

## “LOVED TO DEATH”:

### *Conflicts between Indigenous Food Sovereignty, Settler Recreation, and Ontologies of Land in the Governance of Líl'wat tmicw*

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#### GLOSSARY

- A7a7úlmécw: Spirited Ground Areas, or sacred sites  
Hi7: a water serpent who protects the land and water  
I Ucwalmcíwa: stewards or protectors of the land  
Kúna7 shlum: salmon egg soup  
Kúl'tsam: take only what you need  
Líl'tem: Elders  
Líl'wat7úl: citizens of Líl'wat Nation  
Nlep'cálten: food gardens  
Nskénú7: a specific watershed  
Nt'ákmen: our way  
Nxekmín: our laws, Líl'wat laws of the land  
Sasqáts: Sasquatch, a protector of the land  
Skel7áw'lh: stewards or guardians of the land  
Skwelwín: mountain potatoes  
S7ítsken: underground pit houses  
S7ístken Research Protocol: the research protocol of Líl'wat Nation  
S'tát'yemc Nations: Interior Salish peoples of 12 Nations, speak the  
Ucwalmícwts language  
tmicw: territory  
Úcwalmicw: people of the land  
Ucwalmícwts: the language of Líl'wat Nation  
xwé7mawt: the mountain of clear quartz

**I**N THIS ARTICLE, we examine the impacts of a huge influx of recreationists and so-called “backcountry adventurers” on the tmicw (territory) of Líl'wat Nation. This has led to the phenomenon of the territory's being, in the words of Koskas, “loved to death.” Visits by

thousands of outdoor enthusiasts have contributed to the degradation of the very areas and features that visitors come to see. We argue that this tourism is a form of slow violence, enacted on Lílwat7úl (citizens of Lílwat Nation) by BC resident settlers and visitors to the territory.<sup>1</sup> We show that this violence has significant impacts on the practices, and, in particular, on the food-based practices, of Lílwat7úl in both tangible and intangible ways. If the BC government hopes to mitigate this slow violence, it must respect Lílwat ontologies in its stewardship practices over Lílwat tmicw and centre Lílwat people's relationships with the tmicw in co-management and governance arrangements.

To illustrate how Lílwat7úl food-based practices are affected by settler recreation, we first consider the pertinent description of Lílwat hunters and the example of mountain-goat hunting, recounted here by author Koskas Dan and recorded by author Tonya Smith. One specific location for mountain-goat hunting has been particularly affected by tourism: Nsk'enu7. In Ucwalmícwts (the Lílwat language), Nsk'enu7 is the word for a watershed that runs down from xwe'7mawt (the mountain of clear quartz) in the shared territory of Lílwat and N'quatqua Nations. Along the eastern edge of this watershed is an important mountain goat (*Oreamnos americanus*) habitat. Historically, Lílwat youth did not so much hunt mountain goat as harvest them. They knew where to reliably find goats at particular times of the year and did not need to pursue the animals. Lílwat men harvested young male goats that had not yet found territories of their own because, following the principle of K'úl'tsam' (take only what you need), people do not kill reproducing females. Lílwat7úl were instructed by their Líl'tem (Elders) to spend several days up on the mountain and to return with a goat as food for the family. Prior to guns, Lílwat7úl harvested goats with bows. Goat harvesting was important – not only for the meat, which was a survival food of Lílwat7úl, but also because it trained young people in the particular skill set needed to survive up in the mountains. Experienced goat harvesters conveyed these skills verbally as well as experientially. Before the arrival of motor vehicles, youth acquired excellent horsemanship skills, including the knowledge of what and how to pack necessary equipment for spending weeks up the mountain. They gained knowledge of where to find fresh

<sup>1</sup> A "settler" is a person of non-Indigenous ancestry living on an Indigenous territory and/or whose ancestor(s) travelled from their homeland to establish residence and/or business on Indigenous land, which may not have been ceded by the Indigenous Peoples. We refer primarily to White settlers of European ancestry and recognize that racialization in British Columbia and elsewhere means that the relative privileges and experiences of non-White settlers are often very distinct from those of White settlers (cf. Garba and Sorentino 2020).

water, to make camp, and to harvest goats. Young men learned a set of skills that equipped them to deal with emergencies such as injuries or unexpected weather conditions. Historically and today, time out in the mountains is not only a test of capabilities but also a time to have fun and learn what it means to be Úcwalmicw (a people of the land). It is a time to bond with family members and to create stories together as part of living a good life.

Next to the hunting area, and not too far away by foot, is the head of the glacier, located above a glacial lake. Lílwat7úl used this glacier as a large icebox. They stored goat kills in ice crevices that they dug into the glacier until the animals could be taken down the mountain. Generations of Lílwat7úl occupied a camp directly under the glacier. A firepit clearly marked this camp location through time.

Adjacent to the mountain-goat hunting location is an important food-gathering area for Lílwat7úl, with the larger area known to Lílwat7úl as the banquet area. This area provides over one hundred distinct foods to Lílwat7úl (Lílwat Nation 2015). Here, individuals hunt and trap along the traplines that they and their predecessors have marked with notched and bent trees. Despite the name, traplines are not just narrow pathways but broad areas where people maintain a system of traps to catch small animals like martens (*Martes americana*), fishers (*Pekania pennanti*), otters (*Lontra canadensis*), beavers (*Castor canadensis*), and rabbits (*Sylvilagus floridanus*). Lílwat traplines are not "owned" in the Western sense of fee simple private property; rather, they confer use and access rights constituted through a system of local social rules under the Lílwat legal order. Lílwat7úl maintain traplines following n'ákmen (the Lílwat way of being) and nxekmín (Lílwat laws, oral community laws).<sup>2</sup> An important part of living in n'ákmen is K'úl'tsam', which provides guidance on the relationship between humans and the land, seeking to ensure that hunting is done with balance and minimal unnecessary disruption to the families of animals, who are relatives of Lílwat7úl humans. K'úl'tsam' also applies to how humans sustain themselves, including the exhortation not to consume more than one needs. Lílwat7úl interpret this to mean avoiding the consumption of things that harm a human's body or wasteful consumption that can affect the health of both humans and the land. The banquet area contains the traplines of several Lílwat people, which are adjacent to Lílwat hunting grounds and forest gardens.

<sup>2</sup> Although settler law did not create traplines, it nevertheless moved to codify them as registered traplines in the mid-1900s. For functional usage today, a trapper must be nearby, defending a trapline, otherwise someone else could go and remove the traps.

Today (2022), the goat calving and harvesting grounds are visible from busy Highway 99, which was built atop an old wagon route. Although sections of the trail were converted by the province to a gravel road in the 1960s, the province did not fully pave Highway 99 until the 1990s. Today Highway 99 is one of two main traffic arteries that link coastal British Columbia to the interior of the province. The changes to the area have been dramatic, and Lílwat7úl have watched as tourism has flooded into their homelands at a remarkable rate. By 2018, millions of visitors passed through their territories annually (Resort Municipality of Whistler, 2013). Lílwat and neighbouring First Nations are well aware of the impacts of this swelling of attention as they now must share food-gathering areas, sacred sites, and seasonal camps with tourists and recreationists who lack awareness of whose land they are on. These vast numbers of visitors create innumerable, and often intangible, impacts on the territory. Increased visitation disrupts Indigenous relationships to land in a material sense. It also represents, in the terms of two Indigenous studies' scholars, "a profound epistemic, ontological, cosmological violence" (Tuck and Yang 2012, 5) due, in part, to the imposition of settler governance and Western epistemes and ontologies on the unceded (never surrendered) Indigenous lands.

This article begins by providing information about the context and methods within which this research was conducted. Next, we present an overview of the efforts at co-management and co-governance in Lílwat tmicw to date and assess some persistent challenges. We then present a short overview of the BC government's actions to implement policies and practices that uphold international standards for the rights of Indigenous Peoples and question whether these emerging efforts can uphold and respect Indigenous legal orders. We conclude by reiterating the need to respect and centre Lílwat Nation's agency and authority in the stewardship of its territory.

## CONTEXT

The tmicw (territory) of Lílwat Úcwalmicw (people of the land of Lílwat Nation) is home to Lílwat7úl (citizens of Lílwat Nation) and comprises roughly 800,000 hectares (see Figure 1). Lílwat7úl have lived in the area since "time before mind." Lílwat tmicw is composed of named and unnamed places and associated family histories that extend generations and generations back. Archaeological records demonstrate occupancy for at least the past ten thousand years (Lílwat Nation, 2008). Prior to

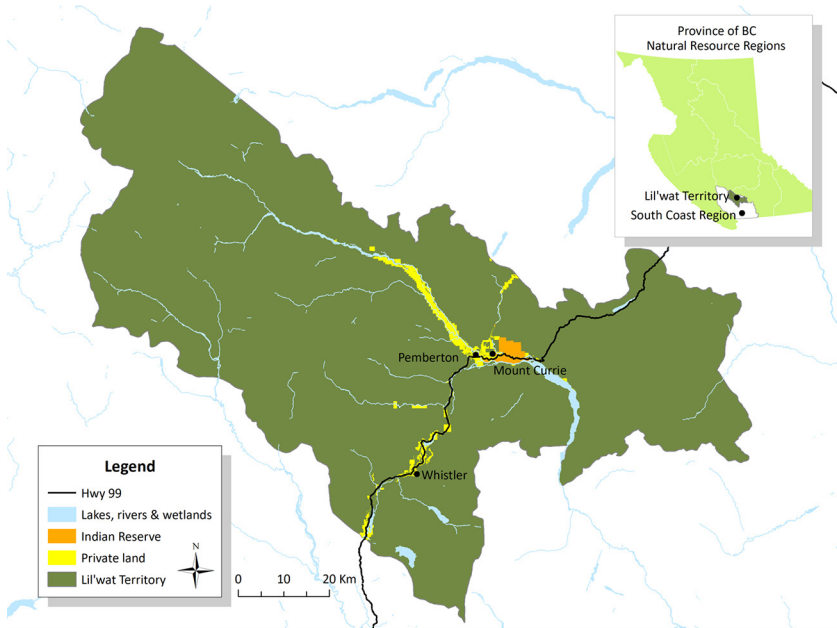


Figure 1. Map of Lil'wat tmicw (Territory) Source: Emily Doyle-Yamaguchi, reprinted with permission.

European settlers' initial claims to Lil'wat tmicw in the mid-nineteenth century, Lil'wat7úl seasonally occupied their entire territory, treating it as an integrated foodshed (Kloppenburger et al., 1996), wherein each location provided integral aspects of the Nation's food system. Families lived in s7ístkens (underground pit houses that were winter homes) along the river valleys, relatively protected from the harsh cold and snow of the surrounding mountains. Lil'wat7úl travelled seasonally through the tmicw to areas where they tended to, harvested, preserved, and stored s7ílhen (food).

Following a flood of gold miners from California from the mid-1800s, the governments of the United Kingdom and the United States settled their boundary along the 49th parallel in 1846. The Crown's (a term that refers to the United Kingdom and its successor governments in Canada) unilateral declaration of sovereignty over the geographical area that is currently referred to as British Columbia was then extended through the discredited doctrine of terra nullius (empty lands) to also claim property rights over the territory of Indigenous Nations. Today the territory of Lil'wat Nation is one of the main foci of surging tourism in British

Columbia as it includes the famed Resort Municipality of Whistler, the host location of the 2010 Winter Olympic Games. The Olympics brought renown to Whistler's extensive winter sport offerings and the beauty of the land. Tourism in the region increased exponentially after the Olympics and triggered a spillover effect, wherein recreationists who seek to avoid busy trails increasingly seek access to areas beyond the designated resort. These backcountry adventurers extend the impacts of outdoor tourism throughout the territory of Lílwat7úl.

This expanded interest in BC "backcountry" adventures comes at a time when the world is waking up to the realities of overcrowding thanks to international tourism, a phenomenon that has been labelled "overtourism" (Innerhofer et al. 2019). Destinations once considered luxury holidays for the upper class are now increasingly built up with vacation resorts that are affordable annual getaway spots for the less affluent. As global travel becomes increasingly accessible, reports from around the world describe the impact of "too many tourists" on iconic travel destinations and lead to the creation of policies and strategies to address overcrowding, such as demarketing, which aims to discourage tourism demand (Tiwari et al. 2020).

Clearly, Lílwat Nation is not alone in grappling with the impacts of outdoor tourism. Other Indigenous Nations throughout so-called Canada have developed programs to steward their territories in a way that brings visibility to their community land use and needs. A notable example is the Haida Gwaii Watchmen program, which employs Haida Nation citizens as tourist guides who share protocols with visitors on how to conduct themselves respectfully as guests in the territory. Other examples are Indigenous Protected and Conserved Areas (IPCAs), such as Tribal Parks, which feature a range of governance strategies, stewardship practices, legal traditions, and customary and cultural practices that are respected as equally valid and binding as other frameworks (Indigenous Circle of Experts, 2018). To achieve this, we have endeavoured to illustrate an important aspect of such appropriate recognition: Indigenous Protected and Conserved Areas (IPCAs). The development of IPCAs in Canada follows international examples of Indigenous-led conservation areas, including Te Urewera (formerly a national park) in Aotearoa (New Zealand), which bestowed legal personhood upon the land, and Indigenous Protected Areas as part of Australia's National Reserve System (Plotkin 2018). Recognizing the situated knowledge held by Indigenous Peoples that makes them ideal candidates to safeguard biodiversity has led the government of Canada to invest in piloting more

than eighty Indigenous Guardianship programs across the country. Lílwat Nation has piloted its own Skel7áw’lh (Guardian) program as a way of increasing visibility and settler government recognition for Lílwat7úl land stewardship. But, despite this program, many Lílwat7úl still feel that the Nation’s ability to mitigate tourism’s impact on traditional food systems is limited.

## FRAMEWORK AND METHODS

We researched this topic within Lílwat community spaces, following the Lílwat S7ístken Research Protocol. The Lílwat Food Sovereignty (LFS) Project began in 2018 in response to Lílwat Nation community members’ desire to protect and enhance knowledge and practices pertaining to locally produced foods. This work grew out of the ongoing research and implementation of Lílwat Nation Botanical Resources Strategy (Lílwat Nation, 2015), a strategy to protect the foods of Lílwat that was completed with the co-authors of this article. The LFS research is a community-led research project dedicated to finding new pathways to support community food sovereignty. Although “food sovereignty” is not a Lílwat term, and Lílwat7úl did not explicitly use the terminology of food sovereignty in their day-to-day activities prior to this research, community goals and ways of thinking about local food systems are closely linked with concepts of food sovereignty. At the core of food sovereignty is a set of goals that includes strengthening community, livelihoods, and social and environmental sustainability in the production, consumption, and distribution of nutritious and culturally appropriate food (Desmarais and Wittman 2013). These goals are aligned with the goals that were discussed by the research team at the onset of the LFS research. Lílwat participants in this research have found that their engagement in discussions and activities related to food sovereignty has provided them the intellectual space to consider how food relates to larger goals of self-determination and self-governance.

As part of a relational research process, and following the guidance and leadership of Lílwat Nation researchers, several steps were taken before the LFS project began. First, the research topic was defined by a Lílwat Nation–UBC research team with guidance from the Lílwat Culture, Heritage, and Language Authority (LCHLA) to ensure it met the needs of the Nation. The LCHLA is composed of Lílwat community members selected to speak on behalf of the community and to guide research on culture, heritage, and language. These initial steps to





Figure 2. Co-authors Koskas and Tonya in the Soo Valley, Lílwat tmicw, Summer 2022.

define the research topic were undertaken in a collaborative way, which is important for members of Lílwat Nation, who have often experienced extractive research conducted by non-Indigenous researchers (Leo et al. 2006). Members of Lílwat Nation are still dubious about working with Western research institutions, which, given the extensive record of harms caused by Western research even recently, is not surprising.

Second, approval for the research to begin was sought from the LCHLA. In a process that involved presenting, discussing, deliberating, disagreeing, modifying, and consenting to each aspect of the research, each member of the LCHLA brought her/his/their own unique experiences and knowledge to their personal assessment of the project's goals, methods, and outcomes. In addition to these steps, we also applied for and obtained the requisite approval from the University of British Columbia's Behavioural Ethics and Review Board (ID reference number H17-00053).

The research team, composed of both Lílwat and UBC settler researchers, interviewed or spoke with more than seventy Lílwat7úl over a three-year period (from 2018 to 2020) to record peoples' individual experiences, knowledge of, and goals for LFS. Within all research activities,





Figure 3. Lílwat Food Sovereignty Researchers Kwikws Eliza Peters and S'wúwa Martin Nelson picking Hawka7 (Cow Parsnip, *Heracleum maximum*) in "Blowdown," Lílwat tmicw, Summer 2022.

we were actively engaged with Lílwat teaching and learning pedagogies, following the principles of N'ákmen (meaning "our way," the Lílwat way of life). We harvested and documented knowledge about Lílwat food and medicine plants. We also planted an orchard and vegetable garden, working alongside students of the Xe'ólacw Community School, as a pilot for what became the Lílwat Farm, a community-owned market garden. At Nlep'áalten (food gardens) we were honoured with frequent and lengthy conversations with community members, shared meals together, and gathered and grew food as one form of reciprocity to the community for all that we were learning.

Knowledge was shared during interviews, field visits, small group discussions, as well as through participant observation of community events between 2018 and 2020. We then triangulated this knowledge with extensive literature reviews. The literature reviews included legal and policy documents, grey (technical) literature, academic theses, minutes from historical Lílwat Band Council meetings, archival materials, and media records. Data interpretation followed a political ecology approach (Bridge et al. 2015) and included sorting the research findings into major



Figure 4. Lílwat Food Sovereignty Researchers Susan Wells, Anastasia Jean Andrew and Jordan Gabriel alongside co-author Tonya Smith in the “Banquet Area” also known as Morgan’s Garden in honour of the late Morgan Wells, Lílwat tmicw, Summer 2017.

concepts and themes, and reflecting upon the data in repeated meetings with Lílwat and UBC researchers and research participants.

One of the repeated findings of our qualitative fieldwork was that Lílwat7úl experiences of place are inherently different from those of recreationists. Thus our analysis of outdoor recreation from the perspective of the Lílwat Nation follows a political ontology approach (Blaser 2014). This approach recognizes that differences of knowing and experiencing land are not purely markers of cultural differences but, instead, come from a deeper place that is connected to how people walk in their truth and experience the nature of reality (Wilson 2021). An ontological approach takes different realities seriously and recognizes that the assumptions and

concepts with which one is working may be inadequate to understanding the reality that is being referred to (Carrithers et al. 2010, 184). In other words, *I know what you are saying to be true even though my experience in the world has not exposed me to the concepts and theories that are necessary to understand your truth.* Throughout this article, the discussion moves between presenting Lílwat knowings of tmicw territory) and Western knowings of land as “parks” and “resources.” To avoid reifying Western ontologies as normative concepts, words related to Western conservationist ontologies are presented in double quotation marks, whereas Lílwat concepts are presented in Ucwalmícwts and, where possible, followed by English translations in parentheses.

It became evident during our research that the concept of “slow violence” could be useful in assessing the impacts of unhindered outdoor recreation and over-tourism on the territories of Lílwat Nation. Slow violence, a term coined by Nixon (2011, 2), is a type of violence that “occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all.” However, slow violence has real impacts, and here it spells the persistent erosion of Indigenous Rights for Lílwat Nation. Governmental approaches to co-management with Lílwat Nation have often been founded on assumptions that preclude the ability of land stewardship to follow and respect Lílwat cosmologies. For example, recreation management often prioritizes “visitor experiences” over balanced relationships among the beings of the tmicw, which are paramount to n’ákmen. Until state land “managers” reflect on and challenge the assumptions of Western ontologies and how they inform land stewardship, we argue that they will unwittingly perpetuate the slow violence that continues to estrange and dispossess Lílwat7úl of their tmicw and connections with traditional foodways.

We examine the boom of recreational tourism in the region and argue that this tourism is a form of slow violence, enacted on Lílwat7úl by BC resident settlers and visitors to the territory. Indigenous people work to resist colonial violence through their foodways, including by restoring physical food procurement spaces (Coté 2016; Daigle 2019; Green 2018; Myers 2015). Traditional foods are likewise an important aspect of how Lílwat people learn how to live n’ákmen (the Lílwat way of life). The task ahead is to recognize Indigenous Peoples’ ontologies related to foodways and to enable their food sovereignty to flourish on their unceded territories.

## EFFORTS AT CO-MANAGEMENT AND CO-GOVERNANCE

Lílwat7úl relationships with the tmicw were founded on a subsistence relationship with the land, including the need to ensure adequate food provisioning to meet year-round caloric and nutritional needs and materials to live a good life. Prior to the Canadian government's forcing them to settle on reserves beginning in 1876, the movements of Lílwat7úl were strongly informed by the seasonal availability of foods throughout the territory. One example is the *skwelwín* (mountain potatoes), which are ready for harvest shortly after the snowmelt at higher elevations. This prized food spurs an annual gathering of families, who meet at known harvesting spots to carefully dig the small tubers from the ground and prepare them for preservation as a year-round source of carbohydrates. In the late summer and early fall, the sockeye salmon runs are the focus of activity, with families fishing and preserving this important staple food, using a diversity of methods for year-round consumption. Once the temperatures cool in the autumn, hunting parties visit favoured hunting grounds, such as the hunting areas in and adjacent to Nsk'enú7 and xwé7mawt.

Our research documented over one hundred plant foods tended by Lílwat7úl, who actively maintain these plants over generations of usage. Lílwat7úl knowledge keepers took us to "forest gardens" that have been tended through practices like clearing, pruning, selective harvesting, seeding, and weeding to create hyper densities of preferred foods. In these places, food plants are relatively abundant, grow larger than they do in non-maintained sites, are easier to harvest, and feature less competition from non-target plants. The untrained eye could easily mistake them for "wild plants" – ones that are maintained by so-called "natural regeneration" and "forest succession." However, without human tending across generations, these plants would be unlikely to persist, and certainly not in such abundance, throughout the territory.

Lílwat7úl value their traditional foods – including plants, fish, game, fungi, and eggs of waterfowl – as both preventative and therapeutic medicines. An example of a therapeutic medicine is *K'úna7 shlum* (salmon egg soup), which is taken by someone who is experiencing cold or flu symptoms, or needs more energy. Traditional foods have important medicinal values for Lílwat7úl, who prefer them to Western medicines for some ailments and take them regularly as part of an everyday diet to maintain and promote health and longevity. Although traditional medicines do not replace Western medicines for Lílwat7úl, they help maintain the health of Úcwalmicw. The foods of Lílwat are associated



with “instrumental” values – as they ensure the survival of the people from year to year – and with intrinsic and relational values, wherein the relationship itself is the thing of value (Stålhammar and Thorén 2019). Lílwat7úl bodies have co-evolved with their traditional food-medicines, and thus the relationships between people and their foods form an integral part of what it means to be Úcwalmicw.

Traditional foods are also important to the individual and collective healing of Lílwat7úl who bear the invisible scars resulting from the intergenerational impacts of colonization. Lílwat7úl are recovering their traditional practices following experiences of colonial violence, including the Residential School System,<sup>3</sup> the Indian Pass system,<sup>4</sup> and the Sixties Scoop,<sup>5</sup> each of which worked to remove the people from their customary food sources. Research participants described health and healing from the land as not only physical – derived from the nutritional and caloric content of foods – but also as part of the emotional, spiritual, and intellectual health of Lílwat7úl. Food procurement and food-related ceremonies and protocols enacted with families and friends are an important part of a holistic health and healing regimen. Lílwat food sovereignty, which involves the ability of community members to practise land-based food procurement, is therefore an important aspect of collective and individual holistic health. Traditional food practices enable healing from the impacts of intergenerational trauma resulting from settler-colonial government policies of attempted assimilation and genocide. Holistic health is emergent from the relational experiences and practices tied to the ontologies of Lílwat7úl, which they enact through food-based practices.

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<sup>3</sup> Indigenous children across Canada were forced to attend “Residential Schools,” the first of which opened in 1831 (National Centre for Truth and Reconciliation 2022) and the last of which closed in 1996 (National Centre for Truth and Reconciliation 2022). Not only were the children forced to attend against their and their families’ will, but the “schools” were located far from their homes. The children suffered abhorrent abuses at the hands of their “teachers.” Concerted efforts were made by the Canadian government to eradicate the children’s knowledge of, and connection to, their ancestral languages and cultures. Many children died while attending, or attempting to escape from, the “schools.” The traumatic effects of residential schools continue to be felt by residential school survivors, their families, and their communities (National Centre for Truth and Reconciliation, 2022).

<sup>4</sup> The “Indian Pass System” was informally applied under the Indian Act throughout Canada and prohibited Lílwat people from leaving the reserve without the permission of the Indian agent. Lílwat community members tell of how their family members had to get permission to leave the reserve to hunt and fish so as to provide food for their families.

<sup>5</sup> The “Sixties Scoop” occurred during the 1960s as Indigenous children were removed from their homes, without parental consent, by the Province of British Columbia’s so-called “child welfare system” and relocated to the homes of non-Indigenous families. As with Residential Schools, many victims of the Sixties Scoop also experienced abuse and disconnection from their families and culture.

Many of Lílwat food-based health practices are related to values of reciprocity, cultural obligations, responsibilities, and practices of care, following the identity of I Ucwalmcíwa, people who are stewards or protectors of the land. Lílwat practices around foods and medicine comprise a key component of collective spiritual beliefs, which are rooted in the land. The interconnection of people and the land is evident in how community members use concepts of food and medicine interchangeably when referring to Lílwat traditional foods: “It’s like our bodies just know what’s good for us. I could eat the finest beef steak in the world prepared by the best chef, and it wouldn’t hold a candle to deer ... our bodies know what is good for us. Our food *is* the medicine” (Martin Nelson 2019, emphasis in original). Part of n’ákmen is an obligation of humans to care for the land and its beings. Maintaining proper relations with all beings on and off the land is of the utmost importance. This part of Lílwat ontology is widely evident within community practices. It is also enshrined in ceremonies – for example, in the First Salmon Ceremony. During this annual event, Lílwat7úl honour the salmon, called the Fish People by some in acknowledgment of the salmon’s agency and personhood. Ceremonial participants share the first salmon of the year and then return the bones of the salmon to the river to show care and respect for both the life-sustaining waters and the salmon (Lílwat Nation 2006).

The Lílwat law of maintaining proper relations with the land has also been adopted in community policies like Lílwat Nation’s 2016–2023 Strategic Plan, which addresses protecting threatened and iconic species and increasing Lílwat natural resource monitoring and guardianship capacity (Lílwat Nation 2016). The sacred responsibilities of the people to the land are also held by non-humans in Lílwat, such as land protectors, who include the Sasqáts (Sasquatch) and the hi7. Sasqáts is a protector of the land, taking care of the tmicw through daily practices. The hi7 is a water serpent who protects the land and water, who lives in the rivers and has been encountered by Lílwat community members within living memory.

Lílwat Nation has been trying to communicate its relational values towards its tmicw to the settler governments of British Columbia and Canada since Europeans first reached Lílwat tmicw. But Lílwat Nation was only invited by the BC government to be a part of high-level land use planning in 2004, in the Sea to Sky Land and Resource Management Planning (LRMP) process. The LRMP process was started by the BC government with the goal of mapping out Land Use Zones throughout



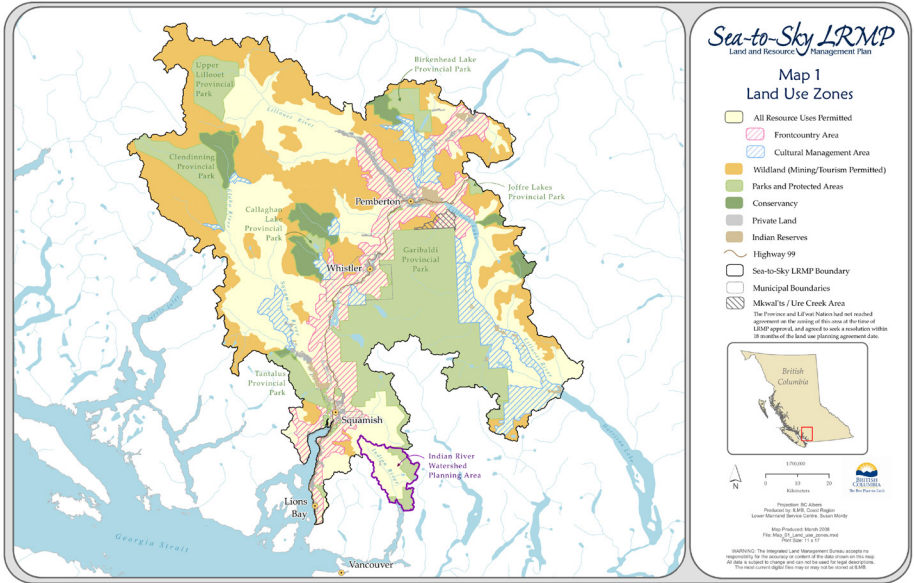


Figure 5. Sea to Sky Land Use Management Plan Map showing designation of Land Use Zones (BC 2008).

the “Sea to Sky” region. While representatives from industry, environmental groups, and recreationists created a vision for land use planning in the area, Lílwat Nation decided to lead its own land use planning process within its community. From 2004 to 2008, a Lílwat working group composed of fourteen Lílwatt7úl, assisted by two environmental planning consultants, created the Lílwat Land Use Plan (Lílwat Nation 2006; Smith and Bulkan 2021). Participants in the process say that this document is intended to act as a reference point for all negotiations concerning land use between Lílwat Nation and the BC government. In 2008, Lílwat Nation and the BC government signed the Lílwat–BC Land Use Planning Agreement, which included detailed accounts of areas to be protected in Lílwat; priorities for the air, water, vegetation, wildlife, medicines and economy; as well as steps to implement the Lílwat Land Use Plan (LLUP).

These processes resulted in new provincial “land management” categories. In Lílwat, the allocations were: protected areas (26 percent), wildland areas where mining and tourism are permitted (27 percent), and all resource uses permitted areas (47 percent) (see Figure 5). “Cultural Management Areas” were also designated within areas that permit all resource uses as places with “high First Nations cultural values” in which

“development and use must be conducted in a manner that protects First Nations’ cultural values and ecological integrity” and are consistent with the First Nations land use plans (Líl’wat Nation 2006). These areas allow for sustainable economic development activity to take place, including forestry, subsurface resource development, independent power producers (run-of-the-river hydroelectricity), and commercial recreation (Líl’wat Nation and BC Government 2008).

The Cultural Management Areas (CMAs) aim to conserve and maintain the integrity of cultural and heritage resources while upholding the underlying provincial claim of Indigenous territories as “Crown lands.” CMAs include areas that have been designated as *A7a7úlmécw* (Spirited Ground Areas, or sacred sites). The designation requires that economic activities be undertaken in a manner that is “sensitive to Líl’wat social, ceremonial and cultural interests, values and uses.” In these areas, backcountry enthusiasts cannot construct new cabins on so-called “Crown lands” without the permission of Líl’wat Nation. In addition, all small-scale forestry must follow the guidelines of Líl’wat Nation Botanical Resources Strategy (2015), which details sustainable forest management practices for the preservation and protection of culturally important plants and fungi.

Conservancies were another new jurisdiction of protected areas created on “Crown land” by the BC government partway through the LRMP process. Conservancies were first created in a 2006 amendment to the BC Park Act, 1996, and were intended to allow a wider range of land uses while still prohibiting large-scale resource extraction through mining, forestry, and hydroelectric development (Indigenous Circle of Experts, 2018), legal traditions, and customary and cultural practices to be appropriately recognized as equally valid and binding versus other frameworks. To achieve this, we have endeavoured to illustrate an important aspect of such appropriate recognition: Indigenous Protected and Conserved Areas (IPCAs). Conservancies can be established by an Order-in-Council under the Park Act or by inclusion in schedules to the Protected Areas of British Columbia Act, 2000. The BC government, with the support of First Nations, deemed that no new conservancies would be permitted until management plans were in place for existing conservancies. In Líl’wat, the BC government intended conservancies to be used for ceremonial and cultural purposes by First Nations, protect cultural resources and sacred sites, and maintain, where appropriate, low intensity backcountry and recreational use (Líl’wat Nation and BC Government 2008).

Through the LRMP process, areas that are central to Lílwat ways of being, including areas designated as Nt’ákmen Areas, received immediate protection. Since the 2008 agreement was signed, Lílwat Nation has worked closely with the BC government to create management plans for the parks and conservancies throughout the territory. Lílwat Nation’s Department of Lands and Resources (DLR) facilitates park and conservancy planning processes between Lílwat community members and BC Parks representatives. Lílwat Nation DLR employees are attempting to redress the imbalance of power between BC Parks representatives and the Lílwat community members. The DLR goes beyond the business-as-usual approach that has characterized community engagement sessions – a one-way transmission of information from the BC Parks side. Instead, through inviting community members to participate on co-learning activities on the land, the DLR works to solicit input from Lílwat7úl that better honour Lílwat7úl roles as knowledge keepers and teachers of the land and territory. This includes inviting Elders to hold ceremonies and group visits to sites to learn about the knowledge and histories of these places, along with recording information about customary uses and concerns.

#### FAILURES OF CO-MANAGEMENT/CO-GOVERNANCE

Though it appears that the BC government has begun to collaborate with Lílwat Nation, the governance approach of the LRMP process is fundamentally different from that based in nt’ákmen and Lílwat ontologies. As described by Loo (2017, 236) elsewhere in Canada, government approaches to conservation are associated with Western ontologies that perform like a kind of “ideological crusade,” functioning under the assumption that conservation can be carried out “with the same technologies and ways of thinking that contributed to its [the territory’s] despoliation.” The current governance processes in Lílwat perpetuate the managerial approach of the BC government – drawing colonial boundaries on Lílwat tmicw to administer the territory in a piecemeal way, without considering the entirety of the tmicw as one foodshed relied upon by Lílwat7úl. Lílwat ontologies recognize that the tmicw is always changing and that people must remain flexible and adaptive to survive and maintain balance on it. Despite the efforts of individuals working with and supporting Lílwat7úl, the institutions that hold legal power over Lílwat territory – including the province and its agencies, resource management licensees, and private landowners

– continue to dismiss Lílwat7úl aspirations and fail to meaningfully engage with Lílwat ontologies. The failure to meaningfully engage with Indigenous ontologies in conservation governance is not unique to Lílwat and has been well documented elsewhere in Canada by Nadasdy (2007, 2012, 2016), Todd (2014, 2016, 2017), and Brody (1981). Often, Indigenous Peoples have been forced to conform to state institutions and practices rather than to adhere to their own ontologies (Natcher et al. 2005). Co-management is being heralded as an emergent intellectual tradition to guide the stewardship of natural resources. However, research has yet to show under what conditions and at what cultural consequence Indigenous representatives are able to express themselves. Nor has it been shown how cultural biases, including perceptions of the “other,” influence group behavior. In practice, co-governance approaches that respect and uphold *nxekmín* (Lílwat oral and community laws) and *Ntákmen* (ways of being) in Lílwat tmicw have not progressed. The jurisdictional boundaries, management plans, and designated policies of the BC government do little in practice to respect this Lílwat ontology and, instead, perpetuate the violence of prioritizing Western managerial ontologies over Lílwat practices of *Kúl’tsam’* and care.

In order for efforts at a Lílwat and BC partnership in stewarding recreation on the land to succeed, the provincial elected officials and employees must learn more about the differences between Lílwat and Western ontologies. As it is, some Lílwat persons debate whether it is appropriate for Lílwat Nation to continue to seek respect for Lílwat ontologies within settler land use planning processes at all. Instead, they seek other pathways for Lílwat Nation to better steward the tmicw according to Lílwat *n’tákmen* and *nxekmín*. According to *Swúúwa7* Martin Nelson, the process of designating different areas for different uses, which was done as part of the Lílwat land use planning process and LRMP, is simply incompatible with Lílwat customary governance practices: “This isn’t how we think of the land. It’s not put a park here and a mine over there. No, we show respect for *all* the land. We have obligations to all of it, not just some spots over others.” If government means to truly respect customary governance, this requires more substantial changes than designating some areas off limits to resource extraction. Lílwat people teach about a responsibility to care for the tmicw and emphasize that this responsibility has helped them to survive and thrive on these lands for generations. This teaching is incompatible with an instrumentalist framework that designates one spot for logging and another for a park. It requires a fundamental shift from the Western

transactional mindset to one in which the relationships between humans, animals, plants, minerals, air, and water are revalued. As Jordon Gabriel, Lílwat forestry manager, states: “There are still no true conservancies in the territory. They say there are conservancies, but even those are managed for recreation. A true conservancy that we [Lílwat7úl] would want to see would be managed for cultural uses first, but these ones are not, not really.”

As Gabriel’s statement indicates, an important aspect of the Sea to Sky LRMP was the need to manage recreation. Though designations of CMAs ensure the protection of Ntákmen Areas from immediate resource extraction, this CMA designation does not represent true Indigenous-led governance, nor does it work to address the negative impacts of recreationists on Lílwat land-based practices. While the conservancies in the 2008 BC–Lílwat Land Use Plan allowed for the maintenance of then “current levels of low intensity backcountry recreational and tourism use,” tourism in British Columbia has grown exponentially since then. Revenues from tourism in British Columbia increased by 41 percent between 2007 and 2017 to become the third largest industry in the province (The Canadian Press 2019). Tourism in Lílwat has kept pace, with the resort town of Whistler contributing 25 percent of British Columbia’s total tourism export revenue. The tourism sector contributes the equivalent of more than half of the entire BC forestry sector, and more than agriculture and fisheries combined, to the province’s gross domestic product (Resort Municipality of Whistler 2013). In practice, though conservancies are not intended solely for recreational use, recreationists gain access to them with ever greater frequency.

For members of Lílwat Nation, being I Ucwalmícwa involves relationality and reciprocity as well as cultural responsibilities and obligations, all of which are central to ensuring collective community health. Lílwat teachings uphold responsibilities to step lightly and practise respectful relationships with the land both inside and outside protected areas and parks. When asked whether he thought it would be a good idea to limit the number of visitors to Joffre Lakes Park, one Lílwat anonymous community member said: “We already have too many people on motorized vehicles finding forest roads way back there. They are scaring the deer away, so it’s impossible to hunt in those areas now. Also, it’s not safe to shoot, because there are so many people around. If they put a limit on Joffre, people will just find the next nice place to go.” Indeed, online videos made by BC Parks and users highlighting overcrowding in Joffre Lakes Park suggest “visiting other trails” as a solution to avoiding crowds.

Already Lílwat community members have observed that nearby trails, many of which are not equipped to handle higher recreational activity, are now experiencing increased traffic. Whereas in the past, restricting visitor numbers in conservancy areas would have been unthinkable both from a Western and a Lílwat perspective, increasingly this option is receiving more discussion in government/provincial planning meetings. Throughout the territory, metal gates prohibit vehicle traffic from entering critical habitat for threatened and endangered wildlife. These gates are controversial as some Lílwat7úl see their value in protecting wildlife from poaching while others see them as prohibiting the movement of Lílwat7úl in their tmicw. Officially, Lílwat7úl are permitted to retrieve keys from Lílwat Nation institutions (including the Band Council and forestry company) to get through these gates. However, some Lílwat7úl see this need to seek permission for access as a hindrance to the free expression of their Indigenous Rights.

Some Lílwat community members decline to take part in community meetings that involve BC Parks, lest their participation be interpreted as legitimizing the jurisdiction of BC Parks and the BC government over unceded Lílwat territory. Michi Saagiig Nishnaabeg scholar Leanne Simpson (2017, 178) calls this “productive refusal,” whereby people choose to “refuse colonial recognition as a starting point” and turn inward, towards Indigenous ontologies, to embody an alternative. Lílwat individuals have deployed productive refusal for generations. They did so when Lílwat Nation signed the 1911 *S’tát’yemc* Declaration, which states that it never ceded rights to its territory and remains the rightful decision-maker. It amplified productive refusal during the 1970s, and again in the 1990s, when Lílwat community members participated in roadblocks to protest against the imposition of fishing regulations and forestry practices that desecrated graves and sacred sites (Crompton 2011; Nemoto 2002). In the 1990s, Lílwat Nation refused to allow *Sútikalh* (the sacred Place of the Winter Spirit), to be developed into the proposed Cayoosh Mountain Resort by Nancy Greene and NGR Resort Consultants Ltd., which proposed fourteen ski lifts with the capacity to host over fourteen thousand visitors per day (Wonders 2021). In *Sútikalh*, the BC government’s unwillingness to intervene against the proposed ski resort led Lílwat and other *S’tát’yemc* community members to build a permanent home on the proposed site, which remains occupied year-round to protect this area from development. Productive refusal has been a protective measure used by Lílwat against the slow violence of



the BC government’s longstanding practice of ignoring and/or abetting the problems posed by recreation.

Settlers and the BC government both intentionally and unintentionally fail to acknowledge Indigenous ways of being in recreational land use planning: intentionally, through maintaining ignorance and a refusal to learn about Indigenous histories and from Indigenous Peoples themselves, and unintentionally, through the efforts of government officials who believe that Indigenous values can be taken into account within settler governance structures but who fail to see that meaningful government-to-government relationships will require a fundamental rewriting of these structures and the sharing of power (Carleton, 1970). Meanwhile, the pace of climate change, biodiversity crashes, and the COVID-19 era have spurred calls for meaningful, actionable changes to be ushered in quickly. Scholars, policy-makers, governments, NGOs, and Western scientists increasingly recognize that climate change mitigation cannot happen without Indigenous Peoples taking a central role in mitigation strategies and, further, that these strategies are required to slow catastrophic climate change, biodiversity loss, and the continuing degradation of ecosystems (Arias-Bustamante and Innes 2021; Doolittle 2010; Fa et al. 2020).

#### DRIPA, RECONCILIATION, AND THE WAY FORWARD

The legislative arm of the BC government passed the Declaration on the Rights of Indigenous Peoples Act (DRIPA) in November 2019 following decades of Indigenous Peoples’ organizing to demand their rights. DRIPA was welcomed as a step towards advancing the relationship between the BC government and Indigenous Peoples. DRIPA is potentially a watershed moment for Indigenous Peoples’ rights as eight articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) refer to Indigenous Peoples’ collective ancestral rights to lands, territories, and resources, and five mention their right to govern social-political, cultural, and economic institutions within their territories (Huambachano 2019). In March 2022, the BC government released the Declaration Act Action Plan, highlighting steps and priorities for implementing UNDRIP in British Columbia. The Action Plan features eighty-nine points of action for various government ministries, including an indication for the co-development of strategies and policies for “collaborative stewardship of the environment, lands and resources” (Province of British Columbia 2022). In that same month, however, the province’s

lawyers filed their rejection of a legal action by the Gitxala Nation that sought to end the practice that allowed an individual or company to stake a mining claim under the Mineral Tenure Act without obtaining the free, prior, and informed consent (FPIC) of the Indigenous owners of the land in question. The lawyers' defence was that the province observed the "duty to consult" protocol (Simeon 2022).

DRIPA is part of a number of provincial legislative and policy reforms that aim to "structure proper relations" between Indigenous Peoples and the Crown in British Columbia (Residential School History and Dialogue Centre 2021). Another shift in the BC government that affects Indigenous Peoples and their territories is the creation of a Ministry of Indigenous Relations and Reconciliation in November 2020. This ministry is tasked with improving the relationship between the BC government and Indigenous Peoples. Additionally, the BC government commissioned an old-growth forest strategic review panel, whose April 2020 final report concluded that the prerequisite for change is greater involvement of Indigenous Peoples in decision-making around old-growth forests (Gorley and Merkel 2020). Towards this end, the commission recommended the implementation a provincial-Indigenous government-to-government decision-making framework (Gorley and Merkel 2020). However, the BC government has been criticized for not compensating First Nations for revenues lost from deferring old-growth logging and for not adequately funding the process for First Nations to determine their own priorities and approaches towards stewardship versus utilization of forests that the settler government has labelled "old growth" (Owen 2022). At the federal level, Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples, was assented to on 21 June 2021. However, neither tier of government has eschewed the doctrine of "terra nullius," which was used to justify their seizure of Indigenous lands.

With respect to Lílwat, our research shows that meaningful change requires an approach that centres Lílwat ontologies. In order for this to take place, basic funding and jurisdictional structures must be adjusted. In the case of recreational visitors in Lílwat, the responsibility to uphold Indigenous Peoples' rights is delegated to BC Parks, whose budget and capacity remain inadequate since they were substantially decreased in the early 2000s. Despite some recent funding increases by the BC government, BC Parks maintains a low capacity in terms of personnel and knowledge resources, which seriously limits its ability to engage in collaborative planning and to uphold the rights of Lílwat Nation. Though

individuals employed by BC Parks demonstrate a willingness to learn from Lílwat and other First Nations individuals in community meetings and to create protected areas management plans, ensuring that Lílwat ontologies are understood, followed, and respected in the collaboration process requires more than interpersonal good faith between individuals. It requires structural and capacity support from the BC and Canadian governments – namely, through a fundamentally different relationship between the settler governments and Indigenous Nations on whose lands parks are located. Further, it would require employment of Indigenous individuals who can bring Indigenous ontologies to their engagement with BC Parks and First Nations throughout the province.

As discussed earlier, the ontological differences between the BC government’s approach to “managing parks” and Lílwat relationships with their tmicw and its creatures are significant. Before communication across this divide can occur, Lílwat Nation must have its own deliberative process among community members to discuss and answer critical questions, such as: Who is entitled to speak for land use decisions and in what parts of their tmicw? What does consent look like and who can give it? What do dispute mechanisms look like for those who refuse or withdraw their consent? (Wilson-Raybould, 2021).

Towards this end in 2016, Lílwat Nation contracted the non-profit organization, Centre for First Nations Governance, to host a series of workshops to examine how the nation can meet its goals of self-governance and self-determination (Lílwat Nation 2017). This was the start of a process to restore the Inherent Rights governance system. The Inherent Rights system will replace the Band Council government, which is a governance body imposed and regulated by the Indian Act. In its stead, the Inherent Rights system will more closely resemble the traditional way in which Lílwat peoples governed their tmicw. In addition to supporting skél7awlh (land stewards) both inside and outside of formalized roles, Inherent Rights governance involves restoration of the oral and community laws that comprise nxeqmín. The process to determine what an Inherent Rights governance system would look like is complex, but Lílwat7úl are optimistic that it will help restore community confidence and efficient participation in self-governance of their tmicw.

For its part, the BC government needs to honour its Action Plan and harmonize BC laws, policies, and processes with UNDRIP in order to ensure the protection of Indigenous Peoples’ rights, including the right to self-determination and free, prior, and informed consent. There is no evidence to date that DRIPA has led to any concrete actions that respect

Indigenous legal orders. In spite of DRIPA's lofty stated intentions, organizations like the Union of BC Indian Chiefs and others that represent the collective interests of Indigenous Peoples continue to advocate for Indigenous Peoples and issues in courts of law and in the court of public opinion. For DRIPA and Bill C-15 to be taken seriously by Indigenous Peoples, the provincial and federal governments must recognize the authority of Lílwat Nation and other Indigenous Peoples to be self-determining, according to their own legal orders, protocols, processes, and timeframes. This will lay the groundwork for the BC government to recognize the Inherent Rights governance system of Lílwat Nation, rather than the government-imposed Band Council system, as the lawful decision-making body/system for this nation and for its dealings on land use planning (Wilson-Raybould 2021). As Lílwat governance capacity is strengthened, Lílwat Nation will then be able to engage in land use planning and decision-making with greater jurisdictional certainty. Specifically, having the option to renegotiate the locations, boundaries, and rules for the conservancies, cultural management areas, old-growth management areas, and other designations within the territory will be important. Alternately, it is possible that Lílwat Nation might pursue altogether different institutional forms or arrangements for governance and protection of their tmicw. In either case, Lílwat Nation will place Lílwat ontology centre stage in how people relate to the tmicw in future and, in so doing, will help love their territory back to life.

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