

are looking for answers and questioning the ways we have managed fisheries in the past. First Nations' traditional beliefs and practices, based as they are on local environment and places, provide a model for cultural survival and for that of the fishery.

Haida beliefs about their origin and relationship to the natural world give an intrinsic spiritual value to the natural world and all its elements including fish, sea mammals, birds, land animals, creeks, and places. In the Haida world view, which has a remarkable universality and similarity with other cultures, humans have a spiritual connection and dependence on animals and the environment. Joseph Campbell explains that "People claim the land by creating sacred sites, by mythologizing the animals and plants – they invest the land with spiritual powers" (Campbell, 1988: 115-17). For modern cultures, Campbell believes those relationships with the land ended with the coming of the metropolis. The Haida place animals at an equal and sometimes higher level than human beings. As with the Haida Nation, and other First Nations on the west coast, so, too, do their east coast spiritual brothers and sisters, including Innu, Inuit, and Mi'kmaq. Indeed, First Nations around the world demonstrate interwoven cultural, spiritual, and ecological values derived from spiritual principles embedded in nature and strongly akin to those detailed here for the Haida people. This contrasts with Western policy and law that is generally anthropocentric and assesses value in terms of uses by human society.

This chapter describes the Haida world view and explores how it might be applied in the modern fishery. We look at the spiritual basis for the Haida world view and examine how "justice" according to law is redefining the relationship between First Nations and Canada. We then present several examples of Haida management and protection of places and fish, and explore the nature of Haida ethics and how they might be incorporated into modern fisheries.

THE ORIGINS OF HAIDA PEOPLE

Haida connections with the natural world stem directly from our beliefs about the origin of Haida Gwaii and the Haida people. Similar to many other Northwest Coast cultures, we believe that the world as we know it was created by Raven, who brought the creeks, the trees, fish, birds, animals, and even the sun and moon to Haida Gwaii and the Mainland Country. Raven had many human qualities and his constant pursuit for food was always getting him into trouble. Many characteristics of animals are explained in the raven myths, such as why crows are black and how the cormorant lost its tongue. Our history was passed down orally and has an allegorical quality similar to

parables in the Bible. In our language, "Haida" means "people" – and "Haida Gwaii" means the "Islands of the people" (see map in chapter by Jones, this volume).¹

There were approximately 22 Raven and 25 Eagle families or clans² whose descendants reside mainly in the villages of Masset, Skidegate, and Hydaburg (Alaska). Haida clans have different accounts of their origins. A famous sculpture, "The Raven and the First Men,"³ by Haida artist Bill Reid, depicts the origin of several raven clans from a clamshell. Several other Raven clans trace their origin to Foam Woman who arose on a reef on the east coast of Gwaii Haanas. As well, Haida clans have their own lineage history that links them to places throughout Haida Gwaii, including the story-towns⁴ – the ancient places where each family settled during their migration to their most recent village. The places where our ancestors lived are part of the cultural identity of our clan. Other symbols of the cultural identity of our clan were crests, names, and songs that also were regarded as communal property. Crests were displayed on ceremonial regalia, totem poles, and ritual objects and represent the earth, ocean, sky, and sometimes the spiritual realm – including raven, eagle, flicker, killer whale, sculpin, dogfish, grizzly bear, wolf, frog, moon, cloud, and wasgo ("sea-bear").

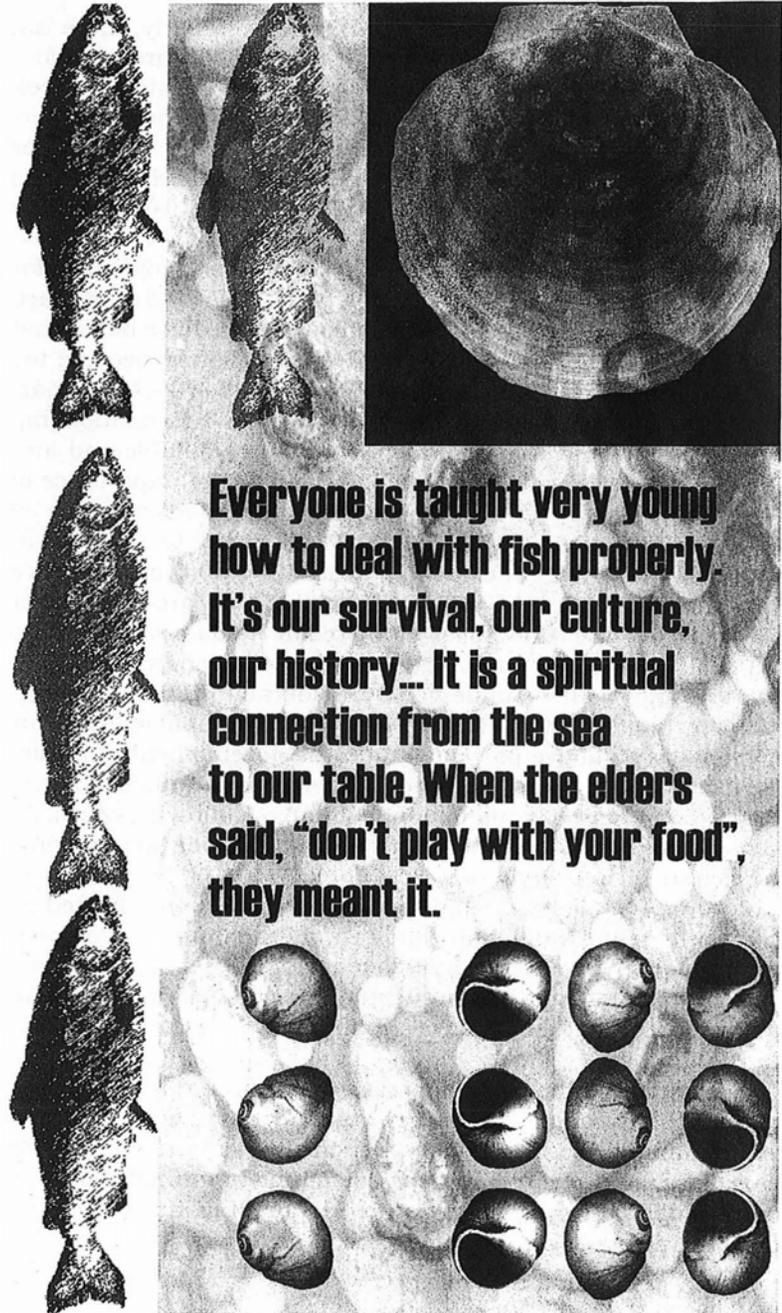
THE HAIDA WORLD VIEW

The Haida world view is similar to that of other naturalistic cultures around the world. We believe that all animate and inanimate beings have a spirit, which translates into a holistic ethical approach to utilization of the "resources" of the land and sea. A Gitksan artist, Art Vickers, shared one of his recent paintings with our interdisciplinary team – if you looked closely you could see symbolic representations of spirits in features throughout the sky, the land, and the ocean. The creatures and plants of both the forests and oceans were regarded as Ocean People and Forest People, and were on an equal or higher level than humans. Each creature was thought to play an important role in keeping the rest of nature alive. Interactions between the Haida and the Ocean People or Forest People were for sustenance or spiritual reasons. All sustenance activities acknowledged the important sacrifice that other beings make to keep us alive. For instance, the spirit of a cedar tree would be acknowledged before taking bark for weaving, or cutting a tree to carve a canoe or housepost. Likewise, a fisher would talk respectfully to the halibut, referring to it as *k'aagaay*, or elder, while asking it to bite his hook.

Haida society is divided into two distinct moieties – Raven and Eagle. Descent is matrilineal, but the chief of each clan was generally male.⁵ Each village, and many points of land, reefs, and significant rock structures were thought to be the home of supernatural beings that also were classified as either Raven or Eagle. According to Haida history, our world exists between an undersea world and sky world and transformations were common between different realms. For instance, one story tells of a young man who was transformed into a chum salmon and went to live with the Salmon People in their house in the undersea realm. The Salmon People in the undersea realm had a chief and society similar to the Haida. There were similar stories about Herring People, Whale People, and other creatures of the sea. Likewise, beings from other realms would transform into human form and walk about in our world where they could help humans or detect wrong behaviour.

Two important principles or laws of the Haida are respect and reciprocity. Respect is taught for oneself and others, including one's clan, one's village, and the larger nation. Respect is especially important for the environment that keeps us alive, and this is manifested in a variety of ways. Offerings are made to honour the spirits of beings that we intend to kill. All beings that are killed must be used. To avoid offending the spirit of the food, food must not be laughed at, spoken badly about, refused when offered, and must never be played with. Also, food must not be wasted and all parts of a creature must be used (which makes sports fishing, where a fish is "played" and/or "released," offensive to us). When preparing food, it must be handled carefully. Ceremonies are sometimes held that, in modern days, include a public gathering at the Yakoun River to welcome back the first sockeye salmon. Today, many young people don't have the opportunity to experience the natural world the way our ancestors did. Modern approaches to passing on Haida culture include a summer Rediscovery program at Lepas Bay on the northwest corner of Haida Gwaii, where Haida and non-Haida youth spend several weeks living in a natural setting in the company of Haida elders.

Haida individuals or clans have a stewardship or management responsibility for resources in their territories. This arises from our firm connection to place within our society, our world view and the fundamental principles or laws that teach a holistic relationship with nature. Traditionally, clans controlled access to "resources" within their territory. Each resource area was held communally within the clan and the chief was the steward of the resource. There are spiritual connections to places, as well. At the head of each creek



Everyone is taught very young how to deal with fish properly. It's our survival, our culture, our history... It is a spiritual connection from the sea to our table. When the elders said, "don't play with your food", they meant it.

resides a supernatural being, a Creek Woman. Similarly, there is a Low Tide Woman who is the steward of those sea resources. Before any salmon are taken from creeks or rivers, the permission of Creek Woman must be obtained and respect must be paid through offerings. Similarly, respect must be paid to Low Tide Woman for shellfish, octopus, and other sea creatures. Numerous Haida stories tell of calamities that befall those who are not respectful of the fish or other creatures.

Another guiding principle for Haida conduct is a sacred quest for balance that is embodied in the Haida proverb "The world is as sharp as the edge of a knife." It is said that a man walked along a board that was only a few inches off the ground. He felt safe and became too proud but then slipped and had a fatal fall. This speaks to the narrow margin between life and death as well as the relationship between humans and nature, which is both incalculable and ambiguous, like the two sides of a knife. It teaches the importance of finding balance not only with Haida values and virtues, but with all of our activities. Bad luck will befall those who are not successful at attaining that balance. For example, we are told that there was once a run of oolichan on Haida Gwaii. The Haida did not care properly for the oolichan and the run was lost. As a result Haida now have to go to the Nass River on the mainland to trade for oolichan.

As a people, we have undergone considerable cultural change. This has resulted in changes in some of our traditional values. Our people have been active participants in the development of industrial fisheries and logging, and live in modern communities. Some of our people were participants in unsustainable fishing practices. As Haida elder Paul Pearson described to us in our Skidegate meeting, "We sometimes knew what we were doing was wrong, but we had to put food on the table." As well, Haida values have been affected by acculturation and assimilation policies of the federal Department of Indian Affairs, such as residential schools that separated children from their parents and discouraged the use of our languages, and governing structures that have been imposed on us under the Indian Act.

Economics has become an important factor in personal decision-making. But traditional Haida views placed a different value on wealth than did Western society. Generosity is an important Haida value. For instance, if you admired something in someone's house, it could be offered to you to take away. Haida still gain prestige and status by giving away goods at a potlatch to mark important life events such as a funeral of a chief, a house-naming, or a totem-pole-raising.

Other authors in this volume describe comparable ethical frameworks for fisheries policies based on different traditions. The Haida world view has similarities to the stewardship model described by Roach (this volume), but also has elements of the deep ecology and feminism perspectives that she describes. Her conclusion is that a stewardship model carried out on a local scale with self-restraint and a long-term view would be most likely to gain popular support. First Nations' approaches could have similar advantages, being based on a pre-existing culture with strong connections to place. The Haida view that animals are on an equal or a higher level than humans fits closely with the deep ecology perspective. And since the female plays a powerful role in Haida society, there may be less need for concern about male domination under Haida stewardship. Another difference is that stewards are caring for someone else's garden or property – while, for the Haida, resource-harvesting areas were forms of lineage property that were cared for in the best interest of the overall community or clan. Coward and Dunham (this volume) examined biblical justice in terms of Christian theology and belief. They applied the concepts of sabbath (where lands are laid fallow) and jubilee (where slaves were freed and property returned) to the fishery, concluding with a call for action by Christian churches and for development of an ethically aware public policy for the fishery. In the past, Christian beliefs encouraged acculturation, but modern churches have supported First Nations' efforts towards self-reliance, which, on the coast, is intimately tied to the fishery.

RECONCILING CANADIAN ABORIGINAL AND FIRST NATIONS' LAW

Justice in Canadian law speaks mainly to the relationship between individuals and society. It is therefore interesting to examine the interpretation of First Nations' rights and interests in Canadian law. It is important in this discussion to keep in mind that there is a difference between First Nations' law and Canadian Aboriginal law that is applied to First Nations.

To a certain extent, Canadian Aboriginal law has attempted to incorporate First Nations' laws into its doctrines, due in large part to the responsibility of the Crown to respect Aboriginal rights. For instance, Canadian law recognizes the fact that First Nations do not hold property individually, but communally. Some recent developments in Aboriginal law, such as the *Delgamuukw* decision on Aboriginal title,⁶ recognize the holistic nature of Aboriginal rights and the importance of the First Nations' perspective in Aboriginal rights adjudication. *Delgamuukw* places an "inherent limit" to Aboriginal title that is essentially a sustainability limit. It is interesting

that Canadian law does not place a similar limit on the practices of the broader Canadian society.

The purpose of Aboriginal law has been recognized as reconciling Crown sovereignty with First Nations' prior occupation of Canada – this is the moral basis for Aboriginal law and underlies efforts in Canada to develop modern-day treaties. Reconciliation is particularly important in areas such as British Columbia where treaties have not been concluded. Treaties can provide long-term certainty to First Nations and Canada about land and resource ownership and management. The courts played a significant role in laying the foundation for federal and provincial policies regarding treaty negotiations.

Recent court decisions have helped to define the responsibility of the Crown towards Aboriginal peoples and laid out tests to determine whether government regulations infringe on Aboriginal rights – although frequently the only recourse that First Nations have to protect these rights is to go to court. Reconciliation in the courts occurs by assessing whether the fiduciary obligation has been fulfilled. The fiduciary obligation takes various forms, such as giving priority to Aboriginal rights to fish for food, for social and ceremonial purposes or in the commercial context, by allowing First Nations to share in resource extraction. However, First Nations frequently bear the brunt of conservation for species like salmon because they generally harvest in the river after ocean fisheries activities have been completed. There are frequent conflicts between First Nations and government over resource-management policies because of conflicts with Aboriginals concerning their rights. First Nations' rights and title conflict with established economic interests and are likely to continue to be infringed until treaties are reached because First Nations have limited resources for legal battles.

HAIDA SELF-MANAGEMENT OF FISHERIES

Current Haida management of fisheries continues to incorporate traditional values in decision-making, but has also come to use a variety of scientific techniques. The Haida Nation has a Haida Fisheries Program that employs biologists and technicians who are involved in a wide variety of activities, such as salmon, shellfish, herring, and groundfish assessment and salmon hatchery management.⁷ We will describe several examples of Haida involvement in fisheries management to illustrate modern Haida values, namely the river sockeye fishery, the herring fishery, and the salmon sport fishery.

Sockeye return to only a few rivers in Haida Gwaii and they are highly valued for food as the first salmon of the fishing season. The Haida fishery on the Copper River takes place over a short period of time in April and May and there is potential for overfishing to occur. The river is in the traditional territory of the Gitksan clan, who owned the single trap on the river – others had to request permission to fish there. The river was an important food source, and it was said that there were only 10 days of the year that this trap did not catch one of the salmon species or steelhead.⁸

Today, all Haida living in Skidegate can fish the river. The target escapement is 10,000 spawners to the river, and the Haida Fisheries Program operates a counting fence and makes recommendations on fisheries openings. Public meetings are called each year to appoint a management committee to make decisions on openings and discuss issues such as rules for conduct and catches for community purposes. The public meeting involves all interested people and includes a mix of elders, men, and women. Decisions are made by consensus, but may be delegated in-season to the management committee. Fence counts and catches are followed closely by everyone and reported in the local village newsletter. If an opening is called, fishing effort might consist of up to 50 nets that take annual catches averaging 3,300 sockeye.⁹ Haida Fisheries is also involved in research assessments of freshwater rearing of sockeye, as well as in carrying out habitat restoration of portions of the upper Copper River watershed that were logged in the 1950s. The Copper River fishery is an example of a carefully managed fishery that uses a public community-consensus process and traditional and scientific knowledge to make decisions.

As discussed by Jones (this volume), the Haida traditional *k'aaw* (herring spawn-on-kelp) fishery is small relative to the licensed commercial fishery, but controversial because some of the product is known to be sold. Herring stocks were at a low point from 1994 to 1997, and the Haida Nation objected to the resumption of herring roe fisheries and attempted to stop the re-opening of the seine fishery in 1998. The Haida Nation has requested more conservative harvest policies, including reductions in the harvest rate and an increase in the cut-off level, that is, the level below which stocks would not be commercially fished. Haida concerns include depletion that would affect other marine life, as well as damage to small, geographically distinct herring stocks within the larger population.

Haida Fisheries management of the traditional *k'aaw* fishery includes registration of fishers and monitoring catches. When sufficient spawns occur in Skidegate Inlet, the area is managed as a

community fishery through a public process similar to the Copper River sockeye fishery. Haida Fisheries also conducts fly-overs of herring spawning grounds, and monitors herring spawns in co-operation with the Department of Fisheries (DFO) and validates landings in the commercial herring spawn-on-kelp fishery on contract to the commercial operators. In the herring fishery, then, the Haida Nation has worked co-operatively with others, but has taken political action because of concerns about herring and the effects of the fishery on other species. Haida actions in the herring fishery represent continued stewardship by the broader Haida community (the Nation) for the herring resource.

The Haida Nation has been less successful at controlling the development of the commercial sports fishery in Haida Gwaii. The fishery is concentrated in several areas of Haida Gwaii but the lodges at Kiis Gwaii, or North Island, at the northwest corner of Haida Gwaii were the most controversial. Kiis Gwaii is the location of the first known European contact with the Haida, and is home to several old Haida villages and numerous archaeological sites. As well, many Masset and Skidegate Haidas lived there during the summer months while fishing commercially from the 1920s through the 1950s. The first fishing lodge moved there in 1985, and five sports fishing lodges that presently operate there accommodate up to 180 people at a time and 6,000 in a season.¹⁰

Many Haida objected to the developments because of the effects of tourism on old village sites, competition for fishing space with the commercial fishery, impacts on seabird nesting sites, and alienation of traditional resource-harvesting locations. The Haida Nation took political action, including blockading a land-based development and protests against various lodges over several years, that resulted in several Haida being charged and subsequently acquitted of violating a court injunction in the early 1990s.¹¹ Haida Fisheries began a Watchman program at Kiis Gwaii in 1990 that over the past three years has conducted detailed creel surveys in co-operation with the majority of lodges. Interim agreements with the province in 1992 and 1993 to limit development and maintain a moratorium on new lodge developments were unsuccessful and not renewed, as existing lodges added new beds and two new land-based lodges started construction. While efforts to curtail the sports fishery have had limited success, the Haida continue to keep a presence in the area through the Watchman program.

It should be highlighted that while Haida Fisheries uses modern techniques to collect fisheries information, decisions about conduct of community fisheries continue to be arrived at through commu-

nity consensus processes. The Haida Nation has become politically active on a variety of fisheries issues that promote conservation, and continues to demand a voice in the development of their traditional territory.

HAIDA ETHICS AND MODERN FISHERIES MANAGEMENT

This section explores ways to incorporate Haida ethics into modern fisheries practices and presents a small case study that illustrates fundamental differences in ethical perspectives that can arise because of different traditions. The Haida world view embodies many of the principles of ecosystem justice discussed throughout this volume and would provide a model for new fisheries management systems that could be incorporated into modern treaties.

A rediscovery of place-based management has been suggested as necessary for sustainability of modern fisheries (Pauly, 1997). Older generations of Haidas spent time on the water and land in the company of their elders and so learned of their history and connections to places throughout the islands. Traditional systems are changing as Haida families have become less involved in fishing and trapping activities to make a living. However, strong connections to place have been maintained through activities such as the Rediscovery Program for youth and Haida Watchman programs in both Gwaii Haanas in southern Haida Gwaii¹² and Duu Guusd in northwestern Haida Gwaii (including Kiis Gwaii).¹³ M'Gonigle et al. (this volume) argue that institutional changes are needed in fisheries management and propose a territorial approach involving small communities in new forms of non-corporatist production. We also believe a return to place-based management is a key to future fisheries and environmental sustainability and that First Nations are a logical, clearly identifiable group who should play a lead role.

Next, a relatively clear ethical issue will be discussed to illustrate the differences in values that occur in Haida, as well as within Canadian society – that of catch-and-release in the salmon sports fishery. Most Haida view catch-and-release of salmon as a disrespectful practice. One of the Haida who spoke at our Skidegate session could recall being punished as a child for similar behaviour towards fish or animals. In Haida myth, disrespectful practices towards animals could have serious consequences. There is a Skidegate story about a group of children who went to fish trout and spoke disrespectfully to the creek and later threw a toad into the fire and laughed about it. In retribution, the Creek Woman caused not only them to die but also their village to burn with only one survivor.

In contrast, many sports fishers regard catch-and-release as being ecologically sound and preferable to keeping fish to eat. In fact, fishers who keep their catch are sometimes referred to in a derogatory sense as "meat" fishermen. The logic behind this is that most fish that are released will survive so that releasing the fish has less impact on the stock than keeping it. In some steelhead rivers where there are large numbers of anglers, the only type of fishing allowed is catch-and-release. This is also seen as a way of allowing more people the opportunity to fish. This ethic is focused on the enjoyment of people and the realization that there is more demand for the experience of fishing than there are fish. This contrasts with Haida values, which are based on respect for the salmon while recognizing that the purpose of catching salmon is to use them as food.

These differences in viewpoint were expressed recently in public policy during closures of Haida Gwaii fisheries for chinook salmon in 1997 and coho salmon in 1998 due to conservation concerns. In both years DFO imposed non-retention of the species of concern in both the Haida fishery and the sports fishery. According to creel surveys by the Haida Fisheries Program, the sports fishery in Haida Gwaii caught-and-released approximately 14,000 chinook in 1997 and 47,000 coho in 1998.¹⁴ The 1997 sports fishery continued to target chinook salmon and some lodges distributed measuring sticks to customers in order to compare the "size" of their catch. When the Haida complained about intentional catch and release in the sports fishery, managers said that Haida were also free to catch and release the salmon if they wanted.

Pitcher and Power (this volume) develop a framework for rapid appraisal of fisheries based on ecological, technological, economic, social, and ethical attributes. The technique, which is highly value-laden, provides a means to compare widely different fisheries by ranking fisheries from "good" to "bad" according to selected attributes. Waste or discarded catch, an important ethical issue with Haidas, was only one of numerous attributes considered. While the results are highly dependent on the values of the decision-maker (as are all public policies), the technique has the advantage of making values explicit, for all to see.

Treaties in British Columbia represent an opportunity for Canada and First Nations to redefine the relationship between peoples, the fishery, and the broader ecosystem. In other parts of Canada, treaties have created new institutions for management of resources such as co-management boards for wildlife in Nunavut and new sharing arrangements for fish such as in the Nisga'a Final Agreement in northern British Columbia.¹⁵ Some see treaties as a threat

to the status quo. But others see treaties as an opportunity to make positive changes to the way we are managing natural resources. Earlier in this chapter, we described the moral basis behind Aboriginal rights law and Canada's treaty policy. Similarly, M'Gonigle et al. (this volume) argue for new territorial ethics involving institutional change and a shift in power to the hinterlands. Ommer (this volume) describes changing ownership, dominance, and control of marine resources on the east and west coasts that began with dispossession of Canada's First Peoples. The treaty process provides an opportunity to incorporate an ecosystem justice approach, such as that embodied in First Nations' culture, in new resource management institutions that involve First Nations as active partners.

SUMMARY

Ecosystem justice has been presented in this volume as a new concept that would change the way we think about relationships between humans, the fish we catch, and the broader ecosystem we are a part of. We don't have to look far to find that a similar way of thinking has been around for a long time: in First Nations' cultures. In this essay we have tried to explain the traditional Haida approach to understanding the world and the relationship between humans and non-human beings. First Nations may hold a key to survival, not only of their own cultures, but of the species and environment that were integral to the well-being of their community. There are opportunities to develop new relationships with natural resources in Canada but changes will be required – in values, in institutions, and in public policies. Raven, who created the Haida world, had many human qualities and made mistakes that humans were meant to learn from. Canadian society, in turn, needs to accept its limitations in managing modern fisheries, become aware of the spirit and inherent value of other living beings, and become more connected to place if fisheries are to survive into the new millennium.

NOTES

1. The Haida word for white people is Yaats-Haida or "iron" people because of the trade goods that they brought.
2. See Swanton (1905a) for a list of Haida clans and names of chiefs from that period.
3. "Raven and the First Men" is located at the UBC Museum of Anthropology in Vancouver.

4. Here we mean the towns referred to in Haida oral history, which have largely been confirmed in the archaeological record.
5. The Haida word for chief is "kildslaay," which means "one who can do things with words."
6. *Delgamuukw v. British Columbia* (1997) 3 SCR 1010.
7. DFO has provided funding for the Haida Fisheries Program since 1992 through agreements under the Aboriginal Fisheries Strategy.
8. Personal communication from David W. Ellis based on interviews with Haida elder Solomon Wilson, 1982-84.
9. Average catch based on the period 1982-96.
10. Based on two guest changes per week and 90 per cent occupancy from May 15 to September 15.
11. The injunction was granted *ex parte* in 1990 based on allegations that a Haida canoe collided with a floatplane. Six persons (five Haida and the non-Haida manager) were charged with violating the injunction in 1991, convicted in 1994, but won their appeal to the B.C. Supreme Court in 1996.
12. The Watchman Program in Gwaii Haanas Haida Heritage Site/National Park Reserve consists of four base camps that operate from June to September to monitor tourist activities.
13. The Watchman Program at Duu Guusd consists of two base camps located at Kiis Gwaii and Naden Harbour that operate from May to September to conduct creel surveys and monitor sports fishing activities.
14. Creel surveys were particularly important for estimating catch-and-release mortality in 1997 and 1998 when chinook and coho sport fisheries, respectively, were closed due to conservation. DFO assumes 10 per cent mortality of chinook and coho from catch-and-release based on 1992 and 1993 studies (Dave Peacock, Stock Assessment Biologist, DFO, Prince Rupert, July 27, 1998). But a 1998 study by DFO estimated 26 per cent mortality of coho due to catch-and-release in the Work Channel area.
15. While not part of a treaty, the Gwaii Haanas Agreement established new co-management arrangements for a terrestrial protected area, the Gwaii Haanas Haida Heritage Site/National Park Reserve, and committed to negotiate an agreement for management of the adjacent marine area. The agreement created a joint Haida-Parks Canada management board that makes decisions by consensus. The model of a living Haida culture in a protected ecosystem described in the draft management plan is unique in Canadian national parks and illustrates how co-operation can achieve results that benefit society overall.

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