

# MAKING PLACE FOR SPACE:

## *Land Use and Occupancy Studies, Counter-Mapping, and the Supreme Court of Canada's Tsilhqot'in Decision*

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Achieving reconciliation between indigenous territories and state assertions of sovereignty depends not only on making better maps, but also on the state recognizing and accommodating the totality of indigenous relationships with land, resources and other people in land claims settlements and indigenous self-government institutions.

– B. Thom (2009, 180)

### THE PLACE FOR SPACE IN LAND USE RESEARCH

**I**N A MEMORABLE AND RECENT conversation between the authors of this article, Raymond Cormier expressed frustration with the constant demands of industrial developers who expected traditional use studies and,<sup>1</sup> particularly, traditional use maps to form the basis of consultation between them and the Indigenous communities located near development projects. Cormier is the title and rights director at Splotsin, a Secwepemc community and Indian band in the southern interior of British Columbia.<sup>2</sup> He oversees responses to development referrals that

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<sup>1</sup> “Traditional use study” is the commonly used label for this type of research project in British Columbia. Traditional use studies are synonymous with land use and occupancy studies. In Canada and the United States, these types of projects have a history dating to the 1960s, and Chapin, Lamb, and Threlkeld (2005) provide an overview of that history (Natcher 2001, 116-17; Tobias 2009). For a more thorough summary of naming conventions in North America and elsewhere, see Chapin, Lamb, and Threlkeld (2005, 622-23).

<sup>2</sup> We use the term “Indigenous” to refer to First Peoples. We use other labels according to legal and social contexts. For us, First Nations refers to identifiable communities with formally recognized governance structures. First Nations receive funding from the Canadian federal government and are synonymous in this respect with Indian bands. We use the word “Aboriginal” sparingly. When we do, it is in association with Aboriginal title, Aboriginal rights, and Aboriginal interests, phrases that have specific connotations in the Canadian legal context. Finally, Splotsin is the name of a First Nation in the southern interior of British Columbia, although it does not use the label “First Nation” when identifying itself.

come into the band's offices from all levels of government as well as from logging companies, mining companies, and other industrial developers that operate in Splat'sin traditional territory. McIlwraith is an academic anthropologist and occasional ethnographic research consultant with an interest in BC Indigenous land use and ethnohistory. The tenor of our conversation reflected our growing familiarity with the roles we each play in development-related decision making: Cormier's work is central to his community's responses to development; McIlwraith's work is peripheral – supportive but academic. Standing outside the Splat'sin Title and Rights Department, Cormier continued his critique of McIlwraith's work, saying that traditional use and site-specific research was not of particular use to him when it came to consulting with government or as a means of asserting Splat'sin interests or title. The studies were too vague, he said. They ignored the spaces between the sites plotted on project maps and they did not incorporate the breadth of Splat'sin cultural practices and knowledges in any meaningful way.

Departing from that conversation, we argue together that the central role of traditional use studies in BC resource management must change. After twenty years of site-specific, inventory-oriented studies aimed at facilitating consultation between First Nations and developers from government or industry, traditional use studies have lost their efficacy. We must find ways, with or without traditional use studies, to consider more seriously and carefully the broader contexts in which Indigenous peoples use, manage, and occupy their traditional lands. In this article, we observe the challenges traditional land use research pose for First Nations communities, particularly in situations in which Indigenous interests are known but information about specific locations of activities is not available. We situate our observations within the anthropological and geographical literature on counter-mapping. Counter-mapping is a cartographic technique used by marginalized peoples who employ conventional means to assert their knowledge of lands local to them. Years ago, traditional use maps helped to counter conventional views of the BC frontier (e.g., Brody 1988). They are now, however, a mainstream component of resource negotiations and consultation and, in their conventional form, are used to further development agendas at the expense of Indigenous concerns. We also review the implications of the recent Supreme Court of Canada decision in *Tsilhqot'in v. British Columbia* (2014) for site-specific research and consultation practices. We examine one traditional use study to show that such projects do not always represent Indigenous uses of an area either accurately or completely.

Finally, we suggest how to make consultation-oriented research more informative for both First Nations communities and those in industry and government who receive and review it.

#### THOMAS MCILWRAITH AND PARTICIPATION IN TRADITIONAL USE STUDIES

In British Columbia, in the second half of the 1990s, forestry money funded traditional use studies in many parts of the province. The goals of the studies were straightforward: document the locations of traditional activities (such as hunting) or knowledge (including place names), map them, and provide the government with the maps (Markey 2001). After completing a master's degree in cultural anthropology at the University of British Columbia in 1995, I found work as a self-employed contractor conducting traditional land use studies. Partnered with a friend who had recently graduated with a master's degree in history, I found the work stimulating. Because it required travel to places that I, then a Vancouver resident, considered far-flung and different, the work satisfied the sense of adventure that I had hoped a degree in anthropology might provide. After participating in several studies, however, I started to see their limitations. I grew concerned, primarily, with how they eliminated the voices of the elders in favour of data about sites – plotted as dots, lines, and polygons – on maps (McIlwraith 2012a, 18). I returned to university in 1999 to seek different ways to document Indigenous land use.

Despite my reservations about the work, traditional land use studies remained a constant throughout my PhD program and after, when I worked as a teaching anthropologist at Douglas College near Vancouver. Although the province of British Columbia's official Traditional Use Study Program had ended and forestry money had largely disappeared by the early 2000s, traditional use research never ceased (Markey 2001). As the BC Ministry of Forests withdrew from such work, other government ministries and industrial developers funded more development-specific studies. With the shift, traditional use studies became one of the costs of consulting with Indigenous peoples (La Salle 2013; Natcher 2001, 117). To be blunt, my involvement in the studies continued for two primary reasons: first, I enjoyed community-based work and the travel that came with it; second, I earned a little extra money. Now, I continue with small traditional use projects overseen by First Nations offices in a small number of places where I have established meaningful and long-term relationships. And, with the luxury of a university position, I have

started to reflect more seriously on what traditional use studies are and how they support and do not support Indigenous research objectives. This article is one product of that reflexive agenda.

#### RAYMOND CORMIER AND THE CHALLENGES OF RESPONDING TO DEVELOPMENT

My Secwepemc community has been conducting research into its history and culture for forty years. The initial interview-based research conducted in the 1970s was focused on the history of reserve establishments and a specific land claim targeted at reserve lands near Sicamous, British Columbia, that had been promised but never provided by the federal government. A vast amount of cultural information about Secwepemc language, genealogy, and customs came out of those interviews. Of note, the elders outlined Splatsin's area of caretaking and responsibility along with our concepts of historical governance. Their words now guide me whenever land use decisions are required.

I began working in the Splatsin Title and Rights Department in 2008, and, at that time, I had little knowledge of the consultation process between First Nations and governments. I did, however, have a good base of knowledge about our history as I had been raised by a community elder. Living with an elder provided me with a sound and practical understanding of traditional activities. Despite this knowledge, I struggled to be effective in the consultation process. I did not know how life on the land translated into negotiations with government and industry.

Like most First Nations communities, when we engage in consultation we receive written correspondence from the government outlining a development proposal it is considering. This communication includes a description of the proposed development, a timeline to respond to the proposal, and the contact information for the designated government consultation coordinator. Most important is the acknowledgment that we, Splatsin, have Aboriginal interests in the area of the development and that the government wants information relating to the specific nature of those interests. This process of soliciting information puts the onus on the First Nation to review its interests in the area affected by the decision and then to formulate a written response to the proposed development.

In reviewing the elder interviews conducted within our community, I realize now that the broader ethnographic contexts of our history and culture are rarely considered. Such information does not easily

conform to what I see as Eurocentric presentations of our history (see also Thom 2009; Nadasdy 2012, 500). Our perspectives, which unite our understanding of the land with our social and community activities, differ fundamentally from the compartmentalized views of knowledge that come out of Western science and that inform planning processes. For example, in the assessment reports we prepare for them, government agencies and their development partners expect us to separate information about our local biology from information about our cultural practices. More to the point, I find that traditional use studies identify the locations of activities and minimize the importance of our places, our activities on our lands, and the complexities of our family-based connections to these places. Another example illustrates this problem. In government-sponsored biological research, our hunting areas are considered unimportant or insignificant if deer populations are deemed healthy. If those same hunting areas overlap, even a little, with a proposed development, our interests are limited to the area of overlap. With their emphasis on plots on maps, traditional use studies do not take into account the holistic – spiritual and economic – importance of hunting to our community.

To put this another way, traditional use studies reduce consultation to an argument between our knowledge and that of Western science. Traditional use studies minimize the knowledge of Indigenous peoples in favour of information derived from biology and other quantitative natural sciences. Still, there is reason for optimism. When University of British Columbia forester Hamish Kimmins testified in the *Tsilhqot'in* trial that led to the 2007 BC Supreme Court decision, he noted that forest development could be conducted in ways that are consistent with constitutionally protected Aboriginal rights (*Tsilhqot'in Nation v. British Columbia* 2007, para. 1097; also Woodward 2007, para. 1110). Yet, when a mandate is given to manage forests for profit alone, biodiversity, sustainability, and ecosystem functions are compromised (*Tsilhqot'in Nation v. British Columbia* 2007, para. 1100). The *Tsilhqot'in* decisions state clearly that current forest management regimes are an unjustifiable infringement on the *Tsilhqot'in*'s Aboriginal rights (*Tsilhqot'in Nation v. British Columbia* 2007, para. 1103; *Tsilhqot'in Nation v. British Columbia* 2014, para. 95). Consistent with the forestry example provided by Kimmins, Splatsin hunting activities are not reducible to polygons on a map. For me, those polygons are, at best, limited representations of hunting practices and, at worst, erasures of any sense that, in Splatsin culture, hunting is broadly integrated with territorial use and control, the movements of people, and

family relationships. In order for our Title and Rights Department to engage effectively in any consultation process, we require a comprehensive and holistic understanding, and recognition, of our cultural practices and ideological connections to the land and all living things. In short, consultations must not simply discuss where activities occurred.

#### A BRIEF HISTORY OF TRADITIONAL USE STUDIES

Traditional use studies gained prominence in British Columbia in the 1990s in the wake of several court decisions related to government consultation with Indigenous peoples about resource development (Markey 2001; Natcher 2001). Decisions of the BC Court of Appeal in 1993 and the Supreme Court of Canada in 1997 (both in the *Delgamuukw* case), initiated greater consideration of Indigenous oral traditions in land-related decision making. At that time, the BC Ministry of Forests took formal responsibility for administering and funding traditional use studies (Markey 2001, 69).

The limitations of traditional use studies are recognized, and Markey notes that the emphasis on site-specific data collection eliminates consideration of the voices of elders (e.g., Markey 2001, 124; Natcher 2001).<sup>3</sup> Land use planners may regard this as a purely technical issue, but we have come to see it as a major concern because the words and stories of the people themselves provide essential context for the uses of specific sites (McIlwraith 2012a, 124-25). More directly, site-specific traditional use studies draw attention to particular locations on a map while minimizing the cultural value of the space between the locations. This is a foreground and background problem, one in which so much attention is given to the places in which people say they conduct activities that a wider territory, conceived of as a whole and as an important place in and of itself, is forgotten. At the very least, there is an image problem here, as unmarked and thus empty spaces between the dots on the TUS map – non-places (Augé 1995, 34) – appear to be free, unencumbered, and available for development. This apparent emptiness echoes the age-old *terra nullius* assumptions of newcomers who held the idea that unoccupied and uncultivated land was available for settlement. Indigenous occupation and ownership of traditional lands was denied in the process (McIlwraith 2012b).

<sup>3</sup> Our focus is on traditional use studies. Similar limitations have been described for traditional ecological knowledge research. See, for example, Cruikshank (2005), Nadasdy (2003), and McIlwraith (2012a).

Booth and Skelton (2011, 388) are even more forthright in their criticism of traditional use studies, noting that they are

considered by First Nations to be both culturally inappropriate and scientifically inaccurate. They are culturally inappropriate as they focus on a restricted number of activities and interests ... and give short shrift to ... things such as spirituality and culture. [Also] they do not accurately reflect how First Nations use the land in part due to a poor understanding of a culture.

These authors assert that traditional use studies use “the ‘moose chalk outline’ approach: where is the body?” to emphasize kill sites over more holistic conceptions of territory and Indigenous use. This ignores culturally informed understandings of where moose are and where they will be in future seasons or future years. We concur. In our experience, the focus on easily documented sites reflects the rapid pace of research, often prompted by the developers’ immediate needs to satisfy regulatory requirements.

Traditional use studies exist as a component of larger consultation dialogues between governments, industrial developers, and First Nations. The Supreme Court of Canada ruling in *Haida Nation v. Minister of Forests* (2004) placed the responsibility on governments to consult with First Nations. Yet many First Nations, particularly small ones, struggle to participate fully in consultation processes. Each consultation requires a response and that usually requires the compilation and presentation of information. Even when such data exist, they may not be in a format that facilitates a rapid response. Communities often lack the capacity to respond to multiple requests for information at the same time. Title and rights offices suffer from staffing shortages. And funding for First Nations responses is not always available. In the interest of simplicity and speed, traditional use studies become a default response to requests for information from outsiders who are seeking to satisfy consultation requirements.<sup>4</sup>

We also connect our discomfort with traditional use studies to the way in which this type of research represents geographical space. Geographer Yi-Fu Tuan (1977, 6) describes place as a pause in movement through

<sup>4</sup> In the current Canadian political context of decolonization movements, we acknowledge that any engagement with government or industry might be seen as being complicit in a colonial project meant to further Indigenous alienation from traditional and, in the case of British Columbia, unceded lands (Kino-nda-niimi Collective 2014). Ours is a methodological and moral statement about traditional land use research, offered with the understanding that development is happening and is part of the way in which relations between settler and Indigenous peoples is framed in Canada.

space, as a focused awareness founded on the experiences of an individual at a particular location. Space, on the other hand, is primary, abstract, and locational (*ibid.*). Similarly, geographer Edward Relph (1975) suggests that place is set apart from space as the centre of action and intention. Edward Casey reverses the implicit ordering in these definitions to argue that place comes before space because, in order to exist at all, one must be in place. Existence requires emplacement (Casey 1987, 1996):

A site possesses no points of attachment onto which to hang our memories, much less to retrieve them. By denuding itself of particularity, site deprives itself of what [psychologist] James called “contiguous associates,” i.e., the most efficacious cues for remembering. Place, in contrast, characteristically presents us with a plethora of such cues. Thanks to its “distinct potencies,” a place is at once internally diversified – full of protuberant features and forceful vectors – and distinct externally from other places. (Casey, 1987, 186)

The point here is more than terminological: if we are to understand the limitations of traditional use studies, and their emphasis on sites, we must assert the importance of places to people, to communities, and to the personal and social identities of both. The most important place is frequently a larger territory full of “protuberant features” (*ibid.*), those internal diversities where the action occurs.

#### TERRITORIALITY AND COUNTER-MAPPING

“Counter-mapping” is a term used to describe mapping activities that overtly challenge the cartographic expectations and conventions of the state and industry. According to Eades (2015, 106) it is “the production of maps on paper or screen that, through the strategic use of representations, convey an alternative message to that given on official, powerful (usually state-industrial) maps,” and according to Willow (2013, 872 and 881) it allows communities to “challenge disadvantageous political circumstances” through maps that show local knowledge and interests that may otherwise be “left off the map.”

Brian Thom (2009, 2014) writes sensitively about the challenges faced by Indigenous communities that are required, as part of state-sponsored development actions, to depict their territorial claims and uses on maps. Starting in the late 1970s, Indigenous counter-maps offered a response to government-generated maps and, as such, the Indigenous maps opposed state ones. These days, observes Thom, traditional use maps follow the

cartographic conventions expected by the state. They show Indigenous activities and territories surrounded by solid or fixed boundary lines. Fixed boundaries are useful to governments that see certainty in solid lines – certainty that separates used and unused areas or one group’s claim from another’s. Fixed boundaries do not, however, accurately represent the intricacies of Indigenous uses that depend on family relationships to, or collective ownership of, specific places. In Indigenous conceptions, furthermore, boundaries around places are often porous and allow people to pass back and forth in accordance with local rules of access and resource harvesting. Traditional use maps with solid boundaries around places are less than satisfying to Indigenous communities, to be sure. Fixed-boundary maps have also complicated the land claims process in British Columbia by encouraging First Nations to make definitive claims to territories that were once shared with neighbours.

Kinship, reciprocity, and residence must be prioritized on maps over fixed resource locations – and Thom (2009, 197) proposes a radical cartography through which this can be accomplished. In this cartography, lines and arrows link resource harvesting or cultivation areas to the homes and villages of individuals, creating “a field of many-pointed ‘stars’ radiating out to a multitude of locations throughout a broad landscape” (199). Such maps require a massive community effort and centralized logistical support to organize the necessary geographical and genealogical data. This can overburden the staff in band offices and take more time to complete than developers like. Still, a radical cartography demonstrates that Indigenous relationships with the land are dynamic. It shows graphically the movements of individuals and families between home locations and collection places. And such mapping reminds developers that even the smallest project footprints are connected to larger territories, to the historical and contemporary movements of people, and to people’s homes.

Paul Nadasdy folds Thom’s discussion of mapping processes into the broader political issues of Indigenous–state relations. Like Thom, Nadasdy is concerned that our maps would do better to reflect the social conventions of Indigenous groups rather than to always bend to state expectations of lines around activity sites. Discussing Indigenous land claims in Yukon Territory, Nadasdy (2012, 500) notes that Indigenous groups adopted the jargon and practices associated with the assertion and defence of territory to participate in the land claims process. These groups have accepted a world divided into political entities, “each exercising jurisdiction over discrete, mutually exclusive territories separated by linear borders” (501–2). Nadasdy acknowledges that the acceptance

of such rigid notions of territorial boundaries by First Nations reflects a desirable and necessary assertion of sovereignty. But this comes with costs, including impressions that territories overlap and, for some individuals, dissociation from familiar lands (512). It also creates a new order of government with explicit territorial lines, one that reflects new models of territorialization within Canada (529).

Although Thom and Nadasdy recognize what is at stake in the assertion of land use activities within state-sponsored studies, the political and ideological concerns are significant. As Thom (2009, 181) points out, “the disadvantage [of mapping in the idiom of the state] ... is that the fluid and flexible nature of indigenous thinking ... is largely lost once mapped in the ethnographic tradition of fixed boundaries, which assumes a one-dimensional relationship between social organization and territory.” Indeed, as Nadasdy (2012, 503 and 529) postulates, where notions of Indigenous sociality and territoriality are aligned with and organized along state lines for the benefit of resource extraction through documentation, measurement, and mapping, a continued colonial project of control of land and property follows.

#### THE SMALL SPOTS THEORY OF TITLE AND THE *TSILHQOT'IN* DECISION

In June 2014, the Supreme Court of Canada issued a long-awaited judgment in a land claims case titled *Tsilhqot'in Nation v. British Columbia* (2014). After rulings and appeals in both the British Columbia Supreme Court (*Tsilhqot'in Nation v. British Columbia* 2007) and the British Columbia Court of Appeal (*William v. British Columbia* 2012), the SCC ruled in favour of the Tsilhqot'in and their argument for Aboriginal title. Rejecting the “small spots theory,” or what Woodward, Hutchings, and Baker (2008) call the “postage stamp approach” to Aboriginal title, the court acknowledged Tsilhqot'in title to a large portion of their traditional lands in the Chilcotin region of central British Columbia. In the majority opinion, Justice McLachlin writes:

The Court of Appeal [i.e., *William v. British Columbia* 2012] disagreed [with the judgment in the British Columbia Supreme Court; i.e., *Tsilhqot'in v. British Columbia* 2007] and applied a narrower test for Aboriginal title – site-specific occupation. It held that to prove sufficient occupation for title to land, an Aboriginal group must prove that its ancestors intensively used a definite tract of land with reasonably

defined boundaries at the time of European sovereignty. (*Tsilhqot'in v. British Columbia* 2014, para. 28)

The judgment continues:

There is no suggestion in the jurisprudence or scholarship that Aboriginal title is confined to specific village sites or farms, as the Court of Appeal held. Rather, a culturally sensitive approach suggests that regular use of territories for hunting, fishing, trapping and foraging is “sufficient” use to ground Aboriginal title, provided that such use, on the facts of a particular case, evinces an intention on the part of the Aboriginal group to hold or possess the land in a manner comparable to what would be required to establish title at common law. (para. 42)

Traditional use studies in British Columbia rely on and encourage a small spots approach to dealing with Aboriginal title (British Columbia 2003). They emphasize specific locations of use and minimize the importance of areas around them. By requesting input on infrastructure projects with small footprints, Indigenous interests are evaluated on a small spot basis without regard to their function as parts of culturally significant wholes. This approach minimizes the interests and concerns of Indigenous peoples and frequently diminishes Aboriginal interests within the development footprint. The *Tsilhqot'in* ruling does not support it either.

We offer two methodological and ethical responses to the small spots approach embedded in traditional use studies, developed in response to the *Tsilhqot'in* decision (2014). They reflect our dissatisfaction with the processes and results of traditional use studies and our agreement with legal scholar Kent McNeil’s (2013, 10, emphasis added) premise that a “*site-specific, non-territorial approach is simply wrong*. It pays too much attention to physical occupation and disregards Indigenous law.” First, we favour a “cultural security and continuity” approach (cf. Woodward, Hutchings, and Baker 2008, 8) to land use research that regards a land base as necessary to cultural identity and survival (Woodward, Hutchings, and Baker 2008, 10, citing Justice Vickers in *Tsilhqot'in Nation v. BC* 2007).<sup>5</sup> Beginning any research endeavour with this approach recognizes Indigenous ties to places, however, those places are marked. It extends a growing consensus that Indigenous identities are linked to a long history in traditional territories (e.g., Coulthard 2010; Kino-nda-niimi Collective 2014). Thus, any demonstration of Indigenous

<sup>5</sup> McNeil (2013, 14) writes: “The main problems with the proprietary common law approach to Aboriginal title [an approach that validates occupation as a title claim as defined by British common law] are that it ignores Indigenous law and does not include governmental authority.”

activity on the land must consider the broader context into which the site-specific information fits. The narratives and voices of community members must be included through community-based research.

Second, we advocate for the continued acknowledgment and use of site-specific Aboriginal use when available. Such information remains useful, especially when it is supported by Indigenous knowledge set in stories. Although by accepting a provincial process and its information requirements we admit an obligation to that process, refusing to reject site-specific information altogether is strategic in that the Province of British Columbia and its development partners continue to use and require such information (Irlbacher-Fox 2014, 148-49).

#### PROCEEDING DIFFERENTLY: HIGHWAY PROJECTS IN THE INTERIOR OF BRITISH COLUMBIA

During the summer of 2014, First Nations were involved in two small traditional land use studies related to the widening of the Trans-Canada Highway near Revelstoke and near Golden.<sup>6</sup> Raymond Cormier's office at Splat-sin oversaw one of the two projects; Thomas McIlwraith was a consultant on both. Research participants included elders and other community members from Splat-sin and three other Secwepemc First Nations with territorial interests in the location of the highway-widening projects. One of the project footprints is 4.5 kilometres long; the other is two kilometres long. The precise locations are irrelevant. The work is connected to a larger initiative to widen the entire Trans-Canada Highway from two to four lanes between Kamloops and the Alberta border, a distance of about 420 kilometres (250 miles) (British Columbia n.d.). In recent years, British Columbia has sponsored a number of small and unconnected land use studies along the highway corridor as part of the widening project. We see this as a piecemeal, small spots approach to development.

Research on these highway projects followed standard traditional use methodology (e.g., Tobias 2009). We conducted a general archival and literature review of explorers' journals (e.g., Moberly 1865), earlier ethnographic research (e.g., Bouchard and Kennedy 2005; Ignace 1998; Ignace 2008; Teit 1909), and grey literature available in the First Nations offices (e.g., Shuswap Indian Band 2008, a public and online document).

<sup>6</sup> This article does not necessarily reflect the opinions of any of the First Nations involved, and, for that reason, we only briefly elaborate upon these examples. Further, these descriptions are not meant to limit the Aboriginal interests or title claims of any First Nation, Secwepemc or otherwise.

We spoke with community members and used a short questionnaire to document activities within the development areas. A crew comprised of members of each of the four First Nations spent two days travelling to and visiting each location. Archaeological assessments and ethnobotanical research were conducted separately. All told, this was a costly endeavour.

We prepared separate documents for the two study areas. They contain literature reviews, summaries of results, and maps. Using Moberly's journals (1865) and publicly accessible, community-based research from the Shuswap Indian Band (2008), we documented movements of Secwepemc peoples through the project areas for more than two hundred years. Trails are access points into Secwepemc territory and to its resource collection places. Friends and relatives received access and enemies were kept out. We learned of Secwepemc people's emotional attachments to those places as components of a complete territory – places that several informants noted they wished they could use more often. In fact, the dangers of harvesting and conducting other cultural activities in the project areas have deterred people from doing so.

The project identifies very little site-specific data. To connect the small project footprints to a larger territory, we turned to literature by long-time Secwepemc ethnographer Marianne Ignace. She establishes that Secwepemc conceptions of territory and title emphasize boundaries and overlap zones, collective ownership, and control of land. Within this frame, "individual bands were the caretakers and habitual users of the areas surrounding their communities, although the actual resources were freely shared and exchanged." Warfare, intermarriage, and negotiation through treaties were and are mechanisms of Secwepemc territorial control (Ignace 1989, 6-7; Ignace and Ignace 2004). Earlier ethnographic work by James Teit (1909, 550, 572-73) also concludes that Secwepemc territories were held collectively and that warfare was a likely reaction to the unexpected arrival of outsiders.

Mapping Secwepemc responsibilities to the land is exceedingly difficult. The maps that accompany our reports offer a wide perspective and use sweeping arrows to show the long-continued movement of Secwepemc people through, and resource collection sites within, the development areas in order to show that the project areas were part of community history and use. This underpinned a recommendation to the Ministry of Highways that it consider the impact of construction on nearby creeks or vegetation areas even if those areas are not directly in the construction zones.

In the case of the small traditional use studies we describe, our research shows that Secwepemc peoples travelled between Revelstoke and the upper Columbia River (and on to Alberta) regularly. The lands along that corridor and elsewhere in Secwepemcúl'ecw were regulated. Collective ownership, family connections, and stewardship formed the basis for control of this territory. Broadly, Secwepemc use met the criteria laid down by Justice Vickers to the effect that: “A tract of land is intended to describe land over which Indigenous people roamed on a regular basis; the land that ultimately defined and sustained them as a people” (*Tsilhqot'in Nation v. British Columbia* 2007, para. 1377, cited in Woodward, Hutchings, and Baker 2008, 12).

#### IMPLICATIONS FOR LAND USE MAPPING METHODOLOGIES

In *Living Proof*, a valuable guide to conducting land use and occupancy research, traditional use consultant Terry Tobias (2009, 46-47) acknowledges the problem of poorly contextualized data. Indeed, the map biography method outlined in *Living Proof* offers a robust methodology for documenting individual places of significance, particularly as they pertain to the lives of individuals. We extend Tobias's work by calling for greater emphasis on “qualitative studies” that illuminate connections between Indigenous peoples and the spaces between the places that are the formal focus of land use studies. We call on resource and infrastructure developers to pay more attention to the world view and cultural geography of those communities in whose territories they have an interest.

Benedict Anderson (1983, 174-75) argues convincingly that the modern state depends on maps to mark its boundaries and to reinforce its validity. Yet Thom (2009, 179) points out that “the very maps that indigenous people hope will reconcile their claims with the jurisdiction and property claims of the state may in fact subvert indigenous notions of territory and boundary.” Together, Anderson and Thom remind us that state-sponsored mapping activities serve the objectives of the government and resource extraction industries. Although ostensibly intended to facilitate dialogue and mitigation, traditional use mapping remains a colonial action that separates Indigenous people from land by identifying precisely where development can and cannot occur.

With this in mind, we argue that any land use study – indeed any social or economic planning effort within Indigenous communities – in which industrial or government developers are involved should:

1. Incorporate Aboriginal title and rights concerns into all phases of resource development and consult with First Nations offices about how to do this at the beginning of projects.
2. View the spaces between locations on maps as part of a larger, culturally meaningful territory. The *Tsilhqot'in* decision offers a legal basis for this. The apparent open, unused spaces on traditional use maps are insidious and misleading: that territory is not freely available and awaiting development.
3. Consider local, Indigenous concepts of territoriality and governance as essential context for land use studies.
4. Include in study reports accounts of the emotional and spiritual connections to places even if they do not have location-specific markers.<sup>7</sup>
5. Allow more time for communities to conduct nuanced, qualitative research.

As practitioners, we hope that government officials and resource managers will engage with these ideas and work to improve the consultation process. We support including Indigenous perspectives in consultation research in ways that reflect Indigenous governance and legal orders as well as Indigenous cosmologies and sharing networks. We advocate for a renewal of consultation research that counters mainstream practices and that offers the Splotsin and other Indigenous communities an effective means of defining their worlds by elevating the role of Indigenous knowledge and including it in ways that do not appear as tokens or as piecemeal assertions of past use. These ideas may already be under consideration. Since completing our work in the summer of 2014, we have learned that the province is considering a holistic study of Indigenous use and occupation along the Trans-Canada Highway corridor between Kamloops and the Alberta border.

Imagining a landscape dotted with discrete places of activity, as traditional use studies have done, makes little sense – except in reducing Indigenous worlds to a market-based logic and facilitating development (Nasr and Scott 2010, 150). Site-specific traditional use studies remain, at best, a tool for initiating consultation processes. It is neither sufficient nor appropriate to consider traditional use studies outside the context of local narratives and broader patterns of Indigenous use. The spaces between

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<sup>7</sup> Larsen (2013) gives a wonderful example of the importance of storytelling within a land use and occupancy project. Her work is with the Cheslatta Carrier of north-central British Columbia.

traditional use sites are significant too. They are central components of First Nations territorial integrity. We would like to see less reliance on traditional use studies in research related to resource development. We encourage, instead, more emphasis on historically and culturally grounded, community-based research that includes work on languages, genealogies, and legal orders. This involves counter-mapping, or counter-researching, in a traditional use context.

A traditional territory, in its entirety, is a place. There are specific places of use and interest within a traditional territory. Indigenous landscapes do not exist as isolated pieces: all sites are connected to a larger territory and to cultural continuity. Perhaps this perspective will make good sense to many Canadians who, in a globalizing world where assertions and defence of national and territorial sovereignty are common, understand well that a lack of demonstrable use of a portion of land does not mean a lack of knowledge, connection, or claim to that land.

#### ACKNOWLEDGMENTS

Raymond Cormier and Thomas McIlwraith acknowledge and thank the Splantsin elders who have shared generously, over many years, their knowledge of tradition, history, culture, and the land. We thank Graeme Wynn at *BC Studies* for his extensive editorial work. We appreciate the thoughtful and encouraging comments of two reviewers. Our arguments are clearer and stronger because of the work of everyone at the journal. Brian Thom offered suggestions for source material and enthusiasm for the article. The Department of Sociology and Anthropology at the University of Guelph provided support for the research.

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