

# “THEY SMASHED IT RIGHT THROUGH OUR RESERVE”:

## *The Problem of Settler Consultation for Infrastructure on Chawathil IR4*

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WHEN IT COMES TO decisions concerning resources and development on Indigenous territory in Canada, the federal government is “required to carry out a fair and reasonable process for consultations” and the province of British Columbia is “legally obligated to consult and accommodate First Nations.”<sup>1</sup> Legal scholars also observe that section 35(1) of the *Constitution Act, 1982*, has created a modern legal duty to consult that has been reinforced by the recent judgments in a trilogy of Supreme Court cases.<sup>2</sup> Often this duty to consult is met to the satisfaction of both governments. Yet, studies of

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\* First and foremost, my hands go up in thanks to the Chawathil community for their kindness and willingness to share their knowledge with me. The entire community inspires me to appreciate the connections available in this place we call home and the possibilities of understanding between all inhabitants of this land. I particularly acknowledge the guidance of Patricia John, who has been a friend and continues to guide me in my work outside of this project. I also thank the folks at the Stó:lō Research and Resource Management Centre for all their assistance in the initial stages of this project, in particular Naxaxalhts'i, Dr. Sonny McHalsie, for being a cultural guide to field school students, and Tia Halstad for pulling together archival records held at the centre (at one point on the fly), as well as the co-instructors of the Xwelalámsthóxes Stó:lō Ethnohistory Field School, Dr. Keith Carlson and Dr. John Lutz. I thank my field school colleagues, especially Angélique Tardivel who conducted a few of the interviews with me, and all who have read and given comments on previous versions of this paper, including my advisors in UVic's history department. And I thank Dr. Paige Raibmon, as editor of *BC Studies*, and the anonymous reviewers, for their insightful critiques and thoughtful revision suggestions. Finally, I thank my family for their enduring support of an academic in the household.

<sup>1</sup> Canada, “Aboriginal Consultation and Accommodation: Updated Guidelines for Federal Officials to Fulfill the Duty to Consult.” (March 2011); British Columbia, “Consulting with First Nations,” <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations>.

<sup>2</sup> *Haida Nation v. British Columbia* 2004; *Taku River Tlingit First Nation v. British Columbia* 2004; *Mikisew Cree First Nation v. Canada* 2005; Dwight Newman, “The Section 35 Duty to Consult,” *The Oxford Handbook of the Canadian Constitution* (Oxford: Oxford University Press, 2017); Dwight G. Newman, *Revisiting the Duty to Consult Aboriginal Peoples* (Saskatoon: Purich Publishing, 2014); Dale Turner, “Indigenous Knowledge and the Reconciliation of Section 35(1),” in *From Recognition to Reconciliation: Essays on the Constitutional Entrenchment*

Indigenous peoples' interactions with oil and gas developers in northern British Columbia and the 2018 Canadian Court of Appeals Decision to overturn the Trans Mountain pipeline expansion have shown that what the government considers legally adequate does not necessarily meet the expectations of the Indigenous groups directly affected by the development. Typically, the duty to consult has been treated as a "checkbox" with no meaningful consultation having occurred. Or communities have been flooded with permit requests, which, if left unanswered, become interpreted as consent.<sup>3</sup> The history of three major rights-of-way<sup>4</sup> through the Stó:lō reserve of Chawathil (IR<sub>4</sub>),<sup>5</sup> British Columbia, is an example of colonial infrastructure development over land that was ostensibly designated by colonial officials "for the benefit and support of the Indian Races," and designed to offer "security against the aggression of immigrants."<sup>6</sup> Archival research displays the varied levels of consultation sought by officials and developers who built infrastructure through Indigenous peoples' land as well as how they presented these developments to the public, while Chawathil and neighbouring community members, who experienced the results of this construction through their

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*of Aboriginal and Treaty Rights*, ed. Patrick Macklem and Douglas Sanderson (Toronto: University of Toronto Press, 2016), 164–78.

<sup>3</sup> Kathryn Henderson Garvie, "Beyond Consultation: First Nations and the Governance of Shale Gas in British Columbia" (MA thesis, University of Victoria, 2013), iii; Rosanna Breiddal, "When Consultation Becomes a Checkbox, What's the Fracking Point? Colonial Constraints on Social Learning Processes in Northeast BC and the Fort Nelson First Nation's New Approach to Resource Governance" (MA thesis, University of Victoria, 2015), iii, 46.

<sup>4</sup> Rights-of-way provide legal access to someone else's land. The most common rights-of-way in British Columbia are for railways, highways, pipelines, and transmission lines. Geographer Nadine Schuurman observes that rights-of-way allow governments to build infrastructure on Indigenous peoples' property "without the bureaucratic and financial impediments associated with appropriating reserve land." Nadine Schuurman, "Constructing and Deconstructing the Railway through Reserves in BC," *Native Studies Review* 13, no. 1 (2000): 26; Cole Harris, *Making Native Space: Colonialism, Resistance and Reserves in British Columbia* (Vancouver: UBC Press, 2002).

<sup>5</sup> Located about ten kilometres down the Lougheed Highway west of Hope, Chawathil reserve is bordered by the Fraser River to the front and Dog Mountain to the back. Its total size is 1,380 acres, 17 of which are currently appropriated by rights-of-way. These rights-of-way take up about 8 percent of the total reserve and pass through some of the most valuable land. While easements may only take up a certain percentage of community members' properties, they bisect their land, making it nearly impossible to develop on either side of the rights-of-way. For example, water lines cannot be placed across the pipeline. Rights-of-way also disrupted the community's access to the Fraser River. See Chawathil First Nation, *So'olh Temexw (Our Land): Community Land Use Plan* (North Vancouver, BC: David Naime and Associates, 2012), 23.

<sup>6</sup> James Douglas to E.B. Lytton, 14 March 1859, National Archives of the UK, 4800, CO 60/4, 212, <https://bcgenesis.uvic.ca/B59114.html>; James Hendrickson and the Colonial Despatches project, eds., *The Colonial Despatches of Vancouver Island and British Columbia, 1846–1871* (Victoria: University of Victoria, 2020), <https://bcgenesis.uvic.ca/B59114.html>; Earl of Carnarvon, Parliamentary Under-Secretary, to James Douglas, 20 May 1859, Library and Archives Canada (hereafter LAC), RG 7, G8C/8, 76, <https://bcgenesis.uvic.ca/B597067.html>.

territory, share oral histories that explain how the construction of this infrastructure has affected their lifestyle, health, spirituality, and culture. The manner in which the community has been consulted about the use of their own reserve reveals much about the relationships and power imbalances between the settler state and Indigenous peoples as well as a historic inability of settlers to incorporate Indigenous knowledge into their infrastructure projects over Indigenous territory.

The history of settler rights-of-way through Chawathil confirms the scholarly assessment that settler-colonialism is a “structure not an event.”<sup>7</sup> In the case of infrastructure on Chawathil IR4, at each stage of settler construction across the reserve there has been an incremental improvement in awareness of Indigenous rights but no significant change in the results of this awareness as settlers used the same legal instruments in each development and the local consequences remained similar. Before paving the Lougheed Highway in 1972, Canadian officials recognized that Indigenous peoples’ heritage should be preserved, largely thanks to emerging Indigenous sovereignty movements across the country; but, like their predecessors in the 1950s (who built a pipeline) and in the 1880s (who built a railway), after satisfying their conception of consultation, they went ahead with construction with no input from the community that could qualify as *meaningful consultation* with respect to modern articulations of free, prior, and informed consent (FPIC) or “collaborative consent” as laid out by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The history of settler infrastructure and its cumulative effects on Chawathil is one reason for Canadians to implement UNDRIP principles and to strive for reconciliation acceptable to Indigenous peoples.

This study started during the 2017 Xwelalámsthóxes (Ethnohistory Field School with the Stó:lō), offered by the University of Saskatchewan and the University of Victoria. The school emphasizes community-engaged research.<sup>8</sup> In partnership with the universities, the Stó:lō Research and Resource Management Centre (SRRMC) provides research questions based on interest from Stó:lō communities. During the

<sup>7</sup> Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell, 1999); Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006): 387–409; Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave Macmillan, 2010).

<sup>8</sup> Keith Thor Carlson, John Sutton Lutz, and David Shaepe, “Introduction,” in *Towards a New Ethnohistory: Community Engaged Scholarship among the People of the River*, ed. Keith Thor Carlson, John Sutton Lutz, David M. Shaepe, and Naxaxalhst’I (Albert “Sonny” McHalsie) (Winnipeg: University of Manitoba Press, 2018), 1–33; Xwelalámsthóxes Ethnohistory Field School with the Stó:lō, <https://web.uvic.ca/stolo/>.

2017 school, educators and the SRRMC staff suggested a study of settler infrastructure on Chawathil IR4, and I am very honoured to have had the opportunity to make friends with the community while exploring the question of how this infrastructure has affected them over time. It is a collaborative research project in the sense that the Stó:lō community provided the research question as well as oral histories to give community perspectives to the problem, and as a history student and researcher my search of physical records gave context to the colonial praxis. As a settler who grew up in British Columbia,<sup>9</sup> and as a historian of BC history, the history of relationships between Indigenous peoples and settlers in my home province is of great interest. Enrolment in this community-engaged project offered first-hand insights into the Indigenous position on land rights and settler activities in British Columbia.

Interviews with Elders for the oral history portion of this study were initially conducted during the field school as semi-structured interviews of approximately an hour. Seven Chawathil Elders were interviewed personally, two responded with written answers, and two Seabird Island First Nation Elders were also interviewed. All interviews from the field school are held at the Stó:lō Library and Archives. Interviews of Stó:lō Elders from previous generations have also been consulted from records held at these archives. These interviews are crucial to enabling the general public to understand the local perspective. I typically quote community members verbatim to emphasize the humanity of those whose lives are directly affected by state-sponsored infrastructure. Over the last few years I have made subsequent trips to the community to discuss in further detail my more recent archival research and/or to clarify points made to me by community members. In response to a call by Métis scholar Adam Guadry to take the “next steps” in community-engaged research, I have shared all archival material with the community for its records and future use as well as information about other community-related

<sup>9</sup> My paternal great-grandfather was a fur trader from Scotland who worked for the Hudson's Bay Company in Fort Chipewyan and Fort Smith. He married a Métis woman, Edith Ellen Loutit, at Fort Chipewyan in 1912. In 1901, Edith's father, Peter Loutit, sold her Métis status, when she was a child, for scrip. Her heritage was suppressed throughout her adult life ostensibly by both her first and second husbands and perhaps even herself. I am a settler for three main reasons: with the exception of my great-grandmother, who had both Indigenous and settler ancestors, all my ancestors and family are visitors to Indigenous land in this place currently called Canada; I am a direct beneficiary of settler-colonialism and the dispossession of Indigenous land that my grandfather, Edith's son, purchased in the 1960s from the E & N Railway in unceded Cowichan territory; and, finally, I grew up in Lekwungen territory in a time when there was still little acknowledgment by settler institutions of the Indigenous history and continued Indigenous presence and stewardship of the land, an error I join many others in correcting today.

material that, although not within the scope of this particular project, may be of general interest to Chawathil (e.g., old newspaper accounts of community members and government documents). My hope is that this material will provide the community with answers to other questions they may have.<sup>10</sup> Finally, I presented a near-final version of this paper to participant community members so that they could review their contributions. Patricia John organized a lunch so that we could address any concerns or, as it happened, so that people could share further thoughts on the history of settler infrastructure through their community.

Within the modern context of BC treaty negotiations, title rights, Truth and Reconciliation, UNDRIP, Bill C-262 aligning Canada with UNDRIP, and BC's *Declaration on the Rights of Indigenous Peoples Act (DRIPA)* ostensibly enforcing UNDRIP in provincial law, as well as questions of environmental sustainability and resource development (such as recent proposals to expand the Trans Mountain pipeline and Coastal GasLink), it is easy to feel a sense of nostalgia in the oral histories provided. Yet, although Elders' nostalgic memories place blame for the loss of a way of life on infrastructure development rather than on a wide array of historical forces at play, this does not diminish the importance of these memories in decentring a non-Indigenous-Canadian narrative of twentieth-century progress in British Columbia. Chawathil's experience is an example of what historian Paige Raibmon has identified, in the context of the state-guided relocations of Mowachaht and Muchalaht First Nations in the 1960s and 1990s, as a "fallacy of modernist teleologies."<sup>11</sup> The story of a railway, a pipeline, and a highway on the large scale of national history offers an image of progress and industry, but at the local level the narrative becomes much more complicated.

This study is a microhistory of one reserve in British Columbia.<sup>12</sup> As historian John Lutz notes, microhistories connect unique local experience with the larger historical context. He argues that microhistories can answer the question of "why?" as opposed to simply the larger question of

<sup>10</sup> Adam Gaudry, "Epilogue," in *Towards a New Ethnohistory*, ed. Carlson et al., 255.

<sup>11</sup> Paige Raibmon, "Handicapped by Distance and Transportation: Indigenous Relocation, Modernity and Time-Space Expansion," *American Studies* 46, no. 3/4 (2005): 383.

<sup>12</sup> Generally, this text follows terminology conventions outlined by Gregory Younging in: Gregory Younging, *Elements of Indigenous Style: A Guide for Writing by and about Indigenous Peoples* (Edmonton: Brush Education, 2018), except when referencing terminology that has a legal or historical context designated by the federal government of Canada in the so-called *Indian Act* and related government documents. These contextual terms include: "Indian Reserves" (IR) as official designations of reserve land and "Hope Band" as the federally recognized term for Chawathil people throughout the twentieth century. I use these terms to show the historical and legal context of colonial designations that have remained stable over time.

“what?”<sup>13</sup> In this case, the “why?” question centres on how state-sponsored decisions have negatively affected an Indigenous community and how this community has viewed its relationship with the settler world around it. Community members reject settler infrastructure throughout their reserve because, during any sort of consultation for this infrastructure, settler-Canadians have ignored Indigenous ways of knowing and ontologies.

Indigenous ways of knowing and ontologies, as articulated by Indigenous scholars such as Sarah Hunt, are “lived, practiced, and relational” as well as “place-specific.” Dale Turner argues that, in order to achieve genuine reconciliation between settlers and Indigenous peoples, it is necessary for settlers to understand Indigenous knowledge “in its proper context” – that is, to understand that their knowledge is “embedded” in their “homelands.”<sup>14</sup> Patricia John, who has worked for the community in many different capacities for over forty years, including negotiating with governments over resource usage, agrees, explaining that she is connected through “time and place” to her ancestors and that “settlers should give consideration to this” intimate connection that Chawathil people have with their land. It can be seen throughout the history of settler infrastructure on IR4 that settlers lacked an understanding of how development would affect the environmental health of the area and that developers challenged local Indigenous worldviews by ignoring their existence. In order to “fight colonial thinking,” and to help settlers find practical ways to acknowledge Indigenous ways of knowing, John offers her “Triangle of Authority,” which is fundamentally a call for the protection of basic human rights. The foundational points of her triangle are: (1) respect for the Truth and Reconciliation process; (2) acceptance and implementation of UNDRIP and its call for FPIC; and (3) a willingness to strive for a cooperative governance model known as “collaborative consent.”<sup>15</sup>

With Canada’s reluctant adoption of UNDRIP in 2016, and British Columbia’s more recent *DRIPA*, this goal is laudable but not easily imple-

<sup>13</sup> John Lutz, *Makúk: A New History of Aboriginal White Relations* (Vancouver: UBC Press, 2009), 12–13.

<sup>14</sup> Sarah Hunt, “Ontologies of Indigeneity: The Politics of Embodying a Concept,” *Cultural Geographies* 21, no. 1 (2014): 27–32; Leanne Betasamosake Simpson, “Oshkimaadiziig, the New People,” in *Lighting the Eighth Fire: The Liberation, Resurgence, and Protection of Indigenous Nations*, ed. Leanne Betasamosake Simpson (Winnipeg: ARP Books, 2008), 1–3; Leanne Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence and a New Emergence* (Winnipeg: Arbeiter Ring, 2011); Turner, “Indigenous Knowledge.”

<sup>15</sup> Interviews with Patricia John, 30 May 2017 and 5 July 2019 (unless otherwise stated, interviews are conducted by author).



mented. Scholars currently debate how Canada's acceptance of UNDRIP will affect relationships between settlers and Indigenous peoples and how it can be practically applied in a nation that has its own constitutional framework independent of the global community.<sup>16</sup> After over a century of unilateral decisions concerning Chawathil land, Chief Rhoda Peters (Siamolet) claims that relationships with the state are "better" because at the very least her people "can actually sit at the table."<sup>17</sup> While a place at the table can be considered progress in the forging of meaningful relationships between the state and Indigenous peoples, some Indigenous scholars argue that negotiations with settler governments (e.g., the BC Treaty Commission) or unquestioned acceptance of state-sponsored "reconciliation" programs merely perpetuate Indigenous entanglement in Canada's colonial project. Recently, for example, land defenders who have actively supported the stand of a group of Wet'suwet'en Hereditary chiefs against Coastal GasLink's LNG pipeline have declared that "reconciliation is dead."<sup>18</sup> While Indigenous peoples develop methods of resistance to colonialism in tandem with cultural resurgence, settlers must grapple with their own responsibilities to the land and to Indigenous

<sup>16</sup> Dwight Newman, "The Rule and Role of Law: The Duty to Consult, Aboriginal Communities, and the Canadian Natural Resource Sector," *MacDonald-Laurier Institute Aboriginal Canada and the Natural Resource Economy Series* 4 (May 2014); Kaitlin Ritchie, "Issues Associated with the Implementation of the Duty to Consult and Accommodate Aboriginal Peoples: Threatening the Goals of Reconciliation and Meaningful Consultation," *UBC Law Review* 46, 2 (2013): 397–438; Sheryl R. Lightfoot, "Adopting and Implementing the United Nations Declaration on the Rights of Indigenous Peoples: Canada's Existential Crisis," in *Surviving Canada: Indigenous Peoples Celebrate 150 Years of Betrayal*, ed. Kiera L. Ladner and Myra J. Tait (Winnipeg: ARP Books, 2017), 440–57.

<sup>17</sup> Chief Ruth (Rhoda) Elizabeth Peters (Siamolet), 25 May 2017, Chief Peters's traditional name, Siamlomet, has been handed down through five generations of grandmothers or aunts on her grandfather's side of her family. Upon her request, for the main text I use Chief Rhoda Peters or Chief Peters: "I prefer Rhoda as most know me by this name." Interview with Chief Rhoda Peters, 2 June 2020.

<sup>18</sup> Rachel Yacaa'laḡ George, "Inclusion Is Just the Canadian Word for Assimilation: Self-Determination and the Reconciliation Paradigm in Canada," in *Surviving Canada*, ed. Ladner and Tait, 49–62; Simpson, *Dancing on Our Turtle's Back*; Taiaiake Alfred, *Wasáse: Indigenous Pathways of Action and Freedom*, (Toronto: University of Toronto Press, 2009); Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014); Art Manuel and Grand Chief Ronald M. Derrickson, *Unsettling Canada: A National Wake-Up Call* (Toronto: Between the Lines, 2015); Kiera L. Ladner, "150 Years and Waiting: Will Canada Become an Honourable Nation?" in *Surviving Canada*, ed. Ladner and Tait, 398–413; Gina Starblanket and Joyce Green, "What Is Happening on Wet'suwet'en Territory Shows Us That Reconciliation Is Dead," *Globe and Mail*, 13 February 2020, <https://www.theglobeandmail.com/opinion/article-what-is-happening-on-wetsuweten-territory-shows-us-that/>; Ta' Kaiya Blaney at Indigenous Youth for Wet'suwet'en Press Conference with David Suzuki, 14 February 2020, <https://www.facebook.com/SierraClubBC/videos/172720844166123/>.

peoples.<sup>19</sup> A history of settler infrastructure development on Chawathil IR4 suggests that there is much room for improvement in this area as Canada attempts to enter an era of reconciliation.

CHAWATHIL: "THE LAND RIGHT HERE AND IT SUITED US."<sup>20</sup>

The Stó:lō are Coast Salish people whose traditional territory includes the mouth of the Fraser River, reaches down below the forty-ninth parallel dividing Canada from the United States, and stretches up the Fraser River Valley through the canyon to the current town of Yale. Their name in the Halq'eméylem language means "people of the river." Archeologists have determined that Stó:lō inhabited Chawathil as far back as 750 BCE, and they have located many pithouse sites in the area, including Sxwóxwiyemelh ("lots of people died at once"), which was used as a funeral site after a smallpox epidemic. This had been the site of thirty-six houses, thirteen of which were later destroyed by the construction of the Canadian Pacific Railway (CPR).<sup>21</sup> Generally, these pithouses were fashioned in a style commonly associated with Plateau peoples, but they are considered to be "'interior,' 'coastal,' as well as 'local' in character" and reflect a "multi-season activity locale." Traditionally, Chawathil people lived in the Fraser Canyon above Hope, close to Yale, and have been "characterized by an internal fluidity of population."<sup>22</sup> Colonial officials curbed this fluidity in the late nineteenth century when they determined that allocating reserve land for Indigenous peoples was the best way to protect them from avaricious settlers while at the same time opening up the greater portion of the land to settlement. This marks the first crucial way in which settlers ignored Indigenous knowledge and fundamentally misunderstood Indigenous relationships to the land.

Historical geographer Cole Harris asserts that reserves are "at the heart of colonialism in BC." He argues that "there is no better place to

<sup>19</sup> See Michael Asch, John Borrows, and James Tully, *Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings* (Toronto: University of Toronto Press, 2018).

<sup>20</sup> Herman Peters, *Chawathil Traditional Land Use Study* (Hope, BC: Chawathil First Nation, 1996).

<sup>21</sup> Keith Thor Carlson, *The Power of Place, the Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism* (Toronto: University of Toronto Press, 2010), 373; Brent Galloway, *Dictionary of Upriver Halkomelem*, vol. 1 (Berkeley: University of California Press, 2009), 1005.

<sup>22</sup> Gordon Hanson. "The Katz Site: A Prehistoric Pithouse Settlement in the Lower Fraser Valley, British Columbia." (MA thesis, University of British Columbia, 1970), abstract and 5; David Shaepe, Michael Blake, Susan Formosa, and Dana Lepofsky, *Mapping and Testing Precontact Stó:lō Settlements in the Fraser Canyon and Fraser Valley (2004–2005)*, Stó:lō Tribal Council, Chehalis First Nation, and the Archeology and Registration Services Branch, December 2006; Carlson, *Power of Place*, 40.



look” when considering how colonial society functioned in the province. Further, Harris remarks that officials “knew next to nothing about the Native worlds they were rearranging.”<sup>23</sup> For James Douglas, reserve allocation was simply a matter of allowing communities to select the land on which their current villages were situated and any other land to which the Indigenous population “invariably conceive[d] a strong attachment,” which was most often arable land and productive fishing sites. Douglas then determined that “Ten acres of Town Land” would be “sufficient” for “Indian villages” and “1000 acres of Country Land in places where they may make selection.”<sup>24</sup> After Douglas retired, the chief commissioner of lands and works, Joseph Trutch, determined that the lands given were overly generous and commissioned his brother John, as well as his brother-in-law Peter O’Reilly, to mark out much smaller reserves moving forward.<sup>25</sup>

In negotiations between Canada and British Columbia over the province’s joining Confederation in 1871, reserve size caused contentious debate between the two governments. According to Harris, Trutch likely authored BC’s “article 13,” which, after Confederation, would allocate only ten acres per family for new reserves. Canada wanted the number to be eighty acres per family, which provincial leaders saw as far too large. A compromise of twenty acres per family was suggested and agreed upon; however, the definition and size of a family remained in debate.<sup>26</sup>

From 1876 to 1878, the Joint Indian Reserve Commission further reviewed and adjusted the sizes of all the reserves in the province. Harris argues that the commission tried to be fair to both Indigenous peoples and settlers in order to avoid any confrontation, but the commission ultimately served the settlers.<sup>27</sup> The Chawathil community’s decision to move from its three village sites adjacent to the town of Hope to the isolated location of Chawathil in 1894, the year of a great flood, is one example of Indigenous responses not only to natural events but also to settler expansion.<sup>28</sup>

<sup>23</sup> Harris, *Making Native Space*, xxv, 64.

<sup>24</sup> Douglas to Lytton, 14 March 1859; W.A.G. Young to R.C. Moody, 10 January 1860, British Columbia Archives (hereafter BCA), C/AB/30.1 J/1, p. 118.

<sup>25</sup> Harris, *Making Native Space*, 56–64.

<sup>26</sup> *Ibid.*, 74–75.

<sup>27</sup> *Ibid.*, 104.

<sup>28</sup> British Columbia, *Royal Commission on Indian Affairs for the Province of BC (1913–1914 Transcripts)*, Union of British Columbia Indian Chiefs, 1978, BCA, MS-1056, box 2, file 2, 346; Wilson Duff, *The Upper Stalo Indians of the Fraser River of BC* (Victoria: British Columbia Provincial Museum, 1952), 41.

According to Stó:lō oral history, Governor Douglas promised the Chawathil site as a reserve sometime in the 1850s.<sup>29</sup> In 1879, Indian Reserve Commissioner Gilbert Malcom Sproat laid out the boundary of IR<sub>4</sub>, then known by settlers as “Chawuthen” or “Murderer’s Bar.”<sup>30</sup> In subsequent years, IR<sub>4</sub> became known as Katz Landing due to a domestic cat disembarking a steamboat at this site in 1860.<sup>31</sup> Yet, according to Elders from the community, that name “didn’t suit [them] at all.” The Halq’eméylem word for the area is “Chawathil,” which translates as “where the land meets the water” but has the more expressive meaning of “the land right here and it suited us.”<sup>32</sup>

In the late nineteenth and the early twentieth centuries, about sixty people lived at IR<sub>4</sub>. They farmed primarily for subsistence. During testimony at the McKenna-McBride hearings, which once again evaluated the size of reserves, on 20 November 1914, Chief Pierre reported that Chawathil people had previously worked on the railway “and for the whites” but “at the present time there [was] none going out and labouring – they all work at their land.”<sup>33</sup> Chawathil families had cattle, horses, pigs, and chickens. They sold their farm products, including hay, at the market in Hope. There were limited transportation options for community members travelling on and off the reserve. With a station at Katz, the CPR connected them to Hope as well as to the Lower Fraser Valley, but the community seldom utilized this service. Many preferred to travel by horse and buggy, or via boat and then bus, until the paving of the highway in 1972. They did so largely for practical reasons and also because the train was seen as a “luxury,” which highlights the fact that settler infrastructure that went through protected reserves was largely an infringement on Indigenous rights to control their own property.<sup>34</sup>

<sup>29</sup> Carlson, *Power of Place*, 315n85.

<sup>30</sup> G.M. Sproat, “Hope Indians,” minutes of decision, 16 August 1879, Corr: 591/80, pp. 21–32, in *Federal and Provincial Collections of Minutes of Decision, Correspondence, and Sketches, Materials produced by the Joint Indian Reserve Commission and Indian Reserve Commission, 1876–1910*. B.C. Provincial Collection. Binder 4, <http://jirc.ubcic.bc.ca/node/9>; Chief P.D. Peters explained that the “en” suffix of “chawuthen” came from Lower Fraser Stó:lō who were used as Native scouts by white engineers. When asked the name of the place, they responded in their particular dialect of Halq’eméylem. The Upper Fraser Stó:lō do not use hard “ens,” hence “Chawathil” not “Chawuthen.” Interview with Patricia John, 4 August 2017.

<sup>31</sup> According to Chief P.D. Peters, the name “originated when a pregnant cat walked off a gangplank as the steamboat was unloading cargo, and then upon the ship’s return a few days later came back on board with her kittens.” Note 4 to appendix 2 in Henry Pennier, *Call Me Hank: A Stó:lō Man’s Reflections on Logging, Living, and Growing Old*, ed. Keith Thor Carlson and Kristina Fagan (Toronto: University of Toronto Press, 2009), 119.

<sup>32</sup> Peters, *Chawathil Traditional Land Use Study*; Chawathil First Nation, *So’olh Temexw*, 2.

<sup>33</sup> British Columbia. *Royal Commission on Indian Affairs for the Province of BC*, 346–48.

<sup>34</sup> Interviews with Doreen Bonneau, 1 June 2017; Barb Pete, 24 May 2017.

Chawathil people were not only engaged in a moditional economy but were also very politically active throughout the colonization process.<sup>35</sup> Recently, scholars have analyzed the ways in which Stó:lō have asserted their sovereignty rights over land and culture in British Columbia in the twentieth century, and Chawathil has played a major role in this assertion.<sup>36</sup> In 1921, for example, leaders of the community outlined to anthropologist James Teit their grievances against the government. In 1923, they presented these complaints to the federal government, including a call to have “complete title to [their] reserved lands” and a rejection of any provincial “reversionary or other right” over this land. Chawathil political action continued through the century: leaders joined the Native Brotherhood of British Columbia and regularly contributed to its news organ, *Native Voice*. In the 1950s, they sent delegates to government meetings with the BC elected chiefs concerning changes to the *Indian Act*; and in 1980 they joined George Manuel on the “Constitution Express” – a BC Indigenous delegation sent to Ottawa to ensure Indigenous peoples’ inclusion in the patriation of the Canadian Constitution. This delegation also went to meet the Queen in London.<sup>37</sup> Chawathil participation in these political activities exemplifies what, in the context of negotiations for the patriation of the Constitution, Madeline Knickerbocker and Sarah Nickel describe as “generations of Indigenous resistance to settler colonialism.” Chawathil’s personal defence of its own reserve, as well as its participation in larger collective Indigenous sovereignty movements, supports Knickerbocker and Nickel’s argument that “Indigenous peoples’ expressions of sovereignty were variously and concurrently grounded in specific tribal understandings of self-government and territoriality, of pan-Indigenous collective identity and political autonomy, and of shifting national and international political epistemologies.”<sup>38</sup> The Chawathil community not only staunchly

<sup>35</sup> Lutz, *Makúk*, 23–24.

<sup>36</sup> Madeline Rose Knickerbocker, “‘What We’ve Said Can Be Proven in the Ground’: Stó:lō Sovereignty and Historical Narratives at Xá:ytem, 1990–2006,” *Journal of the Canadian Historical Association* 24, no. 1 (2013): 297–342; Madeline Rose Knickerbocker and Sarah Nickel, “Negotiation Sovereignty: Indigenous Perspectives on the Patriation of a Settler Colonial Constitution, 1975–83,” *BC Studies* 190 (Summer 2016): 67–87.

<sup>37</sup> Chawathil First Nation, “c. 1923 Presentation by Chawathil Indians to the Government,” in *A Stó:lō Coast Salish Historical Atlas*, ed. Keith Carlson (Vancouver: Douglas and McIntyre, 2001), 190–91; For example, O.D. Peters, “I Was There,” *Native Voice*, April 1947, 8 and 16; “Indian Commissioner for British Columbia – Organization and Administration – The Indian Act – Correspondence re meetings to discuss Indian Act, general requests for copies of Act,” LAC, RG10, series C-11-4, vol., 11303, file 208/1-8; interviews with Patricia John, Ron John, and Ida John, 25 May 2017; Patricia John, 5 July 2019; “Chiefs to visit Queen,” *Native Voice*, March 1979, 11.

<sup>38</sup> Knickerbocker and Nickel, “Negotiation Sovereignty,” 68.

defended its home on the ground but also supported larger Indigenous movements to gain settler recognition of title rights in British Columbia.

#### THE CANADIAN PACIFIC RAILWAY: "FIRST ONE, WORST ONE"<sup>39</sup>

As part of the agreement for British Columbia's entry into Confederation, the federal government promised a trans-Canada railway. Minister of Railways and Canals Sir Charles Tupper boasted that the Canadian Pacific Railway would "show the world" that Canada's "great trans-continental line" would "stretch from sea to sea" and "attract attention to the country," thus stimulating its "progress."<sup>40</sup> Engineers and labourers constructed the CPR over the period 1881 and 1885. In British Columbia, this construction crossed through twenty-nine reserves, with survey work over Chawathil beginning in late 1880 and early 1881.<sup>41</sup> Prime Minister John A. Macdonald's Conservative government authorized the payment of \$2,256 to Chawathil for forty acres of land; it issued this compensation to the superintendent of the Department of Indian Affairs. The government also awarded a portion of this compensation (\$862) to a settler named Manuel Alonzo for the "improvements" he had previously made on the reserve, which shows that the government did, in circumstances such as this, compensate settler pre-emptions on Indigenous territory. Canada gave further patents for rights-of-way over Chawathil to the CPR in 1926 and 1935 in return for minimal cash settlements, including interest on outstanding payments for the original right-of-way.<sup>42</sup>

At the Katz station, Chawathil people could flag the train down by waving during the day or swinging a lantern at night.<sup>43</sup> In general, however, the benefits of the railway served settler society almost exclusively. As geographer Nadine Schuurman comments: "Laudatory narratives about the power of the railways to triumph over the geography of this country obscure a history of material violence against Native peoples

<sup>39</sup> Interview with Patricia John, 30 May 2017.

<sup>40</sup> "The Railway Contract," *Daily British Colonist*, 6 February 1881, 5–8; Canada, *Official Report of the Speech Delivered by Hon. Sir Charles Tupper K.C.M.G., C.B., Minister of Railways and Canals, on the Canadian Pacific Railway* (Ottawa: MacLean, Rogers & Co., Wellington Street, 1882), 28.

<sup>41</sup> Joseph Trutch to Hector L. Langevin, 8 January 1881, in Canada, *Annual Report of the Minister of Public Works for the Fiscal Year 1880–81 on the Works Under His Control* (Ottawa: Maclean, Rogers & Co., 1882), 67–68.

<sup>42</sup> Order-in-Council PC 1887-987; Order-in-Council PC 1886-53; "Correspondence Regarding Right Of Way Through the Chawuthen Reserve 4 for the Canadian Pacific Railway (Hope Band), 1922-1935", LAC, RG10, vol. 8087, part 1, file 987/31-2-35-4.

<sup>43</sup> Interview with Barb Pete, 24 May 2017.

in British Columbia.” She observes that the CPR runs through places in British Columbia where arable land is a scarcity, especially through the Fraser Canyon. “Understandably,” Schuurman says, “land became the central political issue for Native people in British Columbia,” pointing out that land scarcity meant railways came at a higher cost for Indigenous peoples in British Columbia than they did for those who live east of the Rocky Mountains.<sup>44</sup> The railway has also been a source of personal tragedy for Chawathil families. Over the course of the last century, there have been many Stó:lō deaths on the tracks, some accidental, some intentional.<sup>45</sup>

The most critical effect the CPR has had is the destruction of fishing sites. Chawathil people used to catch, smoke, and dry fish in Yale until their fishing spots were destroyed by the construction and maintenance of CPR tracks.<sup>46</sup> Often good fishing sites were filled in to build a sturdy table for the railway to sit on. Further, the filling in of the Fraser River eliminated many rock outcrops, which provided vital resting places for spawning salmon during their arduous journey against the current of the river. The Canadian National Railways exacerbated this loss when it built a railway line down the other side of the Fraser Canyon, destroying additional fishing sites. The railway companies’ destruction of these crucial fishing sites is clear evidence of settler ignorance regarding Indigenous relationships with and use of land and resources. While the state may have viewed the construction of railways as a utilitarian venture that served the desires of a growing settler population, it perpetrated great violence against the local Indigenous populations.

The railway, however, was not the only development that directly affected fishing spots and rock outcrops over the twentieth century. In 1944, the province blasted outcrops below Hope, removing a total of 589,370 cubic yards of rock in order to facilitate log towing down the Fraser. On top of the blasting, the public works department also deployed a “scuffler” and a “marine bulldozer” to scour the bottom of the river to make sections deeper in efforts to “increase capacity of river channels” to float more logs to the coast.<sup>47</sup> This is yet another example of settler

<sup>44</sup> Schuurman, *Constructing and Deconstructing the Railway*, 19, 23.

<sup>45</sup> Interviews with Naxaxalhts’I (Sonny McHalsie) and Dave Shaepe, 16 May 2017; Chief Rhoda Peters, 25 May 2017; Rose Peters, 1 June 2017; Jo-Ann Archibald, *Remembering the Sacred Time of Elders: 25th Annual Gathering of First Nations Elders* (Mission, BC: Coqualeetza Cultural Education Centre, 2001), 30.

<sup>46</sup> Interview with Ron John, 30 May 2017.

<sup>47</sup> Public Works, *Fraser River System, Province of British Columbia: History of Improvements 1871–1948*, BCA, GR-1222, box 115, file 9, 27 and 32.

industry interfering with Chawathil's desire to control the resources that were most important to the community, such as salmon.

Current local frustration about the CPR also centre on its lack of benefit to Chawathil. Chief Peters comments that no one from Chawathil uses the railway anymore, "it's just there." Doreen Bonneau, whose picturesque view of the mountains and river from her front yard is marred by the railway and highway, concurs: "the train is awful because it doesn't stop here for passengers anymore; it's just loaded with goods going back and forth, from the east to Vancouver and back."<sup>48</sup> The community is also concerned about the types of material transported by the trains and by trucks on the highway – toxic material and other environmental hazards, for example.<sup>49</sup> Other than the original valuation for the right-of-way, and two subsequent payments, the community has seen little economic benefit from this traffic.<sup>50</sup>

Settlers ignored Indigenous knowledge throughout the entire CPR project and, at the time of its initial construction, satisfied their sense of obligation by offering financial compensation for the loss of land, the bisection of the land from the river, and the added danger to the community. In this instance there was no consultation with local communities: officials completely ignored even the existence of Indigenous perspectives and wishes. The federal government issued an order-in-council and gave payments to each community. In the 1990s, Chawathil made a claim against the CPR for the return of a ten-acre gravel pit on Schkam Reserve (IR2), which, along with the Penticton First Nation, they litigated against the CPR, but their claim was unsuccessful.<sup>51</sup>

#### NATURAL GAS: "THEY BLASTED THE PIPELINE THROUGH"<sup>52</sup>

In April 1949, Prime Minister Louis St. Laurent's Liberal government issued the *Pipeline Act of Canada*, which enabled Westcoast Transmission owner Frank McMahon to start preliminary work on his proposed natural gas pipeline from northern Alberta, through British Columbia, to the Pacific coast. McMahon sent out surveyors to report not only on the viability of the land for construction of the line but also on the general response from locals. Surveyor J.O. Maberry reported: "In

<sup>48</sup> Interview with Doreen Bonneau, 1 June 2017.

<sup>49</sup> Interview with Patricia John, 14 June 2018.

<sup>50</sup> Interviews with Chief Rhoda Peters, 25 May 2017; Doreen Bonneau, 1 June 2017; Chief Clem Seymour, 24 May 2017.

<sup>51</sup> Interview with Patricia John, 11 February 2019.

<sup>52</sup> Interview with Patricia John, 25 May 2017..



each place of any size we contacted leading citizens and explained our proposed pipeline. The people exhibited a great deal of interest and I feel we have their full cooperation." In Hope, the "leading citizen" consulted was Edward Shirton, editor of the *Hope Standard*. While support from the settler population appeared strong, the company also knew that its proposed line "touche[d] 15 Indian Reservations" and it became "necessary" for it to "conduct meetings with Chiefs and Councillors of various Indian bands." Westcoast Transmission did this through the federal Department of Indian Affairs (DIA), seeking only minimal consultation with Chawathil.<sup>53</sup>

On 19 May 1949, Maberry wrote to company chairman George McMahon:

You of course know that the Indians will vote this year for their first time. We made no direct contacts with these people, but were given to understand that the rank and file of the Indian race will be influenced to a great degree by their local priest or head of the Roman Catholic Church. It is suggested that our message should be carried to this group some time between now and the provincial election date.<sup>54</sup>

In his study of the Grand Trunk Pacific Railway through Tsimshian territory in northern British Columbia, anthropologist James McDonald notes that this kind of approach was common throughout the early to mid-twentieth century. He observes that "these purchases were made with a minimum of trouble" as long as stakeholders engaged effectively with government and local religious leaders.<sup>55</sup> Because Canada considered Indigenous peoples to be only usufruct owners of Crown land during this period, federal control over reserve land-use ensured that Westcoast Transmission would have little "trouble" in securing rights-of-way for its line. In 1952, BC premier Byron Johnson delivered his approval of the pipeline in a telegram. In turn, the federal government "empowered" the Westcoast Transmission Company, under section 22 of the *Pipe Lines Act*, to "take or use land or any interest therein without the consent of

<sup>53</sup> J.O. Maberry to George McMahon, 19 May 1949, University of British Columbia Special Collections (hereafter UBCSC), Westcoast Energy Inc. Fonds (hereafter WEI), box 6, file 16; J.A. Grogan to George McMahon, 23 May 1949, UBCSC, WEI, box 6, file 16; Westcoast Transmission, "The Story of a Pipeline," UBCSC, WEI, box 11, file 5.

<sup>54</sup> Maberry to McMahon, 19 May 1949.

<sup>55</sup> James A. McDonald, "Bleeding Day and Night: The Construction of the Grand Trunk Pacific Railway across Tsimshian Reserve Lands," *Canadian Journal of Native Studies* 10, no. 1 (1990): 38. For a Lheidli T'enneh example, see David Vogt and David Alexander Gamble, "You Don't Suppose the Dominion Government Wants to Cheat the Indians?": The Grand Trunk Pacific Railway and the Fort George Reserve, 1908–12," *BC Studies* 166 (Summer 2010): 55–72.

the owner.” However, as reserves constituted a part of this land, the government did require from the company a signed band council resolution (BCR) agreeing to construction. Companies were often assisted by DIA Indian agents in their efforts to acquire signed BCRs, and the Westcoast Transmission line was no different.

A young councillor at the time of the construction, Ron John, who became chief in the 1970s, does not recall any consultation. He remembers that “quite a bit of money” was offered and that “the Band accepted that.”<sup>56</sup> The company offered “\$1.00 per rod,” which was roughly forty dollars per acre for its sixty-foot-wide pipe. Out of a total of \$9,618.31 issued to BC Indigenous communities, Westcoast Transmission paid the Hope Band \$941.09.<sup>57</sup> Chawathil did, however, assert the interests of the community in negotiations. The DIA reported to Canadian Bechtel Ltd., the company contracted by Westcoast Transmission to install the pipeline in the Fraser Valley, that it had “some difficulty in obtaining permission from the Hope Band of Indians to grant an easement ... to cross through their No. 4 Reserve.”<sup>58</sup> Chief Oscar D. Peters and other band council members had heard “rumours” that the company was possibly offering other communities more per rod and considered the offered price “unreasonably low”; they required more information about the project before they would sign off on it. Eventually, they agreed to the offered amount as long as members of the Hope Band were given the contract for clearing and burning the slash.<sup>59</sup> However, there is no memory of this work having been awarded, and this was a common Stó:lō experience during the construction of this pipeline. For example, the neighbouring Seabird Island community complained that out of the twelve lumbermen working the slash piles only two were from the community. They had asked for at least half the workers to be Stó:lō, but there is no indication that Bechtel granted this wish.<sup>60</sup>

Regarding the pipeline work, Doreen Bonneau once asked Chiefs Peter Dennis Peters and Peter Pete “how they got to come through our land.” Neither man had much to say about consultation on the pipeline, her father telling her that construction teams “just came in and did their

<sup>56</sup> Interview with Ron John, 30 May 2017.

<sup>57</sup> W.S. Arneil to J.C. Letcher, 24 January 1956, LAC, RG 10-C-VI, vol. 13299, file 987/31-5.

<sup>58</sup> J.C. Letcher to Canadian Bechtel Limited, 15 June 1955, LAC, RG 10-C-VI, vol. 13300, file 167/31-5-35-4-3.

<sup>59</sup> Ibid.; Letcher to O.D. Peters, 20 June 1955; O.D. Peters, P.D. Peters, Thomas Jackson to J.C. Letcher, 6 May 1955; and memo “Re West Coast Transmission Co. Ltd” by O.D. Peters, P.D. Peters, and Percy Joe, n.d. All in LAC, RG 10-C-VI, vol. 13300, file 167/31-5-35-4-3.

<sup>60</sup> Vincent Harris to J.C. Letch, 20 January 1956, LAC, RG 10-C-VI, vol. 13300, file 167/31-5-33.

thing.”<sup>61</sup> While the DIA promised to have Bechtel “give all consideration to hiring the Hope Band,” it only offered Chawathil, and other communities in the area, a general memo stating that, ultimately, “the Company can, of course, expropriate if necessary.” Consequently, DIA attached a draft resolution to its memo and advised band councils to sign it “as soon as possible.”<sup>62</sup> Chawathil held out as long as they could, as is indicated by another DIA letter, sent three months later, asking again for the resolution to be signed. The Chawathil council did so on 22 August 1955, giving the company a “permanent easement” over IR4.<sup>63</sup> The federal order-in-council authorizing the construction of the pipeline across Chawathil came only two years after a similar order-in-council granted the British Columbia Electrical Company rights-of-way through Chawathil for the construction of electrical transmission lines, another instance of how settler infrastructure shaped Chawathil territory in ways the community had never fully approved.<sup>64</sup>

Regardless of whether or not there was genuine consultation, by 1955 Frank McMahon had brokered “the biggest gas transmission deal in history.” He projected a forty-eight-hundred-kilometre, half-billion-dollar pipeline to run from the natural gas fields in northern Alberta through British Columbia and then connect to American lines south of the border.<sup>65</sup> In order to achieve this deal, McMahon had to convince Canadian officials that pumping gas to the United States would not deprive Canadian citizens. In 1949, he assured the Dinning Commission that “preference” would be given to an “all Canadian route.”<sup>66</sup> Westcoast Transmission, as one of five companies competing for the natural gas line, was the only one to offer a line through British Columbia as opposed to south through Alberta, which, ostensibly, is why it was awarded the contract.<sup>67</sup>

The Westcoast Transmission Company endeavoured to “sell BC” to British Columbians. Its public relations policy presented the gas line as a way to “stimulate expanding prosperity in the whole of the Northland” and advertised Canada’s “first big-inch natural gas pipeline” as a great

<sup>61</sup> Interview with Doreen Bonneau, 1 June 2017.

<sup>62</sup> Memo, Letcher, “sent to 6 Bands concerned,” 11 May 1955, LAC, RG 10-C-VI, vol. 13299, file 987/31-5.

<sup>63</sup> Brown to O.D. Peters, 15 August 1955 and “Band Council Resolution,” 22 August 1955, LAC, RG 10-C-VI, vol. 13300, file 167/31-5-35-4-3.

<sup>64</sup> Order-in-Council PC 1955-1535; Order-in-Council PC 1953-30.

<sup>65</sup> *Investor’s Reader*, “The Story of a Canadian Entrepreneur,” 14 December 1955, 11, UBCSC, WEI, box 4, file 10.

<sup>66</sup> Frank McMahon, “Brief Submitted to the Dinning Commission: Enquiring into the Natural Gas Resources of Alberta, 19 February 1949,” 6-7, UBCSC, WEI, box 4, file 10.

<sup>67</sup> “Victoria, BCE Differ On Gas Line Views,” *Vancouver Sun*, 19 November 1951, 2.

benefit to Canadians due to its “Canada First Policy.” Still, pressure from American organizations, such as the Tacoma Chamber of Commerce, urging the American government to approve the pipeline proposal in the United States reveals that American markets were the company’s ultimate goal. Westcoast Transmission and its American allies pressured congressman at the Federal Power Commission to allow it exclusive rights to build a direct line to the United States. Ultimately, however, it was resigned to a partnership with the Pacific Northwest Pipeline Corporation, a US interest.<sup>68</sup> While McMahon made compromises with Canadian and American officials to ensure the construction of his pipeline, he never discussed the pipeline’s effects on local Indigenous groups as a real concern. McMahon, like many developers of the time, assumed that financial compensation as outlined through BCRs was sufficient compensation for any violence done to Indigenous communities.

As railway developers lauded their railways, so pipeline developers lauded their pipelines as an example of human subordination of nature. Writing in the 1970s, Westcoast Transmission president D.P. Macdonald asserted: “It is seldom in the history of Canada that the results of the determined efforts of a few venturesome individuals are as manifest as the effect on the well-being of the province of British Columbia by the construction, initial operation and continued expansion of the Westcoast Transmission gas pipeline.”<sup>69</sup> Similar rhetoric from the company appears in a promotional report for a Peace River gasfield in the early 1960s, which invokes images of a rugged frontier, “a land of pioneers,” to elicit a positive response from locals. The company presented resource development as “the great destiny of the Peace River country.”<sup>70</sup>

Industrialists and organizations in British Columbia have utilized this frontier identity for various purposes. Anthropologist Elizabeth Furniss has examined this phenomenon in detail and argues that the “frontier complex” is a way for settlers in British Columbia’s interior and north to “construct a regional identity [based on] a natural wilderness offering an abundance of natural resources that are unowned and ‘free’ for the taking.” Further, Furniss explains that “the frontier complex provides a set of metaphysical assumptions about the nature of history, individual agency, and one’s relationship with the social and natural worlds.”<sup>71</sup> This

<sup>68</sup> McMahon, “Brief Submitted to the Dinning Commission,” 5; Westcoast Transmission, “Story of a Pipeline.”

<sup>69</sup> D.P. Macdonald, “Chronological Summary of the Development of the Oil and Gas Industry in British Columbia,” 11 January 1974, 9, UBCSC, WEI, box 12, file 38.

<sup>70</sup> Westcoast Transmission, “Story of a Pipeline.”

<sup>71</sup> Elizabeth Furniss, *The Burden of History: Colonialism and the Frontier Myth in a Rural Canadian Community* (Vancouver: UBC Press, 1999), 17.

relationship, as seen through the promotional material of the Westcoast Transmission Company, is one of resource extraction for the benefit of large commercial centres, justified by the perception of a vast unoccupied and underutilized landscape. The pipeline, in this sense, represents pioneer triumph over unbridled nature, and the fact that this land is unceded non-treaty Indigenous territory receives no acknowledgment.

How people from Chawathil view the pipeline is evident in the type of language used to describe its construction. Westcoast Transmission “blasted the pipeline through” and “they smashed it right through our reserve and they didn’t care what we had here.”<sup>72</sup> Bonneau comments: “We had cows, we had gardens, we had everything and they just ploughed right through those gardens and everything ... they just barrelled through here.”<sup>73</sup> Community members mostly recall the destruction of farms. While the language of the original BCR promised the Chawathil use of the pipeline right-of-way for farming, as the pipe was intended to be buried “30 inches or more” underground, the crossing of the Fraser River resulted in a large portion of this pipe being laid above ground instead. Westcoast Transmission attempted to secure title for this portion of the reserve in 1964, but Chawathil only accepted an additional payment of two hundred dollars for use of the land.<sup>74</sup> The company gave compensation for the loss of lumber during original construction but denied individual requests for compensation for damaged property and crops.<sup>75</sup> Both Bonneau and Barb Pete (the latter has the above-ground portion of the pipeline running through her backyard) regret the loss of their fruit trees.<sup>76</sup> The construction also revealed rifts within the community regarding the proper use of family plots (ostensibly determining candidacy for compensation). This flared up in a warning to the Indian agent, who was told that a disgruntled community member had received the facetious advice to “grease up his gun and have both barrels ready for you when you come to Katz.”<sup>77</sup> None of this local turmoil and loss of individual wealth ever entered the national narrative of progress. From the perspective of national progress, the pipeline’s contributions

<sup>72</sup> Interview with Patricia John, 25 May 2017.

<sup>73</sup> Interview with Doreen Bonneau, 1 June 2017.

<sup>74</sup> Memo, Letcher, “sent to 6 Bands concerned”; Band Council Resolution 153/31-5-27-4-3, 25 April 1964; J.S. Dunn to New Westminster Indian Agency, 27 May 1964; and Jules D’Astous to Guichon, 21 May 1964. All in LAC, RG 10-C-VI, vol. 13300, file 167/31-5-35-4-3.

<sup>75</sup> Peter Pete to Indian Office, 10 February 1958; W.E. Grant to Peter Pete, 12 February 1958; Canadian Bechtel Limited to J.C. Letcher, 11 January 1957. All in LAC, RG 10-C-VI, vol. 13300, file 167/31-5-35-4-3.

<sup>76</sup> Interviews with Doreen Bonneau, 1 June 2017; Barb Pete, 24 May 2017.

<sup>77</sup> O.D. Peters to J.C. Letcher, 29 April 1956. LAC, RG10-C-VI, volume 13300, file 167/31-5-35-4-3.

to Canada's gross domestic product appeared to justify the destruction and loss of personal wealth suffered by local Indigenous communities.

The loss of privacy is another common grievance within the community. The constant presence of pipeline employees walking over their property to check the lines irritates locals. While Enbridge, the current pipeline owner, insists that it also has an easement through residents' driveways, both Bonneau and Pete have threatened lawsuits in response to the inconsiderate handling of the pipelines in their backyards.<sup>78</sup> Further, pipeline rights-of-way create hunting corridors for predators such as wolves and bears.<sup>79</sup> The amount of scat along the rights-of-way in their backyards as well as direct contact with bears is evidence of regular predator presence. Finally, the pipeline has also landlocked community members between the three rights-of-way.<sup>80</sup>

In the case of the Westcoast Transmission pipeline, settlers were aware that Indigenous communities had rights over their land but were unwilling to approach them directly. They relayed their messages through the colonial instruments such as government officials or religious authorities and offered minimal consultation. Chawathil held out, bargaining to the best of their ability for both adequate compensation and economic opportunities, but the DIA assisted Westcoast Transmission in securing the necessary BCR by directing the community to accept what was offered. Canada issued an order-in-council, the community signed the obligatory resolutions, payments were given, and settler-Canadians could rest assured that all "Indians" had been informed that "progress" would cross their reserves.

This type of consultation is ongoing. Recently, a developer approached Chief Peters and showed her maps of a proposed development that affected Chawathil land. She was not against the project but asked for more information going forward and to be "kept informed." Instead of providing updates, the developer assumed he had secured the consent of the community and went ahead with his plans.<sup>81</sup> What the story of the Westcoast Transmissions pipeline suggests is that local concerns matter. Promoters of large-scale projects such as Coastal GasLink's proposed northern LNG line to Kitimat, which has been rejected by a group of Wet'suwet'en hereditary chiefs and their allies, should see Chawathil's

<sup>78</sup> Interviews with Barb Pete, 24 May 2017; Patricia John, Barb Pete, 15 June 2018.

<sup>79</sup> Garvie, "Beyond Consultation," 18.

<sup>80</sup> Interviews with Patricia John, Barb Pete, Ron John, Doreen Bonneau, Audrey Peters, 15 June 2018.

<sup>81</sup> Interview with Chief Rhoda Peters, 25 May 2017.



story as a lesson on the damage infrastructure projects can cause to communities when local concerns are not respected.

#### HIGHWAY NO. 7: FROM “NO DUST” TO “LOTS OF DUST”<sup>82</sup>

In the 1950s and 1960s, approximately fifty people lived in Chawathil. As Rita Pete, a quiet woman with a love of gardening, bluntly stated, life was “hard.” Families lived in shacks, all sleeping in the same room, and outhouses were a few hundred metres away from their living quarters. Community members would go to town for staples roughly once a month. They would take a boat to cross the river, a dangerous passage at certain times of year, especially with no lifejackets, and then take a bus or taxi up to Hope for supplies. Some would take horse and buggies to Schkam, a couple kilometres up the gravel road, park their horses there (to prevent theft), and walk into town. They would fill packsacks with groceries, along with gas and coal oil for farm equipment and light. With staples purchased in town and stored over winter, families lived off the land hunting wild game and fishing. Often, they walked to and from the river or creek for fresh water with which to clean and cook, or they filled barrels to load on to their wagons. They cleared the land for the horses and cows using a swede saw. Children helped pitch the hay and carry water, while most of the men were employed in the logging industry. They worked hard, but the general consensus from Elders is that “life was good.”<sup>83</sup>

“The families [were] more closer-knit together,” recalls Ron John, “because nowhere else to go.” He describes “ten main families in this community. And I used to enjoy their company; [they] were quite open and friendly with each other. And I enjoyed that very much.”<sup>84</sup> Life was “free” for children; according to Bonneau, “we could go anywhere without asking anybody.”<sup>85</sup> Kids enjoyed an active lifestyle that included swimming and gardening. And they enjoyed their “goodies” from the plentiful fruit trees – canned and dried fruit as well as “Indian ice cream,” a meringue-type dessert whipped from wild berries.<sup>86</sup>

<sup>82</sup> Interview with Audrey Peters, 1 June 2017.

<sup>83</sup> Peters, *Chawathil Traditional Land Use Study*; interviews with Rita Pete, 25 May 2017; Doreen Bonneau, 1 June 2017; Chief Rhoda Peters, 25 May 2017; Barb Chapman, 19 May 2017; Barb Pete, 24 May 2017; Audrey Peters, 1 June 2017.

<sup>84</sup> Interview with Ron John, 25 May 2017.

<sup>85</sup> Interview with Doreen Bonneau, 1 June 2017.

<sup>86</sup> Interview with Barb Pete, 24 May 2017.

While people in IR4 lived in relative isolation, they were not without contact with settler populations. A gravel road between Agassiz and Haig had been put through their reserve in the mid-1950s, which brought an influx of strangers to the community. Non-Indigenous workers who worked on the road were the first to arrive. Encounters with workers varied. One community member recalls “ugly people” yelling at the curious children: “Get off the road! Get those things off the road!” While another remembers getting along with the road crew “really good” and receiving treats from them.<sup>87</sup> The road also brought many curious settlers to the reserve. Bonneau remembers skinny-dipping in the river as a young girl. When settlers encroached on their swimming spot, her mother decided they would have to start wearing bathing suits. Comments about “real wild Indians” who “don’t even wear clothes” stung. Outsiders would barrage her with questions about what kind of food she ate and what she did for entertainment. While some of this may have been innocent curiosity, one can imagine that to be the subject of this kind of scrutiny would have upset anyone. Elders also instructed Bonneau and her sisters to be wary of men coming on to their land as not all came with good intentions, and rumours of sexual assaults spread. Often interlopers helped themselves to timber. Trespassers also made off with “farm implements and handmade baskets made of cedar roots.”<sup>88</sup>

During Premier W.A.C. Bennett’s era of modernization, from 1952 to 1972, when British Columbians witnessed the construction of a sophisticated and extensive highway system that carved out and facilitated massive infrastructure projects across the province, officials never factored into their cost-benefit analyses the direct impact these roads would have on small Indigenous communities. The amount of money spent on road construction during this period indicates that the government was dedicated to this infrastructure at the expense of these communities. The 1971 budget for the Department of Highways alone was four and a half times the total amount for all provincial departments in 1946.<sup>89</sup> And while Indigenous communities suffered the results of greater traffic through their reserves, the BC government struggled, even with such expenditures, to keep up with settler demand for decongested roadways.

In 1972, the BC government promised that a new link to the Lougheed Highway from Agassiz to Haig would “alleviate, if not end, the massive

<sup>87</sup> Interviews with Doreen Bonneau, 1 June 2017; Barb Chapman, 19 May 2017.

<sup>88</sup> Doreen Bonneau, 1 June 2017; Audrey Peters, 1 June 2017.

<sup>89</sup> Thomas Fleming, “The Development of the Highway System in British Columbia,” unpublished manuscript, 22, BCA, GR-1460, box 1, files 1 and 10.

traffic jams of recent years on the Trans-Canada Highway.”<sup>90</sup> In order to facilitate this construction the federal government authorized the payment of \$7,616.75 to the Hope Band for a new right-of-way through Chawathil IR<sub>4</sub>.<sup>91</sup> Seabird chief Clem Seymour believes that “they may have had a bit of consultation with the chiefs of the day.”<sup>92</sup> But, as was the case with prior rights-of-way, consultation was not over whether or not there would be a two-lane highway through Indigenous reserves but over the amount of money that would settle the matter. The provincial government accomplished this by way of a clever order-in-council that had been issued decades earlier.

In 1925, BC officials recognized that the provincial *Highway Act*, which authorized the taking of land for roads, could not apply to reserves.<sup>93</sup> In order to circumnavigate this legal impediment, they issued a crucial piece of legislation in 1938. With the official transference of reserve jurisdiction from British Columbia to the federal government, the province legislated that it would retain the right, without compensation, to take up to 5 percent of reserve land for the building of public works and, further, that it would own any public roads already existing on these lands.<sup>94</sup> As, by the time of the new construction, a gravel road already went through Chawathil IR<sub>4</sub>, it was simply a matter of securing the necessary rights-of-way extensions with the adequate dollar amount.

In an era characterized by Knickerbocker as “a period of intense political activism for many Indigenous communities, including the Stó:lō,” settler infrastructure development faced legitimate resistance from affected communities.<sup>95</sup> The highway route would disturb cultural sites in Chawathil; therefore, the government was compelled, under the *Archeological and Historical Site Protection Act, 1960* – legislation developed with the assistance of BC Indigenous leaders and prominent anthropologist Wilson Duff – to hire archeologists to conduct an impact assessment before commencing construction. In June 1969, the Archaeological Sites Advisory Board of British Columbia surveyed the highway’s

<sup>90</sup> “Haig-Agassiz Road Hailed as Problem-Solver,” *Vancouver Sun*, 9 August 1972, 39.

<sup>91</sup> Order-in-Council PC 1969-164.

<sup>92</sup> Interview with Chief Clem Seymour, 24 May 2017; Grand Chief Peter Dennis Peters of Chawathil took part in these negotiations. See Archibald, *Remembering the Sacred Time of Elders*, 32.

<sup>93</sup> British Columbia, memorandum for the Hon. Attorney-General, re: taking of land for roads in Indian reserves, BCA, GR-0429, box 20, file 3.

<sup>94</sup> BC Order-in-Council PC 1036-1938; Union of BC Indian Chiefs, *Stolen Lands, Broken Promises: Researching the Indian Land Question in British Columbia*, 2nd ed. (Vancouver: UBCIC, 2005), 217.

<sup>95</sup> Madeline Knickerbocker, “We Want Our Land: A 1976 Stó:lō Land Claims Negotiations Comic,” *Champlain Society*, 2019, <https://champlainsociety.utpjournals.press/findings-trouvailles/archive/1976-stolo-land-claims-negotiations-comic>.

roadbed. Surveyors discovered a large pithouse village and commissioned a salvage project for the summer of 1971. Led by University of British Columbia archeologist Gordon Hanson, the archeological team first removed a “petroglyph panel” on a rock outcrop that Evangeline Pete and her daughters used as a fishing spot.<sup>96</sup> The panel went to the Royal British Columbia Museum in Victoria and community members did not see it again until the 1980s. Chawathil initiated a search in the late 1970s and eventually discovered the panel under a stairwell at the museum. It then went to Xá:ytem Longhouse Interpretive Centre in Mission, BC, before finally being repatriated at the opening of Te Lalemtset, Chawathil’s community centre, in June 2009. This panel, along with other “shattered pieces” of Chawathil history, now resides at Te Lalemtset.<sup>97</sup>

Hanson expressed frustration over his dealings with the highway contractors and the government. “Our constant liaison with the Department of Highways had produced assurances that the area adjacent to the actual roadbed would not be directly affected and that an attempt would be made to ensure that this area would not be disturbed further,” he explained, “however, these assurances proved to be unreliable.” Hanson complained that areas he could work on were “dictated by the Highways Department” and dependant on the schedule of the contractor. In other words, the government relegated Hanson’s team to the “exigencies of salvage archeology” instead of allowing a “systematic random sampling procedure.” He further described the destruction of pithouse sites by bulldozers as “totally unnecessary.”<sup>98</sup> Despite all these difficulties, Hanson’s report on the Katz pithouse village is an important archeological work as it confirms the presence of Stó:lō in the area thousands of years ago.

Construction of the highway began in December 1971. While standard labour contracts for public works in British Columbia stipulate that local labour should be sought before looking to any other sources,

<sup>96</sup> Evangeline is Barb Pete and Audrey Peters’s mother. She was “a great Si:ya:m” (respected leader) and a “strong woman.” According to Hilary Stewart, who assisted Hanson on the Katz digs, Evangeline was “curious” about the dig and helped demonstrate how certain tools that were discovered had been used. In later years, Evangeline commented on all three rights-of-way that ran through her property: “not only the Pipeline, but the Road, the Highway, and the Railroad, they’re the ones that took over this ... they took up quite a bit of space here”; Evangeline Pete, interviewed by Sonny McHalsie, 29 October 1985; Archibald, *Remembering the Sacred Time of Elders*, 28–30; Galloway, *Dictionary of Upriver Halkomelem*, 1149; Hilary Stewart, *Stone, Bone, Antler and Shell: Artifacts of the Northwest Coast* (Vancouver: Douglas and McIntyre, 1996), 9–11; Evangeline Pete, interviewed by Sonny McHalsie, 22 October 1985.

<sup>97</sup> Evangeline Pete, 22 October 1985, interviewed by Sonny McHalsie; interview with Patricia John, 21 June 2017; interview with Sonny McHalsie, 23 June 2017.

<sup>98</sup> Hanson, “The Katz Site,” 64–65.

Elders remember only one man from the community having worked on the construction.<sup>99</sup> They also recall significant workplace hazards as bluffs were blasted away to carve out the roadbed. Stó:lō who lived along the new highway expressed their concerns over increased traffic in their communities and the safety of their children. They requested safer school bus pick-up points off the main highway to address their unease.<sup>100</sup> Road construction also destroyed Evangeline Pete's fishing site, which salmon used as a resting spot during spawning season. According to her daughters, officials promised her that the fishing spot would be fixed, but they are still waiting to see this promise fulfilled.<sup>101</sup> The highway also ran through Sxwóxwiyemelh, a burial site for people who had died of smallpox, just east of the pipeline crossing.<sup>102</sup> And, while cultural sites such as the pithouses were known to be facing destruction, road crews were contractually obligated to protect CPR rights-of-way during construction. This reveals the ethnocentric priorities guiding infrastructure development in twentieth-century British Columbia.<sup>103</sup>

Transportation and communication dramatically changed with the introduction of the highway to Chawathil. Mobilities theorists Mimi Sheller and John Urry observe that "issues of movement ... are central to many lives and many organisations." They contend that scholars working within the "mobilities paradigm" emphasize "networks of connections" that unify seemingly isolated peoples.<sup>104</sup> Connection to other communities is a crucial aspect of Stó:lō culture. Anthropologist Wayne Suttles observed in the early 1960s that "intervillage community" had always been and remained very important to Stó:lō communities. Wilson Duff affirmed that, in 1964, "greater transportation and communication abilities strengthened these inter-village ties between these communities."<sup>105</sup> Here Stó:lō communities demonstrated that, while they never truly desired settler infrastructure, they were able to use it to enhance aspects of their lives that were important to them, such as increased community gatherings. Chawathil, too, found advantages

<sup>99</sup> "Road Link Work Set," *Vancouver Sun*, 2 November 1971, 15; Department of Highways, BCA, GR-1259, box 1 file 10; interviews with Barb Chapman, 19 May 2017; Barb Pete, 24 May 2017; Chief Clem Seymour, 24 May 2017; Ron John, 25 May 2017.

<sup>100</sup> "Haig-Agassiz Road Hailed as Problem-Solver," *Vancouver Sun*, 9 August 1972, 39.

<sup>101</sup> Interview with Barb Pete, 24 May 2017; Audrey Peters, 1 June 2017.

<sup>102</sup> Hanson, *The Katz Site*, 1 and 5.

<sup>103</sup> Department of Highways, BCA, GR-1259, box 1 file 10.

<sup>104</sup> Mimi Sheller and John Urry, "The New Mobilities Paradigm," *Environment and Planning A* 38 (2006): 208–14.

<sup>105</sup> Wayne Suttles, "The Persistence of Intervillage Ties among the Coast Salish," *Ethnology* 2, no. 4 (1963): 517; Wilson Duff, *The Indian History of British Columbia: The Impact of the White Man* (Victoria: Royal British Columbia Museum, [1964] 1997), 152.

in the increased mobility opportunities of the highway. For example, the highway made it easier for Chawathil people to move back to IR4. Before the highway, there were only a few families living there; however, after it was completed, Chief Ron John organized the building of side roads and housing, which encouraged the growth of Chawathil.<sup>106</sup> Chief Rhoda Peters adds that boats were expensive and that boat theft was not uncommon, so the new highway became Chawathil's roadway. Access to education also improved: with the road, children returned from residential schools because they were able to take a bus up to Hope to attend public school.<sup>107</sup> The Seabird Island community made the best of the situation by building a gas station so as to profit from the increased traffic.<sup>108</sup>

While the community benefited from the highway with school bus traffic, increased sales revenue, and community expansion, these benefits came with a cost. Paradoxically, communication within the Chawathil community has been impaired due to access to modern technology. John comments:

People hardly ever see each other like they used to, you know. Two fast lane traffic now, they just pass each other and gone, that's it. Which is a terrible change. Back in the old days we used to really communicate with each other. We got to know each other better in the old days. Very open sessions we used to have together. Those I miss.<sup>109</sup>

"The way of life now you hardly talk to anybody," agrees Ida John, "people are too in a hurry and they don't take the time."<sup>110</sup> Also, while communication is important, privacy is a primary concern for members of the community. "You kind of get used to it," Bonneau explains; however, losing a "quiet area" will "never be good for us." Pete also laments that "there's no quietness anymore. It's all noise." Trains constantly rumble down the tracks from the east to the west and back again while semi-trailers "just fly by."<sup>111</sup>

The speed of the vehicles presents another danger to the community, a danger that Stó:lō expressed concern about even before the highway was built.<sup>112</sup> With driveways connected to the highway, getting in and out of their homes is not a trivial matter. The high-speed traffic is par-

<sup>106</sup> Interviews with Ron John, 25 May 2017; Barb Pete, 24 May 2017.

<sup>107</sup> Interview with Chief Rhoda Peters, 25 May 2017.

<sup>108</sup> "Haig-Agassiz Road Hailed as Problem-Solver."

<sup>109</sup> Interview with Ron John, 25 May 2017.

<sup>110</sup> Interview with Ida John, 25 May 2017.

<sup>111</sup> Interviews with Barb Pete, 24 May 2017; Doreen Bonneau, 1 June 2017.

<sup>112</sup> "Haig-Agassiz Road Hailed as Problem-Solver."



ticularly a danger to children. “Children have to be taught the roads,” Bonneau comments: “Our life just totally changed. We used to roam anywhere without danger ... It’s not nice anymore because [vehicles] kill people. So many people have been killed on the highway.”<sup>113</sup> Indigenous communities along this recent stretch of Highway 7 have lost many of their children due to traffic fatalities. Jim Harris, for example, lost his six-year-old brother, who misjudged the speed of a car when running across the road during construction.<sup>114</sup> This phenomenon of children not recognizing the speed of vehicles is not unique to Indigenous peoples. Mobilities scholar Peter Frank Peters records that, in 1925, approximately twenty-five thousand pedestrians were killed by cars in the United States – one-third of them were under the age of fifteen. He describes this early period of conventional car use as a “war” between pedestrians and cars in which the latter won.<sup>115</sup> Thus, while automobile traffic has long been seen as a sign of progress, for small communities such as Chawathil, progress comes with a serious health hazard – something not recognized by state officials who authorize the construction of high-speed roads through reserves.

Another primary health concern for the Chawathil community is cardiovascular fitness. Ida John, who is a community healer, recalls that, when she was a youth, she walked everywhere. With road access to amenities, people no longer walk as much. While this generational change has affected all groups, not just Indigenous peoples, others from Chawathil have made similar observations. Bonneau agrees that “people started getting lazy. They didn’t look after their gardens, they didn’t look after their trees, and they ended up buying the groceries and everything in town.” While the road has made it easier to go to the doctor or to go to school, Audrey Peters agrees that, in some ways, it has “made life *too* easy.” John observes that obesity has become a problem for the community. The contributing factors to this are the ease of travel and the availability of processed foods at nearby grocery stores. “Nothing’s really pure anymore,” she remarks. She cites the many health benefits associated with the traditional food her mother used to prepare for her but finds it “hard” to get her own grandchildren to eat in a healthy manner.<sup>116</sup>

<sup>113</sup> Interview with Doreen Bonneau, 1 June 2017.

<sup>114</sup> Jim Harris, 28 May 2017, interviewed by Tarissa Little and Davis Rogers; interview with Rose Peters, 1 June 2017.

<sup>115</sup> Peter Frank Peters, *Time, Innovation and Mobilities: Travel in Technological Cultures* (New York: Routledge, 2006), 130.

<sup>116</sup> Interviews with Ida John, 25 May 2017; Doreen Bonneau, 1 June 2017; Audrey Peters, 1 June 2017.

From the perspective of community members, one of the greatest losses associated with the highway and the pipeline is the loss of fruit tree orchards as fruit trees were cut down so the highway could be built. Rita Pete describes a meeting held to discuss the impending loss, at which agents offered community members two dollars per tree. She argued that this was not enough to buy new trees and the price was raised, but not to her satisfaction. The new trees bought to replace the old ones took years to bear fruit, and they no longer have as many varieties of fruit as they once did. Certain strains, like King apples, are no longer available. It is the fruit trees that Pete misses the most.<sup>117</sup>

The construction of the highway and the moving of the railway tracks towards the river also destroyed favourite swimming and fishing spots. Barb Pete's special spot, where her mother used to take her, had been blocked off by construction. With no river current, it is now infested with leeches.<sup>118</sup> And it is difficult to exaggerate the importance of fishing to Stó:lō. Highway construction significantly affected fishing sites, representing the greatest violence rights-of-way have brought to Indigenous communities. Chief Clem Seymour comments: "There's a balance out there, and the highway runs through, and the pipelines run through, and the CPR runs through, they upset a balance of our waterways. We need to find a place and time to sit down and take care of those impacts right now." He believes the waterways can be fixed, but it will require the interest and help of settler communities to clean up the Fraser River. Bonneau argues that, if this were to happen, the highway would need to disappear. "We'd have our naturalness back," she asserts.<sup>119</sup> However, a return to "naturalness" is a romantic thought. The loss of the highway would present new hardships to the community as it has come to rely on access to Hope and other towns for its subsistence needs. It would take a long time for community members to recover their ability to engage in sustainable living as they had before the road through IR4.

Rights-of-way have negatively affected Chawathil culture and spirituality. First of all, the destruction of gravesites is a major point of contention for Stó:lō: rights-of-way have "completely desecrated graves."<sup>120</sup> Grave destruction has been an Indigenous complaint going back to the early settlement of British Columbia. In 1865, the colonial government issued an ordinance to protect Indigenous gravesites. Governor Seymour

<sup>117</sup> Interviews with Barb Pete, 24 May 2017; Rita Pete, 25 May 2017.

<sup>118</sup> Interview with Barb Pete, 24 May 2017; Evangeline Pete, interviewed by Sonny McHalsie, 22 October 1985.

<sup>119</sup> Interviews with Chief Clem Seymour, 24 May 2017; Doreen Bonneau, 1 June 2017.

<sup>120</sup> Interview with Patricia John, 20 May 2017.

observed: “Nothing is more exasperating to the Native than this want of respect for the resting place of their dead.” Concerned that further grave desecration and theft from gravesites would cause violence between Indigenous peoples and settlers, he issued the ordinance in an effort to preserve “the public peace.”<sup>121</sup> It was repealed and replaced in 1867 and then ultimately repealed in 1886.<sup>122</sup> Gordon Mohs indicates that approximately twenty-three Stó:lō burial sites have been destroyed or disturbed by the development of public works in British Columbia.<sup>123</sup> Any study to add to this work and count how many gravesites across British Columbia have been moved or destroyed since the province joined Confederation would be both important and illuminating.

Chawathil spiritual connections to the land have also been negatively affected by settler infrastructure. In Stó:lō tradition, the lakes around Chawathil have been home to supernatural creatures known as stl’áleqem.<sup>124</sup> The lake that Sproat marked off as part of the Chawathil reserve was home to a huge serpent that one of Duff’s informants saw a couple of times before the highway was built.<sup>125</sup> While not all stl’áleqem are good beings, they are important inhabitants of the Stó:lō universe. Stó:lō people are connected to these creatures by a life force known as shxweli. Rosaleen George explains: “*Shxweli* is inside us here ... then your grandparents, your great-grandparents, it’s in your great-great-grandparents. It’s in the rocks, it’s in the trees, it’s in the grass, it’s in the ground. *Shxweli* is everywhere.”<sup>126</sup> Increased traffic, which brings noise and pollution, has made stl’áleqem scarce, and this is something that ultimately harms shxweli. The fact that shxweli did not enter into any conversations around community consent for the construction of infrastructure is a clear indicator that settlers never considered Indigenous ways of knowing and ontologies as a priority.

<sup>121</sup> Seymour to Cardwell, 25 May 1865, National Archives of the UK, 8229, CO 60/21, 584, <https://bcgenesis.uvic.ca/B65066.html>.

<sup>122</sup> Michael A. Klassen, “First Nations, the *Heritage Conservation Act*, and the Ethics of Heritage Stewardship,” *Midden* 40, no. 4 (2008): 8.

<sup>123</sup> Gordon Mohs, “Spiritual Sites, Ethnic Significance and Native Spirituality: The Heritage and Heritage Sites of the Sto:lo Indians of British Columbia,” (MA thesis, Simon Fraser University, 1988), 118.

<sup>124</sup> Frank Malloway, 19 December 2003, interviewed by Marianne Berkey, David Shaepe, John Stamp, and Tia Halstad, in *Sumas Energy 2, Inc. Traditional Use Study – Phase Two: Sto:lo Cultural Relations to Air and Water* (Chilliwack, BC: Sto:lo Nation and Arcas Consulting Archaeologists Inc., 2004), 61.

<sup>125</sup> Duff, *Upper Stalo Indians*, 118.

<sup>126</sup> Sonny McHalsie, “We Have to Take Care of Everything,” in *Be of Good Mind: Essays on the Coast Salish*, ed. Bruce Miller (Vancouver: UBC Press, 2008), 104.

Air pollution and water pollution also affect the minds of the xawsó:lkwlh (new spirit dancers).<sup>127</sup> Pollution presents an obstacle to initiating learning sacred rights through traditional teachings and practices as they cannot gain easy access to areas free of contaminants. And settler encroachment has made it difficult for xawsó:lkwlh to find esoteric spots in which to sequester themselves in preparation for the ceremonies they perform. When asked how the xawsó:lkwlh may be protected, Tillie Gutierrez suggests that settlers should be forbidden to enter these sacred locations.<sup>128</sup> It would be difficult to enforce such a ban, but educating the general public regarding these concerns may solicit greater sympathy and respect from settler communities, and private spots could then be designated as such.

Once again, state officials did not take Indigenous ways of knowing into account when planning the construction of this highway. However, settlers recognized that there would be items of cultural value that required preservation, and they also believed that the communication benefits of a highway would offset any loss of land. Incrementally, from the railway to the pipeline to the highway, settler consultation went from complete denial of Indigenous input to marginal awareness of Indigenous rights to minimal input in the form of collecting Indigenous heritage and shipping artefacts to colonial institutions. The overall effects of each of these settler developments on IR4 remain consistent, demonstrating the strength and resilience of settler-colonialism in Canada and the continued dispossession of Indigenous peoples.

## CONCLUSION

The Halq'eméylem word for people with a settler heritage is *xwelitem*, which means “the hungry people” or “the starving ones.” Used to describe Simon Fraser’s exploration party facing extreme starvation by the time it met the Stó:lō in 1808, historian Keith Carlson points out that the term “refers to much more than gastronomics.” Further, he remarks: “if the term originated as a reference to physical hunger it lasted because of its applicability to non-Native appetites for natural resources, land, and even children.”<sup>129</sup> This can be seen in the use of reserves for infrastructure development unilaterally installed by settlers through legal rights-of-way. Designed for “the exclusive benefit of the Indians,” settlers have

<sup>127</sup> Galloway, *Dictionary of Upriver Halkomelem*, 960.

<sup>128</sup> Interview with Tillie Gutierrez, 7 January 2004, in *Sumas Energy* 2, 94–95; interview with Patricia John, 30 May 2017.

<sup>129</sup> Carlson, *Power of Place*, 161.

utilized reserves as causeways for infrastructure deemed valuable enough to disturb the privacy and property of Indigenous peoples.<sup>130</sup>

As James McDonald observes, “rights of way constitute a type of problem so prevalent that Indian leaders in British Columbia sometimes describe their reserves as powerful magnets which attract every roadway, hydroline, etc, that appears in the region.”<sup>131</sup> As evidence of this, a joke circulates among the Stó:lō that if an outsider ever wanted to know whether or not they were on a reserve they would just need to “look for the highways and telephone poles.”<sup>132</sup> Tsawout Elder Earl Claxton Jr., from Saanich, BC, explains: “The governments, when they put those roads, and hydro-lines, pipelines, all these things, they make sure that it goes through the reserve because they can easily get it signed off by the Department of Indian Affairs; and get it at a cut rate, so they don’t have to pay so much.”<sup>133</sup> Officials, however, have explained this infrastructure as “progress” and as providing benefits to Indigenous communities. They offered access to modern communications and transportation as a consolation and justification for the use of easements on Indigenous peoples’ land. But beneficial access to this network has privileged settler society to a disproportionate extent. “Arrogance” is the word Patricia John uses for what Canadian governments have called “progress.” She describes the destruction of fishing sites as “absolutely catastrophic ... There was a whole natural order of things, devastated.”<sup>134</sup> And promises made were promises broken. For example, with the erection of transmission lines in 1953, the province promised hydro-electricity to communities but did not deliver on it until 1968. Officials also promised natural gas with the construction of the pipeline but then never provided this service. The Seabird Island community made its own arrangements for access to the gas line.<sup>135</sup>

Chief Clem Seymour believes that, with greater education, Stó:lō can empower themselves to engage with settlers in politics and economic growth. In his view, development has not been an entirely negative thing. There is an imbalance between industrialization and the preservation of the natural landscape, but he does not think a better balance is unreachable. Chief Seymour encourages people from settler society to “come walk with [the Stó:lō]” to “find out why we look after things

<sup>130</sup> Douglas to Lytton, 14 March 1859, <https://bcgenesis.uvic.ca/B59114.html>.

<sup>131</sup> McDonald, “Bleeding Day and Night,” 60.

<sup>132</sup> From conversations with the community, May 2017.

<sup>133</sup> Interview with Earl Claxton Jr., 6 March 2020.

<sup>134</sup> Interview with Patricia John, 25 May 2017.

<sup>135</sup> Order-in-Council PC 1953-30; interview with Chief Clem Seymour, 24 May 2017.

the way we do.” Acknowledgment of Indigenous ways of knowing and the adoption of Patricia John’s “Triangle of Authority,” striving for greater consultation with Indigenous peoples, appear to be keys to more positive relations.

However, Chief Rhoda Peters is not fond of the word “consultation.” In her experience, it has been thrown around and used as a code word for “consent,” which has not necessarily been given. The history of consultation regarding land use on BC reserves reveals that there has been very little dialogue offered by settler groups and very little enthusiasm returned by Indigenous peoples, and this results in little mutual agreement or “collaborative consent.” “When it comes [time] for consultation we will let you know,” Chief Peters says, “but sometimes it doesn’t even come to that.” As Ron John describes, past attempts at consultation by both provincial and federal governments has consisted of “a wave of the hat and they’re gone.”<sup>136</sup>

On the other hand, Chief Peters recognizes that relations have improved and that settlers have made greater efforts to involve Indigenous peoples in matters that directly affect their communities. But greater efforts do not guarantee equity in the decision-making process. Peters explains: “if you’re up against the feds, if you’re up against the province, if you’re up against bureaucrats, it’s a tough fight. But the fact that we can get to the table now says a lot for where we are.”<sup>137</sup>

Chief Peters also recognizes that greater alliances now exist between Stó:lō and settler communities. For example, the non-Indigenous community has offered support to those suffering from the loss of murdered and missing Indigenous women. She also firmly believes that if a natural disaster or some other calamity struck Chawathil, people from the town of Hope would be the first to come to their assistance. She further points out that protests against increased pipeline developments and Nestlé’s bottling of BC groundwater are two more examples of coalitions between Indigenous peoples and other groups in British Columbia.<sup>138</sup>

Ultimately, settler infrastructure has reshaped the landscape of British Columbia in significant ways, making tense and often conflict-ridden intercultural relations between Indigenous and non-Indigenous peoples a regular part of modern life. While some Indigenous activists in British Columbia would likely prefer non-Indigenous people to stop occupying and using unceded non-treaty lands, the late Secwepemc activist Art

<sup>136</sup> Interview with Ron John, 15 June 2018.

<sup>137</sup> Interview with Chief Rhoda Peters, 25 May 2017.

<sup>138</sup> Ibid.



Manuel pointed out that it would be a “kind of *reductio ad absurdum*” to think that contemporary settlers might simply leave and return to the place from whence their ancestors came.<sup>139</sup> Cole Harris asserts: “Settler colonialism is both creative and destructive, and the challenge of the Native land question is to devise means to repair as much of the destruction as possible without unduly weakening the creation, and to do so in ways that have some chance of being politically acceptable.” If, as Manuel recognized, “All Canadians have acquired a basic human right to be here,” the question facing us is: How do we repair the destruction both to the physical and mental landscapes of British Columbia in a way that is acceptable to Indigenous peoples as well as to settlers?<sup>140</sup> While Canadians debate how to properly implement UNDRIP and the constitutional duty to consult arising from section 35(1), a mutually agreed upon understanding of FPIC and “collaborative consent” as well as the incorporation of Indigenous ways of knowing into infrastructure planning appear to be crucial goals of twenty-first century British Columbia, Canada, and other colonial states. As this study of rights-of-way through Chawathil IR<sub>4</sub> reveals, due to the history of settler consultation (or lack thereof) with Indigenous peoples, the challenges of getting to that point are substantial.

<sup>139</sup> Manuel and Derrickson, *Unsettling Canada*, 11.

<sup>140</sup> Harris, *Making Native Space*, 320; Manuel and Derrickson, *Unsettling Canada*, 11.