

Appendix 11.0-A: Tenas Project Cultural Use Study

Tenas Project Cultural Use Study



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EXECUTIVE SUMMARY

This report describes a Cultural Use Study (CUS) conducted by Crossroads Cultural Resource Management Ltd. (Crossroads CRM) for the proposed development of a metallurgical coal mine ('the Project') near Telkwa, British Columbia (BC), on behalf of Allegiance Coal Limited ('the Proponent'), operating as Telkwa Coal. The goal of this CUS was to compile a baseline inventory of cultural heritage resources pertaining to Wet'suwet'en communities, including an examination of pre-existing cultural, social, historic, and economic data. The concerns of landowners and non-Indigenous stakeholders with longstanding histories in the area are also briefly described; however, at the request of the Proponent, this CUS primarily focused on Wet'suwet'en persons and communities.

The CUS begins by describing the Study, its objectives, and its background (Section 1). Section 2 provides an overview of the proposed mine, the Tenas Project, including information on its location and the Proponent. Section 3 outlines the Project's regulatory and policy context. Section 4 supplies information on the Regional and Local Study Areas, as well as the Study's biophysical and cultural settings. The CUS' methodology is detailed in Section 5. Section 6 provides Study results, including information on Wet'suwet'en culture and history, governance, socio-economics, health and wellbeing, and contemporary and traditional land use values relevant to the Study Area. Appropriate development recommendations are made in Section 7.

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1. Introduction

1.1 Study Objectives and Scope

The goal of this Cultural Use Study (CUS, 'the Study') is to compile a baseline inventory of cultural heritage resources pertaining to Wet'suwet'en communities, including an examination of pre-existing cultural, social, historic, and economic data. The concerns of landowners and non-Indigenous stakeholders with longstanding histories in the area are also briefly described throughout; however, at the request of the Proponent, this CUS primarily focuses on Wet'suwet'en persons and communities. Data from separate studies produced for the Tenas Project ('the Project'), such as GIS mapping and archaeological inventories, are also examined within the context of the CUS.

The objectives of this CUS are as follows:

- Conduct desk-based research to compile current and historical Traditional Ecological Knowledge, socio-economic demographics, and community health and wellbeing data of Wet'suwet'en communities;
- Provide historical, cultural, and archaeological background data relevant to the Study Area and adjacent regions;
- Develop baseline cultural use and socio-economic data pertinent to the Study Area;
- Identify vulnerable and valuable areas to the community and inform Wet'suwet'en and land stakeholders of potential impacts;
- Inform Wet'suwet'en and land stakeholders of their abilities to mitigate and/or sustain potential impacts to their community; and
- Make key recommendations about the Study Area.

The Study's initial scope included engagement with Wet'suwet'en communities; however, meaningful community engagement was difficult due to the COVID-19 pandemic, associated restrictions and health and safety concerns for community members. Limited capacities and multiple ongoing parallel natural resource management processes (e.g., Rights and Title processes, engagement with Coastal GasLink) have posed further challenges. Thus, data derived directly from community members are not included herein. However, Telkwa Coal and the Office of the Wet'suwet'en have since signed an engagement agreement, and community engagement will be performed through that process. The present document is an extensive overview of Wet'suwet'en culture and society that primarily includes qualitative data based on known information. Quantitative data typically emerges from community engagement.

1.2 Statement on Traditional Knowledge

Traditional Knowledge (TK)—also sometimes called Traditional Ecological Knowledge (TEK), Indigenous Knowledge (IK), or Indigenous Ecological Knowledge (IEK)—refers to a system of knowing that can be distinguished into broad themes of resource practices/strategies, worldviews, and intergenerational exchanges of knowledge (Turner 2000:1276). In more precise terms for the purpose of this CUS, TK is the cumulative knowledge Indigenous peoples hold of their traditional environments, as well as the management strategies of all resources for past, present, and future generations. The cultural transmission of TK is achieved through oral traditions—stories passed from older generations to the

young—as well as on-site activities and resource use. It is this system that ensures the integrity and survival of Indigenous peoples and cultures (Morris et al. 2006:6). TK, therefore, can serve as a source of understanding for reducing consequential impacts and uncertainties in environmental impact assessment processes, as well as to aid in ascertainment of baseline conditions (Morris et al. 2006:7).

It is important to note that TK is considered the intellectual property of the Indigenous communities from which it emerges and/or the knowledge holders. On a global scale, industries, government institutions, and non-Indigenous communities are quickly recognizing the value that TK holds for sustainable natural resource development (Budhwa 2005:6).

1.3 Statement on the Nature of Cultural Resource Management

The field of archaeology constitutes just one facet of cultural resource management (CRM), and it does not fully reflect all tangible and intangible cultural elements. When discussing traditional use sites and archaeology, it is important to recognize that although all archaeological sites are traditional use sites, not all traditional use sites are archaeological. For First Nations, there is no difference in significance between an archaeological site and a traditional use site (Budhwa 2005:45).

Given the equal importance placed upon present and past resource use sites by Indigenous groups, it is crucial to integrate contemporary First Nations perspectives and TK into resource development processes, including environmental assessments. Doing so establishes a holistic, more complete understanding of an Indigenous people's traditional land and resource use activities. The integration of TK also creates a system in which First Nations groups feel their knowledge is represented, and they can meaningfully participate with industry and government during resource management processes (Morris et al. 2006:7).

1.3.1 Diversity of Values and Interests

There is a diversity of values and interests involved in the development of this CUS. Information herein has been gleaned from industry, government, Wet'suwet'en, ethnographic, and other sources, all of which are driven by differing motives and contextual understandings. Of particular note are the significant distinctions between Western and Indigenous worldviews. Whereas Western scientific epistemologies generally believe that objective, empirical science can explain all, First Nation perspectives often attribute cause to the interpersonal relationships between humans, plants, and animals (Morris et al. 2006; Turner 2000). Wet'suwet'en worldviews emphasize the importance of *Yintah* (or *Yinta*)—the physical and spiritual connections Wet'suwet'en have with their territories—a concept of paramount importance in their culture (Morris et al. 2006).

Though differences exist between Western and Indigenous worldviews, this does not imply that these worldviews are incompatible. For example, integrating TK and Western scientific information can provide a means to obtain deeper understandings of local ecology and past environmental events (Gauthreau et al. 2007). Such integration can supply invaluable insight into the potential impacts of resource development, such as the Tenas Project. The present CUS places equal weight upon TK and scientific data in order to bridge the communicative gaps between industry, government, and Wet'suwet'en communities, created by their differing worldviews (Budhwa and McCreary 2013:197; Morris et al. 2006).

1.4 Authors

Rick Budhwa was the project director. Jocelyn Franks, Dana Evaschuk, Keli Watson, Sarah Weber, David Carten, Morgan Hite, Sean O'Rourke and Carla Lewis provided technical and report writing services.

2. The Tenas Project

2.1 Project Description

The Tenas Project ('the Project') is a surface mine anticipated to produce 750,000 tonnes per annum of saleable coal. The average strip ratio is predicted to be 3.6:1BCM/ROMt, with a total operation duration of 22 years, in which 15% of the Telkwa coal resource will be extracted (Allegiance Coal 2019). The surface mining will be conducted as a conventional truck/shovel operation comparable to conventional quarry operations in the region. Overall, an estimated 15 million tonnes of washed metallurgical coal will be produced for steel-manufacturing (Telkwa Coal Limited 2018:1). The mine's expected footprint is 1000 ha, including buffers.

Of significant note is the Project's ease of access to rail and port. A 2.5 km rail loop (7 km northeast of the Project) will be constructed and subsequently connected to the existing CN rail line. This allows for efficient transport to the Port of Prince Rupert (Altius Minerals 2019; Telkwa Coal Limited 2018:3-9).

The commissioning, construction, and pre-mine development of the Project are cumulatively expected to take up to a year. The reclamation phases will require between two and three years, after which monitoring will continue to ensure reclamation efforts have been effective (Telkwa Coal Limited 2018).

2.2 Project Location

The Project is situated in the Bulkley-Nechako region of Northern British Columbia, approximately 15 km south of Smithers and 7 km west/southwest of Telkwa, BC.

The Project mine site, rail loop, and loadout fall within Wet'suwet'en traditional territories. The mine site is located in Cas'Yex House territory; the rail loop and loadout are located in Kwen Bea Yex House territory.

2.3 Project Proponent

The Project developer, Telkwa Coal Limited ('the Proponent'), is a subsidiary of Allegiance Coal Limited (ACL). Based out of Sydney, New South Wales, Australia, ACL focuses on the production of metallurgical, or steelmaking, coal (Telkwa Coal Project 2018:1-1). Altius Minerals, owner of 14% outstanding shares in Allegiance Coal, originally acquired the Project in 2014 from Sherritt as part of a Prairies royalties acquisition and Carbon Development Partnership. In 2017, Altius entered into an agreement to sell 100% ownership of the Project for shares in ACL, in addition to retaining royalty in gross sales ranging from 1.5%-3%, depending on benchmark coal prices (Altius Minerals 2019).

3. Regulatory and Policy Context

This chapter outlines the regulations and policies involved in the Project's permit applications that are relevant within the context of the CUS. This includes discussion of the *Environmental Assessment Act*, required permits under the *Heritage Conservation Act*, and Indigenous rights and title. As the Project falls within the unceded traditional territories of the Wet'suwet'en, specific attention is given to Wet'suwet'en rights and title (Office of the Wet'suwet'en [OW] 2013a).

3.1 Relevant Regulations and Guidelines for Project Permit Applications

The proposed size and scope of the Project did not initially meet set thresholds to be considered a reviewable project under the *British Columbia Environmental Assessment Act (BCEAA)*. Community interest in pursuing an environmental assessment review, as well as changes made to the Project's estimated production rates, however, led the Environmental Assessment Office to necessitate an Environmental Assessment (EA) under Section 10 of the *BCEAA* (Environmental Assessment Office 2018; Gareau 2018a).

Pursuant to Section 10 of the *BCEAA*, the Environmental Assessment Office has determined that the Project may significantly pose adverse economic, environmental, health, heritage, and social effects, and, thus, falls under *Reviewable Projects Regulation* (Environmental Assessment Office 2018). As the Project's estimated 750,000 tonnes of annual coal production exceeds the 250,000 tonnes per year threshold stipulated under Part 3, Section 8 of the *Reviewable Projects Regulation* (2016) under the *BCEAA*, the Project requires an EA certificate (Telkwa Coal Limited 2018).

Any decisions made on concurrent Project permit applications submitted for review under the *Concurrent Approval Regulation* (2002) to the Major Mines Permitting Office are contingent on the completion, approval, and issue of the EA by both the Minister of Environment and Climate Change Strategy and the Minister of Energy, Mines and Petroleum Resources (Telkwa Coal Limited 2018).

Given that the estimated daily production rate for the Project is 2,050 tonnes of coal per day, it does not exceed the 3,000 tonnes per day threshold stipulated for new mines under paragraph 16(a) of the *Regulations Designating Physical Activities in the Canadian Environmental Assessment Act (CEAA)* (Government of Canada 2012; Telkwa Coal Limited 2018). As a result, the Project is currently not considered a designated project. This designation, however, may still be granted under paragraph 14(2) of the *CEAA*, if it is determined that the Project's physical activity may have a significant adverse effect on the environment, or if warranted public concerns arise (Government of Canada 2012).

Additional relevant licenses and permits may include an Investigative Permit and a Site Alteration Permit under the *Heritage Conservation Act (HCA)*, for the purpose of mitigating impact on archaeological sites that are identified within the Project area. As the Project area is considered to have high archaeological potential, a Chance Find Procedure (CFP) has been drafted by Crossroads CRM and submitted to the Proponent.

Part 2, Section 8.1 of the *BCEAA* specifies the requirements of First Nations consent for reviewable projects on treaty lands. The Project falls within the unceded traditional territories of the Wet'suwet'en. Although the Wet'suwet'en have entered into numerous economic and community development agreements with the province of British Columbia regarding natural resource projects, the Project currently does not interfere with existing agreements, nor does it fall within treaty lands as described in the *BCEAA* (Government of Canada 2012; Office of the Wet'suwet'en 2013; Telkwa Coal Limited 2018).

3.2 Indigenous Rights and Title

The *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* affirms that the rights of Indigenous peoples are equivalent to all peoples (2008:1), while recognizing and respecting that these rights can differ. In addition to addressing issues of identity, culture, language, religion, health, community, and education, *UNDRIP* (2008:4) outlines the importance of Indigenous peoples' fundamental right to self-determination. Since May 2016, the Government of Canada has fully supported *UNDRIP* and is working with Indigenous communities on its implementation. With the passing of *BC Bill 41*, the Province of British Columbia recently adopted *UNDRIP* into its legislation and formally committed to its implementation (Larsen 2019). Despite this, for the foreseeable future, "the Ministry of Energy, Mines and Petroleum Resources ... does not anticipate any significant changes to the regulatory framework for mining and oil and gas" (O'Callaghan and Grist 2019).

3.2.1 Indigenous Rights

In Canada, Indigenous rights are described as the practices, customs, and traditions of First Nation cultures that are protected by the *Constitution Act* (1982) under Section 35:

- (1) The existing Aboriginal and treaty rights of the Aboriginal people in Canada are hereby recognized and affirmed.
- (2) In this Act, "Aboriginal Peoples of Canada" includes the Indian, Inuit, and Métis Peoples of Canada.
- (3) For greater certainty, in subsection (1), "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.
- (4) Notwithstanding any other provision of this act, the Aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Rights, such as the right to hunt, trap, and gather on hereditary lands, may differ between First Nation groups, as their practices, customs, and traditions are often dissimilar. These inherent rights are recognized as originating from their distinct socio-economic, political, and cultural structures that are inclusive of the philosophies, histories, and spiritual traditions held by a group. Many of these rights are the result of long-time generational occupancy of lands use of resources therein (Indigenous and Northern Affairs Canada [INAC] 2010a; United Nations [UN] 2008:2).

Over the past few decades, there have been numerous impactful examples of Supreme Court cases dealing with issues of Indigenous rights. Court cases such as *R. v Sparrow* (1990) and *R. v Nikal* (1996) have, for instance, set precedent in dealing with Indigenous rights over fisheries and related fishing activities. In *R. v Sparrow* (1990), charges against the appellant, who was found fishing with a net exceeding the licensed size restriction, were appealed, as the restriction was determined to be an infringement of his Indigenous rights under S. 35(1) of the *Constitution Act*, 1982. In *R. v Nikal* (1996), Jerry Benjamin Nikal, a member of Witset (Morice town) was convicted of fishing on reserve without a license. Nikal appealed the conviction, claiming that the conditions of the license infringed on his Indigenous rights under S. 35(1) of *Constitution Act*, 1982. The need for a license was not found to be a *prima facie* infringement; however, conditions required by the license holder were found to be unconstitutional and invalid, and charges against Nikal were acquitted. The acquittals were eventually overturned when it was decided that band by-laws did not hold jurisdiction over the Bulkley River (*R. v Nikal* 1996:1014).

Recent cases involving Indigenous fishing rights in Aboriginal and constitutional law include *Ahousaht Indian Band and Nation v. Canada* (2009) and *Lax Kw'alaams Indian Band v. Canada* (2011). Each case addressed the Indigenous right to harvest fish for commercial sale based on pre-contact practices, customs, and traditions. Lax Kw'alaams lost their appeal to the BC Supreme Court for their right to commercially harvest and sell all species of fish within their traditional fishing territories (*Lax Kw'alaams Indian Band v. Canada* 2011:570). *Ahousaht Indian Band and Nation v. Canada* (2009), however, established that the regulations and policies under the *Fisheries Act* infringed on the rights to harvest and

sell fish of the five Indigenous bands represented in the case (Ehattesaht, Mowachaht/Muchalaht, Hesquiaht, Tla-o-qui-aht, and Ahousaht). This ruling was later upheld in 2013 during an appeal that cited the decision of the *Lax Kw'alaams* case as reason for dismissal of previous findings (*Ahousaht Indian Band and Nation v. Canada* 2013:21-23). With the exclusion of the geoduck fishery, the Aboriginal right to fish for all species of fish in traditional fishing territories, for the purpose of sale, was upheld (*Ahousaht Indian Band and Nation v. Canada* 2013:21).

Overall, Indigenous rights over fisheries include rights to fish for the purpose of food, social, and ceremonial usage. Indigenous rights of fisheries management and the commercial sale of fish species remain to be determined on case-by-case bases, as exemplified in *Lax Kw'alaams Indian Band v. Canada* and *Ahousaht Indian Band and Nation v. Canada*. Though *R v. Nikal* established the requirement of a license to fish the Bulkley River on Wet'suwet'en territories, Wet'suwet'en communities have made strides in working with the Canadian Department of Fisheries and Oceans (DFO) in the management of Wet'suwet'en fisheries. This has been made possible by the *Delgamuukw – Gisday'wa* court case involving land claims by both Wet'suwet'en and Gitksan Nations (Morin 2016:337). *Delgamuukw v. British Columbia* marked the first time oral traditions were deemed admissible evidence in support of Indigenous rights and interests, as well as established the continued rights and title to Indigenous land. As such, the DFO includes Indigenous groups in quota discussions. Today, the Wet'suwet'en are able to sell extra catch, such as Pink salmon, that do not interfere with replenishing stock (Morin 2016:345, 349). Moreover, Indigenous rights of hunting, fishing, and gathering are recognized as priority rights by the law to take precedence over non-Aboriginal activities (*R v. Sparrow* 1991:385).

In an effort to reconcile a history of colonial rule, which devastated Aboriginal cultures, the Government of Canada is currently partnering with Indigenous peoples to replace imposed federal systems of administration and governance with Aboriginal self-governance (CIRNAC 2018). Aboriginal self-governance is the transference of decision-making abilities to Aboriginal governments so that they may develop and deliver programs to their communities. Self-governance is a right outlined under Article 4 of *UNDRIP* (2008:4) as inclusionary to the right to self-determination. Self-determination, as addressed in *UNDRIP*, denotes the ability of an Indigenous group to freely pursue socio-economic and cultural development, as well as political status. Within Canada, the pursuit of self-determination is intrinsically tied to state recognition of self-governance. Self-determination, however, is also tethered to the reclamation of traditional territories, resources, languages, and practices (Corntassel 2008:107; *UNDRIP* 2008).

Under the guidance of the *Inherent Rights Policy*, current negotiations between the federal Canadian government and Indigenous peoples have resulted in 22 agreements for self-governance with 43 communities. Two education agreements have also been made among 35 Aboriginal communities (INAC 2017a, 2017b). These agreements are implemented under the mechanisms of legislation, contracts, treaties, and memoranda of understanding (MOU) that are non-binding (INAC 2010c). A tripartite MOU concerning child wellness has recently been made between the Wet'suwet'en, BC Ministry of Children and Family Development, and Canada (Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada [CIRNAC]). This MOU provides a framework for the administration of child and family services under Wet'suwet'en hereditary jurisdiction, intended to foster better and more culturally-relevant services and support Wet'suwet'en self-determination (CIRNAC 2018).

3.2.2 Aboriginal Title

Aboriginal title is the communal property right to land, as well the right to fish, hunt, and gather therein (INAC 2010b). It grants the group that holds Aboriginal title the exclusive right to decide over, and benefit from, land use. This right is restricted to uses consistent with the nature of the group's enjoyment and interests, with the intention of securing land use for future generations, as affirmed in *Tsilhqot'in Nation v. British Columbia* (2014). Any actions that dispossess a group of their lands, resources, and territories should be prevented or redressed by state-provided mechanisms (*UNDRIP* 2008:5). Aboriginal title is recognized by the British Crown through the Royal Commission on Aboriginal People, and affirmed

through the 1997 *Delgamuukw – Gisday'wa* court case (Morris et al. 2006:24).

Delgamuukw – Gisday'wa, a land claims and Indigenous rights case brought to the BC courts by a Wet'suwet'en and Gitksan coalition (The Office of the Hereditary Chiefs), marked the first time oral traditions were used as admissible evidence in support of Indigenous rights and interests. In addition, the Supreme Court ruling affirmed the constitutional right of Aboriginal title under Section 35 (1) in the *Constitution Act*, 1982 (McNeil 2010:11; Mills 2008:23), as well as acknowledged the existing claim that the Wet'suwet'en and Gitksan had to unceded traditional territories. For the Wet'suwet'en, this title is expressed and affirmed by the special relationship that Wet'suwet'en culture and peoples maintain with their lands. This relationship is observable through their distinct governance system, laws (*Kungax*), feasts (*Baht'lats*), Clans, Chiefs, and continued use of territorial resources.

It is the Canadian government's duty to consult with First Nations in situations where Indigenous rights and title may be adversely impacted by an activity. In such instances, meaningful consultation must be carried out and appropriate accommodations made (Carrier Sekani Tribal Council [CSTC] 2006).

3.2.3 Proof of Aboriginal Title

Delgamuukw serves as an affirmation for the constitutionally protected presence of Aboriginal title in Canada. The decision has provided extensive requirements for future land claims based on Aboriginal title by adapting existing "tests" for determining Indigenous rights (Hurley 1998:11). These tests include: evidence of occupation prior to Canadian sovereignty, continued occupation between pre-sovereignty and the present, and exclusive occupation at sovereignty (*Delgamuukw v BC* 1997:1017; Hurley 1998:11-13).

Pre-sovereign Occupation

Both common law and Indigenous perspectives are relevant for establishing occupation. For common law purposes, physical occupation, by way of cultivation, construction, and resource exploitation, proves legal possession. Evidence of occupancy prior to sovereignty is often difficult to establish; as such, current occupation by an Indigenous group may be considered as proof of pre-sovereignty occupation (*Delgamuukw v BC* 1997:1017-1018). In addition, context with regard to an Indigenous group's size, way of life, available technologies, and resources should be taken into account (*Delgamuukw v BC* 1997:1018; Hurley 1998:12). Occupation is not limited to the settlement of a territory; rights are held over lands, resources, and territories that were traditionally occupied, as well as traditionally owned, acquired, and used (UNDRIP 2008:10). *Tsilhqot'in Nation v. BC* (2014) affirms that occupation includes the continued and exclusive exploitation of resources, in the forms of hunting, fishing, and gathering, within a territory.

Continuity of Occupation

As stated, current occupation can be supplied as evidence for Aboriginal title by an Indigenous group. This evidence must be supplemented with evidence of continuity, which need not be a claim of unbroken continuity. Rather, continuity may be proven by a substantial connection to the claimed land that continues to be maintained (Hurley 1998:12). Interruptions to occupation between sovereignty and present-day may not prevent claims of Aboriginal title if this connection is maintained (*Delgamuukw* 1997:1018).

Exclusive Occupancy

Exclusive occupancy prior to sovereignty must be proven, though both common law and Indigenous perspectives must be taken into consideration. The context of an Indigenous society prior to sovereignty is important, as it often differs from the exclusivity of fee simple ownership in common law (*Delgamuukw v BC* 1997:1018). Under UNDRIP (2008:10), legal recognition and protection of traditionally owned

territories and resources may be granted by the state in a manner that respects a group's traditions, customs, and land-management systems. For example, the Wet'suwet'en continue to respect their matrilineal Clan system, composed of five Clans and thirteen kin-based House groups. This practice includes the hereditary management of House territories and resources, as well as the distribution of territorial goods for food, social, ceremonial, and economical use. Part of this system is the requirement of respect for Clan and House territorial boundaries by Wet'suwet'en members. These boundaries do not preclude the sharing of territorial resources, but outsiders must acquire permission from a House's members before they can cross into its boundaries (OW 2014:96). This is an essential demonstration of respect within Wet'suwet'en society, exemplifying one mechanism through which Wet'suwet'en culture provides a distinct expression of territorial use and title that incorporates exclusivity of occupation and use.

In legal terms of exclusive occupancy, lands may be shared amongst distinct Indigenous groups, where each group's entitlement is recognized with the exclusion of others. Thus, it is possible for joint titles to be held by two or more Indigenous groups (*Delgamuukw v BC* 1997:12018). In some circumstances, non-exclusive occupation over shared lands claimed may establish Indigenous rights over lands, but not Aboriginal title (Hurley 1998:12-13).

3.2.4 Wet'suwet'en Title

For over two decades, the Office of the Wet'suwet'en has been representing the communities of Witset and Hagwilget in the BC Treaty Process. The communities of Nee-Tahi Buhn and Skin Tyee are not currently engaged in this process, and the Wet'suwet'en First Nation (formerly Bro[w]man Lake Indian Band) is participating in partnership with the Carrier Sekani Tribal Council (2019). This process aims to re-establish the right to self-government and authority over claimed lands and resources (Budhwa 2005:22; Government of British Columbia 2018). There is strong evidence for Wet'suwet'en title for their 22,000 km² of claimed hereditary lands. Evidence of pre-sovereignty occupation is demonstrated in tangible forms by way of the archaeological record, as well as by current use and occupation of lands (Budhwa 2005:22-23; Gottesfeld 1994:207; OW 2013a:15; Rabnett 2000). During *Delgamuukw v British Columbia*, the Wet'suwet'en presented their oral histories as evidence for pre-sovereign occupation of their lands (*Delgamuukw v BC* 1997:1014).

The Wet'suwet'en claim existing rights and title to and within Wet'suwet'en territory. Though Indigenous rights are defined in relation to land use activities, Aboriginal title is the right to the land itself. The use of lands claimed under Wet'suwet'en title is subject to an 'inherent limit.' For the Wet'suwet'en, this 'inherent limit' is defined as land use that is deemed incompatible with their physical and cultural attachment to claimed lands. The Wet'suwet'en claim that by law the purpose of an 'inherent limit' is to sustain the connection between the land and the Nation in order to continue the transmission of the Wet'suwet'en identity to future generations (OW 2013a:30).

The Wet'suwet'en continue to maintain a substantial connection to their hereditary lands by way of *Yintah*. For the Wet'suwet'en, *Yintah* is a central factor in their culture; it is the physical and spiritual connection that everything has to their territories (Morris et al. 2006:27; OW 2013a:14). In addition, the Wet'suwet'en find the right to use land and resources for economic purposes, both traditional and contemporary, by the title holder is existent under Aboriginal title. Aboriginal title is held communally by the Wet'suwet'en, and decisions made with regards to claimed title land and resource use fall under the authority of the Wet'suwet'en Hereditary Chiefs (OW 2013a:31, 2013b). Furthermore, the Wet'suwet'en believe that title rights include the right to exclusive occupation and use of ancestral lands. They argue that Wet'suwet'en title includes the exclusive right for Hereditary Chiefs to approve or veto any land use on title lands (OW 2013a:32, 2013b). As noted, the Wet'suwet'en are organised by a Clan (*Didikhni*) and House (*Yex* or *Yikh*) system. Houses within a Clan are led by a Hereditary Chief, along with the advisement of wing Chiefs. A Clan is represented by a Head Chief, as well as by a Clan's House Chiefs. It is the responsibility of these Hereditary Chiefs to maintain the health of territorial lands (Morin 2016:16).

The feast system, a significant aspect of Wet'suwet'en law, culture, and governance, provides a forum for Clans' Hereditary Chiefs to affirm their jurisdiction over their traditional territory (Morris et al. 2006:27).

[T]he feast has a ceremonial purpose but is also used for making important decisions. Today, it is used to make clear who has succeeded to the Chiefs' titles, which are associated with jurisdiction over discrete Wet'suwet'en territories. Importantly, the feast confirms the relationship between each Clan and its territory and confirms the boundaries of each territory. (OW 2013a:8).

The right to participate in decision-making processes that affect Wet'suwet'en rights, such as decisions pertaining to land usage that impact Wet'suwet'en title, in a manner that is in accordance with their own procedures, through their chosen representative is supported under *Article 18 of UNDRIP* (2008:8).

The Office of the Wet'suwet'en, as well as the elected band-level system, are able to enter into agreements with the provincial and federal governments for the purposes of self-determination and self-governance (Budhwa 2005:39; Government of BC 2018). The Office of the Wet'suwet'en and the BC government are currently seeking to commit to a reconciliation agreement that encompass these purposes through 'Nation to Nation' discussions (Office of the Premier, February 7, 2019). In some instances, agreements regarding land and resource management, as well as social services, have been made outside of the treaty process, though adherence to such agreements has been challenged. In the case of *Canfor v. Sam* (2011), Canadian Forest Products Ltd. (Canfor) was seeking an interim injunction to prevent Wet'suwet'en members from blockading their logging operations, licensed under cutting permit 324 (CP324), in the Redtop area outside of Topley, BC. In response, Wet'suwet'en from G'en Egh La Yex House filed a counterclaim, seeking an interlocutory injunction to prevent Canfor from further activities in the Ilh K'il Bin traditional territory. They claimed that Canfor's activities infringed not only on Aboriginal title, but on an existing 2001 agreement between the Province of British Columbia and Kelah (G'en Egh La Yex House Chief). As a result, Canfor's appeal for an injunction on the blockade was dismissed, and the Wet'suwet'en were granted an interim injunction restricting Canfor from further logging activities within CP324 (*Canfor v Sam* 2011).

A subsequent appeal on the part of Canfor resulted in the leave to appeal original orders of *Canfor v. Sam* (2011), on the grounds that the Chambers Judge erred by permitting a "...collateral attack on CP324..." (*Hagwilneighl v Canfor* 2011:17). In doing so, the Wet'suwet'en respondents were allowed to circumvent consultation and mandated accommodation of First Nation interests.

3.3 Current Wet'suwet'en Cultural and Land Use Policies

Current Wet'suwet'en policies on culture and land use are developed and administered by both the hereditary and band-level systems. Both systems are tasked with providing services to Wet'suwet'en communities; however, the hereditary system claims jurisdiction over traditional territories and is responsible for providing natural resources, fisheries and wildlife, human and social resources, and treaty negotiation services to the five Wet'suwet'en communities. The band-level system holds jurisdiction to provide municipal services on reserves (Budhwa 2005; Government of British Columbia 2018).

Representing the hereditary system, the Office of the Wet'suwet'en (OW) directs land use policies through the departments of Natural Resources and Fisheries and Wildlife. The OW Department of Natural Resources engages with parks, land management, pipeline proponents, and government agencies, such as the BC Oil and Gas Commission. Current policies under this department are focused on land protection for future generations' use, as well as developing an understanding of Wet'suwet'en laws on land management and decision-making amongst local, provincial, and federal governments (OW 2013a). Fisheries and Wildlife policies are concerned with the continued stewardship and sustainability of fisheries resources, including active participation with processes that may impact fisheries, such as treaty negotiations and established resource management committees. To advance management strategies, the Fisheries and Wildlife department is also focused on developing outside partnerships with

organizations like the SkeenaWild Conservation Trust, Lake Babine First Nation, and Gitxsan Watershed Authority (OW 2013b).

The OW, in collaboration with the Village of Telkwa and the Town of Smithers, jointly manages the Wetzin'kwa Community Forest Corporation (WCFC). The WCFC enacts community-based timber management policies to ensure logging sustainability—economic and ecologic—in the forest for which they hold tenure. Their ultimate goal is to “manage the area for the long term economic, environmental, and social benefit of the residents of the Bulkley Valley” (WCFC 2016).

Reconnections, Early Childhood Development, Wet'suwet'en Culture Camp, Unlocking Aboriginal Justice, and *Anuk Nu'At'en Ba'glgh' iyi z'ilhdic* (We are Talking about our Ways) are agencies and programs offered under the OW department of Human and Social Resources. These programs are guided by a policy of integrating *Inuk Nu'at'en* (laws) and Wet'suwet'en cultural customs into services provided to Wet'suwet'en members. The purpose of this is to both strengthen the Wet'suwet'en and improve the health and wellness of children and families through the application of culturally-relevant services. This policy facilitates negotiations with the provincial and federal governments on self-governance, such as the recently signed *Memorandum of Understanding for Child Wellness* agreement between the Office of Wet'suwet'en, BC, and Canada (CIRNAC 2018; OW 2018).

As the OW represents the Wet'suwet'en hereditary system, the development and administration of OW policies involves community members, and decision-making powers are held by hereditary Clan and House Chiefs. The Natural Resource Clan Liaison Project is a policy strategy that aims to encourage House members' engagement in Clan decision-making processes. The project provides Clan members with an effective toolkit of traditional Wet'suwet'en procedures to follow when addressing issues affecting Clan territories, which are cited as the foundation of Wet'suwet'en lifeways (Wet'suwet'en Voice 2016:7).

The Wet'suwet'en band-level system is comprised of the Witset (formerly known as Moricetown), Hagwilget, Nee Tahi Buhn, Skin Tyee, and Wet'suwet'en First Nation bands. The agreements they have made with local, provincial, and federal agencies pertaining to land use adhere to a policy of representing the interests of Aboriginal rights and title. Witset has currently made four forestry agreements and two Liquefied Natural Gas (LNG) agreements with the Province of British Columbia. Nee-Tahi-Bunh, Skin Tyee, and Wet'suwet'en First Nation also have multiple agreements with the Province in the areas of forestry, LNG, and economic development projects. The Hagwilget Village Council currently has no agreements made with the Province, other than participating with treaty negotiations with Witset under the auspices of the OW (Government of British Columbia 2018).

4. Study Area

This chapter describes the Project's cultural and physical geographic context—the focus of this CUS.

4.1 Regional Study Area

The Project falls within the traditional territory of the Wet'suwet'en. The Wet'suwet'en organize their society into five matrilineal Clans: Laksilyu, Gilseyhu, Tsayu, Laksamshu, and Gitdumden. Each Clan is further partitioned into thirteen kin-based Clan groups called *Yex* or *Yikh* (Houses). Each *Yex* holds authority over the geographical territories that comprise Wet'suwet'en traditional territory (Budhwa 2005), which, the Wet'suwet'en assert, encompasses approximately 22,000 km² of land in Northern BC, including most of the Bulkley and Morice River drainage systems, as well as the western Fraser Basin headwaters (Budhwa 2005; OW 2013a, 2013b). This land straddles two Natural Resource Districts: Nadina District and Skeena Stikine District (Ministry of Forests, Lands, Natural Resource Operations and Rural Development [MFLNRORD] 2017). Wet'suwet'en traditional territory is depicted in Figure 1. Within Wet'suwet'en traditional territory are thirty-eight House territories under the control of twelve House Chiefs (OW 2013a, 2013b). House/Clan territories near the Project are depicted in Figure 2. Two territories belonging to the Cas'Yex and Kwen Bea Yex Houses overlap with the Project's mine-site and rail loadout locations. These two territories, outlined in Table 1, constitute the Regional Study Area.

Table 1. Wet'suwet'en Clans and House Territories in Regional Study Area

Clan	House	Territory	Hereditary Chiefs
Gitdumden (Wolf and Bear Clan)	Cas'Yex	C'inilh Kit	▪ House Chief Woos (Frank Alex Jr.) ▪ Wing Chief Gyolo'ght (vacant) ▪ Wing Chief Skit'den (Andrew George Jr.)
Laksilyu (Small Frog Clan)	Kwen Bea Yex (House Beside the Fire)	Cosl'et Bin	▪ House Chief Wah Tah Kwets (vacant)

Morin 2016, OW 2015

The Project site, situated between Tenas and Goathorn Creeks, falls within the southwest boundary of the C'inilh Kit territory of the Gitdumden Clan's Cas'Yex House (Morris et al. 2006). The Wet'suwet'en called this House territory C'inilh K'it after the presently-named Tyee Lake. Other House territories belonging to the Cas'Yex House are within Lhudis Bin, the area around McBride and Morice Lakes.

The Cosl'et Bin territory of the Kwen Bea Yex House (of the Laksilyu Clan) encompasses the Project's rail loadout site, located 7 km from the Project mine-site (British Columbia Supreme Court 1987). Major landscape features of Cosl'et Bin include Highway 16 and the Bulkley River, both of which run directly through the territory's centre. Cosl'et Bin's northern border follows north of Round Lake, and then turns southwest, crossing the Bulkley River and encompassing the Project's rail loadout site (Simgiigyet of Gitxsan Nation and Deneze' of the Wet'suwet'en 2009). Cosl'et Bin shares borders with the C'inilh K'it House territory (Gitdumden Clan) to the north, west, and east. The southern border is shared with the C'idi To Stan House territory of the Laksamshu Clan (OW 2011:59).



Figure 1. Wet'suwet'en Traditional Territory in British Columbia

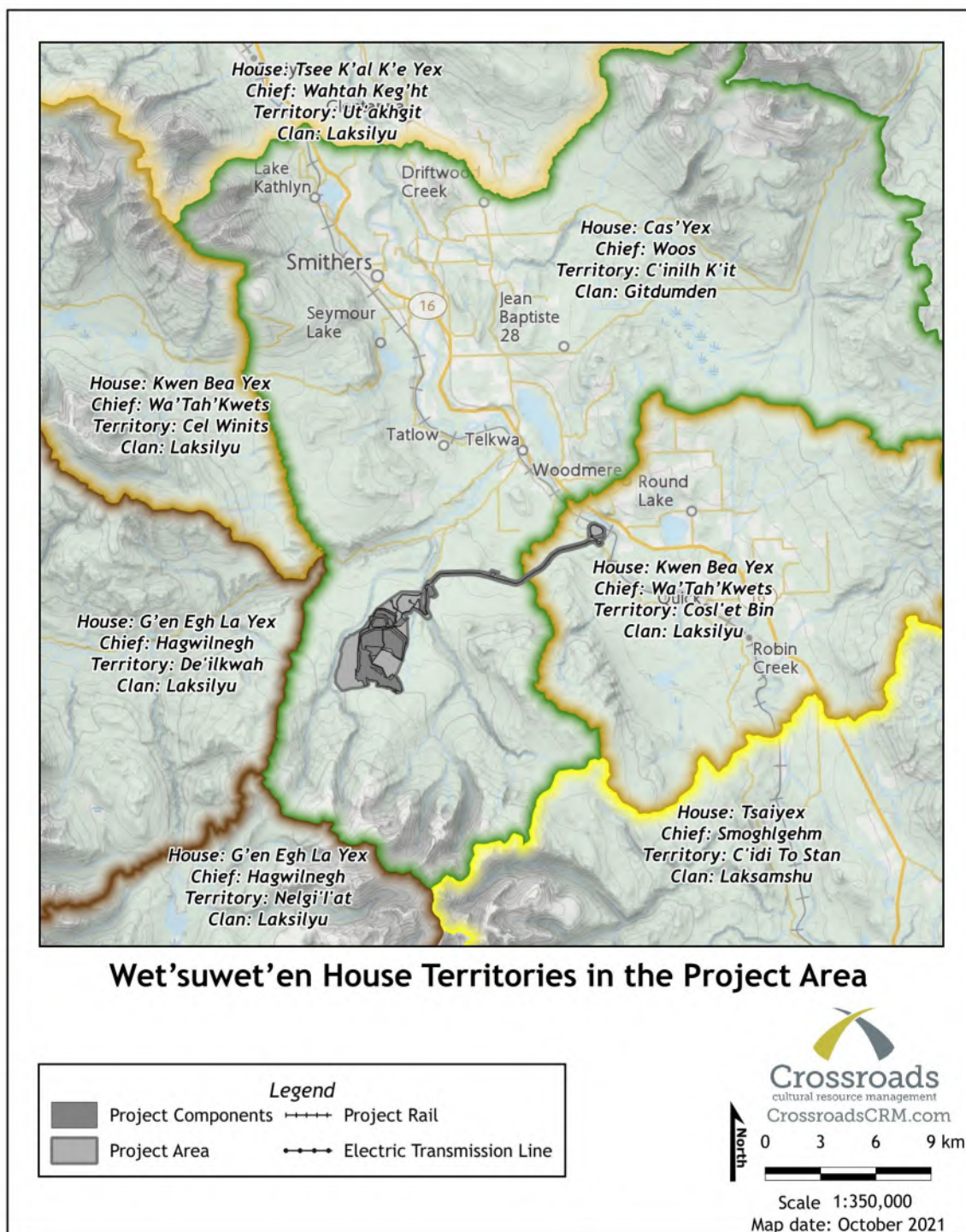


Figure 2. Wet'suwet'en Clan and House Territories Adjacent to Project Area

4.2 Local Study Area

The term 'Local Study Area' refers to an area that encompasses and expands beyond a project's footprint, including the area in which there is a reasonable potential for project-related activities to affect land and resource use. This Project's Local Study Area includes the tenured area for the Project and rail loadout loop, depicted in Figure 3, as well as an additional 500 m surrounding the Project area. The Local Study Area falls within the Sub-Boreal Spruce zone (SBS), depicted in Figure 4, which dominates the central interior of British Columbia and is characteristic of the Bulkley Valley. Forested areas therein are composed mostly of white and hybrid spruce and sub-alpine fir, with some lodgepole pine (in drier areas), aspen stands, and birch. This area provides habitat for a variety of large mammals, including: moose, mule deer, white tail deer, black bear, grizzly bear, grey wolf, and caribou. Smaller mammals, such as coyote, porcupine, beaver, and fox, as well as fur bearing species, such as snowshoe hare, mink, marten, and fisher, are also common in this locale (Hewer 1998; Meidinger et al. 1991).

4.3 Biophysical Setting

The Regional Study Area is situated within the Bulkley Ranges, which includes a transition zone between BC's Central Interior Sub-boreal Spruce and Pacific Coast Cedar-Hemlock forests (Demarchi 2011; Gottesfeld 1994). Arctic air following the range's the eastern boundary, along with Pacific air in low valleys, creates a variety of distinct vegetation zones, which predominantly vary by elevation (Demarchi 2011:65-66). This transition zone includes the Interior Cedar Hemlock biogeoclimatic zone. In addition to a multitude of smaller streams, the area is drained by the Telkwa and Morice Rivers, both of which flow into the Bulkley River. The Regional Study Area was once entirely covered by the Cordilleran Ice Sheet, resulting in the glacial formation of peaks. The average elevation of mountains within the Telkwa Range is less than 2000 m, with the highest peak reaching 2325 m (Demarchi 2011:65-66).

In the past century, two major events drastically altered the Regional Study Area. In 1914, a forest fire swept through the valley, destroying many buildings and forested areas. In more recent years, the Mountain Pine Beetle epidemic killed off forests that had since regrown. These two events, combined with the increased settlement of the area, have caused the extirpation of the Woodland Caribou (Ministry of Environment 2000:4). Today, the Telkwa herd consists of less than 100 caribou, all of whom range south of Highway 16 between Smithers and Houston, BC (Cichowski 2014; Hatter et al. 2002)—see Figure 5. Caribou calve in alpine areas and typically winter in low elevation pine forests, relying on old growth forests for their survival (Ministry of Environment, Lands, and Parks 2000:3). This Project lies within the northeastern portion of the Telkwa Mountains Caribou Wildlife Habitat Area.

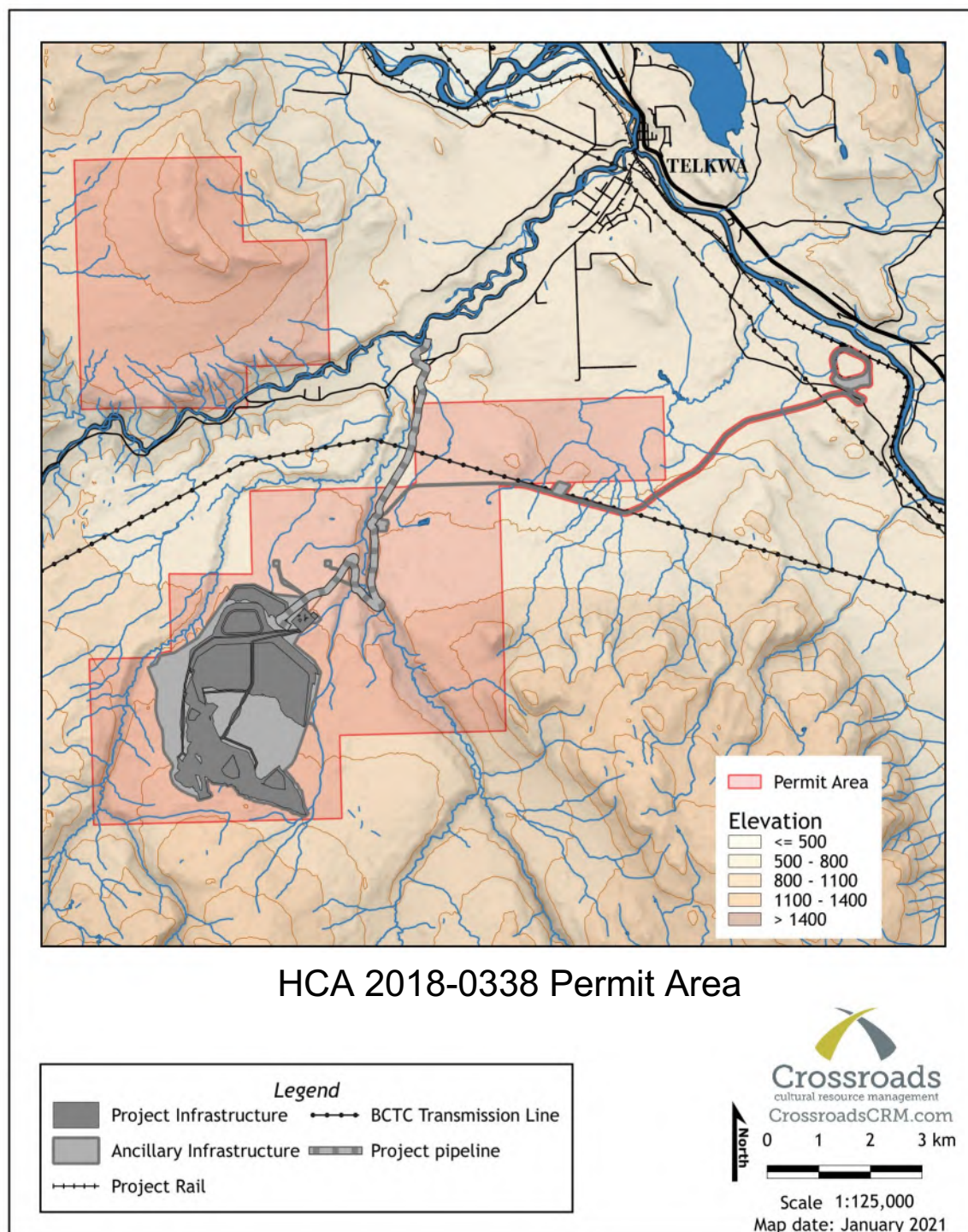


Figure 3: Heritage Conservation Act Permit Area (HCA 2018-0338)

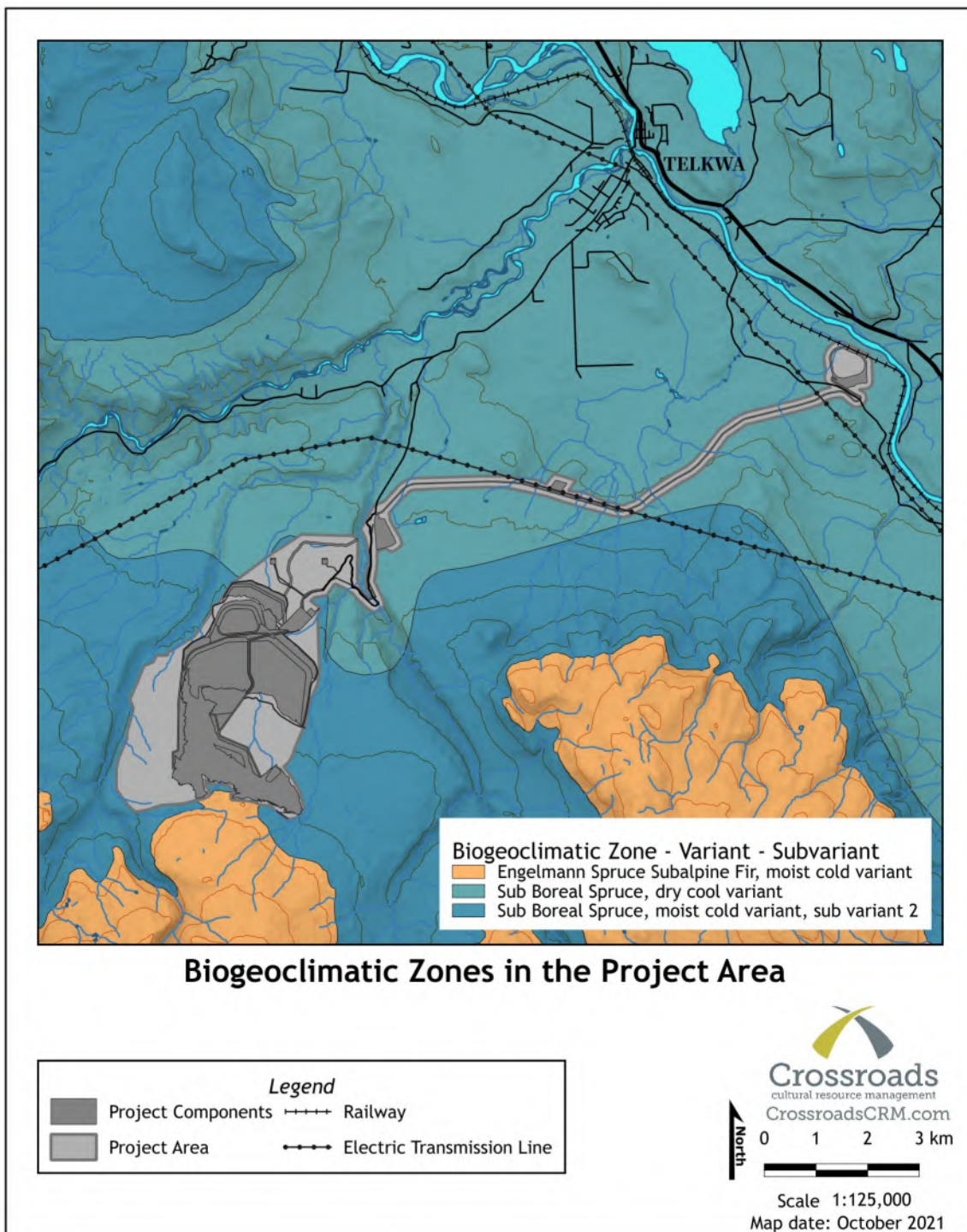


Figure 4. Project Area and Biogeoclimatic Zones

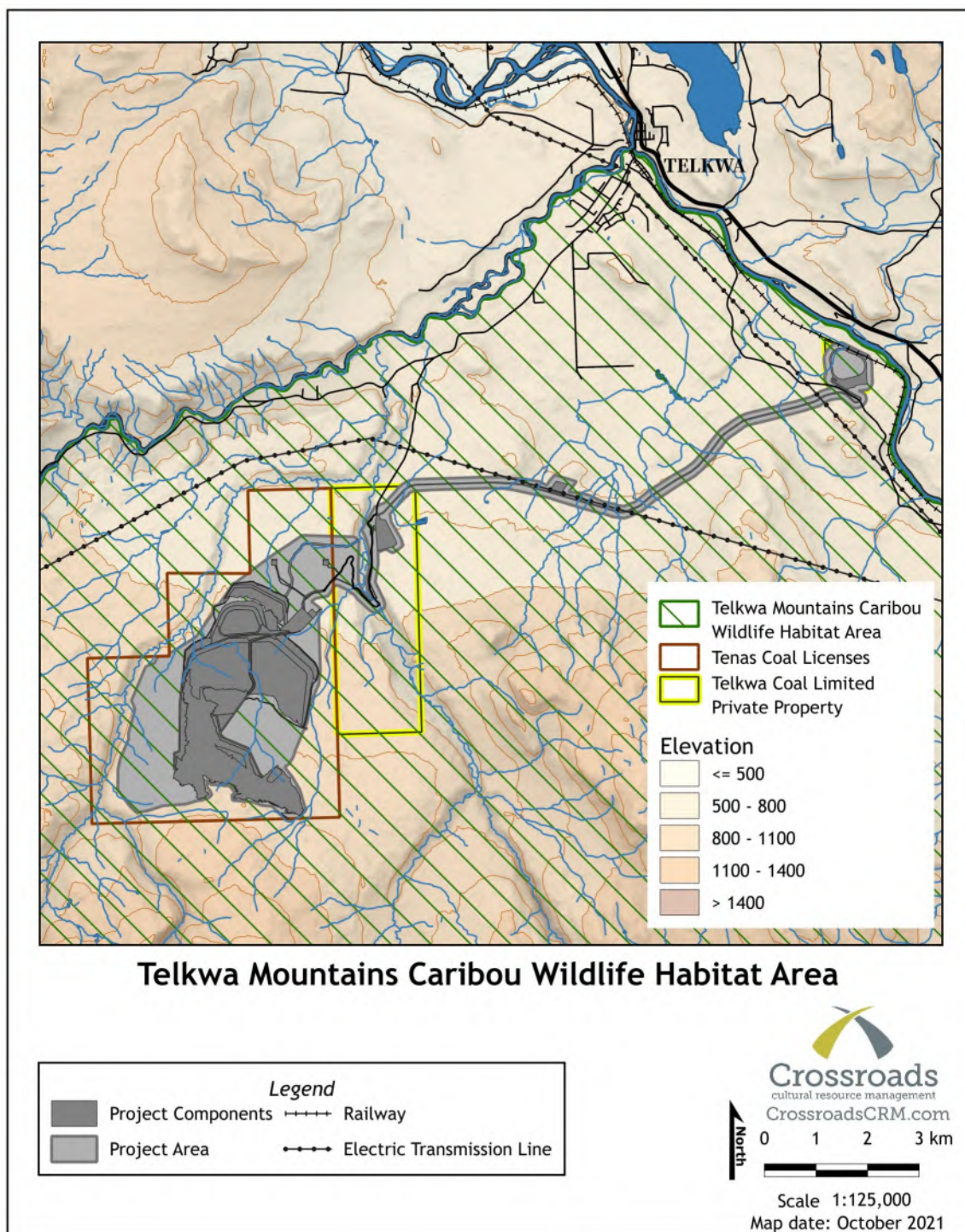


Figure 5. Telkwa Mountain Caribou Habitat Area

4.4 Cultural Setting

The Local Study Area is within the territory of the Wet'suwet'en. It is mostly encompassed by the traditional territory of the Cas'Yex (Grizzly) House of the Gitdumden (Bear Wolf) Clan of the Wet'suwet'en (Figure 6). The Kwen Bea Yex House (Figure 7) of the Laksilyu (Small Frog) Clan shares a border with the Gitdumden Clan between the Project's coal deposit and loadout area.

Wet'suwet'en life-ways have historically revolved around the summer salmon fishery; during the rest of the year, family groups dispersed to their Houses' resource areas (Rabnett 2000:i). Fish bone artifacts found during an excavation in Witset (Moricetown) indicate that the Wet'suwet'en have continuously inhabited this region for at least 6000 years (Albright 1987). Prior to the government's ban of controlled burning, the Wet'suwet'en maintained their resource harvest areas using fire to manage wildlife and plants (Gottesfeld 1994). Early European explorers of the Bulkley Valley indeed reported that the landscape was primarily comprised of open pastures with deciduous forest stands and berry patches (Rabnett 2000:12).

At present, many traditional use activities, such as fishing, hunting, trapping, and gathering, occur on these territories as they have for millennia. Prior to European settlement, elk, caribou, deer, bear, rabbits, sheep, and marten were the animals most frequently hunted by the Wet'suwet'en. In the early 1900s, however, sheep and caribou populations began to decrease, and moose and mule deer became more common (Rabnett 2000:11). Berries, including blueberries, huckleberries, and soapberries, were harvested and dried, and trees were used for medicines, tools, building, or firewood (Mills 2005:141, 145-146). Wet'suwet'en resource use is more thoroughly described in Section 6.

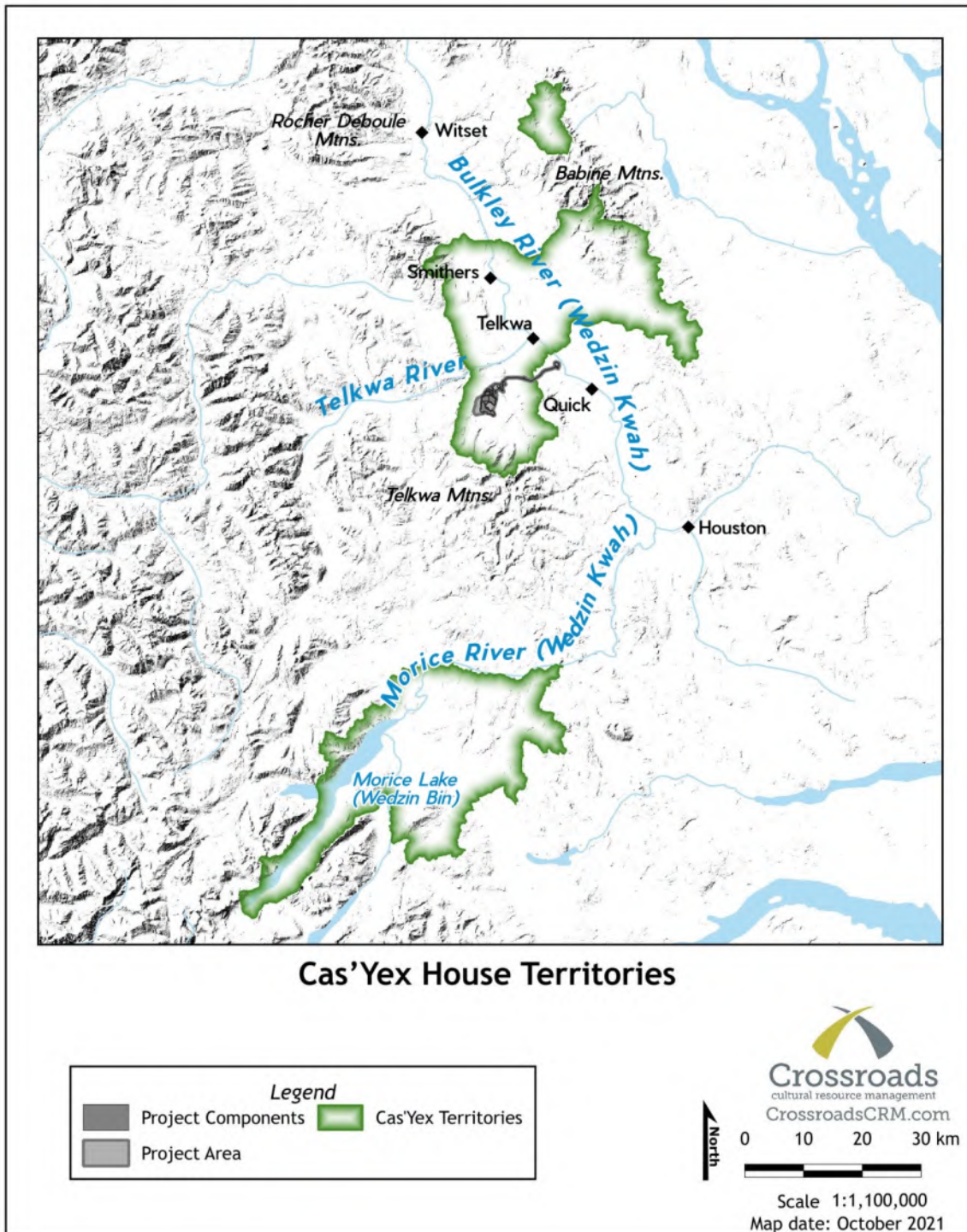


Figure 6. Cas'Yex House Territories

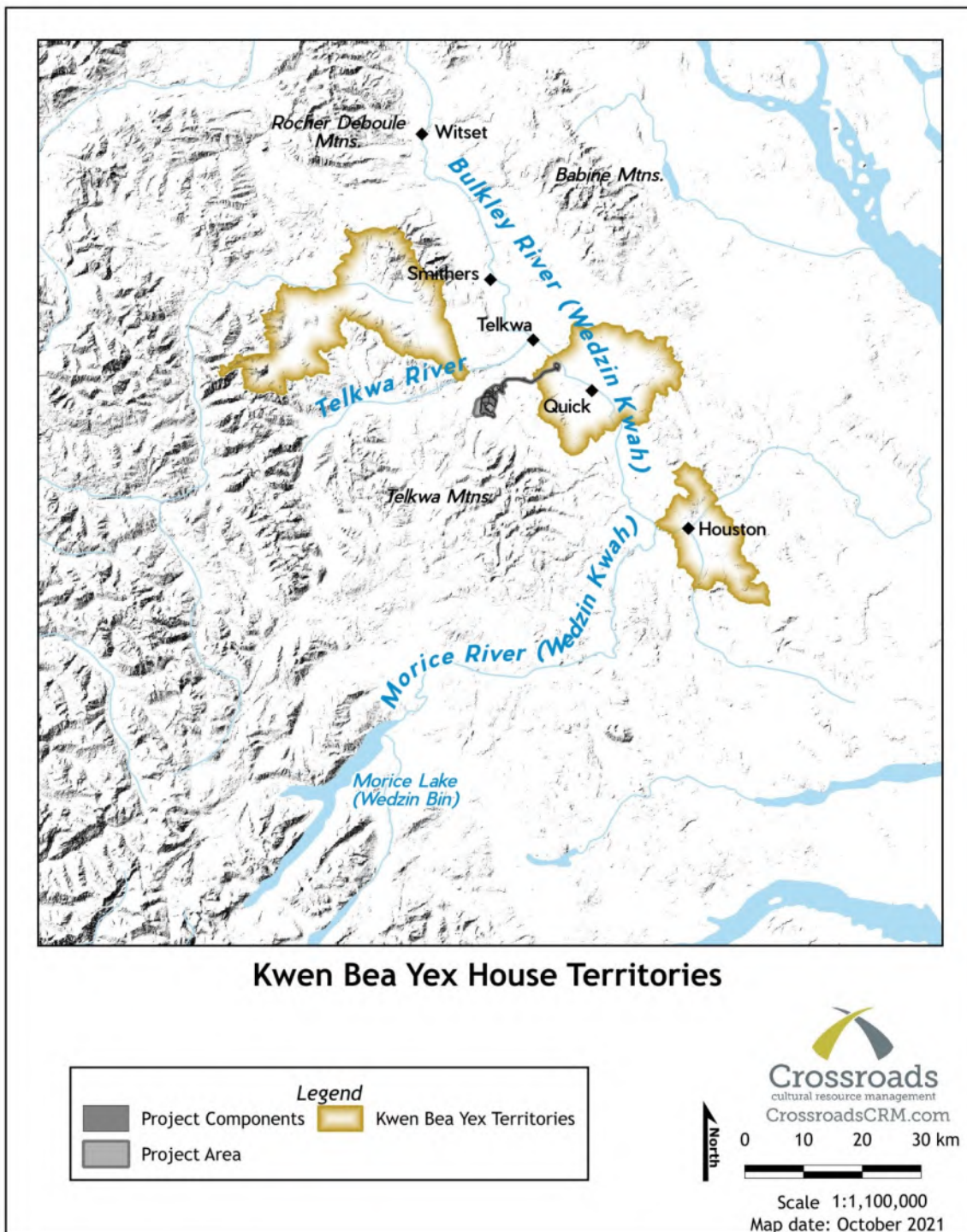


Figure 7. Kwen Bea Yex House Territories

5. Methodology

This chapter outlines the research methods used to undertake this CUS.

5.1 Desk-based Research Methods

The desk-based research of this CUS focused on literature pertaining to the Wet'suwet'en. All Wet'suwet'en communities were included in the socio-economic baseline portion of this study; however, focus for the ethnographic overview was given to House territories near the Telkwa area.

5.1.1 Compilation and Review of Existing Study Information

The history of the Wet'suwet'en was extensively documented during *Delgamuukw v British Columbia*, a case that demonstrates that Wet'suwet'en title to the area has not been extinguished. A thorough review of *Delgamuukw v BC* was conducted for the purpose of discussing Wet'suwet'en rights and title, as well as to glean ethnographic data. Other methods for the ethnographic overview included:

- Review of relevant information from published and unpublished sources focusing on recent land use management plans, as well as local and regional history, prehistory, and ethnography
- Review of all previous archaeological, and ethnographic investigations in the Study Area and adjacent areas

Desk-based compilation of the socio-economic baseline was conducted by reviewing published federal financial records, community management plans, and census statistics. Community health and wellbeing data were acquired through similar means, including review of provincial and federal health databases.

5.1.2 Data Sources

For the ethnographic, health, and socio-economic baselines portions of this study, online academic, government, industry, and Wet'suwet'en databases were used to access secondary sources. All databases accessed were open source and available for public viewing.

Databases accessed for the socio-economic baseline study included demographic statistics provided by Statistics Canada, as well as Indigenous and Northern Affairs (now Crown-Indigenous Relations and Northern Affairs, and Indigenous Services). Management plans were accessed through community website databases. Review of federal financial records was accomplished through the Indigenous and Northern Affairs database. All financial records reviewed were made public by the federal government's transparency policy.

Transcripts from *Delgamuukw v. BC* were accessed online through the University of British Columbia Library's open collections. This database was also used to access historic records, maps, and ethnographies. Relevant land use management plans, as well as pertinent resource and wildlife studies, were accessed online through either provincial government or industry website databases. Additional information was gathered from past cultural studies shared with or conducted by the Crossroads CRM office and the Office of the Wet'suwet'en.

5.2 Primary Source Research

For a socio-economic study and ethnographic overview to be both comprehensive and holistic, it requires both qualitative and quantitative data. Quantitative data, gleaned from the aforementioned statistical sources, have, thus, been studied alongside qualitative sources, such as ethnographies and firsthand accounts containing cultural use information, either directly gathered by or shared with Crossroads CRM. Some of the data obtained through this method are sensitive and private. Therefore, individuals are not identified by name, and Wet'suwet'en have provided input on what is to be shared publicly and what should remain confidential.

5.3 Limitations and Assumptions

A limitation of this CUS is that members of the Wet'suwet'en community declined to participate in interviews gathering cultural use data. This occurred for two reasons: 1. the Wet'suwet'en are currently participating in a rights and title process with the Provincial Government and are largely not engaging with industry until this process is complete; 2. the contentious situation surrounding the Coastal GasLink project and the Unist'ot'en Blockade (see: Section 6.2.5 and Appendix C) have eroded Wet'suwet'en trust in industry and government. Thus, this study predominantly derives data from past cultural use studies, either conducted by Crossroads CRM or shared with our organization, as well as ethnographic literature review. Despite this limitation, the multitude of previously gathered information permits a rich and holistic understanding of cultural resource use within the Regional Study Area.

Limitations in quantitative data-analysis were identified during desk-based research of the socio-economic baseline. Due to the small population sizes of Wet'suwet'en communities, quantitative data gathered from census studies were often obscured for privacy and confidentiality purposes. Additional informational qualitative and quantitative data gaps within this study were identified and noted for the purpose of future research.

5.3.2 Difference in Worldview

The Wet'suwet'en find that when dealing with government and industry there is a fundamental disconnect between the significance of information and how that information is gathered. This study recognizes that position and further suggests that there is a difference of worldviews between all stakeholders involved in land and resource management processes. One worldview prioritizes a Western-scientific approach, while the other prioritizes a tradition-based, Indigenous perspective.

These differing worldviews create a gap in mutual understanding of the information provided within this CUS. In order to reduce assumptions driven by differing perspectives and motivations, this Study strives to include a Wet'suwet'en voice in a manner that is meaningful to both Wet'suwet'en communities and non-Indigenous stakeholders. In doing so, an opportunity is created for a greater understanding of cultural differences and the development of mutual trust (Nicolas and Andrews 1997:3).

6. Baseline Study Results

This chapter describes the results of the present CUS, specifically Wet'suwet'en culture and history, governance, socio-economic demographics, and land use.

6.1 The Wet'suwet'en: Culture and History

Wet'suwet'en oral history describes *Dizkle*, the first settlement established by the Wet'suwet'en, Gitksan, Carrier, Sekani, and Talhantan peoples. Though its precise location has yet to be determined, the village was situated in an area that is now known as Mosquito Flats on the Bulkley River, south of the Bulkley-Suskwa confluence. Houses populated both banks of the river, with one side called *Hahwilamax* and the other *Kwatso*. A large weir with fish traps connected the two banks together both physically and economically, as the two groups would work together during salmon fishing season. The village was eventually abandoned when two squirrels seen crossing the weir were deemed a bad omen. As a result, the Wet'suwet'en, Gitksan, Carrier, Sekani, and Talhantan dispersed to settle separate summer villages and seasonal territories. The Wet'suwet'en moved to *Siy'gehtiy* (Trout Creek) and eventually *Kyah Wiget* (Witset) (Jenness 1943:476-477; Rabnett 2000:20-21).

For the Wet'suwet'en, oral histories (*kungax*), such as the story of *Dizkle*, not only tell the origin of their nation, but pass important traditional knowledge onto younger generations. Transmission of such knowledge is often accompanied by “hands on” instruction of traditional Wet'suwet'en resource activities (Morris et al. 2006:6). Generations of colonial assimilation policies have impacted the transmission of Wet'suwet'en traditional knowledge and oral histories, resulting in fewer fluent speakers of Witsuwit'en, the Wet'suwet'en language (Morin and Lewis 2017). Today, organisations, such as the Witsuwit'en Language and Culture Society (WLCS), have been established with the purpose of re-discovering, protecting, and developing Witsuwit'en, as well as Wet'suwet'en oral histories, traditional knowledge, and cultural heritage. As a course of action, the WLCS integrates traditional forms of learning into their programs, such as the Witsuwit'en Mentor Apprentice Program, which pairs fluent Witsuwit'en speakers with apprentices and immerses them in the language while participating in everyday activities on Wet'suwet'en lands. Additional projects, including the Language Revitalization Project, *Witsuwit'en History Book*, and *Niwh'it'wn* (Our language, Our ways), are implemented in a manner that adheres to Wet'suwet'en beliefs, customs, and laws (WLCS 2018). In doing so, the accumulated cultural and historical knowledge of Wet'suwet'en forbearers is maintained for future generations—including a spiritual and physical connection to lands (Morris et al. 2006:18).

6.1.1 Ethnographic Overview

This section provides an overview of traditional Wet'suwet'en lifeways during pre-contact, early industrial, and recent industrial eras. In addition, this section discusses the implementation of the registered trapline system and its impact on Wet'suwet'en lifeways, rights, and title.

6.1.1.1 Linguistic Distinction and Spelling

The Wet'suwet'en speak Witsuwit'en, a dialect of Babine-Witsuwit'en that is part of the Athabaskan (Dene) language family (WLCS 2018). Witsuwit'en contains strong linguistic similarities to its sister language, Carrier, to the extent that early anthropologists and ethnographers believed the Wet'suwet'en to be part of the Carrier Nation (Jenness 1943:475; Morice 1906:4-5). Today, however, the Wet'suwet'en and the Witsuwit'en language are recognized as a nation and language distinct from the Carrier, as well

as from their neighbouring nations, the Nedut'en and Gitxsan (Rabnett 2000:20; WLCS 2018). At present, though, only about 5% of Wet'suwet'en speak their language (TERA 2015). This is largely due to the implementation of the *Indian Act*, which tore Wet'suwet'en communities apart, as well as settlers forcing Wet'suwet'en to attend educational institutions, such as residential schools, that aimed to integrate them into Euro-Canadian society. One such residential school was located near Fraser Lake.

Contemporary language revitalization projects have adapted the Witsuwit'en language to multiple written forms, such as syllabic and English (WLCS 2018). The Hargus orthography has also recently been adopted by the WLCS and OW. Developed by Sharon L. Hargus, this orthographic system uses symbols (e.g., umlauts) and consonant combinations (e.g., lh, gh, and gg) to create sounds more representative of the language (Morin 2016:12; WLCS 2018).

Shortly after European contact, the Wet'suwet'en began to employ syllabics as a system of writing, which was likely introduced by early missionaries in the region. A common Wet'suwet'en custom was to leave messages in syllabic on "message trees" (culturally modified trees, or CMTs) found alongside main trails or at cremation sites. Few of these trees remain today, due to road and resource developments (Morris et al. 2006 18, 22-23). CMTs, however, can be protected under the *Heritage Conservation Act*, if they pre-date 1846.

Early European academics transcribed certain Witsuwit'en words to English spelling with little regard to maintaining all phonemes (Jenness 1943:473). As a result, there are different spellings for many common words. For example, "Gitmunden," "Gitmundem," and "Gitamtanyu" are all published spellings for the Gitdumden Clan (Morris et al. 2006; Jenness 1943:497). Witsuwit'en is also an alternative spelling for Wet'suwet'en and is considered to be a more accurate form. Many organizations, however, including the Office of the Wet'suwet'en, continue to use this older spelling for consistency when dealing with governmental agencies (Johnson 2013:85).

In this CUS, all spellings of Witsuwit'en words are taken from the Office of the Wet'suwet'en, unless noted otherwise.

6.1.1.2 Clans, Feasts, and Oral Histories

The Wet'suwet'en are a matrilineal society composed of five Clans: the Laksilyu, Gilseyhu, Tsayu, Laksamshu, and Gitdumden (OW 2019; Rabnett 2000:15, 21). Each Clan is partitioned into kin-based House groups called *Yex* or *Yikh*, with each House holding authority over geographical territories, including primary subsistence resources (Budhwa 2005:41). Clans are exogamous, with marriage being relegated to outside of a member's own Clan. This system helped foster inter-marriage between neighbouring nations, most notably the Gitxsan and Nedut'en. In turn, these kinship ties encouraged economic stability through trade, as well as cultural and technological transference (Jenness 1943:486; Rabnett 2000:17).

Hereditary Head Chiefs and subsidiary Wing Chiefs govern House groups (Jenness 1943:486). It is common for the maternal nephew of a former Chief to inherit a chiefly title, as the hereditary lineage follows the mother's line (Jenness 1943:584). It is ultimately, however, up to the Clan's Chiefs to determine who inherits a Chief's title (Morris et al. 2006:17).

Each House and Clan group maintains their own oral histories, crests, and songs, all of which aid in expressing ownership and rights over territories, resources, and titles (Rabnett 2000:21). Houses and Clans also employ regalia (e.g., drums, totem poles, and headdresses) to represent themselves and their connection to the land and ancestors, a process referred to as *kungax*. *Kungax* is a Wet'suwet'en protocol or law that is specific to each House group and facilitates proceedings during feasts (Morris et al. 2006:17, 27). Such protocols include seating plans, Clan songs, and payment to attendees for witnessing what has occurred during the feast (Morin 2016:44-50, 366).

Feasts, or *baht'lats*, are held amongst a House group, Clan(s), or Nations as a public forum in which those in attendance are witnesses to the events of the feast (Morris et al. 2006:27). During the 1987 trial proceedings of *Delgamuukw v. British Columbia*, Wet'suwet'en Elder and Gitdumden House Chief, Alfred Joseph, spoke of his chiefly responsibilities during feasts:

When the name Gisday'wa was passed onto me, the territory and the songs, the *kungax* and all the responsibilities of a House Chief was—all the activities in the feast House is all responsibilities that you get. The responsibilities of the House members is—your responsibility—is to see that they do the proper things in the Feast House; to see that they have a proper burial if they pass on and to see that they get names whenever they are ready, and taking care of the territory at times. And then there are Elders in our House that need attention. All those things, you have to make sure that everyone is taken care of (Alfred Joseph [Gisday'wa], Delgamuukw Trial Transcripts 1987:1511).

Referred to as the “Wet'suwet'en Parliament” by Wet'suwet'en members, *baht'lats* function as the key institute of governance for the Wet'suwet'en (OW 2013a:10).

The Wet'suwet'en have a parliament that has been functioning for thousands of years. There's a rigid structure within that governance forum. There are seating plans. Each Clan has a specific place to sit. Higher Chiefs sit at the back. Members that are being groomed sit in the first row. Children and guests sit in the front row. It's a lifetime journey to be a leader (David Dewit [Tkanwhola], Hearing of NGJRP Vol. 12 2012:para.6696).

In addition to governing decisions, such as territory and resource rights, funerals, marriages, divorces, and title successions are common events during feasts (Gottesfeld 1994:187; Rabnett 2000:22-23). Chief names, like Woos, Wah Tah Kwets, and Gisday'wa, are both inherited and earned through acts of generosity, restraint, good judgment, and understanding of Wet'suwet'en history and culture (Morin 2016:36). Chief names may also be removed if it is found that these values are no longer upheld by the name holder.

6.1.1.3 Seasonal Round

The Wet'suwet'en traditionally maintained an annual, cyclical subsistence strategy in which families relied on the seasonal occupation of different territories in order to take advantage of spatially and temporally variable resources, thus, increasing harvest, with a focus on salmon, and food security. The yearly movement of a group or family through territories for this purpose is referred to as a seasonal round (Morris et al. 2006:18-19).

Summer

During the early summer, House groups from across Wet'suwet'en territories would travel large distances in order to gather at major fishing sites, such as *Kyah Wiget* (Witset/Moricetown). Salmon and steelhead were a significant food source for the Wet'suwet'en, and lamprey were often eaten as well (Morris et al. 2006:21). Salmon was of such critical importance to Wet'suwet'en culture, economy, and governance that their return was celebrated each year, and a feast was held marking the first catch (Morin 2016:89-90).

The harvesting, processing, and preserving of fish for the winter food store was an exhaustive activity that involved nearly all members of Wet'suwet'en society. Basket traps and dip nets were the predominant tools used for harvesting fish. Fish meat was then dried in smokehouses on racks above a low burning fire. Once dried, the meat was distributed amongst the House groups and stored in cache pits near winter campsites; “when the salmon was smoked, they were put in cache houses where they were stored for the winter” (Bazil Michell, Commission Evidence 1986:33).

Summer was also the feast season, when the wealth and resources of the territories were shared and

redistributed amongst the Wet'suwet'en (Rabnett 2000:24). In addition to salmon fishing, *Kyah Wiget* has been established as an occupied village and gathering place, with archaeological evidence dating its continued use to 6,000 before present (Albright 1987; Morris et al. 2006:18; Rabnett 2000:11, 60).

Fall

During the fall, families would disperse to hunt and trap in their House territories. Many returned to permanent seasonal camps with caches of firewood and tools, such as drying racks, bags, and boxes, which were stored for future use OW 2011:30.

In the fall, men go out hunting for meat. What animals they get is brought to the village and cured. They also bring salmon and berries, and they're all shared with those that are unable to harvest for themselves. That is how we use our territories, that is why we love and respect our territories and it is the backbone of our culture (Russell Tiljoe, Hearing of Northern Gateway Joint Review Panel [NGJRP] Vol. 11 2012:para. 5544).

Berry picking in early fall was a major activity after salmon fishing. Berries were a crucial carbohydrate necessary for the salmon-heavy Wet'suwet'en diet (Gottesfeld 1994:201; Johnson 1999:241; Rabnett 2000:25). Black huckleberries, low-bush blueberries, saskatoons, and soapberries were preserved for winter consumption through a process of crushing, boiling, and drying into berry cakes, which were stored in boxes for the winter (Gottesfeld 1994:198). Oolichan and bear grease were commonly used to preserve huckleberries and blueberries, while air-drying was used for other berries, such as cranberries (*tsalhtsë*) (Morin 2016:104). Root vegetables and wild rice (*c'inkalh*) were also harvested and stored at this time (First Voices 2018; Rabnett 2000:25).

While groups gathered to pick berries, hunting parties would head to the alpine to hunt for large game, such as bear (*sis*), goat (*lhiyil*), and caribou (*widzih*). Marmots (*ditni dilyuz*) populated the alpine in large amounts, and, thus, were a reliable source of fur and meat. The meat and fat from hunting was either consumed immediately or processed for winter use (First Voices 2018; Rabnett 2000:41).

Winter

Winter months were spent in House camps or villages that were generally situated in valleys close to lakes and firewood. Bazil Mitchel spoke of Wet'suwet'en winter activities during the *Delgamuukw* trial proceedings:

In the winter, when they were out trapping, they would build winter houses out of spruce boughs. They would set them up similar to the way our walls are ... They [wives] would travel with their husbands and a fire was built in the centre of the building to heat the house (Bazil Michell, Commission Evidence 1986:37-38).

Often these sites would be referred to as "fish lake house" (*klok bun yax*) or "winter lake house" (*xiixt bun yax*) (Rabnett 2000:25). The shelters were typically circular pithouses dug into the ground, with large beams forming the roof. The roof would be covered with dirt and sod, and would have a hole in the centre to allow for smoke to escape. This hole was also used as an entrance, by way of a ladder (Morin 2016:117). Dried salmon, harvested during the summer and fall, was stored in bark-lined cache pits nearby (OW 2013:25; Rabnett 2000:24). Hunting of large and small fur bearing animals, such as bear, caribou, and rabbit, continued into winter months to help supplement food stores. Steelhead catches through ice in major fisheries, such as the Morice system, were used as a fresh source of fish (OW 2013:69). Much of the wintertime was spent crafting and repairing gear and clothing from the hides and furs harvested during the fall. Winter was also an important time for transmitting traditional knowledge, such as skills and oral histories, by the Elders to younger generations (Rabnett 2000:26).

Spring

During the spring (*c'olilh*), depleting food stores were supplemented by ice fishing and hunting beaver,

grouse, rabbit, and migrating birds (Morin 2016:124). Spring was also a period for harvesting edible cambium from pine and spruce trees for an additional food source. Other plant foods and medicinal plants were harvested at this time as well. Cow parsnip, stonecrop, chocolate lily roots, fireweed, and nodding onion were roasted and eaten with grease. Spruce, balsam, stinging nettle, and devil's club were gathered for medicinal purposes, while raspberry leaves and juniper branches were used for tea. As spring sap makes tree bark easier to peel, this season supplied ideal bark harvesting conditions. Tree bark (e.g., from redcedar) was used to produce many goods, including twine, rope, mats, and baskets (Rabnett 2000:26).

Burning brush and berry bushes was done during the cooler months of spring (and fall). This method was used to promote new growth of berries, as well as to keep back the overgrowth of shrubs and conifers that would block needed sunlight (Morin 2016:81).

Melting snow brought new movement, as groups travelled to productive fishing sites. As the season progressed, families would eventually travel back to the Bulkley Valley. People would gather at key fishing sites along the rivers, with reuniting groups becoming larger as they drew closer to summer village sites, such as *Kyah Wiget* (OW 2011:30).

In the spring, our people gather in Moricetown when the salmon start running. The first catch is cooked or barbequed and shared with everyone. We then thank our Creator for sending the salmon up from the ocean so that we can have food for the winter. That is why we depend on our rivers; it gives us life (Russell Tiljoe, Hearing of NGJRP Vol. 11 2012:para. 5542).

6.1.1.4 Resource and Land Management

Yintah is a Wet'suwet'en concept in which everything is connected to the land. This worldview embodies within it the responsibility of stewardship over the territories that sustain Wet'suwet'en life-ways (Morris et al. 2006:17). Part of sustaining Wet'suwet'en life-ways is by maintaining the *baht'lat*. This involves the inclusion of territorial foods and resources as parts of the feast procedure. In turn, major governing and management decisions for Wet'suwet'en territories and resources are made during feasts.

The Wet'suwet'en practice deliberate resource management strategies that are designed to ensure generational succession of territorial resources. Such strategies include rotating popular berry and hunting areas to avoid over-harvesting. Planned burning was also a major strategy used to ensure the productiveness of certain berry and root vegetable areas (Johnson 1999:245, 2013:98).

Management and stewardship over a territory was the responsibility of the House Chief for as long as he or she held the hereditary name (OW 2011:3). As such, House Chiefs, as well as House members, had to maintain detailed knowledge of resources' characteristics and environments, such as seasonal abundance and availability, in order to make informed decisions regarding which resources should be harvested at a given time.

Trespassing on another House group's territory or affairs was disallowed, as was using another territory's resources. Houses would mark trees within their territories using unique House symbols to let people know which territory they were entering. Visitors to a territory hoping to pass through would always first acquire permission from its House Chief before doing so. A hunter may hunt on her or his father's territory while he is still alive, but after the father passes away the hunter must ask for permission from the late father's House and then share whatever is killed. Despite these seemingly strict land tenure practices, if a House territory was found to be in a sensitive or stressed state, it would be given assistance by other Houses (Morris et al. 2006:28).

Our social structure is so strong, and we're interdependent with the land. One part of us has to depend on the other economically in order to survive. We could trade all kinds of

things with one another in the feast hall. We bring our berries; we bring our fish; we bring our—you know—our moose meat, or whatever it is that we've been able to get from our territories. And those things—you know, we hunt in different areas; we do things throughout the territory (Darlene Glaim [Gyolo'ght], Hearing of NGJRP Vol. 11 2012:para.5494).

In such circumstances, House Chiefs would decide to share a territory or territorial resources with a House group in need. This decision-making process would occur during a feast.

6.1.1.5 Trade and Trail Systems

In pre-European contact Wet'suwet'en society, trails were the infrastructure for the transmission of culture, information, and technology, as well as access to resource areas. The Wet'suwet'en commonly used and re-used the same trails across many generations. Even if a trail was quite old, they were often able to easily distinguish between trails created by their ancestors and those of game animals, as the former were often 'blazed' (TERA 2015). A blazed trail is one in which the bark of particular trees has been cut away in an obvious manner in order to create a trail marker. Such markers would be cut into trees on both sides of a trail to ensure that people did not lose their way (a notable blazed trail that has been used in the recent past exists in the vicinity of Maxan Creek). Trails were typically situated on ledges above creeks, in order to prevent them from being flooded or washed-out by spring run-off. They were travelled on foot or snowshoe, or, after European-contact, horses or wagons.

Major trail networks connected coastal Indigenous villages with those in the interior and permitted economic stability through trade. Coast Tsimshian, Kitselas, and Gitksan would travel to the Copper-Serb confluence to trade with the Wet'suwet'en. Trade with the Haisla was accessed through the Talhdzi Wiyez Bin and Talbits Kwah Wet'suwet'en House territories in the Burnie River region (OW 2011:90-91).

Access to trade goods was not always a direct transaction between two groups; rather, it was a complex network of exchanges, where goods were traded and re-traded between nations. Coastal goods—such as oolichan grease, shellfish, copper, dentalia, and abalone—would be exchanged for interior hides, furs, and dried berries (Jenness 1943:478; Rabnett 2000:12, 24). Coastal goods would eventually indirectly reach the Wet'suwet'en through geographically close trading partners, like the Gitksan. The Wet'suwet'en would later exchange the same coastal goods with groups such as the Tahltan, Carrier, or Sekani (Rabnett 2000:18). Neighbouring nations are depicted in Figure 8. Trails used to transport oolichan, typically by carrying the oil in cedar bags, were called 'grease trails,' and two examples of such trails were known to exist, one between Hagwilget and Fort Babine and another between Witsset (Moricetown) and Ootsa Lake.

Major trails cut through the Telkwa Pass, connecting coastal trade partners to the Wet'suwet'en in the Bulkley Valley. One common route ran from Kitimat to Terrace, then branched either up the Skeena River to the Bulkley or up the Zymoetz (Copper) River to Telkwa (Jenness 1943:480; Rabnett 2000:46). The pass also acted as an access corridor to hunting and trapping areas, as well as to southern House territories (OW 2011:108-110). While walking on trails, Wet'suwet'en would often store food in trees so that they would have food on their way back.

In addition to facilitating trade and access to resource areas, other trails were used to transport important messages, for example, when someone had passed away. These 'message trails' connected all Wet'suwet'en villages, and the communities that were the most interconnected were those of the same Clan (TERA 2015). To relay information, people either walked on these trails, snowshoed, or rode horses (the latter after European contact). Some notable messenger trails were known to have existed between Hagwilget and Fort Babine, as well as between the Babine Lake region and Fraser Lake/Fort St. James.

Waterbodies, such as Ootsa and François Lakes, were navigated by dugout canoes built from cottonwood trees called *ts'iy*. This made travelling long distances in the southern territories possible. Canoe travel was limited in the northern territories due to the volatility of the rivers, which made

navigation difficult (Morin 2016:63).

Through the use of the matrilineal Clan system, in hand with the semi-nomadic economy of the seasonal round and their information sharing trails, the Wet'suwet'en were able to build strong inter-cultural ties with neighbouring nations. The extensive trail system that connected the Wet'suwet'en to their territorial resources also connected them to trade partners. Today, many of these trails are covered by roads and highways, including Highway 16 (Morin 2016:62, 66).

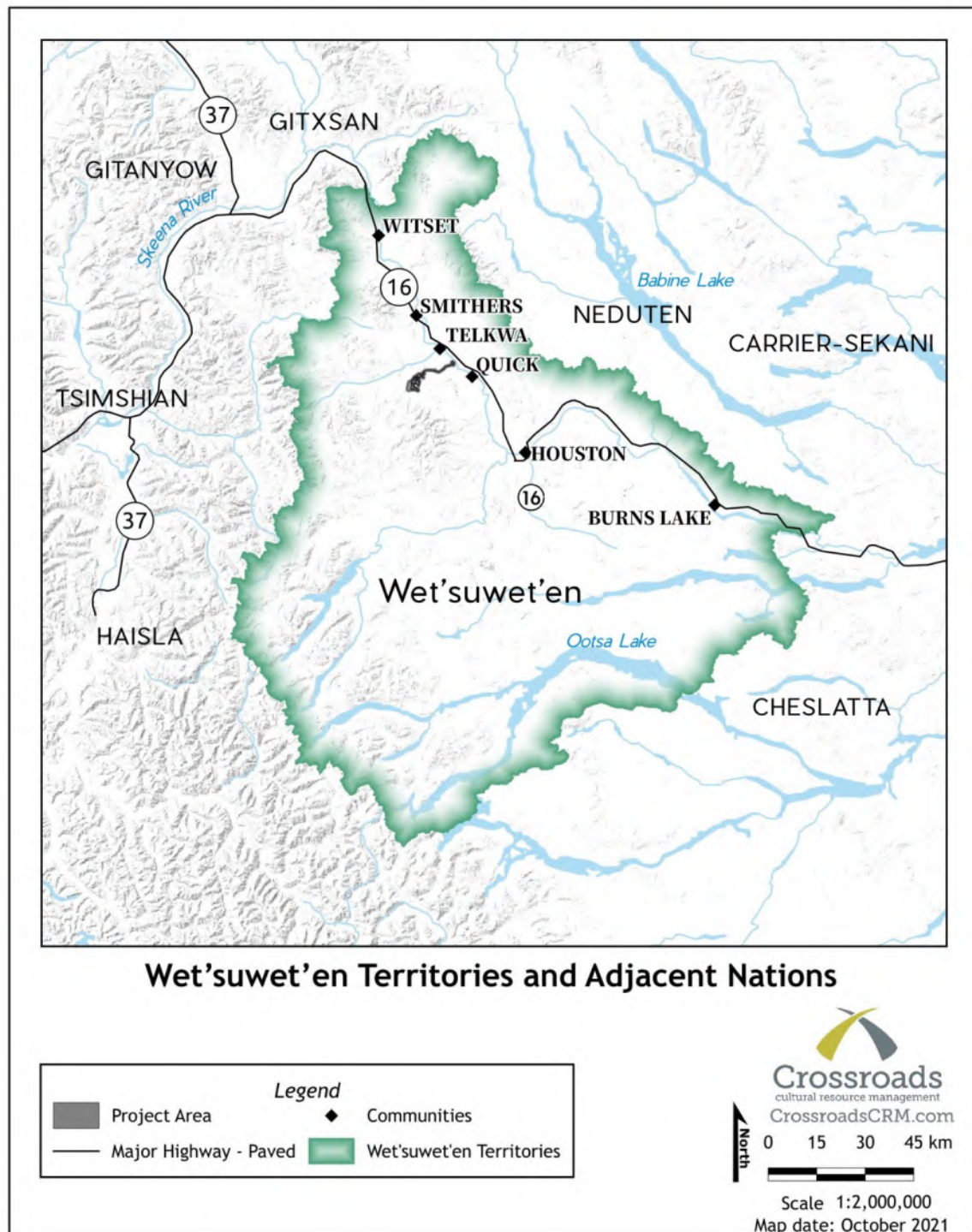


Figure 8. The Wet'suwet'en and Neighbouring Nations

6.1.2 Industrial Eras

The early industrial era saw the introduction of new cultures, trade, and technologies to Wet'suwet'en territories. By the early 1800s, Russian interests had a firm grasp over the fur trade in the area (Morice 1906). At this time, the majority of trade between Europeans and the Wet'suwet'en was indirect. Trade commonly occurred with coastal groups who had access to Ft. Simpson and Russian trading posts. Direct interactions with Hudson's Bay Company posts were limited, with occasional occurrences of Wet'suwet'en visiting posts, such as Ft. Connolly and Ft. Kilmaurs, being recorded (Galois 1994:119). Direct trade between Wet'suwet'en and Europeans began during the 1820s, when the Hudson's Bay Company started building forts in the Babine area to directly trade with western Carrier groups (Tobey 1981).

Instances of Christianity began to emerge in central northwestern BC during the early 1800s, with variations of the religion being introduced by fur traders. Two Catholic missionaries, Father Demers and Father Nobili, would later visit the area for a few years in the 1840s. Neighbouring nations acquainted the Wet'suwet'en with the religion, leading to the adoption of several Christian customs (Jenness 1943:547-548).

A significant event that occurred for the Wet'suwet'en during the early 1800s was establishment of *Tse Kyah* in the Hagwilget Canyon. A large rockslide blocked the Bulkley River and allowed very few salmon to travel upstream to *Kyah Wiget*, which was a key fishing place at the time. The Gitksan allowed for the Wet'suwet'en of *Kyah Wiget* to move into their territory, establishing a village on a lower shelf of the Hagwilget Canyon in order to continue fishing and avoid starvation (Jenness 1943:477; Morice 1906:8). Salmon were eventually able to pass the slide and travel to *Kyah Wiget*, but the Wet'suwet'en settlement at Hagwilget Canyon would remain, becoming a major fishing and trading hub leading into the 1900s (Jenness 1943:477).

In the Telkwa area, more direct and lasting contact with Europeans commenced as prospectors began traveling through the area in the early to mid-1800s looking for gold and mineral deposits to claim. These prospectors' stories of the region's terrain led to the development of a pack trail and telegraph line from the south, first up to Quesnel, then west along Fraser Lake, and up along the high bluffs over the Bulkley River, to head north to Telegraph Creek (Cassidy 1987). This line, known as the Telegraph Trail, or intercontinental Collins Overland Telegraph, passed along the east and south sides of Tyhee Lake. The construction of this line between the years 1865 and 1866 was one of the first major enterprises to reach Northern BC. Although the line was never completed, it resulted in the introduction of new technologies to the area, including the introduction of steamships to the Skeena River. In addition, cable left behind from the project was recovered by the people of Hagwilget and used to construct a suspension bridge over Hagwilget Canyon (MacKay 1946:203-204).

The recent industrial era saw a further increase in settlers, missionaries, and government authorities in Wet'suwet'en territories. Spurred by the Fraser River Gold Rush, economic interests turned towards opening the region to new markets and newcomers, the results of which produced long-lasting impacts to Wet'suwet'en life-ways. For example, in the early 1900s, the organizations of Euro-Canadian settlers necessitated that all persons had last names. Wet'suwet'en men, thus, began taking their fathers' first names as their last names. Many changes to Wet'suwet'en society, however, were of a substantially larger magnitude. For instance, Father Morice, for whom Moricetown (currently Witset) was named, burned all of the local Chiefs' regalia, irrevocably damaging their belief system, and used the Wet'suwet'en as labourers to pan for gold (TERA 2015). Father Morice's cruel historical legacy contributed to the name change of Moricetown to Witset.

The Bulkley Valley's earliest European settlement, Aldermere, was established near the southeast side of Tyhee Lake, along the Telegraph Trail, in the early 1900s as a stopping point and rest station (Bulkley Valley Heritage Club 1973). By 1907, though, the focus of European settlement in this part of the Bulkley Valley was moving to the current site of Telkwa, near the confluence of the Bulkley and Telkwa Rivers, where the Grand Trunk Pacific Railway was being constructed (Village of Telkwa 2009). The small town of Hubert was constructed during this time period along the Grand Trunk Rail line, roughly 4.5 KM east of

Telkwa, in the vicinity of the Project's load out loop (Gent 2016). Hubert was originally intended to be the halfway point along the rail line between Prince George and Prince Rupert; however, after the surrounding lands were bought by property speculators, the town was dismantled, and Smithers was made the new dividing point. A BC Land and Titles Search of relevant property parcels—PID # 013-581-180, # 015-077-802, # 012-469-301, # 015-103-765, and # 015-842-819—indeed indicates that the lands around the former settlement of Hubert have since been reverted to Crown land.

Wet'suwet'en oral and documented history indicate that the lands around Smithers and Telkwa were used heavily until the Wet'suwet'en were evicted in the early 20th century and moved to small reserves nearby (McCreary 2018). In 1901, the BC government sold territory the Wet'suwet'en were living on and cultivating near Telkwa to settlers, displacing many families (Gitxsan 2013).

The Grand Trunk Pacific Railway (GTPR) began construction in 1908 and brought with it an economic boom that had a significant effect on Wet'suwet'en life-ways. Wet'suwet'en along the route of the GTPR were displaced to facilitate the railway's construction (Gitxsan 2013). In 1911, the year Smithers was founded as the regional hub for the railway, further Wet'suwet'en families in and near the town site were forcibly relocated so the settlement could be built (McCreary 2018). Additional relocation occurred after Premier McBride and J. McKenna signed an agreement in 1912 to establish a Royal Commission to review (and adjust, if necessary) the sizes of Indian Reservations in BC (Gitxsan 2013).

The completion of the GTPR in 1914 opened the region to growing industries, such as agriculture and hard-rock mining. By 1912, the Wet'suwet'en were raising concerns over the loss of access to their lands and sites. The construction of the GTPR disturbed Wet'suwet'en cemeteries and fishing/camping sites, while simultaneously limiting access to territories. A route running along the Bulkley and Skeena Rivers was chosen over a shorter route along the Telkwa and Zymoetz, specifically for the purpose of economic development within the Bulkley Valley and Babine Ranges (Lower 1940). The Grand Pacific Development Company (GPDC), a subsidiary of the GTPR, purposed with bringing economic development to the region, established many of the towns between Prince Rupert and Prince George, including the town of Smithers (Galois 1994:157, Lower 1940:179). The consequent increase in settlers and private-land ownership restricted access to traditional territories, resulting in a greater reliance on the monetary system by Wet'suwet'en persons.

The Bulkley Valley has been an active prospecting and mining area since European contact, and especially so after the GTPR project commenced (L'Orsa 2013). In the late 1800s and early 1900s, mineral prospectors were drawn to the Bulkley Valley after it was decided the GTPR was to run through it. Unlike the earlier prospectors who sought gold, these prospectors were more interested in coal and other minerals, such as copper, and many copper deposits were discovered in the Telkwa Mountain Range. By 1906, W. W. Leach drafted a detailed contour map of the general geology of the Telkwa River area that included information on these newly identified deposits. Although early prospectors in the Bulkley Valley discovered numerous small veins of copper, lead, zinc, silver, and gold, they failed to locate larger deposits until the 1960s, when a substantial mineral deposit (the 'Davidson deposit') was found within Hudson Mountain, approximately 8 km northwest of the Smithers rail station. Prospecting activity decreased in the 1930s during the Great Depression, but picked up following World War II, reaching a peak in the 1960s, during the Great Copper Rush. Notable mines in the Telkwa Mountains and the Hudson Bay Mountain areas included Duthie, Conin, and Dome Mountain mines, as well as the coal mine in Telkwa. Although some mines in the Bulkley Valley, such as the Bell and Granisle copper mines, have since closed down, others, such as the Huckleberry Mine (copper, gold, silver, and molybdenum) continue to operate.

During the latter half of the 19th century, the Wet'suwet'en experienced a significant population decline, possibly from diseases introduced to the area by newcomers (Galois 1994:128; Jenness 1943:475). At this time many Wet'suwet'en families became more sedentary, residing year round in Hagwilget and *Kyah Wiget*. This was partly due to the pressures felt from European settlements and industries limiting access to territories, as well as participation in year-round employment (Galois 1994:144). Many families, however, continued hunting and trapping during the winter season. Anthropologist Diamond Jenness notes that as of 1925, families from the Bulkley Valley were still practicing a seasonal round, travelling as

far as Eutsuk Lake on a yearly basis (Jenness 1943:475).

Compared to previous years, Catholic missionaries became more active in the region during this era. Multiple settlements were established by oblates in an attempt to spread Christianity amongst the Gitksan and Wet'suwet'en. Moricetown (renamed Witsset) was established on the outskirts of *Kyah Wiget* in an attempt to replace the old village, though it was eventually amalgamated into the established community (Galois 1994:123). It is important to note that at this time Catholic missionaries were strong proponents for the abolition of the feast system as well as for the adherence of First Nations to Western governance and laws.

6.1.3 Reserve Lands and Indian Act

The *Royal Proclamation* of 1763 provided the groundwork for the 1876 *Indian Act* and its criteria for reserve lands. With the effect of establishing administrative authority over British North America, the *Royal Proclamation* provided protocols for the ceding, purchasing, and reserving of Aboriginal lands. At the time, all lands falling west and northwest of watersheds flowing into the Atlantic were set aside for "...the several Nations or Tribes of Indians, with whom We are connected, and who live under Our Protection..." (INAC 2016). The intention of this being that these lands would continue to belong to Indigenous peoples until they were ceded to the crown. At the time, the Indian Department was charged with the "policy of Indian protection" and the management of "Indian lands" acquisitions for the purpose of European settlement (Leslie 2002). By 1830, new policies under the Indian civilization program were introduced to encourage First Nations assimilation into the dominant Western society, launching systems of Indian agents and reserves, land cession treaties, and residential schools.

After Confederation in 1867, the interests of Aboriginal lands and peoples became federal responsibility under the *British North American Act*. Previous policies for Aboriginal issues became the framework for federal administrative approaches, including the ideology of assimilation, along with the systems of reserves, land cession, and residential schools. It was not until 1876, that all pre-existing legislation regarding Aboriginal affairs was consolidated into the *Indian Act* (Leslie 2002). The act contained comprehensive protocols that significantly influenced reserve life, with the overall focus being assimilation (Hurley 2009). Sections of the act included provisions that constituted who was an Indian and what constituted an Indian band, along with the afforded powers given to band councils and procedures of band elections (Leslie 2002).

For the Wet'suwet'en, the introduction of the *Indian Act* in 1867 was tremendously impactful to their life-ways, with two of the greatest initial impacts being the reserve system and the 1884 potlatch (*baht'lat*) ban. Implementation of the reserve system in Wet'suwet'en territories began in 1890. By the summer of 1891, reserves had been established in Hagwilget and Moricetown (Galois 1994:140). In 1909, the Wet'suwet'en presented to the superintendent, A.W. Vowell, evidence of significant hunting and fishing sites cut from allotted reserves. Vowell himself became concerned for the people of Hagwilget and their ability to access sufficient food resources on the lands allotted to them, and requested additional lands, including a portion of the Copper River, to be allotted (Vowell 1906). It wasn't until 1916, however, that additional reserve lands were granted to the Wet'suwet'en under the McKenna-McBride Royal Commission (Galois 1994:158; Government of Canada 1916:206-210). Still, many Wet'suwet'en resource sites remained outside of the allotted reserves. In the years following the McKenna-McBride commission, a number of Wet'suwet'en individuals were awarded alternative plots of land. In the case of the Jean Baptiste reserve, the Department of Indian Affairs purchased the land after Jean Baptiste refused to be evicted (Galois 1994:164). Further information on Wet'suwet'en reserves is included in Section 6.3.

Catholic missionaries were among some of the strongest advocates for the 1884 abolition of the feast system. On two occasions, missionaries facilitated the destruction of ceremonial regalia—once in 1893, and again in 1901, the Wet'suwet'en were motivated to burn their regalia and artefacts during visits from a bishop. Yet despite these occurrences, the Wet'suwet'en continued to practice the feast system, albeit with adjustments in order to adapt to a rapidly changing landscape—for example, access to territorial

resources, smaller population, and a greater reliance on the monetary system (Galois 1994:127; Morris et al. 2006:15).

Despite legislative changes, markedly those made in 1951 and 1985 that lifted bans on the feast system and the ability to enter into land claims, the *Indian Act* remains relatively similar to its initial 1876 incarnation (Hurley 2009). The *Indian Act* remains the primary instrument for the federal authority over determining who is a 'status Indian,' what constitutes band membership, and the powers and procedures afforded to band councils, including lands and resource management (Hurley 2009). Current legislation and memorandums, however, have made advancements towards Aboriginal self-governance, such as the 1999 *First Nation Land Management Act*, a framework agreement that provides participants managerial authority over reserve lands and resources that supersedes the *Indian Act* (Hurley 2009).

6.1.4 Registered Trapline System

The provincial government began to introduce new hunting and trapping regulations at the start of the 20th century. In response to an expanding settler population, the provincial government amended the *Game Act* in 1905 to provide for the appointment of a provincial game warden, as well as instigate a prohibition on beaver hunting. The restricted beaver hunt was in response to conservation pressures in the southern portion of the province, and an exemption was granted to northern First Nation communities that lasted until 1912. A few years after the exemption ended, the Wet'suwet'en, along with the Gitksan, hired a lawyer to present an argument to the province that beaver conservation was present in the existing Wet'suwet'en system of land use and stewardship (Galois 1994:161). By 1923, the provincial government modified its approach to game management and conservation by introducing the registered trapline system (Galois 1994:161). Although this new system somewhat adhered to existing Wet'suwet'en territorial titles, it significantly disrupted the existing matrilineal Clan system in favour of a paternal line of inheritance and ownership. It also created limitations over traditional activities by restricting legal land use to trapping activities (CSTC 2006:17).

6.2 Wet'suwet'en Governance

Two separate forms of governance, the hereditary system and the band system, currently represent the interests of the Wet'suwet'en (Budhwa 2005:29). Prior to European colonization, they were governed by a matrilineal hereditary Clan system centered on a semi-nomadic economy (Rabnett 2000:22). A central facet of this system was the Wet'suwet'en *baht'lat* (feast), which was the forum for government administration. House groups, Clans, and Nations would gather for the purpose of witnessing important events and decisions pertaining to the Wet'suwet'en, territories, and economy. Today, in addition to the hereditary system, federally recognized Indian band offices govern Wet'suwet'en communities.

6.2.1 Hereditary and Band Governance

The Office of the Wet'suwet'en is a coalition of Hereditary Clan Chiefs that operate under the traditional hereditary system of five exogamous Clans: the Laksilyu, Gilseyhu, Laksamshu, Tsayu, and Gitdumden (Office of the Wet'suwet'en 2015). Each Clan is composed of House groups governed by a Hereditary Head Chief and subsidiary Chiefs (Rabnett 2000).

It is the responsibility of the House Chiefs to represent House members, address daily concerns, and aid in rights and title negotiations. Frequent House and Clan meetings address issues of treaty processes, land and resource management, and community health, amongst many other socio-cultural matters. Of key concern for Hereditary Chiefs is the maintenance of Wet'suwet'en cultural values, such as

stewardship over and respect for traditional territories and resources (Morris et al. 2016:30).

Under the band system, elected councils represent the individual Wet'suwet'en communities of Witset, Skin Tyee, Hagwilget Village, Wet'suwet'en First Nation (formerly known as Broman or Browman Lake Indian Band), and Nee-Tahi-Buhn. Membership for all five Wet'suwet'en Bands is maintained under Section 11 of the *Indian Act* and, therefore, they are federally recognized organizations. Bands' primary responsibilities entail the administration of federal funding in the forms of services and programs for band members (Budhwa 2005:29; INAC 2016).

Although many governing decisions are now made outside the feast hall, *baht'lats* remains a culturally relevant forum for governance and are considered integral to the continuity of Wet'suwet'en life-ways. Both groups work towards representing the best interests of their communities, yet the communication between all governing bodies is often inadequate. As a result, meaningful consultation between government, business, industry, and Wet'suwet'en communities becomes difficult and is frequently ineffective (Morris et al. 2006:30).

6.2.2 Clan and House Groups

As previously noted, the Wet'suwet'en hereditary Clan system is composed of five Clans, consisting of thirteen kin-based House groups (depicted in Table 2 and Figure 9). A Hereditary Head Chief, with the support of subsidiary and wing Chiefs, individually governs the thirteen House groups. Hereditary Chiefs are responsible for the health and management of their respective House territories and resources.

Table 2. Clan and House Territory Names

Clan	House
Gitdumden (Wolf and Bear Clan)	▪ Cas'Yex ▪ Anaskaski ▪ Kaiyexweniits
Tsayu (Beaver Clan)	▪ Djakanyex ▪ Tsa K'en Yex
Laksamshu (Fireweed and Owl Clan)	▪ Medzeyex ▪ Tsaiyex
Gilseyhu (Big Frog Clan)	▪ Yex T'sa Wit'ant' ▪ Yex T'sa Wilk'us ▪ Kayex
Laksilyu (Small Frog Clan)	▪ G'en Egh La Yex ▪ Tsee K'al K'e Yex ▪ Kwen Bea Yex

Office of the Wet'suwet'en 2015

House and Clan meetings discussing resource and territorial management would occur within the House. Meetings would close with the cultural protocol, *kungax*, which would solidify any decisions made among

the Chiefs. At present, the *kungax* remains a practice in traditional governance (Morris et al. 2006:28-27). House Chiefs were typically solely concerned with the management of their respective territories. It was not customary to interfere with the management of another House's territories, especially one within another Clan. As Wet'suwet'en believe that in addition to being related to one another, they are also related to their territory, their territory is considered to be the biggest link between people.

6.2.3 Cas'Yex House

The Cas'Yex House of the Gitdumden ('Wolf and Bear') Clan is headed by House Chief Woos (Frank Alex Jr.), with Gyolo'ght (vacant) and Skit'den (Andrew George Jr.) sitting as wing Chiefs. Cas'Yex encompasses three of the thirty-eight traditional House territories: C'inilh K'it, Khelh Tats'ilih Bin, and Lhudis Bin. The southern border of C'inilh K'it territory runs below the Telkwa River and west of Tenas Creek until the Telkwa-Pine confluence. Although it is customary for House Chiefs to manage their respective territories, Cas'Yex House is known to collaborate with adjacent House territories in order to resolve resource concerns. Collaborative House territories include those of Kilwonneets to the west, Smogelgem and Wah Tah Kwets to the south, and Wah Tah K'eght to the north (Morris et al. 2006:28).

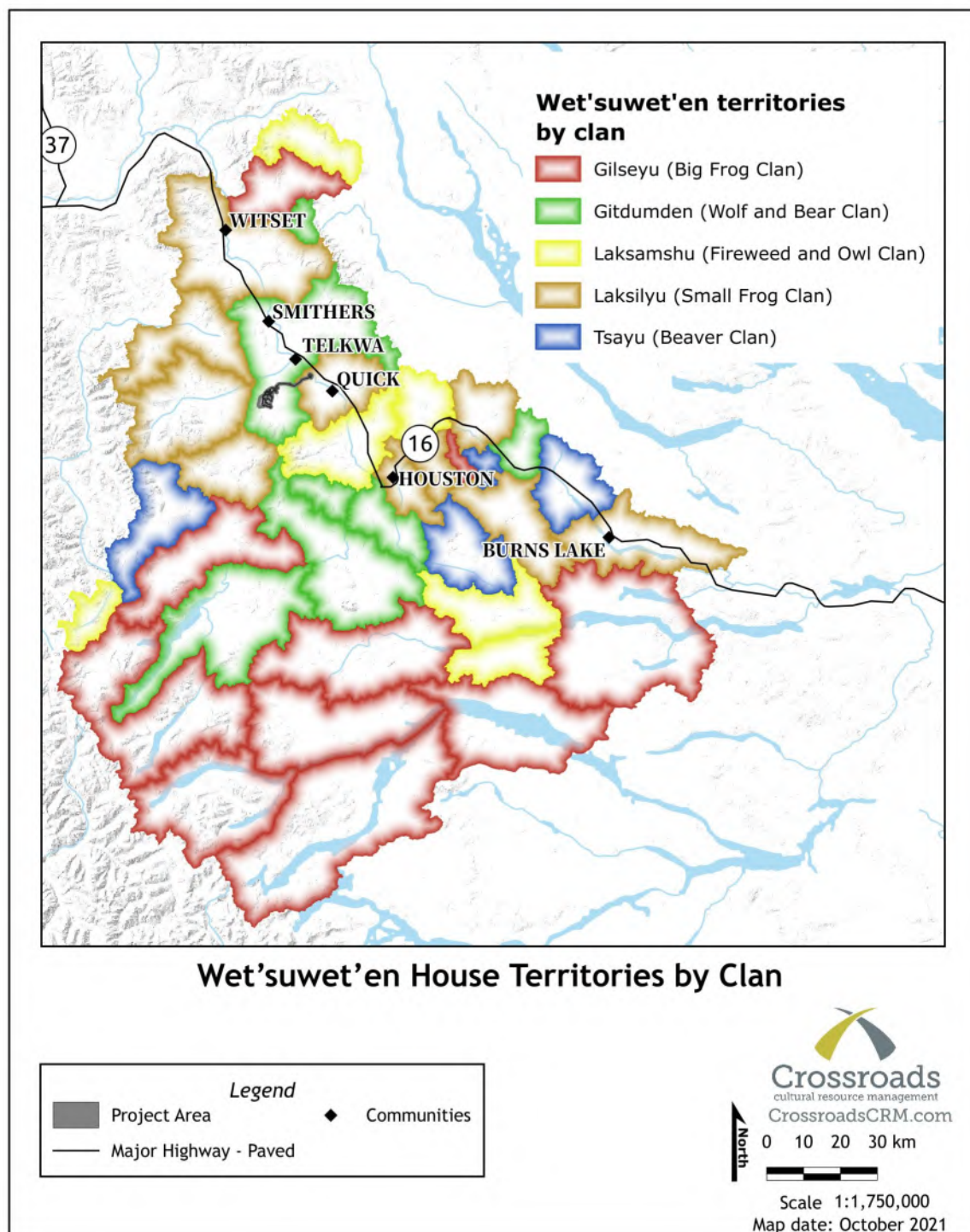


Figure 9. Wet'suwet'en House Territories by Clan

6.2.4 Kwen Bea Yex House

The Laksilyu Clan, also known as the 'Small Frog Clan,' consists of three Houses led by Hereditary Chiefs Hagwilnegh (Ron Mitchell) of G'en Egh La Yex, Wah Tah K'eght (Henry Alfred) of Tsee K'al K'e Yex, and Wah Tah Kwets (vacant) of Kwen Bea Yex (OW 2015).

The Kwen Bea Yex House manages the Cosl'et Bin House territory (British Columbia Supreme Court 1987). Major landscape features of Cosl'et Bin include Highway 16 and the Bulkley River, both of which run through the territory's centre. The northern border follows north of Round Lake, and then turns southwest, crossing the Bulkley River and encompassing the rail loadout site for the Project (Simgiigyet of Gitxsan Nation and Deneze' of the Wet'suwet'en 2009). Cosl'et Bin shares borders with the C'inilh K'it House territory of the Gitdumden Clan to the north, west, and east. The southern border is shared with the C'idi To Stan House territory of the Laksamshu Clan (OW 2011:59).

6.2.5 Current Land Use Disputes

The Wet'suwet'en are presently involved in numerous land use disputes, the most notable of which involve the Unist'ot'en and Gitdumden/Gidimt'en Camps along the Morice West FSR. These disputes are briefly explored in this sub-section and more thoroughly described in Appendix C. Camp locations are depicted below in Figure 10.

The Unist'ot'en ('people of the headwaters') are a group from the Gilseyhu Clan who occupy the southern portion of Wet'suwet'en traditional territory. According to Wet'suwet'en history, the Gilseyhu preceded all other Wet'suwet'en Clans (Unist'ot'en Camp 2017).

In recent years, the Unist'ot'en have been actively campaigning against major development projects on unceded territorial lands, such as the Pacific Trails Pipeline. This campaign includes the occupation of the remote Talbits Kwah territory of the Yex T'sa Wilk'us (Dark House) located west of Houston. Unist'ot'en members and volunteers have been denying entry to oil and gas companies, such as Chevron, TransCanada, and Enbridge, who have failed to seek prior consent before entering their traditional territory. In order to definitively express their Aboriginal rights over their territorial lands, the Unist'ot'en have implemented a Free Prior and Informed Consent (FPIC) agreement for those seeking access to Unist'ot'en territories. The FPIC operates in a similar fashion to traditional Wet'suwet'en laws and customs, where the relationship between the visitor and territorial hosts is questioned and assessed before access to the territory is granted (Unist'ot'en Camp 2017). This agreement is enforced on the Morice River Bridge, which is gated and supervised by the Unist'ot'en people. Other obstructions have been constructed on the Morice West Forest Service Road near the Morice River Bridge (Coastal GasLink Pipeline, Notice of Civil Claim 2018:4). The FPIC is supported under article 32 (2) of the *United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)*.

States shall consult and cooperate in good faith with the [I]ndigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other resources (UNDRIP 2008:12).

In 2010, a pithouse (traditional winter shelter) was constructed by the Unist'ot'en and their supporters on the Talbits Kwah territory of the Yex T'sa Wilk'us. The location of the pithouse was strategically placed at the confluence of *Wedzin Kwah* (Morice River) and *Talbits Kwah* (Gosnell Creek), a point where two proposed pipelines (i.e., the Endbridge and Pacific Trails Pipelines) intend to cross the Morice River (Unist'ot'en Camp 2017).

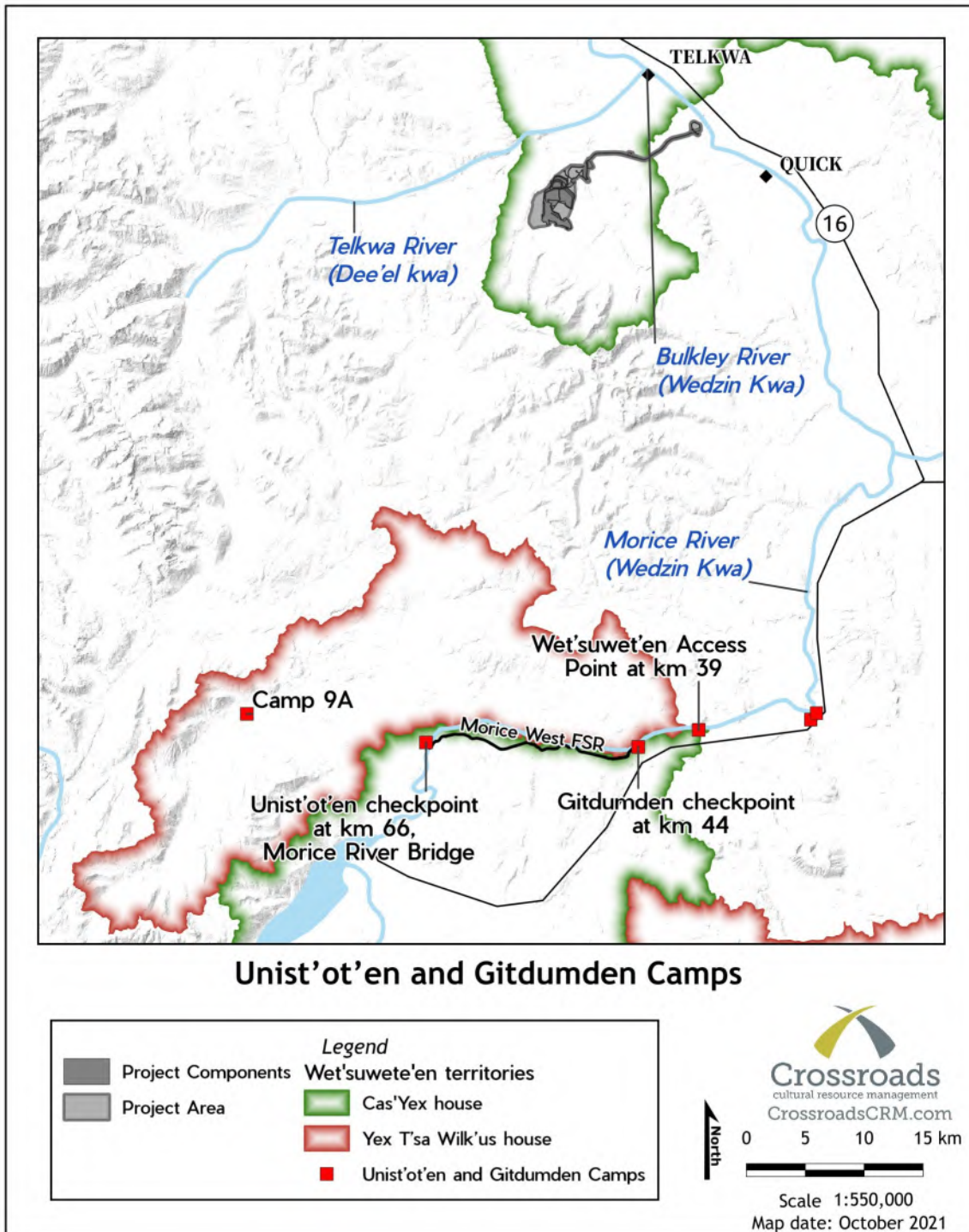


Figure 10. Unist'ot'en and Gitdumden Camp Locations

For nearly a decade, the Unist'ot'en have been occupying the Talbits Kwah territory at the Pithouse site, which has been named *Tse Wedi Elh* (Rocks Flowing). Today, the camp has grown to include a permaculture garden, bunkhouse, and Healing Centre. The Healing Centre provides holistic support and education to Wet'suwet'en members, with a focus on land-based wellness and teaching traditions. The facility has recently been used for youth and women's workshops, as well as a treatment centre for several Wet'suwet'en members with addictions (Unist'ot'en Camp 2018).

The Unist'ot'en have an active social media presence with over 75,000 followers on Facebook (Unistoten Camp@Unistoten 2019), nearly 12,000 followers on Twitter (Unist'ot'en Camp@UnitotenCamp 2019), and numerous video uploads to Youtube (Unist'ot'en Camp Youtube 2019). An extensive and frequently updated website maintains contact with existing supporters, providing information on current events, how to donate, and how to volunteer.

On November 27th, 2018, Coastal GasLink served Unist'ot'en members Freda Huson and Warner Naziel, as well as the Unist'ot'en Camp, a civil lawsuit claiming irreparable harm in the form of "[s]ignificant incremental costs" and "[l]oss of billions of dollars of potential investment in British Columbia," if the blockading activities were to continue (Coastal GasLink, Notice of Claim 2018:5). In addition to damages, Coastal GasLink applied for a permanent injunction against further blockading activities by the Unist'ot'en (Coastal GasLink, Notice of Claim 2018:6). On December 14th, 2018, Coastal GasLink was granted an interim injunction (Gareau 2018b).

The situation reached a climax on January 7th, 2019, when RCMP, armed with semi-automatic weapons, broke down the Gitdumden Blockade, located on the same forest service road as Unist'ot'en (Jeong 2019). Fourteen land and water defenders were violently arrested. Following this, on January 10th, 2019, the Hereditary Chiefs indicated that, although they remain opposed to the pipeline, they would follow the injunction Coastal GasLink was granted. Though the incident garnered a tremendous amount of international media coverage and attention (e.g., Bracken 2019; Luxen 2019), the construction of the pipeline is still planned to proceed. As the temporary injunction that Coastal GasLink was granted, originally set to expire on May 1, 2020 (Hewitt 2019), was upheld in 2020, the situation continues to develop.

The injunction is enforced by the RCMP, enabling Coastal GasLink to proceed with pipeline development. Anything that impedes Coastal GasLink's work is viewed as being in opposition to the injunction, which spurs further RCMP involvement, leading to ongoing disputes between the Wet'suwet'en and RCMP. These disputes, however, are due to resolved issues between the First Nation and the government (rather than Coastal GasLink). Until these issues are resolved, this will continue indefinitely.

6.2.6 Wet'suwet'en First Nation

This sub-section describes the Wet'suwet'en First Nation (formerly known as the Broman Lake Band or Browman Lake Band) because their asserted traditional territory overlaps with the Project footprint. The Wet'suwet'en First Nation is a band-governed group of Wet'suwet'en and, thus, shares many cultural and social characteristics (e.g., language, patterns of traditional land and resource use, such as modes of subsistence) with other bands and hereditary system-governed segments of the overall Wet'suwet'en. It does, however, have a number of unique attributes, particularly in regard to governance and attitudes towards resource development, that are outlined in this section.

6.2.6.1 General Information

The Wet'suwet'en First Nation (No. 725)—one of the five communities that comprise the Wet'suwet'en—is situated west of Burns Lake (CSTC 2011, see Figure 11). Over the years, this community has had

various names. During the 1950s-60s (see Section 6.3 for discussion of why these dates are imprecise), the Wet'suwet'en First Nation, as well as the Nee-Tahi-Buhn and Skin Tyee Bands, were grouped into the Omineca Band, which split into the Broman (or Browman) Lake and Nee-Tahi-Buhn Bands in 1984 (Lakes District Aboriginal Health Improvement Committee 2019:12; Village of Burns Lake 2014:47). The Broman Lake Band changed its name to 'Wet'suwet'en First Nation' in the 1990s, though the community is still occasionally referred to by its old name (CSTC 2011). The band is a member of the Carrier Sekani Tribal Council (OW n.d.a).

The four pillars of the Wet'suwet'en First Nation—that is, the community's four priority areas—are education and training, health and wellness, housing, and language and culture (Tech Support 2013). Their vision is that all community members will: have access to suitable housing (at present, there is a housing shortage), be economically self-sustaining through proper education and training, be physically and mentally healthy (including treatment for trauma inflicted by residential schools), be able to speak their traditional language, *Witsuwit'en*, and have knowledge of their Indigenous culture.

The territory claimed by the Wet'suwet'en First Nation extends from Telkwa in the north to beyond Ootsa Lake in the south, and reaches just past Morice Lake in the west to Burns Lake in the east (see Figure 11). The northwestern mountainous portion of their asserted territory contains important calving grounds for the Telkwa Caribou herd (Stronen 2000).

The Wet'suwet'en First Nation's claimed territory, which overlaps with many territories managed by the Wet'suwet'en Hereditary Chiefs, encompasses the Project's mine site and rail loadout loop. The northwestern portion of the Project's permit area, as depicted in Figure 3, is beyond the Wet'suwet'en First Nation's traditional territory.

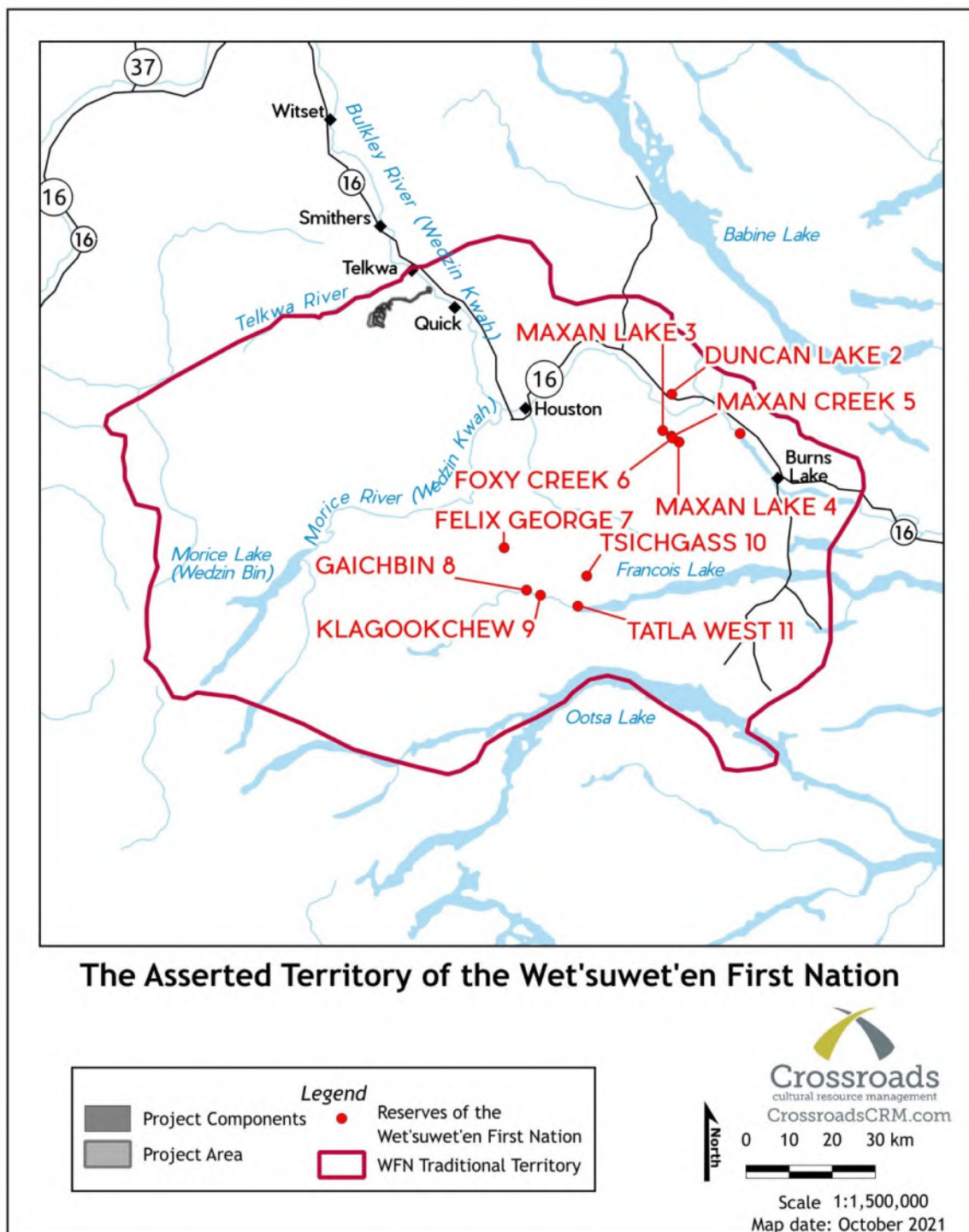


Figure 11. Traditional Territory Asserted by the Wet'suwet'en First Nation

6.2.6.2 Socio-economic Information

The Wet'suwet'en First Nation is comprised of the following reserves: Duncan (also known as Broman) Lake 2, Felix George 7, Foxy Creek 6, Gaichbin 8, Klagookchew 9, Maxan Creek 5, Maxan Lake 3, Maxan Lake 4, Palling 1, Tatla West 11, and Tschigass 10 (see Figure 11 for reserve locations). Palling Indian Reserve No. 1 is the "main community" (OW n.d.a). To keep community members across these various communities up to date in terms of band on goings, events, and services, the Wet'suwet'en First Nation (2020) disseminates monthly newsletters and manages an active Facebook page.

Various numbers are given for the Wet'suwet'en First Nation's population. The OW (n.d.a) states, "the band has approximately 140 members, about half living on reserve." According to CIRNAC (2013e), in 2013 the community had 234 registered members, 123 of whom live on reserve. The Wet'suwet'en First Nation (2018c) reports, "[a]pproximately 255 members live on and off Reserve lands." Canada's most recent census was undertaken in 2016; however, it did not report information on the Wet'suwet'en First Nation's population (Statistics Canada 2018a), see: Section 6.1.3 for discussion on this.

The Wet'suwet'en First Nation (2018a) provides a variety of health and wellness programs for community members, administered through their *Necigeh Beyigh* Community Hall and Health Centre in Palling. These services, many of which are facilitated by out-of-town clinicians via Carrier Sekani Family Services, include: a health clinic, addictions recovery programs and workshops, community vaccinations, daycare, mental health services (adults and youth), and workshops to help the community process trauma and grief (e.g., following the 2018 wildfire season). The Wet'suwet'en First Nation also holds an annual culture week and a culture camp for youth.

The Yinka Dene Economic Development Limited Partnership (YLP) is "the corporate business arm for the Wet'suwet'en First Nation" (Wet'suwet'en First Nation 2018d). It aims to foster financially stable economic development in the community that is consistent with its cultural and environmental values. Its "Key Objectives" are business development, employment creation, skills and training, and wealth creation (YLP 2013). YLP manages "all of the Nation[']s for-profit business ventures and employment and training matters," and aims to capture economic benefits that come from surrounding industry; such as logging, mining, and road construction (YLP 2013).

When the Burns Lake Mill exploded in January 2014, killing two Wet'suwet'en persons, the Wet'suwet'en First Nation's economy suffered, and a number of community members were out of work (Tech Support 2014). Since then, however, their economy has recovered, in large part due to their established revenue sharing agreements in forestry and mining, as well as benefits agreements with LNG projects (such as Coastal GasLink). These various agreements have led to increased community employment in resource development processes and improved local infrastructure, such as roads. The community's views on resource extraction are described more thoroughly in Section 6.2.5.

While pursuing economic and other projects, the Wet'suwet'en First Nation engages in collaboration with the other elected bands and strives for transparency with the Office of the Wet'suwet'en and Hereditary Chiefs (Tech Support 2014). Though such transparency does not always occur, and many of their stances conflict (elaborated upon in Sections 6.2.1 and 6.2.5), the Wet'suwet'en First Nation and the Office of the Wet'suwet'en do engage in some collaboration. For example, the Wet'suwet'en First Nation, Office of the Wet'suwet'en (representing the Wet'suwet'en Hereditary Chiefs), Hagwilget Village Council, Nee-Tahi-Buhn Band, Skin Tyee Nation, and Witset First Nation (as well as the Gitanyow Hereditary Chiefs, Gitxsan Nation, and Lake Babine Nation) are collaborating through the Skeena Sustainability Assessment Forum to establish "a process for collecting trusted data on five key environmental values: medicinal plants, grizzly bear, fish and fish habitat, moose, and wetlands," with the ultimate goal being to design and implement environmental assessment and monitoring protocols relevant to these values (Environmental Stewardship Initiative 2018). These protocols will better inform land stewardship and resource management decisions in their region. In April 2019, the Wet'suwet'en First Nation (2018b) hosted a Moose Management Summit in support of this endeavour.

Further socio-economic data pertaining to the Wet'suwet'en First Nation, such as population demographics and community economics, are described throughout Section 6.3.

6.2.6.3 Governance

As noted in Section 6.2.1, the Wet'suwet'en First Nation is one of the five band-governed Wet'suwet'en communities—a settler-imposed governance structure first set in place by the *Indian Act*. As of June 1, 2019, the current democratically elected Chief and Council are: Chief Maureen Luggi and Councillors Heather Nooski and Karen Ogen-Toews (Beltran 2019). They replaced former Chief Vivian Tom, former Broman Lake Councillor Ruby Ogen, and former Palling Councillor Erwin Tom (Wet'suwet'en First Nation 2018c). The newly-elected Council's mandate is to “pursue long-term government to government negotiations based on governance and reconciliation”—Councillor Ogen-Toews elaborates: “[t]here is a stronger need to focus on economic reconciliation for the First Nation, to eliminate poverty, improve housing conditions, improve drinking water conditions and the overall health and wellness of the community will be a priority” (Beltran 2019).

The Wet'suwet'en First Nation holds authority over the reserve lands demarcated in Figure 11 and have the same sort of “responsibilities as a municipality,” such as “water, sewer, garbage, roads, infrastructure, capital housing, social issues, [and] economic issues” (Tech Support 2015). Their Council's primary duties entail the administration of federal funding in the forms of services and programs for band members (Budhwa 2005:29; INAC 2016). For example, the Council directs federal funding from Crown-Indigenous Relations and Northern Affairs Canada through their Post-Secondary Student Support and University and College Entrance Preparation Programs so that community members can receive financial assistance to access post-secondary education (Wet'suwet'en First Nation 2016).

6.2.6.4 Confusion with the Wet'suwet'en Nation

Given the similarity of their names, as well as the Canadian public's general lack of familiarity Indigenous cultures, the Wet'suwet'en First Nation and the Wet'suwet'en Nation, of which the First Nation is a facet, are often conflated during media coverage. To avoid confusion, in this document, Crossroads CRM uses “Wet'suwet'en” to refer to all Wet'suwet'en, and “Wet'suwet'en First Nation” to denote this particular band. Many prominent local, national, and international news organizations have made this error, including CTV News (2019), Democracy Now! (2020), *Edmonton Journal* (2019), Global News (Abedi 2019), *Globe and Mail* (The Canadian Press 2020a), *Smithers Interior News* (The Canadian Press 2020b), and *Regina Leader Post* (Leader Post 2019). A particularly egregious example is provided by *The Rebel Media*, who, upon learning that the OW and the Wet'suwet'en First Nation are separate entities, referred to the former as a “fake First Nation” (Bexte 2020). By failing to do their research, these groups, though generally well-meaning (save *The Rebel*), have unintentionally fostered confusion among the general public about the Wet'suwet'en First Nation and its place in the overall Wet'suwet'en Nation, particularly in regard to Coastal GasLink, discussed below.

6.2.6.5 Views on Resource Development and Extraction

In dealing with economic issues, such as resource development in forestry, mining, and oil and gas, the Wet'suwet'en First Nation necessitates meaningful consultation and community consent, use of the highest environmental standards possible to protect their lands and resources, fair sharing of economic benefits in order to monetarily support their four pillars, and relationship building with industry at the earliest possible project stage (Tech Support 2013).

The Office of the Wet'suwet'en (OW) and Hereditary Chiefs and the Wet'suwet'en First Nation often take dissimilar stances on resource extraction in their territories. For example, in the mid-1990s the OW

vocally opposed project certification for the Huckleberry Mine under the *Environmental Assessment Act*, while the Wet'suwet'en First Nation (then the Broman Lake Band) voiced concerns in regard to a lack of consultation, among other issues, but did not oppose the project to the same extent (Baker and McLelland 2003). Since 2013, however, both groups have signed partnership agreements with Huckleberry Mines Ltd. (Noble 2016). Perhaps the most extensive and publicized examples of these groups' divergent views pertain to pipelines.

Since 2000, LNG pipeline development activities have increased substantially in the vicinity of the Wet'suwet'en First Nation (Tech Support 2015b). The First Nation indeed has many concerns, such as pipelines destroying their traplines and traditional sites (e.g., camps), and, at first, the community's Council was opposed to LNG development. They eventually warmed up to the prospect of LNG development after realizing the economic and social benefits such projects could bring to their community. The community has since adopted a 'working with' approach instead of 'working against' to minimize project risk of environmental harm while maximizing long term economic benefits to lift their community out of poverty. The Wet'suwet'en First Nation's collaborative approach to industry has enabled them to become more involved in project development processes; for example, their representatives participated in a trade mission to China in 2015 to meet with international LNG partners (Tech Support 2015a). Through keeping community members well-informed on LNG projects, and engaging in processes to mitigate cultural and environmental risk (e.g., redirection of a pipeline's path to avoid harming moose winter range following community consultation), the majority of Wet'suwet'en First Nation community members, about 66%, are in favour of LNG development (Tech Support 2015b). In recent years, the most notorious LNG project is the Coastal GasLink pipeline.

Coastal GasLink (CGL) is a 670 km-long pipeline that will transport natural gas from the vicinity of Dawson Creek, BC, to Kitimat—a route that bisects the claimed traditional territories of the Wet'suwet'en (Hamelin and Pimentel 2020). Though the pipeline is strongly opposed by the Office of the Wet'suwet'en and the Nation's Hereditary Chiefs due to its environmental risks, all of the five elected Wet'suwet'en bands, including the Wet'suwet'en First Nation, are in favour of the pipeline, given the economic benefits it can bring to their communities (Bennett 2020; Iverson 2020)—see: 6.2.5 for a more thorough discussion of this. On one hand, the elected Chiefs state that community members were consulted and educated about CGL, and that they democratically voted to approve it. The Hereditary Chiefs, on the other hand, argue that they are the ones who represent the interests of the Wet'suwet'en, deriving their authority from Wet'suwet'en traditional laws, which, they assert supersede those of the Canadian state.

This disagreement has driven a substantial wedge between Wet'suwet'en communities and families—a divide fuelled and worsened by the name confusion and poor media practices noted above (Hamelin and Pimentel 2020). For example, In January, 2020, the United Nations Committee on the Elimination of Racial Discrimination—apparently unaware that a significant portion of the Wet'suwet'en community supports CGL—urged Canada to stop construction on the pipeline until it had received consent from impacted Indigenous communities. This statement garnered a swift, fierce response from Karen Ogen-Toews (2020), former elected Chief of the Wet'suwet'en First Nation and current Councillor and CEO of the First Nations LNG Alliance: “[t]he UN Committee’s statement and recommendations should simply and immediately be withdrawn, along with an apology to the 20 Nations [along the pipeline’s path]. ... The committee should have been aware that the 20 First Nations participated extensively during five years of consultation on the pipeline, and have successfully negotiated agreements with [CGL].” As of January 2020, the situation continues to develop.

The OW and the Wet'suwet'en First Nation do not always differ in their stances on resource extraction; for example, both groups have signed agreements with Vancouver-based Quartz Mountain Resources Ltd., a subsidiary of Hunter Dickinson Inc. (HDI), to engage in mineral exploration activities on their overlapping territories (HDI AMARC 2014).

6.3 The Wet’suwet’en: Socio-economic Baseline

This sub-section provides socio-economic information on the Wet’suwet’en. Given that Telkwa Coal is conducting their own socio-economic research, this section merely provides a high-level overview. The 22,000 km² of land that constitutes Wet’suwet’en traditional territory is home to 25,000 persons, roughly 5000 of whom are Wet’suwet’en (MFLNRORD 2017). This population resides in First Nations communities (Hagwilget, Nee-Tahi-Buhn, Skin Tyee, Wet’suwet’en Village, and Witset [Moricetown]) and their reserves (Table 3), larger communities (e.g., Burns Lake, Houston, Smithers, and Telkwa), and rural areas.

Information pertaining to the creation and histories of Wet’suwet’en communities/reserves are both scant and conflicting. The *Lakes District Aboriginal Community Resource Guide*, published in January 2019 by the Lakes District Aboriginal Health Improvement Committee, states: “Nee Tahi Buhn, Skin Tyee Band, and Wet’suwet’en [First Nation] were amalgamated in 1954 to [form the] Omineca Band. Nee Tahi Buhn band gained their independence in 1999” (Lakes District Aboriginal Health Improvement Committee 2019:12). *The Burns Lake and Surrounding Area Profile*, published by the Village of Burns Lake in April 2014, however, reports: “In 1960 the Decker Lake, Francois Lake, Maxim Lake and Skin Tyee Bands merged to form the Omineca Band. In 1984 the Omineca Band divided into the Nee-Tahi-Buhn and Broman Lake Bands” (Village of Burns Lake 2014:47). Information provided by the Office of the Wet’suwet’en is consistent with these later dates (OW n.d.c). The OW (n.d.c) and Village of Burns Lake (2014) also both report that the Skin Tyee Band separated from the Nee-Tahi-Buhn Band in 2000. According to the OW (n.d.c), the federal government previously referred to the Nee-Tahi-Buhn Band as the “Francois Lake Tribe.” None of the above sources supply citations/references for their data sources.

Reserves were established in Hagwilget and Witset (formerly Moricetown) by the summer of 1891 (Galois 1994:140). In 1916, additional reserve lands were granted to the Wet’suwet’en under the McKenna-McBride Royal Commission (Galois 1994:158; Government of Canada 1916:206-210). In the following years, further reserve lands were granted on case-by-case bases—e.g., the Department of Indian Affairs purchased the land comprising Witset’s present-day Jean Baptiste 28 Reserve after Jean Baptiste refused to be evicted (Galois 1994:164).

6.3.1 Population Demographics

Thirty-one reserves exist within the Wet’suwet’en communities of Witset (Moricetown), Skin Tyee, Hagwilget, Wet’suwet’en First Nation, and Nee-Tahi-Buhn (Indigenous and Northern Affairs [INAC] 2018a, 2018b, 2018c, 2018d, 2018e; OW 2018). These reserves, along with their corresponding communities, are listed in Table 3 and depicted in Figure 12.

Table 3. Wet’suwet’en Communities and Reserves

Community	Reserve
Witset	▪ Babine 17 ▪ Babine 18 ▪ Bulkley River 19 ▪ Coryatsaqua ▪ Jean Baptiste 28 ▪ Moricetown 1 ▪ Oschawwinna

Skin Tyee

- Skins Lake 15
- Skins Lake 16A
- Skins Lake 16B
- Tatlat't East 2
- Uncha Lake 13A
- Western Island 14

Hagwilget Village

- Bulkley 1
- Hagwilget 1

Wet'suwet'en First Nation (Formerly Broman Lake Band)

- Duncan (aka Broman) Lake 2
- Felix George 7
- Foxy Creek 6
- Gaichbin 8
- Klagookchew 9
- Maxan Creek 5
- Maxan Lake 3
- Maxan Lake 4
- Palling 1
- Tatla West 11
- Tsichgass 10

Nee-Tahi-Buhn

- Eastern Island 13
- François Lake 7
- Isaac (Gale Lake) 8
- Omineca 1
- Uncha Lake 13A

INAC 2018a, 2018b, 2018c, 2018d, 2018e

Wet'suwet'en population information is limited by a number of factors. For example, statistical population data pertaining to Wet'suwet'en communities derived from the Census and National Household (NHS) 2006 and 2011 surveys are sparse, due to small population sizes and/or low survey participation rates. For these reasons, much of the information collected by NHS has either been randomly rounded or suppressed to protect identifiable individuals. Furthermore, various data sources indicate slightly differing population numbers, do not mention from where/when their data are derived, and/or divide their population reporting using dissimilar means (e.g., some sources list the percentage of on and off reserve Wet'suwet'en community members, while others do not). Despite these limitations, available Wet'suwet'en population data are summarized below.

General information provided by INAC records state that there are a total of 3,421 registered Wet'suwet'en members, with 1,165 living on-reserve and 2,256 living off-reserve (INAC 2018a, 2018b, 2018c, 2018d, 2018e). The Office of the Wet'suwet'en (n.d.a, n.d.b, n.d.e) reports that Witset is home to 661 on-reserve and 1129 off-reserve members (total population: 1790); the Wet'suwet'en First Nation has around 140 members (roughly half on-reserve, half off-reserve); and Skin Tyee has 134 members total on and off-reserve. (As elaborated upon in Section 6.2.6, such data may be imprecise, particularly in regard to the Wet'suwet'en First Nation.) The Office of the Wet'suwet'en (n.d.c) does not provide population data for Nee-Tahi-Buhn (or Hagwilget) on their website. As of 2013, Nee-Tahi-Buhn had a total membership of 135 individuals, with 55 persons living on-reserve (Government of Canada 2013a), and Hagwilget had a total population of 706, with 221 persons living on reserve (Government of Canada 2013b).

Census data drawn from NHS indicate that the populations of Witset and Skin Tyee have increased since

2006 (INAC 2018a, 2018c). Witset's population grew 18.7% between 2006 and 2011, and Skin Tyee's population increased 20% between 2006 and 2011 (INAC 2018a). Hagwilget Village, however, saw an overall decline in population since the 2006 census, with a 13% decrease between 2006 and 2011 (INAC 2018c). Population change data were not available for Nee-Tahi-Buhn.

Canada's most recent national census was undertaken in 2016; however, it did not yield population data for Nee-Tahi-Buhn, Skin Tyee, or Wet'suwet'en First Nation. The following reasons are given for why this may be the case: "the area has been suppressed for data quality or confidentiality reasons, or the area is comprised of or contains incompletely enumerated Indian reserves or Indian settlements" (Statistics Canada 2018a). This census, however, reported that in 2016 there were 635 Indigenous persons living on-reserve in Witset (Statistics Canada 2018c), including 305 Indigenous persons in Moricetown 1 IR (Statistics Canada 2018e), and 190 Indigenous persons on-reserve in Hagwilget (Statistics Canada 2018b, 2018d).

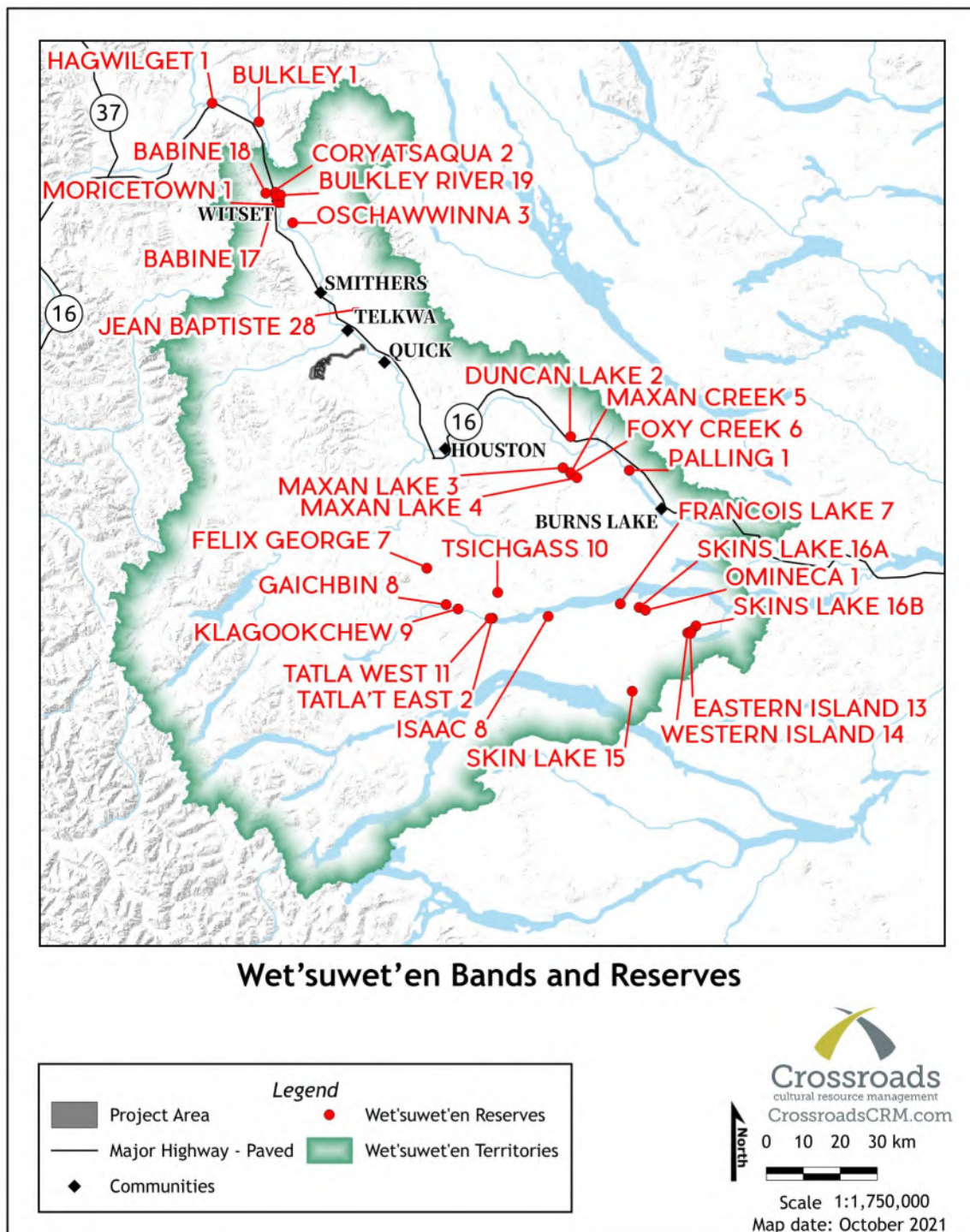


Figure 12. Wet'suwet'en Bands and Reserves

The community of Witset, which regionally overlaps with the Tenas Project, predicts continued membership growth—between 1.2–2.5% annually (INAC 2018a). In recent years, Witset's population has been aging; 11% of on-reserve members are over the age of 65, up from 5% in 2010. Overall, however, Witset's on-reserve population remains young, with 59% of members being under the age of 40. The average number of persons per household in Witset is 2.9, and housing is predominantly single family (Witset First Nation [WFN] 2018a).

In terms of male-to-female ratio, there is little difference between populations across all communities, with the exception of Skin Tyee and Nee-Tahi Buhn. The male population of Skin Tyee outnumbers the female population by 32.2%, and the female population of Nee-Tahi-Buhn outnumbers the male populace by 12% (INAC 2018b, 2018e). At the reserve level, males generally slightly outnumber females, with the exception of Hagwilget Village and Wet'suwet'en First Nation, where females outnumber males by 8% and 47.6%, respectively (INAC 2018c, 2018d).

6.3.2 Community Infrastructure and Services

Given the small sizes and remoteness of Wet'suwet'en communities, many services are provided by nearby service centres. According to INAC, these service centres include the towns of Smithers and Houston. These larger population centres have year-round road access and are located between 50 to 350km from the Wet'suwet'en communities (INAC 2018a, 2018b, 2018c, 2018d, 2018e).

Since the 2018 closure of Greyhound's Northern BC bus routes, public and private transit options along Highway 16—the infamous 'highway of tears,' where numerous Indigenous and non-Indigenous women have disappeared—are limited (Kurjata 2018). To counter this, the Provincial Government established BC Bus North in 2018, a program "backed by \$2 million in provincial funding, [that] provide[s] two round-trip routes a week between Prince Rupert and Prince George, Prince George and Valemont, Prince George to Dawson Creek and Fort St. John" (Bartlett and Wadhwani 2018). This program is in addition to the Highway 16 Transportation Action Plan (established in 2017), which the Ministry of Transportation and Infrastructure committed \$8.1 million in provincial and federal funding to provide public transit between Terrace and Prince George (British Columbia n.d.). This system runs between Burns Lake and Prince George, as well as Burns Lake and Smithers, three days per week. Use of these new bus routes varies substantially between routes and communities (e.g., ridership of the Witset/Smithers route has been increasing, but decreasing on Hazelton/Smithers and Hazelton/Terrace routes); however, these transit programs are anticipated to continue and further expand in the future (Gareau 2019).

6.3.2.1 Housing and Infrastructure

Publicly-accessible data pertaining to housing and infrastructure in Wet'suwet'en communities are incomplete and vary substantially between communities in terms of available information. The remainder of this section provides as complete a picture as possible of housing and infrastructure in these communities, given data limitations.

Witset

Witset reports containing 229 homes, with the majority of homes being located on the Moricetown 1 IR outside of Smithers (WFN 2018a). As mentioned, housing in Witset is predominantly single family, and a reported 70% of houses were built prior to 1991, with 47% in need of major repair. There is currently a waitlist of 119 members waiting for on-reserve housing, with 76 of those members living off-reserve while they wait. A new subdivision on the Bulkley River 19 IR is presently being developed and will include 77 single family dwellings and two lots for multi-family units.

Witset contains a "large band office, a school, a daycare, health station, gas bar, campground and museum" (Tourism Witset n.d.), and the community has "water utility" (CIRNAC 2013b). The Witset Band

Office is located at #3-205 Beaver Road, Witset, BC. Further infrastructure services in Witset include a slow sand water filtration system, reservoir, and artificial lagoons (WFN 2018a). All of the community's reserves are accessible by a road system that is reasonably maintained. Internet is provided by Telus fibre optic.

Skin Tyee

In 2017, Skin Tyee spent \$36,597 on social housing and \$39,847 on community infrastructure (Ribeyre Chang Haylock 2017b). In 2006, there were 15 households in Skin Tyee (INAC 2018b). Though moderately remote, Skin Lake 16B IR is the most populated reserve in the Skin Tyee community. As of 2013, Skin Tyee did not have "water utility" (CIRNAC 2013d).

The Skin Tyee Band Office address is 6940 Campbell Rd (mail: P.O. Box 131), Southbank, V0J 2P0 (BC Assembly of First Nations 2019d).

Hagwilget Village

In 2006, Hagwilget Village reported 80 homes on Hagwilget lands (Statistics Canada 2009). During this time, 20% of Indigenous people in Hagwilget lived in band-owned housing, 77% lived in privately owned housing, and 5% rented their homes. The majority of homes were single-family units built prior to 1991. Nearly half (48%) of these homes were reported to be in need of major repair. Hagwilget 1 IR is the most populated reserve herein (INAC 2018c). Hagwilget Village has "water utility" (CIRNAC 2013a).

As of 2017, Hagwilget Village held \$893,162 of capital assets in social housing, in addition to \$281,996 of capital assets in duplexes (Edmison Mehr 2017). In 2017, Hagwilget Village spent \$126,684 on community infrastructure and \$50,289 on utilities, water, and sewer.

The Hagwilget Band Office address is Hwy 62, New Hazelton, BC V0J 2J0 (Hagwilget 2019). There is a large community hall in the village that can be used to host a variety of events.

Wet'suwet'en First Nation

Wet'suwet'en First Nation reported \$1,269,140 of capital assets in community infrastructure for the 2017 financial year (KPMG 2017). The community has "water utility" (CIRNAC 2013e), as well as a large community hall and daycare (Blackwell 2012).

According to the Wet'suwet'en First Nation (n.d.) website, "housing is one of the four pillars of priority for Wet'suwet'en First Nation Chief and Council. There is a critical shortage of healthy, sound housing. There are currently 29 houses on three reserves but only 25 of the homes are deemed inhabitable." Palling 1 IR is the most populated Wet'suwet'en First Nation reserve (INAC 2018d).

The Wet'suwet'en First Nation Band Office address is P.O. Box 760, Burns Lake, BC, V0J 1E0 (BC Assembly of First Nations 2019e).

Nee-Tahi-Buhn

In 2017, Nee-Tahi-Buhn spent \$20,037 on social housing and \$57,303 on community infrastructure (Ribeyre Chang Haylock 2017a). Uncha Lake 13A IR is the most populated reserve in Nee-Tahi-Bun (INAC 2018e). As of 2013, Nee-Tahi-Bun did not have "water utility" (CIRNAC 2013c).

The Nee-Tahi-Bun Band Office address is 47805 Olson Rd, Burns Lake, BC, V0J 1E4 (BC Assembly of First Nations 2019c).

6.3.2.2 Emergency Facilities and Services

This subsection describes emergency services and facilities (e.g., policing, fire, and health services) in Wet'suwet'en communities. Again, publicly-accessible data are limited and variable. Nevertheless, this section provides as complete a picture as possible of emergency services in Wet'suwet'en communities.

Of relevance to all Wet'suwet'en communities is the Northern Health Bus, which provides residents of Northern BC transport to larger population centres to receive medical services that they cannot access in their own communities (e.g., Prince George, Vancouver). On its Prince Rupert/Prince George route, the Northern Health Bus picks up passengers in a number of stops in the vicinity of Wet'suwet'en communities: Hazelton, Witsset, Smithers, Telkwa, Houston, Topley, and Burns Lake (Northern Health Connections n.d.). Passengers can then transfer onto the Prince George/Vancouver bus route to access health services in Vancouver.

Witsset

The community of Witsset has an Emergency Management Program, which established an *Emergency Preparedness Plan and Guide*. In addition, a *Wildfire Protection Plan* has been created to address the risks of wildfire. A two-bay fire hall, operated by volunteer firefighters, services the main village (WFN 2018a). Witsset does not have a police detachment (CIRNAC 2013b). The nearest ambulance, hospital, and RCMP detachment are located in the town of Smithers.

The Witsset Health Centre provides locals with access to nurses, physicians, and mental health clinicians, as well as other healthcare services (Northwest Aboriginal Health Improvement Committees 2016:6).

Skin Tyee

Skin Tyee does not have police, fire, or health services (CIRNAC 2013d), though Carrier Sekani Family Services (2019) provides home care health services. Houston is listed as a service center (INAC 2016b); although, the nearest available emergency services are located in the villages of Burns Lake or Fraser Lake.

Southside Health & Wellness Centre (27920 Wellness Way, Grassy Plains, BC; mail: 27920 Wellness Way, Burns Lake, BC V0J 1E4) provides various nursing, physician, and mental health care services to numerous regional First Nations, including Skin Tyee (Southside Health & Wellness Centre n.d.).

Hagwilget Village

Hagwilget Village does not have a police detachment (CIRNAC 2013a). Smithers is listed as a service centre, and New Hazelton and Old Hazelton are the nearest communities with emergency services (INAC 2018c).

Hagwilget (2019) Village has a volunteer fire department that receives \$5500 in annual funding from CIRNAC. According to the Hagwilget (2019) Village website, however, "Hagwilget spends an average of \$8,500.00 a year [on the volunteer fire department] and that is still not enough to maintain the fire hall, the small truck cannot be insured, [and] the big truck is nearing the end of its usefulness."

A community health nurse, working under the First Nations Health Authority, visits Hagwilget on Wednesdays (Fetch n.d.). There is also a healthcare centre in Hagwilget (i.e., the Hagwilget Health Centre), where locals can access nurses, physicians, and mental health clinicians, as well as other healthcare services (Northwest Aboriginal Health Improvement Committees 2016:7).

Wet'suwet'en First Nation

The Wet'suwet'en First Nation does not have police or fire services (CIRNAC 2013e). INAC (2018d) lists

Houston as the service center, although the nearest ambulance, hospital, fire hall, and RCMP detachment are located in the village of Burns Lake.

The Wet'suwet'en First Nation has a health care clinic in Palling, west of Burns Lake (Blackwell 2012). Carrier Sekani Family Services (2019) provides home-visit primary health care services to the Wet'suwet'en First Nation.

Nee-Tahi-Buhn

Nee-Tahi-Bun does not have police or fire services (CIRNAC 2013c). Houston is listed as a service center (INAC 2018e). Burns Lake is the nearest community with emergency services. Carrier Sekani Family Services (2019) provides home-visit primary health care services to Nee-Tahi-Bun.

Southside Health & Wellness Centre (27920 Wellness Way, Grassy Plains, BC; mail: 27920 Wellness Way, Burns Lake, BC V0J 1E4) provides various nursing, physician, and mental health care services to numerous regional First Nations, including Nee-Tahi-Buhn (Southside Health & Wellness Centre n.d.).

6.3.3 Education and Training

The majority of Wet'suwet'en communities are within School Districts #54 and #91, with the exception of Hagwilget, which is within School District #82.

6.3.3.1 Education Attainment

School District #54 recorded 522 self-identified Indigenous students for the 2016/2017 school year. Of the 522 students, 66 students reported being on-reserve. In addition, 48 students were attending alternative educational programs. In the 2016/2017 school year, 23 out of 49 grade 12 Indigenous students received a BC certificate of graduation (British Columbia Ministry of Education 2017).

In 2011, 49% of persons in Witset who were 15 years of age or older, and 57.6% of such individuals in Hagwilget, reported having some form of secondary or post-secondary certificate, degree, or diploma (INAC 2011a, 2011b). These figures slightly increased in the 2016 census: in Witset, 52% of persons over 15 years of age (255 out of 490 persons over 15 years) had secondary or post-secondary education, including 125 persons with some form of post-secondary or trades-based education (Statistics Canada, 2018c). In Hagwilget, 66.6% of persons over 15 years of age (100 out of 150 persons over 15 years of age) had secondary or post-secondary education, including 75 persons with some form of post-secondary or trades-based education (Statistics Canada, 2018b). Over time, educational outcomes have improved within both Witset and Hagwilget; although, available information suggests that there is still a significant gap between Wet'suwet'en members and the larger BC populace (INAC 2011a, 2011b; WFN 2018a). For example, BC's overall high school graduation rate during the 2017/2018 school year was 84.6%—including 86.5% of non-Indigenous students and 69.5% of Indigenous students (BCTF 2019).

Educational outcome information for members of Skin Tyee, Wet'suwet'en First Nation, and Nee-Tahi-Buhn is not available (Statistics Canada 2018a).

6.3.3.2 Education Facilities and Services

Witset provides multiple on-reserve education services. The Kyah Wiget Education Society (KWES) is an independent organization that oversees educational programs in Witset. In addition, KWES provides day-care, adult education programs, and post-secondary student support (WFN 2018a). On-reserve

educational facilities are also available on Moricetown 1 IR. These facilities include a multiplex, health centre, museum, and hall. The Witset Multiplex houses, amongst other facilities, a K-12 school, gym, community kitchen, and community feast hall. The Witset Health Centre offers healthy living educational programs, while an adult education programme is held in the Centennial Hall (WFN 2018a).

The Witsuwit'en Language and Culture Society provides various language and cultural programs. Programs, such as the Witsuwit'en Mentor Apprentice Program, Language Revitalization Project, *Witsuwit'en History Book*, and *Niwhkini, Niwh'it'wn* (Our language, Our ways), teach Wet'suwet'en language, values, and life-ways to both Wet'suwet'en and non-Wet'suwet'en learners (Morin 2016; Morris et al. 2006; WLCS 2018). In addition, New Hazelton Elementary School offers cultural courses that teach children Witsuwit'en, Wet'suwet'en stories, and traditional activities (TERA 2015). In high school, students have the option to take similar cultural courses instead of French language classes.

Hagwilget Village offers an on-reserve head start program for children aged three to four years old from Monday to Friday. Cultural Revitalization Training is also provided throughout the year, which includes traditional carving and art design programs (Hagwilget Village Council [HVC] 2018). For older students, Hagwilget Village Council works with the following regional schools: New Hazelton Elementary, Hazelton Secondary, John Field Elementary, and Witset Elementary.

Overall, the majority of education facilities and services are provided off-reserve in nearby communities, such as Smithers, Houston, and Burns Lake.

In terms of post-secondary educational opportunities near Wet'suwet'en communities, Coast Mountain College has satellite campuses in Hazelton and Smithers (main campus is in Terrace), and the College of New Caledonia has a satellite campus in Burns Lake (main campus is in Prince George) (Study North BC 2017). The nearest university is the University of Northern British Columbia, located in Prince George, roughly 370 km east of Smithers.

6.3.4 Market Economy

6.3.4.1 Business and Economic Development

The Wet'suwet'en have made strides in funding business and economic development on their reserves. Witset has invested in numerous job-creating businesses, such as Kyahwood Mill, Kyah Wiget Education Society, and the Witset Health Centre (WFN 2018a, WFN 2018b). In 2017, the community of Nee-Tahi-Buhn invested \$304,543 in economic development, while Skin Tyee has invested \$644,360 (Ribeyre Chang Haylock 2017a, 2017b). In 2012, Wet'suwet'en First Nation incorporated the Yinka Dene Economic Development Limited Partnership (YLP), which manages the community's for-profit business and economic development projects (KPMG 2017; YLP 2013).

Witset's economic development corporation, Moricetown Band Development Corporation (MBDC), was established on Sept. 19, 2006, to "[manage] the Band's portfolio and investments in businesses and other ventures" (BC Assembly of First Nations 2019b). MBDC is a 'General Partner' in the Moricetown Band Development Limited Partnership, which owns: Kyahwood Forest Products (the mill, assets, plant, and equipment), the lease on Lot 53-1 CLSR 77829, and Kyah Industries Ltd., a logging company (BC Assembly of First Nations 2019b). Outside of this partnership, Witset owns 10% of Houston Pellet Limited Partnership, and a Gas Station and Store. Witset has "engaged with the Coastal GasLink and Pacific Trails Pipeline projects" (BC Assembly of First Nations 2019b).

According to the BC Assembly of First Nations (2019d), Skin Tyee First Nation owns forestry operations, and has engaged with Natural Gas proponents of projects in its traditional territory, including Coastal GasLink and the Pacific Trails Pipeline. The same organization states "Nee Tahi Buhn has signed a community and economic development agreement with the Province of BC (2014), ... operates a forestry

business, and has engaged with natural gas proponents operating in its traditional territory” (BC Assembly of First Nations 2019c). Further, the BC Assembly of First Nations (2019e) reports that the Wet’suwet’en First Nation “completed an Economic and Community Development agreement with the Province in 2014, conducts sustainable forestry operations in its traditional territory, ... [and] has ... engaged in Agreements regarding the Coastal GasLink and Pacific Trails Pipeline projects.”

Six regional Wet’suwet’en and non-Wet’suwet’en First Nations (Burns Lake, Cheslatta Carrier, Lake Babine, Nee Tahi Buhn, Skin Tyee, and Wet’suwet’en First Nation) jointly own the Burns Lake Native Development Corporation (BLNDC). The BLNDC supplies the following services: “assistance with business plan development, government grant applications, general advisory services, pre and post-loan counseling and trouble shooting, economic and community development assistance to Bands and their communities, as well as access to technical, financial, and management information” (BC Assembly of First Nations 2019d).

As the general public’s interest in Indigenous cultures has risen over the years, a tourism industry is beginning to emerge in some Wet’suwet’en communities. Witset, for instance, is heavily investing in tourism (Tourism Witset n.d.). Visitors to the Widzin Kwah Canyon House Museum in Witset—which offers Witsuwit’en Cultural Tours, displays Wet’suwet’en artifacts up to 6000 years old, and provides access to the canyon via stairs—increased from 614 in 2016, to 1139 in 2017, and 3298 in 2018 (Stumborg 2018). The Museum is currently seeking funding to re-shingle and insulate its roof. Kyah RV Park & Campground, a campground in Witset, is also growing increasingly popular. In 2019, the community of Witset produced the *Witset Community Tourism Development Plan* “to guide ... the continued respectful growth of the Witset tourism economy”—e.g., required visitor infrastructure) that will improve visitor experiences and spur local economic development (First Nations in BC Knowledge Network 2019).

Hagwilget Village’s Economic Development Department is currently developing the Hagwilget Cultural Revitalization Project (HVC 2018), which will “provide community members with the opportunity, skills and knowledge required to produce good quality native crafts to put on the market” (BC Assembly of First Nations 2019a).

6.3.4.2 Labour Force and Wage Employment

Agricultural, forestry, and mining sectors provide the majority of employment within the Regional Study Area (MFLNRORD 2017). Significant sawmills include: the Canadian Forest Products mill (Houston), the Hampton Affiliates’ Decker Lake and Babine Forest Products mill, and the West-Fraser – Pacific Inland Resources mill (Smithers). A notable employer in the mining sector is the Huckleberry Mine.

Wet’suwet’en communities receive funding from the government, as well as some income from the mills, as they log trees on Wet’suwet’en territory (TERA 2015). Ten percent of a pellet plant in Houston is owned by the Witset (Moricetown) Band, though this does not provide significant income.

Labour Force

According to 2006 and 2011 census data, the on-reserve community of Witset’s participation rate in the labour market increased from 51.1% in 2006 to 60.7% in 2011. During this same time period, however, Witset’s unemployment rate increased from 8.9% in 2006 to 25.9% in 2011 (INAC 2018a). The most recent 2016 census recorded a decrease in Witset’s unemployment rate to 22.8% (which is still higher than the 2016 regional average, 13.8%), as well as a labour participation rate of 58.2% and an employment rate of 45.9% (Statistics Canada 2018c). The unemployment rate specifically in Moricetown 1 IR was 19% (Statistics Canada 2018e).

The 2016 census indicates that Indigenous persons in Hagwilget Village have a labour participation rate of 53.3%, an employment rate of 40%, and an unemployment rate of 31.2% (Statistics Canada 2018b,

2018d).

Census labour information is not available for the communities of Skin Tyee, Wet'suwet'en First Nation, and Nee-Tahi-Buhn (Statistics Canada 2018a).

Given their relatively high rates of unemployment, many persons living in Wet'suwet'en communities are often excited by the anticipated job opportunities provided by large-scale developments, such as pipelines (TERA 2015). A common complaint, however, is that such projects do not often involve many Wet'suwet'en persons, and projects largely benefit non-Wet'suwet'en stakeholders, despite taking place on Wet'suwet'en traditional territory. While many Wet'suwet'en will be provided temporary employment during a project's construction phase only a few will likely acquire long term monitoring jobs.

Some Wet'suwet'en supplement their income by selling hand-made goods (TERA 2015). These can include moccasins, bentwood boxes (made from cedar wood), articles of clothing (e.g., jackets, dresses), and beadwork.

Wage Employment

According to available 2016 census data of populated Witset reserves (Statistics Canada 2018c, 2018e), most employment in Witset is in sales and services (26% of members living on-reserve). Manufacturing and utilities, as well as trades and transportation, are also significant, consisting of 22% and 20%, respectively, of occupations held by Witset members living on-reserve.

In the 2016 census, employment in Hagwilget Village was evenly distributed across all occupations, aside from natural and applied sciences, natural resources and agriculture, and manufacturing and utilities occupations, all of which recorded 0% of occupations held by Hagwilget Village members living on-reserve (Statistics Canada 2018b, 2018d).

Census labour information is not available for the communities of Skin Tyee, Wet'suwet'en First Nation, and Nee-Tahi-Buhn (Statistics Canada 2018a).

6.3.4.3 Income and Earnings

In 2015, overall median income across Witset reserves was \$18,944 (Statistics Canada 2018c). The 235 Witset members living specifically in Moricetown 1 IR earned a median total income of \$17,856, which is nearly half (48.5%) of the median total income in the Bulkley-Nechako regional district (Statistics Canada 2018e). Median total income for men was greater than that of women, with \$19,008 and \$17,344, respectively. A greater portion of household incomes for Witset members (25.1%) consists of government transfers compared to overall incomes in the Bulkley-Nechako regional district (12.1%) (Statistics Canada 2018c).

Information pertaining to income in Hagwilget from the 2016 was "suppressed" for an undisclosed reason(s) (Statistics Canada 2018b, 2018d). Information regarding income and earnings for the communities of Skin Tyee, Wet'suwet'en First Nation, and Nee-Tahi-Buhn has not been made available (Statistics Canada 2018a).

6.3.5 Land-based Wet'suwet'en Economy

The Wet'suwet'en traditionally maintained a semi-nomadic economy involving seasonal food gathering activities, which they employed in order to take advantage of spatially and temporally variable resources. The majority of food was acquired during salmon runs in the summer, when many Wet'suwet'en members

would congregate at key fishing sites, such as *Kyah Wiget* (Witset). The Wet'suwet'en, however, dedicated the majority of their time to resource gathering activities in their respective House territories (Morris et al. 2006:18; OW 2011:12).

The following section discusses a) how the Wet'suwet'en continue to participate in an adapted land-based economy involving House territories, b) food security in Wet'suwet'en communities, and c) their contemporary engagement in trapping.

6.3.5.1 House Territories

Governance of Wet'suwet'en members was traditionally the responsibility of the hereditary Clan system (i.e., a system organized into thirteen Houses, grouped under five Clans, with 38 House territories). Governing decisions were made during *baht'lats* (feasts) in the summer months when Clans and Houses gathered to harvest salmon. Today, the Office of the Wet'suwet'en continues to operate under this system as an authority separate from Wet'suwet'en bands, such as the Moricetown Band, which operates under the band system (Radloff 2017:12).

During the creation of Wet'suwet'en reserve system, government workers gave little consideration to pre-existing Wet'suwet'en land tenure and Clan systems (WFN 2018a). As a result, many Wet'suwet'en members from various Clans and Houses find themselves living outside of their ancestral territories. Historically, only members of the Laksilyu Clan occupied the village of Witset. Today, because of the reserve system, a mixture of Clans and Houses live in the community. Given these circumstances, challenges concerning traditional territories and rights can arise during land use planning and resource development discussions (Radloff 2017:12-13; WFN 2018a).

In terms of land use planning by band led organizations, generally the bands take responsibility for coordination and direction, with input from the Office of the Wet'suwet'en (due to their mandate and relationship with the Delgamuukw-Gisdaywa proceedings). In the case of the Moricetown Land Use Plan Framework, efforts are being made to increase communication between hereditary and band level governing bodies during land use planning processes to better address shared issues. This includes greater engagement with affected community members in regards to traditional land rights and interests (Radloff 2017:13).

From the perspectives of Wet'suwet'en Hereditary Chiefs, their task is to ensure that resources within their House territories are used in a sustainable fashion (MFLNRORD 2017). Their objective is to ensure that House territories will continue to produce sufficient amounts of fish, game animals, medicines, and plant foods so that generations of Wet'suwet'en to come can always meet their subsistence, trade, and cultural needs. Many Wet'suwet'en today are worried, however, that declining game animal and fish populations will impede the sustainability of their House territories and, thus, the continuity of Wet'suwet'en life-ways. They are concerned that new threats, including climate change, industrial developments (e.g., gas and oil pipeline construction), and resource extraction (e.g., logging), will exacerbate these population declines. Given these anxieties, many Wet'suwet'en are somewhat wary of large-scale industrial development and resource extraction activities (though, as noted, another segment of the population welcomes such economic development).

It is important to note that House members are not solely limited to their own House's territories. Movement between territories was confined to main trails; however, permission to enter, travel, and hunt in another House territory could be sought (Morin 2016:59). There are many occasions when territories and resources would be shared or distributed amongst Clans and Houses. On such occasions, Clan and House members would come together in order to discuss issues of territory stewardship and governance. These discussions typically occurred during *baht'lats*, feasts where important social and economic decisions were generally made (Morris et al. 2006).

6.3.5.2 Resource Harvesting and Food Security

A House territory under the hereditary Clan system provides everyday resources for House members. These resources include foods harvested from hunting, fishing, and berry-picking and plant-gathering areas (Morris et al. 2006). Large game animals for Wet'suwet'en members typically include, but are not limited to: black and grizzly bears, caribou, coyotes, deer, moose, mountain goats, and wolves (Daly 2005; Johnson 1994; MFLNRORD 2017; Morris et al. 2006; OW 2011). Smaller game animals include: beaver, groundhogs, grouse, lynx, marmots, martens, snowshoe hares, squirrel, and weasel (Daly 2005; Johnson 1994; MFLNRORD 2017; Morris et al. 2006; OW 2011, 2014).

Anadromous fish harvested by the Wet'suwet'en include: char, chinook, coho, pink, and sockeye salmon, as well as steelhead, bull trout, and Pacific lamprey; and the freshwater species they typically gather are: burbot, chub, dace, Dolly Varden, kokanee, lake trout, mountain whitefish, northern pike minnow, rainbow trout, sculpin, suckers, and white sturgeon (CSTS 2006; MFLNRORD 2017; Morris et al. 2006; OW 2014). Morice sockeye are the largest and most important fish to the Wet'suwet'en in the Bulkley River basin.

The Wet'suwet'en use approximately 60 plants species for food, the vast majority of which are harvested from forest and woodland settings, or along watercourses (MFLNRORD 2017). Various berries (e.g., blueberries, cranberries, huckleberries, and Saskatoon berries) and fruits, flowers (e.g., from Indian paintbrush), green vegetables (e.g., wild celery), inner bark cambium (e.g., pine), mushrooms, roots and rhizomes (e.g., lily pad roots, wild onions, and wild potatoes), and wild rice (CSTS 2006:32-33; Morris et al. 2006). Medicines derived from plants are often gathered from the foliage, inner bark, leaves, and roots of various plant species (MFLNRORD 2017). Plant materials used for other cultural purposes include: dyes and pigments, fibrous plant materials (e.g., bark for basket weaving), and wood. Today, however, substantially fewer Wet'suwet'en persons gather plants for food, medicine, and cultural goods than did so in the past, largely due to concerns over contamination from resource extraction and industrial development activities, such as industrial herbicides used by forestry companies or pollution from mines. For example, people are no longer able to eat berries (or drink water) near Goosly Lake due to contamination from the nearby Equity Mine (TERA 2015).

The Telkwa River, as well as its tributaries, Tenas and Goathorn Creeks (both of which fall within the Tenas Project area), are important salmon rearing and spawning sites in the Bulkley watershed (Bulkley LRMP, Bulkley Streams Field Report 2002). Many Wet'suwet'en fishing camps have been recorded along the Telkwa and Bulkley Rivers (Morris et al. 2006). In Wet'suwet'en communities, the harvesting of fish is not solely for subsistence; fish are also significant cultural resources. The gifting of fish and fish products (along with other foods, beverages, and goods) during *baht'lats* is one significant aspect of Wet'suwet'en governance.

The Telkwa Pass was historically known for its particular abundance of caribou (Morris et al. 2006). At present, however, the Telkwa caribou herd is considered at risk and is currently under the protection of a Voluntary Recreational Access Management Plan (Thiessen 2013).

As noted, many Wet'suwet'en are concerned with the decline of local game animal and fish populations (MFLNRORD 2017). They are worried that the combined effects of numerous factors—climate change, proposed large scale linear developments (e.g., oil and gas pipelines), and timber harvest—will continue to harm subsistence animal populations and, thus, negatively affect their food security, the sustainability of their House territories, and, ultimately, the continuity of their culture. Some culturally important species are listed in Appendix B.

6.3.5.3 Trapping

Trapping of animals, such as beaver, martin, lynx, and groundhogs, is an important activity for Wet'suwet'en members. Much like fishing, animals harvested via trapping are a significant aspect of

baht'lats (Morris et al. 2006). Registered traplines are outside of the Clan system of territory ownership and can limit the cultural use of territories for the activity of trapping. Trapping, however, is a form of government-recognized rights to land that may provide additional protection of traditional land use activities (CSTC 2006). Traplines that overlap with the Study Area (TR0609T026, TR0608T014) are depicted below in Figure 13.

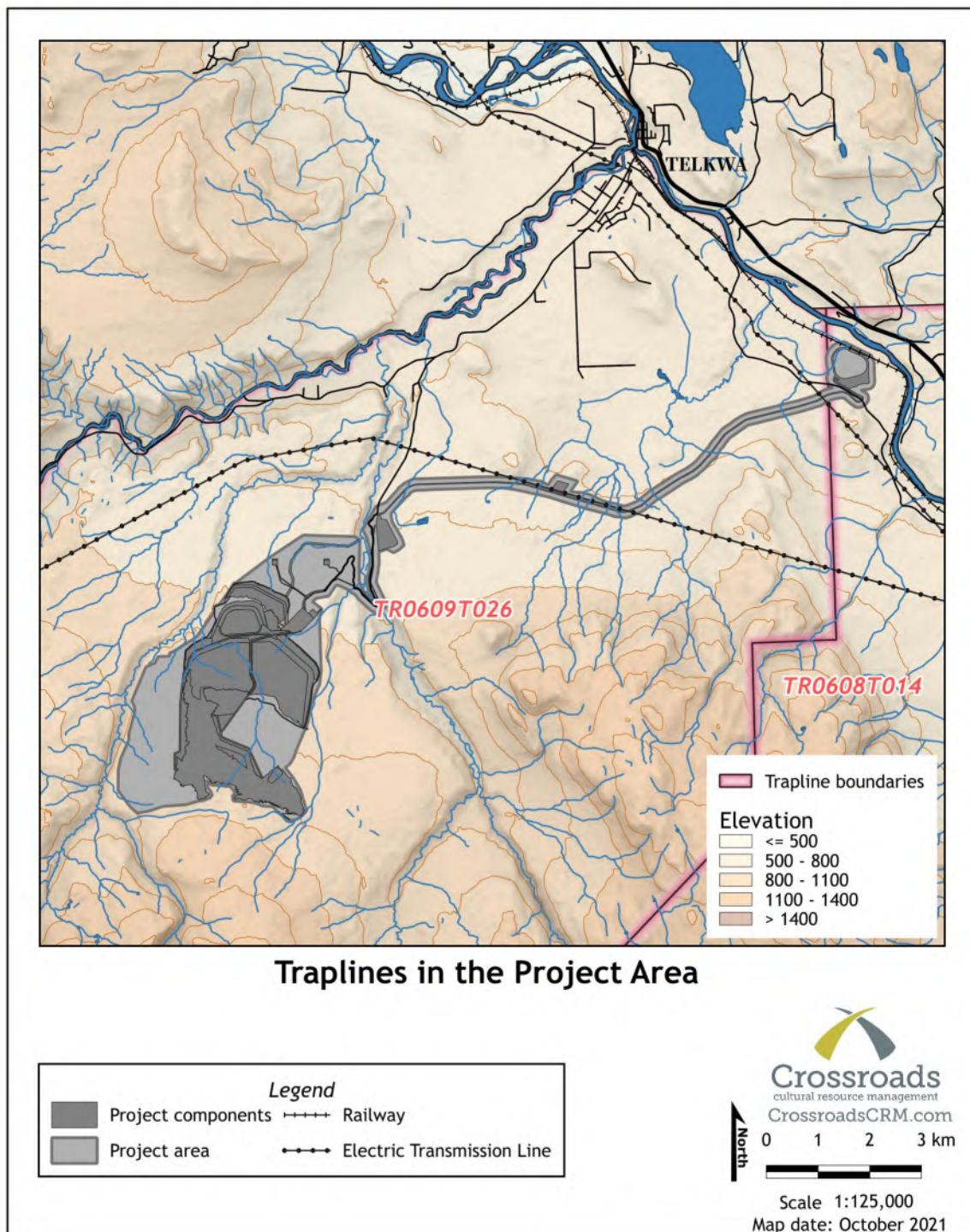


Figure 13. Traplines in Project Area

6.3.6 Community Health and Well Being

The present section describes quantitative and qualitative indicators of health and wellbeing in Wet'suwet'en communities. Publicly available research in these domains is sparse; thus, this section reviews what limited literature is available in order to provide as complete a picture as possible of wellness in Wet'suwet'en contexts. First, however, caveats regarding the applicability of quantitative health measures to Indigenous communities must be addressed.

In Canada, community health and wellbeing are frequently evaluated using quantitative measures—factors like rates of income and employment. Although these variables are considered reliable predictors of wellness in Euro-Canadian communities, they often do not equivalently translate to Indigenous communities. For example, in 2006 Indigenous and Northern Affairs implemented a Community Well-Being Index that employed quantitative measures of income, housing conditions, and labour force data to track wellbeing across First Nations communities (Aboriginal Affairs and Northern Development Canada 2015). Although this Index was helpful for quantitatively tracking discrepancies between urban and rural First Nations (e.g., economic disparities), it did not touch upon the factors that First Nations peoples consider to constitute 'health' (discussed below). By failing to include this information, the Index ended up yielding health assessments that only told half the story.

'Health' and 'wellbeing' are culturally variable concepts; what 'health' looks like in one society may be substantially different from how it manifests in others. The Western understanding of 'health' is well-established (e.g., health is individualistic, an absence of pathology); however, to measure health in another cultural context, one must first determine what that culture understands 'health' to mean. This is where the aforementioned Index fell short; it a) was solely based on Western indicators of wellness and b) failed to incorporate central facets of Indigenous worldviews, such as spirituality and community, cultural, and environmental connectedness and wellbeing (Nesdole et al. 2014).

Research outlines a series of factors that are broadly important to health and wellbeing in North American Indigenous cultures: cultural continuity (including traditional forms of spirituality), self-determination (political and territorial), and community and environmental wellbeing and connectedness (e.g., Chandler and Lalonde 1998; McCormick and Wong 2006). From these findings, we can surmise that conceptualizations of health in Indigenous cultures tend to be more collectivistic and based on the wellbeing of, and one's connections to, external factors (i.e., community, culture, land), which contrasts with the Western notion that health is internal and individualistic. In addition to broadly fluctuating between Indigenous and Western cultures, however, conceptualizations of 'health' can also vary dramatically between Indigenous communities (Chandler and Lalonde 1998); what is important to the health of one Nation may differ from another Nation's understanding of wellbeing. Thus, to get the 'full picture,' it is crucial that any evaluation of health in an Indigenous community takes into consideration what that *specific* community considers to constitute wellbeing.

In order to provide as holistic a picture of health and wellness in Wet'suwet'en communities as possible, the remainder of this section first outlines limited publicly available statistical health data, and then discusses what the Wet'suwet'en consider to constitute health and wellbeing.

6.3.6.1 Quantitative Health and Wellbeing Outcomes

Publicly accessible statistical data specifically pertaining to health and wellbeing outcomes in Wet'suwet'en communities are not available. This was determined through internet database searches, as well as consultation with employees at Northern Health and the First Nations Health Authority. Northern Health, however, has gathered health outcome data for the Upper Skeena Health Area, which encompasses the Wet'suwet'en community of Hagwilget, and the Burns Lake Health Area, which encompasses the Wet'suwet'en First Nation. Because Indigenous individuals constitute large portions of these two health areas' populations—56.1% and 40.4%, respectively—their health outcomes are

described below (Ebbadi 2019b, 2019a). Only health outcomes that differ from the rest of BC are noted. It is important to note that because these health areas both contain significant non-Indigenous (and non-Wet'suwet'en) populations, the following statistics should by no means be considered reliable indicators of wellness in Hagwilget and Wet'suwet'en First Nation; rather, they constitute (skewed) approximations.

In the Upper Skeena Health Area (SHA), life expectancy is slightly below BC's average: 77.6 years vs 80.6 in men; 79.6 vs. 84.6 in women; 78.9 vs. 82.6 total (Ebbadi 2019b). It is estimated that persons in the SHA are 3.47 times more likely to die from factors associated with alcohol use, as well as 5.18 times more likely to die from a motor vehicle accident, than people elsewhere in the province. Infant mortality is also higher here than in the rest of BC, at 18 deaths vs. 4 per 1000 births. In terms of specific diseases, rates of Chronic Obstructive Pulmonary Disease (COPD) are 28.5% higher here than in the rest of BC, rates of diabetes 3.5% higher, rates of heart failure 61.3% higher, and rates of high blood pressure 9.9% higher. Fifty percent of five year old children in the SHA are considered to be vulnerable to factors predictive of poor health in adulthood (e.g., inadequate levels of physical activity and limited access to healthy foods), compared to BC's average of 32%. In addition, there are 92 physicians here per 100,000 residents, compared to 112 in the rest of the province (Ebbadi 2019b).

In the Burns Lake Health Area (BHA), life expectancy is also slightly below BC's average: 78.5 years vs. 80.6 in men; 81.6 vs. 84.6 in women; 79.9 vs. 82.6 total (Ebbadi 2019a). It is estimated that persons in the BHA are 2.27 times more likely to die from alcohol use, and 3.1 times more likely to die from a motor vehicle accident, than people elsewhere in the province. Infant mortality is also higher here than the rest of BC, at 9 deaths vs. 4 per 1000 births. In terms of specific diseases, rates of asthma are 11.6% higher here than in the rest of the province, rates of COPD 25.9% higher, rates of heart failure 79.4% higher, and rates of high blood pressure 8.5% higher. Forty two percent of five year old children in the BHA are considered to be vulnerable to factors predictive of poor health in adulthood, compared to BC's average of 32%. In addition, there are 76 physicians here per 100,000 residents, compared to 112 in the rest of the province (Ebbadi 2019a).

The above statistics provide an incomplete picture of Wet'suwet'en health—both because they are heavily skewed by inclusion of non-Wet'suwet'en persons and because, as noted, quantitative health measures are often not culturally relevant. In addition, as the populations of the SHA and BHA are relatively low, their pathology and service rates can be substantially skewed by the existence of just one case or service provider; for example, does it really make sense to report that there are 76 physicians per 100,000 persons in the BHA, when only about 6800 persons live therein (Ebbadi 2019a)? To compensate for these shortcomings, the next subsection outlines factors that the Wet'suwet'en consider to constitute 'health,' as well as tangible examples of culturally relevant health and wellbeing services in their communities.

6.3.5.2 Culture, Community, and Environmental Connectedness

The Wet'suwet'en Wellness Working Group (WWWG) is a coalition of Hereditary and elected Wet'suwet'en Chiefs who are collectively working to promote wellbeing in their communities using "a distinctly Wet'suwet'en approach to wellness" (OW n.d.d). This 'distinctly Wet'suwet'en approach to wellness' is largely based on community members' input. In 2012-2013, the WWWG undertook an extensive community-based study of health conceptualizations and priorities that included over 200 Wet'suwet'en participants. Though it is still in development, this study provided the basis for the Wet'suwet'en Holistic Wellness Conceptual Framework, depicted below in Figure 14.

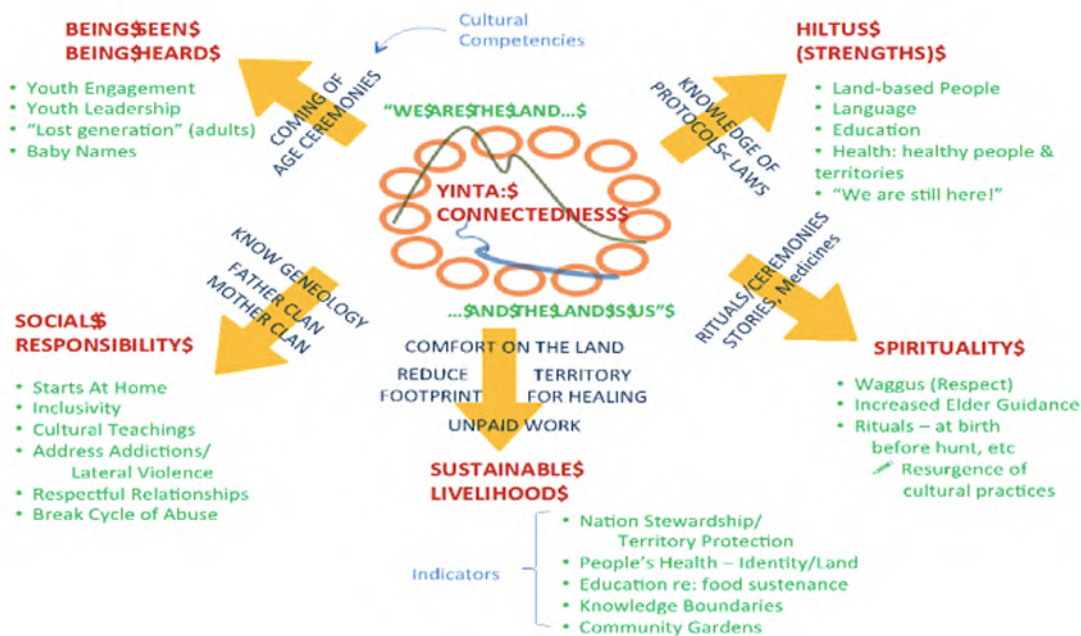


Figure 14. Wet'suwet'en Holistic Wellness Conceptual Framework (Hagwilneghl, Michell, and Lewis 2018)

At the centre of the Wet'suwet'en Holistic Wellness Conceptual Framework (Figure 14) is *Yintah* (here spelled as "*Yinta*")—meaning "people connected to the land" (OW n.d.). Radiating outwards from *Yinta* are five health themes: 1. Being Seen / Being Heard (e.g., youth engagement and leadership); 2. *Hiltus* (Strengths) (e.g., the Wet'suwet'en are a land-based people); 3. Spirituality (e.g., rituals and Elder guidance); 4. Sustainable Livelihood (e.g., sustainable resource use), and 5. Social Responsibility (e.g., inclusivity, addressing addictions and other social issues). These five themes are the pillars of what 'health' looks like in Wet'suwet'en communities; that is, a 'healthy' Wet'suwet'en community will excel in each of these domains, all of which tie back to that community's interconnectedness with its traditional territories. Each theme has "cultural competencies" that suggest means through which that particular pillar of health can be developed; for example, 'Spirituality' can be fostered through participation in rituals, ceremonies, and storytelling, as well as by using traditional medicines; 'Sustainable Livelihood' can be promoted through reducing one's carbon footprint and subsisting off of the land. The Framework also outlines some health outcomes (qualitative and quantitative) that are culturally relevant to Wet'suwet'en society: nation stewardship/territory protection, strength of Wet'suwet'en identity and health of territory, education of traditional subsistence, knowledge boundaries, and community gardens. As these outcomes have come directly from the Wet'suwet'en, they are the indicators that industry and government studies seeking to investigate Wet'suwet'en health ought to investigate.

The above Framework demonstrates that central to Wet'suwet'en wellness are cultural and community connectedness and the health of Wet'suwet'en territories. Though the Wet'suwet'en have put a distinct 'Wet'suwet'en twist' on these factors, they are not entirely unique to this Nation. Community and cultural connectedness and engagement are indeed often considered to be effective indicators of wellbeing in First Nation communities (Reading and Wien 2013; Richmond and Ross 2009:404). Involvement in self-governance, land rights discussions, and education, as well as control over cultural spaces, are some factors that can demonstrate community and cultural engagement. Further, research both in Northern BC (e.g., Windsor and McVey 2005) and abroad (e.g., Albrecht et al. 2007) has consistently found that the health of an Indigenous Nation's traditional lands is tethered to the health of its members (Richmond and Ross 2009:404).

A facet of contemporary Wet'suwet'en society that promotes community, cultural, and environmental

connectedness is engagement in traditional forms of governance. For example, because The Office of the Wet'suwet'en continues to operate under the traditional hereditary Clan system, the traditional rights and titles of Clan and House members continue to be represented, and a system of self-governance is maintained (OW 2018). This enables Wet'suwet'en members to continue to engage in traditional forms of territorial stewardship, as well as partake in *baht'lats*, the feast system that fosters connectedness between and within Houses and Clans (Morris et al. 2006). Without the hereditary Clan and feast systems, it would be significantly more challenging for the Wet'suwet'en to maintain these vital connections. Thus, capacity to engage in these traditional forms of governance can be seen as necessary for Wet'suwet'en health and wellbeing.

Another way community, culture, and environmental connectedness are fostered in Wet'suwet'en communities is through culture camps, which the Office of the Wet'suwet'en runs throughout the year (OW 2018). Participants of Wet'suwet'en culture camps engage in traditional Wet'suwet'en activities, such as tanning hides and creating goods, listening to Elders' stories, and undertaking land-based modes of subsistence (e.g., hunting, fishing). These camps also offer Wet'suwet'en members the opportunity for generational transmission of tradition knowledge, as well as promote stewardship of and connectedness with their natural environment. Similar cultural programming also transpires at the Unist'ot'en Camp's Healing Centre, which hosts youth and women's workshops that focus on traditional Wet'suwet'en teachings and holistic health support (Unist'ot'en Camp 2018).

In Witset, there are numerous opportunities for community and cultural engagement. Cultural spaces, like the Widzin Kwah Canyon House Museum, provide the opportunity for Witset members to promote and share their traditional knowledge with the public (Moricetown Band 2018). Other facilities in the community, such as the Witset Multiplex, Centennial Hall, and Witset Health Centre, provide both opportunities for Wet'suwet'en to participate in culturally-relevant health and education programs and the space for *baht'lats* (WFN 2018a). The Witsuwit'en Language and Culture Society, a non-profit and non-governmental organisation also based in Witset, seeks to promote the continuation of Wet'suwet'en language and culture (Witsuwit'en Language and Culture Society 2018). In 2017, 118 Wet'suwet'en members across all communities reported fluency in Witsuwit'en (Morin and Lewis 2017).

Since development of the Wet'suwet'en Holistic Wellness Framework, the WWWG has used it to help local health services become more culturally relevant (that is, to ensure health care services are delivered in a manner that both removes barriers between clinical and cultural practices and is in accordance with Wet'suwet'en laws, protocols, and practices). Hagwilneghl, Michell, and Lewis (2018) list some ways in which Wet'suwet'en and Western health services vary, summarized below in Table 4.

Table 4. Western vs. Wet'suwet'en Health Care

Western Health Care	Wet'suwet'en Health Care
Stranger-based (e.g., foster care)	Kinship-based (e.g., provided by House group)
Youth services end at 19 years of age	Life-long services
Emphasize independent living	Emphasize interdependent living
Case management meetings	Clan/House group meetings
No cultural plans	Cultural plans
Office based	Land based
Systems responsibilities	Collective responsibilities
Individualistic dispute resolution (judge, director)	Collective dispute resolution (House groups)
Targeted services	Holistic spectrum of services
Clinical practice first, culture second	Culture first, clinical second

At present, there are a number of culturally relevant Wet'suwet'en healthcare providers. For instance, a Healing Centre located at the Unist'ot'en Camp outside of Houston, BC, provides clinical addiction treatment for Wet'suwet'en members in a culturally appropriate manner (Unist'ot'en Camp 2018). The Witset Health Centre in Witset also provides similar health services (WFN 2018a). In addition, the BC Government and Wet'suwet'en Nation began taking steps in 2018 to help local child and family services become more culturally appropriate (CIRNAC 2018). On Oct. 11, 2018, the Wet'suwet'en Hereditary Chiefs signed a Memorandum of Understanding with Minister Bennett (Crown-Indigenous Relations) and Minister Conroy (Children and Family Development), committing to establish and implement a framework for exercising Wet'suwet'en jurisdiction over child and family services—“a key step towards achieving [their] common goal of improving child and family services for the Wet'suwet'en Nation according to Wet'suwet'en traditions and culture” (CIRNAC 2018).

The research discussed in this section indicates that ‘health, in the context of Wet'suwet'en communities is a multifaceted construct that interconnects with many aspects of their realities and differs in many significant ways from how ‘health’ is generally understood by Westerners. As Joseph (1992:iii) put it, the “Wet'suwet'en have a holistic conceptualization of health with the spirit constituting a dominant force in the physical-mental-spiritual complex. That spirit also interconnects the individual with the family, House/Clan, village, tribe, and the land.” Thus, connections with their culture, each other, and their traditional territories are paramount to the wellbeing of this people. Harming one of these factors—impeding access to traditional territories and resource use, or disrupting traditional forms of governance—has the potential to harm the wellbeing of Wet'suwet'en communities.

6.4 Wet'suwet'en Land Use, Values, and Interests in Regional Study Area

Since European contact and settlement, the Wet'suwet'en have significantly adapted their land use activities. Yet contemporary land use practices nevertheless remain consistent with traditional Wet'suwet'en values and interests. The force that provides the foundation and rationale for Wet'suwet'en values and interests is *Yintah*, a concept in which all environmental components—from plants and animals to waterways and mountains—are all interconnected and linked with the human world (OW 2011:111). The philosophy underscoring this way of perceiving and relating to nature is animism—a doctrine, common amongst Indigenous peoples across the globe, that ascribes elements of sentience, or awareness, to all living and non-living aspects of one's environment (Willerslev 2007). For example, Wet'suwet'en do not gather plants near a road, as such plants are frequently and heavily impacted by anthropogenic activity, thereby absorbing the bad spirits of the humans who caused the impact (TERA 2015). When gathering plants, one should travel deep into the woods, where plants have not been affected by any human activity and, thus, have the purest spirits. In the case of medicinal plants, the deeper into the woods a plant is, the more powerful its medicine will be. It is also possible for a human to imbue a plant with a positive spirit and promote its growth. These examples illustrate some ways through which spiritual relations shape Wet'suwet'en resource values and activities, as well as their understandings of reality.

The present section teases apart contemporary and traditional Wet'suwet'en land use, values, and interests, as they pertain to the Regional Study Area.

6.4.1 Key Concepts and Values

It is important to recognise the substantial distinctions between Indigenous and Western concepts and values that help govern the management of lands and natural resources. In many cases, it is difficult to balance these perspectives in a meaningful way during policy-making and resource management processes (Budhwa 2005:23). Oftentimes, Western management strategies focus solely on scientific

assessments of natural resource values that measure current or potential impacts of resource development on the physical landscape. This approach to land and resource management tends to be guided by quantitative models for the purpose of resource development. Indigenous land and resource management, on the other hand, tends to be more qualitatively by guided by concern for the continuance of culture, and is largely informed by Traditional Knowledge (TK) (Nadasdy 1999:2).

When Indigenous peoples employ TK—a knowledge system inseparable from a community's values, practices, beliefs, and social relations—to guide land and resource management, such management decisions are made in the context of, and with consideration to, their broader cultural context. This broader context includes connections between the human world, spiritual world, and environment that are often not acknowledged in Western scientific perspectives and practices (Nadasdy 1999:4). Although this knowledge is described as 'traditional,' it is not comprised of mere static cultural understandings from the past that are employed in the present; rather, TK denotes a collection of local concepts and values that are adaptable to changing conditions (Nadasdy 1999:4). TK is as much a 'way of life,' or a dynamic way of 'knowing,' as it is a means of managing lands, territories, and resources.

Given traditional territories, and resources therein, meet communities' ceremonial, social, and subsistence needs, the health of the land is essential for Wet'suwet'en cultural continuity. Within Wet'suwet'en culture, the connection between human, spiritual, and ecological worlds is found in the concept of *Yintah*. *Yintah* incorporates the physical with the social: if the physical territory is harmed, so too is the social world. As such, the Wet'suwet'en deem stewardship over territorial lands and resources as vital facets of sustaining community health. The continued health of territories is necessary for both the generational transmission of knowledge intrinsic to Wet'suwet'en culture and the continuation of the feast system—the platform through which many Wet'suwet'en management decisions are made (OW 2011:55). These two integral components of Wet'suwet'en values and interests can both be seen in their stewardship over water, fish, wildlife, and heritage.

6.4.1.1 Water

Physical environmental features can be understood within the context of TK by recognizing the connection between the environment and the types and settings of Indigenous cultural values (Stewart et al. 2004:198). The health of watersheds and waterways is just as important to Wet'suwet'en culture as the health of dry land. Both land and water are integral to the feast system, which in turn is integral to Wet'suwet'en culture and collective identity (OW 2011:13,110). Given their provision of salmon, some culturally important waterways in the Regional Study Area are the Bulkley and Telkwa Rivers.

At present, stewardship and management decisions pertaining to Wet'suwet'en waters are undertaken through collaboration of the Office of the Wet'suwet'en and the provincial government via development of land management plans (OW 2011:84).

6.4.1.2 Fish

As noted, some anadromous fish harvested by the Wet'suwet'en are: char, chinook, coho, pink, steelhead, and sockeye salmon, as well as bull trout and Pacific Lamprey; and the freshwater species they gather include: burbot, chub, dace, Dolly Varden, kokanee, lake trout, mountain whitefish, northern pike minnow, rainbow trout, sculpin, suckers, and white sturgeon (CSTC 2006; MFLNRORD 2017; Morris et al. 2006; OW 2014). Morice sockeye are the largest and most important fish to the Wet'suwet'en in the Bulkley River basin. Wet'suwet'en use various parts of fish. Fish meat can be cooked or smoked; dark oolichan grease can be used as a cooking oil, a medicine for hair loss, or to tan moose hides; white oolichan grease can be used as a flavour enhancer and a cleansing medicine; and fish eggs can be eaten as a snack, often alongside seaweed (TERA 2015).

Western management of fisheries, especially salmon fisheries, tends to be primarily motivated by a desire to maximize harvestable commercial stock (OW 2013b:26-27), with less consideration given to conservation for recreational use, as well as fish and ecosystem health. These management strategies are often at odds with Indigenous fishery use and management strategies, which are driven by values forged through generations of social interactions between humans and fish, as well as with other animals and the environment at large.

Salmon fisheries are a significant source of trade and subsistence goods for the Wet'suwet'en, and are, thus, vital for their cultural continuity. Traditional fishing laws, established and refined through thousands of years of interaction between the Wet'suwet'en and their physical environment, incorporate conservational values shared by the community. As a result, most restrictions placed over Wet'suwet'en fisheries have been self-enforced (OW 2011:35).

Today, many traditional laws pertaining to fisheries are still observed—such as House ownership of fishing sites and the authority of House Chiefs over resource management (MFLNRORD 2017:3). Reduction of waste is the basis of many conservation concerns, and this value is integrated into the process of salmon harvests. For example, the use of live capture equipment is preferred during harvesting, as this allows for selective harvests and the release of less desirable or endangered species. Moreover, fishing restrictions, such as daily processing limits, are placed on smokehouses. When these limits are met, fishing ceases for the remainder of the day, allowing for salmon to continue upstream (OW 2011:36).

At some places in the Regional Study Area, recent anthropogenic activity due to industrial developments and resource extraction have caused the Wet'suwet'en to no longer use some historical fishing sites. For example, the Equity Mine has polluted the waters of Goosly Lake so much that the lake's colour has changed and it is no longer safe to eat fish here due to toxic contaminants (TERA 2015).

6.4.1.3 Wildlife

As previously described, large game animals harvested by the Wet'suwet'en include: black and grizzly bears, caribou, coyotes, deer, moose, mountain goats, and wolves. Some smaller game animals are: beaver, groundhogs, grouse, lynx, marmots, martens, snowshoe hares, squirrel, and weasel (Daly 2005; Johnson 1994; MFLNRORD 2017; Morris et al. 2006; OW 2011, 2014).

When gathering traditional knowledge from Indigenous communities, Western wildlife managers typically pay attention to quantifiable measures; such as wildlife numbers, locations, and sighting times/dates. Oftentimes, this approach disregards, or has difficulty understanding, qualitative wildlife information that concerns aspects of a larger Indigenous worldview. Such aspects include the values, stories, and social connections that transform wildlife populations, such as moose, caribou, and beaver, from simple numerical figures into sentient members of complex social structures that can meaningfully interact with numerous domains of everyday Indigenous life (Nadasdy 1999:7-8).

The Wet'suwet'en maintain a special relationship with the wildlife that inhabit their territories. This relationship manifests in the traditional activities of hunting and trapping, as well as in the prominent use of wildlife in the feast system. For example, within Wet'suwet'en cosmologies, hunting and trapping include acts of respect shown towards harvested animals to ensure future hunting success (Jenness 1943:541; Roness and McNeil 2000:73). Respect for animals and territories is among the traditional values and methods of hunting that are integrated into oral histories and are part of the transmission of knowledge between Elders and children (Jenness 1943:522).

Mountain caribou, a historically important source of food and goods to the Wet'suwet'en, once populated the Bulkley Valley in relatively large numbers. Wet'suwet'en Elders describe herds of up to 150 caribou moving, wintering, and calving throughout the region (e.g., near present-day Smithers, Telka, and Witsset). The Telkwa Pass in particular was known for its abundance of caribou (Morris et al. 2006). Today, caribou

numbers in the region are alarmingly low, with an estimated 25 animals currently living in the area. The recently-implemented Telkwa Mountains Caribou Recovery Project Voluntary Recreation Access Restrictions aim to strengthen the remaining caribou herd by establishing a recovery range. In this range, located within the Regional Study Area, including some overlap with the Local Study Area, local land users have voluntarily ceased their recreational activities (Cichowski 2014:8,10,13, 24; Thiessen 2013).

As discussed, the feast system is of paramount importance to Wet'suwet'en life-ways. Central to this system is the sharing of territorial foods at feasts, such as moose, bear, deer, and beaver. In addition, animal hides and hide goods from mink, marten, beaver, bear, moose, and other fur-bearing animals were distributed in the feast hall. For the Wet'suwet'en, the ability to gather these goods from House territories is vital to the continued authority of House Chiefs. As a result, the sharing of territorial foods and prestigious hides during feasts is just as important today as it was in the past; although, the frequency with which hides are distributed has somewhat diminished following European contact and subsequent colonization (OW 2011:104).

6.4.1.4 Heritage

In British Columbia, heritage objects and heritage sites are defined under the *Heritage Conservation Act* (HCA) as property and lands, including lands with water, that hold heritage value to Indigenous peoples, non-Indigenous communities, or BC as a whole. The HCA aims to promote the conservation of provincial heritage property, whether located on public or private land, with protection automatically given to shipwrecks, cemeteries, plane wrecks, First Nations rock art, and heritage sites and objects that predate 1846, the year in which British Columbia's southern border was established in the *1846 Oregon Treaty* (Heritage Conservation Act 1996).

When considering Wet'suwet'en heritage, a sense of place and connection to land are just as important as physical traditional use sites and material artifacts. For many Wet'suwet'en persons, their memories of past activities on their territories—and the knowledge of heritage sites and artifacts that prior activities produce—are deeply important for their cultural attachments to places (OW 2011:100). The oral histories and traditions that were ratified during the historic *Delgamuukw* court decision demonstrated continued, long term Wet'suwet'en stewardship and connection to geographically-defined territories and trail networks. This legally-validated connection arguably suggests that all trail networks, along with related camps, villages, and cultural features, predate 1846, thus placing them under the protection of the HCA (Budhwa 2005:37).

Having the ability to access heritage sites, including capacity to use trails and identify landmarks, is crucial for Wet'suwet'en persons to sustain a sense of place. Some examples of heritage sites and landmarks include Culturally Modified Trees (CMTs), pithouses, and village sites. Accessing and protecting these spaces, however, has become increasingly difficult as resource development, coupled with rural and urban expansion, continue to alter the Bulkley Valley's physical landscape (OW 2011:100, 107-108). Given that cultural heritage is a) a non-renewable resource and b) deeply important to the Wet'suwet'en, the Wet'suwet'en have developed their own methods for the conservation, protection, and management of their heritage resources (OW 2011:98).

In the Regional Study Area, including at the Telkwa-Bulkley River confluence, archaeologists have found Wet'suwet'en heritage objects—such as lithic tools, debitage, and CMTs, as well as permanent and semi-permanent village sites (Rabnett 2000:62, 63).

Crossroads CRM has conducted an Archaeological Overview Assessment (AOA) and an Archaeological Impact Assessment (AIA) of the Local Study Area. A summarization of some of their findings are included below.

A search of registered archaeological sites (RAAD) resulted in five registered archaeology sites within a two-kilometer radius of the Local Study Area (Table 5 and Figure 15). These sites, identified during

previous archaeological impact assessments, are mostly associated geographically with the Bulkley and Telkwa Rivers and their tributaries. GdSs 1, GdSs 2, GdSs 3 and GdSs 4 indicate that historic mining and logging activity occurred in the area in the early to mid-1900s. In an archaeology assessment conducted in 1984, artifacts found included metal objects, glass, boots, and concrete foundations. An archaeological inventory and impact assessment in 1997 determined that most of what was recorded in 1984 is no longer identifiable. In the general vicinity of GdSs 1, three historic CMTs were identified and recorded, all which were lodgepole pine trees.

GdSs 5 is located east of Goathorn Creek. Road construction exposed a cache of three obsidian bifaces on a high terrace above Goathorn Creek. All subsequent shovel tests were negative. A chert cobble and some basalt shatter were identified nearby. The site may have been a hunting blind or an isolated artifact cache. A recent spruce CMT (1998 investigation) was recorded near GdSs 5, while attempts to relocate the archaeological site came back negative.

GdSr 8 is situated within the proposed load out loop area. The site was originally recorded in 1975 as four cultural depressions. Archaeological surveys in 1997 noted six additional cultural depressions, as well as a CMT. The larger of these depressions is likely a subterranean pithouse structure, with the smaller depressions likely acting as caches or possibly cooking or roasting pits (Hewer 1998). Previous project plans were changed due to the presence of this site, and no further archaeological investigations were undertaken in its vicinity.

Table 5. Summary of Archaeological Sites near Local Study Area

Site #	Environment	Type	Visits
GdSs 1	SW of Telkwa in the Goathorn Creek Valley in Lot 391 on the east side of the creek, 300m NW of the bridge	CMTs, Historic (Bulkley Valley Collieries #3 Mine)	1984, 1997
GdSs 2	SW of Telkwa, in the Goathorn Creek Valley, in Lot 39, 90 m SE of the bridge crossing on east side of the creek	Historic (Cassiar Camp, Bulkley Valley Collieries #1 Mine)	1984, 1997
GdSs 3	Western slope of the Goathorn Creek Valley, 1 km NW of the confluence of Goathorn and Four Creeks	Historic (Bulkley Valley Collieries #2 Mine)	1984, 1997
GdSs 4	In the Goathorn Creek Valley SW of Telkwa on a broad terrace on the west side of the creek below Coal Mine Road	Historic	1984, 1997
GdSs 5	South of Telkwa River on the eastern terrace overlooking Goathorn Creek 225m west of the eastern boundary of Lot 391 and 1350m south of the lot's northern boundary	CMT, Lithics	1990, 1997
GdSr 8	Terrace on south bank of Bulkley River	Cultural depressions, CMT	1975, 1997

The compilation of these results indicates that there are archeological sites near the Local Study Area, and there is the potential for further sites to be identified. Most notable is the presence of GdSr 8, a series of cultural depressions that will need to be examined further. Due to its proximity to the Bulkley River and the presence of possible pithouse structure remains, it is likely that GdSr 8 was a seasonal hunting or fishing camp.

Given a) Traditional Knowledge of the Local Study Area, b) the close proximity of two significant waterways, the Bulkley and Telkwa Rivers, and c) the existence of numerous nearby registered archaeological sites, the AOA determined that the Local Study Area has high archaeological potential. To be specific, the likelihood of CMTS, seasonal campsites, lithic scatters, and trail networks, as well as historic sites associated with mining, existing therein is high.

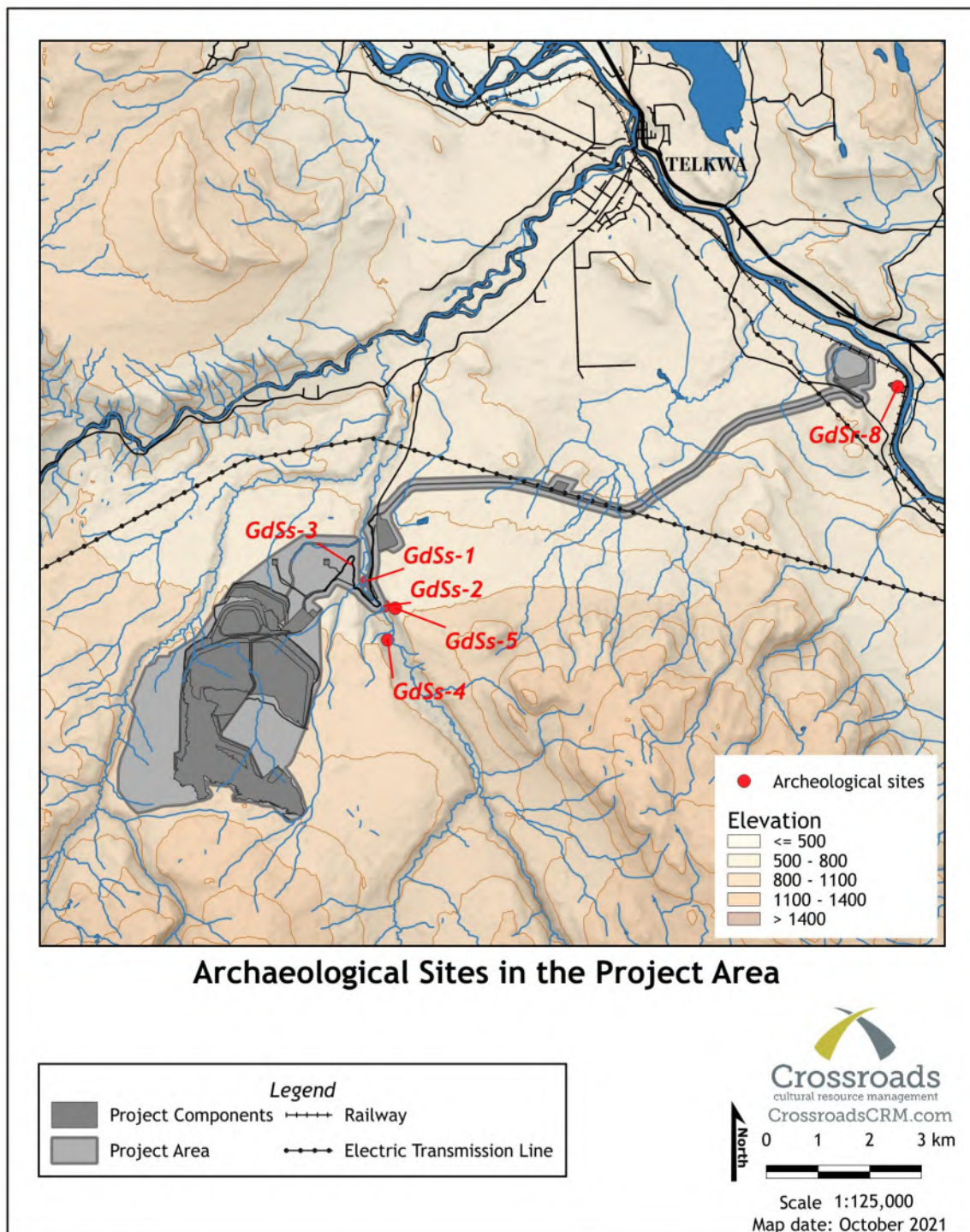


Figure 15. Archaeological Sites in Project Area

Due to the Local Study Area's high archaeological potential (Crossroads 2018), Crossroads CRM began an Archaeological Impact Assessment (AIA) during summer/autumn 2019, which was finished in spring/summer 2020. The sole cultural materials identified during the AIA were three post-1846 spruce CMTs, encountered in the Project's road option area. Sixty-seven shovel tests were undertaken in the Tenas Pit area, as well as ten shovel tests in the rail load out area, all of which were negative (total of 77 shovel tests). Four permittable archaeologists, with a high level of experience in northern interior BC, worked on this project, along with several archaeological technicians. House representatives from relevant Wet'suwet'en House Groups participated in the field archaeological assessments, and all field work was completed in accordance with Wet'suwet'en cultural protocols and provincial archaeology branch parameters. The CMTs found during the AIA are not afforded protection status under the Heritage Conservation Act; however, the Wet'suwet'en will attribute ethnic significance to this heritage site. Any potential mitigation of these CMTs should be discussed with the Office of the Wet'suwet'en.

Because it remains a possibility that archaeological resources may be encountered during Project construction and/or operation, Crossroads CRM has drafted a Chance Find Procedure document that outlines the protocol to follow if an archaeological resource is identified.

Some types of sites that may occur within the Project's vicinity include:

- **Culturally Modified Trees (CMTs):** trees (likely pine in the Study Area) that have been some how altered through traditional forest use by Indigenous peoples (Archaeology Branch 2001).
- **Trails:** routes of travel that exist between sites of habitation and/or locations associated with fishing, hunting, and/or plant collection. Some trails may still be visible if they were well-used and in areas of sparse vegetation, or if the use of a trail has been continued to the present or recent past. Some trails may also have become current roads or development trails, for example, routes constructed for logging activity. Such roadways are often constructed on top of trails created by Indigenous persons in the past, as Indigenous trail systems were designed to maximize efficiency of transportation between resource areas. At present, local area users (e.g., hunters, recreationists) commonly use roads constructed for resource development. Given the high level of disturbance trails and roadways have continuously been subjected to, it is difficult to distinguish between trails established in the past vs. those created more recently.
- **Cultural Features:** remnants of cultural activity that are non-portable, or a human-modified component of an archaeological site. Examples of cultural features often found in northwestern BC include post moulds, hearths, and pits. Some cultural features may be visible on the ground, but others may be evident solely through subsurface ground inspections (e.g., shovel testing).
- **Lithic Scatters:** groups of stone artifacts, such as tools (e.g., projectile points, scrapers, and knives) and associated waste-flakes due to their manufacture and maintenance. Lithic scatters may be found both on the surface and buried under the surface.
- **Historic Artifacts/Features Associated with Mining and Logging Activity:** for example, metal objects, such as tools or debris, or concrete associated with former mining building foundations. Some may be visible on the ground, but others may be evident solely through subsurface ground inspections (e.g., shovel testing).

6.4.2 Place Names and Boundaries

The act of place-naming can be argued to serve as a confirmation of Wet'suwet'en rights and title over their territories. Wet'suwet'en place names carry meaning and history that are intrinsically connected to both the landscape itself and traditional use, as well as with Wet'suwet'en concepts of ownership and stewardship (CSTC 2006:19). Table 5 and Figure 16 outline Wet'suwet'en names that they have ascribed to places within the Regional Study Area. Further Wet'suwet'en place names are provided in Appendix A.

Table 6. Wet'suwet'en Place Names: Regional Study Area

Name	History/Meaning	Location	Source
<i>C'ede'i Kwah</i>	Creek in Cas'Yex House territory	Driftwood Creek	Morris et al. 2006:13
<i>C'enuu'l Kwah</i>	Creek in Cas'Yex House territory	Canyon Creek	Morris et al. 2006:14
<i>Cenduu Yeez Kwah</i>	Creek in Cas'Yex House territory	Pine Creek	Morris et al. 2006:14
<i>Centeel Kwah</i>	Creek in Cas'Yex House territory	Tenas Creek	Morris et al. 2006:14
<i>Ghost'let</i>	House Beside Fire Hunting Territory (Laksilyu)	Barrett Station to Tyhee and Telkwa	Jennes 1943:582
<i>Dee'el Kwah</i>	Watershed to Detnii bet (Unnamed mountain)	Telkwa River	Morris et al. 2006:14
<i>Detnii bet</i>	Unnamed mountain in Telkwa Region and Cas'Yex House territory	Unnamed mountain	Morris et al. 2006:14
<i>Dizkle</i>	Oral history – first village shared by Gitksan, Talhtan, Sekanni and Wet'suwet'en.	Mosquito Flats	Rabnett 2000:20
<i>Duudliin'aaw c'en</i>	Totem and gravestone site- Identified by Gisday'wa during <i>Delgamuukw</i> testimony. Mapped as a Fishing site (Skoda 1987). Across the Bulkley River from Hubert (Cas'Yex)	Bulkey River	British Columbia 1987:1524, 1525, 2145
<i>Ghonteel Kwah</i>	Creek in Cas'Yex House territory	Fish Trap Creek	Morris et al. 2006:14
<i>Haad'eleegh</i>	Mountain in Cas'Yex House territory	Dome Mountain	Morris et al. 2006:14

<i>Haad'eleegh buhn</i>	Lake in Cas'Yex House territory	Guess Lake	Morris et al. 2006:14
<i>Holiits Ts'eldzez</i>	Mountain in Cas'Yex House territory	Mount Cronin	Morris et al. 2006:13
<i>Kyah Wiget</i>	Fishing Village	Moricetown Canyon	Morris et al. 2006:18
<i>Taak'oz Dlii</i>	Lake in Cas'Yex House territory	Deception Lake	Morris et al. 2006:14
<i>Ts'edeek'ay</i>	Mountain in Cas'Yex House territory	Hudson Bay Mountain	Morris et al. 2006:14
<i>Tse'tsenilla</i>	"Much coming down the river" House of Many Eyes Hunting Territory (Laksilyu)	Headwaters of Telkwa River	Jennes 1943:582.
<i>Tsee C'es</i>	Unnamed mountain in Cas'Yex House territory	Unnamed mountain	Morris et al. 2006:14
<i>Tsee Teel Kwah</i>	Creek in Cas'Yex House territory	Little Joe Creek	Morris et al. 2006:14
<i>Wa'tseet Kuz</i>	Mountain in Cas'Yex House territory	Mount McKendrick	Morris et al. 2006:14
<i>Wedzin Kwah</i>	Major fishing river in Wet'suwet'en territories	Bulkley River	Morris et al. 2006:14
<i>Yek Diintaan</i>	Mountain in Cas'Yex House territory	Mount Hyland	Morris et al. 2006:14

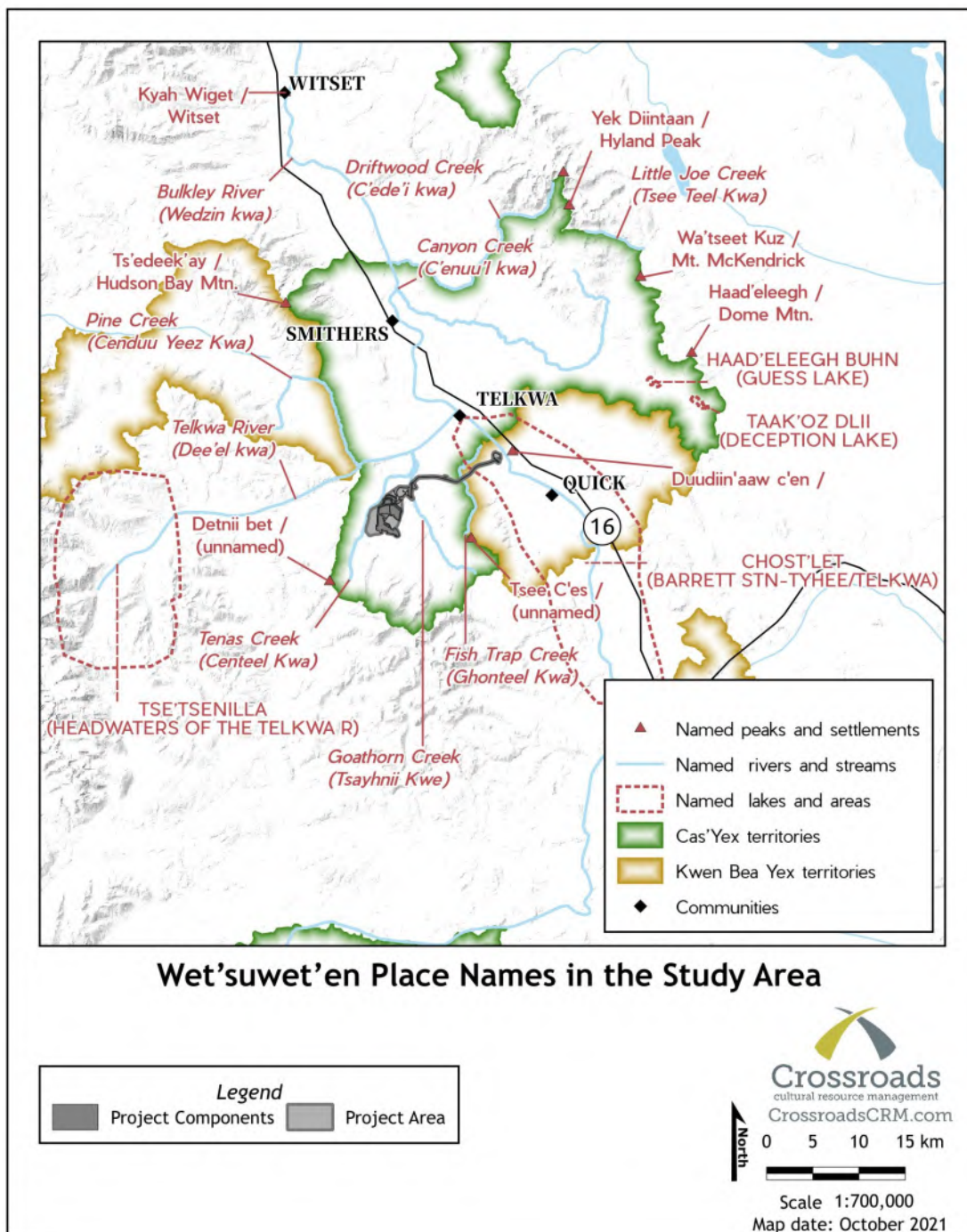


Figure 16. Wet'suwet'en Place Names in the Study Area

Wet'suwet'en oral and documented history indicate that the lands around Smithers and Telkwa were used heavily until the Wet'suwet'en were evicted in the early 20th century and moved to small reserves nearby (McCreary 2018). Of particular note is a site known as Dudii Nai C'en, which was located across the Wedzin Kwah/Bulkley River from Hubert. In testimony during *Delgamuyukw*, Gisdaw'wa (Alfred Joseph) described the site as featuring two totem poles and a gravestone. This occurs first on page 1524 of the testimony (British Columbia 1987).

13 Q You have referred to a headstone in your evidence,
 14 Mr. Joseph, and you referred to a headstone of your
 15 Uncle Thomas George, the former Gisdaywa. Where was
 16 that headstone erected?
 17 A The first stone was erected at his home.
 18 Q And where was that located?
 19 A That is at east of Telkwa, place called Hubert.
 20 THE COURT: I am sorry, Hubert?
 21 MR. RUSH:
 22 Q Hubert, yes. And was that stone erected at a place
 23 where there were totem poles belonging to the
 24 family?
 25 A Yes.
 26 Q And was there a pole that was belonging to Gisdaywa
 27 located there?
 28 A Yes.

And subsequently, on page 1525 (British Columbia 1987):

1 Q All right. Have you seen that pole standing and in
 2 this location?
 3 A Yes.
 4 Q And the pole on the left, what is that?
 5 A That's the pole of Smogelgem.
 6 Q And Smogelgem -- now, my lord, Smogelgem is 60 on
 7 the plaintiff's list. Was Tsaibesa in the House of
 8 Smogelgem?
 9 A Yes.
 10 Q Now, I want to show you photograph number five, if
 11 you will look at that, please? Do you recognize
 12 that scene?
 13 A Yes.
 14 Q And you have seen this, have you?
 15 A Yes.
 16 Q And it shows again what appears to be the pole of
 17 Gisdaywa on the right?
 18 A Yes.
 19 Q And the pole of Smogelgem on the left?
 20 A Yes.
 21 Q And does that picture, does it accurately show what
 22 you remember seeing when you saw that scene?
 23 A Yes.
 24 Q All right. That's at Hubert, is it?
 25 A Yes, that's at Hubert.
 26 Q Thank you. Are those poles standing today, Mr.
 27 Joseph?
 28 A No, they are down.
 29 Q And are they -- have they fallen to the ground in
 30 and around the area?

- 31 A Yes.
 32 Q Are they still there
 33 A Yes, they are.

And later on page 2145 (British Columbia 1988):

- 18 A The reason it's called Esghel, this burl on the ground
 19 is supposed to have been carved out, hollowed out and
 20 so it would be lighter. And whenever the house of
 21 Kaiyexweniits had a feast, that burl was put on the
 22 back of this man on the bottom of the pole. As if he
 23 were packing. That's why they call it the pack man.
 24 Q This is one of the crests of Kaiyexweniits, is it?
 25 A Yes.
 26 Q Now, the place where these two poles are located,
 27 is -- do you know the place, where that is located?
 28 A Yes.
 29 Q What is it?
 30 A It's -- they call it the area right there, where it is
 31 Dudii nai c'en'.
 32 Q And that is across from Hubert station?
 33 A Yes.
 34 Q And Hubert station is between Quick and Telkwa?
 35 A Yes.
 36 Q Thank you.

In mapping produced for the *Delgamuukw* case, to support the plaintiff's evidence, on map 22, "Fishing Sites," the site of Dudii Nai C'en (spelled "Duudiin'aaw c'en") is clearly shown on the east side of the river, and is associated with chief Woos (Cas'Yex house) (See Figure 17).

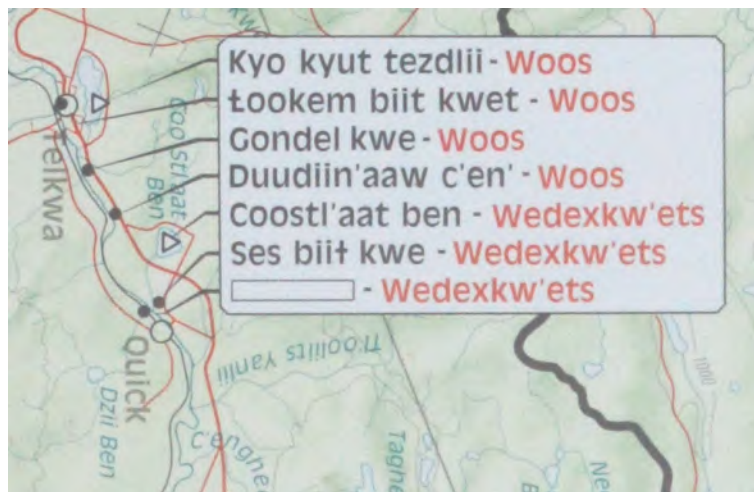


Figure 17. "Fishing Sites" (Skoda 1987) Detail from Map 22 ¹

¹ Note: This map was drawn with east at the top. It has been rotated 90° to put north at the top

6.4.3 Hunting and Trapping

Hunting and trapping were—and continue to be—significant economic and subsistence activities in Wet'suwet'en culture (a list of prominent game animal species is provided above, in Section 6.4.1.c). Unlike in the past, prior to European contact, today hunting is undertaken using guns, typically rifles. The Wet'suwet'en can currently hunt and trap year-round, though most hunting and trapping takes place between April and December. In addition to supplying an important source of food and cultural goods, trapping of fur-bearing animals remains an economically viable activity (CSTC 2006:71). As marten fur fetches a high price, they are especially prized trapped animals. The use of traplines, however, is an activity that Wet'suwet'en today have conflicted feelings about. On one hand, trap lines provide access to traditional territories. On the other, the trapline system was imposed by settler governments, demarcating which small portion of their vast traditional territory the Wet'suwet'en are allowed to use (TERA 2015).

To ensure that they can continue hunting and trapping for generations to come, the Wet'suwet'en incorporate traditional interests and values into their hunting and trapping practices, which promotes the continued presence of wildlife (Morris et al. 2006:18). Hunted and trapped animals are to be treated with respect in order to foster hunting success and prevent attacks. And hunters visiting a mountain for the first time are supposed to rub charcoal above and below their eyes in order to appease the mountain's spirits and encourage good weather (TERA 2015).

Wet'suwet'en values and methods of hunting were traditionally integrated into their oral histories and were part of the transmission of knowledge between Elders and children. Central to these teachings was the assurance of future success in hunting (Jenness 1943:541). The traditional management systems still in use today include conservatory measure, such as rotating hunting and trapping areas based on seasonality and population health of animals. Much like other territorial resources, the management of hunting and trapping activities is under the authority of the House Chief. These methods are employed to ensure the continuation of hunting and trapping activities that are of significant importance to Wet'suwet'en lifeways.

As was done in the past, today Wet'suwet'en continue to use almost all parts of their hunted animals. For example, in addition to eating moose muscle, they also eat moose organs, such as heart, liver, stomach lining, tongue, nose, intestine, and kidney (TERA 2015). Bear meat can be smoked to create 'bear ham,' or bear fat can be eaten or rubbed on one's head to prevent hair loss. Animal hides are used to create a variety of goods, such as drums, clothing (e.g., dresses or jackets), or moccasins. A full moose hide can fetch between \$1500 and \$2000.

In recent years, anthropogenic activity due to resource extraction and industrial development have impeded the capacity of Wet'suwet'en to hunt. Large-scale developments have either been established in hunting areas or limited access to hunting spots (e.g., by interrupting trails), or associated human activities have scared off game animals. In other locations, such as those near mine sites (e.g., Equity Mine), hunters no longer harvest animals due to fear of pollution (TERA 2015).

The Regional Study Area contains numerous hunting locales favoured by the Wet'suwet'en. For example, Telkwa Pass is an area where Wet'suwet'en hunt grouse (TERA 2015).

6.4.4 Plant Gathering and Use

Plant gathering was a significant part of the traditional Wet'suwet'en seasonal round system. Not only were plants an important dietary supplement, they were a valuable source of medicine and materials for cultural goods and construction. Many plants had multiple uses; for example, moss (*yeen*) could be used to preserve foods throughout the year, provide insulation for cabins, and, when dried out, as diapers for infants or menstrual pads for women (TERA 2015). Today, however, fewer Wet'suwet'en persons gather plants for food, medicine, and cultural goods due to concerns over contamination from industrial

herbicides used by forestry companies.

Prior to European contact and settlement, harvesting sites (e.g., berry patches), like hunting sites, were considered parts of a territory and, thus, managed by House groups (Johnson 2013:96). Harvesting sites were maintained via both periodic, controlled burning and transplanting and tending of valued plant species. These methods helped maximize the health and productivity of valuable plants. Further, the Wet'suwet'en were aware that plants and plant habitats were connected to the habitats of specific wildlife species. Areas with certain types of vegetation were known for attracting bears, marmots, and goats. The Wet'suwet'en tended to the vegetation growing in such areas in order to maintain the overall health of their territories (Johnson 1999:250, 2013:95).

While gathering plants, various cultural protocols were—and often continue to be—followed in order to procure good luck (TERA 2015). For instance, gatherers should rub charcoal above and below their eyes prior to picking any plants. Root harvesters should harvest alone, pray while they are doing so, and, when they are done, leave behind whatever they have in their pockets as an offering to spirits. In addition, it is not advisable to gather plants near a road, as such plants are frequently impacted and absorb the bad spirits of the humans who caused the impact. To gather plants, one should travel deep into the woods, where plants have not been affected by any anthropogenic activity and, thus, have the purest spirit. In the case of medicinal plants, the deeper into the woods a plant is, the more powerful its medicine will be.

At present, the Wet'suwet'en who do harvest plants generally do so in forest and woodland settings, or along watercourses (MFLNRORD 2017). Elevation also plays a role in selecting sites for plant gathering; for example, high-bush blueberries and huckleberries (*da' ghee*) are known to grow best at high elevations, but low-bush blueberries grow best at lower elevations (TERA 2015). As previously listed, some plant foods include: various berries (e.g., blueberries, cranberries, huckleberries, and saskatoon berries) and fruits, flowers (e.g., from Indian paintbrush), green vegetables (e.g., wild celery), inner bark cambium (e.g., pine), mushrooms, roots and rhizomes (e.g., lily pad roots, wild onions, and wild potatoes), and wild rice (CSTC 2006:32-33; Morris et al. 2006). Plants would either be eaten as is or used in a recipe. For instance, berries are commonly mixed with sugar and grease (TERA 2015). Soapberries can be frothed and then mixed with sugar to create 'Indian Ice-cream.'

Medicines derived from plants are often gathered from the foliage, inner bark, leaves, sap, and roots of various species (MFLNRORD 2017). Bear berries, for example, were boiled in water to create eyedrops (TERA 2015). Crow berries can be boiled and used to treat sore muscles. Willow sap can heal minor scratches. Balsam and spruce bark can be boiled into tea to treat colds. Rosehips can also be brewed into a tea to treat colds, as well as other minor sicknesses. Willow and western hemlock bark can be boiled into a tea and used to treat cancer.

Many plants also have multiple purposes. For example, old man's beard, a lichen that grows on trees, can be used as both a medicine and a fire starter (TERA 2015). Soapberries can be used for subsistence, to treat ulcers, promote colon and overall digestive health, and relieve the symptoms of arthritis. Devil's club root can be used to clean guns, ground into a powder that will clean one's sinuses, or burned to create a cleansing smoke that promotes respiratory health. The branches of devil's club can be used to create a compress that relieves cold and flu symptoms, or brewed into a tea to treat fevers, and other parts of the plant have various other uses, such as treating cancer. Pine sap, collected between May and June, can be eaten, used to treat burns, or as a wound sealant; and balsam sap can be used to promote the healing of minor cuts. Horsetails can be used to create a compress that reduces swelling, eases sore muscles and arthritis, and lessens pain. Juniper berries can be brewed into a tea to treat kidney infections, and juniper branches can be used as bedding to promote the healing of broken bones. Labrador tea (*la-dee-um-steek*) can be brewed and made into a tea that is used as a laxative, or to ease the symptoms of multiple sclerosis or arthritis (for this tea to be effective, however, one must believe it will work).

Plant materials used for other cultural purposes can include: dyes, fibrous materials (e.g., bark), pigments, and wood (MFLNRORD 2017). For instance, fresh pine branches are burned to smoke moose hides (TERA 2015). Aspen and cottonwood cotton can be burned to tan hides or smoke meat and fish.

Cottonwood trees are also burned in smokehouses to smoke moose and salmon, as their wood burns well. Cedar bark, cut from a tree in lengthwise strips, is used to create many crafts, such as woven baskets or durable string to secure one's belongings during travel; and cedar wood can be used to create cradles that promote infant growth. Spruce root rope is commonly used during the construction of birch bark baskets in order to secure wood pieces together. These baskets are then rimmed with red willow wood, and subsequently dyed using black, red, or white berries. Indian paintbrush and dandelion flowers are both used to create dyes for clothing.

The health and cleanliness of plant harvesting sites are crucial considerations while gathering food and medicinal plants (Johnson 2013:96). Many Wet'suwet'en are currently finding that they have to travel farther into their territories to gather such plants (e.g., devil's club), as sites undisturbed by development and the forestry industry are becoming increasingly scarce (OW 2011:112).

The Regional Study Area is known to contain berry and medicinal plant gathering sites that are still in use today (TERA 2015). For example, Wet'suwet'en pick blueberries (*yin tah mih*) in the vicinity of Telkwa.

6.4.5 Trails, Transportation Corridors, and Access

Wet'suwet'en territories once contained a vast trail network that served as a foundation to Wet'suwet'en values, interests, and land use. Access to trading opportunities, territorial resources, homeplaces, villages, and spiritual sites was crucial to the semi-nomadic economy and life-ways of the Wet'suwet'en (OW 2011:100). For example, the Telkwa Pass was an essential corridor that both connected the Wet'suwet'en to coastal trading partners and interlinked House territories, meeting places, and resource gathering sites (Jenness 1943:481). In addition to facilitating hunting, trapping, fishing, and other forms of land use activities, trails clearly defined territorial boundaries. This was affirmed by the movement patterns of Nations, communities, and Clans who held knowledge of—and adhered to—these boundaries (CSTC 2006:14).

This trail network continues to be culturally significant, as remaining trails connect the Wet'suwet'en to numerous traditional sites. Moreover, the knowledge of a trail's existence, and the traditional activities that are associated with it, are considerably significant to a cultural sense of—and connection to—place (OW 2011:100).

Some trails are still used by both Wet'suwet'en and non-Indigenous locals, with many trails following the same route as they did pre-contact. Many Wet'suwet'en frequently use trails to access resource gathering spots, such as fishing, hunting, and berry picking sites, or engage in recreational activities. Non-Indigenous persons may use such trails for recreational ATViing, fishing, hiking, hunting, snow-shoeing, cross-country skiing, or other recreational activities. Unlike in the past, when trails were travelled either on foot, snowshoes, horses, or wagons, at present, trail-users typically walk (or snowshoe) or use off-road vehicles, such as ATVs. Some historical trails that are still in use (or were used in the recent past) by the Wet'suwet'en include the messenger trail between Hagwilget and Fort Babine, used to transmit messages between these communities, and the Blazed Trail at Maxan Creek, which provides locations to store supplies while on hunting excursions (TERA 2015).

6.4.6 Habitation: Cabins, Camps, and Meeting Places

Cabins, campsites, and meeting places are scattered throughout the Regional Study Area, and their locations were integral for the success of the traditional Wet'suwet'en semi-nomadic economy. Prior to European contact and settlement, these sites were inhabited periodically at certain times of the year during the seasonal round, enabling the Wet'suwet'en to cache food and gear in key locations throughout House territories. As a result, cabins, campsites, and meeting places were established in locations that facilitated the efficiency of specific seasonal activities.

Cabins, built for facilitation of resource activities throughout the year, were constructed using logs, usually from cedar trees (TERA 2015). Stone axes, fashioned out of sharpened flat stones fixed to a wooden handle using willow rope, would be used to cut down trees and then carve notches into the logs so that they would fit into one another. Cabins were then insulated using moss, mud, and muskeg. Bear hides and spruce boughs provided bedding.

When travelling or staying at camps or meeting places without permanent or semi-permanent structures, in the past Wet'suwet'en would typically sleep in tents (TERA 2015). Such tents were generally constructed out of wooden poles and moose hides.

Smokehouses, built for permanent summer villages, were post and beam constructions, fashioned using cedar or spruce wood (Morin 2016:85-86). Planks or bark slabs were used for the roof and walls, and wood beams were easily removable, depending on the occupants' needs. Most smokehouses were used for both smoking fish and habitation. These structures typically contained two caches, located at opposite ends.

Pithouses, built for winter habitation, were constructed by digging a pit roughly 1 m into the ground, and then forming a roof frame overtop by placing beams over the pit and then driving them into the surrounding ground. The roof frame was subsequently covered with poles, earth, and sod. A hole at the center of the roof allowed for access to the shelter, as well as for smoke to escape (Morin 2016:117).

Further traditional Wet'suwet'en meeting places and structures include rock shelters, sweat baths, and menstrual lodges (Rabnett 2000:62). Sweat baths (*tse zil be yikh*) were individual structures created either by bending the tops of small trees to the ground and then covering the resulting dome-shaped frame with hides, or by building an A-frame or split log lean-to structure into the ground (Morin 2016:146). Menstrual lodges (*Yin be Yikh*) were semi-subterranean huts that young women would live in for a year while experiencing menarche, their first menstruation (Morin 2016:136-137).

Much like trails and territorial resources, cabins belong to a Clan, House group, or family. Thus, certain cabin sites were and—continue to be—considered homeplaces for Wet'suwet'en families.

In recent years, cabins, camps, and meeting places still play an important role in Wet'suwet'en culture. Up until the past few decades, cabins, along with camps and meeting places, commonly facilitated year-round access for Wet'suwet'en families seeking to spend a considerable amount of time in their traditional territories (OW 2011:107,108). Some historical cabins are still in use (TERA 2015), such as the Tsayu cabin at Goosly Lake, southeast of Houston (Tsayu Clan, Tsa K'en Yex House). It is not uncommon for Wet'suwet'en to use such cabins during the summer months, though cabins are sometime occupied during the winter as well. Further, just as in the past, one's family and Clan dictate whether one is able to use a cabin.

At present, culture camps for Wet'suwet'en youth are held on traditional territories in order to help foster youths' connections to Wet'suwet'en lands. The intention of these camps is to provide opportunities for the transmission of culture knowledge on-site (e.g., teaching youths how to skin a rabbit or tan moose hides, or engage in other cultural activities, such as fishing and fish preparation, craft-making, hunting, and gathering). At many culture camps, there is no electricity in order to familiarize youths with their ancestors' life-ways. At an all-Clans cultural camp near Parrot Lake that began in the 1970s and ran until the mid-2000s (after the main cabin was destroyed by a wildfire), salmon were brought in from Witset (Moricetown) in order to teach youths how to prepare them for eating. At present, another culture camp is operating near Parrot Lake while the Wet'suwet'en work to restore the original camp (TERA 2015). Youths typically attend culture camps in the summer, but sometimes camps are offered in the winter. At winter camps, youths engage in other seasonal activities, such as snowshoeing and trapping. In some cases, cabins are built to encourage longer stays on the land (OW 2011:108). Such places of habitation enable a cultural sense of place that is invaluable for the transmission of traditional knowledge to younger generations (NGPR 2011:55).

6.4.7 Spiritual and Ceremonial Use and Values

As noted, *Yintah*, a core concept in Wet'suwet'en society, is the belief in the interconnectedness of the spiritual and physical landscapes in Wet'suwet'en territories. This belief is central to Wet'suwet'en values and governs many types of traditional land use, especially those that are spiritual or ceremonial in nature (Morris et al. 2006:17). *Yintah* is a prominent component of the ceremonial feast system, as it underlies the motivations that govern and manage territories and resources. *Yintah* is also present in the respectful harvesting and gathering of territorial foods and resources that are used for physical, ceremonial, or spiritual subsistence (Morris et al. 2006:17). The most important facet of Wet'suwet'en spirituality is *wac'oose*—respect for all things (TERA 2015).

The Wet'suwet'en consider all of their territory to be spiritually-rich, as their ancestors are buried in these lands, typically along trails or in hunting areas (TERA 2015). Burial sites were occasionally indicated by markings carved into pine trees. If a hunter passed away while hunting, the body would be buried wherever it was found, which is partially why hunting grounds are considered sacred. Specific spiritual sites for the Wet'suwet'en are also located throughout the Regional Study Area; for instance, a pair of footprints created in the 1700s or 1800s by a man named Beany near Goosly Lake are also considered sacred (TERA 2015). Nothing grows in these footprints, and if one stands in them, one will be able to both sense when it is the correct time of year to travel to Witset (Moricetown) to fish and feel the presence of ancestral and environmental spirits. Indeed, many sacred/spiritual sites provide a conduit for Wet'suwet'en to engage with such spirits. As such, the wellbeing and preservation of these sites are of key importance to the psychological and spiritual lives of this people.

6.4.8 Intangible Cultural Values

Yintah—the physical and spiritual connection to traditional territories—is a fundamental concept in Wet'suwet'en culture and Traditional Knowledge (TK). It is the common thread that connects knowledge taught through oral histories, song, and dance with the physical world. Not only do these teachings contribute to the learning of day-to-day traditional activities, such as proper hunting protocols, they contribute to the intangible values of stewardship and respect that help foster a connection to land and sense of place (Morris et al 2006:17). British Columbia's *Heritage Conservation Act* currently does little for the compulsorily regulation and protection of intangible (and many tangible) sites that are of significant importance to Indigenous groups. For example, sites that are dated more recently than 1846, the year of the assertion of British sovereignty, are not automatically protected by the *Act*, leaving many important heritage sites vulnerable (Klassen et al. 2009:206). This section will describe intangible, or immaterial, Wet'suwet'en cultural values, focussing specifically on TK, connection to land, and sense of place.

6.4.8.1 Wet'suwet'en Knowledge and Cultural Transmission

For the Wet'suwet'en, the transmission of Traditional Knowledge (TK) is an essential function of their culture. Such information, considered to be the intellectual property of the Wet'suwet'en, has been acquired through generations of experiences (e.g., trial and error) and teachings. TK, thus, contains an intimate understanding of the Wet'suwet'en physical landscape, including the management of traditional resources for current and coming generations.

Traditional knowledge combines practical teachings of daily cultural and resource gathering activities with lessons of morality, spirituality, language, and ways of living. Moreover, the vehicles used for transmission of this information, such as oral histories or *baht'lats* (feasts), along with activities and time spent in territories, is dependent on the health of the territories. That is, if the territories are not healthy, resource activities and, thus, transmission of related traditional knowledge will cease.

At present, the transmission of TK now extends beyond a generational exchange between Elder and child. Today, traditional knowledge is recognized as an important source of ecological and cultural information that can help better inform resource management and development processes. Wet'suwet'en members are currently faced with the challenge of presenting TK to (usually non-Indigenous) management professionals outside of their communities.

6.4.8.2 Connection to Land

In Wet'suwet'en culture, the physical and spiritual connection to land flows from the concept of *Yintah*. It is through both physical and spiritual experiences in their territories that enables Wet'suwet'en individuals to develop psychological connections to their lands.

Yintah is a spiritual higher power, a belief that all people are connected to the land—both in life and after death. Many Wet'suwet'en members report experiencing a spiritual connection to their ancestors when visiting traditional territories. Such experiences are tied to the generational transmission of TK; Wet'suwet'en understand that these teachings come from predecessors with experiences, respect, and knowledge of the territories (Morris et al. 2006:18).

Moreover, *Yintah* encompasses the physical experiences acquired while in the territories; for example, while undertaking resource activities. These physical experiences are important for learning daily traditional activities and the practical management of resources. It is important for a Hereditary Chief to exemplify a physical and spiritual connection to a territory in order to properly manage that territory.

6.4.8.3 Sense of Place

A sense of place is the connection to and understanding of a landscape shared within a community (Johnson 2013:102). Again, this concept is intimately connected to *Yintah*, as it combines spiritual and physical connections to land. *Yintah* informs values, uses, and management of heritage sites—all of which evoke a sense of place amongst Wet'suwet'en persons (Morris et al. 2006).

Regardless of whether a site or area is currently occupied or used for traditional activities, a sense of place can be fostered by way of a known ancestral connection (OW 2011; Rabnett 2000:7). Further, material remains of past occupation are not necessary for establishing that a specific site is a 'place,' as a sense of place can be evoked through the knowledge of a place name, or knowledge of a place through oral histories.

Overall, a sense of place is dependent on both the transmission of Wet'suwet'en cultural knowledge and the ability of Wet'suwet'en persons to access heritage sites and foster a connection to their traditional territories.

6.4.9 Changes to Use of Lands and Resources

Substantial modifications to traditional Wet'suwet'en patterns of land and resource use have occurred, and continue to occur, largely due to (primarily Western) anthropogenic activities—like mining, logging, and pipeline construction—and their broader consequences, namely, ecosystem destruction and climate change. By altering their land and resource use activities, however, the Wet'suwet'en are able to meet the demands of their ever-changing physical and social landscapes. Most notably, these modifications are observed within the Wet'suwet'en traditional economy, which has had to adapt to new markets, technologies, and ecological realities since Euro-Canadian contact and colonization.

6.4.9.1 Traditional Economy

The Wet'suwet'en economy was traditionally predicated on semi-nomadic patterns of movement and settlement. It focused on food gathering via large-scale fisheries in the summer, mixed with winter hunting and gathering (Rabnett 2000:23). Today, this semi-nomadic economy has adapted to meet the demands of current Wet'suwet'en social and physical realities.

Central to the traditional Wet'suwet'en economy were salmon fisheries, specifically those at Witset (Morisetown) and Hagwilget Canyons. Within a few short months, this predictable resource provided the Wet'suwet'en with an ample supply of food reserves to be consumed throughout the remainder of the year. As a result, the Wet'suwet'en practiced management and harvesting techniques that were crucial for maximizing the successful use of salmon, preventing the resource's depletion and ensuring it could be used by future generations (Rabnett 2000:24).

In more recent times, Wet'suwet'en fishing has had to adapt to the cumulative impacts of coastal commercial fishing, major resource development projects, climate change, and fluctuating governmental policies (OW 2011:83). For example, early BC Department of Fisheries and Oceans regulations and management policies discouraged the use of traditional gear and harvesting techniques (OW 2011:39). Nonetheless, traditional salmon fishing remains a mainstay activity for many Wet'suwet'en members (Witset Community Plan 2018).

Further adaptations to the Wet'suwet'en traditional economy have taken place in order to meet the demands of new markets, technologies, and ecological realities. Moreover, access to traditional hunting and gathering sites has been significantly restricted by major industrial and resource development projects, the reserve system, and rural and urban expansion of settler communities. Today, Wet'suwet'en persons are often no longer able to: access specific resource sites, reside on House territories outside of their respective reserves, and spend as much time on their lands as they used to (Witset Comprehensive Community Plan 2018). Further, substantially fewer Wet'suwet'en gather plants due to concerns about pollution due to industrial development and resource extraction.

Other recent developments have created resource gathering opportunities; for instance it is common for Wet'suwet'en to go berry-picking in cut blocks (TERA 2015). Although berries grow best in dense forest, they are the first plants to grow back in a cut block (as well as after a fire). A further example is that flashlights are used to attract fish while fishing at night. These new opportunities, though, do not outweigh those lost following Euro-Canadian settlement.

Despite the changes described in this section, many Wet'suwet'en continue to practice traditional land use activities on their territories. Although these activities may be conducted differently, given new technologies and conditions, the values and principles that they are governed by, such as *Yintah*, remain the same (Morris et al. 2006:34). For example, the Office of the Wet'suwet'en Hereditary Chiefs tried (unsuccessfully) to apply the traditional practice of controlled burning to cut blocks in order to address the mountain pine beetle epidemic (TERA 2015).

6.4.9.2 Anticipated Future Use

At present, multiple levels of government (federal, provincial, and municipal), as well as several Indigenous administrative organizations, are involved in the management of Wet'suwet'en traditional territories (Morris et al. 2006:29). The involvement of numerous parties, however, often results in inadequate communication, both between these parties and amongst members of Wet'suwet'en communities. Traditional methods of communication are no longer effectively used with members at the House-level. Despite inter and intra community communication issues, many Wet'suwet'en recognize that there is now an opportunity to incorporate traditional knowledge and values into current management practices and new economic opportunities.

Commentary provided by the Office of the Wet'suwet'en in a 2017 report, issued by The Ministry of Forests, Lands, Natural Resource Operations and Rural Development, summarizes their stance towards working with industry and government:

Wet'suwet'en Hereditary Chiefs want to ensure that their cultural and traditional interests are understood and managed. This can only be achieved through effective consultation processes that result in awareness and comprehension of Wet'suwet'en values and principles, which honor Wet'suwet'en Law (*Inuk Nu'at'en* "our laws"). ... First Nations depend on their territories for their cultural needs, and are among the most vulnerable with respect to effects of industrial development. It is imperative that we work together to make a better future, as not all resources are renewable, and we have a responsibility to our children yet to be born. *The Wet'suwet'en objective is to work within the consultation, monitoring, assessment, and restoration processes; however, the processes must include Wet'suwet'en interests for collaborative sound decision making.* It is paramount that organizations wishing to work with the Wet'suwet'en realize that the traditional values of stewardship and respect for lands and resources remain central tenets of Wet'suwet'en society (MFLNRORD 2017:6, emphasis added).

In addition to recognizing Wet'suwet'en values and TK, a further aspect of the consultation process necessitated by the OW is the incorporation of scientific data (MFLNRORD 2017). They advocate for the effective monitoring and assessment of ecosystem change, as well as the study and protection of key habitat features that support culturally important animal and plant species, particularly those features and species that are known to be vulnerable to climate change and human activity (e.g., industrial developments and resource extraction). As noted by the OW, "maintaining structural biodiversity that supports Wet'suwet'en values with supporting data allows for a reasonable assessment of impacts on the Wet'suwet'en territories" (MFLNRORD 2017:6). A list of some culturally important plant and animal species is included in Appendix B. It exemplifies one way that cultural knowledge and scientific data can be merged in the consultation process.

Though the OW does not have a Forest Consultation and Revenue Sharing Agreement, they are nevertheless committed to working towards the culturally sustainable management of Wet'suwet'en territory. They are currently at stage 4 of the treaty process and are also working with the provincial government towards an agreement involving Wet'suwet'en self-determination and self-governance (Government of British Columbia 2018; Office of the Premier, February 7, 2019). Having greater control over their lands will give the Wet'suwet'en a greater ability to influence industrial developments and resource extraction therein.

Overall, the incorporation of Wet'suwet'en cultural values and traditional knowledge, as well as relevant scientific data, into consultation with industry and government may provide new economic opportunities through mutually beneficial industry partnerships, as well as mitigate associated threats to the continuity of Wet'suwet'en life-ways and land use.

7. CONCLUSION AND RECOMMENDATIONS

7.1 Summary of Results and Conclusion

This Cultural Use Study constitutes an extensive overview of Wet'suwet'en culture and society in the area of the Tenas Project, primarily informed by desk-based research. As this Study describes, the Wet'suwet'en—particularly members of Cas'Yex (Gitdumden Clan) and Kwen Bea Yex (Laksilyu Clan)—have thoroughly used and have significant cultural history in this region. Community members continue to use these lands to uphold Wet'suwet'en life-ways (e.g., hunting, fishing, gathering, trapping), both for subsistence and socio-economic purposes. Given the concept of *Yintah*—that all environmental components, including humans, are interconnected—the wellbeing of these lands is inseparable from the wellbeing of Wet'suwet'en communities and persons.

As noted, the Study's initial scope involved engagement with Wet'suwet'en communities. However, it is fortunate that the Office of the Wet'suwet'en has agreed to engage with the Proponent through a separate process (the Project Assessment Agreement). Further quantitative data will emerge through this community engagement, but is outside the scope of this report.

7.2 Recommendations

We recommend the Proponent engage with Wet'suwet'en hereditary leadership and community members in a culturally-appropriate manner that is in accordance with its agreement with the Office of the Wet'suwet'en.

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Appendix A: Witsuwet'en Place Names and Meanings

Name	History/Meaning	Location	Source
<i>Alk'at</i>	Whitefish fishing	Sunset Lake	OW 2011:81
<i>Bii Wenii C'eeek</i>	Steelhead & Cabin site	Owen Creek and Morice River confluence	OW 2011: 77
<i>Biiwenil Bin</i>	"Lots of Char Lake"	Owen Lake	CSTC 2006:32
<i>Biiwenil Kwah</i>	"Lots of Char Creek"	Owen Creek	CSTC 2006:32
<i>C'ede'i Kwah</i>	Creek in Cas'Yex House territory	Driftwood Creek	Morris et al. 2006:13
<i>C'enenlee Ben</i>	Whitefish fishing	Atna Bay	OW 2011:23
<i>C'enuu'l Kwah</i>	Creek in Cas'Yex House territory	Canyon Creek	Morris et al. 2006:14
<i>Celtay Toostaan Kwah</i>	Multiple Cabin site. Cabins moved by Ministry of Forests	Houston Tommy Creek	CSTC 2006:32
<i>Cenduu Yeez Kwah</i>	Creek in Cas'Yex House territory	Pine Creek	Morris et al. 2006:14
<i>Centeel Kwah</i>	Creek in Cas'Yex House territory	Tenas Creek	Morris et al. 2006:14
<i>Chai Zo</i>	Hunting, trapping, fishing site	China Nose	CSTC 2006:33
<i>Chost'let</i>	House Beside Fire Hunting Territory (Laksilyu)	Barret Station to Tyhee and Telkwa	Jennes 1943:582

<i>Cllok Khat Bin</i>	Old trapping cabin	Swan Lake	CSTC 2006:33
<i>Dee'el Kwah</i>	Watershed to Detnii bet (Unnamed mountain)	Telkwa River	Morris et al. 2006:14
<i>Deetsanzagh Bin</i>	Fishing site	Elwin Lake	CSTC 2006:33
<i>Deetts'eneegh</i>	Whitefish fishing	Elwin Lake	OW 2011:81
<i>Detnii bet</i>	Unnamed mountain in Telkwa Region and Cas'Yex House territory	Unnamed mountain	Morris et al. 2006:14
<i>Dizkle</i>	Oral history – first village shared by Gitxsan, Talhtan, Sekanni, and Wet'suwet'en.	Mosquito Flats	Rabnett 2000:20
<i>Duudiin'aaw c'en</i>	Totem and gravestone site- Identified by Gisday'wa during <i>Delgamuukw</i> testimony. Mapped as a Fishing site (Skoda 1987)	Bulkey River	British Columbia 1987:1524, 1525, 2145
<i>Dzenk'et Hoz'aay</i>	Whitefish fishing	Buck	OW 2011:81
<i>Ghonteel Kwah</i>	Creek in Cas'Yex House territory	Fish Trap Creek	Morris et al. 2006:14
<i>Haad'eleegh</i>	Mountain in Cas'Yex House territory	Dome Mountain	Morris et al. 2006:14
<i>Haad'eleegh buhn</i>	Lake in Cas'Yex House territory	Guess Lake	Morris et al. 2006:14
<i>Hlootsus Tez Dlee</i>	Whitefish fishing	McBride	OW 2011:23
<i>Ho:iit Ts elazez</i>	Mountain in Cas'Yex House territory	Mount Cronin	Morris et al. 2006:13
<i>Kas Kwah</i>	Salmon fishing and drying	Maxan Creek	CSTC 2006:33
<i>Kasklai K'watlat</i>	"Many grizzly at its end" (Could be reference to Border with Gitdumden territory) House on Top of A Flat Rock Hunting Territory	Area of Zymoetz River Below McDonnell Lake	Jennes 1943:583

(Laksilyu)			
<i>Kyah Wiget</i>	Fishing Village	Witset/Moricetown Canyon	Morris et al 2006:18
<i>Lhet Lii'nun Teezdlii</i>	Winter steelhead fishing	Morice Lake outlet	OW 2011:60
<i>Misdzi Kwah</i>	Gitdumden-Bi Wini Territory. Settlement in upper watershed.	Parrot Creek	OW 2011:55
<i>Neenekeec</i>	Winter steelhead fishing site	Nanika River	OW 2011:60
<i>Neexdzii Kwe</i>	Whitefish fishing	Mainstem Upper Bulkley	OW 2011:81
<i>Nelgi Dzilh</i>	Berry picking area. Huckleberries, soapberries and blueberries	Nelgi Mountain	CSTC 2006:32
<i>Net tat Tzow</i>	Multiple Trail site	Day Lake	CSTC 2006:33
<i>Siy'gehtiy</i>	Wet'suwet'en Village established after Dizkle	Trout Creek	Rabnett 2000:20
<i>Taak'oz Dlii</i>	Lake in Cas'Yex House territory	Deception Lake	Morris et al. 2006:14
<i>Talbits Kwah</i>	Gilseyhyu Clan Yex T'sa Wilk'us (Dark House) House territory	Gosnell Creek & House territory	OW 2011:24
<i>Taltsewiyez</i>	Beaver House Hunting Territory (Tsayu)	Area of Telkwa River and Mooskin Johnny Lake	Jennes 1943:583.
<i>Tasdleegh</i>	Whitefish fishing	Maxan Lake	OW 2011:81
<i>Tasdlegh Bin</i>	Site for big house	Maxan Lake	CSTC 2006:32
<i>Te't'aay Kwah</i>	Whitefish fishing	Lower Thautil River	OW 2011:24

<i>Ts'edeek'ay</i>	Mountain in Cas'Yex House territory	Hudson Bay Mountain	Morris et al. 2006:14
<i>Tse Kyah</i>	Sockeye fishing	Hagwilget Canyon	Morris et al 2006:18
<i>Tse Mi' kek' in</i>	Site of fish nets	Morice River and Owen Creek confluence	CSTC 2006:32
<i>Tse nin h'i</i>	Cabin Site	Owen Creek and Morice River confluence	CSTC 2006:32
<i>Tse'tsenilla</i>	"Much coming down the river" House of Many Eyes Hunting Territory (Laksilyu)	Headwaters of Telkwa River	Jennes 1943:582.
<i>Tsee C'es</i>	Unnamed mountain in Cas'Yex House territory	Unnamed mountain	Morris et al 2006:14
<i>Tsee Gheniinlii</i>	Sockeye fishing	Morice Canyon	OW 2011:60
<i>Tsee Teel Kwah</i>	Creek in Cas'Yex House territory	Little Joe Creek	Morris et al. 2006:14
<i>Tseelh K'ez</i>	Sockeye fishing	Tsichgass Lake	OW 2011:55
<i>Wa'tseet Kuz</i>	Mountain in Cas'Yex House territory	Mount McKendrick	Morris et al. 2006:14
<i>Wedzin Kwah</i>	Major fishing river in Wet'suwet'en territories	Bulkley River	Morris et al. 2006:14
<i>Wendzen Kwah</i>	Fishing area for Gitdumden territory	Morice River	CSTC 2006:32
<i>Xeet Yex</i>	Major Winter Villages	Parrot Creek Inlet, Upper Parrot Lake	OW 2011:55
<i>Yek Diintaan</i>	Mountain in Cas'Yex House territory	Mount Highland	Morris et al. 2006:14
<i>Ze'gel'h Kwah</i>	Whitefish fishing	Lamprey Creek	OW 2011:23

Appendix B: Some Plant and Animal Species Used by the Wet'suwet'en

The table below lists some prominent animal and plant species harvested by the Wet'suwet'en for subsistence and medicinal purposes relevant to the local study area (i.e., it is not a definitive list of *all* species used by the Wet'suwet'en). This list is informed by literature review, as well as previous work Crossroads CRM has done in collaboration with the Office of the Wet'suwet'en. References mentioning use of a particular plant or animal species by the Wet'suwet'en are indicated in the column on the right.

Type	Common Name	Latin Name	References
Bird	Grouse	<i>Bonasa umbellus</i> , <i>Dendragapus spp.</i> , <i>Falciennis canadensis</i>	MFLNRORD 2017; Morin 2016; OW 2011; Rabnett 2000; TERA 2015
Mammal	Black Bear	<i>Ursus americanus</i>	Daly 2005; Morin et al. 2006; OW 2014; TERA 2015
Mammal	Marten	<i>Martes americana</i>	Daly 2005; Morin et al. 2006; OW 2014
Mammal	Moose	<i>Alces alces</i>	Daly 2005; Hearing of NGJRP Vol. 11 2012:para.5494; Johnson 1994; MFLNRORD 2017; Morin et al. 2006; OW 2011, 2014; TERA 2015
Mammal	Mule Deer	<i>Odocoileus hemionus</i>	Daly 2005; MFLNRORD 2017; Morin et al. 2006; Morris et al. 2006
Mammal	Porcupine	<i>Erethizon dorstum</i>	OW 2014
Mammal	Snowshoe Hare	<i>Lepus americanus</i>	Daly 2005; Morris et al. 2006; OW 2014
Fish	Dolly Vardon	<i>Salvelinus malma</i>	CSTC 2006; MFLNRORD 2017; Morris et al. 2006
Fish	Lake Whitefish	<i>Coregonus clupeaformis</i>	CSTC 2006; Daly 2005; MFLNRORD 2017; Morin et al. 2006; OW 2014
Fish	Rainbow Trout	<i>Oncorhynchus mykiss</i>	CSTC 2006; MFLNRORD 2017; Morris et al. 2006; OW 2014
Fish	Salmon	<i>Oncorhynchus gorboscha</i> , <i>O. kisutch</i> , <i>O. nerka</i> , <i>O. tshawytscha</i>	CSTC 2006; Daly 2005; Johnson 1994; MFLNRORD 2017; Morin et al. 2006; Morris et al. 2006; OW 2011, 2013b, 2014; TERA 2015
Fish	Steelhead	<i>Oncorhynchus mykiss</i>	CSTC 2006; MFLNRORD 2017; Morin et al. 2006; Morris et al. 2006; OW 2011, 2013b, 2014
Plant	Alaskan Blueberry	<i>Vaccinium alaskaense</i>	Gottesfeld 1993; OW 2014; TERA 2015
Plant	Black Huckleberry	<i>Vaccinium membranaceum</i>	CSTC 2006; Daly 2005; Gottesfeld 1993, 1994; Johnson 1999; Mills 2005; Morin et al. 2006; Morris et al. 2006
Plant	Buckbean	<i>Menyanthes trifoliata</i>	Gottesfeld 1993

Plant	Common Mountain Ash	<i>Sorbus scopulina</i>	Gottesfeld 1993
Plant	Cow Parsnip	<i>Heracleum lanatum</i>	CSTC 2006; Gottesfeld 1992, 1993; Morin 2016; Morin et al. 2006
Plant	Devil's Club	<i>Oplopanax horridus</i>	Gottesfeld 1992, 1993, 1994; Johnson 1999, 2013; Morin 2016; Morin et al. 2006; OW 2011, 2014; TERA 2015
Plant	Fireweed	<i>Epilobium angustifolium</i>	Daly 2005; Gottesfeld 1993, 1994; Morin 2016; Morris et al. 2006
Plant	Highbush Cranberry	<i>Viburnum edule</i>	Daly 2005; Gottesfeld 1993, 1994; OW 2014; Morin et al. 2006
Plant	Indian Hellebore	<i>Veratrum viride</i>	Gottesfeld 1993; OW 2014
Plant	Kinnikinnick	<i>Arctostaphylos uva-ursi</i>	Gottesfeld 1993
Plant	Labrador Tea	<i>Rhododendrum groenlandicum</i>	Gottesfeld 1993, 1994; TERA 2015
Plant	Lady Fern Fiddleheads	<i>Athyrium filix-femina</i>	Gottesfeld 1994; OW 2014
Plant	Oval-leaved Blueberry	<i>Vaccinium ovalifolium</i>	Gottesfeld 1993, 1994; Johnson 1999; Morin et al. 2006; OW 2014; TERA 2015
Plant	Red Raspberry	<i>Rubus idaeus</i>	Gottesfeld 1993, 1994; Morin 2016; Morin et al. 2006; Morris et al. 2006; OW 2014
Plant	Saskatoon	<i>Amelanchier alnifolia</i>	CSTC 2006; Daly 2005; Gottesfeld 1993, 1994; Johnson 1999; Morin et al. 2006; Morris et al. 2006; OW 2014
Plant	Soapberry	<i>Shepherdia canadensis</i>	Daly 2005; Gottesfeld 1993, 1994; Johnson 1999; Mills 2005; OW 2014; TERA 2015
Plant	Willow	<i>Salix spp.</i>	Gottesfeld 1994; TERA 2015

Appendix C: Land Use Disputes: Gidimt'en and Unist'ot'en Camps

The most prominent and well-publicized land use disputes in which the Wet'suwet'en Nation are involved pertain to the development of oil and gas pipelines through their traditional territory. As this appendix describes, these disputes, which have pitted band and hereditary governance systems against each other and divided families, have resulted in the establishment of various checkpoints and camps along the Morice West Forest Service Road (FSR), such as the Unist'ot'en Camp and Checkpoint at km 66 and the Gidimt'en Checkpoint at km 44. The latter party refers to themselves as "Gidimt'en" (e.g., on their Instagram page @gidimten_checkpoint [2020]); however, this denotes the same Clan referred to as 'Gitdumden' by the Office of the Wet'suwet'en, which is the spelling used elsewhere in this Study. This appendix is the sole portion of the present Study that will use the spelling 'Gidimt'en,' in order to identify this specific group how they wish to be identified.

Unist'ot'en Camp

The Unist'ot'en (people of the headwaters) are a group from the Gilseyhu (Big Frog) Clan who occupy the southern portion of Wet'suwet'en traditional territory. According to Wet'suwet'en history, the Gilseyhu preceded all other Wet'suwet'en Clans (Unist'ot'en Camp 2017).

Since 2009, the Unist'ot'en have been actively campaigning against major development projects on unceded territorial lands, such as the Pacific Trails Pipeline (Unist'ot'en Camp 2017). This campaign includes the occupation of the remote Talbits Kwah territory of the Yex T'sa Wilk'us (Dark House), located west of Houston, by setting up a camp at km 66 on the Morice West FSR. Unist'ot'en members and volunteers have been denying entry to oil and gas companies who have failed to seek prior consent before entering their traditional territory, such as Chevron, TransCanada, and Enbridge. In order to tangibly express their Aboriginal rights over their territorial lands, the Unist'ot'en implemented a Free Prior and Informed Consent (FPIC) agreement for those seeking access to their territories. The FPIC operates in a similar fashion to traditional Wet'suwet'en laws and customs, where the relationship between the visitor and territorial hosts is questioned and assessed before access to the territory is granted (Unist'ot'en Camp 2017). This agreement is enforced on the Morice River Bridge, which was gated and monitored by the Unist'ot'en people. Other obstructions have repeatedly been implemented on the Morice West FSR near the Morice River Bridge, such as the felling of trees and use of vehicles (e.g., a school bus) to block access (Coastal GasLink Pipeline, Notice of Civil Claim 2018:4). The FPIC is supported under article 32 (2) of the *United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP 2008)*:

States shall consult and cooperate in good faith with the [I]ndigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other resources (*UNDRIP 2008:12*).

During 2019, BC formally adopted *UNDRIP* into its legislation with the passing of *Bill 41* (Larsen 2019).

In 2010, a pithouse (traditional winter shelter) was constructed by the Unist'ot'en and their supporters on the Talbits Kwah territory of Yex T'sa Wilk'us. The location of the pithouse was strategically placed at the confluence of Wedzin Kwah (Morice River) and Talbits Kwah (Gosnell Creek), a point where two proposed pipelines (i.e., the Enbridge and Pacific Trails Pipelines) intended to cross the Morice River (Unist'ot'en Camp 2017). For over a decade, the Unist'ot'en have been occupying this site, which has been named Tse Wedi Elh ('Rocks Flowing'). The camp has grown to include a permaculture garden, bunkhouse, and Healing Centre. The Healing Centre provides holistic support and education to Wet'suwet'en members, with a focus on land-based wellness and teaching traditions. The facility has recently been used for youth and women's workshops, as well as a treatment centre for several Wet'suwet'en members with addictions (Unist'ot'en Camp 2018).

The Unist'ot'en have an active social media presence with over 81,000 followers on Facebook (@Unistoten Unistoten Camp 2020), nearly 17,000 followers on Twitter (@UnitotenCamp Unist'ot'en Camp 2020), and numerous video uploads to YouTube (Unist'ot'en Camp Youtube 2020). An extensive and frequently updated website (www.unistoten.camp) maintains contact with existing supporters, providing information on current events, how to donate, and how to volunteer. The Gidimt'en Checkpoint, discussed below, also has a large social media following: over 13,000 followers on Instagram (@gidimten_checkpoint Gidimt'en Checkpoint 2020) and nearly 6000 followers on Twitter (@Gidimten Gidimt'en Checkpoint 2020).

Gidimt'en and Unist'ot'en Camps and Coastal GasLink

Over the past couple years, the pipeline project whose conflict with the Wet'suwet'en Hereditary Chiefs has been most publicized is Coastal GasLink. This multi-billion dollar, 670 km pipeline will transport liquified natural gas (LNG) from the area of Dawson Creek in northeastern BC to the coastal port in Kitimat (Coastal GasLink 2020)—traversing the heart of the Wet'suwet'en's claimed traditional territory. It is being built by Calgary-based TC Energy Corp. and is aimed to be completed by 2023 (Jang 2019). Although the pipeline has established agreements with the 20 First Nation bands (i.e., elected governments) along its route, including the five Wet'suwet'en bands, it is strongly opposed by the Wet'suwet'en Hereditary Chiefs, who assert that, in accordance with Wet'suwet'en traditional law, their stance supersedes that of the elected Chiefs.

This divide has created a wedge within and between communities and families (McSheffrey 2015). On one hand, some Wet'suwet'en persons, including the elected Chiefs, support the pipeline due to the economic benefits it will bring to their communities via increased employment, infrastructure upgrades, and benefits sharing agreements. All of the five Wet'suwet'en communities with elected councils—Hagwilget, Nee Tahi Buhn, Skin Tyee, Wet'suwet'en First Nation, and Witset (Gareau 2018c; McSheffrey 2015)—have established agreements with Coastal GasLink (the views of the Wet'suwet'en First Nation are discussed more thoroughly in Section 6.2.5). On the other hand, other Wet'suwet'en, including eight of the thirteen Hereditary House Chiefs, oppose the pipeline due to its environmental risks and its capacity to harm their territory and negatively affect the abilities of future generations to use resources therein and uphold Wet'suwet'en culture (Bennett 2020; Smart 2019). Of the remaining five Hereditary House Chiefs, “[o]ne ... has taken a neutral view on the pipeline project and four positions are vacant” (Jang 2020). Two Hereditary Chiefs had previously supported the pipeline, “only to have their titles stripped by other [C]hiefs” for this support (Globe Staff 2020).

The Unist'ot'en Camp, in accordance with the views of the Hereditary Chiefs, has remained in opposition to Coastal GasLink by denying entry to pipeline workers in order to impede construction (McSheffrey 2015). On November 27, 2018, Coastal GasLink served Unist'ot'en members Freda Huson and Waren Naziel, as well as the Unist'ot'en Camp, a civil lawsuit claiming irreparable harm in the form of “[s]ignificant incremental costs” and “[l]oss of billions of dollars of potential investment in British Columbia,” if the blockading activities were to continue (Coastal GasLink, Notice of Claim 2018:5). In addition to damages, Coastal GasLink applied for a permanent injunction against further blockading activities by the Unist'ot'en (Coastal GasLink, Notice of Claim 2018:6). On December 14th, 2018, Coastal GasLink was granted an interim injunction (Gareau 2018b).

The situation reached a climax on January 7, 2019, when RCMP, armed with semi-automatic weapons, broke down the Gidimt'en Checkpoint at km 44 of the Morice West FSR (Jeong 2019). Fourteen land and water defenders were violently arrested. Following this, on January 10, 2019, the Hereditary Chiefs indicated that, although they remained opposed to the pipeline, they would follow the injunction Coastal GasLink was granted. Though the incident garnered a tremendous amount of national and international media coverage and attention (e.g., Bracken 2019; Luxen 2019), the construction of the pipeline subsequently resumed. The temporary injunction that Coastal GasLink was granted originally was set to expire on May 1, 2020; while it remained before the courts, the situation continued to develop (Hewitt 2019).

Camp 9A Artifacts. On February 13, 2019, two Unist'ot'en supporters reportedly found six artifacts (resembling stone points from lithic spearheads used in an atlatl) in a mound of disturbed soil at Camp 9A, one of the 14 Coastal GasLink worksites and the 'staging area' for the final 84 km of the pipeline through the Coastal Mountains (Jang 2019). The supporters took two artifacts and left four behind. The artifacts were announced to the public on Facebook on February 14, 2019, by Kevin Pegg, President of EA Energy Alternatives Ltd. Work in the artifacts' vicinity was halted that day in accordance with the *Heritage Conservation Act*.

Although the artifacts are certainly real, there is question over whether they had been planted (Jang 2019). On February 15, 2019, Stephen Girard, Roy Northern Archeologist, accompanied by Provincial Government Archaeologists, Vera Brandzin (Heritage Program Manager at the Oil and Gas Commission [OGC]) and Sebastian Blackthorne (Heritage Resource Specialist with the Archeology Branch), visited and inspected Camp 9A. They noted that Camp 9A had been highly disturbed—its slope flattened out by bulldozers constructing modular housing for 450 workers—as well as “extensively” logged twice, including 10 years ago. Prior to the finding of the artifacts, “the area endured 11 consecutive nights of ... [-23] to [-38]. Large clumps of soil and clay were frozen solid” (Jang 2019). This suggests, in combination with the clearing of 1 to 3 m of ground soil by bulldozers the day prior, that “it is unlikely, but not impossible, for these artifacts to have been recovered somewhere within multi-use Site 9A and then placed in the find spot,” according to Girard. In a report to Coastal GasLink delivered February 20, 2019, he concluded, “it is highly unlikely that artifacts are in primary context but rather the by-product of recent human transport and deposition, likely by the Unist'ot'en camp members who found them.” On March 8, 2019, OGC released a bulletin stating, “[t]he soils upon which the artifacts were found would not typically contain any such cultural artifacts and this was likely not their original location ... However, a definitive determination on their exact location of origin cannot be made” (Jang 2019).

In spring 2019, Westrek Geotechnical Services Ltd. completed another archaeological study ordered by Coastal GasLink. After examining the subsurface soil at Camp 9A, Westrek agreed with Roy Northern that “the artifacts were not from that location” (Jang 2019). Although a number of requests for injunctions to halt work at Camp 9A were made on behalf of Unist'ot'en by Yes Ts'a Wilk'us (Dark House) and its Chief, Knedebeas (Warner William), during May, 2019, they were overturned by the Supreme Court of BC (Jang 2019). In June, 2019, James O'Hanley, Vice-President of applications at BC's Oil and Gas Commission, concluded that the “OGC was of the view that Camp 9A likely did not contain additional artifacts” (Jang 2019).

In response, during November, 2019, a number of Unist'ot'en supporters—Denzel Sutherland-Wilson, Anne Spice, and Chelsey Geralda Armstrong (2019)—published a scathing article in *The Midden* asserting that BC's archaeological processes had failed the Wet'suwet'en. They noted, “[t]he OGC's carefully crafted insinuation that the artifacts were planted sought to discredit Unist'ot'en people, and simultaneously assert that no archeological heritage was present [or] at risk ... The bulletin breathed life into racially charged and cruel comments from the public, and it exacerbated deep-rooted colonial sentiments that were now able to freely surface ... The site was disturbed by bulldozers and excavators and any artifacts would almost certainly be moved from their 'original location.' ... [T]he artifacts are likely from a layer of 'fluvial clay’” (Sutherland-Wilson et al. 2019:27). The article was accompanied by an open letter to the Archaeology Branch of BC's Ministry of Forests, Lands, Natural Resource Operations and Rural Development that had a similar tone and was signed by numerous provincial anthropologists and archaeologists. In the months since their discovery, however, no other artifacts have emerged from Camp 9A (Jang 2019).

Coastal GasLink: Injunction Granted. On December 31, 2019, the BC Supreme Court ruled in favour of Coastal GasLink, granting them access to the territory. BC Supreme Court Justice Marguerite Church ruled that “Coastal GasLink ha[d] suffered irreparable harm after protestors built blockades and camps to stop work crews ... [and] granted both an interlocutory injunction and an enforcement order, which will ‘provide a mandate to the RCMP to enforce the terms of the order’” (Morgan 2020). In response, on January 4, 2020, under the orders of the Wet'suwet'en Hereditary Chiefs, workers from the company building Coastal GasLink were evicted from the territory, and the Morice West FSR was closed at km 39. To enforce this closure, land defenders established the ‘Wet'suwet'en Checkpoint Camp,’ also referred to

as the 'Wet'suwet'en Access Point,' at this km marker. The Wet'suwet'en Access Point is on Facebook (@wetsuwetenstrong Wet'suwet'en Access Point 2020) and has nearly 35,000 followers. Despite these events, BC Premier John Horgan remained adamant that the pipeline would be built (Carrigg 2020).

Although Coastal GasLink had not acquired all necessary environmental permits, according to Gavin Smith, a lawyer with West Coast Environmental Law and consultant for the Hereditary Chiefs (Cox 2020), in January and February, 2020, the RCMP moved to enforce the injunction. On January 13, 2020, the RCMP set up their own checkpoint along the Morice West FSR at km 27 (Carrigg 2020). When the Wet'suwet'en Hereditary Chiefs agreed to enter into talks with the Province to deescalate the conflict in late January, 2020, it briefly appeared that perhaps confrontation akin to the events of January 7, 2019, could be avoided (Bennett 2020). These talks, however, were "not successful," according to the Province (The Canadian Press 2020). The Hereditary Chiefs subsequently submitted a formal request to the United Nations "to monitor RCMP, government and Coastal GasLink actions on our traditional unceded territory" (Smith 2020). On February 3, 2020, the Office of the Wet'suwet'en (2020) and the Hereditary Chiefs filed an application for a Judicial Review of the BC Environmental Assessment Office's decision to extend Coastal GasLink's environmental certificate for another five years.

In the early morning of Thursday February 6, 2020, the RCMP forcefully removed the Wet'suwet'en Checkpoint Camp at km 39, arresting 6 persons and detaining many others. On February 7, 2020, shortly after noon, "more than 40 officers arrived in two helicopters and a dozen police vehicles, with bulldozers" to remove the Gidimt'en Checkpoint at km 44 of Morice West FSR. After using chainsaws and an excavator to break down the blockade, RCMP dismantled the camp and made four arrests. On February 8, 2020, RCMP arrested 11 persons at a "warming centre" at km 27 of the Morice West FSR, which had originally been outside the original exclusion zone (extended by 23 km on Feb. 7, 2020). That day, the RCMP reached Unist'ot'en Camp at km 66. On February 10, 2020, a convoy of tactical officers, accompanied by helicopters and a dog squad, dismantled the blockade at Unist'ot'en Camp and made seven arrests, including Freda Huson and the Healing Centre Director, Dr. Karla Tait. Between February 6 and 10, a total of 28 persons were arrested.

In the wake of these events, numerous solidarity protests emerged across Canada. On February 9 and 10, 2020, protesters (60 of whom were arrested) blocked the access road to the Port of Vancouver (D'Amore 2020). "Dozens" of Indigenous youths and supporters camped out "for days" on the steps of the parliament building in Victoria to express support for the Wet'suwet'en Hereditary Chiefs (D'Amore 2020). Similar protests have transpired outside of BC, in Calgary, Edmonton, Halifax, Montreal, Ottawa, Regina, Toronto, and Winnipeg, among others (D'Amore 2020; Johnson 2020). In Tyendinaga Mohawk Territory (Quebec), for example, one of Canada's busiest rail lines was blockaded for five days, while other groups undertook similar actions in Ontario. The situation continues to develop.

References

Bennett, Nathan