2013). Thus, to consider IPs as “natural conservationists and therefore natural allies for environmental groups overlooks complex histories of race, class and gender divides that create vastly different experiences for Indigenous and non-Indigenous bodies, souls and hearts” (M. Smith 2015, 27).

PES often work to operationalize ecosystem values without focusing first on Indigenous cultural survival and well-being. However, many Indigenous communities around the world have welcomed PES to strategically access *de facto* self-determination within their territories, particularly in contexts where free markets and governments have failed them. Some PES approaches are wide enough to incorporate outcomes that align with IPs' communal values and/or goals. However, others may choose to join for more pragmatic reasons—for example, because PES is preferable to the business-as-usual practices of resource extraction (Empa and Shantz 2010). Yet other IPs view PES as a perpetuation of a neoliberal agenda that continues to undermine their ownership and access to their LTR (Densham and Czebiniak 2009; Altamirano-Jiménez 2017). PES is resisted by some because it puts environmental benefits for a broader public before Indigenous land titles and community healing. In short, much as there is a wide diversity in Indigenous cultures, so too is there a spectrum of experiences for IPs with PES.

While remaining cognizant of a diversity of Indigenous viewpoints on PES, we also recognize that there are an ever-increasing number of IPs who insist that “any group seeking to promote changes in ... management regimes, whether it be further natural resource extraction, improved management or increased protection, should also be considering ... [Indigenous] rights in their strategies” (M. Smith 2015, 35). Therefore, we consider below how PES might generate specific outcomes when occurring on Indigenous LTR and involving IPs.

### 3.3 Methods

This paper presents findings from a metanarrative synthesis of sources presenting PES programs with IPs and local communities (Finfgeld 2003). Local communities can be understood as having customary practices related to a place, and strong linkages to land and resources, but have not experienced the same length of time in place as IPs, do not self-identify as Indigenous, and are often not distinct from majority populations of a nation state in terms of social, cultural and economic systems, and language. Using a keyword search on internet search engines (Science Direct and Google Scholar), we searched combinations of terms such as “Payments for Ecosystem Services,” “PES,” “ecosystem service(s),” “environmental service(s),” and “(local) community(ies),” followed by snowball sampling to identify other relevant projects and papers. A total of 288 sources were identified for inclusion in our review based on their relevance to the topic as expressed within the abstracts: these included primary, peer-reviewed articles on PES (both in theory and practice), technical working papers on PES, and reports from non-governmental organizations (NGOs) regarding PES. The sources describe the governance, implementation, and/or outcomes of PES programs that have involved both Indigenous and local communities, or that use PES case studies as a method to communicate more global findings in support of PES-related theories and insights. In total, 103 PES programs with IPs and/or local communities were analysed.

Data coding used an inductive coding approach, informed by the Indigenous rights literature and personal interactions and research histories with Indigenous and local communities, to analyse the PES programs described in the sources. Papers were iteratively accessed and text excerpts that presented aspects of PES programs or the governance, planning, or management of programs

in relation to Indigenous rights, worldviews, or territories were inserted into a database program. These excerpts included a broad sample of statements, ranging from how projects incorporated Indigenous communities' goals, to how engagement with communities had failed or succeeded and why, to how projects impacted Indigenous rights in subsequent project reviews. Textual excerpts were attached to the specific PES project name, as well as other identifying information such as project type (the ES being provisioned), location (country and sub-region), who began the project (Indigenous or local community, non-government intermediary or government), and the year of commencement.

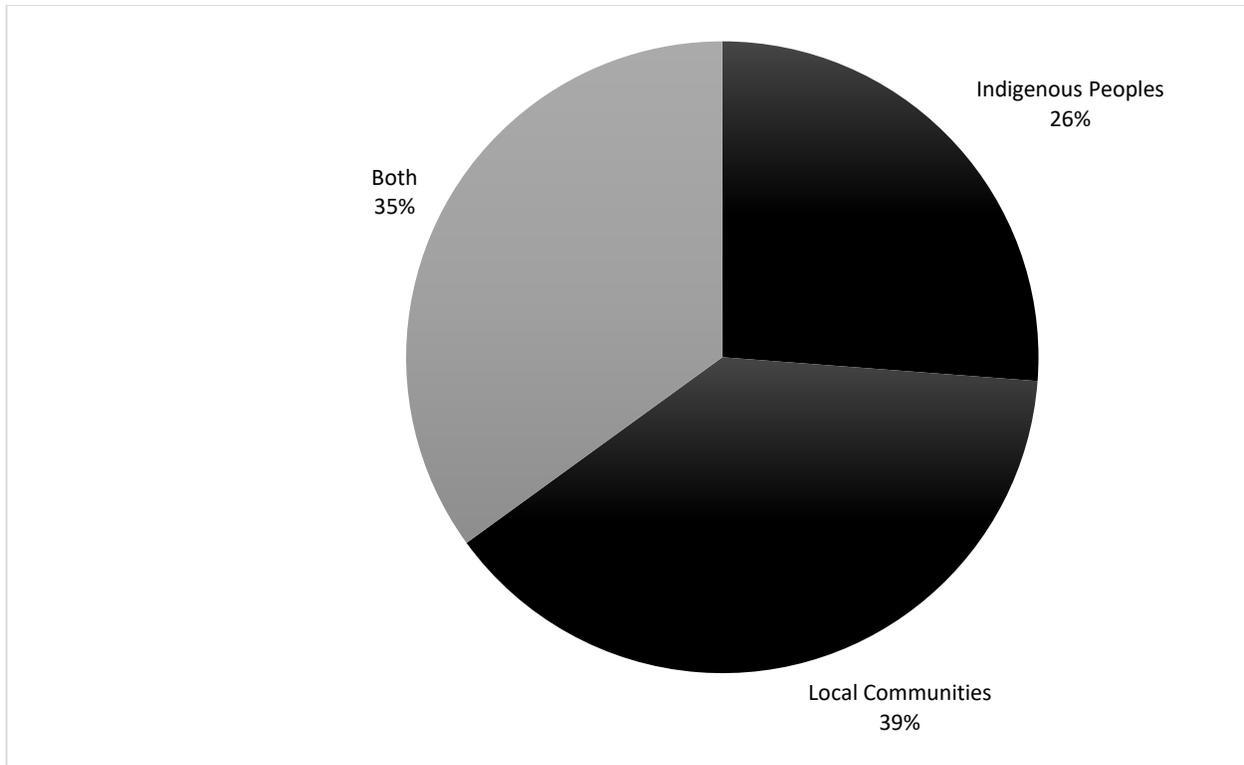
These qualitative data were then coded using an open coding approach, wherein codes were developed from the data (Glaser 1992). We first coded each statement as positive (ES producers experienced positive outcomes from engagement with a PES), neutral (ES producers experienced neutral outcomes from engagement with a PES), or negative (ES producers experienced negative outcomes from engagement with a PES). Many of the 103 PES projects were presented and analysed in more than one paper, which allowed textual data from multiple papers to be triangulated to increase the reliability of the analysis. For example, where textual data presented conflicting insights, we made a note of this conflict and relied less on these cases as exemplary case studies. The three main findings were developed using an iterative process of sorting statements within these three categories, synthesizing the emergent themes within each category, and reviewing the articles in relation to these themes for additional information (Higginbottom and Lauridsen 2014). The findings were compared by two coders who performed intercoder reliability checks. Two additional external coders from our academic department also collaborated in verifying and discussing the findings to enhance validity and reliability.

From these processes, three major findings regarding the dimensions of PES that impact IPs distinctly from local communities were identified. The following results present these findings, supported by case studies identified during the analysis.

### **3.4 Results**

Of the 103 PES programs sampled in our analysis, 26% (27/103) involved solely Indigenous communities or organizations, 39% (40/103) involved solely local communities as ES providers (settler and/or non-Indigenous communities), and 35% (36 of 103) involved a collaboration of Indigenous and non-Indigenous ES providers.

Our synthesis of the PES literature found that the rights and privileges extended to IPs in comparison to local communities in PES programs are not always the same. To explain these differences, we present our findings within three main themes, including: Free, Prior and Informed Consent for IPs; PES as reinforcing settler colonial jurisdiction; and the ontological mismatch between Indigenous knowledges and PES.



**Figure 3.1. Proportion of Indigenous Peoples, local communities, or both as ES providers in 103 PES programs**

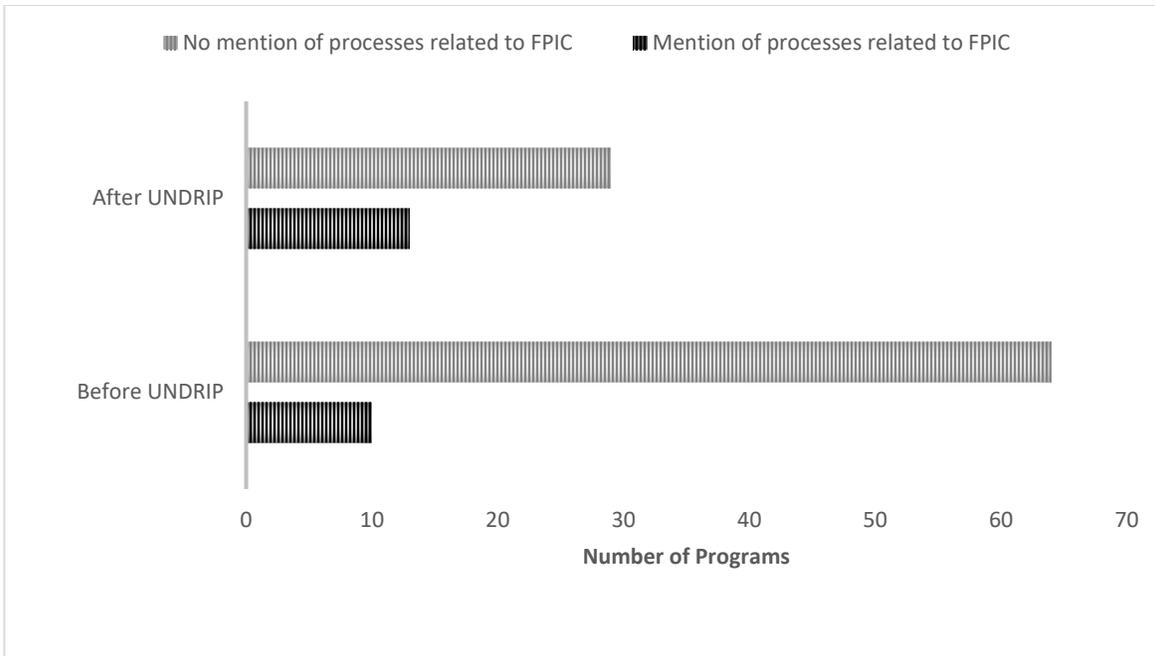
### **3.4.1 IPs’ right to Free, Prior and Informed Consent**

From our analysis, emerging international norms related to Indigenous rights is the first finding that illustrates practical differences for PES with IPs versus non-Indigenous local communities. International organizations representing IPs were among the first to call attention to the concept of Free, Prior and Informed Consent (FPIC) in the management of natural resources (Doolittle 2010; Wallbott 2014). FPIC means that consent on behalf of ES providers is given prior to the commencement of project activities and is given free from coercion, intimidation, and manipulation, with all the relevant information being disclosed in culturally appropriate forms. The application of FPIC principles is commonly referenced as a hallmark of procedural justice

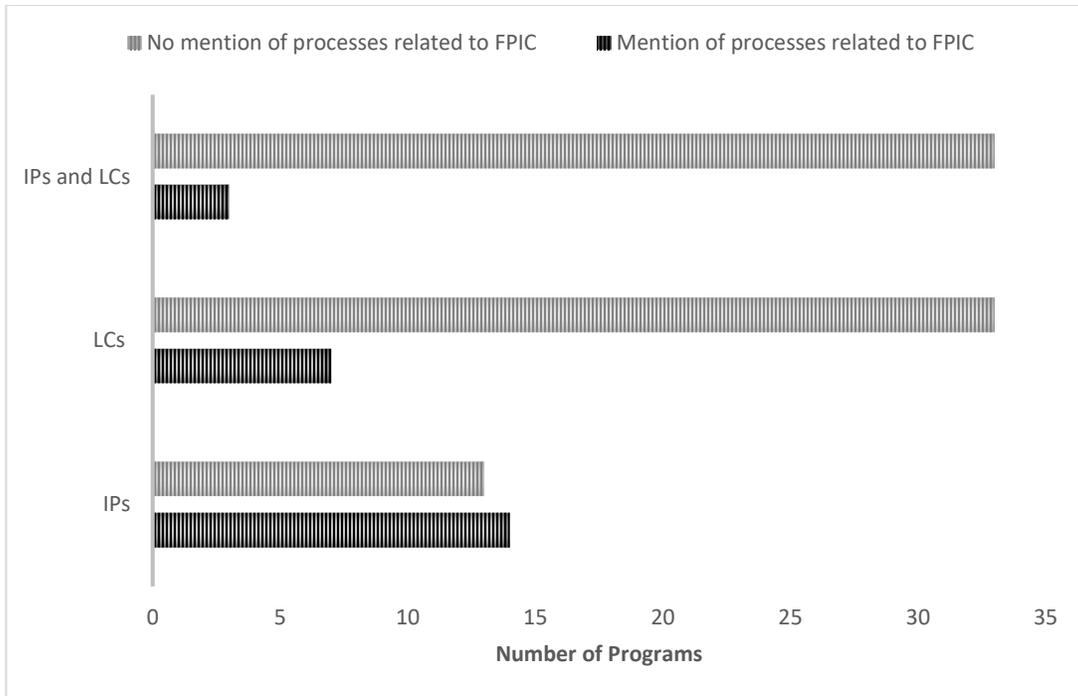
for Indigenous ES providers. FPIC “allows and supports meaningful choices by IPs about their development path,” including that the right to FPIC be extended before, during, and after any development occurs on traditional or customary territories (Hanna and Vanclay 2013, 4)

Of the 103 PES programs assessed, reviews of 39% (40/103) of the programs reported on the active participation of IPs and local communities in program activities, planning, and/or program review. Evidence of participation includes statements or descriptions about how communities were approached, engaged, and/or consulted in the design and/or implementation of PES programs. Of the PES programs that began after the 2007 ratification of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), which increased attention to FPIC at an international level, reviews of about 62% (18/29) of programs reported on the active involvement of ES providers, increasing from 31 % (23/74 programs) of PES programs that began prior to UNDRIP.

Around 22% (23/103) of the sampled PES programs mention steps and processes in which FPIC was used to guide the planning process with Indigenous and local ES producers. These data include either the direct mention of FPIC, or the description of processes that were used to inform and gain the consent of ES providers prior to the implementation of programs. Again, this number increased after UNDRIP was ratified (45%; 13/29 programs) as opposed to the pre-ratification period (14%; 10/74 programs). Notably, FPIC was more often indicated in programs that involved Indigenous ES providers (52%; 14/27 programs) than non-Indigenous providers (18%; 7/40 programs) or mixed Indigenous/non-Indigenous communities (8%; 3/36 programs).



**Figure 3.2 Comparative number of PES programs that mention processes related to FPIC before and after UNDRIP was ratified in 2007.**



**Figure 3.3 Comparative number of PES programs with processes related to FPIC involving Indigenous Peoples and local communities as ES providers, only local communities as ES providers, and only Indigenous Peoples as ES providers.**

In theory, the voluntary nature of PES transactions suggests that ES providers must be both informed and consenting prior to entering into contracts (Engel, Pagiola, and Wunder 2008). However, PES contracts can be, and in some cases are, agreed upon with an entity possessing freehold title or a government-issued long-term licence. Those legal rights may overlie the LTR of IPs, but the non-participation, and even opposition, to PES by or on behalf of IPs may not be considered in the brokering of PES contracts. Therefore, changes in settler colonial governance, as expressed in tenure arrangements, on unceded territory may (and do) happen as a result of PES without any input from impacted IPs.

On the other hand, some PES represent a marked improvement for IPs' role in land stewardship activities, especially when compared to command and control regulations, taxes and subsidies, and land acquisitions of the past. For example, a review of the Rarakau Forest Carbon Programme in New Zealand explicitly mentions the use of a protocol that has been developed to be "transparent, empowering and community building for the [Indigenous] Project Owner," and that "costs [of participation in the program] ... are transparently understood" and "benefits are fair and transparently distributed" (Weaver, Hewitt, and Fahey 2012, 78). However, despite this type of rhetoric in PES program documents, none of the 288 papers reported on a clear, transparent, and ongoing community-led process of FPIC within a PES program. All the statements indicating processes of FPIC describe that consent was expressed by ES providers upon entry to the program but did not refer to ongoing consent through the duration of PES contracts.

Despite the growing recognition of the right to FPIC, the gap between what is accepted to be a requirement of international law and actual practice is still very wide (Colchester and Ferrari 2007). While international institutions like the Centre for People and Forests, the German Agency for International Cooperation, the UN REDD+ program, and the Climate, Community and Biodiversity Alliance Standards claim to respect the right to FPIC for IPs, we found little evidence or reporting in the literature of what this process looks like beyond the initial entry into a PES program.

### **3.4.2 PES reinforcing settler colonial jurisdiction**

The second finding from our analysis demonstrates how PES work to reproduce, rather than meaningfully transform, settler colonial institutions that undermine IPs' jurisdiction. ES programming often represents a technocratic approach that attempts to reduce, quantify, and verify the ecological processes that benefit humans. In a PES, the intermediary has the role of making ES fungible to PES, and therefore is often the dominant agent in the agreement (Vatn 2010). The intermediary is often responsible for measuring the ES changes from project activities, verification, aggregation, and securing project certification by a third-party auditor. This technocratic approach has been referred to as "measurementality," which is the privileging of Western science to measure and standardize the environment so that it may be exchangeable and fungible by current environmental governance regimes (Turnhout et al. 2014).

Of the PES programs we analysed, only 11% (11/103) of the programs were developed by IPs themselves. Of these 11 programs, 7 are carbon sequestration programs, and 4 are water-related PES. There were no ecotourism or biodiversity PES programs (labelled as "other" in our analysis) that were developed by IPs' organization or institutions. Within carbon sequestration programs, which made up around 41% (42/103) of the programs we reviewed, only 16% (7/43) programs were developed by IPs' organizations/communities. Of these 7 programs, a single program involved the technical work of measuring carbon flows to be done by the Indigenous institution or peoples themselves (Ikalahan people as described in Rice 2009), with the vast majority of projects working with outside intermediaries to accomplish these goals. These findings support the idea that as PES programs require a type of capacity that is specific to western scientific institutions and approaches, Indigenous and local peoples' institutions and

organizations rarely possess the technical capacity to run and administer these programs themselves (Huber-Stearns, Goldstein, and Duke 2013).

Because of this, non-Indigenous organizations and institutions do much of the work of PES programming. Thus, while the promise of PES programs has been to account for divergent environmental values across cultures and social groups, in reality the administration, and ultimately jurisdiction, of these programs remains in the realm of organizations other than IPs' institutions and organizations (Van Hecken, Bastiaensen, and Windey 2015). Additionally, the verification, certification, and aggregation stages required to ensure that ES are produced per PES contracts are also done by contracted intermediaries, further outsourcing part of the income generated by PES activities towards non-Indigenous organizations (Vatn 2010). Monitoring activities required in a PES contract may also be viewed by IPs as a form of surveillance and control over land-based activities undertaken by communities (Centro de Memória das Lutas e Movimentos Sociais da Amazônia 2013). In the Nez Perce carbon program, the need to have a third-party certifier approving land use management activities for a PES duplicates work already being done by the tribe to meet with the regulations of the United States (US) federal government. Moreover, this PES program requires the tribe to work with outsider institutions with whom limited trust-based relationships exist (Empa and Shantz 2010).

Many PES projects also require supportive policy frameworks within settler/non-Indigenous jurisdictions, over which IPs may have very little, if any, influence (Greiber 2009). In the case of the Red River Cree Nation of Alberta, Canada, provincial regulators blocked the Nation's attempt to enter into a carbon sequestration agreement, effectively barring their ability to engage

with a PES (Hackett 2015). This once again demonstrates that PES programs are embedded within the jurisdiction of settler colonial states, making IPs' success in using PES programs to practice care for their LTR once again subject to the regulations, laws, and policies of colonizing governments.

In the worst-case scenario of PES, settler colonial governments deny the rights of IPs to their territories, such as was the case in 3% (3/103) of the programs we looked at. Perhaps most infamously, one PES in Uganda resulted in the dispossession of the Benet from their traditional lands. The Benet residents, who were evicted from Mt. Elgon, are a mixed community of both IPs (the Ndorobo) and a non-Indigenous local community (the Sabiny). The eviction followed a “forest restoration agreement signed between [an NGO] and the Ugandan government in 1992” which “was closely followed by one of the largest-scale forest eviction campaigns in Uganda’s post-colonial history” (Cavanagh and Benjaminsen 2014, 62).

In the best-case scenario, 3% (3/103) projects spurred land titling by the state government that allocated full tenure rights to IPs. For example, Indigenous communities impacted by one of the earliest PES, the Noel Kempff Climate Action Project in Bolivia, were aided by an NGO intermediary in securing exclusive legal tenure to their customary lands (Brown et al. 2000). This process was made possible due to the constitutional recognition of a unique Indigenous legal title to lands recognized by the Bolivian government and was unlikely to have been pursued in the absence of the PES.

However, our findings show that most (94%; 97/103 of programs) PES acted as a time-limited, contract solution for IPs in reaching an agreement within colonial governance structures to slow or mitigate resource activities from which they derive little or no benefit. For example, the Lummi Nation in the US, engaged in a carbon sequestration project that helped them to acquire exclusive access rights to a parcel of 1,654 acres [265 hectares] of traditionally occupied forest (Empa and Shantz 2010). “The land had been under logging company ownership,” which in the US is regulated at the State level, and “was threatened by imminent commercial logging interests” (Empa and Shantz 2010, 19). The Lummi Nation agreed to a long-term conservation easement, and “the funds for this acquisition were provided by Climate Trust, who receive an offsetting fee mandated by Oregon state law” (Empa and Shantz 2010, 19). This agreement supports the Lummi’s vision for the forest area, as it allows for traditional land use practices (Empa and Shantz 2010). Thus, even though the Lummi’s claims to territory continue to be disregarded by the private property system and forestry laws supported by State policy, the Lummi obtained exclusive access rights for their territory through participating in a PES program. However, the Lummi’s engagement in the PES did not work to acknowledge Indigenous title rights under formal state or national legislation. This scenario was the most common type of PES arrangement in our review, with PES programs acting to mitigate or slow further resource development on contested Indigenous LTR, rather than recognizing or acknowledging Indigenous ownership claims.

### **3.4.3 Ontological mismatch between Indigenous knowledges and PES**

The third theme that was coded from the texts relates to the differences between the PES approach, stemming from western scientific ideas of ecosystems, and Indigenous knowledges.

ES-type thinking brings into question the idea of nature as separate from culture, where human bodies appear as apart from and above nature (Latour 1993). In the ES paradigm, Western scientists and decision makers are encouraged to think of humans as part of nature as opposed to separate from it (Callicot, Crowder, and Mumford 2018). While this is a notable departure from depictions of managerial relationships with “natural resources,” the language of “services” still implies an economic transaction. It has been noted that this economic relationship occludes other types of interactions, such as experiential and spiritual relationships, and is essentially utilitarian and anthropocentric (Kull, Arnauld de Sartre, and Castro-Larranaga 2015).

In the context of PES, examples show that it may be difficult to honour, respect, and avoid harm to Indigenous knowledges that are sacred, spiritual, and embodied in practice (Daigle 2016). Of the 103 programs we reviewed, only 8% (8/103) were developed by IPs’ institutions in partnership with a government and/or intermediary, and less than 4% (4/103) were developed solely by IPs’ institutions/governing organizations. An additional 3% (3/103) of PES programs came from collaborations with IPs’ organizations that appear to be long-lasting, and which predated the PES-related engagement. For the majority (around 92%, or 95/103) of PES programs, it appeared that the government and/or intermediary was interacting with the ES providers for the specific purpose of negotiating a PES contract arrangement. This suggests that the parties had limited exposure to learn about and uphold the ethical responsibilities of working in an

Indigenous space, which is integral to creating trust-based collaborations of reciprocal exchange (Kershaw, Castleden, and Laroque 2014). Short-term relationships between Indigenous and non-Indigenous organizations may also take on power dynamics reflective of the current settler colonial political environments and lack relational accountability between parties, which is foundational to Indigenous ontologies (De Leeuw, Cameron, and Greenwood 2012).

These short-term relationships between governments, intermediaries, PES brokers, and IPs also illuminate how Indigenous ontologies are (and are not) respected in PES arrangements. The mismatch between western science's notion of ES contrasting with Indigenous knowledge about fire, for example, created unanticipated outcomes for the Western Arnhem Land Fire Abatement Program in Australia. In this PES, the revenue generated from carbon emissions offsets from a fire abatement program is going towards improved fire management by Aboriginal communities (Molyneux, Dargusch, and Safa 2011). The purpose of this project is to reinstate prescribed burning regimes that have traditionally been done by the Aboriginal peoples of this area. However, in a study on the Kakadu area, the methods being used for prescribed burning, as well as the actual burning carried out by park rangers, are not done according to traditional knowledge, and feature few opportunities for the Aboriginal community to provide input and participate. This creates a sense of disagreement, disconnection, disempowerment, and marginalization among Aboriginal peoples of the area about the burning that is done (Petty, DeKoninck, and Orlove 2015).

The principle of additionality in a PES may also represent ontological mismatches with Indigenous knowledges. For most PES, it must be demonstrated that the PES agreement will

generate additional ES than would be provided in the absence of an agreement (Wunder and Albán 2008). Indigenous communities are internally diverse, and decision making by individuals and groups within communities happens at both instrumental and symbolic/sacred dimensions (Butz 1996). However, for a community that has legal rights to its LTR and is practicing stewardship based on a cultural ethic of care, it may be difficult to demonstrate that a threat exists to ES to meet with the additionality requirements of a PES. Moreover, because relations with human and non-human beings are often sacred for IPs, it may be inappropriate or even sacrilegious to put an instrumental value (expressed as an opportunity cost) to these relations.

### **3.5 Discussion**

#### **3.5.1 Consent within PES agreements**

Our findings confirm it is not uncommon for participation in PES to be forced on a community, without properly consulting and obtaining consent from affected IPs (Griffiths 2008). In Guyana, for example, the development of a low-carbon project by the government featured an all-too-common “PowerPoint presentation of ... technical slides,” little if any translation into the local language, and questions from affected community members that went unanswered (Bulkan 2014, 269). To date, despite the rhetoric of international organizations, there are few if any well-documented, credible examples of an Indigenous community giving their consent to enter into a PES.

In Canada, PES-type arrangements are mainly being used to provision carbon and water across treaty lands and unceded Indigenous territories in British Columbia (BC). Carbon offset vendors are numerous, allowing individuals and companies easy access to purchase carbon offsets to

improve their environmental footprint. In BC in particular, the provincial government has been leading the development of carbon PES. The First Nations Forestry Council became involved to ensure Indigenous rights were respected and that they receive a share of proceeds from the sale of carbon credits (Peterson St-Laurent, Hagerman, and Hoberg 2017). First Nations in three projects in BC have signed agreements with the Province that provide them with a portion of proceeds from the sale of carbon. However, these agreements provide the Province with the majority of benefits and require that the signatory First Nations have entered into a *Reconciliation Protocol Agreement* with the government, thereby driving a titling process that may not be favoured by IPs. The development of PES-type arrangements on private farmland across Canada has happened largely without engagement with IPs. While there is increasing recognition of Indigenous title to Crown (publicly owned) lands due to key decisions of the Supreme Court of Canada (SCC), much still needs to be done in the way of reconciling privately owned freehold lands with Indigenous title in Canada.

UNDRIP has been an important focal point for Indigenous rights, and particularly the right to FPIC, which is the focus of Article 11 of this Declaration. Our findings show that FPIC appears more often in documents of PES projects that have followed in the wake of UNDRIP. Though non-binding, UNDRIP sets the goal to respect Indigenous inherent rights, and it is up to each signatory nation to bring it into national law and policy. In Canada, which was a late signatory to UNDRIP (in 2016), there is a growing legal imperative to ensure that IPs are consenting to any developments affecting their lands and territories. In May of 2018, Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, was adopted, signalling potential future legal ramifications to adhering with

FPIC for IPs in Canada. This Bill instructs work to be undertaken to ensure that Canadian laws are consistent with the recommendations found within UNDRIP. But even prior to this bill, SCC decisions, including *Tsilhqot'in* (2014), *Delgamuukw* (1997), and *Sparrow* (1990), have required that provincial governments consult, accommodate, and seek the consent of IPs when making decisions relating to unceded Indigenous lands.

It is increasingly recognized that FPIC does not represent a mere one-off process that can be obtained according to a mechanistic and context-independent set of procedures (Pham et al. 2015). Consent, rather than being an end in itself, is better understood as an ongoing process of negotiation that produces continuing agreement on outcomes. This process may happen both internally, within Indigenous communities among individuals and subgroups, as well as externally with organizations and individuals who are involved with the PES but are not from the Indigenous community. Consent building is often ingrained in Indigenous ontologies that are sometimes kept hidden from the settler/non-Indigenous gaze because of legacies of and ongoing settler colonialism. For example, legitimate consent processes for First Nations in Canada often happen between and within familial or clan relations, rather than within colonial-imposed band councils (Pasternak 2017). When the processes of consent building occur between communities and other PES actors, consent is often an immersive social learning process, wherein ongoing participation between parties ensures that consent is iterative and given in culturally affirmative and locally appropriate terms (Pham et al. 2015). This form of embedded process allows Indigenous communities to maintain their internal resilience and protect sacred ways of being and knowing (Alfred 2009).

Critically, consent building is understood to be a lengthy process that requires long-term dedication between the individuals and communities involved (Phare et al. 2017). In Canada, IPs have repeatedly sought recognition in a government-to-government relationship, wherein First Nations, Inuit, and Métis governments are recognized as an equal to federal and provincial Canadian governments. Obtaining consent for IPs to participate and agree to a PES process is much more likely to take place as part of a long-term, committed relationship between Indigenous communities and supporting organizations (government and non-government) than between PES project brokers with no ongoing relationship with IPs. Because PES agreements often feature high transaction costs that can be prohibitively expensive, it is possible that the need to build a relationship and mutual trust between IPs and PES program intermediaries may be unfeasible in many cases.

### **3.5.2 Jurisdictional concerns of PES**

PES, and ES frameworks more generally, must be understood as a new tool in long and complex histories of environmental access and management that have (dis)advantaged distinct social groups, classes, and genders in varied, and often pervasive, ways (Bhandar 2016). When considering the case of IPs' collective jurisdictions over LTR, it is integral to consider how PES approaches interact with historical and current governance and jurisdictions. One of the biggest challenges that PES may have in becoming a socially just arrangement is that they may replicate existing power structures and social histories more invisible in the area of implementation.

Though our review shows only a small proportion of PES (3%) were directly linked to the physical displacement of peoples, PES may layer new ownership regimes on Indigenous LTR

under other tenure arrangements. In such cases, the new layers of ownership create an added burden for IPs seeking legal title to their lands, or further complicate relations for co-management. For example, when PES happen on private freehold land, the parties involved may fail to recognize underlying Indigenous title to these lands. This is especially true in areas where Indigenous rights' discussions are not well aligned with other sustainability initiatives, such is the case in food sovereignty contracts on private farmlands in Canada (Kepkiewicz and Dale 2018) and private forest lands in BC (BC First Nations Forestry Council 2008). In the cases where ES payments are made by large corporations, international organizations, or otherwise powerful actors, these actors may hold much more bargaining power to advocate their positions in negotiations than IPs and local communities. This asymmetrical power can influence contract lengths, who is recognized as ES producers, price negotiations, and even who benefits from ES provisioning (Kronenberg and Hubacek 2016).

There is a parallel concern that PES contracts may restrict cultural and/or subsistence activities that are viewed as depleting ES. Some PES opponents liken these arrangements to protected areas, wherein the activities of peoples in biodiverse areas may be criminalized or otherwise forbidden (Kull, Arnauld de Sartre, and Castro-Larranaga 2015; Stevens 2014). For example, cutting trees for firewood may conflict with the goals of a carbon sequestration project, and may count as a violation to the rules of a PES agreement. Hunting may conflict with the goals of a biodiversity or ecotourism PES. This is particularly concerning given the ongoing history of criminalization of IPs activities in States like Canada, where ceremonial activities like the Sundance and the Potlatch, subsistence activities like fishing and hunting, and even the basic human right to leave government-designated reserves, have all been criminalized in many

instances (Simpson 2017d). To institute new rules that sanction the practices of IPs is a real risk of an ill-designed PES, and directly opposes the goals of UNDRIP and building good relations between settler and Indigenous peoples.

Moreover, PES arrangements may compensate those who were the original polluters on Indigenous lands for using better management techniques that produce ES, whereas Indigenous stewardship activities that were displaced may have never degraded these services in the first place. This concept of misplaced rights and responsibilities is referred to as “polluter is paid” principle (Chan et al. 2016). This situation is particularly poignant at a local level, and in the context of displacement of IPs and the traumatic legacies of degraded food gardens, waterways, and hunting grounds in Canada and elsewhere. Additionally, for communities, it is important to know who is paying for the ES produced, as corporations that act against community rights in other countries may purchase PES as offsets to meet with government regulations to build new industrial sites or to increase social license to operate (Molyneux, Dargusch, and Safa 2011).

### **3.5.3 Relations and responsibilities, not resources and services**

As our findings show, most PES that exist today are not administered or designed by IPs, and therefore bear little resemblance to customary and ancestral care and stewardship of LTR. Attempts to reify the complex and often reciprocal relationships and duties that IPs have with their ancestral homelands for the purpose of a PES program can be harmful, and further entrench colonial violence on Indigenous bodies, hearts, and communities.

Many collective Indigenous knowledges avoid the separation of nature and society through representing living and non-living beings holistically as part of creation, often linked in spiritual and relational ways (De La Cadena 2010; Todd 2016; 2017). Indigenous knowledges about environment continue to act as (necessary) disruptions to political narratives that strive for narrowly framed security and secularity about natural resources. Examples of Indigenous ontologies include Andean “earth-beings” who may be angered by mining activities (De La Cadena 2010), and the Sasquatch who is spiritually bound to Státyémc territories (BC, Canada). Indigenous knowledges are often embodied and embedded in cultural teachings and worldviews that include practices, legends, histories, language, and ceremony about how to be in a good way with all creatures and creation.

Other examples of these ways of being are as many as IPs themselves, such as *to’hi* (Cherokee notion of peaceful, healthy relationships) (Corntassel 2012); *to tikanga* (Māori legal tradition of “the right/correct/just way of doing things”) (Jones 2013); and *to hishuk’ish tsawalk* (Nuu-chah-nulth concept of “everything is one”) (Coté 2016). The Awas Tingi community of Nicaragua, for example, view the right to hunt as stemming from one’s relationship with *Asangpas Muigeni*—the mountain spirits; one must have a special relationship with these spirits in order to hunt successfully (Neihart 2013). In many places, IPs are partnering with non-Indigenous governments and other institutions in order to make their stewardship values operational in a way that western minds and institutions may easily comprehend and accept. An example of this is the extension of legal rights for rivers, such as has occurred in India and Aotearoa/New Zealand, where Indigenous understandings about respecting the river as its own being have been written into state jurisprudence (Boyd 2017).

Resource management regimes that are based in capitalist extraction and commodity exchange on global markets starkly contrast with many, if not most, customary Indigenous relationships with land and water. In Canada, resource extraction and commodification have comprised the essence of settler colonialism beginning with the fur trade and large land purchases from governments by companies. Contemporarily, IPs continue to declare their inherent rights against global actors with much greater access to funds, power, and resources. Few PES programs tackle the pervasive extraction of fossil fuels, minerals, and other raw materials that are the source of widespread global ES degradation—and subsequently the environmental violence on Indigenous bodies, lands, and waters.

### **3.6 Conclusion**

As stated by Zapotec scholar Isabela Altamirano-Jiménez (2017), PES runs the risk of acting as simply another conservation approach wherein IPs' activities (for example, subsistence food and firewood collection) are framed as a problem, and PES as a solution to improve peoples' lives. In many contexts, PES work to reward corporations or landowners who have created environmental degradation in the first place. In most cases, it is likely that PES does not represent the first choice of IPs to protect lands and waters from degradation; rather PES may be a strategic choice when that is the only option on the table. There is a need to understand the contexts in which PES is occurring and relate those activities and beliefs to broader stories of Indigenous ways of being and knowing, and colonial ways of marginalization and dispossession. PES programs may stop the immediate and direct ravaging of Indigenous homes, territories and customary areas

where market signals and government regulations are failing to protect ecosystems, but may also obscure Indigenous ways of being and knowing and reduce them to resemble western environmentalism.

Our findings show that it is rare for PES programs to motivate land and resource titling in recognition of IPs rights. Moreover, the efforts to meet the instrumental, institutional, and contractual requirements required for engaging with PES programs may distort or otherwise burden the efforts of IPs and their organizations in revitalizing and renewing lifeways and community goals. PES programs may also shift jurisdiction over carbon, water, biodiversity, access, and even whole landscapes to already powerful actors (companies, governments) and link the delivery of benefits to purposes tied to global resources management. Therefore, it is critical for governments and for IPs' community organizations and supporters to consider how PES programs might interact equitably with the recognition of IPs' rights and lifeways. In cases where long-term relationships exist already between IPs and non-Indigenous organizations, the negotiating power of IPs in securing PES contracts that work towards broader community goals may be significantly increased. Also, the likelihood of a loss of rights will be much reduced.

Around the world, there is a growing understanding of the biodiversity value of lands where IPs practice stewardship (Garnett et al. 2018). Lands over which IPs have customary claims, but not always legal or customary title recognized by a nation state, globally represent approximately one quarter of the earth's surface (RRI 2015). Cultural ways of knowing and being call into question normative western ideas like who has jurisdiction over water, land, and air. These approaches of valuing constructions of nature based on its instrumental and utilitarian value

contrast with relational ontologies where communities are not only human, but also include more-than-human kinship and family networks of animal, mineral, and spiritual beings. Moreover, the hierarchical levels of jurisdiction that govern human communities, many of which may be experiencing ongoing histories of colonial violence, suggest that PES approaches must be considered cautiously, as they can replicate jurisdictional approaches that act against the communal rights and interests of IPs.

When IPs are enabled as fully informed, consenting leaders in guiding PES-type programs, these programs can lead to better practices that meet with communities' visions and dreams for healing and empowerment. But as our review suggests, PES programs perhaps more often act as time-limited contract solutions to protect specific ES, rather than meaningfully transforming relationships between humans and environments to better align with Indigenous ways of being and knowing. PES programs around the world will likely lend themselves to positive new ways of demonstrating and respecting the value of natural systems if and when they are part of a regenerative economy that is supported by Indigenous and local communities. Any new modalities that create substantial improvements on ecosystem goods and functioning will need to be very different from current conceptualizations of PES programs.

As a result of these findings on the experiences of Indigenous Peoples and Local Communities with PES globally, we identified some concerns with proceeding with a research focus on PES for the Lílwat Food Sovereignty project. As the Lílwat Food Sovereignty research took a community-based participatory action approach, and had the objective of creating real-world solutions and improvements for Lílwat Food Sovereignty based in Lílwat ontologies and

cosmologies, this review showed that PES may fall short of meeting with the project goals and objectives. Lílwat research participants had indicated early on that any approach that does not respect their Inherent Rights to their territory, and does not follow ntákmen (our way, the Lílwat way of being) and nxekmín (our laws, Lílwat laws based on the laws of nature), is not a desirable approach. Moreover, while PES may work to accomplish some community goals, such as providing monetary support for desired forms of stewardship, it was shown to be incapable of accomplishing other goals, as the intrinsic motivations of Lílwat people to steward their tmicw mean that their actions do not meet the requirements of PES to prove ‘additionality’ of ecosystem services provisioning.

As a result of these findings, our research approach pivoted away from PES and towards topics that Lílwat participants felt were having important impacts on their food sovereignty. The next two chapters, Chapters 4 and 5, respond to these topics—namely forestry and outdoor recreation in Lílwat tmicw. These chapters work to link the impacts of non-Lílwat people in the territory with Lílwat food sovereignty and food-based practices, with the intention of making clear the connections that are relevant to enhancing Lílwat food sovereignty.

## **Chapter 4: A ‘New Relationship’? Reflections on British Columbia’s 2003 Forest Revitalization Plan from the perspective of the Lílwat First Nation**

### **4.1 Introduction**

In Canada, Aboriginal (Indigenous) communities pursue a multiplicity of opportunities in efforts to gain strategic decision-making power over their ancestral lands, territories and resources (LTR)<sup>19</sup>. One of the ways is through increasing participation in the forestry sector. Though First Nations in forested areas have long stewarded and tended to forests, during the second half of the 19<sup>th</sup> and over the 20<sup>th</sup> centuries, they experienced exclusion and marginalization from resource-related decision-making throughout Canada (McGregor 2002). Court cases, legal decisions, and the affirmation of Aboriginal rights and treaty rights in Section 35 of the 1982 Canadian *Constitution Act* have pushed the Governments of Canada and the Provinces to recognize Aboriginal title (Wyatt 2008). Changes to forestry policies in the Province of British Columbia (BC) created opportunities for some First Nations to strategically engage with forestry businesses as a way to generate revenue and jobs and leverage an increased role in decision-making over LTR (Wyatt et al. 2019). Through examining Aboriginal forestry arrangements at a local level, the nuances and complexities for First Nations engaging with forestry can be better understood (Beaudoin, Bouthillier, and Chiasson 2015).

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<sup>19</sup> ‘Aboriginal’ is the legal term used to encompass First Nations, Métis and Inuit Peoples in the Canadian Constitution (1982). This article focuses on First Nations who are the Indigenous peoples located south of the Arctic Circle and form the numerical majority of Indigenous peoples in Canada. Other Indigenous peoples, including Métis and Inuit, are not the focus of this study.

This article begins by examining how Indigenous rights are treated in the Canadian legal system. A short history of forest policy in BC is then presented, including a summary of the neoliberal changes to forest policy implemented at the turn of the 21st century. Next, the methods and findings of this recent research done with Lílwat Nation are presented, in relation to understanding how forest policy reforms have created new opportunities, as well as challenges and constraints, for First Nations' involvement in the forestry sector. Three major findings are presented. The first finding is an appraisal of how the history of settler forestry in Lílwat territory has shaped the relationships between Lílwat Nation and the forestry sector today. The second finding deconstructs and assesses the various ways that Lílwat Nation is responding to forest policy changes under the millennial 'New Relationship', through forestry and land use agreements with the Province alongside the acquisition of forestry licenses in their territory. The final finding analyses how current forestry policies constrain Lílwat Nation's involvement in the forestry sector, namely through the need to balance community and cultural objectives with the financial and economic objectives required to successfully operate a small forestry business. The conclusions reflect on how this study contributes towards building a more nuanced understanding of involvement in the forestry sector as one element in the path forward for First Nations seeking self-determination.

## **4.2 Background**

### **4.2.1 Indigenous Rights in the Canadian Legal System**

At the beginning of contact between Russian and European fur traders in the 18<sup>th</sup> century, around 200 First Nations speaking over 70 languages occupied and used all habitable land in what is presently British Columbia. First Nations, Métis and Inuit peoples and their descendants across

Canada have constitutionally protected Aboriginal title, which is an inherent collective right to jurisdiction over and the use of their traditional territories (McNeil 2016). The Canadian Constitution states that the federal government has exclusive authority over “Indians and lands reserved for Indians” (*Sec 91(24)*) and is responsible for upholding entrenched Aboriginal rights (*Sec 35*). Because Aboriginal rights are not defined in the Constitution, there have been numerous legal cases across Canada to further define what is included in this term. For example, *Calder vs. British Columbia (Attorney General)* (1973 SCR 313) found that Aboriginal title is a legal interest in land that the Crown [the federal government] must negotiate. *Guerin v. The Queen* (1984 SCR 335) brought a focus on the Crown’s duties in relation to decision-making on Aboriginal lands and set the stage for the consideration of the Crown’s duty to consult with Aboriginal peoples. In *Guerin*, it was decided that the nature and scope of the duty to consult would vary with the circumstances, and that consultation must be done in good faith. The case of *Delgamuukw v. British Columbia* (1997 3 SCR 10101) further defined the duty to consult, particularly regarding infringement of Aboriginal title. *Delgamuukw* found that claims of Aboriginal title by First Nations could be proven using oral histories, and that Aboriginal title includes the right to use the land for a diversity of activities, not just for traditional or subsistence purposes (Curran and Gonigle 1999). The case of *Haida Nation v. British Columbia (Minster of Forests)* (2004 SCR 73) established that Aboriginal title (if proven on a case-by-case basis to exist) would limit the government’s ability to impose forest management rules. More recently, *Tsilhqot’in v. British Columbia* (2014 SCR 44) recognized Aboriginal title “to the portion of the lands designated by the trial judge ...” [para 94] but further determined “it falls under provincial legislative authority” (Christie 2015, 784). The Supreme Court of Canada ruled that the Crown [Province of BC] has a duty to seek the consent of recognized Aboriginal peoples on decisions

impacting their traditional territory (Tsilhqot'in 2015) However, the BC Government can also justify infringement (paras 89-127). While these court cases have gradually defined the responsibilities of the Canadian governments to Aboriginal peoples, Tsilhqot'in confirmed provincial authority to constrain Aboriginal title.

In addition to defining this fiduciary relationship, the Canadian Constitution outlines the division of powers between the federal and provincial governments (*Sec 92*), which grants the provinces the rights to public lands and the management of natural resources therein. Thus, the Government of BC asserts legal ownership to 94% of the provincial lands, which are held as public 'Crown' lands<sup>20</sup>. When BC became a province in union with Canada in 1871, the federal government had not settled the terms of settler occupancy versus Aboriginal title in the province (Wood and Rossiter 2011). Whereas in much of Canada, numbered treaties were signed with First Nations that include protocols and agreements about sharing land and resources between Indigenous and settler communities, with the exception of the 14 Pre-Confederation (Douglas) Treaties on Vancouver Island, Treaty 8 in North-eastern BC, and seven treaties made with First Nations under a modern treaty negotiations process, the majority of the area of BC has never been ceded through a treaty (BC Treaty Commission 2019a). Aboriginal title lands in BC overlap the claimed provincial Crown land.

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<sup>20</sup> Crown lands are publicly owned lands held in the name of the Queen of the United Kingdom who is represented by the provincial and federal governments of Canada.

Through the past century, BC's natural resources sectors have experienced ongoing risk to securing non-contested legal tenures to resources due to outstanding Aboriginal title. One of the BC Government's challenges to developing a forestry industry that is secure for investors has been to ensure that the areas over which logging concessions are issued will not be contested by the local Indigenous peoples. Yet, the federal government has largely failed to implement protection for Aboriginal rights, which include the rights to fishing, hunting, trapping and gathering, in a way that is satisfying for many First Nations in BC. After BC joined confederacy, Indigenous peoples were relocated to live on small government-designated reserves, regulated under the federal *Indian Act (RSC 1985, c. I-5)*, on the poorest and most marginal quality lands throughout the province (C. Harris 2002). According to historian Keith Thor Carlson, the reserve system in BC was an "attempt [of the BC Government] to skirt its legal and political obligation to... First Nations" ... and "extinguish Aboriginal title through administrative and bureaucratic means" (Carlson 2001, 31). Today, these reserves make up 0.4% of the provincial land base (BC Treaty Commission 2019b). Because these lands are so small and marginal, Indigenous peoples rely on access to their entire traditional territories to practice their Aboriginal title rights like hunting, gathering and fishing. It is thus the goal of many First Nations throughout BC to seek multiple approaches, including but not limited to litigation in courts against infringements on Aboriginal title, to gain jurisdiction over their traditional territories.

Indigenous peoples have also sought recognition for their rights at the international level. The Canadian and the BC Governments have separately declared their support for the United Nations *Declaration on the Rights of Indigenous Peoples (UNDRIP)* (2007) (Bulkan 2016; Junger 2019; *Declaration on the Rights of Indigenous Peoples Act, SBC 2019, c 44*). UNDRIP asserts the right

to self-determination for Indigenous peoples (Art. 3), prohibits the removal of Indigenous peoples from their lands or territories (Art. 10), enshrines the rights to protect cultural and spiritual sites (Arts. 11.1 & 12.1), calls on nation-states to give protections to the LTR of Indigenous peoples with respect to their customs, traditions and land tenure systems (Art. 26.3), and calls for the protection of territorial rights in the face of development using free, prior and informed consent (Art. 32)<sup>21</sup> (United Nations 2007). The BC Government has recently passed *the Declaration on the Rights of Indigenous Peoples Act [SBC 2019]* to harmonize provincial laws with UNDRIP.

#### **4.2.2 A Short History of BC Forest Policy**

As per the constitutional division of powers, the BC Government is responsible for management of provincial Crown lands, which includes forest lands. BC's forest tenure system dates back to the 1865 *Land Ordinance Act*, which was the first piece of legislation enabling companies to do logging on public lands without alienating the land from provincial ownership (the 'Crown') (FLNRORD 2019). Forestry companies operating in BC are granted legal rights to log, and in

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<sup>21</sup> Territorial rights in face of development outlined in Article 32 of UNDRIP as: 1. Indigenous peoples have the **right to determine & develop priorities & strategies for the development or use of their lands or territories** & other resources. 2. States shall consult & cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to **obtain their free & informed consent prior to the approval of any project affecting their lands or territories & other resources**, particularly in connection with the development

exchange pay taxes in the form of stumpage (a complex and graduated fee) and ‘royalties’ (*ad valorem* taxes), a system which has been in place since the 1884 *Timber Act* (FLNRORD 2019). Throughout the 1900s, logging in BC was increasingly regulated, firstly under the 1912 *Forest Act*, which encouraged companies to harvest and regenerate forest crops under a model of sustained yield. Logging concessions are either volume-based, providing companies with a fixed volume of timber to log from an area shared with other licensees, or area-based, which is a more secure concession type wherein companies are given more responsibilities in exchange for long-term rights to a fixed area of forest to log (Rajala 1998).

At the inception of the forestry industry in BC, many forest licenses were acquired by speculators and small producers, but throughout the 20<sup>th</sup> century logging became increasingly concentrated in the hands of fewer, larger operators who were often international logging firms (Rajala 1998). In area-based licenses, originally known as Forest Management Licenses and later renamed Tree Farm Licenses (TFLs), large companies were granted exclusive logging rights to large tracts of forest in exchange for building and operating mills, with the intention of attracting international investment to develop BC’s rural resource economy (Hayter 2004). The BC Government instituted regulations for TFL holders to protect communities from the boom-and-bust cycles of resource economies, including: appurtenancy regulations, stating that timber had to be milled in the area in which it was harvested; and a minimum annual allowable cut (AAC), to ensure that rural BC communities might have stable employment and commodity supply even when markets were weak (N. Young and Matthews 2007). Companies holding TFLs were given preferential access to volume-based logging licenses in the mid-1960s to ensure that mills would have wood to process without pause, which caused the increased consolidation of large logging

companies (Hayter 2004; Rajala 2006). By the 1970s, nine vertically and horizontally integrated forest companies controlled 45% of lumber and 60% of pulp production, 72% of plywood and big shares of converted paper products, shakes and shingles production (Hayter 1981, p. 107 in Edenhoffer and Hayter 2013a). These large forestry firms are colloquially known as the ‘Majors’. During times of economic downturn, the BC forestry ministry has supported the Majors by relaxing environmental regulations and lowering stumpage fees, such as was seen in the recession of the 1980s and the mountain pine beetle epidemic of the early 2000s (Hayter and Barnes 2012).

While providing priority access to fibre for the Majors was viewed as a way to ensure long-term investment in BC’s forest industry in its early years, this policy has made BC’s resource peripheries increasingly dependent on global markets for forest products (Hayter 2004; Hayter and Barnes 2012). BC’s forest industry is export oriented, sending huge volumes of unprocessed timber for processing elsewhere, despite a stated intention to keep processing local with appurtenancy regulations. Exports from BC forests increased in value from \$36 billion CDN in 2014 to 47 billion in 2018 (Statistics Canada 2019). As such, global markets dictate the activities of local mills, and when markets fall, small towns experience ripple effects throughout the secondary services provided to mill workers, loggers and their families (Hayter and Barnes 2012). Often the closing of mills due to market shifts or timber supply shortages creates mass out-migrations from small towns, leaving degraded infrastructure and rural slums in their wake. The BC Government has become dependent on the Majors to ensure economic stability in resource-dependent communities. As a result, the Majors are a powerful bargaining and lobbying force in politics (Marchak 1992; Rajala 2006; Ben Parfitt 2015; 2016; 2017b; 2017a). Through

tracing the history of consolidation in the BC forestry industry, underpinned by crony capitalism (B. Williams 2018), the forces that drove the neoliberal reforms of recent decades can be discerned.

### **4.2.3 Recent Neoliberal Reforms to BC Forest Policy**

The latter part of the 20<sup>th</sup> century brought new challenges for BC's forestry sector. The recession of 1982 was quickly followed by populist uprisings lasting until 1994, known as the 'War in the Woods', which involved First Nations and environmentalists blockading against what they viewed as unsustainable clear cutting (Hayter 2004; N. Young and Matthews 2007). A period of intense regulation under the Forest Practices Code followed in the 1990s. By the early 2000s, the BC forest ministry under the newly elected Liberal Government was ready to accept sweeping changes to forest policy and practices. This change brought the erosion of regulatory capacity in forestry and the introduction of a new era of forest policy.

Under the Heartlands Economic Strategy, the government introduced the 2003 Forest Revitalization Plan (FRP), which was a comprehensive set of reforms intended to diversify BC's ailing forest sector and increase the economic competitiveness, for which the Majors had long petitioned (N. Young 2008). One effect of this plan was to limit the BC Government's duty to accommodate First Nations through devolving the responsibility of forestry consultation activities to companies and First Nations (Clogg 2003). The Strategy also intended to provide forest companies with greater value from their tenures by reducing their social and environmental obligations, in consequence increasing the negative externalities which then had to be borne by society at large (Clogg 2003).

The Forest Revitalization Plan included the reallocation of property rights to forestlands, wherein the BC Government required the five largest logging concession holders to return 20% of their volume-based licenses to the Crown. Half of these areas were put under the jurisdiction of a provincially run office named BC Timber Sales, and the other half was set aside to create new opportunities for First Nations and local communities to gain access to logging rights in the form of Community Forest Agreements (CFAs) and Woodlot Licenses (BC Ministry of Forests, Lands and Natural Resource Operations 2012). Concurrently, the government did away with appurtenancy regulations and minimum cut controls, ending a “long-term social contract that existed between workers, communities, the government and industry in BC” (N. Young 2008, 14). Several commentators, including policy analysts Ben Parfitt, Bob Williams and Michael Ekers, have pointed out that this era’s “investments of financial actors in the BC forest sector were part of a broader process of financialization and a global rush for land” (Ekers 2019, 13). In Ekers’s view, “BC landscapes have functioned as a sink for the financial sector searching for long-term investment opportunities but, contradictorily, at the same time, have provided sizable returns through short-term extraction” (Ekers 2013, 13). Ironically, the neoliberal forest policy reforms had ended up disproportionately benefitting the Majors. One legacy of these reforms is the externalization of costs from unsustainable capitalist logging, transferred from forestry companies to the BC public.

Following these reforms, and after the Liberal Party’s re-election in 2005, the BC Government, together with the three principal Indigenous representative bodies in BC — Union of BC Indian Chiefs, the Assembly of First Nations, and the First Nations Summit — declared it the era of ‘A

New Relationship'. It is unlikely that the epithet was intended to be ironic, but as we show, the result of these concurrent forestry reforms was to make predatory logging on Indigenous territories even easier. This New Relationship was cemented in the *Transformative Change Accord*, which highlighted the joint responsibility of Canada (Federal) and BC (provincial) to come to terms with First Nations on matters relating to lands, resources, rights and responsibilities (Wood and Rossiter 2011). While the legacies of this agreement are likely diverse throughout different sectors, the case of the territory of Lílwat Nation exemplifies how these changes have shifted rights and access in the forestry sector. As demonstrated by the findings of this study, the BC Government allows the Majors to have free rein over forestry production in the province in the name of free market capitalism, while limiting their responsibilities to First Nations and to the public at large in the territories in which they operate.

The remainder of this article will examine how these changes impact Lílwat Nation. This case demonstrates how neoliberal changes in forest governance constrain the community's ability to assert their Inherent Rights to their territory and have limited Lílwat's decision-making power within the forest tenure system to the terms set by the BC Government. The complexities of First Nations' participation in the natural resources industries in Canada are also considered, which is part of a broader story of co-governance arrangements and the increasing exposure of Indigenous peoples to powerful global market forces.

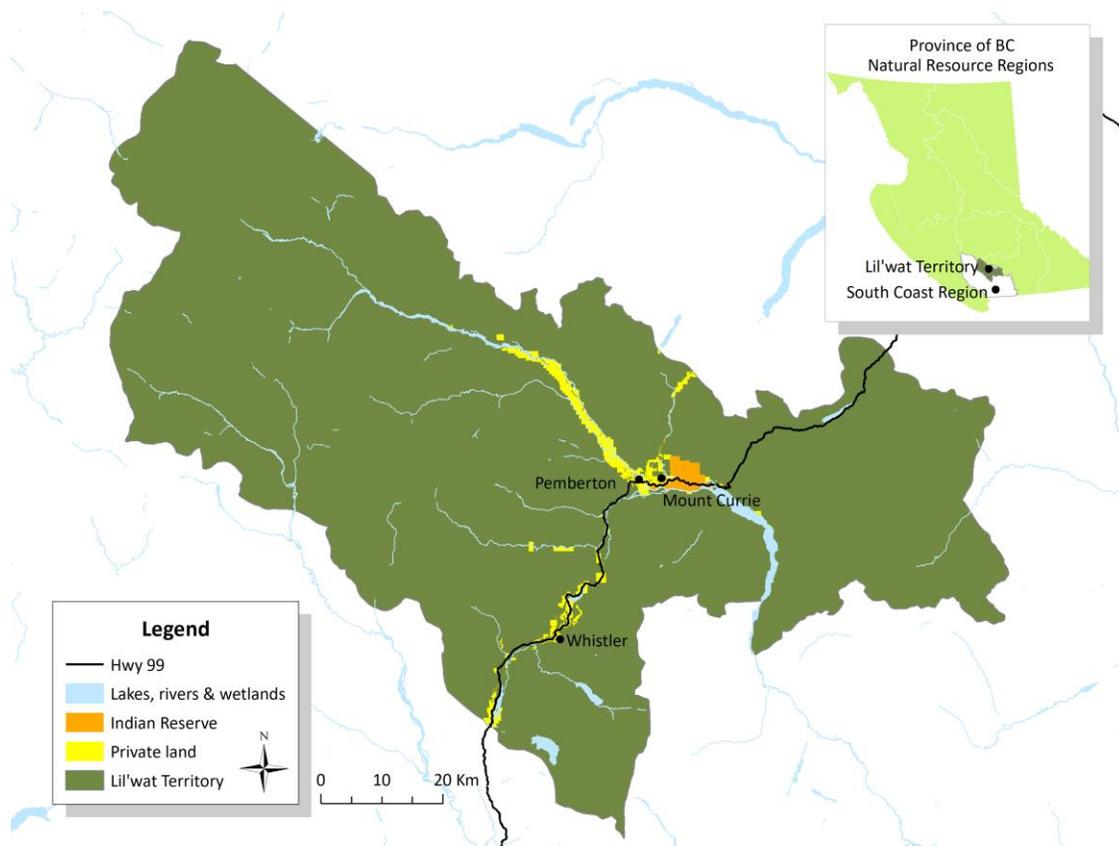
## 4.3 Methods

### 4.3.1 Study Area

Lílwat Nation's Tmicw (Traditional Territory) is in the coastal mountains of what is currently the Province of British Columbia. The territory includes nearly 800,000 hectares of land and water and is defined as all the areas that are used by the Lílwat7úl (Lílwat citizens) since time immemorial; south to Rubble Creek, north to Gates Lake, east into the Stein Valley and west to the coastal inlets of the Pacific Ocean (Figure 4.1) (Lílwat Nation 2008). As of 2014, there were 1,431 people living on-reserve, and 723 off-reserve (Lílwat Nation 2016). Lílwat people are one of 12 Stát'yemc Nations, who are Interior Salish peoples and have long histories of intermarriage and family bonds. The language of Lílwat Nation is Ucwalmícwts. Lílwat Nation comprises the fourth largest on-reserve population of First Nations in British Columbia (Lílwat Nation 2016).

Lílwat Nation was selected as a place of study to understand the impacts of recent changes in settler forest policy for First Nations for several reasons. Firstly, this research was requested by Lílwat Nation as part of creating the Botanical Resource Strategy, which is part of the government-to-government land use plan between Lílwat Nation and the BC Government and considers how non-timber values may be instrumental in managing and stewarding forest lands in Lílwat. Responding to the request of Lílwat Nation is part of doing respectful research that upholds the Free, Prior and Informed Consent of Indigenous peoples. Secondly, the research questions and approaches were developed collaboratively with members of Lílwat Nation, with approval by the Lílwat Culture, Heritage and Language Authority. The findings provide a high-level outline of the institutional landscape of BC First Nations' forestry initiatives and develops insights into the governance, decision-making processes, conflicts and social equity of recent

forestry reforms. Thirdly, Lílwat Nation is a non-treaty First Nation, pursuing opportunities in the forestry sector opened up as a result of 2003 forest reforms. In not having a formal modern or historic treaty with the Canadian government, the experiences of Lílwat Nation demonstrate how forestry may fit as part of this Indigenous Nation's progression towards self-determination: both in seeking an economic future that is independent of federal and provincial government funding through engaging in forestry; as well as through accessing increased decision-making power over resource development in their territories.



**Figure 4.1 Map of Lílwat Tmicw (Territory)** Source: Emily Doyle-Yamaguchi, reprinted with permission

### **4.3.2 Data Collection and Interpretation**

This research was conducted over a five year period of immersion with Lílwat Nation as part of Lílwat Nation Botanical Resources Study, and later Lílwat Nation Food Security Project, between 2015 and 2020, wherein the first author conducted interviews, focus groups and field visits with 72 Lílwat7úl on topics related to forestry, Indigenous rights and food security, Ntakmen (Lílwat ways of life), Nxekmín (Lílwat Law, based on natural laws) and histories of colonization.

Recruitment of 10 participants for in-depth key informant interviews about forestry was done using purposive sampling, where individuals were selected by the research team (composed of the authors along with three Lílwat co-researchers). Criteria for inclusion in recruitment included: expert knowledge on Lílwat Nation history and recent experiences with forestry, land dispossession through settler laws, Inherent Indigenous Rights, cultural land use; willingness to participate and support for the research goals; and community indication that the participant was regarded as a Lílwat respected elder, defined for the purposes of this study as one who is a trusted knowledge keeper and respected teacher of Lílwat cultural ways of being. The research objectives and questions were co-created with the Lílwat co-researchers and included questions about the impacts of forestry in the territory, histories of colonization, opinions about the success and challenges of forestry agreements, Inherent Indigenous Rights (specifically, what this means and how it relates to forestry), food security in relation to land management, and preservation and protection of Lílwat traditional medicines. The findings of this paper centre on the questions specifically about forestry and legal and Inherent Rights to land, though responses from

questions and discussions about food security and traditional medicines often related to these findings.

Initial one-on-one interviews were conducted and followed by over 60 days in the field with Lílwat forest experts (including forestry professionals with government-recognised qualifications) and the 10 key informants (who are traditional knowledge holders), discussing community protocols, goals, and personal histories in one-on-one conversations and storytelling (Kovach 2010), small group discussions and embodied work (medicine gathering and processing, tending to the land) (Simpson 2017a). The research methodology was adapted to community members' needs and preferences and follows the principles of the Lílwat S7itsken Research Protocol, which highlights best practices for research in Lílwat Nation (Leo et al. 2006). The first author attended annual general community meetings and other community meetings on land rights and forests and performed participant observation.

Data generated during the interviews, field visits, small group discussions and participant observation were recorded using field notes, audio recordings and photographs. Data interpretation followed a political ecology approach (Bridge, McCarthy, and Perrault 2015) and involved sorting major concepts and themes, reflecting upon the data in repeated meetings with Lílwat co-researchers and research participants. Narrative data was triangulated with recorded observations and an extensive literature review that included legal and policy documents, grey (technical) literature, academic theses, summarizing Minutes from historical Lílwat Band Council meetings, archival materials and media records. Documents were accessed via online databases (Science Direct and Google Scholar) using search terms: 'Lílwat'; 'Stát'yemc'; 'Soo

TSA’; ‘Squamish’; ‘Pemberton’; ‘Whistler’; ‘TFL 38’ and a combination of ‘forest\*’; ‘forestry’; ‘timber’; ‘logging’; ‘land use’; ‘resource(s)’ and snowball sampling from the findings. The themes presented below have been agreed upon by the Lílwat-UBC research team, and approved for publication by the Lílwat Culture, Heritage and Language Authority.

This research has received research ethics permissions from UBC’s Behavioural Research Ethics Board, reference H17-00053.

#### 4.4 Findings

The findings are a synthesis of the qualitative information from Lílwat7úl co-researchers and research participants triangulated by participant observation and literature. The findings are the researchers’ interpretations of Lílwat Nation’s engagement with the forestry sector, summarizing

Major Finding	Qualitative Methods	Triangulating Sources
Within living memory, the development of the forestry sector has been built on the exclusion of Lílwat7úl from their territory	Interviews Field visits Small group discussions	Participant observation Government documents (BC Government) Academic publications
The New Relationship Forest Policy created new opportunities for Lílwat Nation to participate in and benefit from forestry and logging	Interviews Field visits Small group discussions	Government documents (BC Government and Lílwat Nation Government) Lílwat Nation forestry data
Current forestry policies constrain Lílwat Nation’s involvement in the forestry sector, namely through the need to balance community and cultural objectives with the financial and economic objectives	Participant observation Interviews Small group discussions	Academic publications Government documents (BC Government)

**Table 4.1 This study's major findings as correlated to qualitative community-based methods and sources used to triangulate this data**

multiple stories to form one cohesive story around the research questions. These processes produced three major findings (Table 4.2): firstly, that settler forestry has been built on the exclusion of Lílwat Nation community members from their territory and that this has occurred primarily within living memory; secondly, that the BC Government's New Relationship has created new opportunities for Lílwat Nation to engage with logging; and thirdly, that current forestry policies constrain Lílwat Nation's involvement in the forestry sector, namely through the need to balance community and cultural objectives with the financial and economic objectives required to successfully operate a small forestry business. The risk that increasing Lílwat Nation participation in forest management may be interpreted as the fulfilment of the BC and Canadian Governments' commitments to respecting Inherent Indigenous Rights to LTR is recognized by the Lílwat and the authors. It is important to note that a forest concession includes only a few strands in the bundle of rights, whereas the Canadian governments' commitments are to upholding and respecting a larger suite of Indigenous rights and title. These findings will be substantiated based on the evidence and analysis presented below.

#### **4.4.1 Settler Logging in Lílwat Built on Indigenous Exclusion**

One of the key findings in this study is about how integral the memories of living Lílwat Elders about logging in Lílwat are for contextualizing and understanding the present-day relationships between Lílwat Nation and the BC forestry sector.

Any conversation with Lílwat7úl about Inherent Indigenous Rights and land use is often prefaced with a statement about how Lílwat7úl have an uninterrupted history in Lílwat Territory. Research participants told stories in interviews and small group discussions of how settlers came

first for gold, and later for timber; stories which are triangulated here with information from academic sources. European explorers first came through Lílwat territory in 1827 during the Yukon Gold Rush from over the coastal mountains (Researcher Fields Notes, July 2019; Harris 1977). By 1858, the trail through Lílwat was the main passage from the coast to the interior of BC (Cole Harris 1997). A small settlement was founded on the north end of Lillooet Lake, constituting the original settler town of Pemberton (which was later relocated to its present location about 7 km west). Lílwat7úl were employed to move freight on and off the steamboat, transferring settlers and goods from the Lower Fraser Valley (Smith Field Notes, August 2019; Decker et al. 1977). As noted above, though Lílwat Nation and the Government of Canada have never negotiated a treaty, Lílwat and other neighbouring Stát'yemc Nations' lands were consigned to Indian Reserves while their Indigenous territories were simultaneously opened for resource exploitation to domestic and foreign speculators. The 1860 *Pre-Emption Proclamation* created private property rights for white farmers. During field visits, Lílwat research participants pointed out locations of seasonal homes, known as s7ístken (underground pit houses) and gathering places that were appropriated for colonial agricultural settlement, with Lílwat families being relocated to 10 small government-designated reserves that make up 2,700 hectares or 0.3% of their territory (Nemoto, unpublished thesis, 1998, Lílwat Nation 2015). Colonial government policies of Residential and Day Schools, the Pass System (which forbade Indigenous Peoples from leaving the Reserve without the permission of Indian Agents), and Indian Hospitals (segregated hospitals providing sub-standard healthcare for First Nations Peoples from which many did not return) all systematically worked to further remove First Nations from their Territories. According to one research participant, “We were sent to Residential Schools intentionally, it was the only way they could get us off our land so that they could create their

forestry industry”. Dispossession continued until the mid-1950s, with one research participant sharing the story of their natal village that is now located at the bottom of the Carpenter Lake Reservoir, the largest of the three reservoirs of the Bridge River Power Project, and which provides 6-8% of BC’s electrical supply (Smith Field Notes, July 2017; BC Hydro 2022). Státyemc families were forcibly removed from their homes for logging and hydroelectric development, and the participant shared that at the time there was no compensation made for the land lost.

While the focus groups and interviews with Lílwat7úl often centred on the dispossession of land and forced relocation of family groups to reserves, what is less spoken about, and is perhaps not transparent to Lílwat and non-First Nations peoples of the area today, is how the BC government justified the dispossession of Lílwat territory, remapping customary traplines and hunting grounds into forestry license areas amenable to global markets hungry for timber and wood fibre. Between 1905 and 1907, 300 forest licenses were issued over Lílwat territory (Young, unpublished thesis, 1978). These licenses were a critical piece of the settler colonial occupation. Provincial forest licenses were issued by government bureaucrats under the racist doctrine of *terra nullius* (no man’s land), which was the colonial idea that since European settlers encountered lands to be ‘empty’ and devoid of populations, that these lands were therefore suited for settlement and colonial development. However, the emptying of lands was a result of population crashes of Indigenous Peoples due to diseases like smallpox, which were introduced to Lílwat via trade with European peoples. Lands were thought to be empty only because smallpox had decimated population numbers. Whole villages in Lílwat reportedly perished, which is evidenced by the discovery of empty s7ístkens (pit houses) throughout the territory as

well as the discovery of human remains in mass graves (Smith Field Notes 2015-2020). Lílwat people today say that s7ístkens were only abandoned in that manner because of deaths from smallpox, and that the presence of mass graves reflects the inability of the survivors to perform traditional funerary rites due to the large number of people dying from smallpox. Moreover, the BC and Canadian Governments, aided by the Royal Canadian Mounted Police (RCMP), continued the removal of Lílwat disease survivors from their territory via the tragically violent systems of the Residential Schools, the 60s Scoop, along with the Indian Pass system (see a description of these systems in Chapter 2). It is through these systems that Lílwat people were forced out of their territory, causing disruption to traditional educational systems that instructed Lílwat people about how to live off the land. The land, now empty of Lílwat people, was stolen vis-à-vis pre-emption policies and the creation of forest licenses to enable the development of the colonial forestry industry.

Sadly, the gardens and hunting areas that Lílwat people had maintained throughout generations were quickly degraded or destroyed by logging. Koskas recounted how, in the 1960s, his uncle took him to a garden of a precious medicine, napáwaltska7 (rattlesnake plantain, *Goodyera oblongifolia*), that had been maintained for generations to produce a hyper-density of plants. He was instructed to tend to this garden in the same way that those who came before him had. It was to his great despair that months later, he returned to the location to find the garden destroyed, and a forest service road constructed in its place (Smith Field Notes 2020).

Though no treaty exists between Lílwat Nation and the settler governments, the Stát'yemc Declaration is referred to by Lílwat Nation as the most important document for negotiations

between Lílwat Nation and the BC and Canadian Governments. In 1911, experiencing the negative impacts of the Indian reserves and Pre-emption policies, the 12 Stát'yemc Nations, including Lílwat Nation, expressed their inherent rights to their traditional territories in the Declaration of the Lillooet Tribes, affirming that the lands and waters had never and would never be alienated by the Canadian or any other government (Stát'yemc Chiefs Council 1911). The existence of this Declaration is documented proof that timber supply areas were made without consultation, consent, or permission of Lílwat Nation (Smith Field Notes, October 2018).

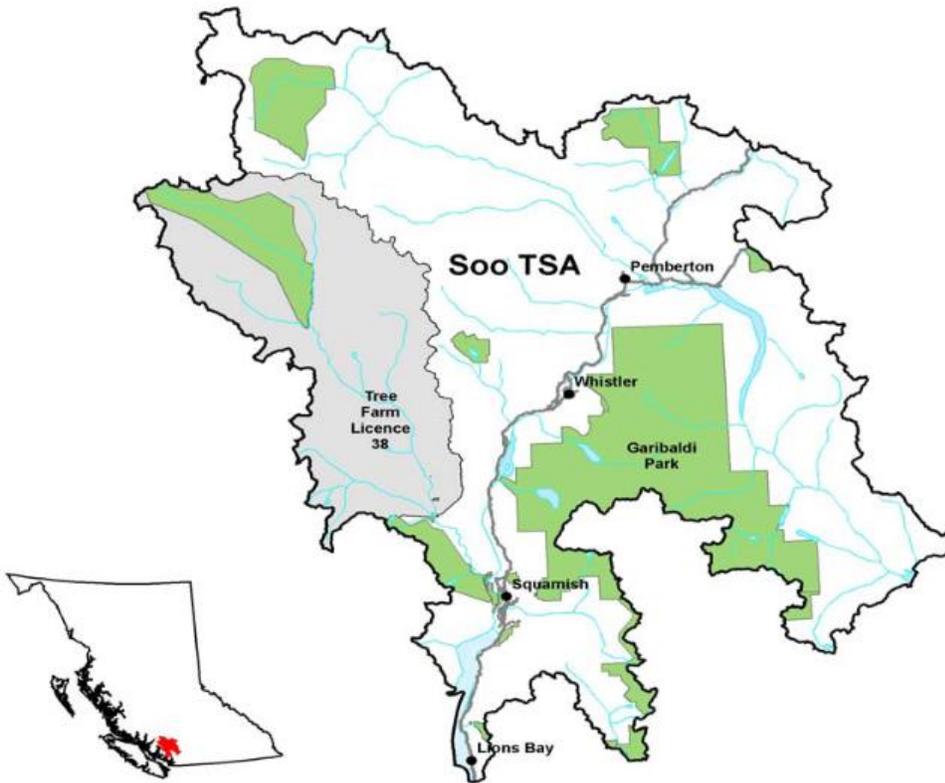
The creation of new colonial jurisdictions for logging imposed not only new practices, but new concepts, on Lílwat territory. During the research with Lílwat, the first author asked Lílwat Ucwalmícwts language teacher Sawt Martina Pierre what the word for 'forests' was in her language. Sawt responded that she did not know of any Ucwalmícwts word for forest. When other Lílwat members were asked, they too were unaware of a word for forest. Later, Jordon Gabriel, forest manager of Lílwat Forestry Ventures, explained:

*“There was no word for forests because we did not use them like that. We looked at all Lílwat tmicw (the territory), not just the value of trees. So we saw what you would call a forest, but we saw the mushrooms, plants, soils, home for animals, the air, water, all of it together. This we call tmicw.”* (Smith Field Notes 2016).

Forests was a concept brought to Lílwat by European settlers, originating from the times of Charlemagne and the expulsion of commoners from forests of Europe to privilege elite interests

(as discussed in Chapter 1 of this dissertation). The concept of forests was bolstered by the growing logging industry throughout the 20<sup>th</sup> century.

Though timber licences were issued throughout Lílwat, it was not until the Second World War that logging would surpass small-scale agriculture to become the biggest contributor to employment in the region. In this study, several research participants spoke of how their parents or grandparents would do casual logging for cash income, recounting memories of long band saws that could be operated by two men to fell large-diameter old-growth trees (Smith Field Notes, May 2018). By 1930, there were eight sawmills in the Pemberton Valley (the settler name for the upper valley in Lílwat) producing utility poles and railway ties (Rajala 2006; Decker, Fougberg, and Ronayne 1977). Hand-logging, which was licensed from 1888, acted as an entry to the wage economy for Lílwat7úl, with many community members cutting ties for the construction of the Pacific Great Eastern (PGE) Railway (Smith Field Notes September 2019; Decker et al. 1977). From the 1950s onward, most forests in Lílwat were included as the Soo PSYU (later the Soo Timber Supply Area) (Figure 4.2). Larger forestry firms bought licenses up from small companies, and by 1974, the 108 licenses in the Soo PSYU were controlled by only eight firms, with three firms (Canada Trust, Macmillan Bloedel and Pacific Logging Co.) controlling 90% of the licenses (E. Young 1978).



**Figure 4.2 Soo Timber Supply Area (TSA) map as it existed in 2008 (BC Government 2008). Note: almost the entirety of the TSA overlaps Lílwat Nation Territory, except for the areas south of Squamish. Green areas on the map represent protected areas (provincially designated parks and conservancies) and the grey shaded area is the volume-based tree farm license TFL 38.**

In 1961, the BC forest ministry issued the first (and only) Tree Farm License (TFL) in Lílwat; TFL 38 (Figure 4.2). This TFL was issued to Empire Mills Ltd. and gave the company the exclusive right to harvest in Lílwat territory an area of 218,616 hectares adjacent to the Soo PSYU (BC Ministry of Lands and Forests 1961). In exchange for guaranteed long-term access rights, Empire Mills Ltd. committed to, and developed, a fully functional plywood plant in the town of Squamish, producing 70 million square feet per year by 1963 (BC Ministry of Lands and Forests 1961; Rajala 2006). Empire Mills became an important source of jobs and incomes in the

region and gave the firm a relatively large amount of power over this rural resource periphery (Smith Field Notes July 2017; Rajala 2006).

Lílwat research participants pointed out areas in field visits where logging in the territory became more intensive in the 1960s and 1970s, with larger cuts occurring on higher elevations and along traplines that were once accessed exclusively by specific Lílwat hunters and trappers (Smith Field Notes 2015-2020). These narrative accounts are verified by government documents analysed in an unpublished thesis, which show that in the Soo PSYU, a total of 19,650 hectares were cleared for forestry during an 11-year period from 1954-1965 (E. Young 1978). While clearcut sizes and the extent of logging were lower in comparison with the previous decade, trees were being accessed at higher elevations (beyond 1200 m above sea level) and in areas that were previously considered not economically viable (Rajala 2006)).

Small forestry initiatives led by Lílwat throughout the middle of the 20<sup>th</sup> century have been documented by Akihito Nemoto in her 1998 unpublished master's thesis. Drawing from minutes from Lílwat Band Council<sup>22</sup> meetings, Nemoto documented the cutting permits to timber on the reserve from the 1950s. In BC, First Nations have rights only to their small, government-designated reserves, which as mentioned earlier, comprise only 0.3% of the traditional territory. Here, the Lílwat Band Council government has the right under Canada's *Indian Act* to issue permits for logging, but the timber on reserve is limited in quantity and quality. By the 1960s

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<sup>22</sup> The elected government of the Lílwat Nation, which is a government that is federally imposed under the Canadian *Indian Act*

most of the logging was being done by outside (non-First Nations) companies on the reserve (Nemoto 2002).

Efforts to secure greater community benefits from logging, such as the creation of a forestry fund for the community and several attempts to acquire Band-owned sawmills failed, partly due to the inability of Lílwat Nation to secure timber rights off the reserve in adjacent Lílwat territory, appropriated as Crown-owned forests and licensed to the Majors (Smith Field Notes June 2015; Nemoto 2002). According to one Lílwat research participants, “we were not allowed to cut the trees on our own territory” (Smith Field Notes July 2018). As noted in the Band Council minutes, MacMillan Bloedel, one of the Majors, held all the timber rights to lands in the Soo that had the most accessible remaining timber stands (Nemoto 2002). In 1998, nine large forest companies owned 75% of cutting rights in Lílwat territory. Lílwat Nation did not experience sustainable benefits from forestry jobs in the latter decades of the twentieth century. Though some would do casual contract work for the smaller operators, in 1993 of the 261 people employed in forestry in the region, only 11 were Indigenous, from either the Lílwat or the neighbouring Squamish Nation (Smith Field Notes July 2020; Nemoto 2002).

Lílwat research participants indicated that the Band Council continually sought to be included in high-level decision-making about their territory and to access benefits from the profits derived from the timber extracted. Interviews and small group discussions touched several times on blockades in the community: the first happening in the 1970s and then again in the 1990s. According to research participants, with details filled in by Jean Crompton’s 2006 Master of Law thesis, the 1990s roadblock began when Interfor (one of the Majors) received the 15-year,

volume-based forest license to log an AAC of 59,300 cubic meters on the west side of the Lillooet Lake in August of 1982 and began road building in late 1990 (Smith Field Notes June 2018; Crompton 2006). Lílwat research participants spoke of how Interfor hired a contractor to begin constructing a forest service road (FSR) through a gravesite, pictograph area, trapline and spiritual training ground of Lílwat (Smith Field Notes June 2018). Though some Lílwat community members had made several attempts to raise the issue of road access for logging on multiple occasions, such as in a letter sent in 1989 from then-Chief Fraser Andrew, they had received no reply (Smith Field Notes June 2018; Crompton 2006). Interfor received a BC Supreme Court-granted injunction in 1991, after making minor amendments to the roadway to circle around some known archaeological sites, and to continue road blasting on the sacred hillside (Crompton 2006). The roadblock lasted for 116 days and featured physical force by the Royal Canadian Mounted Police (RCMP), though Lílwat research participants shared about how the community maintained a policy of non-violent engagement. After a year of protest and trials in court, Interfor shifted their harvesting plans to a different location, and all operations were supervised by a member of Lílwat Nation. It was not until 2005, after numerous other roadblocks by First Nations throughout BC and many legal decisions that supported Aboriginal title and rights, that Lílwat Nation would be invited by the BC Government to take part in land use planning for their territory. The next section presents the changes that happened to forestry in Lílwat at the turn of the new millennium.

#### **4.4.2 The New Relationship Forest Policy: New Opportunities for Lílwat Nation**

According to Lílwat research participants, the years surrounding the declaration of the 2005 New Relationship created several changes for Lílwat Nation's decision-making activities and

management of their territory. Lílwat Nation Land Use Plan (LUP) process began in 2005. One participant shared about how Lílwat Nation was invited to be part of a multi-stakeholder working group for the surrounding region, known as the Sea to Sky Regional District under provincial jurisdictional boundaries, to determine land use priorities. A Lílwat Nation government document states the Lílwat LUP was drafted by a fourteen-person working group composed of Lílwat community members with assistance from two consulting firms (Lílwat Nation 2016). The LUP was drafted under two successive BC Governments. Participants say that this document is intended to act as a reference point for all negotiations around land use between Lílwat Nation and the BC Government. The LUP, which was approved by Chief and Council in 2006, includes: detailed accounts of areas to be protected in Lílwat; priorities for the air, water, vegetation, wildlife, medicines and economy; as well as steps to implement the LUP (Lílwat Nation 2006). The LUP lacks clear guidelines and objectives on the processes for shared decision-making with the BC Government. Implementation is ongoing and involves *ad hoc* collaboration between Lílwat Nation and the BC Government over the co-management of lands designated under different measures of protection throughout the territory. One research participant noted that the LUP process began after the locations and sizes of parks had already been determined, and thus Lílwat Nation had little say in designating which areas in their territory were to be included as parks (Smith Field Notes, November 2019).

Lílwat Nation first signed a Forest Agreement under the 1996 *Forest Act* with the BC Government in 2005, wherein the Nation was invited to apply for two non-renewable volume-based forest licenses in the Soo Timber Supply Area (TSA), of up to 70,000 cubic meters (m<sup>3</sup>) of timber volume for harvest annually (Lílwat Nation and BC Government 2008). The agreement

allows Lílwat Nation to receive an annual portion of the revenues (currently calculated as a portion of the stumpage, waste and annual rent payments) paid to the government from all logging done by everyone except the Lílwat's own forestry company within the territory. In 2019, the revenue shared by the BC Government with Lílwat for all forestry within the territory amounted to \$412,058 CDN, or \$1.66/ m<sup>3</sup> CDN (BC Government 2019). Though small, that sum was significant for the Nation considering that the gross revenue of the Lílwat Business Enterprises in 2018 was \$1.1 million CDN (BC Government 2019; Lílwat Nation 2018). For the BC Government, this payment fulfilled the legal requirement set out in the *Haida* (2004) legal decision to consult with Lílwat Nation and provide accommodation in cases where development was infringing upon Lílwat's Aboriginal interest (BC Government 2019). As indicated by Lílwat research participants, the agreement itself contains language to provide certainty to investors and to the BC Government that further logging will proceed without conflict (such as roadblocks) from Lílwat Nation, which is language that is common in all early Forest Agreements <sup>23</sup>. Additionally, an 'assistance clause' is included within the current agreement, holding the Band Council responsible for "seeking to resolve any action that might be taken by a member of First Nation regarding..." opposition to forestry activities (BC Government 2019). Thus, the current Forest Revenue Sharing Agreements (which replaced Forest Agreements but are comparable in scope and intent), shift the burden of addressing any community dissatisfaction with logging activities from the government to First Nations Band Councils, and the consultation and accommodation to project proponents (BC Government 2014). However, there is little capacity

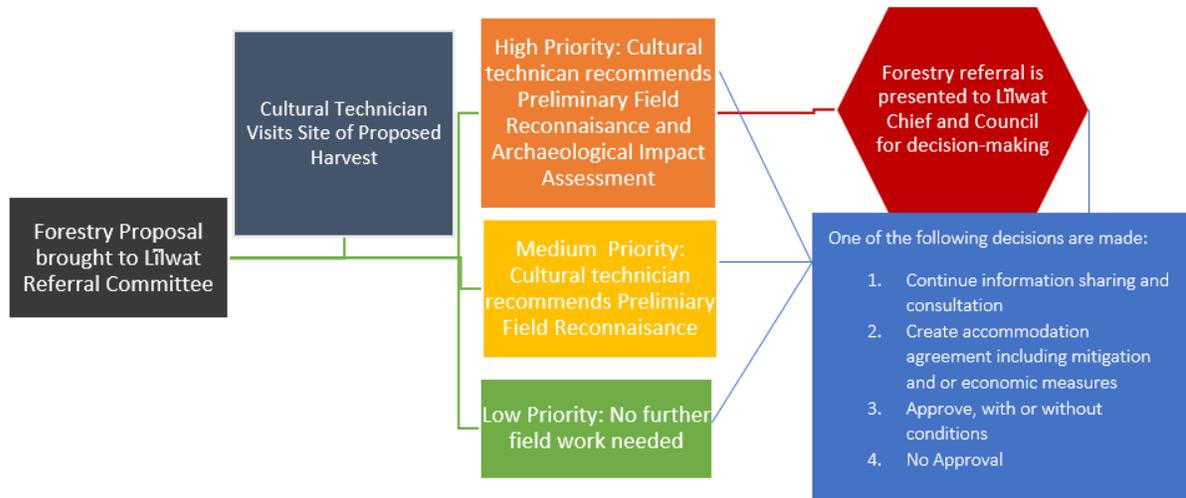
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<sup>23</sup> Though this language was later removed from the Forestry Revenue Sharing Agreements of other First Nations in BC, it remains in current agreements between Lílwat Nation and the Province of BC.

in Lílwat Nation Department of Lands and Resources to respond to what are often highly technical requests, including on setting forest harvest levels for the territory. Thus, the BC government co-opts Lílwat Nation (and other First Nations with similar Forest Agreements) easily and cheaply through this arrangement, with a lack of extension support to deal with technical requests limiting the ability of Lílwat and other Nations to meaningfully engage in discussions over the quality of the logging on their territory.

Lílwat research participants also shared how this agreement brought with it the creation of the Lílwat Land Use Referral Committee. According to a member of the Committee, the intention of this committee is to serve as a conduit to Lílwat community members to convey prior information about land use proposals, including proposed logging. In theory, community members have the opportunity to determine if logging may proceed without damage to cultural belongings and specific culturally-important places, such as A7a7úlmecw (spirit sites), s7ístkens (pit houses), burial grounds, culturally modified trees (trees where the bark had been stripped by Lílwat ancestors for use in making tools, apparel and crafts), transformer sites (important sites in Lílwat legends where the Transformers shaped the land and waters), pictographs, traplines and other important spaces. For any logging proposed in Lílwat, all forestry companies must share silvicultural planning information with the Referral Committee (see Figure 4.3). The Referral Committee will meet and discuss the proposals, though this process can be technical and often the Committee relies heavily on the one Registered Professional Forester in the community for assistance in interpreting technical details of the proposal.

According to research participants, Lílwat Cultural Technicians will visit proposed logging areas to assess the best way forward. Cultural Technicians are Lílwat cultural knowledge experts who are trained in identifying cultural use sites and are hired by the Band Council for this role. If it is determined that the proposed activities will impact cultural sites or objects, the Cultural Technician will propose that a Preliminary Field Reconnaissance or Archaeological Impact Assessment be completed (Lílwat Nation 2012). The Impact Assessment will be used to inform the creation of management recommendation options. The Referral Committee will then meet again to discuss the proposal and determine a level of priority for it; high, medium or low, based on the amount of risk. If the proposal is considered high risk, it will be presented to the Lílwat Chief and Council to deliberate on. During the course of our research, we did not have access to written discussions, if any exist, on environmental damage, or the logging practices used by the contractors in exchange for the nominal payment of \$ 1.66/ m<sup>3</sup> CDN. Furthermore, one Lílwat research participant opined that this review process is inadequate, as the time allowed for Lílwat response to referrals is short, measured in forest operator timelines rather than in community timelines which require a longer period to adequately consult community members who hold ancestral knowledge about the territory (Smith Field Notes, July 2017). Many First Nations throughout BC become overwhelmed by the number of referrals coming in from proponents of resource extractive developments in their territories (Penny 2009).



**Figure 4.3 Lílwat Nation's forestry referral process: Logging companies bring proposed logging plans to Lílwat Nation Referral Committee, who consider impacts of plans on cultural use areas, hunting and fishing grounds, medicinal plant areas, traplines etc. and issue permissions dependent on impacts of proposed plans**

However, as discussed in small groups with Lílwat research participants and in community meetings, the forest referral process does not give Lílwat Nation a veto power over logging, despite the ‘4. No approval’ decision in the blue box in Figure 4.3. Moreover, the decision-making surrounding the forestry revenue sharing agreement that created the referral process was done by the BC forestry ministry without input from First Nations (Penny 2009). According to a Lílwat research participant, in the case that a proposed forest operational plan for harvest in a block is rejected by Lílwat Nation, the forestry company generally proposes another nearby block of similar timber value to harvest, as they are required to meet with the Provincial decisions on harvesting a fixed AAC.

Since 2016, companies are provided with a guide, Lílwat Nation Botanical Resources Strategy (2015) which details cultural uses of non-timber forest resources and recommends strategies to

avoid harm to these plants and materials. Forest companies are urged to consider this strategy in their harvest plans, which is proffered on a good-will basis. However, the referral committee members are also aware that the BC Government holds the final decision-making power (Smith Field Notes June 2015). The proponent (license holder) is responsible to provide information detailing the referral activities with the Lílwat Referral Committee to the BC Government, who then determines if the activities fulfil the legal duties to accommodate Aboriginal interests (Province of BC 2014). The BC Government informs both Lílwat Nation and the project proponent of its final decision (Province of BC 2014). At this point, a First Nation has only the option of costly litigation (taking the BC Government to court) to assess whether the government fulfilled its legal duties to consult and accommodate.

**Table 4.2: Apportionment of AAC in the Soo TSA in 2000 and 2019 by Licensee Type (Lilwat shown in brackets as a portion of the total First Nations-owned AAC) (Derived from data from FLNRORD 2019)**

Company Type	2000 AAC in Cubic Meters	% 2000 AAC	2019 AAC in Cubic Meters	% 2019 AAC
Majors	217,474	56	55,624	18
First Nations-Owned (Lilwat-Owned)	0 0	0 0	160,430 (65,308)	51 (21)
Small non-First Nations Owned	175,314	44	97,658	31
TOTAL	392,788	100	313,712	100

While quashing any potential blockading of forestry, the Forest Revitalization Plan and related forestry policies instead encourage First Nations’ participation in the forestry sector. Since the forestry reforms of the early 2000s, there has been significant devolving of forest tenure rights to the Lilwat within the Soo TSA (Table 4.2). In contrast with 2000, when the Majors held 70% of the forest licenses (56% of the AAC), companies owned by First Nations now hold 51 % of the licenses in the region (51% of the AAC) (Table 4.2). As detailed in Table 4.3, however, about half of the Lilwat licences are to ‘non-replaceable’ or small-scale, short-term licences to forest areas, and many of the licenses granted rights to areas that had already been logged over, with the valuable timber being extracted by the Majors and only less valuable timber remaining.

AAC (%) assigned to First Nations-owned companies:				AAC (%) assigned to the Majors			
2000		2019		2000		2019	
Replaceable FLs	0	Replaceable FLs	33	Replaceable FLs	73.5	Replaceable FLs	25
TSLs <1000 m <sup>3</sup>	0	Non-replaceable FLs	100	TSLs <1000 m <sup>3</sup>	0	Non-replaceable FLs	0
All Licenses	0	All Licenses	51.1	All Licenses	70.3	All Licenses	17.7

**Table 4.3: Apportionment of the AAC in the Soo TSA in 2000 and 2019 Forest Licenses (FLs) for First Nations-Owned Companies and the Majors (Biggest Forestry Corporations in BC) by replaceable FLs, Timber Sales Licenses under 1000 cubic meters and non-replaceable forest licenses (FLNRORD 2019)**

TFL 38, the only TFL in the overlapping territories of the Lílwat and Squamish First Nations, was purchased from the plywood producer Empire Mills Ltd. by a Squamish Nation-owned company in 2003, giving the Squamish Nation more strategic decision-making power over their territory through for example, having exclusive power to dictate where logging takes place in the TFL, subject to Ministry approval.

Lílwat Forestry Ventures LP (LFV) has been managed under the Lílwat Business Corporations Department since 2006, at arms-length from the activities of the Band Council government. LFV currently holds four logging licenses with a total AAC of 70,000 m<sup>3</sup> (Lílwat Nation 2018). The company's licenses include a non-renewable forest license, a volume-based forest license and two woodlot licenses (Lílwat Nation 2018), providing around 20% of the AAC for the Lílwat territory (as shown in Table 4.2).

The two area-based forest licenses held by LFV confer management responsibilities that include operational planning, road building, reforestation and environmental protection (BC Ministry of Forests, Lands and Natural Resource Operations 2012), which the managers of the company shared during interviews are activities that are currently contracted out to local forestry sub-contractors, with the exception of reforestation which is done by LFV's crews (Smith Field Notes June 2015). The company holds a non-exclusive right to log timber in the TSA, meaning that other companies may be operating in the same area. The replaceable licenses (one volume-based license and the two area-based Woodlot Licenses) are granted for longer terms of 20-25 years, and provide long-term certainty for investment in business planning, forest management and manufacturing. The non-replaceable license was granted as a short-term and small-scale concession meant to accomplish specific management goals (e.g., salvage harvesting of trees impacted by forest pests or fire). LFV's Woodlot License provides the company with an exclusive right to timber within a specific area of land. All silviculture activities on LFV licence areas were done by an external contractor until 2020. LFV managers hope to move these activities in-house (Smith Field Notes November 2019). LFV is working with outside contractors to provide subsidized forestry training on the reserve for Lílwat community members, with the hope of preparing more community members for careers in forestry.

LFV has recently partnered with the nearby settler community in Pemberton to co-manage a CFA, the Spelkúmtn Community Forest of nearly 18,000 hectares and an AAC of 13,500 m<sup>3</sup>, and also co-manages the Cheakamus Community Forest with an AAC of 21,000 m<sup>3</sup>. CFAs are awarded to local community organizations and First Nations with the intention of fostering local values such as water quality, recreation, scenic values, and employment and skills development

(Ambus and Tyler 2007). Each CFA is allocated an AAC determined by the Chief Forester, which is negotiated with the community or First Nation proponent as part of the creation of the license. CFAs are area-based licenses, offering more comprehensive resource rights than other area-based forest licenses in BC, including the right to harvest, manage and sell non-timber forest products (Ambus and Tyler 2007). CFAs are long-term licenses of 25- to 99-year terms, replaceable every 10 years, and are awarded without competition, but contingent on the development of a stewardship plan which must be approved by the Government.

The managers of LFV reported that they are currently in negotiation (2020) to obtain a First Nations Woodland License (FNWL) that would replace its five existing licenses and allow the company to control a fixed 120,000 hectares and 70,000 m<sup>3</sup> of the AAC in Lílwat territory. This license is being created from an amalgamation of areas previously operated by BC Timber Sales (a provincial government office) through volume-based licenses, and thus under control of the BC forest ministry. Many of these areas have already been logged, and the managers of LFV say that because of this, the value and volume of timber remaining makes it difficult to run a business. Like a CFA, FNWLs were developed in 2010 as an area-based license to guarantee long-term rights to harvest to First Nations. FNWLs are managed under Forest Stewardship Plans that are created by the license managers and approved by the provincial government. FNWLs are granted for 25 to 99-year periods and extend rights to non-timber forest products and to manage areas to protect culturally important plants, areas (such as traplines and hunting grounds) and spiritual areas. However, as we will discuss next, LFV experiences pressures to meet with cultural obligations and responsibilities when it comes to logging, particularly in old-

growth forests, and must balance economic objectives with cultural and environmental outcomes.

#### **4.4.3 Current Forest Policies as Constraints for Lílwat Nation's Involvement in the Forestry Sector**

Several of the Lílwat research collaborators concurred that changes made by the BC Government and the BC forestry ministry to increase the participation of First Nations in the forestry sector have enabled LFV to secure greater say over a larger proportion (yet only still 20%) of logging concessions in Lílwat territory. LFV is one of the first Indigenous community-owned companies to be applying for a BC FNWL, as the most recent government statistics show only 13 other licenses of this type have been awarded across the province (FLNRORD 2018). After decades of struggling to have a say over resource extraction in the territory, First Nations-owned companies now hold 33% of long-term 'replaceable forest licenses' in the Soo TSA (Table 4.3).

During interviews, a few participants emphasized the benefits of having forestry revenues to finance community programming and institutions, such as the Lílwat Health and Healing Centre, the Lílwat Community Farm and the Tszil Post-Secondary college that opened in 2018 on the reserve. These participants underlined the importance of having revenues that are not derived directly from the BC and Canadian governments. These revenues allow the Nation to partake in activities that work towards self-determination (for example, education, food security and control of their own health system). According to one research participant, "How can we [Lílwat Nation] be sovereign when all of our funding comes from the BC and Canadian governments? We need

to think about a future where we don't rely on these governments, and [revenues from] forestry is one way that we can do that.”

Though forestry is a way for the Nation to access economic independence, speakers at the Lílwat Annual General Meetings in 2017 and 2018, as well as at community meetings related to Inherent Indigenous Rights, spoke of how Lílwat Nation is not being invited to participate in a meaningful way in high-level decision-making. This theme provides the basis of the next major finding of this study: the idea that though forestry policy changes do create new opportunities for Lílwat Nation, they also currently constrain the more robust involvement of Lílwat Nation in the management of their territories in accordance with cultural norms and customs.

Interviews, small group discussions and field visits with Lílwat research participants show how BC's historic 'top down' governance system of resource development by senior levels of government and corporations is being replaced by local actors like LFV and their subcontractors and community partners, who are “vital for creating desired community futures” (Hayter and Nieweler 2018, 83). Lílwat research participants discussed their awareness that the BC Government has effectively camouflaged its direct role and participation in situations where the Nation might be opposed to logging. It has done this by foisting onto the Band Council the responsibility of overseeing forestry consultation processes. These delegated duties are conditionally funded by the percentage of stumpage paid to the Band Council. While the sums involved represent a minor amount to the Province which earned \$1.4 billion CDN in 2018/19 from 'Natural Resource Revenue from Forests', these amounts are critical for Band Councils to

use to defray the costs for long-standing internal and external negotiations over resource conflicts (Statistics Canada 2019).

Even in this increasingly decentralized system of forestry however, the BC Government holds the majority of decision-making power over land tenure in Lílwat territory, as it claims ownership to all the public forests of the province, has the final say in land use decision-making processes, owns and sets the terms of all resource licenses with minimal consultation with First Nations on high-level decisions and approves all transfers on public land tenures (First Nations Forestry Council 2019). Lílwat forest managers shared how the operational rights of LFV as a licensee mean that the company is granted rights to manage and use the land in compliance with provincial regulations specific to the type of forest licenses, whereas the BC forestry ministry retains the majority of strategic decision-making powers (Smith Field Notes, 2015-2020). The BC forestry ministry has the final say on determining the AAC, determines annual rents and fees, oversees compliance and enforcement duties and cultural and socio-economic analyses, with no input from license holders (Forsyth 2006). All forest licensees must adhere to rules under the *Forest and Range Practices Act* (2002), the *Forest Act* (1996), the *Wildlife Act* (1996) and the federal *Fisheries Act* (1985). These forestry regulations constrain the rights held by LFV or any equivalent forest tenure holder. Though Lílwat Nation can make counterproposals for logging through the referral process in specific areas within their territory, the final decision on the AAC and forest policies lies with the Province. Moreover, LFV struggles to remain profitable as the company is treated like any other Major licensee, with no breaks on stumpage rates for higher costs on engineering and silviculture than the larger companies who benefit from economies of scale, and no rebate for practicing environmentally- or culturally- protective forestry. According

to LFV managers, BC forestry regulations set up a scenario where forestry companies make the majority of their revenues from wood products processing. However, the size and quality of the licenses granted to LFV make it virtually impossible to consider opening a processing facility, not to mention sourcing the sunken costs required to build and train workers to run such a facility.

The managers shared that rather than developing new and innovative ways to manage forests for multiple values, the Forestry Revenue Sharing Agreement and the economic constraints of being a small forestry business prohibit companies from innovating from business-as-usual logging practices, though they also indicated that sustainable and culturally focused innovations would raise the community's acceptance of logging in the territory. It is well documented that the current *Forest and Range Practices Act* policies lack measurable objectives or progress indicators and largely fail to inspire industry innovation (Hoberg, Malkinson, and Kozak 2016), so presumably this issue is not unique to Lílwat and possibly is experienced by other small license holders in the province. The LFV Managers say that many smaller First Nations, including neighbouring Stát'yemc Nations, are smaller, with less AAC and thus are more restricted than Lílwat Nation in engaging in forestry. Though in theory Lílwat Nation could work with the neighbouring Stát'yemc Nations, the relationship between Nations is set up by the BC Government in such a way in way that they are competing over forest licenses and asserted jurisdiction, especially in overlapping Territories where the government splits the forestry revenues between Nations. Therefore, while First Nations like Lílwat Nation are well positioned to lead in developing sustainable innovations in the forestry sector, they are being prevented to do so by current government policy processes and regulations.

What is evident from the qualitative interviews, small group discussions and community meetings is that logging is only one small piece of what constitutes the Inherent Rights of Lílwat Nation. The Inherent Rights of Lílwat Nation are defined as rights that have always existed, that are collective communal rights that predate the arrival of settlers in Lílwat, that were granted by the Creator and are intrinsic to the Lílwat people and their territories (Lílwat Nation 2017a). From 2017, Lílwat Nation has been involved in an ongoing process to replace the Band Council system with a governance system called the Inherent Rights Governance System. What this new system will look like has yet to be determined. Speakers and discussions at the 2018 and 2019 Lílwat Inherent Rights Community Meetings spoke of how it will more closely resemble a system led by hereditary leaders, which in Lílwat are not akin to the hereditary Chiefs of nearby Coast Salish First Nations, but more akin to heads of families—respected Elders who are endowed with a collective confidence in their leadership and decision-making abilities that will benefit the collective good of the people. The Inherent Rights Governance System is centered around several main concepts, including I Úwalmícwa (the people), Ucwalmícw ti tmicw (the people and the land as one), Nxekmín (oral and community laws), Tsuwálhkacw Tmicw (our control over the land) and Skel7áwlh (leaders on the land). This system includes both the internal governance structures and institutions of the Nation, as well as the laws, policies and terms by which Lílwat7úl relate with the land. The Inherent Rights Governance System is expected to replace the Band Council system in the coming years, and it is intended to improve Lílwat Nation’s ability to govern and make decisions and protect their Inherent Rights based on their own terms, and not those set under the Canadian *Indian Act*.

Some Lílwat research participants question how the BC Government's stated commitments to UNDRIP, the Truth and Reconciliation Commission's Calls to Action and Tsilhqot'in Decision will impact the devolution of rights to land and decision-making from the Province to the Nation (Smith Field Notes, 2015-2020). What is key when considering the BC Government's willingness and ability to devolve land use decision-making to First Nations, or to adequately commit to a government-to-government decision-making process based in good faith, are the commitments of the government to the Majors. In addition to creating new opportunities for First Nations and local communities to purchase logging concessions, the neoliberal forestry reforms from 2003 have strengthened the (strangle)hold of the Majors in BC's natural resources sectors. In 2018, the five largest licensees controlled 59% of the Province's AAC and 65% of the larger timber milling capacity (FLNRORD 2018b). According to the LFV managers, it is a long-term goal of the company to open their own mill (Smith Field Notes June 2015). However, the company is not yet well-positioned to begin the planning stages to do so, and it will likely be some time yet before the company looks more seriously into the feasibility of local wood products processing. Pinkerton and Benner (2013) noted that most small operators had to sell their raw logs to the oligopsonistically-positioned majors, and thus had little control over prices. Nothing had changed nearly a decade later.

Critiques of BC's forestry regime have noted that BC's professional reliance system of governance, wherein project proponents hire their own contractors to ensure compliance with regulation, as well as the government's reliance on forestry companies for contributing to the government's coffers, prohibit the government from effective evidence-based governance wherein regulations are clear, enforceable and insulated from industry pressure (T. Smith et al.

2017; Rajala 2006). Because of the BC Government's reliance on the forestry industry to contribute to the economy of the province, changes in land management that favour the Inherent Rights of First Nations commonly stem from decisions made in the judicial system, rather than the regulatory system. However, as First Nations like Lílwat Nation become increasingly capable of becoming players in the forest industry and organizing systems of governance that align better with cultural ways of being, these communities are now better positioned to engage in government-to-government decision-making and lobby for a larger suite of property rights to their territories.

#### 4.5 Conclusions

This paper has analysed changes in BC forestry policy and their impacts on Lílwat Nation's involvement with logging and the forestry sector based on qualitative information from Lílwat co-researchers and research participants. In synthesizing relevant themes from extensive fieldwork, this study conceptualizes forestry within discourses about Indigenous Inherent Rights. The specific themes presented and analysed include: local histories as contextualizing modern engagements between First Nations and a colonial forestry regime; the creation of new economic opportunities for First Nations like Lílwat through the devolution of logging rights; and constraints that the settler forestry regime put on First Nations who have Inherent Rights that are constitutionally protected and are much broader than those recognized within BC provincial forestry policy.

The BC settler government had achieved its land grabbing of Indigenous territories by the end of the 19<sup>th</sup> century through (il)legal subterfuges like pre-emption and forced removal of populations. Although displaced to a corner of their territory, Lílwat Nation neither assimilated nor accepted the *status quo*. Furthermore, they never let go of their Inherent Indigenous Rights, set out in various forms, including the 1911 Declaration of the Lillooet Tribes. After the end of the Second World War, the territory was carved up and parcelled out among industrial loggers, with Lílwat participation in forestry being limited to operational roles (hand-logging) rather than managerial positions. Lílwat Nation, like other First Nations in BC, recreated spaces for the pursuit of their Indigenous self-determination through various strategies, from court cases to sustained blockading of road access. After 2005, the Nation also took advantage of the economic opportunities opened up by the New Relationship policy. By 2016, they held long-term logging licences to 21% of the volume in their traditional territory. However, the BC Government devolved responsibility to the Nation to manage all community concerns regarding industrial logging operations in exchange for a small percentage of the taxes paid by industrial loggers on their territory. Lílwat Nation has some operational and management authority over the areas covered by logging licences held by LFV; the Ministry of Forestry retains all higher-level tactical and strategic decision-making authority. Yet, the five years of research confirm that Lílwat Nation has not been co-opted, its member being fully cognizant of the terms of engagement set by the BC Government.

Lílwat Nation's long-term strategy is set down in forms recognized by settler government such as their LUP (2006); but more importantly Lílwat people demonstrate their steadfast adherence to Lílwat beliefs, values and culture in everyday, embodied ways. Lílwat food sovereignty is a

central part of what it means to be Lílwat7úl, and thus community food practices continue to ensure that desired pathways forward for their food system are carried on through land-based education of youth. Despite the imposition of provincial government forestry policies, the ways that Lílwat people interact with their food systems maintain community protocols around n̓takmen (our way, the Lílwat way). Yet, in a territory that has gained international fame for its beautiful forests and mountainous scenery, forestry is not the only industry that impacts Lílwat food sovereignty. In the next chapter, I analyse the growth of outdoor recreation and tourism on behalf of non-Indigenous Peoples in Lílwat territory, and link these activities to the food practices of the Lílwat Nation. Though tourism and recreation are often seen as being non-extractive industries, and therefore having fewer or less intense impacts on natural systems, I posit that the growing impacts of visitor traffic in Lílwat tmicw constitute a very tangible form of slow violence, not unlike the impacts of the forestry industry in the territory.

## **Chapter 5: ‘Loved to Death’: Conflicts between Indigenous food sovereignty, settler recreation, and ontologies of land in the governance of Lílwat tmicw**

### **5.1 Introduction**

The coast of British Columbia (BC) is famous for its rugged mountain peaks that reach high up into the sky and meet the ocean in steep fjords and sharp cliffs. This amazing landscape provides unique, world-class views and is the perfect playground for mountain-loving adventure seekers. In the summer, tourists flock from all over the world to experience this beautiful terrain, which is emblematic of western Canada. In the winter, the mountains fill with snowboarders, skiers, heliskiiers, snowmobilers and other thrill-seeking recreationists. Tourism plays an increasing role in the economy of BC and provides promise for communities who are looking to diversify their previously resource-dependent economies to new economies premised on sustainable industries (Hayter and Nieweler 2018).

Growing interest in BC ‘backcountry’ adventures comes at a time when the world is beginning to wake up to the realities of overcrowding from international tourism, a phenomenon which has been labelled ‘overtourism’ (Innerhofer, Erschbamer, and Pechlaner 2020). Destinations that were once considered luxury holidays for the upper class have now become attainable annual getaway spots for less affluent workers, and remote outposts are increasingly built up with vacation resorts. While global travel to remote places becomes increasingly accessible, there are reports from around the world about the impact of ‘too many tourists’ in some of the most iconic

travel destinations, leading to the creation of policy strategies to address overcrowding such as demarketing, which aims to discourage tourism demand (Tiwari, Kainthola, and Chowdhary 2020). In BC, one of the main foci of this surging pulse of tourism is located within the Sea to Sky Region. Named for a route that extends from the Pacific Ocean to the heights of the Coastal Mountains, the Sea to Sky nestles Metro Vancouver and the Lower Mainland at its south end, and stretches northwards to include the towns of Squamish, Whistler and Pemberton. The area was the location of the 2010 Winter Olympic Games, which brought renown to its extensive winter sport offerings and natural beauty. Since the Olympics, tourism has increased exponentially.

What is less apparent to visitors to the region is that rather than being an untouched pristine wilderness of vast, endless forests, these recreational areas are the territories of Indigenous Peoples, who have lived in these mountain peaks and valley bottoms since time immemorial. The Lílwat, Skwxwú7mesh (Squamish) and Státýémc Nations have watched as tourism has flooded into their homelands at a remarkable rate; until the 1970s, the road stretching from West Vancouver to Whistler was not paved, making it passable to only the most intrepid travellers. Now, millions of visitors pass through their territories each year (Resort Municipality of Whistler 2018). The impacts of this swelling of attention are well-known to Lílwat and Skwxwú7mesh peoples, who now must share food gathering areas, sacred sites and seasonal camps with unaware tourists and recreationists, whose vast numbers create innumerable, and often intangible, impacts on the territory. The disruption of Indigenous relationships to land is not only physical, experienced as increased visitation, but has also been called ‘a profound epistemic, ontological, cosmological violence’ (Tuck and Yang 2012, 5), due in part to the imposition of

settler governance, and related Western epistemes and ontologies on the unceded (never surrendered) lands of Indigenous Peoples.

This paper presents findings from a governance and ontological analysis to examine the recreational practices of settlers and the impacts of these practices on Lílwat traditional food systems. Through the stories of Lílwat Nation community members about the impacts of recreational tourism in their territory, we show that outdoor recreation, including ecotourism, negatively impacts Lílwat land-based food practices and disturbs other cultural uses of the land. We show that though the Government of BC has a responsibility to mitigate these impacts, their efforts have failed for a range of reasons. We use the concept of ‘slow violence’ to assess the impacts of unhindered outdoor recreation and overtourism on the territories of Lílwat Nation. Slow violence, a term coined by Nixon (2011, 2), is a type of violence that ‘occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all’. However, slow violence has real impacts, and here it spells the persistent erosion of Indigenous rights for Lílwat Nation. Though there are no easy answers to solving the problems of conflicting ontologies and uses of land, we suggest areas of focus that might yield insights into future solutions.

This paper starts with an overview of the location of Lílwat Nation and our research methods. We then illustrate the utility of an ontological investigation through contrasting two knowings of a single place in Lílwat territory. We describe a bit of the background of how the BC Government manages recreation across different jurisdictions over land within Lílwat territory, which today is legally owned within a mosaic of private and public property types slated for

different uses. Next, we present an introduction to Lílwat traditional food practices to provide evidence of the relational nature of Lílwat ontologies about the territory. Next, we detail the recent co-management processes that the BC Government and Lílwat Nation have engaged in—including the 2006 Lílwat-BC Land Use Planning Agreement—in their efforts to cope with the many visitors who now make their way into the parks and back country areas of Lílwat. Despite its positive advances, Lílwat community members state that this agreement does not do enough to centre the Lílwat way (ontologies of land) in governance arrangements. We conclude the paper with suggested changes for the BC and Canadian governments to ensure outdoor recreation better respects the rights of Indigenous Peoples and meets their recent commitments to the United Nations Declaration on the Rights of Indigenous Peoples, and to the Calls to Action of the national Truth and Reconciliation Commission (2015a).

## **5.2 Location and approach: A watershed as experienced within different ontologies**

The tmicw (territory) of Lílwat Ucwalmícwts (people of the land; Lílwat Nation), in the coastal mountains of what is presently called BC is home to Lílwat7úl , citizens of Lílwat Nation who have lived in the area since time immemorial, with archaeology records demonstrating occupancy for at least the past 10,000 years (Lílwat Nation 2008). Prior to European settlers claiming land throughout Lílwat starting from the mid-19th century, Lílwat7úl seasonally occupied every area of the tmicw. Families lived in s7ítksens (underground pit houses that were winter homes) along the river valleys, relatively protected from the harsh cold and snow of the surrounding mountains. Seasonally, Lílwat7úl travelled through the tmicw to areas where s7ílhén (food) was tended to and harvested.

Today, Lílwat Nation is composed of over 2,000 members, with around 1,500 people living on 10 federal government allocated reserves located in Mount Currie, BC that make up 0.02% of their traditional territory. Lílwat Nation is re-establishing its ability to have self-determination in their territory, including re-establishing their Inherent Rights which involve living closely with all of the 800,000-hectare territory according to customary practices. As one way to support the reestablishment of their Inherent Rights, Lílwat Nation is research pathways to support their Indigenous food sovereignty. This paper is an outcome of research between Lílwat Nation and the UBC Faculty of Forestry on the topic of Indigenous food sovereignty told from the perspective of the first author, who is a white third-generation Canadian settler who came to Lílwat first as a recreational visitor, and later as a researcher. Throughout 5 years of research together (2015-2020), a recurring theme in conversations with Lílwat community members was the impacts of outdoor recreation in the territory. It was common for herbalists and hunters to speak about how it felt when recreationists came to their food gathering areas, trampling or overharvesting medicinal plants and leaving waste behind. This theme, of a disregard and lack of respect for the Lílwat people and foods of the territory, crystallized as a central theme in this participatory action research. One of the key Lílwat researchers, Koskas Dan, requested that an article be written about this, to make visible the impacts of what happens when a place becomes ‘loved to death’. He said that no one wants to be responsible for the destruction of beautiful places, and that people love visiting the territory to make memories. But he knows that if you visit for only a short time, you will not be able to see the impacts of you and the thousands of others like you on the beauty of these places. Because the Lílwat people have always lived here, they experience these impacts, and request mindfulness about the impacts of yourself as one of ‘too many tourists’, as a measure of respect while visiting the territory.

When visiting the territory, settlers experience the place in a much different way from how Liłwat7úl know and describe it. The most common route of travel for tourists passing through the territory is to drive along Highway 99, which travels through the busy resort town of Whistler, winding along steep mountain gorges up to and through the valley of Pemberton, along past the Mount Currie Indian Reserves (which many people will probably not notice as houses are loosely dispersed along the roadside), and then past the scenic Lillooet Lake up switchbacks in the road, which enable the road to meet with the steep gain in elevation up the mountain. The mountain highway then weaves between peaks and ridges becoming even more winding; passing rivers and streambeds and scenic glaciers, along past the Duffey Lake, which is a large glacier fed lake that is cold year-round, until the land starts to become drier and resemble the interior ecosystem types, leaving the forests of the wetter coastal climate behind. Next, the road descends a frightening series of sharp turns that have been blasted into the steep slopes overlooking bottomless gorges before the road reaches the small interior town of Lillooet. This entire route is approximately 130 km in length and takes between 2-4 hours to complete in a motor vehicle. What tourists do not see, or experience, are the ways in which Liłwat7úl know this land. Innumerable so-called ‘spots’ (Elders saying, ‘One of my spots is that way’); precious places frequented by Liłwat7úl that are located on the offshoots of trails and roads along this highway. These spots are places where hunters and fishers go and include medicinal gardens that have been tended for generations; many are the iconic spots of both sptakwlh (legends) and sqwéqweł (true stories).

The spots are named and unnamed places, associated family histories generations and generations back. For example, there is one specific watershed, Nskenu7, running down from xwemaw7 (the mountain of clear quartz), which is in the shared territory of the Lílwat and Nquatqua Nations. The larger area is known as the ‘banquet area’ in Ucwalmícwts, the Lílwat language. This area provides over 100 distinct foods to Lilwat7úl (Lílwat Nation 2015). In this area, families have traplines, which are routes marked with notched and bent trees along which small game is trapped and hunting is done. Within this area is traplines of specific Lílwat trappers. It is a mountain goat hunting location due to the calving spots located atop the steep cliffs of the mountain. These calving spots are areas where mountain goats gather, with the female goats found in a different spot from the young male goats. The calving spots are now visible from the busy Highway 99, which Elders say was an old wagon route that was a gravel road in the 1960s, and not paved until the 1990s. At some points, Elders say the road was one-way, so travellers would bring a gun and fired a shot at certain points to let opposing traffic know they were coming. The mountain goat hunting area is located near a glacier that overhangs a lake, and here meat can be preserved and stored while hunters make multiple trips to bring their catch down off the mountain (Smith Field Notes, 2018 and 2019). The streams flowing through this area are abundant with fish, some of which have been planted in alpine lakes by Lílwat people throughout generations, and plant food-medicines, many of which Lilwat7úl tend to as bountiful forest gardens (Smith Field Notes 2017-2020). This area is located with relatively easy access to the valley bottom where Lilwat7úl houses are located both presently and historically and is thus a critical place for ensuring that Lílwat Nation had adequate food to survive year-round (Smith Field Notes 2017-2020).

The same watershed is known in a much different way to settlers and tourists. Known as the Joffre Lakes Provincial Park, this park was visited by 183,000 people in 2018 (BC Parks 2019). Joffre Lakes, which gained fame on social media, is known for its scenic views and trails which connect three glacial lakes. Joffre is a relatively accessible mountain hike for visitors. In 2-3 hours, visitors can travel from a parking lot on a major highway corridor up the trail through multiple ecosystems to the top lake located directly under the glacier. More adventurous visitors can pursue ice climbing atop the glacier and stay in one of 26 maintained campsites throughout the park (BC Parks 2019). Joffre Lakes Park is known for its scenic beauty. It has been featured on countless advertisements promoting tourism in BC and has become an icon of BC Provincial Parks. Since 2010, there has been a 222% increase in visitation to the area, creating tangible impacts and increased risks in the form of garbage and human waste left behind, trampling and degradation of sensitive areas, reduced clarity of the lakes due to introduced chemicals and waste, traffic accidents and unsafe conditions for hikers who are ill-prepared or do not possess the skills required to climb the mountain (BC Parks 2019, Smith Field Notes 2018-2020). In 2019, BC Parks conducted a public survey where 75% of respondents said that overcrowding at the park was resulting in a negative visitor experience (Barde 2019).

The stories and descriptions of this watershed told by visitors versus Lílwat people in total contrast, as these descriptions begin to suggest. While recreationists conceive the forests as endless and vast enough to accommodate both recreational trails and the practices of Lílwat Nation, in truth, Lílwat Nation's territory has always been defined as the areas that provide just enough food and materials for their survival (Smith Field Notes 2019). There are many named places that are respected for the seasonal foods they provide, and even more unnamed places that

Lilwat7úl travel to semi-nomadically to access the foods as they become seasonally available (Smith Field Notes 2017-2020). Recreationists often assume that their activities are non-extractive, and therefore have minimal impacts on the land. However, with Lilwat Nation's population expanding at a rate greater than the Canadian average, and the need to be able to access traditional foods and medicines as a key part of Lilwat self-determination, there is not enough area to share unless the sharing is done respectfully, mindful of Lilwat protocols and intergenerational knowledge of the land.

Lilwat7úl experiences of place are inherently different from those that recreationists experience, and so our analysis follows a political ontology approach (Blaser 2014). This approach recognizes that rather than these differences of knowing and experiencing land being purely markers of cultural differences, that the differences come from a deeper place, which is about how people walk in their truth and how the nature of reality is experienced (A. Wilson 2021). An ontological approach takes different realities seriously and recognizes that the assumptions and concepts one is working with may be inadequate to understand the reality that is being referred to (Carrithers et al. 2010, 184). In other words, *I know what you are saying to be true even though my experience in the world has not exposed me to the concepts and theories that are necessary to understand your truth*. By examining performances (practices and representations) about how this world is represented and interacted with, we can learn more about each other's truths and answers to the question of 'what kind of thing is life' (Carrithers et al. 2010, 170). An ontological approach 'recognizes [the true existence of] multiple realities and worlds' with ontology being an 'inquiry of how to be' (Carrithers et al. 2010, 153, 169). Throughout this paper, the discussion moves between presenting Lilwat knowings of territory and Western

knowings of land as ‘parks’ and ‘resources’. To avoid reifying Western ontologies as normative concepts, words related to Western conservationist ontologies will be presented in single quotations, whereas Lílwat concepts will be presented first in Ucwalmícwts, where possible, followed by English translations in brackets.

Ontology is concerned with practices, performances and enactments, and not with specific groups of people (Blaser 2013, 553). There is a distinction made between ontological multiplicities and identity politics. Though this article considers conflicting truths about relationships with land, and invokes differences between two heterogenous assemblages of people, neither members of Lílwat Nation nor non-First Nations settlers and tourists who occupy and recreate in Lílwat territory are homogenous communities of peoples. Identity politics complicates the easy distinctions apparent between ‘Lílwat people’ and ‘settler people’; certainly, neither group has one common ontology, as ontologies are different even between individuals. However, in exploring the concept of ontological difference, we look to investigate if and how this theoretical approach is useful in uncovering and distinguishing the differences that exist in relationships between humans and the land, namely through Indigenous food practices and through contemporary recreational practices. Indigenous foodways resist colonial violence in restoring physical food procurement spaces every day (Coté, 2016 Daigle, 2019; Green, 2018; Myers, 2015), and traditional foods are an important aspect of Lílwat people learning how to live ntákmen (the Lílwat way of life). The task ahead is to recognize Indigenous Peoples’ ontologies related to foodways and enable their food sovereignty to flourish on unceded territories.

A recent article in the Pique newsmagazine quotes Chief Dean Nelson, Kúkwpi7 Skelúlmecw, the political chief of Lílwat Nation, stating that ‘the overrun area has had a direct impact on the Nation’s ability to use the land for traditional purposes. “We’re so affected in so many ways,” Nelson says. “The actual use of the place, the traditional use, has been ignored or overlooked ... The traffic, the amount of visitors, who’s allowing that? It just got way out of hand. We had no say in any of it. We were just the receiving end of everything.’ (Noel 2021). This place, Lílwat Nation’s territory, is emblematic of the larger ‘Sea to Sky Corridor’, which is characterized by a concentration of outdoor recreation opportunities, proximity to both urban and rural communities, and a variety of outdoor recreation activities in a forested setting (Harshaw, Kozak, and Sheppard 2006). The area provides some of the most important outdoor recreation resources and experiences in BC by any measure (Harshaw, Kozak, and Sheppard 2006). Here, Lílwat7úl and Western ontologies collide, and Lílwat people experience the impacts of a BC Government, supported by the BC public, that privileges Western ontologies within its frameworks for land use planning and management. Next, we tell the story of how management conservationists have sought to impose their ontologies of natural resource management on Indigenous Peoples, and how this has informed the BC Government’s approach to land use planning in Lílwat Nation territory.

### **5.3 Conservation and recreation management by the settler government**

Today, over one quarter of the total area of Lílwat tmicw is managed by the BC Government as ‘protected areas’, which include areas designated as parks and conservancies in which ‘non-extractive uses’ are permitted. This designation stems from a conservationist worldview, wherein the extraction of trees and minerals as ‘resources’ is seen as incompatible with the preservation

of ecosystems. This worldview is widespread throughout nation states of the world and is seen by those who hold this worldview as necessary to preserve global biodiversity from otherwise unhindered resource extraction. Though seemingly benign, this worldview has been used to justify the dispossession of Indigenous Peoples from their traditional and customary lands and territories, as Indigenous Peoples' land use is often seen as incompatible with conservation (Borona 2017; Colchester 2013). Indigenous Peoples' livelihoods are closely tied to the usage of materials such as foods, medicines, fuelwood, building and craft materials and others, and are thus viewed by conservationists as at odds with the preservation of nature. Conservationists, therefore, have been responsible for forced relocations that cause impoverishment, cultural destruction and the undermining of traditional systems of Indigenous Peoples (Colchester 2013; Langdon, Prosper, and Gagnon 2010; Binnema and Niemi 2006). Large conservationist institutions like international groups (e.g., the World Bank) and non-governmental organizations such as World Wildlife Fund (WWF), among others, have successfully mobilized powerful interests to back their cause of nature protection in parks. In the process, conservationists have applied Western ontologies of preservation to protected area planning without consideration for Indigenous Peoples' rights and ontologies (Colchester 2013).

Garibaldi Provincial Park was the first provincial park created by the BC Government in Lílwat territory in 1927<sup>24</sup>. There is no record, written or oral, about the BC Government consulting with the Lílwat and Skwxwú7mesh Nations when the park was created. Garibaldi mountain was renamed by settlers after a 19<sup>th</sup> century Italian patriot and soldier who would never see it and

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<sup>24</sup> Garibaldi Park is located on the shared territory of the Lílwat and Skwxwú7mesh Nations

became a popular hiking designation for Vancouverites in the early 1900s (BC Parks 2022a). By this time, the Governments of Canada and BC had already instituted the federal 1876 *Indian Act*, which forced Indigenous Peoples to relocate their homes onto small government-designated reserves, which is the only land that Lílwat Nation members were given legal title to. Yet, the *Indian Act* failed to confine members of Lílwat Nation, who continue to inhabit areas throughout their territories regardless of increasing (primarily White) settler recreation and new land designations. Throughout the 20<sup>th</sup> century, as park regulations and management plans became increasingly common, the BC Government designated and instituted policies that prohibited Lílwat, and other First Nations throughout BC, from maintaining traplines, hunting grounds and food gardens in park areas, as settler ontology deemed these uses incompatible with conservation. Because Indigenous food provisioning was so skilfully integrated within forested areas, these activities were invisible to incoming European settlers who saw only ‘pristine forests’ requiring preservation (R. W. Kimmerer and Lake 2001), or who held racialized views that European-style agriculture was somehow more ‘civilized’ than Indigenous Peoples’ food provisioning. The new jurisdictional spaces of Crown forests and parks alike enabled settler management that degraded Lílwat hunting grounds and food gardens. Despite this, food-based practices in these areas continued, often in secret. Lílwat Elders recall how people would evade the watchful eyes of newly created Park Rangers and Conservation Officers, who were tasked with ensuring government fish and game regulations were adhered to by all, including Indigenous Peoples. Conservation Officers would enforce government policies prohibiting Lílwat7úl from customary subsistence hunting and fishing throughout their territory, which more than once caused members of Lílwat Nation to blockade access routes in their territory as a last resort to resist this form of colonial violence (Nemoto 1998).

Following the BC Governments' 1970s paving of the southern portion of the Highway 99, which connected the territory with the busy Lower Mainland in the creation of a main transportation corridor, recreation in the territory increased. Prior to and following the 2010 Winter Olympics in Whistler, a surge of outdoor recreationists from both local and international locations began to visit (Sidsworth 2010; Resort Municipality of Whistler 2013). To manage and sustain higher levels of recreational use, BC Parks and volunteer recreational groups built and maintained multi-use trails throughout the territory, including mountain biking, hiking, skiing and all-terrain vehicle trails which dig deeper into the territory each year. Though seemingly innocuous, these trails transected culturally important places of Lílwat Nation, including hunting and trapping grounds, sacred sites and burial sites, and areas used for ceremonial purposes. As recreation became more concentrated, Lílwat Nation people were displaced from these areas. While safety was named as the most influential reason why hunting could not occur on areas now transected by recreational pathways, Lílwat Nation members explained how increased traffic in their sacred and ceremonial spaces created disruption. These reasons ranged from outright racism and prejudice exhibited by recreationists, who especially during times of blockading, would demonstrate aggression towards Lílwat Nation members, but also in blatant everyday racism, to disruption of ceremonial activities, with one Lílwat Elder stating 'it changes the environment with ATVs [all-terrain vehicles] ripping through the background' (Smith Field Notes 2018). According to Koskas, 'some of these places used to take us days to get to on horseback, now you can access them in under an hour' (Smith Field Notes, 2020). Though likely invisible to many recreationists passing through, the slow violence of increasing visitation throughout Lílwat territory is often experienced adversely by Lílwat Nation members, who must adapt their

presence on the land to accommodate these new uninvited guests. As Nixon (2011) argues, violence is commonly assumed to be a highly visible act, often newsworthy due to its event-focused, time bound, and body bound nature. However, slow violence involves ‘long dyings’ of ‘staggeringly discounted casualties’, both human and environmental, which is often attritional (Nixon 2011, 3). While recreationists visit areas with an increasing intensity, Lílwat community members’ food practices and ceremonial are often pushed out of these areas, depleting the availability and quality of territory through time that is used for customary purposes.

Within the jurisdiction of ‘protected areas’, BC Parks is mandated to balance the goal of protecting natural environments and managing outdoor recreation. It is not, nor has it at any time, been in their mandate as an organization to work with Indigenous Peoples on whose territories the protected areas are located (though recently BC Parks has been working more closely with Indigenous Peoples—more on this later). BC Parks designates lands in the protected areas system under a hierarchy of management jurisdictions, including: Class A, B and C parks, which are for the ‘preservation of natural environments’ for ‘public use and enjoyment’; ecological reserves, which primarily have an ecological conservation imperative; recreational areas, which are essentially parks that allow limited mining activities; protected areas, which are essentially parks where one or more land uses are permitted that are not permitted in Class A-C parks; and conservancies, which are the newest designation of BC Parks lands that are similar to Class A parks but allow for low impact economic opportunities that do not conflict with ecological, recreational and First Nations’ cultural uses of the area (BC Parks 2022b).

In addition to recreational uses of land in parks and protected areas, recreational activities in Lílwat tmicw continue to grow in the areas designated as Crown forestlands and private lands. Crown forests are areas leased out to forestry companies by the BC Government and provide most of the fibre that is logged in the province. Private lands, on the other hand, are fee-simple areas owned by resource companies and individuals. On private and Crown lands, activities like mountaineering, skiing and hiking have been complemented by an array of activities that include snowmobiling, ice climbing, and heliskiing (where skiers are dropped off in remote areas from a helicopter). While Park Rangers and Operators enforce strict regulations about where and what kind of recreation is permitted within protected areas, recreation on Crown forestlands is monitored by users and Conservation Officers. Access for recreation on lands licensed out to forestry companies is facilitated by Forest Service Roads (FSRs), which total 800,000 km throughout BC. Over half of these roads built by forestry companies and 10,000 km of new road being added annually (Forest Practices Board 2015). Forestry companies are responsible for decommissioning roads after logging is complete, but many decommissioned roads remain accessible to trucks and off-road vehicles (Forest Practices Board 2015). Private property owners of fee simple lands are currently allowed to exclude users under the provincial *Trespass Act* (2018). However, some recreational clubs have agreements with private landowners to access rights of way through private lands (Smith Field Notes 2020), and recreationists continue to advocate for ‘right to roam’ legislation that would require that private property owners allow public right of ways on fee simple lands (Luymes 2019; Champion and Stephenson 2010). Nature conservation organizations like The Nature Conservancy are increasingly purchasing ownership rights to privately owned lands in Lílwat (and elsewhere in BC) with the goal of protecting biodiversity and wetland habitat (Nature Conservancy of Canada 2022). First Nations groups are

often not consulted about these sales. These areas generally exclude recreational users, which the Nature Conservancy land managers and other conservationists see as being disruptive of wildlife habitat conservation. Throughout the mosaic of land ownership types runs the common thread that recreationists are increasingly accessing remote areas of Indigenous Peoples' territories and are doing so both within and outside of relationships with First Nations and the BC Government.

Both on and off lands managed as parks and protected areas by the BC Government, the provincial government has a central role in creating general guidelines and specific usage rules for recreational activities. Representatives of the BC Government sometimes work with municipal governments and recreational groups to do recreational planning, such as with the Pemberton Trails Plan (Pemberton Valley Trails Association 2022). At the provincial level, high-level land use planning is one way the BC Government has been grappling with overtourism, and a boom in outdoor recreation is one agenda item among their other priorities for land use planning. While BC Parks is committed to working with First Nations on whose territories they operate, the ways in which conservation and recreational management are enacted within recreational governance are not easily compatible within Lílwat relational ontologies of land, which do not hold the same divisions between 'resource extraction' and 'preservation' that provide the foundational concepts for parks. The BC Government is thus responsible for working with its subsidiary ministries to create new modalities for land use governance that are co-created with and respect the worldviews of First Nations.

Next, we present an introduction to Lílwat Nation foodways, including traditional food systems, to begin to identify and understand Lílwat relational ontologies and conceptualize the ontological

differences between Western governmental land use management and Lílwat relational practices of stewardship and cultural responsibilities towards the land.

#### **5.4 Lílwat traditional food practices and relational ontology**

Lílwat Nation's relationships with the tmicw have historically been founded on a subsistence relationship with the land, including the need to ensure adequate food provisioning to meet year-round caloric and nutritional needs. The semi-nomadic movements of Lílwat7úl were strongly informed by the availability of foods as they became seasonally available in different locations throughout the territory. One example is the skwelwín (mountain potatoes of four different species of tubers), which become available shortly after the snowmelt at higher elevations in the mountains. These prized foods would, and still do, spur an annual gathering of families, who would meet at known harvesting spots to carefully dig the small tubers from the ground and prepare them for preservation as a year-round source of carbohydrates. Once the temperatures cool in the autumn, hunting parties would, and still do, visit family hunting grounds throughout the territory. In the late summer and early fall, the sockeye salmon runs are the focus of activity, with families focusing on fishing and preserving this important staple food using a diversity of methods for year-round consumption.

Though the foods of Lílwat are associated with instrumental values, as they ensured the survival of the people from year to year, they are also associated with intrinsic and relational value, wherein the relationship is the thing of value (Stålhammar and Thorén 2019). Within research conversations people emphasized the relational value of foods. Members of Lílwat Nation are recovering their traditional practices following government policies that removed the people

from their customary food sources. Health and healing from the land was described by research participants as being not only physical, derived from the nutritional and caloric content of foods, but also part of the emotional, spiritual and intellectual health of Lílwat7úl. Food procurement and food-related ceremonies and protocols done by families and friends together on the land was described by some research participants as an important part of a holistic health and healing. Lílwat food sovereignty, which involves the ability of community members to practice land-based food procurement, is therefore an important aspect of collective and individual holistic health. Traditional food practices were described by some participants as enabling healing from the impacts of intergenerational trauma resulting from settler-colonial government policies of attempted assimilation and genocide. Holistic health is thus emergent from the relational experiences and practices tied to the ontologies of Lílwat Nation community members, which are enacted in food-based practices.

Many of the food-based health practices of Lílwat Nation are related to values of reciprocity, cultural obligations, responsibilities and practices of care. Lílwat practices around foods and medicine comprise a key component of collective spiritual beliefs, which are rooted in the land. The interconnection of people and the land is evident in how community members use concepts of food and medicine interchangeably when referring to Lílwat traditional foods:

*“It’s like our bodies just know what’s good for us. I could eat the finest beef steak in the world prepared by the best chef, and it wouldn’t hold a candle to deer... our bodies know what is good for us. Our food \*is\* the medicine”*

*(Martin Nelson, original emphasis retained, 2019).*

Lílwat community members spoke of their cultural obligations to care for the land and its beings. Maintaining proper relations with all beings on and of the land is of utmost importance, and is central to living nʔákmen, which is the Lílwat way of being. This is highlighted, for example, in the First Salmon Ceremony. During this annual event, Lílwat Nation honours the salmon, called the Fish People by some in acknowledgement of their agency and personhood. The first salmon of the year is shared amongst ceremonial participants, who then return the bones of the salmon to the river to show care and respect for the life-sustaining waters and salmon (Lílwat Nation, 2006). The Lílwat law of maintaining proper relations with the land is also reflected in community policies like the Lílwat Nation 2016-2023 Strategic Plan, which addresses protecting sensitive species and increasing Lílwat natural resource monitoring and guardianship capacity (Lílwat Nation, 2016). The sacred responsibilities of the people to the land are also ascribed to non-humans in Lílwat, such as land protectors who include the Sasqáts (Sasquatch) and the hi7. Sasqáts is a protector of the land, taking care of the tmicw through daily practices (Smith Field Notes 2015-2020). The hi7 is a water serpent who protects the land and water, who lives in the rivers and has been encountered by Lílwat community members within living memory (Smith Field Notes 2018).

Because of the sacred nature of the relational responsibilities and cultural obligations of Lílwat7úl with traditional foods, there is a sense that the Western managerial approach to the land is inappropriate. As Koskas says, ‘We don’t manage the land, the land manages us’. The ‘goods and services’ that recreational land managers often talk about are much different, and often incompatible, with the relational knowings that Lílwat people have about the sources of the foods that support them. The distinction made by Western science between humans and nature is

counter to the Lílwat teaching of ‘Pelpala7wít i ucwalmícwa múta7 ti tmicw’ (the people and the land are one) (Joseph 2021; Latour 1993). This relational ontology of the Lílwat versus the managerial view of BC government actors is perhaps the crux of the ontological difference that characterizes Lílwat and Western ontologies about human-land relationships.

Critically, intensive recreational activity in the territory negatively impacts the ability of Lílwat Nation to engage in practices related to their Indigenous foods. Traditional foods of Lílwat Nation, which still compose a significant and highly affective and valued aspect of Lílwat diets, hinge on access to game, fish and plants throughout the tmicw. Recreational activities of both motorized and non-motorized scare the animals away. As Martin Nelson said, ‘they [the animals] just stop coming’ (Smith Field Notes 2019). Increasing traffic in the backcountry not only limits where hunting and harvesting can occur, but also changes the availability and abundance of foods. Martin Nelson poses the rhetorical questions,

*“Where have all the deer gone? It used to be you would drive up this way and you would see so many deer. Now you’re lucky if you see one in a month! So where have they all gone?”*

Recreation in Indigenous hunting grounds, traplines and forest gardens, seen by the public as ‘pristine’ or ‘unvisited areas’, is an anthropogenic impact on biodiversity that is less apparent than ‘conservation’, but potentially of similar importance (Balmford et al 2015 in Naidoo and Burton 2020). Wildlife biologists in BC have found indeed that culturally-important game species have an aversion to both motorized and non-motorized recreational vehicles (Naidoo and Burton 2020). Moreover, outdoor winter recreation activities create disturbances for wildlife that

may change seasonal migration patterns in the winter season, (Arlettaz et al. 2015), which is the time when Lílwat hunters are most active. For years, Lílwat hunters have been prohibited from hunting in high-recreational areas because of safety concerns, and as recreation grows, these no-go areas become more widespread throughout critical hunting grounds in the territory. Moreover, prioritizing areas for recreational tourism leads to preferences for maintaining objects of tourist fascination over other values of the landscape (D. R. Williams 2001), such as privileging scenic vistas, trails and recreation sites over culturally-important spaces where Lílwat people do ceremony, hunt, fish and engage in other activities that constitute living nʷákmen.

Next, we overview the collaborative relationship that began between Lílwat Nation and the BC Government in the early 2000s for land use planning, to provide evidence about the current relationship between the BC Government and Lílwat Nation in grappling with the impacts of tourism among other settler land uses.

## **5.5 LRMP, protected areas, and the New Relationship**

In the early 2000s, the BC government made changes in land designation. Following a struggling period for the forest industry since the recession of the 1980s, the government was hearing from First Nations, environmentalists and industry members alike that a time for change had come (Wood and Rossiter 2011). The 1996 Royal Commission on Aboriginal Peoples (RCAP) (1996) had issued recommendations to the Canadian government relating to the governance and ownership of Indigenous Peoples' lands, including recognition for Aboriginal governments and nations within a new relationship with the Crown and the expansion of the 'Aboriginal land and resource base' (Hurley and Wherrett 1999). Despite these recommendations, the BC Government

began the new land use planning process limited to involving ‘stakeholders’ in collaborative land use planning circles. These committees were tasked with deliberating on the many values and uses of land to come up with high-level objectives for their areas of interest within regional planning centres. However, it became quickly apparent that First Nations would not settle for being considered another ‘stakeholder’, and instead were demanding to be recognized as ‘rights holders’, whose unique rights are protected in Section 35 of the 1982 *Canadian Constitution* and confirmed in a growing amount of jurisprudence emanating from the Supreme Courts of BC and Canada (Tonya Smith and Bulkan 2021). First Nations insisted on their own decision-making processes, and that the BC Government should respect them as co-equal decision-makers, rather than being folded into land use planning processes. Their representatives rejected the BC Government’s attempt to treat their territorial and cultural rights as equivalent to industry lobbying for access to minerals and timber resources or to environmentalists advocating for protected areas.

Lílwat Nation was first invited by the BC Government to participate in the management of their territory in 2004 as part of the Sea to Sky Land and Resource Management Planning (LRMP) process, which evolved from the earlier land use planning processes. This multi-stakeholder process mapped out Land Use Zones throughout the Sea to Sky region. While representatives from industry, environmental groups and recreationists created this vision for land use planning in the area, Lílwat Nation led their own land use planning process within the Lílwat community. From 2004-2008, a Lílwat Nation working group composed of 14 community members, assisted by two environmental planning consultants, created the Lílwat Land Use Plan (Lílwat Nation, 2006). The LLUP was drafted under two successive BC Governments. Participants say that this

document is intended to act as a reference point for all negotiations around land use between Lílwat Nation and the BC Government. In 2008, Lílwat Nation and the BC Government signed the Lílwat-BC Land Use Planning Agreement, which established a process to harmonize the LLUP with the Sea to Sky LRMP LUP. The harmonized plan was approved by Chief and Council in 2015 and includes: detailed accounts of areas to be protected in Lílwat; priorities for the air, water, vegetation, wildlife, medicines and economy; as well as steps to implement the LLUP.

As a result of these processes, new land categories were created. In Lílwat, the allocations were: protected areas, which are both existing parks and new conservancies, 26%; wildland areas where mining and tourism are permitted, 27%; and all resource uses permitted areas, 47% (Lílwat Nation & BC Government, 2008). Within the ‘all resource uses permitted areas’ are areas designated as Cultural Management Areas. These are lands that have been identified as having ‘high First Nations cultural values’ in which ‘development and use must be conducted in a manner that protects First Nations cultural values and ecological integrity’ and are consistent with the First Nations’ land use plans (Lílwat Nation, 2006). These areas allow for sustainable economic development activity to take place, including forestry, subsurface resource development, independent power producers (run of the river hydroelectricity), and commercial recreation (Lílwat Nation & BC Government, 2008). The objectives of Cultural Management Areas are to conserve and maintain the integrity of cultural and heritage resources, including areas that have been designated as A7a7úlmeçw (Spirited Ground Areas, or sacred sites). All economic activities are to be undertaken in a manner that is ‘sensitive to Lílwat social, ceremonial and cultural interests, values and uses’. In these areas, no new cabins are to be

constructed without the permission of Lílwat Nation, and all small-scale forestry is required to follow the guidelines of Lílwat Nation Botanical Resources Strategy (2015), which details sustainable forest management practices for preserving and protecting culturally important plants and fungi.

Conservancies were a new jurisdiction of protected areas created by the BC Government partway through the LRMP process. Conservancies were first created in a 2006 amendment to the BC Park Act (1996), and were intended to allow a wider range of land uses while still prohibiting large-scale resource extraction from mining, forestry and hydroelectric development (ICE 2018). In Lílwat, the BC Government intends conservancies to act as opportunities for ceremonial and cultural uses by First Nations, protect cultural resources and sacred sites, and maintain, where appropriate, low intensity backcountry and recreational use (Lílwat Nation & BC Government, 2008). Conservancies can be established by an Order in Council under the *Park Act* or by inclusion in schedules to the Protected Areas of British Columbia Act (2000). The BC Government, with the support of First Nations, deemed that no new conservancies would be permitted after 2006 until management plans were in place for existing conservancies.

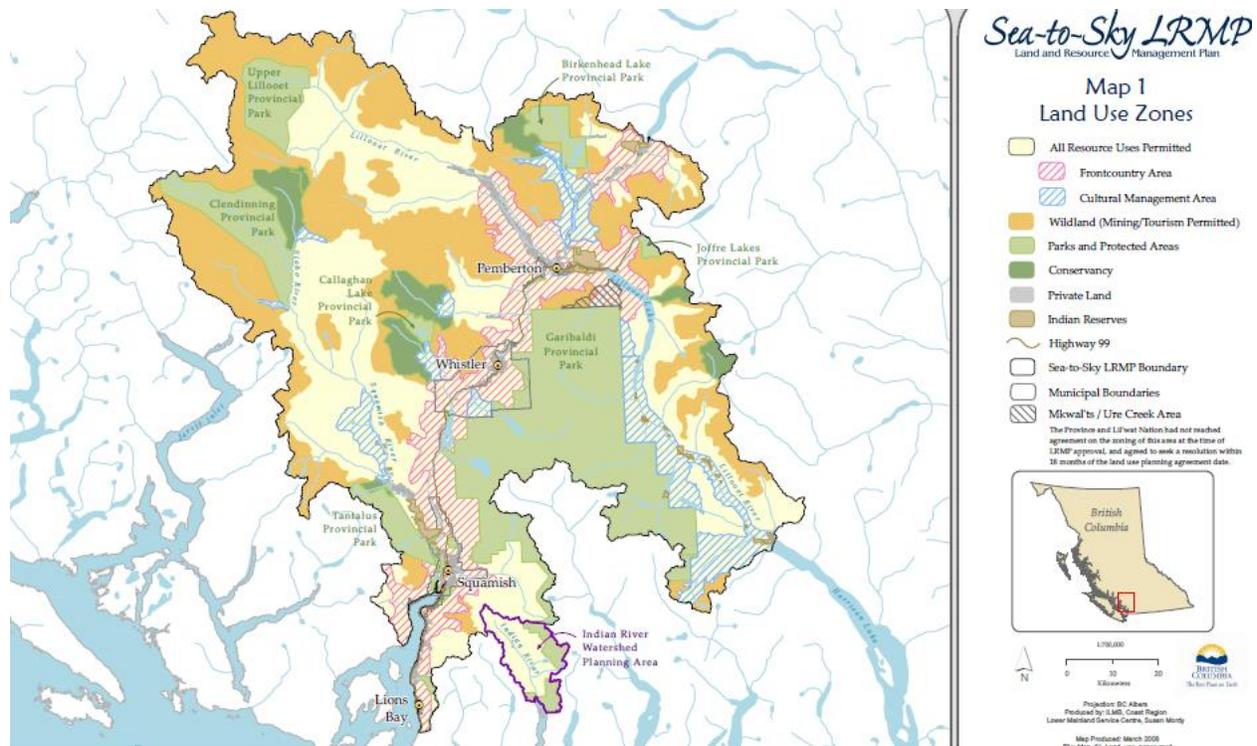


Figure 5.1 Sea to Sky Land Use Management Plan Map showing designation of Land Use Zones (BC 2008)

The LRMP process was one of the very first times that Lílwat Nation was invited by the BC Government to sit at the governance table with stakeholders to be involved in large-scale, collaborative land use planning about their territory. Through this process, areas that are central to Lílwat ways of being, including areas designated as Ntákmén Areas, received immediate protection. Since the 2008 agreement was signed, Lílwat Nation has been working closely with the BC Government to create management plans for the parks and conservancies throughout the territory. Lílwat Nation Department of Lands and Resources (DLR) facilitates park and conservancy planning processes between Lílwat community members and BC Parks representatives. Throughout the 20<sup>th</sup> century, government and industry representatives have held consultation activities with Indigenous Peoples across Canada in a piecemeal way that often

were not considered meaningful to the Indigenous Peoples involved and did not meet with cultural protocols for knowledge sharing and decision-making (Brody 1981). Lílwat Nation DLR employees are attempting to shift the balance of power between Lílwat community members and BC Parks representatives through going beyond hosting community information sessions (a one-way exchange of knowledge that has until recently characterized engagement sessions) to soliciting input from Lílwat7úl during activities taking place on the land that better honour Lílwat7úl roles as knowledge keepers and teachers of the land and territory.

One example of this kind of on-the-land engagement happened during the Nlháxten/Cerise Creek Conservancy planning process in 2016, where employees of BC Parks were encouraged to learn directly from Lílwat Elders in a conservancy area. The conservancy area is located in a family trapline, historically and contemporarily used as a place to trap small game and for hunting along with berry and medicine gathering (Smith Field Notes 2016). Traplines are places of many stories for Lílwat Nation members who grow up and visit the areas seasonally with their families. During the engagement session, Jeanie Andrews, Jordon Gabriel, Susan Wells and Lhpatq Maxine Joseph told stories and shared knowledge and information about the area. Through engaging in land-based activities together, the balance of power in planning processes may begin to shift to better respect Lílwat7úl, who have a wide breadth and depth of knowledge of the land.

Here the insight shared by the geographer Sarah Hunt (Kwagu'ł) (2014, 31) is instructive, '[Indigenous] Knowledge's relational, alive, and emergent nature means that as we come to know something, as we attempt to fix its meaning, we are always at risk of just missing something.... any attempt to fix Indigenous knowledge can only be partial'. Being out on the

land together allows BC Parks employees to learn *nákmen* first-hand from *Lílwat7úl* and represents steps towards creating equitable space in the planning process (Styres and Zinga 2013). According to Hunt, planners ‘must begin grappling with the unsettling nature of engaging Indigenous knowledges in processes that are rarely clear, neat, linear or straight-forward, but instead are productively confusing’ (Hunt, 2014, 31). In addition to more meaningful co-management planning activities, the Government of Canada has been enhancing its support for Indigenous Peoples, who are to be recognized in paid roles as Guardians on their territories. *Lílwat* Nation has recently piloted the *Skél7awlh* Guardianship Program, which is a new arrangement between *Lílwat* Nation and BC Parks. This program involves *Lílwat* and the neighbouring *Nquatqua* Nation employees working alongside BC Park Rangers in parks and conservancies in the territory to do monitoring, public engagement, maintenance, and other activities. The *Skél7awlh* program has the potential to empower *Lílwat* Nation community members in monitoring and engaging with public recreation on their territory while also building relationships of trust with government actors that may influence decision-making in ways that are quiet yet significant (Loo 2017).

## **5.6 *Lílwat* relational ontology: ‘no true conservancies’**

Despite the collaborative approach used to inform land use planning within the BC-*Lílwat* Land Use Plan, there remain outstanding challenges and opportunities related to whether or not it is appropriate for *Lílwat* Nation to continue to seek respect for *Lílwat* ontologies within settler land use planning processes, and what pathways forward are available for *Lílwat* Nation to best steward the *tmicw* according *Lílwat* to *nákmen* and *nxekmín* (*Lílwat* oral and community laws). According to Martin Nelson, the process of designating different areas for different uses, which

was done as part of the Lílwat land use planning process and LRMP, is incompatible with Lílwat customary governance practices:

*“This isn’t how we think of the land. It’s not put a park here and a mine over there. No, we show respect for \*all\* the land. We have obligations to all of it, not just some spots over others.” (Smith Field Notes 2018, spoken emphasis retained)*

To respect customary governance, therefore, the changes that are needed are more substantial than allocating some areas as off limits to resource extraction. Lílwat people teach about a responsibility to care for the tmicw, and that this responsibility is what has helped the Lílwat people to survive and thrive on these lands for generations. This teaching is incompatible with an instrumentalist framework that allocates forestry harvest in one spot, and a park in another. It requires a fundamental shift from this Western transactional mindset to one where the relationships between humans, animals, plants, minerals, air and water are revalued. This idea is extended with the comments of Jordon Gabriel, Lílwat forestry manager, who states:

*“There are still no true conservancies in the territory. They say they are conservancies, but even those are managed for recreation. A true conservancy that we [Lílwat7úl] would want to see would be managed for cultural uses first, but these ones are not, not really” (Smith Field Notes 2017).*

Though designations of Cultural Management Areas (CMAs) ensure the protection of Ntákmén Areas from immediate resource extraction, this CMA designation does not yet represent true Indigenous-led governance, nor does it work to address the negative impacts from recreationists on Lílwat land-based practices. As reflected in Gabriel’s statement, an important aspect of the

Sea to Sky LRMP was the need to manage recreation. While the conservancies in the 2008 BC-Lílwat Land Use Plan allowed for the maintenance of then ‘current levels of low intensity backcountry recreational and tourism use’, tourism in BC has been growing exponentially since then. Revenues from tourism in BC increased by 41% between 2007-2017 to become the third largest industry in the province (The Canadian Press 2019). Tourism in Lílwat has kept pace, with the resort town of Whistler making up 25% of BC’s total tourism export revenue. The tourism sector contributes more than half of the entire BC forestry sector, and more than agriculture and fisheries combined, to the province’s gross domestic product (RMOW, 2018). Therefore, though conservancies are not intended solely for recreation use, they are being accessed by recreationists with greater frequency.

For members of Lílwat Nation, being I Ucwalmícwa (people of the land) involve relationality and reciprocity as well as cultural responsibilities and obligations, all of which are central to ensuring collective community health. Lílwat teachings uphold responsibilities to step lightly and practice respectful relationships with the land both within and outside of protected areas and parks. When asked whether he thought it would be a good idea to limit the number of visitors to Joffre Lakes Park, one Lílwat community member shared:

*“We already have too many people on motorized vehicles finding forest roads way back there. They are scaring the deer away, so it’s impossible to hunt in those areas now. Also, it’s not safe to shoot, because there are so many people around. If they put a limit on Joffre, people will just find the next nice place to go.”*

Indeed, online videos made by BC Parks and users highlighting overcrowding in Joffre Lakes Park suggest ‘visiting other trails’ as a solution to avoiding crowds. Already Lílwat community members have observed that nearby trails, many of which are not equipped to handle higher recreational activity, are now experiencing increased traffic (Smith Field Notes 2019-2020). Whereas in the past, restricting visitor numbers in conservancy areas would have been unthinkable both from a Western and Lílwat perspective, increasingly this option is receiving more discussion in planning meetings, and throughout the territory gates prohibiting vehicle traffic in critical habitat for threatened and endangered wildlife are now operational (Smith Field Notes 2017-2019).

Some Lílwat community members do not take part in community meetings that involve BC Parks, lest their participation be interpreted as legitimizing the authority of BC Parks and the BC Government to unceded Lílwat territory. The Michi Saagiig Nishnaabeg scholar Leanne Simpson (2017: 178) calls this ‘productive refusal’, wherein people choose to ‘refuse colonial recognition as a starting point’ and turn inward, towards Indigenous ontologies, to embody an alternative. This productive refusal has been around in Lílwat since the Nation signed the 1911 Státýémc Declaration, which states that the Nation has never ceded any rights to their territory and continues to be the rightful decision-maker. Productive refusal was amplified during the 1970s, and again in the 1990s, with Lílwat community members’ participation in roadblocks against the imposition of fishing regulations and forestry that was occurring on graves and sacred sites (Crompton 2006; Nemoto 1998). In the 1990s, Lílwat Nation refused to allow the sacred Place of the Winter Spirit, Sútikalh to be developed into the proposed Cayoosh Ski by Nancy Greene and NGR Resort Consultants Ltd., which was to feature 14 ski lifts and the capacity to host over

14,000 visitors a day (Wonders 2021). Productive refusal has acted as a protective measure against the slow violence of the BC Government ignoring in some cases, and abetting in others, the problem of recreation. In Sútikalh, the unwillingness of the BC Government to intervene against the proposed ski resort led Lílwat and other Stát'yemc community members built a permanent re-settlement home on the proposed site, which is still to this day occupied year-round to protect this area from development.

Settlers and the BC Government both willingly and unwillingly fail to acknowledge Indigenous ways of being in recreational land use planning: willingly, through maintaining ignorance and refusal to learn about Indigenous histories and from Indigenous Peoples themselves; and unwillingly, through best efforts of government officials who believe that Indigenous values can be taken into account within settler governance structures and who fail to see meaningful government to government relationships will require the fundamental re-writing of these structures and the sharing of power. Yet, the pace of climate change, biodiversity crashes, and the COVID-19 era all call for meaningful, actionable change to be ushered in quickly. It is increasingly recognized that climate change mitigation cannot happen without Indigenous Peoples taking a central role in mitigation strategies, and that these strategies are required to slow catastrophic climate change, biodiversity loss and the continuing degradation of ecosystems (Fa et al. 2020; Arias-Bustamante and Innes 2021; Doolittle 2010). Moreover, the BC and Canadian government have instituted legislation to uphold the rights of Indigenous Peoples, following decades of Indigenous Peoples' organizing to demand their rights be upheld.

Next, we overview recent advances in the recognition of Indigenous Peoples rights' and show how they are important to Lílwat Nation's ability to have a say about recreational land use planning in their territory.

### **5.7 Changes in Indigenous Peoples' rights and future of collaborative governance for recreation**

The spatial nature of Lílwat food systems creates a need for the BC and Canadian governments, companies and the public to perceive and mitigate their impacts on traditional food procurement places. Though Lílwat hunters, fishers and herbalists are, and have been, adaptable to changes in the territory, recreational visitors continue to displace Lílwat people to the point where few areas are left unfrequented by visitors. Though the public sees these areas as Crown lands and parks, in Lílwat they are named places that have never been ceded in treaties. Under Canadian law, Lílwat Nation holds Aboriginal rights to these areas, which are protected under Section 35 of the *1982 Canadian Constitution*. However, the Constitution fails to define what Aboriginal title, the *sui generis* ownership that Aboriginal peoples have to their lands, entails, and the Governments of Canada and British Columbia have discovered time and time again the incompatibility between upholding their constitutional duties to respect Aboriginal title and allowing business-as-usual resource development and extraction to take place on unceded Indigenous territory. Rather than following other First Nations who have engaged in costly and lengthy litigation with the governments and companies to have their Aboriginal title rights recognized and respected (IRSHDC, 2021), Lílwat Nation has chosen to become involved in settler governance activities, even when the latter fail to formally or structurally acknowledge Lílwat ontologies. However, the situation in Canada has been changing since 2007, as Indigenous Peoples in BC have managed to

secure some major openings to have their rights respected by the Governments of Canada and BC. These openings are occurring at both the federal and provincial levels, in distinct but parallel ways.

At the federal level, the lack of fit of Aboriginal title rights with the goals of an unhindered national economy have long been to the chagrin of Canada, which has failed to meet with its 'historical and contemporary imperative' for forming and honouring proper treaty relations between sovereign nations (IRSHDC, 2021, p. 9-10). The *1876 Indian Act* is Canada's federal legislation for its relationship with Indigenous Peoples, which is a paternalist law that covers all aspects of the lives of people defined as status Indians under the Act, from defining who qualifies as an Indigenous person, to healthcare and funding, to the governance of Indian Reserves. The *Indian Act* is contested legislation in Lílwat, with community members frequently stating the need for their Nation to move away from thinking in terms of the limits it puts on Indigenous rights and ways of being. The *Indian Act* is not sufficient to support good relations between Canada and Indigenous Peoples, and Canada has several times been chastised by international governance bodies including the United Nations Human Rights Council (Anaya 2014). Canada's dealings with Indigenous Peoples have featured poor performance into recent times, despite many inquiries and commissions about how to improve relations between Canada and First Nations, including the 1996 Royal Commission on Aboriginal Peoples, the 2016 Truth and Reconciliation Commission's Calls to Action, the 2019 Final Report of the Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA people (Wilson-Raybould 2021). Following its pattern of a historic disregard for the rights of Indigenous Peoples, the executive arm of the Canadian government first opposed the United Nations Declaration on the Rights of

Indigenous Peoples (UNDRIP) in 2007, before subsequently issuing qualified support of it in 2010 as an aspirational and legally non-binding document. When Canada finally endorsed the Declaration without qualification in 2016, Jody Wilson-Raybould, then Minister of Justice and Attorney-General of Canada, cautioned that ‘what we need is an efficient process of transition that lights a fire under the process of decolonization but does so in a controlled manner that respects where Indigenous communities are in terms of rebuilding’<sup>i</sup>. That promised transition has been glacially slow. As we pointed out in 2016, ‘under UNDRIP, it is for the First Nations to set the terms of engagement for their traditional resources, not the provincial government’ (Bulkan 2016). At the federal level in Canada, the accepted Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* 2020, which sets out that path leading to statutory implementation of the recommendations of UNDRIP 2007 has been four years in the making (IRSHDC 2021).

While Lílwat Nation must deal with the Canadian government on issues related to their rights as an ‘Aboriginal People’, they must also work with the BC Government that claims jurisdiction to the territory on lands outside of the federally allocated reserves. Within the Province of BC, the provincial legislative arm of the BC Government passed the *Declaration of Rights of Indigenous Peoples Act* 2019 (DRIPA) in November 2019 as a step towards advancing the relationship between the BC Government and Indigenous Peoples. DRIPA is potentially a watershed moment for recognizing Indigenous Peoples’ rights as eight Articles of UNDRIP refer to Indigenous Peoples’ collective ancestral rights to lands, territories and resources and five mention their right to govern social-political, cultural and economic institutions within their territories (M. A. Huambachano 2019). Indigenous Peoples and the public are waiting on the BC Government to

announce public steps towards making the DRIPA statute actionable. DRIPA is part of a growing number of legislative and policy reforms being put forth to ‘structure proper relations’ between Indigenous Peoples and the Crown in BC (IRSHDC 2021). One other opening in the BC Government impacting Indigenous Peoples and their territories includes the creation of a Ministry of Indigenous Relations and Reconciliation in November 2020, which is tasked with a range of duties relating to improving the relationships between the BC Government and Indigenous Peoples. Additionally, the BC Government commissioned an old-growth forest strategic review panel, whose final report highlighted Indigenous Peoples’ involvement in decision making around old-growth forests as the first required condition for change (Gorley and Merkel 2020). The commission recommended the implementation of a decision-making system grounded in a Provincial-Indigenous government-to-government framework (Gorley and Merkel 2020). The government’s slowness to act, and lack of support for Indigenous Peoples’ involvement when they do act, has been criticized by environmentalists and the First Nations Forestry Council (Higgins 2020).

Executive and legislative processes have been supported further by provincial court rulings: the duty of the government first to consult and accommodate First Nations on decision-making related to their territories, *Haida Nation v. British Columbia* (Minster of Forests) (2004 SCR 73). A decade later the Supreme Court of Canada confirmed that governments need to seek consent from those nations whose Aboriginal title was confirmed (*Tsilhqot’in v. British Columbia*), (2014 SCR 44). The BC Government has too often left decisions about how Aboriginal rights and title should be implemented in BC to the courts, which are costly and lengthy processes that create uncertainty over land use decisions (Wilson-Raybould 2021). A better approach necessitates a

framework to revise laws, policies and practices to align with UNDRIP and to create clear processes for government-to-government joint decision-making with First Nations on issues impacting their territories. This involves recognizing the rebuilding of governance processes in First Nations and governance systems that lie outside of the *Indian Act* (Wilson-Raybould 2021).

Given the newest commitments of the Governments of Canada and BC, the time is ripe for change in how these governments recognize and work with Lílwat Nation and other Indigenous Nations to best weave together the knowledge of both worlds (Lertzman 2010), within approaches that centre Lílwat ontologies of land. In the case of recreational visitors in Lílwat, much of the current responsibilities to uphold Indigenous Peoples' rights are foisted on to BC Parks, whose budget and capacity were substantially decreased in the early 2000s. Despite recent funding increases by the BC Government, BC Parks maintains a low capacity, in terms of personnel, and knowledge resources, for ensuring the rights of Lílwat Nation are upheld in collaborative planning. Though individuals employed by BC Parks have demonstrated a willingness to learn from Lílwat and other First Nations in community meetings to create protected areas management plans, the issue of ensuring that Lílwat ontologies are heard, followed and respected in the process of collaboration requires more than interpersonal support amongst individuals. It also requires structural and capacity support on behalf of the BC and Canadian governments, namely through increasing government to government engagement with First Nations on whose lands parks are located, as well as through hiring of Indigenous Peoples to inform the quality of collaboration done with BC Parks and First Nations throughout the province.

As discussed earlier, the ontological differences between the BC Government's approaches to 'managing parks' and the Lílwat relationships with land and its creatures are significant. There is a clear and pronounced need for Lílwat Nation to have deliberative processes, amongst community members first to answer critical questions, such as: Who is entitled to speak for land use decisions in what areas of the territory? What does consent look like for acting upon decisions? Who can give consent? What do dispute mechanisms look like for those who are not consenting or who choose to withdraw consent? (Wilson-Raybould 2021). During park planning meetings, Lílwat community members like Koskas said that though there is a community-level process needed as some of the areas involved are owned by specific families, rather than the entire nation (Smith Field Notes 2019). In these cases, it is necessary to work out governance mechanisms that protect the rights of specific families to these areas while also serving the collective interest of Lílwat Nation. Some work on answering these questions is already occurring within Lílwat Nation. In 2016, Lílwat Nation contracted the Centre for First Nations Governance to host a series of workshops to examine how the nation can meet its goals of self-governance and self-determination (Lílwat Nation, 2017a). That was the start of a process to restore an Inherent Rights Governance system. The Inherent Rights system is intended to replace the Band Council government, which is an externally imposed governance body regulated under the *Indian Act*. In its stead, the Inherent Rights system is to be a governance system that more closely resembles the traditional governance of the Lílwat peoples of their tmicw. In addition to supporting skél7awlh (land stewards) both within and outside of formalized roles throughout the territory, Inherent Rights governance involves the restoration of nxekmín, which are oral and community laws. This process of determining what an Inherent Rights governance system will look like is complex, but the Elected Chief of Lílwat Nation, Kúkpi7 Skelúlmecw Dean Nelson

is hopeful that it will help to regain community confidence and efficient participation in self-governance of the territory (Smith Field Notes 2015-2020).

As part of its implementation of DRIPA, the BC Government will also need to create actionable plans to harmonize laws, policies and processes with UNDRIP to ensure the protection of Indigenous Peoples' rights, including the right to self-determination. This might mean, for example, that the BC Government recognizes the Inherent Rights governance system of Lílwat Nation as the rightful decision-making body/system for Lílwat Nation in its dealings for land use planning in lieu of the Band Council system (Wilson-Raybould 2021). It may also mean that as Lílwat governance capacity is strengthened, Lílwat Nation may be able to engage in land use planning and decision making with more capacity and certainty. In this case, having the option to renegotiate some of the locations, boundaries and rules for stewarding the conservancies, cultural management areas, old-growth management areas and other designations within the territory might be important. It is also possible that Lílwat Nation might chose to pursue other institutional forms or arrangements for the governance and protection of territories. Several examples of other institutional arrangements for Indigenous Protected and Conserved areas can be found in BC already, including Tribal Parks wherein Aboriginal title rights are legally recognized and protected and Aboriginal governance is paramount (ICE 2018). What is critical in acting on DRIPA is that Lílwat Nation and other Indigenous Peoples are able to be self-determining, according to their own protocols, processes and timeframes. This will enable the Lílwat ontology to take centre stage in how people will relate to the tmicw in future.

## 5.8 Conclusion

In this paper, we argue that the erasure and/or dismissal of Lílwat ontologies by conservationist land managers constitutes ‘slow violence’, a type of risk that occurs slowly through time; ‘violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all’ (Nixon 2011). This violence is evident in quotations from Lílwat Elders, who speak of the impacts of recreationists on traditional food practices, and who contest the current collaborative management planning of the BC Government, which by and large ignores Lílwat ontologies in exchange for empowering and cantering Western land management ontologies. Though Lílwat Nation has been engaged in collaborative co-management initiatives with the BC Government since 2006, which have led to meaningful changes in the way land is designated and managed, Lílwat community members indicate that still further action is needed to bring their ways of being and knowledge systems to the attention of settler and visitor peoples who both manage and recreate in the area.

While recreation plays an increasingly significant role in BC’s tourism economy, researchers have spent less time studying its impacts than related competing uses of land like logging and fishing (Harshaw, Kozak, and Sheppard 2006). Here, recreation is conceptualized as a competing use of the territories of Indigenous Peoples and tells one story of how Lílwat Nation is grappling to gain visibility of their rights and interests amid ‘overtourism’. Though critical research is being done to understand the impacts of recreation on the movements and behavioural patterns of wildlife (cf. Toews, Juanes, and Burton 2018; Fisher et al. 2020; Tattersall et al. 2020), there remains a gap in the research on the impacts of recreation on fish, game and plant species’ links

with Indigenous food sovereignties. For Lílwat Nation and other Indigenous Peoples, Indigenous food sovereignty is an important aspect of Indigenous land-based pedagogies and community health. Recreationists are not a homogenous group (Harshaw 2008), and analyses about the varied impacts of different forms of recreation on Indigenous food systems in studies led by First Nations themselves would likely create new insights that would be useful for both stewarding and mitigating the detrimental impacts of recreation in their territories.

Western scientists are beginning to understand the necessity and potential of supporting resurgent Indigenous-led governance of lands and seas for advancing conservation that is socially-just and effective (Artelle et al. 2019). The efforts required to change Western governance approaches to support and respect Lílwat Nation's governance is by no means an easy undertaking. Lílwat7úl have been advocating for their rights to their territory since before the 1911 Stát'yémc Declaration and have engaged through multiple blockades as a last-ditch strategy when these calls went unheard by the BC and Canadian Governments (Crompton 2006; Nemoto 1998). The necessity of reshaping settler-colonial governance to move towards a model of true shared decision-making in a government-to-government relationship must start by questioning some of the very foundations on which the BC Government's governance approach to land is resting, namely on value-laden concepts like 'natural resources', 'Crown lands', 'ecosystem services', and 'resource management'. Lílwat Nation has been actively engaged in re-storying, mapping and familiarizing community members with the Ucwalmícwts names for locations throughout their territories, which are connected to long histories of use and occupancy and language, legends, stories and teachings. Rather than continuing to dismiss the knowledge held by Lílwat7úl as irrelevant to the needs of the BC public, Indigenous Peoples and their

helpers and supporters recognize this Indigenous Knowledge as integral for moving ahead. As communities of Indigenous and settler peoples, we have been living side-by-side for generations and are currently struggling to overcome the huge challenges posed to us all by climate change, habitat loss and resource extraction that are enabled by broken capitalist systems. While the place of recreation is situated within these bigger narratives, it is also an area in which effective changes can perhaps be most easily put forth. For in protected areas where recreation occurs at the greatest intensity, visitors experience the land for its relational and intrinsic values, including spiritual qualities, health benefits and the lands' beauty and ability to shape valued stories in our lives (Taff et al. 2019). Experiences that recreationists have in protected areas thus bring out values that are compatible with and may be enhanced by Lílwat teachings of respect and responsibilities that are part of ntákmen and nxekmín.

## **Chapter 6: Conclusions**

### **6.1 Summary of Findings**

This dissertation contributes timely and relevant findings for scholarship on Indigenous food sovereignty, forest resource management, conservation management, ecosystem services research and community-based research methodologies. Chapter 1 presents an overview of the Indigenous research methodology used in this research, which involves following the S7itksen Lílwat Research Protocol, using a conversational approach to qualitative interviews, and considering the axiology, ontology and epistemology used to inform the research as well as my positionality as a researcher. Chapter 2 contributes to bridging scholarship between Indigenous food sovereignty and forest resources management and environmental governance, through showing how the land is foundational to food sovereignty for Lílwat Nation. As well, this chapter spells out some of the impacts of colonization on Lílwat Nation members' experiences of food sovereignty and analyses how Lílwat Inherent Rights is integral for restoring and enhancing Lílwat food sovereignty. Chapter 3 contributes to the literature on ecosystem services, finding that there are unique considerations for Indigenous Peoples and local communities that are impacted by payments for ecosystem services programs apart from other ecosystem services providers. Chapter 4 produces unique insights into how provincial forest policy impacts Lílwat Nation's ability to have a say over the forestry that is happening in their territory since 2003. This chapter is relevant for Lílwat food sovereignty as forestry creates some of the most significant impacts on the availability of traditional foods. Chapter 5 analyses how conflicting ontologies play out in the management and stewardship of conservation and recreation on lands

in Lílwat territory, finding that current approaches to conservation and recreation management fall short of respecting and putting into practice measures that are compatible with Lílwat relational ontologies. Taken together, these chapters produce unique and important contributions which merge together diverse fields of inquiry which have previously not come into conversation with one another.

Next, I will present each of the research questions presented in the introduction to the dissertation, along with the relevant themes and findings from this research (Table 6.1).

Following, I will provide some recommended pathways forward for researchers and practitioners to consider for the future.

**Table 6.1. The research questions, themes, findings and recommended pathways forward of this dissertation**

<b>Research Questions</b>	<b>Theme</b>	<b>Finding</b>	<b>Pathways Forward</b>
What do Lílwat food security and food sovereignty mean to community members? How have these changed through time?	Connections to the land as the foundation of Lílwat food sovereignty	Need to embrace the holistic approach of the Lílwat – view their territory as one indivisible whole (Chapters 2, 4, 5)	<ul style="list-style-type: none"> <li>• Education: Providing subsidized anti-Indigenous racism and cultural competency training to forest professionals and recreation officers and those in training</li> <li>• Forest Management: Information to improve support for Indigenous Firekeeper programming</li> <li>• Improving Consent Processes: Free, Prior and Informed Consent (FPIC) at the community/nation level in Indigenous Nations and communities</li> </ul>
How have experiences of colonization shaped how Lílwat food security and food sovereignty are experienced by community members today?	Experiences of the impacts of colonization on Lílwat food security and sovereignty	Need to improve meaningful nation-to-nation relationship between Lílwat Nation and the Governments of Canada and BC (Chapters 3, 4, 5)	<ul style="list-style-type: none"> <li>• Enhance research support and funding for community-led Inherent Rights and self-governance initiatives, First Nations jurisdiction over education at federal and provincial levels: these are key to Indigenous leadership in land stewardship, recreation and forestry</li> </ul>
What types of protections are in place today to support Lílwat food security and sovereignty? How can these be safeguarded and enhanced?	Making Ntákmen visible: Lílwat Nation Inherent Rights for Indigenous Food Sovereignty	Embrace Lílwat values of respect, reverence and reciprocity towards territory (Chapters 2, 3, 5)	

## 6.2 Research Questions

### 6.2.1 Research Question: What do Lílwat food security and food sovereignty mean to community members? How have these changed through time?

Theme: Connections to the land as the foundation of Lílwat food sovereignty

Finding: Need to embrace the holistic approach of the Lílwat – view their territory as one indivisible whole

In Chapter 4, I assemble information about how the extraction permits issued by the BC Government throughout the 20<sup>th</sup> century enabled widespread logging, mining, and damming of rivers in Lílwat territory. These permits caused significant disruption and collapse of the systems supporting life. Salmon are the main food of Lílwat Úcwalmicw, the people of the land, who describe themselves as a ‘salmon people’. Today, western scientists are learning more about what Lílwat people already knew; that salmon are keystone species throughout much of so-called BC because of their integral role within complex and relational systems that they both nourish and depend on. Climate change and the extraction of resources in Lílwat territory continues to put enormous pressure on the systems supporting Lílwat peoples’ foods and ways of life.

In Chapter 5 I show that the slow violence of settler colonialism in Lílwat territory continues, with recreation and conservation creating new pressures for Lílwat peoples’ food practices on lands that have already been extensively logged and developed for hydroelectricity. In the research, participants spoke about their goals to thrive in their territory according to cultural values and ways of being. Lílwat Nation’s dreams and visions for their collective community futures do not rely on settler people or on Truth and Reconciliation (Grenz 2020). However, the

ability for settler people to survive on the lands we currently occupy may very well rely on Indigenous peoples' knowledge of sustainability and survival. The knowledge and hospitality of Indigenous peoples was integral for the survival of early European settlers at the time of their arrival, after all (Manuel and Derrickson 2015). The arrogance of capitalist systems wherein settlers have extracted resources without concern for long-term impacts cannot be sustained indefinitely, and it is likely that the place-based knowledge of local foods held by Lílwat and other Indigenous peoples will be an integral part of restoring regenerative systems that are resilient to the impacts of climate change.

Non First-Nations food sovereignty activists in so-called British Columbia have as of yet failed to grapple with the settler occupation of unceded Indigenous territories under private land deeds (Kepkiewicz and Dale 2018; Desmarais and Wittman 2013). This dissertation shows that the lands used for food production and procurement, sacred ceremony and traditional practices in Lílwat territory are not only lands designated as farms, gardens and fishing grounds, but include 'Crown forests' and 'protected areas' designated by the BC Government for logging and recreation, respectively. These designations reify the occupation of unceded Indigenous territories, obscure Lílwat contemporary and traditional uses of the land, and normalize the marginalization and dispossession of Lílwat people from their lands. Through labelling and categorizing Lílwat sacred places and grave sites, hunting and fishing grounds, food and medicine gardens, and other cared for places as 'Crown forests', 'parks', 'conservancies', 'recreation areas', 'industrial sites', 'future development areas', and so forth, the slow violence of settler colonialism in Lílwat territory continues unabated, spurred on by the actions of the BC Government, developers and companies who profit at the destruction of places central to Lílwat

food sovereignty. Chapters 2, 3 and 4 of this dissertation demonstrate how through managing Lílwat territory in a piecemeal way, resource development in Lílwat has proceeded without consideration of the cumulative effects on the systems that support Lílwat Nation's health, well-being and way of life. The carving up of Lílwat territory into pieces which are then permitted out to companies and developers, or designated to protect 'ecosystem services', is antithetical to Lílwat ways of being, including n'tákmen, which recognizes the connections between all beings to enhance life and support the continued sustainability of human and non-human societies within Lílwat territory over human generations. Though the unsustainable management and degradation of ecosystems impacts everyone, members of Lílwat Nation are the most directly affected by the piecemeal and short-sighted relationships of settlers with the land, having occupied their territory as a customary homeland since at least 10,000 years ago.

Following, there is a need to stop thinking in terms of the labels currently used by the BC Government for different jurisdictions of land, and to instead think of the territory as a whole; a holistic entity in which each part is dependent on another in complex networks of systems. Here I posit some related questions that could follow, including: what would it mean to stop thinking of the land in terms of the current English/settler-colonial labels used by the BC Government, and instead learn the Ucwalmícwts words and concepts that describe the land-based relationships of the territory? How does using appropriate language to refer to the tmicw enable new pathways forward for being trustworthy, respectful and reciprocal as settler peoples on Lílwat territory? What does it mean when the Lílwat people say they are a 'Salmon People'? How can settler peoples learn to respect and honour the relationships that Indigenous Peoples have with the land as told through languages and demonstrated through food practices?

This dissertation contributes to a more nuanced understanding of resource extraction in Lílwat territory, recognizing that not all uses of the land are equal. Analysing power asymmetries within decision making on logging and recreation is an integral step towards creating socially just climate futures. Since European settlers arrived in Lílwat territory, Lílwat Ucwalmícwa have found ways to adapt to the encroachment and theft of their lands by settler governments and resource companies. Lílwat Nation has already been engaging in steps to mitigate and adapt to a warming and less predictable climate, including through adapting food practices and partnering in renewable energy generation. Settler governments, companies and society can follow by embracing an approach to land in which the territory is considered as a whole, and the relationships within the territory, with both human and non-human beings, are honoured in equitable and inclusive processes of decision-making. These processes for decision-making are the focus of the next finding.

### **6.2.2 Research Question: How have experiences of colonization shaped how Lílwat food security and food sovereignty are experienced by community members today?**

Theme: Experiences of the impacts of colonization on Lílwat food security and sovereignty

Finding: Need to improve meaningful nation-to-nation relationship between Lílwat Nation and the Governments of Canada and BC

Chapter 4 overviewed how in the 2000s, the BC Government facilitated a land use planning process in which all stakeholders were brought together to create strategies and objectives for land use planning that balanced the various objectives of each stakeholder. I described how

Lílwat Nation began their own parallel process, and as a result created the Lílwat Land Use Plan. The implementation of this plan has spurred the creation of new Parks and Conservancies between the BC Government and Lílwat Nation, and today these parties are working to institute management plans for the areas that were delineated. However, in Chapter 5 I provided evidence that this one-off process alone is not adequate to ensure that Lílwat Nation's territory is stewarded according to the objectives of Lílwat Nation. Some participants in this research questioned why parks exist at all, as they come from a western conservationist worldview that is not compatible with a relational approach. My findings show that there are important conversations about land use designations that have yet to happen between Lílwat Nation, the BC Government and other actors. A part of the BC Government's responsibility to implement UNDRIP into the laws and policies of BC can therefore involve creating the space and resources (funds and technical support) for Lílwat Nation to be dreaming and having conversations about how to best care for the territory, in recognition of the understanding that people do not govern the land, the land governs us. These conversations must happen both internally amongst Lílwat people and within and between family groups, and externally with outside actors including the Governments of Canada and British Columbia, and other relevant stakeholders where necessary such as BC Parks, the Ministry of Forests, Lands and Natural Resource Operations (FLNRO), companies operating in the territory, and other relevant actors. Lílwat Nation has made clear its intention to engage in a nation-to-nation relationship with the Government of Canada, and so treating Lílwat Nation like another municipality or asking that it has a lower level of authority or autonomy akin to the government ministries is not appropriate.

The current approach to land use planning in Lílwat and elsewhere in BC too often involves conversations happening first between the BC Government and industry groups, and then subsequently with First Nations, for example in the development of recreation and ecotourism as described in Chapter 5. This approach leads to conflicts that regularly make media headlines and undermine processes of Truth and Reconciliation in Canada. Another fraught approach is for the BC Government to declare new policies and processes for land use planning without first consulting First Nations, and then demanding that First Nations provide input to develop the policies within unreasonable deadlines, as is the case with recent changes to forestry and old-growth logging policies in BC. An alternate approach, and one rooted in social justice, would instead involve creating policies and processes based on information from on-going relationships between First Nations and the BC Government, which are specific to unique Indigenous territories and driven from the ground-up. The BC Government, rather than demanding huge decisions be made quickly by communities, can instead provide support to co-develop interim measures as to what can happen while more robust decision-making processes proceed on community timelines. These interim measures need to happen independently from any processes around land treaties, as in the past interim measures have only been implemented for First Nations who agree to participate in a treaty process with the BC Government. Lílwat Nation is one example of a First Nation who has throughout history resisted involvement with a treaty process with the BC Government, knowing that it would undermine their sovereignty and Inherent Rights to their territory. Interim measures, however, are necessary for deciding what will happen while broader and longer-term decision-making processes take place. These measures can involve asking questions of Lílwat Nation like; What would best serve Lílwat Nation while broader scale decision-making process is happening? Should business continue as

usual, or should activities be halted, and in what specific places and instances should this happen? This would allow the necessary work of dreaming, planning and agreeing upon strategies that represent the best way forward for First Nations to proceed according to the pace of communities while also being responsive to their short-term needs.

### **6.2.3 Research Question: What types of protections are in place today to support Lílwat food security and sovereignty? How can these be safeguarded and enhanced?**

Theme: Making Ntákmén visible: Lílwat Nation Inherent Rights for Indigenous Food Sovereignty

Finding: Embrace Lílwat values of respect, reverence and reciprocity towards territory

Researchers, community members and practitioners working at the interface of Indigenous and Western knowledge systems have often talked about the benefits of a Two-Eyed Seeing approach (Etuaptmunk in Mi'kmaw), which is a term created by Mi'kmaw Elder Albert Marshall to describe a process where with one eye, we view the world through Indigenous ways of knowing and through the other, Western ways of knowing (Reid et al. 2021). One of the challenges of a Two-Eyed Seeing approach in caring for the land is the ontological difference between experiencing the world in a holistic versus a reductionist view. Lílwat teachings tend to emphasize how the world is all connected, with the people and the land being together as one, and with respect and relationship between humans and non-humans foundational to traditional food systems. As discussed in Chapters 3 and 5, Western scientific approaches to the land tend to take a reductionist and technocratic viewpoint, wherein ecosystems provide services that can be bought and traded on markets. The ontology of Western conservationists is privileged in the

management and decision-making by the BC Government and companies, and therefore this viewpoint tends to experience more power in decision-making throughout BC, including in Lílwat territory. But this viewpoint, as discussed in Chapters 3 and 5, can occlude a relational understanding and prevent creative and innovating thinking about new or renewed ways to steward the land for sustainably supporting human life.

Here there are two points of relevance: firstly, the sharing of power in decision-making, which has been discussed above, and secondly, the idea that a relational ontology can be adopted by all people to inform how decisions about land are made. To some extent, the values of reverence and respect are evident within Western/settler colonial land use; for example in discussions about the intrinsic and cultural values of nature (Satterfield et al. 2013). However, the extent to which these values are operationalized by companies is still limited; often economic values of extraction or selling recreational experiences take priority.

An alternate approach for decision-making is one that considers all components of Lílwat territory, and other Indigenous territories, to be vital aspects of an integrated food system. Decision-making processes by Lílwat and settler peoples can weight the impacts on parts of the overall food system, as has been done by Lílwat people for generations. For example, Lílwat research participants said that when one area of the territory underwent cultural burning to remove bushes and prevent weedy species from dominating, another area was ready for harvesting foods. By tending to different areas in a cycle, Lílwat7úl could ensure there would be enough food available from year to year. This way of being is instructive; firstly, in that Indigenous food systems rely on people tending and maintaining them. The gardens, rivers and

hunting grounds provisioning Lílwat traditional foods were always maintained by human practices rooted in reciprocity and sustainability. Burning, clearing and pruning were done to ensure enough food for Lílwat families to survive from year to year. This way of thinking can translate into tending to the land to best support a diversity of life, whether it be in a park, in a conservation easement, or in an operational forestry woodlot. This is contrary to the ‘fences and fines’ approach of protected areas wherein Indigenous and local peoples’ activities are banned or made illegal within parks and conservancies, as described in Chapter 5. Next, understanding the land as an integrated food system also involves an awareness of the contributions of non-humans in the systems that support life. Lílwat songs, dances and stories tell of the responsibilities that non-humans, including animals, plants and water, each have in creating and sustaining life. The system of logging and recreation currently in place does very little to recognize and honour these relationships.

I posit that instead of using Western conservationist language like ‘ecosystem services’, non-First Nations land use planners and decision-makers can instead learn to follow the guidance of Indigenous Nations within their territories through respecting the language of Indigenous Peoples as a starting point to learning how to care for the land. At the local scale and within community-driven initiatives, the use of Indigenous languages by Indigenous Peoples allows for visibility and awareness of the cultural teachings and ways of being. There are many Ucwalmícwts words that are instructive of the relationships that humans have with animals, plants and the land. Lílwat Nation is working extensively on language preservation and resurgence, and our research engaged both fluent speakers of Ucwalmícwts as well as those who were just learning. During this research I witnessed the profound significance that learning to

speak and think in Ucwalmícwts has for Lílwat people, and how it can broaden and shift ones' understanding of the world. The outlawing of Indigenous languages was a central tactic of colonial governments around the world who attempted to assimilate Indigenous peoples into mainstream society. The return of the Ucwalmícwts language to the people is a significant part of Lílwat Nation's journey forward from the times where their language and practices were outlawed. Lílwat people speaking Ucwalmícwts means that the knowledge of the people is being rediscovered and strengthened, and it is likely that this knowledge will bring with it knowledge and concepts about how the people have lived sustainably with the land for generations.

Lílwat Nation is currently in partnership with ministries of the BC Government to make Lílwat language and named places more visible in the territory. There are cultural kiosks being constructed that share information and histories about popular tourist locations. These kiosks have been constructed at the Joffre Lakes Park, Keyhole Hot Springs and at the Lílwat Gas Station, which are popular stopping points for tourists in the territory. The signage and information about Lílwat cultural heritage and places is continually being expanded at the direction of Lílwat Nation. There is also significant partnership happening in the development of visitor use strategies for high-recreation areas, and to restrict access to non-First Nations people to areas that are important habitat for sensitive and endangered species, like the grizzly bear. Through expanding the usage of Lílwat language for how the territory is learned and cared for, in appropriate and respectful ways led by Lílwat Nation, there will likely be more success at implementing a Two-Eyed Seeing approach to steward and care for land in a way that is mutually beneficial for Lílwat people and settlers in the territory.

While much of the focus on Indigenous Food Sovereignty globally has focused on agricultural systems, Indigenous activists and scholars in Canada have brought attention to the importance of traditional food systems for IFS. This dissertation extends the work of scholars like Charlotte Côté and Dawn Morrison to point to areas where settler colonial land governance impacts traditional food systems. Chapters 2, 3 and 5 examine the ways in which a lack of protections for Lílwat food and medicine plants in provincial and industry planning processes continues to lead to the degradation of food gardens. This degradation occurs when commercial pickers, who operate within an unregulated market, overharvest from Lílwat traditional food gardens without awareness of the generational practices of maintaining these gardens. It also occurs when tourists unknowingly trample, leave garbage or otherwise degrade unmarked gardens. Most notably, logging has also created widespread disruption of traditional food gardens. However, whereas increased ownership of logging licenses in BC by Indigenous nations and communities have meant slow but persistent progress on better protecting multiple forest values, as described in Chapter 5, the recreation and tourism industry has yet to conceptualize and put into practice strategies to weight recreation values against other forest values. Moreover, private sales of land in Lílwat territory by Western ‘conservation’ groups like the Nature Conservancy, and Ducks Unlimited in other territories, continues to allow for land to be bought and sold without consultation and consent with Indigenous Nations, and these conservation lands often exclude ‘trespassers’ including Indigenous peoples from accessing traditional food harvesting areas. Approaches to respect Indigenous food sovereignties need to come from a place of understanding of interconnections, respect and reverence and reciprocity (R. Kimmerer 2013). Following, care and reciprocity should be given to ensure that Lílwat Nation is consulted and consenting to transfers and uses of land that impact their traditional food systems.

### **6.3 Pathways Forward for Researchers and Practitioners**

#### **6.3.1 Education: Providing subsidized anti-Indigenous racism and cultural competency training to practicing forest professionals and recreation officers**

Health practitioners in BC currently have options to do Indigenous cultural safety training through organizations like San'yas. This training is offered to practitioners working in the provincial health authorities to learn about minimizing anti-Indigenous racism and improving Indigenous cultural safety in healthcare. Training around cultural safety and preventing anti-Indigenous racism is considered an important way to address systemic racism in healthcare, and was a recommendation from the findings of Dr Turpel-Lafond's investigation in the report 'In Plain Sight' (2016), which interviewed Indigenous Peoples and healthcare workers in BC. Similarly, many forestry and natural resource operations practitioner programs in BC currently lack education about anti-Indigenous racism in the resource sectors. This is significant because resource and extractive workers have been directly linked with a higher rates of violence against Indigenous women, girls and Two Spirit people at the camps or in neighbouring communities (National Inquiry into Missing and Murdered Indigenous Women and and Girls 2019). Moreover, practitioners in organizations like BC Parks and the Ministry of Forests, Lands and Natural Resource Operations are often engaging in community consultations with First Nations without having received any training about culturally appropriate communication or engaging in Indigenous community spaces. This lack of knowledge and training in professional certification programs as well as post-secondary institutions degrees likely perpetuates the power imbalances that occur within decision-making spaces about forestry and land use planning. Through providing training on Indigenous cultural safety and/or preventing and addressing anti-

Indigenous racism for resource professionals, for example as part of the certification programs for Registered Professional Foresters (RPFs), Registered Professional Biologists (RPBios) and Conservation Officer training. These cultural competency trainings could be a required part of the proficiency matrix used by professional associations to gauge the ability of practitioners to meet with qualifications for designations as a Registered Professional. It is likely that there will be improved practices and outcomes that enable Indigenous peoples to participate more safely and effectively in decision-making about their territories with non-First Nations resource workers.

In addition to cultural competency trainings for resource professionals, there is also a significant gap in education for foresters that currently exists at academic universities including UBC Forestry. Much of my education on First Nations/Indigenous studies at UBC was self-directed, and courses I took on Indigenous histories, rights, and knowledge were often part of the ‘electives’ of my program, rather than required courses needed to meet graduation requirements. I posit that creating required courses that teach about the relationships between Indigenous Peoples’ histories, rights, knowledges and legal orders would greatly improve education for students in the fields of forestry, natural resources management, and the natural sciences more generally. Currently, a lack of mandatory courses on these topics means that students are graduating without a strong and holistic understanding of the relationships between extractive industries and ongoing colonial histories. I posit that preparing scientists, researchers and practitioners interested in ‘natural resources’, ecology and ‘conservation’ is integral for introducing natural resources professionals with the knowledge and tools required to engage with Canada’s commitments to Truth and Reconciliation and uphold Indigenous Peoples’ rights.

As part of the education that students should receive on Indigenous histories, knowledges, rights and legal orders, it is integral that curriculum developers work to consider their disciplines in terms of the ontological and epistemological assumptions that are present in mainstream educational curricula. In the field of ‘conservation’ for example, this would include educators working with students to consider how Western approaches to ‘natural resources conservation’ have made Indigenous Peoples’ stewardship of their territories invisible and illegal, and how differences in terms of relationships with the land (for example, wildlife versus relation/kin) inform different approaches to how programs and policies are created. Moreover, students should be provided with opportunities to learn according to Indigenous pedagogies where possible, and instructed by Indigenous Peoples themselves. However, even a foundational knowledge of the histories between Indigenous Peoples and settlers in British Columbia is currently missing from mandatory UBC Forestry programming, and existing courses offered at UBC can be easily made mandatory for students in UBC Forestry undergraduate and graduate programming.

### **6.3.2 Forest Management: Improve support for Indigenous Firekeeper programming**

Throughout my dissertation research, it became clear that members of the Lílwat First Nation would like to engage cultural burning in their territory but are currently prohibited from doing so by provincial wildfire policies. Jordan Gabriel of Lílwat Forestry Ventures distinguished between cultural and prescribed burning. Cultural burning is the type of burning done by Lílwat people before colonial policies were in place to prohibit burning, that was done annually to control the spread of weedy species, allow for the maintenance of berries and medicinal gardens, manage the understory for reducing fire risk and improvement of hunting grounds and wildlife

habitat. Prescribed burning, on the other hand, has the primary objectives of reducing fuel loads in forests adjacent to community homes for wildfire management, and to prepare areas for replanting tree seedlings after logging. As non-First Nations in BC are learning more about the value and importance of using fires to maintain the forest, researchers are increasingly turning to First Nations knowledge keepers to learn about historic patterns and applications of fire on the landscape. However, despite this wanting to know, the BC Government still requires that First Nations take part in the prescribed burning planning process used by the BC Wildfire Service and other provincial staff.

While provincial requirements are in place to ensure safety and protect from liability concerns for escaped burns, several Lílwat people in this research including Jordon said that these requirements considerably slow the process for Lílwat Nation to pursue burning, and what burning is done does not represent the patterns of cultural burning. Cultural burning has historically been done safely and effectively, following strict protocols on when, where and how to burn. These protocols are still known by people in Lílwat Nation; however, this type of traditional knowledge is incompatible with the Burn Plans required by the BC Government, which involve significant technical information to be recorded pre- and post-burn. Under provincial regulations, prescribed burns are to be overseen by a ‘Burn Boss’, which is a designation that is currently only available through completing a training that is offered once a year in the United States (no Canadian trainings currently exist). While Lílwat Forestry Ventures currently works with the local BC Wildfire Service office to complete prescribed burns, there is interest from members of Lílwat Nation to restore cultural burning practices in the territory. Cultural burning was mentioned several times as an important component for stewarding

traditional food systems, and for keeping the land healthy. Lílwat Nation Safety Officer, Troy Bikadi, began the process of interviewing Elders to gather and document their knowledge of cultural burning during the time of my dissertation research. However, Lílwat Nation is still legally prohibited from practicing cultural burning in their territory. The BC First Nations Emergency Services Society has called upon the BC Government to streamline First Nations permitting for cultural burning through investing in First Nations fire keeping programming. Such a program should improve the accessibility or eliminate the requirement for the ‘Burn Boss’ designations to allow more access and leadership for First Nations to engage in cultural burning in their territories. It is possible that fire keeping activities could be coordinated into existing First Nations guardianship programs, such as the Lílwat Skel7áwłh (Guardian) Program.

### **6.3.3 Improving Consent Processes: Free, Prior and Informed Consent (FPIC) at the community/nation level in distinct Indigenous communities**

Free, Prior and Informed Consent (FPIC) is noted as a best practice for ensuring that Indigenous Peoples have say over decisions made about their traditional and customary territories and homelands. However, as demonstrated in Chapter 3, many non-Indigenous organizations that claim to respect the right to FPIC for communities do not include information about how processed related to ongoing FPIC occur in project activities. While there is reporting that FPIC practices were put into action, there is no reporting about what FPIC processes look like. A study by Mitchell et al. (Mitchell et al. 2019) communicated many concerns held by members of one Indigenous nation regarding their own consent processes, including that companies come to the territory with decisions about projects already made, do not ensure that adequate capacity or information is in place for the Nation to make a decision, and then check the boxes to state that

FPIC has occurred. The authors argue that a more relational understanding of FPIC, including true partnership between companies with Indigenous communities and a deepened understanding of Indigenous jurisdiction and laws within traditional territories, is necessary for FPIC to occur in good faith. Future research is needed to understand how companies and project proponents working with Indigenous nations can pursue FPIC in a meaningful way, and within Indigenous nations, what resources and supports are necessary for Indigenous community members to contribute to FPIC in a way that makes sense according to community laws and protocols.

#### **6.3.4 Support Indigenous-led governance and education initiatives**

Indigenous Peoples' Inherent Rights are rights that are not granted to them by a government, but are inherent to living as a people of the land within Indigenous ontologies. Lílwat Nation says that their Inherent Rights 'have always been and always will be a cornerstone of self-governance' (Lílwat Nation 2017a). The Inherent Rights of Lílwat Nation are key to creating Indigenous leadership in land stewardship, recreation and forestry within their territory. Within Canada, Indigenous nations including Lílwat Nation have a unique relationship with the Government of Canada. As described in Chapter 4, Section 35 of the 1982 Canadian Constitution affirms Aboriginal rights, and the Governments of Canada and BC have separately implemented policies to enact legal harmonization of Canadian and BC laws with the United Nations Declaration on the Rights of Indigenous Peoples. Moreover, in 2017, the Canadian Government published 10 Principles to guide the government's relationships with Indigenous peoples, and first among these principles is the recognition that all relationships with Indigenous peoples 'need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government' (G. of Canada 2017). Lílwat Nation has

partnered with the Centre for First Nations Governance to begin a process of determining how the Nation can meet its goals for self-governance and self-determination. As described in Chapter 4, coming out of this series of workshops is the understanding that many Lílwat people want to move away from the current system of governance wherein they are treated as a ward of Indigenous and Northern Affairs Canada and subject to the Indian Act, and towards a system based on the traditional heads of families being recognized and respected as the appropriate decision-makers and speakers of the Nation.

A following line of inquiry for both members of Lílwat Nation and of the Governments of BC and Canada then, is to ask that while the transition to this system takes place, how can this process be embraced and supported, and what kinds of decision-making processes and interim policies can be put in place to allow a just transition that is based on mutual respect and trust. One of the main themes that came out of the Lílwat Inherent Rights workshops was about how the transition to the Inherent Rights governance system will reshape relationships with the land. This includes the implementation of Lílwat laws and concepts having to do with the land, and rebuilding connection with the land, such as is expressed in the Ucwalmícwts phrase Matqmín tmícwa, meaning ‘walking and knowing the land’. There is enormous potential for the Inherent Rights governance process to act as an answer to many of the questions and uncertainty of the settler governments and society as to how to uphold Indigenous Rights while also promoting sustainability on and with the land. A following recommendation, then, is that rather than continuing the approach of settler governments, researchers and practitioners working to involve Indigenous Peoples in their existing plans and processes, to instead consider how their work can support the transition of Lílwat Nation, and other Indigenous nations, to systems of governance

based on Inherent Rights. Relevant lines of inquiry include asking how can land stewardship programming can be reshaped in light of Indigenous peoples' Inherent Rights governance of their territories? How can this governance system inform regulating commercial pickers of Indigenous foods and medicines? How can the knowledge of family ownership to specific areas in the territory be implemented to better protect and use these areas by all peoples? Moreover, as many of these questions may be best answered with improved information and communication about Lílwat Indigenous knowledge and concepts from the Ucwalmícwts language, it is integral that all levels of government support the ability of Indigenous Nations, including Lílwat Nation, to have increased jurisdiction over their education systems. In 2022, it was announced that Lílwat Nation, along with 13 other First Nations, have worked out an educational jurisdiction agreement with the Government of Canada to begin the process of having jurisdiction over education in their Nation, which includes the ability to set the curriculum, certify their own teachers and schools and set graduation requirements. This is a very promising step to enabling the protection and promotion of policies and processes to support Lílwat Nation's Indigenous food sovereignty for the future.

#### **6.4 Final Thoughts**

Food is the essence of Lílwat peoples' relationships with their tmicw. Though foodways are often intensely personal and hold strong affective values for individuals, in this research Lílwat members opened their hearts to share their thoughts, teachings, preferences, ideas, goals, dreams and hopes for their shared community food sovereignty. The changes that are needed to further support and enhance Lílwat food sovereignty must happen both internally, amongst and by

Lílwat people themselves, as well as externally, by non- Lílwat peoples whose actions, decisions, policies and cosmologies impact how Lílwat people are able to engage with their foods.

As uninvited guests on stolen Indigenous territories, there is a need for settlers of non-Indigenous ancestry to consider how their actions and presence interact with ongoing histories of colonial occupation, Indigenous erasure and the destruction, or conversely preservation, of Indigenous foodways. What hangs in the balance is not only the health, safety and security of Lílwat and other Indigenous Peoples, but also the connections between humans and non-humans that enable balance to be experienced. This balance includes: mitigating the effects of climate change; preserving and enhancing rare and diverse species and populations necessary for both human and ecological health; and creating low-energy food futures for the benefit of all. Though these broad topics are beyond the scope of any one dissertation, the knowledge and activities that the Lílwat Food Sovereignty project included are a small step forward towards building desired food futures for Lílwat Nation, and point to small and not-so-small changes needed for non- Lílwat people occupying British Columbia, Canada to act as better guests on unceded Indigenous territories. As taught by Lílwat Elder Ntóaza Arthur Pascal, this work requires the undoing of 150+ years of colonial violence and occupation, and therefore will take longer than one human lifetime to accomplish. But in working towards Lílwat and other Indigenous Peoples' liberation, we are sending a prayer of hope for the future.

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