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Reimagining Land Use, Value and Aboriginal-Industry  
Relations in Northeast British Columbia Through  
Traditional Land Use Studies

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## INTRODUCTION

Recent reactions to North American oil and gas projects, such as the proposed Keystone XL pipeline and the Enbridge Northern Gateway Pipeline, as well as the push for hydraulic fracturing (fracking), highlight these large-scale extractive ventures as contentious spaces within which different groups make claims about the environment, tradition, health, risk, knowledge, and community life. In this vein, today I'd like to discuss a growing trend in northeast British Columbia's (NE BC) oil and gas country: the use of Traditional Land Use studies (TLU studies) in environmental impact assessments (EIAs) for energy development projects. TLU studies generally involve the collection and mapping of quantitative and qualitative information about land-based practices defined as "traditional" or "cultural" by Aboriginal communities. Essentially, they are a discursive tool used by Aboriginal communities to position themselves vis-à-vis industry, within the context of determining the likely environmental and social impacts of oil and gas projects.

I suggest that these studies must be understood as more than simply inventories of aboriginal knowledge and practices to help manage the impacts of development project. Rather, they constitute a (relatively) new space of cultural production within which Aboriginal peoples<sup>i</sup> are constructing and performing meanings and identities *in conversation with* industry, the state, the regional economy, the environment, and their own histories and visions for the future. I consider how TLU studies, as sites of struggle and production, articulate with two larger spaces/processes<sup>ii</sup>: 1) the regional oil and gas economy; and 2) aboriginal rights and title claims. **My consideration turns on two ethnographic moments which reflect the charged and multiply-occupied spaces within which Aboriginal peoples in NE BC are using TLU studies to reimagining their relationships with industry and with the state.**<sup>iii</sup> My approach is informed by literature from political ecology and social practice theory<sup>iv</sup>, as well as the growing body of work dealing with the cultural and environmental politics of co-management in Canada.<sup>v</sup>

For the past several years, I've worked as a consulting anthropologist in BC, engaged by Aboriginal<sup>vi</sup> communities to help them navigate provincial and federal EIA processes for large-scale energy projects (oil and gas, mining, hydroelectric, hazardous waste management and wind power.) The communities with whom I work are frustrated by state and industry attempts to direct their involvement in the EIA

process.<sup>vii</sup> They are interested in designing and carrying out their own research to document and interpret the places, practices and meanings they associated with traditional<sup>viii</sup> use on their lands.<sup>ix</sup> While my day-to-day work involves research design, training community members in ethnographic methods, visiting and mapping special places on the land, and meeting with industry representatives, it is vital to not lose sight of the embeddedness of this work within (and in conversation with) larger historical and contemporary structures of economy, power, dispossession, poverty and science, among others. Writing this paper has been a chance to reflect on some of my recent project work with an anthropological lens.

## TLU STUDIES & THE LANDSCAPE

TLU studies have been a part of the Canadian scene for over three decades, beginning with the iconic 1976 Inuit Land Use and Occupancy Study<sup>x</sup> conducted in response to concerns about poorly-regulated development projects on Inuit lands. While TLU studies are still most common in the Canadian North, their popularity is growing in the booming oil and gas country to the south – namely in NE BC and next door, in the oil sands region of Alberta. Touted by industry and the state – and even some Aboriginal communities – as an effective means to document and protect Aboriginal land interests, TLU studies are much more than inventories and anecdotes; they are highly-politicized processes for defining relationships, authenticating (and delegitimizing) knowledge, constructing and re-figuring the meanings associated with “traditional” activities.<sup>xi</sup> Optimists argue that their widespread acceptance and use indicates willingness on the part of government and industry to recognize and accommodate Aboriginal interests on the land. Sceptics argue that TLU studies are carried out within existing political power structures in ways that *maintain* state control over lands and peoples. While I tend to agree more with the sceptics, I do argue that too little attention is paid to the *agency* of Aboriginal peoples who are using TLU studies as novel spaces to engage with industry and the state as they work to make sense of and shape their own future in oil and gas country.

Through TLU studies, community members address questions such as: What is the contemporary significance of hunting, trapping, fishing and gathering in community life? How have traditional practices, places and resources (and the meanings associated with them) changed over time? TLU studies are also opportunities to engage with industry and the state to address questions such as: What

is the value of a trapline in relation to potential job opportunities in oil and gas? and How might the significance of a gathering area documented through a TLU study be framed in a way that strengthens an ongoing land claim? In short, TLU studies are spaces for figuring – spaces where participants address themselves and others to make claims about what it means to “be Aboriginal” in a particular place and time.

## TLU STUDIES AND THE REGIONAL OIL AND GAS ECONOMY

In the summer of 2009, I was invited by a client to attend a symposium in the territory of the Wet’suwet’en Nation, in northwest British Columbia. Twenty-three Aboriginal communities and nations with territories stretching from the northern BC coast, all the way to the heart of the Alberta oil sands were gathered to discuss the proposed Northern Gateway Pipeline, an 1,100 km-long twinned pipeline designed to carry oil products between Edmonton, AB and a new marine terminal in Kitimat, BC. The aim of the meeting was to share information and to construct a cohesive Aboriginal response to the Project. Discussions were impassioned, and largely revolved around the potential negative impacts of the Project on traditional use. As the meeting progressed, I was struck by the diversity of carefully constructed discourses used by community representatives to position themselves in relation to the pipeline project, the land, the federal government and neighbouring Aboriginal groups.

Almost without exception, Aboriginal communities in NE BC – those whose territories coincided with oil and gas country – assumed that this pipeline project would proceed. The others had, after all. In contrast, Aboriginal groups from NW BC coast were adamant that the Project would not proceed, as the expected adverse impacts were unacceptably high.<sup>xii</sup> With the exception of some impacts from tanker traffic, these coastal communities have not had significant experience with intensive energy projects on their lands.<sup>xiii</sup>

As I listened to the Chief of a coastal First Nation discussing the centrality of fishing to his community’s identity and economy, my client, a young woman from an Aboriginal community in the NE, sighed. “It’s going to happen,” she whispered. “The pipeline’s going to happen. It’s more useful to talk about what we can do to get involved and benefit.” I understood her comment in the context of the TLU study that I was helping facilitate in her community, where participants were keen to document places on the land

where their grandparents and great-grandparents had hunted and trapped until development projects made these practices difficult, if not impossible, beginning in the 1970s. They did not envision their TLU study as a tool for stopping development; rather they were interested in using it to demonstrate their long presence on the land in order to negotiate “benefits sharing agreements” with industry, including jobs and funding for local economic development initiatives.

The differences in the discourses of eastern and western leaders – both about the pipeline itself, and the role of TLU studies – can be understood within the context of the communities’ differing experiences with oil and gas projects. Energy development has been a mainstay of the NE BC landscape and economy for decades; pipelines and related infrastructure criss-cross the landscape, and have throughout the living memory of most people in the region. Along with this development has come a corresponding distancing from what local people term “traditional” land-based practices. Not only are these practices made more difficult by access and quality issues, but Aboriginal engagement in the regional oil and gas economy has resulted in changes to settlement patterns; year-round work in this sector often requires leaving one’s home community, which impacts one’s ability to participate in traditional practices.

All this is *not* to say that traditional land use is no longer important to those communities in oil and gas country, or that they have lost their cultural identities and knowledge; not at all. I suggest that the meanings associated with of “traditional use” have *shifted*, and are being refigured in the context of the contemporary economy and landscape. For instance, for this particular community, building a cultural centre was a higher priority than protecting long-inaccessible hunting grounds from further disturbance. Like Holland and other social practice theorists, I view these changing meanings and practices as resources that local people draw on to situate themselves in relation to others, to the land, to the past, and to the future. TLU studies afford a space within which communities can collect and interpret their own information about traditional use in ways that resonate with contemporary community life. The data they gather is a resource for personal and collective identity-making, and for positioning themselves in relation to state and industry within highly-politicized, shifting fields of power.

## SQUARE POLYGONS, AND ABORIGINAL TITLE AND RIGHTS

The second ethnographic moment I'd like to share with you speaks to the entanglement of TLU studies with larger issues of Aboriginal title and rights. Several weeks ago, I received a letter from an attorney representing one of the communities with whom I work. "The information on these maps is too general." He was irritated. "It looks like several people simply drew lines around the map sheet boundaries," he wrote. "For example [the TLU study] recorded people as saying that they hike *all around* Fort St. John, or that they fish *all along* North Creek. These statements are too general for us to use." Following up, I learned that he had just received a bundle of new maps and interview notes completed as part of a TLU study. About a year ago, my colleagues and I trained several community members to conduct ethnographic interviews, and to facilitate mapping exercises with local knowledge holders to record specific places on the land where they engaged in traditional activities. These places are recorded on maps as points, lines and polygons, along with corresponding qualitative data. I hadn't yet reviewed this batch of interviews and maps, but I knew the area, and the particular project slated to take place there, so I had a fairly good idea what was going on. The project was proposed on a culturally and politically significant parcel of land, and community members were worried that this development would further alienate them from the land, resulting in an infringement on their aboriginal rights.

Because "traditional land use" is tied to aboriginal cultural and identities (another complex, hot button topic), TLU studies are inescapably bound up with legal issues of aboriginal rights and title, which are recognized and protected under the Canadian Constitution. After centuries of dispossession and separation from lands and resources (often based on unfounded state assertions of *terra nullius*) some TLU participants are unwilling to leave any "white space" on their traditional use maps, for fear that these areas will be interpreted by industry and the state as unused, unimportant and "up for grabs". The result is sometimes an entire TLU map sheet denoted as a single, square polygon of general use.

These square polygons can be understood as a discursive strategy by Aboriginal peoples to assert rights and title claims in a forum removed from the courts and the negotiations tables, but still within the purview of state power structures. This is where the TLU studies can get even messier. From an anthropological research perspective, TLU projects are not designed to produce comprehensive evidence of traditional use for rights and title claims; that type of research is a different beast.<sup>xiv</sup> They

are short-term, project-specific assessments of traditional use to be used in EIA processes. The letter I received from the attorney worried me, not because of the square polygons, but because of the apparent misunderstanding of how this data should (should not) be interpreted. This instance points to the larger, problematic entanglements of TLU studies with title and rights claims in oil and gas country, and it once again highlights TLU studies as sites of cultural production and contestation – sites that can help us to make sense of the prickly, shifting relationships between Aboriginal peoples and the state.

## CONCLUSION

As a practicing anthropologist, I am sceptical of the *real* possibilities for the meaningful integration of TLU studies, in their current form, into the environmental assessment process, and more broadly, into existing land and resource management regimes. I've pointed to just two of the *many* multiply contested, power-laden spaces within which they take place. Certainly, Aboriginal communities are acting as agents, occupying and working to transform these spaces; however, today in NE BC, there is little reason to think that existing power structures will be fundamentally transformed through the TLU process. So why do Aboriginal communities continue to push the state and industry to support these studies as necessary precursors to energy development projects? Perhaps it is because they *do* afford a new space for figuring meanings, knowledge and identities in a time and place where such spaces are hard to come by. Despite the critical eye through which I view the TLU process, the fact remains that the communities with whom I work do see merit in the process; it is allowing them to further crack open new spaces and conversations with others interested in the future of the land.



## BIBLIOGRAPHY

- Angell, Angela C. and John R. Parkins. 2010. "Resource Development and Aboriginal Culture in the Canadian North." *Polar Record*. 47(240):67-79.
- The Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.
- Daly, Richard. 2005. *Our Box Was Full: An Ethnography for the Delgamuukw Plaintiffs*. Vancouver: UBC Press.
- Descola, Philiipe and Gísli and Pálsson. 1006. *Nature and Society: Anthropological Perspectives*. London: Routledge.
- Dombrowski, Kirk. 2002. "The Praxis of Indigenism and Alaska Native Timber Politics." *American Anthropologist*. 104(4):1062-1073.
- Dombrowski, Kirk. 2001. *Against Culture: Development, Politics, and Religion in Indian Alaska*. Lincoln: University of Nebraska Press.
- Escobar, Arturo. 1998. "Whose Knowledge, Whose Nature? Biodiversity, Conservation and the Political Ecology of Social Movements." *Journal of Political Ecology*. 5:53-82.
- Freeman, Milton. 1976. *Inuit Land Use and Occupancy Project*. Ottawa: Thorn Press Ltd.
- Haida Nation v. British Columbia. 2004 SCC 73, [2004] 3 S.C.R. 511.
- Holland, Dorothy C., William Lachicotte, Jr., Debra Skinner, and Carole Cain. 1998. *Identity and Agency in Cultural Worlds*. Cambridge, MA: Harvard University Press.
- Holland, Dorothy C. And Jean Lave. 2001. *History in Person: Enduring Struggles, Contentious Practice, Intimate Identities*. Santa Fe: School of American Research Press.
- Holland, Dorothy C., Gretchen Fox and Vinci Daro. 2008. "Social Movements and Collective Identity: A Decentered, Dialogic View." *Anthropological Quarterly*. 81(1):95-126.
- Ingold, Tim. 2000. *The Perception of the Environment: Essays in Livelihood, Dwelling and Skill*. London and New York: Routledge.
- Kitchell, Anne, Willett Kempton, Dorothy Holland and Danielle Tesch. 2000. "Identities and Actions within Environmental Groups." *Human Ecology Review*. 7(2):1-20.

- Menzies, Charles, ed. *Traditional Ecological Knowledge and Natural Resource Management*. Lincoln: University of Nebraska Press.
- Mikisew Cree First Nation v. Canada. 2005 SCC 69, [2005] 3 S.C.R. 388.
- Nadasdy, Paul. 2003a. *Hunters and Bureaucrats: Power, Knowledge and Aboriginal-State Relations in the Southwest Yukon*. Vancouver: UBC Press.
- Nadasdy, Paul. 2003b. "Re-evaluating the Co-Management Success Story." *Arctic*. 56(4):367-380.
- Nadasdy, Paul. 2005. "The Anti-politics of TEK: The Institutionalization of Co-Management Discourse and Practice." *Anthropologica*. 47(2):
- Natcher, David C. 2001. "Land use Research and the Duty to Consult: A Misrepresentation of the Aboriginal Landscape." *Land Use Policy* 18(2): 113-122.
- Paulson, Lisa and Susan Gezon. 2005. *Political Ecology Across Spaces, Scales and Social Groups*. New Brunswick: Rutgers University Press.
- Procter, Andrea. 2005. "Power relations and the construction of traditional ecological knowledge in the Canadian North." *Cracks in the Ice: Current Arctic Anthropological Research*. S. Bauer, S. Donecker, A Ehenfried, and M. Hirsperger, eds. Vienna: LIT Verlag (in German).
- Spaeder, Joseph J. And Harvey A. Feit. 2005. "Co-Management and Indigenous Communities: Barriers and Bridges to Decentralized Resource Management." *Anthropologica*. 47(2):147-154.
- Spak, Stella. 2005. "The Position of Indigenous Knowledge in Canadian Co-management Organizations." *Anthropologica*. 47(2):233-246.
- Taku River Tlingit First Nation v. British Columbia. 2004 SCC 74, [2004] 3 S.C.R. 550.
- Tester, Frank James and Peter Irniq. 2008. "*Inuit Aqujimajatuqangit: Social History, Politics and the Practices of Resistance*." *Arctic*. 61(1):48-61.
- Tobias, Terry N. *Living Proof: The Essential Data-Collection Guide for Indigenous Use-and-Occupancy Map Surveys*. Vancouver: EcoTrust Canada and the Union of BC Indian Chiefs.

<sup>i</sup> I use the term aboriginal peoples to refer to the peoples, communities and nations engaging in TLU studies. All of the people and communities with whom I have worked in northeast BC have self-identified as aboriginal peoples, and are recognized as holding aboriginal rights in Section 35 of Canada's *Constitution Act 1982*.

<sup>ii</sup> Indeed, TLUs intersect and dialogue with many more than two fields, such as local cultural identity, and public and environmental health, to name just a few. Given the allotted time for delivery of this paper, I consider only two of the many space of cultural production within which TLUs are situated.

<sup>iii</sup> The primary focus of this paper is not to analyze or critique TLU studies as effective or ineffective; that's a different paper, one that should be written. Rather, this paper considers the role of these studies as a productive, dialogic space for reimagining meanings, values and relationships.

<sup>iv</sup> Holland and Lave 2001; Holland, et al. 1998; Descola and Pálsson 1996; Ingold 2000; Escobar 1998; Paulson and Gezon 2005

<sup>v</sup> Nadasdy 2003a, 2003b 2005; Spaeder and Feit 2005; Spak 2005; Menzies 2006.

<sup>vi</sup> In this paper, I use the term aboriginal peoples to refer to the peoples, communities and nations engaging in TLU studies. All of the people and communities with whom I have worked in northeast BC have self-identified as aboriginal peoples, and have been recognized as holding aboriginal rights by Canada's *Constitution Act 1982*.

<sup>vii</sup> Assessment and consideration of impacts to aboriginal cultural heritage is a required EIA component.

<sup>viii</sup> "Traditional" is used in this paper – in the context of "traditional land use" – because, in most cases I have encountered, that is how local people describe it. Of course, I, and the communities with whom I work, understand that "traditional" includes an ever-evolving suite of practices and meanings. It describes both historic and contemporary "traditions."

<sup>ix</sup> Some of the communities with whom I work are signatories of either Treaty 8 or Treaty 6, while others have never entered into treaties. To this point in my work, I have not considered how treaty adherence impacts (or doesn't) Aboriginal peoples' approaches to and experiences with traditional use studies in the context of environmental assessment. This would be an interesting topic for future research.

<sup>x</sup> Freeman 1976.

<sup>xi</sup> TLU studies, as I describe them, differ from the TEK studies, which are more qualitative investigations of local knowledge about species, ecosystems and biophysical processes.

<sup>xii</sup> The cultural politics of TLU studies in coastal BC is equally compelling, however here I will focus on the NE.

<sup>xiii</sup> This is changing with the proposed Northern Gateway Pipeline, as well as with run-of-the-river and wind turbine projects touted as more environmentally friendly.

<sup>xiv</sup> See, for instance, Daly 2005.