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Salmon Aquaculture and Sovereignties at Sea:

Eviction as a Tool for Reclaiming Indigenous Seascapes in Coastal British Columbia

Darcey Evans

In late August of 2016, Tsahaukuse (George), *gigame'* (hereditary chief) of Liḡwildaḡw Nation, walked toward the urban center of his hometown in what is now British Columbia surrounded by family, friends, and community members. Their destination: a nondescript strip mall plaza, where, perched above a Dollar Tree, the largest salmon farming company in the world—let's call it "Salmon Inc."—rented their regional headquarters. The group approached the doors of the multiuse building with the intention of serving the company with an eviction notice. An excerpt from the eviction notice reads as follows:

This is an eviction notice to all salmon farmers in the unceded waters and territories of the Awahao Tribe of the Laichkwiltach Nation. We, the Awahao Tribe, have zero tolerance for these open-pen salmon farms in our unceded territory waters and lands. . . . Canada has embraced the UN Declaration on the Rights of Indigenous People. We have the right to look after our food sources. The salmon farms are infringing on our way of life by breaking the natural cycles of life that have sustained First Nations people for time immemorial.

Upon arrival, however, they found that the doors to the multiuse building were locked. A man wearing a fluorescent visibility jacket with the name of a private security company stitched across the breast looked out through the glass door to the crowd that had gathered outside, his nose mere inches away from the windowpane. Tsahaukuse held the eviction notice—a piece of paper housed in a plastic sleeve—at eye level, showing the paper to the man and explaining that he simply wanted to deliver the notice. The man did not let Tsahaukuse enter the building, so Tsahaukuse taped the eviction notice to the door.

"I'm very frustrated," Tsahaukuse told a friend in the crowd who filmed the exchange with a camera. "They're sitting on my land, my territory, is the worst part, you know what I mean? They did not allow me to put the eviction notice on the same door in the year 2003. Now, how many years later is it? And we are still fighting the same matter—the killing of our wild stock baby salmon, oolichans, herring, and every other thing. We've gotta put a stop to this."¹

When the eviction notice was served in 2016, salmon aquaculture companies were on track to raise 18 million Atlantic salmon in the coastal waters that surround what is now Vancouver Island.² Each of the eighty-one active grow-out sites held approximately 500,000 Atlantic salmon in a series of net-pens anchored to the seabed. Similar production systems, mostly owned by the same handful of seafood corporations, are also located in Northern Europe, Chile, and Tasmania, collectively raising 70 percent of all salmon now consumed by humans.³ Amid unprecedented crises within marine ecosystems, Atlantic salmon aquaculture and other "blue" development initiatives have become a point of departure for wrestling with the power-laden politics that inform how coastal waterscapes are used and governed. Under the umbrella of the "blue economy," coastal seascapes worldwide are being leased and developed by aquaculture, mining, offshore energy, and other ocean-based industries that capitalize on the legal classification of coastal waterways as state property. However, in places like Canada, New Zealand, Australia, Chile, Norway, and the US, coastal waterscapes are subject to preexisting forms of Indigenous marine tenure and territoriality.

When I got to know Tsahaukuse several years after he served Salmon Inc. with the eviction notice, he had spent much of the previous decade working tirelessly to document and evict the salmon farms in his territories. While researching fisheries and aquaculture in British Columbia and Washington State, I accompanied Tsahaukuse to rallies and marches across Vancouver Island. We attended press conferences and community meetings and participated in "reconnaissance trips," monitoring the daily operations of salmon farms anchored in nearby channels. One week, we spent several days going through the personal archive of photos, videos, documents, letters, receipts, and eviction notices related to the aquaculture industry that he had amassed in filing cabinets and folders around his home. His work to document the largely unseen worlds of salmon farms with an underwater camera was praised by a podcast in 2022 as "an act that would shift the fight against fish farms."⁴ Indeed, the governance of aquaculture facilities has been transformed in British Columbia since the serving of the eviction notice in 2016, with Indigenous governments now able to decide whether and how salmon aquaculture can proceed within their territories. Even so, when I asked Tsahaukuse to elaborate on what happened when he served Salmon Inc.'s offices, processing plants, and vessels with eviction notices as these changes in governance began to be implemented, he seemed frustrated. "Nothing happened," he scoffed. "The fish farms are still there, aren't they?"

This article provides a partial account of how these changes came to be, centering on the serving of eviction notices as one among many historical and ongoing forms of action that asserts Indigenous sovereignty at sea amid competing Indigenous, state, and corporate claims to coastal seascapes. In British Columbia, the province leases

and licenses parcels of the “public,” state-owned seabed under the presupposition that such “submerged lands” belong to the Crown. As the industry developed throughout the 1980s, ever-increasing areas of the marine waterscape became incorporated into changing property regimes that granted user rights to aquaculture ventures. Industry publications and government reports published during the advent of the industry embraced these changing tenure processes, advocating that stronger property rights were needed to usher oceans and fisheries into a new, modern era. However, local newspapers such as *The Fisherman*—published by North America’s preeminent labor union for fish workers, the United Fishermen and Allied Workers Union (UFAWU)—and *Sunshine Coast News* are filled with critiques and warnings about what industrial-scale aquaculture would mean for the people, economies, and ecologies of British Columbia, particularly through an erosion of the legal status of coastal waters as “common property” and a “public domain.” Yet very few articles within this textual archive address the unique concerns that Indigenous peoples across the coast brought to disputes over how, why, and where net-pen aquaculture would come to be practiced. Such reporting also stops short of questioning how and why the waterscape attained this “public” legal status or the forms of dispossession on which this classification depends. Settler colonialism is actively produced through this erasure of Indigenous peoples, histories, and territories from public and political discourse.

Through the study of this textual record alongside eviction notices and documents from Tsahaukuse’s personal archive, this article argues that Indigenous-led evictions go beyond specific companies, infrastructures, and industrial practices to fundamentally challenge the legitimacy of state claims to property and jurisdiction within unceded Indigenous homelands. I first describe how the coastal seascapes of what is now British Columbia have always been made and remade in connection with Indigenous practices of marine cultivation, tenure, and ecosystem stewardship. I then position the state as a landlord of the sea and seabed and argue that, in leasing and licensing parcels of the seabed to aquaculture companies, state and industry are entangled in a co-constitutive landlord-tenant relationship. In coastal communities worldwide, scholars have documented how industrial aquaculture facilitates a form of “ocean grabbing” that transforms waterscapes into a new type of commodity, subject to trade, speculation, and profit-making.⁵ I also take the property regimes provoked by aquaculture to be territorial forms of governance—a way for the state to solidify its own claims to territory by creating ways of legally occupying space. In this context, we shall see how Indigenous practices of eviction intervene in the landlord-tenant relationships between state and industry that facilitate processes of ocean grabbing and characterize how resource development and extraction occur within settler states. In situating eviction as an assertion of sovereignty that contests the state’s ability to claim and lease “public” lands, waters, and seabeds, I propose that eviction can serve as a method for transforming the relations of power that dictate from where, by whom, and for whom decisions are made.

INDIGENOUS SEASCAPES

The Pacific coast is shaped in profound ways by Indigenous practices of cultivation and ecosystem stewardship. Across the shorelines of what is now British Columbia, soils and sands are tilled and slopes are terraced to create clam and root gardens that provide a variety of foods and habitats for humans and other inhabitants of the intertidal zone.⁶ Pacific salmon, eggs, smolts, and adults are transferred and transplanted between streams to address localized shortages.⁷ Rivers to which salmon return are engineered with rocks and debris to create varied habitats and pools of deep, cold water.⁸ Salmon are encouraged to return through such acts of “streamscaping.”⁹ In ceremonies across the coast, Indigenous nations return the bones of salmon to rivers and oceans, enhancing marine nutrients and enabling the salmon to resurrect and tell future migrating salmon that humans are deserving, respectful, and that it is “good to travel” to the human world.¹⁰

These systems of cultivation and stewardship create what scholars Thomas Thornton, Douglas Deur, and Herman Kitka Sr. call a “moral-ecological paradigm” that is concerned with the “cultivation of relationships, rather than the management of resources.”¹¹ Salmon, herring, clams, and other aquatic beings are not just “natural resources”: they are also relatives with spirits, decision-making abilities, and the capacity to act according to principles of respect and insult.¹² Disrespectful behavior, such as overharvest or an ill-cultivated stream, insults the salmon and offers them no reason to return.¹³ As such, salmon require people to live in good relation with them, or, as Chief Adam Dick and colleagues put it, “If the species and habitats were honored through acts of management, they would—as sentient actors on the landscape—reciprocate to their human caretakers.”¹⁴

Such forms of marine stewardship go beyond a concern with harvest to craft sea spaces that continue to be governed according to Indigenous legal orders. Specific individuals and families are recognized as the stewards and caretakers of certain sites, serving as wardens or guardians and specifying when fishing can begin or when it should be delayed.¹⁵ Snohomish historian Joshua Reid has documented that before the coastal straits in this region were divided between Canada and the United States, the ways in which Indigenous and non-Indigenous people conceptualized, organized, lived in, and moved throughout seascapes were in accordance with nation-specific protocols that were both terrestrial and marine.¹⁶ In one powerful example of historical maritime sovereignty from Liḡwíłdaǰw territories, Liḡwíłdaǰw scouts kept a twenty-four-hour lookout over the channels north of the Hudson Bay Company’s outpost in Victoria, monitoring the people and goods that moved through the waterscape and collecting a toll at the main transit point through the islands.¹⁷ “Local waters were,” in the words of Reid, “sovereign tribal space.”¹⁸

Despite the many examples of Indigenous stewardship and tenure within the coastal waters that would come to be claimed by British Columbia and other settler states, the doctrine of *mare nullius* or *aqua nullius* positioned the sea—like the land—as empty, unused, and unclaimed.¹⁹ Indigenous communities and scholars are working to recover these submerged histories of the sea, recentring the place of water in the

constitution of Indigenous territories, onto-epistemologies, and futures. Scholars Cutchá Risling Baldy and Melanie Yazzie position water, like salmon, as “an ancestor and as a relative with agency within this network of life, one who deserves respect, care, and protection.”²⁰ Rachel Yacaaʔaʔ George, writing from ʕaahuuʕaʔaʔh (Ahousaht) territories of the British Columbia coast, is similarly descriptive: “The waters of the Pacific have always oriented my existence, and continually called me home. Our connection to the water is deeply engrained in us as coastal people; it is a kinship that is so vital to who we are. . . . My love for the water . . . is deeply engrained in who I am as ʕaahuuʕaʔaʔh (an Ahousaht woman).”²¹ George and collaborator Sarah Wiebe invite us to imagine a “fluid decolonial future” in which relationships to water do not rely on matrices of property, profit, and production, but are instead grounded in principles of love, belonging, kinship, and respect.²²

These expressions of waterscape relationalities illuminate how the political-economic turn to developing blue economies is entangled with environmental justice and Indigenous political movements on a diversified international scale. Despite the importance of waterscapes to coastal nations, the legalities of Indigenous territorial rights in Canada and largely around the world have developed in relation to dry land, making watery spaces beyond the coastline into an evolving gray zone in pursuits for Indigenous territorial rights.²³ Efforts to develop blue, ocean-based economies rely on historical constructions of marine waterscapes as empty and devoid of preexisting tenure systems in order to make marine waters into “the next great economic frontier,” vital to state territories, national securities, and economic possibilities worldwide.²⁴ In this context, salmon aquaculture and other blue development initiatives become a catalyst for conflicting Indigenous, state, and corporate sovereignties at sea.

ATLANTIC SALMON TRAVEL WEST: SALMON AQUACULTURE IN BRITISH COLUMBIA

Salmon aquaculture emerged in British Columbia in the 1970s and '80s as an enticing solution to the seemingly endless crises occurring within Pacific salmon fisheries. In a fishing industry and ecological milieu characterized by increasing precariousness, aquaculture promised a reliable source of fish for human consumers while reducing fishing pressures on free-swimming, river, and hatchery-born salmon. Nevertheless, early salmon farmers struggled to make their operations a success. Securing a reliable supply of high-quality Pacific salmon eggs and fish feed proved difficult. Financing remained a major hurdle. Unexpected troubles could arise at any time. Damage to the nets could enable thousands of fish to escape.²⁵ Sometimes, entire populations were lost to disease.²⁶ Salmon aquaculture was almost a failed experiment in North America. However, the farming of Atlantic salmon was already a commercial success in Norway, prompting British Columbia to look to European methods of raising Atlantic salmon to solidify salmon aquaculture as a viable coastal industry.

Atlantic salmon held several advantages: they were considered biologically better suited to a livestock-rearing environment because they were less territorial and would more happily accept feeding pellets than the Pacific salmon, who would aggressively

fight over food, sometimes endangering each other and the nets.²⁷ The relative docility of Atlantic salmon also enabled them to be stocked in pens at higher densities.²⁸ Perhaps most important to salmon farmers, Atlantic salmon could grow to market size at almost twice the speed. As links between British Columbia and Europe strengthened through the sharing of industrial practices, technical knowledge, and investment capital, the small, family-run farmsteads designed by coastal residents were slowly acquired by Norway-based corporations that were already well versed in the process of raising Atlantic salmon and were able to operate at the scale needed to turn a profit.

In British Columbia, Atlantic salmon are not only “newcomers to the farm,” they are also relative newcomers to the Pacific coast—a region that has evolved in relation with Pacific salmon as they move from fresh to salt water and back again.²⁹ Tsahaukuse and many coastal residents have come to know their shared human and salmon territories through a lifetime spent on fishing boats, moving and making a living in tune with the seasonal rhythms of shrimp, crab, salmon, herring, cod, and halibut. But at the time Tsahaukuse served Salmon Inc. with a notice of eviction in 2016, Pacific salmon returns to British Columbia were at their lowest point in 120 years.³⁰ Salmon ecologies throughout the Pacific have long been transformed by warming oceans, disappearing habitats, and dammed and polluted rivers. When farms of Atlantic salmon are now anchored in the same channels through which Pacific salmon migrate, the rise of industrial Atlantic salmon aquaculture brings new complexities to already fractured salmon worlds. Underwater lights used at night accelerate the growth rates of Atlantic salmon, but the lights also attract Pacific salmon and other aquatic beings to the farm where they become easy prey for the carnivorous Atlantic salmon within the nets. Sea lice, a potentially lethal parasite, find plentiful hosts within a salmon farm and reproduce exponentially in and around the nets, latching onto and weakening Pacific salmon as they embark on their migrations to and from the sea.³¹ Potentially lethal viruses and bacteria transfer between Atlantic and Pacific salmon. Previously never-before-seen types of toxic algae bloom in waterways where salmon farms are anchored, and chemicals used to treat farm-borne pests leach into surrounding waters, making nearby shellfish unsafe for human consumption.

Tsahaukuse’s eviction notice makes clear that his work to remove aquaculture facilities is rooted in an enduring commitment to stewarding Indigenous foods and, as he puts it, protecting the “natural cycles of life that have sustained First Nations people for time immemorial.” However, the degradation of aquatic ecologies was not the only shift stimulated by the turn to net-pen aquaculture. In applying to lease or license areas of the waterscape from the provincial government, the farm-raising of seafood also transformed the property relations of the coast by carving waterways into parcels of corporate tenures. By the late twentieth century, the cultivation of farmed salmon also cultivated a reimagining of seascapes as places that could be settled, propertied, and enclosed. As scholar Jessica Hurley proposes, farming the sea comes to enact the “daily work of settler occupation,” for “as the citizen-farmer works the oceanscape, the oceanscape becomes ontologically his.”³² In this case, the crafting of seascapes into what Hurley calls a “bureaucratic fish-oriented Little House on the Pacific” was not only realized through the strenuous and creative forms of labor put forth by the

citizen farmer-turned-multinational corporation, it also relied on the assumption that seabeds and coastal waters are under state jurisdiction.³³

THE STATE AS THE LANDLORD OF THE SEA(BED)

The presupposition that coastal waters and seabeds are under state jurisdiction traveled with empire, changing the ways in which marine waters in places like Canada and New Zealand would come to be imagined, managed, and exploited. According to English common law at the time of British Columbia's creation in 1871, the Crown not only became the owner of most terrestrial land, the Crown also acquired certain "submerged lands"—that is, land beneath tidal waters.³⁴ The common law position held that running or percolating water could not be owned but the land beneath it could; by extension, proprietary rights could be applied to submerged lands rather than the water itself.³⁵ Marine waters had long been thought to be resistant to such property-making endeavors, imagined as more akin to air than land: impossible to occupy, resistant to enclosure, and therefore difficult to fully possess.³⁶ The legal calculus that incorporates seabeds or "submerged lands" and surrounding waterscapes into a legal definition of "land" significantly expanded the types of territory that the Crown could lay claim to. The submerged lands of coastal waterscapes became reclassified as Crown lands, a public domain to be held in common by the Crown for subjects of the empire.

Proprietary rights to submerged lands were reiterated in 1875, when the commissioner of fisheries asserted the following in his annual report: "the soil of public navigable waters belongs to the Crown and the right of fishing belongs to the public."³⁷ The commissioner's statement reveals how settler claims to seabeds in particular were central to the overall project of claiming Canada's territories. Characterizing waterscapes by their soils rather than the hard-to-enclose fluid on top helped to make seascapes into places that could be governed in ways that were more in line with terrestrial land—i.e., in ways that could be claimed, propertyed, and enclosed.

These historical doctrines that envelop coastal waters into regimes of state property-making are key to understanding both the structure of aquaculture leasing and licensing systems and Indigenous-led efforts to evict them. Salmon farms operate through a lease or license to occupy Crown lands under British Columbia's Land Act, with "all submerged land between the mainland . . . and Vancouver Island and Haida Gwaii . . . as well as all submerged land within bays on the west coasts of these islands" designated as "aquatic Crown land."³⁸ By definition, this encompasses all of the marine waterscapes comprising the territories of Liḡw'íłdaŋw, 'Nāmgis, Musgamakw Dzawada'enuxw, K'ómoks, Ʒaḡuusʔath, ɣaʔuukw'iath (Tla-o-qui-aht), and dozens of other nations.

In exchange for rights to develop and build on submerged aquatic Crown lands, companies pay application and administrative fees and annual rents to the province of British Columbia. From 2015 to 2025, the application fee for a salmon farm was set at 5,171.25 Canadian dollars with annual rents calculated as a percentage of the value of the seabed occupied.³⁹ Tenure through a license of occupation does not quite guarantee exclusive use of an area, but it does allow for the construction of temporary

structures and restricts public access to the area for the duration of its thirty-year term.⁴⁰ Nevertheless, since coastal waterways legally remain “public” and under state jurisdiction, the inability for aquaculture ventures to properly “own” the waterscapes and submerged lands in which they operated emerged as a key source of contention for banks and lending institutions, who preferred the financial assurances offered by property rights as were held in more traditional forms of agriculture.⁴¹ Reports such as “Fencing the Last Frontier” specified that continued Crown ownership of the seabed posed a potentially insurmountable impediment to aquaculture in Canada. The report warns that “the fish farmer’s relationship to government is one of lessee to lessor, not owner to regulator,” and that the industry was unduly “hampered by a property rights system essentially developed for the hunter-gatherer nature of the wild fishery.”⁴² Private property rights equivalent to terrestrial freehold property, “analogous to the way in which land has been alienated for agriculture,” were needed to ensure aquaculture’s success.⁴³ However, the state did not succumb to the pressure to produce private property as the industry, banks, and insurance companies advocated, reiterating that Land Act regulations prohibit aquatic Crown lands from being fully bought or sold. (In contrast, terrestrial Crown land can sometimes be purchased at market price.) Instead, British Columbia announced an aquaculture incentive program to provide fish farmers with interest-free loans. Insurance and tax credits became more readily available. Egg import regulations were weakened, and bureaucratic changes made the application process easier, with few if any bays or inlets not under tenure application by the late 1980s.

The histories through which coastal seascapes and their soils came under state jurisdiction aligns with political theorist Robert Nichols’ argument that “theft preceded and produced property,” with the theft of coastal seascapes, in this case, remaking the soils of “submerged lands” into a type of property that could be claimed and leased by the Crown.⁴⁴ Nichols describes colonization in the United States as a “procedure that generates legal possession out of avowedly extra-legal seizures.”⁴⁵ This holds true in British Columbia, where colonial officials violated the terms of British colonial law by overwhelmingly settling and claiming land without first entering into treaty negotiations. Even in instances where treaties do exist, they do not “cede” or grant the Crown rights in the nearshore waters in which aquaculture occurs.⁴⁶ As Nichols goes on to suggest, these “extra-legal seizures” were driven as much by economic pressures for capital accumulation as they were by state demands for territorial sovereignty.⁴⁷ State and market forces have been, according to Nichols, “part of an emergent composite whole” since the settler states of Canada and the United States were first founded.⁴⁸

Within the coastal waters of British Columbia, the changing property relations engendered through licenses to rent the seabed not only reflect a shift wherein marine waterscapes become enclosed and propertied through forms of labor that put oceans to productive use as described by Hurley, they also help the state to manifest its jurisdictional and territorial claims. In disposing of “submerged” lands under the assumption that they belong to the Crown, state and industry are wedded in a mutually constitutive landlord-tenant relationship. Scholars such as James Ferguson⁴⁹ and Jody Emel et al.⁵⁰ have similarly argued that certain modes of state sovereignty are

made not through enforcing exclusivity over a territory but through manufacturing the legal and proprietary conditions needed to ensure a flow of capital. The sovereignty of the “landlord state” is composed, at least in part, through relationships with nonstate actors, such as companies who seek access to lands and resources through the state.⁵¹ In this mutual constitution, corporations become implicated within the dynamics of settler colonialism. Resource development and extractive industries make use of settler political structures in which lands and waters are emptied of Indigenous life-worlds and exist at the ready for capitalist production, while facilitating such processes legitimizes the state and the territories it claims.

Tsahaukuse’s eviction notice reminds aquaculture companies and the state of the unceded legal status of Liḡʷilḡaḡʷ lands and waters. As he wrote in a letter to government representatives following the serving of the 2016 eviction notice, “This is unceded First Nations territory. There has been no treaty or purchase of this territory by the Crown or the Canadian government. The Liḡʷilḡaḡʷ Nation holds unextinguished Aboriginal titles and rights over our unceded lands and waters.” When aquaculture relies upon and operates through state processes of property-making that have long removed care and control of the waterscape from Indigenous hands, the work of evicting aquaculture facilities also becomes part of the process of sovereign and territorial reclamation, with territory in this case extending to the bays, inlets, and straits of the coastal seascape.

EVICTING INDUSTRIAL AQUACULTURE AND THE LANDLORDS OF THE SEA

When aquaculture facilities started being constructed within the coastal waterways of British Columbia in the 1980s, the perceived legal transformation of nearshore waters from public domain to private industrial use was met with anger and resistance by Indigenous nations, commercial and sports fishers, environmental groups, and government bureaucrats alike.⁵² Citizens of Edgemont expressed frustration that leasing mechanisms left little space for local governments within decision-making structures.⁵³ In the town of Sandy Hook, residents were surprised to find that areas they considered to be protected from industrial development due to residential land-use conflicts were quickly being leased since the “bylaw prohibiting commercial activity in the area had been amended to exclude fish farms.”⁵⁴

Indigenous nations brought forward unique concerns regarding the lack of consultation and the threats that raising Atlantic salmon in Pacific waterways could pose to aquatic cultural resources. Salmon farm leasing zones overtook gillnet drift areas, prawn fishing grounds, and key seine tie-up spots, alienating salmon, prawn, and rock cod fishers from harvesting grounds.⁵⁵ Gerald Amos, chief of Kitimat Band Council, told reporters at a 1986 conference of the Offshore Alliance of Aboriginal Nations that the permits used to authorize farm construction were “intended as a political tool to alienate resources.”⁵⁶ Nisga’a Tribal Council representative Harry Nyce reiterated, “This is preemption of traditional lands. . . . Traditional Indian harvesting areas are being lost to foreign investors.”⁵⁷ Indeed, in a special report a few months earlier, Devin Karjala warned that “speculative land-grabbing of the public domain,” actively

promoted by real estate developers, was benefiting some of the largest global seafood corporations, one of whom aimed to make one site in British Columbia into the largest salmon farm in the world.⁵⁸

Conflicts over the spatial and ecological repercussions of aquaculture inspired emerging forms of Indigenous intervention by the turn of the twenty-first century. Of the seventeen farm sites anchored in ʕaahʕuusʔaṭṭ territories in 1997, fourteen were constructed in “red zones” deemed unsuitable for salmon aquaculture.⁵⁹ One such bay was a key place for herring to spawn, but herring had not been returning to the bay since the advent of industrial aquaculture in the area.⁶⁰ Schools of energetic herring, salmon fry, and clam gardens struggled to coexist with the 400,000 farm-raised Atlantic salmon held within each pen.⁶¹ Although tenure for the site had expired several months earlier, the provincial government continued to extend the lease on a month-to-month basis while corporate mediators were hired to find a settlement for the dispute.⁶² In a waterborne form of protest, more than one hundred ʕaahʕuusʔaṭṭ citizens surrounded the farm in twenty-five boats, aiming to persuade the province to revoke the farm’s lease.⁶³ The next year, citizens from T’Sou-ke and neighboring nations similarly traveled on a flotilla of canoes and fishing vessels to evict Prime Pacific Seafarms from T’Sou-ke territories. Frank Planes, hereditary chief of T’Sou-ke First Nation, stapled a small, typed eviction notice to the farm’s floating office anchored 200 meters off the shoreline. He asserted that the farm had poisoned the waters and sea life of the harbor and that T’Sou-ke First Nation was striving to reclaim control over the waterways within their ancestral territories.⁶⁴

Indigenous critiques of the emerging industry echoed and yet exceeded settler concerns with ecological degradation and desires to keep waterscapes “public.” Instead, water-based forms of direct action that demanded state revocation of certain leases, the serving of eviction notices, and assertions of the legal duty to consult changed the terms of the conversation around salmon aquaculture at the end of the twentieth century. Indigenous interventions, based in sovereign claims to resources, rights, and unceded territories, went beyond particular companies or industrial practices to contest the state’s presumed authority to classify, divide, and license waterscapes in the first place. By 1998, the Union of British Columbia Indian Chiefs (UBCIC) announced a zero-tolerance policy for salmon farms, emphasizing that harm to salmon and their ecologies is also an assault on Indigenous rights and livelihoods. To be sure, the declaration outlines many of the ecological concerns associated with salmon aquaculture: interspecies transfer of disease, habitat destruction, species displacement, toxic flows of sewage, chemical and antibiotic residues, predation of young herring and salmon, and algae blooms.⁶⁵ However, the resolution also articulates how environmental injustices and the geographies of degradation they yield are not just problems relegated to the environment but are also questions of Indigenous futurity and livability. The UBCIC writes as follows:

The “right to fish” enjoyed by all Indigenous peoples will be hollow and meaningless if there are no salmon or other fish in our oceans, rivers, lakes, and streams. Without fish, there is no “right to fish.” Fish farms move salmon away from being

a natural resource [that] is both precious and sacred to Indigenous nations and turn salmon into a commodity to be manufactured. . . . The “economic” right of Canadians to factory-produced salmon cannot override our Aboriginal right to the fishery and cannot erase the relationship we have had with the fishery for generations.⁶⁶

In positioning ecological harm as a violation of Indigenous rights, they also speak to the ways in which aquaculture facilitates a transformation in Indigenous relationships with and responsibilities to salmon, with the mass production and commodification of salmon antithetical to salmon as a relative requiring respect and care. They further assert that the province acts illegally when it issues permits and licenses for salmon farms on Indigenous title lands without the involvement or consultation of Indigenous nations—striking at the heart of Canada’s coastal governance policies.⁶⁷

Back under the fluorescent lights of the Dollar Tree in 2016, Tsahaukuse built upon this legacy of marshalling eviction as a method for asserting Indigenous jurisdiction amid competing claims to marine waterscapes. Even though the locked and guarded door prevented Tsahaukuse from entering the building, it was not the last time that he would serve aquaculture-related operations with notices of eviction. He also took one to Salmon Inc.’s fish transportation and harvesting vessel, watching as hundreds of thousands of Atlantic salmon smolts were transferred into the hull of the massive 100-foot boat. He then took an eviction notice to the local fish processing plant. The packing company had recently made national news when scuba divers captured images of plumes of blood billowing into the channel via pipes from the facility. The bloody water then tested positive for the virus *Piscine orthoreovirus* (PRV)—potentially lethal to both Atlantic and Pacific salmon.

He also took eviction notices to the farms themselves. In 2017, he spent six weeks on board a pleasure cruiser-turned-research vessel, traveling to salmon farms across the coast and inspecting the pens of Atlantic salmon. In one instance, he approached the metal walkway of the farm in a small inflatable dinghy—underwater camera and eviction notice in hand—and told employees at the site that the owners of the farm were trespassing in unceded Liḡwíłdaǰw waters. Aquaculture companies often attempted to prevent Tsahaukuse and other Indigenous leaders from inspecting farms or serving eviction notices under the legal gambit that they were trespassing on private property. However, Tsahaukuse reveals and pushes back against this state-corporate nexus by flipping the terms of trespass back onto companies and the state.

Licenses to occupy Crown lands and the warning that Indigenous leaders should not approach the farm for fear of consequences for trespassing on company property are manifestations of state-based coastal governance. As Tsahaukuse traveled to farm sites, docks, corporate offices, and processing facilities, he continuously asserted that Liḡwíłdaǰw territories made of both water and land were unceded and that the state did not have the authority to grant leases and licenses to aquaculture companies in unceded Indigenous waterscapes. To take his assertions of territoriality and trespass seriously is to counter widely held perspectives that treat waters and seabeds as state property and place Indigenous jurisdiction at the center of this maritime geography. In

doing so, practices of eviction go beyond specific companies or industrial practices to address the state in its role as a landlord and challenge the foundational assumption that the Crown holds jurisdiction over the “submerged lands” of the coast.

EVICTON: A METHOD, TOOL, AND TECHNIQUE TRANSFORMED

Eviction is commonly understood as a structural tool of displacement, often further marginalizing people, families, and communities who are already rendered vulnerable within a socioeconomic context that weds housing with land commodification.⁶⁸ With regard to Indigenous peoples, the term usually refers to processes of dispossession in which Indigenous peoples are removed from their homelands and ancestral territories.⁶⁹ However, when Indigenous leaders across varied times, nations, and geographies travel to corporate offices and sites of extraction to serve companies with eviction notices, they combine direct action and legal techniques to shift the “who” of sovereignty, challenging the structures of power that operate in settler colonial contexts.⁷⁰

Beyond conflicts over aquaculture, evictions are frequently used to exercise Indigenous sovereignty and jurisdiction in the face of state-corporate resource extraction. In 2013, citizens of Elsipogtog First Nation served the fracking company, SWN Resources Canada, with an eviction notice. The Elsipogtog chief and council announced that they were reclaiming their unceded and unoccupied lands from federal and provincial governments to prevent their territories from being “mismanaged . . . to the point of ruin.”⁷¹ In 2014, a tailings dam at Imperial Metals’ Mount Polley mine failed, releasing 25 million cubic liters of toxic waste in what is widely considered the worst environmental disaster in Canada’s history. The following week, Judy Wilson, Neskonalith Indian Band chief, traveled to Imperial Metals’ Vancouver office to hand-deliver an eviction notice to the company, demanding that Imperial Metals cease exploratory work on a new zinc mine in Neskonalith territories.⁷² In 2020, Wangan and Jagalingou leaders in the Australian state of Queensland served a mining corporation, Adani Enterprises Ltd., with eviction notices at their corporate offices in Brisbane and Townsville and at the site of their Carmichael mine.⁷³ The eviction notice states, “We demand that you, immediately, cease and desist all mining and extractive activities on our country. . . . This is your first and final notice of eviction.”⁷⁴ Employees from the mining company were met with physical blockades when they arrived in Wangan and Jagalingou lands the following week.

These examples are not exhaustive but speak to a broader trend wherein practices of eviction are mobilized as tools of contemporary Indigenous governance. Asserting jurisdiction through eviction extends beyond specific industries to intervene in the landlord-tenant relationship between state and industry that structures much of how resource development and extraction take place in settler states. In Canada, the United States, and around the world, the leasing, licensing, and permitting of “public” lands and waters has long served as a technique of state-making and economic growth. In Canada, the vast majority of resource extraction—including forest logging, mineral mining, river damming, railroad building, and oil drilling—are all premised on the leasing and licensing of Crown land.⁷⁵ In the United States, too, at least 34,000 leases

were issued to oil and gas companies to operate within public lands as of 2022.⁷⁶ These mechanisms of landlording help the state to fortify its own sovereign claims to territory while resource-intensive industries benefit from the histories of theft that make such state claims to territory possible.

Aligned with more conventional forms of eviction, the Indigenous-led evictions referenced here are an instrument for suspending the contractual relationship between tenant and landlord.⁷⁷ They assert claims to land and territory, create legal linkages between home and state, and are territorial forms of struggle that call into question ways of legally occupying space.⁷⁸ Unlike more commonplace forms of eviction, though, Indigenous-led evictions are not necessarily seeking to replace one claim to property with another by operating within and thereby upholding the validity of state-based property rights systems. Instead, they challenge the legitimacy of state property systems by revealing the underlying theft through which state claims to land are made. Premised on assertions of trespass in unceded territory, the exercise of Indigenous jurisdiction through eviction reminds the state and its license holders that, in the absence of treaties, neither Canada nor British Columbia legally owns the lands and resources that they continue to “lease, license, and permit away.”⁷⁹

Indigenous-led evictions are also rooted in governance systems that exist outside of the terms of engagement defined by the settler state. Indigenous legal systems throughout North America have incorporated concepts of eviction, banishment, and exclusion since before the imposition of settler political-legal structures.⁸⁰ For instance, cases such as *R v. Taylor* note that “First Nations people, including the Plains Cree and Dene, have for centuries used banishment in one form or another as a method of redress for a wrongdoing.”⁸¹ When understood as an expression of Indigenous legal orders, evictions—like blockades—serve as “a meeting place of law”⁸² and an expression of “disruptive counter-sovereignty” that challenges the foundations of the settler state and its ability to fix lands and resources for capitalist accumulation.⁸³

The conflicts that emerge at sites of infrastructure, extraction, and development also articulate relationships with lands, waters, and more-than-human beings in ways that go beyond frameworks of fish-as-commodity and land-as-(state)-property. For example, the UBCIC framed their zero-tolerance policy for salmon farms as part of “our obligation both to the salmon and all marine life and to our future generations.”⁸⁴ At a 2019 press conference of the Wild Salmon Defenders Alliance, James Hobart, Spó’zēm First Nation chief, likewise positioned efforts to remove salmon farms as a responsibility to Pacific salmon, succinctly stating, “We owe it to them.” As Turtle Mountain Chippewa scholar Lindsey Schneider warns, to conceive of the return of land and water only within the register of property claims and title rights not only risks legitimizing Western systems of title and property that settler colonies depend on, it also risks reentrenching frameworks of human exceptionalism that regard lands and waters as belonging to humans alone.⁸⁵ After all, these are shared human and salmon territories. As Schneider suggests, the work of reclaiming waterscapes also encompasses the return of water “to the salmon, to the sturgeon, the mussels, and all the other more-than-human relatives who depend on it.”⁸⁶

In this context, Indigenous-led evictions do not merely serve as a mirror or an imitation of state and capitalist modes of governance. Instead, aligned with Métis anthropologist Zoe Todd's articulation of refraction as a process through which "Indigenous peoples can (and do) use Indigenous legal orders, and relationships to more-than-human beings, to bend and diffuse the state's European-derived laws," evictions may be understood as refracting the logics of property onto the state, corporations, and settler publics.⁸⁷ When processes for land and water repatriation demand that principles of relationality and responsibility be translated into the language of property and rights in order to be legible by the state,⁸⁸ evictions are, perhaps, a "conscious and strategic *refraction* of colonial imaginaries" or a "tool through which to assert Indigenous legal-governance traditions while contending with the unavoidable realities of state imaginaries about how humans should relate to the world around them."⁸⁹

Reimagining eviction as a form of direct and legal action that contests rather than upholds property relations and state jurisdiction provides a fundamentally different way of regarding eviction as a concept, practice, and political possibility. With respect to aquaculture, evictions counter the commonplace architectures of coastal governance in which waters and seabeds are presupposed as belonging to the state. Instead, eviction becomes a technique for intervening in the relations between landlord and tenant and state and capital in ways that situate Indigenous sovereignty and jurisdiction as the place from which coastal governance is anchored.

CONCLUSION: POSSIBILITIES AND CHALLENGES IN RECLAIMING MARINE WATERSCAPES

Although Tsahaukuse seemed disappointed when I asked him to expand upon "what happened" when he served Salmon Inc. with notices of eviction, his actions were nevertheless among many that helped to galvanize a suite of changes within aquaculture governance. Three years later, British Columbia announced a radical revision to its aquaculture leasing and licensing policy: moving forward, aquaculture tenures would only be issued to companies who negotiated agreements with First Nations in whose territories they proposed to operate. As part of this new "consent-based process," Indigenous nations have implemented their own environmental and operational standards that have restructured if and how industrial salmon aquaculture is able to continue. They institutionalized their rights to screen Atlantic salmon for pathogens before the fish are transplanted into their territories—a right that was only previously granted to aquaculture companies and government agencies. They specified that if the Atlantic salmon are found to be positive for certain viruses, the company in question is forbidden from transferring those salmon to the farm. Further, if the company is unable to comply with sea lice thresholds, the fish must be removed from the farm—a requirement that the Department of Fisheries and Oceans has never proposed.

The possibilities and limitations offered by such changes in governance look different for every nation and community. In some cases, aquaculture companies have been unable to meet the standards and requirements put forth by Indigenous nations

and, net by net, farm by farm, the facilities were removed from their territories. In *ł̓aʔuukʷiaṭh* territories, aquaculture companies now operate under regulations determined by the nation, with protocols forbidding the use of antifouling chemicals and underwater lights.⁹⁰ *’N̓amgis* First Nation successfully removed net-pen facilities from their waterways and are experimenting with a land-based aquaculture facility. Kwikah First Nation transformed a former net-pen facility into a community-owned-and-operated scientific research station.⁹¹ Others, such as *Lig̓w̓ilḁx̓w*, are still figuring out what it might mean to farm salmon on their own terms, asserting that the choice to farm salmon, or not, is under the purview of each sovereign nation. As the UBCIC concluded in 1998, “Any use of Aboriginal title lands (including waters) for fish farms requires the full consent of the Indigenous nation concerned.”⁹² It took twenty years, but their demand has now been realized. Evictions, alongside government-to-government consultations, lawsuits, petitions, occupations, and environmental monitoring programs, are among the many diverse and creative techniques that made these changes possible.

Indigenous peoples have always been salmon stewards across the Pacific coast. Recent turns in the aquaculture industry are an extension of the marine stewardship practices and “moral-ecological paradigms” that have cared for and cultivated relationships with water and salmon since time immemorial. Significantly, these transformations in governance go beyond user rights and the management of particular resources to institutionalize Indigenous decision-making authorities over if, how, where, and under what conditions certain industrial practices can proceed—a relative rarity in settler states. The restructuring of the salmon farming industry is setting a new precedent for Indigenous sovereignty and jurisdiction, especially within unceded and maritime territories where the rights of Indigenous peoples are less developed than they are on land. Mining, forestry, and oil development sectors are also watching how the restructuring of the salmon farming industry unfolds because state mandates for Indigenous consent could affect the entire political economic landscape within Canada, and throughout settler states more broadly. Yet *Tsahaukuse’s* frustration that the salmon farms were still present at all speaks to the slowness of bureaucracy, especially amid ecological crises, the difficulties of balancing economic development with ecological protection, and the complexities of navigating “consent” when community perspectives do not always align.

At the same time, the enduring legal classification of coastal waters as “public” might prove particularly challenging for Indigenous nations attempting to reclaim seascapes. Public rights to fishing and navigation have been enshrined in Euro-Western law and have traveled worldwide since at least the thirteenth century.⁹³ Indigenous claims to seascapes rub up against these deeply engrained ways of conceptualizing and managing marine waters. In the Supreme Court of Canada, cases like *Delgamuukw v. British Columbia* affirmed that the right to exclude others is a component of Indigenous title. Legal scholar Diana Ginn suggests that this characterization of Indigenous title as exclusive might pose the most challenging obstacle for Indigenous nations attempting to assert title rights to seabeds, marine spaces, or tidal portions of rivers, since recognition of Indigenous title and therefore exclusivity in these areas would contradict

common law positions of public rights to fishing and navigation and international rights to innocent passage.⁹⁴ In New Zealand, where title rights to foreshores, seabeds, and coastal waters were historically likewise vested in the British Crown, government officials have followed similar logics in arguing that to recognize Māori title rights in and to such places would infringe upon foreshores and seabeds as “the common heritage of all New Zealanders.”⁹⁵ When legal scholars like Ginn warn that pursuits to reclaim seascapes might be unsuccessful because of their challenge to the “common” and “public” characterizations of the waterscape, conflicts over aquaculture can be seen as a recent iteration of a historical pattern wherein claims to a state-owned commons are a nucleus around which continued dispossession functions.

While the pages of *The Fisherman* and other local publications are filled with disconcertments about what aquaculture would mean for the public legal standing of the coast, the political power of Tsahaukuse’s eviction notice comes into clearer focus when we consider how waterscapes came under state jurisdiction and the forms of dispossession on which these claims depend. That waterscapes are considered public and under state ownership has become such a taken-for-granted, hegemonic state of affairs that when I would ask how this political and legal structure came to be during the course of my research, I often received vague responses along the lines of “I don’t know,” “It’s just the way it is,” “It’s always been that way.” Notwithstanding that the temporality of “always” can be traced to particular historical moments, as in the movements of British common law, reports like “Fencing the Last Frontier” and journalistic accounts in *The Fisherman* helped to normalize this system of governance as the unquestioned status quo. Combining this historical archive with the texts of eviction notices, letters, and Indigenous statements such as those put forth by the UBCIC helps—albeit in an incomplete way—to address these historical exclusions.

Meanwhile, coastal seascapes worldwide are at a confluence. Intersections between Indigenous, state, and corporate sovereignties at sea acquire new meanings and political possibilities as states worldwide increasingly look to secure their dominion over ocean spaces to harness the potential of the blue economy. As one of the most advanced blue economy industries, the history of salmon farming in British Columbia provides a cautionary tale as to where experiments to license and develop the seabed might lead. It remains an open question as to whether the global push to develop ocean-based industries will further entrench the state’s role as the landlord of the sea or present new opportunities for the realization of Indigenous sovereignty and the return of water-based territories. The process of evicting salmon farms in British Columbia offers insight into where points of conflict and potential pathways forward might emerge, inviting us to imagine an “alternative ocean ontology”⁹⁶ or a “fluid decolonial future”⁹⁷ in which movements for salmon, sovereignty, and environmental justice transform the ways that governments and industries are able to operate.

NOTES

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81. *R. v. Taylor*, 1998 CanLII 836 (SCC), [1998] 2 CNLR 140 at paragraph 35: <https://www.canlii.org/en/ca/scc/doc/1998/1998canlii836/1998canlii836.html>; *Gamblin v. Norway House Cree Nation Band*, 2000 CanLII 16761 (FC) [2001] 2 CNLR 57 at paragraph 51 also states that “banishment is a sanction recognized by custom”: <https://www.canlii.org/en/ca/fct/doc/2000/2000canlii16761/2000canlii16761.html>. The authority to evict, banish, and exclude within unceded territories has also been recognized through cases such as *Delgamuukw v. British Columbia*, which specified that Indigenous title rights include the right to exclude others, the authority over how land is used, and the directive that the government must consult with and may have to compensate First Nations whose rights could be affected by activities within Crown land.

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83. Glen Coulthard, “#IdleNoMore in Historical Context,” in *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement*, ed. Kino-nda-niimi Collective (Winnipeg: Arbeiter Ring Publishing, 2014), 35.

84. UBCIC, “Fish Farms, Zero Tolerance.”

85. Lindsey Schneider, “Land Back’ beyond Repatriation: Restoring Indigenous Land Relationships,” in *The Routledge Companion to Gender and the American West*, ed. Susan Bernardin (Abingdon: Routledge, 2022), 452–464.

86. *Ibid.*, 461.

87. Zoe Todd, “Refracting the State through Human-Fish Relations: Fishing, Indigenous Legal Orders, and Colonialism in Northwestern Canada,” *Decolonization: Indigeneity, Education, and Society* 7 no. 1 (2018), 67.

88. Jeff Corntassel, “Toward Sustainable Self-Determination: Rethinking the Contemporary Indigenous-Rights Discourse,” *Alternatives: Global, Local, Political* 33, no. 1 (January 1, 2008): 105–32, <https://doi.org/10.1177/030437540803300106>.

89. Todd, “Refracting the State,” 67.

90. “Tla-o-Qui-Aht First Nation Protocol Agreement: Creative Salmon and Tla-o-Qui-Aht First Nation Sign Protocol Agreement,” *Creative Salmon*, July 4, 2014: <https://creativesalmon.com/2020/11/19/tla-o-qui-aht-first-nation-protocol-agreement/>.

91. “Kwiahah First Nation Centre of Excellence Advances a Stewardship-Based Economy,” *Island Coastal Economic Trust*, January 30, 2025: <https://islandcoastaltrust.ca/news/kwiahah-first-nation-centre-of-excellence-advances-a-stewardship-based-economy/#:~:text=By%20redeveloping%20a%20former%20fish,and%20a%20territorial%20Guardian%20program>.

92. UBCIC, “Fish Farms, Zero Tolerance.”

93. Anthony Scott, *The Evolution of Resource Property Rights* (Oxford: Oxford University Press, 2008); Saunders and Finn, “Property Rights in Canadian Aquaculture,” 143.

94. Ginn, “The Potential Impact of Aboriginal Title on Aquaculture Policy,” 276.

95. New Zealand’s 2004 Foreshore and Seabed Act, Part 1, Section 3, states, “The object of this act is to preserve the public foreshore and seabed in perpetuity as the common heritage of all New Zealanders. . . .”: [https://www.legislation.govt.nz/act/public/2004/0093/latest/whole.html#:~:text=The%20object%20of%20this%20Act,formal%20discussions%20on%20redress,%20and; see also Ann Sullivan, “Politics, Indigenous Rights, and Resource Ownership: Māori Customary Rights to the Foreshore, Seabed, and Fresh Water in New Zealand,” *Studies in Arts and Humanities* 3, no. 2 \(July 12, 2017\): 39–58, <https://doi.org/10.18193/sah.v3i2.105>.](https://www.legislation.govt.nz/act/public/2004/0093/latest/whole.html#:~:text=The%20object%20of%20this%20Act,formal%20discussions%20on%20redress,%20and; see also Ann Sullivan, “Politics, Indigenous Rights, and Resource Ownership: Māori Customary Rights to the Foreshore, Seabed, and Fresh Water in New Zealand,” <i>Studies in Arts and Humanities</i> 3, no. 2 (July 12, 2017): 39–58, https://doi.org/10.18193/sah.v3i2.105)

96. Vanessa Burns, "Analysis of Ocean Ontologies in Three Frameworks: A Study of Law of the Sea Discourse," *Environment and Planning E: Nature and Space* 6, no. 2 (August 22, 2022): 1138–63, <https://doi.org/10.1177/25148486221110436>.
97. George and Wiebe, "Fluid Decolonial Futures," 501.