



**BC Métis**  
FEDERATION

# **Traditional Land Use/Knowledge Report**

**TC Energy: Foothills Zone 8 West Path  
Delivery 2022 (YAHK)**

May 31, 2021

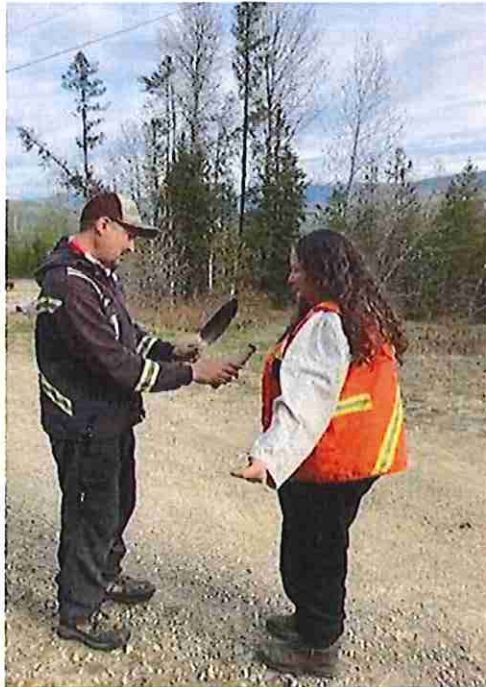
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# Executive Summary

This report was completed with the assistance of BC Métis Federation members and associate members in the Kootenay region of British Columbia. Included in this report are the Métis historical background, methods and results from the site visits conducted along the Right of Way (RoW) for the proposed pipeline project by TransCanada Energy (TC Energy) called the Foothills Zone 8 West path Delivery 2022 or the YAHK Project. The fieldwork noted in this report took place the first week of May 2021.

**In summary, the site visits on the YAHK Project with BC Métis Federation members and associate members concluded that the proposed pipeline had no substantive impact on the traditional land use with the Métis that were engaged in the traditional land use study. The final recommendations are included on page 14.**



*Figure 1. BCMF ground crew: Baylen Gillis smudging Knowledge Keeper Shelley Irvine before the start of the YAHK field work in May 2021.*

## Contributors

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Review

# Introduction

This report provides a summary of the environmental consultation supported by the proponent TransCanada Energy (TC Energy) and conducted by BC Métis Federation (BCMF) in conjunction with the BCMF members and associate members in the Kootenay Region. The overarching aims of this environmental consultation are to ensure that BCMF and its members along the proposed pipeline right of way (RoW) have the opportunity to review the proposed project and assess the possible impacts on the land and on the BCMF Métis in the region.



*Figure 2. Right of Way (RoW) along the proposed YAHK project.*

## The Project

- Foothills Zone 8 West Path Delivery 2022, a wholly owned subsidiary of TransCanada PipeLines Limited (TCPL), an affiliate of TC Energy Corporation (TC Energy), is investigating options for prospective future growth on their Foothills System in British Columbia (B.C.).
- The proposed Foothills Zone 8 West path Delivery 2022 Project (Project) is necessary to supply growing demand in southern B.C. and downstream North American markets, with natural gas produced in Western Canada. Foothills anticipates filing an application with the Canada Energy Regulator (CER) under



Section 214 of the Canadian Energy Regulator Act in Q2 2020 with an anticipated in-service date in Q4 2022.

- YAHK Section: The proposed Yahk Section will consist of approximately 13 km of 48-inch diameter pipeline located approximately 25 km east of the town of Creston, B.C. The timeline for the proposed YAHK section is noted below:

Date	Activity
Q3 2019	Engagement Start
Q1 2020	Project Notification
Q2 2020	Section 214 CER Application
Q3 2022	Construction Start
Q4 2022	In-service Date

## BC Métis Federation (BCMF)

BCMF is a provincial Métis organization with a democratically elected Board of Directors who represent their members across British Columbia. BCMF was formed in 2011 and is governed by the Bylaws of the BCMF Society.

The provincial and federal governments have a constitutional obligation to consult with Métis people regarding proposed developments that have potential adverse effects on their wellbeing. Our membership favours a balanced and responsible approach to development that is inclusive of our unique voice and perspective.

BCMF's work is focused on building and maintaining relationships with governments, and industry partners throughout the province of British Columbia. Work is done with organizations to meet the needs of our members, advance their concerns and ensure that their voice is represented. BCMF engages with regulatory agencies and other government entities in relations to issues of interest and concern to our members.

The process of environmental assessment provides an opportunity for the Crown and industry to engage in meaningful and valuable consultation activities with BCMF. Involving our communities in the environmental assessment is a necessary step of inclusion, and mutual obligation of ensuring that Métis rights are protected.

# Methodology

BCMF engaged with TC Energy to ensure that BCMF, its members and community partners were included in the consultation process for the proposed Yahk Project.

BCMF analyzed the information provided by TC Energy to better understand the scope of the project, then engaged virtually with the assistance of TC Energy and the BCMF membership in the Kootenay region, as to the potential impacts on Métis in that area. Monitors and members walked the proposed RoW route gathering information of what if any impact the proposed route could have.



*Figure 3. BCMF Monitors Shelley Irvine, Baylen Gillis & Paul Gillis along the proposed YAHK project.*

## Métis Knowledge

Métis rights are constitutionally protected by Section 35 under the Constitution Act of 1982. Our members have extensive knowledge on the social and economic landscape of the region in which they reside in. Our members are committed to defending and protecting the natural environment for future



generations to come. BCMF will continue to engage with their members in a research capacity to provide insight on these delicate matters.

Environmental concerns and impacts may vary from one community to another; however, the underlying principle is to ensure that the Métis perspectives and concerns are properly understood and considered in these processes.



*Figure 4. BCMF monitors Virginia Hudson & Baylen Gillis motoring along the proposed YAHK Right of Way in an all-terrain vehicle.*

## Historical Considerations

TC Energy provides funding so that Indigenous groups can conduct studies on their history, past, present, and prospective land use, and traditional ecological knowledge in relation to TC Energy Projects. Typically, land use studies do not have adequate mechanisms or intellectual frameworks to describe accurately the lived experience of Métis in BC. The purpose of the BCMF's engagement with TC Energy's BC Mainline Loop 2 (Yahk section) situated in Southeast British Columbia is to provide credible research that will allow its member communities to meaningfully engage in mitigation and management issues that are necessary for securing a sustainable future for all Métis peoples in British Columbia. In this brief report we will establish the following:

- Métis self-determining communities existed throughout the Pacific Northwest, including the region in and around what is southeastern British Columbia, prior to any claim of effective control by the British Crown.



- In the early provincial period (1871-1920) federal, regional and local levels of government, as well as private and public industries, systematically targeted Métis self-determining communities for the purpose of eliminating them, thereby pushing them to the margins of the social, economic and political life of the Province.
- Self-determining Métis communities continued to function and exercise their agency on the land with strategies and forms of resistance that allowed them to survive. At this time of Métis resurgence in BC, we are reconstituting our history, repatriating our communities/kinship networks, and re-engaging with governments and industries as a self-determining people.

Cumulative effects studies like TC Energy's BC Mainline Loop 2 (Yahk Section) are opportunities for BCMF and its members to regain our position as partners in the economic future of the Province.



*Figure 5. Métis Family at camp with Red River Cart. BiblioArchives Canada - Flickr*

The historical record is clear: Unique groups of Métis peoples have a long history of establishing free and independent communities throughout BC and in TC Energy's Mainline Loop 2 (Yahk Section) corridor. As early as the late 18<sup>th</sup> century, Métis fur traders, diplomats and voyageurs established themselves in the region, making the whole of Pacific Northwest prior to British colonization a large interconnecting Métis Province that was characterized by a vast mobile community that stretched all the way down into Oregon, all the way over into Montana, up into the foothills of Alberta and encompassing British Columbia and into the Yukon territory. Alongside the expansion of the fur trading companies, like the Northwest Company and the Hudson's Bay Company, and First Nations, Métis self-determining communities asserted their own self-interest as freemen and established families and broader kinship networks in an attempt to secure a future in the political, economic, social and cultural transformation of the region.

The archival record and Métis community knowledge in the Pacific Northwest is consistent with the evidence of a Métis presence on the land and water in Southeastern BC, where they established settlements and kinship relations with other Indigenous nations. Some Métis communities have had a strong presence in the Kootenays that predates the 1790s, and they established vast harvesting areas

that spanned from the Yahk area, all the way to Nelson in the West and Lethbridge in the east. Northwest Company men, like Mackenzie, Fraser and Thompson, were familiar with the area and Thompson navigated the entire course of the Columbia River, including through the Kootenays. From these early expeditions, Métis kinship networks, including the Humpherville, Lussier, Piche, Cardinal, Morigeau, Berland, Montour and Finlay families, were extended into the area. To facilitate their mobility, Métis often settled in vicinity of the Yahk area along corridors like the Dewdney trail, an important trade route from Hope through Trail to Salmo, Creston and Moye. "Half-breeds" used east-west and north-south fur trading routes to move across the land as traders, to harvest in the region as hunters and guides, and to explore the area for early mining possibilities. After the merger of the Northwest Company and the Hudson's Bay Company in 1821, Métis in southeastern BC helped to develop a network of trading routes that connected the Kootenays with supply lines from across the Rocky Mountains. In the process, they created a vast, integrated economic and social network across northern BC to the coast and down through the interior following various routes to the south coast, and through the Okanagan into Washington and Oregon. Métis freeman functioned as interpreters and guides to explorers like Simpson and acted in their own self-interest as they opened new regions, especially along the Columbia River corridor.

Local accounts by the 1860's mention that there was a "great number of half-breeds" working within and alongside the fluid trading relationships facilitated by the Hudson's Bay company and First Nations. Some Métis, like the Klyne family, who had immigrated to BC from the Red River in the 1840's, and others, like Jacques Raphaël ("Jaco") Finlay, who came from the Flathead region on the border between BC, Alberta and Montana, traded, trapped and harvested in the Kootenays. Still other Metis self-determining families formed traditional Métis settlement areas in southeastern BC as interracial 'clusters' grew up around trade corridors. Although historians are just beginning to understand the scale and scope of Métis self-determination in and around southeastern BC, there are a number of other examples from the primary record of Métis presence and knowledge of the land and their importance in the development of the province:

- American newspapers in 1863 were talking about Frenchmen and 'half-breeds' who said they had "a good thing going" and were working on staking a claim in the Kootenays.
- North of Yahk, in the Dog Lake area of the Kootenays, a 'half-breed' guide conducted a hunting expedition.
- The Hall brothers were 'half-breeds' from Colville. As part of their North-south mobility this kinship grouping discovered copper and silver at Silver King and adjoining mines. These Métis 'discoveries' impacted the founding of Nelson and the surrounding region.
- There is an 1893 British study reference to "Lower Kootenay half-breeds" located in proximity to Yahk, and they were 'studied' alongside of Kootenay Indians. As well there is another cluster, the "English half-breeds of the Upper Kootenay". Elsewhere, they were distinguished as "Kootenay Métis" and "Kootenay-white Métis."
- Perry Creek in the Kootenays (north of Nelson and Northwest of Yahk was founded by Perrieur, the son of a 'half-breed' officer of the Hudson's Bay Company.
- Gold in BC was first discovered by "Canadians and half-breeds" from Colville in the Pend d' Orielle Gold minefields and in the Thompson.



- Métis were a significant part of the early formation of mining in the province and Kootenay region. One early account states that the “original basis for the mining population included “French half-breeds and mountain men.” The Le Roi Rossland mine, for example, was staked in June 1890 by Joe Bourgeois, “a French-half-breed prospector.” Bourgeois apparently sold the claims for next to nothing, but this unheralded discovery by a ‘half-breed’ opened world famous mines, the town of Rossland, industry like Cominco, and the development of the Kootenays and the province.

Métis continued to migrate into the region from the early to middle 20<sup>th</sup> century and joined existing kinship networks that were working in the mining, forestry, fishing, and ranching industries. For these Métis families it is impossible to understand their identity without exploring their expansive kinship from both the Red River and within the Pacific Northwest, and among both their European and indigenous relations. By the mid-nineteenth century, observers noted that Métis and First nations made up the principal population in the area between the Columbia River and Cascade mountains.

In the early 20<sup>th</sup> century, Métis or ‘half-breeds’ were described as “so common over Canada”. In the far West, Métis people were often the founders of towns and cities and were prominent leaders in ushering in a new resource-development economy. In 1891, settlers were surprised to find “so many of the Indian blood,” who were “already in possession of the most valuable town and country estates,” and moving in the “best society”. Métis worked in lumber mills and farms, as militia, as labourers, boatmen, hunters, guides, interpreters, trappers and cultural and local knowledge translators.

They asserted their economic interests, as families and kinship networks throughout the TC Energy’s BC Mainline Loop 2 corridor. They engaged as kinship groupings, as families, as business partners, or as individuals, often side by side with First Nations and a growing settler society. In supporting their own self-determining future, Métis were prominent and integral in the early development of the province.

***Governments consistently targeted Métis ‘self-determining’ communities in order to eradicate them and to reduce their ability to govern their own lives.*** The systemic attacks on mixed-heritage populations in British Columbia in the late 19<sup>th</sup> to 20<sup>th</sup> centuries was consistent with colonial systems that sought to eliminate indigenous diversity and limit economic competition that they considered to be a hindrance to settler society ‘progress’. By the time BC entered Confederation in 1871, Métis in the southeastern part of BC transitioned from being an integral part of their communities to being viewed as impediments in the way of economic, social, cultural and political future of the region.

In the 1890s in British Columbia, Arthur Vowell, the Federal Superintendent of Indian Affairs in BC, identified Métis across the Province for the purpose of removing them from Indian reserves and assimilating them into the general population. Vowell’s ‘Report on Halfbreeds’ used the provisions of the Indian Act (1876) to remove Métis from their kinship networks and dispossess them from their land. As an extension of early colonial rules that maintained white-ness or Indian-ness as separate categories, the BC government decided to methodically deny the historical uniqueness of Métis self-determining communities throughout the province. Tragically, for the better part of 150 years in British Columbia there has been a concerted effort by governments and settler society to deny self-determining Métis communities their very existence and to dispossess them from their land and harvesting regions. National, provincial and local governments used the force of law and racialized policies to diminish Métis



existence, ignore their rights, dispossess them from their land, limit their access to resources, restrict their mobility, and separate them from their kinship networks.

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Because Métis kinship networks/communities in Southeast BC like Creston, Cranbrook, Fernie and others in proximity to the Yahk region have been effectively erased from the historical record, the priority of the BCMF is to support the repatriation of its partner members and communities, the revitalization of a self-determined indigenous right to protect their way of life, and the recognition that our people should benefit from developments in their traditional harvesting regions. Indeed, as recently as 2011 the BC Government has maintained the false claim that “there was no convincing evidence of a historic Métis community and none of the individuals claiming Métis rights in that case had any historical familial connection to the Kootenay area”.

In the last decade, the province of BC has not created meaningful space nor the proper relationships with historic communities to hear the full extent of Métis stories, histories traditions and kinship networks. They continue to ignore and dismiss their own complicity in the long history of systemic discrimination. Current land use research by industry and governments ignores the historical roots of racial boundary-making in Canada that has shaped the lives of all indigenous peoples, thereby contributing to ongoing intergenerational trauma, family division and kinship separation, and the resultant inequality and dispossession.

*The BC Mainline Loop 2 (Yahk Section) land use study is part of BCMF's strategy to develop community expertise and knowledge that will enable our members to effectively sustain long-term partnerships with other Indigenous nations, governments and Canadian society and to mitigate, manage and monitor the impact of development on lands and resources associated with Métis ways of life. BCMF represents many self-determining people and communities from across the whole Pacific Northwest that are in the process of recovering their history. BCMF seeks to partner with government and industry in ways that allows these local communities to rebuild their own knowledge capacity and enhance their own knowledge networks. In asserting Métis self-determination and cultural resurgence, any knowledge produced for TC Energy terrestrial impact reports is owned by the community so that we can enlarge our inventory of datasets and skills to respond meaningfully to resource development projects, all to meet the needs of each unique community.*

Our goal through this and other projects is to work with kinship networks and communities to repatriate their knowledge and then publish that knowledge in public forums where it can be recognized. In projects such as the TC Energy's BC Mainline Loop 2 (Yahk Section), we anticipate our growing community capacity will allow us to enter meaningful negotiations on issues of economic development and to engage in ongoing consultation on how natural resource projects impact the right of self-determining communities to harvest, hunt, fish and gather. Self-governing Métis communities have a responsibility to look after the land and resources that have been entrusted to them and to benefit from the natural resources development that take place in the Kootenay regions of southeastern BC.



## Recommendations

1. It is recommended that BCMF monitors be engaged during the construction and reclamation process.
2. It is recommended that on future projects, that maps provided show more of the common landmarks in detail like highways, side roads and communities in connection to the project.
3. It is recommended that where possible the line of sight be mitigated to reduce predators (including the human kind) from sighting game animals.
4. It is recommended that through the reclamation process that native plants be replanted and environmentally specific fertilizers be utilized in order to accommodate regrowth as fast as possible.
5. It is recommended that any trees that were cut for the right of way be made available to local communities for firewood or provided to local businesses for processing.
6. It is recommended that when Industry provides an overview of their project; that they include more detailed information on the regulatory body and how the project gets approved.
7. BCMF recommends to industry partners to increase capacity support for Métis members to better understand the importance of the regulatory process. Existing complementary capacity funding by the company is insufficient to provide ongoing effective Métis engagement. The land use study is important for local Métis members but there is a serious challenge in understanding why the study impacts their local Métis community.

# Closing

In closing BCMF would like to thank the BCMF members and associate members for contributing to the “ground truthing” part of the field study. Thank you also to TC Energy staff that assisted BCMF by taking part in the mapping review that had to be held virtually due the current worldwide Covid-19 pandemic.

BCMF has prepared this report for NOVA Gas Transmission Ltd. (NGTL), a wholly owned subsidiary of TransCanada Pipelines (TCPL), an affiliate of TransCanada Energy (TC Energy) or their decision-making process on the Foothills Zone 8 West Path Delivery 2002 (YAHK) project and their filings to the Canada Energy Regulator (CER).

These projects are both fulfilling and challenging, and we would like to specifically thank our Monitors for their perseverance and commitment. From long days on rough terrain, to one of BCMF’s Monitors being bitten by a tick, the experience is sure to not be forgotten any time soon. Thankfully, the tick was found to be the non-Lyme carrying variety and everyone is healthy.

All my relations,



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Keith Henry – President & CEO BC Métis Federation

May 31, 2021

Date

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