

Ethnohistory Field School Report 2011

“You Don’t Have to Have Proof Between *Us*”: Contemporary Issues with Stó:lō Fishing Sites

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The relationship between the Stó:lō and salmon has always had a deep cultural and spiritual meaning. Throughout the Stó:lō's vast history, interaction and relationships in their traditional territory have placed great importance on extracting salmon from the Fraser River. Fisherman Ernie Crey relates, "We are salmon people. The history of salmon in this part of the world is my own people's history. The salmon, and the Fraser River, define who we are."¹ With such a profound connection to the river and salmon fishing, the sites from which Stó:lō people catch the fish on the Fraser River are thus equally as important. Indeed, occupation of a salmon fishing site goes far beyond mere recreation or sustenance; it is fundamental to maintaining and preserving cultural, economic, and spiritual ties for the Stó:lō who gather every year to harvest the plentiful salmon runs. The fishing site, in a certain way, is a cosmological access point to Stó:lō ancestry.

Maintaining this relationship to the salmon and the river has not been easy. Traditional methods of fishing were disrupted over one hundred years ago with increased colonial presence on the Fraser. Beginning in the 1880s with regulatory legislation such as the *Fisheries Act*, government authorities sought to wrangle control of the fishery out of Aboriginal hands, which continued throughout the

¹ Keith Carlson, ed., *You Are Asked To Witness: The Sto:lo in Canada's Pacific Coast History* (Chilliwack, BC: Sto:lo Heritage Trust, 1997), 140.

twentieth century.² As legislation continued, Stó:l̓ fisherman were at the mercy of policies regulating fishing technologies, catch limits, and licensing.³ Forced to accommodate encroaching European settlers and their imposed restrictions, the Stó:l̓ found themselves in the difficult position of preserving cultural practices while walking the tightrope of colonial politics on their traditional land. Adaptation was key—maintaining sites, passing on ownership and access to the fishery continued in the wake of increased changes and restrictions brought on by government takeover.⁴

Thus, the fishing sites themselves have had a contentious history in the decades after government impediment. But how have contemporary Stó:l̓ salmon fishers maintained cultural practices after such colonial disruptions? This paper will analyze a sampling of Stó:l̓ salmon fishing sites and the various ways these places have been inherited, protected and maintained in the many years after regulation of traditional Stó:l̓ salmon fishing. By doing so, a number of issues come to light. Though the fishing sites have always been a point of contention between the Stó:l̓ and regulatory bodies controlling the fishery, they are also sites of contention among the Stó:l̓ themselves. Given their cultural and economic value, ownership of a fishing site is often a heated debate among contemporary fishermen who sometimes come into conflict over occupation of these spaces. At times, family histories are challenged as the Stó:l̓ continue to practice the passing of hereditary

² Reuben Ware, *Five Issues, Five Battlegrounds: An Introduction to the History of Indian Fishery In British Columbia, 1850-1930* (Sardis, BC: Coqualeetza Education Training Centre for Sto:lo Nation, 1983), 12.

³ Ibid.

⁴ Katya MacDonald, "Crossing Paths: Knowing and Navigating Routes of Access to Sto:lo Fishing Sites," *Research Review* 2, no. 2 (Spring 2009): 37.

sites through family names. At other times, family members themselves challenge each other over who is best suited to maintain and govern the inherited site. Interlopers attempt to occupy a fishing site regardless of familial ownership, erupting arguments over traditional indigenous law. In this way, the contemporary Stó:lō fishing site has become an area where these issues among the Stó:lō come to the fore, to which they seek amends in a way that validates and emphasizes culture and tradition above all else.

Historiographical accounts of the fishery have been borne out of tensions between Native and Newcomer in British Columbia. Legal historian Douglas C. Harris exemplifies in *Fish, Law and Colonialism: The Legal Capture of Salmon in British Columbia* the use of law to vie for control of the profitable salmon fishery. His argument pits corporate and legislative Dominion power against traditional Native law, stating, “The history of the conflict over fish in late nineteenth-century and early twentieth-century British Columbia is the history of conflicting legal cultures.”⁵ However, as much they conflicted with each other, Native law was never fully extinguished and co-existed alongside state impositions of “licenses and leases.”⁶ As well, in Douglas’ second work on the First Nation’s fishery in the province, *Landing Native Fisheries: Indian Reserves & Fishing Rights in British Columbia*, he uses examples of reserve geography and colonial land policy to argue for Native ownership of the fishery, citing that “native control of the fisheries was unchallenged until the 1870s when with the introduction of canning technology,

⁵ Douglas C. Harris, *Fish, Law and Colonialism: The Legal Capture of Salmon in British Columbia* (Toronto: University of Toronto Press, 2001), 4.

⁶ *Ibid.*, 208.

Anglo-settler society's attention turned toward salmon."⁷ Once again, state legislation and corporate power is used to regulate Native ownership and access to the fishery.

In this way, the historiographical discourse related to the fishery has been one that extensively analyzes the contentious relationship between Native and Newcomer. This has made the dialogue regarding the fishery understood primarily in legal terms as dictated under Canadian law. What has little been discussed is how indigenous legal systems play out in the post-colonial world. By examining active and non-active Stó:lō fishers of the Fraser Canyon, we are able to unearth how traditions regarding salmon fishing, and thus the fishing site, play out on the local level. In this way, we can document how the Stó:lō are discussing and understanding conflicts arising amongst their own people in reference to the fishery.

In seeking out these opinions and perspectives on contemporary Stó:lō fishing sites I was able to speak to a number of current and former fishers in the Chilliwack area. In our discussions, the subject matter varied in reference to their fishing sites (or former sites in some cases), and were broadly based around accessing the site, handing down ownership through family, who fishes there, what the fish is used for, and whether or not there had been conflict over the site. The subjects of inheriting sites and conflicts over sites were met with the most intense response in nearly every interview. Though varying in degree, many Stó:lō fisherman recounted how their site—or a site they knew of—had, in some way,

⁷ Douglas C. Harris, *Landing Native Fisheries: Indian Reserves & Fishing Rights in British Columbia* (Vancouver: UBC Press, 2008), 189.

been challenged or occupied by either an interloper or distant family member.

Though the reasons for such contestations were diverse, my interviewees explained in detail the ways in which they dealt with the situation. The most common response was one that highlighted the importance of Stó:lō traditions and protocol on the Fraser.

Of foremost importance in regard to the fishing site among interviewees was the method of inheritance. Traditional Coast Salish ownership of resources sites were stratified by historical knowledge, with the “high class” of the group being able to recall family genealogy which legitimized proprietary rights of access.⁸ As anthropologist Wayne Suttles observes, “High class people preserved the knowledge their own heritage and valued it ... low class people were people who had ‘lost their history’.”⁹ In this way, notes Suttles, maintaining wealth and status in Coast Salish society was to preserve and protect family history.¹⁰ Put succinctly in contemporary terms, owning a Stó:lō salmon fishing site is a family affair.

One way to legitimize sites of ownership among the Stó:lō is through the use of ancestral names which recall family histories. Ancestral names are used by Stó:lō to link themselves to “supratribal history,” which, in turn, validates and legitimizes their social standing.¹¹ By being able to recall family names, and thus family histories, Stó:lō community members can stake claims to resource sites amongst

⁸ Wayne Suttles, “Private Knowledge, Morality and Social Classes Among the Coast Salish,” *American Anthropologist* 60, no. 3 (June 1958): 501.

⁹ Ibid.

¹⁰ Ibid., 502.

¹¹ Anastasia Tataryn, “What is in a Name? Identity, Politics and Sto:lo Ancestral names,” *Research Review* 2, no. 2 (Spring 2009): 57.

themselves in a way that emphasizes Stó:lō culture and tradition.¹² In reference to salmon fishing sites, reciting familial lineages often follows making a claim to a fishing spot. By doing so, Stó:lō fisherman demonstrate the requisite ancestral ties to their site, and thus their right of access or inheritance. Indeed, ‘knowing one’s history’ is viewed as more important than holding a lease or license on the Fraser among Stó:lō.

It is unsurprising then, that when asking contemporary salmon fisherman how they gained access to their fishing spot, most will recite family history to legitimize their claim and ownership to the site, whether prompted to or not. For example, when I sat down with Stó:lō fisherman Sonny McHalsie and asked him to describe his spot, he made sure to insert his family lineage amid his description, noting, “historically it was my great-great-grandfather’s fishing spot—Captain Charlie, also known as *Suxyel*—and also his father, who is my great-great-great-grandfather, who is *Suxyeltl*. He’s actually buried in the cemetery right above there, that’s his spot.”¹³ As well, retired Stó:lō fisherman Jeff Point describes the inheritance of his former site: “It belonged to [Louis] Skowajit and I carry that name now—It is *Aleseluk*. It was handed down through my family and my grandfather inherited it. My family stood up and gave me my name, and what goes along with my name—who he was and what he did with his life.”¹⁴

If not reciting ancestral names, contemporary fishing site owners will recall their Anglicized names and proclaim that families nearby their sites simply ‘know’

¹² Ibid.

¹³ Sonny McHalsie interview.

¹⁴ Jeff Point interview.

who the rightful owner of the spot is. Birdie Garner, who has now passed the family site down to her son Kevin, says:

It was always in our family. It belonged to my grandmother and grandmother's parents. My great-grandmother's name was Christine Charles. Even the elders—they're all gone now—but Florence James, she knows and the James family all knew. And the Peters family from across the river all knew, because there was basically only our three families in that river, so we didn't have to fight for spots."¹⁵

It must also be said here that very few contemporary Stó:lō fisherman will claim individual ownership. Indeed, when one talks about “my” fishing site, quite often they refer to their right of access, not ownership. Notions of exclusive ownership of resource sites among Stó:lō was virtually non-existent as late as the 1950s, as extended families shared access to resource sites and owned them collectively.¹⁶ Regulation of resources sites were governed by chosen family members who controlled access among their kin groups, and had a vested authority over the site rather than ownership of it.¹⁷

Among contemporary salmon fisherman, this dynamic is readily apparent. Jim Harris, who makes use of his wife's family fishing site, noted explicitly that their particular salmon fishing site is shared communally and right of access was arbitrated through a family member: “I can't say it's my spot, and I can't say it's her spot—it's the family's. We went looking for a spot to set our net and [her uncle] suggested that we come down and use the family spot. Most of the time [you can]

¹⁵ Birdie Garner interview.

¹⁶ Keith Carlson, *The Power of Place, The Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism* (Toronto: University of Toronto Press, 2010), 47.

¹⁷ Ibid.

just ask permission of the elder of the family to fish there.” When asked if a family member could ever be denied access, Harris says, “you probably can but it’s never been done [at our site].¹⁸

Sonny McHalsie also reflects this attitude toward communal ownership and sharing but notes that complications can often arise, especially when several family members are already occupying a site. Following Stó:lō protocol, he went to the elders to get permission to occupy a site. When directed to his grandfather’s site, he found it being fished by his aunt, who claimed it was given to her by a great uncle. “How can one person from a whole family give it to another person? I just couldn’t fathom that because fishing sites are owned by family. So I had rights to go there, but she was there with all her family and she was trying to accommodate them, and she has lots of grandkids, so I thought I wouldn’t push for it.”¹⁹ When he finally procured a spot that could only be accessed by boat, he still emphasized that although he is the only one currently fishing that particular spot, Stó:lō protocol is still very much in effect:

Lots of cousins have lots of rights there. If they ever showed up on a boat I would have to accommodate them. Right now, it’s my boat so it’s for me and my immediate family and it’s not like I have to go ‘okay cousin, you don’t have a boat, come on up with me’. My boat is reserved for me and my family. But if they showed up, I’d have to accommodate them. And I’d have to say ‘here are the spots, which one you wanna use?’ or figure out a way to share times.²⁰

McHalsie also noted that such requests of access are sometimes implicit petitions to vacate a site between families. Referencing a conflict that arose out of

¹⁸ Jim Harris interview.

¹⁹ Sonny McHalsie interview.

²⁰ Ibid.

his sister's fishing spot, he tells of complications over who is rightfully arbitrating access between family members. In this particular instance, some cousins arrived at the family site and vocalized that they were its rightful owners, claiming ties to the uncle from which the site had been passed on. Though they did have legitimate connections, this is not always enough to claim authority over a site. Herein, Stó:lō protocol came to the fore as Sonny's sister had always been maintaining the site not only after it was passed down, but during the tenure of the uncle from whom it came, making her the rightful steward of the fishing spot in question. McHalsie relates, "It still belongs to the family, but whoever is using it and caring for it has more control over it. There isn't much caught there but my sister will still give fish [to the family members] who were trying to claim it. They'd still be allowed to fish there, but not exclusive. They can't throw anybody out."²¹

As we can see thus far, the Stó:lō express the importance of tradition in reference to governing salmon fishing sites among family. Citing knowledge of ancestral history continues to be of foremost importance in legitimizing claims for the Stó:lō who fish on the Fraser. Indeed, identity as Stó:lō people lays the cultural framework for mutual understandings of ownership and resolutions to conflict that may arise between family members. Though none of the interviewees ever used the term 'law' to describe the collective way in which property ownership or inheritance is understood between, one can certainly argue the case that such a term accurately describes the shared system of rules among the Stó:lō when analyzing contemporary salmon fishing sites, practices and interactions. In this

²¹ Sonny McHalsie interview.

way, we can see that outside of post-colonial dialogues between government regulatory bodies and the aboriginal fishery, there exists agreed upon cultural regulations spoken by and for Stó:lō people.

Like most legal or regulatory systems, however, this one has not been without some challenges. The traditional method of maintaining and inheriting fishing sites in this way saw some difficulties in the 1990s, when the Aboriginal Fishing Strategy was implemented in the wake of the *Regina vs. Sparrow* verdict, which recognized aboriginal fishing rights under the Constitution.²² Part of the strategy resulted in some Stó:lō fisherman regaining rights to sell their catch lost over a century previous with colonial intervention in the fishery.²³ Though the changes in government policy were a victory for the Stó:lō, it threw traditional tenure of fishing sites into disarray as more fisherman emerged on the river to seize the economic opportunity, resulting in overcrowding and many conflicts over fishing sites.²⁴ Community hearings followed the changes on the Lower Fraser, at which many Stó:lō complained of the “dramatic volume of “new” fisherman on the river.”²⁵

Interpretation of the vast number of “new” fisherman on the Fraser River since the implementation of the Aboriginal Fishing Strategy is variable in terms of Stó:lō history. The early 1900s legislation of banning the practice of salmon sales by

²² James G. Matkin, “Working Towards More Certainty and Stability: Fact Finding Review of the AFS Pilot Salmon Sales Program,” 1997. Sto:lo Nation Archives.

²³ Kimberly Linkous Brown, “A Report on the Traditional and Contemporary Relationship Between the Sto:lo People and the Fraser River System,” June 1998, 37.

²⁴ *Ibid.*, 43.

²⁵ Lower Fraser Fishing Authority, “Rebuilding Sto:lo Fisheries Law: Report of the Community Consultation Process,” 1993. Sto:lo Nation Archives.

aboriginals caused the initial fracture in Stó:lō traditions. With primary means of subsistence and economic opportunity virtually destroyed, many were forced to seek employment elsewhere. This, in turn, meant fewer Stó:lō returning to the river, which inevitably led to ancestral fishing grounds being used and claimed by interlopers and thus causing disorder of traditional Stó:lō fishing site tenure.²⁶ For many Stó:lō, the return of the right to acquire and sell salmon legally is rightly viewed as a cultural return to form. However, between the Stó:lō themselves, the influx of fisherman returning to the river caused concerns about motives for doing so. Herein, issues among Stó:lō arise in reference to invoking family histories to claim ownership of fishing sites as traditional protocols brought about new challenges to regulating sites amongst themselves.

This subject garnered emphatic responses among aging contemporary fishermen, as they look back to this time as a watershed moment that fundamentally changed Stó:lō salmon fishing on the Fraser. Grand Chief Frank Malloway distinctly recalls the ways in which protocols changed during his active fishing years:

There wasn't that many fishermen when I started in the late 50s. You could almost go anywhere. You could find a site that no one was using and set there. [If the owner arrived] you'd pull your net out because you respected that person. But when they opened [the river] up for commercial fishing then you had to fight for spots. People used to fish anywhere. In the canyon [it was] all family sites—a family would get enough fish to keep them busy processing, and then they other family would set their net and they'd just take turns using it. So, maybe five or six families would use one spot. After legalized sales, that's when [people] would say 'that's my spot, that's my spot, it belongs to my family'. Maybe their families did use it at one time, but they shared it with other

²⁶ Linkous Brown, 35.

families. When you started to be allowed to sell fish, it got really competitive.²⁷

Birdie Garner also relates that this period brought about changes to the type of fisherman on the river, claiming that there were those who were continuing to practice tradition and other who were taking advantage of the economic opportunity: “The commercial [sales] really wrecked the river. In the old days no one really cared to fish. But then it became commercialized and then everybody—I like to say everybody and their *dog*—needed a fishing license and they came and said ‘oh this is my family’s old fishing site.’ You never seen nobody there before. It was the commercial thing that screwed everything up.”²⁸

In this sense, the issues that arise amongst contemporary Stó:lō fisherman and traditional regulation of family fishing grounds have been complicated by post-colonial processes. Early twentieth-century government legislation disrupted Stó:lō fishing practices to such an extent that the Fraser River was left virtually empty by mid-century as Malloway and Garner have recalled in their younger fishing years. This construct inevitably led to a generation of Stó:lō who were not brought up as fisherman due to government appropriation of the fishery. When aboriginal right and title was returned to the Stó:lō and sales of salmon once again became legalized, this dynamic caused tensions between Stó:lō in terms of identity. As we can see, the discourse inevitably became entangled in arguments over who were *true* Stó:lō fisherman, and who were not. But still, ancestral knowledge remains a key factor in

²⁷ Frank Malloway interview.

²⁸ Birdie Garner interview.

protecting fishing sites, as Frank Malloway states: “You really have to know your family history to be able to back anything up.”²⁹

Compounding these arguments of identity is in reference to ancestral sites are conflicts between Stó:lō fisherman and Yale First Nation members, who hotly contest Stó:lō Nation’s participation in the government regulated fishing strategy.³⁰ Wishing to view themselves as separate from the Stó:lō Nation, Yale band members have frequently confronted and challenged contemporary Stó:lō fisherman on their claims of ancestral ownership, citing that Yale First Nation has exclusive historical rights to the fishery.³¹ In reference to the conflict between the two groups, historian Keith Carlson notes that the colonial process has created “a context where indigenous interests clash with one another, and where both sides invoke history to justify innovative means to traditional ends.”³²

Among Stó:lō fisherman, invoking history is a means of protecting their family site. When encroaching members of Yale First Nation sought to annex Jeff Point’s fishing site, the dialogue between them again highlights the paramount importance of ancestral knowledge:

“I had a conflict with a [Yale band member]—I told him that this spot was given to us from Emory Creek to Strawberry Island by Louis Skowajit—*Aleseluk*. You have no right taking it away from us. He said, “You have proof?” I said, “you don’t have to have proof between us—you know Louis Skowajit as much as I do. He was my great-great-great grand uncle. Your wife knows him very well.” And so [they] went to the wife and they came back and pulled their

²⁹ Frank Malloway interview.

³⁰ Keith Carlson, “Innovation, Tradition, Colonialism and Aboriginal Fishing Conflicts in the Lower Fraser Canyon,” in *New Histories for Old: Changing Perspectives on Canada’s Native Past*, ed. Ted Binnema and Susan Neyland (Vancouver: UBC Press): 145.

³¹ Carlson, *The Power of Place, The Problem of Time*, 13.

³² Carlson, “Innovation, Tradition, Colonialism,” 145.

nets out and they apologized to me. They said, “We’re sorry, we didn’t know that history.”³³

Fisherman Jim Harris characterizes the misunderstandings between Yale and Stó:lō Nation fisherman in much the same way, commenting that they are the result of lost knowledge of family histories: “The funny thing is that some people at Yale have the same grandparents. One guy from Yale will say that ‘my grandfather fished here’, and the [other guy] will say ‘well my grandfather fished there, too’. They’re not realizing that they have the same grandfather. Like, they’re both fourth generation down the line and they’re claiming family spots but they’re not really thinking about it that way.”³⁴

In this way, we can see how history plays an important role among contemporary Stó:lō fisherman, as it thus becomes “an arbiter of both identity and political authority” in reference to protecting ancestral fishing grounds.³⁵ The site itself is much more than a place to catch salmon, it is regarded by the Stó:lō as a sacred place that links the present to the past, through lineage. To protect these cultural spaces from interlopers is also to protect Stó:lō ancestral history. In reciting lineages, Stó:lō fisherman are expressing themselves politically as *smela:lh* or ‘worthy people’. In Coast-Salish nomenclature such a designation elevates people who ‘know their history’ as *smela:lh* and thus are viewed as people of

³³ Jeff Point interview.

³⁴ Jim Harris interview.

³⁵ Carlson, *The Power of Place, The Problem of Time*, 114.

authority.³⁶ Lower class people are referred to as *st'exem*, which means they are one's who had 'lost or forgotten their history'.³⁷

To Jeff Point, this is precisely the problem he faced on his ancestral grounds. Though possession of the site was eventually wrangled from his control, the Stó:lō fisherman still continues to characterize those who took family site as unworthy, noting, "Everybody's sites are passed down through family history. If you don't know your history, you can lose it. Or you could go around stealing. That's what [they] are doing. They don't know their history, who they are or where they come from. So they steal somebody's. *St'exem*, that's what we call them."³⁸ In this way, his reaction highlights what has been a constant in my research about fishing sites—the importance of cultural protocols in regulating Stó:lō fishing grounds.

In closing, this paper has sought to outline some issues facing contemporary Stó:lō fisherman and their ancestral fishing grounds. As we have seen, the importance of ancestral knowledge has remained a constant amid a century of government regulation of the Aboriginal fishing on the Fraser. Cultural protocols of inheritance on the river have dictated the way Stó:lō interact and understand each other and thus are not only expressions of culture and tradition but serve as unwritten regulations by which they are to abide.

Problems arising out of this system are not meant to imply such regulations as flawed by any means, but merely highlight the ways that Stó:lō fisherman are discussing, understanding and interpreting how traditional indigenous law exists

³⁶ Ibid., 136.

³⁷ Ibid.

³⁸ Jeff Point interview.

and works in a post-colonial world. At times, we can see how colonial processes have affected traditional Stó:lō fishing site tenure in analyzing the systems that illegalized and then legalized salmon sales. The disorder caused on the river was an immense challenge to long-time fishers who struggled to come to terms with the vast number of new fisherman. However, the solutions sought emphasized the importance of ancestral knowledge to back claims over conflicted sites.

Jeff Point's comments about encroaching fisherman 'stealing history' is an astute way of viewing Stó:lō fishing sites as points of access to ancestry. In this way, we can understand how governing these spaces within families can sometimes cause and create tension. To the Stó:lō, salmon fishing, and thus the sites from which they fish are inherently entwined with cultural identity and ancestry. Preservation of fishing sites, therefore, is crucial as they are meant to connect the to Stó:lō ancestors have passed down rights of access, by which they will then be passed on to the next generation. Thus, the rules and regulations meant to protect and safeguard the site imply a two-fold approach to governing family fishing sites. Not only do they protect the past, but also the future in terms of Stó:lō identity.

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