



**Semiahmoo First Nation**  
**Brief to the Cohen Commission**

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## Orientation

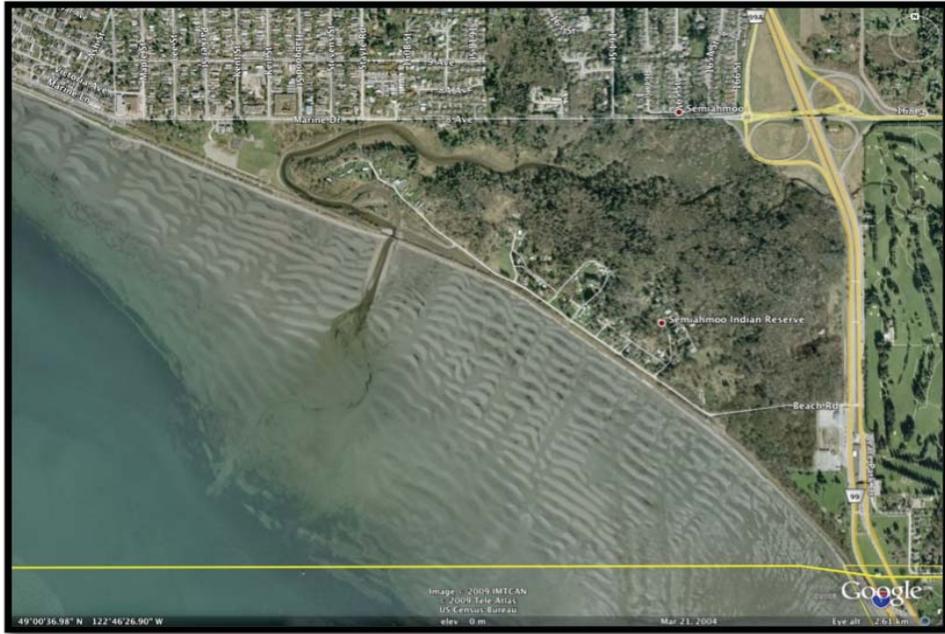


Figure 1 - Semiahmoo Reserve – present day – satellite image

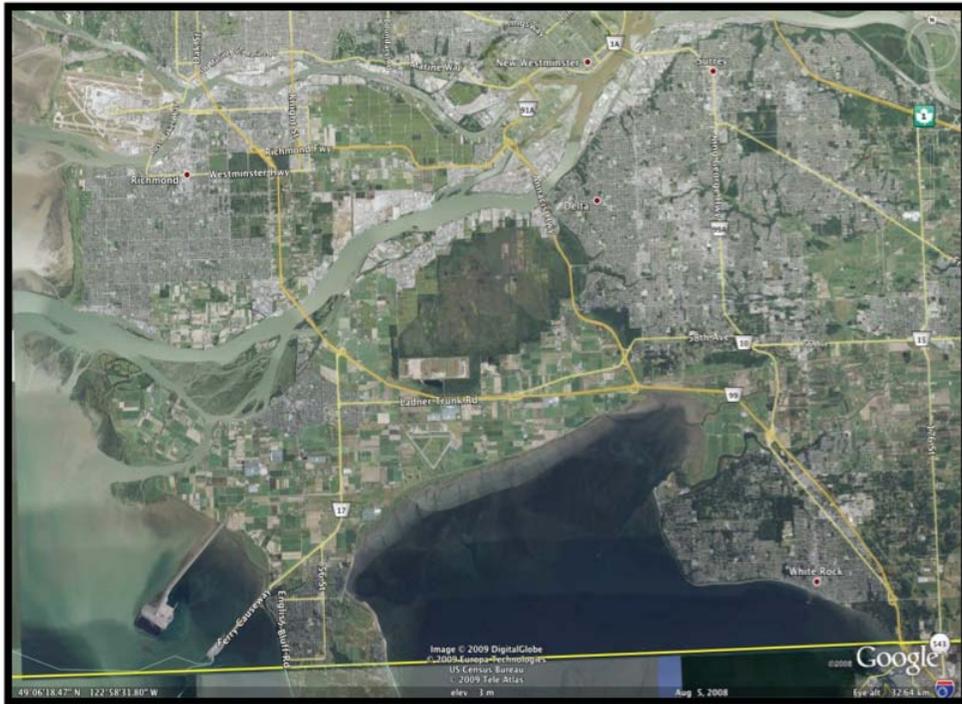


Figure 2 - Overview of Boundary Bay – Semiahmoo Reserve is in the lower right hand

1. The Semiahmoo Nation is part of the Straits Salish culture area. Straits Salish is a linguistic term applied to the aboriginal groups, speaking a common language, inhabiting parts of the Fraser River estuary, adjacent to the Gulf and San Juan Islands and the southern inside of Vancouver Island. The political alliance between the Straits Salish Nations is called 'Sencoten'.

2. The Nation is now small – about 80 members – and occupies a reserve on the Canadian side of the border immediately adjacent to White Rock BC. This reserve, about 350 acres, is the last part of Semiahmoo Traditional Territory that has not been developed or otherwise alienated.

### **Inherent Rights – Traditional Territory**

3. Historical sources, oral history, and local understanding of aboriginal community interrelationships, combined with mainstream ethnology, provide a different view of the world – especially in terms of maps -- than those which are generated for the purposes of modern treaty making.

4. Even maps made by the earliest Europeans attempted to show lines of demarcation between aboriginal groups inhabiting what is now the GVRD. In many places in BC and Canada, the indication of firm or rigid boundaries between aboriginal groups is an attempt to reconcile indigenous systems of land holding with European [or English] systems. The veracity of the product of such enterprises must be thoroughly considered from an aboriginal perspective before such maps and drawings are used to affirm or deny inherent or treaty-based aboriginal rights. If this is not carefully undertaken, protracted disputes<sup>1</sup> generally result.

5. Rather than lines of territorial demarcation as per maps created through the treaty process, a map demonstrating traditional interest would be much more appropriate. If produced by aboriginal people, such a map would probably look more like a series of circles – some

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<sup>1</sup> Boundary disputes between Nisga'a and Gitanyow continue to this day – more than 10 years after the NFA was put into force

overlapping and some not – indicating areas of exclusive and shared use.

6. Demonstrating the indigenous system of land tenure is possible for the Semiahmoo Nation and necessary to meet the legal test for extant aboriginal title. A quick overview of historical sources provides the required indicators of interest and continued use.

### **Continuous Traditional Use**

7. The Semiahmoo regularly traveled through and gathered a number of foodstuffs from the Fraser River and its estuary. It is accepted that Nations other than the Semiahmoo did as well.

8. Local ability to gather foods is always challenged by development and/or urbanization on the Lower Mainland of BC. Governments at all levels are obliged to accommodate the continued exercise of aboriginal rights [s.35.1 rights] especially when these rights pertain to the gathering of food and the collection of medicinal plants.

9. Map 3 is one of the oldest European maps of the southern reach of the Fraser indicating Semiahmoo territory. Earlier maps (from the times of Spanish explorers) are more difficult to read.

### **Traditional Territory**

10. Semiahmoo Traditional Territory is illustrated in Map 4.

11. The interest extends from Boundary Bay, up to the Fraser Mainstem and over through the Gulf Islands to Vancouver Island.

12. In the modern times, with the degradation of salmon runs returning to Boundary Bay, Semiahmoo gets its food fish requirements met from the Fraser, in conjunction with closely related Nations residing there.

### **S.35.1 Rights and Food Security & Loss of Traditional Food Sources**

13. At law, the Constitution of Canada protects aboriginal people gathering food and engaging in their pre-contact economies. Indeed, outside of an urban environment, it is the legal demonstration of the continuity of traditional food gathering activities that forms a critical part of establishing inherent aboriginal rights.

14. Semiahmoo as a Nation can be easily located in the historical record. Semiahmoo have remained within their Traditional Territory to this day and the majority of community members continue to exercise their s.35.1 rights to collect terrestrial and aquatic food, medicinal plants, and other products. The Semiahmoo continue to use traditional law [*cha lang etch*] to govern activities on their Traditional Territory.

15. Semiahmoo believes that the incursion and erosion of their rights through development, pollution, and the treaty process need to be fully and properly addressed. Further, the Semiahmoo maintain that their inherent rights must be accommodated within all relevant processes.

16. Semiahmoo maintain that the Nation's s.35.1 rights can be interpreted to mean 'food security' – thus s.35.1 rights mean that aboriginal people have the right to practice their traditional economy. Semiahmoo maintains that governments [federal, provincial, municipal] are obliged to protect and accommodate this activity when considering all developments on the land, water or air.

### **Traditional Food Gathering Technology**

17. Semiahmoo has fished using a system of reef nets<sup>2</sup> in Boundary Bay since time immemorial.

18. Reef nets are unique and indigenous to Boundary Bay...this was one of the few salmon fisheries [sockeye] that were based in tidal waters.

19. Fish to support this activity came principally from Nicomekl and Little Campbell Rivers [draining into Boundary Bay] but the runs in

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<sup>2</sup> Reef net – see Suttles 1951- [Economic Life of Coast Salish... Seattle: U of Washington](#)

both of these rivers has been effectively extirpated by unregulated urban development.

20. Owing to this lack of locally available salmon, the Semiahmoo have been obliged to obtain food fish from their tribal neighbours resident on the Fraser main stem for the last 40 years.

21. The magnitude of the reef net fishery in Boundary Bay prior to urbanization and habitat destruction was such that the Semiahmoo were considered to be very rich. Several Nations, including those Sencoten-speaking peoples from Vancouver Island travelled each year to fish in Boundary Bay and trade: production from this fishery exceeded 1,000,000 sockeye salmon annually.

22. The salmon economy was supplemented by an extensive crab fishery and bivalve fishery in Boundary Bay.

23. The crab fishery is still active: Semiahmoo fish for crab each year in a manner consistent with their s.35.1 rights.

24. Bivalves in Boundary Bay, including those located on the foreshore of Semiahmoo Reserve, are not available to the Semiahmoo because of *fecal coliform contamination on the habitat as a result of unregulated municipal outflows into the Bay directly and into the waterways draining into the bay.*

25. Federal government prefers to illegally curtail the aboriginal rights of the Semiahmoo [and charge them under the Fisheries Act if they try to exercise these rights] rather than focusing on remediating Boundary Bay water quality.

26. The constitutionally guaranteed right of the Semiahmoo to food and food security is not manifest in any action undertaken by federal or provincial regulators relating to habitat, pollution, conservation, or preservation of food resources within Semiahmoo Traditional Territory.

27. It appears to the Semiahmoo that the causes of the extirpation of salmon from streams and rivers in their traditional Territory are now being visited on the Fraser system as whole.

28. Climate change, dewatering, and habitat destruction have all combined to alienate aboriginal people from their main food source.

## **Call for Compensation**

29. It seems that neither the provincial nor federal governments have the political ability to conserve the resource for future generations given their lack of action and failure to take seriously all indicators pointing to the inevitability of the current situation.

30. Semiahmoo Nation calls on the federal and provincial governments to provide compensation to all Nations with unextinguished inherent rights [s.35.1] for the loss of their critical food source.

31. Semiahmoo further points out that this food source supported all Northwest Coast Cultures, from the Sacramento River to the Aleutian Islands for thousands of years prior to European contact.

## Semiahmoo in Historical Context



Map 3 – The Semiahmoo Traditional Territory extends to the south reach of the Fraser River - maps from Gibbs 1858<sup>3</sup>

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<sup>3</sup> Gibbs, George  
1858a *Northwest Boundary Survey Map* [showing Indian Place Names].  
National Archives of the United States, Cartographic Branch, RG 76,  
Series 68, Folder 1, Map 1, College Park, Maryland.

