

REVITALIZING INDIGENOUS LAW

WITH THE LOWER FRASER FISHERIES ALLIANCE



LEGAL TRADITIONS OF THE PEOPLES
OF THE LOWER FRASER

VOLUME 2
LEGAL PROCESSES AND DECISION-MAKING

THE LOWER FRASER FISHERIES ALLIANCE (LFFA)

MESSAGE FROM THE EXECUTIVE DIRECTOR OF LFFA

During my eleven-year tenure as the operational lead for the Lower Fraser Fisheries Alliance, I have observed a complete organizational shift from harvest-focused directives to an urgent emphasis on conservation, habitat restoration, science, Indigenous knowledge and inherent law as key components to maintaining and saving what is left of our salmon, water and habitat they rely on.

Indigenous peoples have been displaced from managing resources within the Lower Fraser territories and watersheds for over a century and a half. Our ancestor's responsibilities to the salmon, water and associated resources to maintain standards of health and well being, have been replaced by the decisions of local entities, government and laws that are fragmented in nature. The peoples of the Lower Fraser are losing access to the *Stó:lō / sq̓wa n̓l̓iləʔ stáləw*, 'Fraser River' and fish each passing day. Individual and corporate stakeholders now enjoy greater access and ability to access fisheries and the watersheds - much to the detriment of our Nations. One of the consequences of losing access to our significant cultural practice of harvesting and stewarding fish is the lack of sturgeon, eulachon and fresh salmon in our modern diet.

We find ourselves in a fisheries resource crisis driven by siloed management and decision-making based on socio-economic factors that often do not reconcile with conservation, water or habitat restoration. Political and management decisions based on monetary or commercial needs are regularly in conflict with baseline conditions needed for fish to thrive.

Our Indigenous governance world view is holistic and respects that all things are connected. Nations and their leaders must live in two governing worlds today: one that recognizes the 'inherited' Canadian Constitution and the other that works to maintain our inherent laws and obligations to all living beings.

Lower Fraser First Nations remain hopeful that the United Nations Declaration on the Rights of Indigenous Peoples, *Declaration on the Rights of Indigenous Peoples Act* and respective reconciliation commitments can bridge the gap between our Indigenous world view, the laws of Canada and the province of BC. The Revitalizing Indigenous Law for Land, Air and Water (RELAW) project captures our inherent laws and principles in a way that can play a

key role in the inclusion of our governance processes alongside commercial and government bodies.

Presently, no one government or nation can address our fishery crisis alone. We must act quickly in collaboration and in unity of *letse'mót / n̓ácaʔmat*, 'one heart and one mind'. Revitalizing our Indigenous laws can be one of the ways forward to harmonize the true nation to nation relationship that is necessary to address the current fish and water resource crisis for present and future generations.

Kwilosintun, Murray Ned,
Sema:th
Executive Director, LFFA

PREFACE

We learn through our oral stories that we have been here since time immemorial. Our stories go way back and speak of the old ways: the powers of earth, air, fire, water. The waters that come through our territories were abundant and provided life for many plants, animals, birds, and of course the abundant fish that used to freely travel through our territory to nourish the body, mind and spirit of our people. We continue to recognize our important relationship with fish through ceremony and sharing throughout the Lower Fraser. Respect for the past by learning our oral stories and coming to understand and respect our laws will collectively carry us forward to a much better place than we find ourselves in today.

Since colonization, we have been asked to prove our existence on these territories. The teachings of our eternal ancestors are powerful and form the foundation of our laws. Our stories tell us so. I would hope that one day our laws are respected by all who live or participate in the decision-making of our territories --to the extent that various levels of government recognize our laws and incorporate them into decision-making processes. This is one way that we may reconcile and move forward together in the decisions made on the uses of our lands and resources, especially for fish. The LFFA-RELAW project amplifies our legacy, our governance, rights and responsibilities for fish and the watersheds they depend on.

Lemxyaltexw, Chief Dalton Silver,
Sema:th
Host Nation of the LFFA



ACKNOWLEDGEMENTS

We are grateful for the guidance shared by the knowledge holders who taught us about the true meaning of *xóhmet te mekw'stám it kwelát/ xá?həmət ct mək'w scék'wəl'ʔə k'wə swé?ct* 'we have to take care of everything that belongs to us'.

We acknowledge the hard work and commitment of the LFFA, the Delegates and Executive Committee, who continue to represent the voices of the Lower Fraser communities in looking after the fish and water.

We give thanks to the Stó:lō Research and Resource Management Centre and the Coqualeetza Cultural Education Centre for sharing their abundant collections of published stories.

With Special Thanks to all for *sq'welwel* and 'breathing life' into the LFFA-RELAW reports through the review and invaluable feedback to strengthen the accuracy of the full legal synthesis report:

- Peer Reviewer Julie Malloway from Chi'yaqtel;
- Peer Reviewer *Naxaxalhts'i*, Albert (Sonny) McHalsie from Shxw'ow'hamel;
- Artist *Shkweñ*, Ocean Hyland from səliiwətaʔ (Tsleil-Waututh);
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- Language review of upriver halq'eméylem, Kelsey Charlie from Sts'ailes;
- Layout and Design, Francine Douglas from Sts'ailes;
- Photography, Sharon Desnomie from Sts'ailes.

LANGUAGE

Halkomelem, in the dialects of upriver halq'eméylem and downriver həńqəmíhəń are used in the LFFA-RELAW reports. The LFFA seeks to promote the use of the Indigenous languages and dialects of the members of the Lower Fraser First Nations within the written and oral work completed by LFFA, to support and respect the diverse cultures and spiritual traditions of the First Nations of the Lower Fraser River. LFFA recognizes that there are also N'laka'pamux dialects spoken in some of the upriver Lower Fraser First Nations that are not reflected in the reports.

DISCLAIMER

In publishing this report, the LFFA member nations acknowledge shared legal principles that guide their work together on fisheries governance and watershed management. However, the discussion and analysis supporting these principles is not intended to be comprehensive or final. Rather, it reflects the wisdom and voices of the many knowledge holders who were able to participate, and the published materials that were available to the RELAW team.

LFFA affirms that Lower Fraser First Nations recognize and respect each other's autonomy and support each other in exercising their respective title, rights and jurisdiction. With this in mind, LFFA hopes that the LFFA-RELAW reports will provide a basis for ongoing learning and dialogue among the peoples of the Lower Fraser in the process of revitalizing and living their legal traditions relating to fisheries governance and watershed management, and offer a foundation for dialogue on applying the principles in this report to ongoing work of LFFA and member communities.

Indigenous laws continue to be practiced by the peoples of the Lower Fraser, with the diversity of the peoples and landscape reflected in their stories, making up various tribes with halkomelem language dialect and sub-dialects who hold jurisdiction over their own watershed territory.

All information or knowledge disclosed herein remains LFFA members' and knowledge holders' intellectual property.

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VOLUME 2

LEGAL PROCESSES AND DECISION-MAKING



*Who needs to be involved in the decision-making process?
What are the decision-making roles and responsibilities?
What are the legal processes?*

This is Volume 2 of 7:

- Volume 1** Foundational Principles
- Volume 2** Legal Processes & Decision-Making
- Volume 3** Responsibilities
- Volume 4** Rights
- Volume 5** Standards
- Volume 6** Inter-community and International Relations
- Volume 7** Consequences, Enforcement & Teaching

VISIT WWW.LFFA.CA/INITIATIVES/RELAW FOR THE OTHER 6 VOLUMES AND THE SUMMARY REPORT

ARTIST INTERPRETATION: VOLUME 2 COVER ART



Volume 2 Legal Processes & Decision-Making

"Throughout my practice as an artist I've mostly studied and done apprenticeships with different artists. One of the artists I've worked with is my aunt, she's married to my uncle Gabriel George. She's a weaver, Angela George from Sts'ailes, currently she lives in Tsleil-Waututh. We worked on a project and she titled it, "Indigenous Governance" and it was a massive weaving that she created for our community, and within that weaving, it had many of our laws as Indigenous people.

And so I wanted to pull from those stories that I've learned from my community about Indigenous laws and its woven into our pieces, our shawls, our blankets, and those pieces are passed down to represent our stories and so I pulled on that imagery to create that background. That its woven into who we are, it's woven into our DNA..."

Shkweñ, Ocean Hyland
səilwətaʔt (Tsleil-Waututh) / Xwchíyò:m (Cheam)

VISIT WWW.LFFA.CA/INITIATIVES/RELAW FOR THE OTHER 6 VOLUMES AND THE SUMMARY REPORT

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LEGAL PROCESSES AND DECISION-MAKING

Who needs to be involved in the decision-making process?

2.1 All beings of the Lower Fraser have agency, and a role to play, in maintaining the health of land and water according to their own expertise, gifts and training.

Decision-making processes throughout the Lower Fraser encompass all beings because:

- 2.1a** The roles played by many different beings, and their spiritual relationships to **Chichelth Siyám / cicəl si?ém**, each other and the territory are as ancient as the eternal ancestors and the time of transformation, and a paramount consideration in decision-making.
- 2.1b** Each individual being has unique gifts and talents to offer in decision-making and governance for healthy watersheds in the Lower Fraser.

**Story teller and
sxwóxwiyám /
s̓x̓wə̓x̓wəyém**

2.1a

Cooper, *Mt. Cheam*
Naxaxalhts'i, *NEB Transcript*
at paras 2324-2345
Pierre, *Katzie Book*
The Stee'lis', *The Stsee'lis*
The Stee'lis', *The K-oā'antEl*
The Stee'lis', *The Nek-ā'men*
The Stee'lis', *The Tc'ileQuē'uk*
The Stee'lis', *The Sk-au'elitsk*
The Stee'lis', *The PELā'tIQ*
The Stee'lis', *The Pā'pk'um*
The Stee'lis', *The Siyi't'a*

2.1b

George, *Story of Waut-salk*
Kolleher, *Flood Story*
Pierre, *The Mountain Goat Hunter*
Uslick, *7 Years*



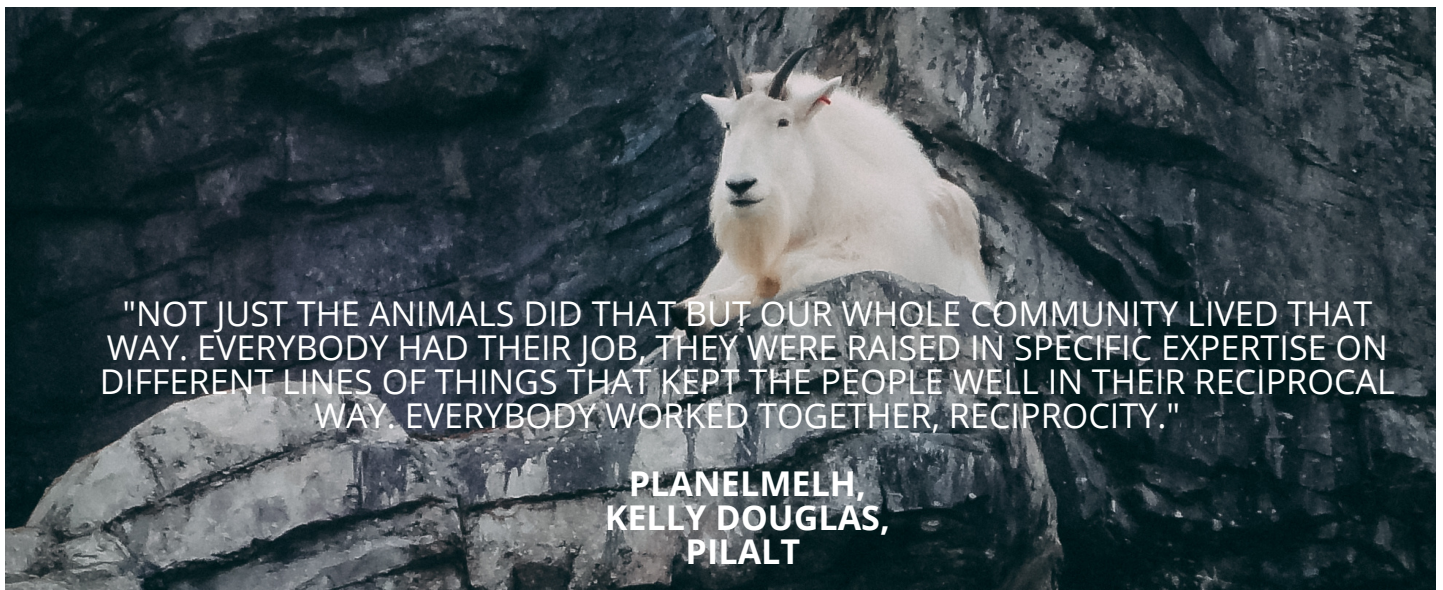
2.1 All beings of the Lower Fraser have agency, and a role to play, in maintaining the health of land and water according to their own expertise, gifts and training.¹

Many *sxwōxwiyám / sǰwǰwǰyém* of the peoples of the Lower Fraser speak to cooperation between different beings to maintain the health of the watershed and ensure there is fish. In particular, in the various versions of a story referred to as *How the Sockeye Learned to Come Up the River*,² the *Sockeye Legend*³ or *Women Changing the Men*,⁴ Beaver, the birds, mice, and other beings work together to bring the Sockeye salmon to the Fraser River and its tributaries. They collaborate in a plan to steal the Sockeye baby and then establish the particular characteristics of the salmon in different rivers by throwing its cedar diapers in different places.

Pilalt knowledge holder **Planelmelh**, Kelly Douglas describes this agency to work together in unity to maintain the health of land and water:

*Not just the animals did that but our whole community lived that way. Everybody had their job, they were raised in specific expertise on different lines of things that kept the people well in their reciprocal way. Everybody worked together, reciprocity.*⁵

Yet, within the web of relationships and shared responsibilities, each being retains agency to make decisions about its own path. The spiritual forces that connect humans and other beings, and the agency each has in decision-making, are shown in the *Story of Waut-salk* shared by Gabriel George.



1 Carlson, *Expressions of Collective Identity*; Cooper, *Mt Cheam*; George, *Story of Waut-salk*; George, *Beaver & Women Changing the Men*; George, *Raven & Women Changing the Men*; George, *Brother and Sister*; James, *Brother and Sister Story*; Joe, *Cowichan Raid on the Chilliwack Tribe*; Joe, *The Sockeye*; Joe, *Women Changing the Men*; Joe, *War Story*; Joe, *Two-Headed Serpent*; Joe, *Seel-kee*; Joe, *Seel-kee of Koh-kwa-puhl*; Kolleher, *Flood Story*; Louie, *Shlahl-luh-kum*; Pierre, *Katzie Book*; The Steē'lis', *The Stseē'lis*; The Steē'lis', *The K-oā'antEl*; The Steē'lis', *The Nek-ā'men*; The Steē'lis', *The T'ileQuē'uk*; The Steē'lis', *The Sk-au'ēlitsk*; The Steē'lis', *The PEIā'tlQ*; The Steē'lis', *The Pā'pk'um*; The Steē'lis', *The Siyi't'a*; Milo, *Seel-kee of Koh-kwah-puhl*; Milo, *How the Sockeye Learned to come up the River*; Milo, *Two-Headed Serpent*; Milo, *Women Changing the Men*; Milo, *How the Sockeye Learned to come up the River*. Naxaxalhts'i, *NEB Transcript* at paras 2324-2345; Sepass, *Slollicum*; Sepass, *Slollicum II*; Rendell, *Doctor Rock Story*; Uslick, *Grizzly Bear and his Two Wives*; Uslick, *Women Changing the Men*; Uslick, *7 Years*; Wallace, *Seel-kee and the Shlah-lah-kum*.

2 Told by Dan Milo.

3 Joe, *The Sockeye*.

4 Milo, *Women Changing the Men*; Joe, *Women Changing the Men*; Uslick, *Women Changing the Men*.

5 Planelmelh, Kelly Douglas (Xwchi'yó:m Focus Group, November 5, 2019).

LEGAL PROCESSES AND DECISION-MAKING

In this Tsleil-Waututh story, two young boys disrespect the salmon by killing them for no reason, even after they are taught not to by their grandfather, **Waut-salk**. **Waut-salk** informs the salmon of the boys' actions. Gabriel George recounts:

*He was yelling really loud in our language. He had a powerful booming voice. And by the time he was done yelling, all the salmon that were in the river, they just left. They were gone. And this terrified our people.*⁶

This terror was well-founded, as salmon and marine foods made up "90 percent of the diet"⁷ for the people.

So to see it leave, it terrified the people. It made them upset. It made them angry, and they went after these young boys....They said, "Go and plead with Waut-salk. Beg him to bring the salmon back. We need the salmon."

And so the boys, they were crying again. They felt so bad. They didn't realize, they didn't intend for this. And so they went to Waut-salk, grandfather. "We're so sorry, Grandfather. We didn't mean to disrespect you, Grandfather. Can you please bring the salmon back?"

*And Waut-salk said, "It's not me that you have to apologize to. It's to the salmon."*⁸

Waut-salk informed the salmon of the boys' actions, explaining that his grandchildren were "doing bad work on you to the salmon and they're killing you needlessly." But, **Waut-salk** tells the boys, "they left of their own accord."⁹ By listening to their grandfather, and showing respect by singing a song given to them by the wind, the boys are able to apologize to the salmon, who then decide to return.

Gabriel George explains: "And because of that understanding and that connection that they made with the salmon, they became powerful providers for our family. And **Waut-salk**, he lived a long life helping our people, defending our people".¹⁰



6 George, *Story of Waut-salk*.

7 *Ibid.*

8 *Ibid.*

9 *Ibid.*

10 *Ibid.*

Decision-making processes throughout the Lower Fraser encompass all beings because:

2.1a The roles played by many different beings, and their spiritual relationships to *Chichelth Siyám / cicəl siʔém*, each other and the territory, are as ancient as the eternal ancestors and the time of transformation, and a paramount consideration in decision-making.¹¹

The forms that beings take today and the roles they play date to the time of the *sxwōxwiyám / sǰwǰǰwǰyém*, which describes both the ancient time period “when the world was not quite right” and the oral histories about this time.¹² As discussed in more detail in *Volume 1: Foundational Principles*, s 1.2, during this time, the work of the *Chichelth Siyám / cicəl siʔém* and the eternal ancestors shaped the land and the beings interconnected with it, setting in motion ecological and legal processes, and establishing the inherent jurisdiction and title of the peoples of the Lower Fraser.¹³

Later this work of transformation and putting the world right in the Lower Fraser watershed was continued by *Xexá:ls / ǰeʔǰéǰls* ‘the Transformers’. The Transformers were the three sons and one daughter of the Red Headed Woodpecker and the Black Bear who lived in the mountains at the head of Harrison Lake, “who were given special powers and responsibility to travel through the land and make it right.”¹⁴

In turn, the *sxwōxwiyám / sǰwǰǰwǰyém* detail how these beings utilized their own expertise, gifts and training to work together to maintain the health of land and water, most notably through introducing keystone cultural fish species to the Fraser River watershed. These relationships and role in the web of life can be understood beginning with their original transformation.

For example, in the *Katzie Book of Genesis*, Old Pierre describes the journey of “*Khaals*”, recounting a series of encounters where people who have certain characteristics are transformed into beings that manifest these. For example, near New Westminster, *Khaals* transformed a man who was “doing wrong” by wandering in the woods all the time although he had a wife and family, and who mocked *Khaals*.¹⁶

Khaals raised his hand over him and said: Henceforth you shall roam the woods and no one shall see you. You shall become wolves, and you shall endow with power men who will be born hereafter so that they may acquire their food easily. Depart now to the woods.

*Instantly the man and his family were changed to wolves and retreated out of sight into the forest. But ever since, just as Khaals ordained, they have helped certain Indians to obtain game by driving the animals toward them. This was the origin of wolves.*¹⁷

The same story speaks to the origin of ravens at this location:

*Another family was standing near, listening to Khaals in secret mockery, a family that never worked for its livelihood, but always begged from other Indians. Khaals knew their thoughts, and, addressing them, he said: 'After I have spoken you shall fly away. Wherever people go, you shall watch them. Wherever people make their camps, you shall visit them and beg your food, just as you beg it now. You shall become ravens. Now fly away.' He raised his right hand over them, and they changed to ravens, which rose into the air and flew away.*¹⁸

11 Cooper, *Mt. Cheam*; Naxaxalhts'i, *NEB Transcript* at paras 2324-2345; Pierre, *Katzie Book*; The Steē'lis', *The Steē'lis*; The Steē'lis', *The K-oā'antE*; The Steē'lis', *The Nek-ā'men*; The Steē'lis', *The Tc'ileQuē'uk*; The Steē'lis', *The Sk-au'élitsk*; The Steē'lis', *The PEā'tIQ*; The Steē'lis', *The Pā'pk'um*; The Steē'lis', *The Siji't'a*.

12 Naxaxalhts'i et al., *Making the World Right through Transformations*.

13 See Volume 1: *Foundational Principles*, s 1.2 for an introduction of many eternal ancestors of the Lower Fraser.

14 Naxaxalhts'i et al., *Making the World Right through Transformations*.

15 Xexá:ls / ǰeʔǰéǰls.

16 Pierre, *Katzie Book* at 22.

17 *Ibid.*

18 *Ibid.*

The stories recount the history of how these beings came to have their distinct nature and role to play in ensuring the health of the watershed, as well as their spiritual relationships to the **Chíchelth Siyám / cicəł siʔém**, **Xexá:ls / ʒeʔʒéłs**, each other and the territory.

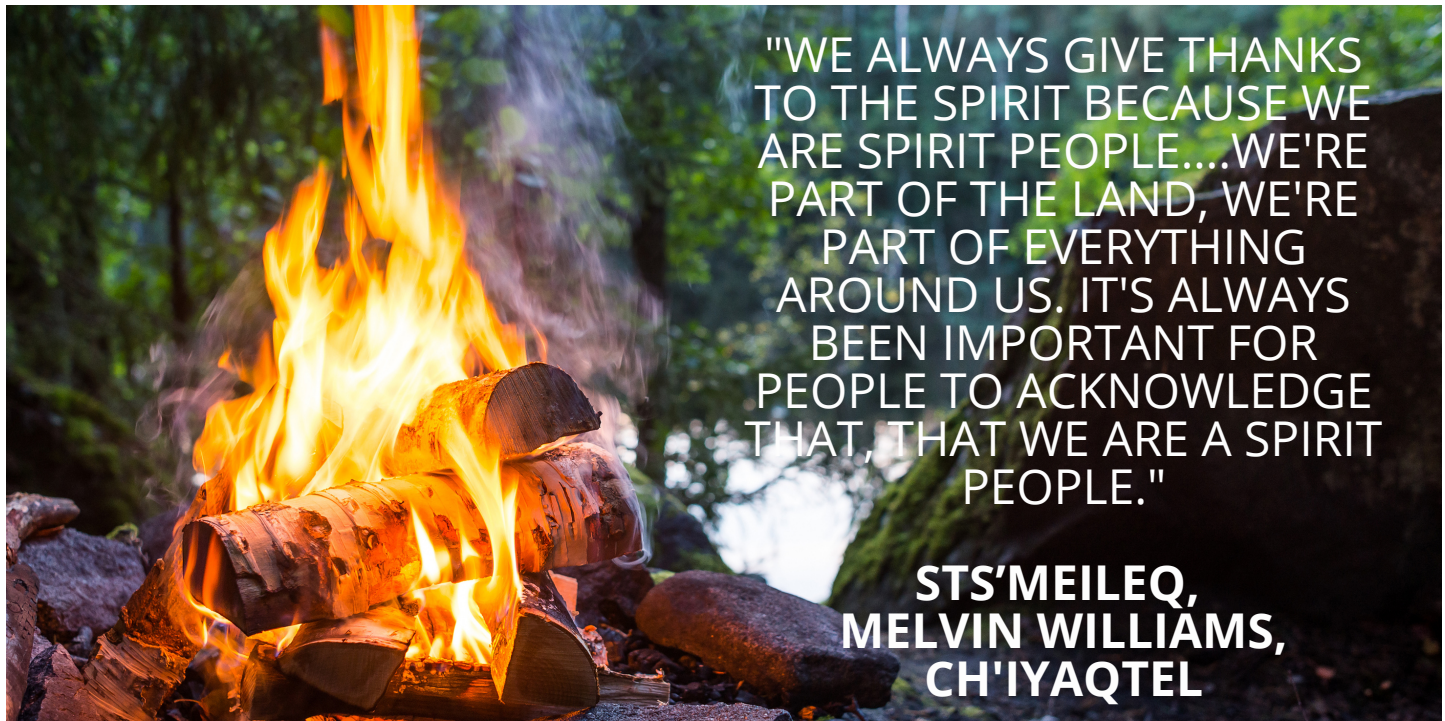
As Gabriel George notes:

We have these affixes we put on our names and our names are ancestral. And what that means is they're passed down from generation to generation, and with those names comes responsibilities with gifts, comes sʒwəxʒwəyém, comes our stories, snəwəyət, comes our laws. And some of those name endings, they mark that family or that person as somebody that survived the last Ice Age.¹⁹

As discussed further in *Volume 1: Foundational Principles*, s 1.3, each person and all beings in the Lower Fraser are connected to **Chíchelth Siyám / cicəł siʔém** through their life force or **shxwelí / ʒxwəlí**. This includes those who came before (the ancestors), people, animals, landforms and water bodies. The spiritual relationship between the **Chíchelth Siyám / cicəł siʔém**, all beings and **téméxw / táməxw** is a paramount consideration in decision-making. As knowledge holders emphasized at the RELAW focus group with the Coqualeetza Elders Group, when it's understood that "everything in this world has a spirit.... You treat it differently than if you were to consider all of those things objects or commodities..."²⁰

Sts'meileq, Melvin Williams from Ch'iyáqtel reminds how this reality gives rise to important legal processes for offering thanks for the bountiful gifts that Mother Nature gives us: "[W]e always give thanks to the spirit because we are spirit people....We're part of the land, we're part of everything around us. It's always been important for people to acknowledge that, that we are a spirit people."²¹

According to Victor Guerin, a Musqueam language teacher, this collectivity of the spirits of those who came before us, the ancestors, and all beings that share the earth with us today, can be referred to as **syəwenəł**.²²



"WE ALWAYS GIVE THANKS TO THE SPIRIT BECAUSE WE ARE SPIRIT PEOPLE....WE'RE PART OF THE LAND, WE'RE PART OF EVERYTHING AROUND US. IT'S ALWAYS BEEN IMPORTANT FOR PEOPLE TO ACKNOWLEDGE THAT, THAT WE ARE A SPIRIT PEOPLE."

**STS'MEILEQ,
MELVIN WILLIAMS,
CH'IYAQTEL**

19 Gabriel George, *NEB Transcript* at para 2851.

20 Peter Tallio (Coqualeetza Focus Group, July 17, 2019).

21 Sts'meileq, Melvin Williams, Ch'iyáqtel (Coqualeetza Focus Group, July 17, 2019).

22 Tsleil-Waututh Nation, *TMX Assessment* at 53.

Decision-making processes throughout the Lower Fraser encompass all beings because:

2.1b Each individual being has unique gifts and talents to offer in decision-making and governance for healthy watersheds in the Lower Fraser. ²³

All beings have a role to play in maintaining the health of the land, air and water. In doing so, each individual being has unique gifts and talents to offer in decision-making and governance.

Wey-ileq, Melvin Malloway talks about how this played out in his family. "Each one of mom's children... went in different directions, but she was always proud of them because they always did good in what they were doing." ²⁴ For example, he notes his brother **Wileleq**, Ken Malloway's political work and the travel it involves, while for Melvin, "everything is cultural: burnings and dancing, mask dancing, swimming." ²⁵

At the Sema:th focus group, **Skemookw**, Henry Ned also reflected on the importance of recognizing each person's particular strengths:

You can see where they're good at certain things and where they're not good at certain things and I think back in the day that's where they used to grade people. You can fish or you can hunt or you're a good provider or you're strong, you can practice, or you're knowledgeable so I think that's where a lot of the history and the knowledge and looking after people got passed out as them being able to see what they're going to be good at. ²⁶

Henry points out that there are risks if people are pushed to do things that they are "not good at":

Guys come and try hunting and they get an animal in their sights and they just can't pull the trigger or you get them to go and do the gutting part of it and they get sick or they just can't do it. It boils down to they're going to want to do it or they have to be good at it.

The reason I say this is because we lost one of our fish officers. I say this because of lack of boat experience, water experience and just knowledge of what's going on but I think back in the day they used to be able to see what they were good at and what they weren't good at but time has changed now too. We don't live like they used to and survive a lot harder than they had to, I think.

It's evolving around time and just to find out what they're good at and actually what they want to do. I see when they're forced into doing something and you can tell if they're going to be good or if they're not going to be good. ²⁷

For the peoples of the Lower Fraser, how individuals choose to develop, nurture and use their gifts over time is connected to governance both directly and indirectly. This is demonstrated in Old Pierre's story of **sya'ykwəl**, a mountain goat hunter.

By identifying his gift at hunting and nurturing it, **sya'ykwəl** was able to shoot and snare many goats. The wool from the goats **sya'ykwəl** hunted was woven into blankets, which he was then able to give away in ceremony. ²⁸ By bringing out his talent, **sya'ykwəl** thus directly acquired materials needed to participate in the legal processes of the community, and by sharing them with others, he gained authority and respect in community governance. Likewise, learning to communicate with, and show respect for the salmon allowed

23 George, *Story of Waut-salk*; Kollheer, *Flood Story*; Pierre, *The Mountain Goat Hunter*; Uslick, *7 Years*.

24 Wey-ileq, Melvin Malloway (Ch'i:yaqtel Focus Group, August 14, 2019).

25 *Ibid.*

26 Skemookw, Henry Ned (Sema:th Focus Group, July 19, 2019).

27 *Ibid.*

28 *Ibid.*

the boys in the Tseil-Waututh *Story of Waut-salk* to become powerful leaders and providers.²⁹

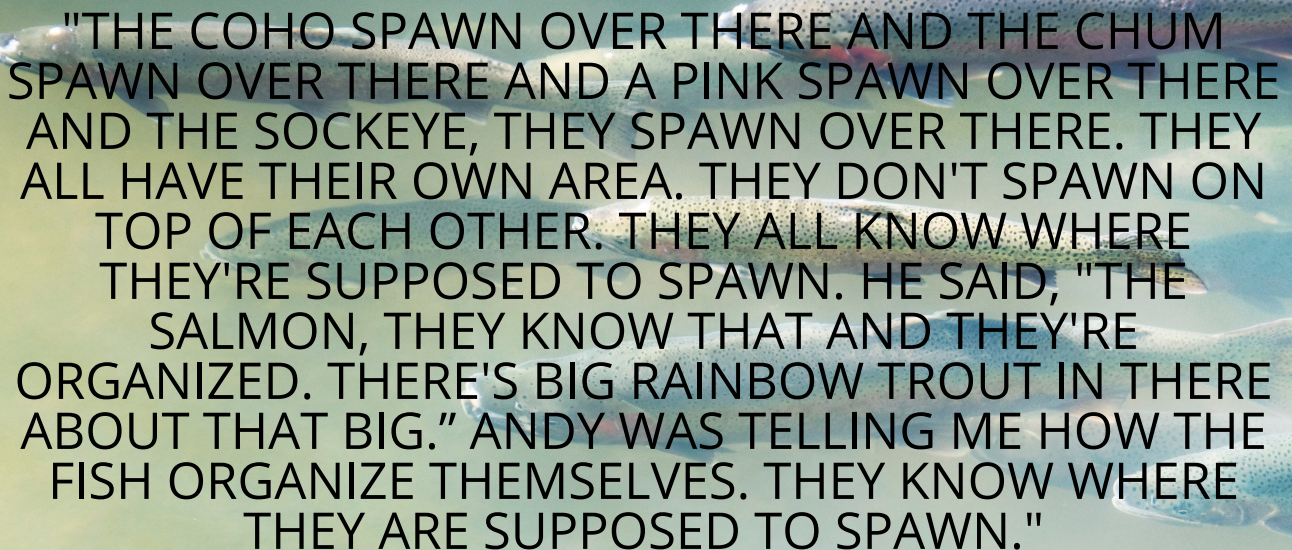
Wileleq, Ken Malloway also explains that other beings, like salmon, have distinct gifts they bring to maintaining the health of watersheds as well. He recounts:

I stopped to talk to him and I said, "Hey Andy, what do you do?" He said, "I'm just looking at the fish," he said. I said, "Yes, there's lots of salmon." He said, yeah.

He said, "The springs, they all spawn right there in the middle that's where all the springs spawn." The Coho spawn over there and the Chum spawn over there and a Pink spawn over there and the Sockeye, they spawn over there. They all have their own area. They don't spawn on top of each other. They all know where they're supposed to spawn. He said, "The salmon, they know that and they're organized. There's big rainbow trout in there about that big." Andy was telling me how the fish organize themselves. They know where they are supposed to spawn.

Some of them are almost like colonizers, like Coho and Chum, they'll spawn anywhere and they'll dig and dig and they'll make their own spawning beds. Remember when the Chilliwack River flooded and Soowahlie soccer field was covered with the water? There was dog salmon spawning in the middle of our soccer field [laughter] they go anywhere to spawn. The Coho too, they'll go anywhere to spawn.

They'll find new places to spawn if their spots are full. These stories were handed down to us for generations and generations.³⁰



"THE COHO SPAWN OVER THERE AND THE CHUM SPAWN OVER THERE AND A PINK SPAWN OVER THERE AND THE SOCKEYE, THEY SPAWN OVER THERE. THEY ALL HAVE THEIR OWN AREA. THEY DON'T SPAWN ON TOP OF EACH OTHER. THEY ALL KNOW WHERE THEY'RE SUPPOSED TO SPAWN. HE SAID, "THE SALMON, THEY KNOW THAT AND THEY'RE ORGANIZED. THERE'S BIG RAINBOW TROUT IN THERE ABOUT THAT BIG." ANDY WAS TELLING ME HOW THE FISH ORGANIZE THEMSELVES. THEY KNOW WHERE THEY ARE SUPPOSED TO SPAWN."

**WILELEQ,
KEN MALLOWAY,
CH'YIAQTEL**

29 George, *Story of Waut-salk*.

30 Wileleq, Kenneth Malloway (Ch'iyaaqtel Focus Group, August 14, 2019).

LEGAL PROCESSES AND DECISION-MAKING

What are the decision-making roles and responsibilities?

2.2 Individuals may hold responsibilities associated with different aspects of their identity and relationships within their family, community and nation.

Important decision-makers in the Lower Fraser include the following:³¹

- 2.2a Tribe:** Jurisdiction is exercised over local watershed territories and water connections by the peoples of the Lower Fraser.
- 2.2b *Sí:yá:m / səyéḡm ~ sḡʔém:*** High born individuals and leaders who may exercise authority over a household, community, resource harvesting location or area of human endeavour.
- 2.2c Caretakers of particular resources or resource harvesting locations:** Individuals or families with special stewardship responsibilities and the authority to allow or prohibit access these locations, including fishing rocks.
- 2.2d The Family:** Family connections among the peoples of the Lower Fraser and throughout the Coast Salish world establish and sustain important social and economic relationships that allow access to valuable resources and privileges, particularly among *smelá:lh / smənaʔat* 'elite families'.
- Within families, family members have different responsibilities and roles in decision-making, e.g., youth, elders, *sí:le / səlsíḡ* 'grandparents, grand aunts, grand uncles', *skwe'élwélh* 'co-parent-in-laws', matriarchs;
 - Matriarchs are guardians and vital decision-makers/leaders.
- 2.2e *Shxwlá:m / šxʷnéʔem*** 'Indian doctor': Healers who may offer guidance in decision-making to individuals, families, and leadership.
- 2.2f *Stl'áleqem / sḡʔéləqəm:*** Supernatural/fierce beings who protect family resource locations and enforce legal rights to access or deny access to them.
- The ability to co-exist with *stl'áleqem / sḡʔéləqəm* is a source of power, for example in becoming a *shxwlá:m / šxʷnéʔem*.
- Non-*Stl'áleqem / sḡʔéləqəm* spiritual beings present in the territories include:**
- *Sásq'ets* 'sasquatch';
 - *S'ó:lmexw* 'water babies';
 - *Mimestiyexw / məlíməstéyaxʷ* 'little people' who inhabit remote mountain regions and assist spirit dancers; and
 - *Shxwexwó:s / sḡʷəxʷáʔas ~ šxʷəxʷáʔas* 'thunderbird'.

Story teller and *sxwōxwiyám / sḡʷəxʷəyém*

2.2a

Joe, *Reunion*
 Louis, *The Wealick Family*
 Milo, *The Black Bear*
 Pierre, *Katzie Book*
 The Steē'lis', *The Stseē'lis*
 The Peters', *Mountain Goat*
 The Steē'lis', *The K-oā'antEl*
 The Steē'lis', *The Nek-ā'men*
 The Steē'lis', *The Pā'pk'um*
 The Steē'lis', *The PElā'tIQ*
 The Steē'lis', *The Siyl't'a*
 The Steē'lis', *The Sk-au'ēlitsk*
 The Steē'lis', *The Tc'ileQuē'uk*
 Unknown, *The Origins of Sq'ewlets Skyborn and Sturgeon People*
Sxwoxwiyam

2.2b

Joe, *Cowichan Raid on the Chilliwack Tribe*
 Joe, *Reunion*
 Joe, *War Story*
 Point Bolton, *Xéyteleq*
 Point Bolton, *Xweliqwiya*

2.2c

Cooper, *The Legend of Mount Cheam*
 George, *Story of Waut-salk*
 Pierre, *Salmon Story*

2.2d

Joe, *Reunion*
 Point Bolton, *Xéyteleq*
 Milo, *Origin*
 Uslick, *7 Years*
 Uslick, *Drouth*
 Unknown, *Abandoned*
 Unknown, *The Story of Squirrel*

2.2d Matriarchs

Cooper, *Mt Cheam*
 Commodore, *Thunderbird*
 Joe, *Cowichan Raid on the Chilliwack Tribe*
 Joe, *War Story*
 Joe, *Women Changing the Men*
 Milo, *Women Changing the Men*
 Point Bolton, *Xweliqwiya*
 Uslick, *Women Changing the Men*

2.2e

Commodore, *Thunderbird*
 Joe and Wallace, *Soo-wa-lay*
 Origin of *Tlukel Suh-lee-ah*
 Joe, *Training a Doctor*
 Joe, *Underwater People*
 Kolleyer, *Flood Story*
 Point Bolton, *Xéyteleq*

31 In no particular order.

2.2g Transformed ancestors: Serve as protectors who watch over the watershed and enforce legal processes to access particular locations or resources.

2.2h Fish and other animals: Have distinct gifts to offer to maintain the cycle of life, while holding agency to deny themselves to humans if proper respect is not shown to them.

**Story teller and
sxwōxwiyám /
s̓x̓wəx̓wəyém**

2.2e continued

Unknown, *Story of the Magic Water and Salmon*
Unknown, *The Story of Smelo and Skelutsemes*

**2.2f Stl'áleqem /
s̓l̓al̓élaqəm**

Commodore, *Cultus Lake and the Underground River*
George, *The Big Serpent*
Joe, *Seel-kee of Koh-kwa-puhl*
Joe, *Seel-kee*
Joe, *Two-Headed Serpent*
Louie, *Shlahl-luh-kum*
Milo, *Seel-kee of Koh-kwuh-puhl*
Milo, *Two-Headed Serpent*
Naxaxalhts'i, *Commentary on Stl'áleqem*
Pierre, *Katzie Book* at 23-24
Sepass, *Slollicum*
Sepass, *Slollicum II*
Uslick, *Squirrel and his Grandmother*
Wallace, *Seel-kee and the Shlah-lah-kum*

**2.2f Other spiritual
beings**

Commodore, *Thunderbird*
Joe, *Underwater People*
Naxaxalhts'i, *Stl'aleqem Sites*
Unknown, *The Cannibal*
Unknown, *The Giant*

2.2g

Commodore, *Thunderbird*
Cooper, *Mt. Cheam*
Jim, *Cheam Peak*
Naxaxalhts'i, *The Work of Xexá:ls*
Pierre, *Katzie Book* at 33
Rendell, *Doctor Rock Story*
Unknown, *Transformer Story*

2.2h

Commodore, *Skunk*
Commodore, *Skunk 2*
Commodore, *Steelhead Salmon in the Spring*
George, *Skunk*
George, *Skunk 2*
George, *Story of Waut-salk*
Heck, *Steelhead and Spring Salmon*
James, *Skunk*
Joe, *The Sockeye*
Milo, *How the Sockeye Learned to come up the River*
Pierre, *Katzie Book* at 26-27
The Peters', *Mountain Goat*
Uslick, *Skunk*

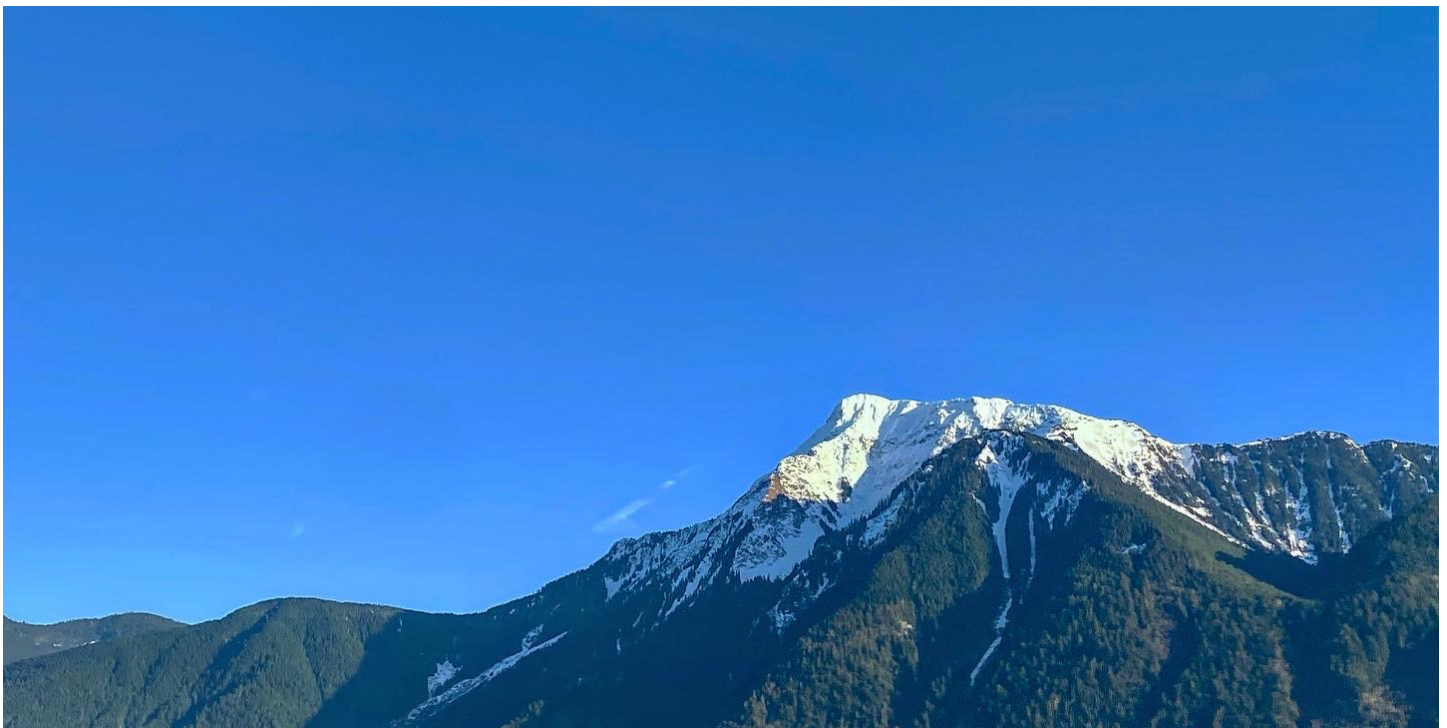


2.2 Individuals may hold responsibilities associated with different aspects of their identity and relationships within their family, community and nation.³²

The question of who exercises jurisdiction and makes decisions about lands and resources is fundamental to fisheries governance and watershed management in the Lower Fraser. As *Kwa:l*, Lester Ned Sr. from Sema:th says in referencing the loss of fish habitat and unsustainable development: "These are issues we are faced with until we start speaking for ourselves or have our own government."³³

For the peoples of the Lower Fraser, decision-making roles and responsibilities can be understood through the relationships that connect them all through time and space: this includes relationship to the *Chichelth Siyám / cicəł siʔém*, to the land and water, to the ancestors, to all beings and to each other through tribe and kinship networks. Within the tribe and family, particular roles and responsibilities are held by individuals selected based on their aptitude, ancestry and merit, and developed through their hard work in nurturing their unique gifts.

Some of the beings and collectives that play a role in decision-making are the tribe, *Sí:yá:m*, matriarchs, the extended family, *Shxwlá:m*, caretakers, *Stl'áleqem*, transformed ancestors, fish and other animals.



32 Carlson, *Expressions of Collective Identity*; Commodore, *Cultus Lake and the Underground River*; Commodore, *Skunk, Skunk 2, Steelhead Salmon in the Spring, Thunderbird*; Cooper, *Mt. Cheam, The Legend of Mount Cheam*; George, *Skunk, Skunk 2*; George, *Story of Waut-salk*; George, *The Big Serpent*; Heck, *Steelhead and Spring Salmon*; James, *Skunk*; Jim, *Cheam Peak*, Joe and Wallace, *Soo-wa-lay Origin of Tlukel Suh-lee-ah*; Joe, *Cowichan Raid on the Chilliwack Tribe*; Joe, *War Story*; Joe, *Reunion*; Joe, *Seel-kee*; Joe, *Seel-kee of Koh-kwah-puhl*; Joe, *The Sockeye*; Joe, *Training a Doctor*; Joe, *Two-Headed Serpent*; Joe, *Underwater People*; Joe, *War Story*; Joe, *Women Changing the Men*; Kollerher, *Flood Story*; Louie, *Shlahl-luh-kum*; Louie, *The Wealick Family*; Milo, *How the Sockeye Learned to come up the River*; Milo, *Origin*; Milo, *Seel-kee of Koh-kwah-puhl*; Milo, *The Black Bear*; Milo, *Two-Headed Serpent*; Milo, *Women Changing the Men*; Naxaxalhts'i, *Commentary on Stl'áleqem*; Naxaxalhts'i, *Stl'áleqem Sites*; Naxaxalhts'i, *The Work of Xexá:ls*; Pierre, *Katzie Book*; Pierre, *Coquitlam Whirlpool*; Point Bolton, *Xéyteleq*; Point Bolton, *Xweliqwiya*; Rendell, *Doctor Rock Story*; Sepass, *Slollicum*; Sepass, *Slollicum II*; The Peters', *Mountain Goat*; The Steē'lis', *The Stseē'lis*, *The K-oā'antEl*, *The Nek-ā'men*, *The Pā'pk'um*, *The PELā'tlQ*, *The Siji't'a*, *The Sk-au'ēlitsk*, *The Tc'ileQuē'uk*; Unknown, *Abandoned boy, Story of the Magic Water and Salmon, The Cannibal, The Giant, The Origins of Sq'ewlets Skyborn and Sturgeon People Sxwoxwiyam, The Story of Smelo and Skelutsemes, The Story of Squirrel, Transformer Story*; Uslick, *7 Years*; Uslick, *Drouth*; Uslick, *Skunk*; Uslick, *Squirrel and his Grandmother*; Uslick, *Women Changing the Men*; Wallace, *Seel-kee and the Shlah-lah-kum*.

33 Lester Ned. Sr. (Sema:th Focus Group, July 19, 2019).

Important decision-makers in the Lower Fraser include the following:

2.2a Tribe: Jurisdiction is exercised over local watershed territories and water connections by the peoples of the Lower Fraser.³⁴

The jurisdiction and decision-making power exercised by peoples of the Lower Fraser over their territories is affirmed through the *swōxwiyám / s̓wə́x̓wəyém*, which recount the ties of ancestry and language connecting their people to their tribal watersheds. In particular, the special connection each people has with their local watershed territories can be traced to their descent from common eternal ancestors.

For example, *Chichelth Siyám / cicə́l siʔém* transformed a wolf into the first Tsleil-Waututh man, and, with the help of the cedar tree, brought the first Tsleil-Waututh woman to life from earth, rock, and sediment beneath the salt water in Burrard Inlet.³⁵ Historically, the Tsleil-Waututh spoke a distinct dialect of *Hə́qə́mihəm*³⁶ and the nation has mapped at least 10 pre-contact village sites in eastern Burrard Inlet alone.³⁷

Many other eternal ancestor stories are discussed in, see *Volume 1, Foundational Principles*, s 1.2. Some information about the watersheds and waters each people is connected to are discussed in *Volume 1, Foundational Principles*, s 1.1.a.

As *Stakwsan*, Marilyn Gabriel from Kwantlen puts it:

*If you imagine for a moment that level of dependence upon the land, then you might be able to glimpse the intensity of the profound connection our ancestors had with it. That connection includes a deeply spiritual relationship with the land. Indeed, long ago there was no boundary between humans and plants, animals and even elements of the land itself, such as mountains. We have a great many stories that record transformations between, for instance, humans and the salmon. And these stories took place in and around our territory; the stories name features of the landscape that root them, and us, in our lands.*³⁸

One way in which these connections are known are the passing of hereditary names belonging to *smela':alh* (elite families) through the generations. *Wileleq*, Ken Malloway explains his peoples' connection to Chilliwack Lake:

Our people had their own dialect, their own language, slight variations of inflection and pronunciation of words in my family, even in our hereditary chief's family. My name was more well known as Wealalick. The name roughly translates to "one who is always careful, or one who is always aware". . . .

*But our people are all connected, and you can trace our names back for thousands of years. You can trace our names back out far that our people lived all up at Chilliwack. Aunt Julie spent a lot of time up in Chilliwack Lake with their family and with their Aunty Eva and they have a huge store of arrowheads and spearheads and hammers and all kinds of things that they found up Chilliwack Lake, which has been our home since time immemorial.*³⁹

34 Carlson, *Expressions of Collective Identity*; Louis, *The Wealick Family*; Milo, *The Black Bear*; Pierre, *Katzie Book*; The Stee'lis', *The Stse'e'lis*; The Stee'lis', *The K-oā'antEl*; The Stee'lis', *The Nek-ā'men*; The Stee'lis', *The Tc'ileQuē'uk*; The Stee'lis', *The Sk-au'ēlitsk*; The Stee'lis', *The PEĹā'tIQ*; The Stee'lis', *The Pā'pkum*; The Stee'lis', *The Siyi't'a*; The Peters', *Mountain Goat*; Joe, *Reunion*; Unknown, *The Origins of Sq'ewlets Skyborn and Sturgeon People Swoxwiyam*.

35 George, *Creation Story*.

36 Tsleil-Waututh Nation, *TMX Assessment*, at 21.

37 *Ibid*, Map 5 at 15.

38 Gabriel, *Statement of Evidence* at para 45.

39 Wileleq, Ken Malloway (Ch'iyaqtel Focus Group, August 14, 2019).

Kwa:l, Lester Ned Sr. from Sema:th reminds us that:

These Indian Act bands are derivatives of six tribes⁴⁰ and they got to remember that. When they start talking about 'how my territory is stretched from here to there,' is a bunch of nonsense. The only way to justify saying that is if they were part of the six tribes which originated in 1700-1800s.

I think what Rena [Point Bolton] is saying here is that Sema:th is one of the six tribes, and that we all must look after the land. On a whole note, we are all here and divided into little bands, and they can't take away what we still have.⁴¹

The reality of living under the *Indian Act* system has contributed to division between the peoples of the Lower Fraser. **Wileleq**, Ken Malloway recounts this division being particularly prominent when he was a young man:

It's a pretty big deal for us being Stó:lō, and it wasn't always like that. When I was young-- Gary remembers, and Melvin, we used to travel around our territory to go to dances at different halls. We'd go up to Sts'ailes, we'd have to fight our way out of there. We'd go up to Rosedale, Xychi'yó:m, we'd fight our way out of there. We'd go to Seabird Island, we'd fight our way out of there, we'd go to Kilgaard, Sema:th fight our way out of there.

Ken says: "Those are our people, but in those days, there were *Indian Act Bands*."⁴²

Remembering the eternal ancestor **sxwōxwiyám / sǰwǰwǰyém** is a key part of understanding and affirming Indigenous jurisdiction in the Lower Fraser, and requires historical knowledge of how a family or community 'derived' from the original tribes.

As **Kwa:l**, Lester Ned Sr. says, the question for those asserting title in the British Columbia treaty process is, "where did you derive from?" If they can answer you that then I think they got a leg to stand on, but if they can't, I think they're 'out to lunch' on knowing their history." He goes on:

No one can take our land away, and history tells us stories about our territory and us being part of it. We are derived of one of the six tribes. It has to be clearly defined to these people in treaty who they are and what they are. They can't be claiming something that is not theirs. That is my way of thinking.⁴³

At a territorial level, the jurisdiction of the peoples of the Lower Fraser comes from their connection to the original tribes and eternal ancestors. In turn, individual decision-makers may hold different responsibilities within their family, community and nation depending on the context.

40 The various subdialects of Halq'eméylem 'upriver Halkomelem' and hǰhǰmǰhǰmǰ 'downriver Halkomelem' and associated "tribes" are discussed further in Volume 1, s 1.1.a. Depending on the history and relationships of their own people, knowledge holders offered different perspectives on the number and identity of the 'original tribes'. Kwa:l identified Kwantlen, Musqueam, Sema:th, Chilliwack, Pilalt and Nooksack in the Lower Fraser.

41 Kwa:l, Lester Ned. Sr. (Sema:th Focus Group, July 19, 2019).

42 Wileleq, Ken Malloway (Ch'iyáqtel Focus Group, August 14, 2019).

43 Kwa:l, Lester Ned. Sr. (Sema:th Focus Group, July 19, 2019).

Important decision-makers in the Lower Fraser include the following:

2.2b *Sí:yá:m / səyé́m ~ síʔém*: High born individuals and leaders who may exercise authority over a household, community, resource harvesting location or area of human endeavour.⁴⁴

Sí:yá:m / səyé́m ~ síʔém are leaders within the legal tradition of the peoples of the Lower Fraser. The role of the *sí:yá:m / səyé́m ~ síʔém* has been summarized as follows:

*Si?em were the leaders of individual households and occasionally villages. The largest villages or tribal centers, were usually also the home of the most powerful local si?em, and very successful si?em would maintain houses at several sites. The si?em were specialists in managing human affairs. They managed the affairs of the local group and coordinated affairs with distant groups.*⁴⁵

Rena Point Bolton explains the significance of being *sí:yá:m / səyé́m ~ síʔém*:

*Mama and Papa, my grandparents, they always instructed me to hold myself as an honourable lady because si:ya:m people always had to show strength and dignity. They had to be examples for their people, because if they lived right and then the people did the same, things worked well. That was the main form of government. Living the laws was at the centre of things.*⁴⁶

Many stories speak to the characteristics and responsibilities of the *sí:yá:m / səyé́m ~ síʔém*. For example, in telling the history of **Xéyteleq** the great Semá:th warrior chief, Rena Point Bolton recounts how **Xéyteleq** was trained from early childhood. This training encompassed learning the histories of who he was and his responsibilities to take care of his people, as well as training for physical endurance, speed and agility and, beginning at puberty, spiritual practice, including sweathouse sessions and ritual bathing in cold water.⁴⁷ Healthy water and land are critical in order to participate in training such as this. More on this topic is explored in *Volume 5: Standards*, and *Volume 4: Rights*, s 4.1.d.

Holding important names and inherited resource harvesting locations, *sí:yá:m / səyé́m ~ síʔém* demonstrated their wealth and generosity through giveaways which maintained the continuity of their central role in political and economic life. Pilalt Knowledge holder **Iyeselwet**, Edna Denise Douglas puts it this way:

The white man thought we were crazy because we were giving it all away as gifts when they got here, but that's our way because it all comes back to us when we give gifts to the world. Some of us have the right to give gifts and others really don't have all those gifts to give. When we were raised, I'm sorry to say but we're raised really vain as a family because we always knew that we were royal.

*Always, we always knew that we held the original title and that we were the big sí:yá:ms.*⁴⁸

Sí:yá:m / səyé́m ~ síʔém were part of a broader class of “good” or “worthy” people. These **smela:alh / smánaʔax** 'elite families' were comprised of “whole lineages strongly linked by tradition to village sites and

44 Joe, *Cowichan Raid on the Chilliwack Tribe*; Joe, *War Story*; Joe, *Reunion*; Point Bolton, *Xéyteleq*; Point Bolton, *Xwelíqwiya*.

45 Jesse Morin, “Tsleil-Waututh Nation’s History, Culture and Aboriginal Interests in Eastern Burrard Inlet,” Tsleil-Waututh Nation’s Record of Written Evidence, Volume 2 (National Energy Board OH-001-2014, May 2015) at para 107 citing Homer Barnett, *The Coast Salish of British Columbia* (Eugene: University of Oregon Press, 1955) at 243, Wayne Suttles, *Coast Salish Essays* (Vancouver: Talonbooks, 1987) at 6, Sally Synder, *Skagit Society and its Existential Basis: An Ethnofolkloristic Reconstruction*, Unpublished PhD dissertation (Seattle: Department of Anthropology, University of Washington, 1964) and others.

46 Point Bolton, *Life of a Stó:lō Matriarch* at 128.

47 Point- Bolton, *Xéyteleq*.

48 Iyeselwet, Edna Denise Douglas (Xwchíyò:m Focus Group, November 5, 2019).

natural resources, possessing wealth (due to spirit powers and ritual knowledge), inherited privileges, and 'advice', and producing 'leaders'".⁴⁹

Below this stratum were the likely numerically fewer 'worthless people' or stɛsɛm (stacem). These were people who "had lost their history," were orphans, the offspring of slaves or other outcasts. When stɛsɛm became too numerous in a given village, they would often hive-off and establish a new stɛsɛm village that would be vassal to the former village. Below the 'worthless people' were the slaves or sk'wəyəs, who were chattels obtained in war or by purchase [citations omitted].⁵⁰

Kwa:l, Lester Ned Sr., notes that the relationship between these classes and leaders was exemplified by how the people organized themselves within their houses historically:

The chief or the leadership were the most important, they were always at the back. They were protected and were the last people that the warriors could hit at, so you were classified in a hierarchy. At the front of the line were slaves. I don't even want to call them slaves but they were lower on the hierarchy of the Chiefs, and leadership are stood in the front as protection. The hierarchy itself was the chief and his higher up being at the last of a procession, and they were the last guys that could be attacked or hit because they were protected by the different ones in front of them.

You had to go through all of them to get at them and that's the way they survived.⁵¹

However, leadership for the peoples of the Lower Fraser does not necessarily mean telling people what to do. As **Wileq**, Ken Malloway says:

Well, they had-- there was different people that were leaders in different areas; like, we had fishing leaders in the family that might have been a person in the family that was a leader and they would make decisions-- they didn't necessarily just make the decision, but they would try to build a consensus instead of telling the people what to do; he'd try first to convince them what they should do.⁵²

One of these important leadership roles in decision-making was that of matriarchs. See 2.2.d "Family" below.



49 Morin at para 105, citing Suttles 1987 at 12.

50 *Ibid*, see also Jenness 1955 at 86.

51 Kwa:l, Lester Ned. Sr. (Sema:th Focus Group, July 19, 2019).

52 Wileq, Kenneth Malloway (Ch'iyaqtel Focus Group, August 14, 2019).

Important decision-makers in the Lower Fraser include the following:

2.2c Caretakers of particular resources or resource harvesting locations: Individuals or families with special stewardship responsibilities and the authority to allow or prohibit access to these locations, including fishing rocks.⁵³

Individuals may carry special responsibilities in upholding a nation’s stewardship obligations, serving as caretakers or guardians of particular resources or resource harvesting locations such as fishing rocks or wapato gardens.

Special responsibilities to care for fish and fishing location date back to ancient times. In the *Katzie Book*, Old Pierre recounts how Swaneset’s *sthéqi / sθaqay* ‘Sockeye salmon’ wife taught one individual from each tribe “the prayer chant, the rituals and the taboos that her salmon kindred demanded.” In turn, these individuals “handed on their knowledge to their successors, whence the Indians have remembered and obeyed the regulations to this day.”⁵⁴

While fish may be a communal resource, particular fishing locations are owned by families and managed by knowledgeable individuals.⁵⁵ *Naxaxalhts’i*, Sonny McHalsie shared the term *si:ateleq* to describe an individual who is responsible for knowing about the geneology of those who were permitted to fish, when it was appropriate to fish and for providing opportunities for family members to fish and hang fish to dry. He explains how the responsibilities of these individuals are evoked in the word *si:ateleq*, the component parts of which are the words for *si* “dry rack”, *ate* “fair or just” and *eleq* “person that does that” so that the term embodies the sense of these individuals as persons who that is fair or just at the dry rack.⁵⁶

The Tsleil-Waututh Nation has more broadly described the role of guardians or caretakers of particular resources or resource harvesting locations as follows:

*Selected and trained based on their aptitude, ancestry and merit, these are individuals with spirit power, technical expertise, training/apprenticeship received from Elders or other relations, and sometimes inherited ancestral names, whose “good name” and status depends on their ability to manage the resource sustainably.*⁵⁷

Ed Pierre of Q’ets:í explains: “We use the word *sí:yá:m* and that relates to the person that took care of these hunting and fishing areas, food-gathering areas. Not only as food, but it was for the actual vegetation.”⁵⁸

A knowledge holder from Sema:th said about *The Legend of Mount Cheam*, told by Amy Cooper to Oliver Wells:

*The whole story teaches you that we have law and order long ago, we were not just wild Indians. There was a system in place, there were guardians up and down the coast. There were people appointed to let you know when you can fish the eulachon and when you had to stop and all the other salmon too. There was law and order, I think that’s what it teaches. Basically, we did live by structure. And we were intelligent beings that took care of the beings. We didn’t just roam wild with bows and arrows and so on.*⁵⁹

53 Cooper, *The Legend of Mount Cheam*; George, *Story of Waut-salk*; Pierre, *Salmon Story*.

54 Pierre, *Salmon Story*.

55 Kwa:l, Lester Ned Sr. (Sema:th, July 19, 2019). Catherine Ned also recounts: “My brothers always have one in Yale. I don’t know-- I think maybe the younger brother is up there. One of the brothers, passed away, but he was always up here. That’s how I got to go up there. I used to be the chief cook and bottle washer up there for them as they [fished]” (Sema:th Focus Group, July 19, 2019).

56 Naxaxalhts’i (Bad Rock Tour, Yale, May 31, 2019).

57 Tsleil-Waututh Nation, *TMX Assessment* at 53, George, *Story of Waut-Salk*.

58 Ed Pierre (Q’ets:í Focus Group, August 15, 2019).

59 Sema:th Knowledge Holder (Coqualeetza Focus Group, July 17, 2019).

Similarly, **Wileleq**, Ken Malloway notes that historically: “They had fishing chiefs and it was their job to tell people when and where they could fish.” Ken also recounts how limitations on access to fishing rocks and changes in technology affected fisheries governance and fishing over time, particularly for dip netting locations historically owned by particular individuals.⁶⁰

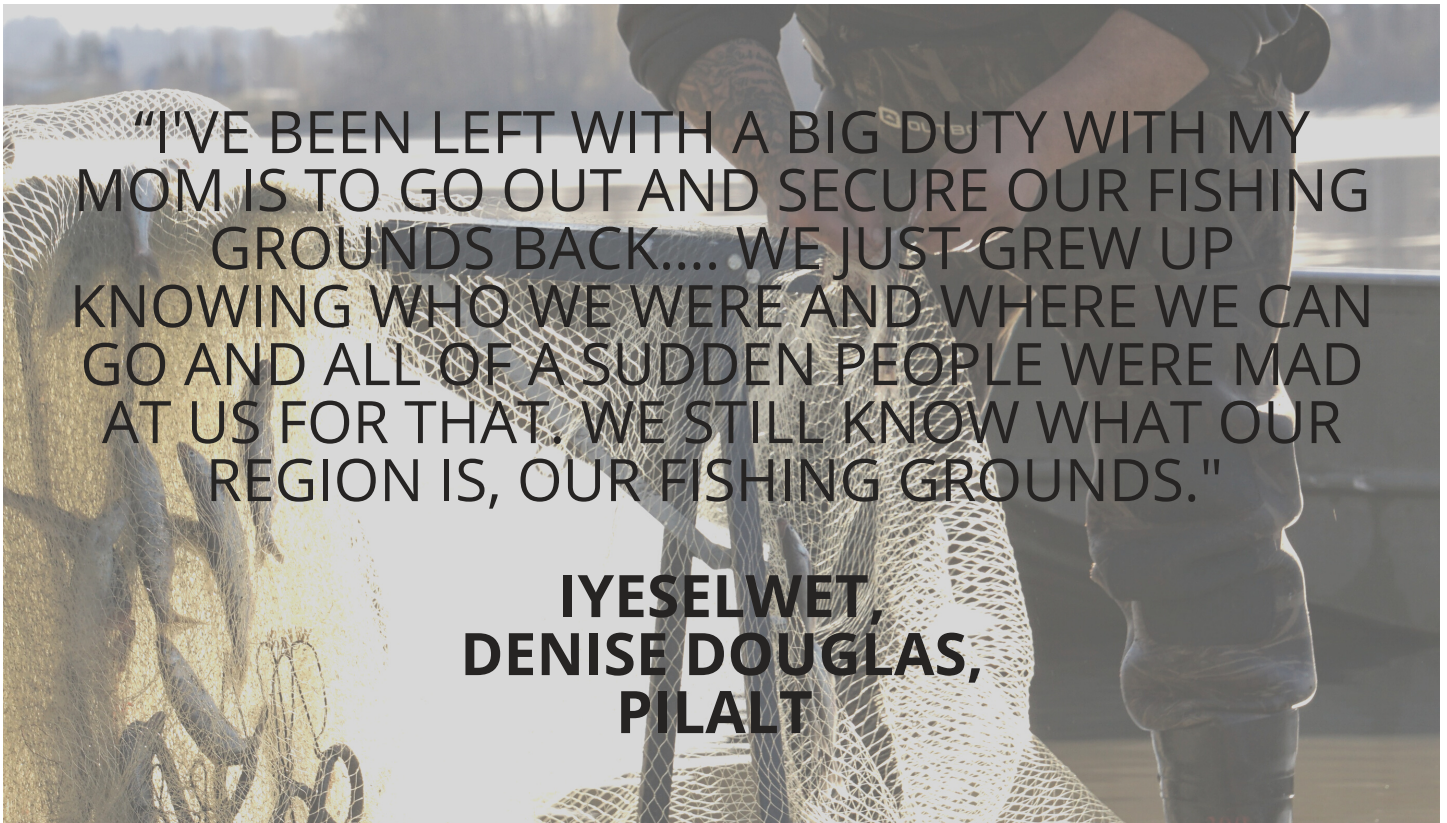
As Ed Pierre points out that “when you're disrespectful, you're not only disrespectful to the fishing area and to the fish, it's to the elders or to the owner, that **si:yá:m** that owns that area. Because a lot of these areas have been passed down from generation to generation for thousands of years.”⁶¹

The strategies and tools used to protect fishing grounds have sometimes changed over time but are still upheld today. **Iyeselwet**, Denise Douglas states:

*Just before mom died, we recorded a couple of DVDs together and one of them was because she was getting worried that people weren't respecting our title to our fishing grounds up in Yale.*⁶²

Another way in which the Douglas family have sought to defend their rights to their fishing grounds has been through the Canadian courts.⁶³ However, as in the past, caretakers of particular resources or harvesting locations today still know their family history, which establishes their authority to allow or prohibit access.

Iyeselwet says, “I've been left with a big duty with my mom is to go out and secure our fishing grounds back.... We just grew up knowing who we were and where we can go and all of a sudden people were mad at us for that. We still know what our region is, our fishing grounds.”⁶⁴



60 Wileleq, Kenneth Malloway (Ch'iyáqtel Focus Group, August 14, 2019).

61 Ed Pierre (Q'ets:í Focus Group, August 15, 2019).

62 Iyeselwet, Edna Denise Douglas (Xychi'yó:m Focus Group, November 5, 2019).

63 June Quipp and Iyeselwet, Edna Denise Douglas (Xwchíyò:m Focus Group, November 5, 2019).

64 Iyeselwet, Edna Denise Douglas (Xwchíyò:m Focus Group, November 5, 2019).

Important decision-makers in the Lower Fraser include the following:

2.2d The Family: Family connections among the peoples of the Lower Fraser and throughout the Coast Salish world establish and sustain important social and economic relationships that allow access to valuable resources and privileges.⁶⁵

Qwahonn, John Williams from Sq'ewlets spoke about the importance of family connections to his identity:

We look at -- we don't just look at where you are from. We look at how you're connected. It's kind of like the way the westernized system has taught us it's like we're a part of a tree. Westernized system says well I'm this branch out here. But you follow that branch down it goes down into the roots and it spreads right out and it's no longer-- our people are just now relearning that connection. We're trying to get away from this whole piece of-- you're Sts'ailes, we're Sq'ewlets. We're taught through Western system there's a divide. We're two different ---they seem to forget that connectivity that we have. Again asking my mother, grandmother from up here, [they would say] I've registered Chehalis, but that doesn't mean I don't have connection.

Each of our origin stories I would mention the sturgeon piece, that's my origin. But it's not my only origin because my mother's from here, that's a part of the Sts'ailes story also. I mean, that's where we're losing out a little bit, people for forgetting.

*Yes, you're a registered member over here, but this is also your story.*⁶⁶

These family interconnections also had legal, political and economic significance. Keith Thor Carlson notes:

Among the elite, marriages were arranged with the primary intention of securing access rights to valuable property. Most types of property could be inherited and accessed through either parent's family. Typical "property" included productive cranberry bogs, wapato patches, clam beds, berry patches and other 'managed' land features commonly associated with summer or fall resource gathering. Salmon-fishing sites and associated processing areas (especially those in the lower Fraser Canyon) also fell into the category of "owned" property. . . . Knowing who your relatives were and being able to demonstrate family relationships was consequently of great economic importance.....High-status families were those who know their genealogical history. The low-status st'exem (literally "worthless people") were considered to have lost or forgotten their history.

WE LOOK AT HOW YOU'RE CONNECTED.... IT'S LIKE WE'RE A PART OF A TREE. WESTERNIZED SYSTEM SAYS WELL I'M THIS BRANCH OUT HERE. BUT YOU FOLLOW THAT BRANCH DOWN IT GOES DOWN INTO THE ROOTS AND IT SPREADS RIGHT OUT AND IT'S NO LONGER [DIVIDED] -- OUR PEOPLE ARE JUST NOW RELEARNING THAT CONNECTION.

**QWAHONN,
JOHN WILLIAMS,
SQ'EWLETS**

65 Joe, *Reunion*; Milo, *Origin*; Point Bolton, *Xéyteleg*; Unknown, *Abandoned Boy*; Unknown, *The Story of Squirrel*; Uslick, *7 Years*; Uslick, *Drouth*.

66 John Williams, Sq'ewlets (Sts'ailes Focus Group, November 11, 2019).

*In-law relations were of the utmost importance, the most significant being the ones forged between a husband and wife's parents – a relationship called *skw'élwélh* (or co-parent-in-laws).⁶⁷*

Wileleq, Ken Malloway from Ch'iyaqtel spoke about how family connections worked in practice:

When Simon Fraser came down the river in 1808, he was fed oysters up in Yale. There are no oysters up in Yale but our friends from the coast brought oysters to us and in turn, we allowed them to fish in our territory. They were all family, and we are connected to families by marriage to this person or your aunt is married to that person or hereditary chief might be married to that family. There was all these family connections so people were allowed to come in and fish. People from Vancouver Island might come up here to fish, they'd come up in hundreds of canoes. They come up and fish. We had fish enough for everybody because there was like 100 million Sockeyes coming up, not even counting all the other species of salmon. Our people were fish eaters.⁶⁸

However, the privilege of accessing resources through kinship ties if appropriate protocols and legal processes are followed, does not alter the jurisdiction of the tribe in their territory or the owner of the resource harvesting location,⁶⁹ who continue to exercise stewardship and decision-making rights and responsibilities (see s 2.2.a "Tribe" above, and s 2.2.c "Caretakers," below).

Wey-ileq, Melvin Malloway emphasizes that family connections extended into what is today the United States:

I'll say a few years ago we had family on both sides of the border. There wasn't really a border there. We were able to cross back and forth. You always hear the stories about how the Stó:lō could just go behind Cultus Lake back into the valley over there and they were able to go back and forth that way, but nowadays if we did it, you'd be arrested for doing that.

There was always that connection between families. There still is. Many of us have connections with family and relatives on the other side of the border. Sometimes, because there were certain laws, other parts of the family couldn't come and visit one another because of the laws that they might have broken over there or we broke over here. There's always that connection between family and friends over there, always has been and always will be because we're connected in that way.⁷⁰

Val Joe notes: "The families work together. They just help one another all the time. They were more connected than they are today."⁷¹ Within families, particular roles and responsibilities of individuals vary according to their age, gender, aptitude and training, as well as the circumstance in question. These are discussed further in *Volume 3: Responsibilities*.

One important role is that of matriarchs. Matriarchs are powerful (often older) women whose voices are held to a high regard by their families and communities. Rena Point-Bolton from Sema:th notes:

The oldest were respected. And part of this was that the eldest daughters always seem

67 Carlson, *Expressions of Collective Identity* at 27.

68 Wileleq, Ken Malloway (Ch'iyaqtel Focus Group, August 14, 2019).

69 These include: Asking permission of the appropriate owner/caretaker of the harvesting location, the ability to articulate one's familial and ancestral claim to use the resource, and showing generosity to one's relations provided the rules about resource use are followed. See Tsleil-Waututh Nation, *TMX Assessment* at 54.

70 Wey-ileq, Melvin Malloway (Ch'iyaqtel Focus Group, August 14, 2019).

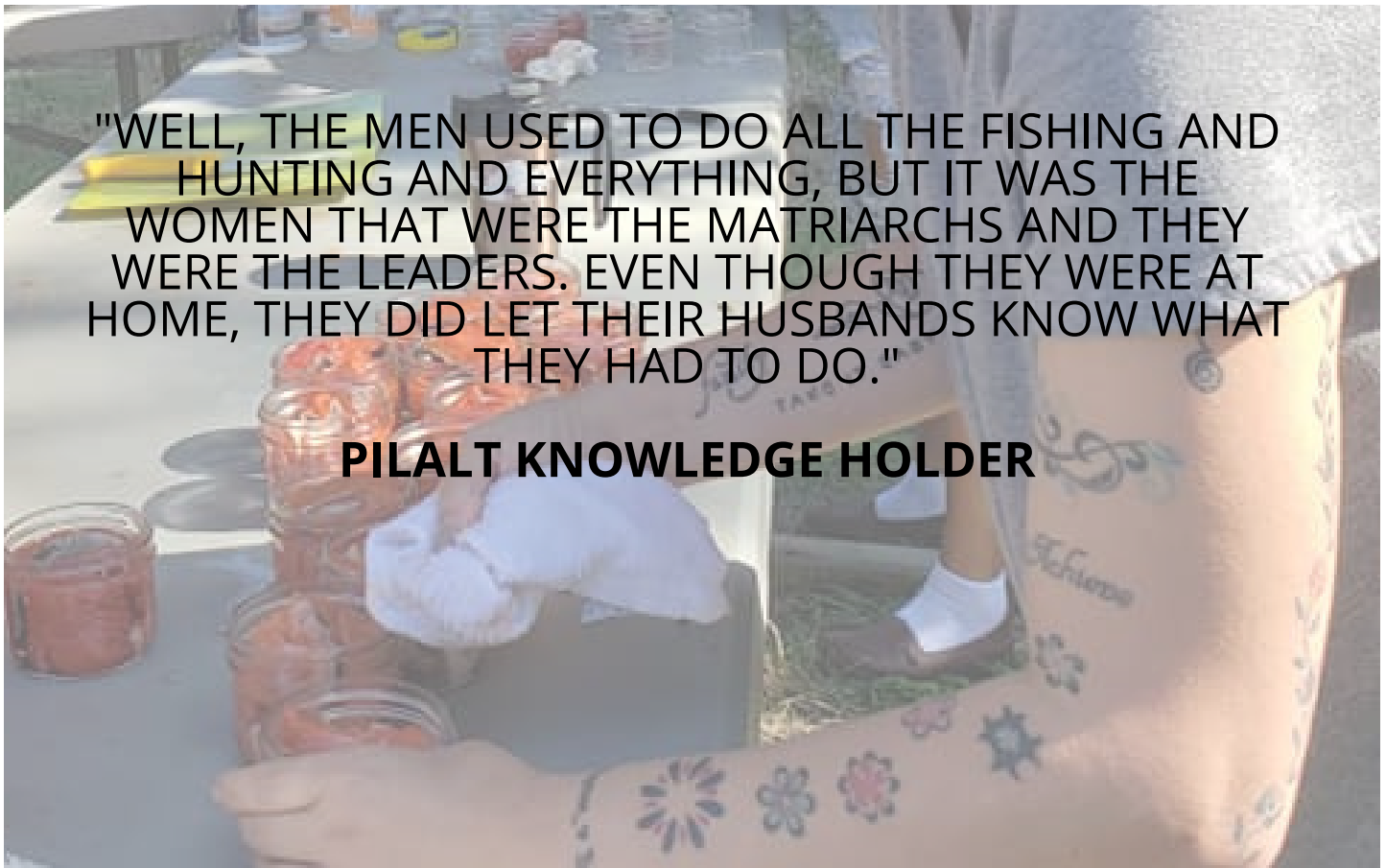
71 Val Joe, Ch'iyaqtel (Coqualeetza Focus Group, July 17, 2019).

*to have faced more training and more rules regarding their behaviour. The oldest sister had control over her siblings. She was sort of the authority figure when her parents or grandparents were absent. She could make decisions and she had a lot of say. The younger ones obeyed her.*⁷²

A Pilalt Knowledge Holder recounts her mother's role as a matriarch in protecting her family's fishing grounds:

*Well, the men used to do all the fishing and hunting and everything, but it was the women that were the matriarchs and they were the leaders. Even though they were at home, they did let their husbands know what they had to do. For example, our mother was a matriarch and she used to defy the Department of Fisheries and she'd tell the children, "You go down there and you do this and let the Department of Fisheries know that it's our fishing grounds, our fish, and you're not about to tell us what to do." In the later days of our mother's life, she came down with where she couldn't see very well. She had tunnel vision illness, but she still got the children to go down to the river and fight with the fisheries. She did that from the home. She didn't have to go down the river to let them know that she was speaking.*⁷³

She recounts that: "Although she was a quiet person, our dad always used to ask her, 'What do you think, Edna?' She was like the boss of our family."⁷⁴



72 Point-Bolton, Xweliqwiya at 28.

73 Pilalt Knowledge Holder (Coqualeetza Focus Group, July 17, 2019).

74 Pilalt Knowledge Holder (Xwchíyò:m Focus Group, November 5, 2019).

A theme shared at a number of focus groups was that: “The matriarchs are the guardians.” Bea Silver expressed it this way:

Women are the ones that take the lead when really bad things happen. Not just our native women, but around the world, women are making change, especially Indigenous women.

Our matriarchy history tells us that women will come forth and help fix what we're damaging now. That's what I think. That's what I always think. It's the women who will make the change and the women should be in front as leaders. That's what maybe he was saying, but I see that in this story.⁷⁵

Reflecting on the story *Women Changing the Men*, Bea draws a parallel. She says: “It reflects what is happening today. The women had to do something to continue so smarten up those men.”⁷⁶ As discussed in *Volume 1*, in this story, told by **Shah-kwih-LAH-loh**, Dan Milo the men weren't sharing in the abundance of their fish while the women were starving, so the women transformed the men into birds.⁷⁷

Explained further in *Volume 7: Consequences, Enforcement, Teaching*, s 7.4.a, family members are taught about their rights and responsibilities through family knowledge and history transfer. Family members may exercise agency even if their decision runs counter to expected roles, but there may be consequences if they do so.⁷⁸

Important decision-makers in the Lower Fraser include the following:

2.2e Shxwłá:m / Šxʷné?em: Healers who may offer guidance in decision-making to individuals, families, and leadership.⁷⁹

Many stories speak to the role of **shwłá:m / Šxʷné?em**, who are looked to for guidance and healing and may provide leadership in decision-making; for example, the *Flood Story*, told to Cornelius Kolleher by his grandfather Harry Joseph from Sts'ailes. In that story, as the waters rose, the Big Chief calls a large council of at the top of the highest hill behind the village to decide what to do. Medicine men are key attendees, and offer an explanation for what is occurring.⁸⁰

Significant hard work, time and diligence is required to become a **shwłá:m / Šxʷné?em**.⁸¹ The stories recount elements of this preparation, including: fasting and training for extended periods in remote locations,⁸² cleaning out ones system with bulrushes or devils' club,⁸³ and ritual bathing in cold, clear, unpolluted water in quiet locations.⁸⁴ The process may take months⁸⁵ or decades.⁸⁶ Individuals are trained from a young age and follow the direction of grandparents⁸⁷ or uncles.⁸⁸

75 Bea Silver, Sema:th (Coqualeetza Focus Group, July 17, 2019).

76 *Ibid.*

77 See Volume 1: *Foundational Principles*, s 1.2.c.

78 See for example, Unknown, *Abandoned Boy*; Unknown, *The Story of Squirrel*.

79 Commodore, *Thunderbird*; Joe, *Training a Doctor*; Joe, *Underwater People*; Kolleher, *Flood Story*; Joe and Wallace, *Soo-wa-lay Origin of Tluket Suh-lee-ah*; Point Bolton, *Xéyteleq*; Unknown, *The Story of Smelo and Skelutsemes*; Unknown, *Story of the Magic Water and Salmon*.

80 Kolleher, *Flood Story*.

81 Commodore, *Thunderbird*; Joe, *Training a Doctor*; Joe, *Underwater People*; Joe and Wallace, *Soo-wa-lay Origin of Tluket Suh-lee-ah*; Point Bolton, *Xéyteleq*; Unknown, *Story of the Magic Water and Salmon*; Unknown, *The Story of Smelo and Skelutsemes*.

82 Joe, *Training a Doctor*.

83 *Ibid.*

84 Joe, *Koothlak*.

85 Four months in Unknown, *Story of the Magic Water and Salmon*.

86 Joe, *Training a Doctor*.

87 *Ibid.*

88 *Point-Bolton, Xéyteleq*.

Some **shwalá:m / šxʷné?em** play a key role in fisheries governance because of their significant knowledge of the environmental patterns, or natural law. **Wileleq**, Ken Malloway says:

We had people that were- they could predict the runs, how the runs are going to be and they called them éliyá. I asked my grandpa, "What does éliyá mean?" He said, "He knows it," I said, "He knows it?" "Yes, he knows everything," he said. It's his job to decide what we're going to do about fishing as the éliyá would predict the run whether it was Sockeye, Chinook or whatever and also the size of the run so that people could prepare ahead of time for harvest and food preservation activities.

In the old days before contact, there were some years when there was not much fishing. When a fishing season was low, the éliyá would perform a particular ceremony for a particular species. All the ceremonies were different. Sometimes, they take a bowl and they put water in it, fetch river water and put it in the bowl and they'd sing over it, they look in the bowl and then he would do his thing and he'd say, okay there's going to be lots of Chinook but not very much Sockeye or there's going to be lots of Sockeye but not much Chum or predict there is not much Chum, or much of anything, so, you better go hunting and pick berries.

That was the éliyá. That was his job. He not only predicted salmon runs, but he predicted cycles of abundant game like deer, how a deer's going to be, how up the territory the deer would be. Éliyá also predicted how berries and other natural foods are going to be because some years of berries are really, really good and some years are not.

89

Lemxyaltexw, Dalton Silver recounts his family's experience with one **shwalá:m / šxʷné?em**, and their direction to protect the power places noted in the stories about Lightning Rock:

The shwalá:m was the one who taught my grandfather a lot of the ways about cultural practices, burnings and things. My grandpa was a Sema:th leader and the shwalá:m told my grandpa about Lightning Rock. When I was a teenager, I asked my grandpa about the shwalá:m because I pieced together some of what Aunt Mary had said and some of what I heard my dad and Uncle Herman talking about and they were saying, "Yes, it was an Indian Doctor, a shwalá:m, who taught us about Lightning Rock," Uncle Herman said.⁹⁰

Sásq'ets 'sasquatch' are said to be ancestors who went out on the land to train to be **shwalá:m / šxʷné?em** but did not return to human society, but they continue to offer knowledge to the people, such as songs in the Longhouse. **Wileleq**, Ken Malloway says:

Everybody's got stories about Sásq'ets, and well, that's what we call them anyway, sásq'ets, or sasquatches. People call them bigfoot or whatever.... They say that they live in a different dimension. They only come out when they want something, or they come out for a reason. That's the thing, there's a thin veil between us and the other people at the other side [those who passed on]. Well, it's a thin veil between us and other people in the other dimension too. There's another dimension of beings that most people can't see.

Only really, really powerful people can see them. Sometimes, they come over here and they get on us and we get a song and then you get to hear - you sing a song in

89 Wileleq, Kenneth Malloway (Ch'iyáqtel Focus Group, August 14, 2019).

90 Lemxyaltexw, Dalton Silver (Sema:th Focus Group, July 19, 2019).

Longhouse and a lot of times it's a being from the other side, this other dimension. A being so strange that it doesn't even have a name, you don't even know what it is, but it has power and it can take over your body and your mind and then you get up and you're dancing.

*There's different dimensions and things on the other side that we don't see. Only certain people can see the Sásq'ets and some people cannot see them.*⁹¹

Thus, *shxwłá:m / šxʷné?em* offer guidance in the intimately connected spiritual⁹² and political⁹³ life of the peoples of the Lower Fraser.

Important decision-makers in the Lower Fraser include the following:

- 2.2f *Stl'áleqem / słál'élaqəm*: Protect family resource locations and enforce legal rights to access or deny access to them.**⁹⁴
- *Stl'áleqem / słál'élaqəm* can make a person sick if they encounter them when unprepared;⁹⁵
 - The ability to co-exist with *stl'áleqem / słál'élaqəm* is a source of power, for example in becoming a *shxwłá:m / šxʷné?em*;⁹⁶
 - Reciprocal relationships with non-*stl'áleqem / non- słál'élaqəm* spiritual beings in the territory may also be a source of healing and other powers.⁹⁷

An example of the role of *stl'áleqem / słál'élaqəm* and spiritual beings in protecting territories and resources from outsiders is shown in one of the stories in the *Katzie Book*. Old Pierre tells the story of a group of ancestors who were transformed by *Xe'xá:ls / xe?xéłs* into underwater beings in ancient times on the west shore of Pitt Lake opposite Goose Island because they believed themselves "superior to all other people". In their transformed state, they have power to kill people if they drink the water, but "the Indians at the mouth of this lake" are protected from this harm.⁹⁸

Old Pierre recounts:

*After Europeans settled in British Columbia, some Nanaimo Indians visited the mouth of the Fraser River to fish, and a number of their women ascended to Pitt Lake to gather salal-berries. Toward evening it rained heavily, and they took shelter under an overhanging cliff at the water's edge. One woman was uneasy, and said to her companions: 'This lake is dangerous to strangers. I am afraid to sleep here, but will climb up the side of the mountain.' With her baby on her back she climbed up the mountainside, found a sheltered spot, and slept. In the morning she called down to her companion, who seemed strangely silent: 'Get up. The rain is over.' She received no answer; and when she descended to their shelter, she found them lying dead on the ground, with pools of blood near their mouths. One by one she lifted their bodies into the canoe, and paddled down Pitt River to the camp of her people at the mouth of the Fraser.*⁹⁸

91 Wileq, Kenneth Malloway (Ch'iyaqtel Focus Group, August 14, 2019).

92 For example, through an ability to connect with beings on the other side.

93 For example, in providing direction to the Sema:th people to protect Lightning Rock.

94 Naxaxalhts'i, *Commentary on Stl'áleqem*: Pierre, *Katzie Book*; Milo, *Two-Headed Serpent*.

95 Joe, *Seel-kee*; Joe, *Seel-kee of Koh-kwa-puhl*; Milo, *Seel-kee of Koh-kwah-puhl*; Wallace, *Seel-kee and the Shlah-lah-kum*; Louie, *Shlah-luh-kum*; Sepass, *Slollicum*; Sepass, *Slollicum II*; Joe, *Two-Headed Serpent*; Milo, *Two-Headed Serpent*.

96 George, *The Big Serpent*; Milo, *Two-Headed Serpent*; Pierre, *Katzie Book* at 23-24.

97 Commodore, *Thunderbird*; Joe, *Underwater People*; Naxaxalhts'i, *The Underwater People and the Sxwó:yxwey Mask*.

98 Pierre, *Katzie Book* at 29.

Dan Milo also recounts how the people of Koh-KWA-puhl defeated the Coast warriors by following the instructions of the Great Big Serpent, a two-headed serpent that lived in the slough there. On the Serpent's instructions, they killed it, made charcoal from its ribs and bones and painted it a timber that was placed on top of the door of a big house at Koh-KWA-puhl. When the Coast warriors came to fight them, the people remained inside. When the warriors tried to come in they got the "fits" right there, and they died. Milo says the power from the serpent: "Pretty near finished them before they left." ⁹⁹

Many *sxwōxwiyám / s̓x̓wə́x̓wəyém* recount how the ability to co-exist with *stl'áleqem / s̓l̓ələ́ləqəm* and spiritual beings is a source of power, including in becoming a *shwalá:m / šx̓w̓néʔem* with the power to heal. For example, Bob Joe tells how a young man from Cultus was training to be a doctor. ¹⁰⁰ He heard about two men from Nicomen, one of whom had tried going underwater at The Two Doctors, two rocks on west side of Cultus Lake, but came up as a skeleton. The young man from Cultus decides to try as well. He first takes a long time to prepare, including by making suit of bear hide covered in sharpened ironwood that stuck out like porcupine quills.

Deep at the bottom of the lake he lands on a building, whose inhabitants permit him to come through the ceiling. When they ask him to take off his suit though, he does. And when they ask him to cure their people, he does. He uses cedar to heal the old and young people who are lying there sick because of spit from those traveling in canoes above. The underwater people want to "pay him" but he refuses because it is the power to heal that he wants. Bob Joe says that: "When he was done his work, they asked him to stay for awhile. He stayed there for some time, until he got the power that he wanted from these people." In this manner, it is by co-existing and interacting with the underwater people that the man acquires power. The underwater people tell him: "Use your power for what is right –to cure the sick."

Later in his life, when some strangers tried to burn him to death, Bob Joe says: "It was the people at the bottom of the lake who came to help him and caused the death of those strangers." When the doctor comes home after this, he is painted up with red paint and has different pictures over his body, just as when he emerged on the shores of the lake as a young man. "The pictures were of different powers given to him as gifts." ¹⁰¹

In John L. George and *Ta-ah's The Big Serpent sxwōxwiyám / s̓x̓wə́x̓wəyém*, by following the instructions of a giant serpent about how to train and behave, and by spending six months with the sea serpent, a young man becomes a skilled "Medicine Man" with the leadership skills to avenge the death of his parents. ¹⁰²

The *sxwōxwiyám / s̓x̓wə́x̓wəyém* speak to the many *stl'áleqem / s̓l̓ələ́ləqəm* who co-exist with the peoples of the Lower Fraser. ¹⁰³ As noted above, one of the most significant is the *sílhqey* 'two headed serpent'.

Naxaxalhts'i notes:

The Elders say that all of the slough channels, all the way from Vancouver, all the way up to Hope, the sílhqey, the double-headed serpent, resides in all those side channels. It's still important to us today. We still believe in the double headed serpent. It's spiritual, but it's still important.

We do have a family of the Ts'elxwéyeqw tribe who actually feeds the sílhqey, mainly

99 Milo, *Two-Headed Serpent*.

100 Joe, *Underwater People*. Bob Joe says that the underwater people were "the people who were buried here when the dam on the mountain was broken."

101 *Ibid*.

102 George, *The Big Serpent*.

103 Joe, *Seel-kee*; Joe, *Seel-kee of Koh-kwa-puhl*; Milo, *Seel-kee of Koh-kwah-puhl*; Wallace, *Seel-kee and the Shlah-lah-kum*; Louie, *Shlahl-luh-kum*; Sepass, *Sollicum*; Sepass, *Sollicum II*; Joe, *Two-Headed Serpent*; Milo, *Two-Headed Serpent*; Naxaxalhts'i, *Commentary on Stl'áleqem*, at para 2356; George, *The Big Serpent*.

*because of his spiritual connection to the sílhqey through one of our traditions.*¹⁰⁴

Similarly, the Tsleil-Waututh also recount stories of **Say Nuth Kway**, a two headed serpent that once had its two heads lodged on either side of Indian Arm, until it was slain by a Tsleil-Waututh youth after extensive training.¹⁰⁵

Other **stl'áleqem / s'xəl'élaqam** include:

- **T'litego Spá:th**: Underwater black bears, one of which makes it home near Yale in the bay at Hutklath; "his territory extends through the Lady Franklin Rapids, and then all the way up to kalaklickto, the next set of rapids just above it". Another resides in Cultus Lake.
- **St'qoya**: Glowing red eyes that can be encountered around Xwchíyò:m, Shxw'ōwhámel, Sts'ailes, and likely in other places throughout the territories.
- **Hikw ápel**: A "huge maggot that makes its home on the northeast corner of the lake [Cultus lake] right at where Smith Creek Falls is."¹⁰⁶

As noted in *Volume 1: Foundational Principles*, s 1.1.c some "spiritual beings" in the territories of the peoples of the Lower Fraser, such as the **sásq'ets** 'sasquatch', **s'ó:lmexw** 'water babies', **mimestíyexw / malímastéyaxw** 'little people' and the **shxwexwó:s / s'x'əx'wáʔas ~ šx'əx'wáʔas** 'thunderbird' are considered real and not **stl'áleqem / s'xəl'élaqam**, i.e., not supernatural.¹⁰⁷

For further discussion of the lived experience of knowledge holders in relation to **stl'áleqem / s'xəl'élaqam** and spiritual beings see *Volume 6: Intercommunity and International Relations*, s 6.1.

Important decision-makers in the Lower Fraser include the following:

2.2g Transformed ancestors: Serve as protectors who watch over the watershed and enforce legal processes to access particular locations or resources.¹⁰⁸

- **Transformed ancestors form part of the physical and spiritual landscape in the Lower Fraser and help shape and guide human decision-making.**¹⁰⁹

The role of some transformed ancestors is to witness and protect. In our focus group at Xychíyó:m, June Quipp recounted how her mother talked about mountains and how they were "protectors, learners, teachers".¹¹⁰

An often-given example is **Lhílheqey**, Mount Cheam. **Squh-WAHTH-uhl-wuht**, Mrs. August Jim says that **Lhílheqey** is a young girl transformed into a mountain who watches the water and people paddling the river.¹¹¹ According to the *Legend of Mt. Cheam* told by Amy Cooper, **Lhílheqey** stands guard over the Fraser River, the Stó:lō people, and the fish that feed them.

In reflecting on this story at the Coqualeetza focus group **Salacy-a-til**, Phil Hall described **Lhílheqey's** role as "guardianship of the land and the fish" as well as to witness. "If you are actively guarding, you are

104 Naxaxalhts'i, *Commentary on Stl'áleqem* at paras 2348-2349.

105 George, *The Sea Serpent*, George, *The Big Serpent*, George, *The Serpent at Belcarra*; George, *Story of the Two-Headed Serpent*.

106 Naxaxalhts'i, *Commentary on Stl'áleqem*.

107 Naxaxalhts'i, *Stl'áleqem Sites*.

108 Cooper, *Mt Cheam*; Jim, *Cheam Peak*; Rendell, *Doctor Rock Story*; Naxaxalhts'i, *NEB Transcript* at 2294; Pierre, *Katzie Book* at 33; Unknown, *Transformer Story*; Commodore, *Thunderbird*.

109 *Ibid.*

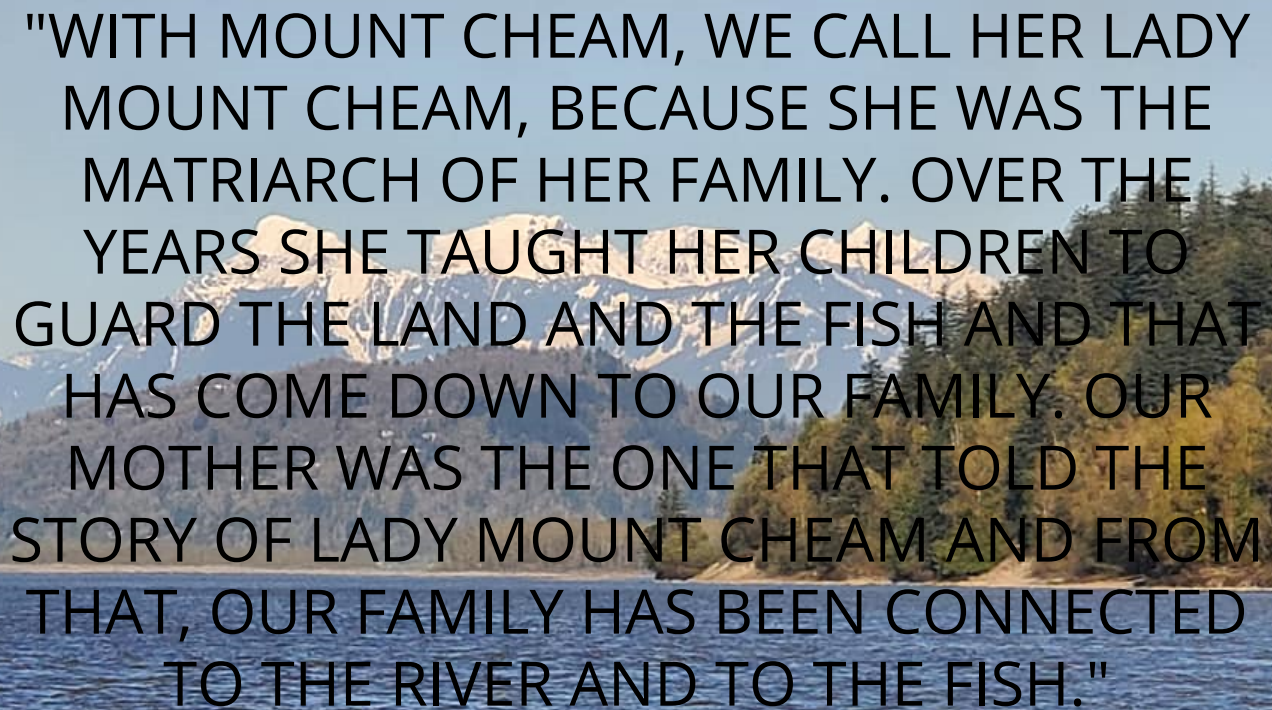
110 June Quipp (Xwchíyò:m Focus Group, November 5, 2019).

111 Jim, *Cheam Peak*.

witness to history and what is happening to the land," he notes.¹¹² One knowledge holder from Sema:th notes that this story reminds us of our own role as protectors: "I think we need to protect the environment. The way people are developing all over the place, I know going up to Soowahlie, the mountain is disappearing, they are blasting the gravel. Somebody has to protect the mountain."¹¹³

Iyeselwet, Denise Douglas elaborates on how a Pilalt matriarch's role is connected to the land, water and fish, particularly **Lhílheqey**.

*With Mount Cheam, we call her Lady Mount Cheam, because she was the matriarch of her family. Over the years she taught her children to guard the land and the fish and that has come down to our family. Our mother was the one that told the story of Lady Mount Cheam and from that, our family has been connected to the river and to the fish.*¹¹⁴



"WITH MOUNT CHEAM, WE CALL HER LADY MOUNT CHEAM, BECAUSE SHE WAS THE MATRIARCH OF HER FAMILY. OVER THE YEARS SHE TAUGHT HER CHILDREN TO GUARD THE LAND AND THE FISH AND THAT HAS COME DOWN TO OUR FAMILY. OUR MOTHER WAS THE ONE THAT TOLD THE STORY OF LADY MOUNT CHEAM AND FROM THAT, OUR FAMILY HAS BEEN CONNECTED TO THE RIVER AND TO THE FISH."

**IYESELWET,
DENISE DOUGLAS,
PILALT**

112 Phill Hall, (Coqualeetza Focus Group, July 17, 2019).

113 Sema:th Knowledge Holder (Coqualeetza Focus Group, July 17, 2019).

114 Iyeselwet, Denise Douglas (Xwchiyò:m Focus Group, November 5, 2019).

In some cases, individuals requested to be transformed to remain in relationship with other beings or to fulfill particular roles. For example, in the *Transformer Story* told to James Teit by an unknown storyteller, when *Xe'xá:ls / xe?xé'ls* 'the Transformers' came to Hope, where a man was fishing, the man said: "Transform me into a stone in the water, so that my children the fish may swim over me."¹¹⁵ He was transformed "into a rock in the water, as he had desired." The storyteller continues, recounting how the Transformer(s) next came to a girl who was hunting goats: "She said to him, 'Transform me on the mountain, so that I may look down and see what is going on.' He transformed her as she had desired."¹¹⁶

Important decision-makers in the Lower Fraser include the following:

2.2g Transformed ancestors: Serve as protectors who watch over the watershed and enforce legal processes to access particular locations or resources.

- **Transformed ancestors are often associated with processes that must be followed in order to access particular resources or locations.**¹¹⁷

For example, individuals who wish to fish sturgeon at Pitt Lake must "seek power" from a white owl-like bird visible only to the descendants of *θe'lactān*, the leader the Creator placed at Pitt Lake. The origins of this process are recounted by Old Pierre. *θe'lactān* first transformed his daughter into a sturgeon "for the benefit of the generations to come."¹¹⁸

After his sister was turned into a sturgeon, the son mourned so inconsolably that at last his father summoned the people again and said: "My friends, you know how my son weeps continually for his sister. I shall now change him, even as I changed his sister before him."

"He plucked the finest and silkiest hair from a mountain-goat, laid it on the boy's head and limbs, and transformed him into a bird. 'Fly away,' he said. 'Hereafter the man who wishes to capture your sister, the sturgeon, shall seek power from you.'"

"The boy flew away to the mountains, where he still dwells, a white owl-like bird visible only to θe'lactān's descendants."¹¹⁹

Other examples of specific processes to be followed were established during the time of transformation. The storyteller who worked with James Teit notes that when the Transformers came to Sts'ailes, they told a man who was smoking that he must die, but the man answered, "Change me into a rock on the river, so that I may see the people passing. When people passing are good and offer me something, there will be no wind; but if they laugh at me there will be a storm."¹²⁰

Similarly, Doctor Rock, about 30 miles up Harrison Lake in a crevice in the rocks by a little bay, has stood guard over the lake since the time of the Transformers. In order to ensure safe passage through the area, Indigenous travellers give food or other articles as gifts to The Doctor. "They believe if anyone passing there will give bread and ask for a hard wind or no wind will get what he wants, if his heart is right." If the Doctor dislikes anyone passing by, "he will cast a spell over them with his evil eye."¹²¹

The origins of Doctor Rock relate to a story about an Indian Doctor named *Shay / Cäi / Skoyá:m* who lived on the west side of Harrison Lake at Doctor's Point, and did battle with *Xe'xá:ls / xe?xé'ls*. The

117 Pierre, *Katzie Book* at 12; Unknown, *Transformer Story*.

118 Pierre, *Katzie Book* at 12.

119 *Ibid.*

120 Unknown, *Transformer Story*.

121 See the Sts'ailes website: <http://www.stsailes.com/we-are-stsailes>.

sxwōxwiyám / sǎwǎǎwáyém recount how, “upon defeating Shay, the Doctor, Xá:ls ripped his heart from his chest and threw it downriver, where it landed at Sts’ailes near the confluence of the Chehalis and Harrison Rivers.”¹²² This is the origin of the name Sts’ailes. It is also told that when the Doctor was overpowered, he was turned to stone – the Doctor Rock.

Legal processes associated with specific to places, beings, or circumstances are discussed further below in section 2.3.a.

Important decision-makers in the Lower Fraser include the following:

2.2h Fish and other animals: Have distinct gifts to offer to maintain the cycle of life, while holding agency to deny themselves to humans if proper respect is not shown to them.¹²³

Among the many beings who have agency in decision-making about the territories are the winged, finned and four-legged animals. One of significant ways they have fulfilled this role is by teaching humans about how to live respectfully, and retaining the agency to deny themselves to humans if proper respect is not shown.

In the earliest days, the first ancestors learned from the animals, and in some cases they or their family members were transformed into or from animals, as the origin stories tell us. For example:

*In the Tsleil-Waututh Creation Story, Cicǎł si?erǎm transforms a wolf into the first Tsleil-Watt man, who travels the territory learning from his relatives around him, including the birds, black bear, and salmon, all he needs to know in order to live. They teach him how to look after the land.*¹²⁴

Similarly, the people of Xychi’yó:m are said to be the descendants of a hunter who married and learned from the Mountain Goat sisters.¹²⁵ A Wealick ancestor was transformed into a black bear,¹²⁶ and Swaneset’s Salmon Wife taught the people how to catch, prepare and show respect to her relatives.¹²⁷

These close, familial relationships, give rise to both procedural and substantive responsibilities. For example, after the Wealick ancestor turns into a bear, his brother is not to kill bears for two years, but is gifted a song to sing for his first bear killing (and to ensure success in hunting thereafter).¹²⁸

The *Salmon Story* recounted by Old Pierre describes how the “regulations” for being in relationship were taught by Swaneset’s Salmon Wife including putting the bones of the *sth’óqwi / scéłtan* ‘salmon’ back into the water, which in turn is undertaken as part of the first salmon ceremony (see below). The *Waut-salk Story*, described above, also emphasizes the agency of the fish to leave, or not return if proper respect is not shown to them.

Other examples of how the decision-making agency of animals affects the territories may be seen in the stories about Beaver. There is a special relationship between Beaver, his dam and water. The work that Beaver does to create his dam prevents floods from happening which ensures other beings can be safe from floods.¹²⁹ Because of this, Beaver has the ability to act as a guardian/ protector of non-water beings

122 See the Sts’ailes website: <http://www.stsailes.com/we-are-stsailes>.

123 Commodore, *Skunk*; Commodore, *Skunk 2*; Commodore, *Steelhead Salmon in the Spring*; George, *Skunk*; George, *Skunk 2*; George, *Story of Waut-salk*; Heck, *Steelhead and Spring Salmon*; James, *Skunk*; Joe, *The Sockeye*; Milo, *How the Sockeye Learned to come up the River*; Pierre, *Katzie Book* at 26-27; The Peters’, *Mountain Goat*; Uslick, *Skunk*.

124 Tsleil-Waututh Nation, *TMX Assessment* at 53.

125 The Peters’, *Mountain Goat*.

126 Louis, *The Wealick Family*.

127 Pierre, *Salmon Story*.

128 Louis, *The Wealick Family*.

129 George, *Beaver*; This was also a topic of discussion in our Coqualeetza Focus Group, July 17, 2019.

against water and floods. However, Beaver has agency to choose to keep his dam operational or allow water to push through his dam.¹³⁰ When Beaver does not maintain his dam or when Beaver allows water to break through his dam, there are consequences for himself (he loses his house), and consequences for non-water beings with the threat of drowning.¹³¹

The stories also speak to specific roles Beaver has played. For example, in the *Sockeye Legend*¹³² and many of the *Women Changing the Men* stories, Beaver is the leader to bring the *sth'óqwi / scéłtan* to the Fraser and its tributaries. Other stories recount how Beaver has a special relationship with rainwater, and has the power to sing his songs and call for rain.¹³³ Beaver's actions, such as calling for rain, have the ability to impact other beings/animals.¹³⁴ Elders at the Coqualeetza focus group discussed the way in which beavers' dam-building plays a role in preventing flooding,¹³⁵ and that beaver signals danger by slapping its tail.¹³⁶ As Val Joe notes: "Beaver is a hard worker."¹³⁷



130 George, *Beaver*.

131 *Ibid.*

132 Joe, *The Sockeye Legend*.

133 Anderson, *Beaver Story*; Uslick, *Beaver Story*.

134 Anderson, *Beaver Story*; George, *Beaver Story*.

135 Pilalt Knowledge Holder (Coqualeetza Focus Group, July 17, 2019): "The Beaver probably builds the dams to protect the land from flooding also."

136 Bea Silver, Sema:th (Coqualeetza Focus Group, July 17, 2019).

137 Val Joe, Chi'yaqtel (Coqualeetza Focus Group, July 17, 2019).

LEGAL PROCESSES AND DECISION-MAKING

What are the legal processes?

2.3 By following Indigenous legal processes, the peoples' relationship with their territories is sustained, allowing respectful relationships with all beings to be maintained and nurtured in decision-making over time.

Legal processes involved in sustaining the peoples and the territory include:

2.3a Following protocols specific to places, beings, or circumstances;

- Following protocols specific to places, being, or circumstance may also provide power to particular individuals.

2.3b Following natural cycles and signals.

2.3c Training & intergenerational learning.

- This includes asking for and following guidance from ancestors, supernatural beings and elders.

2.3d Sharing and gifting.

2.3e Ceremony & legal procedure, including in the *xwelmexwáwtxw* 'Longhouse':

- *Smílha* 'winter (spirit) dancing';
- *Sxwó:yxwey / sǎwáyǎwəy* mask, dance and songs;
- *Ts'í:tem te Yewál Sth'óqwi / ?i cí tam ?ay yéwtam tə scé itan:* 'Praising/Thanking the First Salmon' (First Salmon Ceremonies);
- Burnings/Feeding the Ancestors.

2.3f Applying effort/perseverance/creativity in bringing out one's gifts.

2.3g Cooperating together, each according to their gifts, interests and training (participation).

2.3h Asking permission of those with responsibility for particular territories or resources and following their direction or guidance.

Story teller and *sxwóxwiyám / sǎwǎwəyém*

2.3a

Joe, *Underwater People*
Rendell, *Doctor Rock Story*
Pierre, *Pé'lexan*
Pierre, *The Deer Queen*
Pierre, *Katzie Book* at 28-31.
Unknown, *Qeqals*

2.3b

James, *Mink*
James, *Mink 2*
The Peters', *Mountain Goat*
Heck, *Spring Salmon and Young Woman*
Joe, *Origin of S'tchee-ahk, Fish Weir*
Point Bolton, *Xwelíqwiya*
Pierre, *Sockeye Story*

2.3c

George, *Brother and Sister*
Louis, *The Wealick Family*
Choqwoqwet (Willie Charlie), *Ceremony Speaker*
Unknown, *The Story of Skunk*
Commodore, *Thunderbird*
Joe, *Underwater People*
Pierre, *Salmon Story*
Pierre, *Eulachon Story*

2.3d

Commodore, *Underwater People*
George, *Brother and Sister*
George, *Raven 1 (Nootsack)*
George, *Story of Waut-Salk*
James, *Raven*
Joe and Wallace, *Soo-wa-lay*
Origin of Tlukel Suh-lee-ah
Louis, *The Wealick Family*
Milo, *Skwi-y-Kway Mask*
Pierre, *Eulachon Story*
Pierre, *Sockeye Story*
Unknown, *Origin of Sturgeon*
Unknown, *Origin of the .sxó'Exó'E Mask*
Kelly, *Sxwóyxwey*
Unknown, *The Fish Man*
Uslick, *7 Years*
Uslick, *Drouth*
Uslick, *Underwater People*

2.3e

Commodore, *Underwater People*
Milo, *Skwi-y-Kway Mask*
Naxaxalhts'i, *Water Babies*
Naxaxalhts'i, *First Salmon Ceremony*
Naxaxalhts'i, *Origin of Sturgeon*
Pierre, *Katzie Book*
Pierre, *Salmon Story*



**Story teller and
sxwōxwiyám /
s̓x̓wə̓x̓wəyém**

2.3e continued

Unknown, *Origin of the
.sxō'Exō'E Mask*
Uslick, *Underwater People*

2.3f

Commodore, *Thunderbird*
Joe, *Training a Doctor*
Joe, *Underwater People*
George, *The Big Serpent*
Joe, *Koothlak*
Kelleher, *Volcano Story*
Uslick, *7 Years*
Uslick, *Drouth*

2.3g

James, *Raven*
James, *Story about Sockeye*
James, *Grizzly Bear*
Joe, *Women Changing the
Men*
Joe, *The Sockeye*
Joe, *Raven*
Milo, *How the Sockeye
Learned to come up the River*
Pierre, *Eulachon Story*
Unknown, *Story of Raven*

2.3h

George, *Story of Waut-salk*
George, *How Peace Came to
the Tsleil-Waututh/Story of
the Lions*
Joe, *Siwash Rock*
Pierre, *Eulachon Story*
Pierre, *Salmon Story*

2.3 By following Indigenous legal processes, the peoples' relationship with their territories is sustained, allowing respectful relationships with all beings to be maintained and nurtured in decision-making over time.¹³⁹

A number of legal processes are involved in maintaining and nurturing respectful relationships with all beings and elements of the territory. One overarching process is that of giving thanks. At the RELAW Coqualeetza focus group, **Sts'mieleq**, Melvin Williams Sr. noted, "It's always been our way to always give thanks for everything that we have. It's very interesting in this story that they mentioned **Chichelth Siyám** in there because that just is the Creator. He has given us all these multiple gifts."

As noted above, **Sts'mieleq** reminds us:

Every day one of our elders used to tell us you get up and you say a prayer. When you are waking up that day you give thanks. You give thanks everyday when you wake up and when you are going to sleep. You thank Mother Nature for all the bountiful gifts she shares with us. It is a teaching of our elders that we always give thanks to the spirit because we are spirit people. That's who we are and every day we have to give thanks for that. We're not just out there. We're part of the land, we're part of everything around us. It's always been important for people to acknowledge that, that we are a spirit people.¹⁴⁰



139 Choqwoqwet (Willie Charlie), *Ceremony Speaker*; Commodore, *Thunderbird*; Commodore, *Underwater People*; George, *Brother and Sister*; George, *Raven 1*; George, *Story of Waut-Salk*; George, *The Big Serpent*; George, *How Peace Came to the Tsleil-Waututh/Story of the Lions*; Heck, *Spring Salmon and Young Woman*; James, *Mink*; James, *Mink 2*; James, *Raven*; James, *Story about Sockeye*; James, *Grizzly Bear*; Joe and Wallace, *Soo-wa-lay Origin of Tlukul Suh-lee-ah*; Joe, *Women Changing the Men*; Joe, *Origin of St'chee-ahk, Fish Weir*; Joe, *Underwater People*; Joe, *Training a Doctor*; Joe, *The Sockeye*; Joe, *Raven*; Joe, *Koothlak*; Joe, *Siwash Rock*; Kelleher, *Volcano Story*; Kelly, *Sxwóyxwey*; Louis, *The Wealick Family*; Milo, *How the Sockeye Learned to come up the River*; Milo, *Skwiw-Kway Mask*; Naxaxalhts'i, *First Salmon Ceremony*; Naxaxalhts'i, *Origin of Sturgeon*; Naxaxalhts'i, *Water Babies*; Pierre, *Eulachon Story*; Pierre, *Salmon Story*; Pierre, *Katzie Book*; Point Bolton, *Xwelíqwiya*; Rendell, *Doctor Rock Story*; The Peters', *Mountain Goat*; Unknown, *Origin of Sturgeon*; Unknown, *Origin of the .sxó'Exó'E Mask*; Unknown, *Qeqals*; Unknown, *The Fish Man*; Unknown, *The Story of Skunk*; Unknown, *Story of Raven*; Uslick, *7 Years*; Uslick, *Drouth*; Uslick, *Underwater People*.

140 Sts'mieleq, Melvin Williams Sr., Ch'iyaaqtel (Coqualeetza Focus Group, July 17, 2019).

Legal processes involved in sustaining the people and the territory include:

2.3a Following protocols specific to places, beings, or circumstances.

- Following protocols specific to places, beings, or circumstance may also provide power to particular individuals.¹⁴¹

There are processes and protocols that must be followed at specific places out of respect for the beings that are part of the environment there. Several of these are described in the *Katzie Book* by Old Pierre.

For example, *pe'lexan* is a great rock on the Alouette River at a place known as Davis Pool in English. Here paddlers must avoid scraping the sides of their canoes with their paddles, avoid other noise and disturbance and pray to *pe'lexan*, the "lord of all the fish".¹⁴² While *pe'lexan* provides what is needed from the Alouette River to those who follow correct processes, failure to do so could result in the disappearance of the steelhead or risk of drowning. These required processes for showing respect have their roots in the time of the transformers when *Xe'xá:ls / xe?xé?ls* transformed *pe'lexan*, who was a skilled fisherman, into the rock.¹⁴³

Some of the other processes and protocols involved in respecting Pitt Lake and the consequences of not following them are as follows:

- Certain individuals may not go to the lake, or they will catch nothing: *Xe'xá:ls / xe?xé?ls* told *pe'lexan* that: "no unclean person must go there, no widower or newly bereaved orphan, no parents of a newborn child. They are as poison to the lake; and if they visit it, they will catch nothing."¹⁴⁴
- Prayer (fish and seals): *Xe'xá:ls / xe?xé?ls* instructed: "Listen now to the prayers that I shall teach you - one prayer to enable you to capture fish and seals in the lake, and a second to prevent your enemies from catching them." Old Pierre noted: "The prayer for capturing fish and seals is called *xa'xçaltan* (taking off the lid and opening up the lake). It is one of my own names, given to me because I am descended from *pe'lexan*."¹⁴⁵
- Praying (to the deer queen): The deer queen is the transformed sister of a man who invented a new method of deer hunting on Pitt Lake. She came on the hunt and tasted the heart of the deer while her brothers were butchering the deer. When her brothers, except the eldest man laughed at her, she said:

*Not again shall you kill deer as easily as you have killed them to-day. I am appointing myself the owner and mistress of all the deer in this country. Those who remember me in the years to come, those who pray to me, to them I shall grant one or two deer, but even they shall never slaughter them in such numbers as you have to-day [emphasis added].*¹⁴⁶

Old Pierre recounts that:

*Thus speaking she changed to a deer and disappeared in the mountains. She dwells there to-day, and although she is nameless, she still prevents the hunter from killing any deer unless he prays to her. If a man should inadvertently follow her trail, she deposits some of her long hair on a stump or leaves some other sign to warn him from pursuing her any farther. If he still persists in pursuing her, he falls ill and is obliged to return.*¹⁴⁷

141 Joe, *Underwater People*; Rendell, *Doctor Rock Story*; Pierre, *Pe'lexan*; Pierre, *The Deer Queen*; Pierre, *Katzie Book* at 28-31; Unknown, *Qeqals*.

142 Pierre, *Pe'lexan*.

143 Ibid.

144 Pierre, *Katzie Book* at 31.

145 Ibid.

146 Pierre, *The Deer Queen*.

147 Ibid.

Once, while hunting around Pitt Lake, Old Pierre's eldest son saw the deer queen. Old Pierre explains what occurred:

His dogs gave tongue to a deer and barked furiously, but seemed afraid to close in when the animal stood motionless and gazed at them. My son drew near enough to see that although it possessed the body of a deer, its head was the head of a human being, so he called off his dogs and returned to camp. The dogs died as soon as he reached his tent, but he himself received a special gift for hunting. Thereafter he caught with ease whatever game he hunted, and was equally successful in his fishing.

After my eldest son died, a younger son sighted this queen deer in the distance and, not recognizing it, fired off his gun. The animal turned and looked at him. He fell unconscious and lay on the ground from early morning until evening. Afterwards he too was a very successful hunter."¹⁴⁸

Some actions are restricted only for specific families in relation to certain beings. For example, **Wileleq**, Ken Malloway explains that he is not allowed to hunt bears that have a "white triangle in the center of their chest". He says "I'm not allowed to shoot them because that's my family. That's stories that look back like hundreds of years about them being part of our family, but bears are part of our family."¹⁴⁹

The origins of these legal processes and protocol are often associated with ancient transformations of ancestors. See also section 2.2.h "Transformed ancestors" above for further examples.



¹⁴⁸ *Ibid.*

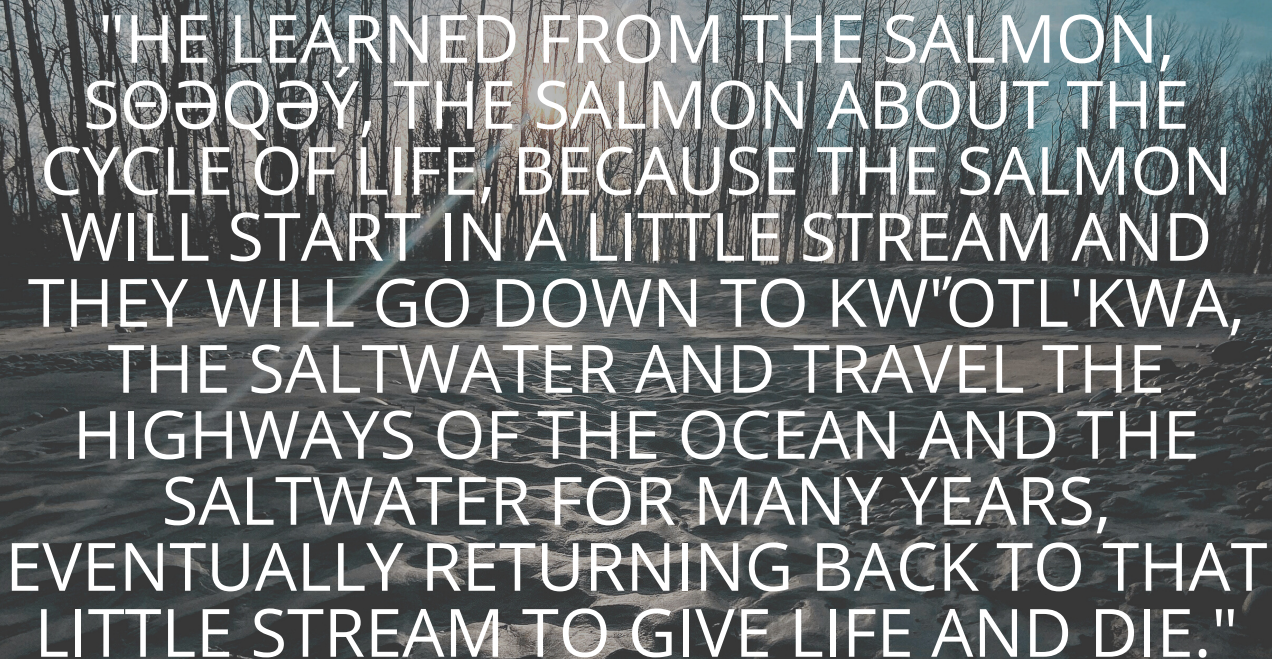
¹⁴⁹ Wileleq, Ken Malloway (Ch'i:yaqtel Focus Group, August 14, 2019).

Legal processes involved in sustaining the people and the territory include:

2.3b Following natural cycles and signals.¹⁵⁰

Animals are often the source of human knowledge of how to live well on the territories and the processes required to maintain relationships with other beings. As Gabriel George recounts, after the first Tsleil-Waututh individual was transformed from a wolf:

*[H]e travelled all around, not knowing and understanding how to live, and his relatives around him, the little birds would come and tell him when the berries were going to ripen high up in the mountain. The spá:th, the black bear, he taught my young grandfather how to fish, how to gather berries, how to look after the land, the ǰé?ǰe? támaxʷ, the sacred lands. He learned from the salmon, sθəqəý, the salmon about the cycle of life, because the salmon will start in a little stream and they will go down to kw'ótl'kwa, the saltwater and travel the highways of the ocean and the saltwater for many years, eventually returning back to that little stream to give life and die.*¹⁵¹



"HE LEARNED FROM THE SALMON, SθƏQƏÝ, THE SALMON ABOUT THE CYCLE OF LIFE, BECAUSE THE SALMON WILL START IN A LITTLE STREAM AND THEY WILL GO DOWN TO KW'OTL'KWA, THE SALTWATER AND TRAVEL THE HIGHWAYS OF THE OCEAN AND THE SALTWATER FOR MANY YEARS, EVENTUALLY RETURNING BACK TO THAT LITTLE STREAM TO GIVE LIFE AND DIE."

**GABRIEL GEORGE,
TSLEIL WAUTUTH**

¹⁵⁰ Heck, *Spring Salmon and Young Woman*; James, *Mink 2*; James, *Mink*; Joe, *Origin of St'chee-ahk*; Joe, *Fish Weir*; Pierre, *Sockeye Story*, Point Bolton, *Xwelíqwiya*; The Peters', *Mountain Goat*.

¹⁵¹ George, *Creation Story*.

Other examples including ancestors who learned: from wren how to build a fish weir¹⁵² from Eagle how to fish;¹⁵³ from the Mountain Goat Sisters how to dispose respectfully of mountain goat bones; from Spring Salmon how to avoid getting maggots in your fish;¹⁵⁴ and from the Salmon Wife of **Swanaset** how to harvest, prepare and honour the **sthéq̓i / s̓θaq̓áy** 'Sockeye salmon'.¹⁵⁵

Among the most powerful cycles associated with the legal processes of the peoples of the Lower Fraser are those of the **sth'óq̓wi / scé̓łt̓an** and other fish such as the **swí:we / swí?wə** 'eulachon'.

Members of the Pierre family at the Q'ets:í RELAW focus group remembered how:

It's still on everybody's mind here when you hear that certain seagull make that noise, that cawing noise or whatever you want to call it, we know the eulachons are coming, we know they're coming.

*Everybody gets excited when you hear the seagulls. We can remember as young people how they used to congregate by the hundreds, if not the thousands on the point at Barnston Island across the river from us. The point would just be white with seagulls, just white. Not only that but they're flying in the air, it would come that time in the season where those seagulls would all of a sudden let us know that the season is over.*¹⁵⁶

Then the seagulls would be gone.

*They're all just flying around. The sky would be just white with these seagulls and all of a sudden they would just make a dash in one direction, they'd be downriver back to the ocean again. Then the normal seagulls that were here all year round will be the only ones left here. I'd say to pick on the pure little eulachons that were around. Like what Harry was saying, a lot of the eulachons here that were on the beaches, there were so many of them.*¹⁵⁷

Events such as the arrival of the first salmon are triggers for ceremony and other human actions required to sustain the cycle of the salmon (see s 2.3.e "Ceremony" below). Similarly, the cycle of the seasons guided occupation and use of the full range of the territories to acquire different foods, medicines and trade items.¹⁵⁸

Ed Pierre from Q'ets:í describes this process as follows:

I guess it's all native people that relied on what nature was telling them. You know? There were different birds, different animals. You know how things were telling them it was time to go fishing, it's time to go hunting, it's time to gather berries, you know? The nature told them everything, especially the animals.

*That's why they respected nature, because everybody knows we didn't have a calendar, either, not like what we have now.*¹⁵⁹

Later Ed puts it this way:

We still carry a lot, I would say, superstition, but it's the teachings of our old people,

152 Joe, *Origin of S'tchee-ahk*; Joe, *Fish Weir*.

153 James, *Mink*; James, *Mink 2*.

154 Heck, *Spring Salmon and Young Woman*.

155 Pierre, *Salmon Story*.

156 Ed Pierre (Q'ets:í Focus Group, August 15, 2019).

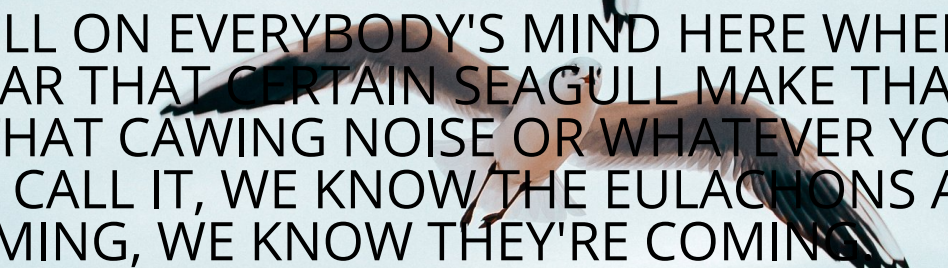
157 *Ibid*.

158 Naxaxalhts'i, *Contact-Era Seasonal Rounds*.

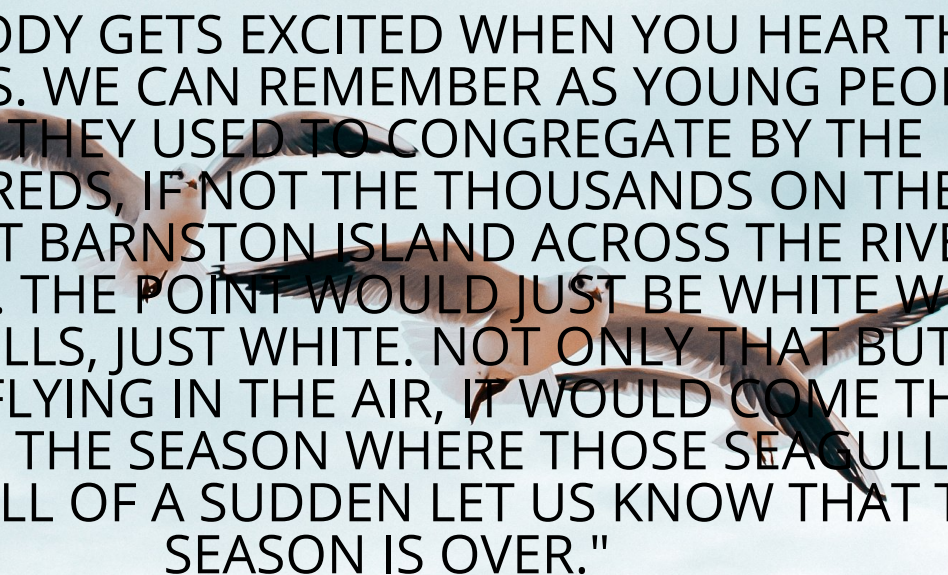
159 Ed Pierre, (Q'ets:í Focus Group, August 15, 2019). Ed elaborated on this comment on November 5, 2020 to say that there were sea lions and seals who followed the seagulls up the river to catch in the bounty of the eulachons. They would join the melee of singing alongside the seagulls with their barking all day and night during that time. And it wasn't just seals and sea lions, but marten, otters, minx and other large predator birds who would come for the eulachon feast.

*you known on the first salmon that comes and the last salmon that enters this river and how to respect that salmon and how it's preserved, how it's shared. And the teachings that go along with it. All comes full circle. It's like the life cycle of the salmon. Everything has a cycle and we're within that cycle ourselves.*¹⁶⁰

Statlomot, Les Antone shared that the seasonal timing of when plants and medicines appear also signals when its time for fish for certain species, or to allow escapement for upriver relatives. Restrictions were determined by viewing what plants and medicines correspond with the fish runs. His grandmother knew what medicines grew at certain times of year.¹⁶¹



"IT'S STILL ON EVERYBODY'S MIND HERE WHEN YOU HEAR THAT CERTAIN SEAGULL MAKE THAT NOISE, THAT CAWING NOISE OR WHATEVER YOU WANT TO CALL IT, WE KNOW THE EULACHONS ARE COMING, WE KNOW THEY'RE COMING."



EVERYBODY GETS EXCITED WHEN YOU HEAR THE SEAGULLS. WE CAN REMEMBER AS YOUNG PEOPLE HOW THEY USED TO CONGREGATE BY THE HUNDREDS, IF NOT THE THOUSANDS ON THE POINT AT BARNSTON ISLAND ACROSS THE RIVER FROM US. THE POINT WOULD JUST BE WHITE WITH SEAGULLS, JUST WHITE. NOT ONLY THAT BUT THEY'RE FLYING IN THE AIR, IT WOULD COME THAT TIME IN THE SEASON WHERE THOSE SEAGULLS WOULD ALL OF A SUDDEN LET US KNOW THAT THE SEASON IS OVER."



**ED PIERRE,
Q'ETS:Í**

¹⁶⁰ *Ibid.*

¹⁶¹ Personal communication with RELAW team.

Legal processes involved in sustaining the people and the territory include:

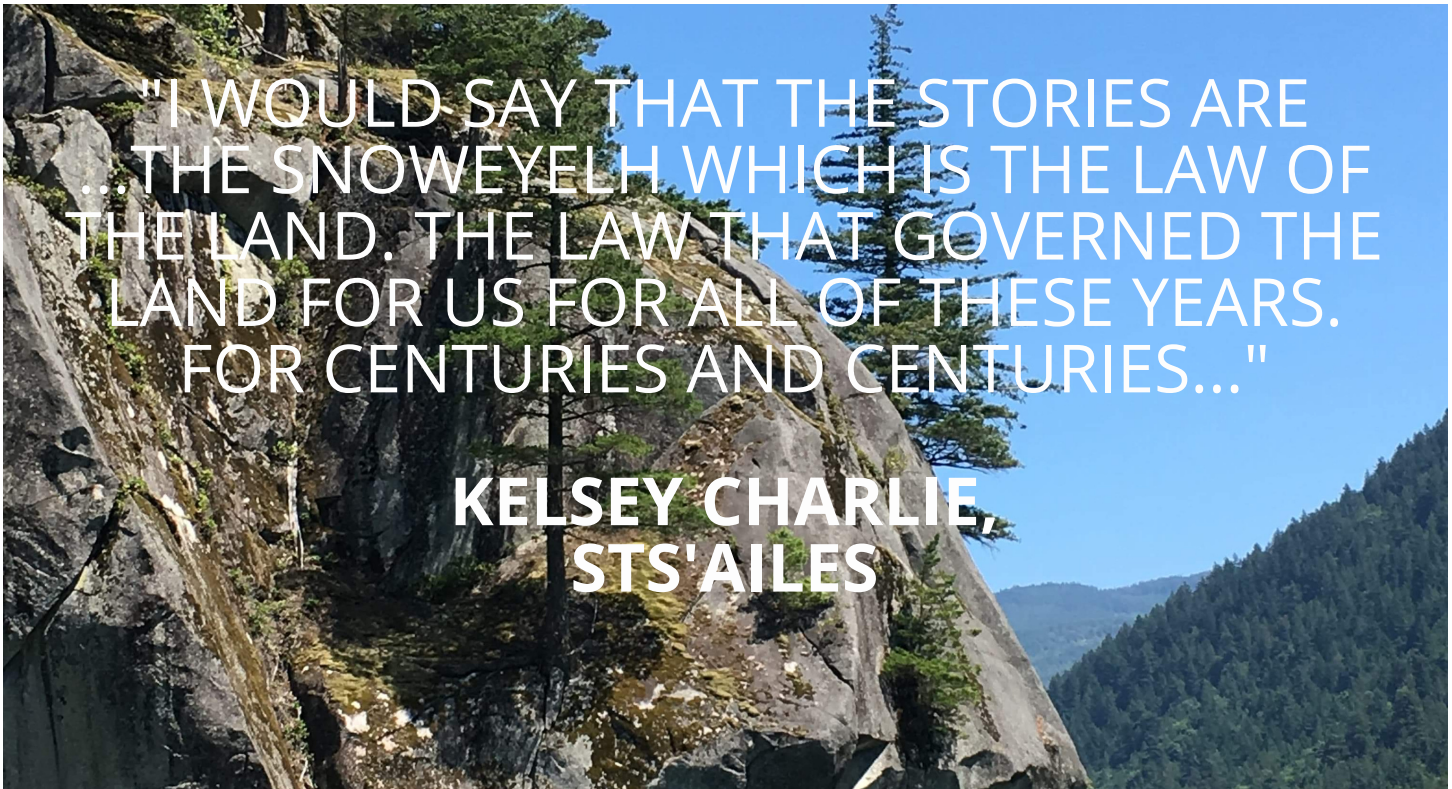
2.3c Training and intergenerational learning.

The knowledge holders who participated in the RELAW focus groups spoke at length about the process of learning and passing on the law. They taught us that sharing the stories from one generation to the next is central to learning the law. In order to learn you have to be present, listen to the stories with open ears and heart, and be open to what they have to say. This helps you see the deeper connections with the stories and songs to understand the teachings.

Kelsey Charlie from Sts'ailes reflects on the fact the stories were not written in a book but came from the *sqwálewel*, the breath of the ancestors, which carries the meaning of 'breathing life into your words' or the 'breath and sacredness of passing on oral tradition'. Visiting the physical locations referred to in the stories with Elders reinforces this learning. Kelsey says:

I would say that the stories are ...the snoweyelh which is the law of the land.¹⁶² The law that governed the land for us for all of these years. For centuries and centuries and it was that guy that showed us and taught us how it's supposed to be...

Even when grandpa would tell the story, he'd tell the story and he'd kind of tell you the general area of where that story comes from. Where the transformation site is for that spot. So me and my older brother would go over to the water, look around. Grandpa said, "It's right around here."¹⁶³



162 Downriver: *snáwəyəl*. Naxaxalhts'i also shares his interpretation on the *Halq'eméylem* word for 'law' as *slha:éywelh*: Possibly "law" or "teachings in your mind that command you to be good." From s "something to/that", -lha "command, imperative" ey "be good, good, well, nice, fine, better, better (ought to), it would be good, it may be good, let it be good, happy, glad, clean, well-behaved, polite, virgin, popular, comfortable (with furniture, other things) -welh "in the mind, -minded, disposition."

163 Kelsey Charlie (Sts'ailes Focus Group, November 11, 2019).

Kelsey describes finding one of the locations described in the stories.

Another time we're going up there and we're hunting and thinking about what grandpa was talking about and trying to find it. We went up there and went, "Oh". Went on a trip, on one of the boats. Went up there and told him the story, bang, and soon as I told them the story, "Oh, I'll show you where that is. I know where that is." Then brings me over, "See where that bluff is up there? There's some water that goes on that side, it goes just to the left of it. You'll find that cave". I was thinking, "Yeah, trying to give a story here". Pulled in there, there's a root there, pulled in there and got out the boat, walked in there and the cave was there. There was a cave. This is where the Indians got their power to come. They get their power from here. Then I'm excited and I'm going to go on there. I say, "So come on, I'll go up" and he goes, "No I'm not going in there. I'm not going to go getting-- you're a kid but I'm not going in there." ¹⁶⁴

He continues, reflecting on the intergenerational process of learning the law, the role of stories and the need to listen with an open heart:

You know just things like that, so it's invaluable when you have your elders that are there that have that and they carry that. They reinforce that so everything that you receive from them, they reinforce that. And it's our job now too because we're the next guy coming down the line to bring that back in and to reinforce that for the younger guys....

That's why even when we sing our song that's why I'm real lucky, I often say I'm a singer, that's what my job was, I'm just a singer. I don't want anything else. I'm just a singer. I was able to hear the stories, I was able to hear the songs. The songs are –kind of kept in me in that line where I can remember things. I'll always make sure that I just open my– xwlalá:m swélwelám it's what they say, "You use your ears and your heart to listen to what I have to say." And that's what I do, so when I hear these guys talk I just sit there and I listen and make sure that my ears and my heart are open to what they have to say because I know what's my responsibility because guess what? I'm a new grandpa and I have to make sure that I teach that too. I have a responsibility. ¹⁶⁵

Lemxyaltexw, Dalton Silver of Sema:th also spoke about the role of grandmothers and the importance of just being present and listening in the process of learning the law.

That's where a lot of the teachings come from. Passed down from the grandmothers. When you said that I thought of Lester Ned's mom, Edna. I think so many people learn so many things from her just by sitting and talking with her without it even being intentional. She knew the river over there. She knew the Stó:lō, [the] lakes so... She must have spent all her life on the river here. Lester. And so many people used to just– I used to sit and talk about things, just– I don't know, just things that are offered up land you're learning things without realizing what it. It's just by sitting and having a talk with the old people. ¹⁶⁶

Part of the process of learning the law, is returning to the stories again and again until the connections start to become apparent. John Williams from Sq'ewlets notes:

When you know the history a little bit and when the rules of how we're supposed to live, there's connections in all of the stories.

I can remember being a young boy and seeing some of these old books like How the

164 *Ibid.*

165 *Ibid.*

166 Lemxyaltexw, Dalton Silver (Sema:th Focus Group, July 19, 2019).

Coho Got His Hooked Nose and I can remember looking at it and the first time I read them I was like, "These are really short." There's some of the stuff you see and you're reading and go, "Wow, that's a really short story." It was my late mother who told me well, "You need to be open a little more."

I was just like, "What do you mean?" She was going, "Read the story again and now think about the way we're supposed to live." Then I would read them and it wasn't until I, I'm going to be honest, it probably was the late teens where I started making all the big connections to it. Stuff that we talk about, we use the term snoweyelh all the time, the rules of it. When you know some of these rules and you read the story and make connections, you realize one page in one of these stories has basically five other stories connected to that one."¹⁶⁷

A key aspect of the process of learning to live the law involves asking for and following the guidance of elders¹⁶⁸ and knowledge holders, as well as the ancestors and supernatural/spiritual beings. But you must also have faith in yourself. Seeking guidance on how to act and deal with troubling situations can enable one to succeed and get through them. For example in one story, the two Grouse sisters (Mountain Grouse and Willow Grouse) support a young fellow by instructing him on where to go (climb in the tree) and advise him on how to handle Moon's tricks.¹⁶⁹ There are also many stories where seeking instructions or asking for help from spiritual beings like the underwater people¹⁷⁰ or following the instructions of supernatural beings¹⁷¹ provide the power and teachings required for individuals to accomplish their goals.

The process of receiving guidance may be incremental, however, with instructions being provided as the individual learning gains skill and confidence and is ready for the next stage. For example, in the *Thunderbird Story* told by Gus Commodore,¹⁷² in order to kill a reptile/dragon, a young man first prepares himself by fasting for forty days up in the hills and bathing in "nice clear water to make himself pure". Through visions, the Great Spirit provided instructions to him.

The first vision showed the man that he would find a bow and arrow beside him, with which he was to kill the blue grouse and then eat it. The next vision told him to have faith in himself and follow instructions. The Great Spirit instructed him to come to the edge of the cliff and spread his arms out to be transformed into the Thunderbird, then to glide and not move his wings. After he trusted himself, he was called back for further instructions: He was to go up in the air with the reptile so high the reptile would not be able to go any higher. When he got high up there, he was instructed to flap his wings, which produced thunder. Rain and hail came down. The reptile had to come down. He was beaten.

However, the boy's mother also provided guidance that he should show compassion and not kill the reptile but merely "do away with him." While the reptile was hiding under a fir tree from the rain, Thunderbird sent a bolt of lightning to the fir tree. The reptile was transformed into a little harmless minnow.

At the RELAW Sema:th focus group, we discussed the connection of this story to the sacred location known as Lightning Rock as well as to the process the man went through to accomplish his goal. Troy Ganzeveld noted: "The other thing I got out of this too, was for him to have faith in himself and to believe in himself and even to have faith in the Great Spirit, to follow his instructions."¹⁷³

The story also demonstrates that through diligent effort and preparation one may receive unsolicited gifts or guidance from the Creator or a supernatural being.

167 John Willians, *Sq'ewlets* (Sts'ailes Focus Group, November 11, 2019).

168 See e.g., Point Bolton, *Xwelíqwiya* at 78.

169 George, *Brother and Sister*.

170 Joe, *Underwater People*.

171 E.g., Milo, *Two-Headed Serpent*; Joe, *Origin of Skwiy-kway Mask; The Steé'lis; The Nek-á'men*.

172 Commodore, *Thunderbird*.

173 Troy Ganzeveld (Sema:th Focus Group, July 19, 2019)

Legal processes involved in sustaining the people and the territory include:

2.3d Sharing and gifting.¹⁷⁴

Procedurally, the most formalized process of sharing and gifting giving occurs through the ‘potlach’,¹⁷⁵ which is a part of the broader ceremonial life of the peoples of the Lower Fraser. **Naxaxalhts’i** explains:

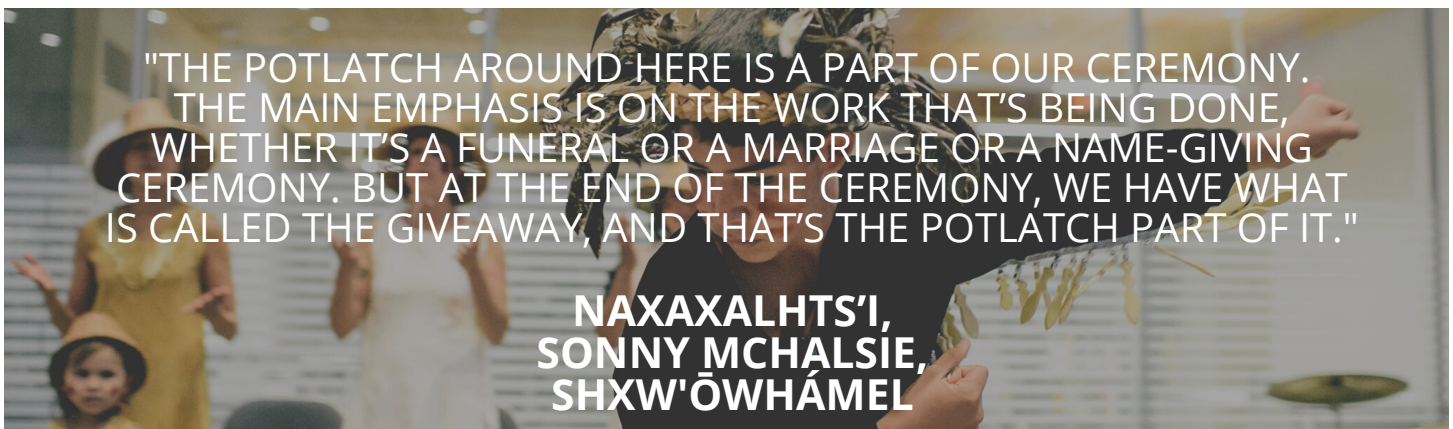
We also have different ceremonies throughout the territory. We have marriages, name-giving ceremonies, funerals, puberty ceremonies, all throughout our territory. People talk about the potlatch. We don’t have so much of an emphasis on the -- on our gatherings as being at potlatch. The potlatch around here is a part of our ceremony.

*The main emphasis is on the work that’s being done, whether it’s a funeral or a marriage or a name-giving ceremony. But at the end of the ceremony, we have what is called the giveaway, and that’s the potlatch part of it.*¹⁷⁶

Through ceremony the **smelá:lh / smənaʔxat** conduct legal and cultural business and share their wealth, effectively paying attendees back or putting them into debt in ways that maintains their status and authority.¹⁷⁷ The more that is given away the more the status of the host is increased, in interactions that are witnessed by those invited. Both the formalized giving away of wealth and the process of witnessing are key procedural aspects of the reciprocal giving that underpins the legal order of the peoples of the Lower Fraser.¹⁷⁸

For example, for thousands of years, acquisition of privileges and rights associated with marriage would be formalized and witnessed through ceremony and the potlatch, including the right to access dry racks for preserving fish.¹⁷⁹ From 1884¹⁸⁰ to 1957¹⁸¹ the Canadian *Indian Act* prohibited the potlatch, which profoundly disrupted these formal processes. However, the peoples of the Lower Fraser continue to uphold their responsibilities related to sharing and reciprocity through gifting and ceremony, as well as trading with other Indigenous peoples.

For more detail regarding how the peoples of the Lower Fraser uphold their responsibility to share and engage in trading, see *Volume 3: Responsibilities*, s 3.1.a and *Volume 6: Inter-community and International Relations*.



174 Carlson, *Expressions of Collective Identity*; Naxaxalhts’i, *NEB Transcript* at paras 2479-80.

175 The word potlach is derived from Chinook trade jargon, in which it means “to give” and is not a Halkomelem word.

176 Naxaxalhts’i, *NEB Transcript* at paras 2479-80.

177 *Ibid* at paras 2485-2488.

178 See 2.3e “Ceremony”

179 Carlson, *Expressions of Collective Identity*.

180 An Act further to amend “The Indian Act, 1880”, SC 1884, c 27, s 3, 25.

181 An Act respecting Indians, SC 1951, c 29, s 123(2).

Legal processes involved in sustaining the people and the territory include:

2.3e Ceremony and legal procedure, including in the *xwelmexwáwtxw* 'Longhouse'.¹⁸²

The laws, legal processes and governance of the peoples of the Lower Fraser are grounded in ceremony. Legal scholar Andree Boiselle describes these interconnections:

*The work of family governance in the Coast Salish tradition involves a ceremonial that brings the most important events in the life of each family to the attention of the larger community. Ceremony marks the passage of decisions made within families into the order of the greater community by making them public and submitting them to a test of legitimacy in the following two ways. In general terms, attending a ceremony hosted by a family is a way of showing respect for this family, of affirming its importance in the community, of tacitly adding weight and legitimacy to its work. Ceremonial protocol also provides the opportunity for members of the community to explicitly support, oppose or qualify the host family's decisions or claims (to names or masks, for example).*¹⁸³

Procedural elements of these legal processes include the following:¹⁸⁴

- The work to be undertaken by the family is guided by a *lheq qwóqwel / šq'iqwéí* 'speaker' who relays the words of the family to others. The speaker must watch, listen, observe, and feel the Longhouse before the ceremony in order to prepare. In particular, the speaker must observe who is in attendance in order to recognize and name them correctly.¹⁸⁵
- The names of representatives from each family attending are called at the beginning of the work. In doing so they are called to be witnesses and the hosts both recognize their guests, and underline the recognition the family receives from their presence.¹⁸⁶
- By being present and observing the work, the guests commit to memory a record of the event.
- At the end of the work, witnesses speak. These respected guests are invited to share some words about what they have witnessed. Positive things are said first: the witness may thank the family for remembering their name, opening their home, having the fire,¹⁸⁷ for having their elders there, for sharing the meal etc. But at the end, the witness may also speak up if they have advice, correction or teaching to offer.¹⁸⁸
- The witnesses are 'paid' by the family. Now quarters are used. In the old days the people might have used a carving of a paddle or a little piece of wool that represents a larger gift such as a canoe or a blanket which may be received afterwards.
- The host-family does a "giveaway", gifting those who have attended and either repaying them or putting them in their debt.¹⁸⁹

The calling of witnesses plays a particularly important role in establishing the legitimacy of the work. This process acknowledges the unique point of view of each individual and their experience of the process:

182 Choqwoqwet (Willie Charlie), *Ceremony Speaker*; Carlson, *Expressions of Collective Identity*; Naxaxalhts'i, *NEB Transcript* at paras 2479-80.

183 Boiselle, *Our Constitution is Set in Stone*.

184 Naxaxalhts'i (Peer review Zoom meeting, February 26, 2021) confirmed these points.

185 Choqwoqwet (Willie Charlie), *Ceremony Speaker*.

186 Conversely: "Ignoring or failing to note a family would amount to symbolically erasing its presence from the gathering, denying its importance as a center of authority within the polity." Boiselle at 28.

187 The fire represents the ancestors.

188 Historically, all witnesses were entitled to speak and to speak as long as they wanted. Today, in the interests of time, the family may call on a more limited number of representatives to speak.

189 Naxaxalhts'i, *NEB Transcript* at paras 2479-80.

*The calling of witnesses thus literally constitutes the assembly through a formal act of mutual recognition - when everyone pauses and takes note of who is present - and of giving voice. It is the most formal manifestation of the dispersion of authority throughout the Coast Salish polity: each family is acknowledged as a center of authority - the host family, by the presence of guests; the guests, by their formal recognition through the calling of witnesses.*¹⁹⁰

In this manner, the law resides and has continuity in the direct lived experience and memory of those participating in ceremony. As Ed Pierre from Q'ets:i emphasizes, the Longhouse was "where the laws were created, that's where they were kept and enforced."¹⁹¹

Legal processes involved in sustaining the people and the territory include:

2.3e Ceremony and legal procedure, including in the *xwelmexwáwtxw* 'Longhouse'.

- *Smílha* 'winter (spirit) dancing'

The Longhouse practice of winter dancing is a very old spiritual tradition, which is intertwined with the laws and legal processes of the peoples of the Lower Fraser. Details associated with the training, initiation and spirit power of the dancers are considered *xá:xá / ǰé?ǰe?* 'sacred/secret',¹⁹² however, and are not shared here.

In general terms, because of the *shxwelí / ǰxwáí* 'life force' / 'spirit' that connects all beings in the Lower Fraser to the Creator and to each other, the work of human governance is also connected to Spirit.

*In this legal order, certainty and control give way to attentiveness and spontaneity, because it is actually decentralized to a degree that has only been hinted at so far: it is not human-centered. The main force at play in the work of human governance is not controlled but connected with, listened to, humbly recognized. As Choqwoqwet puts it: "It's not the humans that do the work, it's the Spirit." What the humans do is only "call upon the Spirit to be with us."*¹⁹³

While one's individual encounters with Spirit may be intensely private and sacred/secret, the winter dance affirms the interconnections and oneness between us:

Some things shouldn't be talked about, or then only with those who are known to have already had a similar experience of their own. The way of sharing the healing experience of the ineffable with the broader community, thus allowing one's own Spirit to affirm its oneness (letsemot) with the Spirit within others, is song and dance. Winter-dance, as I experience it, celebrates at once this unicity and this unity. You are unique, but you are not alone, your being is continuous with that of all other living things.

¹⁹⁴

Wey-ileq, Melvin Malloway describes this experience:

*When we get into our dance, we change into them or when I get into *Sxwó:yxwey* dance, the spirit of the *Sásq'ets*, or sasquatch takes over my body. I could be crippled and barely even move but soon as I start, it completely takes over and all pain and everything is gone and the spirit takes over and brings you.*¹⁹⁵

¹⁹⁰ Boiselle, *Our Constitution is Set in Stone* at 28.

¹⁹¹ Ed Pierre (Q'ets:i Focus Group, August 15, 2019).

¹⁹² See, Sq'ewlets website: <http://digitalsqewlets.ca/sqwelqwel/xwelmexw/culture-eng.php>

¹⁹³ Choqwoqwet, Willie Charlie, *Ceremony Speaker*.

¹⁹⁴ Boiselle, *Our Constitution is Set in Stone* at 31.

¹⁹⁵ Wey-ileq, Melvin Malloway (Ch'lyaqtel Focus Group, August 14, 2019).

Some knowledge holders spoke of experiences related to Longhouse ceremony to illustrate other aspects of the **slha:éywelh / snáwáyəł** or to illustrate the role of different beings in decision-making. With consent, these words are included elsewhere in this report.

Others discussed stories that recount the history of how private knowledge and privileges associated with **sxwó:yxwey / sǎ́wáyǎ́wəy** mask, dance and songs were acquired but not the detail of the practice. These are discussed further below.

Legal processes involved in sustaining the people and the territory include:

2.3e Ceremony and legal procedure, including in the **xwelmexwáwtxw** ‘Longhouse’.

- **Sxwó:yxwey / sǎ́wáyǎ́wəy mask, dance and songs.**¹⁹⁵

Old Pierre from Q’ets:í describes how the process of dancing the **sxwó:yxwey / sǎ́wáyǎ́wəy** mask at major life benchmarks was established for the Musqueam:

The Creator presented c’simle’nəx^w with this mask, and also with a rattle, saying to him: ‘Wear this mask when grief and sorrow overtake you, and it shall bring you joy again. Whenever a child is born in your family put on the mask, shake the rattle and chant the prayer that I will teach you, so that the child may grow and prosper. Whenever again one of your daughters reach womanhood wear it and pray four days in succession, so that her new blood may strengthen her and enable her later to bring forth healthy children. Wear it and pray whenever one of your daughters marries and sits for the first time beside her husband. Finally, when I take someone from you -for you shall not live forever- pray again, beseeching me to care for the soul that has left you, to grant it a happy resting-place, and to spare for a short time longer those who remain behind.’¹⁹⁶

Wileleq, Ken Malloway explains the origin of some other **sxwó:yxwey / sǎ́wáyǎ́wəy** masks of the peoples of the Lower Fraser:

Just a little bit further down the road at Cultus Lake was another pond, and one of the sxwó:yxwey mask came out of that pond. Squiala quite literally means a place of the sxwó:yxwey mask. One sxwó:yxwey mask came out of that pond.

Our friend, our families are connected to the sxwó:yxwey mask too. The Malloway family is connected and the Silver family of Sema:th is somehow connected to the sxwó:yxwey mask. These families in Sts’ailes that are connected, there’s families up and near Chawathil and Union Bar are connected too.

They’re connected to this sxwó:yxwey mask because a different mask came out different places. There was one that is supposed to come out at Sts’ailes, the Sts’ailes near Harrison Lake. There was another one that came up north of Union Bar. I know where there is, I know where the pond is.¹⁹⁷

Shah-kwih-LAH-loh, Dan Milo recounts the history of the **sxwó:yxwey / sǎ́wáyǎ́wəy** mask from Kawkawa Lake. This story and other versions of it are recounted at some length here due to their importance to a number of different legal principles in this report.

Shah-kwih-LAH-loh tells us of a young man who was instrumental in acquiring this **sxwó:yxwey / sǎ́wáyǎ́wəy**

¹⁹⁵ Commodore, *Underwater People*; Milo, *Skwiw-Kway Mask*; Unknown, *Origin of the .sxō’Exō’E Mask*; Naxaxalhts’i, *The Underwater People and the Sxwó:yxwey Mask*; Pierre, *Katzie Book*; Uslick, *Underwater People*.

¹⁹⁶ Pierre, *Katzie Book* at 11-12.

¹⁹⁷ Wileleq, Ken Malloway (Ch’Iyaqtel Focus Group, August 14, 2019).

mask by living with and observing what was causing the underwater people in Kawakawa Lake to be ill (his own spit from when he was up on top), healing them and receiving the mask and the power to heal in return. In the details of the story we learn how the processes associated with **sxwó:yxwey / sǎ́wáyǎ́wəy** mask were established. For example, the underwater people instructed the man that he should tell his sister to come out to the lake, with a fish line and a feather for her bait. They told her to throw it in there. She feels pulling on the line and pulls up something that looks like a person. **Shah-kwih-LAH-loh** says, "It began to sing right there –the song she's going to use when she gets home." He says that that is why people wear feathers round their heads "when they dance the dance they call SKWIY-KWAY."¹⁹⁸

In Mary Uslick's version of the story, told to Norman Lerman in 1950-51, she says that the man went to the lake intending to kill himself. He slides down a great, big, smooth rock into the water. When he hits the home of the underwater people, a loon tells the underwater people it is a man and they tell Loon to bring the man in. He is asked to doctor the sick people, and he wipes the spit off them and they are cured. The spit is said to come from people out in their canoes who spit, cough or blow their noses in the water.

After they were cured, the underwater people gave him the "**sxwayxwi**", which she says had a headdress of feathers, stretching down to legs. She notes that two or three men dance with it at the funeral of a noble of when a young lady becomes a woman, if she is "a big man's daughter". Although it was a gift to the man the people did not want him to take it. Beaver was hired to make a little tunnel from the lake to a pond in the river. They told him to tell his sister to go fishing and not to get scared when she gets a bite. Before she caught it the brother and sister heard a rattling. They showed him how to use the power, and the sister caught this great "**sxwayxwi**". He put it away where nobody could see or touch it unless somebody hired him.

This story was also shared with **Naxaxalhts'i** by the late Amelia Douglas. She was originally from just north of Hope. She married into Xwchíyò:m. Amelia shared this story when they were up by the edge of Kawakawa Lake. She recounts that the young boy in the story was from the Village of Iwówes. He had sores all over his body and was goaded into wanting to commit suicide by the other boys in the village and the pain of the sores. From the rock bluff on the north side of the lake he landed in the water, drifting down to the roof of the **s'ó:lmexw** 'underwater people' / 'water babies'.¹⁹⁹

In this version of the story, the boy uses a cedar bough to scrape all the spit off of the bodies of the underwater people and heals them:

He ended up living there for about seven years with the underwater people. Finally, this one day, he announced to the underwater people that he wanted to go back home. So the s'ó:lmexw, the underwater people, were very grateful to him for what he had done for them, so they told him that they wanted to give him a gift. And they told him that he could have whatever he wanted.

And he remembered this one day when he looked in the back of the longhouse and seen this basket. And in this basket, he seen this mask and seen all the regalia that goes along with it.

And when he had asked about it at that time, they told him to leave it alone. "It's a very special mask. It has special songs and dances that go along with it, so don't touch it. Leave it alone." So he did.

But that day, that morning, when they told him that he could have whatever he wanted, he remembered that mask and he said -- he asked if he could have that mask. They told him, "Yes, you can have it, but you can't take it by yourself. You have to have the assistance of your sister to take it home." And that's why the mask is owned by the

198 Milo, *Skwiy-Kway Mask*.

199 Douglas, *The Underwater People and the Sxwó:yxwey Mask*.

women today and danced by the men.

*The night before he went home, his sister had a dream. She dreamt that her brother was coming home.*²⁰⁰

When the boy comes home, he instructs his sister to weave a large basket as the underwater people told him to. In order to get the mask from their underwater home to the Village of Iwówes, they asked for the help of the animals in digging a tunnel. **Naxaxalhts'i** explains that there is a big bay by the Village of Iwówes and that the rock bluff there is called Sqweliqwehíwel because of the many little tunnels from the bird and other animals who missed the right spot. Finally, they ask beaver.

So beaver dug a tunnel, went right through, and it came right out that little lake right in front of the Village of Iwówes. So that's how the underwater people, the s'ó:Imexw, were able to bring that mask through that tunnel to the people there at Iwówes.

So the young man, after his sister finished making the basket, they went down to the edge of the water. He told his sister to cast her fishing line into the water, and he said, "Don't be scared of what happens next."

So she felt a tug on her line, and he told her to raise it very slowly. And when she raised it and one of the underwater people, the s'ó:Imexw, was on the fishing line wearing the mask and wearing all the regalia that goes along with it.

He was facing away. His feathers were quivering like this, and he turned towards them. And as soon as he turned towards them, that's when that became a gift to our people. Swawis in our language means a gift.

Swawis [Swolésiya], one of our Elders, the late Alan Gutierrez, from Chawathil, carries that name, and he was from there, from that village.

So they taught the young girl and the young man different songs and the different dances, the different times that it's supposed to be used. It's supposed to be used birth ceremonies, puberty ceremonies, weddings, funerals, naming ceremonies; only those times.

It's a very sacred tradition of our people. It's very protected. I'm only allowed to talk about what I'm talking about, about it. There's other aspects of it that I'm not allowed to talk about...

Pilalt Knowledge Holder Della Victor says:

My feeling about this gift is already the reason why it is done at these ceremonies is, it's already giving a newborn a life. It's also giving strength, and again like you mentioned, healings like for a funeral. Gives you strength to a couple when they get married. That's how I look at it. I look at this gift as giving me a lot that you need when you hit certain ages of your life and it will help to guide you in understanding and it's a good way of life. That's how I look at it.

*From newborns all the way in life to death the process of ceremony is entwined part of our culture and daily life.*²⁰¹

200 *Naxaxalhts'i re-tells what Amelia Douglas told him.*

201 Della Victor (Xwchíyò:m Focus Group, November 5, 2019). Della also says: "Canning and preservation of fish is also very important. I have been involved in traditional medicine."

Legal processes involved in sustaining the people and the territory include:

2.3e Ceremony and legal procedure, including in the *xwelmexwáwtxw* 'Longhouse'.

- *Ts'í:tem te Yewál Sth'óqwi / ?i cíꞤtam ʔay yéwtam tə scéꞤtən* 'Praising/Thanking the First Salmon' (First Salmon Ceremonies).²⁰²

"I know what our story is. If you don't return the bone the fish don't return."²⁰³

The origins of the First Salmon Ceremony are explained in *Volume 1: Foundational Principles*, s 1.2.c. There are two principal stories cited for the origin of, and processes associated with the First Salmon Ceremonies of the peoples of the Lower Fraser. In both cases, the legal processes associated with honouring and sustaining the *sth'óqwi / scéꞤtən* are traced to the time when the ancestors brought the *sth'óqwi / scéꞤtən* to Lower Fraser and its tributaries.

In the *Katzie Book of Genesis*, Old Pierre recounts how **Swaneset** learned how to maintain the health and continued cycle of the salmon while living with the family of his *sthéqi / sθaqəy* 'Sockeye Salmon' Wife. He observed that the salmon people scrupulously washed their hands before eating. They did not break the bones of the *sth'óqwi / scéꞤtən*, but laid them carefully on one side. After eating and washing hands again, **Swaneset's** mother-in-law gathered up all the bones and carried them down to the beach and threw them in the water. "When the woman returned from the beach a few minutes later, a young boy entered also, skipping gaily round her. This happened day after day, morning and evening." One day, when **Swaneset** kept and hid one of the bones, the salmon boy he could not return but simply moved in circles in the water, only regaining his healthy form once the Salmon Chief forced **Swaneset** to return the bone.²⁰⁴

In *How the Sockeye Learned to Come Up the Rivers*²⁰⁵ *Shah-kwih-LAH-loh*, Dan Milo recounts how Beaver, a group of men transformed into birds, and mice bring *sthéqi / sθaqəy* to the rivers that flow into the Lower Fraser. As described throughout this report, there are many versions of this story. Based on teachings from Tillie Gutierrez and the late Agnes Kelly, *Naxaxalhts'i* explains how the First Salmon Ceremony is being revitalized today and how it relates to this story:

*Ten years ago or so, just prior to the revival of the First Salmon Ceremony, a lot of families would still just have people over for the First Salmon Ceremony. They would barbeque their salmon or whatever, and then they would just have a big do and share it with a lot of people. That was the only thing that they would do, and it wasn't until ten years ago or so that we started finding out a little bit more about the First Salmon Ceremony.*²⁰⁶

He describes learning about the work the bird-men, Beaver and Rat or Mouse in bringing the *sth'óqwi / scéꞤtən* and ensuring their return every year, and how the story is one of the reasons the First Salmon Ceremony is held.²⁰⁷ There are important procedural elements related to the first salmon:

It's such a sacred that thing we're not allowed to touch it with our hands, the fishers that catch the first salmon are not allowed to touch it with their hands. They used to use their forearms and there were supposed to be certain elders that were supposed to prepare it. They were supposed to have the knowledge of prayers, to say prayers to the salmon people, thanking them for the salmon, paying respect for it. The major part of the ceremony was actually sharing; even if you just had one little morsel of the salmon, the important part was making sure that a lot of people shared in that salmon. Then

202 Naxaxalhts'i, *First Salmon Ceremony*; Pierre, *Salmon Story*.

203 June Quipp (Coqualeetza Focus Group, July 17, 2019).

204 Pierre, *Salmon Story*.

205 Milo, *How the Sockeye Learned to Come Up the Rivers*.

206 Naxaxalhts'i, *First Salmon Ceremony*.

207 See *Volume 1: Foundational Principles*, s 1.2.c.

the bones would be saved and returned to the river, and that would involve one of the chiefs, a spiritual person, an elder, and a youth: those four people needed to be involved when that was happening. A prayer was said to the salmon and to the river, and then the bones would be returned to the river.

*A major portion of those different traditions was lost, and it's only in the last ten years or so now that more families are doing their own First Salmon Ceremony and actually saving the bones, returning them to the river.*²⁰⁸

Knowledge holders have described present and current practices regarding the First Salmon Ceremony. For example, Tillie Gutierrez says that they used to catch the first salmon for the First Salmon Ceremony at a place called Íyem up by Yale. **Naxaxalhts'í** recounts:

And she says they picked that place because to get down to the fishing rock you had to walk through an arch, and if you're familiar with – there are places where rocks get stuck in the holes and the current just makes these great big holes and pots. There's one of those there, and I guess the river had washed through and so created an arch. They had to go through that arch and lower themselves down the rope to catch the first salmon. And she said that was there right up until the 1940s, and then when they put those fish ladders in there they blasted it trying to flatten the area.

*Just talking about Íyem, lucky place or strong place, you're learning about the First Salmon Ceremony.*²⁰⁹

At a RELAW meeting with the Kwantlen Elders Group, **Stakwesan**, Chief Marilyn Gabriel and knowledge holder **Statlomot**, Les Antone emphasized that: "We still honour salmon every year to give thanks for water and fish." The group discussed how they hold the First Salmon Ceremony in the beginning of May and there are sometimes 800-1000 people sharing in the fish. Using cedar bows, they pray to the "sacred water" and bring the bones back to the water.²¹⁰

Wileleq, Ken Malloway of Ch'i:yaqtel also speaks to the obligations and processes related to the first salmon:

We have an obligation to share with our family and also we have an obligation, like with the first time that we got through the year, we have an obligation to share with an elder. Normally, I would give my first fish to my mother-in-law or sometimes I'll get my first fish to Rena Point or I might get my first fish to my sister Sharon, she's the oldest sister in our family. It's part of our obligation that the first Salmon that you get, you don't eat it, you give it away. If I only get one fish in my first opening, I got to give it away because that's just the way we're brought up.

*My first fish, I'd give it to somebody an elder. Then I pig out on the next one I got and I've been trying to eat fish every day. Those are obligations that we have to share. Our people would pass down knowledge over the years.*²¹¹

Knowledge holders attending the Coqualeetza Elders Group meeting with RELAW noted that Soowahlie was hosting their First Salmon Ceremony that day, and said of the Kwantlen salmon ceremony "it's huge, they usually get a thousand people, it's everybody that's invited to share in the meal of salmon. That's what it's all about, right? Sharing our culture with them, Halkomelem people."²¹²

208 Naxaxalhts'í, *First Salmon Ceremony*.

209 *Ibid.*

210 Stakwesan, Chief Marilyn Gabriel, Statlomot, Les Antone (Kwantlen Elders Group, June 6, 2019).

211 Wileleq, Ken Malloway (Ch'i:yaqtel Focus Group, August 14, 2019).

212 Salacy-a-til, Phil Hall, Skowkale (Coqualeetza Focus Group, July 17, 2019).

June Quipp noted that they used to do the First Salmon Ceremony, sometimes with other communities of the Pilalt Tribe, but stated that “we haven't done one this year because we haven't had any fish.”²¹³ Others confirmed that Shxwha:ay had had one the last couple of years, and that the process was largely similar as between the ceremonies.²¹⁴

Legal processes involved in sustaining the people and the territory include:

2.3e Ceremony and legal procedure, including in the *xwelmexwáwtxw* 'Longhouse'.

- Feeding the Ancestors / Burnings.²¹⁵

Feeding the ancestors and undertaking burnings for those who have passed are important processes involved in sustaining the relationships that permit the involvement of the Old Ones in decision-making and problem-solving.

Wileleq, Ken Malloway spoke about the process his family follows:

People do it a different way. Some people have different ways of doing it. We have a burning and we have tables set out on the ground and they put the plates over the fire. Sometimes I grabbed the whole plate and pull it in the fire but mostly, we just scrape it off and then we take the plates and we take them home and we keep them. Many Wealick's, Sheila just over here. Her husband was in the cemetery over there. He knows she's looking after him. She used to walk down the road about three or four times a year with a plate full of food and she put it on his headstone and she leave it there....It's something that our people do.

They want fish when we have a burning, they want fish. We got the eulachons this year. They were happier. They had the eulachons some years we don't have any eulachons here. Some years we just don't have any. We managed to get lucky and, we got a bunch of eulachons we had to look at how many dry fish, smoked fish, for the people on the other side.

Sometimes they'll come to us in a dream and tell us exactly what they want. They'll come and tell us exactly what they wanted. My son, my late son, he came and he said, "I want a black leather jacket." I said, "Okay." I got him one, I said, "What color do you want?" He said, you know. I found him one night, we put it in the fire and burned it. At the same time, he was there in my dream telling me what he wanted, he was at my sisters and he wanted spaghetti.

[laughter]

He went to his cousin and said, "I want one of the big bottles of ketchup." We burned that too. They're just in the other side, they are not far from us. They're all around us. They're all here listening to what we've got to say and probably hope. We don't miss out too much.²¹⁶

The practice of doing burnings for the ancestors has continued through time. **Wileleq**, Ken Malloway says:

We still do that. We still have burnings, other people have burnings too, right? This is a

213 June Quipp (Coqualeetza Focus Group, July 17, 2019). The other communities mentioned were Shxwha:ay and Skwah.

214 Pilalt Knowledge Holder (Coqualeetza Focus Group, July 17, 2019).

215 Naxaxalhts'i, *Origin of Sturgeon*.

216 Wileleq, Ken Malloway (Ch'i:yaqtel Focus Group, August 14, 2019).

*traditional ceremonial practice that comes from our past. When we have a burning, I burned for my uncle Jackie Curry. I burned for my Uncle Bob Joe. His name was Wealelick that's my name. I got my name from him. I burned for my son Kelly. I burned for my late wife, my first wife. Those are the four people I burned for. These people they all burn for their own parts of our family.*²¹⁷

A Pilalt Knowledge Holder notes: "When we feed our people, there's usually a sign what they're wishing for. If we have food on our plate and it drops, then we say, "Oh, they're reaching for that. We know that we have fed them. We have a burning for our ancestors, and we bring a plate of their favorite food or drink."²¹⁸

Also at the Coqualeetza Focus Group, **Sts'mieleq**, Melvin Williams Sr. noted that if we forget about the ancestors, they will take steps to remind us. He recounts what occurred when digging happened in an old cemetery:

I think the one thing is when they do these burnings is that I was told not to forget the cemetery. You were saying earlier, you start to have things that start to happen, and they start to happen for a reason, and sometimes you're not feeding people on the other side. You get them open. So, they usually will give us a reminder somehow that we're not taking care of them...they found the old cemetery that's across the river....Geologists had to go over and start digging up and to see what was there. By disturbing that, they sent those spirits out. Every time we have a burning at home, a medicine person - he would see all these other people, and one of our relatives and that was the people that were on the other side of the river because nobody was taking care of them they came to our side. Now, we're feeding them and taking care of them.

Wileleq, Ken Malloway explains:

Every spring, every fall, we have a burning there [at my mom's house]. Easter and Thanksgiving, we have burning for our ancestors. After the burning was over, Melvin had this little phone. He was sitting there, taking pictures of us cleaning up after the burning. We freaked out because we're looking at this little phone, there was faces in the ground looking at us. His camera captured them, those people were there watching us.

It's just clear, plain as day, you could see it in that picture and I'm going, "Oh my God." I can't see those people but his camera saw them. When they have a burning, I can see them if I close my eyes. I can sit down and close my eyes. People think I'm sleeping while I'm sitting there and I'm watching them. I could see them come in and they come in to eat.

When he had a burning for the kids, all these kids come in, all these little dead kids on the other side came in to eat, but there was grownups who were there looking after them. I could see them. I was sitting there and I had my head down and eyes closed and I could see them all coming from over there and they all come up, they came up to eat. There's older people looking after them, but they're on the other side. I was watching one time.

Wey-ileq, Melvin Malloway explains more about the process of burning and what is required:

You have to have a good mind and keep it on the work that you're doing. Don't let anything disturb you while you're doing it. Because when our family does burnings, and we're all by the fire, the family, us burners, and as soon as we get ready to burn,

217 *Ibid.*

218 Pilalt Knowledge Holder (Coqualeetza Focus Group, July 17, 2019).

we close our eyes and we're praying for the ones on the other side and then all of a sudden the whole area where everybody is just covered ... everything on the outside disappears. Until the burning is over when you kill the fire....

It takes a lot of training, a lot of listening, watching and learning. I got all my training from Gilbert Charles, and Xwelixweltel, Steven Point when he was still a boy. Eventually, when they figured I'd seen and heard enough, they part way and went on their way and want me to learn the rest on my own, which is tough. Sometimes I get my brothers and my sisters to help with the fire, but you had to have to a great mind and know what you're doing otherwise things don't work. If we have one bad person there, that kind of puts it down or don't believe or something like that then we have a lot of trouble getting through to the people on the other side because they'll back away because there's an opening on the east that you open a fire to.²¹⁹

Wileleq, Ken Malloway reflects:

When I open a fire, I looked at the fire with my eyes closed because I've got a bandana. I see a cave and I see these hundreds of orbs flying around, spirits flying around until I close them. I asked one of the elders about that. Frank Malloway, I talked to him about what I was seeing. I see in this cave and all these spirits flying around because they were just small. He says up the canyon, there's a big cave up there where the shamans and burners workers go to train, to meditate and when they walk into this cave, all these spirits and orbs they're flying all over the place, but Frank couldn't remember where it was. Its a long tunnel and a place for training for medicine people.

[P]eople, unless they're working with the spirits keep away. I think that cave closing and comes out in the other side just like these caves in the river. Caves in the lake, they go, but people will never find out where they go. People will never be able to travel through it because it's not meant to be.²²⁰

Kevin Charlie from Sts'ailes also speaks to the importance of feeding the spirits:

One of the first years, talking about the pókw²²¹ we got some at our smokehouse and we had this great big one, he must have been about that wide hey dad?. We had it hanging and smoking, on the fourth day I told dad I said, "We'll be able to take that big one down and we'll call everybody together." Then I went out to check the fire and I asked dad and I said, "Did you check the fire?" He goes, "Did you leave the door open?" He goes, "No."

The brick was still sitting on its spot, but where that big fish was, the stick was still up there exactly where we had it but the fish was gone. I talked to grandpa about it, he just smiled and he goes, "Well, you guys got to feed him." Our mimestíyexw, we have to feed them. It's the same thing with we've got to give that biggest one away all the time.²²²

119 Wey-ileq (Ch'i:yaqtel Focus Group, August 14, 2019).

220 *Ibid.*

221 'Sts'ailes spring salmon' / 'Harrison River spring salmon' / 'smoked salmon'.

222 Kevin Charlie (Sts'ailes Focus Group, November 11, 2019).

Legal processes involved in sustaining the peoples and the territory include:

2.3f Effort/perseverance/creativity in bringing out one's gifts.²²³

Gabriel George says: "In our *snawəyət* we each come here with a gift, and if we bring this gift out then we – our journey to our ancestors....is shorter, but if we struggled a bit and we didn't bring out that gift, maybe the journey is hard."²²⁴

Many stories demonstrate the years of preparation and discipline individuals may undergo "to get something to help our people, to be something for our people, whatever their gift may be."²²⁵ For example, in *The Big Serpent* story John L George and *Ta-ah* recount the steps a young Tseil-Watt man took over almost a decade in order to prepare himself to lead his people in slaying the serpent.²²⁶ These included "remaining in seclusion, bathing every morning at sunrise, walking long hours in the forest, and eating special foods and herbs from the land and sea."²²⁷ Other stories that speak to the use of medicines from the territory and water for preparation and transformation include About this Tribe (Tsawwassen),²²⁸ *The Work of Xe'á:ls*²²⁹ and *Black Bear and Grizzly Bear*.²³⁰

Perseverance in training to bring out ones gifts is also important. In the story of *Koothlak*, a young man from Soowahlie swam every morning and before bed, summer or winter from the time he could talk. Every day he would go to Cultus Mountain. From a small creek he used fir and cedar boughs to make a dike until he had a large lake. Then he swam and bathed in the lake that filled the basin.²³¹

Brenda Malloway reflected on this part of the story:

*He kept going back every day and building, doing it on his own independently and he didn't care what everybody else was saying, he just kept doing it every day. He never gave up, he just kept doing it. I see independence. I just think he kept going and going and never gave up, until that point where he couldn't take it no more.*²³²

Koothlak became powerful, but he also had a temper. When the other boys kept teasing him about where he had been, not believing he swam in the mountain, he pulled the branches in the dike. It broke with a sound like thunder, filling the basin where the people were living and drowning all the people.²³³ This is the history of Cultus Lake.²³⁴

Even in the face of dramatic loss or disaster, however, the stories provide examples where the people have persevered, drawing on their creativity and available resources to survive –provided there is still water and fish. For example, *Si-la* Harry Uslick recounts how there was a time of famine that lasted seven years, when there was no rain and everything had died from heat. All the people had starved except one woman. Looking for food, she found a little trout in the creek that runs through Sema:th. The woman pulled out some of her long hair, tying the hairs together at the end, one after the other to make a long fishing line. She then used a wild gooseberry thorn as the hook to fish for trout in the creek. She caught one and

223 George and Ta-ah, *The Big Serpent*; George, *NEB Transcript* at para 2787; Joe, *Koothlak*; Kelleher, *Volcano Story*; Naxaxalhts'i, *The Work of Xe'á:ls*; Milo, *Black Bear and Grizzly Bear*; Splockton, *About this Tribe*; Tseil-Waututh Nation, *TWN Assessment* at 54; Uslick, *7 Years*.

224 George and Ta-ah, *The Big Serpent*.

225 *Ibid.*

226 George and Ta-ah, *The Big Serpent*.

227 Tseil-Waututh Nation, *TWN Assessment* at 54.

228 Splockton, *About this Tribe*.

229 Naxaxalhts'i, *The Work of Xe'á:ls*.

230 Milo, *Black Bear and Grizzly Bear*.

231 Joe, *Koothlak*.

232 Brenda Malloway (Ch'i:yaqtel Focus Group, August 14, 2019).

233 Joe, *Koothlak*.

234 Previously the creeks from the mountain came into the basin and disappeared into an underground river. The branches from the dike went into the underground river, stopping it up and Cultus Lake covered its place.

cooked it, but ate only half because she feared eating too much after being hungry for so long. She then went back to her fishing, drying and curing all that she caught. When a starving man came crawling toward her one day she shared the fish to feed him. They lived together and had children, and “that was how our people began again” says Uslick.²³⁵

J.W. Kelleher’s story of how the people persevered in the face of hardship and danger to find a solution when the eruption of Mount Baker forced them to run and leave everything also exemplifies this principle.²³⁶

Legal processes involved in sustaining the peoples and the territory include:

2.3g Cooperating together, each according to their gifts (participation).²³⁷

As noted above, maintaining the health of the watershed requires all beings to work in concert, each according to their gifts. In addition to appropriate training, effort and perseverance in developing these gifts, this requires processes of cooperation and consensus-building.

As noted above, while leaders in different areas were recognized, they were expected to use persuasion to try to build a consensus rather than just making decisions on their own.²³⁸ In discussing the story *Women Changing the Men*, told by Dan Milo, knowledge holders reflected on the importance of cooperation. In that story, conflict arises between the men and women because the men are not sharing fish; the men are transformed into birds and redeem themselves by working with beaver and the mice to ensure the presence of Sockeye in the Fraser.

Salacy-a-til, Phil Hall puts it this way:

*I think that goes back to back in the day each of our villages we had people that were assigned responsibility. They mentioned we had hunters, we had fishermen, we had medicine people, we had crafts people. When you turn around and read the story, each of them had a role to play. In the end, what was the outcome was that there were plenty of fish for everybody and the men were disciplined.*²³⁹

It is also important that everyone has a chance to participate and play their role:

*The men were at the fishing grounds and they were just sustaining themselves, feeding in the fish party, the fish camp, but then the parts that were missing were the processing and the preservation of the fish. Although they were taking care of themselves, they were leaving out a whole bunch of other things and they needed to be taught....*²⁴⁰

A number of knowledge holders reflected on their lived experience of cooperation in fish processing. Bea Silver notes: “I remember June Douglas (Quipp), Eleanor Douglas (Stephenson) and all of them long ago, I remember when the old people would get together and guys would say just bring jars and cans, dozens and dozens for sisters so we could preserve the fish.”²⁴¹

At the Sema:th focus group Catherine Ned remembers:

Well, when we started the community canning, Ken and I were the ones that started to talk to young moms and whoever wanted to tell their children how to fillet. Then I

235 Uslick, *7 Years*.

236 Kelleher, *Volcano Story*.

237 James, *Raven*; James, *Story about Sockeye*; James, *Grizzly Bear*; Joe, *Women Changing the Men*; Joe, *The Sockeye*; Joe, *Raven*; Milo, *How the Sockeye Learned to come up the River*; Pierre, *Eulachon Story*; Unknown, *Story of Raven*.

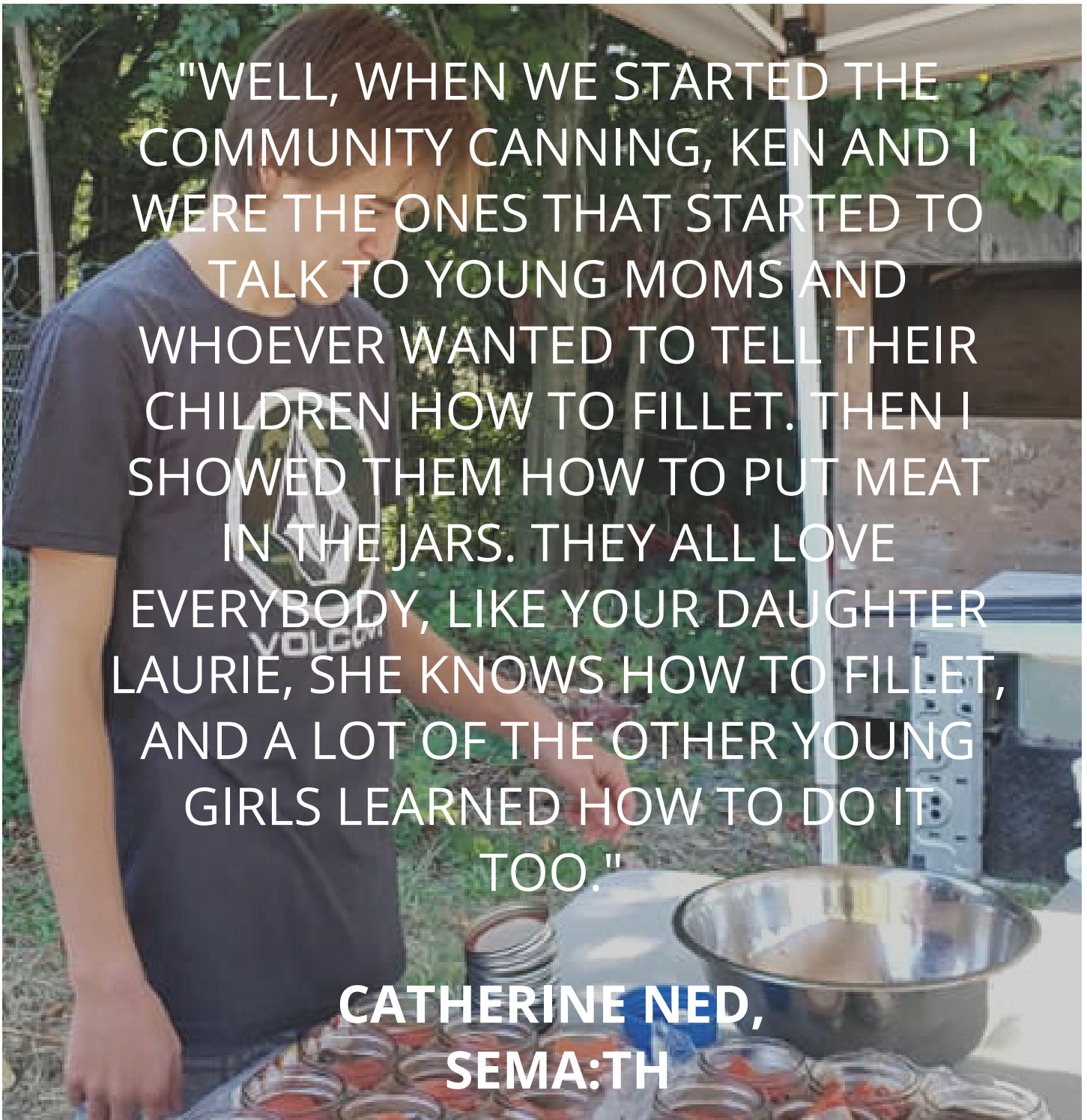
238 Wileleq, Ken Malloway (Ch’i:yaqtel Focus Group, August 14, 2019).

239 Salacy-a-til, Phil Hall (Coqualeetza Focus Group, July 17, 2019).

240 Peter Tallio (Coqualeetza Focus Group, July 17, 2019).

241 Bea Silver (Coqualeetza Focus Group, July 17, 2019).

*showed them how to put meat in the jars. They all love everybody, like your daughter Laurie, she knows how to fillet, and a lot of the other young girls learned how to do it too.*²⁴²



"WELL, WHEN WE STARTED THE COMMUNITY CANNING, KEN AND I WERE THE ONES THAT STARTED TO TALK TO YOUNG MOMS AND WHOEVER WANTED TO TELL THEIR CHILDREN HOW TO FILLET. THEN I SHOWED THEM HOW TO PUT MEAT IN THE JARS. THEY ALL LOVE EVERYBODY, LIKE YOUR DAUGHTER LAURIE, SHE KNOWS HOW TO FILLET, AND A LOT OF THE OTHER YOUNG GIRLS LEARNED HOW TO DO IT TOO."

**CATHERINE NED,
SEMA:TH**

242 June Quipp (Coqualeetza Focus Group, July 17, 2019).

June Quipp points out that these roles are not necessarily gendered: "In our fish camp now it's all the men that do the canning and stuff. Anybody that comes to our fish camp, my husband makes the men draw the jars up and everything."²⁴³

Having the right aptitude, qualities and interest is more important today than gender in choosing people for different roles. June gives the example of her granddaughter:

*Our granddaughter is 32 now. She was at our fish camp last year of putting the net out and fishers came along and they saw her and they stopped their boat really fast and they turned around and they told her that do you know this is private fishing grounds and she just smiled and said, "Yes, that's my grandpa. He knows we're out here." I said, "Joan Dean, you should have told them you've been fishing for 30 years already." She was since we brought her up there when she was two and she'd come out on the boat with us. But now her husband has gotten into it as well. They bring their family up and my son has four sons and they all come up to our fish camp and bring their children up there. It just gets passed on from generation to generation. Now we're in our third generation that are coming up there, fourth or fifth, I guess with my husband's family.*²⁴⁴

At Sema:th knowledge holders had similar reflections after reading the story of **Xéyteleq**, told by Rena Point Bolton. For example, Troy Ganzeveld says:

Yes, definitely I think everybody has their role and I think in traditional times our population would have been a lot higher and through how much knowledge we lost through disease and epidemics and everything else and of course residential school. Now, I don't think it's as important that the knowledge holders are specific genders so long as that information is being passed down to our youth.

He goes on:

*The story says to me people were raised to have their role and even though everyone was taken as a young child and was taught to hunt and fish and be a warrior, whereas I think in today's society we lose that in some degree. People are just like "okay this is the education system and you need to fit into it and learn the generic stuff and try to find your own way"; whereas, I like to think that traditionally we had people that were raised to be in their role.*²⁴⁵

Troy sees a parallel with Sema:th people today who might "work within the government system to watch for contamination and stuff like that" or others who are active with LFFA like **Kwilosintun**, Murray Ned who are vocal about fishing and water rights.

Skemookw, Henry Ned noted that some of the key things that **Xeyteleq** did, like trapping and fishing are less available today because of colonial law, settlement and habitat loss. So today, he says, "I think most of the knowledge now is just kind of passed on to whoever is doing the fishing and hunting."²⁴⁶

Reflecting back on what the *Women the Changing the Men* story teaches us today, **Kwa:l**, Lester Ned Sr. says:

*You have to look at these changes. Even Indians have changed. At one time there was no woman chiefs. Now there's 40% chiefs for the woman. The same thing in the Longhouse, Only the men spoke, but now the woman are speaking, they can speak. I don't know too much. Things change. Maybe that's what this story is giving you. Not only the men, maybe the women want to smoke also. Other than that, if they don't take their canoes is going to get caught.*²⁴⁷

243 June Quipp (Coqualeetza Focus Group, July 17, 2019).

244 *Ibid.*

245 Troy Ganzeveld (Sema:th Focus Group, July 19, 2019).

246 Skemookw, Lester (Henry) Ned Jr. (Sema:th Focus Group, July 19, 2019).

247 *Ibid.*

The important thing is that the knowledge is passed on so that people can bring out their gifts and key roles can be filled. Involving children in the work being done is an important part of this. As June Quipp says: “We teach our families and then they carry on. My one little grandson he's nine years old now but his mother posted a picture of him being all dirty, and he said he didn't want to wash because it was dirt from fish camp!”²⁴⁸

Sts'meileq, Melvin Williams points out that the story of **Lhilheqey**, which tells us that her children sit behind her in stone, shows us that she is including them in the work she is doing as a guardian of the Fraser.²⁴⁹

In turn, there is a responsibility to participate in order to contribute to family and community well-being.²⁵⁰

Legal processes involved in sustaining the peoples and the territory include:

2.3h Asking permission of those with responsibility for particular territories or resources and following their direction or guidance.²⁵¹

Knowledge holders remind us that important resource locations in the Lower Fraser are ‘owned’ or cared for by particular families or individuals, and that permission must be obtained to use them. **Wileleg**, Ken Malloway notes:

*They had ways of doing weddings. They also had ways of dealing with berries. There was berry-picking patches and somebody owned them. Like the lady from Katzie she owned a cranberry patch. There's other people that owned blackberries... “Schwochom” people that owned wild potatoes here was these little tiny potatoes that were wild. There was people that owned those too.*²⁵²

Family relationships and intermarriage offer a pathway to accessing resources but permission must still be sought.²⁵³ As noted above, some resources may be owned by individuals, and there may be individuals within families who have particular responsibilities in relation to particular resources or locations.²⁵⁴

For example, reflecting on the *Story of Waut-salk*, Gabriel George notes that the story reminds Tsleil-Waututh that at that time “our people wouldn't do anything in the waters without checking with Waut-salk to make sure that our relatives in the water were going to be okay.”²⁵⁵ This story underscores “the role of individuals with specific gifts and cultural training” in stewarding the **sth'óqwi / scéłtən** and their habitat order in order to maintain access to an abundant food source.



249 Sts'meileq, Melvin Williams, Ch'iyaqtel (Coqualeetza Focus Group, July 17, 2019).

250 See e.g., Unknown, *A Man Eats his Sisters' Berries*.

251 George, *Story of Waut-salk*; George, *How Peace Came to the Tsleil-Waututh/Story of the Lions*; Joe, *Siwash Rock*; Pierre, *Eulachon Story*; Pierre, *Salmon Story*.

252 Wey-ileq, Melvin Malloway (Ch'iyaqtel Focus Group, August 14, 2019).

253 George, *How Peace Came to the Tsleil-Waututh/Story of the Lions*; Naxaxalhts'i, *NEB Transcript* at paras 2482-2483; George-Wilson, *NEB Transcript* at para 2976.

254 See s 2.2.c above.

255 George, *Story of Waut-salk*.

Pilalt knowledge holder June Quipp shares how access works in the context of her family fishing grounds – each family has their own and it’s up to them if they want to invite their relatives. Not any one person in the family makes this decision about who can fish, June says, “We all do.”

Knowledge of family connections and genealogy is also important to this process. *Naxaxalhts’i* explains:

So we needed to know who our auntie was up here or who our uncle was down there or who our grand-aunt was down there or whatever. Throughout our territory, we used that connection to go and access those different resources.

*So that was one way of doing it, was using those extended family connections. Like the late Rosaleen George or Yamalot said, you could just load up some of your belongings or some of the resources that you have from your community and just travel downriver to your relatives and share that with them and then they would be obligated to share their resources.*²⁵⁶

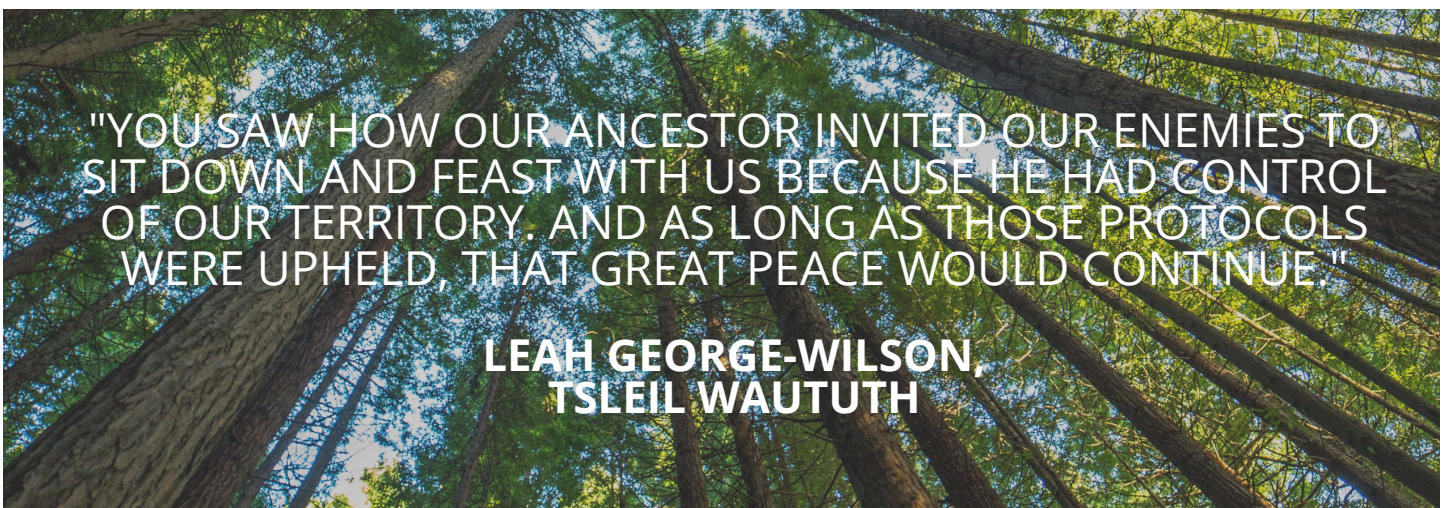
Leah George-Wilson notes: “If we were ever in a time of crisis and we didn’t have access to food to sustain us, we could use those protocols and access resources in other areas.”²⁵⁷

Through the process of inviting or giving others permission to access the territory and sharing resources, the peoples of the Lower Fraser demonstrate their exclusive control over their respective territories.

Reflecting on a Tsleil-Waututh story about two sisters whose request to invite their people's enemies to their coming of age feast brought lasting peace during a time of conflict and war,²⁵⁸ Leah George-Wilson notes:

*Tsleil-Waututh is not keeping people out. Tsleil-Waututh is inviting people in. And you saw that in that story. You saw how our ancestor invited our enemies to sit down and feast with us because he had control of our territory. And as long as those protocols were upheld, that great peace would continue.*²⁵⁹

However, as Leah notes, this is only possible if appropriate legal processes and protocols are followed. As discussed further below in *Volume 6: Inter-community and International Relations*, failure to follow proper legal processes and to ask permission before using resources leads to conflict. A variety of resolution processes existed, including negotiation and intermarriage.



256 Naxaxalhts’i, *NEB Transcript* at 2482-2483.

257 George, *NEB Transcript* at para 2971.

258 George, *How Peace Came to the Tsleil-Waututh/Story of the Lions*.

259 George-Wilson, *NEB Transcript* at para 2976.

LEGAL PROCESSES AND DECISION-MAKING

What are the legal processes?

2.4 Distinct legal processes are involved in defending the territory and dealing with threats

Processes involved in protecting or defending territory/dealing with threats include:

- 2.4a** Monitoring, observation and investigation.
- 2.4b** Reporting/sharing information.
- 2.4c** Leadership/dialogue in council (see also Volume 6).
- 2.4d** Developing a plan.
 - May include seeking guidance and/or following guidance offered.
- 2.4e** Action.
 - A crisis may be surmounted by following the instructions of persons with necessary knowledge to respond to the situation.



Story teller and sxwōxwiyám / s̓x̓wə̓x̓wəyém

2.4a

Cooper, *Mt. Cheam*
 Joe, *Cowichan Raid on the Chilliwack Tribe*
 Joe, *War Story*
 Joe, *Raven*
 Milo, *The Avalanche*
 Splockton, *About this Tribe*
 The Stee'lis, *The K-oā'antEl*
 The Stee'lis, *The Stseē'lis*
 Unknown, *Dog-Children*
 Unknown, *Story of Raven*
 Unknown, *A Man eats his Sisters' Berries*

2.4b

George, *Raven & Women Changing the Men*
 Joe, *Cowichan Raid on the Chilliwack Tribe*
 Joe, *War Story*
 Joe, *Women Changing the Men*
 Joe, *Koothlak*
 Milo, *The Avalanche*
 Unknown, *Story of Raven*
 Unknown, *A Man eats his Sisters' Berries*
 Uslick, *Grizzly Bear and his Two Wives*;
 Uslick, *Women Changing the Men*

2.4c

George, *Blue Jay*
 George, *Beaver & Women Changing the Men*
 Joe, *Cowichan Raid on the Chilliwack Tribe*;
 Kolleher, *Flood Story*;
 Kelleher, *Volcano*;
 Pierre, *Katzie Book at 34*

2.4d

George, *Beaver & Women Changing the Men*;
 George, *Raven & Women Changing the Men*.
 Joe, *The Sockeye*;
 Joe, *Women Changing the Men*;
 Milo, *How the Sockeye Learned to come up the River*;
 Milo, *Women Changing the Men*;
 Uslick, *Women Changing the Men*;

2.4e

Joe, *Cowichan Raid on the Chilliwack Tribe*;
 Joe, *War Story*;
 Joe, *The Sockeye*
 Joe, *Women Changing the Men*
 Kolleher, *The Flood Story*

Processes involved in protecting or defending territory/dealing with threats include:

2.4a Monitoring, observation and investigation.²⁶⁰

Monitoring and observation of the territory is an ongoing process, the importance of which in protecting and defending the territory is shown in a number of stories. For example, we are reminded of the importance of monitoring in the *Legend of Mount Cheam*. **Lhilheqey**, Mount Cheam is a young girl transformed into a mountain that serves as a guardian of the Fraser River and the fish. In her role watching over them, she is a witness to what is happening to the land, water and people.²⁶¹

There is also an ongoing responsibility to observe when out on the land, and to report findings. For example, in the story of the *Cowichan Raid* on the Chilliwack Tribe, told by **Si-la Joe**, the young men who were fishing observe a Cowichan war party, count the canoes and run home to warn their people. This principle is also shown in a humorous way in stories like *A Man eats his Sisters' Berries* where an observant younger sister sees through her brother's claim that enemies have attacked in order to steal all the berries they have picked, or similarly in Bob Joe's story *Raven II* where it is Raven's younger sister snail who hides and observes Raven eat all their berries then spill the salmon berry juice all over his head as if it was blood from an attack.

The importance of making observations on the land and about changes in environment is also shown in the story *The Avalanche* by Dan Milo.²⁶² In that story a boy used to go up to the mountain to hunt deer and other animals. Each time, he comes to a place where the skin cracks on the rock it gets wider and wider, until he couldn't jump over it. He warns his father and mother that he thinks the mountain is going to come down any time. The father tries to warn the other people but they don't believe him. The family moves, and shortly after, the mountain came down and buried everyone else. Dan Milo says that, "Sometimes people from around there hear them talking away in side the rock." The story teaches us that hunters who are regularly out on the land are well positioned to make observations about changes in the environment, and have the experience to draw conclusions about likely consequences of what they observe, which are important for people to heed.

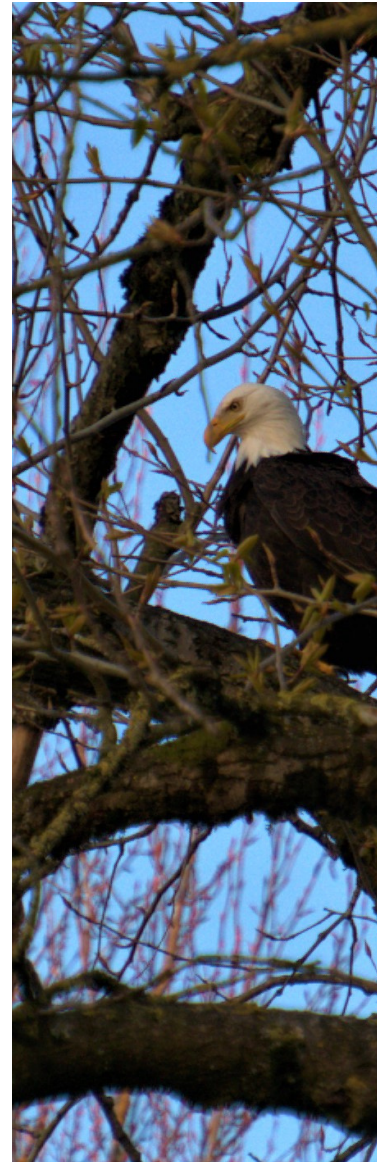
Not just observation but active investigation may be required for before developing a plan of action. For example, in *About this Tribe (Tsawwassen)*²⁶³ told by Joe Splockton and the *Dog Children* story²⁶⁴ the girls in the stories first observe and then investigate before acting (in these stories when they are suspicious that their dogs are really children).

Similarly, the creation story of the Sts'ailes explains that: "When the salmon didn't come up the Chehalis river to where **K-ulk-E'mEhil's** people were, **K-ulk-E'mEhil's** son set out to find the answer as to why." In doing so he discovers a weir that **Ts'ā'tsEmiltQ** has built. When **K-ulk-E'mEhil** explains the hardship that the people upriver were experiencing because the salmon were not coming up the river, the sons of **Ts'ā'tsEmiltQ** asked him to come down and eventually the whole tribe comes down. They intermarry and the Sts'ailes thus come to be.²⁶⁵

Story teller and sxwōxwiyám / s̓x̓wəx̓wəyém continued

2.4e continued

- Milo, *The Avalanche*
- Milo, *Women Changing the Men*
- Milo, *How the Sockeye Learned to come up the River*
- Uslick, *Women Changing the Men*



260 Cooper, *Mt Cheam*; George and Lucy Stee'lis, *The K-ō'antEl*; George and Lucy Stee'lis, *The Stseē'lis*; Joe, *Cowichan Raid on the Chilliwack Tribe*; Joe, *Raven*; Joe, *War Story*; Milo, *The Avalanche*; Splockton, *About this Tribe*; Unknown, *A Man eats his Sisters' Berries*; Unknown, *Dog-Children*; Unknown, *Story of Raven*.

261 Cooper, *Mt Cheam*; Jim, *Legend of Mount Cheam*.

262 Milo, *The Avalanche*.

263 Splockton, *About this Tribe*.

264 Unknown, *Dog-Children*.

265 The Stee'lis, *The Stseē'lis*

Processes involved in protecting or defending territory/dealing with threats include:

2.4b Reporting/sharing information.²⁶⁶

Related to the processes of observation, monitoring and investigation is the responsibility to report back to parents, community and leadership depending on the circumstances. For example, the *War Story*²⁶⁷ and the *Cowichan Raid on the Chilliwack Tribe*²⁶⁸ teach us that young people, even when out on the land for other purposes, have a responsibility to be observant and to report potential risks or harms to their people. In turn, adults who are informed of a potential threat by young people have a responsibility to take steps to confirm the situation and act to protect themselves and their community.

Similarly, as noted above, in the *Avalanche Story*,²⁶⁹ when the young hunter observes that there is a place where the skin cracks on the rock and that it is growing wider over time, he explains the situation to his parents and informs them that he thinks the whole mountain is going to come down. His father in turn warns the other Ts'elxwéyeqw people, although they do not take heed.

In the various versions of *Women Changing the Men*,²⁷⁰ a boy runs home to tell his starving mother that the men are hoarding the fish. He straps fish (or roe²⁷¹ depending on the version of the story) to his leg(s) to bring with him, thus bringing not only food for his mother but also tangible evidence of what he had seen/experienced.

Processes involved in protecting or defending territory/dealing with threats include:

2.4c Leadership/dialogue in council.²⁷²

When a community deals with a serious issue or threat leaders/the chief should convene a council so that the people can meet together to determine how to move forward. Once the problem has been identified and a course of action decided on, the leaders provide direction to carry out the plan. For example, in the *Flood Story* told by *Si-la* Harry Uslick, as the water rose higher and higher, "the greatest leaders called a council of the warriors and the doctors on the highest hill behind our village."²⁷³ The council observed that the hill would soon be overtaken by water and "the leaders ordered the young men to swim out and gather all the cedar planks so that they could make big rafts"²⁷⁴ Similarly, in the *Flood Story* told by Cornelius Kolleher, the Chief called a council of "his braves and temanwas men" who implemented a similar plan to build rafts with the great cedar planks the smokehouse. This allowed some Sts'ailes people to survive the flood.²⁷⁵

In the face of an impending raid on the by the Cowichan, *Si-la* Joe tells of how the leader called a war council, and then directed the people in what to do to carry out the plan.²⁷⁶ In that case, the women and older people took what they needed and went far out into the forest. The young men were to go down to where the canoes were and smash every canoe and paddle, then come up the river and wait to see the war party pass, before following them inside the houses. The people rolled blankets and left them on their beds to make it look like they were sleeping. They piled wood on fires so the war party could see and not use

266 George, *Raven & Women Changing the Men*; Joe, *Cowichan Raid on the Chilliwack Tribe*; Joe, *War Story*; Joe, *Women Changing the Men*; Joe, *Koohlak*; Milo, *The Avalanche*; Unknown, *Story of Raven*; Unknown, *A Man eats his Sisters' Berries*; Uslick, *Grizzly Bear and his Two Wives*; Uslick, *Women Changing the Men*.

267 Joe, *War Story*.

268 Joe, *Cowichan Raid on the Chilliwack Tribe*.

269 Milo, *The Avalanche*.

270 E.g., Milo, *How the Sockeye Learned to come up the River*; Joe, *The Sockeye*; Joe, *Women Changing the Men*; Uslick, *Women Changing the Men*; Milo, *Women Changing the Men*.

271 E.g., Joe, *The Sockeye*.

272 George, *Blue Jay*; George, *Beaver & Women Changing the Men*; Joe, *Cowichan Raid on the Chilliwack Tribe*; Kolleher, *Flood Story*; Kelleher, *Volcano*; Pierre, *Katzie Book* at 34.

273 Uslick, *The Flood*.

274 *Ibid.*

275 Kolleher, *Flood Story*.

276 Joe, *Cowichan Raid on the Chilliwack Tribe*.

torches to burn them down. When the Cowichan started coming out of the houses, the people attacked them. The Cowichan dropped what they had and ran to their canoes, but everything was smashed except one canoe. 20 of them got in the last canoe. The leader sent a runner to tell them not to kill those men so they could go home and tell of what happened. In this way, the Cowichan war party was tricked and only a few of them survived.

Processes involved in protecting or defending territory/dealing with threats include:

2.4d Developing a plan.²⁷⁷

- **May include seeking guidance and/or following guidance offered.**²⁷⁸

Even where a formal council is not called, those impacted by a problem, or who may have a role to play in finding a solution, should come together to develop a plan of action. In some circumstances, men and women may need to meet separately. This principle is shown in many versions of the *Women Changing the Men*²⁷⁹ stories. For example, Dan Milo tells how, after the boy comes home to tell his mother that the men were choosing not to share the fish with the starving women, the women “met together and planned” how to “fix the men” by transforming them into birds. Later, he recounts, a bunch of these men who were now birds met up at the Fraser River. They made a plan to go south with Beaver to where all kinds of fish were to steal the Sockeye baby and bring the Sockeye to the Fraser and its tributaries.²⁸⁰ By working together according to the plan, the various birds, rats/mice and beaver accomplish this goal.

Processes involved in protecting or defending territory/dealing with threats include:

2.4e Action.²⁸¹

- **A crisis may be surmounted by following the instructions of persons with necessary knowledge to respond to the situation.**²⁸²

All of the processes noted above relate to the responsibility to act in the face of a threat or challenge facing the people or territory. When monitoring, observation and investigation identify a threat, there is a responsibility to share this information with parents, community and leadership, who in turn have a responsibility to develop a plan and take action.²⁸³

277 George, *Beaver & Women Changing the Men*; George, *Raven & Women Changing the Men*; Joe, *The Sockeye*; Joe, *Women Changing the Men*; Milo, *How the Sockeye Learned to come up the River*; Milo, *Women Changing the Men*; Uslick, *Women Changing the Men*.

278 George, *Brother and Sister*; George, *The Big Serpent*; James, *Brother and Sister Story*; Milo, *Two-Headed Serpent*.

279 See e.g., Joe, *The Sockeye*; Joe, *Women Changing the Men*; Milo, *How the Sockeye Learned to come up the River*; Milo, *Women Changing the Men*; Uslick, *Women Changing the Men*.

280 Milo, *Women Changing the Men*.

281 Joe, *Cowichan Raid on the Chilliwack Tribe*; Joe, *War Story*; Joe, *The Sockeye*; Joe, *Women Changing the Men*; Kolleyer, *The Flood Story*; Milo, *The Avalanche*; Milo, *Women Changing the Men*; Milo, *How the Sockeye Learned to come up the River*; Uslick, *Women Changing the Men*.

282 Commodore, *Thunderbird*; Milo, *The Flood*; Uslick, *The Flood*.

283 Joe, *Cowichan Raid on the Chilliwack Tribe*; Joe, *War Story*; Kolleyer, *Flood Story*.

LEGAL PROCESSES AND DECISION-MAKING

What are the legal processes?

2.5 Major events outside community control (e.g., famine, floods, disease, colonialism) may be catalysts for human action but may also disrupt established legal processes.²⁸⁴

The *sxwōxwiyám / s̓x̓w̓ə̓x̓w̓əyém* discussed above demonstrate Indigenous law in action, showing how the ancestors responded to major historical events such as famine, floods and disease to ensure the survival and resilience of the people through time. At the same time, major events outside our control may also disrupt established legal processes.

For example, in the *7 Years* story recounted by *Si-la* Harry Uslick, by upholding her responsibility to share fish, even in a time of great scarcity, a woman was able to ensure the survival of the Sema:th people. However, it is implied, but not said in the *7 Years* story, that ceremony typically associated with marriage would not have been possible for the man and woman because they were the only survivors of the famine in that territory.²⁸⁵ This story suggests that where circumstances beyond the people's control make procedural norms, such as aspects of ceremony, impossible to perform, substantive legal rights and responsibilities may nonetheless remain intact.

Access to a people's full territory, including both low and high elevations and alternative fishing locations can help ensure the resilience and survival of humans if rare, catastrophic events occur.²⁸⁶ However, colonial laws have placed legal and physical restrictions on Indigenous peoples' occupation, use and access to their territories.²⁸⁷ Historically, European diseases resulted in dramatic population shifts and social dislocation. In many cases, these major events that connect the past and present compounded together, purposefully and directly to prevent the practice of Indigenous legal processes. As no culture or people is static in time, technological shifts in fishing and transportation have also influenced the way rights and responsibilities associated with fishing rights and techniques are understood and exercised by Indigenous peoples in the Lower Fraser.²⁸⁸

Although established processes may have been disrupted, the peoples of the Lower Fraser continue to both practice and revitalize their laws. The legal processes shown in the *sxwōxwiyám / s̓x̓w̓ə̓x̓w̓əyém* are being applied today to design new approaches to exercising jurisdiction and decision-making authority.

Part of the process of revitalizing Indigenous law in the Lower Fraser is the healing work of reinvigorating Indigenous legal processes which are based on *Xaxastexw te mekw' stam / x̓w̓əlív̓ənstəx̓w̓ t̓ə mekw̓* 'respect for all things'. This principle is being practiced today by guardians who monitor the land and water for threats, in ceremony in all its forms, and the way citizens uphold themselves.

**Story teller and
sxwōxwiyám /
s̓x̓w̓ə̓x̓w̓əyém**

2.5

Joe, *Cowichan Raid on the Chilliwack Tribe*
Kelleher, *Flood Story*
Kelleher, *Volcano Story*
Uslick, *7 Years*



284 Joe, *Cowichan Raid on the Chilliwack Tribe*; Kelleher, *Flood Story*; Kelleher, *Volcano Story*; Uslick, *7 Years*.

285 Uslick, *7 Years*.

286 Joe, *Cowichan Raid on the Chilliwack Tribe*; Kelleher, *Flood Story*; Kelleher, *Volcano Story*.

287 For example, the *Indian Act* outlawing of potlatch ceremonies and requiring Indian Residential School attendance.

288 Wileleq, Ken Malloway (Ch'i:yaqtel Focus Group, August 14, 2019).



ABOUT THE ORGANIZATIONS

LFFA

The Lower Fraser Fisheries Alliance (LFFA) is a voice for First Nations of the Lower Fraser River. The First Nation communities, members and leadership of the 30 First Nations from the mouth of the Fraser River to the Canyon are the foundation of LFFA's governance, with Fishery Representatives holding delegated authority representing their First Nation at LFFA forums on fisheries and aquaculture.

RELAW

The Revitalizing Indigenous Law for Land, Air and Water (RELAW) Program of West Coast Environmental Law began in 2016. Through RELAW projects, lawyers from West Coast work collaboratively with Indigenous nations to apply their own teachings and laws to an environmental issue. Guided by the Indigenous Law Research Unit (ILRU) Methodology, RELAW amplifies the stories and the wisdom of elders to support in developing written expressions of law and strategies for implementation and enforcement.

THE LFFA-RELAW PROJECT PARTNERSHIP CONTINUES

This Volume of the Legal Synthesis Report was drafted in 2020-21, and consolidates a two-year process of learning what stories, both *sxwōxwiyám / s̓x̓wə́x̓wəyém* and *sqwélqwel / sq̓wəlq̓wəl*, as well as Elder's knowledge teaches us about Indigenous laws related to watershed management and fisheries governance in the Lower Fraser.

The LFFA-RELAW partnership originated in the winter of 2018. The LFFA-RELAW team began researching, reading and discussing stories together on zoom from early to mid-2019. Beginning in the summer of 2019, we travelled and held 'focus groups' with knowledge holders of Lower Fraser First Nations to discuss stories relating to fish and water. When Covid-19 happened, this delayed further focus groups, so quote verification happened on the phone or zoom.

Moving forward, the intention is for the LFFA-RELAW Legal Synthesis Report to inform processes for developing an Indigenous-led Fish Habitat Restoration Plan and Climate Adaptation Strategy ("Strategy") for the Lower Fraser. The Strategy will be led by LFFA and its member nations, in collaboration with interested stakeholders and allies.



Left to Right: Leah Ballantyne, Naxaxalhts'i, Albert (Sonny) McHalsie, Rayanna Seymour-Hourie, Jessica Clogg

AUTHORS' NOTE

This report was drafted by Rayanna Seymour-Hourie, Jessica Clogg and Leah Ballantyne: the LFFA-RELAW team. This work is not meant to be static in time, rather it is intended to grow, be added to, and reflected upon.

We come to this work as legal allies amplifying the words and work of the peoples who have taken care of these territories for millennia. Rayanna Seymour-Hourie is Anishinaabe from Anishinaabeg of Naongashiing, Treaty 3 Territory in Ontario; Jessica Clogg is a settler who grew up in Mission, British Columbia; Leah Ballantyne, Mikisew Iskewew, is Nehithaw ota from Pukatawagan/Highrock in Treaty 6 Territory, northern Manitoba.

Most people only see the 'product' of work, such as this Report, but the magic really happened in the 'process' of coming together.

This learning experience enabled us to better understand the spirit of these territories we call home. Creating this report involved many people and we offer our sincere gratitude to all. Our personal experiences in reading stories, discussing stories, sitting and listening to elders share their origin stories, family history, and their lived experiences while eating some good food made by aunties was a profound learning journey for us all.



The RELAW Project
REVITALIZING INDIGENOUS LAW
FOR LAND, AIR & WATER

LFFA-RELAW PROJECT KNOWLEDGE HOLDER PARTICIPANTS

We are grateful to the 60+ knowledge holders who participated in our 6 focus groups. We are also grateful to rely on previously published materials from Gabriel George; Stakwsan, Marilyn Gabriel; Naxaxalhts'i, Albert (Sonny) McHalsie; Xwelíqwiya, Rena Point Bolton and many others named in the Story List below.

Audrey Phare, Sema:th	Julie Giroux, Xwchíyò:m
Bea Silver, Sema:th	Julie Malloway, Ch'iyáqtel
Bernice Graham, Sema:th	June Adams, Q'ets:i
Beverly Ryder, Xwchíyò:m	June Quipp, Xwchíyò:m
Bradley Charlie, Sts'ailes	Kelsey Charlie, Sts'ailes
Bryant Duncan, Q'ets:i	Kevin Charlie, Sts'ailes
Catherine Ned, Sema:th	Kwa:l, Lester Ned Sr., Sema:th
Cathy Malloway, Ch'iyáqtel	Lemxyaltexw, Dalton Silver, Sema:th
Charles Moody, Q'ets:i	Mary Tommy, Skwah
Cyril X. Pierre, Q'ets:i	Nancy Malloway, Ch'iyáqtel
David Graham, Sema:th	Patricia Louis, Ch'iyáqtel
Della Victor, Xwchíyò:m	Pilalt Knowledge Holder
Dianna Herrling, Sema:th	Planelmelh, Kelly Douglas, Xwchíyò:m
Dianne Kelly-Anderson, Soowahlie	Qwahonn, Johnny Williams, Sq'ewlets
Ed Pierre, Q'ets:i	Salacy-a-til, Phil Hall, Sq'ewqeyl
Eileen Pierre, Q'ets:i	Sema:th Knowledge Holder
Fred Quipp, Iwówes (Union Bar)	Sharon Phare, Sema:th
Frieda Malloway, Yakweakwioose	Skemookw, Henry (Lester Jr) Ned, Sema:th
Genevieve Douglas, Xwchíyò:m	Sts'mieleq, Melvin Williams Sr., Ch'iyáqtel
Gloria Williams, Ch'iyáqtel	Theresa Leon, Q'ets:i
Greg Commodore, Soowahlie	Troy Ganzeveld, Sema:th
Harry R. Pierre, Q'ets:i	Valerie Joe, Ch'iyáqtel
Helen Johnson, Q'ets:i	Wey-ileq, Melvin Malloway, Ch'iyáqtel
Iyeselwet, Edna Denise Douglas, Xwchíyò:m	Wileleq, Ken Malloway, Ch'iyáqtel
James Charlie, Sts'ailes	William Charlie Sr., Sts'ailes
John Kelly Sr., Sema:th	Xwexwoywelot, Brenda Malloway, Ch'iyáqtel
Julie Giroux, Xwchíyò:m	Yvonne Joe, Ch'iyáqtel

We also want to acknowledge the cultural coordinators who helped make these focus groups happen: Julie Malloway, Ch'iyáqtel; Lennie Herrling, Sema:th; Lori Kelly, Sema:th, and participant allies Peter Tallio from Nuxalk, Reuben Ware and Ken Cropely.

LFFA-RELAW LANGUAGE GLOSSARY

REFERENCES

halq'eméylem

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UPRIVER HALQ'EMÉYLEM

DOWNRIVER HƏ́NQƏ́MÍ́NƏ́M

ENGLISH

STORIES

sqwélqwel

sqwəlqwəl

'true stories' / 'true news' / 'family history' / 'oral stories'

sxwōxwiyám

sx̣wə́x̣wə́yém

'oral histories describing the distant past' / 'tell stories'

LAW / TEACHINGS

s'í:wes

'teaching(s)'

slha:éywelh ~ snoweyelh snə́wə́yət

'law' / 'teachings in your mind that command you to be good'

swá:lewel ~ sqwálewel

'breathing life into your words' / 'breath and sacredness of passing on oral tradition' / (literally) 'words/talk inside the head' / 'works/talk in the inside'

sqwà:ls ta'syuwá:lelh

'words of your ancestors'

xə:xə

'sacred/secret'

xwlalá:m ~ xwlalám

'listen to'

CEREMONY

sxwó:yxwey

sx̣wə́ỵx̣wə́y

'mask'

LFFA-RELAW LANGUAGE GLOSSARY

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HƏ́ŃŃƏMÍŃƏM

ENGLISH

CEREMONY CONTINUED

xwelmexwáwtxw

'Longhouse' / 'smokehouse' / 'great ceremonial house'

xwlalámstexw

'call to witness'

lheqqwóqwel ~
lheq qwóqwel

šqwiqwéí

'speaker at a gathering, announcer at a gathering' / '(hired) speaker'

LAND / WATER

Lhemqwó:tel

'you can get anything you need off the land, but you have to look after it' (Sts'ailes place name)

S'ólh Téméxw

sʔáʔt tэмəxʷ

'our land' / 'it's our land'

s'ólh tэмéxw te íkw'elò

sʔáʔt tэмəxʷ tə
ʔi kʷəhá

'this is our land'

stó:lō

stáləw

'river'

Stó:lō

sqʷa nʔiləʔt stáləw

'Fraser river' / 'river of rivers'

téméxw

tэмəxʷ

'earth' / 'land' / 'ground' / 'the earth' / 'the world'

xólhmet te
mekw'stám ít kwelát

xáʔtəmət ct məkʷ
scékʷəl'ʔə kʷə
swéʔct

'we have to take care of everything that belongs to us'

SPRITUAL, PHYSICAL AND LINGUISTIC CONNECTION

lets'emó:t ~ lets'emót

nə́caʔmat

'we are one small part of a whole with our thoughts, feelings, and hearts' / 'one heart, one mind'

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ENGLISH

SPRITUTAL, PHYSICAL AND LINGUISTIC CONNECTION CONTINUED

syesyewálelh	syəwenə†	“all one’s ancestors’ / ‘collectivity of the spirits of those who came before us, the ancestors, all beings that share the earth with us today’
áxwestel	?ax ^w əstəl’	‘reciprocity’ / ‘reciprocal giving’
shxwelí	šx ^w əlí	‘life force’ / ‘spirit/soul’
xwélməxw	x ^w əlməx ^w	‘people of the land’ / ‘human beings who speak the same language’

TIME

temhilálxw	təmhaylénəx ^w	‘time when the leaves fall’ / ‘autumn’ / ‘time of falling and rolling leaves’
temkw’ó:kw’es	təmk’wálək ^w əs	‘hot time’ / ‘summer’
temqw’íles ~ temqw’éyles	təmq’wíləs	‘when everything comes up’ / ‘spring’ / ‘time to sprout up’
temxéytlí’ ~ temxé:ytl’thet	təmxéy’l	‘cold time’ / ‘winter’
xets’ô:westel		‘put away paddles for winter’

FISHING / HARVESTING FISH

hóliya/húliya	hu:n	‘Pink’
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LFFA-RELAW LANGUAGE GLOSSARY

UPRIVER
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ENGLISH

FISHING / HARVESTING FISH CONTINUED

kw'ekw'e'liqw		'head sticking up or facing up' / 'original name of Sumas Mtn because of sturgeon in the mud during flood story and when they drained the lake'
Kw'ó:lexw	k ^w aləx ^w	'Chum'
kwǝxweth	k ^w əx ^w əθ	'Coho'
pókw'	p ^k wé ^ʔ n ^x w	Upriver: 'Sts'ailes spring salmon' / 'Harrison River spring salmon' / 'smoked salmon' Downriver: '(as salmon) smoke fish' / 'smoked salmon'
Qéywx	Qiwx	'Steelhead'
skwó:wech ~ skwówech	q ^w tá ^ʔ yθən	'sturgeon'
Sq`eptset Syoyes Sth`o'th`equwi	yá·yástəl' nəx ^w scəlscé·tən	"fishers working together"
sq'éyle		'preserved fish or meat (usually fish)' / 'wind-dried or smoked salmon' / 'what is stored away'
sthéqi	sθəqəy	'Sockeye salmon'
sth'óqwi	scé ^ʔ tən	'salmon' / 'salmon any kind, not trout or sturgeon'
swí:we	swí?wə ~ swíwə	'eulachon'
tl'élxxel	st' ^θ aq ^w əy	'Spring salmon'

LFFA-RELAW LANGUAGE GLOSSARY

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ENGLISH

ROLES

éliyá		'he knows it' / 'he knows everything' / 'person who predicted salmon runs and how other natural foods like berries or game would be so the people could prepare' / 'to dream, to have a vision'
skwí:x ~ skwíx	šk ^w él'əx	'names'
shxwlá:m	šx ^w néʔem	'Indian doctor'
si:ateleq		'individual who is responsible for knowing about the genealogy of those who were permitted to fish, when it was appropriate to fish and for providing opportunities for family members to fish and hang fish to dry'
sí:yá:m	səyém ~ síʔém	'respected leader'
smelá:lh	smənaʔaʔ	'elite families' / 'respected person' / 'high class person'
selsí:le	səlsílə	'grandparents', 'grandfathers, great uncles', 'grandmothers, great aunts'

BEINGS

Chíchelth Siyám	cicəʔ siʔém	'Creator'
mimestíyexw	məlíməstéyəx ^w	'little people'
sásq'ets		'sasquatch'

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ENGLISH

BEINGS CONTINUED

shxwexwó:s

sǰwəxwáʔas ~
šxwəšwáʔas

'thunderbird'

sílhqey

'two-headed serpent'

s'ó:lmexw

'water babies' / 'underwater
people'

stl'áleqem

sǰəl'éləqəm

'supernatural beings' / 'fierce beings'

tel swayel

təlswéyələməx

'sky born people'

šeʔšéʔl's

'transformers' / '3 sons and 1
daughter of Red Headed
Woodpecker and Black Bear'

LFFA-RELAW LANGUAGE GLOSSARY

HALQ'EMÉYLEM GUIDING PRINCIPLES

shared by Naxaxalhts'l, Sonny McHalsie (hánqəmínəm courtesy of Cheyenne Cunningham)

UPRIVER
HALQ'EMÉYLEM

DOWNRIVER
HÁNQƏMÍNƏM

ENGLISH

Ewe chexw qelqelilt
te mekw' stam loy
qw'esli hokwex yexw
lamexw ku:t

ʔəwəteʔ čx^w
qelqeliltəx^w tə
mek^w. stem čx^w
k^wənət ʔə wə
hak^wexəx^w ʔal'

'Don't ruin (waste, destroy)
everything, you just use what you
take.'

Eyem mestiyexw
kwo:l te shxweli
temexw

ʔəyám məstəyəx^w
k^wan tə šx^wəlí

'strong people from birth to spirit
life.'

Ma:mt' lam te mekw
wat

nem mək^w
ʔex^weʔtəl'

'share with everybody' /
'everybody share with each
other'

S'iwes Toti:lt Q'ep

syəθəstəl' ʔəy səlíq
tátələt

'teaching each other and learning
all together.'

S'ólh Téméxw te
ikw'elò.

sʔáꞤtéməx^w tə ʔi
k^wəhá.

'This is our Land.'

Xólhmet te mekw
stám ít kwelát

xáʔtəmət ct mək^w
ʔə k^wə swéʔs

'We have to take care of everything
that belongs to us' / We have to take
care of everything that belongs to
everyone.'

Shxw'eywelh
mestiyexw

ʔi x^wíləq məstiyex^w

'A generous person'

Ts'í:tem te Yewál
Sth'óqwi

ʔi cíꞤtəm ʔəy
yéwtəm tə
scéꞤtən

'Thanking and praising the
Salmon'

Wiyóth kw'ses ikw'eló
kw'es stá tset

ʔiʔətə syəwáháʔct
weyaθ

'We have always been/lived here'
'our ancestors before us have
always been here'

Xaxastexw te mekw'
stam

x^wəlíwənstəx^w tə
mek^w

'respect for all things' /
'he/she respects/honours
everything'

Xw'éywelh

wəháənəw
x^wʔeyíwən tə
məsteyəx^w

'good-hearted, kind-hearted,
kind, generous, helpful, easy-
going, good-natured'

'a very good-hearted person'

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